This year marks 30 years since the inception of C5 Group. It is time to match our brand with the dynamic strides we have made. See inside for details...

UPSTREAM OIL & GAS DISPUTES

24-25 January 2017 | The Kensington Close Hotel, London

Join an exceptional line up of top international energy and disputes lawyers, arbitration experts, industry in-house counsel, barristers and litigation experts for advanced insight and discussions on:

- Decommissioning liability
- A focus on upstream construction and drilling disputes
- The impact of insolvency – What can you do under your agreement?
- Best practice for legal and technical preparations when bringing a claim
- Application and analysis of Force Majeure clauses
- Joint operating disputes
- Strategy planning and “future proofing”

Maximise your learning by attending our exclusive Workshop:

A DEEP DIVE INTO THE ENERGY CHARTER TREATY – Increase Protection of your Energy Investments

Sponsored by

Register Now | +44 (0) 20 7878 6888 | C5-Online.com/OGDisputes
Dear Colleague

The continuing erratic nature of the market has forced oil and gas companies, contractors and connected parties to adapt their businesses and their strategies. The potential for disputes in the upstream sector has increased significantly as parties seek to secure their positions, adopt new strategies and plan for the future. With huge sums of money involved, the stakes are high and an understanding of how to resolve key challenges with the best dispute resolution options has rarely been more important.

Bringing together a senior level audience of in-house counsel from oil and gas companies and contractors as well as their expert advisors, this conference will focus on common areas of disputes and what tactics parties can use to mitigate damage and liability.

Join C5’s Upstream Oil and Gas Disputes conference to hear insight analysis, discussion and solutions for pre-empting and dealing with the heightened risks of exposure to disputes. Attend to learn:

How best to:
- Respond to the disputes environment
- Assess your options when facing an insolvency situation in the supply chain
- Devise internal strategies for preventing disputes

Effectively deal with the challenges of:
- Joint operating disputes
- Decommissioning liability
- Construction and drilling disputes

Benchmark your approach when:
- Preparing for claims
- Relying on force majeure clauses
- Navigating through international law issues

Take advantage of our exclusive conference and learn from the experts as they advise on the best practice approaches to minimising exposure to sources of disputes environment in an erratic climate.

We look forward to welcoming you at the conference.

Sarah Porch
Senior Conference Producer
C5 Communications
+44 20 7878 6897 | s.porch@C5-Online.com
8:00 Registration and Coffee

PRE CONFERENCE MASTERCLASS

08:00 – 10:00

A Deep Dive into the Energy Charter Treaty
Increase Protection of your Energy Investments

In the aftermath of Yucos and the ongoing suppression of oil prices, the energy market remains volatile and project structuring is riskier than ever. Whether you are about to start new projects in the energy sector or are concerned your existing project structuring is not as effective as it could be, join our highly practical and in depth masterclass to learn how to settle disputes and reduce your commercial risk when investing in the energy market.

This masterclass is designed to be participative throughout. The agenda will combine key formal presentations, case studies and syndicated discussion sessions. There will be ample opportunity for delegates to benchmark experiences with industry peers and raise issues of most concern to their organisation, either confidentially or in open session.

Attending this workshop will enable you to:

› Understand how to use the Treaty from the outset to structure projects in the most effective and optimal manner
› Acquire an appreciation of how disputes can be settled using the Energy Charter Treaty
› Learn about the workings of arbitration under the Treaty when resolving disputes including investor-state arbitration and inter-state arbitration
› Identify specific situations when you can invoke it in order to protect your investments
› Benefit from knowing when you can rely on the Treaty in contentious situations
› Understand when and how you could benefit from better protection when drafting contracts

Masterclass Leader

Alejandro Carballo Leyda
General Counsel
Energy Charter Secretariat

Dr Alejandro Carballo (LLB with Economics, Certificate on international conflicts, LLM, European PhD in international law, Harvard Program on Negotiation) is the current General Counsel of the International Energy Charter. Alejandro is in charge of the discussions regarding modernisation and improvement of ECT dispute settlement mechanisms. Under his guidance, the Energy Charter Conference has endorsed a Guide on investment mediation (drafted with support of the IMI, ICSID, SCC, ICC, PCA and UNCITRAL), an amendment to the transit conciliation rules (with a commentary) and is discussing the current application of the standards of investment protection. The Secretariat is also successfully promoting its good offices in relation to energy disputes.

