



## FICHA TÉCNICA DE LA ASIGNATURA

Datos de la asignatura	
Nombre completo	International Commercial Arbitration
Código	E000013120
Créditos	2,0 ECTS
Carácter	Obligatoria
Departamento / Área	Área de Derecho Internacional Privado
Responsable	Diego Agulló Agulló

Datos del profesorado	
<b>Profesor</b>	
Nombre	Antonio Vázquez-Guillén Fernández de la Riva
Departamento / Área	Centro de Innovación del Derecho (CID - ICADE)
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<b>Profesor</b>	
Nombre	Pablo De Torres Guerrero
Departamento / Área	Centro de Innovación del Derecho (CID - ICADE)
Correo electrónico	pdetorres@icade.comillas.edu

## DATOS ESPECÍFICOS DE LA ASIGNATURA

Contextualización de la asignatura
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Competencias - Objetivos
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## BLOQUES TEMÁTICOS Y CONTENIDOS

Contenidos – Bloques Temáticos
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### COURSE SYLLABUS AND CONTENT

Content
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Topic 1. Introduction and context
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1. What is international commercial arbitration?
2. Legal framework for international commercial arbitration
3. ADR, litigation and arbitration



4. Ad hoc arbitration and institutional arbitration

## Topic 2. Agreement to arbitrate and applicable laws

1. Consent as foundation of arbitration
2. Validity of an arbitral agreement
3. Parties to the arbitral agreement and multiparty arbitrations
4. Arbitrability
5. Defective arbitration clauses
6. Law governing the agreement to arbitrate
7. Law governing the arbitration
8. Law applicable to the substance
9. Conflict rules

## Topic 3. Constitution of the arbitral tribunal

1. Commencement of the arbitration
2. Emergency arbitrators
3. Appointment of arbitrators and number of arbitrators
4. Qualities required in an arbitrator
5. Independence and impartiality of arbitrators
6. Challenge and replacement of arbitrators
7. Fees and expenses

## Topic 4. Powers, duties and jurisdiction of the arbitral tribunal

1. Powers of Arbitrators
2. Arbitrator duties
3. Jurisdiction of the arbitral tribunal

## Topic 5. Conduct of the proceedings

1. Introduction and overview
2. Expedited procedures
3. Preliminary steps
4. Written submissions
5. Collecting evidence



6. Hearings

7. Post-hearing submissions

Topic 6. Role of national courts during the proceedings

1. Outset of the proceedings

2. Course of the proceedings

3. End of the proceedings

Topic 7. The Award and possible challenges

1. Definition

2. Deliberations and decisions of the Tribunal

3. Remedies

4. Effect of the award

5. Challenge of arbitral awards

## METODOLOGÍA DOCENTE

### Aspectos metodológicos generales de la asignatura

#### TEACHING METHODOLOGY

##### General methodology of the subject

##### Contact hours methodology : Activities

The classes will combine theory and practice: after a presentation on the main concepts and issues on the day's topic, the students engage in a case analysis and open discussion.

The final exam will consist of two parts: (a) a written multiple choice exam; and (b) an oral presentation.

Class attendance is compulsory.

##### Outside class methodology : Activities

Every student is required to attend the teaching sessions and read the suggested materials. A syllabus comprising the most relevant materials and a concrete schedule of review for these materials will be provided to the students. In order to follow the class, necessary to have examined the suggested readings beforehand.



