

Svea Court of Appeal dismisses challenge to SCC award clarifying scope of permissible case management and dismissal of new evidence

by *Practical Law Arbitration*, with *Westerberg & Partners*

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In *JSC Mobile Mechanized Motorcade "Soyuzparfumerprom" v [Italian supplier]* (Case No T 14098-24), the Svea Court of Appeal rejected a challenge to an SCC arbitral award, finding that the tribunal had neither exceeded its mandate nor committed any procedural irregularity by interpreting the concept of a "reliable carrier" or refusing to admit additional evidence. The court also rejected allegations of partiality against the majority, holding that the tribunal's conduct fell within the scope of permissible case management.

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The Svea Court of Appeal (COA) has rejected a challenge to an SCC award.

A Russian company (SPP) contracted with an Italian manufacturer for the delivery of equipment to Russia. After the outbreak of war in Ukraine, the manufacturer notified SPP that delivery was impossible due to force majeure and later terminated the contract. SPP objected and initiated SCC arbitration against the manufacturer. The tribunal held that force majeure existed, that the termination was valid and rejected SPP's claims.

SPP sought to set aside the award under section 34 of the Swedish Arbitration Act. It argued that the tribunal had exceeded its mandate and committed procedural irregularities on three grounds:

- It improperly relied on a new factual element when determining the concept of a "reliable carrier", namely that a carrier had to be capable of guaranteeing safe and complete delivery despite war-related risks.
- It wrongly refused to admit additional evidence and arguments after raising questions about the meaning of a reliable carrier.
- Its conduct demonstrated a lack of impartiality.

Consequently, SPP argued that the majority was unauthorised to adjudicate the dispute.

The COA rejected all grounds of challenge. When read in context, the passages of the award invoked by SPP reflected the tribunal's contractual and legal analysis of the parties' obligations under the agreed delivery term, transport law principles and evidence. The tribunal had not assigned the term "reliable carrier" a special meaning, as alleged by SPP.

On the tribunal's refusal to admit additional evidence, the COA held that the court's review should, generally, focus primarily on how the tribunal reached its decision, rather than on the substance of the decision, and that there were good reasons for the tribunal's decision. It was consistent with the agreed procedural timetable and SPP could have invoked the evidence at an

earlier stage. Both parties were permitted to submit additional legal authorities and address the tribunal's questions in post-hearing briefs, ensuring equal treatment.

The COA further rejected SPP's allegations of partiality, finding the tribunal's conduct fell within the scope of permissible case management. It emphasised that tribunals may engage in relatively extensive control over the substance of the proceedings provided that both parties are treated equally. The evidence did not support SPP's contention that the tribunal's post-hearing question was intended to assist the respondent by permitting it to supplement its case.

The COA ordered SPP to pay the majority of the respondent's legal costs.

Case: [Joint Stock Company Mobile Mechanized Motorcade "Soyuzparfumerprom" v \[Italian supplier\] \(Case No T 14098-24\) \(5 June 2026\)](#) (in Swedish language).

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