



Find an Expert II : The consensus conference

Presentation and public debates WP2-WG2

***Definition of standards to be met by bodies
in charge of Expert directories***

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Higher Regional Court
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**Official project
partners**



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Who are we?

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...with support from the Secretariat.

Working Group 2

What is our task?

Who?

What ?
WP2-WG1 task

Who?
***Standards to be met by
bodies in charge of Expert
directories***

Definition of standards to be met by bodies in charge of Expert directories,

In terms of:

- Presentation of the body (function and composition)
- Control of the body
- The register implemented by the body

How ?
WP2-WG3 task

Working Group 2

Results (Preface)

Different regulations and functioning of the bodies => no common procedure

Composition of the body => Public Administration and Judiciary

Different systems to join the register

National and regional bodies are common

Part 1: Presentation of the body

Functions
of the body

Composition
of the body

Part 1: Functions of the body

Organisational functions

- Constitution of the rules applying to the registering body, appointment of the members of the registering body, elaboration of regulations....

Registration, de-registration, re-registration of experts

- Main function
- Distinction automatic registration / conditioned recording

Expert support and assistance functions

- Provision of trainings.
- Setting up a meeting and exchange place.
- Assistance in procedures where the expert is involved.
- Development of a code of ethics.

Functions of the body

Organisational functions

Recommendation:

- Creation of own operating Statutes (internal organization, composition, functions of each member, and the decision-making system,...).
- Ensure that registers of experts are made public to have unrestrained access.

Registration, de-registration, re-registration of experts

Recommendation:

- Verification by the body that the applicant meets pre-established requirements.
- Establish an action protocol for periodic verifications for re-registration.
- Process the complaints that arrive from any interested party and create disciplinary and fair procedures to be able to de-register if necessary.

Expert support and assistance functions

Recommendation:

- Promote meetings between experts and exchanges of knowledge and experience

Discussion point

- Should the registering body establish a fair system of payment?
- Should the body check that the expert complies with the requirements of his position?

Composition of the body (questionnaire results)

Potential members

➤ Physical members :

- Judges: 8 out of 21 MS
- Experts: 8 out of 21 MS
- Lawyers: 5 out of 21 MS
- Academics: 1 out of 21 MS
- Others: Prosecutors, employees of Chambers of Agriculture, Architects other professions...

➤ Institutional members :

- Ministry of Justice
- Association of experts
- Professional organisations

Composition of the body (questionnaire results)

Expected competences of the members of the body

Technical knowledge

-9 out of 21 MS

-Ensure technical knowledge:

- Professionals compose the (advisory) commission.
- Ask for the opinion of professionals.
- Consultation of technical professional association.

Procedural knowledge

- 10 out of 21 MS
- Guaranteed by the members of the registering body

Composition of the body

Potential members

Recommendation:

Physical members (procedural knowledge):

- Magistrates who exercise the judicial function.
- Magistrates who exercise an executive and non-judicial function.
- Public prosecutors.
- Lawyers.
- Court Clerks.

Institutional members (technical knowledge):

- Expert organizations.
- Sectoral organization

Part 2: Control of the body

Control of the body

Organisations in charge of the control

- Based on the shared knowledge in the WP
- Most eligible organisation: Ministry of Justice or President of a Court.

Motivation of the decisions

- Decisions can often be appealed so the decisions are motivated.

Procedure of appeal

- 8 out of 21 countries indicated the existence of an appeal procedure against decisions taken by the registering bodies.

Control of the body

Recommendation:

-The body should be required to motivate the decisions taken.

-We recommend that there is a control of the body => judicial control and/or state control.



Part 3: The register created by the body

The register created by the body

Number of registers

- 6 out of 21 countries mention the existence of one national register.
- 4 out of 21 countries report the existence of regional registers
- 4 countries therefore have a mixed system of national and regional registers

Access to the register

- 4 out of 21 countries replied that the registers are accessible via PDF documents.
- 11 out of 21 countries indicated that there are digital search tools to access the registers

The register created by the body

Public or restricted

- Access to the register is sometimes restricted to certain categories of professionals.
- 14 out of 21 countries mention the existence of publicly accessible registers.

Information of the expert on the register

- Personal data (12 of 21).
- Contact data (11 of 21).
- Profession (13 of 21).
- Specialized knowledge or discipline (10 of 21).
- Experience (2 of 21).
- Other (3 of 21).

The register created by the body

Recommendation:

Number of registers

- We recommend that the registering body develops a single register

Recommendation:

Access to the register

- The register should be accessible online via a website.

The register created by the body

Public or restricted

Recommendation:

- The registering body should make the register accessible to the public.
- Update the information regularly.

Part 4: Added values

Added values

- Increasing transparency
- Improve communication and transparency
- Mutual trust to the judicial process
- Harmonize the status of judicial experts
- Encourage European coöperation

Merci / Thank you !

Questions / Discussion



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