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Finland

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[Expert proceedings information sheet](#)

Lists and registers of experts

There are no official lists nor registers of experts in Finland. The court may appoint any person that it considers suitable and competent (courts have freedom of choice). In the [Code of Judicial Procedure](#), the expert is called expert witness (although he may be appointed either by a court or by the parties: see below). The expert must be, in a specialised field, “a person who is known to be honest and competent”, as well as impartial.

The relevant rules can be found under chapter 17 sections 34 to 55 of the [Code of Judicial Procedure \(4/1734\)](#).

Expert’s qualifications

Knowledge level of experts is assessed by hearing them, considering educational level in his/her discipline and his/her skills improvement efforts.

Remuneration of experts

There are no prescribed rates for experts’ remuneration. The fee must be reasonable. The parties may obtain legal aid with regard to the expert’s remuneration, with prescribed rates.

The court sets the fee payable to the court-appointed expert for his report and attendance in court as well as for reimbursement of any expenses incurred.

The fee and compensation for costs is generally paid by the party who called the Expert. If the expert has been called by more than one party, they are jointly and separately liable for the fee and compensation. If the court has called the expert on its own motion, the parties are jointly liable for his or her fees and compensation. In other cases, esp. in case of legal aid, the fee and compensation are paid from state funds.

Liability of experts

There is no specific rule applicable to the liability of experts. Their action is thus governed by general tort/contractual rules.

Additional information about expert proceedings

Appointment of experts

In civil cases, judicial experts may be appointed by a court or by the parties: as a principle, in civil cases, each party shall obtain the evidence required in the case. The court may on its own initiative decide on the obtaining of evidence in a civil action that is not amenable to out-of-court settlement.

The court has also the right, regardless of the nature of the case, to obtain an expert opinion on its own

initiative.

Before an expert is appointed, the parties shall be heard on this. If the parties agree on an expert, that person shall be used if he/she is deemed to be suitable and there is no impediment to the same.

Appointment by a court

The court can appoint an expert when a question in the case can only be solved on the basis of the specific knowledge of a professional. Experts must report any conflict of interest with a party.

Appointment by the parties

Parties involved in civil cases can propose an expert, but it is the court decision whether this person can be accepted as an expert.

The court can decide that the expert should be heard before trial about the relevant facts regarding his/her competence, training and impartiality.

Procedure

Civil procedure

The expert has to swear an oath at each mission unless he/she is a civil servant.

Experts are allowed to be in contact with parties during the proceedings. However, they must demonstrate their impartiality.

Expert must give a detailed report of the results and of the actions carried out to achieve these results. They are legally obliged to address the parties' arguments in the preliminary or final report.

Expert must give written reports on their investigations. Parties can challenge the report either by statement, or by providing a counter-expertise.

Experts are not always heard in person before the hearing. An expert shall give a detailed account on the findings in his or her investigation and, on the basis of the account, a substantiated statement on the question put to him or her. There are, however, cases where an expert is heard before the hearing in person. This may be necessary:

- in order to remove ambiguities, deficiencies or inconsistencies in the statement
- if the court deems it necessary for another reason; or
- when a party requests this and the hearing would apparently not be meaningless.

Before the hearing, the expert shall give the following affirmation: "I, <insert name>, do promise and affirm on my honor and conscience that I shall to the best of my understanding to fulfil the expert function to which I have been appointed."

The judge is not bound by experts' opinion.

Experts may also be appointed for the purpose of preliminary or pre-trial proceedings.

Other

In criminal cases, experts are summoned and usually attend the hearing.

In administrative proceedings, according to section 40 of chapter 7 of the [Administrative Judicial Procedure Act \(1996/586\)](#), the appellate authority may obtain an opinion from an individual expert on a matter requiring special expertise. If a party calls an expert not appointed by the appellate authority, the provisions on the hearing of witnesses shall apply.

There are no significant differences between the appointment of an expert for the purpose of proceedings before a civil, criminal and administrative court.

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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