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**Thank you**

Thank you Cecile : After having been the daily manager of AIA for two years, [Cecile Oosterveen](#) will be leaving AIA and develop a new career. AIA would like to thank Cecile for all her hard work, her valuable contributions to the team and all the nice moments shared.



**Internship possibilities**

If you wish to spice up your CV with an internship at AIA, feel free to send us an email. Internships are for a period of 2- 3 months. Suitable candidates are familiar with ADR, team players and have profound IT and people skills.

Should you wish to conduct a job application at AIA, feel free to submit an application together with your CV [here](#) (including recommendation letters).

**Sign up to become a member of AIA!**



Membership of AIA takes the form of yearly subscriptions. Click [here](#) to discover the membership benefits, The annual membership fee is 200 EUR, or 150 EUR for members under 40 years of age (VAT excluded).

Clients look to Billiet & Co Lawyers for excellence, a creative and individual approach to solving problems, and a deep understanding of Belgian and European law.

In partnership with:



Pakistan setting an international example for ADR



On 5th March 2016, Willem MEUWISSEN and Philippe BILLIET, both mediation trainers under the EMT PJ project ([www.emtpj.eu](http://www.emtpj.eu)) attended and spoke at the official launch of the NCDR (National Center for Dispute Resolution) Arbitration Centre in Pakistan. The invitation came from Ebrahim SAIFUDDIN, COO of the NCDR and EMT PJ certified mediator.



[Quote of Mr. Justice Anwar Zaheer Jamali “Chief Justice of Pakistan” \(published in Business Recorder March 5, 2016\) “Not only the courts but also the attorneys should educate their clients about the option of mediation and its benefits. To achieve this goal, the print and electronic media should also play its positive role to bring awareness amongst masses.”](#)

NCDR, previously known as “KCDR” was created in 2007 as Pakistan’s first mediation centre with an aim to provide mediation services in commercial disputes thereby reducing the burden on the courts. It was formed with the approval of the

High Court of Sindh and the financial assistance of International Finance Corporation. Soon the Centre broadened its horizons and started offering mediation services in all types of civil, commercial and family cases. The Centre has a success rate of over 75% and has facilitated the release of over US\$38 million under various disputes. It administers various ADR procedures and is highly regarded by the Pakistan business community.

Pakistan CJ Justice Anwar Zaheer Jamali was the chief guest at the event. The launch coincided with a seminar aimed at creating awareness regarding the benefits of mediation in improving the business climate in Pakistan and promoting communal harmony by resolution of disputes at their earliest stages.

**[Quote Ebrahim SAIFUDDIN \(COO of the NCDR\) “Training people in mediation whether on a corporate level or grass root community level promotes a collaborative culture in society bringing a shift from the general adversarial mindset. Promotion of such is important especially in conflict prone areas.”](#)**

The seminar took place in the prestigious Karachi Marriott hotel and was attended by over 300 of Pakistan’s political, religious, executive, business and diplomatic leaders. Consequently, virtually all national media was represented.

**[Quote Philippe BILLIET \(lawyer, arbitrator and mediator\) “Mediation should not be regarded as an alternative way to resolve disputes but as the principle way to resolve them”](#)**

Amongst the diversified groups of participants, consensus existed on the importance of ADR in Pakistan and the crucial role of the NCDR in this regard. Such observation brought the initiative to the headlines of national news and on the front page of most newspapers. ([Link to news reporting](#))

The revolutionary character of the event can also be explained by some background information on Pakistan: The country has a very divided (young) population of approximately 200 million inhabitants. It comprises ethnic groups such as punjabi’s, pathans, sindhis, beloetsjis, muhajirs and seraikis. Whilst Islam is the state religion, other religions such as Hinduism, Christianity, Sikhism and Buddhism also meet each other in Pakistan. The country is further also linguistically divided. Whilst offering huge business and investment opportunities, it faces major challenges in the form of terrorism, poverty, illiteracy and corruption.

