

## PROGRAM

# 2018 ICC BRAZILIAN ARBITRATION DAY

## Sao Paulo, Brazil. 13 March 2018 (9:00-17:30)

### Venue

#### ICC Brasil Headquarters

Rua Surubim, 504 - 9º andar, Brooklyn Novo, Sao Paulo, Brazil.

### Highlights of the event

The 7th edition of the annual conference **ICC BRAZILIAN ARBITRATION DAY**, co-organized by the ICC International Court of Arbitration and ICC Brasil, will bring together world-class arbitration experts to give an overview of the most recent developments and hot topics in international arbitration.

**Alexis Mourre**, President of the ICC Court will participate in this conference and **Ana Serra e Moura**, Deputy Secretary General of the ICC Court, as well as current Members of the ICC Court and its Secretariat, and international and Brazilian arbitration practitioners.

The panel discussions will emphasize on topics related to Brazilian Arbitration & ADR updates, construction disputes and how to manage complex cases, enforcement of Dispute Adjudication Boards decisions by arbitral tribunals, enforcement of the “carta arbitral” and the future of the development of arbitration in the region, among others.

### Who should attend?

Practicing lawyers, corporate counsels, in-house counsels, arbitrators and other dispute resolution services practitioners, academics and professionals involved and/or interested in obtaining further knowledge and keep up to date with domestic and international arbitration in Brazil and The Americas.

### Registration Fees

**ICC Members:** 625 Brazilian Reals

**Non ICC Members:** 780 Brazilian Reals

**Students:** 440 Brazilian Reals

### Registration or for further information

To register, please send an email to [brazilianarbitrationday2018@confirmar.com.br](mailto:brazilianarbitrationday2018@confirmar.com.br) or call: +55 21 2227-8665.

Co-organized by: the ICC International Court of Arbitration and ICC Brasil



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**8:30 – 9:00**      **Registration of Participants**

**9:00 – 9:15**      **Welcome Address**

**Daniel Feffer**, Chair of ICC Brasil (Sao Paulo)

**Marcelo Ferro**, Chair of the Commission on Arbitration and Mediation of ICC Brasil; Ferro Castro Neves Daltro & Gomide Advogados (Rio de Janeiro)

**9:15 – 9:35**      **Keynote Speech**

**Alexis Mourre**, President of the ICC International Court of Arbitration (Paris)

**9:35 – 10:00**      **Interview**

**José Emilio Nunes Pinto**, Vice-President of the ICC International Court of Arbitration; José Emilio Nunes Pinto Advogados (Sao Paulo)

*Interviewed by:*

**Eduardo Damião Gonçalves**, Mattos Filho, Veiga Filho, Marrey Jr. e Quiroga Advogados (Sao Paulo)

**10:00 – 11:00**      **Roundtable on Arbitration & ADR Updates: Case Law**

- "Conflito de competência 139.519-RJ" (ANP vs. Petrobrás)
  - Kompetenz-Kompetenz and arbitrability
- Art. 2, paragraph 3 of the Brazilian Arbitration Act
  - What is the purpose and was it achieved?
  - How to comply with it in practice?
  - Is there a risk of excessive publicity?
  - Can parties limit the publicity?
- Two years of the Mediation Law - Where are we?
- Ometto vs. Abengoa

*Speakers:*

**Nadia De Araujo**, Nadia de Araujo Advogados (Rio de Janeiro)

**Renato Grion**, Pinheiro Neto Advogados (Sao Paulo)

**Celeste Leite dos Santos**, State Prosecutor for the State of Sao Paulo (Sao Paulo)

**Carlo Lima Verona**, Demarest Advogados (Sao Paulo)

*Moderator:*

**Ana Serra e Moura**, Deputy Secretary General of the ICC International Court of Arbitration (Paris)

**11:00 – 11:15**      **Q & A Session**

**11:15 – 11:45**      **Coffee Break**

**11:45 – 13:15**      **Oil & Gas Disputes: International Practices and Regional Perspectives**

**In Africa**

**Rui Andrade**, Vieira de Almeida & Associados (Lisbon)

**In Brazil**

**Fabício Zaluski**, PetroRío, S.A. (Rio de Janeiro)

**In Europe and in the United States of America**

**Eduardo Silva Romero**, Vice-President of the ICC Commission on Arbitration & ADR; Dechert LLP (Paris)

**In Latin America**

**José Ricardo Feris**, Squire Patton Boggs (Paris)

**In Middle East**

**Dany Khayat**, Mayer Brown (Paris)

*Moderator:*

**María Inés Sola**, Pan American Energy (Buenos Aires)

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**13:15 – 13:30**      **Q & A Session**

**13:30 – 14:30**      **Lunch Break**

**14:30 – 15:30**      **Controlling Arbitral Decisions**

- Setting aside - Are Brazilian judges going too far?
- Enforcement of the "Carta Arbitral"
  - What is the legal regime?
  - Is there a control?
  - Are judges complying with it?
- Recognition of foreign awards
  - Role and duties of the STJ
  - Intensity of control of public order
  - What is public order? National or international public order?
  - The limited role played by the New York Convention
- *Recours de Revision*: the French perspective

*Speakers:*

**Eliane Carvalho**, Machado Meyer (Sao Paulo)

**Julien Fouret**, Betto Seraglini International Dispute Resolution (Paris)

**João Bosco Lee**, Member of the ICC International Court of Arbitration in representation of Brazil; Lee Taube Gabardo (Curitiba)

**Giovanni Ettore Nanni**, Nanni Advogados (Sao Paulo)

*Moderator:*

**Erika Levin**, Lewis Baach Kaufmann Middlemiss PLLC (New York)

**15:30 – 15:45**      **Q & A Session**

**15:45 – 16:00**      **Coffee Break**

**16:00 - 17:00**      **Industry related Disputes: Realities and Limitations**

- The construction industry in Brazil - Is there a place for model contracts? Where could there be progress?
- Enforcement of Dispute Adjudication Board decisions by arbitral tribunals
- How counsel should manage complex disputes?
  - How to develop a winning strategy?
  - Dealing with a large number of claims
- Coordinating parallel procedures – Industry related disputes and the work of the in-house counsel

*Speakers:*

**Karl Hennessee**, Senior Vice-President, Head of Litigation & Investigations of Airbus Group Legal & Compliance (Paris)

**Fernando Marcondes**, L.O. Baptista Advogados (Sao Paulo)

**Gustavo Scheffer Da Silveira**, Counsel of the ICC International Court of Arbitration (Sao Paulo)

**Ana Carolina Simões e Silva**, Hogan Lovells (Paris)

*Moderator:*

**Mónica Jiménez**, Secretary General of Ecopetrol, S.A. (Bogotá)

**17:00 – 17:15**      **Q & A Session**

**17:15 – 17:30**      **Closing Remarks**

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