



Effectively focus on “CLAIM MANAGEMENT”

through

“ICC DISPUTE BOARDS”

Control costs, time-lines, profits when implementing industrial plant & infrastructure projects

This collaborative approach aims to settle arising disagreements immediately – saving you time & money. Appoint a jointly selected “Dispute Board” up front to prevent costly confrontations and seek immediate solutions.

- ◆ **Commercial nature, purpose, operation of Dispute Boards – a business case**
- ◆ **Role of Dispute Boards in handling disagreements and avoiding dispute**
- ◆ **Dispute Boards in practice – costs/benefit analysis of using Dispute Boards**
- ◆ **Disputes Boards - within the context of ADR**
- ◆ **Relationship between Dispute Board proceedings & arbitration/litigation**

well-known international speakers

Anthony Lavers, White & Case, London; **Aisha Nadar**, Advokatfirman Runeland, Sweden;
Andreas Reiner, ARP, Arbitrator, Austria; **Eric Eggink**, Director, Technip Ships, Netherlands

Tuesday, 11 Oct 2016

9.00am – ca. 5.00pm

Fleming's Hotel Wien-Westbahnhof, Neubaugürtel 26-28, 1070 Vienna, Austria

Target Group

- ◆ project managers in major projects
- ◆ claim managers
- ◆ in-house legal counsels in construction, plant engineering, applied research e.g. pharma
- ◆ lawyers specialized construction, plant engineering, applied research e.g. pharma

Background and Objective

In many bigger projects disputes of various forms put on hold construction & implementation either temporarily or if worst comes to worse for good. As a result, deadlines are missed, penalties & damages (such as loss of profit) are to be paid, costs increase – and your original cost & profit-calculation is disrupted. Seemingly profitable projects turn to big loss makers due to unsolved disagreements.

A “Dispute Board” set up up front will continuously monitor, discuss & settle all upcoming disagreements – in most cases before a full dispute and a construction-stop arises. Such a “Dispute Board” can save you time and money. In many cases projects may even be finalised at an earlier time than originally envisaged – as no hold-up or standstill during implementation did occur.

“Dispute Boards” can be implemented in a variety of projects & sectors – e.g. energy, construction, engineering, telecom, high-tech, research – in contracts in the private or public sector. The “Dispute Board” will consist of experts (from e.g. construction, engineering, project management, law) seeking to solve problems and disputes as soon as they arise (preferably within days). The key aim is the smooth and uninterrupted implementation of a project.

To ensure a high standard of application of **“Dispute Boards”**, the ICC has established international rules - **“ICC Dispute Boards”**. These new Rules have been drafted by experienced and high ranking international experts – project engineers and lawyers, from many countries. These ICC Rules came into force in October 2015 set a clear and comprehensive framework for establishing and operating “ICC Dispute Boards” in medium- and long-term contracts. To facilitate their application, ICC’s “International Centre for ADR” offers essential support services covering e.g. the search for & appointment of Dispute Board members, dealing with a challenge against Dispute Board members, the review of their decisions, fixing their fees

This Event offers a unique opportunity to be introduced to Dispute Boards, their operation in practice and key time & cost saving measures by high ranking experts & co-authors of the rules.

Programme

- ◆ **Dispute Boards: An Introduction** (Aisha Nadar)
 - The spectrum of ADR tools
 - “Dispute Boards” in context
- ◆ **The business case for “Dispute Boards”** (Andreas Reiner & Eric Eggink)
 - Claim management – a confrontational, time consuming & costly method to generate extra income, or is Contract/Claim management a good way of keeping the project from slipping and a way of staying on top of things?
 - “Dispute Boards” – preventive & collaborative – a way to reduce costs and speed up implementation

- ◆ **Disputes - their technical, financial and legal consequences** *(Aisha Nadar)*
 - Types of contracts calling for „Dispute Boards“
 - Use of “Dispute Boards” in plant engineering & construction projects
 - “Dispute Boards” in research, intellectual property, production sharing, shareholder agreements
- ◆ **The development of Dispute Boards in major construction projects** *(Anthony Lavers)*
- ◆ **Management of disagreements** *(Anthony Lavers & Eric Eggink)*
 - Reduction of disagreements and avoidance of disputes - a possibility ?
 - “Informal Assistance” with disagreements
 - Continuous monitoring of dispute avoidance
- ◆ **The ICC Dispute Board Rules** *(Aisha Nadar, Anthony Lavers)*
 - “Dispute Board” Clauses – how best to incorporate into a contract
 - Dispute Boards come in three forms
 - Adjudication Boards issue decisions - to be complied with immediately
 - Dispute Review Boards issue recommendations - binding if no party objects within 30 days
 - Combined Dispute Boards normally issue recommendations - but may issue decisions if a party so requests and no other party objects
 - Search for & appointment of “Dispute Board” members
 - Formal referrals to “Dispute Boards”, hearings, issuing of conclusions or recommendations
- ◆ **Enforcement of “Dispute Board Conclusions”** *(Andreas Reiner)*
- ◆ **Impact of Dispute Boards procedure on subsequent arbitration/litigation proceedings** “
(Andreas Reiner)
- ◆ **ICC and its Dispute Resolution functions** *(Aisha Nadar)*
 - Administration, backup and role of “ICC Dispute Board Centre“
- ◆ **Practical Examples & Cases** *(Eric Eggink)*
 - success stories of Dispute Boards
- ◆ **Panel - Questions & Answers** *(chaired by Andreas Reiner)*

Speakers

Anthony Lavers, Counsel, Construction & Engineering Practice Group, White & Case, London. He has worked on cases relating to projects in Algeria, Georgia, Germany, Greece, Hungary, Indonesia, Kuwait, Lesotho, Oman, Peru, Rumania, Qatar, Saudi Arabia, Thailand, Uzbekistan. Anthony co-authored “FIDIC Contracts: Law & Practice”, 2009. Prior to joining White & Case in 2001, Anthony was Professor of Law at Oxford Brookes University, where he still holds a Visiting Chair, and has given visiting lectures at leading universities around the world, including King’s College London, Cambridge University, the University of Vienna, the National University of Singapore, the University of Hong Kong, and the University of New South Wales.