Previously, he worked for an international law firm where he advised states and private clients on a wide range of public international law issues. Alejandro has been a Visiting Fellow at the University of Cambridge and lectured in Public International Law. He was a member of the Executive Council of the American Society of International Law, and participated in the working groups of UNIDROIT Principles of International Commercial Contracts and the Hague Conference Principles on Choice of Law in international contracts.

MAIN CONFERENCE

10:10 Opening Remarks from the Chair

10:15 How Has the Disputes Environment Changed in the Current Financial Climate?

Paula Hodges QC
Partner
Herbert Smith Freehills

Liz Bossley
CEO and Energy Trading Consultant
Consilience Energy Advisory Group

Consilience Energy Advisory Group

• What kind of challenges are we now facing?
• Deferment of projects already conceived or tendered
• Suspension of projects let or commenced
• Deliberate slowing down of let projects
• How to deal with reluctance of OIC’s to allow contract amendments even where they are due
• Taxation increases
• Service contract disputes
• How to deal with refusals to extend the works or increase budgets where necessary
• How are people responding?• Fighting the cost and time implications of changes or delayed events
• Taking disputes to third party settlement rather than settling face to face
• Better negotiating
• How to move forward in a choppy landscape

11:00 Morning Refreshments


Scott Vesel
Barrister
Three Crowns

• Consideration of pressures on the relationship in the current climate
• Liquidity issues
• Pressure to discount on current contracts
• Distressed sales
• Market response
• Legal restrictions under the contract and on the parties
• What options are available and proving to be effective?
• Advanced asset tracing
• Understanding where your opponent is based and their true position
• Consideration of disputes in national courts
• Restructuring options
• What is the driver for the best approach to restructuring your business?
• How is “contentious restructuring” working in practice?

CONFERENCE ON DEMAND

Can’t take time out of the office? View the conference from the convenience of your home or office. Save money on travel and view the conference according to your own schedule. This Conference recording allows you to view all the authorised sessions and handouts. The recorded archives of the presentations will be available for you to view after the conference, so you can re-watch sessions, or view any sessions you may have missed.
12:15 Decommissioning Liability – A Growing Concern

Terry Kimber
Director
The Decommissioning Group

Ben Holland
Partner
Patton Boggs

1. What are the standard decommissioning legal obligations under English law?
2. Why is early decommissioning becoming such a problem?
   - Security spread over shorter timeframe
   - Serious funding challenges
   - Increasing number of disputes over amount of security set aside
   - Disputes over how funds are calculated
   - How to ensure there is sufficient security set aside to cover the liabilities
   - Guidance on strengthening your position in these circumstances

13:00 Networking Lunch

14:15 The Difficulties of Marshalling the Evidence: Best Practise for Legal and Technical Preparations When Bringing a Claim

Gervaise McGregor
Director
BDO

Ben Giaretta
Partner and Chartered Arbitrator
Ashurst

1. Presentation of quantum evidence (to include all reporting matters)
2. The importance of the model
3. Rules for model design
4. Transparency of inputs
5. Interaction with technical experts
6. Agreement of models by experts
7. Adjusting models for rulings by the Tribunal
8. What happens when the rules are not adhered to?

15:15 The Perennial Dispute: Has the Nature of Joint Operating Disputes Changed?

Ted Greeno
Partner
Quinn Emmanuel, Urquhart & Sullivan

How has the drop in oil prices impacted on the types of JOA disputes we are seeing?

1. Same old disputes or a new disputes environment?
2. What are the most pressing sources of contention?
   - Payment for marginal costs being squeezed
   - Intentional slowdown of activity by the parties
   - Slowdown in M&A activity generally
   - Ongoing issues around farm in and farm outs
   - How are defaults being dealt with in reality if they can’t be remedied in the required time limits?

