



**C**ORTE DE **A**RBITRAJE  
DE **M**ADRID



Statutes  
and Rules



**Cámara**  
Madrid

This is a translation into English of the Statutes and Rules of the Court of Arbitration of Madrid. However the Spanish version of these texts constitutes the only official text.



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# PREFACE

The Court of Arbitration of the Official Chamber of Commerce, Industry and Services of Madrid is one of the leading arbitration institutions in Spain. In 2008 the Court redrafted its Rules. With more than twenty years of experience in administering domestic and international arbitration cases, the invaluable support from the Club Español del Arbitraje (Spanish Arbitration Club), which brings together leading personalities from the Ibero-American arbitration world, and the participation of arbitrators from the Court and lawyers specialised in arbitration, the 2008 version of the Madrid Court of Arbitration Rules and Statutes emerged. With the publication of these Rules and Statutes the Court took its place amongst the most modern and advanced in the world, a worthy reflection of the dynamism and innovative capacity of the Madrid business community.

Following the adoption of the 2008 Rules, Law 11/2011 introduced certain amendments to the Arbitration Act 60/2003 which created the need for an update. Before adopting the update of its Rules, the Arbitration Court decided to launch a public consultation with the arbitrators of the Court and other arbitration specialists, to identify potential needs or suggestions to amend the text beyond those amendments derived from the publication of Law 11/2011. This process was conducted between June and November 2014.

Following the consultation, the Arbitration Court noted that there was a high level of satisfaction with the 2008 Rules, without widespread demand for significant changes, although there were suggestions that in some cases positively improve the original text. In this context, the Court of Arbitration has considered all comments carefully when drafting the new version of the Rules. Based on these comments and on the practical experience of the Court of Arbitration over the last five years, certain amendments to the Rules have been approved. The newest change is undoubtedly the provision of an emergency arbitrator regime in line with the most widespread international trend today.

The other amendments are primarily clarifications to the existing regulation, improving or clarifying wording. The amendment to the rules for submission of additional evidence after the written briefs (Article 29), which has been drafted in a more restrictive manner, should be highlighted. Similarly, more flexibility in the choice of language and place of arbitration in the absence of agreement between the parties has been introduced. Finally, a specific regulation is also adopted in connection with disputes pertaining to company by laws.

The Court of Arbitration thanks all the arbitrators and lawyers who have actively participated in this process for their invaluable assistance, and is confident that the approved amendments not only align the rules with the latest amendments to the Arbitration Act, but also facilitate the development of arbitration before the Court of Arbitration.

# STATUTES OF THE COURT OF ARBITRATION OF MADRID

## OFFICIAL CHAMBER OF COMMERCE, INDUSTRY AND SERVICES OF MADRID

(in force since 25 July 2014)

### Article 1

The Court of Arbitration of Madrid (the "**Court**") is established as a service of the Official Chamber of Commerce, Industry and Services of Madrid (the "**Chamber**") entrusted with the administration of domestic and international arbitration cases, in law and *ex aequo et bono*, that are submitted to it.

The Court has the function of enforcing application of its arbitration rules (the "**Rules**"), without prejudice to what is provided in Article 3, and is invested with all necessary powers for such purpose.

### Article 2

The Court will be responsible for the following functions:

- a) Administering the arbitration cases submitted to the Court, providing its advice and assistance on the development of the arbitration proceedings and maintaining the appropriate organisation for such purpose.
- b) Drawing up and updating a recommended list of arbitrators (the "**List**"), which will include the names of arbitrators with the capacity and expertise to act before the Court, without prejudice to the right of the parties to designate the arbitrators they deem fit according to the Rules. The List will be reviewed whenever the Court deems appropriate. The List and its respective updates will be made public.
- c) Appointing, according to the terms of these Bylaws and the Rules, the arbitrator or arbitrators who will participate in each arbitration submitted to the Court, in the absence of agreement by the parties.
- d) Acting as Nominating Authority in arbitration proceedings not subject to the Rules.

- e) Drawing up all such reports and opinions as may be requested of it in relation to problems that arise in commercial and investment arbitration practice, both domestic and internationally.
- f) Studying domestic and international commercial and investment arbitration laws and bringing the proposals it deems advisable on those matters before Public Authorities.
- g) Pursuing relations with other Spanish and international organisations specialised in the area, and entering into cooperation agreements within the framework of their respective areas of responsibility.
- h) Acting as Spanish National Section of the Inter-American Commercial Arbitration Commission, by virtue of the Agreement signed on 2 May 1986 with said Commission.
- i) Managing a registry of the awards made in the scope of the Court.
- j) In general, carrying out any other activity relating to domestic or international commercial or investment arbitration.