Aisha Nadar, Senior Consultant, Procurement & Dispute Resolution, Advokatfirman Runeland AB, Sweden. For over 30 years, Ms. Nadar has been actively involved in all phases of negotiation and implementation of large-scale cross-border infrastructure and defence programs. Aisha regularly advises clients on strategic procurement planning, contract management, dispute resolution and acts as arbitrator, mediator, adjudicator according to ICC, LCIA, SCC, DIAC, AAA, UNCITRAL rules. She is listed on FIDIC President's list of accredited adjudicators and is an IMI certified mediator. Aisha is a member of FIDIC's Update Task Group updating the FIDIC 1999 Red, Yellow and Silver Conditions of Contract. She is a Special FIDIC Procurement Advisor on Multilateral Development Bank matters; a former member of the Standing Committee of ICC International Centre for ADR. Aisha holds a BS Electrical Engineering, University of Nebraska; an MBA University of Texas, Austin; an LL.M. in International Commercial Dispute Resolution from Queen Mary, University of London.

Andreas Reiner, lawyer, Andreas Reiner & Partners, arbitrator, mediator. Andreas is a renowned international arbitrator, increasingly active as mediator & member of dispute boards resolving disputes in international construction and engineering. Andreas Reiner strives to structure proceedings using a consensus-based approach, placing emphasis on efficiency. Andreas has been a member of the ICC International Court of Arbitration, lecturer at the University of Economics Sciences, Vienna & University of Paris. He studied law in Vienna, Orléans & Paris.

Eric Eggink, lawyer, managing director of Technip Ships (Netherlands) B.V. Eric is involved in Dispute Boards and is registered as an ICC Arbitrator and is an arbitrator at the Netherlands Arbitration Institute. From 2001 – 2007 he was director of the NABU, the Netherlands Association of International Contractors. Eric has been involved in various major infrastructure projects e.g. Chek Lap Kok Airport, Hong Kong, Island of St. Martin Harbour Facilities and was involved in the High Speed Rail Link Project between Amsterdam and Brussels as coordinating legal counsel for the Construction Consortia of the various sections of the project Eric is Co-author of the ICC Model Turnkey Contract for Major Projects, the ICC Model Subcontract and the ICC Model Contract Consortium Agreement

Publications On request we will provide you with our complete list of publications!

Publ. No.	Language	Title	€
852	EN	ICC Dispute Board Rules (also available in French and Spanish)	0,00
659	EN	ICC Model Turnkey Contract for Major Projects	75,00
779	EN	ICC Model Contract Consortium Agreement	69,00
758-1	DE EN	Einheitliche Richtlinien für auf Anfordern zahlbare Garantien (URDG 758)	30,00
702	EN	Guide to ICC Uniform Rules for Demand Guarantees URDG 758	149,00
865	EN	ICC Arbitration & Mediation Rules	0,00
851	EN	ICC Expertise Rules	0,00
853	EN	ICC DOCDEX Rules	0,00
650	EN	Force Majeure and Hardship	21,00

All prices additionally 10 % postage and packaging and 10% VAT

more publications: www.icc-austria.org – Publikationen

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Registration Form

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responsible for the content: **Mag. Angelika Zoder**

further ICC Austria conferences in English:

- **EU & US Sanctions & Embargoes**, 8/9 November 2016, Vienna
- **ICC Austria & EBRD: Case Studies on Documentary Credits incl. Forfaiting & Bank Guarantees**, 12/13.10.2016, Vienna
- **ICC Austria & EBRD: Case Studies on Factoring**, 14.10.2016, Vienna

For further details please visit: www.icc-austria.org

Registration

The new ICC DISPUTE BOARD RULES

Tuesday, 11 Oct. 2016

9.00 – ca. 17.00 Uhr

Fleming's Hotel Wien-Westbahnhof
Neubaugürtel 26-28, Vienna, Austria

I agree that my name/ address is registered electronically by ICC Austria who will inform me about further programs by e-mail.

Participation fee

incl. Seminar documentation,
Coffee break, Lunch

€ 490,00 (excl. 20% VAT)

Price for ICC Austria Members:

€ 392,00 (excl. 20% VAT)

Closing date:

4 working days before Seminar

Please be advised that your registration is already valid with the written confirmation!
The fee must be paid verifiably before the early bird expires or closing date!

Participant Information

Family Name: First Name: ☐ Mr. ☐ Mrs.

Organisation / Company:

Address:

Postal Code, City: Country:

E-Mail: Telephone: Fax:

Job Title / Position :

Invoice data

Organisation / Company:

VAT Number (obligatory for invoicing for European participants):

Address:

Postal Code: City:

Country:

Cancellation Policy:

A full refund will only be given for cancellations received up to 14 working days before the event. Cancellations must be made in writing. Should you be unable to attend you can nominate a colleague as replacement.

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Date

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Signature