**[Quote Emil Wyss \(Swiss Consul General Karachi\) “Mediation is a key ingredient for a well-functioning society. It should be taught in schools, universities, within law enforcement agencies and the business community, until it becomes an integral part of life in finding mutually acceptable solutions without putting an unnecessary burden on the legal system” – is referring to Prof. Dr. Isaak Meier.](#)**

Needless to say that 5<sup>th</sup> March may have been a milestone date on which the country’s leaders demonstrated common ideas such as:

- (1) Mediation can help in addressing the country’s major challenges;
- (2) Diversity is an opportunity for dialogue facilitated through mediation;
- (3) Communication and mediation should be a first reaction to conflict situations, minimizing the number of unnecessary litigations.

**[Quote Syed KHURRAM BUKHARI \(Secretary General of the Pakistan Belgium Business Forum\) “The National Centre of Dispute Resolution are one of the organizations, which always bring welfare to Pakistan LAW community and Public, they have been innovative in their charter of resolution of disputes in Pakistan with guidance of the international nations, who have vast experience in the practice of dispute resolution modern methods in their own countries for generational periods, brings modernity to the LAW of Pakistan. Together sharing our experiences and learning from our best peers will make a robust and fool proof legal system, where public and community has concrete faith of justice.”](#)**

The event has also attracted the attention of the [Brussels Diplomatic Academy](#), who is now even considering to include a moot mediation exercise on the Pakistan-India conflict (that has been going on since 1947) in one of its postgraduate courses.

**[Quote of Mr. Barrister Zafarullah Khan \(Special Advisor to Prime Minister / Minister of State for Human Rights\) “Today everyone is talking about this \[mediation\]. It has become a popular slogan and it will be beneficial to utilize it and reduce the burden on the judiciary. It should be made somewhat similar to compulsory, if not compulsory, otherwise our legal system shall break down. The people are frustrated as it takes 20 to 25 years to get their dispute settled in courts.”](#)**

When conducting business with or in Pakistan, note that:

- The NCDR standard mediation clause is:

***“Clause – Referral of Dispute***

***In the case of dispute between the parties arising out of or in connection with the present contract, the parties shall first refer***

the dispute for mediation to the National Centre for Dispute Resolution (NCDR) and shall, in good faith, try to settle the matter amicably through mediation for no less than 90 days.

The parties agree that for the purpose of mediation, the rules of the National Centre for Dispute Resolution shall apply. That in the event of failure of mediation, the parties may invoke the arbitration clause.”

- The NCDR standard arbitration clause is:

“All disputes arising out of or in connection with the present contract, if were unable to be resolved through mediation as mentioned in above clause, shall be finally settled under the Rules of Arbitration of the NATIONAL CENTRE FOR DISPUTE RESOLUTION by one or more arbitrators appointed in accordance with the said Rules. Unless otherwise agreed by the parties, the laws of Pakistan shall apply and the seat of arbitration shall be Karachi.”

AIA looks forward to the bright future of ADR in Pakistan!



This evolution makes that the EMTPJ mediation model becomes the standard model for mediation in Pakistan. The EMTPJ model sets out multiple steps for a facilitative mediator to guide parties through the mediation path, enhancing the chances of reaching the best outcome. The EMTPJ model was created with the support of the European Commission and is tailored to solve cross border issues (including different cultures, values, traditions, etc.). For more information, see [www.emtpj.eu](http://www.emtpj.eu)

Recommended Books



### A Practical Handbook on International Investment Arbitration

by Johan Billiet *in collaboration with* Maria Elenora Benini, Cari-Dee Le, Amélie Noilhac and Cecile Oosterveen

The book is aimed to provide to lawyers, in-house counsels, experts & students from different backgrounds, a practical and objective guide that can lead them towards the full understanding of different topics on investment arbitration.

Quote from Johan Billiet: *"the content and structure are such that a complete overview is given of theoretical topics, illustrated with references to case law."*

The book serves as a handbook for the Masterclass on Investment arbitration, jointly organized by AIA and the Brussels Diplomatic Academy. For further information see below or send an email [here](#).

In June 2016 (exact date to be announced soon) there will be a book presentation, followed by a mystery keynote speaker at the VUB University.

