



International Arbitration

There are many clients who establish in commercial contracts the international arbitration as the way to resolve conflicts.

But what is international Arbitration and how is it different from judicial proceedings?

The international Arbitration is an alternative way to resolve conflicts between commercial companies with a contractual relationship.

Although in some aspects of the Arbitration procedure are similar to the judicial, there are also many points in which they differ.

In the first place, the submission to arbitration is contractually and voluntarily established between the parties, as well as the language, place, applicable law and arbitrator that will take the process of necessary if intervention.

However, the parties may agree that for certain conflicts they may use the Judicial Procedure and in others by Arbitration.

A basic element for international arbitration to apply is that the parties have their registered office in different countries.

The Courts responsible for executing arbitration decisions in Spain are the *Juzgados de Primera Instancia* of the place where the arbitration decision was issued.

Some of the most relevant advantages over arbitration are:

- **Simplicity** in the procedure and therefore, faster resolution.
- **Confidentiality of the procedure**, unlike judicial proceedings that are based on the principle of publicity, in the arbitration procedure that principle does not exist so that the parties can decide to be confidential.
- **Single arbitrator election or arbitral tribunal.**

Nevertheless, each conflict must be individualized assessing whether the judicial or arbitration procedure is better for the client.



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