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Estonia

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Estonia



I. Lists and registers of experts

According to the Estonian Forensic Examination Act, an Expert is a person who provides non-legal or legal expertise in cases where this is legally permitted. Some experts are employed by state institutions (“forensic experts”), others are registered in the list of an expert institution.

There are official lists of experts in Estonia. The lists can be accessed by all persons. The lists can be downloaded or read [here](#) and [here](#).

The Estonian Forensic Science Institute, a state forensic laboratory, is responsible for keeping these lists up to date. A person who complies with the requirements specified in clauses 6 (1) 1)–3) and (2) 1) and 2) of the Forensic Examination Act shall be registered in the second list mentioned above.

II. Expert’s qualifications

The minimum requirements for awarding the forensic expert status are based on the Forensic Examination Act. The forensic expert competence is acquired through training.

The forensic medical expert training is provided at the University of Tartu under the 4-year residency programme of forensic medicine. Residents acquire professional skills at EFSI, which is one of the training bases of the University of Tartu.

There is no educational institution for the training of forensic experts in the other fields of forensic science in Estonia. Experts are trained at EFSI under the guidance of experienced professionals. In most cases, training lasts for 2 years. The training plan contains both general and more specific topics and the plan aims at acquiring professional competences by the expert. The training plan is prepared based on the special features of each type of expertise, also taking into account the professional academic background and previous work experience of the trainee expert.

If an employee complies with the requirements set out for a forensic expert in the Forensic Examination Act, has completed training and has acquired sufficient experience to provide independent expert opinions, he or she is awarded the forensic expert status. One may commence employment as a forensic expert after taking the forensic expert’s oath provided for in the Forensic Examination Act.

III. Remuneration of experts

Financing of examinations is described in the Forensic Examination Act, Chapter 5. Conduct of examinations in a state forensic institution is financed by the annual state budget. The exact fees for examinations are laid out in the Forensic Examination Act, § 26.

There is no specific method for remuneration of experts. In most situations, experts are required to provide a quotation before they are appointed. Procedural law also provides for the refund of the expert’s expenses.

Examination costs include the totality of costs incurred in the context of the examination, including costs that

arose due to the implication of subcontracted experts or institutions. Costs of extra-judicial expert proceedings can be included in the procedural costs.

Experts can receive an advance on costs.

IV. Liability of experts

Experts have to inform any party involved in the proceedings of the commencement of the examination. The wilful provision of a false expert opinion is a criminal offense under Section 321 of the Criminal Code.

Experts are held liable according to the general contract and tort law. In addition, there is a particular criminal law provision dealing with the expert's liability: False accusation: (1) Submission of knowingly false accusations concerning commission of a criminal offence by another person is punishable by a pecuniary punishment or up to one year's imprisonment. (2) The same act, if it involves fraudulent creation of evidence, is punishable by a pecuniary punishment or up to five years' imprisonment.

There is no obligation for experts to cover their liability via professional indemnity insurance.

V. Additional information about expert proceedings

Legal provisions about expert proceedings in Estonia can be found at:

- [Riigi Teataja](#)
- [Criminal Procedure Code](#)
- [Civil Procedure Code](#)
- [Forensic Examination Act](#)

There are no differences between the appointment of experts in civil or administrative proceedings. In criminal proceedings a forensic expert will be appointed upon request to the EFSI to assist the prosecutor and the court if necessary.

The title of expert is not protected in Estonia. More than 70% of criminal law cases, 30% of civil proceedings and 10% of administrative proceedings involve experts.

V.1 Appointment of experts

Experts can be appointed by the court and, in some instances, also by parties. Experts can also be appointed for the purpose of preliminary or pre-trial proceedings. There is no obligation to appoint an expert registered in one of the lists. In criminal proceedings during the pre-trial phase, an expert can be appointed by the police (the investigative authority) or a prosecutor.

If the parties do not appoint an expert or if they do not come to an agreement on who to appoint, or in the case that there is an expert report produced prior to trial, the court may appoint an expert. In civil law cases, the parties must pay a deposit for expertise costs prior to the appointment of the expert. The parties can submit their proposals on who should be appointed as expert, but these are not binding for the court.

There are no significant differences regarding the appointment of an expert by different courts and in different fields of justice.

Court appointed experts have a legal obligation to report any conflict of interest.

V.2 Procedure

Civil Procedure

There is a general requirement for experts to perform their work thoroughly, completely and objectively and to ensure that opinions rendered are scientifically valid. This is applicable for all types of legal proceedings.

Parties can challenge the report of an expert by statements or by providing a counter-expertise.

The court is not bound by the expert's opinion. The court may follow the expert's opinion even if one of the parties has challenged the opinion during trial.

Even so, as an expert's report is only one piece of evidence among others, the court will consider the probative value of the expert opinion in relation to other evidence.

There is no procedure whereby experts meet prior to trial or are cross-examined.

An expert is allowed to be in contact with parties during the proceedings if the expert needs more information.

1. Expert report

In Estonia, expert reports can be delivered in writing and sometimes orally. Except for in criminal proceedings, the expert does not have to follow a specified structure when providing his report.

The expert is obliged to address the parties' arguments in the final report. When the parties request an additional report due to issues in the original report, a court may order an additional report. In the event of ambiguity, contradiction or insufficiency of an expert opinion that cannot be eliminated by additional questions, the court has the right to order another examination. The re-examination is carried out by the same or another expert.

2. Court hearing

The experts do not attend a preliminary hearing but are invited to hearings in order to answer questions either by the court or the parties. It is common practice that experts are cross-examined. Experts can be heard via telephone conference if the parties agree on this prior to the hearing.

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

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