

# TECUCI & PĂLTINEANU

AVOCAȚI

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**Cremona Cotovelea**

## 1. Studies and professional qualifications:

Institution	Degree obtained and training level:
“Dimitrie Cantemir” University of Bucharest Faculty of Law and Administrative Sciences, 1990 – 1995 (5 years pilot project with additional/new subjects)	Bachelor of Arts in Jurisprudence – “Al. I. Cuza” Police Academy (1997)
“Dimitrie Cantemir” University of Bucharest Faculty of Law and Administrative Studies, 2011 - 2012	Master of Arts in Jurisprudence; Programme – Conflicts’ Mediation (2012)
Craiova Mediation Center; 2012	Post-Graduate Certificate – Certified Mediator
The Mediation Council 2012	Chartered Mediator
IntraTest; December 2012 - - Ministry of Education - Ministry of Labour, Family and Social Protection for the Elderly - National Qualifications Authority	Post-Graduate Certificate – Certified Public Procurement Expert;
Best Smart Consulting, April 2014 - Ministry of Education - Ministry of Labour, Family and Social Protection for the Elderly - National Qualifications Authority	Post-Graduate Certificate – Certified Project Manager;
Best Smart Consulting, September 2014 - Ministry of Education - Ministry of Labour, Family and Social Protection for the Elderly - National Qualifications Authority	Post-Graduate Certificate – Certified Trainer (-the- Trainer);
Fédération Internationale des Ingénieurs- Conseils (FIDIC) 2015	FIDIC Accredited Trainer (internationally) „FIDIC in Public Law”, published in 2015, as main author of the module
Fédération Internationale des Ingénieurs- Conseils (FIDIC) 2015	FIDIC Accredited Trainer (internationally) „FIDIC Basic”, published in 2015, as main author of the module
Fédération Internationale des Ingénieurs- Conseils (FIDIC) 2018	FIDIC (internationally) Accredited Trainer for all editions both for FIDIC Works Contracts and FIDIC Services Agreements

## 2. Foreign languages: Indicate competence on a scale of 1 to 5 (1 - excellent; 5 - basic)

Language	Reading	Speaking	Writing
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Romanian	mother tongue		
English (legal terminology included)	1	1	1

### 3. Membership of professional bodies:

- The National Association of Romanian Bars – Bucharest Bar (1997);
- Council of Bars and Law Societies of Europe (2007);
- Dispute Resolution Board Foundation SUA (DRBF) (2009);
- DRBF Region II EurAsia – founding member (2009);
- The Mediation Council – chartered mediator (2012);
- Affiliated Member of ARIC (National Member Association of FIDIC) (2015);

### 4. Present position:

- Tecuci & Paltineanu SCPA - Founding and Managing Partner (2001)
- Mediator Office. Cremona Cotovelea - Chartered Mediator (2012)
- Adjudicator – national list of (FIDIC) adjudicators (2016)
- Public Procurement Expert (2012)
- Project Manager (2014)
- Certified Trainer (2014)
- FIDIC – legal adviser on matters relating to the use of FIDIC standards in Romanian national context (2014)
- FIDIC Internationally Accredited Trainer – special modules “FIDIC Basic” and “FIDIC in Public” (2015); and for 1999/2017 FIDIC Works Contracts and Services Agreements’ modules (2018)
- FIDIC – EFCA– member of Risk, Liability and Quality Committee (June 2016)
- The Mediation Council (of Romania) - Executive Head of the Mediation in Administrative Contracts’ Department (2017)

### 5. Past positions:

- FIDIC – member of Procurement Policy Committee (May 2016-2019);
- FIDIC Friendly Reviewer test edition Yellow Book (November 2015) and Guide Procedure Rules DAB (September 2016)
- FIDIC – international legal adviser (2016/2017)
- FIDIC – Friendly Reviewer **2017 Red Book** (Conditions of Contract for Construction) and **2017 Silver Book** (Conditions of Contract for EPC/Turnkey Projects)

