

Post-Conference Workshop

Thursday 2nd July 2015

"Extremely helpful and very practical oriented. Excellent choice to have different views on topics from different countries."

Giuseppe Broccoli, Ughi E Nunziante

09.00-16.30 Workshop C:

PRACTICAL COMPARISON OF APPROACHES UNDER CIVIL AND COMMON LAW JURISDICTIONS

09.00 Chair's opening remarks

09.15 English Common Law

- Introduction to the source law: English Common law family
- Contracts law: specific requirements in England and Wales
 - Formation of a contract
 - Interpretation of contracts
 - Different types of contracts (e.g. unit price, lump sum, BOT, etc)
- Key differences and similarities in approaches to construction contracts:
 - Design responsibility
 - Fit for purpose
 - Taking-over
 - Defects liability
 - Liquidated ascertained damages
 - Limitation of liability
 - Termination



David Brown
Partner
CLYDE & CO

10.15 German Civil Law

- Introduction to the source law: Germanic legal family
- Contracts law: specific requirements in Germany
 - Formation of a contract
 - Interpretation of contracts
 - Different types of contracts (e.g. unit price, lump sum, BOT, etc)
- Key differences and similarities in approaches to construction contracts:
 - Design responsibility
 - Fit for purpose
 - Taking-over
 - Defects liability
 - Liquidated ascertained damages
 - Limitation of liability
 - Termination



Dr Wolfgang Breyer
Partner
BREYER RECHTSANWÄLTE

11.15 Morning Refreshment break

11.30 French Civil Law

- Introduction to the source law: Napoleonic legal family
- Contracts law: specific requirements in France
 - Formation of a contract
 - Interpretation of contracts
 - Different types of contracts (e.g. unit price, lump sum, BOT, etc)

- Key differences and similarities in approaches to construction contracts
 - Design responsibility
 - Fit for purpose
 - Taking-over
 - Defects liability
 - Liquidated ascertained damages
 - Limitation of liability
 - Termination



Marc Frilet
Partner
FRILET SOCIÉTÉ D'AVOCATS

12.30 Lunch break

13.30 GCC Civil Law (Islamic Law)

- Introduction to the source law: GCC Civil law (Islamic law) family
- Contracts law: specific requirements in GCC jurisdictions
 - Formation of a contract
 - Interpretation of contracts
 - Different types of contracts (e.g. unit price, lump sum, BOT, etc)
- Key differences and similarities in approaches to construction contracts:
 - Design responsibility
 - Fit for purpose
 - Taking-over
 - Defects liability
 - Liquidated ascertained damages
 - Limitation of liability
 - Termination



Naief Yahia
Senior Associate
AL TAMIMI & CO



Marc Frilet
Partner
FRILET SOCIÉTÉ D'AVOCATS

14.30 Handling International Construction Contracts (FIDIC) under Civil and Common Law Jurisdictions

- How to interpret the construction contract under the applicable law
- How does the FIDIC contract operate in different jurisdictions



Dr Wolfgang Breyer
Partner
BREYER RECHTSANWÄLTE

15.15 Afternoon refreshment break

15.30 Interactive Workshop – Problem Scenario on How FIDIC Operates Under Applicable Law



Dr Wolfgang Breyer
Partner
BREYER RECHTSANWÄLTE



Naief Yahia
Senior Associate
AL TAMIMI & CO



David Brown
Partner
CLYDE & CO



Marc Frilet
Partner
FRILET SOCIÉTÉ D'AVOCATS

16.30 Chair's closing remarks and close of day

Sponsored by:

FENWICK ELLIOTT

Fenwick Elliott is the largest specialist construction law firm in the UK working with international clients in the building, engineering and energy sectors, including oil, gas and power. Our expertise includes procurement strategy; contract documentation and negotiation; risk management and dispute avoidance; project support; and decisive dispute resolution, including international arbitration, mediation and adjudication. Visit www.fenwickelliott.co.uk



Fenwick Elliott
The construction & energy law specialists

CMS

CMS has more than 3,000 lawyers in 58 offices around the world, including in the UAE and Oman, and frequently operates in those countries where we have no permanent base. We are recognised as market leaders and top-ranked by independent directories for our expertise in Construction (International Arbitration, Purchaser and Supplier), PFI/PPP, and Energy and Natural Resources. Visit www.cmslegal.com

C/M/S/
Law . Tax

E-Mail: professionalcustserv@informa.com