



ICC INSTITUTE ADVANCED LEVEL TRAINING

Kiev, Ukraine – 12 September 2019 (13:00 – 17:30)

Venue : Asters - Bohdana Khmel'nyts'koho St, 19-21, Kyiv – Leonardo business center, 14th floor

Highlights: Focusing on what can be referred to as the most prominent duty of an arbitrator, participants will learn the best practices pertaining to drafting awards and the ways of maximizing their enforceability. Accordingly, this interactive and practical training will focus on the procedural as well as formal requirements, and cover the issue of the necessary substantive accuracy of the award.

Who should attend: This programme will benefit practising lawyers, corporate counsel, arbitrators, magistrates, academics, dispute resolution experts and users who have a strong experience of international commercial arbitration, in particular the ICC procedure, and wish to deepen their practical knowledge and share their views with international practitioners.

Working methods

- Study of an advanced and complex mock case under the 2017 ICC Rules of Arbitration in working groups. The mock case will be sent to the participants before the training so that they can read the facts and identify the contractual issues which cover the events mentioned in the facts.
- Technical and practical presentations by international ICC Arbitration experts.
- Debate among participants and speakers during interactive plenary sessions.

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DRAFTING ENFORCEABLE AWARDS

Kiev, 12 September 2019

PROGRAMME

Chair of the training:

Davor Babić, Full Professor, University of Zagreb, Faculty of Law, Croatia; Member, ICC International Court of Arbitration

12:30 - 13.00 *Registration and welcome coffee*

13.00 – 13.15 **Welcoming address, introduction and presentation of the ICC Institute of World Business Law**

- **Davor Babić**, Full Professor, University of Zagreb, Faculty of Law, Croatia ; Member, ICC International Court of Arbitration

13.15 - 13.45 **Drafting an arbitral award: which drafting style?**

Participants will receive first-hand guidelines and knowledge on best practices pertaining to award legal drafting styles. How legal systems and traditions can influence drafting techniques, the different approaches in civil and common law. How to improve the quality of the award, by getting away from the “copy and paste” drafting style, to properly reflect the reasons behind the arbitral decision, identifying how much “reasoning” is necessary to render a fully convincing award and secure its enforceability.

- **Davor Babić**, Full Professor, University of Zagreb, Faculty of Law, Croatia ; Member, ICC International Court of Arbitration

13.45 – 14.00 Discussion

14.00 - 14.30 **Drafting an arbitral award: spotlight on specific issues**

This session will focus on particular sections of the award which often present difficulties and challenges in particular:

- (1) Jurisdiction and applicable law
- (2) Damages
- (3) Auxiliary remedies: interest and costs

Speakers

- **Markiyan Kliuchkovskiy**, Partner, Asters, Ukraine; Member, Organizing Committee, Kyiv Arbitration Days
- **Cornel Popa**, Partner, Țuca Zbârcea & Asociații, Romania, Member, ICC Institute of World Business Law

14.30 – 14.50 Discussion

14.50 - 15.10 **Introduction to scrutiny of the award by the ICC International Court of Arbitration (ICC Court)**

Participants will gain a deeper insight into a distinctive feature of ICC arbitration, the ICC Court’s scrutiny of all draft awards. An ICC representative will share his/her expertise on the ICC Court scrutiny process, the different levels of review, the assistance and tools provided by the Secretariat of the Court, such as the “ICC Award Checklist”, to help arbitral tribunals, although respecting their liberty of decision, draft more legally effective awards.

- **Ziva Filipic**, Managing Counsel, ICC International Court of Arbitration, Paris

15.10 - 15.30 Discussion

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15.30 – 15.45 *Coffee break*

15.45 - 16.45 **Working groups: draft award review before scrutiny by the ICC Court**

Participants will be given the opportunity to study a draft award, in the conditions in which a draft award would be reviewed before scrutiny by the ICC Court. Each working group will be responsible for reviewing the draft award and will make its comments as if it were a Counsel of the Secretariat of the ICC Court.

- **Ziva Filipic**
- **Sergii Melnyk**, Deputy Counsel, ICC International Court of Arbitration, Paris

16.45 - 17.15 **Mock Court session: scrutiny of the award by the ICC Court and debate**

This is an opportunity for participants to witness the type of discussions that are held between members of the ICC Court and representatives of the Secretariat when reviewing a draft award. The parties to this mock court session will debate on the draft award reviewed by the working groups.

- **Davor Babić**
- **Maria Kostytska**, Partner, Winston & Strawn, France; Member, ICC International Court of Arbitration
- **Olena Perepelynska**, Partner and Head of CIS Arbitration practice, INTEGRITES, Ukraine; President, Ukrainian Arbitration Association; Member, ICC International Court of Arbitration
- **Ziva Filipic**
- **Sergii Melnyk**

17.15 - 17.30 **Concluding remarks**

- **Davor Babić**
- **Ziva Filipic**

17.30 - 18.30 *Cocktail reception*

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SPEAKERS

Davor Babić

Full Professor, University of Zagreb, Faculty of Law, Croatia; Member, ICC International Court of Arbitration

Ziva Filipic

Managing Counsel, ICC International Court of Arbitration, Paris

Markiyani Kliuchkovskiy

Partner, Asters, Ukraine; Member, Organizing Committee, Kyiv Arbitration Days

Maria Kostytska

Partner, Winston & Strawn, France; Member, ICC International Court of Arbitration

Sergii Melnyk

Deputy Counsel, ICC International Court of Arbitration, Paris

Olena Perepelynska

Partner and Head of CIS Arbitration practice, INTEGRITES, Ukraine; President, Ukrainian Arbitration Association; Member, ICC International Court of Arbitration

Cornel Popa

Partner, Ţuca Zbârcea & AsociaŢii, Romania, Member, ICC Institute of World Business Law

LOGISTICS AND REGISTRATION

Venue: Asters - Bohdana Khmel'nyts'koho St, 19-21, Kyiv – Leonardo business center, 14th floor
<https://www.asterslaw.com/contacts/>

Working language: English

Contact:

On how to register and programme, please contact **Ms Ileana Delattre** at ileana.delattre@iccwbo.org
On logistics on site please contact **Ms Liliya Yanovska** at marketing@asterslaw.com

Registration fee: 100€ - The fee includes working papers, coffee break, and the cocktail reception.

Travel and accommodation: Travel and hotel expenses are not included. Participants are responsible for making their own travel arrangements and hotel reservations.

Cancellation policy: The registration fee will be refunded if notice of cancellation is received in writing before 5 September 2019. Please be informed that any cancellation will incur a fee of €6 + 2.75% of the registration fee which must be covered by the participant. Subject to agreement from the Organising Committee prior to the event, the registration may be transferred to another person from the same company or organization at no extra charge. Updated registration information will be required.

Please note that ICC International Court of Arbitration 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 and ICC International Court of Arbitration will not, however, be held responsible for any related expense incurred by the participant.