16:00 Afternoon Refreshments

MEDIA Partners

16:20 Application and Analysis of Force Majeure Clauses

Professor Peter Griffin
Senior Adviser and Counsel
White & Case

Michael Ashcroft QC
Barister
20 Essex St

1. Analysis of Force Majeure in the context of the drop and sustained lowering of oil prices
2. Applicable law – how the drafting of your clause could impact on your position
   - Governing law position
   - What if no stipulated law?
   - Combined clause incorporating stipulated governing law and principles of international law
3. Force majeure events
   - What should be included in which situations?
   - Can you negotiate over drafting and use the clause more effectively?
   - Establishing causality
   - Arbitration perspective
   - What will be relevant if a dispute goes to tribunal

17:05 Project Finance in the Oil and Gas Industry – How is this Changing in light of the Oil Price Drop?

Marc Hammerson
Partner
Akin Gump

1. How financial re-profiling of projects is causing friction in the current climate
2. Dispute triggers
3. Role of the banks
4. Who is winning and losing in the oil market?
5. Are the main players still buying and selling?
6. What kind of deals are still being done?
7. Predicting where the market is heading

17:45 Chair’s Closing Remarks

17.50 End of Day 1
8:30 Registration and Coffee

9:00 Opening Remarks from the Chair

9:10 Upstream Construction Disputes

Lionel Persey
Barrister QC
Quadrant Chambers

Will Marshall
Partner
Ince & Co

Shareena Edmonds
Partner
Reed Smith

- Common causes of construction disputes in the current climate
  - Cancellation of ordered equipment
  - Delayed acceptance
  - Delayed payment
  - Non payment
  - Who is ultimately responsible?
  - Recent cases
  - How to anticipate and prevent construction disputes
  - What kind of provisions can go into the contract to protect your position?

10:10 Disputes over Drilling Contracts

Nigel Cooper
Barrister QC
Quadrant Chambers

James Doe
Partner
Herbert Smith Freehills

- Current market impact on drilling companies
- Where are drilling disputes coming from?
  - Squeezing on day rates
  - Delays
  - Failure to drill wells correctly
  - Risk allocation provisions
  - Remuneration in your contract
  - Analysis of recent cases
  - How are these being resolved?

11:00 Morning Refreshments

11:30 International Law and State Immunity – How to Get More than a Pyrrhic Victory

Professor Kaj Hobor
Arbitrator
3 Verulam Buildings

Darya Shirokova
Counsel
International Court of Arbitration

Graham Coop
Partner
Volterra Fietta

- The nature of State immunity and the impact on:
  - Court action
  - Enforcement
  - Yukos Case
- If you win your dispute you may still not be able to enforce – what are your options?
- Enforcing awards around the world
- How to improve your position
  - Waivers of immunity clauses incorporated into contracts
- Obstacles to this – negotiating State agreement
- Adopt a realistic approach to potential disputes

12:30 Networking Lunch

14:00 THE VIEW FROM IN-HOUSE: AN INSIDE PERSPECTIVE ON THE CURRENT UPSTREAM DISPUTES LANDSCAPE

Listen to our distinguished senior in-house panel share their insight and experience of the upstream disputes landscape and how they see it developing.

Daniele Novello
Head of Legal and Corporate Affairs
Total Italia

Chris Brierly
Legal Counsel for Dispute Resolution
BP

15:00 Impact of the M&A Slowdown on the Disputes Environment

Peter Knight
Partner
Bird & Bird

- New driver for both buyers and sellers in the market
  - How is the market responding on the M&A front?
  - Downsizing and asset selling
  - Potential for new opportunities for asset purchase if blocked capital is released
  - New parties looking to enter and invest in the sector

15:45 Is it Possible to Avoid Disputes in the Current Climate? Strategy Planning and “Future Proofing”

Andy Moody
Partner
Baker & McKenzie

Joe Tirado
Partner
Garrigues

- Future trends - where is the market going commercially?
- How will sustained lower oil prices bode for potential disputes and those already happening?
- Traditional methods of resolution
  - Arbitration or litigation?
- Are alternatives being used in the current crisis?
- How can you strategically time your claims to be in the best position?
- Jurisdictions to choose – is forum shopping beneficial?
- How to make your contract as watertight as possible and improve your position

16:30 Chair’s Closing Remarks

16:40 End of Conference

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