

## 25th Conference of the German International Construction Law Committee (Arbeitskreis Internationales Baurecht)

Thursday, 11 May 2023, 12:00 p.m. – 6:00 p.m. CEST, Online + Berlin

### Earthquake-Resistant Construction: Can good contracts mitigate the effects of earthquakes?

Special focus: Project financing and its impact on the design of construction and plant engineering contracts using the example of earthquake-resistant construction

**PROGRAM** (times refer to German time / CEST, Central European Summer Time)

11:30 a.m. **Virtual arrival**

12:00 p.m. **Words of welcome and organizational matters**

Dr. Jan-Bertram Hillig, Dr. Oliver Koos, Tobias Voigt, Dr. Jörn Zons  
(all AK chairmen), Liliane Allgeyer (GSK Stockmann, Berlin)

12:10 p.m. **Welcoming address**

Heiko Maas (GSK Stockmann, Berlin, former German Federal Minister for Foreign Affairs)

12:15 p.m. **Earthquake-adapted Construction**

Prof. Dr.-Ing. habil. Norbert Gebbeken (University of the Bundeswehr Munich)

01:00 p.m. **Preventive Measures against the Hazards of Earthquakes – Lessons Learned by an EPC Contractor**

Peter Simoneit (ANDRITZ Metals Germany, Hemer)

01:45 p.m. **Earthquake-Resistant Construction from a (Re) Insurance Perspective**

Wilhelm Morales Avilés (Munich Re, Munich)

02:15 p.m. 15 minutes break

02:30 p.m. **KfW's Infrastructure Financing in Earthquake-Prone Regions and the Istanbul Seismic Risk Mitigation and Emergency Preparedness Project (ISMEP)**

Irina Smajlbegovic (KfW Development Bank, Frankfurt) and Yalçın Kaya (ISMEP, Istanbul)

03:15 p.m. **Best Practices for Legal Compliance and Contractual Risk Management in Seismic Zones – the Example of Türkiye**

Yeşim Bezen (Bezen & Partners, Istanbul)

04:00 p.m. 30 minutes break

04:30 p.m. **Earthquakes: Legal Framework and Contractual Practices – The Chilean Experience**

Víctor Ríos Salas (Molina Rios Abogados, Santiago de Chile)

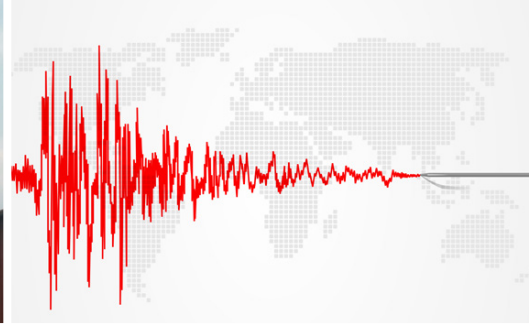
05:15 p.m. **A Lawyer's Practical Guide to Earthquakes and Managing Seismic Risk – The California Perspective**

Wayne Kalayjian (Secretariat, Los Angeles)

06:00 p.m. **Closing remarks and virtual get-together**

Closing remarks by Liliane Allgeyer and AK chairmen Dr. Jan-Bertram Hillig, Dr. Oliver Koos, Tobias Voigt and Dr. Jörn Zons

With a welcoming  
address  
by Heiko Maas,  
GSK Stockmann,  
former German  
Federal Minister for  
Foreign Affairs



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The earthquakes in Türkiye and Syria in February 2023 caused devastating damage to hundreds of thousands of buildings, many of which collapsed like houses of cards. As a result, more than 50,000 people lost their lives. Against the backdrop of these terrible events, the 25th Conference of the German International Construction Law Committee (AK Intern. Baurecht) on 11 May 2023 will be dedicated to Earthquake-Resistant Construction: German and international experts will discuss the possibilities to protect both lives and business interests in seismic zones. For this purpose, lawyers and claim experts will discuss the features of good earthquake-resistant construction contracts and engineers will provide insights into the technical principles of earthquake-resistant construction. In addition, a representative from Munich Re will explain the insurers' perspective. Finally, the Conference will look into project financing regarding earthquake-resistant construction, with insights shared by a representative from the German development bank KfW.