### 6. Key qualifications – Specific country / Regional Experience (excerpts)::

#### 6.1 Legal skills (and dispute resolution: mediation; adjudication)

- **Romania**
- **Internationally – mainly EU countries and CIS countries (but also Australia, Tanzania, Togo, USA a.s.o.)**
  - Lawyer (barrister) – civil / commercial / administrative (public law) building disputes and litigations, non-contentious construction law matters (inclusive of: corporate law, contract law; privatisation law, mergers and acquisitions, real estate development, procurement law);
  - Advising public authorities, as well as contractors and/or consultants in infrastructure matters and FIDIC contracts - public and private infrastructure (roads and railways; WTP and WWTP; military infrastructure –under governmental scheme; Schengen Facility; civil and military housing programmes and real estate; shipyards; agricultural buildings and farms);
  - Negotiation of (private and public) national and international agreements; a.s.o.
- **European Union – various bodies / agencies** (such as public procurement; various aspects for and during implementation of PHARE, ISPA, SAPARD programmes; DABLAS II and

III; PRAG rules, EU Directives; European Contract Law – common frame of reference; Model Rules for a European Civil Code a.s.o.)

### **6.2 Policy making – drafting statutory law / delegated legislation and framework (for the application of EU norms and harmonisation with) – excerpts**

- Advising public authorities (and regions autonomous) in mining and national resources; EPC / EPCM / FIDIC works contracts and services agreements; environmental legislation matters – inclusive of site decontamination; solid waste; cyanide removal);
- Formulation of legislation and policy papers; drafting/conception of framework agreements and policy papers for the implementation of international programmes, institutional capacity and capacity building on behalf EU or national authorities a.s.o.

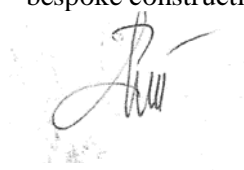
### **6.3 Voluntary / pro-bono activity for / in relation with FIDIC / FIDIC committees:**

A variety of tasks from drawing up and reviewing licensing agreements General Conditions of Contract for use, translation and/or distribution internationally to MAs, governments, MDBs, universities and so on to member associations (legal) matters; from international procurement of services and works contracts matters to preliminary advice on threats of legal action against FIDIC or requests from various bodies / organisations (ex: OLAF). Examples include:

- EIB – Review and proposals for the new CM Policy and the Guide to Procurement, as FIDIC representative (as member of Procurement Policy Committee) (2017);
- Author of chapter “EU Procurement Rules for internal and external market” – “FIDIC Procurement Guide” (2<sup>nd</sup> edition) *under development* – dealing with a variety of procurement rules; as member of FIDIC Procurement Policy committee.
- “Guidance Memorandum. On-site working staff and project team organisation: An overview of Risks and Measures during and after COVID-19” published by FIDIC – Risk, Liability and Quality Committee -member

### **6.4 Other skills:**

- Adjudication, mediation, arbitration, conciliation; facilitation;
- Project and contract management;
- Procurement (public, EU and MDBs);
- Sustainable development, green (circular) procurement;
- Integrity -
- FIDIC accreditation - training
- Adults vocational training [construction contracts – inclusive of FIDIC standards; project and contract management; alternative dispute resolution; construction (and public) procurement] - training courses (and CPD) development and train-the-trainer training (EU standards);
  - Training of public authorities [infrastructure – road and rail authorities/ministries (Ukraine, Moldova, Romania), environment – water and solid waste authorities, Anti-corruption General Directorate of Romania; Ministry of Justice of Tajikistan)] and MDBs (EBRD, EIB); inclusive of coaching selected staff for those growing their own contract administration & management departments / PIU (contract coordinators/directors, project managers; project engineers (supervisors), legal advisers)
  - Training of general public involved in constructions/infrastructure works (engineers, economists, legal counsels, mediators, arbitrators a.s.o.)
  - Professional bodies (FIDIC MAs – ARIC, AECU, ICEG, ACEG; National Mediation Council – advice, organisation, training; Romanian Arbitration Court;)
  - In-house training for contractors and consulting companies – especially FIDIC and bespoke construction contracts.