### Article 3

The Court will administer the arbitration according to the provisions of its Rules, unless expressly stated otherwise by the parties, which will require the express approval of the Court. In its administration of arbitration proceedings the Court will act with full independence from the rest of the Chamber's bodies.

### Article 4

1. The Court will draw up a standard arbitration agreement (the "**Standard Agreement**"), without prejudice to the one that may be voluntarily adopted by the parties.
2. When pursuant to the use of the Standard Agreement, or of any other, the parties decide to have the arbitration managed by the Court the Rules shall apply, unless the provisions of Article 3 apply.

### Article 5

1. The Plenary of the Court (the "**Plenary**") will have a maximum of 13 members. The Plenary will include, as permanent members, the President and Secretary General of the Court, who will act as President and Secretary of the Plenary, and the President, and Managing Director of the Official Chamber of Commerce, Industry and Services of Madrid. The rest of the members will be appointed by the Plenary of the Chamber for renewable terms of four years from amongst leading personalities in the business and legal world, making sure in all cases that the business representatives together with the permanent members of the Plenary are a majority. The representatives from the legal community will be appointed having regard to their prestige, expertise and experience in commercial arbitration. Until the Plenary is renewed, the members appointed by the Plenary of the Chamber shall continue discharging their office.

2. The President of the Court will be appointed by the Plenary of the Chamber for terms of office of four years, with the possibility of being re-elected.
3. The position of Secretary General of the Court will be held by the General Counsel of the Court if there is one, or if there is no General Counsel of the Court, by whoever is appointed by the Plenary at the proposal of President of the Court.

## Article 6

1. The Court may function in Plenary or in Committees to study or implement decisions in certain matters. Those Committees may be permanent or temporary.
2. The Plenary of the Court may set up one or more Consultative Committees composed of the persons of renowned background, reputation and experience that the Plenary of the Court considers appropriate.
3. Similarly, specific Sections may be created for individual sectors of activity, in each case determining their composition and rules of operation.
4. The Court will have the material and human resources needed to ensure it functions properly. In particular, it may be assigned a General Counsel and one or more counsels of the Court to give impulse to the administration of the arbitration proceedings and contribute to developing the Court's projects.

## Article 7

The Court will meet in Plenary Sessions at least twice a year, and whenever called by its President with advance notice of at least five days, except in exceptional cases of justified urgency, in which event such meeting may be called with 24 hours notice.

The Committees will meet with the frequency considered appropriate, and whenever called by their president at least three days in advance.

## Article 8

The resolutions adopted by the Court in Plenary or by any of its Committees will be approved by a majority of votes, with the President having the casting vote in the event of deadlock.

The resolutions of the Court in Plenary or of any of its Committees will be valid regardless of the number of members in attendance, provided the meeting was called duly in advance.

## Article 9

When any member of the Court has direct interest in the dispute submitted to arbitration, the potential conflict of interest will disqualify such member from participating in any decisions that affect the case.

## Article 10

The debates and resolutions adopted by the Court will be secret, unless expressly provided otherwise in writing by its President.

## Article 11

1. The number of arbitrators, their appointment, confirmation, challenge and replacement will be regulated by the provisions contained in such regard in the Rules of the Court.
2. The appointment of arbitrators will be done by the Court through the Arbitrator Appointment Committee (the "**Appointment Committee**"), whose members will be chosen by the Plenary of the Court and whose president will be the President of the Court.
3. The identity of the members who sit on the Appointment Committee will be public.
4. During their term in office, no member of the Plenary, the Secretary of the Court, or the Appointment Committee may be appointed as an arbitrator by the Appointment Committee, unless expressly agreed by the parties to the arbitration, or unless the Committee itself, having regard to the circumstances of the case, considers such appointment appropriate. In the latter case, the Committee will so notify the parties in order that they may, if they deem fit, state their opposition to the appointment within three days, and such opposition will be binding on the Court. The same rules shall apply when the Court acts as Nominating Authority.
5. In all other matters, the Appointment Committee will function as provided in Article 8 of the Rules.

## Article 12

The Plenary of the Court will make public, as an Annex to the Rules, the scale of fees for arbitrators, Court expenses for admission and administration of cases and, if applicable, the share of the arbitrator fees to which the Court is entitled, and any other matter relating to arbitration costs, and will periodically review such scale when it deems necessary.

## Article 13

The repeal or any amendment of these Statutes will require the approval of the Plenary of the Official Chamber of Commerce, Industry and Services of Madrid by simple majority.

## SOLE ADDITIONAL PROVISION

These Statutes will enter into force ten days after their approval by the Plenary of the Chamber of Commerce, Industry and Services of Madrid.