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## Find an expert

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Germany

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### I. Lists and registers of experts

There are comprehensive registers of experts. There are approximately 200-300 different specialisation fields.

- Experts publicly appointed and sworn in by chambers of commerce and industry can be found [here](#).
- Experts publicly appointed and sworn in by chambers of crafts can be found [here](#).
- Experts publicly appointed and sworn in by chambers of agriculture can be found under the [regional websites of chambers of agriculture](#).
- Experts publicly appointed and sworn in by chambers of architects can be found under the [websites of regional chambers of architects](#).
- Information about experts publicly appointed and sworn in by chambers of engineers and about the registers can be found [here](#).
- Experts registered by the chamber of accountants can be found [here](#).
- Another database can be found under <https://www.bvs-ev.de/sachverstaendigenverzeichnis/>, which is a federation of publicly appointed and sworn experts.
- Medical experts are not obliged to allow themselves to be publicly appointed and sworn in. In order to find a medical expert, lists are held by regional websites of medical associations.

Appointing an expert from the register is a practice widely followed by courts. If the requirements are met, the expert will be automatically registered. The state-appointed registration chambers are responsible for promptly updating the registers.

The main legal provisions applicable to judicial expertise in Germany are:

- § 36 of the Trade Regulation Act;
- § 91 of the Handicrafts Regulation Act;
- Administration Procedure Rules;
- Criminal Procedure Rules;
- [Code of Practice of chambers](#).

### II. Expert's Qualifications

A person can be listed as an expert if he or she has a particularly high level of qualification in his or her field of expertise. In order to be listed, it is mandatory for the applicant to have appropriate professional experience. The expertise has to be demonstrated by submitting proper documentation of the expert's work. (e.g. CV, copies of certificates for all relevant academic and professional qualifications, work experiences, referees, reports, training). There is also an examination by the chambers of industry and commerce / the chambers of crafts, and, in case of architects and engineers, their professional chambers. Besides qualifications, further education and experience, independence and integrity have to be displayed.

Publicly appointed and sworn experts are usually registered for five years. Before the end of the five-year period they have to demonstrate their competence, integrity and further training in order to be reappointed and thereby registered for another five years (e.g. through verification and review of reports that have to be submitted for a new five-year period registration). The responsible entities have to provide training. If the expert

fails to follow his/her rules or he/she does not keep his/her skills up to date, the chambers are authorised to deregister him/her.

### III. Remuneration of experts

In civil, administrative and criminal matters, the remuneration is calculated based on the [German Judicial Remuneration and Allowances Act](#) (*Justizvergütungs- und -entschädigungsgesetzes*, JVEG).

Advances and payments on account can be applied for.

Whenever the expert works in an out-of-court mission, remuneration depends on the individual compensation agreement.

### IV. Liability of experts

The expert is liable for an incorrect expert opinion when commissioned by private persons and courts alike. If the expert working for a court prepared an incorrect expert opinion with wilful intent or gross negligence and this incorrect expert opinion forms the basis of a court decision, the party suffering damage can take legal action in order to be compensated for this damage (§ 839a of the Civil Code - *Bürgerliches Gesetzbuch*, BGB).

Whenever the expert works in an out-of-court mission, general provisions on (contractual) liability apply.

### V. Additional information about expert proceedings

#### 1. Appointment of experts

The expert is appointed by the court. The parties have, however, the right to make proposals on who should be appointed.

##### a) Appointment by a court

The court usually uses a list or register of experts. The court may also appoint any expert considered suitable and competent. A court appointed expert is an expert appointed and instructed by the court. The main duty is to assist the court within his or her expertise.

##### b) Appointment by the parties

Should the parties agree on certain persons to be appointed as experts, the court is bound to follow their agreement; but the court may limit the selection made by the parties to a certain number of persons.

If a party wishes to appoint an expert on its own side in order to assist him or her, this expert will not be considered as a judicial expert but as a private one.

#### 2. Procedure

##### a) Civil procedure

The court has to state grounds for its decisions and make a reference to the conclusions of the expert if the court follows the expert's opinion. The court is not bound to the expert's opinion, but the expert's opinion is, however, often crucial for the judgement. In case of an on-site inspection, the expert has to contact all parties. When, for example, the expert needs more information from the parties, this has generally to be managed by the court.

##### i. Expert report

Parties can challenge the appointed expert's report by statements or by hiring a private expert and submitting their report to the court, thus providing counter-expertise.

## ii. Court hearing

For the taking of evidence, independent proceedings can be initiated before trial ("*selbständiges Beweisverfahren*"). In this context, the expert can be appointed before the main proceedings take place. The scope of these proceedings is restricted to the preservation of evidence for subsequent judicial proceedings or for avoiding litigation.

The court hearing follows a Code of Practice and procedural rules. The expert must answer the interrogatory in an objective, comprehensible and comprehensive manner. There is no cross examination in German procedural law, but questions can be asked not only by the judge, but also by the litigants.

## b) Other

In criminal cases, the court should appoint the expert from an acknowledged register of judicial experts; another person should only be chosen if special circumstances make it necessary (§ 73(2) of the Code of Criminal Procedure - *Strafprozessordnung*, StPO). The court may guide the expert's activity. Other rules can be found under the [Code of Criminal Procedure - \*Strafprozessordnung\*, StPO](#).

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

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