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## **Appendix 1: - further training by way seminars / courses / conferences (selection):**

- Implementation of Big Environmental Infrastructure Project Financed by EU – workshop, February 8<sup>th</sup>, 2007, Twinning Project PHARE – RO/2004/IB/OT/05; “Project Management in accordance with Red / Yellow FIDIC”;
- DRBF, Workshop “Preventing Disputes with Disputes Boards”, 30/31 October 2009, Bucharest, Romania; (and main conference 28-29 October);
- FIDIC Conditions of Contract (Red and Yellow Book ) Module 1 – ARIC – FIDIC – EFCA, November 2009, Bucharest, Romania;
- FIDIC Contractual Claims Management and Dispute Settlement– Module 2 – ARIC – FIDIC – EFCA, March 2010, Bucharest, Romania;
- DRBF, Workshop “Understanding Dispute Boards” 9 June 2010, Bucharest, Romania; and conference 10 – 11 June (speaker as well),
- ICC – YAF Conference “Competence–Competence Principle. Recurring Issues”; October 2010; Bucharest, Romania;
- ICC Conference “Efficiency of Complex Dispute Resolution Clauses in the current economic climate”, October 2010; Bucharest; Romania;
- Cornerstone “A Practical Guide to Understanding and Using the FIDIC Conditions of Contract 1999”, 30 June – 01 July 2011; Bucharest; Romania;
- DRBF, Workshop “How to Use Dispute Boards”, 6 October 2011, Bucharest, Romania, and conference 7-8 October
- GEMME Conference “The mediation – a viable alternative to the Courts of Law”, 25 October 2011 Bucharest, Romania;
- Annual Conference “International Commercial Arbitration”, 13 November 2011, Bucharest, Romania;
- “Dimitrie Cantemir” University of Bucharest Faculty of Law – “Settlement by mediation of disputes in enforcement stage”, 8 May 2012, Bucharest; Romania;
- FIDIC International Contract Users’ Conference, 2<sup>nd</sup> & 3<sup>rd</sup> December 2014, London, UK;
- Cornerstone “Dispute Adjudication Boards for FIDIC Contracts – A Practical Guide to Using and Understanding DAB’s under the FIDIC Conditions of Contract”, 10<sup>th</sup> & 11<sup>th</sup> March 2015, Bucharest, Romania;
- 1<sup>st</sup> European Regional Infrastructure Conference “Implementation of FIDIC contracts in a market mainly regulated by Public Law”, FIDIC – EFCA – ARIC, (speaker as well), 12<sup>th</sup> & 13<sup>th</sup> March 2015, Bucharest, Romania;
- Practitioners Advanced Workshop on “The Dispute Board process. Board members and the parties. Recommendations, Opinions and Decisions” in conjunction with the 15<sup>th</sup> Annual DRBF International Conference and the works of the conference; May 2015, Genoa, Italy;
- FIDIC International Contract Users’ Conference, 1<sup>st</sup> & 2<sup>nd</sup> December 2015, London, UK (speaker as well);
- 2<sup>nd</sup> European Regional Infrastructure Conference “Consulting Engineering In European Public Procurement Delivering Sustainable Infrastructure Projects” – 7<sup>th</sup> & 8<sup>th</sup> March 2016, Krakow, Poland (speaker as well);
- FIDIC International Infrastructure Conference – Meeting of FIDIC Member Association Managers, Directors, Hon. Secretaries, Presidents & Committees (speaker as well), 24<sup>th</sup> September 2016, Marrakesh, Morocco;
- FIDIC International Contract Users’ Conference, 6<sup>th</sup> & 7<sup>th</sup> December 2016, London UK (speaker as well);
- 3<sup>rd</sup> European Regional Infrastructure Conference “The Road to Smart Infrastructure” – 9-10 March 2017, Belgrade, Serbia (speaker as well);
- DRBF 17<sup>th</sup> Annual International Conference & Workshops - Grab the Bull by the Horns! How To Face, Avoid And Solve Project Disputes Early, 24-26 May 2017, Madrid, Spain;
- ICC Regional Arbitration Conference, 13<sup>th</sup> October 2017, ICC Bulgaria together with the ICC International Court of Arbitration, Sofia, Bulgaria (speaker as well);
- FIDIC International Contract Users’ Conference, 5<sup>th</sup> - 6<sup>th</sup> –December 2017, London UK;

