

Parties can now request an extension to object to expert reports

22 December 2020 | Contributed by [Gün + Partners](#)

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Introduction

Law 7251 on the Amendment of the Civil Procedure Code and Certain Laws (Amendment Law) entered into force on its publication in the *Official Gazette* (31199) on 28 July 2020. One of the significant amendments introduced by the Amendment Law concerns Article 281 of the Civil Procedure Code (CPC) 6100, which regulates parties' objections to expert reports. With this amendment, parties can now request an extension from the court to file their objections against expert reports under certain circumstances.

Background

As per Article 266 of the CPC, in cases where special or technical knowledge is required to resolve a dispute, the courts can obtain an expert opinion *ex officio* or at the request of the parties. The expert report is then served on the parties for their review.

Before the Amendment Law took effect, parties had to file their statements and objections against expert reports within two weeks of the report's service, so that the inadequacies could be rectified or the ambiguities could be clarified through an additional expert report from the same panel of experts or a second report from a new expert panel.

Amendment Law

The Amendment Law has added a new sentence to Article 281 of the CPC which entitles parties to request an extension to file their objections in the event that:

- it is too difficult or impossible to file objections within the prescribed two weeks; or
- parties must carry out special or technical work to file their objections.

The court can grant parties one extension of up to two additional weeks, provided that the relevant party files such request within the prescribed two weeks. The additional time will begin at the end of the prescribed two weeks.

Comment

The two-week period was creating serious difficulties for parties and their attorneys, especially where disputes were complex or technical or where parties had critical comments, further information or documents to share. Therefore, the relevant article was criticised for failing to provide parties with sufficient time to file a fully formed objection against expert reports.

The preamble to the Amendment Law points out these difficulties faced in practice. This new legal arrangement is expected to resolve the problem of parties having inadequate time to submit in-depth and lengthy objections against expert reports.

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