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# Construction disputes

**Capability statement**

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# The Rise of Construction Disputes

Construction disputes often emerge as an inherent aspect of construction projects, particularly when projects exhibit high complexity. In such scenarios, arbitration stands out as the preferred method for contractors and legal professionals to swiftly and effectively address these issues.

Arbitration not only helps prevent costly delays but also plays a pivotal role in maintaining positive relationships among project stakeholders, thereby emerging as a crucial and strategic tool in the adept management of construction projects.



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# How to Proceed

To enhance your chances of success, engage our services before the dispute solidifies. Numerous construction claims falter due to the delayed involvement of legal professionals and/or claim managers.

## What steps we can take to help you:

- 1** Reviewing contracts for the potential risks of dispute
- 2** Preparing notices and claims
- 3** Identifying and securing evidence on site
- 4** Collaborating with experts and financial professional
- 5** Assisting in DAB proceedings
- 6** Assisting in funder selection (if needed)
- 7** Providing representation throughout the dispute process



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# Who We Are

Queritius is a top-notch international dispute resolution boutique founded in 2020 by former members of the world's best dispute resolution teams. The firm brings together an open-minded, hard-working, teamwork-oriented group of experts, passionate about arbitration and dedicated to supporting their clients. Recognized consistently as one of the leading brands in international arbitration by GAR100, Chambers and Partners, and Legal 500, Queritius is committed to delivering exceptional

service. Specializing in international dispute resolution in Central and Eastern Europe, our dedicated team, with a presence in key locations such as Belgrade, Budapest, Kyiv, Warsaw, and Zagreb, exceeds 20 professionals and is capable of handling almost any CEE-related dispute, regardless of the industry sector, the amount at stake or matter complexity. For more information, please see [www.queritius.com](http://www.queritius.com) and follow us on [LinkedIn](#).

# Why Choose Us



We have acted as counsel, arbitrators, and mediators in over 150 international and domestic disputes, including over **40 construction-related cases.**



Our international and agile team combines legal practice with academia allowing us to think out of the box and deliver **smart solutions tailored to your specific business and challenges.**



We are never afraid to roll up our sleeves and **fight hard for the best outcome together with our clients.**



We are fluent in Belarusian, Croatian, English, French, German, Hungarian, Italian, Polish, Russian, Spanish and Ukrainian, but most importantly we **understand you and your needs.**



The team very quickly got a thorough understanding of the technical aspects of the dispute and came forward with persuasive legal and factual argumentation in support of our case.

- *Chambers and Partners*



Wojciech Sadowski was recommended to us as the best litigator in Poland and I have to confirm that this is true: he is very smart, hard-working, quick on his feet, available, he knows the details of the case by heart and on top of all this, he is a great guy.

- *Legal 500*



The team is excellent, hard-working, and responsive.

- *GAR 100*



The attitude of the entire Queritius team, the support we have been given by them, and the effectiveness of their actions that go beyond legal aspects, allows me to recommend with full conviction the Queritius to anyone looking for outstanding Law Firm.

- *Karol Gawet, CEO of Smart Kids Planet, Entrepreneur of the Year according to EY*



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# Selected Experience



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# Case Studies

## 1

International commercial arbitration between a Polish combined-cycle power plant operator and a Spanish contractor arising from an EPC contract (Polish law applicable, Arbitration Rules of the Polish Chamber of Commerce).

**Our role:** Counsel to Claimant.

**The problem:** Global climate change became a focal point of the dispute when the contractor invoked force majeure, attributing project delays to the exceptionally low water level in a main inland waterway critical to the project's progress.

**The solution:** A study of long-term environmental data showed a consistent decline in the river's water level, adding complexity to the dispute with climate-related arguments. Our role included understanding both legal aspects and navigating the evolving environmental landscape. We collaborated seamlessly with environmental scientists and industry experts, ensuring that legal arguments were backed up by research findings and insights. The resolution had broader implications, setting a precedent for cases where climate factors affect contractual obligations in the energy sector.

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# Case Studies

## 2

International commercial arbitration between a Polish employer and the German branch of a multi-line insurer, concerning the enforcement of an insurance guarantee issued under an EPC contract. (Polish law applicable, Arbitration Rules of the Polish Chamber of Commerce).

**Our role:** Counsel to Claimant.

**The problem:** While bank and insurance guarantees are designed to function equivalently to cash, they frequently encounter legal hurdles. Local courts may intervene, inhibiting banks or insurance companies from fulfilling their payment obligations until the primary dispute is resolved. In this case, the project employer resorted to legal action against financial institutions.

**The solution:** Our task included expertly handling different parts of the disagreement and helping create legal rules for understanding and enforcing insurance guarantees in big construction projects. We worked closely with global experts in construction law and insurance to create a legal strategy that covered both the details of the dispute and its broader impacts on the industry.

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# Case Studies

## 3

Construction arbitration between an MEP subcontractor and a main contractor arising out of a real estate development project (hospitality) in Dubai (UAE law applicable, LCIA Arbitration Rules).

**Our role:** Counsel to Claimant.

**The problem:** A major shift in the critical path during the arbitration complicated the dispute. While certain events weren't initially seen as critical delays, they became the basis for the extension of time (EOT) claim in arbitration. This change led to questions about changing the critical path and the importance of strictly following notice rules for events not initially considered critical during the project.

**The solution:** We understood that critical path analyses during the project might differ from those done afterward, impacting how delays are perceived. We suggested a flexible view of notice rules, stating that informal notifications could be valid if the subcontractor showed the main contractor was aware of the event, which in this arbitration was the case, supporting our EOT claim.

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# Case Studies

## 4

Construction arbitration between a Spanish construction company and a public employer, emanating from a construction contract relating to an abandoned road construction project in the Balkans (North Macedonian law applicable, ICC Arbitration Rules).

**Our role:** Party-appointed arbitrator.

**The problem:** Early on in the arbitration, the public employer proposed a site visit in order to preserve evidentiary material, given the new tender to complete the works not finished by the contractor.

**The solution:** In tackling construction challenges, the Tribunal decided to conduct an early site visit to the Balkan road project, diving deep into its complexities. This hands-on approach emphasized that construction arbitration isn't just about legal talk – understanding the project's physical side is key. The eye-opening experience prompted the Tribunal to rethink its process, realizing that blending on-the-ground insights leads to fair resolutions in complex construction disputes. It is incredible how spending several hours on the site can make a difference.

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# Team



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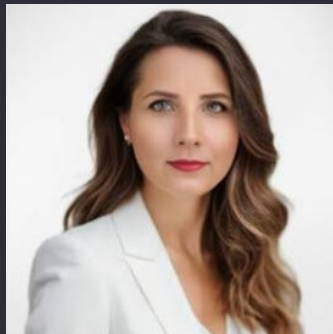
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