



ESCL

Annual Conference 2017

Introduction

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European Society of Construction Law



BIM!



AEC (UK) BIM Protocol

Implementing UK BIM Standards for the Architectural, Engineering and Construction industry.

Version 2.0

September 2012

Updated to unify protocols outlined in
AEC (UK) BIM Standard for Revit and
Bentley Building.

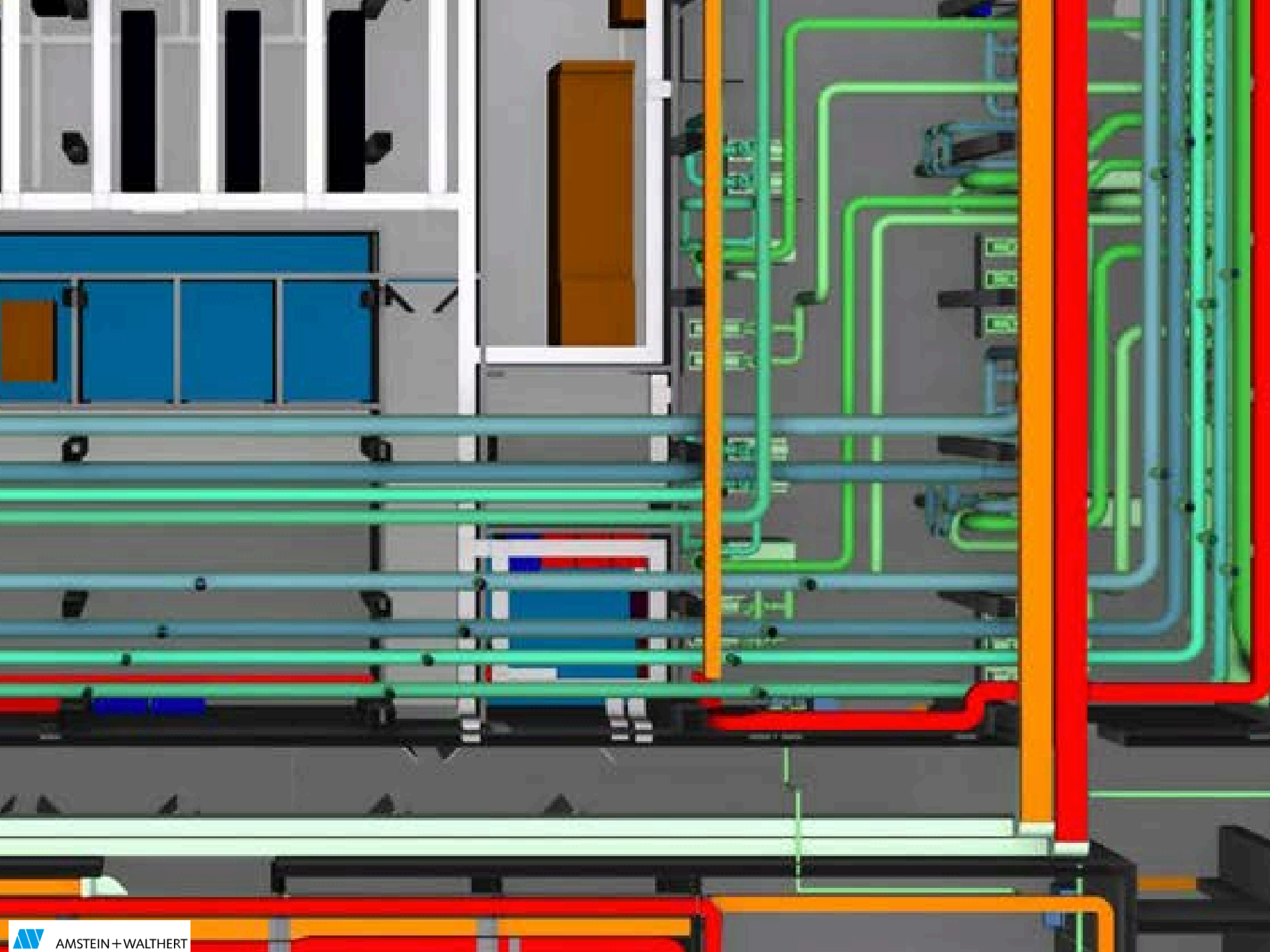
4.3 Legal Stuff

Not included in this release.



But what *is* BIM?









