

# UNDERSTANDING THE NEW FIDIC RED BOOK

## A CLAUSE-BY-CLAUSE COMMENTARY



Jeremy Gleave

and Simon Hughes with an introduction by Christopher Thomas QC

TECHNICAL PUBLICATION



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# Understanding The Fidic Red A Clause By Clause Commentary

**Dimitar Kondev**



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**Understanding the New FIDIC Red Book** Jeremy Glover, Christopher Thomas, Simon Hughes, 2006 This work examines the International Federation of Consulting Engineers contracts and breaks them down making them both easier to understand and to refer to

**Understanding the FIDIC Red Book** Jeremy Glover, Simon Hughes, 2011 Providing an explanation of Internet law and regulation this title addresses key areas of contention such as copyright cash transactions product liability advertising defamation and data protection It also includes coverage of the UK implementation of the E Commerce Directive and the E Signature Directive and the Gambling Act 2005

**Guide to Construction Arbitration** Stavros Brekoulakis, 2017-09-12 Global Arbitration Review s The Guide to Construction Arbitration edited by Stavros Brekoulakis and David Brynmor Thomas takes the reader through the essential details of preparing mitigating and managing construction disputes internationally These include preparing contracts and guarantees setting up dispute boards organising proceedings in arbitrations analysing documents and evidence and navigating within particular industries and regions With contributions from the world s leading experts the Guide is organised into 4 sections I International Construction Contracts II International Arbitration for Construction Disputes III Select Topics on Construction Arbitration IV Regional Construction Arbitration

**The FIDIC Red Book Contract** Christopher Seppälä, 2023-04-25 Conditions of Contract for Construction known universally as the Red Book published by the International Federation of Consulting Engineers known by its French acronym FIDIC is the most widely used standard form of international construction contract This book is a detailed commentary on the 2022 reprint of the 2017 FIDIC Red Book For each of the Red Book s 168 Sub Clauses the commentary identifies changes from the 1999 edition analyses the meaning and significance of the Sub Clause and lists related Sub Clauses describes related international arbitration awards national court decisions and legal principles and where appropriate proposes amendments to improve the Sub Clause As the FIDIC Yellow and Silver Books are very similar to the Red Book much of the commentary is equally applicable to those forms of contract The author is a FIDIC insider having served for more than thirty years as Legal Special Adviser to or Member of the FIDIC Contracts Committee which is responsible for preparing FIDIC s contracts This book is an indispensable resource for all parties called on to work with a FIDIC contract With guidance for every stage of a construction project whether in drafting negotiating performing interpreting or administering a FIDIC contract the book s easy to use structure includes such issues and topics as the following introduction to FIDIC and its contracts and to publications of FIDIC and others relevant to the Red Book including the 2022 FIDIC Contracts Guide critical examination of each Sub Clause and advice for amending the same in order to better adapt it to the interests of each party the Employer or the Contractor special attention to each Sub Clause relating to the Contractor s and the Employer s claims and claims procedure and to how to assert claims effectively as well as to time bars and other pitfalls and how they may be overcome detailed examination of Sub Clauses relating to the referral of issues or disputes to the Dispute Avoidance

Adjudication Board and if necessary to international arbitration and optimal strategies for doing so discussion of the changes required to the 2017 Red Book by The World Bank's Conditions of Particular Application COPA reference where appropriate to the UNIDROIT Principles of International Commercial Contracts and trade usages comprehensive discussion of practical issues that arise under common law civil law and international legal principles especially when a contract is with a state or public body comparison of common law and civil law methods of contract interpretation and a suggested practical approach to interpretation given a FIDIC contract's international arbitration clause and overcoming problems that can arise when a contract is governed by the law of a less developed country Legal and technical terms are clearly defined and numerous figures and tables are included to illustrate steps in contract procedures Detailed attention is paid to terminological distinctions among the various legal traditions including a comparison of British English and American English construction contract terms Unquestionably the most detailed and thorough commentary ever published on the FIDIC Red Book this highly practical work enables preparers of FIDIC contracts to amend and adapt the Red Book's provisions to a particular project Dispute adjudicators arbitrators and judges will welcome the book's authoritative guidance on interpreting the provisions of a FIDIC contract and engineers and other construction professionals involved in contract administration will appreciate the book's many practical features

