Αναζήτηση εμπειρογνώμονα

Πληροφορίες σχετικά με την εξεύρεση πραγματογνώμονα στις χώρες της ΕΕ

Ο πραγματογνώμονας είναι πρόσωπο που διορίζεται από το δικαστήριο ή τους διαδίκους προκειμένου να παράσχει την εμπειρογνωσία του επί συγκεκριμένου θέματος κατά τη διάρκεια δικαστικής διαδικασίας. Ακόμη και αν ο πραγματογνώμονας έχει διοριστεί από τους διαδίκους, αναλαμβάνει καθήκοντα έναντι του δικαστηρίου.

Συνήθως, η εθνική νομοθεσία καθορίζει τα καθήκοντα και τις αρμοδιότητες των πραγματογνωμόνων. Οι περισσότερες χώρες καθορίζουν προϋποθέσεις (εκπαίδευση, κατάρτιση και/ή πιστοποίηση) για την αναγνώριση της ιδιότητας του πραγματογνώμονα σε δικαστικές διαδικασίες. Επί του παρόντος, δεν υπάρχει συμφωνία μεταξύ των κρατών μελών σχετικά με τις προϋποθέσεις για τους (δικαστικούς) πραγματογνώμονες και τα εθνικά συστήματα διαφέρουν σημαντικά μεταξύ τους.

Υπάρχουν πολλά είδη πραγματογνωμόνων:

Ο πραγματογνώμων μάρτυρας καλείται να ερμηνεύσει τα πραγματικά περιστατικά και/ή να γνωμοδοτήσει με βάση την εμπειρογνωσία του επί τεχνικών θεμάτων ή την πείρα του, προκειμένου να αποσαφηνιστούν τα επιχειρήματα των διαδίκων·

Ο τεχνικός πραγματογνώμονας καλείται να γνωμοδοτήσει επί τεχνικών ή επιστημονικών ζητημάτων·

Ο νομικός πραγματογνώμονας καλείται να γνωμοδοτήσει σχετικά με τους κανόνες, τις πρακτικές και τα δικαιώματα που ισχύουν σε αλλοδαπό δίκαιο·

Άλλοι πραγματογνώμονες.

Τα εθνικά ενημερωτικά δελτία για τους πραγματογνώμονες και την εμπειρογνωσία παρέχουν πληροφορίες σχετικά με τους υφιστάμενους εθνικούς καταλόγους και εθνικά μητρώα πραγματογνωμόνων, τις προϋποθέσεις που πρέπει να πληρούν οι πραγματογνώμονες, την αμοιβή και την ευθύνη των πραγματογνωμόνων, καθώς και πληροφορίες σχετικά με τη διεξαγωγή διαδικασιών πραγματογνωμοσύνης.

Τα εν λόγω εθνικά ενημερωτικά δελτία έχουν καταρτιστεί από το

Ευρωπαϊκό Ίδρυμα Εμπειρογνωσίας και *Εμπειρογνωμόνων (European Expertise & Experts Institute – EEEI) στο πλαίσιο του έργου «Εξεύρεση πραγματογνώμονα», το οποίο χρηματοδοτείται στο πλαίσιο του προγράμματος «Δικαιοσύνη» της Ευρωπαϊκής Επιτροπής.*

Τελευταία επικαιροποίηση: 17/11/2021

Για τη διαχείριση αυτής της ιστοσελίδας υπεύθυνη είναι η Ευρωπαϊκή Επιτροπή. Οι πληροφορίες που περιλαμβάνονται στην παρούσα σελίδα δεν απηχούν κατ' ανάγκη την επίσημη θέση της Ευρωπαϊκής Επιτροπής. Η Επιτροπή δεν αναλαμβάνει καμία απολύτως ευθύνη όσον αφορά πληροφορίες ή δεδομένα που περιέχονται ή αναφέρονται στο παρόν έγγραφο. Παρακαλείσθε να συμβουλευθείτε την ανακοίνωση νομικού περιεχομένου σχετικά με το καθεστώς πνευματικής ιδιοκτησίας που διέπει τις σελίδες των ευρωπαϊκών θεσμικών οργάνων.

Find an expert - Belgium

I. Lists and registers of experts

Only those persons who, by decision of the Minister of Justice or the official delegated by the Minister of Justice and on the advice of the Accreditation Commission, are entered in the national register of court experts and sworn translators, interpreters and translator-interpreters are authorised to hold the title of court expert and to accept and carry out assignments as court experts or to hold the title of sworn translator, interpreter or translator-interpreter and to carry out translation or interpretation assignments entrusted to them by law.

Natural persons are entered in the said register if they:

are nationals of a Member State of the European Union or are legally resident there;

have not been convicted by a final judgment, even if suspended, of a criminal offence resulting in a fine, work or imprisonment, with the exception of convictions for offences against road traffic regulations and convictions which, in the opinion of the Minister of Justice clearly do not constitute an obstacle to the performance of expert opinions in the field of expertise and specialisation in which they register as an expert or to the performance of translation or interpretation work by sworn translators, interpreters and translator-interpreters in the languages in which they register as a sworn translator, interpreter or translator-interpreter. This applies by analogy to persons who have been sentenced abroad to a penalty of the same nature by a judgment which has become res judicata;

are at least 21 years of age if they are a sworn translator, interpreter or translator-interpreter;

provide evidence that they have the necessary professional skills and legal knowledge;

declare in writing that they are at the disposal of the judicial authorities;

provide evidence of professional competence and legal knowledge;

undertake to pursue further training in their field of competence;

undertake to respect the code of ethics established by the King, which provides at least for the principles of independence and impartiality;

have taken an oath.

The Federal Public Service Justice manages the register and continuously updates it.

Entry in the national register is valid for a period of six years, which can be extended each time for the same period. For the time being, entries are only provisional until the accreditation commission is set up. The accreditation commission started its work at the beginning of June 2019. All of the nearly 4,000 experts/translators/interpreters will have to be examined by 30 November 2022.

A transitional plan has been put in place whereby experts working for the judicial authorities are required to comply with its provisions no later than 6 years after the date of entry into force of the law of 10 April 2014. As a result, it has been postponed to 01 December 2022.

A new law of 20 December 2020 entered into force on 24 December 2020 allowing all experts to be registered in the provisional database. Their provisional registration is limited until 30 November 2022.

Currently, only judges have access to the register. In the future, it should be accessible to everyone on the website of the Federal Public Service Justice.

In order to be included in the register, the expert must prove that they have the required professional aptitude and legal knowledge (Article 555/8, 4, Judicial Code).

This proof is provided:

With regard to professional competence:

for court experts, by a diploma obtained in the field of expertise in which the applicant is applying for registration as a judicial expert and by proof of five years' relevant experience during the eight years preceding the application for registration, or in the absence of a diploma, by proof of fifteen years' relevant experience during the twenty years preceding the application for registration;
for sworn translators, interpreters and translator-interpreters, any diploma obtained or evidence of at least two years' relevant experience acquired during a period of eight years preceding the application for registration or any other evidence of knowledge of the language(s) in respect of which they have applied for registration. Court experts and sworn translators, interpreters and translator-interpreters domiciled in another EU country can prove their professional competence by being registered in a similar register in their own country, and they must provide proof of this. A Royal Decree to be adopted by the Federal Parliament will determine the 'further training and education' obligations.
With regard to legal knowledge: a certificate issued after completing a training course that meets the conditions set out in the Royal Decree of 30 March 2018.

II. Remuneration of court experts

In civil cases, the court expert's fee is fixed by the parties. However, the court has the final say and can decide to reduce the fees of the proposed court expert.
In criminal matters, a Royal Decree determines the fees of the court experts.
The parties may not obtain legal aid to pay the expert's fee.

III. Liability of court experts

Court experts are liable according to the general rules (civil/contractual law). The expert's liability is not limited by law.

IV. Further information on the expertise procedure

The main legal provisions applicable to judicial expertise in Belgium are Articles 962–991 *undecies* of the Belgian Judicial Code: (text available in Dutch, French and German).
The Belgian legal system does not distinguish between different types of experts but only includes court experts. It distinguishes only between court experts on the one hand and translators/interpreters on the other.
This title is protected.

1. The appointment of experts

According to the Belgian Judicial Code, only judges and investigating judges and/or the Public Prosecutor can appoint a court expert.
However, litigants are not prohibited from requesting the opinion of their own expert. This private expert is then called a 'technical adviser'. The law does not regulate their intervention.
Article 962 of the Belgian Judicial Code stipulates that: *'In order to resolve a dispute brought before them or in the event of an objective and present threat of a dispute, the judge may instruct experts to make findings or give an opinion of a technical nature. The judge may appoint the experts on whom the parties agree. The judge may only deviate from parties' choice by a reasoned decision.'*

a) Appointment by a court

There is no difference between the appointment of experts for the purposes of proceedings before a civil or criminal court. Articles 555/6 to 555/16 of the Judicial Code are applicable in both civil and criminal matters (Article 2 of the Judicial Code).
Except in the cases provided for in Article 555/15 of the Judicial Code (in cases of urgency or where no expert is available with the required expertise and specialisation), the courts are obliged to appoint an expert registered in the National Register of Judicial Experts.
Civil courts have the discretion to appoint any expert from the register whom they consider appropriate for the proposed assignment. They may also appoint experts chosen by the parties and are not allowed to deviate from this choice without a justified reason.
Experts have a legal obligation to verify that they are not in a conflict of interest.

b) Appointment by the parties

Each party may request the opinion of its own expert in civil matters. Such an expert is called a 'technical adviser'. When appointing a 'technical adviser', the parties are not required to follow any particular rules or procedure.

2. Procedure

The court has the discretion to decide whether an expert opinion is necessary for the dispute or to establish the truth.
The role of the expert is to give an opinion to the court in response to the specific assignment given to them by the court.
The court is never bound by the expert's opinion.
In civil proceedings, the court supervises the progress of the expert opinion and ensures that deadlines are met and that the expert's testimony is heard.
The expert must comply with the terms of their assignment.
The parties may contest the report by making statements and providing a counter-expertise.
Experts are allowed to be in contact with the parties during the proceedings but in order to respect the principle of adversarial debate, any communication must be made in the presence of all parties.

a) The expert report

The results of the expert's assessment are presented in a report.
The report includes the preliminaries, the work and findings of the expert as well as their conclusions. It also contains all the documents consulted by the expert.
The final report is filed with the court that appointed the expert.
In civil cases, if the court does not find the necessary clarifications, it may order either that the same expert carry out a supplementary expert opinion or that another expert opinion be given.

b) Hearing by the court

The court may hear the expert at the hearing. At the request of the expert or the parties, the judge may also hear the parties' technical advisers.

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Find an expert - Czechia

I. Lists and registers of experts

There is an official list of experts in the Czech Republic.
Pursuant to Section 15 of Act No 254/2019 on experts, expert offices and expert institutes ('the Experts Act'), implemented by Ministry of Justice Implementing Decree No 503/2020 of 26 November 2020, the list of experts is publicly accessible.

The list of experts is available here. Expert offices and institutes qualified to carry out expert work can also be found in the list.
The Ministry of Justice is responsible for maintaining the list of experts.
Pursuant to Section 5(1) of the Experts Act, as implemented by Decree No 503/2020, experts must meet the following criteria in order to be included in the list. They must:
have their registered office, permanent residence, contact address or registered foreign national's residence in the Czech Republic;
have the required level of education (university education where possible; otherwise the highest attainable level of education);
have at least five years of active professional experience in the field and sector concerned;
have additional specialised education or a certificate of professional competence (for fields and sectors listed in Annex 2 to Implementing Decree No 505 /2020);
enjoy full legal capacity (be fully able to engage in legal proceedings);
have a clean criminal record (the person must not have been convicted with final effect of an intentional or negligent criminal offence committed in connection with the pursuit of expert or business activity, unless they are deemed not to have been convicted);
have the necessary material and technical facilities and equipment;
have passed an admission examination organised by the Ministry of Justice;
not be bankrupt;
not have had their authorisation to carry out expert work revoked in the past 5 years for serious or repeated breaches of expert duties; and
must not have been fined CZK 100 000 or more in the past 3 years for offences listed under the Experts Act.
Compliance with the specific conditions laid down in Sections 6 and 7 of the Experts Act is required for the performance of activities of an expert office or institute.
Experts have to swear an oath in order to be registered. The oath is as follows: 'I promise that I will comply with the law in my expert work, will carry out my expert activity impartially and independently, will make full use of all my knowledge, will take care to further educate myself, and will keep confidential the facts which I learn in the course of my expert work.'
To be included in the list, experts must submit an application to the Ministry of Justice.
However, they need not subscribe to a code of conduct or code of ethics.
Experts can be removed from the list for one of the following reasons:
the expert dies or the expert office or institute is dissolved;
the expert announces that they have stopped working as an expert;
a decision to withdraw their authorisation to pursue expert work comes into legal force.
The expiry of the right to pursue expert work following withdrawal of authorisation by the Ministry is governed by Section 14(1) of the Experts Act. This provision applies in cases where an expert no longer meets the conditions for their appointment, has not submitted proof of compulsory liability insurance, is unable to carry out their work in the long term for medical, professional or other serious reasons, is otherwise inactive (fewer than 3 expert reports produced over the preceding 5 years), or the experts are in serious or persistent breach of the obligations laid down in the Experts Act.
The list of experts is regularly updated by the Ministry of Justice.
An expert can be found by using the search tool. This search tool includes all experts, expert offices and expert institutes.
Experts appear on the list according to their field, sector and, where appropriate, specialisation. There are currently 52 main fields set out by the Experts Act.
Annex 1 to Implementing Decree No 505/2020 contains a list of expert sectors in the various fields of expertise.
Experts must enter the details of their expert work electronically in a register of expert reports that is accessible remotely and maintained by the Ministry of Justice.

II. Expert qualifications

Only persons who have attained the required level of training and minimum length of active professional experience in their specialised field and sector may be designated as experts. Membership of a professional organisation of experts is not required to carry out expert work.
However, certain expert fields and sectors require proof of professional competence issued by a legally established professional association with compulsory membership, for example in the construction sector (pursuant to Annex 2 to Implementing Decree No 505/2020) for expert work to be pursued in them.
Experts are required to refresh or extend their knowledge. The Ministry of Justice is involved in the training and further professional support of experts.

III. Remuneration of experts

The remuneration of experts is governed either by a contract with a client requesting an expert's report or by the Experts Act and Implementing Decree No 504/2020 on expert fees.
There are restrictions on how experts can be remunerated. Contractual remuneration is not permissible if the expert's report is requested by a public authority (e.g. a court or an administrative authority).
In addition to remuneration, the expert is entitled to reimbursement of cash expenses and compensation for the loss of time, including time spent travelling in connection with expert work to a place other than the expert's registered office.
Experts appointed by court can receive advance payments.
Expert fees are paid as follows:

Civil procedure

The expert fees are included in the costs of the proceedings. Each party bears the costs incurred by the party itself and by the party's representatives. The court grants to the party that achieves complete success in a particular case the reimbursement of costs incurred in the efficient exercise or defence of the party's right against the unsuccessful party. If a party achieves only partial success, the court apportions the reimbursement of costs fairly or declares that none of the parties is entitled to such reimbursement. Based on the results of the proceedings, the State is entitled to be reimbursed by the parties for the costs expended by the State on the proceedings, unless there is an expectation that the parties will be exempt from court fees.

