



# ICC-FIDIC CONFERENCE

INTERNATIONAL CONSTRUCTION  
CONTRACTS & DISPUTE RESOLUTION

**29-30 MARCH 2016**

Istanbul, Turkey

Attend this ICC-FIDIC conference and engage in interactive debates with some of the world's leading construction practitioners.

## EARN up to

15 CLE credits      12.5 CPD hours  
12.5 MCLE credits      12.5 CNB hours

## Who should attend?

Any practitioner involved in international construction contracts and disputes:

- engineers, contractors, in-house lawyers from construction companies;
- construction lawyers, arbitrators;
- mediators, experts, contract managers;
- financial institutions and Government entities involved in procurement.

# 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 ICC TURKEY**

**Ziya Akinci**, Founding Partner, Akinci Law Office, Turkey; Member, ICC International Court of Arbitration; Member of the Executive Board, ICC Turkey

09.15-09.30 › **WELCOME BY THE CHAIR OF THE FIRST DAY**

09.30-11.00 › **INTRODUCTION TO FIDIC AND ITS FORMS OF CONTRACT**

- Background and principles of FIDIC
- 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**

- The interplay between local public works law and FIDIC contracts
- Hardship and “*théorie de l'imprévision*”
- Public policy and FIDIC contracts

**Waleed M. El Nemr**, Contracts Director, Africa, Hill International, Egypt

**Levent Irmak**, Principal and Founder, MC<sup>2</sup> MODERN Construction Consulting, Turkey

**Munther M. Saket**, Deputy Managing Director, Allied Planning & Engineering Corporation, Jordan

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**

- 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**

- 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**

# ICC ARBITRATION IN CONSTRUCTION MATTERS

## DAY 2 30 MARCH

### › CHAIR OF THE SECOND DAY

**Alexis Mourre**, President, ICC International Court of Arbitration, Paris

08.00-09.15

### › OPTIONAL BREAKFAST: LET'S TALK ABOUT COSTS!

The ICC Commission on Arbitration and ADR will present its new Report entitled "Decisions on costs in international arbitration".

**Bennar Balkaya**, Partner, BennArb Law Firm, Turkey

**Alexander Fessas**, Managing Counsel, ICC International Court of Arbitration, Paris

**Alexis Mourre**

09.30-09.45

### › WELCOME BY THE CHAIRMAN OF THE SECOND DAY

An introduction to the ICC International Court of Arbitration, the 2012 ICC Rules and the ICC International Centre for ADR. ICC experience under FIDIC contracts and on construction disputes.

09.45-11.00

### › JURISDICTIONAL ISSUES IN CONSTRUCTION ARBITRATIONS

- Issues related to multi-party/multi-contract arbitrations in the context of construction disputes
- Jurisdictional issues with respect to multi-tiered dispute resolution clauses in the context of construction disputes
- Application of the 2012 ICC provisions on joinder, multiple parties, multiple contracts and consolidation to the FIDIC contracts

Questions and answers

**Philip Dunham**, Partner, Dechert LLP, France

**Ziva Filipic**, Counsel, ICC International Court of Arbitration, Paris

**Murat Karkın**, Co-Managing Partner, YükselKarkınKüçük Attorney Partnership, Turkey

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

**David Brown**

**Kurtcebe Noyan Göksu**, Partner, Göksu Avukatlık Bürosu; Pinsent Masons LLP, Turkey

**Wolfgang Kühn**, Senior Partner, Heuking Kühn Lüer Wojtek, Germany

**Marianne C Ramey**, Founding Member, Project Advisors International LLC, United States

Moderator: **Alexander Fessas**

12.45-14.15

### › LUNCH

14.15-15.30

### › HOT TOPICS RELATED TO CONSTRUCTION CASES

- Additional works
- Penalty clauses
- Suspension and termination

**Yasemin Çetinel**, Founding Partner, Çetinel Law Firm, Turkey

**Paul Gelinas**, Independent Arbitrator, France; Council Member, ICC Institute of World Business Law

**Basar Sahin**, Director, ICM Consulting, Turkey

15.30-15.50

### › PROPOSED CHANGES TO THE UNIDROIT PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS TO DEAL WITH LONG-TERM CONTRACTS

**Christopher Seppälä**

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

**Ziya Akinci**, Founding Partner, Akinci Law Office, Turkey; Member, ICC International Court of Arbitration; Member of the Executive Board, ICC Turkey

**Ilya Nikiforov**, Managing Partner, Egorov, Puginsky, Afanasiev & Partners, Russian Federation; Vice-Chair, ICC Commission on Arbitration and ADR

**Karim A. Youssef**, Partner, Amereller Legal Consultants, Egypt; Member, ICC Institute of World Business Law

17.45-18.00

### › CLOSING OF THE CONFERENCE

**Sami Huerbi**, Director for Eastern Mediterranean, Middle-East & Africa, ICC International Court of Arbitration, Tunis; Partner, Huerbi 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

<b>EARLY BIRD RATE UNTIL 29 JANUARY 2016</b>		<b>€690</b>
<b>AFTER 29 JANUARY 2016</b>	ICC MEMBERS	<b>€792</b>
	NON-MEMBERS	<b>€990</b>

*VAT exemption – French Tax Code, Article 259A5°*

Registration fees include all conference documentation, coffee breaks, lunches and a cocktail reception.

