

I. List and registers of experts

There is an official list of experts accessible online by the lawyers involved in the case. Appointing an expert from the list is a widely followed practice. There is no tool for finding an appropriate expert.

Experts do not have to swear an oath in order to be listed. An expert must apply to be listed.

There is no requirement to submit an activity report to the list holder.

II. Expert's qualifications

Experts should be a member of the appropriate professional body and be appropriately qualified up to a specified level in their specialisation, but there is no continuing professional development requirement. They must abide by the Code of Ethics relevant to their specialisation.

No expert training courses are available.

The title of expert is protected, but no distinctions are drawn between different types of expert.

III. Remuneration of experts

This is a matter for agreement between the expert and the instructing party. There is no provision for payment in advance by the Court. The expert is paid by the instructing party only, but legal aid may be available at prescribed rates.

IV. Liability of experts

Experts have the obligation to report any conflict of interest. Experts may be dismissed for serious misconduct.

The liability of experts is subject to normal principles of contract and tort. There is no cap to possible liability. Experts are required to have professional indemnity insurance cover including liability incurred outside the country.

V. Additional information about expert proceedings

The use of experts is regulated by the normal rules of civil and criminal procedure and the rules of evidence.

The parties can appoint experts to present evidence on certain scientific and technical issues. The appointment will be made either prior or during the hearing. There is no possibility of appointing an expert for pre-trial proceedings.

There is no difference in the appointment of experts before a civil or a criminal court.

No statistics are available for the number of experts or how frequently they are used in proceedings.

VI. Appointment of experts

Experts can be appointed by the parties involved. There is no particular process or procedure for appointing experts. An expert cannot be appointed by both parties, nor can the court order a single expert be appointed.

1. Appointment by a court

Court in civil cases can appoint a person who it considers suitable and competent (article 48 of the Courts of Justice laws) with the consent of the parties.

Special provisions exist for the Rent Tribunal Court and the Family Court where the Court has the discretion to order the appearance of any witness without the consent of the parties.

2. Appointment by the parties

The parties can appoint experts to present evidence on certain scientific and technical issues. The appointment will be made either prior or during the hearing.

VII Procedure

1. Civil procedure

A. Expert report

The parties must provide detailed instructions to the expert and the questions to be answered. There is no procedure for examining experts before trial to narrow down issues.

The expert is not obliged to address the parties' arguments in the report but he has to hold a meeting with the parties to collect their comments.

There is no particular structure for the report required or to produce an interim report. Reports may be either written or verbal.

Experts do not have to provide an additional report in response to parties' comments.

There is no quality control over the expert report by the court.

B. Court hearing

There is no requirement for an expert to attend a preliminary hearing.

During the proceedings, the expert may be in contact with the lawyer that appointed him.

The expert is required to attend court to answer questions from the parties and from the court. Experts are normally cross-examined. Parties are free to challenge the expert evidence by statement or by counter expert evidence.

The court is not bound by the expert evidence but is expected to take it into account.

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