



8 workshops in 5 countries | March 2014 - December 2015

# ICC ADVANCED ARBITRATION ACADEMY FOR CENTRAL AND EASTERN EUROPE

Under the auspices of the ICC Institute of World Business Law and the ICC International Court of Arbitration®

## Dates & Locations

- Friday 28 March 2014 | **Paris, France**
- Friday 20 June 2014 | **Moscow, Russian Federation**
- Friday 12 September 2014 | **Istanbul, Turkey**
- Friday 12 December 2014 | **Prague, Czech Republic**
- Friday 13 March 2015 | **Istanbul, Turkey**
- Friday, 12 June 2015 | **Kiev, Ukraine**
- Friday 18 September 2015 | **Prague, Czech Republic**
- Friday 18 December 2015 | **Paris, France**

## Learning outcomes

The programme covers the main stages of the arbitration proceedings from an arbitrator's point of view. It aims at improving legal knowledge and developing practical skills such as efficient case management and drafting.

Practitioners who successfully complete the course will have acquired a strong command of the arbitration procedures and techniques, and shall be fully capable of acting as arbitrators in international arbitration cases.

This course is also a unique opportunity for exchanging and networking with leading professionals in the field.

## Who should attend?

This **advanced level** professional training is designed primarily for senior and upper mid-level arbitration practitioners based in Central and Eastern European countries who are interested in pursuing a career as an arbitrator. Both institutions and arbitration practitioners would benefit from this programme.

This programme is limited to 40 participants who possess an advanced knowledge of the English language and sufficient experience in international arbitration.

**Please note that a Curriculum Vitæ is requested upon registration as candidates will be selected according to their experience.**

## Description

This course is organized on a two year basis, divided into 8 one-day workshops, held every three months.

Each workshop will consist of:

- Review and study by the participants of relevant topics on the basis of recommended materials;
- Analysis of practical situations based on ICC cases;
- Drafting procedural documents (correspondence with the parties, Terms of References, Procedural Orders, Awards etc.);
- Colloquia where key-note speakers discuss practical situations with the participants.



International Chamber of Commerce

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# PROGRAMME

## Qualification exercises

- At each session the participants will be provided with a list of required and recommended reading for the forthcoming session. The session colloquia shall be structured on the assumption that the participants have studied the list of required and recommended reading. Participation in the workshop discussions is essential.
- Written exercises shall be organized in relation to the topics covered at the session. Guidelines and materials for the written exercises will be provided. The exercises shall be read by the tutors; feedback shall be provided at the beginning of the following session.

## Programme moderators

**David Goldberg**, Partner, White & Case LLP, United Kingdom & Russian Federation

**Vladimir Khvalei**, Partner, Baker & McKenzie, Russian Federation; Vice-President, ICC International Court of Arbitration

**Galina Zukova**, Attorney, White & Case LLP, France; Former Counsel, ICC International Court of Arbitration

## Workshop I: Appointment as an Arbitrator

*Friday 28 March 2014 – Paris, France*

### Key speakers:

**Michael Bühler**, Partner, Jones Day, France

**Andrea Carlevaris**, Secretary General and Director of Dispute Resolution Services, ICC International Court of Arbitration, Paris

**Yves Derains**, Founding Partner, Derains & Gharavi, France; Chairman, ICC Institute of World Business Law; Former Secretary General, ICC International Court of Arbitration

**Maria Hauser-Morel**, Counsel, ICC International Court of Arbitration, Paris

### Topics:

- General standards
- Accepting appointment as an arbitrator
- Appointment as an arbitrator by the ICC Court
- Selecting the Chairman
- Objections to confirmation by the ICC Court
- Challenges of an arbitrator
- Replacement / resignation of an arbitrator
- Financial aspects of accepting an appointment
- Communications with the ICC Court and the Secretariat
- ICC Court as appointing authority

### Practical tasks:

- Arbitrator's CV
- Statement of Acceptance, Availability, Impartiality and Independence
- Disclosure
- Drafting the Report on confirmation / challenge / resignation

## Workshop II: Jurisdiction of Tribunal

*Friday 20 June 2014 – Moscow, Russian Federation*

### Key speakers:

**Christian Albanesi**, Managing Counsel, ICC International Court of Arbitration, Paris

**Jason A. Fry**, Partner, Clifford Chance, France; Former Secretary General, ICC International Court of Arbitration

**Jean-Christophe Honlet**, Partner, Dentons, France

**Darya Rigaud**, Deputy Counsel, ICC International Court of Arbitration, Paris

### Topics:

- Arbitration agreement
  - Form of arbitration agreement
  - Arbitrability
  - Material terms of arbitration agreement
  - Non-signatories:
    - Group of companies doctrine
    - States
    - Guarantor
- Pre-arbitration procedures
  - Pre-arbitration settlement procedure
  - FIDIC contracts
- ICC Court's *prima facie* decision on jurisdiction
  - Procedure
  - Criteria
- *Compétence-compétence* principle
  - Parallel proceedings
  - Anti-arbitration injunctions
- Multiparty, multi-contract, multi-polar arbitrations
  - Appointment of arbitrators
  - Consolidation
- Interim / partial award on jurisdiction

