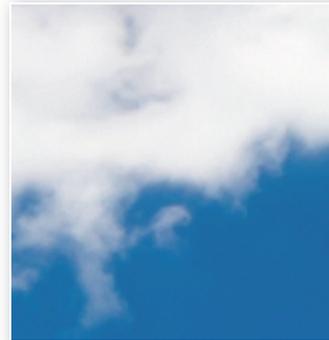




Remuneration of Experts in Europe

Comparative study of remuneration systems in Europe

Update 2024



Language

This document is in English which is not the first language of most of the respondents to the Questionnaire. Other than very minor amendments for clarification, the language used is that of the Respondent. No attempt has been made to modify the words as we believe it is important not to interfere with the original answers.

Abbreviations used in this document

CAE	Court Appointed Expert
CPR England & Wales	Civil Procedure Rules
FEA Austria	Fees Entitlement Act
JRAA Germany	German Judicial Remuneration and Allowances Act (Justizvergütungs- und -entschädigungsgesetz)
NRGD Netherlands	Netherlands Register of Court Experts (Nederlands Register Gerechtelijk Deskundigen)
PAE	Party Appointed Expert
RCP Portugal	Regulamento das Custas Processuais
UC Portugal	Unidade de conta. 1 UC (= €102)
UK England & Wales	The term United Kingdom (UK) is used in this response. However the UK consists of three jurisdictions: England & Wales, Scotland and Northern Ireland. There are differences in each jurisdiction. The answers given here relate to England & Wales although the general principles will also apply to the other two jurisdictions.

Remuneration of Experts in Europe

The Member States of the European Union have been working on a variety of projects to improve and facilitate cross-frontier dispute resolution. Especially regulations in Justice have led to several measures in order to foster the cooperation of courts including their digitisation.

One example is the legal framework for the cross-border taking of evidence with Experts by the Regulation (EU) 2020/1783 of the European Parliament and of the Council of the 25th November 2020 on co-operation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence). This regulation also considers the payment of experts who are giving evidence.

It is therefore important that judges or parties who are appointing experts get necessary information on how the Experts are paid in their countries. Some of the most frequently asked questions are about the level of fees and what can and cannot be charged. EuroExpert has therefore updated its previous studies already for the third time. The standardisation of the questions makes it possible to evaluate where the systems are similar and of course their differences. The current study was responded to by the following countries: Austria, Croatia, Czech Republic, France, Germany, Luxembourg, Netherlands, Poland, Portugal, Romania, Serbia, Spain and the United Kingdom.

Experts' fees are often calculated on an hourly rate irrespective of the jurisdiction and most importantly in all countries there is a prohibition on the fee being either based on, or dependent on the outcome of the case. This highlights the fact that independence, impartiality, objectivity and integrity for the Expert are paramount. These fundamental concepts are fully enshrined in the work of EuroExpert.

There are many other similarities such as the process for being paid and what additional charges can be made. It is clear that irrespective of the system Experts often encounter the same difficulties in actually receiving the fees and there can be a considerable delay in payment. The fee level is often much lower than one might expect for an Expert and in some cases is even lower than they might expect to attract in the normal course of their professional activities. This discrepancy can lead to considerable challenges for both Experts and those instructing them.

EuroExpert has been working successfully on European practise standards for Experts and their organisations for decades and was - as one of the project partners - most recently able to contribute the results to the Findex II project, which was co-funded by the European Union.

It is important that Experts are working to common standards irrespective jurisdiction in which they are operating. The adoption of the EuroExpert Code of Practice alongside with the Core Curriculum for training Experts and Report Standards make this possible. These standards comply with the guidelines on the role of Court Appointed Experts in judicial proceedings of the Council of Europe's Member States of the European Commission for the efficiency of justice (CEPEJ, adopted in 2024).

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¹For reasons of better readability and easier comprehension, EuroExpert uses the generic masculine in this text. We hereby explicitly address all gender identities without any judgmental distinction.

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The Questions and responses

1

Are Expert fees the same for criminal and civil matters?

If no, please prepare two sets of answers one marked “civil” and the other “criminal”.

	Yes/No
Austria	-
Belgium	-
Croatia	✓
Czech Republic	✓
France	-
Germany	✓
Luxembourg	-
Netherlands	-
Poland	✓/-
Portugal	✓
Romania	✓
Serbia	✓/-
Spain	-
UK	-

1

Austria

No. In criminal matters in which mostly the state has to pay the fees, primarily Experts can claim tariffs, listed in a catalogue of standard services (e.g. doctors, vehicle matters). If there are no tariffs or it is not a prescribed standard service, Experts can claim a fee according his income outside of court reduced by 20%. As any tariffs (e.g. for doctors) are not cost effective the remuneration in criminal matters is inferior to civil matters. In civil matters the law widely refers to the income for work outside of court.

Belgium

No. The differences are shown in the respective questions.

Croatia²

Yes. There is only one provision in the Rulebook on permanent Court Expert witnesses (Refined text Narodne novine 38/14, 123/15, 29/16, 61/19; hereinafter: the Rulebook) this applies to both civil and criminal matters as the ordinance does not envisage any differences. This relates to payments of expert's, fees to Experts in cases when the Court of Attorney's office appoints the Expert: "Where the Expert fee is payable from the court or attorney's office budget it will be decreased by 20% from the prescribed value of point from article 24, paragraph 2."

REMARKS:

As mentioned above, while pending for the new Rule-book we cannot give exact answers on many questions, particularly those related to tariffing. Inasmuch it is still unclear whether the legal entities will continue to be authorised/certified for making expert opinions. In the course of public consultations which lasted almost 2 months the Experts (physical and legal persons as well as expert associations) made 865 comments, which remained unanswered/uncommented by the Ministry until now. Last but not least, the complete new Law on Expert witnesses, valuers and interpreters had not yet been enacted at the period of answering the questions.

 **Czech Republic**

Yes. The fees of CAE are the same for criminal and civil matters.

 **France**

No. The fees are different between civil and criminal. In criminal law the fees are tariffed. In civil cases, an assessment of fees is proposed by the expert and the deposit is paid by the applicant to the court registry with sometimes, depending on the importance of the expertise, an additional deposit.

 **Germany**

Yes. In civil and criminal matters, where Experts are appointed, they are paid on the basis of the German Judicial Remuneration and Allowances Act, JRAA (Justizvergütungs- und -entschädigungsgesetz, JVEG).

 **Luxembourg**

No. The fees differ for CAE's between criminal and civil matters.

 **Netherlands**

No. The differences are shown hereafter.

Civil:

Expert fees in civil law cases are in general 'market-prices'. Expert fees in civil matters vary in a wide range, depending on regular tariffs for that particular field of expertise.

Criminal:

Expert fees for criminal law: Court Fees in Criminal Cases Act and Court Fees in Criminal Cases Decree 2003 („Besluit tarieven in strafzaken 2003”).

Administrative:

Expert fees for administrative matters: article 8:36 of the General Administrative Law Act (Algemene wet bestuursrecht). This article refers to the Court Fees in the Criminal Cases Act.

 **Poland**

Yes. The fees are generally the same for both criminal and civil matters. The only exception is that in criminal cases the fee might be much higher than default if an expert is from abroad. This rule does not pertain to civil cases.

 **Portugal**

Yes. The charges for CAEs are not prescribed differently for criminal and civil matters.

 **Romania**

Yes. The Romanian law does not differentiate the fees depending on the criminal/civil matters.

 **Serbia³**

Yes. CAEs fees for civil and criminal matters are the same, except in certain cases, as stated below.

³Sources of input to the answers are:

- The Law on expert witnesses ("Official Gazette of RS", No. 44/2010)

- The Rulebook on Reimbursement of Costs in Court proceedings ("Official Gazette of RS", no. 9/2016, 62/2016 and 13/2020)

- "Examining the Experts" -

This report was funded by the Multi-Donor Trust Fund for Justice Sector Support in Serbia (MDTF-JSS), which has been established with generous contributions from the EU Delegation in Serbia, the United Kingdom Department for International Development (DfID), the Swedish International Development Cooperation Agency (SIDA), Norway, Denmark, the Netherlands, Slovenia, Spain, and Switzerland.

"Analysis of Arrears of Courts in Serbia" report from 2018, Serbia multi donor trust fund for justice sector support ([www.mdtfjss.org.rs/archive//file/Serbia Court Arrears - draft May2018.pdf](http://www.mdtfjss.org.rs/archive//file/Serbia%20Court%20Arrears%20draft%20May2018.pdf))

The Rulebook on Reimbursement of Costs in Court proceedings, Article 18:

The expert's award is determined by dividing the basis for calculating the award by the number of working hours in the month preceding the expert's examination, and multiplying the amount thus obtained by the number of hours that were necessary for the expert's examination.

The basis for calculating the award is twice the average monthly salary per employee in the Republic of Serbia, without taxes and contributions, paid for the month preceding the expert examination according to the data of the authority responsible for statistics.

For expert testimony that must be performed in difficult conditions (at night, in extremely unfavorable weather conditions, etc.) and for expert testimony that must be performed on Sundays and holidays, the award is increased to 100%.

When the expert opinion is entrusted to a legal entity or a state body, the court decides on the amount of the award based on the reasoned request for the award for the performed expert opinion.

An Expert in a criminal proceeding in which a special law determines that the public prosecutor's office of special jurisdiction acts is entitled to a reward that can be twice as high as the reward from para. 1. and 2. of this article.



Spain

No. Usually, the fees for criminal matters are lower than for civil but it depends also on the matter that has to be examined.

CIVIL:

€0-€60.000:	minimum €200
€60.001 - €500.000:	0,50% (€300 to €2.500)
€500.001 - €2.000.000:	0,50% to 0,30% (€2.500 to €6.000)
€2.000.001 - €5.000.000:	0,30% to 0,20% (€6.000 to €10.000)
€5.000.001 - €10.000.000:	0,20% to 0,15% (€10.000 to €15.000)
+ €10.000.001:	each €100.000 + 0,10%

CRIMINAL:

Less than 400,00 €:	100,00 €
401,00 € - 1.000,00 €:	150,00 €
1.001,00 € - 3.000,00 €:	200,00 €
3.001,00 € - 6.000,00 €:	300,00 €
6.001,00 € - 10.000,00 €:	500,00 €
+10.000,00 €:	each 1.000,00 € +100,00 €

When the defendant has legal aid benefits, each autonomous community applies a different scale. Before doing the report, the Expert has to present an estimate to the Justice Territorial Management in order to be approved.

The most common scale is:

20,00 €/hour

0,19 €/km

Supplies (e.g. photocopies, paper).



UK⁴

Generally speaking there are differing fees for civil and criminal work. This is not absolute as some Experts charge the same fees for both. Where there is a difference rates for criminal work tend to be lower than for civil work.

*NOTE 1:

The term United Kingdom (UK) is used in this response. However the UK consists of three jurisdictions: England & Wales, Scotland and Northern Ireland. There are differences in each jurisdiction. The answers given here relate to England & Wales although the general principles will also apply to the other two jurisdictions.

In the United Kingdom (UK) the underlying system for the remuneration of Experts is 'market forces'. In other words it is the amount which a client is prepared to pay and for which the Expert is prepared to undertake the commission. In practice there tends to be a broad range for fees which are acceptable to both clients and Experts.