Location: VUB University, Pleinlaan 5, 1050 Brussels, Belgium

Focus: Investment Arbitration as a tool for Investment Protection

Free entrance: Please send an email to [Philippe.Billiet@billiet-co.be](mailto:Philippe.Billiet@billiet-co.be) if you wish to attend

Schedule:

- 4 pm: Introduction by the Director of the Brussels Diplomatic Academy
- 4.15 pm: Book presentation
- 4.40 pm: keynote speaker (mystery guest)
- 5 pm onwards: reception (ideal for networking with diplomats and investors)

Media partners: Brussels Diplomatic Academy, Diplomatic Council and Diplomatic World

If you would like to order the book please send an email [here](#).

Meeting with Arbitral Institutions - Interview with Bani Arbitration Centre



## Bani Arbitration Centre

BANI Arbitration Center, or formally BANI Arbitration Center, is an arbitral institution, providing a range of services in relation to arbitration, mediation, binding opinion and other form of dispute resolutions.

BANI was established in 1977 on initiative of three prominent lawyers, namely the late Prof. R. Subekti, the late Mr. Haryono Tjitrosoebono and the late Prof. H. Priyatna Abdurrasyid. With initial support of Indonesia Chamber of Commerce and Industry, the Centre is located in Jakarta with offices in some Indonesia major cities including Surabaya, Bandung, Pontianak, Denpasar, Medan, Palembang and Jambi.

Committed to complete neutrality and independence in its role as an arbitral institution, BANI has developed its own rules and procedures for arbitration, including the time frame in which Arbitral Tribunal has to render awards.

With the credential as the first and the recognition as the leading Indonesian arbitration organization in various International communities, with over 3 decades of experience and over 100 listed arbitrators both Indonesian nationals and foreign, BANI Arbitration Center is the obvious choice for arbitration in Indonesia.

### **Do you consider arbitration as a mechanism for peaceful resolution of disputes?**

Arbitration is genuinely a peaceful mechanism of dispute. The mechanism has long been recognized and used by many civilized nations in the world to settle their disputes peacefully. It is peaceful in the sense that it prevents one or both parties to resort to unilateral, non-peaceful means of resolution of dispute. For the interest of comparison, Indonesian Law on Arbitration and Alternative Dispute Resolution requires the arbitration tribunal or arbitrators, on the first day of the arbitration hearing, to encourage the parties to settle their dispute peacefully (Article 45 of the Law No 30 of 1999 on Arbitration and Alternative Dispute Resolution).

### **Do you think arbitration has lost some of its edge as being fast and cost-efficient?**

Arbitration is a very simple procedure. Principally, arbitration is and must be a fast and cost efficient. The present problem with arbitration is that it has been fastly growing and have gained trust and confidence from the (business) communities to settle their dispute. The requirements of fast and cost effective however have been affected by the complicity of the dispute as well as the cross-border nature of the disputes where the parties domicile in different jurisdictions and the multi-millions or even billions of dollars disputes are heard.

### **Does BANI only receive any kind of arbitration cases?**

BANI established in 1977 is the main arbitration in Indonesia. As an arbitration providing dispute settlement service to the business communities, BANI is confined to settling only commercial disputes according to the Indonesian law.

### **How is BANI different from other arbitration institutions?**

BANI has its unique characteristic compared with other arbitration institutions in the world. Firstly, BANI consists of foreign and Indonesian national arbitrators with different professional backgrounds. Although most of the arbitrators have legal education backgrounds, some have non-legal education trainings. They include among other engineers, banking professionals, financiers, communication experts, etc. secondly, BANI encourages non-confrontation nature in the settlement of disputes where the parties are given much leeway in reaching the peaceful solution of disputes including among other by applying arb-med-arb mechanism.

### **Could you elaborate on the BANI arbitration rules?**

BANI arbitration rules principally are similar with other internationally standard arbitration rules such as UNCITRAL Arbitration Rules, ICC Arbitration Rules, etc. BANI Rules consists of 6 (six) main themes including: (a) scope; (b) General Stipulations; (c) Commencement of Arbitration; (d) Arbitration Panel; (e) Arbitration Proceedings; and (f) Arbitration Award. International arbitration rules primarily consist of 4 (four) main themes which include: (a) the Introductory Rules; (b) Composition of the Arbitration Tribunal; (c) the arbitration proceedings; and (d) the Award. The themes (b) to (d) (of UNCITRAL) are similar with BANI's (d) to (f). And BANI's Rules (a) to (c) above are principally similar with UNCITRAL's theme (a).

