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I. Lists and registers of experts

There is an official list of experts in the Czech Republic.

Pursuant to Section 15 of Act No 254/2019 on experts, expert offices and expert institutes ('the Experts Act'), implemented by Ministry of Justice Implementing Decree No 503/2020 of 26 November 2020, the list of experts is publicly accessible.

The list of experts is available [here](#). Expert offices and institutes qualified to carry out expert work can also be found in the list.

The Ministry of Justice is responsible for maintaining the list of experts.

Pursuant to Section 5(1) of the Experts Act, as implemented by Decree No 503/2020, experts must meet the following criteria in order to be included in the list. They must:

- have their registered office, permanent residence, contact address or registered foreign national's residence in the Czech Republic;
- have the required level of education (university education where possible; otherwise the highest attainable level of education);
- have at least five years of active professional experience in the field and sector concerned;
- have additional specialised education or a certificate of professional competence (for fields and sectors listed in Annex 2 to Implementing Decree No 505/2020);
- enjoy full legal capacity (be fully able to engage in legal proceedings);
- have a clean criminal record (the person must not have been convicted with final effect of an intentional or negligent criminal offence committed in connection with the pursuit of expert or business activity, unless they are deemed not to have been convicted);
- have the necessary material and technical facilities and equipment;
- have passed an admission examination organised by the Ministry of Justice;
- not be bankrupt;
- not have had their authorisation to carry out expert work revoked in the past 5 years for serious or repeated breaches of expert duties; and
- must not have been fined CZK 100 000 or more in the past 3 years for offences listed under the Experts Act.

Compliance with the specific conditions laid down in Sections 6 and 7 of the Experts Act is required for the performance of activities of an expert office or institute.

Experts have to swear an oath in order to be registered. The oath is as follows: 'I promise that I will comply with the law in my expert work, will carry out my expert activity impartially and independently, will make full use of all my knowledge, will take care to further educate myself, and will keep confidential the facts which I learn in the course of my expert work.'

To be included in the list, experts must submit an application to the Ministry of Justice.

However, they need not subscribe to a code of conduct or code of ethics.

Experts can be removed from the list for one of the following reasons:

- the expert dies or the expert office or institute is dissolved;
- the expert announces that they have stopped working as an expert;
- a decision to withdraw their authorisation to pursue expert work comes into legal force.

The expiry of the right to pursue expert work following withdrawal of authorisation by the Ministry is governed by Section 14(1) of the Experts Act. This provision applies in cases where an expert no longer meets the conditions for their appointment, has not submitted proof of compulsory liability insurance, is unable to carry out their work in the long term for medical, professional or other serious reasons, is otherwise inactive (fewer than 3 expert reports produced over the preceding 5 years), or the experts are in serious or persistent breach of the obligations laid down in the Experts Act.

The list of experts is regularly updated by the Ministry of Justice.

An expert can be found by using the [search tool](#). This search tool includes all experts, expert offices and expert institutes.

Experts appear on the list according to their field, sector and, where appropriate, specialisation. There are currently 52 main fields set out by the Experts Act. Annex 1 to Implementing Decree No 505/2020 contains a list of expert sectors in the various fields of expertise.

Experts must enter the details of their expert work electronically in a register of expert reports that is accessible remotely and maintained by the Ministry of Justice.

II. Expert qualifications

Only persons who have attained the required level of training and minimum length of active professional experience in their specialised field and sector may be designated as experts. Membership of a professional organisation of experts is not required to carry out expert work.

However, certain expert fields and sectors require proof of professional competence issued by a legally established professional association with compulsory membership, for example in the construction sector (pursuant to Annex 2 to Implementing Decree No 505/2020) for expert work to be pursued in them.

Experts are required to refresh or extend their knowledge. The Ministry of Justice is involved in the training and further professional support of experts.

III. Remuneration of experts

The remuneration of experts is governed either by a contract with a client requesting an expert's report or by the Experts Act and Implementing Decree No 504/2020 on expert fees.

There are restrictions on how experts can be remunerated. Contractual remuneration is not permissible if the expert's report is requested by a public authority (e.g. a court or an administrative authority).