The major exception to the market forces process is for 'publically funded' work often known as 'legal aid'. This is not when a public authority appoints an Expert but is to increase access to justice for those who cannot afford to pay for legal assistance. In this case State funds are intended to cover the costs. In practice legal aid applying to Experts' fees is sparsely applied and is to be found mainly in criminal cases and in the Family courts for children cases. In legally aided cases there are scales of fees which are payable.

NOTE 2:

The actual rate of fees (for example £ x per hour) will usually be determined by 'market forces'. Included within this term will be factors such as discipline; specialism; experience; qualifications; seniority; timescale for the work; geographical location of the Expert. All work undertaken by an Expert should be governed by the principle of proportionality.

NOTE 3:

In these answers we deal with the fees payable to the Expert, normally by those parties for which the evidence is being presented. However the underlying principle is that the losing party pays the legal costs of the winning party (known as 'costs follow the event'). These costs are paid to the party and are rarely the full fee which has been charged by the Expert. Therefore the costs recovered in this way only defray the party's expenditure but the Party is still responsible for paying their Expert's proper fee.

2

2

Is there a legally prescribed scale of charges for Experts in your country for

2.1 Court Appointed Experts

2.2 Experts appointed by public authorities

2.3 Experts appointed by a private client?

	Court appointed	Public Authority	Private Client
Austria	✓	✓	-
Belgium	- (civil); ✓(criminal)	- (civil); ✓(criminal)	-
Croatia	✓	-	-
Czech Republic	✓	✓	-
France	-	-	-
Germany	✓	✓	-
Luxembourg	✓	-	-
Netherlands	- (civil); ✓(criminal)	- (civil); ✓(criminal)	-
Poland	✓	✓	-
Portugal	✓	✓	✓
Romania	-	-	-
Serbia	✓	✓	-
Spain	-	-	-
UK	-	-	-



Austria

2.1 Yes. The charges of Court Appointed Experts are prescribed in the 1975 Fee Entitlement Act (FEA). It also includes the procedure for claiming and quantifying the fees and the different elements the Expert can claim.

2.2 Yes. The Expert appointed by a public authority in an administration proceeding is the same as an Expert in court proceedings with regard to his entitlement to charges. Many administrative regulations have interpreted the provisions of the Fee Entitlement Act to be also applicable to administration proceedings.

Experts who are staff members of an authority ("ex officio experts") cannot claim remuneration. They have to provide their services in the framework of their service duties.

2.3 No. The remuneration normally depends on the contract between the parties; if the agreement is lacking, an adequate remuneration is owed.



Belgium

Civil:

2.1 No. The hourly rate is freely established by the judicial Expert; however, the total fees are subject to the judge's appraisal. The judge restricts the choice of the investigative measure and the content of this measure to what is sufficient for the solution of the dispute, in the light of the proportionality between the expected costs of the measure and what is at stake in the dispute and by favouring the simplest, quickest and least costly measure.

2.2/2.3 No. There are no legal scales for Experts appointed by public authorities.

Criminal:

2.1/2.2 Yes. Legal costs in criminal cases and similar costs are regulated by law and are set out in Art. 648 of the Code of Criminal Procedure. The hourly rate is defined by a government order.

2.3 No. There are no legal scales for Experts appointed by a private client.

 **Croatia**

- 2.1** Yes. However, according to the new Croatia Law Court Act⁵ the Experts and valuers (as well as interpreters) are no longer registered by respective courts but by the Ministry of Justice and Administration.
- 2.2** No. In Croatia expert witnesses are registered only by the Ministry of justice and administration (see above). Consequently, there are no special scales of charges.
- 2.3** No. Private clients may engage only the registered Experts or valuers. However, in cases where the court accepts such proposal, the applicable rates may then differ from the rates as set out in the Rule-Book, i.e. the applicable ones will be those as prescribed/set out by the legal entity where the Expert works (see Q. 4).

 **Czech Republic**

- 2.1** Yes. The fees for Court Appointed Experts are prescribed in the decree of the Ministry of Justice.
- 2.2** Yes. The fees for Experts appointed by public authorities are prescribed in the decree of the Ministry of Justice.
- 2.3** No. It depends only on the agreement between the Expert and a private client.

 **France**

- 2.1/2.2** No. There is no grid, but the courts of appeal give advice to the presidents of the courts on fees. The court freely determines the amount of remuneration, taking into account the measures taken, adherence to deadlines and the quality of the report (Art 284 CPC).
- 2.3** No. The fees are free and given in agreement with the client.

 **Germany**

- 2.1** Yes. There exists a legally prescribed scale of charges for the CAE, the German Judicial Remuneration and Allowances Act, JRAA (Justizvergütungs- und -entschädigungsgesetz – JVEG). It was last amended 2021.
- 2.2** Yes. In most of the administrative proceedings where an Expert is appointed, he is paid on the basis of the JRAA (JVEG) (like a CAE). Either this law regulates the applicability in these cases or there are administrative regulations that relate to the JRAA (JVEG).
If the Expert is part of an authority, he does not get an additional fee.
- 2.3** No. The remuneration depends on the contract between the Expert and his client.

 **Luxembourg**

- 2.1** Yes. There exists a prescribed scale of charges. These fees have failed to be adapted for years though. It is tolerated for CAE's to adapt their fees.
- 2.2** No. The expert fees are based normally on an hourly rate.
- 2.3** No. The expert fees are based normally on an hourly rate.

 **Netherlands**

2.1 Court Appointed Experts

Civil:

No. There is no legally prescribed scale of charges for Experts.

Criminal/Administrative:

Yes. Starting point in this matter is the Court Fees in Criminal Cases Decree 2003. Legally prescribed scale of charges for Experts; maximum rate of € 116.09 per hour.

⁵ Narodne novine, consolidated text of the law NN 28/13, 33/15, 82/15, 82/16, 67/18, 126/19, 130/20, 21/22, 60/22, 16/23 in force as from January 1, 2023

2.2 Experts appointed by public authorities**Civil:**

No. There is no legally prescribed scale of charges for Experts.

Criminal/Administrative:

Yes. Starting point in this matter is the Court Fees in Criminal Cases Decree 2003. Legally prescribed scale of charges for Experts; maximum rate of €142,75 per hour.

2.3 Experts appointed by a private client**Civil:**

No. There is no legally prescribed scale of charges for Experts appointed by a private client.

Criminal:

No. Starting point in this matter is article 1(3) of the Court Fees in Criminal Cases Act and the Court Fees in Criminal Cases Decree 2003. Legally prescribed scale of charges for Experts; maximum rate of €116.09 per hour. However: The appointment of an Expert in criminal cases appears when the defendant wishes to produce a second opinion to the court on a technical matter. In this case general market prices for Experts apply.

Administrative:

No. There is no legally prescribed scale of charges for Experts appointed by a private client.

**Poland**

2.1 Yes.

2.2 Yes.

2.3 No.

**Portugal**

Under RCP, Law 26 – 2007 of 23 July, there is a base cost called U. C. which is the equivalent of €102. All Experts named in the case have the right to receive the number of u.c. that the Judge decides is appropriate taking into account the complexity of the case.

2.1 Yes. Under RCP, Law 26 – 2007 of 23 July, there is a base cost called U.C. which is valued at 102.

Under the jurisdiction of this law, Experts are entitled to receive a designated quantity of U.C., upon the presiding Judge's discretion, following a case-specific assessment.

2.2 Yes. Experts appointed by public authorities are governed by the same rules.

2.3 Yes. Experts appointed by a private client are governed by the same rules.

**Romania**

2.1 No. The fees are established by the courts at their own discretion and judgement.

2.2 No.

2.3 No. The fees for Experts appointed by private clients are subject to contractual agreement and negotiation.

 **Serbia**

2.1/2.2 Yes (see answers under question 1, prescribed calculation of expert fees, which applies to CAE and Experts appointed by public authorities).

For Experts acting as advisors, appointed by private clients in court cases, the following applies: The Rulebook on Reimbursement of Costs in Court proceedings, Article 19:

The Expert Advisor is entitled to a reward of 50% of the expert's reward. The award to an Expert is determined by the corresponding application of the provisions on determining the award to an Expert (Article 18).

The reward for translators and interpreters is determined according to a special regulation. Translators and interpreters in criminal proceedings in which a special law determines that the public prosecutor's office of special jurisdiction shall act shall be entitled to a reward that may be twice as high as the reward from paragraph 3 of this article.

2.3 No. In out-of -the-court engagements of the expert for private Clients there is no prescriptions for the fee.

 **Spain**

2.1 No.

2.2 No.

Criminal: in Spain the Expert is only appointed by the court or by a private client. Civil: Only in the case the client has the right of "Free Justice" (Jisticia Gratuita) the Experts have to charge the fees established by the public local authorities.

2.3 No.

 **UK⁶**

2.1 No. Court Appointed Experts are rarely used in the UK. There is no official scale of experts' fees.

The general process is for each party in both civil and criminal matters, to appoint their own Experts (PAE).

2.2 No. Experts when appointed by a public authority negotiate their fees in the same way as they do with all clients. The possible exception is the Crown Prosecution Service (CPS). They are responsible for prosecuting and for appointing Experts for the prosecution of criminal cases. CPS does have a scale of fees which are payable to prosecution Experts.

2.3 No.

⁶ NOTE:

In legally aided cases the Expert is paid by a public authority via the instructor but the Expert is not appointed by them as this is the responsibility of the party.

2.3 No – with the exception of legally aided cases where there are scales that the Legal Aid Agency will pay. These are not identical for civil and criminal matters nor is the split into identical categories of expertise.

What are the criteria for calculating the remuneration?

3.1 Hourly rate?

3.2 Based on value of the claim/amount of damage?

3.3 Based on outcome of case?

	Hourly Rate	Value of claim	Outcome of case
Austria	✓	✓/ -	-
Belgium	-	-	-
Croatia	✓/ -	-	-
Czech Republic	✓/ -	-	-
France	✓	✓	✓
Germany	✓	✓	-
Luxembourg	✓	-	-
Netherlands	✓	-	-
Poland	✓/ -	-	-
Portugal	✓	-	-
Romania	✓	-	-
Serbia	✓	-	-
Spain	✓/ -	✓/ -	✓/ -
UK	✓	-	-



Austria

There are two different types of calculating the remuneration by hourly rate:

One is, to determine the compensation by the income that the Expert would customarily obtain for the same or a similar professional activity outside of court.

In other areas, where the payment of the charges is in the responsibility of the state (e.g. legal aid, penal cases, social-law cases) the fee for the Expert is only a fair approximation of the income outside the court (reduction of 20%). In this area the most important services by Experts are compensated on the basis of a scale of lump-sum remunerations contained in a catalogue of services.

If income outside of court cannot be proved, a framework of charges based on the necessary qualification of the Expert is applied (€20 - €60; €50 - €100; €80 - €150 per hour). The fee within the mentioned scopes is determined by the concrete qualification, the severity of the expertise and the necessary detailed statements. Besides that, there are also fee tariffs for some groups of Experts.

3.1 Yes. It contains the time input, the compensation of effort in simple cases and for taking part in hearings. Hourly rates are also used when the income of Experts outside of court is also measured in hourly rates.

3.2 Value-based charges are only found for valuing vehicles and real estate.

3.3 No. This is not contained in the Fee Entitlement Act. Aside from this it would not be compatible to the code of ethics.



