



# Forum Prawa Nieruchomości 2018

Real Estate and Construction Law Forum

26-27 listopada 2018 | Warszawa, Radisson Blu Centrum Hotel

## THE PROGRAMME OF THE FLEX REAL ESTATE & CONSTRUCTION LAW FORUM

26-27 November 2018

Hotel Radisson Blu Centrum, Warsaw, Grzybowska 24

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GRUPA



## DAY 1, November 26<sup>th</sup> (Monday)

**9:00–9:30** breakfast and registration over coffee

**9:30–10:15** **Panta rhei, but where to? Is bad legislation worse than no legislation?**

INTRODUCTORY LECTURE BY THE SPECIAL GUEST **PAWEŁ KUGLARZ**

**10:15–11:45** **Developers vs perpetual usufruct – the process of converting usufruct into ownership from the developer's perspective.**

- What is this confusion good for? Does the market need this transformation?
- The consequences of the legislative changes, including the elimination of the possibility of establishing new perpetual usufruct rights for housing purposes (from 1 January 2019).
- Who stands to gain and who stands to lose? – the risks and benefits for market participants.
- The impact of conversion on future and ongoing projects – predicted effects of changes.

PANEL DISCUSSION

MODERATOR:

**Maciej Górka**, Department of the Primary Market Director, Home Broker

PANELLISTS:

**Mateusz Grabiec**, Partner, Baker McKenzie

**Anna Mirońska**, Legal Advisor, Echo Investment

**Ilona Sądziel-Bendkowska**, Notary, Warsaw Chamber of Civil Law Notaries

**Katarzyna Woroszyńska**, Partner, Baker Tilly Woroszyńska Legal

**Piotr Woźniak**, Legal Counsel, Legal Services, EY Polska

**11:45-12:00** coffee break

**12:00-13:15**

### **Permutations and other combinations, or the latest changes in the development act and their impact on the market.**

- Is really nothing going on? – market reactions at a glance.
- An open approach to the issue of closing, or open escrow accounts vs closed escrow accounts.
- Better safe than sorry – new instruments for safeguarding escrow accounts: bank and insurance guarantees.
- Changes in payment schedules and their impact on financial liquidity of developers.
- What are investors saying? How are the changes in the act affecting the behaviour of partners financing projects?
- How is the expanded legal protection of buyers of completed housing units affecting the market for apartment sales?

PANEL DISCUSSION

MODERATOR:

**Agata Demuth**, Partner, Schoenherr

PANELLISTS:

**Elżbieta Chmielowska**, Real Estate Financing Team Manager, Santander

**Eliza Gula**, Attorney-at-Law

**Grzegorz Rogala**, Notary

**Alicja Zalewska**, Legal Advisor, Eko-Park

**13:15-14:00**

lunch

**14:00-14:15**

### **How a pile of gloves saved one company billions of dollars – or how to speak to reach your audience?**

PRESENTATION

SPEAKER:

**Michał Kasprzyk**, Biuro Mówców SPICE

**14:15-15:30**

### **The special act on housing: an assessment of the legal effects in the first months after its entry into force.**

- The new superdecision in the legal order – decision about the location of a housing project. When is it worth considering? How to use profits and avoid dangers?
- The procedure for obtaining a decision – practical aspects on the basis of own experiences.
- From pillar to post: the procedure for obtaining a building permit and an environmental permit on the basis of the decision about the location of a housing project.
- The impact of the new regulations on the housing market.

PANEL DISCUSSION

MODERATOR:

**Konrad Płochocki**, General Director, Polski Związek Firm Deweloperskich

PANELLISTS:

**Anna Błaszczuk**, Lawyer, PFR Nieruchomości

**Marlena Happach**, Head of the Architecture and Spatial Planning Department in Warsaw City Hall

**Aleksandra Kaczmarek**, Managing Associate, Kucharski & Partners

**Anna Lambryczak-Arażna**, Head of Legal Department, Asbud Group

**15:30-15:45**

coffee break

**15:45-17:00**

### **Law in practice 1. Standards for contracts with individual customers in the process of selling housing units.**

- On the non-existence of an ideal contract.
- The most common traps in provisions.
- How to make negotiations shorter – the most objectionable contract clauses.
- How to avoid abusive clauses in developer contracts.
- Some turnkey solutions for the most common problems.

