



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.



Representing
FIDIC in Europe

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

2018/19 update

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 profesional 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
- 50/50
- Use of standard forms contract
- Some member associations provide standard forms contracts
- Legal obligation for insurance
- 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

The left side of the slide features a decorative background with a complex, overlapping wireframe structure in shades of blue and grey, suggesting a technical or architectural theme. Overlaid on this are several large, semi-transparent geometric shapes: a yellow parallelogram and a blue parallelogram.

THANK YOU!

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