

CEA AWARD CHECKLIST

Disclaimer: The purpose of this checklist is to guide arbitrators who are preparing awards in accordance with the Arbitration Rules of the Spanish Court of Arbitration [“CEA” or “Court”]. This is not an exhaustive, mandatory or binding document. It does not reflect the opinion of CEA members and is merely made available to arbitrators to facilitate the process.

1. General features

- A.** CEA case reference number stated in full on front page.
- B.** Title of award clearly identifies whether the award is interlocutory, partial, final or an award by agreement of the parties.
- C.** Numbered paragraphs.
- D.** Numbered pages.
- E.** Contexts (except when not required due to the award being short).
- F.** Defined and consistently used abbreviations.
- G.** Translations of citations in languages other than that of the arbitration.
- H.** Statement of applicable version of Rules of the CEA.

2. Identification of the parties, their representatives and the arbitrator/arbitrators

- Full names and addresses of the parties. Specify identify of any party to the arbitration other than the party/parties to the contract/s.
- Addresses of parties’ representatives.
- Addresses of arbitrators.

3. Arbitration and agreements on applicable law

- Reference to full arbitration agreement or agreements.
- Record of any amendment made to arbitration agreement or agreements.
- Specific statement of parties and/or signatories to arbitration agreement or agreements.

4. Summary of arbitration proceeding

- Summary of phases of the proceeding.
- Reference (if applicable) to the Court's decisions on:
 - i.** *Prima Facie*
 - ii.** Seat of arbitration
 - iii.** Number of arbitrators
 - iv.** Recusal
 - v.** Others
- C.** Description of appointment of arbitrator or constitution of arbitral tribunal (including appointment or confirmation decisions).
- D.** If applicable, reference to the parties' agreement on an alternative method for designating or appointing arbitrators.
- E.** Procedural closing date.
- F.** Deadline for issuing award with reference to any applicable extension.
- G.** If there has been a previous award, it is not necessary to repeat the summary of the proceeding provided in that previous award. Rather, it is merely necessary to:
 - i.** reiterate the information in paragraphs 2 and 3 above;
 - ii.** refer to the previous award, the date on which the Secretary notified it to the parties and the issues it ruled on, and state that this information is incorporated by reference into the present award; and
 - iii.** describe the procedure that followed the previous award.
- H.** Any specific agreement on the method of notification of an award must be included in the award.

5. Jurisdiction

- If there are any jurisdictional objections or there is a party that is not participating in the arbitration, or if the Court has taken any jurisdictional decision, the award must include a jurisdictional decision or state the reasons why such a decision is not necessary.

6. Petitions

- The parties' petitions must be listed clearly and precisely in the award, in line with the wording of the parties' main pleadings.

6. Interest

- In the event of a petition seeking interest, the award must include a decision and a quantification of that interest as at the date of the award or state the reasons why such a decision is not necessary.

7. Costs of the arbitration

- A.** The arbitrators must rule on the costs of the arbitration in the award. Any order for costs must be reasoned.
- B.** As a general rule, orders for costs must reflect the success and failure of the parties' respective petitions, unless they have established different allocation criteria or the arbitrators deem the application of this general principle inappropriate in view of the circumstances of the case.

8. Ruling

- A.** The award resolves all the parties' petitions (which must be clearly and precisely listed in the award and compared against the terms of reference).
- B.** Interest (pursuant to section 6).
- C.** Costs (pursuant to section 7).
- D.** State in the ruling section of final awards that all other petitions and claims by the parties are dismissed.

8. Place, signature and date

- After the ruling, the date on which the award is rendered and the signatures are set out as follows:



- i.** Seat of arbitration
- ii.** Signature
- iii.** Date [after the award has been examined by the Court]