



Court of Arbitration

at the Polish Chamber of Commerce in Warsaw



FIDIC Contracts Regional Conference

Program Partners:

K&L|GATES



FIDIC CEE users conference



Conference Day One

1. Welcome and Opening

09:00 - 09:15

Welcome: Andrzej Arendarski – President of the Polish Chamber of Commerce, Poland

Marek Furtek – President of the Court of Arbitration at the PCC, Poland

Opening: Conference Chairman, Maciej Jamka – K&L Gates, Poland

2. Opening remarks

09:15 - 9:30

Olgierd Dziekoński – Minister in the Office of the President of the Republic of Poland

3. Introduction to FIDIC Contracts

9:30 – 10:00

Speakers: Aisha Nadar – Nadar Consulting, FIDIC Updates Task Group, United Kingdom

Simon Hughes – QC Keating Chambers, United Kingdom

A summary of FIDIC's works contracts that are widely used industry standards.

- The FIDIC suite of contracts and agreements
- Review of the principles behind the major works contracts
- The growing influence of FIDIC's suite of contracts in establishing world-class industry standards
- How FIDIC's major works contracts are being used worldwide
- Emerging FIDIC user's regions and hot spots
- On-going projects and future outlook

4. FIDIC Contracts in Central and Eastern Europe

10:00 – 11:15

Regional panel

Moderator: Zbyszko Wizner – SK&S, Poland

Speakers: Bulgaria – Stephan Z. Kyutchukov – Djingov, Gouginski, Kyutchukov & Velichkov

Czech Republic – Lukas Klee – Metrostav a.s.

Hungary – András Rév – FIDIC, Engineer

Poland – Rafał Waszkiewicz – SK&S

Ukraine – Volodymyr Yaremko – Arzinger

Russia – Ilya Nikiforov – Egorov Puginsky Afanasiev & Partners

11:15 – 11:30

Coffee Break



Conference Day One

5. The Roles of the Parties in FIDIC Contracts

11:30 - 12:15

Speaker: Ellis Baker – White&Case, United Kingdom

Commentator: Daniel Kopania – Clifford Chance, Poland

The Engineer as central to the FIDIC approach

- Successfully integrating third parties in projects with a single construction contract
- What happens in the case of multiple contracts and contractors?
- How an “engineer-centred” FIDIC system can help minimise conflict and disputes
- Independent from the parties powers of the engineer in the public procurement environment

6. Updates to the FIDIC 1999 Suite of Contracts

12:15 - 13:00

Speakers: Zoltan Zahony – FIDIC Updates Task Group, Hungary

Aisha Nadar – Nadar Consulting, FIDIC Updates Task Group, United Kingdom

Future editions will both adopt innovations introduced in the MDB Harmonised Construction Contract and in the new DBO Contract as well as take into account extensive feedback. Latest concepts and issues being taken up in the updating of the FIDIC 1999 suite of contracts include:

- Increased challenges to the engineer’s role
- Design requirements and the contractor’s proposal
- Programme requirements and commencement of work
- Advance warning and exceptional risks
- Communications and manuals

13:00 – 14:00 Lunch break

7. Public entities as the employer under FIDIC – Variations from the standard FIDIC contracts in the Polish State Treasury practice – Lessons from the past for the future financial perspective of the EU (2014-2020)

14:00 - 15:15

Speaker: Lech Witecki – General Director, General Directorate for National Roads and Motorways (GDDKiA), Poland

Commentators: Michał Drozdowicz – Eversheds, Poland

Anna Ochocka – Eversheds, Poland

Agnieszka Chylińska – Eversheds, Poland

- State Treasury as a special legal entity, representation of the State Treasury
- Influence of the legal position of the State Treasury on necessary amendments to the FIDIC contracts
- Adjusted FIDIC contract as an important part of the documents package in the public procurement process

15:15 – 15:45 Coffee break



Conference Day One

8. Operating Under the FIDIC DBO Contract - where and how could DBO Contracts be used in the Central and Eastern Europe?

15:45 - 16:30

Speaker: Axel Jaeger – FIDIC, adjudicator, Germany

Commentator: Wadim Kurpias – CMS Cameron McKenna, Poland

The DBO approach to contracting combines design, construction and long-term operation and maintenance of a facility into one single contract awarded to a single contractor.

- The main provisions of the Design-Build-Operate Contract
- Application to brown field projects
- Recent experience of using the DBO contract
- Review of elements of the contract that will bear upon the future development of other FIDIC contracts

9. Chairman's closing remarks



Conference Day Two

1. Chairman's Introduction

9:15 – 9:30

2. FIDIC Construction and Design-Build Subcontracts

09:30 – 10:15

Speaker: Siobhan Fahey – FIDIC, Chartered Engineer & Chartered Arbitrator, Ireland

The session will focus on everything you need to know regarding the final version of the new FIDIC Constitution Subcontract that has been published for use with the FIDIC Construction Contract, both the 1999 Edition and the MDB Harmonised Edition. Special attention will be given to the recent changes added to the final version on this form and what they mean for all parties. Attention will then focus on the important dispute resolution provisions of the new FIDIC Subcontract.

3. State Treasury as Respondent in construction disputes under FIDIC contracts

10:15 – 10:45

Speakers: Marcin Dziurda – President of the Solicitor General of the State Treasury of Republic of Poland
Adam Olszewski – Director of the Arbitration Department in the Office of Solicitor General of the State Treasury of Republic of Poland

10:45 – 11:00 Coffee break

4. Claims under FIDIC Contracts

11:00 – 12:00

Speakers: Paul Buckingham – Keating Chambers, United Kingdom
Matthew Smith – K&L Gates, United Kingdom
Zbyszko Wizner – SK&S, Poland

Commentator: Zbigniew Boczek – SIDIR, Poland

Developments in presenting and pursuing a claim under a FIDIC contract with particular reference to issues arising in the Central and Eastern Europe:

- Time bars
- Documentation
- Expectations of the Dispute Adjudication Board

Conference Day Two

5. Dispute Avoidance, Alternative Dispute Resolution – Dispute Adjudication Boards

12:00 – 12:45

Rafał Morek – K&L Gates, Poland

Lukasz Rozdeiczer – President of the Mediation Centre at the Court of Arbitration at the PCC, Poland

DAB moot proceedings

12:45 – 14:00 Lunch break

6. Navigating the Dispute Adjudication Process: Case studies

14:00 – 15:00

Practitioners' panel: Bartosz Krużewski – Clifford Chance, Poland

Lidia Dziurzyńska-Leipert – CMS Cameron McKenna, Poland

Arkadiusz Korzeniewski – CMS Cameron McKenna, Poland

Witold Jurcewicz – White&Case, Poland

Case studies: Four practitioners each presenting his case on the basis of FIDIC

7. The common courts are the best venue for the settlement of the construction disputes, especially those based on FIDIC – debate

15:00 – 16:00

Speakers: Michał Subocz – White&Case, Poland

Paweł Samborski – White&Case, Poland

- Advantages of the arbitration courts
- Disadvantages of the arbitration courts
- Public entities' reservations regarding usage of arbitration.

A review of the increased use of arbitration, including changes in the supporting procedural law.

- General developments
- How the FIDIC contract is viewed under national law
- Enforcement
- Making international arbitration work: good practice and good decisions
- The impact of revised arbitration provisions

8. Chairman's Closing Remarks

Honorary Patronage
President of the Republic of Poland
Bronisław Komorowski

PRESIDENT.PL

Conference Partners:



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