Belgium

Civil:

At the end of his mission the judicial Expert establishes a statement of costs and fees. The judge assesses the fees of the judicial Expert according to different criteria, such as the complexity of the case, the time spent by the Expert to carry out the expertise, his professional qualification, as well as the costs and expenses incurred for the expertise. It should be noted that Article 991 of the Belgian Judicial Code also provides that the fees of the judicial Expert must be reasonable and proportionate to the mission entrusted to the Expert.

3.1 No. There are no hourly rates set by public authorities.

3.2/3.3 No.

Criminal:

3.1 The „legal costs“ are the subject of a precise and detailed statement by the expert, which includes all the costs and fees of the expert. The costs are calculated based on an annually updated scale. Since 1 January 2020, each judicial district has had a „legal costs office“ responsible for processing and providing services at the request of the judicial authorities. There is only one legal costs office per judicial district.

The court fees office consists of two sections:

- a taxation office, which receives statements of costs and fees
- a settlement office, which ensures the payment of the taxed statements of costs.

The court fees office checks:

- whether the service provided meets the requisition of a magistrate.
- whether the magistrate has approved the service.

The office uses uniform templates for:

- the court requisition;
- the service provider’s statement of costs.

The applications are processed digitally, and the staff of the tax offices are supervised by the new „Central Office for Legal Costs“ of the FPS Justice.

The taxation office checks:

- whether the tariff is respected;
- whether the statement of costs has been filled in completely, legibly and correctly;
- whether the correct tariff has been applied;
- whether the calculation of the compensation based on the official tariff is correct.

3.2/3.3 No.



Croatia

3.1 In some cases there is an hourly rate to be applied, while in other cases the rate according to the tariff shall apply. However, this tariff is rather “modest” and it includes only about 30% of items which should actually be incorporated therein.

3.2 No. This criterion applies only to the attorneys.

3.3 No. This criterion applies only to the attorneys.



Czech Republic

3.1 Yes. Remuneration for work of CAEs or Experts appointed by public authorities is calculated on an hourly rate. Remuneration including compensation of costs for expert opinions connected with autopsy in criminal matters has been fixed by lump-sums.

3.2 No.

3.3 No.



France

The remuneration requested depends essentially on the number of hours spent on the expertise. It also depends on the costs of the expertise: secretarial costs, photocopies, telephone, stamps, etc.

 **Germany**

3.1 Yes. For CAE the hourly rate is prescribed in the JRAA (JVEG) and is distinguished by different professional tasks of the Experts (§§ 8, 9 and attachment to § 9 JRAA (JVEG)). In some medical areas there are statutory lump-sums (e.g. post-mortem examination and autopsy, blood tests, parentage reports)

The hourly rate of a PAE can be freely agreed and is oriented on the profession and the severity of the expertise.

3.2 Yes, but only for PAE. In some areas (e.g. Experts for automobiles) it is usual to measure the compensation by the value of the claim or the amount of damage. But there does not exist any legal scale of charges.

3.3 No. It is not possible to base the remuneration of the Expert on the outcome of the case. This would be a contradiction to the Expert's neutrality and objectivity.

 **Luxembourg**

3.1 Yes. Normally the Expert is paid on an hourly basis.

3.2 No.

3.3 No.

 **Netherlands**

3.1 Yes.

3.2 No.

3.3 No.

 **Poland**

3.1 In most of the cases the hourly rate is functioning. Exceptions are Experts from medical disciplines who have a well-defined amount for specific activities (e.g. "autopsy", "examination of the mental state", "determination of the degree of invalidity", etc.) as well as Experts in the field of geodesy and cartography (e.g. "the study of land registers", "establishing the boundaries of the property", etc.).

3.2 No.

3.3 No.

 **Portugal**

The compensation proposed by the Expert in U. C. is commensurate with the intricacies and demands of the specific cases they are involved in, the hours dedicated to the work, specific skills and responsibility required.

 **Romania**

3.1 Yes. This is the most common criteria for the courts to assess the fee for the judicial Expert. However, there is not an universally accepted criterion for calculating the amount of hours, nor there is an universally accepted criterion for the minimum number of hours. The court assesses the way the judicial Expert was involved in the expertise (if their work was executed in due time, professionalism, complexity, quality of the report - however all these aspects are left to the court's appreciation).

3.2/3.3 No.

 **Serbia**

Yes. Fees are calculated based on hourly rates.

 **Spain**

The remuneration is based on the difficulty of the matter. Generally, the Expert calculates the remuneration by taking into account the time the report will take him, the difficulty of the matter and the amount of e.g. the assets.

For instance, when he has to value several properties in an inheritance case he calculates the remuneration according to the number of properties, the places where they are located, the use of the properties and the market price of them.

 **UK**

- 3.1** Yes. This is the normal basis for experts' fees in the UK often with a restriction on the number of hours for which the Expert will be paid. However there is increasing pressure for Experts to work on a 'fixed fee' basis which is agreed on a case by case basis prior to the appointment of the Expert. The criteria used are basically market forces (see 1 above) and the practices of individual professions and trades.
- 3.2** No. This is a frequently used basis for Expert Advice but is not appropriate for Expert witness work.
- 3.3** No. The linking of fees or other payments to the outcome of a case is not acceptable and is contrary to the Codes of Practice for Experts (see for example EuroExpert Code).

4

4

Are there differences in the scale of payment between the various specialisations of the Expert (e.g. medical, IT, construction)? If the answer is “yes”, please provide the rates.

	Yes/No
Austria	✓
Belgium	- (civil); ✓(criminal)
Croatia	-
Czech Republic	✓/ -
France	-
Germany	✓
Luxembourg	-
Netherlands	✓
Poland	✓/ -
Portugal	✓/ -
Romania	/
Serbia	✓
Spain	✓
UK	✓



Austria

Yes. The Fee Entitlement Act distinguishes charges for different types of activities, e.g. doctors, anthropologists, vehicle matters valuation of buildings etc. The law refers in this case to the income for work outside of court. As every case of income outside of court is considered individual, so it is not possible to provide any rates or examples. If the Expert does not prove his income, the law provides rates between € 20 and € 150 an hour.



Belgium

Civil:

No.

Criminal:

Yes.

- university professors and lecturers: € 108,69€
- specialists in forensic medical science: €95,00
- Experts with a university degree or a degree from a recognised institution of higher education, company auditors, certified accountants: € 82,85
- other Experts, based on their specific training or professional experience: € 64,42



Croatia⁷

No. In respect of the tariff as prescribed in the Rulebook, there are no differences in the scale of payments between the various specialisations of Experts. However, since the current tariff is not elaborated in details – depending on the complexity of the expertise, Court Expert witnesses shall elaborate the time consumed and other expenses in their invoices and it is up to the Court decision whether the fair compensation will be approved. In cases where the Expert is employed in a legal entity/company, the invoicing to the court and other parties shall be made in accordance with the tariff applied to such a legal entity.

⁷The tariff of permanent Court Experts and valuers is still unknown (to be regulated by the new Rulebook) at the period of answering the questions.

 **Czech Republic**

No. There are no differences between the specialisations. The exception is in forensic medicine (autopsy) where there are fixed rates for various operations.

 **France**

No. There is basically no difference in scale between the allowances of the different specialties of the Experts. Nonetheless the total costs vary greatly depending on the specialist area.

 **Germany**

Yes. There are broad differences between various specialisations of PAE as well as the CAE. The CAE gets a remuneration based on the scale of charges that is legally prescribed in the attachment to §9 JRAA (JVEG). The hourly rate depends on what professional task the Expert is acting in.

For example, the valuation of companies by a CAE is remunerated with € 135/h; Experts for vehicle loss adjusting get € 120/h; real estate valuation is remunerated with € 115/h and Experts for building defects can require between € 95/h and € 105/h. The lowest hourly rate for a CAE is € 70/h for textiles, leather, furs; the highest is € 155 for reconstruction of accidents.

Interpreters get an hourly basis rate of € 85, translators are paid according to the number of keystrokes.

 **Luxembourg**

No. There are no differences between the specialization of Experts. Each Expert determines his hourly rate. They slightly vary between Experts, but regardless of his specialisation.

 **Netherlands**
Civil:

Yes. (see answer to question 1).

Criminal/Administrative:

Yes. Paragraph 2 of the Court Fees in Criminal Cases Decree 2003:

- Psychologist: € 109,56 per hour.
- Psychiatrist: € 142,75 per hour – Translators: maximum of € 0.079 per word
- Interpreters: € 55,00 per hour.

 **Poland**

Generally no. Exceptions are Experts from medical disciplines and Experts in the field of geodesy and cartography. The differences relate to the method of calculating rates.

 **Portugal**

There is no predefined scale for determining compensation in Account Units for Experts. Instead, it is at the discretion of the Judge to decide the appropriate number of U.C. for each Expert, considering the complexity of the case.

Nonetheless, some forensic examinations have rates established within the RCP.

 **Serbia**

Yes. Generally, there are significant differences in fees charged by CAE, regardless of the fact that there is a prescribed calculation of the fee set in the Rulebook on Reimbursement of Costs in Court proceedings.

In practice the Rulebook on Reimbursement does not apply, so judges make unilateral decisions on the value of the expertise and sometimes even of the expenses incurred and they order payment of only as much as they think that it is adequate. It is very rare that judges request the Expert to supply a statement of expenses and specification of fees upon completion of the opinion, even though this requirement is set out under the Rulebook on Reimbursement.

There is a significant delay in reimbursing Expert witnesses both in criminal and civil proceedings.

 **Spain**

Yes. The different specialist associations set the scale of fees which should be used by the Expert. E.g.

Medical: €300 - €1.500

Mechanic: €200 - €2.000

Construction: €300 - €5.000

R.S. Agent: €200 - €20.000

 **UK**

Yes. There are no set scale fees (see answer to question 2) but each profession and trade tends to have their individual range of norms.

The tables below give an indication of these from a survey of five different sectors.

Civil Rate (£)	Accountancy	Property & Construction	Engineering	Financial Services	Healthcare
Hourly Average	233	145	122	217	193
Max	650	300	250	325	380
Min	80	48	50	150	100

Criminal Rate (£)	Accountancy	Property & Construction	Engineering	Financial Services	Healthcare
Hourly Average	175	135	120	157	175
Max	350	200	250	200	360
Min	80	48	60	150	100

5

Is the degree of difficulty to formulate an expert opinion a reason for a different compensation? If the answer is “yes”, which criteria are used?

	Yes/No
Austria	✓
Belgium	✓ (civil); - (criminal)
Croatia	-
Czech Republic	✓
France	-
Germany	-
Luxembourg	-
Netherlands	-
Poland	✓
Portugal	✓
Romania	✓
Serbia	-
Spain	✓
UK	✓

5

Austria

Yes. This is also prescribed in the FEA and plays a role e.g. in the charges established in the FEA with medical examinations or expert opinions on vehicle technology.

Belgium

Civil:

Yes. The judge evaluates the expert's fees based on various factors, including the level of difficulty of the case, the time and effort invested by the Expert in conducting the assessment, their professional credentials, and the expenses involved in the process.

Criminal:

No.

Croatia

No (see answer to question 4).

Czech Republic

Yes. It depends on the degree of difficulty and the required expertise.

France

No. The difficulty of expertise does not give right to a different compensation.

Germany

Not for CAE. The compensation is only based on the professional task and the necessary time he has to invest. But a difficult case normally increases the time the Expert needs, so that his remuneration is accordingly higher.

 **Luxembourg**

No. There is no compensation according to the degree of difficulty of the case.

 **Netherlands**

No.