**TIME:** Thursday, 11 May 2023, 12:00 p.m. – 06:00 p.m. CEST

**LOCATION:** Online as well as at GSK Stockmann, Mohrenstr. 42 in 10117 Berlin

Hybrid event: In the online registration process you will be asked to indicate whether you would like to participate online or in presence.

In Berlin: For the physical well-being will be provided: drinks, cake and snacks.

Online: Via Teams; the link for the event will be sent out a few days in advance.

Register now:

<https://arge-baurecht.com/veranstaltungen/ak-internationales-baurecht/anmeldung-ak-25>

**CPD:** Certificate of attendance possible (generally recognised according to § 15 German FAO, subject to decision by the Bar Association)

**COST:** None

**CONFERENCE MODERATOR:** Dr. Jan-Bertram Hillig

**CONFERENCE PROGRAMME RESPONSIBLE:** Dr. Jan-Bertram Hillig and Liliane Allgeyer

### REGISTRATION MATTERS:

Marita Grabosch

Phone: +49 30 203907-7596

E-mail: [ak-international@arge-baurecht.com](mailto:ak-international@arge-baurecht.com)

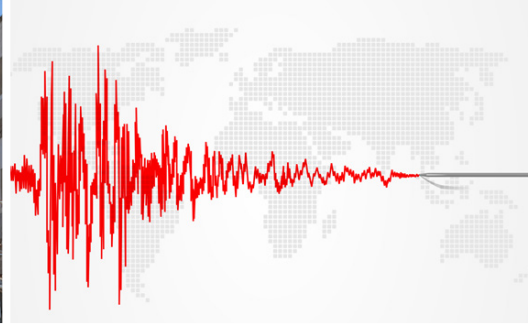
or [marita.grabosch@gsk.de](mailto:marita.grabosch@gsk.de)

### WEBINAR ORGANIZATION:

TP Deutschland GmbH

Phone: +49 30 64905333

E-mail: [mail@tagungspartner.de](mailto:mail@tagungspartner.de)



## 25th Conference of the German International Construction Law Committee (Arbeitskreis Internationales Baurecht)

### REGARDING THE CONFERENCE:

- The Conference will take place in hybrid format. You can participate in Berlin or online.
- All participants will receive (after their registration) a link to the event in due time before 11.05.2023.
- Please feel **free** to pass this invitation on to **colleagues** and lawyer friends who might be interested in the topics of the German International Construction Law Committee.
- Registration is possible until the beginning of the event.

The conferences organized by the German International Construction Law Committee take place every six months (as a rule on the **Thursday** before the conference of ARGE Baurecht).

### GUEST OF HONOUR / WELCOMING ADDRESS



**HEIKO MAAS** is a partner of GSK Stockmann, Berlin. He in particular advises clients subject to government regulation. Before joining GSK in 2023, Heiko had a long career in German politics: He was Federal Minister for Foreign Affairs (2018 to 2021), Federal Minister of Justice (2013 to 2018) and he served for 20 years on the Executive Committee of the Social Democratic Party (SPD). His clients therefore benefit from his wealth of experience in shaping transformation processes in business and society.

### RESPONSIBLE FOR CONFERENCE PROGRAMME (together with Dr. Jan-Bertram A. Hillig)

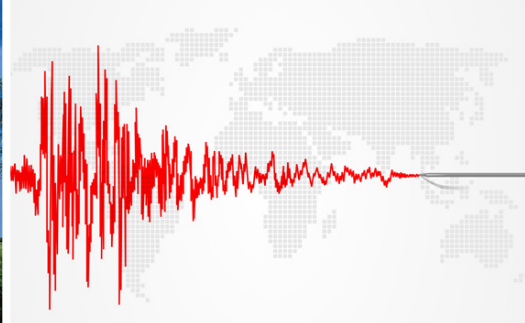


**LILIANE ALLGEYER** is a research associate at GSK Stockmann, Berlin, in the areas of money laundering prevention, construction and real estate law. After studying law at Humboldt University in Berlin with a focus on international criminal and public international law, Liliane passed her first state examination in 2022. She worked for several years in a Berlin boutique law firm for construction and real estate law while studying. In 2022, Liliane began studying political science at the Otto Suhr Institute of the Free University of Berlin.