There are however a number of provisions under the BANI Rules which are not similar with the UNCITRAL. However for the interest of universality, BANI is now studying and considering to adopt the UNCITRAL Rules and other arbitration Rules (for example ICC's) into our Rules so that BANI Rules are similar with the internationally recognized rules. This includes, among others, the possibility to adopt the rules on emergency arbitrators into BANI Rules.

### **Could you talk about the arbitration field in Indonesia?**

Arbitration in Indonesia is not a new mechanism. It has been practiced and recognized in many local customary-law ("Adat Law") in Indonesia. The so-called arbitration has been long used to solve many local disputes in many "Adat" communities in Indonesia. Since the promulgation of Arbitration Law in 1999 (Law No 30), arbitration has its firmer legal ground to solve commercial disputes in Indonesia. The Law regulates the resolution of disputes through the mechanism required by the Law. BANI was founded in 1977. Since then, there have been a number of arbitration institutions specializing in specialized subject matters. They include, among others:

- (1) Indonesian capital market arbitration;
- (2) Indonesian Syariah (Islamic) arbitration;
- (3) Indonesian intellectual property arbitration;
- (4) Indonesian sport arbitration.

### **Could you give some comments on the Law number 30 of 1999 on Arbitration and Alternative Dispute Resolution?**

Law No 30 of 1999 is an important piece of legislation on arbitration in Indonesia. The law is unique compared with other arbitration laws on a number of issues. Firstly, the law regulates not only arbitration but also alternative dispute resolution including, although only in one article, negotiation and mediation. Secondly, there are provisions which strongly adopt the Indonesian civil code practice, these include the requirements of the headings for the arbitration awards and the requirement of registration of awards with the local courts.

BANI however with the support of UNCITRAL is at present conducting study and weighing to revise the Law No 30 of 1999 and/or to propose to the government (parliament) to promulgate an international arbitration law in Indonesia in addition to the Law No 30 of 1999.

### **What is the future of arbitration in your opinion?**

Arbitration has been long recognized and practiced for thousand of years in the world and we believe, given its past and present contributions to the communities, will still continue to contribute to the society for another thousand of years to come.

## **Report on the AIA International Negotiation Training 2016**

On 9 - 11 March AIA organized its first negotiation training. The trainers (Sami Faltas, Michael Gates, Paul Hazel, Maxime Kaplan, and Johchen Roef) are amongst the world's leading negotiators and the group of participants comprised at least 8 different nationalities. The date of the next AIA negotiation training is not yet set but feel free to send an email to [philippe.billiet@billiet-co](mailto:philippe.billiet@billiet-co) to pre-register for the next training. (You can suggest a preferred date in your email).

A quote from one of the participants, J. Barnum: "*Was going to school ever such fun? More than the pro bono case I came back to, where now I have to petition for a hearing on the denial of my client's claim for discrimination for having a disability. If ever you need free advice, my partner, a Yale '49 classmate and former diplomat, and I are determined to prove the advice is worth more than you had to pay for it. See Octogenarians Without Borders, [www.octogenarians.us](http://www.octogenarians.us).*"

Anoter quote from Caecilia J. van Peski (Civil Expert on International Peace & Security - The Netherlands): *"Please allow me to express my sincere gratitude and warm enthusiasm vis-à-vis the AIA course "International Negotiation Training". It was a pleasure to participate in the course, not only because this engagement offered me to further build on my knowledge and skills vis-a-vis the topic of negotiation, but also because of meeting other participants, all of whom held a firm background in international affairs. In my work as a civil expert on international peace and security, my every-day work involves a multitude of players in often severely troubled regions. It is in this work were I engage in negotiation, mediation and the facilitation of dialogue. To prepare myself well for the challenge, participation in the AIA course was of great benefit. Although the materials on offer were not new to me, the course functioned as a thorough refreshment besides giving me the opportunity to exchange ideas with like-minded professionals."*

## Postgraduate International Business Arbitration



Vrije Universiteit Brussel

BRUSSELS DIPLOMATIC ACADEMY

Do you wish to acquire a profound, in-depth and high-quality knowledge on international arbitration?

Are you interested in an academic programme with a strong grounding in both the theoretical and practical aspects of international arbitration within a commercial context, enriched by the hands-on experience of academics and professionals actively engaged in the field?