Criminal proceedings

The costs of conducting criminal proceedings, including enforcement proceedings, are borne by the State. If the defendant is found guilty with final effect, they are required to pay a lump sum to the State as reimbursement for such costs, including in cases where an expert's report has been requested in the proceedings. Costs exceeding this lump sum limit are borne fully by the State. Barring some exceptions, the costs of expert reports not requested by the State are not borne by the State.

IV. Liability of experts

Experts are liable under the Experts Act for offences committed by them (Section 39) or for the possible commission of the criminal offence of perjury and false expert opinion, if the expert's report was false, grossly distorted or incomplete (Section 346 of Act No 40/2009, the Criminal Code).

The Experts Act also provides for special liability of experts under private law. Experts are required to provide compensation for any damage they cause in connection with their expert work. However, experts are relieved of liability if they prove that they could not have prevented the damage even when making all efforts that could be required of them.
Experts' liability is not subject to a cap specified by law.
The expert's compulsory insurance contributes to covering their liability for damage caused by the performance of their expert work.

V. Additional information about expert proceedings

The main legislation applicable to the work of experts in the Czech Republic are Act No 254/2019 on experts, expert offices and expert institutes, Act No 99 /1963, the Code of Civil Procedure, Act No 141/1961 on criminal court proceedings (the Code of Criminal Procedure), and Act No 500/2004, the Code of Administrative Procedure.
The general rules for the appointment of an expert by public authorities are similar for proceedings before civil, criminal and administrative courts.
The designation of 'expert', 'expert office' and 'expert institute' may only be used by authorised persons.
The legal system of the Czech Republic does not distinguish between court-appointed experts, technical experts, law experts or any other kind of expert.
The total number of experts entered in the experts' list is approximately 6 000.

1. Appointment of experts

An expert may be appointed by a court, by another public authority or by the parties to the proceedings.
In civil and administrative court proceedings, it is not possible to appoint an expert prior to the start of the proceedings.
In criminal proceedings, Section 105(1) of the Code of Criminal Procedure provides as follows: 'If clarification of the facts relevant to the criminal proceedings requires expert knowledge, the authority involved in criminal proceedings shall request a professional opinion. If such a procedure is not sufficient due to the complexity of the issue being assessed, an expert shall be appointed by the authority involved in criminal proceedings. In a pre-trial procedure, the expert is appointed by the authority involved in criminal proceedings that considers an expert's report necessary for the decision (such as a police officer or public prosecutor); otherwise, the expert is appointed by the public prosecutor if the matter has been referred back for further investigation, or by the presiding judge in court proceedings. The accused and, in courts proceedings, the public prosecutor are notified about the appointment of an expert. Other persons are notified about the appointment of an expert if this is deemed necessary for them to do something or allow something with regard to the conduct of the expert proceedings, for example to enable the expert to access a certain place.'

1.a Appointment by a court

The court may appoint experts to assess specialist questions of fact that are needed in a specific case. There are also cases of civil and criminal law where the appointment of an expert is mandatory (some cases also follow from case law). Experts may be appointed for a preliminary or pre-trial procedure.
Section 105(1) of Act No 141/1961 on criminal court proceedings (Code of Criminal Procedure) provides as follows: 'If clarification of the facts relevant to the criminal proceedings requires expert knowledge, the authority involved in criminal proceedings shall request a professional opinion. If such a procedure is not sufficient due to the complexity of the issue being assessed, an expert shall be appointed by the authority involved in criminal proceedings.'
There are no fundamental differences in the appointment of experts for proceedings before civil, criminal and administrative courts.
Experts have a legal obligation to report any conflict of interest.
In cases where experts are appointed by a court, the court must select them from the list of experts. Unless this is precluded by circumstances, experts with their registered office or contact address in the regional court's district where the court has its seat or branch will be appointed. If no such expert is included in the list, or if no registered expert is able to prepare the report, the court may exceptionally appoint a person not included in the list of experts – an '*ad hoc* court-appointed expert' (Section 26 of the Experts Act) – to prepare the expert's report.

1.b Appointment by the parties

Parties to the proceedings can appoint an expert whenever they want. The expert's report prepared by an expert (registered in the national list of experts) appointed by a party has the same authority as a report drawn up by a court-appointed expert. However, such a report must include an expert's clause stating that the expert is aware of the consequences of submitting a knowingly false expert's report (Section 127a of the Code of Civil Procedure; Section 110a of the Code of Criminal Procedure).
The parties do not have to follow any particular procedure when appointing an expert. However, the expert's report must contain information as to whether the expert is contractually remunerated and this remuneration must not be dependent on the outcome of the expert's work.
An expert may not be appointed by both parties in court proceedings at the same time.
A court cannot order that both parties jointly appoint a single expert (such as in low value or fast track cases) instead of each party appointing its own expert.
The parties to the dispute must provide detailed instructions to the expert and questions that the expert should answer.

2. Proceedings

2.a Civil proceedings

If the court has doubts as to the correctness of an expert's report, or if the report is unclear or incomplete, the expert must be asked to clarify or provide further information. If this does not happen, the court will have the expert's report reviewed by another expert. Experts are usually cross-examined during trial.
A judge is never bound by an expert's opinion. The experts report is of the same importance as any other evidence, the judge is obliged to evaluate it objectively and in the context of other evidence. There is no presumption of the accuracy of an expert's report submitted by an expert appointed by the court.
A report drawn up by a party-appointed expert has the same force as that of an expert appointed by the court.
The parties may raise objections to challenge an expert's report.
There is no procedure whereby experts meet prior to trial or are cross-examined prior to trial to seek to narrow the issues and for the court to understand the differences of opinion. Experts may be in contact with the parties during the proceedings, but may not submit a report if there are doubts as to their impartiality.
As soon as an expert becomes aware of any facts which exclude them, they must notify the party who requested the report; the same obligation also applies to other parties to the proceedings. The decision as to whether an expert is to be excluded is taken by the authority which appointed the expert.
Parties to the proceedings are required to cooperate with experts. In some cases, parties are asked to be examined or questioned by the expert.
In particular, experts are not required to hold meetings with the parties to collect their comments.

1. Expert's report

An expert's report must be complete, truthful and reviewable. The formal requirements for an expert's report are set out in Sections 27 and 28 of the Experts Act and in Implementing Decree No 503/2020.

Required particulars of an expert's report:

Title page
Terms of reference
List of sources

Findings
Opinion
Justification in sufficient detail to enable review
Conclusion
Annexes
Expert’s clause
Imprint of the expert’s seal
Signature (a qualified electronic signature for a report in electronic form)
Experts are not required to provide a preliminary report.
In their reports, experts are not required to address the parties’ arguments beyond the scope of the court’s terms of reference.
Experts are required to carry out their expert work personally and only in the field, sector and, where appropriate, specialisation for which they are authorised, with due diligence, independently, impartially and within the agreed or set time limit. Experts may, with the agreement of the person requesting the report, appoint a consultant to examine subsidiary questions.
Experts must maintain confidentiality in relation to the performance of their work.
Experts may refuse to submit a report only on the grounds laid down by the law (Section 19 of the Experts Act).
Experts submit their reports in writing. The law allows the submission of an expert’s report in electronic or oral form if the party who requested the report agrees with this.
Experts may be asked to confirm, add to or explain their opinion before the court.

2. Court hearing

Experts must attend the preliminary hearing if summoned by the court.
They must also appear at the oral hearing in order to answer questions raised by the court and by the parties when invited to do so.
Experts are usually cross-examined during trial.

The information presented here was gathered during the Find an Expert Project from contact persons across various countries, selected by the European Expertise & Experts Institute (EEEI).

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Find an expert - Denmark

I. Lists and registers of experts

In Denmark there are several kinds of experts and the appointment, proceedings and whether there is a public list/register of the experts depends on what kind of expert is involved.
Examples of experts:
Expert assessor
Rent tribunal assessor
Children’s experts
Expert valuation
Technical experts in minor cases
Also, associations can provide expertise in certain fields.
In some cases the court can find the expert in an internal database, which all the courts of Denmark have access to. The proceedings for appointment of these experts can vary, but common to all the experts are that they must be of unblemished reputation. The list/register of these experts will sometimes also be published on the website of the courts of Denmark to ensure transparency.
In other cases the court may appoint any person that it considers suitable and competent. In these cases some public organisations have registers of experts, from which the court might choose when the issue falls within their area of competence, for example forensics. When there is no list and if both litigants agree, the court will appoint an expert who seems competent. Only persons of unblemished reputation may be appointed.

II. Expert's qualifications

There are no requirements for the qualifications of Experts. The Court is not bound by the experts opinion but can assess it freely. This also applies to the probative value of the piece of evidence. In case the Danish Court Administration considers the applications of experts who would like to operate as an expert in minor cases, the Danish Court Administration consults the relevant industrial organizations and requests a criminal record. Other than this, there are no requirements with regard to the experts’ educational or professional background.

III. Remuneration of experts

The remuneration depends on what kind of expert is involved in the case.
The remuneration of **expert assessor, rent tribunal assessor and children's experts** are prescribed and it is the Danish Court Administration which sets the rules for remuneration (the Administration of Justice Act article 93 and the Social Service Act article 172).
In civil proceedings where an **expert assessment** is necessary, e.g. a technical report, there are no prescribed rates nor restrictions to the experts fees. Their payment may not occur in advance. The court sets the fee payable to the court-appointed expert for his report and attendance in court as well as for reimbursement of any expenses incurred. Before the decision, the court will ask the parties for their comments. At the same time, the court will decide how the fee is to be allocated between the parties (the Administration of Justice Act article 208).
The party having requested the court to commission an expert report and the party's legal representative are liable for the costs involved. However, the other party and its legal representative are also liable for the portion of the costs which is attributable to the response to its questions. The party having requested the expert to be summoned to attend the hearing is liable for the costs in this regard. The court may direct the parties to provide security for the costs of the expert’s report they requested (the Administration of Justice Act article 208).
In criminal proceedings, similar rules regarding expert reports apply (with necessary modifications) (the Administration of Justice Act article 210).

Concerning technical experts **in minor cases** the experts have to give a cost estimate on the expected costs and are not allowed to answer the technical questions before the remuneration is arranged. Subsequently the parties must comment on the experts cost estimate. Significant is that if the parties can't give security for the costs, the court can decide that the case will continue without the expert report. The Danish Court Administration set the rules (the Administration of Justice Act article 404).

IV. Liability of experts

There is no specific rule applicable to the liability of experts. The expert must respect the professional rules which regulate his specialty, impartiality and professional secrecy. Their liability is thus governed by general tort/contractual rules. Such rules do not provide any cap for liability.

The expert who does not comply with the professional rules as expected can be replaced, his fee reduced or can even be considered liable.

Criminal behaviour when carrying out one's mission can lead to criminal charges.

Finally, there is no obligation to cover their possible liability via professional liability insurance.

V. Additional information about expert proceedings

Rules on Expert proceedings can be found in different legislation and depend on the kind of expert involved. However, most of the rules are found in the Administration of Justice Act (consolidated Act 2021-09-15 No. 1835). Regarding children's experts, the rules are partly to be found in the Social Service Act. Parts of the Administration of Justice Act are translated into English.

1. Appointment of experts

In civil matters, the experts can be appointed by the court or the parties. A party may request the court to commission an expert to report on one or more questions.

In criminal matters, the court decides if there should be an expert intervention when it is requested by the defendant or the prosecution. Both the defence and the prosecution can call in expert witnesses.

Experts must report any conflict of interest with a party.

In minor cases (cases with no economic value or with a value less than 50.000 Danish crowns) the judge can decide to request an expert opinion. The experts who operate in minor cases are appointed by the Danish Court Administration.

a) Appointment by a court

The presiding judge/court appoints the expert assessors etc. for the individual case, where their expertise is considered necessary to be represented. The presiding judge chooses an expert assessor from the relevant list/register/internal database but, in some situations, are not obliged by these. Before the presiding judge/court decide to appoint the expert assessors, the parties may comment on the decision.

In cases where an expert assessment is requested by the parties, they can appoint an expert, but the court is not bound by their decison. When the parties agree on the name of an expert, the judge will generally appoint him/her (even if not obliged to do so). If the court appoints the expert, the court should inform the parties of the person he intends to appoint and allow the parties to submit their comments. If a list/register exists the court or party normally will choose an expert from this, but they are not always obliged to do so.

b) Appointment by the parties

When the parties want to appoint an expert to issue an opinion, they must follow a particular process: whenever the parties request an expert report in civil cases, they must file a written request with the court. The request must contain information on the purpose of the expert report and the object that is to undergo expert assessment.

If the court allows the parties have to submit their questions to the court. After receiving the questions, the court appoints one or more experts. As described above, the parties also appoint an expert, but the court is not bound by their appointment.

2. Procedure

a) Civil Procedure

The procedure depends on which type of expert is involved in the case. Sometimes the expert is summoned to a court hearing to answer questions regarding a subject-matter, e.g. children's expert in family law, an expert assessment of technical questions, and sometimes the expert only must draft a written report. Other times the expert acts like a judge and is a part of the deliberations.

Below are two examples:

The expert assessor appointed by the presiding judge/court for the individual case, where their expertise is considered necessary to be represented, acts like a judge (but with expert knowledge in a specific discipline) and take part in the courts deliberations. In family law the court will be assisted by children's experts.

In cases where an expert assessment is relevant regarding an issue the expert must answer the questions received from the court by a written report addressed to the court. The expert must inform the parties of the time and place of the inspection. If the expert report is deficient, the court may direct the expert to carry out the inspection again or supplement it in an additional written report. There are predefined templates for the expert report. The court doesn' t monitor the expert's activity. After the report has been submitted, the parties may ask additional questions to the expert, if so permitted by the court. The court will then decide whether the additional questions are to be answered in writing by the expert in a supplementary report or orally by the expert in a court hearing. The expert may also be summoned to attend a court hearing to answer questions relating to the report.

The experts written or oral opinions are challenged by the parties during trial. In any case, the judge is never bound by the expert's opinions.

b) Other

In criminal cases, expert witnesses are also an option. They are summoned and usually attend the hearing.

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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Find an expert - Germany

I. Lists and registers of experts

There are comprehensive registers of experts. There are approximately 200-300 different specialisation fields.

Experts publicly appointed and sworn in by chambers of commerce and industry can be found here.

Experts publicly appointed and sworn in by chambers of crafts can be found here.

Experts publicly appointed and sworn in by chambers of agriculture can be found under the regional websites of chambers of agriculture.