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## 25th Conference of the German International Construction Law Committee (Arbeitskreis Internationales Baurecht)

*On the pictures above: Plant from ANDRITZ Metals Germany – installed around the world, including in earthquake-prone regions.*

### SPEAKERS AT THE CONFERENCE WITH ABSTRACTS



Prof. **NORBERT GEBBEKEN**, University of the Bundeswehr Munich, is specialized on structural civil protection against natural hazards, crime and military conflicts. He founded the RISK (Risk, Infrastructure, Security and Conflict) research center and the BauProtect research group. As a professor of structural engineering, test engineer for stability and President of the Bavarian Chamber of Civil Engineers, Norbert has tested the earthquake resistance of many facilities worldwide (including buildings of the Federal Republic of Germany and the UN).

#### **ABSTRACT: Earthquake-adapted Construction**

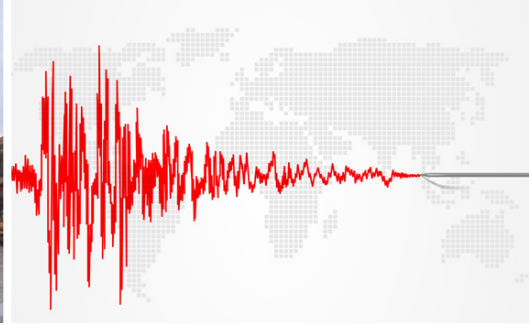
Since Germany is a country only slightly prone to earthquakes, earthquake-resistant building is not so well known in Germany. However, Germany has about 450 properties abroad, some of which are located in earthquake zones. Against this background, Norbert Gebbeken will talk about seismic basics, as well as basics of design, construction and legal aspects of tendering and contracting. In particular, he will elaborate on the forthcoming changes to the national German annex to the Eurocode 8 earthquake standard: The earthquake zones will be significantly expanded and the earthquake loads will be doubled. Thus, the topic gets a special relevance.



**PETER SIMONEIT** is a contract and claim manager at ANDRITZ Metals Germany, Hemer, responsible for global large capital EPC projects. In the course of his career, he worked in various positions in turnkey construction, mechanical engineering and industrial plant construction projects. Peter is a certified EUR ING (ENGINEERS EUROPE), a Fellow of the Institute of Construction Claim Practitioners (ICCP) and a lecturer at Leuphana University Lüneburg for FIDIC Claimsmanship Procedures.

#### **ABSTRACT: Preventive Measures against the Hazards of Earthquakes – Lessons Learned by an EPC Contractor**

The Tiny Contract Provision that Shook the Ground: How an Earthquake Clause Created Cost and Time Implications Executing an EPC-Contract. Peter Simoneit will discuss the implication of an overlooked earthquake clause during tendering stage in light of a project in the US. Challenges and consequences of neglecting critical provisions will be partly explored, emphasizing the need for diligent contract drafting. The presented case study also highlights the importance of stakeholder collaboration to mitigate risks associated with earthquake prevention measures. Insights will be shared into the complexity surrounding earthquake related clauses and their impact on projects outcome and financial results.



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### SPEAKERS AT THE CONFERENCE WITH ABSTRACTS



**WILHELM MORALES AVILÉS** is a Natural Catastrophe (NatCat) Consultant in Munich Re, Munich. During the last years (+15) by working in MunichRe and other companies, he has been developing probabilistic earthquake models, performing seismic hazard analysis and seismic structural design for different types of facilities and economic sectors worldwide. He is currently assessing property single risks from NatCat, and evaluating mitigation measurements for reducing the impact of diverse natural perils on Munich Re's customers.

#### ABSTRACT: Earthquake-Resistant Construction from a (Re) Insurance Perspective

Munich Re Group (MR) is one of the world's leading risk carriers with more than 140 years of risk-related expertise. MR covers the entire value chain of reinsurance, primary insurance, insurance related services and capital market solutions, playing a key role in addressing and insuring earthquake and climate risks to make the world more resilient.

