

Arbitrations worth over EUR 50 million successfully finalized by NNDKP



NNDKP has successfully finalized the two successive arbitration cases related to the design and execution of one of the four sections of the Sebes-Turda motorway.

These arbitrations, which started in 2017 and 2019, respectively, and spanned more than 3 years each, were related to the claims raised by the Contractor – extension of time, additional costs, loss of profit and interest having an aggregate value of over EUR 50 million, arising in connection with the performance of the same administrative contract drafted based on the FIDIC Yellow Book (1999) rules (design and build).

The two arbitration cases addressed the issue of ensuring compliance with the contractual procedure set out in Sub-Clause 20.1 (specific to the Contractor's claims under FIDIC contracts), as well as the issue of the Contractor's entitlement to fully recover the losses sustained both in the scenario of additional works and in the scenario of an extension of the time for completion for reasons involving risks for which the Employer is responsible.

Also, the cases involved submitting complex evidence aimed at clarifying the technical and financial aspects of the risk events that occurred during the performance of the contract, determining delays, and establishing the categories of costs owed to the Contractor.

The NNDKP team representing the Contractor in these disputes included *Partner* [Valeriu Mina](#) and *Managing Associate* [Alexandra Maruțoiu](#), members of the arbitration team part of NNDKP's Dispute Resolution practice, who have successfully handled in recent years a highly diverse range of litigation and arbitration matters related to large and medium size infrastructure projects.

The dedicated project team also included [Razvan Vlad](#), *Partner* in NNDKP's Public Procurement and PPP practice, who provided assistance in the implementation of the contract, in filing the Contractor's claims and during their settlement using the DAB procedure.

“This decision confirms the sustained effort of the NNDKP arbitration lawyers to identify the best arguments supporting the Contractor's entitlement to various categories of additional costs due to the occurrence of risk events qualified in the contract as being the responsibility of the Employer. Our continued involvement over the past 12 years in administrative contract enforcement litigation and in large infrastructure projects enabled us to acquire first-rate knowledge and a thorough understanding of technical issues and of how to calculate various categories of costs. We have thus consolidated a consistent judicial and arbitral practice, which is indeed a solid premise for future successes/mandates”, declared **Valeriu Mina**.

NNDKP's Dispute Resolution practice led by [Ana Diculescu-Şova](#) is independently acknowledged as a market leader in litigation, arbitration, and other dispute resolution procedures. As a confirmation of its leading market status, the firm has always achieved high rankings in reputable international legal directories such as Chambers & Partners (since 2007) and The Legal 500 (since 2002). With 7 Partners coordinating a team of over 40 litigators based in Bucharest and in the firm's regional offices, NNDKP has the resources to manage complex, multi-party or multi-year cases and propose practical strategies to mitigate potential future risks.