*Decision-making in International Construction Arbitration* Haytham Besaiso, 2023-10-03 This book contributes to the empirical understanding of how arbitrators make their decisions on the substance of commercial disputes arising from international construction projects It is based on in depth interviews with 28 international construction arbitrators and on the analysis of dozens of international construction arbitration awards The combined experience of those who participated in the author's research amounted to hundreds of international construction arbitrations 300 cases in addition to several hundred international commercial arbitrations It presents the results of the first and largest research to be undertaken in this area and it will be useful to arbitration practitioners and scholars and to the wider audience of dispute resolution students practitioners and theorists In turn the book examines to what extent international arbitrators apply the law as the substantive norm providing an explanation for that and then offers insights into whether arbitrators in fact lean towards commercial and transnational norms to construe the parties contract before discussing to what extent international arbitrators take into account fairness considerations to reach their decisions on the merits of the parties claims The book also examines to what extent international arbitrators apply mandatory rules of foreign law Lastly it provides insight into the effect of arbitrators background characteristics on their decisions Written for arbitration practitioners arbitrators and legal counsel and scholars the book will be useful for both experienced arbitrators and those starting their arbitration career or studying for their arbitration qualification It will also be useful for project professionals involved in contract management and dispute resolution

**FIDIC Contracts in Europe** Donald Charrett, 2022-11-29 FIDIC contracts are the most widely used contracts for international construction around the world and

are used in many different jurisdictions both common law and civil law For any construction project the General Conditions of Contract published by FIDIC need to be supplemented by Particular Conditions that specify the specific requirements of that project FIDIC Contracts in Europe A Practical Guide to Application provides readers with detailed guidance and resources for the preparation of the Particular Conditions that will comply with the requirements of the applicable laws that apply to the site where the work is carried out and for the governing law of the contract for a number of the jurisdictions in which FIDIC contracts are used This book closely follows the format of The International Application of FIDIC Contracts with the addition of an outline of the construction industry and information on the impact of COVID 19 on both the execution and operation of construction contracts in each jurisdiction This book is essential reading for construction professionals lawyers and students of construction law FIDIC Yellow Book, Revised edition Jakob B. Sørensen,2024-09-26 FIDIC Yellow Book is a practical guide for anyone involved in preparing administering or contributing to the FIDIC suite of contracts 2017 edition This revised edition covers a number of recent developments including the 2022 amendments impacts of COVID 19 and the war in Ukraine as well as guidance on use of FIDIC Contracts *Understanding FIDIC* Kelvin Hughes,2020-12-20 Understanding FIDIC explains in simple and practical terms what is often seen as a very complex range of international engineering and construction contracts Covering the FIDIC 2017 Red Yellow and Silver Books referred to as The Rainbow Suite the book gives an overview of all three contracts including coverage of changes between the 1999 contracts and the present 2017 suite FIDIC contracts are widely used as far afield as Europe the Middle East Asia and Australia and this book provides a practical yet thorough guide to the key elements that practitioners preparing and administering these contracts would need to be aware of In his approachable and readable style Kelvin Hughes covers The obligations and responsibilities of the Employer the Employer s Representative the Engineer and the Contractor Quality and Defects Liability Design Responsibility and Liability Variations Measurement and Payment Procedures Progress Delays Extensions of Time and Completion Suspension and Termination Insurances Employer s and Contractor s Claims The Dispute Avoidance Adjudication Board and the Resolution of Disputes Tendering Anyone working with FIDIC contracts whether as the Employer Employer s Representative Engineer or Contractor will benefit greatly from this easy to read guide to the Rainbow Suite Students on professional courses or researching the contracts for project work will also find this book extremely useful *Multi-Party and Multi-Contract Arbitration in the Construction Industry* Dimitar Kondev,2017-01-23 Multi Party and Multi Contract Arbitration in the Construction Industry provides the first detailed review of multi party arbitration in the international construction sector Highly practical in approach the detailed interpretation and assessment of the arbitration of multi party disputes will facilitate understanding and decision making by arbitrators clients and construction contractors *The FIDIC Conditions of Contract and Domestic Construction Law* Franco Ferrari,Friedrich Rosenfeld,2025-09-30 Parties to an international construction contract often use the standardized set of contract terms published by the International

Federation of Consulting Engineers known as the FIDIC Conditions However FIDIC terms apply within the boundaries of domestic law which not only governs the formation interpretation and validity of FIDIC contracts but also fills gaps and shapes the expectations of the respective parties or decision makers in disputes Thus it is of great importance that parties and their counsel are thoroughly informed of how the applicable law applies to the contract a matter comprehensively covered in this country by country description and analysis of applicable law Seeking to mitigate the risk of disputes and detailing how to proceed when a dispute arises and with abundant reference to case law contributions by leading practitioners and academics in each country examine such issues and topics as the following cultural and legal differences between business actors how domestic law determines the formation interpretation and validity of FIDIC contracts how domestic law can be used to fill gaps and complement the FIDIC Conditions drafting particular conditions of contract A strong understanding of how FIDIC terms interact with domestic law helps parties assess their obligations during the contract s performance and resolve disputes globally Accordingly this systematic analysis of the interplay between the FIDIC Conditions and domestic construction law in numerous jurisdictions worldwide will prove of immeasurable value to international construction firms in house counsel and construction law professionals

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