



ESCL Summer School: Comparative European construction and procurement law

1-6 July 2019

KIVI, Prinsessegracht 23, The Hague, the Netherlands

Administrative information

1. 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 European Society of Construction Law (ESCL) has taken the initiative to organise a Summer School on European construction and procurement law.

This Summer School will give master students 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 two different European countries will be explained and the differences will be compared and discussed.

Following this Summer School will give students 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.

2. Who organises this Summer School?

The Summer School is organised by the ESCL. The ESCL, founded in 1981, is the European society which has as its goal: education, study and research (and publication of the useful results of such research) in the field of construction law and related fields, primarily within Europe. For more information see www.escl.org.

For many years, the ESCL organises an annual meeting during which a vivid discussion takes place on construction contract or procurement law issues. During this meeting the annual ESCL Master Thesis Prize is awarded. The ESCL also published the standard book on European construction contract law: Studies in European Construction Law.

3. For whom is this course meant?

The Summer School is meant for master students in law, engineering, construction and/or management who want to learn what construction contract law means in Europe and who are interested in a comparative approach. The Summer School is also open to professionals already graduated and who want to learn more on European construction contract and procurement law. Master law students will be given priority in case of oversubscription.

4. Who teaches in the Summer School?

The classes are being given by top European lawyers and professors from all over Europe. Detailed information can be found in the flyer and on the website (www.ibr.nl/agenda/summerschool and www.escl.org).

5. Teaching method

The course will be taught in English. The teaching methods are academic with room for discussion and filled with practical examples. An active attitude from the participants is welcomed. Each topic will be approached from two different national systems. The comparative systems are chosen by the teachers. This way students will get a broad impression of the way principles and legal systems work in Europe.

6. Literature/reading material

The ESCL Book: Studies in European Construction Law is mandatory for all classes and is included in the fee. In addition, for all classes special reading material will be prescribed by the teachers and provided digitally by the Summer School. This reading material will be mainly in English.



7. Excursion and extracurricular activities

On Tuesday the 2nd of July 2019 an excursion will be made to the House of Representatives of the Netherlands. The Dutch Parliament is called the States General. It consists of two chambers: the Senate and the House of Representatives.

We will visit the House of Representatives and a two hour guided tour will give an insight into the Dutch legislative process, the working methods of the House of Representatives and its Members of Parliament and most of all the history of the House and Dutch democracy. For more information: <https://www.houseofrepresentatives.nl/>.

On the last day of the Summer School an excursion will be organised to an interesting construction site in the vicinity of The Hague. The costs of this excursion are included in the fee.

In order to participate in the excursions and extracurricular activities, participants must be able to show a valid ID at any time.

8. Where in Europe does the Summer School take place?

The Summer School is organised in the Netherlands in The Hague. The Hague is the international city of peace and justice and home to the International Criminal Court and the Permanent Court of Arbitration as well as many other international organisations. The city also hosts part of the University of Leiden and is home of the world famous Victory Boogie Woogie painting by Mondriaan and which inspired the contractors using the drill on the poster of the Summer School.

9. What is the tuition fee?

The fee is € 1550,- and includes: the classes, catering during the classes, the ESCL Book: Studies in European Construction Law and other reading material, the excursion and VAT. For more information on terms of payment see our payment conditions on the website (www.ibr.nl/agenda/summerschool) under the link 'Voorwaarden'.

10. How to register?

The administration is taken care of by the Dutch Institute of Construction Law. The registration form is available under the link: www.ibr.nl/agenda/summerschool. Please send the completed form to onderwijs@ibr.nl before June 1st 2019. Master law students will be given priority in case of oversubscription.

11. Where to stay?

In The Hague a lot of hotels in different price ranges are available. For lower rates look at:

- <https://www.thestudenthotel.com/the-hague/>
- www.airbnb.nl

12. Contact details

Dutch Institute of Construction Law
Anna van Buerenplein 47, 10th floor
2595 DA THE HAGUE
THE NETHERLANDS
Phone: +31 70 324 55 44

Queries about the Summer School may be sent by e-mail to onderwijs@ibr.nl.