 **Poland**

Yes. The basic hourly rate ranges from 1,28% to 1,81 % of the base amount (ie. the amount indicated annually in the Public Budget Act), depending on the complexity of the problem, the conditions in which the opinion was developed or in the event of particular difficulties. Furthermore, the rate may be increased by 50% if an extraordinary complexity of the problem occurs.

 **Portugal**

Yes. The degree of difficulty to formulate an expert opinion influences the compensation/remuneration.

 **Romania**

Yes. This criterion is left to the court's appreciation.

 **Serbia**

No. There is no such criterion in the Rulebook on Reimbursement of Costs in Court proceedings. There is a criterion of "difficult conditions" (work at night, in extremely unfavorable weather conditions, etc.) but not the complexity of the case.

In practice, the Expert will estimate how much hours/days will work on the case and will take into consideration the complexity of the case to form a proposal for his fee. It is questionable if the judge will accept this, or parties in the case, who actually pay for the work of the Expert witness.

In fact, in the end, the Expert receives the amount which was paid as an advance by the parties. Experts may complain on the approved amount if it is different from the proposed fee made by the Expert and submitted to the court, prior to the work on the case.

 **Spain**

Yes. But there is not a specific criterion. As mentioned before, it depends on the time, the matter, the amount.

 **UK**

Yes. The complexity of the work that the Expert is required to undertake is one of the factors taken into account when negotiating fees. It is likely to affect the number of hours work required and the seniority and specialisation of the Expert. The more complex the case the fewer Experts there will be who are qualified to undertake the work. This is a market force which will effectively increase fees.

In legally aided cases there is an exception to the normal scale of fees for cases when for example, the work is so unusual or complex that the number of Experts is small. In these few cases higher fees can be paid if approved in advance and any specified requirements met.

6

Are there additional payments (beyond the proper or agreed fee) permitted – for example an expense allowance? If “yes”, what can be claimed for the following, for example: Travel costs _ Photocopies _ Software _ Tests _ Equipment _ Others

	Yes/No
Austria	✓
Belgium	- (civil); ✓(criminal)
Croatia	✓
Czech Republic	✓
France	✓
Germany	✓
Luxembourg	✓
Netherlands	✓
Poland	✓
Portugal	✓
Romania	✓
Serbia	✓
Spain	✓ / -
UK	✓

6

Austria

Yes. All variable expenses necessarily incurred with the work of an Expert can be claimed, other than fixed overheads. The Expert can claim:

- travel costs
- costs for auxiliary staff
- other expenses
- remuneration for time input
- compensation for effort

Belgium

Civil:

No. All expenses incurred by the judicial Expert during his mission are included in the costs: travel expenses, photocopies and technical expenses, provided that the parties have been notified of these expenses in advance of their execution.

Criminal:

Yes. The hourly rates may be exceeded only in exceptional circumstances and for duly justified reasons, on the proposal of the requesting authority and with the agreement of the Public Prosecutor, who in case of doubt may seek the opinion of the Central Office for Legal Costs.

The rates include all the general expenses of the expert, with the exception of travel expenses and the typing of the report, for which the following allowances are made:

- travel per kilometer: €0.6471
- typing: per page of 30 lines of 60 characters: €4.65
- photocopying: per page: €0.07

The use of a computer software, of computer simulators, road surveys or plans by surveyors cannot give right to a compensation.

 **Croatia**

Yes.

Travel costs

Travel expenses are remunerated only in case of public transport expenses. They include expenses for travel of the Expert from his place of residence to the place of expertise and back. They also include respective expenses for travel in his place of residence. In respect of the provisions of the Rule-Book, the following means of public transport are eligible: train, bus, ship, tram and plane.

The Expert is entitled to remuneration of travel expenses for journey made by the shortest possible distance and by most economic travel means.

In case the Expert cannot use the public transport, he is allowed to use his own car, according to the rules applicable for judges. In such case he has to procure a report on number of kilometres for the shortest distance, according to the information published by the Croatian Automobile Club. The travel expenses are calculated on the basis of clear and reliable travel order and accompanied documents (invoices) showing the travel expenses and other expenses quoted in the travel order.

In case of expertise outside of his residence for a period of 8-12 hours, the Expert is entitled to 1/2 of per diem, while in case of staying longer than 12 hours, he is entitled to full per diem, applicable for the judge who is in charge of the specific case. Expenses for accommodation are reimbursable in full according to the invoice, up to the amount applicable for the judge who is in charge of the case.

Photocopies

Copy (transcript) of one page of the text	4 points à HRK 2 = HRK 8.00 (€2,40)
Copy (transcript) of a table	10 points à HRK 2 = HRK 20.00 (€2,65)
Sketch drawing	30-100 points = HRK 60-200 (€8-€26,50)

Office material, envelopes, photocopies, paper, postal expenses – actual expenses.

Software

Yes.

Tests

Yes.

Equipment

Yes.⁸

 **Czech Republic**

Yes. The Expert has the right to claim travel costs and other expenses, among them photocopies and tests. He can also claim compensation for the consultant's assistance but only in cases if the judge agreed with this in advance. Usually it is not possible to claim costs consisted in software and equipment.

 **France**

Yes. Additional costs: travel expenses, photocopies, additional tests or examinations to be carried out, the help of auxiliary staff, special materials and equipment to be used.

⁸ The tariff of permanent Court Experts and valuers is still unknown (to be regulated by the new Rulebook) at the period of answering the questions.

 **Germany**

Yes. The PAE can charge all the mentioned expenses, when he agreed this in the contract with his client. The CAE can charge the expenses that are prescribed in the JRAA (JVEG), when they are necessary; these are those mentioned above, except own equipment (§§ 5, 6, 7, 12 JRAA (JVEG)).

 **Luxembourg**

Yes. Additional payments are permitted, for example for photocopies, ride costs, renting of equipment, etc.

 **Netherlands**
Civil:

All costs are stated by the Expert in the budget given by the Expert previous to the appointment as an Expert. It varies per field of expertise whether the given examples are billed by the Expert.

Criminal/Administrative:

Criminal matters: Article 11 of the Court Fees in Criminal Matters Decree 2003.

- General (for Experts like psychologists and psychiatrists): €3,32 per kilometres (return).
- Translators and Interpreters: €0,77 per kilometres (return).
- Other Experts: €0.28 per kilometres (return).

Photocopies:

€0.18 for each page. Article 12 (3) b of the Court Fees in Criminal Cases Decree 2003.

 **Poland**

Yes. Reimbursement of expenses incurred by the Expert necessary to issue an opinion.

 **Portugal**

Yes. All the mentioned costs can be reimbursed by the court.

 **Romania**

Yes. The Expert can claim travel costs, photocopies and other expenses, depending on the court appreciation. Software, tests and equipment are basically not remunerable.

 **Serbia**

Yes.

The Rulebook on Reimbursement of CAE sets out which expenses could be reimbursed to Experts:

- travel expenses
- food and lodging expenses and lost earnings
- direct costs of expert's work

The costs of travelling by the shortest route and the most economical means of public transport are reimbursed. Travel expenses are reimbursed in the amount of the actual expenses for the trip, which are determined on the basis of the transport ticket or in another convenient way.

If there is no public transport to certain place, or does not operate at a convenient time or is not available for other reasons, travel costs are reimbursed according to the number of kilometers traveled by the shortest route (kilometer).

Mileage is reimbursed in the amount of 10% of the price of one liter of the highest quality gasoline per kilometer traveled or started.

Food costs are reimbursed to the participant in the procedure who had to spend more than eight hours away from the place of residence, i.e. the address of the apartment, including the time needed to arrive at the place of execution of the action and the time needed to return.

Accommodation costs are reimbursed to the participant in the procedure who could not return to the place of residence or place of residence on the same day, as well as if several days of absence from the place of residence or place of residence were required for the execution of the action.

Meal expenses are reimbursed in the amount of the daily allowance for official travel in the country, prescribed by the regulation on reimbursement of expenses and severance pay of civil servants and officials.

Accommodation costs are reimbursed according to the price for accommodation and breakfast in a four-star hotel, based on an attached invoice.

Lost earnings are compensated to the participant in the procedure who is employed, who is a farmer or entrepreneur or who earns earnings in another way in accordance with the law.

Direct costs of expert's work are reimbursed for expenses for used material and other actual expenses.

The court decides on the amount of costs on the basis of the submitted request for reimbursement of expert's costs and an attached evidence.



Spain

Generally, the proper or agreed fees of the Expert consider all the expenses. However, in some cases they can add travel costs or specific equipments, software or tests.



UK

Yes. Subject to the terms of the Agreement between the party and the Expert additional payments may be made for reasonable and proportionate expenses incurred by the Expert. As a generalisation it is a reimbursement rather than a profit centre. All of the categories shown can be claimed. An Agreement may exclude a category, limit or restrict the amount claimable for example, the norm is £ 0.45 per mile for use of a car.

7

Is the Expert permitted to have assistance when preparing expert opinions? If so, are there any requirements and are you able to reclaim the costs of the assistance?

	Yes/No
Austria	✓
Belgium	✓
Croatia	✓
Czech Republic	✓
France	✓
Germany	✓
Luxembourg	✓
Netherlands	✓
Poland	✓
Portugal	✓
Romania	✓ / -
Serbia	✓ / -
Spain	✓
UK	✓



Austria

Yes. These expenses are refundable when the auxiliary staff was indispensable and necessary, in line with the line of scope of the Expert's activities. The amount of the costs for the assistance depends on the actual expense.



Belgium

Civil:

Yes. The Expert may be assisted by a technical adviser, on condition that all parties involved in the case have been notified of the work before it is carried out.

Criminal:

Yes. Any additional costs can only be invoiced if they are explicitly provided for and/or if the applicant has made additional requests in his application. In this case, the service provider must describe the additional costs and indicate the amount in accordance with the rates defined for this purpose.



Croatia

Yes. It is permitted in civil matters, if an Expert explains to the judge that certain investigation-service of someone else, such as laboratory or similar, is necessary. In criminal matters the situation is similar but here the Expert decides, if it is necessary for a specialist examination of a specified part of the report, e.g. a vehicle defects examination at a Technical Examination Station. The cost of the examination is a recoverable cost.⁹

7

⁹ The tariff of permanent Court Experts and valuers is still unknown (to be regulated by the new Rulebook) at the period of answering the questions.

 **Czech Republic**

Yes. Both the CAE and the PAE are obliged to exercise their activity in person. The CAE is entitled to co-opt a consultant for checking of special or partial questions. He has the right of compensation of costs connected with the co-option of a consultant only after the acceptance of the consultant in advance by the court or by the public authority. The Expert is obligated to instruct a consultant on the obligation of confidentiality. These persons can be exempted from this confidentiality by the court or public authority which appointed the Expert or by the person who requested the expert report.

 **France**

Yes. The Expert is authorised to have auxiliary staff (e. g. other expert) in a specialty other than his own. In civil cases this person is paid by the Expert, in administrative this person is paid by the court.

 **Germany**

Yes. Although the CAE has the duty to make his expertise “in person”, he is allowed to have assistance, providing that he controls and supervises his auxiliary staff (§ 12 Abs. 1 Satz 2 Nr. 1 JRAA (JVEG)). Generally this applies also to the PAE.

 **Luxembourg**

Yes. The Expert can always ask assistance from other Experts, persons, if this is necessary fro the successful accomplishment of his mission.

