

## **23. SLOVAKIA**

**Contributing correspondent**

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### **Other administrative order**

Yes

### **I. Procedural rules in calling for an expert examination**

#### *I. 1) On the initiative of*

The judge, after hearing the parties.

#### *I.2) Mandatory expert examinations*

Not in civil matters

#### *I. 3) Decision-maker*

The judge

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

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### **II. Choice and appointment of the expert(s)**

#### *II. 1) Register*

YES

#### *II. 2) Oath*

YES

#### *II. 3) Choice of the Expert*

The judge chooses an expert from the register managed by the Ministry of Justice but may also appoint an expert who is not registered if circumstances require it.

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

YES

#### *II. 5) Nationality*

All

#### *II. 6) Recusal by the litigant parties*

Possible if the parties consider that the expert lacks impartiality. However, the decision lies with the judge.

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

Yes, if there is a risk of conflict of interests or a doubt on the expert's independence and impartiality.

**II. 8) Possibility of adding another expert**

Yes, but the expert must give due reason of his request for an additional expert

**II. 9) Possibility of being assisted by a colleague**

YES

**III. DEFINITION OF THE EXPERT'S MISSION**

**III. 1) Who determines the mission?**

The judge, who asks the expert all the questions he must answer

**III. 2) Type of mission**

All

**IV. PROGRESS OF THE EXPERT'S MISSION**

**IV. 1) Judge supervision**

Yes, the judge can oblige the parties to cooperate with the expert, if this is necessary for him to accomplish his mission.

**IV. 2) Form of contradictory procedure**

Deferred. The parties can ask questions based on the expert's report.

**IV. 3) Participation in the hearing**

On request - it sometimes depends on the type of mission involved.

**V. Close of the expert examination**

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

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**V. 2) Form imposed on the report**

Written report

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

Generally yes, but the expert can also be summoned to the hearing.

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

Provision is made in Law N° 382/2004 and Ordinance N° 490/2004 of the formal requirements regarding the structure of the report.

**V. 5) Is a preliminary report mandatory?**

NO

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

No, but the judge must give due reason as to why he has not followed the expert's recommendations.

**V. 7) *Possibility of a second opinion***

YES

**VI. Funding for the expert examination**

**VI. 1) *Security-Payment***

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**VI. 2) *Determining the amount of payment due***

UNSPECIFIED

**VI. 3) *Possibility of additional payment***

YES

**VI. 4) *Determining fees and costs***

Agreement between the judge and the expert, or can be determined according to various methods: hourly rate, payment of the different acts involved in the expert examination.

**VI. 5) *Possibility of contesting the fees***

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**VII. Expert liability within proceedings**

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

Yes, Law N° 382/2004 stipulates that in order to be registered, experts must swear an oath before the Ministry of Justice and swear to respect the constitution, the law, and more generally all the mandatory rules and ethical principles (moral and ethical) of expertise.

**VII. 2) *Expert liability***

Civil liability

**VII. 3) *Mandatory insurance for the expert***

Yes, henceforth experts must have professional insurance covering damages up to 33193 euros.

**VIII. The expert's status**

**VIII. 1) *Existence of selection criteria (accreditation)***

Yes, criteria provided for by law and evaluation by the Ministry of Justice. Refusals of registration can be appealed.

**VIII. 2) *Classification of skills***

Yes, under Law N° 382/2004 on experts, interpreters and translators, legal experts are classified in 51 fields, including sectors specified by Ministry of Justice Directive N° 7/2009 on the organisation of

the work of experts, interpreters, and translators.

### ***VIII. 3) Required qualifications***

- Training/diploma in the expert's chosen field
- Successful completion of the expert's approval exam
- Successful completion of the exam on legislation/rules of procedure applicable to expert examinations

### ***VIII. 4) Grant of accreditation***

Ministry of Justice

### ***VIII. 5) Possibility of accrediting a legal person***

YES

### ***VIII. 6) f) Validity period for the accreditation***

Life

### ***VIII. 7) Regular assessment tests***

Generally every five years, includes verification of the expert's activity reports.

### ***VIII. 8) Supervision of the expert's mission***

YES

### ***VIII. 9) Expert's activity report***

Yes, twice a year

### ***VIII. 10) Code of ethics***

YES

### ***VIII. 11) Good practice***

YES

### ***VIII. 12) Possibility of penalties***

Yes, depends on the importance of what the expert is accused of.

- Written warning
- Fine
- Prohibition to practice for a maximum period of one year
- Removal from the register

### ***VIII. 13) Laws governing the expert's status***

Yes

- Law 382/2004 on experts, interpreters, and translators
- Ordinance 490/2004
- Ordinance 491/2004 on the payment of experts
- Ordinance 492/2004
- Law N° 99/1963 Code of Civil Procedure
- Law N° 372/1992

## **IX. Bibliography**