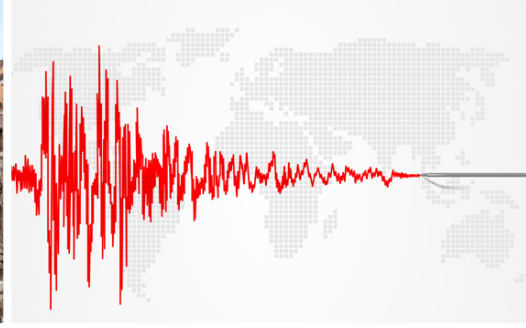
The presentation will focus on how earthquake (re) insurance helps to minimize the personal financial impact of strong motions and speed up reconstruction, and how (re) insurance industry has an influence on earthquake resistant construction before and during the process of underwriting risks.



**YEŞİM BEZEN** is a partner in the projects and finance group of Bezen & Partners, Istanbul. She regularly advises banks and other finance institutions, employers, and contractors on projects and financing matters, with a main focus on energy & infrastructure projects. Yeşim has a particular grasp of project documentation, including construction contracts (i.e. EPC and EPCM). She advised on many big-ticket construction projects, including new built hospital complexes, power plants, commercial properties (e.g. hotels) and other major infrastructure projects.

#### ABSTRACT: Best Practices for Legal Compliance and Contractual Risk Management in Seismic Zones – the Example of Türkiye

The presentation will provide information on the Turkish earthquake legislation, with references to seismic events that have led to the revision of such legislation. It will highlight the key legal and practical issues, by giving examples (both positive and negative) in the context of recent seismic events, and touch upon recent initiatives by international financial institutions to assist in the rebuilding of earthquake struck regions.



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### SPEAKERS AT THE CONFERENCE WITH ABSTRACTS



**IRINA SMAJLBEGOVIC** is a portfolio manager at KfW Development Bank based in Frankfurt, in charge for infrastructure, health and education projects in Türkiye. She supports project partners along the project cycle from preparation and structuring of projects to implementation, monitoring and impact evaluation with earthquake resilience being a crosscutting issue. Irina holds a MSc. in Economics and Finance and joined KfW in 2013, managing various portfolios in the health and education sectors in Asia and Africa.



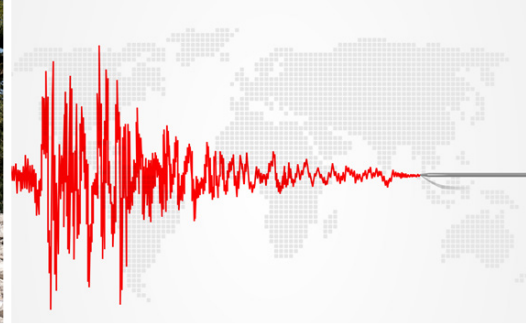
**YALÇIN KAYA** is the Deputy Director of the Istanbul Seismic Risk Mitigation and Emergency Preparedness Project (ISMEP), Türkiye's largest seismic risk reduction project, which he joined in 2006 as a Senior Procurement Expert. He draws on a long-standing experience in earthquake-resilient construction from supporting the Worldbank-funded reconstruction projects after the Marmara Earthquake 1999 and the Adana Earthquake 1998. Yalçın graduated from the Civil Engineering Department in 1992 and completed an MBA program, before starting his career as a civil engineer in mass housing projects.

#### **ABSTRACT: KfW's Infrastructure Financing in Earthquake-Prone Regions and the Istanbul Seismic Risk Mitigation and Emergency Preparedness Project (ISMEP)**

KfW Development Bank supports a wide range of infrastructure projects in developing and emerging countries around the world, many of whom are located in earthquake-prone areas. In the Southeast of Türkiye, KfW is engaged in a large-scale school-construction program which survived the recent earthquake without major damages. KfW draws on experiences from a long-standing partnership with the Istanbul Seismic Risk Mitigation and Emergency Management Project (ISMEP). In her presentation, Irina Smajlbegovic will introduce the principals of Financial Cooperation of KfW with its partners and discuss the particularities of infrastructure projects in the Turkish context.