ESCL Summer School: Comparative European construction and procurement law

1-6 July 2019

KIVI, Prinsessegracht 23, The Hague, the Netherlands

Session	Subject		Lecturer
Day 1 1 July 2019 (Monday)	INTRODUCTION, LAW ON DESIGN		
Lecture – 3h (09:00-12:00)	<ul style="list-style-type: none"> ○ Introduction to principles of construction law ○ Introduction to construction contract models ○ Introduction to aspects of comparative law ○ The role of general conditions in construction law 		Prof. dr. M.A.B. Chao-Duivis (Monika), Professor of Construction Law at the University of Delft, Director of the Institute of Construction Law in The Hague and substitute judge at the Court of Appeal of The Hague, arbitrator at the Arbitration board for the building industry, The Netherlands
Lecture – 3h (13:00-16:00)	<ul style="list-style-type: none"> ○ Law on design: ○ The role and general obligations of the architect ○ The role and general obligations of the consulting engineer and ○ The role and general obligations of the client ○ Liability, the use and legal aspects of BIM ○ Copyright law 		Prof. dr. jur. B. Fuchs LL.M. (Bastian), Honorary Professor of German and International Construction Law at the University of the Bundeswehr München, Germany
Day 2 2 July 2019 (Tuesday)	CONSTRUCTION CONTRACT LAW: MODELS, OBLIGATIONS, (NOMINATED) SUB CONTRACTORS, SOIL CONDITIONS, DELAY AND DISRUPTION		
Lecture – 3h (09:00-12:00)	<ul style="list-style-type: none"> ○ The traditional construction contract model (bilateral approach): general obligations of the contractor (execution of the design, duties to warn) general obligations of the client ○ Liability of the contractor ○ The use of subcontractors (prescribed or not) ○ Soil conditions ○ Delay and disruption ○ Cancellation of the contract 		Prof. dr. C.E.C. Jansen (Chris), Professor of Private Law at VU University Amsterdam, Chairman of the Dutch Commission of Procurement Experts and Deputy Justice at the Courts of Appeal of The Hague and Den Bosch, The Netherlands

Lecture – 3h (13:00-16:00)	<ul style="list-style-type: none"> ○ The Design and Build model (multilateral approach): general obligations of the contractor (design and execution of the design) general obligations of the client ○ Quality control ○ Liability of the contractor ○ Subcontractors (prescribed or not) ○ Soil conditions ○ Delay and disruption ○ Cancellation of the contract 		<p>Dr. iur. R. Panetta LL.M. (Roberto), 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</p>
Excursion – 2h (17:00-19:00)	<p>Excursion to the House of Representatives of the Netherlands The Dutch Parliament is called the States General. It consists of two chambers: the Senate and the House of Representatives. We will visit the House of Representatives and a two hour guided tour will give an insight into the Dutch legislative process, the working methods of the House of Representatives and its Members of Parliament and most of all the history of the House and Dutch democracy.</p>		
Day 3 3 July 2019 (Wednesday)	FIDIC YELLOW BOOK, PARTNERING, ALLIANCES (NEC ¾)		
Lecture – 3h (09:00-12:00)	<ul style="list-style-type: none"> ○ FIDIC red and yellow book: general obligations of the contractor (execution of the design duty to warn) and general obligations of the client ○ Liability of the contractor ○ Subcontractors (nominated or not) ○ Soil conditions ○ Delay and disruption ○ Cancellation of the contract 		<p>A. Spassova (Adriana), Tutor at the University of Architecture, Civil Engineering and Geodesy, FIDIC accredited adjudicator and trainer, Partner EQE Control OOD, Bulgaria</p>
Lecture – 3h (13:00-16:00)	<ul style="list-style-type: none"> ○ Partnering and alliances ○ Early contractor involvement and supply chain collaboration ○ Processes and objectives under collaborative procurement models ○ Main characteristics of collaborative construction contracts ○ FAC-1 Framework Alliance Contract- adoption and results in UK and Italy ○ NEC3 and NEC4 ○ PPC2000 and PPC International- developments in UK and Germany 		<p>Prof. dr. D. Mosey (David), Professor of Law and Director of the Centre of Construction Law and Dispute Resolution at King's College London, United Kingdom</p>