Then this is the program you are looking for.

Click this [link](#) or send en email for more information [here](#).

## Seminars jointly organized by AIA and Brussels Diplomatic Academy



Vrije Universiteit Brussel

BRUSSELS DIPLOMATIC ACADEMY

**The Association for International Arbitration invites you to take a look at the following events and to the postgraduate program in International Business Arbitration**

The Brussels Diplomatic Academy has a clear focus on economic diplomacy and international entrepreneurship. They prepare students for a career in diplomacy and international business. In



addition, the Academy offers a comprehensive range of seminars and executive courses to diplomats and business people. The institute is your first point of call for consultancy, research and coaching on all aspects of diplomacy and international business.

Please see below the upcoming BDA events that will be held at **Vrije Universiteit Brussel, Pleinlaan 5, Meeting room 'Bruges', level -1.s:**

### **1) Lecture on "International Banking and Financial Reform"**

This class will be held on the 26th of April, from 14:00 to 17:00

### **2) Master class on "Investment Arbitration" in collaboration with AIA**

This class will be held from the 19 of September of 2016 from 13:00 to 17:30.

Price. 1.850€.

**Short description:** The law on foreign investment protection is one of the fastest developing and intellectually challenging branches of international law with high practical relevance. Investment arbitration is predicted to be a major factor in the development of the global economic system. The number of investment disputes before international arbitral tribunals has increased significantly over the last decades and reflects the notable preferences of the international business community for resolving international investment disputes. Acquaintance with the legal regime for investment arbitration and case law has now become indispensable for anyone seeking to have a full picture of arbitration or enhance his knowledge in international dispute resolution domain.

In the course of the seminar, we will examine the fundamental notions relevant to investment arbitration and critically review a number of major cases. This seminar is especially relevant to government officials, diplomats, private investors and executives who are involved in investment decision-making processes.

### **3) Master class on "Project Management" in autumn 2016**

This one day class will be held from 13:00 to 17:30.

Price. 750€.

Short description: Project Management (PM) is accepted as a tool that contributes to reaching the objectives of the organization.

Furthermore Project Management allows us to organize our daily work on a project management base.

The master class is aimed at all who work on projects and those who want to change daily routine work by applying project management techniques.

**Attention:** Flemish companies can make use of the "KMO-portefeuille": [www.beaweb.be](http://www.beaweb.be) (Admission number BDA for "Training": DV.O211124).

**If you would like to add this kind of experience in your curriculum, please complete the [registration form](#) and send it [here](#).**

## Energy and Arbitration



**VIAC** | Vienna International  
Arbitral Centre

**EVENT CO-ORGANIZED WITH THE VIENNA INTERNATIONAL ARBITRATION CENTRE (VIAC) , THE AUSTRIAN ARBITRATION ASSOCIATION (ARBAUT) and the Greek Energy Forum**

This seminar looks at commercial arbitration in the energy sector, particularly in the oil and gas sector. In particular, speakers will discuss investment arbitration and the Energy Charter Treaty (ECT), focusing on dispute resolution under the ECT, the future of the ECT and the implementation of the ECT in transit disputes.

**Date:** 19 May 2016

**Time:** 14.00 - 18.30h

**Cost:** Non-Members 200 EUR excl. VAT / AIA Members /VIAC members / Arbaut Members/ Greek Energy Forum Members 100 EUR excl. VAT

**Venue:** Vrije Universiteit Brussel

Send an [email](#) for more information or to register.

## Arbitration and EU Law

**EVENT CO-ORGANIZED WITH THE EUROPEAN FEDERATION FOR INVESTMENT LAW AND ARBITRATION (EFILA) AND CIARB**



Over the years, there has been increasing EU activity in private international law. The interaction and relationship of EU law and international commercial arbitration has had growing interest over the years. In this course, we will consider the key changes in the Brussels Regulation (recast) for commercial parties, the consequences and interpretation of the arbitration exceptions and the relationship between EU state aid and investment protection under bilateral investment treaties.

**Date:** 27 May 2016

**Time:** 14.00 - 18.00h

**Cost:** Non-Members 200 EUR excl. VAT / AIA Members/CI Arb Members/EFILA Members: 100 EUR excl. VAT

**Venue:** Vrije Universiteit Brussel

Send an [email](#) for more information or to register.