### Practical tasks:

- Report on case
- Interim / partial award on jurisdiction



# PROGRAMME

## Workshop III: Case-management

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Friday 12 September 2014, Istanbul

### Key speakers:

**Ziya Akinci**, Partner, Akinci Law Office, Turkey; Member, ICC International Court of Arbitration

**Assen Alexiev**, Partner, Sabev and Partners Law Firm, Bulgaria; Member, ICC International Court of Arbitration

**H. Ercüment Erdem**, Partner, Erdem & Erdem, Turkey; Professor of Commercial Law Emeritus, Galatasary University; Council Member, ICC Institute of World Business Law

**Pierre A. Karrer**, Independent arbitrator, Switzerland

**Alina Leoveanu**, Deputy Counsel, ICC International Court of Arbitration, Paris

**Michael Polkinghorne**, Partner, White & Case LLP, France; Member, ICC Institute of World Business Law

### Topics:

- Organizing the work of the Arbitral Tribunal
- UNCITRAL Notes on Organizing Arbitral Proceedings
- Effective case management under the ICC Rules
- Arbitrating small claims: ICC Rules and guidelines
- Terms of Reference
- Provisional Timetable
- Procedural Order no. 1

### Practical tasks:

- Drafting the Terms of Reference
- Drafting Procedural Order no. 1
- Drafting Procedural Timetable

## Workshop IV: Provisional Remedies, Security for Costs

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Friday 12 December 2014 – Prague, Czech Republic

### Key speakers:

**Alexander J. Bělohávek**, Managing Partner, Bělohávek Law Offices, Czech Republic; Professor of International Law; President, World Jurist Association; Member, ICC International Court of Arbitration

**Philipp Habegger**, Partner, LALIVE, Switzerland

**Maria Hauser-Morel**, Counsel, ICC International Court of Arbitration, Paris

**Bohuslav Klein**, Arbitrator; Honorary President, Arbitration Court attached to the ECCR and ACCR, Czech Republic; Council Member, ICC Institute of World Business Law

**Piotr Nowaczyk**, Partner, Dentons, Poland; Member, ICC International Court of Arbitration

**Patrick Thieffry**, Avocat, Thieffry & Associés, France; Associate Professor, Sorbonne Law School (Université Paris I)

### Topics:

- Conservatory and interim measures
- Procedure
- Criteria
  - Counter-security
  - Procedural hearing
- Remedies in case of non-compliance
- Decision on interim measures: Procedural Order or Award?

### Practical tasks:

- Drafting a Procedural Order on one of the following issues:
  - Dismissal of Counsel;
  - Attachment of assets;
  - Confidentiality;
  - Anti-Arbitration Injunction;
  - Security for Costs



# PROGRAMME

## Workshop V: Evidence

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Friday 13 March 2015 – Istanbul, Turkey

### Key speakers:

**Ziya Akinci**, Partner, Akinci Law Office, Turkey; Member, ICC International Court of Arbitration

**José Ricardo Feris**, Deputy Secretary General, ICC International Court of Arbitration, Paris

**Lawrence W. Newman**, Of Counsel, Baker & McKenzie LLP, United States

**Alan Redfern**, Chambers of Lord Grabiner QC, One Essex Court, United Kingdom; Vice-President, ICC International Court of Arbitration

**Eric A. Schwartz**, Partner, King & Spalding, France; Vice-President, ICC International Court of Arbitration; Vice Chair, ICC Institute of World Business Law

### Topics:

- IBA Rules on the Taking of Evidence
- Documents production
  - Scope of discovery:
  - Criteria for document production
  - Procedure of document production
  - Arbitral Tribunal's role in document production
  - IT in arbitration
- Expert reports
  - Party appointed vs. tribunal appointed expert
  - Identification of issues to be put before the expert
  - Identification of expert / ICC expertise
  - Management of work with expert
  - Should the members of the Arbitral Tribunal act as experts?
- Witness statements
- Site inspection

### Practical tasks:

- Drafting the procedural schedule related to document production
- Drafting the order for production of documents (Redfern Schedule)
- Drafting the Procedural Order on appointment of expert

## Workshop VI: Hearing

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Friday 12 June 2015, Kiev, Ukraine

### Key speakers:

**Yves Derains**, Founding Partner, Derains & Gharavi, France; Chairman, ICC Institute of World Business Law; Former Secretary General, ICC International Court of Arbitration

