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EGLE Project JUST/2013/JCIV/AG/4664

Summaries of the working groups

Members of **Working Group 1 (WG1)** who have to debate the topic “Appointing an expert: mission and expectations” had their third meeting in Paris on 21st November. Our previous meetings took place in Brussels (July) and Barcelona (September).

WG1, as the rest of the groups, is composed of very experienced lawyers, judges and experts, who come from different countries of Europe and have different specialties in their fields. This of course enriches our debates and will most certainly be of added value in our final proposals.

For that reason, the debates that arise are thrilling, because the contributions from members are always relevant, and oblige us to go more in depth into the issue considered.

So far, we have reached proposals regarding the different conditions to appoint an expert, and the need to create a European list of Experts. We are also dealing with general criteria that experts have to meet to be on that list. In order to avoid overlaps, we are exchanging with members of WG3, because they are more specifically focused on the European list of experts.

Other points of our debates are the reasons to refuse an expert in a European civil process, and the relationship between the expert, the Judge and the parties involved in this process.

Our next meeting will be held on 13th February, probably in The Hague, where we will continue to find proposals extracted from the knowledge of our members.

Rafa Orellana
Rapporteur WG1

Theme of the WG1
Appointing an expert: mission and expectations
Désignation de l'expert et définition de sa mission

The **Working Group 2 (WG2)** work so far has been focused on making sure that the 2012 Eurexpertise report indeed holds consensus statements. On the basis of the results of the Questionnaire that WG2 has put on the internet the majority of the answers indeed indicate this, although further results will be analysed. Also the Questionnaire is still available on the internet. If you have not done so please fill out the Questionnaire.

<http://www.lrgd.nl/EGLEQuestionnaireEnglish>

<http://www.lrgd.nl/EGLEQuestionnaireFrancais>

It will be available until February 1st, 2015.

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As more results come in, it is our goal to add value to the Statements and findings of Eurexpertise, by translating the statements into guidelines that can be used for the European Guide for Legal Expertise.

Nico Keijser
Rapporteur WG2

Theme of the WG2
Expert proceedings and the expert's report
Déroulement des opérations d'expertise et élaboration du rapport,

The **Working Group 3 (WG3)** is focusing on making recommendations for European guidelines on qualifications, competence and the evaluation of experts. These guidelines are applicable for judicial experts operating nationally as well as internationally. An expert opinion from a judicial expert in one EU Member State should be of sufficient quality to be acceptable in another Member State. These guidelines aim to aid in a free exchange of expertise and equal expert support for the courts.

The WG3 is setting a basic set of standards for an adequate quality assurance system for judicial experts. This system should include external and independent quality assessment based on a shared and uniform framework including both accreditation and certification. Only the combined efforts of all stakeholders in the expert community will lead to a balanced and efficient quality system and thereby to a reliable area of freedom, security and justice. An adequate quality system should be composed of a number of essential elements, which together result in objective and transparent high quality. These elements should include:

- a specific and uniform system of standards;
- training courses, updating courses, and refresher courses, which consist of theoretical and practical components;
- a system of repeated internal and external quality assessment.^[1]

A quality assurance system should have a legal basis and in each country and there should be a body that overlooks the certification of juridical experts.

Nienke Mulder
Rapporteur WG3

Theme of the WG3
Qualifications, Competence, and the evaluation of experts,
Formation, compétences et évaluation des experts,

^[1] Based on Smithuis&Wiele 2012.