Experts publicly appointed and sworn in by chambers of architects can be found under the websites of regional chambers of architects.

Information about experts publicly appointed and sworn in by chambers of engineers and about the registers can be found here.
Experts registered by the chamber of accountants can be found here.
Another database can be found under https://www.bvs-ev.de/sachverstaendigenverzeichnis/, which is a federation of publicly appointed and sworn experts.
Medical experts are not obliged to allow themselves to be publicly appointed and sworn in. In order to find a medical expert, lists are held by regional websites of medical associations.
Appointing an expert from the register is a practice widely followed by courts. If the requirements are met, the expert will be automatically registered. The state-appointed registration chambers are responsible for promptly updating the registers.
The main legal provisions applicable to judicial expertise in Germany are:
§§ 401 *et seq.* of the Code of Civil Procedure (*Zivilprozessordnung,* ZPO)
§ 36 of the Trade Regulation Act;
§ 91 of the Handicrafts Regulation Act;
Administration Procedure Rules;
Criminal Procedure Rules;
Code of Practice of chambers.

II. Expert's Qualifications

A person can be listed as an expert if he or she has a particularly high level of qualification in his or her field of expertise. In order to be listed, it is mandatory for the applicant to have appropriate professional experience. The expertise has to be demonstrated by submitting proper documentation of the expert's work. (e.g. CV, copies of certificates for all relevant academic and professional qualifications, work experiences, referees, reports, training). There is also an examination by the chambers of industry and commerce / the chambers of crafts, and, in case of architects and engineers, their professional chambers. Besides qualifications, further education and experience, independence and integrity have to be displayed.
Publicly appointed and sworn experts are usually registered for five years. Before the end of the five-year period they have to demonstrate their competence, integrity and further training in order to be reappointed and thereby registered for another five years (e.g. through verification and review of reports that have to be submitted for a new five-year period registration). The responsible entities have to provide training. If the expert fails to follow his/her rules or he/she does not keep his/her skills up to date, the chambers are authorised to deregister him/her.

III. Remuneration of experts

In civil, administrative and criminal matters, the remuneration is calculated based on the German Judicial Remuneration and Allowances Act (*Justizvergütungs- und -entschädigungsgesetzes*, JVEG).
Advances and payments on account can be applied for.
Whenever the expert works in an out-of-court mission, remuneration depends on the individual compensation agreement.

IV. Liability of experts

The expert is liable for an incorrect expert opinion when commissioned by private persons and courts alike. If the expert working for a court prepared an incorrect expert opinion with wilful intent or gross negligence and this incorrect expert opinion forms the basis of a court decision, the party suffering damage can take legal action in order to be compensated for this damage (§ 839a of the Civil Code - *Bürgerliches Gesetzbuch*, BGB).
Whenever the expert works in an out-of-court mission, general provisions on (contractual) liability apply.

V. Additional information about expert proceedings

1. Appointment of experts

The expert is appointed by the court. The parties have, however, the right to make proposals on who should be appointed.

a) Appointment by a court

The court usually uses a list or register of experts. The court may also appoint any expert considered suitable and competent. A court appointed expert is an expert appointed and instructed by the court. The main duty is to assist the court within his or her expertise.

b) Appointment by the parties

Should the parties agree on certain persons to be appointed as experts, the court is bound to follow their agreement; but the court may limit the selection made by the parties to a certain number of persons.
If a party wishes to appoint an expert on its own side in order to assist him or her, this expert will not be considered as a judicial expert but as a private one.

2. Procedure

a) Civil procedure

The court has to state grounds for its decisions and make a reference to the conclusions of the expert if the court follows the expert's opinion. The court is not bound to the expert's opinion, but the expert's opinion is, however, often crucial for the judgement. In case of an on-site inspection, the expert has to contact all parties. When, for example, the expert needs more information from the parties, this has generally to be managed by the court.

i. Expert report

Parties can challenge the appointed expert's report by statements or by hiring a private expert and submitting their report to the court, thus providing counter-expertise.

ii. Court hearing

For the taking of evidence, independent proceedings can be initiated before trial ("*selbständiges Beweisverfahren*"). In this context, the expert can be appointed before the main proceedings take place. The scope of these proceedings is restricted to the preservation of evidence for subsequent judicial proceedings or for avoiding litigation.
The court hearing follows a Code of Practice and procedural rules. The expert must answer the interrogatory in an objective, comprehensible and comprehensive manner. There is no cross examination in German procedural law, but questions can be asked not only by the judge, but also by the litigants.

b) Other

In criminal cases, the court should appoint the expert from an acknowledged register of judicial experts; another person should only be chosen if special circumstances make it necessary (§ 73(2) of the Code of Criminal Procedure - *Strafprozessordnung*, StPO). The court may guide the expert's activity. Other rules can be found under the Code of Criminal Procedure - *Strafprozessordnung*, StPO.

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

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Find an expert - Estonia

I. Lists and registers of experts

According to the Estonian Forensic Examination Act, an Expert is a person who provides non-legal or legal expertise in cases where this is legally permitted. Some experts are employed by state institutions (“forensic experts”), others are registered in the list of an expert institution.

There are official lists of experts in Estonia. The lists can be accessed by all persons. The lists can be downloaded or read here and here.

The Estonian Forensic Science Institute, a state forensic laboratory, is responsible for keeping these lists up to date. A person who complies with the requirements specified in clauses 6 (1) 1)–3) and (2) 1) and 2) of the Forensic Examination Act shall be registered in the second list mentioned above.

II. Expert's qualifications

The minimum requirements for awarding the forensic expert status are based on the Forensic Examination Act. The forensic expert competence is acquired through training.

The forensic medical expert training is provided at the University of Tartu under the 4-year residency programme of forensic medicine. Residents acquire professional skills at EFSI, which is one of the training bases of the University of Tartu.

There is no educational institution for the training of forensic experts in the other fields of forensic science in Estonia. Experts are trained at EFSI under the guidance of experienced professionals. In most cases, training lasts for 2 years. The training plan contains both general and more specific topics and the plan aims at acquiring professional competences by the expert. The training plan is prepared based on the special features of each type of expertise, also taking into account the professional academic background and previous work experience of the trainee expert.

If an employee complies with the requirements set out for a forensic expert in the Forensic Examination Act, has completed training and has acquired sufficient experience to provide independent expert opinions, he or she is awarded the forensic expert status. One may commence employment as a forensic expert after taking the forensic expert’s oath provided for in the Forensic Examination Act.

III. Remuneration of experts

Financing of examinations is described in the Forensic Examination Act, Chapter 5. Conduct of examinations in a state forensic institution is financed by the annual state budget. The exact fees for examinations are laid out in the Forensic Examination Act, § 26.

There is no specific method for remuneration of experts. In most situations, experts are required to provide a quotation before they are appointed. Procedural law also provides for the refund of the expert’s expenses.

Examination costs include the totality of costs incurred in the context of the examination, including costs that arose due to the implication of subcontracted experts or institutions. Costs of extra-judicial expert proceedings can be included in the procedural costs.

Experts can receive an advance on costs.

IV. Liability of experts

Experts have to inform any party involved in the proceedings of the commencement of the examination. The wilful provision of a false expert opinion is a criminal offense under Section 321 of the Criminal Code.

Experts are held liable according to the general contract and tort law. In addition, there is a particular criminal law provision dealing with the expert’s liability: False accusation: (1) Submission of knowingly false accusations concerning commission of a criminal offence by another person is punishable by a pecuniary punishment or up to one year's imprisonment. (2) The same act, if it involves fraudulent creation of evidence, is punishable by a pecuniary punishment or up to five years’ imprisonment.

There is no obligation for experts to cover their liability via professional indemnity insurance.

V. Additional information about expert proceedings

Legal provisions about expert proceedings in Estonia can be found at:

Riigi Teataja

Criminal Procedure Code

Civil Procedure Code

Forensic Examination Act

There are no differences between the appointment of experts in civil or administrative proceedings. In criminal proceedings a forensic expert will be appointed upon request to the EFSI to assist the prosecutor and the court if necessary.

The title of expert is not protected in Estonia. More than 70% of criminal law cases, 30% of civil proceedings and 10% of administrative proceedings involve experts.

V.1 Appointment of experts

Experts can be appointed by the court and, in some instances, also by parties. Experts can also be appointed for the purpose of preliminary or pre-trial proceedings. There is no obligation to appoint an expert registered in one of the lists. In criminal proceedings during the pre-trial phase, an expert can be appointed by the police (the investigative authority) or a prosecutor.

If the parties do not appoint an expert or if they do not come to an agreement on who to appoint, or in the case that there is an expert report produced prior to trial, the court may appoint an expert. In civil law cases, the parties must pay a deposit for expertise costs prior to the appointment of the expert. The parties can submit their proposals on who should be appointed as expert, but these are not binding for the court.

There are no significant differences regarding the appointment of an expert by different courts and in different fields of justice.

Court appointed experts have a legal obligation to report any conflict of interest.

V.2 Procedure

Civil Procedure

There is a general requirement for experts to perform their work thoroughly, completely and objectively and to ensure that opinions rendered are scientifically valid. This is applicable for all types of legal proceedings.

Parties can challenge the report of an expert by statements or by providing a counter-expertise.

The court is not bound by the expert's opinion. The court may follow the expert's opinion even if one of the parties has challenged the opinion during trial. Even so, as an expert’s report is only one piece of evidence among others, the court will consider the probative value of the expert opinion in relation to other evidence.

There is no procedure whereby experts meet prior to trial or are cross-examined.

An expert is allowed to be in contact with parties during the proceedings if the expert needs more information.

1. Expert report

In Estonia, expert reports can be delivered in writing and sometimes orally. Except for in criminal proceedings, the expert does not have to follow a specified structure when providing his report.

The expert is obliged to address the parties' arguments in the final report. When the parties request an additional report due to issues in the original report, a court may order an additional report. In the event of ambiguity, contradiction or insufficiency of an expert opinion that cannot be eliminated by additional questions, the court has the right to order another examination. The re-examination is carried out by the same or another expert.

2. Court hearing

The experts do not attend a preliminary hearing but are invited to hearings in order to answer questions either by the court or the parties. It is common practice that experts are cross-examined. Experts can be heard via telephone conference if the parties agree on this prior to the hearing.

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Find an expert - Greece

I. Lists and registers of experts

In Greece, experts are listed by specialisation. The registers of experts are kept by the courts of first instance (*protodikeía*). The registers are public but are only used by judges who want to appoint an expert. The court may appoint one or more experts, if it considers that the issues under consideration require specific knowledge. Furthermore, the court is obliged to appoint experts if this is requested by a party, provided that the court also considers that specific knowledge is required.

Experts have to apply in order to be listed on the register.

After a public invitation to apply to a civil (*politikó*) or administrative (*dioikitikó*) court of first instance (via the official website of the court), any interested parties may submit a written application, together with their personal information, to the registry of the court of first instance, declaring that:

they have neither been convicted of nor charged with felony (*kakoúrgima*) or misdemeanour (*plimmélima*) resulting in deprivation of their political rights,

they have not been deprived of their professional licence,

they have not been deprived of the right to freely dispose of their property due to being insolvent or under guardianship,

they are not a judge, prosecutor or clerk.

After the end of the application procedure, which takes place every year, a draft register of experts is published. After an opposition period, the final register is approved by the multimember court of first instance (*polymelés protodikeío*).

For criminal proceedings, the register of experts is established by the Judicial Council of the Misdemeanours Court (*symvoúlio plimmeleiodikón*) upon the prosecutor's proposal. Experts must meet the following requirements – they must:

be above 21 years old,

be legally capable and not mentally disabled,

not have been convicted of any felony or misdemeanour resulting in deprivation of their political rights or dismissal from public service,

not have been deprived of their professional licence,

not have contributed to causing the situation that is subject to expertise,

not be the competent judges, prosecutors, secretaries or clerks in the relevant proceedings,

not have been sentenced for the same crime as the accused, and

not be the spouse, sibling or close relatives of the defendant.

Experts can be removed from the register if they wish, if they no longer meet the requirements, or if the competent authority so decides.

II. Expert's qualifications

Experts have to be members of a professional body in order to be recognised as experts.

III. Remuneration of experts

In criminal proceedings, the State pays the expert's remuneration. As far as civil proceedings are concerned, the claimant has to pay an advance on costs for court-appointed experts. At the end of the trial, the costs have to be borne by the party who has lost the case. The parties can, under certain conditions, obtain legal aid with regard to the expert's remuneration.

IV. Liability of experts

Experts are held liable under general contract and tort law. They are not obliged to cover their potential liability via professional indemnity insurance.

V. Additional information about expert proceedings

The main legal provisions applicable to judicial expertise in Greece are Articles 368-392 of the Greek Code of Civil Procedure (*kódikas politikís dikonomías*), Royal Decree No 566/1968 and Article 20(7) of Law 2882/2001 (Expropriation Code (*kódikas anagkastikón apallotrióseon*)). On a case-by-case basis, Articles 159-168 of the Greek Code of Administrative Procedure (*kódikas dioikitikís dikonomías*) and Articles 183-203 of the Greek Code of Criminal Procedure (*kódikas poinikís dikonomías*) may also apply.

The court has the discretionary power to order the taking of evidence, since the purpose of ascertaining the truth prevails. The only limit to this power is the adversary principle.

1. Appointment of experts

Experts can be appointed by the court and by the parties involved. The appointment of experts in administrative proceedings is similar to that in civil proceedings. In proceedings before a criminal court, the expert can be appointed by the prosecutor or by the court during the investigation phase. For this purpose, there is a different register than that used in civil proceedings and the expert has to meet stricter requirements than in civil and administrative proceedings.

(a) Appointment by a court

The civil court has the discretionary power to appoint an expert either *ex officio* or upon express request of a party, if the relevant facts cannot be established otherwise. In this case the oral hearing is postponed to a date after the delivery of the expert's report. The court is free to appoint any person it considers suitable to act as an expert. The expert has to report any conflict of interest to the court. Court-appointed experts have access to the case files.

(b) Appointment by the parties

There are three types of party-appointed experts in Greece: technical consultants (Articles 391-392 of the Code of Civil Procedure, Article 167 of the Code of Administrative Procedure, Articles 204 *et seq.* of the Code of Criminal Procedure), extrajudicial experts and expert witnesses. The technical consultant is appointed by the party in order to monitor the action of a court-appointed expert. The extrajudicial expert is chosen by the party. The expert's report has to be invoked and submitted by the parties, otherwise it is rejected as unacceptable. If these requirements are fulfilled, the court freely examines and assesses the

expert's opinion. The report is not considered as evidence. Rather, it is linked to the legal basis of the party's argument. Expert witnesses are witnesses with special scientific or technical knowledge, who are questioned by the court.
The court can decide whether it is going to base the reasoning in its judgment on the expert's opinion. The court can base its judgment on the opinion of the expert even if the expert report was rendered in breach of procedural rules. However, if the breach of procedural rules is considerable, the expert report is considered not to exist. In this case, the judge may not base the reasoning of the judgment on the expert's opinion.