**Emmanuel Jolivet**, General Counsel, Deputy Director for ICC Dispute Resolution Services, ICC International Court of Arbitration, Paris

**Irina Nazarova**, Managing Partner, ENGARDE Attorneys-at-Law, Ukraine; Member, ICC International Court of Arbitration

**Ilya V. Nikiforov**, Managing Partner, Egorov, Puginsky, Afanasiev & Partners, Russian Federation

**Darya Rigaud**, Deputy Counsel, ICC International Court of Arbitration, Paris

**Tatyana Slipachuk**, Partner, Sayenko Kharenko Law Firm, Ukraine

**Vera Van Houtte**, Advocaat/Avocat, Belgium; Vice-President, ICC International Court of Arbitration

### Topics:

- Organizational Issues
  - Booking premises
  - Translation, transcripts and associated costs
  - Pre-hearing telephone conference
- Management of Hearings
  - Setting the dates & timeframes
  - Setting the schedule for the hearing
  - Housekeeping issues
- Conduct of the hearing
  - Adversarial v. inquisitorial style
  - Allocation of time between the parties
  - Examination and cross-examination of witnesses
  - Expert conferencing
  - Admissible/non admissible conduct

### Practical tasks:

- Drafting a letter to the parties inviting them to make proposals with regard to organization of the hearing
- Drafting the Procedural Order for the hearing
- Report on case



# PROGRAMME

## Workshop VII: Award

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*Friday 18 September 2015 – Prague, Czech Republic*

### Key speakers:

**Alexander J. Bělohávek**, Managing Partner, Bělohávek Law Offices, Czech Republic; Professor of International Law; President, World Jurist Association; Member, ICC International Court of Arbitration

**Crenguta Leaua**, Partner, Leaua & Asociatii, Romania; Member, ICC International Court of Arbitration

**Alina Leoveanu**, Deputy Counsel, ICC International Court of Arbitration, Paris

**Loukas Mistelis**, Professor and Director, School of International Arbitration, Queen Mary University of London, United Kingdom

**Pawel Pietkiewicz**, Partner, White & Case LLP, Poland

### Topics:

- Deliberations and allocation of work among arbitrators
- Interim, partial and final awards
- Award by consent
- ICC Award Checklist
- Form of the award
- Applicable law
- Burden of proof
- Evaluation of evidence
- Costs and interest. Allocation of costs
- Dispositive part of the award
- Dissenting / concurring opinion

### Practical tasks:

- Drafting a final award

## Workshop VIII: Scrutiny, Notification of the Award Enforcement

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*Friday 11 December 2015 – Paris, France*

### Key speakers:

**John Beechey**, President, ICC International Court of Arbitration, Paris

**Alexis Mourre**, Founding Partner, Castaldi Mourre & Partners, France; Vice Chair, ICC Institute of World Business Law; Vice-President, ICC International Court of Arbitration

**Luca Radicati di Brozolo**, Partner, Radicati di Brozolo & Sabatini Studio Legale, Italy; Professor, Catholic University of Milan; Member, ICC International Court of Arbitration

**Albert Jan Van den Berg**, Partner, Hanotiau & Van den Berg, Belgium; Professor of Law, Erasmus University, Rotterdam; Visiting Professor, University of Miami School of Law and Tsinghua University, Beijing

### Topics:

- Scrutiny by the ICC Court
- Signing and notification of the award
- Correction / interpretation / remission of awards
- Making enforceable awards
- Enforcement proceedings

### Practical tasks:

- Addressing the ICC Court's comments on the draft award
- Drafting the addendum / decision on correction and interpretation



## LOGISTICAL NOTE

### Venues and times

The precise venues will be indicated as the programme goes along. Each workshop will generally last the whole day, from 9am to 5:00pm, with a one hour break for lunch. Participants will be invited to informal drinks at the end of each workshop.

### Registration fees

**€5000\*** (625€\*\* per workshop)

\* *excl. VAT. ICC Services must set its prices to include the VAT pursuant to Article 53 of the European Directive 2006-112CE.*

\*\* *each workshop shall be invoiced separately and variations in the rates of VAT from one host country to another should be expected.*

**On registering for this course, participants commit themselves to attending and paying for all eight workshops. Payment for each workshop must be received by ICC Services at least one month prior to it taking place.**

The registration fee covers all training activities (subject to last minute changes and modification by the organizers), including lunches and coffee breaks. Travel and hotel expenses are not included.

Case study materials shall be provided electronically. Participants will be expected to print and organize their materials for each workshop.

Apart from the rare exception, compulsory reading materials shall not be provided. Participants will be responsible for purchasing materials if required.