ISMEP was initiated by the Government of Türkiye in 2005 with the support of Worldbank, following the 1999 Marmara earthquake in Türkiye. The project is supported with a funding volume of 2.4 billion Euros. ISMEP aims to enhance preparedness, strengthen critical public infrastructure such as schools and hospitals, improve institutional and technical capacity for disaster risk management and emergency response, and put in place measures to better enforce the building codes and land use regulations in Istanbul. In his presentation, Yalçın Kaya will give an overview on how ISMEP established a comprehensive approach to support a large city to anticipate, prepare for, and respond effectively to earthquakes.





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### SPEAKERS AT THE CONFERENCE WITH ABSTRACTS



**VÍCTOR RÍOS SALAS**, founding partner of Molina Rios Abogados, Santiago de Chile, advises on public works concession projects and construction megaprojects, especially in the energy, mining, desalination and transportation sectors. Besides being a Visiting Professor for Construction Law in Chile and Argentina, Víctor serves as President of the Chilean Society of Construction Law, President of the Chilean Executive Committee for the Reform of Public Infrastructure Contracts, and Legal Director of Consejo de Políticas de Infraestructuras (CPI).

#### ABSTRACT: Earthquakes: Legal Framework and Contractual Practices – The Chilean Experience

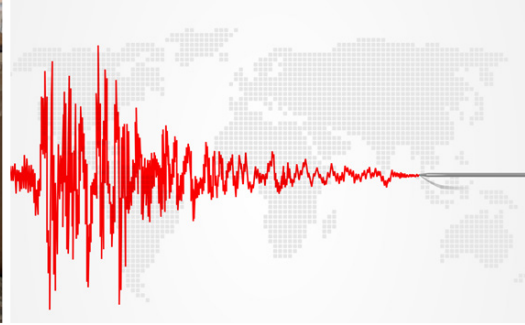
Earthquake-resistant construction is of utmost importance in Chile, a country that unfortunately holds the world record for the strongest earthquake since records began, with a magnitude of 9.6 Richter. Earthquakes of magnitude 6 or higher are not uncommon. In 2010, two magnitude-8.8 earthquakes were recorded. They had a massive impact and triggered a tsunami that killed 250 people. However, very few people died as a direct result of the earthquake. Chile's engineers have worked hard to tighten the technical regulations. Chile has the tallest skyscraper in South America: 300m high. These challenges also had to reach the legal and contractual area.



**WAYNE KALAYJIAN**, Managing Director at Secretariat, Los Angeles, is a licensed engineer and certified fraud examiner. He lectures at the University of Southern California and serves as a Technical Expert for the California Department of Consumer Affairs. With 35 years of expertise, Wayne has insights into why construction projects succeed or fail. He regularly provides expert testimony in courts. His book *Saving Michelangelo's Dome – How Three Mathematicians and One Courageous Pope Sparked an Architectural Revolution* will be published in 2024.

#### ABSTRACT: A Lawyer's Practical Guide to Earthquakes and Managing Seismic Risk – The California Perspective

Wayne Kalayjian will discuss some of the most prominent earthquakes in the recent past, the kinds of damage they have caused, and the lessons learned from them. He will also examine where and why earthquakes occur, and the different kinds of shock waves they generate and how that affects building performance. Then Wayne will discuss how earthquakes are commonly viewed and addressed in construction contracts and insurance policies techniques. In the end, he will discover that the most effective remedy to mitigate seismic risk is through the development of, and adherence to, better building codes – which in California are the most advanced in the world.



## LEADERSHIP OF THE GERMAN INTERNATIONAL CONSTRUCTION LAW COMMITTEE



Dr. **JAN-BERTRAM A. HILLIG** is a German lawyer and English solicitor at the commercial law firm GSK STOCKMANN in Berlin. He advises on real estate project developments and plant construction projects, often those with cross-border implications (inbound and outbound). He is the author of the chapter “Cross-Border Construction and Planning Contracts” in the commentary “Privates Baurecht” by Messerschmidt/Voit.

