

# The FIDIC-ARIC-EFCA Regional Infrastructure Conference Bucharest, Romania - 12/13 March 2015

## Business Programme

### Day 1 – Morning March 12

#### FIDIC AND PUBLIC PROCUREMENT

08:40 - 12:55

MORNING SESSIONS CHAIR: ENRICO VINK

08:40 - 8:55

#### Welcome and Opening Speech

- Enrico Vink, FIDIC
- Michael Stanciu, ARIC
- Jan Van der Putten, EFCA

09:00 - 9:45

#### The New EU Procurement Directives

- Jaap de Koning, EFCA, Netherlands

#### Transposition of the New EU Procurement Directives in Romania

- Bogdan-Paul Dobrin, President of National Agency for Regularisation and Monitoring of Public Procurement

09:50 - 10:30

#### EU Procurement Rules and their impact on FIDIC contracts

- Gunther Thaler, StrabagAG, Austria
- Diana Antofie, Vice President ARIC

10:30 - 10:45 - Coffee Break

10:45 – 11:25

#### Current Use of FIDIC under the EU Procurement Rules

- Jakub Bialochowski, Poland
- Dr. Karoly Lederer, Transinvest, Dispute Adjudicator on FIDIC President's List, Hungary
- Adriana Spassova, EQE Control, Bulgaria

11:30 – 11:55

#### Use of FIDIC contracts in Roads Infrastructure

- Narcis Neaga, General Manager, Romanian National Company of Motorways and National Roads
- Laurentiu Plosceanu, President ARACO

12:00 – 12:55

#### EU Funding for Infrastructure

- Benoît Nadler, European Commission, DG Regional and Urban Policy Romania
- Doina Frant, JASPERS
- Ioan Rus, Minister of Transport
- Pasquale Staffini, JASPERS, Head of Roads Division and Operations Manager for Greece and IPA countries

13:00 - 14:00 Lunch break

### Day 1 - Afternoon March 12

#### FIDIC – DIFFERENT LAW SYSTEMS APPROACH – NEW RULES

14:00 - 17:15

AFTERNOON SESSIONS CHAIR: AISHA NADAR

14:00 – 14:15

#### Outline of FIDIC Main Contracts

- Siobhan Fahey, Accredited Mediator(CI Arb), Member FIDIC Contracts Committee, FIDIC Accredited International Trainer

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### 14:20 – 14:40 **Modifying FIDIC: implications;**

what and when can still be added to or modified, to observe the public law, without distorting FIDIC's philosophy

- **Aisha Nadar**, Senior Consultant, Member FIDIC Updates Task Group, Runeland AB, Sweden
- **Giorgiana Tecuci**, Tecuci & Paltineanu, Romania

### 14:45 – 15:25 **Comparison: the operation of the FIDIC contracts under civil and common law**

- **Edward Corbett**, FIDIC Adjudicator and Accredited Trainer, Corbett & Co International Construction Lawyers, UK
- **David Brown**, Clyde & Co., France
- **Cremona Cotovelea**, Tecuci & Paltineanu, Romania

### 15:30 – 15:45 - Coffee Break

### 15:50 – 16:35 **Discussions on application of FIDIC contracts in other EU States**

Other civil law countries as mirror

- **Tomasz Latawiec**, President SIDIR Poland
- **Lukas Klee**, Metrostav, Czech Republic
- **Valeriu Severin**, President ARMIC, Moldova

### 16:40 - 17:00 **Licensing of FIDIC in National situations**

including translation, adaptation and harmonization with National legislation

- **Eugen Teodorovici**, Minister of European Funds

## Day 2 – Morning March 13

### MANAGEMENT OF CLAIMS, PREVENTION AND RESOLUTION OF DISPUTES

08:45 - 12:50

*EARLY MORNING SESSIONS CHAIR: TANER DEDEZADE*

### 08:45 – 09:00 **Managing Variation Claims under FIDIC Conditions of Contract within the constraints imposed by Particular Conditions and Public Procurement Law in Romania**

