

1. Agreement for filling out this survey

This survey has questions about personal data.

* 1. I agree that the European Expertise and Expert Institute (EEEI) stores the personal data I am providing by filling out this survey

Yes, I agree

No, I do not agree



2. Introduction

This questionnaire concerns Experts appointed in civil, family, criminal and administrative proceedings.

Please read the definitions before completing the questionnaire to avoid any confusion. If any points are in doubt, please refer to the e-mail address indicated in the e-mail you received the link to the questionnaire with. Answers can be saved, so you can return later to complete a partially answered survey.

At the end of the survey, there is a possibility to add any comments or suggestions.

DEFINITIONS

Register/list = a list of (judicial) Experts which is primarily a service for courts and lawyers to be able to find an Expert.

(Judicial) Expert (an umbrella term for the existing different types of Experts) = a court-appointed or party appointed Expert, delivering his or her expertise with regard to a trial, whose duty is to the Court and not the party that appoints the Expert. This definition does not include consultants/private experts hired by the parties to assist them.

Expert Witness = person who interprets facts and/or gives opinions from their expertise in technical matters or from their experience to clarify the parties' arguments. (in contrast to Witnesses of Fact = persons who give evidence and have witnessed or heard matters of relevance to the court)

Technical Expert = person who puts their scientific and technical knowledge on issues of fact at the court's disposal.

Legal Expert = person who can be consulted by the judge on specific issues regarding the rules, practices and rights applicable to foreign law.

EEEI is working according to the rules of the General Data Protection Regulation. We store personal data in a safe way. We use your personal data only to communicate with you on the subject of judicial expertise. If you have any questions about your personal data please contact the Privacy Officer of the Institute at po@experts-institute.eu.

*** 2. Please enter your personal information**

Name

Country or residence

Occupation/profession

Field of law/expertise

Email address

3. Appointment of Experts

* 3. Who can appoint Experts?

Multiple answers are possible

Experts can be appointed by a **judge**

Experts can be appointed by **parties**

4. If the answer to the previous question is judge and/or parties: In what circumstances does the judge appoint the Expert? When will the Expert be appointed by the Parties? Please also explain the procedure applicable in each case.

* 5. What are the differences between the appointment of an Expert for the purpose of proceedings before a civil, criminal and administrative court?

* 6. Can Experts be appointed for the purpose of preliminary or pre-trial proceedings?

No

Yes, please explain if there are any differences in the appointment proceedings

4. Court appointed Experts

* 7. Do court-appointed Experts have a legal obligation to report any conflict of interest?

No

Yes

* 8. In cases where Experts are appointed by courts, how are they selected?

The court uses a list or register of Experts

The court may appoint any person that it considers suitable and competent (courts have freedom of choice)

5. Lists or registers of Experts

* 9. Are there any official lists/registers of Experts in your Member State?

- No
 Yes

10. How and by whom can the information registered be accessed? If the register is accessible online, please provide links to all the lists/registers that you know.

11. Is the Court legally bound to appoint an Expert from the register or is it only a practice widely followed?

- The Court legally bound to appoint an Expert from the register
 Appointing an Expert from the register is only a practice widely followed by the Court
 The court rarely appoints an Expert from the register

12. Which entit(y/ies) is/are responsible for keeping the register?

More than one answer is possible.

- Court
 Ministry
 Chamber
 Other (please specify)

13. What criteria do Experts have to meet in order to be listed in the register?

More than one answer is possible.

- Age
- Qualifications
- Nationality
- Further education
- Other qualifications (please specify)

14. Do Experts have to swear an oath in order to be registered?

- No
- Yes

15. Do Experts have to apply in order to be listed, are they registered automatically or is there even a duty to register?

More than one answer is possible.

- Apply in order to be listed
- Automatically registered
- Duty to register

16. How does the registration process work?

17. Can Experts be dismissed from the register in certain circumstances? What are they and how is it effected?

18. In order to be in the register, does the Expert have to subscribe to a code of conduct or code of ethics?

- Code of **conduct**
- Code of **ethics**
- Other (please describe)

19. How is the list of (registered) Experts kept up to date?

20. Is there a search tool for finding an expert in your EU Member State?

No

Yes

21. If there is a search tool for finding an expert in your EU Member state: Who can access it and how?

Judges

Ministry of Justice

Lawyers

Public

Other Experts

Please specify how

22. If there is a search tool for finding an expert in your EU Member state: does the tool cover all Experts?

No

Yes

23. If the answer is no: What kind of Experts can one find by using the tool? (Please refer to the terms used under "definitions" at the beginning of the questionnaire.)

24. Are Experts listed by specialisation in your country?

No

Yes

25. If Yes, is this specialisation accessible on the register?

- No
- Yes, please indicate the categories of specialities listed

26. Does the Expert have to send an activity report to the body holding the list?

- No
- Yes

6. Party appointed Experts

27. When the parties appoint an expert, do they have to follow a particular process or particular rules?

- No
- Yes, please describe what the relevant rules are

28. Can a single Expert be appointed by both the litigation parties? If so, what is the process to be adopted?

- No
- Yes, please describe how the process works

29. Can the Judge order that both parties appoint a single Expert (such as in low value or fast track cases) rather than each have their own Expert?