2. Procedure (Civil)

Court-appointed experts can be cross-examined by the parties' technical consultants, if the parties have appointed such consultants. The expert's only obligation is to deliver the report. Party-appointed experts are allowed to be in contact with the parties during the proceedings, while court-appointed experts need the court's permission to do so.

(a) Expert report

In Greek expert proceedings, a preliminary expert report is not required. The main report can be delivered in writing or orally. Experts do not have to follow a certain structure when providing their report.
If the court considers the report to be incomplete, or in case of the expert's unjustified misconduct, the court can order the drafting of a new or an additional report *ex officio* or upon request of the parties. The court can also order the expert to pay the court fees because of the expert's unjustified misconduct.
The expert's report can be challenged by the parties' statements and a counter-expertise.

(b) Court hearing

The judge only orders the expert to attend a hearing in exceptional cases.

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

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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 sufficent 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.

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Find an expert - Croatia

I. Lists and registers of experts

Based on their expertise, court-appointed experts provide the Court with the service of an expert opinion when necessary, for ascertaining or clarifying the facts ascertained in the proceedings.

The County and Commercial Courts maintain a list of experts who can be appointed by the courts as well as a list of legal persons, institutes, institutions and State bodies that have been authorized to perform as an expert (hereinafter: list of Legal Entities). The lists are published on the Courts' websites.

The Ministry of Justice maintains a unique electronic list of experts who can be appointed by courts which is sorted by fields of expertise, and a list of legal entities for the entire territory of the Republic of Croatia, and publishes them on its website.

The procedure for appointing experts to the list is initiated by a request submitted to the President of the county or commercial court, having jurisdiction over the applicant's place of residence or the seat of the legal entity. Nationals of Member States of the European Union and nationals of States signatories to the Agreement on the European Economic Area that do not have permanent residence in the Republic of Croatia, shall apply to the County Court of Zagreb or the Commercial Court of Zagreb for an appointment.

If the candidate for the appointment to the list meets the requirements, the President of the respective County of Commercial Court will send the candidate for an assessment of their knowledge of the structure of the judiciary, public administration and legal terminology, before deciding on his/her appointment as a listed expert. The examination is carried out by the knowledge-assessment committees of the county courts, which have a president and two members among the judges of that court. A candidate for a full-time job who has a law degree is not required to take the examination. The president of the appropriate court will refer a candidate for the registration and who has passed the exam, to a vocational training in a professional association of court experts. (However, a forensic specialist holding a valid work permit (license) as well as the employees who perform expertise in institutes, institutions and government

bodies are not obliged to do vocational training in areas of expertise for which these institutes, institutions and government bodies have been authorized to conduct an expertise).
After completing professional training and gathering evidence on the eligibility for appointment as a registered expert, or on the fulfilment of the conditions for performing a judicial expertise, the president of the respective county or commercial court will decide on the request by a decision.
Court-appointed experts or legal entities must be insured throughout the period of performing the expertise. Evidence of the concluded contract of liability insurance (insurance policy) shall be submitted to the president of the competent county or commercial court, prior to the appointment to the list and every subsequent year during the appointment or approval period.
Experts are appointed to the list for a term of four years. A legal entity, institute, institution or government body shall be authorized to perform judicial expertise for a period of four years.
The appointed expert takes an oath before the president of the court, who appointed him as registered expert.
After the lapse of time for which he/she is appointed, a listed expert may be re-appointed for a term of four years and a legal entity, an institute, an institution or a state body, can be re-approved for the performance of court expertises. The request for re-appointment or approval shall be submitted no later than 30 days before expiry of the current appointment.
The appointment of an expert to the register will be revoked (temporarily) by the president of the relevant county or commercial court:
if requested by the expert,
if the expert changes his/her place of residence, if it is determined that the conditions for registration were not fulfilled or that the conditions for the appointment ceased to be fulfilled,
if, based on a final decision of the competent authority, he or she has been declared unfit to perform activities in the area for which he or she has been appointed,
if he/she has been deprived of legal capacity by a final judgment,
if he/she has been convicted of a criminal offense which is an obstacle to admission to public service,
if he/she performs the tasks of an expert in bad faith or negligently,
if he/ she fails to submit, upon expiry of the prescribed period, proof of the conclusion of a liability insurance contract for the performance of the duties of a registered expert,
if he/she does not comply with the provisions on secrecy of all that he has learned during conducting an expertise.
The President of the relevant county or commercial court will permanently revoke an expert from the list if the expert performs the work of a court-appointed expert after the order of temporary refusal or prohibition of the performance of his tasks became enforceable.
Experts, or legal entities who are authorized to perform as court-appointed experts, are obliged to immediately report any changes to their data to the court that appointed them or authorized them to the list. The court is obliged to immediately implement these changes in the lists in which experts or legal entities who/which my be appointed by courts are registered.

II. Experts' qualifications

The Ordinance on court-appointed experts ("Official Gazette" 38/14, 123/15, 29/16 Correction and 61/19) establishes the conditions and procedure for the appointment, rights and duties of court-appointed experts.
A person may work as a court-appointed expert if the person meets the following requirements:
1. he/she is a citizen of the Republic of Croatia, a national of a Member State of the European Union or a national of a State party to the Agreement on the European Economic Area,
2. he/she is able to perform the duties of a court-appointed expert,
3. he/she, after completing the appropriate studies or schools, worked in the profession, namely:
at least 8 years - if he/she has completed a university degree or a specialist postgraduate degree;
at least 10 years - if he/she has completed the relevant undergraduate or undergraduate professional studies;
at least 12 years - if he/she has completed the appropriate secondary education, and there is no relevant undergraduate or undergraduate professional degree or undergraduate degree or specialist postgraduate degree,
4. he/she has successfully completed the examination of knowledge on the organization of the judiciary, state administration and legal terminology,
5. he/she has successfully completed vocational training as defined by the relevant professional association,
6. he/she has a contract of liability insurance for the performance of court-appointed expert,
7. he/she has obtained the degrees relevant in his or her fields of expertise,
8. there are no obstacles for the person's entry into civil service.
Vocational training cannot last longer than one year. Professional associations are obliged to appoint mentors for vocational training. A registered expert may be appointed training mentor if he has at least five years of experience in carrying out the work of a court-appointed expert. The list of mentors is to be transmitted to the county and commercial courts. The ability of a candidate (who has been referred to vocational training) to perform the duties of a court-appointed expert shall be determined based on the report about the professional training carried out by the applicant. Within one month after the completion of the professional training, the relevant professional association is required to draw up an opinion in writing on the successfulness of candidate's training and his competence to perform the work of a court-appointed expert, based on a report written by the training mentor. The relevant professional association is required to send this report to the President of the relevant county or commercial court.
Specialised doctors fulfil the requirements for appointment to the list after passing the specialist examination.
Legal entities are eligible for the performance of judicial expertise:
if they are also registered in their field of expertise for a particular area;
if their employees have been appointed to the list of experts for the area for which approval is sought;
if they have a contract of liability insurance for the performance of judicial expertise.

III. Remuneration of experts

In court proceedings, experts are primarily chosen from the list of registered experts.
Court-appointed experts are entitled to fees and compensation of material costs. The amount of the compensation is individually determined by the court according to a special price list of compensation of material costs and fees of court-appointed experts. The above price list is an integral part of the Rulebook on court-appointed experts.
The court-appointed expert is reimbursed for the expertise after it has been completed.

IV. Liability of experts

A court-appointed expert or legal entity, must be insured during the entire period of conducting the expertise. The lowest amount of liability insurance for the performance of a judicial expertise is HRK 200,000.00 HRK (approx. 26,807.50 EUR) for natural persons and HRK 500,000.00 (approx. 67,018.74 EUR) for legal entities.
A citizen of an EU Member State or State Parties to the Agreement on the European Economic Area may be insured for the performance of duties as an expert in his home country.

V. Additional information about expert proceedings

The appointment of an expert is regulated by procedural laws, i.e. by the Code of Civil Procedure and the Code of Criminal Procedure.

VI. Appointment of experts

Court-appointed experts appointed by the court at the request of a party or ex officio in a particular court proceeding, when it is required to present expert evidence to establish or clarify the facts to be determined.

VI.1. Expert report

The form of findings and opinions of a court-appointed expert is not regulated. The Court will determine whether the expert will present his/her findings and opinion only orally at the hearing or submit them in writing before the hearing. The Court will set a deadline in writing for the submission of findings and opinions, which may not exceed 60 days. The expert must always state his/her opinion. The Court will provide the parties with a written finding and opinion no later than 15 days before the hearing at which the findings will be discussed.

VI.2. Court hearing

The Court can ask questions about the expert's findings during the court hearing.

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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Find an expert - Cyprus

I. List and registers of experts

There is an official list of experts accessible online by the lawyers involved in the case. Appointing an expert from the list is a widely followed practice. There is no tool for finding an appropriate expert.
Experts do not have to swear an oath in order to be listed. An expert must apply to be listed.
There is no requirement to submit an activity report to the list holder.

II. Expert's qualifications

Experts should be a member of the appropriate professional body and be appropriately qualified up to a specified level in their specialisation, but there is no continuing professional development requirement. They must abide by the Code of Ethics relevant to their specialisation.
No expert training courses are available.
The title of expert is protected, but no distinctions are drawn between different types of expert.

III. Remuneration of experts

This is a matter for agreement between the expert and the instructing party. There is no provision for payment in advance by the Court. The expert is paid by the instructing party only, but legal aid may be available at prescribed rates.

IV. Liability of experts

Experts have the obligation to report any conflict of interest. Experts may be dismissed for serious misconduct.
The liability of experts is subject to normal principles of contract and tort. There is no cap to possible liability. Experts are required to have professional indemnity insurance cover including liability incurred outside the country.

V. Additional information about expert proceedings

The use of experts is regulated by the normal rules of civil and criminal procedure and the rules of evidence.
The parties can appoint experts to present evidence on certain scientific and technical issues. The appointment will be made either prior or during the hearing. There is no possibility of appointing an expert for pre-trial proceedings.
There is no difference in the appointment of experts before a civil or a criminal court.
No statistics are available for the number of experts or how frequently they are used in proceedings.

VI. Appointment of experts

Experts can be appointed by the parties involved. There is no particular process or procedure for appointing experts. An expert cannot be appointed by both parties, nor can the court order a single expert be appointed.

1. Appointment by a court

Court in civil cases can appoint a person who it considers suitable and competent (article 48 of the Courts of Justice laws) with the consent of the parties. Special provisions exists for the Rent Tribunal Court and the Family Court where the Court has the discretion to order the appearance of any witness without the consent of the parties.

2. Appointment by the parties

The parties can appoint experts to present evidence on certain scientific and technical issues. The appointment will be made either prior or during the hearing.

VII Procedure

1. Civil procedure

A. Expert report

The parties must provide detailed instructions to the expert and the questions to be answered. There is no procedure for examining experts before trial to narrow down issues.
The expert is not obliged to address the parties' arguments in the report but he has to hold a meeting with the parties to collect their comments.
There is no particular structure for the report required or to produce an interim report. Reports may be either written or verbal.
Experts do not have to provide an additional report in response to parties' comments.
There is no quality control over the expert report by the court.

B. Court hearing

There is no requirement for an expert to attend a preliminary hearing.

During the proceedings, the expert may be in contact with the lawyer that appointed him.
The expert is required to attend court to answer questions from the parties and from the court. Experts are normally cross-examined. Parties are free to challenge the expert evidence by statement or by counter expert evidence.
The court is not bound by the expert evidence but is expected to take it into account.
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Find an expert - Latvia

I. Lists and registers of experts

A legal expert is a person who has specialist knowledge and experience in a given area of science, technology, or the arts and crafts, and who has acquired the right to provide legal expertise in accordance with the procedure laid down in the Law on legal experts (Tiesu ekspertu likums).
The duties of legal expert are carried out by a State legal expert or by a private legal expert recognized by the State who acquires the right to practise as a legal expert in a given field of expertise after obtaining a legal expert's certificate issued by the Board of Legal Experts.
The register of legal experts is a public register which contains information on certified legal experts working in Latvia. The register of legal experts is run by the Council of legal experts. The register of legal experts can be consulted at: https://eksperti.ta.gov.lv/

II. Expert qualifications

The minimum requirements for the award of status of legal expert are based on the Law on legal experts.
An examination may be sat by a legal expert candidate who has completed a teaching programme approved by the Council in a chosen field of legal expertise, or by a legal expert wishing to acquire the right to carry out the work of legal expert in another field of legal expertise.
The legal expert certificate is valid for five years.

III. Remuneration of experts

The remuneration of experts is set in accordance with the schedules of services subject to fees as issued by institutes of legal experts. Expert examinations that are not included in the schedule of services subject to fees as issued by institutes of legal experts are remunerated in accordance with the invoice submitted by the legal expert.

IV. Liability of experts

The liability of experts is laid down in chapter V of the Law on legal experts.
The Council of legal experts initiates disciplinary proceedings against a legal expert in the event of failure to comply with the laws and regulations relating to the activities of legal experts, failure to discharge professional duties or serious negligence in the course of an expert examination, misrepresentation or the unlawful use of office, as well as improper and disrespectful treatment or violation of the ethical rules of legal experts; in the event of the loss of or malicious damage to an object submitted for expert examination, or in the event of the findings of an expert examination being disclosed to persons not involved in ordering or carrying out an expert examination.
Upon receipt of a legal expert certificate, a legal expert confirms by signature that they have been warned that an unjustified refusal to carry out an expert examination or the submission of a deliberately false expert opinion will render them liable under the Criminal Law.

V. Additional information on procedural arrangements relating to legal experts

Provisions on procedural arrangements relating to experts in Latvia can be found in the following items of legislation:
The Law on criminal procedure
The Law on civil procedure
The Law on administrative procedure
The Law on legal experts

V.1. Appointment of experts

In civil proceedings, a court orders an expert examination at the request of the parties to the proceedings. An expert examination is carried out by the persons referred to in the Law on legal experts. The expert is selected by mutual agreement of the parties or, where no agreement is reached by the deadline set by the court, by the court. If necessary, several experts may be selected.
In criminal proceedings, the decision to order an expert examination is taken by the officer conducting proceedings. An expert examination is ordered to clarify the facts and circumstances relevant to the criminal proceedings on which an expert opinion is sought.