- Phone: +49 30 203907-0, e-mail: [jan-bertram.hillig@gsk.de](mailto:jan-bertram.hillig@gsk.de)



Dr. **OLIVER KOOS** is a German lawyer and partner at the commercial law firm GSK STOCKMANN in Frankfurt/Main. He advises on private construction and architectural law, plant construction and project development. His practice focuses on project conception and the support of major construction projects. He is also a lecturer in real estate and construction contract law.

- Phone: +49 69 710003-174, e-mail: [oliver.koos@gsk.de](mailto:oliver.koos@gsk.de)



**TOBIAS VOIGT** is a managing partner of CARNEADES LEGAL Rechtsanwälte Voigt und Kruse PartG mbB in Hamburg, specialising in international contract and claim management in plant construction as well as M&A. For more than 15 years he has been involved in complex plant construction projects worldwide. After working for IPM Ingenieurgesellschaft für Projektmanagement in Braunschweig and Bureau Veritas S.A. in Hamburg, he founded CARNEADES in 2006.

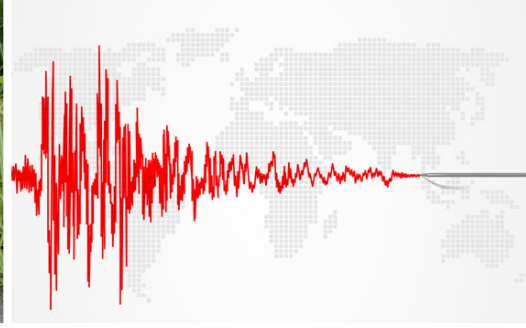
- Phone: +49 40 6364550-0, e-mail: [Tobias.Voigt@carneadeslegal.com](mailto:Tobias.Voigt@carneadeslegal.com)



Dr. **JÖRN ZONS** is a lawyer and partner in the law firm Friedrich Graf von Westphalen & Partner mbB in Cologne. His practice focuses on advising clients and contractors in German and international construction and plant engineering projects “from the cradle to the grave”, including dispute resolution. He is co-editor of Bock/Zons, Rechtshandbuch Anlagenbau.

- Phone: + 49 221 20807-0, e-mail: [joern.zons@fgvw.de](mailto:joern.zons@fgvw.de)





## 25th Conference of the German International Construction Law Committee (Arbeitskreis Internationales Baurecht)

### FUTURE EVENTS:

The next Conference of the German International Construction Law Committee (AK Internationales Baurecht) is planned for **16.11.2023 (Munich + Online)**.

The next Conference of the German Association of Construction and Real Estate Law (ARGE Bau- und Immobilienrecht) will take place in **Munich and Online on 17/18.11.2023**.

### PREVIOUS CONFERENCES (AK Intern. Baurecht), partly in German, partly in English:

- |                                |   |
|--------------------------------|---|
| 14.11.2022 (Online):           | Corona, Ukraine, Supply Chain Crisis – What to Do?  |
| 19.05.2022 (Hamburg + Online): | Construction and IT – Challenges and Advantages of Digitalisation in Construction   |
| 18.11.2021 (Weimar + Online):  | Supply Contracts for Mechanical and Plant Engineering – Fundamentals and Current Developments.                              |
| 06.05.2021 (Online):           | Dispute Settlement in International Construction/Plant Engineering – Mechanisms and Possibilities for Increasing Efficiency |
| 05.11.2020 (Online):           | Compliance and Plant Engineering – The Right Way to Deal with Risks in an International Environment                         |
| 05.03.2020 (Leipzig):          | Multi-party contracts / “Alliancing”: How far ahead is international contractual practice?                                  |
| 07.11.2019 (Frankfurt):        | Always Think from the End! Choosing the Right Dispute Resolution Procedure in International Construction Law                |
| 07.03.2019 (Hamburg):          | German and International Plant Engineering  |
| 15.11.2018 (Wien):             | International Construction and Plant Engineering Projects – from Preparation to Dispute Resolution                          |
| 08.11.2018 (Cologne):          | The new FIDIC contracts 2017 – everything different?  |

The German International Construction Law Committee has its own website:  
<https://arge-baurecht.com> → Menu item “Events” → “AK Internationales Baurecht”  
On this website you can register in the list of interested persons.  
All interested persons receive invitations to the conferences, which take place twice a year.