

## NNDKP successful in a complex dispute over a claim amounting to approximatively lei 22 million



**NNDKP successfully assisted and represented companies part of Efacec group, a supplier of solutions with presence in the energy, mobility and environment value chain, before the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania against Braila County, a local administrative authority from Romania.**

The arbitral dispute, whose duration spanned over four years, concerned the local authority's claims against the contractor Efacec, arising from the performance of a contract for the design and execution of works related to the integrated waste management system in Braila county, contract which was based on FIDIC Yellow Book rules. Braila County claimed delay penalties that exceeded the total value of the project, including damages consisting in the value of the supervision activity performed by the Engineer involved in the project and the value of the design activity performed by Efacec, claiming that the project finalized by the contractor contained errors, with a total value amounting to approx. lei 22 million.

**NNDKP** team has successfully proved the conformity of the project delivered by the contractor and obtained the avoidance by the contractor of the obligation to pay the delay penalties and the damages claimed by the beneficiary. In addition, the beneficiary was ordered to pay for the works executed by Efacec.

The NNDKP team that represented the contractor included **Valeriu Mina, Partner**, and **Alexandra Marutoiu, Senior Associate**, from *NNDKP's Dispute Resolution practice*. The team has successfully managed in the last 10 years an extremely diverse range of court and arbitration disputes in connection with projects based on FIDIC rules.

"We are currently witnessing a paradigm shift: while most arbitration disputes concerning the execution of contracts based on FIDIC 1999 rules had contractors as claimants, in recent years we have seen a wave of actions initiated by contracting authorities. In this type of projects, which are more and more numerous, we managed to obtain final decisions that ensure the balance between the claims of the two parties, that take into account the reality proven by the administration of complex evidence, both in terms of scope and degree of technical difficulty. We are glad that we were able to obtain a favorable solution for our client in this project as well, to whom we thank for their trust in our ability to handle this complex dispute ", said [Valeriu Mina](#).

*NNDKP's Dispute Resolution Practice* coordinated by **Ana Diculescu-Șova** is independently recognized as a force in the area of dispute resolution, being constantly highly ranked by reputed international guides such as Chambers and Partners, since 2007, and The European Legal 500 guide, since 2002. With 9 Partners coordinating a team of over 40 litigators active in Bucharest and in the other regional offices, NNDKP has the necessary resources to

handle complex cases, which include several parties or extend over many years, and can offer sustainable strategies in order to mitigate potential future risks.

**Efacec** is a large Portuguese group and a major solutions provider for the electrical and electromechanical industries, with a strong international presence in over 65 countries. Companies from the Efacec group focus on developing products and systems with high added value for infrastructure sectors such as Energy, Environment & Industry and Mobility & Transportation.

**Nestor Nestor Diculescu Kingston Petersen** is a promoter of business law in Romania and has been acknowledged, for more than 30 years, as a pioneer of the Romanian legal market. NNDKP offers full-service and integrated legal and tax advice to companies from diverse industry sectors. For the past three decades, NNDKP lawyers have provided expertise in landmark deals and projects in Romania, contributing to the evolution of the Romanian business environment, including in innovative and niche economic sectors that involved both international corporations and local entrepreneurs.

NNDKP represents Romania in some of the most prestigious international professional alliances - Lex Mundi, World Services Group, International Attorneys Club - and is a founding member of SEE Legal. The firm is constantly top-ranked in all practice areas by the renowned international guides Chambers & Partners, Legal500 and IFLR 1000.

NNDKP is a 5-time winner of the much-coveted “Romania Law Firm of the Year” award at the Chambers Europe Awards gala, in 2021, 2017, 2013, 2012 and 2009.