## › SPECIAL DISCOUNTS

**ICC Members** may benefit from an extra 5% discount. Please contact your local NC to obtain your discount code.

**Group rates:** Register five persons from the same company and pay for four.

**In-house Counsel, full time Academics, Government representatives** may benefit from a 30% discount. Please contact [events@iccwbo.org](mailto:events@iccwbo.org) for more details.

## › HOW TO REGISTER

Easier and faster: register online (secured payment by credit card) at [www.iccevents.org](http://www.iccevents.org)

Or return the registration form indicating method of payment to:

E [events@iccwbo.org](mailto:events@iccwbo.org)

T +33 (0)1 49 53 28 67 F +33 (0)1 49 53 30 30

ICC Services, Training and Conferences, 33-43 avenue du Président Wilson, 75116 Paris, France

Registration will be confirmed upon receipt of the registration form and registration fees.

To benefit from early bird rates, please note that ICC Services must receive the payment before the deadline.

## › TRAVEL AND ACCOMMODATION

Travel and hotel expenses are not included.

Participants are responsible for making their own travel arrangements and hotel reservations. A hotel reservation form/unique group code for online reservations at the **Park Bosphorus Hotel**, with which ICC has negotiated preferential rates of **€165** or **€185** (+8% VAT) will be sent upon receipt of the registration form and registration fees. Please note that the number of rooms reserved with the ICC rate is limited. As they will be distributed on a "first-come, first-served" basis, we recommend that you make your reservation ASAP. All room reservations must be guaranteed by a credit card.

The **pre-reservation cut-off date is 29 February 2016**.

Hotel reservations received after 29 February will be accepted on a space and/or rate available basis only.

## › VISA

We are able to dispatch **visa invitation letters** to support your visa application only after receipt of registration and full payment of your registration fees.

## › WORKING LANGUAGE

English.

## › CREDITS AND HOURS

ICC Training and Conferences is eligible for CLE credit under **New York's** approved jurisdiction procedures, is a State Bar of **California** approved MCLE provider and is accredited by the Bar Standards Board to provide CPD for barristers at the Bar of **England** and **Wales**. French Bars: This training has been sent for CNB approval. Lawyers practising in **France** may apply for the reimbursement of this course before the FIFPL (Fonds Interprofessionnel de Formation des Professionnels Libéraux), subject to terms and conditions.

## › PARTNERSHIP OPPORTUNITIES

This conference offers you an unrivaled opportunity to build worldwide partnerships. Partnering will get you visibility with the major decision makers in global business and/or within the international construction network. For sponsorship information please contact Luz Rodriguez at: [luz.rodriguez@iccwbo.org](mailto:luz.rodriguez@iccwbo.org). For supporter/media partner information, please contact Aisling Achoun at: [aisling.achoun@iccwbo.org](mailto:aisling.achoun@iccwbo.org).

## › CANCELLATION POLICY

50% of the registration fee will be refunded if notice of cancellation is received in writing before **26 February 2016**. Cancellations after this date are not refundable. Subject to agreement from ICC Training and Conferences prior to the event, the registration may be transferred to another person from the same company or organization at no extra charge. Updated registration information will be required.

Please note that ICC Services reserves the right to cancel this event or to make minor alterations to the content and timing of the programme or to the identity of the speakers. In the unlikely event of cancellation, delegates will be offered a full refund. ICC Services will not, however, be held responsible for any related expense incurred by the participant.

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## The International Court of Arbitration®

Established in 1923 as ICC's arbitration body, the International Court of Arbitration pioneered international commercial arbitration as it is known today, initiating and leading the movement that culminated in the adoption of the New York Convention, the most important multilateral treaty on international arbitration.

The Court is one of the world's most experienced and renowned international arbitration institutions. Working closely with its Secretariat, the Court's primary role is to administer ICC Arbitrations.

The Court performs the functions entrusted to it under the ICC Rules of Arbitration available upon request from the Court.

The Court provides parties with a flexible and neutral setting for dispute resolution. It offers confidentiality and extraordinary freedom for parties to choose the framework for how and where they want to resolve their dispute. While the dispute itself is resolved by independent arbitrators, the Court supervises the process from beginning to end, increasing the quality of the process and enforceability of the awards.

Members of the ICC Court are appointed by the ICC World Council on the proposal of national committees and groups. To date, the Court has 190 appointed members. The Court members' diverse professional, legal and cultural background brings richness to the Court's daily work and decision-making process.

The Court's Secretariat, headed by a Secretary General, comprises a permanent staff of more than 80 lawyers and support personnel of 30 different nationalities, mastering around 30 languages.

The Secretariat is divided into nine case-management teams, seven based in Paris, one in New York and another in Hong Kong.

Since its inception, the Court has administered over 20,700 cases involving parties and arbitrators from some 180 countries.

For more information visit: <http://www.iccarbitration.org/>

**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/>

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