Comparative study about consulting engineers' liability and insurance requirements across Europe: 2019 report

Internal Market COMMITTEE
September 2018: consultation with the national associations:
(1) do you know the 2014 report and (2) would you value a 2018/19 update?

October 2018: based on positive reactions, the Committee agreed to update the report.
Subsequently, national associations were invited to
(a) notify any required correction and improvement of the 2014 information on their country
(b) complete a questionnaire (and thus extending the report’s country coverage)
The 2018/19 report summarises the answers and updates received from the member associations of 20 representative European countries: Austria, Belgium, Czech Republic, Denmark, England, Finland, France, Germany, Greece, Hungary, Ireland, Italy, the Netherlands, Norway, Portugal, Romania, Switzerland, Spain, Sweden and Turkey.
Same structure as the 2010 and 2014 report

- Source of law
- Duty of care
- Duration of liability
- Financial cap
- Joint and several liability
- Intellectual property rights
- Warranty, bonds and guaranties
- Use of standard forms contract
- Legal obligation for insurance
Findings:

• Source of law
  • Continental countries: Civil Code

• Duty of care
  • Reasonable professional skill and diligence

• Duration of liability
  • Varies between countries and types of situations (2-20 years)

• Financial cap
  • In general no statutory cap
  • Scandinavia, The Netherlands and Spain
Findings:

- Joint and several liability
- Use of standard forms contract
- Legal obligation for insurance
- 50/50
- Some member associations provide standard forms contracts
- No mandatory insurance. But customary for contract conditions to require the consulting engineers to provide insurance
The report – *expected to be launched in June*

- is designed as a dynamic document
- will be launched on the EFCA and FIDIC website
- may serve as inspiration for other FIDIC regions
THANK YOU!

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