BIM is here to stay



**BIM brings people in government
and the industry to think about
ways to improve collaboration**



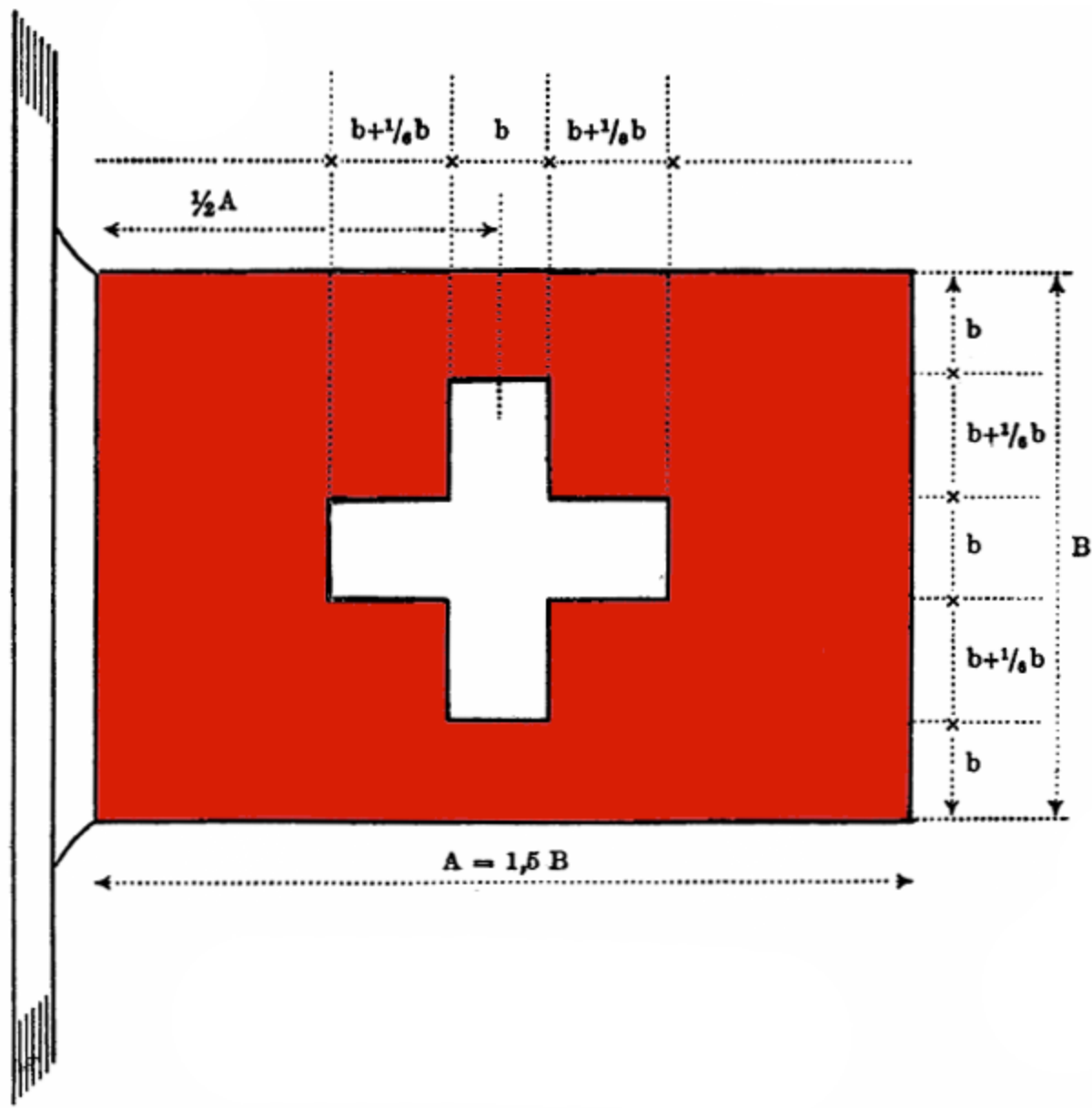
**BIM is not just a new design tool but
a new management method, a new
way of working together**



Does BIM call for new contract models? Will multi-party agreements be the new normal?



**Should the legislator step in,
promote training in the
administration and the industry, and
eventually declare BIM mandatory?**





Country Report Switzerland

- No early adoption
- Bottom-up approach
- Lawyers: construction meets IT



Contract Law (1)

- No legal obstacles to BIM
- No legal help for BIM



Contract Law (2)

- Goals, processes, roles, tasks, formats, duties, rights
- What contract lawyers shouldn't do
- What contract lawyers can do



Contract Law (3)

- No BIM standards at present
- SIA Memorandum 2051:2017
(≠standard)
- Standards in preparation



Public Construction Law

- Today: paper or PDF files
- Building permit based solely on BIM: not permitted
- Legislation in preparation



Public Procurement Law

- BIM as a procedural tool /
BIM as a service
- Discrimination by specific formats





ESCL consists of 20 national construction law societies. One of the tasks of the ESCL is to promote knowledge of international construction law. Once a year, in that context, a conference is organized by one of the associated societies. Because of the great appreciation for education and research an annual Master Thesis Prize has been created. This is the sixth year this prize will be awarded.



The jury is chaired by the President of the ESCL who appoints two or more other members of the jury.

The 2017 jury was composed of:

- Professor Benoît Kohl, Belgium
- Professor Anthony Lavers, UK
- Professor Dr. M. Hugues Périnet-Marquet, France
- Professor Dr. Hubert Stöckli, Switzerland (President ESCL)



In assessing the scientific quality of the thesis, the jury evaluated the following aspects of the thesis: originality of the topic, approach/quality of analysis, approach/quality of presentation, interest to construction law and construction professions and connection with either European law or with the law of more than one European country.



First prize: EUR 2.500

Second prize: EUR 1.000

We greatly appreciate the contributions from participating national societies!





Second Prize 2017

Eugenio Zoppis

*“Contract conditions for ground risk under the 1999
FIDIC Suite of Contracts: a critical review”*

King’s College London, UK





First Prize 2017

Gerben Hofmeijer

“Optimising the usability of the innovation partnership procedure for contracting authorities”

Delft University of Technology, NL





Remember to encourage students to participate in the 2018 competition

Deadline for submission is May 30, 2018

Further information on escl.org





Systematic use of the same set of digitalized information over the entire life-span of a building



BIM allows you to see and test a building before it is being built

BIM helps you to operate an existing building more efficiently



Institut für Schweizerisches
und Internationales Baurecht
Institut pour le droit suisse et
international de la construction



UNIVERSITÉ DE FRIBOURG
UNIVERSITÄT FREIBURG



SVöB
ASMP
ASAP

Schweizerische Vereinigung für
öffentliches Beschaffungswesen
Association suisse
des marchés publics
Associazione Svizzera per gli
appalti pubblici

2017 ANNUAL CONFERENCE OF THE EUROPEAN SOCIETY OF CONSTRUCTION LAW

BIM – BUILDING INFORMATION MODELING