V.2. Expert opinion

An expert opinion must be reasoned and justified. An expert gives an objective opinion in their name, and they are personally responsible for it.
The opinion is given in writing and is submitted to the court. The expert opinion must contain a precise description of the investigations carried out, the conclusions reached and reasoned replies to the questions raised by the court. If during the course of an expert investigation the experts identify circumstances which are relevant to the case but about which they have not been asked questions, they are entitled to make reference to those circumstances in their opinion.
If several experts are selected, they are entitled to confer with one another. If the experts reach a joint opinion, it is signed off by all of them. If the experts do not concur in their views, each expert signs a separate opinion.
The court assesses the expert opinion in accordance with its own convictions, no evidence, including an expert opinion, having any predetermined force that might sway the court.
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Find an expert - Luxembourg

I. Lists and registers of experts

The Ministry of Justice may appoint **sworn experts**, **translators**, **interpreters** as well as **legal representatives** and **business mediators** in **law enforcement and administrative matters** to carry out tasks assigned to them by the judicial and administrative authorities. The experts who have been appointed in this way and subsequently sworn in before a chamber of the Supreme Court of Justice are included in a register available on the website of the Ministry of Justice. While the register was designed for criminal and administrative matters, it is also used for civil and commercial matters. Courts are not obliged to appoint experts appearing on the register, but they typically do so.

Professionals apply to the Ministry of Justice to be listed on the register. Applications to be included in the register may be submitted to the Ministry of Justice using an online assistant available on MyGuichet.lu (see « *Forms / Online services*») or the MyGuichet.lu mobile application.A complete file (including a diploma in the field in question, evidence of professional experience, a CV and a criminal records extract) is sent to the Ministry of Justice, which then starts a procedure of verification, including of the trustworthiness of the expert. The ministry decides whether to register the expert by checking the candidate's qualifications (including degrees in the field and further education) and experience. If admitted to the register, experts have to swear an oath in court.
Once an expert has been designated by the Ministry of Justice and sworn in by a court, the content of the register is published in the Official Journal of Luxembourg. Once registered, experts have no particular obligation. They do not need to send any activity report to the ministry. They are not under any obligation to follow continuous education. The register is updated at regular intervals.
Experts may be revoked if they violate their obligations or professional ethical rules or for other serious reasons. Such reasons occur if they no longer fulfil the qualification requirements, have been found to have neglected their duties or no longer present the trustworthiness required, e.g. they have been found guilty of a crime. An expert is dismissed by decision of the minister after having taken the advice of the public prosecutor and having heard the expert concerned. The dismissal will take the form of a revocation by ministerial decree. The revocation can be challenged before the administrative court. There is no specific code of conduct or ethics applicable to experts. However, ethical or other professional codes that apply to the expert's specific profession have to be complied with.

II. Experts' qualifications

Experts have to obtain a certain educational level in their specialised discipline in order to call themselves experts. Such degrees will be essential for them to be entered in the register of experts held by the Ministry of Justice. In order to practise as an expert, experts have neither to be a member of a professional body nor to regularly improve their skills (there is no system of continuous legal education, but experts may follow training on a voluntary basis).

III. Remuneration of experts

The remuneration of experts is fixed by a regulation. In specific cases, especially if the expert's mission is particularly complex, the court can decide not to apply the legal tariff. In practice, experts usually request the parties to agree to paying a higher amount than the legal tariff. In civil matters, when appointed by the court, one party is obliged to pay the expert in advance. Experts can receive advance payment on their fees that exceed the legal tariff. But at the end of the proceedings, in the judgment on the merits, the court decides who has to bear the final burden of costs. The burden of costs may be shared between the parties. The parties may obtain legal aid with regard to the expert's remuneration with prescribed rates.
In criminal matters the advance on costs is always paid by the state. The defendant only has to pay the expert's remuneration if the defendant is sentenced. Experts requested by the prosecutor can also be paid by the state.

IV. Liability of experts

There is no specific rule applicable to the liability of experts. Their action is thus governed by general tort and contractual rules. Such rules do not provide for any cap of liability. There is no obligation to cover the expert's possible liability via professional indemnity insurance.

V. Additional information about expert proceedings

The appointment of experts is currently regulated by a specific statute, the « Loi modifiée du 7 juillet 1971 portant en matière répressive et administrative, institution d'experts, de traducteurs et d'interprètes assermentés et complétant les dispositions légales relatives à l'assermentation des experts, traducteurs et interprètes ». This law pertains only to criminal and administrative matters. No specific law exists in civil matters.
It should be noted that certain other provisions of the codes of criminal or civil procedure are also relevant, as is the « Loi modifiée du 21 juin 1999 portant règlement de procédure devant les juridictions administratives ».
There are no fundamental differences between the appointment procedures in civil, administrative and criminal matters. However, in criminal matters, the defendant has more extensive rights than in other matters. The vast majority of judicial experts are appointed in preliminary proceedings, prior to trial. At least half of the requests for appointment of an expert are initiated in preliminary proceedings. Appointment of experts during main proceedings is not very common.

1. Appointment of experts

In Luxembourg, judicial experts are appointed by courts or hired by the parties. Only judges can appoint experts with the status of judicial experts, either upon request of the parties or on their own motion. In criminal matters, the investigating judge, the *juge d'instruction*, often appoints the expert, upon request by either the defendant or the prosecutor. The investigating judge can also appoint the expert on their own motion. Since the decision of the investigating judge is a preliminary decision, the principle of adversarial proceedings does not apply.
In criminal law, there are special rules for co-experts or counter-experts who are at the disposal of the defendant.
In civil, commercial and administrative matters, an expert can be appointed prior to trial if there is a special urgency.

a) Appointment by a court

During the main proceedings, the court appoints a judicial expert when it needs advice on technical matters arising in the course of the proceedings. Courts may do so on request of the parties or on their own motion. Experts must report any conflict of interest with a party.
Pretrial appointment of an expert is possible if the matter is urgent or the expertise is required in view of an upcoming litigation on the merits. The appointment of the expert at this preliminary stage is the sole purpose of the proceedings, requiring that the parties file a specific application. Generally, these proceedings cannot be started without the defendant having the opportunity to be heard by the judge. However, in cases of extreme urgency, judicial experts may be appointed immediately, but in this case the respondent has to have an opportunity to be heard at a later stage.
When applying for the appointment of a judicial expert or commenting on the suggestion by the court to appoint one, the parties may propose names and agree on a specific expert. If a court decides to appoint a judicial expert on its own motion, it should give notice of this to the parties and seek their comments before making such decision. Courts are not obliged to appoint experts appearing on the register of experts, although it is typically their practice.

b) Appointment by the parties

While the parties never appoint judicial experts, the parties can be involved in the appointment of an expert by the court. They might agree on the mission of the expert, on the burden of the costs and even on a specific expert. They would then send a common letter of appointment to the chosen expert. If both parties agree, the judge can allow that expert to be appointed. This happens very often in preliminary proceedings.

2. Procedure (civil)

Once appointed, the judicial expert will convene the parties to discuss the case with them. Experts usually communicate through the lawyers with the parties and also inform the court of the developments. There are no specific rules on how this is managed except for the requirement to respect the principle of adversarial proceedings at all times: each party has the right to express its view on all aspects of the case at all times.
There are two attenuations of this principle. These concern the expert's examinations of purely factual aspects and investigations invading the private sphere (i.e. medical examination). But in these cases, the expert has to present the results of the investigations to the other parties before finalising their report.

The progress of the expert's investigations is monitored by the competent court. Where petitioned to that effect, the court can agree that the expert is not sufficiently qualified and designate a different expert. As, in the vast majority of cases, only one expert is appointed, there is no procedure whereby experts meet before trial to narrow down the issues.

a) Expert report

The expert delivers his or her report in writing. There is no particular structure that the expert has to follow in his or her report. The expert has the obligation to execute their mission loyally and in respect of the principle of adversarial proceedings. They have to address all factual questions contained in their mission but are not allowed to answer legal questions. The expert's mandate will be confined by the court, except for procedures where the expert was appointed by the parties, without the intervention of the judge, where they will address the parties' concerns.

A preliminary report is not mandatory, but can be produced if required by the circumstances of the specific case. This is especially the case if new questions arise during the execution of the mission or if the parties fail to collaborate with the expert.

Cases where the expert might have to deliver an additional report are rare. This may occur when the expert did not answer all the questions included in their mission or where additional questions arise later on. The court will issue a new order stating the need for additional input and specifying the questions that need to be answered. The parties can make a request for further clarification to the judge. However, in practice, it is more likely that another expert is appointed, depending on the parties' satisfaction with the first report.

Experts' reports can be challenged both by the parties' statements and by a counter-expertise. Courts are not bound by the opinion expressed in expert reports. Case-law states that the court may depart from the expert's opinion if there are good reasons to do so, i.e. if one or both parties prove the expert to be wrong. Contradictory reports have the same probative value, irrespective of whether the expert was appointed by the court or by the parties. Reports initiated by one party, contradictory reports and reports written without the expert having respected the principle of adversarial proceedings may be produced and discussed in trial, but they do not have the same probative value as reports delivered in respect of this principle.

b) Court hearing

Experts do not need to attend any preliminary hearing. They should attend a hearing in order to answer questions by the court after delivering their report. They will not be cross-examined in court.

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Find an expert - Malta

I. Lists and registers of experts

The court can use a list or register of persons interested to serve as experts. The list or register is maintained by the Department of Justice. Members of the Judiciary retain the discretion as to whom they appoint as court expert from the list/register made available to them for internal use. This register is intended only for use by the Judiciary. Persons interested to serve as court experts have to express their interest in order for their name and details to be included in the list with the Department of Justice. They do not take an oath; however, they are asked to complete a due diligence form consenting to verifications being carried out by the Department of Justice and to submit along with the form an authenticated copy of their warrant and/or qualifications, a recent Police Conduct Certificate, a Europass Curriculum Vitae and a handwritten motivational letter. The total number of persons interested to serve as court experts is about 1,000. However, Judges and Magistrates may appoint any person they consider suitable and competent even if they are not included in the lists (courts have freedom of choice). Lastly, the Courts also publish three lists of court experts, namely architects and civil engineers, accountants and engineers. These are published in the Government Gazette every year.

A list of experts for 2019 is published here (p. 4 et seqq. of the PDF).

II. Expert's qualifications

Experts have to be qualified in order to call themselves experts, but they do not have to be a member of a professional body. There is no continuing professional development system or any requirement for regular improvement. There are no courses for experts. The title of expert is not protected and there is no distinction between different types of expert. The list/register of persons interested to serve as court experts, which is maintained by the Department of Justice, is categorised according to the area of expertise.

III. Remuneration of experts

The expert's remuneration is calculated according to a fixed tariff, but there is no restriction on how an expert can be remunerated. The expert is paid by one party, but it is up to the court to decide which party is to pay the costs. There is a possibility for the parties to receive legal aid and there are no prescribed rates. As for payment in advance, the court can order the parties to make a deposit in court and this will be withdrawn by the expert once his/her job is finalised.

IV. Liability of experts

General principles of tort and contract law are applicable with no cap on liability. Experts are not required to have professional indemnity insurance.

V. Additional information

The appointment of experts is governed by Articles 644 to 682 of the Code of Organisation and Civil Procedure, Cap 12 of the Laws of Malta.

Furthermore, in the criminal field, the appointment of experts is governed by Articles 650 to 657 of the Criminal Code, Cap 9 of the Laws of Malta.

Appointment of experts

In civil proceedings, experts are appointed by a court and may even be suggested by the parties. Thus, experts are appointed at the request of either the court or the parties in cases where technical points need to be established. This is the case, for example, with building matters, traffic accidents, accounting issues, medical problems and assessment of damages.

In criminal cases, the experts are chosen by the court. The procedure of challenging such experts is the same as that for civil cases. In criminal cases, the experts can make their report, either orally or in writing, according to the directions of the court. The report must state the facts and the circumstances on which the conclusions of the experts are based. If the report is made orally, it has to be reduced into writing by the registrar or by the person acting in his stead.

1. Appointment by a court

Experts have a legal obligation to declare conflicts of interest. Reports of experts appointed by the court carry more weight than those appointed by the parties.

2. Appointment by the parties

There is no particular process for appointment by a party. A single expert may be jointly appointed by agreement. A court may order the parties to appoint a single expert.

VI. Procedure

A) Civil procedure

There is no difference in the appointment procedure for preliminary or pre-trial proceedings.

1. Expert report

Parties are expected to provide detailed instructions to the expert and questions that the expert ought to address. The court decree that appoints the expert shall contain the terms of reference that the expert needs to examine. Once they file their reports and get paid, experts are called to take an oath over their report and at that point they are cross examined by both parties.

There is no set structure to the report, and experts are not required to produce a preliminary report. They are expected to address the parties' questions in the final report. Article 665 of the Code of Organisation and Civil Procedure, Chapter 12 of the Laws of Malta, stipulates what the report should contain. It provides that the report should state the inquiries made and the grounds of the findings. Moreover, it stipulates that the report should be clearly and legibly typewritten or written in ink. The report should not be supplemented by plans or models, unless the court so directs or the parties give their consent thereto.

2. Court hearing

There is no requirement for the expert to attend a preliminary hearing. It is normally expected that experts only inform parties of any sittings that they will be setting and any requests to be made by the experts to the parties is to be made during such sittings. Experts are usually cross examined at the hearing. The court does not monitor or control the progress of the expert's investigations and there is no quality control by the court. Parties may challenge the expert report both by statements and counter-expertise. The court is not bound to adopt the report of the expert against its own conviction.

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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Find an expert - Netherlands

I. Lists and Registers of Experts

In The Netherlands there are two registers: one primarily for civil and administrative law (LRGD) and one primarily for criminal law (NRGD). Besides those there is an expert institute for forensic evidence (NFI) and an Institute of Environmental Law Experts (STAB), both on the payroll of the Dutch state. Furthermore, there is the Dutch Association for Medical Specialist Reports (NVMSR). Experts are listed by specialisation. The registers of Experts are kept in different ways, LRGD and NVMSR are private, NRGD and NFI are managed by the Ministry of Justice, the STAB is an independent body, strictly working for the judiciary. No court is responsible for the register, nor the quality of the experts on it, in the Netherlands that is strictly separated. The courts lean on the quality assurances that these bodies provide. Judges are however involved in the admission and/or accreditation process of LRGD and NRGD registers.

Links:

National Register of Court Experts

Netherlands Register of Court Experts

Experts on environmental law and spatial planning

Dutch Association for Medical Specialist Reports

The registers NRGD/LRGD, NVMSR and the website of STAB are publicly accessible. There are search tools, however STAB Experts cannot be consulted by parties because they only are appointed to advise judges and that would create doubt in terms of independence. Public: see page find an expert. This tool only covers experts in the LRGD register. It is accessible by specialisation. All Experts working at STAB are also registered in the LRGD register. Members of NVMSR go through a training and examination process before qualifying as a judicial expert member.

To be registered in NRGD experts have to go through an accreditation procedure which takes into account both the field of expertise in which they should accountably excel but also in their role as an expert to the court, the skills required to be a good expert in the proceedings. LRGD builds on the certification of the professional standards which are laid down by the professional bodies and (trade) associations of the profession itself, and an education on the role as an expert, and a system of permanent education.

STAB has very strict hiring standards and a strict permanent educational system. Peer review of Expert reports is standard for STAB.

Experts do not have to swear an oath. Experts can be dismissed from the registers after formal complaints about not following the rules of conduct applicable to the different courts, which are widely similar.