- **Marcello Viglino**, Salini – Impregilio, Italy; and DRBF

### 09:05 – 09:50 **Variation Orders**

- **Hamish Dow**, Ascot, UK & **Nicoleta Danga**, RNCMNR, Romania
- **Karen Gough**, 39 Essex Chambers, UK

### 09:55 – 10:25 **Contract Price vs contract value.Variation**

- **Alexis Gressier**, EIB, Luxembourg

### 10:30 – 10:45 **Claims Management**

- **Taner Dedezade**, FIDIC Accredited Trainer, Accredited TECBAR Adjudicator, Corbett & Co International Construction Lawyers, UK
- **Chris Miers**, MD Probyn Miers, Adjudicator FIDIC President's List, UK and President DRBF Region II

### 10:30 – 10:45 Coffee break

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08:45 - 12:50

LATE MORNING SESSIONS CHAIR: CHRIS MIERS

10:45 – 11:25

### **DAB provisions in FIDIC**

the importance of properly trained and assessed adjudicators; case study/ies

- **Leo Grutters**, Engineer, Dispute Adjudicator on FIDIC President's List, Germany
- **Taner Dedezade**, FIDIC Accredited Trainer, Accredited TECBAR Adjudicator, Corbett & Co International Construction Lawyers, UK

### **DAB decisions upheld in arbitration – DAB a cheaper and faster way to deal with Disputes**

- **Florin Niculescu**, Engineer, Romania

11:30 – 12:00

### **DABs - proactive dispute avoidance**

- **Chris Miers**, MD Probyn Miers, Adjudicator FIDIC President's List, UK and President DRBF Region II

### **Adjudication – general aspects**

- **Simona Neagu**, Clifford Chance Badea, Romania

12:05 – 12:35

### **DAB in Action (mock hearing)**

- **Aisha Nadar, Edward Corbett, Leo Grutters, Taner Dedezade, David Brown**

12:40 – 13:00

### **Limitations and constraints imposed by Romanian Law on FIDIC Conditions of Contract - A Contractor's dilemma while performing Public Works in Romania**

- **Giovanni di Folco**, Techno Engineering, Romania

13:00 – 14:00 Lunch break

## Day 2– Afternoon March 13

14.00 – 17.00

AFTERNOON SESSIONS CHAIR: SIOBHAN FAHEY

### **INTEGRITY**

14.00 – 14.30

#### **General Aspects**

- **Diana Antofie**, Vice President, ARIC

#### **NIA “PREVENTs” conflicts of interest**

- **Ioana Lazar**, National Integrity Agency, General Director, Legal, Public Relations and Communication General Direction

14.35 – 15.00

#### **Abnormal Low Tenders**

- **Graeme Clark**, EBRD, UK
- **Liviu Staniloiu**, Search Corporation, Romania

### **TRAINING**

15.05 – 15.30

#### **Training on FIDIC contracts**

Accredited training

- **Siobhan Fahey**, Accredited Mediator(CI Arb), Member FIDIC Contracts Committee, FIDIC Accredited International Trainer
- **Edward Corbett**, FIDIC Adjudicator and Accredited Trainer, Corbett & Co International Construction Lawyers, UK

15.30 – 15.45 Coffee break

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## USE OF FIDIC

- 15.50 - 16.35 **Experience from CIS states**
- **Svitlana Teush**, Arzinger, Ukraine
  - **Evgeny Smirnov**, Senior Procurements Specialist, EBRD, UK
  - **Ilya Nikiforov**, Egorov Puginsky Afanasiev & Partners, Russia
- 16.40 – 16.50 **Design stage – crucial for a successful FIDIC contract**
- **Valentin Stoica**, Search Corporation, Romania
- 16.55 – 17.05 **Conclusion**  
Summary of Key Issues; Action Items; Way Forward
- **Enrico Vink**, FIDIC
- 17.05 **End of conference**

All presentations can be uploaded when available on the page:

<http://fidic.org/events/fidicaricefca-regional-infrastructure-conference-bucharest-romania-12-13-march-2015>



**Programme coordinated by:**

International Federation of Consulting Engineers (FIDIC)  
Romanian Association of Consulting Engineers (ARIC)  
European Federation of Engineering Consultancy Associations (EFCA)