

7. FINLAND

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Separate administrative jurisdiction

I. Procedural rules in calling for an expert examination

I. 1) On the initiative of

Expert-witness system (party expert), but the judge can decide to call for an expert if an issue must be resolved based on “a professional’s specific knowledge”.

I.2) Mandatory expert examinations

YES

I. 3) Decision-maker

The judge

I.4) Is a pre-trial expert examination possible?

NR

II. Choice and appointment of the expert(s)

II. 1) Register

No register

II. 2) Oath

Yes, at each mission unless the expert is a civil servant

II. 3) Choice of the Expert

In a specialised field, “a person who is known to be competent and honest”

II. 4) Participation by the parties in the appointment process

YES

II. 5) Nationality

NR

II. 6) Recusal by the litigant parties

YES

II. 7) Expert’s withdrawal (refusal of a mission)

Yes, namely for reasons of conflict of interests or to ensure observance of professional secrecy.

II. 8) Possibility of adding another expert

YES

II. 9) Possibility of being assisted by a colleague

NR

III. Definition of the expert's mission

III. 1) Who determines the mission?

The judge if he has appointed himself

III. 2) Type of mission

NR

IV. Progress of the expert's mission

IV. 1) Judge supervision

Yes, the judge asks the questions which the expert must answer and determines the deadline within which he must submit his report.

IV. 2) Form of contradictory procedure

The parties may request that the expert comes before the Court

IV. 3) Participation in the hearing

Yes, on request.

The expert report must generally be read, in whole or in part, during the hearing.

V. Close of the expert examination

V. 1) Does conciliation put an end to the expert's mission?

NR

V. 2) Form imposed on the report

Written: the expert must give a detailed report of his results and of the actions carried out to achieve these results.

V. 3) Does the report put an end to the expert's mission?

NR

V. 4) Is there an imposed structure for the report?

NR

V. 5) Is a preliminary report mandatory?

NR

V. 6) Is the judge bound by the expert's conclusions?

No. The expert examination is an element of proof among others, based on the principle of "free

evaluation of evidence” by the judge.

V. 7) Possibility of a second opinion

YES

VI. Funding for the expert examination

VI. 1) Security-Payment

Yes, at the judge’s request, paid by the party that requested the expert opinion, or in certain cases by the national treasury.

VI. 2) Determining the amount of payment due

By the party.

VI. 3) Possibility of additional payment

VI. 4) Determining fees and costs

By the judge “of reasonable fees and of reimbursement of the expert’s expenses”

VI. 5) Possibility of contesting the fees

YES

VII. Expert liability within proceedings

VII. 1) Are there any laws governing expert examinations?

Yes, Chapter 17, Sections 44 to 55 of the Code of Judicial Procedure

VII. 2) Expert liability

NR

VII. 3) Mandatory insurance for the expert

VIII. The expert’s status

VIII. 1) Existence of selection criteria (accreditation)

NO, there is no register

VIII. 2) Classification of skills

NO

VIII. 3) Required qualifications

Assessed *in concreto* by the judge

VIII. 4) Grant of accreditation

Not applicable



VIII. 5) Possibility of accrediting a legal person

NO

VIII. 6) f) Validity period for the accreditation

Not applicable

VIII. 7) Regular assessment tests

NO

VIII. 8) Supervision of the expert's mission

NO

VIII. 9) Expert's activity report

NO

VIII. 10) Code of ethics

NO

VIII. 11) Good practice

NO

VIII. 12) Possibility of penalties

NO

VIII. 13) Laws governing the expert's status

NO

IX. Bibliography