- “Advanced Dispute Resolution Techniques” – post-conference workshop 7<sup>th</sup> December- FIDIC International Contract Users’ Conference 2017, London, UK;
- “Dealing with Modified Contracts under the New FIDIC Guidance”, post-conference workshop - 7<sup>th</sup> December , FIDIC International Contract Users’ Conference 2017, London, UK;
- “Introduction to the 2017 FIDIC suite of Contracts”, post-conference workshop – 22<sup>nd</sup> February, FIDIC International Contract Users’ Conference 2018, Dubai, United Arab Emirates; (speaker as well)
- “A Comparison between 1999 and 2017 editions; An analysis across the Red, Yellow and Silver Books” – pre-conference 5<sup>th</sup> March 2018, FIDIC European Regional Infrastructure Conference, Tbilisi, Georgia (speaker as well);
- “DAB/DAAB – what has changed and why” – post-conference 8<sup>th</sup> March 2018, FIDIC European Regional Infrastructure Conference, Tbilisi, Georgia DRBF Central and Eastern European Conference 2019, Bucharest, Romania “The Life Cycle of a DAB/DAAB. FIDIC 1999 v. FIDIC 2017” (speaker as well);
- ICC “Construction disputes: ICC tools and recent experience. Arbitration & ADR”, 21<sup>st</sup> March 2019, Bucharest, Romania;
- FIDIC Business Days “Reforms: New rules of the game in the market of infrastructure construction”, 6/7<sup>th</sup> June 2019, Kiev, Ukraine (speaker as well);
- Autodesk - Solutions and Technologies in Infrastructure – BIM, October 2019, Bucharest, Romania
- FIDIC International Contract Users’ Conference, December 2019, London UK;

## Appendix 2 – Publications (inclusive of original training courses) - excerpts:

### Publications (selection):

#### Books:

1. ***Performance Based Public Services Agreement (Water)***: First Edition (2002); authors John Maguire, Giorgiana Tecuci – Păltineanu and Cremona Cotovelea;
2. ***The International Application of FIDIC Contracts, a Practical Guide***, edited by Donald Charrett, Romanian Chapter, December 2019

#### Articles, presentations, training courses, others (selection):

1. ***DAB Decision - Enforcement and appeal to arbitration - points of view under Romanian law*** (DRBF International Conference, June 2010, Bucharest, Romania)
2. ***Comparison: the operation of the FIDIC contracts under Common and Civil laws*** (Regional Infrastructure Conference „Implementation of FIDIC contracts in a market mainly regulated by Public Law”, FIDIC – EFCA – ARIC March 2015, Bucharest, Romania)
3. FIDIC Accredited module „***FIDIC in Public***” – international; and for the use in Romania under the title „*Adaptation of the FIDIC Conditions of Contract to the constraints of the Public Law*”; 2015; main author
4. FIDIC Accredited module „***FIDIC Basic***” – 2015; main author;
5. ***The Golden Principles of FIDIC Conditions of Contract, What Makes FIDIC Unique?*** FIDIC International Contract Users’ Conference; December 2015, London
6. ***FIDIC Golden Principles and Public Law*** - FIDIC-SIDiR-EFCA Regional Infrastructure Conference, March 2016, Krakow, Poland;
7. FIDIC - EBRD training course ***Red Flags in Tendering and Implementation of the Public Work Contracts (FIDIC)***, June 2016; Bucharest, Romania; together Giorgiana Tecuci;
8. ***Construction International Arbitration*** - training course for public authorities and general public; together Giorgiana Tecuci; (updated 2016)
9. ***The legal approach of public partnership (PPP)*** - training course for public authorities (main author); (updated 2016)
10. ***The Consulting Engineer – from a Contractual Position to a Regulated Profession*** - FIDIC International Conference, DNS Meeting, Marrakesh, Morocco, 24<sup>th</sup> September 2016

