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Find an expert

France

I. Lists and registers of experts

Each court of appeal and the French supreme court for civil and criminal matters (Court of Cassation) keeps a list or register of experts.

However, Courts and prosecutors are free to appoint any person that is considered suitable and competent. In such cases, they must give reasons for the choice made.

The lists of experts are published on the websites of the courts and in particular on the website of the [Court of Cassation](#) and the courts of appeal.

To be registered on a list of a court, experts must fulfil the following requirements:

be under 70 years old. In practice, the expert has to be between 35 and 57-58 years old to be registered on a list of experts

be a citizen of the European Union

should not have acted in breach of honour, probity and good morals

should not have been subject to a disciplinary or administrative sanction leading to dismissal, deletion from the register, revocation, withdrawal of approval or withdrawal of authorisation

should not have been subject to personal bankruptcy or any other sanction provided for by the Commercial Code

a minimum period of in an activity related to their specialty

should not have performed any activity incompatible with the independence necessary for the exercise of judicial (legal) expertise missions

should have performed their main activity within the area of the court.

Experts specialised in translations who apply to be registered on a list of a court of first instance have to practice their profession in the local area of the specific court or live in this area in case they have already retired

The expert's application to be registered is examined by the public prosecutor and the judges of the court of first instance. The decision is made by an assembly of judges of the court of appeal.

Experts must swear an oath before being registered.

To be registered in the list of the Court of Cassation (national list) it is necessary to have been registered on a list of a court of appeal (regional list) for at least five years.

Every expert who was registered for the first time has to re-apply for re-registration after three years. From then on, experts have to re-apply to be registered every five years. The decision to not re-register an expert has to set out the reasons for the denial and may be contested

Experts can be dismissed from the register by disciplinary action by the court of appeal, which may be contested.

There is a code of ethics published by the [French Federation of experts](#).

II. Experts' qualifications

Generally, experts must be sufficiently qualified in their field of expertise.

Experts must have professional experience and knowledge of the procedural rules, in particular the rules applicable to expert proceedings.

They must partake in continuing education and this is checked every five years by the courts of appeal. The continuing education of experts includes:

Training in their speciality which is provided by professional organisations;

Training sessions about the conduct of expert proceedings given by judges and experts associations.

III. Remuneration of experts

In criminal proceedings, there is a regulation on the expert's fees relating to some tasks which the expert fulfils. In some fields of expertise, the prosecutor or the investigating judge can launch a call for tender regarding the expertise mission and choose the most advantageous offer. The Ministry of Justice, through the justice budget, bears the expertise costs.

In civil cases, remuneration is generally calculated on the basis of the number of hours spent by the expert on the case multiplied by an hourly rate, to which expenses and VAT are added.

The Court decides on the amount of the expert's remuneration, within an adversarial procedure, by taking into account whether the report was submitted on time, the quality of the expert's report and the level of diligence the expert performed his or her task with.

It is usually the plaintiff who pays an advance on the expert's remuneration. The court may, however, order both parties to pay part of the advance on such costs.

In its final decision the court will order the unsuccessful party to pay the expert's remuneration.

Legal aid is available to cover the costs of the expert proceedings.

IV. Liability of experts

The expert is obliged to cover possible liability via professional indemnity insurance.

The insurance covers the civil and professional liability of the expert including missions in other Member States of the European Union.

V. Additional information about expert proceedings

In criminal cases, experts can be appointed by the investigating judge, the public prosecutor or by a police officer with appropriate authority (*officier de police judiciaire*: a police officer who, under French law, is in charge of criminal investigations and allowed to place suspects in custody).

In all other cases, the expert is appointed by the court only, either ex officio or at the request of a party.

In civil proceedings, a preliminary expert report is not mandatory but is highly recommended and often specifically required in civil proceedings. The expert delivers a written final report. If the expert considers it necessary to consult with a technician specialised in a different field of expertise, the expert will attach the technician's opinion to the expert report. The Court can require the expert to testify in an oral hearing if the report is not a sufficient basis for the Court's decision. The final report must answer each question asked by the court and take into account all comments addressed by the parties to the expert during the expert proceedings.

1. Appointment of experts

The title of expert (*expert de justice*) is protected by criminal law. The expert is registered on a list kept by courts of appeal and the Supreme court.

There are between 8 000 and 10 000 judicial experts in France.

In civil, commercial and administrative cases, experts can be appointed in preliminary or pre-trial proceedings. 80% of expert proceedings are initiated at such a pre-trial stage.

The court appoints an expert when it needs some technical expertise for the settlement of the dispute: the court may appoint the expert ex officio or at the request of one of the parties. The judge decides which party will pay an advance on costs that will be used to pay the expert's fees.

The parties may suggest an expert, but it is always the court or the public prosecutor who decides which expert will be appointed. Unless specific reasons are given, the expert must be chosen from a list drawn up by a court of appeal.

In civil proceedings, the parties are highly involved in the expert's operations. They have to cooperate and to answer all demands for documents from the expert. They may directly question the expert during adversarial meetings and require the expert to comment on their remarks. These possibilities are much more limited in criminal proceedings where the expert works under the high dependency of the judge or prosecutor who appointed him or her.

2. Procedure

Main legal texts concerning judicial expertise in France:

Code of Criminal Procedure and Code of Civil Procedure

Law 71-498 of 29 June 1971 concerning judicial experts, amended several times, in particular on 18 November 2016

Decree of 23 December 2004, amended several times.

Experts can be in contact with the parties during the proceedings but in strict compliance with the principle of adversarial proceedings. Exceptions are related to medical or business secrets.

There is no imposed structure for the reports experts write, but initiatives exist to fill this gap.

Nevertheless, in the report experts must:

detail their argumentation;

specify the documents on which they based their opinion;

answer to the parties' statements;

give a complete list of the documents which have been communicated to them.

When a preliminary report has been required by the court, the expert sends it to the parties in order to collect their statements.

In criminal cases the expert must attend the hearing. In civil cases the court may ask the expert to attend the hearing.

The expert can be obliged to produce an additional report by decision of the court, for instance after the parties have commented on the report and asked additional questions.

The court controls the progress of the expert's investigations. This task is assigned to a specific judge of courts of first instance.

The information presented here was gathered during the Find an Expert Project from contacts per country selected by the [European Expertise & Experts Institute EEEI](#).

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