

# **EUROPEAN INTERNATIONAL ARBITRATION REVIEW**

---

**Volume 11:1**

## **TABLE OF CONTENTS**

Foreword	iii
----------	-----

---

### **ARTICLES**

Arbitral Tribunal: Transnational Analysis beyond Minimalist Approach <i>Fargaleet Khokhar</i>	1
<i>Jura Novit Arbiter</i> in Austria <i>Katharina Auernig and Paul Oberhammer</i>	31
<i>Iura Novit Arbitrari</i> in England and Wales: The Exercise of Arbitral Discretion <i>Loukas Mistelis and Metka Potocnik</i>	57
<i>Jura Novit Arbitrari</i> in France <i>Gilles Cuniberti and Nicolina Bordian</i>	85
<i>Iura Novit Curia</i> and Commercial Arbitration in Spain <i>Pedro A. De Miguel Asensio</i>	101



## **EUROPEAN INTERNATIONAL ARBITRATION REVIEW**

### **Web Site**

The *European International Arbitration Review* (**EIAR**) is available through its Publisher, JurisNet, LLC at [arbitrationlaw.com/journals](http://arbitrationlaw.com/journals)

### **Submission of Manuscripts**

The *European International Arbitration Review* actively seeks articles and case notes of high quality addressing current issues in international arbitration in Europe.

For article contributions, please contact Editorial at [editorial@jurispub.com](mailto:editorial@jurispub.com). Please include a 1–2 page abstract of the article or case note explaining the basics to be examined and the overall relevance to international arbitration in Europe.

Manuscript submissions should be accompanied by an assurance that the article or case note has not been previously published or accepted elsewhere, or an explanation as to how this submission differs from that previously published (*e.g.*, entails an excerpt from a previous publication or includes material not previously included).

### **Subscriptions**

A subscription to the *European International Arbitration Review* comprises two (2) issues per year. Subscription rates can be obtained and registration completed through Juris, at [subscriptions@arbitrationlaw.com](mailto:subscriptions@arbitrationlaw.com) or [arbitrationlaw.com/journals](http://arbitrationlaw.com/journals). An online subscription to EIAR, includes complete archival access, as well as archival access to all articles and related content to all issues of the Stockholm Arbitration Report (SAR) and Stockholm International Arbitration Review (SIAR) – over 11 years and of articles, arbitral awards and court decisions, all provided with expert commentary and analysis.

### **Permissions**

To request permission to reproduce any article or information contained in this journal, please contact JurisNet, LLC, Huntington, NY 11743, USA, Tel: (631) 350-2100, Fax: (631) 673-9117.

ISSN 2167-9061 (Print) and ISSN 2167-907X (Online). For reference, this issue may be cited as Eur. Int'l Arb. Rev., Vol. 11:1. Printed in the United States of America, by JurisNet, LLC, Huntington, New York.

© JurisNet, LLC 2022. All rights reserved under the U.S. Copyright Act. No part of this publication may be reproduced, reprinted, stored in a retrieval system, transmitted in any form or by any means, including but not limited to digital, electronic, mechanical, recording, or photocopying without prior written permission or a license permitting restricted use from the Publisher.

## **FOREWORD**

---

This issue revisits the doctrine of *iura novit curia* and the power of the arbitral tribunal. It addresses the role of arbitrators' knowledge of law across jurisdictions and whether it impacts international arbitration.