- No
- Yes

30. Do the litigation parties need to provide detailed instructions to the Expert and questions that the Expert should answer?

- No
- Yes

31. Is there 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?

- No
- Yes, please describe how it works.

7. Experts' qualifications

* 32. Do experts have to obtain a certain educational level in their specialised discipline in order to call themselves Experts?

- No
 Yes

* 33. Do experts have to be a member of a professional body to practise as an Expert?

- No
 Yes

* 34. Do Experts have to improve their skills regularly?

- No
 Yes

* 35. Is there a system of Continual Professional Development?

- No
 Yes, please describe what is required to qualify and how often

* 36. If Experts have to participate in training courses: which entities are entitled to provide such courses of continuing education?

* 37. What are the contents of these courses?

* 38. Do experts have to prove that they participate regularly in further education courses?

- No
 Yes

* 39. By what method is the obtained knowledge tested?

8. Questions regarding Experts' legal obligations during court proceedings

* 40. Please indicate the main legal provisions applicable to judicial expertise in your country

41. If there is an English version of such provisions accessible online, please provide the link to it

* 42. Does the Expert have to attend a preliminary hearing?

- No
 Yes

* 43. Are Experts allowed to be in contact with the parties during the proceedings?

- No
 Yes, please explain how this is managed

* 44. Especially, does the Expert have to hold meetings with the parties in order to collect their comments?

- No
 Yes

* 45. Is there a certain structure the Expert has to follow in his or her report?

- No
 Yes, please indicate the structure

* 46. Are Experts required to provide a preliminary report?

- No
 Yes (please specify)

* 47. Is the Expert obliged to address the parties' arguments in the preliminary or final report?

- No
 Yes, but only in the preliminary report
 Yes, but only in the final report
 Yes, both in the preliminary report as well as the final report

* 48. Are there any other specific requirements that an Expert needs to adhere to in their report and/or court proceedings as for example case law?

* 49. Does the Expert have to attend a hearing in order to answer questions?

More than one answer is possible

- No
 Yes, the judge questions
 Yes, the parties questions
 Yes, questions asked by other people involved (please specify)

* 50. Are there cases where the Expert has to produce an additional report, for instance after the parties have commented on the report and asked additional questions?

- No
 Yes, please explain in which cases, and under what conditions

* 51. Does the court monitor or control the progress of the Expert's investigations?

- No
 Yes

* 52. Is there any quality control on the performance of the Expert (i.e. by reference that a judge may make in the judgement)?

No

Yes, please describe how is this provided

9. Questions regarding Experts' remuneration

* 53. By what method is the Expert's remuneration calculated?

* 54. Are there any restrictions on how Experts can be remunerated?

- No
- Yes (please specify)

* 55. Can Experts (appointed by Court) receive a payment in advance?

- No
- Yes

* 56. How is the duty of payment of the Experts' remuneration handled?

More than one answer is possible

- Payed by the judicial system
- Payed by one party
- Divided between parties (please describe how this is done)

* 57. Is there any way for the parties to obtain legal aid with regard to the Expert's remuneration?

- No
- Yes, no prescribed rates
- Yes, with prescribed rates



10. Questions regarding the Expert's liability

* 58. Do the regulations of your Member State contain a particular provision dealing with the Expert's liability or are general regulations (tort/contractual law) applicable?

- My Member State contains a particular provision dealing with the Expert's liability
- General regulations (tort/contractual law) are applicable

59. If there is a special provision what does it provide for?

60. In what way is it different from the general tort/contractual law?

* 61. Are Experts obliged to cover their possible liability via professional indemnity insurance?

- No
- Yes

62. If yes, does such insurance cover the Expert's liability for advice he or she gives in the other Member States than his or her home country?

- No
- Yes

* 63. Is the Expert's liability subject to a cap by law?

- No
- Yes, please indicate the amount

11. Questions regarding the use of Experts' opinions in trial

* 64. Does the Expert deliver his or her report in writing or orally?

More than one answer is possible

Written

Orally

* 65. Are Experts usually cross-examined during trial?

No

Yes

* 66. Can the parties challenge the report by statements or by providing a counter-expertise before the judge decides on the case?

More than one answer possible

Parties can challenge the report by **statements**

Parties can challenge the report by providing a **counter-expertise**

* 67. How do Experts' reports influence judgements (e.g. is the judge bound by the Expert's opinion/ do reports delivered by Experts who were appointed by the parties influence the decision in the same way as those delivered by an Expert who was appointed by a judge?)

12. Questions regarding the Experts' designation

* 68. Is the title of **Expert** protected?

- No
 Yes

* 69. Does your legal system distinguish between expert witnesses, technical experts, law experts or any other kind of experts?

- No
 Yes, please describe how and why

13. Statistics

* 70. Is the total number of accredited or registered Experts in your country known?

No

Yes, please provide the number

71. Please provide any information on the frequency of use of Experts in trials if you have it?

14. Final section

Feel free to enter comments in this last section.

72. Do you have any comments or suggestions?

No

Yes (please specify)

15. Thank you!

Thank you for answering this survey from the

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