Day 4 4 July 2019 (Thursday)	PUBLIC PROCUREMENT LAW		
Lecture – 3h (09:00-12:00)	WTO Public Procurement Law from a Swiss Point of View <ul style="list-style-type: none"> ○ History of the Government Procurement Agreements (GPA) ○ Parties to the GPA 2012 ○ Scope and Coverage of the GPA 2012 ○ General Principles ○ Award procedures ○ Technical Specifications ○ Time-Periods ○ Conditions for Participation ○ Qualification Criteria ○ Award Criteria ○ Review Procedures ○ Dispute Settlement ○ Transposition of the GPA 2012 in Switzerland 		Prof. Dr. iur. M. Beyeler (Martin), Professor of Construction and Procurement Law at the University of Freiburg, Switzerland
Lecture – 3h (13:00-16:00)	European Public Procurement Law <ul style="list-style-type: none"> ○ European procurement Law: Principles of procurement law ○ Procedures ○ Choice of participants ○ Criteria for selection ○ Suitability requirements ○ Award criteria ○ Awarding of contracts ○ Judicial protection 		V. Colaiuta (Virginie), Partner the London & Paris Offices of BrownRudnick, an international law firm, Avocat a' la Cour, Paris-France, Solicitor, England & Wales, Attorney at Law, New York, NY-USA, Managing Editor of the IBA law review "Construction Law International"
Day 5 5 July 2019 (Friday)	DISPUTE RESOLUTION		
Lecture – 3h (09:00-12:00)	<ul style="list-style-type: none"> ○ Dispute resolution in construction law: via courts ○ Arbitration ○ Alternatives like dispute review boards ○ Adjudication/fast track procedures 		Prof. A.P. Lavers (Anthony), Counsel at White&Case in London, United Kingdom
Lecture – 3h (13:00-16:00)	<ul style="list-style-type: none"> ○ Follow-up of the morning lecture with a case to dealt with by the students 		Prof. dr. M.A.B. Chao-Duivis (Monika) and Prof. A.P. Lavers (Anthony)
Day 6 6 July 2019 (Saturday)	EXCURSION		
	The excursion will go to a large infrastructural work and will take place in the vicinity of The Hague.		



ESCL Summer School: Comparative European construction and procurement law

1-6 July 2019

KIVI, Prinsessegracht 23, The Hague, the Netherlands

Registration form

I declare to have read the administrative information and terms of payment of the ESCL Summer School and to be able to associate myself with them.

First Name: Man Women

Middle Name:

Last Name:

Titel(s):

University and Faculty:

or

Profession and Company:

Address: Residential Business

Postal code: City:

Country:

Phone Number: Mobile Number:

Email:

Billing address:

Address: Residential Business

Postal code: City:

Email:

Billing reference:

Please send this form back to onderwijs@ibr.nl before June 1st 2019.



ESCL Summer School: Comparative European construction and procurement law

Terms of payment

By submitting your booking you are agreeing to the following terms and conditions:

Course fee

Course fees include:

- All tuition and course materials
- Lunches during the six days (Monday to Saturday) of the Summer School
- Activities and excursions provided as part of the course programme

The course fee does NOT include:

- Additional costs (including but not limited to hotel costs, drinks, phone bills etc.)
- Evening dinners
- Travel and medical insurance

Payment

Bookings are taken on a first come-first serve basis and must be made using the online booking form. Master law students will be given priority in case of oversubscription. We do not accept provisional or telephone bookings.

Payment of course fees can be made to the bank account after receiving the invoice.

Alternatively, participants may request that an organisation is invoiced for the fee, by selecting the appropriate option of the form.

Invoices should be paid within 14 days of the invoice date.

Cancellation by the course participant

Cancellation of places on the course will only be accepted in writing, by email or post. Percentage refundable is set out below:

- For cancellations received 30+ days before the course start date, 100% of course fee will be refunded.
- We are not able to refund course fees for cancellations received less than 30 days before the course start date.

Cancellation by the ESCL

The ESCL reserves the right to amend, postpone or cancel any course, course times or dates. In the event of insufficient enrolments, notice of cancellation of the course will be given 30 days prior to its start date. All course fees for registered participants will be refunded.

The ESCL shall not be liable for any travel or other costs incurred by the participant should the ESCL cancel the event for whatever reason. We strongly recommend that you take out travel insurance if you pre-book travel tickets in case of cancellation.