 **Netherlands**
Civil:

Yes. This is generally known as ‘hulppersoon’. Parties must be informed of the person and the questions asked to this assistant and the exact part of the expert opinion is worked on. All costs are to be reclaimed with the final bill of the Expert.

Criminal/Administrative:

Yes. But the Expert needs confirmation of the judge that the extra help is mandatory and the court needs to approve the payment.

 **Poland**

Yes. The Expert is permitted to have assistance and he can reclaim the costs for this. There are no requirements.

 **Portugal**

Experts are permitted to carry out all the necessary diligences and procedures for their tasks. That includes assistance or required examinations. These additional costs will only be covered by the Expert’s compensation if they have been authorised by the Judge.

 **Romania**

Yes. It is not common to have assistance on judicial expertise missions. The courts appoint judicial Experts for their personal knowledge, so that the reason for assistance is required to be clarified. Such clarification may need the court review, and in case it is needed, the court may agree on the assistance and to which limits and costs.

 **Serbia**

This is not anticipated in the Law on CAEs. Judges never object on this matter. It is not anticipated to reclaim the costs of the assistance.

 **Spain**

Yes. The assistant must be an Expert on the matter and it is permitted to reclaim the costs of the assistance.

 **UK**

Yes. The Expert is permitted to have assistance and is expected to use assistants where appropriate in order to reduce the fees of the Expert which are chargeable. The assistance should be at an appropriate level, by suitably qualified persons who should have their details shown in the Report and whether or not the Expert has supervised their work. Secretarial assistance is not normally chargeable as this is expected to be included within the expert's fee.

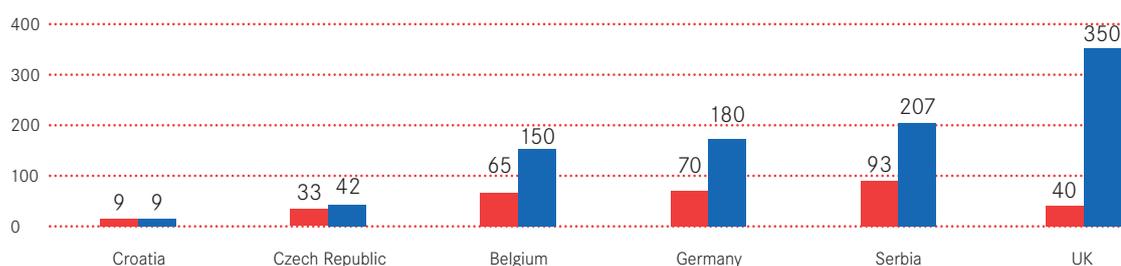


**What is the range for Expert's fees (show highest and lowest)?
Is there an average or usual fee for an Expert?**

	Average/usual fee
Austria	/
Belgium	€ 90/hour - € 150/hour (civil); € 65/hour - € 109/hour (criminal)
Croatia	€ 9/hour; € 500/expert opinion
Czech Republic	€ 33/hour - € 42/hour
France	€ 81/hour; € 2.200/expert opinion
Germany	€ 70/hour - € 180/hour
Luxembourg	/
Netherlands	€ 142,75/hour maximum fee
Poland	€ 5,40/hour - € 7,60/hour
Portugal	€ 102
Romania	€ 500/expert opinion - € 600/expert opinion
Serbia	€ 93/hour - € 207/hour
Spain	€ 300/expert opinion - € 6.000/expert opinion
UK	€ 210/hour



Examples Remuneration in €/hour (Min./Max)



 **Austria**

It cannot be given an average fee, because it depends on the income earned by the Expert outside of court appointment and there are no surveys on this subject.

 **Belgium**
Civil:

Since the hourly rate is free, it can be very variable. The low average is around €90 and the high average around €150, but much higher levels can be found. It all depends on the qualifications and professional skills of the Expert.

Criminal:

From €108.69 to €64.42.

 **Croatia**

The hourly gross fee of HRK 70 (about €9) has been unchanged for 25 years. The average fee (which will, naturally, depend on complexity of the case) should amount to about €500.¹⁰

 **Czech Republic**

The basic hourly rate is between €33 and €42 + VAT. There is no average or typical fee for an Expert.

 **France**

There is no certain average expert fee, roughly estimated about €2.200 per expertise, €81 per hour. The lowest fees are found in medicine that can start at €57,50 for a body lift. They can reach €40.000 to €50.000 in building expertise, accounting or engineering. 50 percent of court reports are over €1.200.

Some Examples:

- Expertise in construction matters: average fee €3.500
- Mediac Reports: average fee €600
- Expertise in traffic and vehicle matters: average fee €1.500

 **Germany**

The remuneration of a PAE is between €75 and €180 per hour plus VAT. The CAE compensation fee ranges from €70 to €155 plus VAT. The lowest hourly rate for a CAE is €70/h for textiles, leather, furs, the highest is accident cause determination with €155/h.

 **Luxembourg**

Each Expert determines his own hourly rate.

 **Netherlands**
Civil:

A range of minimum to maximum can not generally be stated (see answer to question 1).

Criminal/Administrative:

There is only a general maximum rate of €142,75 per hour. There is no average or usual fee for an Expert.

¹⁰ The tariff of permanent Court Experts and valuers is still unknown (to be regulated by the new Rulebook) at the period of answering the questions.

 **Poland**

The expert's fee is accounted on the basis of hours worked, calculating the rates as follows:

Basic rate = 1.28% - 1.81% x the base amount determined each year in the Budget Act;

Rate for the Doctorate = 2.55% x the base amount;

Rate for Doctor habilitatus = 3.08% x the base amount;

Rate for the Professor = 3.93% x the base amount.

The exception is the expert opinion in medical disciplines for which the rate is calculated for specific actions, without specifying the hours worked (eg. "to determine the invalidity, disability or inability to work and their degree" = 3.72 - 14.43 x the base amount, "examination of corpses and human remains in the place of finding them" = 4.67 - 16.02 x the base amount, etc.). Similarly, in the case of geodesy and cartography. In 2023 the base amount is 1789,42 PLN. It means that basic rate for 1-hour work of an Expert varies from 22,90 PLN (1,28%) to 32,39 PLN (1,81%). It can be increased by half if the case is very complex. It can be increased to 95% of the base amount if an Expert is from abroad, but this rule pertains only to criminal cases.

 **Portugal**

An average fee cannot be specified, as the fee, although based on a multiple of €102 U.C., is proposed by the Expert on a case-by-case basis and subject to approval or reduction by the Judge.

 **Romania**

In the judicial expertise, for example real estate valuation, the expert's fee varies from €250 to €2000. Depending on particularities, volume, complexity the fee may be even higher but are exceptional. The usual fee varies from €500 to €600.

 **Serbia**

According to the Report "Examining the Experts" from 2018, the fees are differing by great rate:

"68. Statistical findings show that variances do exist in the average fees paid across different courts; variances are highest between Commercial Courts and Basic Courts. For example, the average fee paid for expert work in the Basic Court in Užice is RSD 10.883 (approx. €93) while an expertise is charged in average RSD 24.316 in the Commercial Court in Užice (approx. €207)".

 **Spain**

The medium highest €6.000. The medium lowest €300. There is not an average fee.

 **UK**

It is difficult to give an accurate range as there is no regulation and statistics are not available. One recent survey showed the highest fee as £ 480 per hour and the lowest at £ 30 with the average at £ 174 per hour whereas another showed the highest at £ 699, the lowest at £ 48 and the average at £ 183.

9

9

Can the Expert receive either fees in advance or stage payments?

	Advance/stage payments
Austria	✓
Belgium	✓(civil); - (criminal)
Croatia	✓
Czech Republic	✓
France	✓
Germany	✓
Luxembourg	✓
Netherlands	-
Poland	-
Portugal	✓
Romania	✓
Serbia	-
Spain	✓
UK	✓

 Austria

Yes. If the Expert applies for it an adequate amount in advance must be paid. There is also the possibility to apply multiple advance payments, when the work of the Expert takes a longer period of time.

Although the Fee Entitlement Act prescribes, that there should be only one single decision about the expert's fee to cover his remuneration, the case law of courts of first-instance allow the settlement of fees in several stages.

 Belgium
Civil:

Yes. The Judicial Code clearly defines this in Article 987:

“The judge may fix the advance that each party is required to deposit at the registry or at the credit institution agreed by the parties, as well as the time limit within which he must fulfil this obligation. The court may not impose this obligation on a party who, in accordance with Article 1017, paragraph 2, or by virtue of an agreement between the parties in accordance with Article 1017, paragraph 1, may not be ordered to pay costs. The King may, by decree deliberated in the Council of Ministers, set the terms of the deposit. If the designated party fails to comply, the earliest party may deposit the advance on costs.

The judge may determine the reasonable part of the advance payment to be released in order to cover the expert's costs. The Expert subject to VAT informs the judge, who expressly states whether the amount released should be increased by VAT.

As soon as the advance payment is deposited, the party designated by the judge for the payment informs the Expert. The party making the payment shall hand over proof of payment to the Expert. If the designated party fails to do so, the more diligent party may inform the Expert. If necessary, the registry or the credit institution shall pay the released part to the Expert”.

Criminal:

No.

 **Croatia**¹¹

Yes. The court can advance up to half of the envisaged amount to the Expert, provided that the party has to pay the full amount after issuance of the final invoice. This amount remains on the court's account. In most difficult cases, the Attorney's office shall pay the advance to the Expert according to the agreement.

 **Czech Republic**

Yes. Especially to compensate his cash expenditures, e.g. in cases of travel and other costs, e. g. photocopies, tests and costs related to the cooperation with a consultant.

 **France**

Yes. In civil proceedings, the applicant has to file a desposit for the appointed Expert. The Expert may request additional fees. The Expert will be paid after the filing of his report. In administrative matters, the Expert applies for a provisional allowance. He will start the expertise only after being paid.

 **Germany**

Yes. The CAE as well as the PAE can claim fees in advance and stage payments. The CAE has to request the advanced payments in case of high travel costs or other expenses or if partial services of at least € 1,000 have already been rendered (§ 3 JRAA (JVEG)).

The PAE has to make an agreement with his client. If he doesn't, he can only claim the compensation after he finished his expert opinion.

 **Luxembourg**

Yes. Usually the Expert asks for an advance fee. In case of CAE's the advance fee is determined by the judge as well as the date limit it has to be paid.

 **Netherlands**
Civil:

No. The Expert may not receive fees or other advance payments. The Expert may only send the bill when the final expert opinion is sent to the court. The court however receives payment by one or both parties in advance.

Criminal/Administrative:

No. Reimbursement is after the expert opinion is sent to the court.

 **Poland**

No. But there are some exceptions, mostly when Experts from abroad are engaged.

 **Portugal**

Yes. Advanced payments are indeed possible. This is most commonly utilised when Experts are required to travel overseas, specifically to the Madeira or Azores islands, where travel costs become significant.

¹¹ The tariff of permanent Court Experts and valuers is still unknown (to be regulated by the new Rulebook) at the period of answering the questions.

 **Romania**

Yes. The court may agree to partial payments to the judicial Expert, but these payments should be for essential expenses in order to finalise the expertise.

 **Serbia**

CAE fees are paid out of court deposit based on advance payments made by parties. Even when the Expert submits his opinion and the advance payment is in the court deposit account, the judges do not issue an order to reimburse the Expert.

