



ESCL Professional Seminar on Construction Law

3-5 September 2020

Spazio Chiossetto, Via Chiossetto no. 20, Milan, Italy

1. Programme

Day 1 – 3 September 2020

9.00-9.15 h

Welcome speech addressed by **Giovanni Iudica** (President of the Italian Society for Construction Law)

Lecture 9.15-12.00 h

Contract for Design addressed by **Bastian Fuchs** (Honorary Professor of German and International Construction Law at the University of the Bundeswehr München, Germany) and **Luca Sommariva** (Contract & Legal Claim Management Group Leader at Tecnimont S.p.A., Italy)

- The role and obligations of the parties to the contract from a transnational point of view
- The use and legal aspects of BIM in the international arena
- Copyright issues even under the European case-law
- Case study on Design: exercises and discussion

Lecture 13.00-16.00 h

Contract for Works addressed by **Roberto Panetta** (Attorney at Law in Italy, Dispute Board Expert, Arbitrator, Adjunct Professor of Private Law and Construction Law at Bocconi University in Milan and at Luiss University in Rome. Secretary General of the Italian Society of Construction Law, Italy) and **Adriana Spassova** (Tutor at the University of Architecture, Civil Engineering and Geodesy, FIDIC accredited adjudicator and trainer, Partner EQE Control OOD, Bulgaria)

- Liability of the contractor and subcontractors from a transnational point of view
- Ground risk in the major international projects
- Case study on Works: exercises and discussion

Day 2 – 4 September 2020

Lecture 9.00-12.00 h

Partnering and alliances addressed by **Arent Van Wassenae** (Director of the Faithful Goose B.V., the Netherlands)

- Construction Collaborative Contracts
- NEC3 and NEC4 and other foreign experiences
- Case study on partnering procedures. Exercises and discussion

Lecture 13.00-16.00 h

European Public Procurement Law addressed by **Virginie Colaiuta** (Partner of the London office of the Italian law firm LMS Legal LLP and a Visiting Fellow of King's College, London)

- Procedures
- Choice of participants
- Criteria for selection
- Suitability requirements
- Award criteria
- Awarding of contracts
- Judicial protection



Day 3 – 5 September 2020

Lecture 9.00-12.00 h

Dispute Avoidance and Dispute Resolution in Construction Law addressed addressed by **Romano Allione** (Engineer, DRBF Member) and **Marcello Viglino** (Engineer, Contract Management Salini Impregilo S.p.A., member of the Italian Society of Construction Law)

- Dispute Boards and other dispute avoidance/resolution mechanisms under the FIDIC Conditions.
- Site visits: advantages and drawbacks. Examples of standing and ad hoc Dispute Boards and the importance of the site visits
- Dispute Boards and project cost control
- Exercises and discussion

Lecture 13.00-16.00 h

Construction Contracts, Insurance and Courts in Europe: A first hand experience addressed by **Muhamed Mesic Senior** (Head of Insurance EMEA & Senior Counsel at KELLER)

- Arbitration or litigation
- Mandatory insurances from a transnational point of view
- Comparison among different experiences in the European Courts
- Case by case analysis

2. A comparative approach

For a long time the construction industry was a local, national industry. Those days are long gone: architects work all over Europe and even the world, and so do contractors. Procurement law does not have its roots in European law, but nowadays is almost completely governed by European law. Construction contract law is still to a large extent dominated by national law. So when businesses are interested in working in other countries, knowledge of national legal systems and principles as well as knowledge of European procurement law is essential. It is for that reason that the Italian Society of Construction Law (ISCL) together with the ESCL has taken the initiative to organise a Professional Seminar on Construction Law.

Such Seminar will give lawyers and young professionals an insight in different systems of construction law used in European countries. In every class the principles and legal system of construction law in different European countries will be presented and duly explained.

This Professional Seminar will provide students with a unique insight in the principles and systems that are shared and those principles and systems that are unique to a country, and its historical background, where needed.

Finally, the Professional Seminar will also provide an overview on the functioning of Dispute Board in the resolution of contractual disputes arisen out from the construction industry.

3. Target group

The Professional Seminar is meant for mid-level lawyers, architects and engineers who want to learn what construction contract law means in Europe and who are interested in a comparative approach. The Seminar is also addressed to professionals already graduated and who wish to learn more on European construction contract.



4. The venue

The Professional Seminar will take place in the heart of Milan at the Spazio Chiossetto, Via Chiossetto no. 20, Milan, Italy

5. Price

The early bird registration until 15th June 2020.

The early bird price is € 250,00 plus VAT 22% - and includes: the classes, catering during the classes and reading materials (the ESCL Book: Studies in European Construction Law is not included and must be paid separately and can be ordered via [this link](#). Price of the book is € 97,75 incl. VAT).

The price after 15th June 2020 is € 350,00 plus VAT 22%.

Registration will close on 20th July 2020.

6. How to register?

The administration is taken care of by the Italian Society of Construction Law (ISCL).

The registration form is available on this webpage. Please send the completed form to info@iscl.it before 20th July 2020.

7. Payments

The registration fee must be paid by bank transfer using the following details:

To: Istituto italiano per il diritto delle costruzioni e degli appalti

IBAN: IT 81 Y 05034 01737 000 000 046341

Reference: ESCL Seminar 2020