



Programme

Day 1

08:45 — 09:45 Registration and morning coffee

09:45 — 09:55 Opening and welcome

Dr hab. Beata Gessel-Kalinowska vel Kalisz, prof. INP PAN
GESSEL, ICC Poland President, Poland

Rafał Morek
Vice President, ICC Poland, Poland

09:55 — 10:10 Opening Address

Claudia T. Salomon
President, ICC International Court of Arbitration, France

10:10 — 11:45 Session I Hot topics in M&A transactions

- M&A arbitration around the world: what's making headlines
- Key developments, emerging trends & risks
- The most remarkable deals of the past two years

Introduction:

Monika Nachyła
Independent Supervisory, Board Member, Investor, Poland

Moderator:

Iuliana Iancu
Hanotiau Tossens Goldman, Belgium

Panellists:

Sara Koleilat-Aranjo
Morgan, Lewis & Bockius LLP, United Arab Emirates

Dr Anke Sessler

11:45 — 12:30

Keynote address

Gabrielle Kaufmann-Kohler interviewed by Beata Gessel-Kalinowska vel Kalisz

Prof. Gabrielle Kaufmann-Kohler
LKK Arbitration, Switzerland

12:30 — 13:30

Lunch

13:30 — 13:50

Case study

13:50 — 14:55

Session II Experts speak numbers, arbitrators speak law: decoding the language of quantum in M&A disputes by arbitrators

- The nuances of legal reasoning
- The rationale of causation principle
- The art of probabilities in asset /cash flow based valuations

Moderator:

Dr hab. Niels Schiersing, LLD
Arbitration Chambers, UK

Panellists:

Diana Akikol
Partner, Walder Wyss Ltd., Switzerland

Luis Capiel
Arias SLP, Spain

Emilia Onyema
SOAS University of London, UK

14:55 — 15:30

Coffee break

15:30 — 16:45

Session III The hidden ally: state courts' support in M&A arbitrations

- Support in witness examination
- Support in document production
- The challenges of common law and continental law systems

Moderator:

Vladimir Pavic

University of Belgrade Faculty of Law, Serbia

Panellists:

Piotr Bytnarowicz

Byarb, Poland

Mark Pelling KC

International Arbitrator and Judge in the DIFC Court, UK

16:45 — 17:05 Case study

17:05 — 17:15 Closing remarks

19:30 Gala dinner

Day 2

09:00 — 09:30 Registration and morning coffee

09:30 — 09:40 Opening and welcome

09:40 — 10:00 Session I Ore - Introduction into Ukraine-United States mineral resources agreement

Maria Kostytska

Winston & Strawn, France

10:00 — 11:15 Session II Drill - the technical experts panel

- The differences between public disclosure (i.e., NI 43-101 and JORC) and valuation (i.e., CIMVAL or VALMIN)
- The level of study of mining projects
- Understanding the key technical risks of mining projects (Geological, Geotechnical, Mine Planning, Construction and Mine Startup Timing, Initial and Replacement Capital Costs, Operating Costs, and Market)
- The pros and cons of site-visits
- Should all mineral reserves and mineral resources on a mineral property be considered in the valuation of the mineral property?

Moderator:

Marcin Kałduński

Panellists:

Dennis N. Kostic

Weir International, Inc., USA

Richard J. Lambert, P.Eng., P.E.

President, Lucky Peak Consulting, USA

Ian Weir, P.Eng.

SLR Consulting, Canada

11:15 — 11:45 Coffee break

11:45 — 13:15 Session III Evaluate - the economic experts panel

- From asset-based to cash-flow-based valuations
- Does 'massive' mean 'excessive'?
- The future of reparations in the light of Uncitral WG III proposals
- Reparations in case of non-going concern — between exploration and exploitation licence

Moderator:

Dr hab. Beata Gessel-Kalinowska vel Kalisz, prof. INP PAN

GESSEL, ICC Poland President, Poland

Panellists:

Florin Dorobantu

The Brattle Group, USA

Daniel Flores

Quadrant Economics, USA

Pablo T. Spiller

BRG, USA

Jessica Resch

Analysis Group, UK

13:15 — 14:30 Session IV Arbitrate – the legal experts panel

- Mining as the frontline of the legitimacy crisis in investment arbitration
- Legal licence without social licence: state failure or investor miscalculation?
- ESG and investor conduct: an emerging factor in arbitral reasoning
- Are traditional BIT standards fit for purpose in mining-related disputes?
- Remedies and risk management: the future role of ISDS in the mining

sector

Moderator:

Jaroslav Kudrna

Ministry of Finance of the Czech Republic, Czech Republic

Panellists:

Diego B. Gosis

GST LLP, USA

Margie-Lys Jaime

Ministry of Economy and Finances of the Republic of Panama, Panama

Maria Chiara Malaguti

PedersoliGattai, Italy

14:30 — 14:45 **Closing remarks**

14:45 — 16:00 **Flute of champagne**