PROGRAMME

DAY 1: Thursday 20 September 2018

09.00 - 09.40 Welcome and keynote addresses
• Fady Asly, Chairman, ICC Georgia
• Lasha Nodia, Chairman, Georgian Association of Arbitrators; Managing Partner, Nodia, Urumashvili & Partners LLC, Georgia

Keynote addresses
• Thea Tsulukiani, Minister of Justice of Georgia
• Nino Bakakuri, Justice of the Supreme Court of Georgia

Introduced by conference Co-Chairs
• Živa Filipič, Managing Counsel, ICC International Court of Arbitration, Paris
• Christopher R. Seppälä, Partner of Counsel, White & Case LLP, France; FIDIC’s Observer, ICC International Court of Arbitration; Member, ICC Institute of World Business Law; Legal Advisor, Contracts Committee, FIDIC

09.40 - 10.40 Session 1: An introduction to FIDIC and its Forms of Contract, including the new 2017 FIDIC Suite of Contracts
FIDIC was established in 1913 and the first Red Book was published in August 1957. Since then, FIDIC contracts have evolved to what they are today – the international standard. This session will provide an overview of FIDIC and the organization of its forms of contract, before outlining the salient features of the 2017 Red, Yellow and Silver FIDIC conditions of contract.
- FIDIC: The organization
- Background and principles of the FIDIC forms of contract
- Overview and comparison of the Red, Yellow and Silver Books
- Salient features of the FIDIC 2017 update
• Ellis Baker, Head of Construction & Engineering Practice Group, White & Case, United Kingdom
• Aisha Nadar, Senior Consultant, Procurement Management and Dispute Resolution, Advokatfirman Runeland, Sweden; Member, FIDIC Executive Committee and Chair of Procurement Policy Sub-Committee

10.40 - 11.00 Q&A

11.00 - 11.20 Coffee break generously sponsored by Driver Trett
11.20 - 12.20 **Session 2: Dispute Boards in action: A mock Dispute Avoidance and Adjudication Board (DAAB)**

The FIDIC contracts are especially noteworthy in the requirement that the parties constitute a Dispute Avoidance and Adjudication Board (DAAB) and that all disputes must go through the DAAB process. This Mock DAAB session is designed to provide an overview of the actual operation of a dispute board, the issues that can arise and how the DAAB can be effective in helping the parties to resolve their disputes, as well as how to avoid disputes in the first place.

- **David Brown**, Partner, Clyde & Co., France; Council Member, ICC Institute of World Business Law; FIDIC President's List of Adjudicators
- **Yasemin Çetinel**, Founding Partner, Çetinel Law firm, Turkey
- **Frédéric Gillion**, Partner, Pinsent Masons LLP, France
- **Alina Leoveanu**, Manager, ICC International Centre for ADR, Paris

*Moderated by:*

- **Aisha Nadar**

12.20 - 12.50 Q&A

12.50 - 14.15 Lunch

14.15 - 15.15 **Session 3: Dispute avoidance and resolution clauses in FIDIC Contracts**

Disputes have always featured in construction projects, but today’s cost-sensitive clients demand that the parties focus on project success and effectively avoid disputes and resolve unavoidable disputes efficiently. This session will provide an insightful perspective on this trend and will offer an overview of its impact on the dispute management tools and techniques provided for under the 2017 FIDIC Conditions.

- **Murray Armes**, Founder and Managing Director, Sense Studio, United Kingdom
- **David Brown**

*Moderated by:*

- **Aisha Nadar**

15.15 - 15.45 Q&A

15.45 - 16.15 Coffee break

16.15 - 17.15 **Session 4: the ICC Emergency Arbitrator in construction disputes**

The ICC Arbitration Rules offer a procedure for parties to seek urgent temporary relief, usually within 15 days. This procedure offers a short-term solution for parties that are unable to wait for the constitution of an Arbitral Tribunal and is often used in construction cases, raising considerable interest among international arbitration practitioners as an attractive option. This panel will explore how this emergency arbitrator procedure is functioning and the ICC jurisprudence on construction disputes. Salient issues in ICC EA proceedings in construction disputes (including compatibility of DAB clauses with EA proceedings; urgency and other requirements applied in the context of requests for injunctions preventing the calling of performance bonds)

