

Academic Year: (2024 / 2025)

Review date: 06-09-2024

Department assigned to the subject: Private Law Department

Coordinating teacher: PERALES VISCASILLAS, MARIA PILAR

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 1

DESCRIPTION OF CONTENTS: PROGRAMME

International Commercial Arbitration

1.- General aspects

- a) What is arbitration? Distinction from other institutions, advantages and disadvantages.
- b) Arbitration clause and arbitrability.
- c) Types of arbitration and main arbitral institutions.
- d) Arbitration's essential principles: party autonomy principle, principle of minimal judicial interference with arbitration and other principles.
- e) Specific substantive aspects.

2.- The arbitral tribunal and arbitrators

- a) The arbitration agreement. Form, contents and effects.
- b) Jurisdiction of the arbitral tribunal.
- c) Arbitrators. Appointment, Independence and impartiality, challenge and liability.

3.- Arbitral proceedings

- a) The structure of arbitral proceedings. Procedural specificities depending on the institution and type of arbitration.
- b) Arbitrators's powers: arbitral procedure, interim measures, emergency procedure.
- c) Taking of evidence in international commercial arbitration: documents, witnesses, experts.
- d) Judicial support to arbitral proceedings (evidence-taking and interim measures).
- e) Hearings.

4.- The award

- a) Decision-making: grounds and applicable law.
- b) Analysis of the substantive law of the case.
- c) The award (I): structure and contents.
- d) The award (II): annulment, recognition and enforcement.

5. Specific disputes

- a) Company law.
- b) Financial and insurance.
- c) Construction. Dispute Boards.
- d) Sports arbitration.

LEARNING ACTIVITIES AND METHODOLOGY

TEACHING ACTIVITIES BY MATTER

AF1 Lecture

- AF2 Practice/Case
- AF3 Lecture-plus-practice
- AF6 Group work
- AF7 Students; individual work

TEACHING METHODOLOGIES BY MATTER

MD1: Lecture in class by the professor aided by computer and audiovisual tools, in which the course's main concepts will be developed, and the main literature will be provided.

MD2: Critical reading of the texts recommended by the course's professor: press articles, reports, manuals and/or academic articles, for their discussion in class, or to expand and consolidate the lessons of the course.

MD3: Resolution of cases, problems, etc. provided by the professor, individually or in group.

MD4: Exposition and discussion in class, moderated by the professor, on topics regarding the contents of the course, as well as practical cases.

MD5: Making of Works and reports individually or in group.

TUTORING: Students will have access to tutorials with the person responsible for coordinating the subject. With the tutoring it is intended to organize the teaching and learning processes that are based on the interaction between the student and the teacher in order to: (i) Guide the autonomous and group work of the students (ii) Deepen in different aspects of the subject (iii) Guide the academic and comprehensive training of the student. The tutorials will take place at the time and under the conditions determined by the teacher in Aula Global.

The use of Generative AI is not allowed in this subject.

The use of Generative AI to assist or complete any work deliverable in this subject will be academically penalized.

ASSESSMENT SYSTEM

% end-of-term-examination:	40
% of continuous assessment (assignments, laboratory, practicals...):	60

EVALUATION SYSTEMS BY MATTER

- SE1 Participation and engagement in class
- SE2 Individual or group Works done during the course
- SE3 Final exam

Evaluation systems	Minimum weigh (%)	Maximum weigh (%)
SE1	20%	30%
SE2	40%	60%
SE3	20%	40%

The master in International advocacy is a master's degree that is taught in person. Therefore, students are required to attend all the theoretical and practical classes that the master has programmed. A student may only be absent for no reason from a maximum of 15 per cent of the classroom hours (i.e. not the sessions or days) in each subject. In case of excused absences, the total maximum will be 25%. If the student hold an absence greater than those indicated, a "0" will be computed on the continuous evaluation rating. Likewise, the absences lower than those percentages may be taken into account when it comes to modulate downward the qualification of the continuous evaluation, especially if it includes a participation note.

In the extraordinary call the weight will be: Final examination: 60% and continuous evaluation: 40%.

BASIC BIBLIOGRAPHY

- Gary Born International Commercial Arbitration, , Wolters Kluwer, 2014

- Julian D.M. Lew QC , Loukas A Mistelis , Stefan M. Kroll, Lew, Julian D.M. Comparative international commercial arbitration , Kluwer Law International Fecha de pub.: , 2003

ADDITIONAL BIBLIOGRAPHY

- L. Newman and M. Radine of Law in International Arbitration, Iuris, 2014

BASIC ELECTRONIC RESOURCES

- . Convención de Nueva York/NY Convention: <http://www.newyorkconvention.org/>

- . UNCITRAL: <http://www.uncitral.org>

- Kluwer Arbitration . Kluwer Arbitration: <https://wklrus-td.wistia.com/medias/gh0jt3g2h1>