### Third Party Funding



#### ***EVENT CO-ORGANIZED WITH THE DANISH INSTITUTE FOR ARBITRATION***

There has been a constant spotlight on third party funding in international arbitration over the years. In this seminar, we will discuss the mandatory disclosure of funding agreements in investment and commercial arbitration, the needs for rules regulating TPF in arbitration, role of respondents and the impact of TPF on arbitral proceedings.

**Date:** 9 June 2016

**Time:** 14.00 - 18.30h

**Cost:** Non-Members 200 EUR excl. VAT / AIA Members /DIA Members: 100 EUR excl. VAT

**Venue:** Vrije Universiteit Brussel

Send an [email](#) for more information or to register.

### EMPTJ



The [EMTPJ](#) is an 11-day intensive training course on cross border mediation in civil and commercial matters. The

training is unique because it is tailored to cover both theoretical and practical elements of mediation with a European perspective. More information can be found at [emptj.eu](http://emptj.eu)!

**Date:** 15 - 26 August 2016

**Cost:** Non-Members 3500 EUR excl. VAT / AIA Members 3000 EUR excl. VAT / Early bird discount before 30 April 2016

**Venue:** Billiet en Co, Louizalaan 146, Brussels, Belgium

Send an [email](#) for more information or to register.

## IMI

The AIA organises a Qualifying Assessment Program (QAP) approved by the International Mediation Institute (IMI). Those who take part in the AIA's qualifying assessment program and successfully become qualified and then IMI Certified will form part of a worldwide community of experienced mediators whose Profiles are freely searchable by users through the IMI open search engine.

AIA is now open for registrations; applicants must have 200 hours mediation experience and 20 mediation cases.

**Date:** 28 August 2016

**Cost:** Non-Members 800 EUR excl. VAT / AIA Members 50 % discount

**Venue:** AIA, Louizalaan 146, Brussels, Belgium

## Investment Arbitration



The Master Class is organized together with the Brussels Diplomatic Academy. In 2016 the master class will take place for the third time. The law on foreign investment protection is one of the fastest developing and intellectually challenging branches of international law with high practical relevance. Investment arbitration is predicted to be a major factor in the development of the global economic system.

**Date:** 26 - 29 September 2016

**Cost:** Non-Members 1850 EUR excl. VAT / AIA Members 925 EUR excl. VAT

**Venue:** Vrije Universiteit Brussel

Send an [email](#) for more information or to register.

## AIA Brussels Arbitration School - NL Edition

The Brussels Arbitration School is an initiative of the AIA. It is a five day complete intensive course on arbitration, which rewards its participants with an ABAS arbitrator certificate. The curriculum of the program is conceived by arbitration experts and is aimed at lawyers, in house counsels, experts and other alternative dispute resolution practitioners from around the globe, and strengthens the establishment of ties between the participants and arbitration providers.

**Date:** 17 - 21 October 2016

**Cost:** Non-Members 1000 EUR excl. VAT / AIA Members 500 EUR excl. VAT

Send an [email](#) for more information or to register.

## **Sustainable Development and International Arbitration**

**EVENT CO-ORGANIZED WITH AIA ITALY AND ICC ITALY**

This is a one-day seminar on sustainable development and international arbitration. In particular, this seminar looks at what sustainable development is really about, the trends and effects of sustainable development law in the commercial arbitration world, and enhancing environmental protection through ISDS.

**Date:** 10 November 2016

**Cost:** Non-Members 200 EUR excl. VAT / AIA Members and Members AIA ITALY/ICC ITALY: 100 EUR excl. VAT

**Venue:** Vrije Universiteit Brussel

Send an [email](#) for more information or to register.

## **Introduction to Mediation**

This three day training program is designed to provide an introduction to the theory and practice of mediation and focuses on the development of relevant introductory skills. It is suitable for those at all levels who seek to enhance their knowledge and skills in relation to conflict resolution within their organisations.

**Date:** 7 - 9 December 2016

**Cost:** 400 EUR excl. VAT

**Venue:** Billiet en Co, Louizalaan 146, Brussels, Belgium

Send an [email](#) for more information or to register.