In addition to remuneration, the expert is entitled to reimbursement of cash expenses and compensation for the loss of time, including time spent travelling in connection with expert work to a place other than the expert's registered office.

Experts appointed by court can receive advance payments.

Expert fees are paid as follows:

Civil procedure

The expert fees are included in the costs of the proceedings. Each party bears the costs incurred by the party itself and by the party's representatives. The court grants to the party that achieves complete success in a

particular case the reimbursement of costs incurred in the efficient exercise or defence of the party's right against the unsuccessful party. If a party achieves only partial success, the court apportions the reimbursement of costs fairly or declares that none of the parties is entitled to such reimbursement. Based on the results of the proceedings, the State is entitled to be reimbursed by the parties for the costs expended by the State on the proceedings, unless there is an expectation that the parties will be exempt from court fees.

Criminal proceedings

The costs of conducting criminal proceedings, including enforcement proceedings, are borne by the State. If the defendant is found guilty with final effect, they are required to pay a lump sum to the State as reimbursement for such costs, including in cases where an expert's report has been requested in the proceedings. Costs exceeding this lump sum limit are borne fully by the State. Barring some exceptions, the costs of expert reports not requested by the State are not borne by the State.

IV. Liability of experts

Experts are liable under the Experts Act for offences committed by them (Section 39) or for the possible commission of the criminal offence of perjury and false expert opinion, if the expert's report was false, grossly distorted or incomplete (Section 346 of Act No 40/2009, the Criminal Code).

The Experts Act also provides for special liability of experts under private law. Experts are required to provide compensation for any damage they cause in connection with their expert work. However, experts are relieved of liability if they prove that they could not have prevented the damage even when making all efforts that could be required of them.

Experts' liability is not subject to a cap specified by law.

The expert's compulsory insurance contributes to covering their liability for damage caused by the performance of their expert work.

V. Additional information about expert proceedings

The main legislation applicable to the work of experts in the Czech Republic are Act No 254/2019 on experts, expert offices and expert institutes, Act No 99/1963, the Code of Civil Procedure, Act No 141/1961 on criminal court proceedings (the Code of Criminal Procedure), and Act No 500/2004, the Code of Administrative Procedure.

The general rules for the appointment of an expert by public authorities are similar for proceedings before civil, criminal and administrative courts.

The designation of 'expert', 'expert office' and 'expert institute' may only be used by authorised persons.

The legal system of the Czech Republic does not distinguish between court-appointed experts, technical experts, law experts or any other kind of expert.

The total number of experts entered in the experts' list is approximately 6 000.

1. Appointment of experts

An expert may be appointed by a court, by another public authority or by the parties to the proceedings.

In civil and administrative court proceedings, it is not possible to appoint an expert prior to the start of the proceedings.

In criminal proceedings, Section 105(1) of the Code of Criminal Procedure provides as follows: 'If clarification of the facts relevant to the criminal proceedings requires expert knowledge, the authority involved in criminal proceedings shall request a professional opinion. If such a procedure is not sufficient due to the complexity of the issue being assessed, an expert shall be appointed by the authority involved in criminal proceedings. In a pre-trial procedure, the expert is appointed by the authority involved in criminal proceedings that considers an expert's report necessary for the decision (such as a police officer or public prosecutor); otherwise, the expert is

appointed by the public prosecutor if the matter has been referred back for further investigation, or by the presiding judge in court proceedings. The accused and, in courts proceedings, the public prosecutor are notified about the appointment of an expert. Other persons are notified about the appointment of an expert if this is deemed necessary for them to do something or allow something with regard to the conduct of the expert proceedings, for example to enable the expert to access a certain place.'

1.a Appointment by a court

The court may appoint experts to assess specialist questions of fact that are needed in a specific case. There are also cases of civil and criminal law where the appointment of an expert is mandatory (some cases also follow from case law). Experts may be appointed for a preliminary or pre-trial procedure.

Section 105(1) of Act No 141/1961 on criminal court proceedings (Code of Criminal Procedure) provides as follows: 'If clarification of the facts relevant to the criminal proceedings requires expert knowledge, the authority involved in criminal proceedings shall request a professional opinion. If such a procedure is not sufficient due to the complexity of the issue being assessed, an expert shall be appointed by the authority involved in criminal proceedings.'