According to the Report “Examining the Experts” from 2018, the delays in paying the Expert in criminal proceedings (but also in civil proceedings) are:

“Examining the Experts”, 2018:

“70. Courts and public prosecutor’s offices significantly delay reimbursing Experts in criminal proceedings and during the criminal investigation process. Data obtained from the Supreme Cassation Court shows significant court arrears for payment of external services during court proceedings and investigation process which, among other things, includes the reimbursement of Experts. In the courts analysed, these arrears range from RSD 62,040,888 (approx. half a million EUR) for the Belgrade First Basic Court to RSD 3,183,167 (approx. €25,000) in smaller courts such as the Užice Basic Court.”

“There is a weak regulatory framework concerning the engagement of Experts and payment for their services which causes uncertainty around when (i.e. at which point during the process) and how much Experts will be paid. On the other hand, the ‘services’ budget of courts and public prosecutor’s offices are constantly falling short of what is required to eliminate arrears accumulation.”

 **Spain**

Yes.

 **UK**

Yes. It is usual for fees to date to be payable when the report is completed. In long assignments the practice of advance or regular amounts ‘on account’ is quite common. It is particularly found in cases in the construction industry.

10

Can there be deviations from any fee tariff that is in force? If so, what?

	Deviations from fee tariff
Austria	/
Belgium	✓(civil); - (criminal)
Croatia	✓
Czech Republic	✓
France	✓
Germany	✓/ -
Luxembourg	✓
Netherlands	✓
Poland	-
Portugal	✓
Romania	/
Serbia	✓
Spain	✓
UK	/

10

 Austria

Yes. The PAE can make contract-agreements about the extent of his compensation. But he has to heed the code of ethics.

The CAE can get a higher fee with the consent of the parties. It is also possible – in discretion of the court – to reduce the fee by up to one fourth (25%) for the expert's work when he is culpable of delay or deficiencies in his work as an Expert.

 Belgium
Civil:

Yes. The tariff for the expert's services must be notified to the parties at the latest at the first working meeting and, as far as possible, an evaluation of the overall cost of the expertise must be provided. Any modification must be notified to the parties, but it should not be forgotten that in the end it is the judge who approves the expert's statement of costs and fees.

Criminal: No.

 Croatia¹²

Yes. This is possible in specific and more complex cases, where the Experts need to invest more time to process the case and prepare their expertise. However, these are not typical cases.

 Czech Republic

Yes. The basic hourly rates can be increased up to 20% in extraordinary difficult cases and up to 50% in cases of express delivery or night work. If the Expert did not perform an expert act in accordance with the requirements established by law or within the specified period, the reward can be reduced up to 50%. In the case of a particularly serious case of poor performance of an expert's work, the remuneration can be reduced by more than 50% or completely denied.

¹² The tariff of permanent Court Experts and valuers is still unknown (to be regulated by the new Rulebook) at the period of answering the questions.

 **France**

Yes. For expertise that requires many hours of work.

 **Germany**

Yes. Although a deviation from the fee tariff of CAEs is basically not allowed. Only in case of an agreement of both parties or of one party and the court, is it possible to deviate from the fee tariff – twice the statutory hourly rate should not be exceeded (§ 13 Abs. 2 JRAA/JVEG). If the Expert or the interpreter renders his service between 11 p.m. and 6 a.m. or on Sundays or public holidays, the fee increases by 20 percent if the appointing court determines that it is necessary to render the service at this time (§9 Abs. 6 JRAA/JVEG).

If the Expert is not listed in this legal tariff, his hourly rate is based on the remuneration of the out-of-court hourly rates; it may not exceed the highest statutory hourly rate (§9 Abs. 2 Satz 1 JRAA/JVEG).

 **Luxembourg**

Yes. Each Expert determines his own hourly rate.

 **Netherlands**
Civil:

Yes. There are deviations (see answer to question 1).

Criminal/Administrative:

Yes. The rates are increased by half in these cases:

Working on Saturdays, Sundays or holidays (Article 7 (a), (b) and c of the Court Fees in Criminal Cases Decree 2003); Working between 00.00 and 08.00 or between 20.00 and 24.00 (Article 7 (d) of the Court Fees in Criminal Cases Decree 2003). In rare cases, if only one person is available because of the speciality, there is a deviation possible, but that is only in practice, not laid down in rules.

 **Poland**

In principle the answer is „No“ but the flat-rate tariffs often have identified salary scales. In addition, in some cases the Expert can choose that he wants to calculate the fee by hours and not by tariffs. Also, as it was mentioned, in criminal cases the hourly fee might be increased to 95% of the base amount if the Expert is from abroad.

 **Portugal**

Yes. Fees can vary significantly based on the complexity and difficulty of the expertise. It's important to note that the amount the Expert requests can be approved or reduced by the Judge, and in certain cases, the parties involved can contest the fees.

 **Romania**

According to the Romanian law, in what regards judicial expertise activity there are not predefined fee tariffs.

 **Serbia**

Yes (see answer to question 8).

 **Spain**

Yes. Usually when the documents provided are wrong and the Expert has to search for further information and updated documents, there can be deviations from the fee tariff.

 **UK**

Basically there are no fee tariffs operating in the UK. However where there are, for example legally aided cases, there is usually an exception clause to give discretion to allow higher fees. It is an exception not a norm.



How does the Expert ensure that he is paid and what remedies are available to him if he is not?

 **Austria**

The claim of the Expert against the state is ensured by the Rules. If he wants to get the full amount of his income outside of court, he has to waive the State compensation and collect his fee from the parties. This can be risky, unless advance payments were made to cover the costs. To avoid this risk, the Expert can claim against the State but only the mentioned tariffs of the FEA or the hourly rate – based on the income outside of court – with a reduction of 20%.

 **Belgium**

Civil:

The Expert may request additional advance payments on the fees that have been deposited at the court registry or in a financial institution. When this advance is expended, the Expert may ask the judge to request an additional advance from one or more of the parties. When the Expert opinion is completed and the judge has approved the statement of costs and fees, the assessment judgment is enforceable. The party or parties who have made the advance payment must pay the remaining balance, if not all legal means may be used, including law enforcement, in the recovery of the payment if necessary. However, if the person or the company who must pay the costs and fees is insolvent, there is a risk of not being paid in full at the end of the expertise.

Criminal:

The request for payment is made via the Just-on-web platform of the Ministry of Justice. The „experts“ application is used to enter statements of costs and to monitor approval and payment. In general, if the report has been approved by the requesting authority, the Expert is certain to be paid.



 **Croatia**

The Expert needs to ensure payment in advance into the court account and he should not deliver his expertise unless the full amount is on the court's account. It is up to the judge to then ensure the Expert is paid by the court.

Unfortunately although some judges are interested in making sure that the Expert receives his remuneration others are not. Some finalise the case and archive the item without paying the Experts remuneration. Some send the case to the court of higher instance and the Expert might wait for years until the case returns to the court of lower instance when the Expert has to try to get paid.

According to the Law on Civil Procedure, Experts can carry out enforcement against the court in order to collect their account.

 **Czech Republic**

According to law the judges or the public authorities are obliged to decide about the remuneration without unreasonable delay; at the latest within two months after the submitting of the expert opinion. Remuneration must be paid at the latest by 30 days after the decision comes into force.

 **France**

In civil proceedings a deposit is filed with the appointment, so remuneration is guaranteed. The amount and debtor of the advance are determined in the appointment decision. After the report is submitted, the final compensation will be determined and paid by the court

 **Germany**

Against court order that reduces or refuses his justifiable remuneration the Expert can enter caveat (§ 4 JRAA/JVEG). The PAE has to sue to enforce his claim.

 **Luxembourg**

Usually the Expert asks for an advance payment before beginning his work on the case. Once the report is ready to be send, the Expert will ask for full payment and hands over the report only after payment.

 **Netherlands**
Civil:

CAE are paid by the court as an intermediate instance. The court has ordered one or both parties to pay the indicated costst of the expert's opinion in advance to the court. PAE come to an agreement on payment and payments terms in individual contracts.

Criminal:

In criminal matters the Experts are appointed by the public prosecutor and/or judges, depending on whether they are in the NRGD or not. The fees are paid by the public prosecutor's (PP) office. If the court or the PP office does not pay there is a contractual (civil) case.

Administrative:

The fees are paid by the court. If the court does not pay there is a contractual (civil) case.

 **Poland**

The court informs the Expert that the remuneration has been granted. In cases of dispute, the Expert is entitled to appeal to the court authorities.

 **Portugal**

The remuneration of the Expert is granted by law.

Generally, the court does not remunerate the Expert until the parties involved have settled their fees with the court. Consequently, in most instances, the judge issues an order requiring the parties to make a pre-expertise payment.

Court administrative processes often proceed at a leisurely pace, resulting in frequent delays in payments. In the event of excessive delays or non-payment, experts can formally appeal to the responsible Judge.

 **Romania**

The payments of the fees are made by the litigant parties, at the indication of the court, to the local judicial expert office. The local judicial expert office informs the appointed Expert that the fees would have been paid by the parties. Once the judicial report is approved by the court, the CAPE will address the final fee (also approved by the court) to the local judicial expert office to receive the remuneration. If the final fee asked by the Expert is not approved, the Expert has no legal remedies against the judge's decision.

 **Serbia**

There is no regulatory requirement at which point of the court proceeding the Expert is being paid.

The CAE does not start the report until the advance payment is proofed and obtained.

There is no reason for courts not to pay the Experts as soon as he submits the report to the court, since the funds are already available in the court deposit accounts after the advance is paid by the parties. However, the delays may take years.

The only remedy available to Experts to obtain their fees after finishing the report, would be to settle the claim through enforced collection.

 **Spain**

In civil matters the Expert is allowed to ask for an advance payment. If the advance payment is not made, the Expert is released from making the report. However, if the Expert does his report and it is not paid he can sue the debtor. In criminal matters it is more difficult as he must complain to the administration or to the debtor who, in most of the cases, is insolvent.

 **UK**

With difficulty! The starting point to getting paid is the Agreement appointing the Expert which should contain payment terms which are contractually enforceable. The terms should include the provision of dates or stages in the work when fees are payable for example completion of the Report. In the event that the fees are not paid the Expert is entitled to cease work until payment is received. The Expert can take enforcement action for breach of contract to recover the fees and costs involved. These steps can produce both ethical and commercial difficulties. There have been instances where the courts have refused to order an Expert to attend court to give evidence when the fees have not been paid.

12

12

Do Experts charge cancellation fees? If yes, on what basis?

	Cancellation fees
Austria	✓ / -
Croatia	-
Czech Republic	✓
Germany	✓ / -
Luxembourg	-
Netherlands	✓ / -
Poland	-
Portugal	✓ / -
Serbia	-
Spain	-
UK	✓



Austria

No. The CAE cannot claim cancellation fees.

If the expert's work cannot be finished without his fault, he can claim charges for the services provided and executed.

The PAE can charge cancellation fees if it is agreed.



Croatia

No. Unfortunately, despite all irregularities and exposures of the Experts mentioned above, we have not yet experienced the charging of cancellation fees.



Czech Republic

Yes. It depends on the agreement between the Expert and parties. If the expert's opinion is no longer needed, because litigation ends up without a final decision of the court (e.g. a settlement between the parties), the Expert can partially claim charges for the services provided and executed.



Germany

The CAE cannot claim cancellation fees. However, if the expert's opinion is no longer needed, because litigation ends up without a final decision of the court (e.g. a settlement between the parties) the Expert can partially claim the fees and additional payments by the time his appointment ends. If his expert opinion is not usable because of the Expert's fault (e.g. he acted grossly negligent by not disclosing a conflict of interest) he can lose the whole remuneration.