The registers are kept up to date by the managing administrative bodies.

II. Expert's qualifications

Experts of the LRGD have to be a member of a professional body in order to call themselves experts. It follows that the criteria for professionalism and the educational requirements are stated by that body. NRGD also sets high standards for education in order for an expert to be admitted to the register. Experts are often a member of a professional body, but there are "niche" fields for which professional bodies do not exist, therefore it is not strictly mandatory. At STAB, LRGD and most likely NRGD permanent education is required in the form of Continual Professional Development. For instance at STAB 15% of the time is reserved for that, LRGD requires a minimum of 6 hours per year. Often the professional bodies accredit educational institutes. They have to prove that the education took place, i.e. providing lists of website registrations from education parties. Education has two goals: skills in the judicial context and expertise.

III. Remuneration of experts

In criminal and administrative proceedings the State pays the expert's remuneration. There is a fixed tariff system and the expert has to make a calculation in advance. At STAB it is different, STAB is paid by the Ministry of Environment. In civil cases the parties pay for the expertise.

IV. Liability of experts

Experts are held liable according to general contract and tort law. Experts are not obliged to have liability insurance by Law or by the appointing judge. Experts may be insured by the company for which they work. Independent experts are insured at their own discretion, however several professional bodies make liability insurance compulsory.

V. Additional information about expert proceedings

The main legal provisions applicable to Judicial Expertise in The Netherlands are Art. 194 of the Code of Civil Procedure and Art. 8.47 Awb, the Code for Administrative Law and a law for Judicial Expertise in Criminal Law.

These laws are a framework: detailed guidelines for Judicial Expertise are found in the Practice Direction for experts in Dutch civil law cases. Furthermore there is a code of conduct - with a legal basis – for experts in Criminal Law, and there is also a code of conduct issued by the High Administrative Court for judicial expertise. For most forms of expertise, there are additional requirements as to the quality of expertise or the qualifications of experts.
The title of expert is not protected.

1 Appointment of experts

Experts can be appointed by the court and by the parties involved. The appointment of experts in administrative proceedings is similar to the one in civil proceedings, with the difference that in administrative law the costs are borne by the state and in civil proceedings the costs are borne by the parties. In all cases the court appointed expert has a duty to answer the questions asked by the court (possibly, after consulting the parties). In proceedings before a criminal court an expert can be appointed by the prosecutor or the judge during the investigation phase. For this purpose, there is a register that is governed by law, for which the expert has to meet stricter requirements than in civil and administrative proceedings. All court appointed experts have a legal obligation to report any conflict of interest.

1.a Appointment by a court

A civil court has discretionary power to appoint an expert either *ex officio* or according to a litigant's explicit request if the relevant facts cannot be established otherwise. In this case the oral hearing is postponed to a date after the delivery of the expert's report. The court has freedom of choice in principal to appoint any person it considers suitable to act as an expert. However appointing an expert from the relevant register is a practice widely followed by all courts. The expert has to report any conflict of interest to the court. Court-appointed experts have access to the file. In civil proceedings there are extra strict rules that apply to sub-experts who are consulted by the appointed expert during the mission, in that parties must know beforehand which persons are consulted and which questions they will be asked to answer

1.b Appointment by the parties

When parties appoint an expert, it is usually done at the start of legal proceedings, to build their case. The court may use these reports to decide a case. At any time in the proceedings, a judge may appoint an expert at the request of the parties. They all have to work according to the applicable rules and codes of conduct for the court appointed expert.
It is possible that both parties request a certain expert to be appointed, there are no special rules applicable. A judge can order that both parties appoint a single expert, but that is not common practice.

2 Procedure

2.a Civil procedure

The court monitors the progress of the experts investigations only in terms of time management. There is no quality control on the performance of the expert, no references are made in judgments. However STAB gets regular feedback on performance from the courts, although STAB is seldom asked in civil proceedings.
Parties can challenge the report by giving statements or by providing counter-expertise. Courts are not bound by the Expert report, but usually they follow the expert they have appointed. Party experts tend to be less influential than court appointed Experts. There are no procedures whereby experts meet prior to trial or are cross-examined prior to trial to seek to narrow the issues and for the court to understand the differences.
Experts are allowed to be in contact with the parties during the proceedings but only if necessary for fact finding and in presence of all parties. The Expert has to hold meetings in presence with all parties in order to collect their comments, if not hindered by professional standards as with medical cases.

1. Expert report

In The Netherlands there is a Model framework of report. Experts are required to provide a preliminary report, parties have the right to make remarks. The expert needs to address the parties' arguments in both the preliminary report as well as in the final report. No other specific requirements need be adhered to in the report. If ordered by the court the expert has to produce an additional report, for instance if there are additional questions. The report is usually given in writing, but may also be given orally in a court hearing.

2. Court hearing

The court only orders the expert to attend the hearings in exceptional cases, it can be requested by parties or ordered by the judge. Cross-examination is not usual.

2.b Other

The differences for other forms than civil law are not significant.

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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Find an expert - Austria

I. Lists and registers of experts

In Austria, persons who are available to work as experts in a judicial procedure or an investigation by the public prosecutor's office are entered in the list of court experts maintained by the presidents of the regional courts for the respective regional court districts, with entries broken down by specialist field.
The registers are publicly available here.
Experts have to make an application and pass an examination in order to be included in the list of court experts.

II. Experts' qualifications

Applicants who wish to be appointed by courts must prove professional experience in their area of expertise. Experts must have substantial knowledge of the most important principles of Austrian procedural law, know how to write an expert opinion and must furnish proof of 10 or 5 years of professional work during the period immediately preceding their entry in the list (if they have a relevant university degree or have completed a course of study at a higher-level vocational school) in the specialist field in question. In addition, they must have full legal capability and be trustworthy. To be trustworthy, experts must be beyond reproach in their overall conduct, as a guarantee of their impartiality and the quality of their work.
The application for inclusion in the register of 'sworn and certified' experts (as a 'recognised expert', in the wording of the European Expertise and Experts Institute (EEEI)) must be submitted to the president of the regional court in the district where the applicant habitually resides or conducts their professional activity.

In the course of the registration procedure, the president responsible for the registration will charge a commission with preparing an expert opinion on whether the registration requirements have been fulfilled.
Experts must swear an oath before being registered.
If they meet all the above requirements, they will be appointed by the president responsible for registration for a period of 5 years. They must reapply after each 5-year period. If experts continue to meet all the requirements at this time, their registration on the list of court experts is extended (generally without the need to sit another examination).
Experts can be removed from the register of court experts if they so wish, if they no longer meet the requirements, or if the president responsible for the registration so decides. Decisions to remove or refuse to recertify an expert must be duly reasoned and may be appealed against.
There is a code of ethics (*Ethikkodex* – link here) published by the Austrian Association of Sworn and Certified Experts.

III. Remuneration of experts

III.1 General information

Experts' fees are governed by the Austrian Act on Entitlement to Fees (*Gebührenanspruchsgesetz* – link here). That Act contains general rules applicable to experts. It also includes a specific compensation system for doctors, anthropologists, dentists, veterinarians, experts on chemical analysis and experts on motor vehicles.

III.2 Fees

Fees usually depend on the complexity of the opinion. A specific compensation system exists in criminal proceedings and family court proceedings, inter alia, for certain experts (see Section III.1).

III.3 Payment

Experts must submit an invoice for their fees to the court within 4 weeks of giving their opinion. Fees are generally paid via bank transfer.

III.3.1 Civil proceedings

In civil proceedings, before an expert starts to work on their opinion, the court generally orders that both parties must make an advance payment (*Kostenvorschuss*) to the court. The amount of this payment depends on the complexity of the case and the extent of the opinion the expert has to render. The remuneration is generally calculated on the basis of the number of hours spent by the expert on the case multiplied by an hourly rate. Expenses and VAT are also included. The court orders the amount the parties must deposit on the basis of its experience. If the amount deposited is not sufficient, a further advance payment can be ordered.

III.3.2 Criminal proceedings

In criminal proceedings, the State pays the experts' remuneration and, in the event of a conviction, the person sentenced must reimburse the costs.

III.3.3 Family court proceedings

In family court proceedings, the expert's remuneration is generally paid by the State.

III.4 Legal aid cases

In general, legal aid is granted to people who are unable, in part or in whole, to meet the costs of proceedings, including the costs of experts, as a result of their economic situation. The recipients of legal aid must refund the fees, in whole or in part, if their financial situation has substantially improved within 3 years of the proceedings taking place. It should be noted that the losing party always has to cover the fees of the winning party.

III.5 Reimbursement of experts' fees

The court makes the decision on the expert's costs in an autonomous fee decision or in the context of its judgment. The costs awarded are therefore enforceable.

IV. Liability of experts

Experts are held liable according to general contract and tort law. They are obliged to cover their possible liability via professional indemnity insurance.

V. Additional information about expert proceedings

The website of the Austrian Association of Sworn and Certified Experts (*Hauptverband der allgemein beeideten und gerichtlich zertifizierten Sachverständigen Österreichs* – link here) provides detailed information about costs (sample fees) and the conditions for entry in the list of court experts. The website is very informative and easily accessible to the public.

V.1 Legal foundations

The main legal provisions applicable to judicial expertise in Austria are:
Articles 351-367 of the Austrian Code of Civil Procedure (*österreichische Zivilprozessordnung (ZPO)* – link here)
Article 31 of the Uncontested Matters Act (*Außerstreitgesetz* – link here)
Articles 52-53a of the 1991 Austrian Code of Administrative Procedure (*Allgemeines Verwaltungsverfahrensgesetz* – link here)
Articles 104, 112, 112a and 125-128 of the 1975 Austrian Code of Criminal Procedure (*österreichische Strafprozessordnung* – link here).

V.2. Appointment of experts

Experts can be appointed by the court but not by the parties involved. The appointment of experts in administrative proceedings is similar to that in civil proceedings. In criminal investigation proceedings, the expert can be appointed by the prosecutor.

V.2.a. Appointment by a court

The civil court has discretionary power to appoint an expert, either of its own motion or at the express request of a party to the proceedings, unless the facts of the case can be resolved otherwise. The court is free to appoint any person it considers suitable to act as an expert. The expert must report any conflict of interest to the court. Court-appointed experts have access to the relevant documents of the court file.

V.2.b. Appointment by the parties

In Austria, private experts are chosen by the parties. Their reports must be asserted and submitted by the parties, otherwise they will be rejected as unacceptable. If these requirements are met, the court examines and assesses the expert's opinion. The report is considered as an element of proof but cannot annul the report of a court-appointed expert. Rather, it underpins the legal basis of a party's argument.
The court can decide whether or not to base the reasoning in its judgement on the opinion of the expert appointed by the party.

V.3 Procedure

V.3.a. Expert report

The expert report can be submitted in writing or orally. There are no stipulations governing the way an expert report should be structured.
If the court considers the report to be incomplete, or in the event of unjustified misconduct on the part of the expert, the court can, of its own motion or at the request of the parties, order a new or supplementary report to be drawn up. The court can also order the expert to pay the court fees because of the expert's unjustified misconduct.
The parties may attempt to render invalid or contest the expert's report by means of a relevant submission or a counter-opinion.

In civil proceedings, the parties are closely involved in the work of experts. They must cooperate with them and provide them with whatever documents they request. They may directly question them during adversarial proceedings and require them to comment on their remarks.

V.3.b. Court hearing

In the case of submission of a written report, whether and to what extent the expert's participation in court hearings is necessary (at the request of the parties, where applicable) is decided by the court.

The information presented here was gathered during the 'Find an Expert' project from contacts in each country selected by the European Expertise & Experts Institute.

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Find an expert - Poland

I. Lists and registers of experts

Each regional court has its own list of experts. The regional court president is responsible for publication. See: https://lublin.so.gov.pl/lista-bieglych,m,m1,2,270 for Lublin or http://www.krakow.so.gov.pl/fck_pliki/file/Testowy/Biegli/Biegli_20180205_strona.pdf pliki/file/Testowy/Biegli/Biegli 20180205 strona.pdf for Krakow. The registers are publicly accessible.

There is an age qualification – person who wants to be an expert must be at least 25 years old. Experts must have theoretical and practical special knowledge in specific branch of science, technology, art, craft or other skill The criteria are not formalized. This is president of regional court who judges if candidate fulfills all conditions to become an expert. Experts do have to take an oath in order to be registered. A person who wants to be entered on the list of experts must submit an application to the president of the regional court.

The expert can be dismissed from the register by the regional court president:

at his request;

if the expert does not fulfill the requirements to perform this function any more or if it is determined that he did not fulfill them at the time of establishment and is still not responsible for them;

for important reasons, in particular if he performs his activities improperly.

There is no specific code of conduct or ethics applicable to experts, but the expert will have to respect the civil / administrative / criminal procedure code.

The registers are regularly updated. In January each year, the president of regional court announces the list of court experts to district courts and the Ministry of Justice, and notifies everyone immediately about any change of the list and the initiation of criminal proceedings or incapacitation in relation to these persons.

Experts are registered for a period of five years.

Experts are listed for particular branches of science, technology, art, craft, as well as other skills. The list of specialties is very long and diverse.

Once listed, experts have no particular obligation. They are not under any obligation to follow continuing education, although relevant postgraduate studies and courses exist. However, in practice, if they want to be appointed for the next period they should be able to prove that they deepen their knowledge (attending courses, conferences, postgraduate studies etc.).

II. Expert's qualifications

Experts must have theoretical and practical special knowledge in specific branch of science, technology, art, craft or other skill The criteria are not formalized. This is president of regional court who judges if candidate fulfills all conditions to become an expert.

Experts are not required to be a member of a professional body. They are formally not asked to improve their skills regularly and there is no system of continual professional development. While being an experts they do not have to prove that they participate in further education courses and there is no method to test the obtained knowledge. But if they want to be appointed for the next period they should be able to prove that they deepen their knowledge.

III. Remuneration of experts

The expert's remuneration is determined by the Regulation of Minister of Justice of April 24, 2013 on the determination of expert fees, lump sums and how to document expenses necessary to issue an opinion. The expert's hourly rates have been set, which are part of the base amount determined by the budget act. In general the expert's remuneration is in relation to the number of hours he/she devoted to the expertise and her/his degree of education. The regulation sets a minimum rate and a maximum rate.

The duty of payment of the experts' remuneration is handled by the judicial system or paid by one party. Parties can obtain legal aid with regard to the expert's remuneration with no prescribed rates.

The remuneration is fixed by a regulation. In specific cases, especially for difficult missions, the legal tariff can be exceeded by a specific court decision. But in practice, in civil procedure, the experts require the parties' agreement to receive higher fees.

In civil matters, when appointed by the court, one party is ordered to pay the expert in advance. Experts can receive advance payment on their fees. But at the end of the proceeding, in the judgment on the merits, the court decides who has to bear the final burden. It may be shared between the parties.

In criminal matters the experts are paid by the state (and imposed on the defendant only if in the case he is sentenced): funds paid by the state are subject to the control by the state financial control, which can challenge payments made in contravention of the law on the public finances.