11. ***FIDIC Compliant Contracts and the Draft of the Romanian Particular Condition in the light of Golden Principles*** - FIDIC International Contract Users' Conference; December 2016, London
12. ***The Impact of EU Directives on FIDIC Contracts*** (FIDIC – ACES – EFCA Regional Infrastructure Conference, Belgrad, March 2017);
13. ***FIDIC Contracts under Moldovian Legislation*** (1999 edition and MDB – adaptation of FIDIC in Public to the Moldovian Law) (2017)
14. ***MDBs – FIDIC Capacity Building and Procurement Updates*** (DRBF, 17<sup>th</sup> Annual International Conference, Madrid, Spain, May 2017); co-author with Giorgiana Tecuci
15. ***Arbitral Award Enforcement*** (ICC Bulgaria - Sofia, Bulgaria, October 2017)
16. ***Interim Measures and State Court Support of Arbitration*** (ICC Bulgaria - Sofia, Bulgaria, October 2017)
17. ***The Enhanced Claim Provisions in the Updated Contracts: What do These Mean***” (International Contract Users' Conference 2018, Dubai, United Arab Emirates);
18. ***Understanding How the [1999 and 2017] FIDIC Contracts deal with time (Common Law / Civil Law / Georgian Law perspective*** – with Jeremy Glover and Nina Tsaturova), FIDIC European Regional Infrastructure Conference, Tbilisi, Georgia, March 2018;
19. ***DAAB Procedures & Practice*** – post conference workshop (presented together with Leo Grutters, Taner Dedezade); FIDIC European Regional Infrastructure Conference, Tbilisi, Georgia, March 2018; (author, trainer)
20. ***DAAB a Legal Perspective and DAAB – The role of the Lawyer-*** post conference workshop (delivered together with Leo Grutters, Taner Dedezade); FIDIC European Regional Infrastructure Conference, Tbilisi, Georgia, March 2018;
21. ***Mediation in Public Works Contracts*** – training course developed for the Romanian Mediation Council (2018); (author, trainer)
22. ***The Enhanced Claim Provisions in the Updated Contracts*** - FIDIC Business Days in Ukraine, June 2018; (author, trainer)
23. ***Understanding the differences: Comparison between 1999-2017 edition***, full-day workshop, FIDIC Business Days in Ukraine, June 2018 (author, trainer);
24. ***Comparison Table of 1999- 2017 differences for Red and Yellow FIDIC Books*** ;
25. ***Golden Principles*** - FIDIC Conference in Warsaw – White &Case, 4<sup>th</sup> October, 2018
26. ***FIDIC Contracts under Tajik Legislation*** (1999 edition and MDB – adaptation of FIDIC in Public to the Tajik Law, including Environmental Best Practice, Juridical Best Practice and ADR and FIDIC Adjudication Procedure) – November 2018, for the Tajik Ministry of Justice, Tajik Supreme Court and Tajik Economic Supreme Court; (co-author, trainer);
27. ***FIDIC Contracts under Ukrainian Legislation*** (1999 edition and MDB – adaptation of FIDIC in Public to the Ukrainian Law) ;
28. ***FIDIC 1999 Contracts – introductory course with reference to 2017 Contracts edition*** (Module 1), Kyiv, Ukraine, February 2019 (co-author, trainer)
29. ***DAB/DAAB – Appointment. Replacement. Termination*** DRBF Central Eastern European Conference 2019, București, România “**The Life Cycle of a DAB/DAAB. FIDIC 1999 v. FIDIC 2017**”
30. ***FIDIC 2017 Services Agreements (Module 0), FIDIC 1999 Works Contracts –with reference to 2017 Contracts edition (Module FIDIC Basic & Module 4)***, 5-days training course specially developed for the Public Union "Interstate Consultants Engineers Guild" (“ICEG”), Kyiv, Ukraine, April 2019 (co-author, trainer)
31. ***Understanding the 2017 FIDIC EPC/Turnkey Contract (Module 5)***, 1- day training course specially developed for the AECU, June 2019 (co-author; trainer)
32. ***Training and Examination of Adjudicators for the National List of Ukraine***; FIDIC Business Days “Reforms: New rules of the game in the market of infrastructure construction”, June 2019, Kiev, Ucraina;
33. (1) „**Damages – a comparative common law – civil law approach**”; (2) „**Indemnities - a comparative common law – civil law approach**” and (3) ***A brief look at the FIDIC 2017 Liability clauses from (a European) Civil Law Perspective [Red Book FIDIC 2017 SC 1.15 (by Reference to Red Book FIDIC 1999 SC 17.6) and Clause 17]***” together with Giorgiana Tecuci and Douglas Oles (common law), IBA Annual Conference, Seoul, Coreea, September 2019

34. ***Time in FIDIC 2017***, DRBF CEEC “It’s All About Time! Managing the risk of Delay: Avoiding disputes on construction projects – Tbilisi, Georgia; 11/13 March 2020 – (delivered online)
35. Various training modules: standard FIDIC training modules for 2017 edition and comparative 1999 – 2017 editions; arbitration in construction; procurement for construction works and services; legal concepts for engineers; construction contract management, integrity and compliance and others.