The PAE can charge cancellation fees if it is agreed.

 **Luxembourg**

No.

 **Netherlands**

When cancellation of the appointment is due to the fact that parties come to an agreement before the mission has started, the Expert in general may not send a bill. According to the standard procedure he may not have done any work. When cancellation appears during the mission of the Expert, the Expert may bill the performed work.

 **Poland**

No.

 **Portugal**

This is not a common practice, but under certain circumstances, Experts may seek compensation for services or expenses already incurred. The Judge in charge will decide based on principles of fairness and proportionality.

 **Serbia**

No.

 **Spain**

No. But they can charge for any expense that had been incurred e.g. photocopies, travel costs or payments for obtaining official documents.

 **UK**

Subject to the Agreement (the contract between the Expert and those instructing), cancellation fees can be charged. There is no absolute but there is normally a scale taking into account the length of notice given, the amount of time which has been reserved and the effect on the Expert's practice. As an example if 1 month has been reserved for a trial and cancellation is received the day before the trial, the effect on the Expert's practice is likely to be greater than if 2 weeks' notice was given for a half a day's work. Cancellation fees are not liked by the legal profession and some, including the Legal Aid Agency, decline to pay them.

Standards



Code of practice within EuroExpert

Preamble

This Code of Practice shows minimum standards of practice that should be maintained by all Experts. It is recognized that there are different systems of law and many jurisdictions in Europe, any of which may impose additional duties and responsibilities which must be complied with by the Expert. There are in addition to the Code of Practice, General Professional Principles with which an Expert should comply.

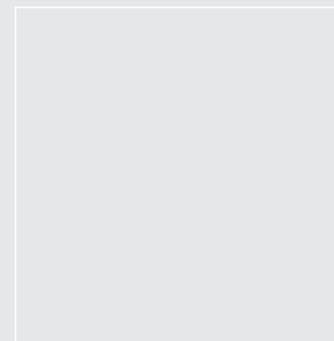
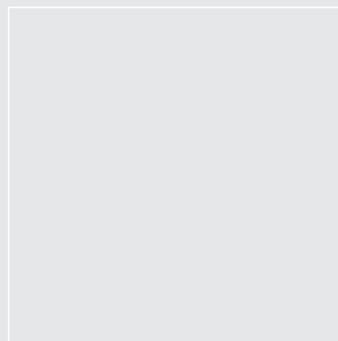
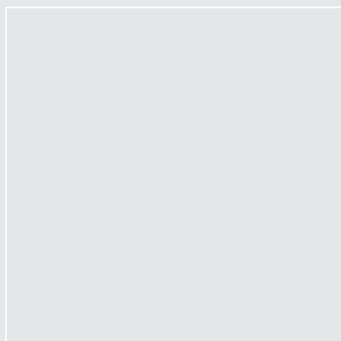
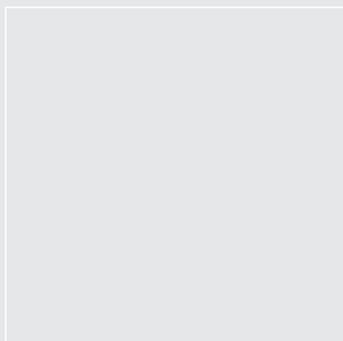
These include the Expert:

- Being a „fit and proper“ person
- Having and maintaining a high standard of technical knowledge and practical experience in their professional field
- Keeping their knowledge up to date both in their expertise and as Experts and undertaking appropriate continuing professional developments and training.

The Code

1. Experts shall not do anything in the course of practising as an Expert, in any manner which compromises or impairs or is likely to compromise or impair any of the following:
 - a. the Expert's independence, impartiality, objectivity and integrity,
 - b. the Expert's duty to the Court or Tribunal,
 - c. the good repute of the Expert or of Experts generally,
 - d. the Expert's proper standard of work,
 - e. the Expert's duty to maintain confidentiality.
2. An Expert who is retained or employed in any contentious proceeding shall not enter into any arrangement which could compromise his impartiality nor make his fee dependent on the outcome of the case nor should he accept any benefits other than his fee and expenses.
3. An Expert should not accept instructions in any matter where there is an actual or potential conflict of interests. Notwithstanding this rule, if full disclosure is made to the judge or to those appointing him, the Expert may in appropriate cases accept instructions when those concerned specifically acknowledge the disclosure. Should an actual or potential conflict occur after instructions have been accepted, the Expert shall immediately notify all concerned and in appropriate cases resign his appointment.
4. An Expert shall for the protection of his client maintain with a reputable insurer proper insurance for an adequate indemnity.
5. Experts shall not publicise their practices in any manner which may reasonably be regarded as being in bad taste. Publicity must not be inaccurate or misleading in any way.

(First adopted 2001, last reviewed and reaffirmed 2019)



Within the European Union and the member associations of EuroExpert the acceptance of individual members as experts is characterised by different procedures and designations.

- In some countries experts are accepted by demonstrating their competence in an application procedure by the association
- other experts are registered by the courts and have to demonstrate their qualification to these authorities
- others accept members through a third party certification by private or public authorities

The experts are then called recognized, accredited, certified, registered etc.

One of the aims of EuroExpert is the

- Development,
- Promotion,
- Convergence

of and education in common ethical and professional standards for experts within the European Union, based upon the principles of high qualification. The code of Practise, adopted within EuroExpert, includes the expert being a "fit and proper" person, having and maintaining a high standard of technical knowledge and practical experience in their professional field.

To assure these high standards the associations of EuroExpert shall have the following requirements for the acceptance and maintaining of individual membership as expert:

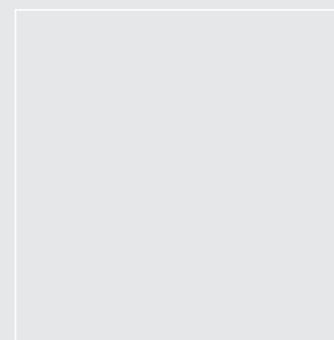
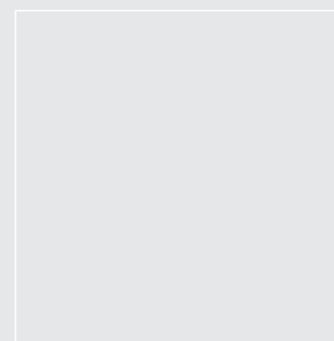
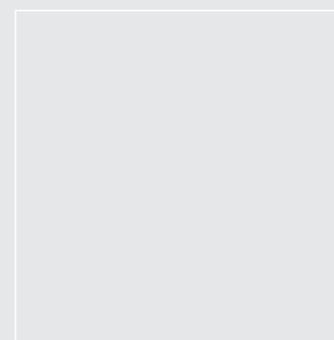
To be registered in a EuroExpert member association the applicant has to demonstrate to the association or the relevant authorities that:

- He has appropriate qualifications, training, experience and a satisfactory knowledge of the requirements of the work to be carried out as expert. This includes that the applicant has sufficient practical experience in his field of activity and in his scope of expertise.
- He has demonstrated his competence by submitting a proper documentation (e.g. CV, copies of certificates for all relevant Academic and Professional qualifications, work experience and experience as expert, referees, reports, training).
- He has given evidence of his competence as expert by oral, written, practical, a combination of the before mentioned methods, or other assessment, to a committee or instructed specialists with appropriate knowledge and experience in the field of activity of the applying candidate.

The association shall have adopted policies which:

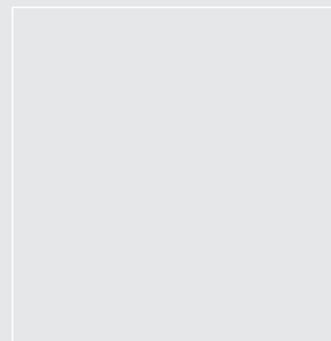
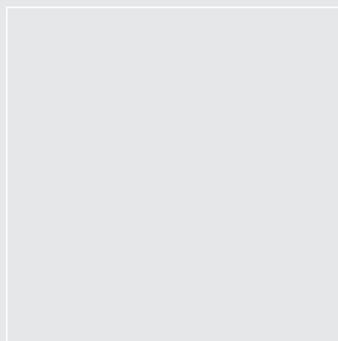
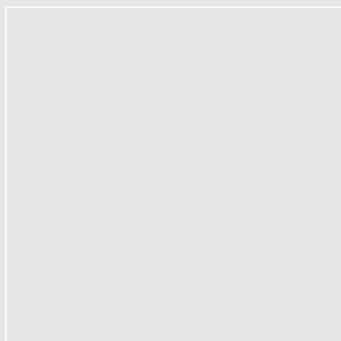
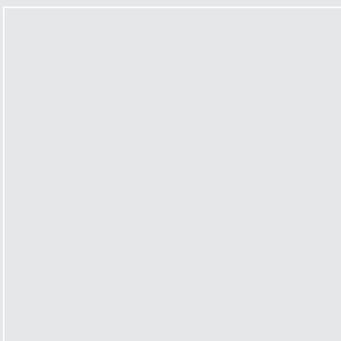
1. maintain **confidentiality** of all information obtained in the process of its activities concerning membership.

Association Standards within EuroExpert



2. comply with the laws and regulations governing the processing of personal data, including, but not limited to, Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (the “GDPR”) and any other national applicable laws or regulations governing the processing of personal data in the framework of the Services.
3. define a **development process** (e.g. further training, Continuing professional development) to monitor members’ compliance to the actual technical and ethical standards required in the field of their expert activity.
4. define **policies and procedures** for granting, maintaining, renewing, suspending or withdrawal of membership

(First adopted 2003, last reviewed and reaffirmed 2020)



General Requirements for experts reports

A Report is a document that records (i) the instructions in respect of the assignment, (ii) the basis and purpose of the report, and (iii) the analysis and reasoning that have led to (iv) the opinion and conclusion arrived at by the expert.

The type, content and length of a report will vary according to the intended user, legal requirements and the nature and complexity of the assignment.

Expert reports should have a logical structure and a clearly organised layout with objective and verifiable justification for all opinions and conclusions expressed. The report should demonstrate clarity, impartiality, and consistency of approaches.

Prior to accepting an appointment as an expert, an expert must satisfy himself that he does not have any conflict of interests and carefully identify the issues to be addressed and be satisfied that he has the experience, knowledge and expertise to complete the assignment competently and with required expedition.

Expert evidence shall be restricted to that which is reasonably required to assist e.g. the court or tribunal in resolving the proceedings. Expert evidence shall be given in a written report unless the expert is instructed otherwise or unless the court directs otherwise.

The expert shall perform his role at all times competently and diligently and this shall include (but shall not be limited to) compliance with any relevant procedural rules and any applicable code of practice or guidance pertaining to matters such as ethics, professional principles, competence, disclosure and reporting.

