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FIDIC CONTRACTS — CLAIMS AND DISPUTES UNDER INTERNATIONAL CONSTRUCTION CONTRACTS

DAY 1  29 MARCH

▷ CHAIR OF THE FIRST DAY
Christopher Seppälä, Partner, White & Case LLP, France; FIDIC’s Observer, ICC International Court of Arbitration; Member, ICC Institute of World Business Law; Legal Advisor, Contracts Committee, FIDIC

08.00-09.00  ▷ REGISTRATION

09.00-09.15  ▷ WELCOME ADDRESS BY A REPRESENTATIVE OF ICC TURKEY

09.15-09.30  ▷ WELCOME BY THE CHAIR OF THE FIRST DAY

09.30-11.00  ▷ INTRODUCTION TO THE FIDIC FORMS OF CONTRACT
Francois Baillon, Commercial Director, FIDIC, Geneva
Aisha Nadar, Senior Consultant, Procurement and Dispute Resolution, Advokatfirman Runeland, Sweden

■ Background and principles of the FIDIC forms of contract
■ Description and comparison of the Red, Yellow and Silver Books
■ Documents forming FIDIC forms
■ FIDIC Procurement Procedures Guide

Questions and answers

François Baillon, Commercial Director, FIDIC, Geneva
Aisha Nadar, Senior Consultant, Procurement and Dispute Resolution, Advokatfirman Runeland, Sweden

11.15-12.00  ▷ ISSUES WITH THE USE OF FIDIC CONTRACTS IN TURKEY AND THE MIDDLE EAST
Waleed M. El Nemr, Contracts Director, Africa, Hill International, Egypt
Levent Irmak, Principal and Founder, MODERN Construction Consulting, Turkey
Munther M. Saket, Deputy Managing Director, Allied Planning & Engineering Corporation, Jordan

■ Special legal regimes for public works contracts
■ The interplay between local public works law and FIDIC contracts
■ Hardship and “théorie de l'imprévision”
■ Le fait du Prince
■ Public policy and FIDIC contracts

12.00-12.30  ▷ NUCLEAR PROJECTS – DISTINCTIVE FEATURES
Christopher Seppälä

12.30-13.00  Questions and answers

13.00-14.30  ▷ LUNCH

14.30-15.45  ▷ CLAIMS AND DISPUTE RESOLUTION PROCEDURES UNDER FIDIC CONTRACTS
David Brown, Partner, Clyde & Co, France; Council Member, ICC Institute of World Business Law
Malcolm Kelly, Director, M Kelly Consulting Ltd, United Kingdom
Ali Yesilirmak, Associate Professor, İstanbul Sehir University Law School, Turkey

■ Notices of claims
■ Particulars’ of the claim
■ Definition of dispute and Dispute Resolution Procedures under FIDIC contracts

Questions and answers

David Brown, Partner, Clyde & Co, France; Council Member, ICC Institute of World Business Law
Malcolm Kelly, Director, M Kelly Consulting Ltd, United Kingdom
Ali Yesilirmak, Associate Professor, İstanbul Sehir University Law School, Turkey

16.15-17.30  ▷ ADVANTAGES OF DISPUTE BOARDS
Murray Armes, Director, Sense Studio Limited, United Kingdom
Špela Košak*, Manager, ICC International Centre for ADR, Paris
Aisha Nadar
Jim Perry, Partner, PS Consulting, France

■ Introduction to Dispute Adjudication Boards (DABs) under FIDIC
■ The new ICC Dispute Board Rules
■ Recent developments and positive results of DABs in Turkey and Middle East
■ Overview of recent infrastructure projects opting for FIDIC DABs

Questions and answers

Murray Armes, Director, Sense Studio Limited, United Kingdom
Špela Košak*, Manager, ICC International Centre for ADR, Paris
Aisha Nadar
Jim Perry, Partner, PS Consulting, France

17.30-19.00  ▷ COCKTAIL RECEPTION
08.00-09.15 OPTIONAL BREAKFAST: LET’S TALK ABOUT COSTS! Alexander Fessas, Managing Counsel, ICC International Court of Arbitration, Paris

09.30-09.45 WELCOME BY THE CHAIRMAN OF THE SECOND DAY Alexis Moure, President, ICC International Court of Arbitration, Paris

09.45-11.00 JURISDICTIONAL ISSUES IN CONSTRUCTION ARBITRATIONS
- Issues related to multi-party/multi-contract arbitrations in the context of construction disputes
- Conflict of jurisdiction between arbitrators, dispute boards and experts
- Application of the 2012 ICC provisions on joinder, multiple parties, multiple contracts and consolidation to the FIDIC contracts
- Questions and answers

11.15-12.45 ROUNDTABLE: EFFECTIVE MANAGEMENT AND SETTLEMENT OF CONSTRUCTION DISPUTES PRIOR TO AND DURING THE ARBITRATION
- Pre-arbitration: Strategic considerations and the role of claims management; Pre-arbitral options: dispute boards, settlement negotiations, adjudication, mediation, ICC Emergency Arbitrator
- Effective case management in arbitration: Early determination of issues and bifurcation; Cost/benefit analysis in production of evidence
- Questions and answers

12.45-14.15 LUNCH

14.15-15.30 HOT TOPICS RELATED TO CONSTRUCTION CASES
- Additional works
- Penalty clauses
- Suspension and termination

15.30-15.50 PROPOSED CHANGES TO THE UNIDROIT PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS TO DEAL WITH LONG-TERM CONTRACTS

16.15-17.45 ENFORCEMENT OF AWARDS IN TURKEY AND THE MIDDLE EAST
- Overview of enforcement practices in Turkey, Middle East and CIS countries
- Questions and answers

17.45-18.00 CLOSING OF THE CONFERENCE
Sami Houerbi, Director for Eastern Mediterranean, Middle-East & Africa, ICC International Court of Arbitration, Tunis: Partner, Houerbi Law Firm, Dubai / Tunisia

Christopher Seppälä
LOGISTICAL NOTE

DATES
29-30 MARCH 2016

VENUE
Park Bosphorus Hotel Istanbul, Gumussuyu Mah. Inonu Cad. No:8, 34437, Istanbul, Turkey

REGISTRATION FEES

| Early Bird Rate Until 29 January 2016 | €690  
| After 29 January 2016                | ICC Members €792  
|                                      | Non-Members €990  

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WORKING LANGUAGE

English.

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FIDIC is the French acronym for the International Federation of Consulting Engineers. It was founded in 1913 to promote the professional interests of member associations and to disseminate information of interest to members of its constituent national associations. FIDIC membership represents more than 99 countries and most of the practising consulting engineers in the world.

http://www.fidic.org/