

ESCL conference 2023

Liability Standards in Construction Contracts
- an international perspective

Conference program for 6 October 2023

08:30-09:00 Check in, coffee and croissants

09:00-09:05 Welcome

Niklas Korsgaard Christensen, Partner at Plesner Law Firm, General Secretary of The Danish Society for Construction Law

09:05-09:20 The challenges of liability standards in international construction contracts

Ole Hansen, Professor dr. jur., The University of Copenhagen, Faculty of Law, Center for Private Governance (CEPRI), Chairman of the Board of The Danish Society for Construction Law

09:20-10:20 Common standards of contractors and technical advisor's liability

Moderator: Vivi Klink Larsen, Partner

Richard Bailey, Partner at Druces LLP, *common law*

Renaud Simar, Partner at Schoups, co-president of the Belgian Society for Construction Law and Artuur Grauwels., Junior Associate at Schoups, *civil law*

Christian Johansen, Partner at Bruun Hjejle, *Nordic law*

10:20-10:40 Coffee break

10:40-11:45 Fitness for purpose and risks related to technology developments

Moderator: Sylvie Cécile Cavaleri, Associate Professor

Roberto Panetta, Partner at Panetta Law Firm, *Fitness for purpose and risks related to technology development*

Klint Klingberg-Jensen, Partner at Poul Schmith Law Firm and Sara Due Ilsøe, Attorney-at-Law, manager at Poul Schmith Law Firm, *Fit for purpose under Danish law*

Anthony Lavers, Professor of Law, Kings College, London and Consultant to Crown Office Chambers, Inner Temple and Rebecca Shorter, Partner at White and Case, Paris, *A contractor's duty to warn if a design does not meet relevant technical standards: the English law position compared to a civil law approach*

11:45-12:50 Limitation of liability

Moderator: Sacha Westhausen, Attorney-at-law

Sylvie Cécile Cavaleri, Associate Professor, Phd., The University of Copenhagen, Faculty of Law, Center for Private Governance (CEPRI), *Limitation of liability under Nordic law and the Knock-for Knock regime*

Hubert Stöckli, Prof. Dr. iur., Universität Freiburg, *Some observations on contractor liability under Swiss law*

Evelien Bruggeman, Prof. Dr. and Chris Jansen, Prof. Dr., *Liability of contractors for defects visible before, upon or after completion - change of the law in The Netherlands*

12:50-13:50 Lunch

13:50-14:35 Enforcement of and liability for sustainability (ESG) provisions

Moderator: Ole Hansen, Professor

Maria Edith Lindholm Gausdal, Assistant Professor in private law and sustainability (CEPRI), *Contractual governance of sustainability – challenges and prospects*

Stine Kalsmose Jakobsen, Partner at Holst Law, *ESG-provisions and the Danish standard contracts*

14:35-15:20 Direct claims (fundamental principles and contractual regulation)

Moderator: Nicolaus Falk-Scheibel, Attorney-at-law

Vibe Ulfbeck, professor, dr. Jur, The University of Copenhagen, Faculty of Law, Center for Private Governance (CEPRI), *Regulating direct claims in standard form contracts (?)*

Tim Maurenbrecher, Rechtsanwalt, Partner in Maurenbrecher Legal Services, Krefeld and Pürgen, *Direct claims under German construction contract law*

15:20-15:40 Coffee break

15:40-17:10 FIDIC based liability and national law

Moderator: Kasper Mortensen, Partner

Victoria Penkova, Managing Partner of Penkova & Partners Law Firm and Boyana Milcheva, Partner at DPC Law Firm, *Applicability and enforceability of FIDIC liability regime under Bulgarian law. Possible problems*

Ovidiu Ioan Dumitru, conf. univ. dr., *Liability standards in Romania. FIDIC vs. National Construction Contract*

Alena Bányaiová, *Liability for construction defects (FIDIC based and under national law) and damages*

Jorens Jaunozols, Partner & Co-Head of Real Estate & Construction practice at Sorainen Latvia, *Risk allocation under FIDIC contracts – lessons from Latvia*

17:10 Closing remarks