There are no fundamental differences in the appointment of experts for proceedings before civil, criminal and administrative courts.

Experts have a legal obligation to report any conflict of interest.

In cases where experts are appointed by a court, the court must select them from the list of experts. Unless this is precluded by circumstances, experts with their registered office or contact address in the regional court's district where the court has its seat or branch will be appointed. If no such expert is included in the list, or if no registered expert is able to prepare the report, the court may exceptionally appoint a person not included in the list of experts - an '*ad hoc* court-appointed expert' (Section 26 of the Experts Act) - to prepare the expert's report.

1.b Appointment by the parties

Parties to the proceedings can appoint an expert whenever they want. The expert's report prepared by an expert (registered in the national list of experts) appointed by a party has the same authority as a report drawn up by a court-appointed expert. However, such a report must include an expert's clause stating that the expert is aware of the consequences of submitting a knowingly false expert's report (Section 127a of the Code of Civil Procedure; Section 110a of the Code of Criminal Procedure).

The parties do not have to follow any particular procedure when appointing an expert. However, the expert's report must contain information as to whether the expert is contractually remunerated and this remuneration must not be dependent on the outcome of the expert's work.

An expert may not be appointed by both parties in court proceedings at the same time.

A court cannot order that both parties jointly appoint a single expert (such as in low value or fast track cases) instead of each party appointing its own expert.

The parties to the dispute must provide detailed instructions to the expert and questions that the expert should answer.

2. Proceedings

2.a Civil proceedings

If the court has doubts as to the correctness of an expert's report, or if the report is unclear or incomplete, the expert must be asked to clarify or provide further information. If this does not happen, the court will have the expert's report reviewed by another expert. Experts are usually cross-examined during trial.

A judge is never bound by an expert's opinion. The experts report is of the same importance as any other

evidence, the judge is obliged to evaluate it objectively and in the context of other evidence. There is no presumption of the accuracy of an expert's report submitted by an expert appointed by the court. A report drawn up by a party-appointed expert has the same force as that of an expert appointed by the court.

The parties may raise objections to challenge an expert's report.

There is no 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. Experts may be in contact with the parties during the proceedings, but may not submit a report if there are doubts as to their impartiality.

As soon as an expert becomes aware of any facts which exclude them, they must notify the party who requested the report; the same obligation also applies to other parties to the proceedings. The decision as to whether an expert is to be excluded is taken by the authority which appointed the expert.

Parties to the proceedings are required to cooperate with experts. In some cases, parties are asked to be examined or questioned by the expert.

In particular, experts are not required to hold meetings with the parties to collect their comments.

1. Expert's report

An expert's report must be complete, truthful and reviewable. The formal requirements for an expert's report are set out in Sections 27 and 28 of the Experts Act and in Implementing Decree No 503/2020.

Required particulars of an expert's report:

- Title page
- Terms of reference
- List of sources
- Findings
- Opinion
- Justification in sufficient detail to enable review
- Conclusion
- Annexes
- Expert's clause
- Imprint of the expert's seal
- Signature (a qualified electronic signature for a report in electronic form)

Experts are not required to provide a preliminary report.

In their reports, experts are not required to address the parties' arguments beyond the scope of the court's terms of reference.

Experts are required to carry out their expert work personally and only in the field, sector and, where appropriate, specialisation for which they are authorised, with due diligence, independently, impartially and within the agreed or set time limit. Experts may, with the agreement of the person requesting the report, appoint a consultant to examine subsidiary questions.

Experts must maintain confidentiality in relation to the performance of their work.

Experts may refuse to submit a report only on the grounds laid down by the law (Section 19 of the Experts Act).

Experts submit their reports in writing. The law allows the submission of an expert's report in electronic or oral form if the party who requested the report agrees with this.

Experts may be asked to confirm, add to or explain their opinion before the court.

2. Court hearing

Experts must attend the preliminary hearing if summoned by the court.

They must also appear at the oral hearing in order to answer questions raised by the court and by the parties when invited to do so.

Experts are usually cross-examined during trial.

The information presented here was gathered during the Find an Expert Project from contact persons across various countries, selected by the European Expertise & Experts Institute (EEI).

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