PANEL DISCUSSION

MODERATOR:

**Mateusz Tomicki**, Partner, Karasiński Tomicki i Partnerzy

PANELLISTS:

**Katarzyna Kowalska-Paliszewska**, Notary

**Agnieszka Oskędra**, Sales Director Residential Projects, Yareal Polska

**Maciej Sidor**, Legal Department Manager, Mota-Engil Real Estate Management

## DAY 2, November 27<sup>th</sup> (Tuesday)

**9:30-10:00** breakfast and conversations over coffee

**10:00-10:30** **Reading between numbers, or how are investors responding to the legal changes. The Polish Real Estate Guide 2019 – working conclusions after drafting the report.**

INAUGURATION OF DAY 2

PRELEGENT:

**Anna Kicińska**, Partner, EY Real Estate Leader, EY Polska

**10:30-11:45** **Poland vs the rest of the world. The investment process through the investor's eyes – differences and similarities between Polish and foreign procedures.**

- The legal forms of making investments – differences and similarities.
- Financing investments – the available sources of financing.
- The construction process – where is it easier to build? The administrative barriers in Poland.
- Commercialization of completed developments – differences between the rental market in Poland and in the world.
- Tax barriers.

PANEL DISCUSSION

MODERATOR:

**Katarzyna Lubaś**, Marketing and New Business Coordinator, EY Polska

PANELLISTS:

**John Harcourt**, Director / Head of Real Estate, Kajima Properties Europe

**Marcin Jakubaszek**, Managing Partner, JF Legal Jakubaszek & Fogo

**Andre Martins**, General Manager, Mota-Engil Real Estate Management

**Karina Trojańska**, Chief Financing & Operating Officer, Panattoni Europe

**11:45-12:00** coffee break

**12:00-12:45**

### **R&W insurance in M&A transactions in the real estate market – the Central and Eastern Europe perspective.**

- Introduction to Howden M&A
- What is R&W Insurance: Function, Benefits, Policy Structure, Insurers and Pricing
- Policy Exclusions and Enhancements
- Other M&A Products
- Claims
- Questions

SPEAKERS:

**Julia Mikler-Mieszkielto**, Associate Director | Lawyer | Mergers & Acquisitions, Howden M&A London

**Anna Robinson**, Associate Director | Solicitor | Claims, Howden M&A London

**12:45-13:30**

lunch

**13:30-14:45**

### **Share deal vs asset deal, or how to make a choice so as not to regret it.**

- Share and asset taxation – how to avoid the risk?
- Differences in legal support: due diligence, types of agreements, types of responsibility.
- Statements and assurances in asset and share deals – practical differences and the most common sticking points in negotiating practice.
- Limits of responsibility.

PANEL DISCUSSION

MODERATOR:

**Przemysław Kucharski**, Managing Partner, Kucharski & Partners

PANELLISTS:

**Krzysztof Cipiur**, Associate Director, Knight Frank

**Joanna Karwowska**, Transaction Manager, Panattoni Europe

**Marek Koziarek**, Business Development Consultant, Poland, Secure Legal Title Ltd.

**Michał Thedy**, Partner, Thedy & Partners

**Jarosław Wnuk**, General Manager, Bluehouse Capital

**14:45-15:00** coffee break

**15:00-16:00** **Law in practice 2. Contentious issues in commercial lease agreements.**

- Prescriptive provisions of the civil code and admissible contractual amendments (the casualty damages clause).
- Clauses for disconnecting utilities in the leased asset after the lease period ends.
- Provisions to include the triple net lease principle in agreements.
- A comparison of contractual penalties and compensation on general terms.

PANEL DISCUSSION

MODERATOR:

**Bartosz Łaski**, Partner, Kucharski & Partners

PANELIŚCI:

**Ewelina Kałużna**, Leasing & Asset Director, Skanska

**Joanna Krawczyk-Nasiłowska**, Head of Legal Department, Member of the Board, Ghelamco Polska

**Michał Samborski**, Head of Development and Development Director, Panattoni Europe

**Łukasz Żelezik**, Partner/Director, Office Agency, Colliers International