IV. Liability of experts

In accordance with penal law, expert who presents false opinion can be sentenced up to 10 years of imprisonment.

There are no special civil provision for this subject. General regulations of civil law (tort/contractual law) are applicable to experts' liability.

Experts are not obliged to cover their possible liability via professional indemnity insurance.

V. Additional information about expert proceedings

The appointment of experts is regulated by the ordinance of the Minister of Justice dated 24th of January 2005. Additional regulation is stated in the Codes of Civil Procedure, Criminal Procedure and Administrative Procedure. In civil procedures parties may request the appointment of an expert. Usually, in civil procedure, the appointment of an expert depends on the advance payment by the applicant parties for the costs related to the preparation of an opinion.

In general the same rules apply in civil, criminal and administrative procedures. There are no fundamental differences between the appointment procedures in civil, administrative and criminal matters.

The title of judicial expert may only be used during and for the purposes of preparing an expert's opinion for courts or for prosecution. The number of experts in Poland is about 15 000.

1. Appointment of experts

Only courts and prosecution can appoint experts with the status of judicial experts. Ex officio or upon request of the party).Opinion prepared on appointment of court or prosecution constitutes special kind of evidence called expert's opinion.
Parties may hire experts privately, but their report will be filed as another piece of evidence.

a) Appointment by a court

The court uses a list of experts. Each regional court has its own list of experts. Appointing an expert from the (local) register is a practice widely followed by the court. However, using a register is not mandatory.

b) Appointment by the parties

While judicial experts are never appointed by the parties, the parties in civil and administrative procedures can hire their own expert. They do not have to follow particular processes or procedures.

2. Procedure

a) Civil procedure

In civil procedures the expert has no obligation to attend a preliminary hearing (if any). The court monitors the progress of the experts investigation as to time. The court is "the highest expert" and judges opinion's quality. Courts are not bound by the opinion expressed in expert reports and decide if opinion can be the basement to establishment the facts in the case.

Expert report

The expert delivers his or her report in writing. There is no particular structure that the expert has to follow in his or her report. There is no obligation to provide a preliminary report. In the final report the expert has to address the parties' arguments. In many cases the expert has to deliver an additional report. when the party submits such a request and the judge accepts it or at the request of the judge. This may occur when the expert did not answer all the questions included in his mission or where additional questions arise later on.
The court will issue a new order stating the need for additional input and specifying the questions that need to be answered. The parties can make a request for further clarification to the court. However, in practice, it is more likely that another expert is designated, depending on the satisfaction with the first report.

Court hearing

Experts are required to attend a hearing in order to answer questions by the court and the parties after delivering their report. They can be cross-examined in court.

b) Other

Some experts are appointed to attend in hearing of witnesses or parties, mainly psychologists. They evaluate people's capacity to perceive and to present their observations.

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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Find an expert - Portugal

I. Lists and registers of experts

Besides the proceedings provided for in the Expropriation Code, there is no other official list/register of experts in Portugal. The Expropriations Code (approved by Law no. 168/99, of 18 September) provides for the intervention of experts on the list in proceedings relating to the declaration of public utility of an expropriation and proceedings relating to the enforcement of administrative possession, including the arbitration and appeal phases of both proceedings. The evaluations and examinations carried out by the expert shall, in particular, result in the determination of a fair compensation to be paid to the expropriated party. The amount must be based on the establishment of facts indispensable for the calculation of this compensation.
In accordance with Decree-Law No 125/2002 of 10 May, which governs the conditions for the exercise of the duties of expert and arbitrator in the aforementioned procedures, the Directorate-General for the Administration of Justice (DGAJ), is the Portuguese authority in charge of publishing and updating the official list of experts and to promote procedures for the selection and recruitment of experts. Experts tasks are in particular:
Forecast of charges for the expropriation;
Conduct of surveys;
Carrying out of evaluations;
Participation in arbitration proceedings.
Furthermore, experts are also appointed from the official list in the cases where the law allows the expropriation of movable property, in particular pursuant to Article 16 of Law 13/85 of 6 July (Portuguese Cultural Heritage Law).
The list of experts is kept up to date by periodic review.
There is no search tool for finding an expert in Portugal.

II. Expert's qualifications

In order to be registered in the list, candidates must fulfill the following requirements:
Hold an appropriate degree, as those indicated in the Order No 788/2004 of 9 July;
Be a minimum of 18 years of age;
Not be banned from the exercise of public office or have not been disqualified for the performance of the duties the expert is required to perform;
Possess the physical strength and the mental profile necessary for the performance of the duties;
Compliance with mandatory vaccination laws.

III. Remuneration of experts

Experts appointed by courts cannot receive a payment in advance.
The expert´s remuneration is ordered in accordance with the provision set in Article 17 of the Regulation on Procedural Costs, approved by Decree-Law No 34/2008 of 26 February, pursuant to Table IV: between 1 and 10 units of accounts (UC) (EUR 102,00 being the value for 1 unit). On 01 February 2017, the Portuguese Constitutional Court declared, with binding force, that the rule preventing expert remuneration above the limit of 10 UC (€ 1.020,00) was unconstitutional because of the principle of proportionality.
In the case of an expert chosen by the judge, the travel expenses are met in advance.
The duty of payment of the experts' remuneration is handled as following:

Civil procedure

The costs of proceedings includes an expert´s fee. Each participant shall pay the costs of proceedings incurred by the participant and the costs of his representative. The court shall provide the participant achieving complete success in the matter with the reimbursement of costs necessary for the efficient exercising or defending of a right against a participant unsuccessful in the matter.
If the participant has achieved only partial success, the court shall fairly divide the reimbursement of costs or pronounce that none of the participants shall be entitled to reimbursement. Based on the results of the proceedings, the State shall be entitled to be reimbursed the costs of the proceedings met by the State from the participants if such costs are not expected to be exempted from the court fees.

Criminal procedure

The costs necessary to conduct criminal proceedings, including enforcement proceedings, lie with the State. If the defendant was lawfully convicted, they are required to repay the State a flat amount of other expenses, regarding, for example, transport expenses or exams conducted by laboratories, which have been initially covered by the State. However, the flat amount requires that the expert's report was requested during the procedure.
There is no way for the parties to obtain legal aid with regard to the Expert's remuneration.

IV. Liability of experts

The regulations of Portugal do not contain a particular provision dealing with the expert's liability but general regulations (tort/contractual law) are applicable. Nevertheless, the expert is required to perform his duties with due diligence in order to maintain his appointment, as the judge may impose a fine in the event that the expert breaches the duty to cooperate with the court. The court may also remove the expert from the proceedings if the expert's action is deemed negligent (for example, in the case when he fails to submit the expert's report within the prescribed time-limit).
The appointed experts must assume a firm commitment to ensure that the task assigned to them is honoured, unless they are civil servants and it intervenes in the performance of their duties.
Experts are not obliged to cover their possible liability via professional indemnity insurance.
Expert's liability is not subject to a cap by law.

V. Additional information about expert proceedings

The main legal provisions applicable to judicial expertise in Portugal are Articles 467-489 of the Civil Procedure Code and Articles 151- 163 of Penal Procedure Code. There is no English version of the provisions accessible online.
General rules for the appointment of an expert for the purpose of proceedings in front of a civil, criminal and administrative court are similar. The title of expert is not protected.
The legal system of Portugal does not distinguish between expert witnesses, technical experts, law experts or any other kind of experts.
As stated above, apart from the one relating to the experts appointed under the Expropriation Code, there is no other official list of experts. Experts are frequently used, both in criminal and civil proceedings.

1 Appointment of experts

In civil proceedings, experts only can be appointed by a court. In criminal proceedings, during the investigation phase, experts can be appointed by the prosecutor.
Experts can also be appointed for the purpose of preliminary or pre-trial proceedings.

1.a Appointment by a court

A court may appoint an expert upon the request of a party or upon the court´s own discretion. In the litigious procedure the court orders expert evidence if the decision depends on the assessment of the facts for which scientific knowledge is required.
There are no differences between the appointment of an expert for the purpose of proceedings before a civil, criminal and administrative court.
The causes for the prevention and legal dispensation of the function of an expert may be claimed by the parties and by the designated expert himself, depending on the circumstances.
The rules pertaining to the challenge of judges shall apply *mutatis mutandis*.
The holders of the sovereign bodies or the equivalent bodies of the Autonomous Regions are exempt from the exercise of the function of expert. The same is valid for those who, by law, have a similar statute, like the public prosecutors in the exercise of their duties and the diplomatic agents of foreign countries.
All persons who invoke personal reasons may be excused from intervention as experts.
When experts are appointed by the court, the court uses a list or register of experts to select them, except in the area of medical expertise, which is legally attributed to a public institution: Instituto Nacional de Medicina Legal e Ciências Forenses.
Appointing an expert from the register is a practice widely followed by the court.

1.b Appointment by the parties

The court may appoint an expert upon the request of a party or upon the court's own discretion. In the litigious procedure the court orders expert evidence if the decision depends on the assessment of the facts for which scientific knowledge is required.
The parties do not have the right to appoint an expert - only to suggest one.
The parties can appoint an expert in joint expertise in civil proceedings. In these cases, a court appointed expert will work together with one or more experts appointed by the parties.

2 Procedure

2.a Civil Procedure

There are no specific requirements that an expert needs to adhere to in their report and/or court proceedings as, for example, in case law.
The court doesn't monitor or control the progress of the expert's investigations. Where, for technical or professional reasons, the report cannot be produced within the time limit set by the judge, the court must be immediately notified in order to appoint a new expert as soon as possible.
There is no quality control on the performance of the expert.
The court is not bound by the expert´s opinion. The court may consider otherwise and decide differently than the expert's opinion. However, the disagreement must be grounded on technical reasons and be justified.
There is no procedure whereby experts meet prior to trial or are cross-examined prior to the trial to seek to narrow the issues and for the court to understand the differences of opinion.
Parties may assist and make observations available to the expert for consideration. They shall also provide any explanations which the expert deems necessary. If the judge is present during the expertise proceedings, they may also make requests which they deem fit in the context of that specific proceeding.
The experts may use all means necessary in order to appropriately perform their duties, exercise the appropriate measures or clarifications and ask for access to information on the process files.
Especially, the expert does not have to hold meetings with the parties in order to collect their comments.

1. Expert report

There is no mandatory framework the Expert has to follow in his or her report.
In the case of a collegial expertise, if there is no unanimity, the opposing experts shall offer the reasoning behind their position.
Experts are not required to provide a preliminary report.
Experts are only obliged to address the parties' arguments in the final report.
There are no other specific requirements that an expert needs to adhere to in their report and/or court proceedings as, for example in case law.
There are cases where the Expert has to produce an additional report if the court raises additional questions or requires the expert to clarify the report.
Experts deliver their report in writing.

2. Court hearing

If either of the parties so requests or if the court so requires, the experts appear at the final hearing in order to offer, under oath, the explanations requested from them.

2.b Other

(the answers to these questions are given in other parts of the sheet here - below is the full duplication)
There are no other specific requirements that an expert needs to adhere to in their report and/or court proceedings as, for example in case law.
The court doesn't monitor or control the progress of the expert's investigations.
There is no quality control on the performance of the expert.
Parties can challenge the report with statements and by providing a counter-expertise before the court decides on the case.
The court is in principle bound by the expert´s opinion. When the court decides otherwise, it must justify its disagreement with the expert opinion.
There is no procedure whereby experts meet prior to trial or are cross-examined prior to trial to seek to narrow the issues and for the court to understand the differences of opinion.
Experts are allowed to be in contact with the parties during the proceedings.
The parties may generally be present during the conduct of the expertise investigations , and can make comments and respond to the questions of experts.
Especially, the expert does not have to hold meetings with the parties in order to collect their comments.

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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Find an expert - Romania

I. Lists and registers of experts

In Romania, experts are listed by specialisation. The registers of experts are made available to the courts by the Ministry of Justice and they are kept by the civil courts or the criminal courts. The lists can be found here.
Experts are authorised and listed in the register after an examination organised by the Ministry of Justice.
In order to acquire the status of judicial expert, a candidate must fulfil the following conditions:
be a Romanian citizen, a citizen of a Member State of the European Union or of a State belonging to the European Economic Area or a citizen of the Swiss Confederation;
know the Romanian language;
have full legal capacity;
be a graduate in the specialty for which he / she is present at the expert examination, proven by diploma;
have at least three years of experience in this specialty;
be medically fit for the work of an expert;
have no criminal record and enjoy a good professional and social reputation;
be declared successful in the exam organized by the Ministry of Justice.
The citizen of another Member State of the European Union or belonging to the European Economic Area and the Romanian citizen who have obtained the necessary professional qualification in another Member State of the European Union or belonging to the European Economic Area may acquire the status of an expert in Romania under the same conditions as Romanian citizens.
Experts can be removed from the register if they wish, if they do not meet the requirements anymore or if the competent authority decides so.

II. Expert's qualifications

Experts have to be a member of a professional body in order to call themselves experts.

III. Remuneration of experts

1. Civil procedure

The court order appointing an expert shall set out the expert's fees and, where appropriate, the advance for travel expenses. The court may ask the expert to estimate the costs of the expertise in writing within a certain time period.
The proof of payment of the fee shall be filed at the court registry by the party that was bound by the order, within five days from the appointment or within the time limit set by the court. The court may increase the fees until the report has been handed in.

2. Criminal proceedings

The expert is entitled to a fee for the performance of the expertise. The amount of the fee is set by the prosecutor or court according to the nature and complexity of the case and the expenses incurred by the expert.

IV. Liability of experts

Experts are held liable according to the general contract and tort law. They are obliged to cover their possible liability via professional indemnity insurance.
Judicial technical experts guilty of misconduct committed in the exercise of the expert's activity may be subject to the following disciplinary sanctions by the Central Technical Judicial Technical expert, in relation to the seriousness of the offense committed:
written warning;
suspension of the right to perform judicial expertise over a period of 3 months to one year;
withdrawal of the status of judicial expert.

V. Additional information about expert proceedings

The main legal provisions applicable to judicial expertise in Romania are Art. 330-331 of the Romanian Code of Civil Procedure. Further, Art. 172-191 of the Romanian Code of Criminal Procedure applies.

Experts are listed by specialization. The expert registers are public and are posted on the website of the Ministry of Justice.
Experts must apply to be enrolled in the register.