### How to register

**Easier and faster, register online** (secured payment by credit card) at **www.iccevents.org**

Or return the registration form indicating method of payment to:

**E-mail:** events@iccwbo.org

**Tel:** +33 1 49 53 28 67

**Fax:** +33 1 49 53 30 30

**Post:** ICC Services, Training and Conferences, 38, Cours Albert 1er, 75008 Paris, France

**Please note that a Curriculum Vitæ is requested upon registration as candidates will be selected according to their experience. Admission to the programme is not guaranteed.**

**Candidates must be based in Central or Eastern Europe or Turkey.**

### Travel and accommodation

Participants are responsible for making their own travel arrangements and hotel reservations.

We are able to dispatch **visa invitation letters** to support your visa applications only after receipt of your registration form and full payment of your registration fees.

### Working language

English.

### Credits and hours

ICC Training and Conferences is eligible for CLE credit under **New York's** approved jurisdiction procedures and is a State Bar of **California** approved MCLE provider. Approval for credits for this training has been requested.

### Certification

A certificate will be issued upon successful completion of the course by the ICC Institute of World Business Law to provide public recognition of the level of expertise gained. The certificate shall only be given to those participants who attended at least seven sessions and successfully completed 100% of the written exercises.

### Cancellation policy

Cancellations are not refundable. In the event of cancellation, the fees for the entire course will remain due. Subject to agreement from ICC Training and Conferences however, prior to the event, the registration may be transferred to another person from the same company or organization at no extra charge. Their Curriculum Vita and updated registration information will be required.

Please note that ICC Services reserves the right to cancel this event or to make minor alterations to the content and timing of the programme or to the identity of the speakers. In the unlikely event of cancellation, delegates will be offered a full refund. ICC Services will not, however, be held responsible for any related expense incurred by the participant.

### Partnership opportunities

This training offers you an unrivalled opportunity to build worldwide partnerships. Partnering will get you visibility with the major decision makers in global business and/or within the international arbitration network. For further information, please contact Ms Rodriguez at: **luz.rodriguez@iccwbo.org**



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## REGISTRATION FORM S 1430

Register online\*  
**www.iccevents.org**  
\*Secured payment by credit card

or complete and return to  
**events@iccwbo.org**  
Fax: +33 (0)1 49 53 30 30

### Participant information (Please print or type)

Title (Mr/Dr/Mrs/etc.) \_\_\_\_\_  
Family name \_\_\_\_\_ First/given name \_\_\_\_\_  
Position \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_  
City/state \_\_\_\_\_ CEP/postal code \_\_\_\_\_  
Country \_\_\_\_\_ E-mail \_\_\_\_\_  
Tel ( \_\_\_\_\_ ) \_\_\_\_\_ Fax ( \_\_\_\_\_ ) \_\_\_\_\_

### Registration fees

**€5000\***

(€625\*\* per workshop + local VAT depending on the fiscal legislation of the country)

\* *excl. VAT. ICC Services must set its prices to include the VAT pursuant to Article 53 of the European Directive 2006-112CE.*

\*\**Each workshop shall be invoiced separately and variations in the rates of VAT from one host country to another should be expected.*

**Workshop 1 - Paris, 28 March 2014: €747,50** (including 19.6% French VAT)

**Workshops 2-8:** an invoice will be sent prior to each workshop

### Method of payment

By credit card:  American Express  Euro/MasterCard  Visa

Card number \_\_\_\_\_ Expiry date \_\_\_\_\_

Name of cardholder \_\_\_\_\_

By bank transfer: **LCL**

Beneficiary: ICC Services Account No. 0000060021B Clé RIB 64 Bank Code 30002 Branch Code 04866

Swift: CRLYFRPP IBAN: FR61 3000 2048 6600 0006 0021 B64

**Please indicate the reference "S 1430" and the name of the participant.**

Please note that transfer fees charged by the bank must be covered by the participants themselves.

On registering for this course, I hereby confirm that I shall attend all eight workshops. Payment for each workshop must be received by ICC Services at least one month prior to it taking place.

Date \_\_\_\_\_ Signature \_\_\_\_\_

### Data protection information

The details you provide on this form will be used for registration purposes. They will be stored in ICC's databases for the sole use of ICC (the International Chamber of Commerce and its wholly-owned affiliate ICC Services). Under the French law 'informatique et libertés' of 6 January 1978, you may have access to these details and request deletions and corrections at any time by contacting ICC at [registrationevents@iccwbo.org](mailto:registrationevents@iccwbo.org). The details you provide may be used by ICC to keep you informed of developments in your area of activity through publications, subscriptions, events and other commercial offers. Please indicate if you wish to receive such information:

Yes  No

Please tick below if you wish to receive commercial offers from associated organizations, including in particular **ICC National Committees**:

Yes  No

### Disclaimer

The pictures and footage taken by ICC staff or photographer during this training may be used, without further notification, at a later date within printing and online materials such as brochures, marketing tools, social media and the ICC website

Registration implies that you accept this disclaimer unless ICC Services receives written notification from you stating the contrary.