- **Philippe Cavalleros**, Partner, Simmons & Simmons LLP, France
- **Eva Kalnina**, Counsel, Lévy Kaufmann-Kohler, Switzerland

*Moderated by:*

- **Živa Filipič**

17.15 - 17.45 Q&A

17.45 - 19.00 Cocktail reception
DAY 2: Friday 21 September 2018

09.00 - 09.10 Welcome by conference co-Chairs
- Živa Filipič
- Christopher R. Seppälä

09.10 - 10.10 Session 5: Contract and claims administration in FIDIC contracts
This session will discuss ways to try to avoid claims arising in the first place but then, if they do arise, how best to present claims under the FIDIC form with particular reference to:
- The enhanced claims provisions in the new suite
- The role of the Engineer
- The requirements for notices of claim and the time bar provisions
- How best to prevent claims from becoming disputes

- Levent Irmak, Founder and Managing Partner, MC2 Modern Construction Consulting, Turkey; Member, Dispute Resolution Board Foundation (DRBF)
- Simon R. Worley, UK ‘Chartered’ Engineer; Member, FIDIC Sub-Contract TG, United Kingdom

10.10 - 10.45 Q&A

10.45 - 11.15 Coffee break

11.15 - 12.15 Session 6: Liability issues during the life of the project in construction disputes
- Global claims
- Liquidated damages
- Limitation periods and waivers of right
- Exceptional circumstances and Force Majeure in construction contracts: new developments?
- Third Party Liability: guarantors, subcontractors, suppliers, agents, funders, and/or insurers

- Valery Denoix de Saint Marc, Partner, August Debouzy, France
- Karen Gough, Barrister and Arbitrator, Member of 39 Essex Chambers, United Kingdom
- Ana Kavtaradze, Director, Trade Finance Department, Bank of Georgia, Georgia; Member, ICC Banking Commission Executive Committee

Moderated by:
- Daduna Kokhreidze, President, Association of Consulting Engineers of Georgia; Partner, Nodia, Urumashvili and Partners, Georgia

12.15 - 12.45 Q&A

12.45 - 14.15 Lunch

14.15 - 15.15 Session 7: Enforcement of DAB decisions and arbitral awards in CIS countries and Caucasus region
Recent updates. Enforcement and enforceability of DAB decisions by arbitral tribunals (by way of interim/partial awards etc) in different jurisdictions; statistics on how often DAB decisions are upheld/ overturned arbitration, and raise conclusions about their efficiency and usefulness.

- Nick Gvinadze, Managing Partner, Gvinadze & Partners LLC, Georgia
- Kirsten Odynski, Partner, White & Case LLP, France
- Luminita Popa, Managing Partner, Suciu Popa, Romania; Alternate Member, ICC International Court of Arbitration

Moderated by:
- Mark Roe, Partner, Head of International Arbitration, Pinsent Masons LLP, United Kingdom

15.15-15.45 Q&A
15.45-16.15 Coffee break

16.15-17.15 Session 8: A particular focus on the One Belt One Road Initiative and the construction projects in CIS countries and Caucasus region
- How can standard contracts play a role?
- From the contract and arbitration perspectives
- New ICC initiative
  - Živa Filipič
  - Julia Lysakovskaya, Head of Legal Dep., MFC Construction Office, Branch of the Gazprom transgaz, Belarus
  - Guillaume Sauvaget, Partner, PS Consulting, France
  - Wei Sun, Partner, Beijing Zhong Lun Law Firm, China; Secretary General, Permanent Forum of China Construction Law

Moderated by:
- Alexander Bolkvadze, Partner, BLC Law Office, Georgia

17.15-17.45 Q&A

17.45-18.00 Closing of the conference
- Živa Filipič
- Christopher R. Seppälä