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Greece

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I. Lists and registers of experts

In Greece, experts are listed by specialisation. The registers of experts are kept by the courts of first instance (*protodikeía*). The registers are public but are only used by judges who want to appoint an expert. The court may appoint one or more experts, if it considers that the issues under consideration require specific knowledge. Furthermore, the court is obliged to appoint experts if this is requested by a party, provided that the court also considers that specific knowledge is required.

Experts have to apply in order to be listed on the register.

After a public invitation to apply to a civil (*politikó*) or administrative (*dioikitikó*) court of first instance (via the official website of the court), any interested parties may submit a written application, together with their personal information, to the registry of the court of first instance, declaring that:

- they have neither been convicted of nor charged with felony (*kakoúrgima*) or misdemeanour (*plimmélima*) resulting in deprivation of their political rights,
- they have not been deprived of their professional licence,
- they have not been deprived of the right to freely dispose of their property due to being insolvent or under guardianship,
- they are not a judge, prosecutor or clerk.

After the end of the application procedure, which takes place every year, a draft register of experts is published. After an opposition period, the final register is approved by the multimember court of first instance (*polymelés protodikeío*).

For criminal proceedings, the register of experts is established by the Judicial Council of the Misdemeanours Court (*symvoúlio plimmeleiodikón*) upon the prosecutor's proposal. Experts must meet the following requirements - they must:

- be above 21 years old,
- be legally capable and not mentally disabled,
- not have been convicted of any felony or misdemeanour resulting in deprivation of their political rights or dismissal from public service,
- not have been deprived of their professional licence,
- not have contributed to causing the situation that is subject to expertise,
- not be the competent judges, prosecutors, secretaries or clerks in the relevant proceedings,
- not have been sentenced for the same crime as the accused, and
- not be the spouse, sibling or close relatives of the defendant.

Experts can be removed from the register if they wish, if they no longer meet the requirements, or if the competent authority so decides.

II. Expert's qualifications

Experts have to be members of a professional body in order to be recognised as experts.

III. Remuneration of experts

In criminal proceedings, the State pays the expert's remuneration. As far as civil proceedings are concerned, the claimant has to pay an advance on costs for court-appointed experts. At the end of the trial, the costs have to be borne by the party who has lost the case. The parties can, under certain conditions, obtain legal aid with regard to the expert's remuneration.

IV. Liability of experts

Experts are held liable under general contract and tort law. They are not obliged to cover their potential liability via professional indemnity insurance.

V. Additional information about expert proceedings

The main legal provisions applicable to judicial expertise in Greece are Articles 368-392 of the Greek Code of Civil Procedure (*kódikas politikís dikonomías*), Royal Decree No 566/1968 and Article 20(7) of Law 2882/2001 (Expropriation Code (*kódikas anagkastikón apallotrióseon*)). On a case-by-case basis, Articles 159-168 of the Greek Code of Administrative Procedure (*kódikas dioikitikís dikonomías*) and Articles 183-203 of the Greek Code of Criminal Procedure (*kódikas poinikís dikonomías*) may also apply.

The court has the discretionary power to order the taking of evidence, since the purpose of ascertaining the truth prevails. The only limit to this power is the adversary principle.

1. Appointment of experts

Experts can be appointed by the court and by the parties involved. The appointment of experts in administrative proceedings is similar to that in civil proceedings. In proceedings before a criminal court, the expert can be appointed by the prosecutor or by the court during the investigation phase. For this purpose, there is a different register than that used in civil proceedings and the expert has to meet stricter requirements than in civil and administrative proceedings.

(a) Appointment by a court

The civil court has the discretionary power to appoint an expert either *ex officio* or upon express request of a party, if the relevant facts cannot be established otherwise. In this case the oral hearing is postponed to a date after the delivery of the expert's report. The court is free to appoint any person it considers suitable to act as an expert. The expert has to report any conflict of interest to the court. Court-appointed experts have access to the case files.

(b) Appointment by the parties

There are three types of party-appointed experts in Greece: technical consultants (Articles 391-392 of the Code of Civil Procedure, Article 167 of the Code of Administrative Procedure, Articles 204 *et seq.* of the Code of Criminal Procedure), extrajudicial experts and expert witnesses. The technical consultant is appointed by the party in order to monitor the action of a court-appointed expert. The extrajudicial expert is chosen by the party. The expert's report has to be invoked and submitted by the parties, otherwise it is rejected as unacceptable. If these requirements are fulfilled, the court freely examines and assesses the expert's opinion. The report is not considered as evidence. Rather, it is linked to the legal basis of the party's argument. Expert witnesses are witnesses with special scientific or technical knowledge, who are questioned by the court.

The court can decide whether it is going to base the reasoning in its judgment on the expert's opinion. The court can base its judgment on the opinion of the expert even if the expert report was rendered in breach of procedural rules. However, if the breach of procedural rules is considerable, the expert report is considered not

to exist. In this case, the judge may not base the reasoning of the judgment on the expert's opinion.

2. Procedure (Civil)

Court-appointed experts can be cross-examined by the parties' technical consultants, if the parties have appointed such consultants. The expert's only obligation is to deliver the report. Party-appointed experts are allowed to be in contact with the parties during the proceedings, while court-appointed experts need the court's permission to do so.

(a) Expert report

In Greek expert proceedings, a preliminary expert report is not required. The main report can be delivered in writing or orally. Experts do not have to follow a certain structure when providing their report.

If the court considers the report to be incomplete, or in case of the expert's unjustified misconduct, the court can order the drafting of a new or an additional report *ex officio* or upon request of the parties. The court can also order the expert to pay the court fees because of the expert's unjustified misconduct.

The expert's report can be challenged by the parties' statements and a counter-expertise.

(b) Court hearing

The judge only orders the expert to attend a hearing in exceptional cases.

The information presented here was gathered during the Find an Expert Project, from contacts by country selected by the [European Expertise & Experts Institute \(EEEI\)](#).

■ Last update: 14/06/2024

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