## RESUMEN HORAS DE TRABAJO DEL ALUMNO

### SUMMARY OF STUDENT WORK HOURS

NUMBER OF CONTACT HOURS	
Master classes and solving practical cases/class discussions	Short papers and final exam
18	2
NUMBER OF INDEPENDENT WORK HOURS	
Lecture of recommended readings and study of master classes	Preparing short papers and final exam
20	10
ECTS CREDITS : 2 (50,00 h)	

## EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN

### GRADE EVALUATION AND CRITERIA

Evaluation Activities	Indicators	Evaluation weighting
Attendance	Regular attendance to class. Attendance will be monitored through signature sheets.	10%
	The client briefing on the legal development will have to be submitted via email. Guidelines to be considered: <ul style="list-style-type: none"><li>• Should have a clear and concise subject line that summarizes the main topic and purpose of the email.</li><li>• Should provide context for the legal development, such as why it</li></ul>	



<p>Briefing the client on a legal development</p>	<p>is relevant, when and how it was enacted or decided.</p> <ul style="list-style-type: none"><li>• Should explain the main features and implications of the legal development. Use plain language and avoid jargon or technical terms that may confuse or alienate the reader.</li><li>• Highlight any key points or recommendations that the reader should be aware of or act on. Use bullet points, headings, or bold font to emphasize these points and make them easy to scan.</li></ul> <p>End by providing your contact details and availability to discuss any queries the client might have</p>	<p>10%</p>
<p>Oral presentation during session 5</p>	<p>In session 5, students will have to make oral opening submissions in a mock hearing. Half of the class will act for Claimant and the other half will act for Respondent. Students will be assigned a team during the first session. The facts and documents of the case will also be provided during the first session.</p> <p>Each Party will have 30 minutes maximum to deliver their submissions. Every member of the team has to participate.</p> <p>Guidelines to be considered:</p> <ul style="list-style-type: none"><li>• Know your case. Identify the core elements of your case, such as the applicable law, the relevant facts, the main arguments, and the relief sought. Organize your submission in a logical and coherent manner, using headings, signposts, and transitions to guide the tribunal through your case. Use examples, analogies, and visual aids to illustrate and reinforce your points, and avoid unnecessary repetition or digression.</li><li>• Know your time. Respect the time limit allocated for your oral opening submission, and plan your submission accordingly.</li></ul>	<p>20%</p>



	<p>Avoid spending too much time on background information.</p> <ul style="list-style-type: none"><li>• Know your style. Deliver your oral opening submission with confidence, clarity, and courtesy. Engage the tribunal with your voice, eye contact, and body language, and use appropriate intonation, emphasis, and pauses to convey your meaning and emotions.</li></ul>	
Final exam	<p>The final exam will consist of two parts: (a) a written multiple choice exam; and (b) an oral presentation.</p> <p>The multiple choice exam is designed to test whether the student has understood the subject materials.</p> <p>The exam will consist of 20 questions with four possible answers. Each right answer will score 0.5 points. Wrong answers will deduct 0.25 points.</p> <p>The oral presentation shall address certain questions sent by a prospective client via email. Guidelines to be considered:</p> <ul style="list-style-type: none"><li>• Should provide clear and concise answers to the client's questions.</li><li>• Presentation should be easy to follow.</li><li>• Use plain language and avoid jargon or technical terms that may confuse or alienate the listener.</li></ul>	60%

## Calificaciones

### GRADE EVALUATION AND CRITERIA

Evaluation Activities	Indicators	Evaluation weighting
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Oral presentation during session 5

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- Know your time. Respect the time limit allocated for your oral opening submission, and plan your submission accordingly. Avoid spending too much time on background information.
- Know your style. Deliver your oral opening submission with confidence, clarity, and courtesy. Engage the tribunal with your voice, eye contact, and body language, and use appropriate intonation, emphasis, and pauses to convey your meaning and emotions.

20%

Final exam

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The multiple choice exam is designed to test whether the student has understood the subject materials.

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60%





# COMILLAS

UNIVERSIDAD PONTIFICIA

ICAI

ICADE

CIHS

GUÍA DOCENTE  
2024 - 2025

## BIBLIOGRAFÍA Y RECURSOS

### Bibliografía Básica

#### BIBLIOGRAPHY AND RESOURCES

##### Basic Bibliography and Resources

We will make use of Alan Redfern, Martin Hunter, Redfern and Hunter on International Arbitration, 6th Edition, 2022, Oxford University Press.