

Transylvania's Tell-Tales: The Ins and Outs of DBs

DRBF CENTRAL & EASTERN EUROPE REGIONAL CONFERENCE

27-28 OCTOBER 2022
CLUJ-NAPOCA, ROMANIA





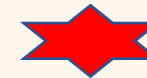
Session I – Ghosts of DBs Past (Lessons Learned)

Paul Taggart – moderator

Nigel Grout, Ignacio Palacios, Marcus Theil

Advent of the DB

- **1975:** First domestic DRB in the USA (Eisenhower Tunnel)
- **1981:** First international DRB (El Cajon Dam, Honduras)
- **1995:** *The IBRD makes DRB mandatory projects > of US\$ 50 million.*
- **1995:** *FIDIC Orange Book (ad hoc DAB)*
- **1996:** DRBF issues DRB Manual (codified practice and procedure)
- **1996:** *FIDIC DRB Supplement (4th edn. Red Book)*
- **1997:** *The ADB & the EBRD adopt the DB approach.*
- **1999:** *FIDIC rainbow suite introduces Standing and Ad Hoc DABs*
- **2004:** *ICC introduces DB rules (DAB/DRB/CDB)* 
- **2006:** *FIDIC MDB version (9 Multilateral Development Banks adopt DBs)* 
- **2014:** CIArb introduces DB rules (DAB/DRB)
- **2015:** ICC issues update of DB rules
- **2017:** FIDIC rainbow suite update and introduction of DAAB
- **2019:** DRBF Manual update (A Guide to Best Practices and Procedures)
- **2021:** *World Bank Gender Based Violence Rules and loan rules*



Nigel Grout

- What are your key takes from the past involvement with dispute boards
 - Timing of appointment
 - Early intervention
 - Decisions
 - Enforceability
- Is there anything you think that DB process can do better.
 - Financing DB's
 - Formalisation

Ignacio Palacios

- What are your key takes from the past involvement with dispute boards
 - Field Experience – ICC Rules
 - Informal assistance with public authorities
 - Two DBs in the same Contract
 - Long delays to the DB's invoices
 - Brazil case

Marcus Theil

- What are your key takes from the past activities with dispute boards
 - A. Appointment
 - B. Site visits
 - C. Understanding of the Contract
 - D. Opinion
 - E. Referrals
 - F. Development of FIDIC 1999 v 2017

Session 1 – Ghosts of DBs Past (Lessons Learned)

Thank You !