1. Appointment of experts

Romanian **civil law** provides for the appointment of one or three experts. Experts can be appointed by the court and by the parties involved. The parties can agree on one expert. If they do not agree, the expert will be appointed at random by the court in public session, from a list drawn up and communicated by the office of expertise.
Romanian **criminal law** provides for the appointment of only one expert. The expert can be appointed by the court during trial and by the prosecutor during the criminal investigation phase. In general, the prosecutor or the court appoints one expert. Only in situations where interdisciplinary knowledge is required, two or more experts will be appointed.
For this purpose, the same register as in civil proceedings is used. The requirements for experts are the same in both criminal and civil proceedings.

a) Appointment by a court

The civil court or criminal court has the power to appoint an expert either ex officio or according to a party's explicit request if the relevant facts can only be established with the help of a specialist. In this case, the expert will respond to the questions asked by the court or prosecutor until a specific date. The expert has to report any conflict of interest to the court. court appointed experts have access to the file.

b) Appointment by the parties

There are many types of party appointed experts in Romania:
Authorised independent experts appointed at the request of the parties or the accused (Article 172 (8) of the Code of Penal Procedure)
Official experts from laboratories or specialized institutions
Authorized independent national experts
From abroad (Art. 172 (8) of the Code of Penal Procedure).
Where there are no authorised experts available, the court may request the views of one or more persons or specialists in the respective field (Article 330, paragraph 3 of the Civil Procedure Code), who will thus be extrajudicial experts and expert witnesses. Experts appointed by the parties will control the action of a court appointed expert. It is not possible that the parties appoint an expert without the court having appointed an expert (article 173 paragraph 4 Code of Penal Procedure). Expert witnesses are witnesses with special scientific or technical knowledge, questioned by the court.

Experts have the right to refuse to perform the expertise for the same reasons witnesses may refuse to testify.

2. Procedure

a) Civil Procedure

The judge is not bound by the expert's opinion. The expert's only obligation is to deliver the report. Experts are allowed to be in contact with the parties during the proceedings, court appointed experts need the court's permission to do so.

i. Expert report

In Romanian expert proceedings a preliminary expert report is not required. The main report can be delivered only in writing. The expert has to follow a certain structure when providing his report.
If it is necessary to clarify or supplement the expert report, or if there is a contradiction between the experts' opinions, the court, ex officio or at the request of the parties, may ask the experts to clarify or complete their reports.
The court may order a counter-expertise upon request of the parties or ex officio if there are good reasons to do so. The counter-expertise will be provided by another expert than from the original report. The court freely decides on which reasoning it bases its judgement.

ii. Court hearing

In the course of criminal prosecution or trial, the expert may be heard by the investigating magistrate or the court at the request of the prosecutor or the parties or ex officio if the hearing is necessary to clarify the findings or conclusions of the expert.
In civil law procedure, if the experts can immediately express their opinion, they will be heard in the hearing, on the same rules as the witnesses and their opinion will be recorded in the judgment.

b) Criminal proceedings

If the prosecutor or the court considers the expertise to be incomplete and this deficiency cannot be remedied by the expert's hearing, the court shall order, ex officio or at the request of the parties, a supplementary expertise by the same expert. If it is not possible to designate the same expert, a counter-expertise will be ordered.
The prosecutor or the court shall order a new expertise if the conclusions of the expert report are unclear or contradictory and these deficiencies cannot be remedied by hearing the expert.

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Find an expert - Slovenia

I. Lists and registers of experts

The Ministry of Justice of the Republic of Slovenia maintains a register of experts.
This register is publicly accessible here.
Slovenian law does not provide a definition of expert witness. However, there is a distinction between expert witness, experts and law experts.
Not all experts are covered in the register – the register covers only court (judicial experts). The register consists of 50 main groups, with around 1000 experts listed in total.

II. Expert's qualifications

Pursuant to Art. 16 of the Slovenian Court Experts, Certified Appraisers and Court Interpreters Act, the criteria that experts have to meet to be registered are, inter alia:
be a citizen of the Republic of Slovenia or a Member State of the European Union or a Member State of the European Economic Area and actively master the Slovenian language,

has not been convicted *res judicata* of a premeditated criminal offence prosecuted *ex officio* which would render them morally unfit to provide court expert opinions, as it could prevent the impartial or professional performance of their work or harm the reputation of the court,
has a pre-Bologna university education or has concluded a Bologna master's study programme and possesses appropriate professional knowledge and practical skills and experience for a particular type of expert work,
have six years of experience in the field in which he wishes to carry out expert work,
not perform an activity incompatible with judicial expertise.
A person who wishes to be appointed as a judicial expert shall submit to the Ministry of Justice, the application for appointment as a judicial expert, on the prescribed form and based on an open call. In order to determine the condition of the expert's knowledge and the practical skills and experience of the candidate, the Minister orders a special proficiency test. The Ministry then issues a decision, and the expert will take an oath.
In order to be registered the expert does not have to subscribe to a code of conduct or ethics.
There are requirements for continuing professional development. Judicial experts must constantly update their knowledge and applied methods in the profession, or participate in consultations and professional training organized by a competent state authority, an authorized organization, a professional association or other professional institution. After five years from the date of appointment and after the expiration of every further five years all judicial experts are obliged to submit the evidence of professional training they took over the past five years to the Council of experts that verifies their proficiency.
General professional education includes basic knowledge in the field of the constitutional organization of the Republic of Slovenia, organization and functioning of the judiciary, court procedures, rules of evidence, legal provisions on the rights and duties of judicial experts, judicial assessors or court interpreters, law and institutions of the European Union and other topics related to the work of judicial experts, court assessors or court interpreters.
Special professional education includes special expertise for individual areas of expertise and sub-areas of expert work.
Experts are not obliged to be members of a professional association in order to be listed in the register.
An expert can be permanently dismissed from the register by the Minister:
if the right to work as an expert is permanently withdrawn within the disciplinary proceeding,
if an expert provides a written statement that he no longer wishes to provide court expert opinions,
in case of dismissal of an expert
if an indictment has been filed against an expert for a criminal offence prosecuted *ex officio* and which may be punished with more than two years' imprisonment, the Ministry removes this expert from the public section of the directory no later than three days after being notified of the legal fact. Re-entry in the public section of the directory is carried out after the cessation of the reasons for removal.

III. Remuneration of experts

The remuneration of court appointed experts is legally regulated. The amount of remuneration depends, inter alia, on the number of pages of the court file, the time spent on the investigation and the preparation of the oral hearing, on whether it is necessary to collect and examine additional documentation, on whether an investigation is necessary and the complexity of the case. Beside the remuneration, the experts are entitled to reimbursement of their costs and expenses.
Parties can obtain legal aid with regard to the expert's remuneration at prescribed rates.
The court decides in its decision which party or parties have to pay the remuneration.

IV. Liability of experts

The expert's liability is not subject to a cap by law. General regulations are applicable. Experts are not obliged to cover their possible liability via professional indemnity insurance.

V. Additional information about expert proceedings

Unfortunately, the Court Experts, Certified Appraisers and Court Interpreters Act in English is not accessible online.

1. Appointment of experts

1a. Appointment by a court

The court may appoint any person that it considers suitable and competent. In most cases the courts appoint an expert from the official register.

1b. Appointment by the parties

The parties can challenge the results of the expert appointed by the court and hire an expert at their own expense for that purpose.

2. Procedure

A) Civil procedure

Parties are required to provide detailed information, instructions and questions for the expert.
When it is necessary for the expert's opinion the expert can contact the parties.
The court does not monitor the progress of the expert investigation. Nevertheless, each expert must inform the court whether he/she expects to carry out the expected work in time. There is no quality control. Courts are not bound by the opinion expressed in expert reports.
Parties can challenge the report by statements or by providing a counter-expertise before the judge decides the case.
When a party asks for additional questions or the court needs more information the court can order an additional report.
The court is not bound by an expert opinion but will usually consider it when rendering a final decision.

1. Expert report

The expert delivers his report in writing or orally if the court desires so.
In the final report the expert has to address the parties' arguments. There is no prescribed structure for the report and there are no other specific requirements that experts need to adhere to in their report.
The Court Experts, Certified Appraisers and Court Interpreters Act specifies general and individual guidelines on preparing expert opinions that will be published on the website of the Ministry of justice. Guidelines shall be approved by the Council of Experts and shall include a uniform indication of the structure of, and instructions on the preparation of expert opinions. General and individual guidelines on areas and sub-areas of expertise of court experts shall be adopted and published on the website of the Ministry within two years after the application of the Act mentioned above (until 1st January 2021).

2. Court hearing

Experts are required to attend the court hearing if the court requests them to do so.

B) Other

The other procedures are largely identical to the civil procedure.

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Find an expert - Slovakia

I. Lists and registers of experts

There is an official list/register of experts in Slovak Republic. The list of experts is accessible online to anybody.
The responsible entity for keeping the register of experts is the Ministry of Justice.
In order to be listed in the register, Experts have to meet the following criteria:
full legal capacity,
extract from the criminal record with no listed criminal conviction,
corresponding education (university degree, if possible),
specific short-term course aimed at the legal norms regulating the profession of judicial experts,
at least seven years of experience in the relevant field of expertise (wholly after earning a degree),
specific exam organised by the Ministry of Justice or by a delegated subject,
specific long-term course aimed at the legal norms regulating the profession of judicial experts and at the relevant section or subsection of the list (required only for selected sections and subsections),
necessary material equipment,
no deletion from the list during last three years due to administrative delict as the judicial expert and no ongoing ban due to administrative delict as the judicial expert,
oath of the judicial expert.
Experts have to swear an oath in order to be registered. Experts have to apply in order to be listed. The Ministry of Justice is obliged to register to the list of experts a person who meets the statutory requirements.
The Ministry of Justice may remove the expert from the list:
upon written request of the expert,
if the person does not meet the abovementioned requirements anymore,
as a disciplinary sanction,
if the person performs activity without liability insurance,
if the person does not pass the verification of professional comptenece.
The list of experts is permanently updated by the Ministry of Justice.
Experts can be found by using the search tool. This search tool covers all experts. Experts are listed by specialisation and specialisations are accessible at the register.

II. Expert's qualifications

Experts have to obtain a certain educational level in their specialised discipline in order to be registered. Experts do not have to be a member of a professional body to practise as an expert. Experts have to improve their skills regularly. There are specialised expert institutes which are entitled to organise continuous professional training.

III. Remuneration of experts

The expert may agree with the contracting authority, which is not a court or other public authority, on the contractual remuneration or the amount of the expert. If they do not agree, the expert is entitled to a tariff fee, compensation for expenses and compensation for loss of time. The amount of the tariff fee for experts is determined either by time, by share method or by flat rate method.
Experts appointed by the court can receive an advance on cost. In civil procedure the remuneration of the expert is paid by the parties, in criminal proceedings by the State.

IV. Liability of experts

The regulations of the Slovak Republic contain a particular provision dealing with the expert’s liability. The Act No. 382/2004 Coll. as last amended regulates several types of administrative offenses.
Experts are obliged to cover their possible liability via professional indemnity insurance. Such insurance does not cover the expert’s liability for advice he or she gives in the other Member States.
Expert’s liability is subject to a cap at EUR 33,193.

V. Additional information about expert proceedings

The main legal provisions applicable to judicial expertise in the Slovak Republic is the Act No. 382/2004 Coll. as last amended, the Regulation No. 228/2018 Coll., the Code of Civil Procedure, the Code of Criminal Procedure and the Code of Administrative Procedure.
General rules for the appointment of Experts for the purpose of proceedings before a civil, criminal and administrative court are alike.
The legal system of the Slovak Republic does not distinguish between expert witnesses, technical experts, law experts or any other kind of experts. The total number of registered experts is about 3 000.

Appointment of experts

Experts can be appointed by the court or other public authority. Experts can be appointed for the purpose of preliminary or pre- trial proceedings. In criminal pre-trial proceedings the expert can be appointed by the police officer or the prosecutor.
There are no differences between the appointment of an expert for the purpose of proceedings before a civil, criminal and administrative court. Court-appointed experts have a legal obligation to report any conflict of interest. In cases where experts are appointed by courts, the court uses a list or register of experts to select them. An expert from the list can be appointed by the court or selected by one of the parties. If there is no judicial expert registered in the list or if it is not possible for any registered judicial expert to perform the expertise, then the court can appoint a judicial expert on an *ad hoc* basis.

Procedure

Civil Procedure

Experts are usually cross-examined during trial. The court is not bound by the expert´s opinion. The expert´s report is of the same importance as any other evidence, the judge is obliged to evaluate it freely and in relation to the other means of evidence.
There is no any procedure whereby experts meet prior to trial or are cross-examined prior to trial to seek to narrow the issues and for the court to understand the differences of opinion.
Upon request of the court the parties are obliged to cooperate with the expert in obtaining the sources or data for the expertise.

1. Expert report

The expert's report has to be structured in the following way:
title page
introduction
report
conclusion
annexes
expert clause
Experts are not required to provide a preliminary report. Experts are not obliged to address the parties' arguments their report.
The court can order that the Expert provides an additional report. Experts deliver their report in writing or orally.

2. Court hearing

The expert has to attend a preliminary hearing. The expert has to attend the main hearing in order to answer the court's and the parties' questions. Experts are usually cross-examined during trial.

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Find an expert - Sweden

I. Lists and Registers of experts

In Sweden, there are no registers or records of experts, and there are no plans to introduce such records.

II. Expert's qualifications

Not applicable.

III. Remuneration of experts

Not available.

IV. Liability of experts

Not available.

V. Additional Information about expert Proceedings

1. Appointment of experts

a) Appointment by a court

It is unusual that the court appoints an expert on its own in a judicial proceeding.

b) Appointment by the parties

In Sweden, experts intervening in judicial proceedings are usually hired by a party in a trial, which means that the rules that apply to witnesses will apply also for the expert. ("expert witness")

2. Procedure

The Swedish judicial tradition is based on the principle of free examination of evidence, meaning evidence submitted will not be dismissed merely on procedural grounds. Therefore, the merit of the testimony of an expert witness is based on the conclusions and testimony in each single case. The evidentiary value of the statement is assessed by the court, and the witness' credibility and competence to draw the conclusions will be a matter for the parties to establish (through examination and cross examination).
The Swedish Code of Judicial Procedure and its rules of evidence are in general based on the principles of immediacy of evidence, concentration of the process and oral presentation.
A witness statement is of most value when there is reduced risks of misunderstandings, which is the case when appearing in persona: it is easier for the court to assess the reliability and credibility of the statement. In some respects, the rule also ensures the parties' right to cross examination (preserve the principle of equality of arms).
A result of these principles is that the evidence is more or less always presented at the main hearing before the court. Evidentiary statements must therefore be directly and orally presented to the court. Written statements/affidavits/video examinations will normally not be accepted as a substitute for a statement in persona (with the exception of video recordings of juvenile statements).
Since 2008, testimonial statements out of the main hearing and the use of examination at the main hearing by telephone and by video conference are allowed to a larger extent: video conference – usually in a conference room at a court within the witness's judicial district – is generally accepted as equal to an appearance in court.
In practice, the prohibition against affidavits is not applied to certificates issued by doctors and official or civil servants; however, it is always a matter of the case and the evidence available.
Judicial expertise is ruled by the Swedish Code of Judicial Procedure and is available under:
The Swedish Code of Judicial Procedure (1942:740)
The Swedish Code of Judicial Procedure (1998:000) (Chapter 40, page 215 s., not updated)

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