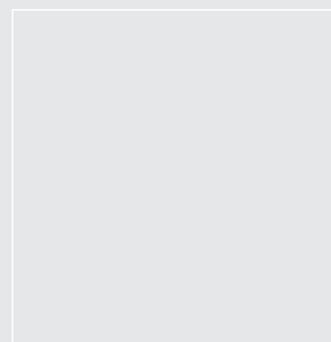
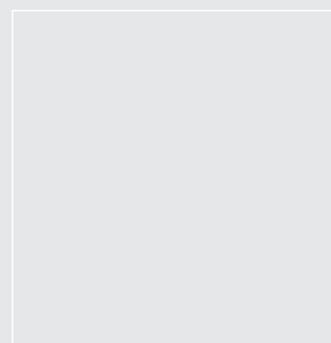
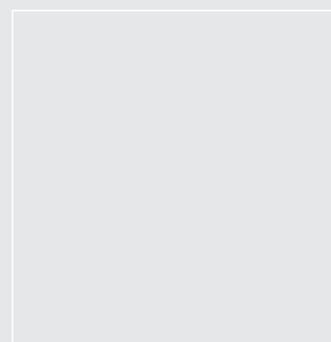
Further Requirements:

It is recognised that the different states within Europe have different laws, procedures and practices, any of which may impose additional or different requirements which must be complied with by experts providing services within or for use within any such jurisdiction.

An expert's report shall, unless otherwise agreed, instructed or legally required:

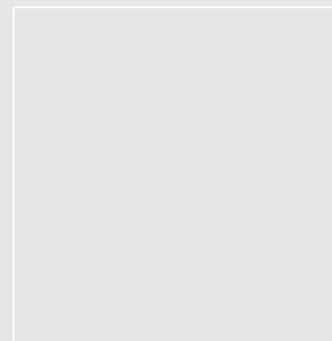
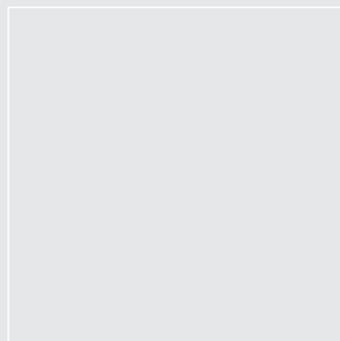
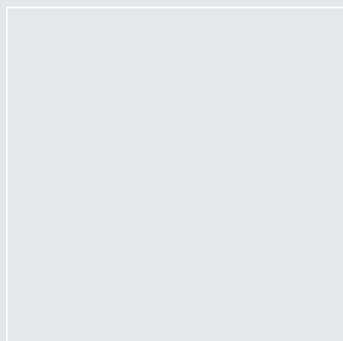
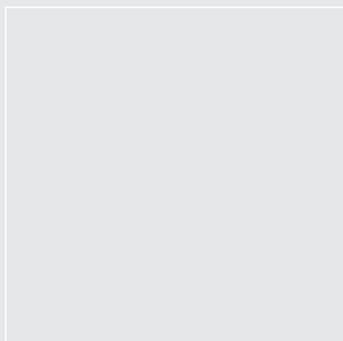
- specify the expert's name, his firm's name, his qualifications, expertise and comprehensive contact details.
- Identify the purpose and intended use of the report.
- identify the client or clients.
- contain a statement setting out the substance of the instructions given to the expert which are material to the opinions expressed in the report or upon which those opinions are based.
- give comprehensive details of any inspection, site visit, or tests undertaken by the expert, which shall include (but not limited to) the date and time and duration and the names of those present.
- give comprehensive information as to any staff and/or assistants and/or subcontractors involved in the production of the report and set out their contribution to the same.

Report
Standards
within
EuroExpert



- give details of any literature or other material which the expert has relied on in making the report. Sketches and photos should be used in particular where they provide useful illustrations or aid the understanding of the report.
- make clear which of the facts stated in the report are within the expert's own knowledge; descriptions based on the expert's own findings or tests must be clearly distinguished from those based on his instructions or derived from statements made by third parties.
- where tests of a scientific or technical nature have been carried out, experts should state the methodology used and by whom the tests were undertaken and under whose supervision, summarising their respective qualifications and experience.
- where there is a range of opinion on the matters dealt with in the report – the expert shall summarise the range of opinion, and give reasons for his own opinion. The basis for making qualified statements (e.g. as to certainty, possibility, range of probability or impossibility) and the inclusion of any restrictions, limitations or caveats in respect of expressed opinions in the expert's report should be clearly explained and justified.
- state those facts (whether assumed or otherwise) upon which the expert opinions are based. Experts must distinguish clearly between those facts which they know to be true and those facts which they assume or have received.
- contain a summary of the conclusions reached. The summary should give the reader of the report an overview of all significant opinions contained within the report. The conclusions in the expert opinion must be presented clearly and intelligibly so that they may be readily understood by a non-expert.
- be signed. When reports are transmitted electronically, an expert shall take reasonable steps to protect the integrity of the data/text in the report.

(First adopted 2006, last reviewed and reaffirmed 2020)



EuroExpert in its aims includes the development, promotion and convergence of and education in common ethical and professional standards for experts within the European Union, based upon the principles of high qualification. As part of this aim it has agreed a core curriculum for the training of expert witnesses.

Experts are required to be „fit and proper“ persons and both having and maintaining a high standard of technical knowledge and practical experience in their professional field. The curriculum is designed to enhance this.

■ **Codes of Practice:**

National/Regional Code of Practice for Experts (this includes the principles of the EuroExpert Code of Practice)

■ **Justice System:**

Overview of National Justice Systems including differences between the inquisitorial and adversarial system
Basic Law to include contract, tort, fees, advertising and liability

■ **Procedure Rules applicable to experts:**

Criminal
Civil
Others, where applicable

■ **Role & Responsibilities of The Expert:**

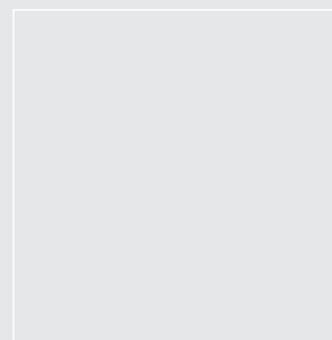
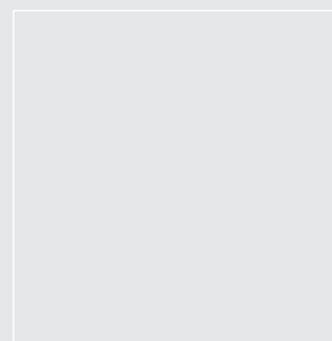
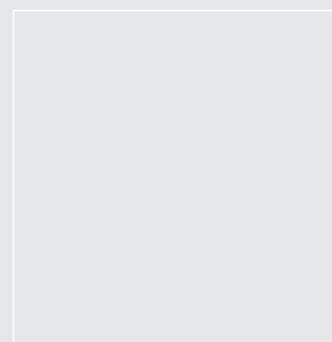
Appointment procedures
Terms of engagement
Conflicts of interest
Giving evidence including requirements for reports

■ **Alternatives to the Court Process:**

ADR including methods such as mediation and expert determination
The role of expert in different processes

(First adopted 2012, last reviewed and reaffirmed 2020)

EuroExpert Core Curriculum for the Training of Experts



EuroExpert Standard for Mediation Training

One of EuroExpert's objectives is the development, promotion and convergence of and education in common ethical and professional standards for experts within the European Union, based upon the principles of high qualification; integrity; independence; impartiality; objectivity and respect for confidentiality.

EuroExpert has, therefore, developed a standard for Mediation training in order to promote experts as highly qualified mediators in the field of Alternative Dispute Resolution (ADR).

The Requirements

- A) Courses complying with the EuroExpert standard for mediation training shall enable participants to meet technical and personal requirements as a mediator

Technical requirements include:

- General understanding of the methods of Dispute Resolution
- Knowledge of Mediation principles and philosophy
- Understanding the mediation process and the mediator's techniques

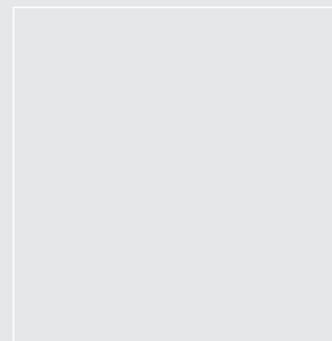
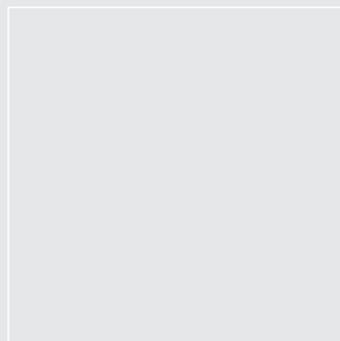
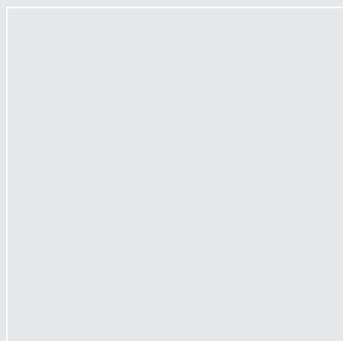
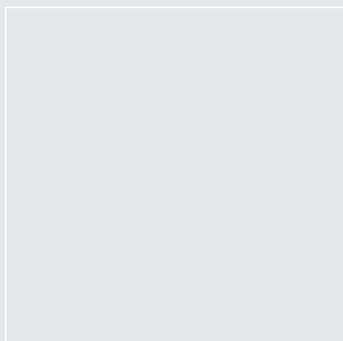
Personal Requirements include in addition to interpersonal skills, the ability

- to listen
- to communicate
- to inspire confidence and trust

- B) The standard specifies minimum requirements which ensure that organizations offering training schemes for mediators operate in a consistent, comparable and reliable manner. To provide this assurance,

- 1) The training organization shall ensure that it
 - uses qualified and experienced trainers/tutors to run the courses
 - it complies with any standards in force
 - only uses Courses that comply with appropriate EU- and national Standards
- 2) The training organisation shall adopt course requirements which include
 - A Minimum Training and assessment of 40 hours
 - 8 practical Role plays
 - Practical assessment of 3 hours
 - That Assessors should not normally have taught participants to be assessed

(First adopted 2005, last reviewed and reaffirmed 2020)



Expert

A person who, through professional qualification(s) with special skills, technical knowledge and practical experience in one or more discipline(s), has competence to give an opinion in the fields about which he/she is consulted.

The Expert in Court

Expert witness

An expert whose opinion on any matter within his expertise is used for giving evidence.

Court appointed Expert (CAE)

An expert witness appointed and instructed by the Court. The overriding or paramount duty is to assist the Court on the matters within his expertise.

Party Appointed Expert (PAE)

An expert witness appointed and instructed by one of the parties in a dispute. The overriding or paramount duty is to assist the Court on the matters within his expertise and this duty overrides any obligation to the party from whom he has received instructions or by whom he is paid.

Single Joint Expert (SJE)

As with the PAE except that the SJE is appointed and instructed by two or more parties involved in the dispute. The overriding or paramount duty is to assist the Court on the matters within his expertise and this duty overrides any obligation to the parties from whom he has received instructions or by whom he is paid.

Expert Adviser

The Expert is appointed by one of the parties as their consultant in the dispute.

Professional witness

A professional person, for example a doctor of medicine, who because of his professional knowledge is called as a witness of fact.

Expert evidence

Any evidence given by an expert in his capacity as an expert witness.

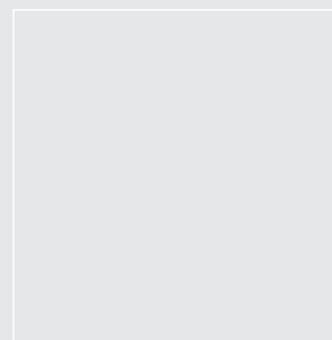
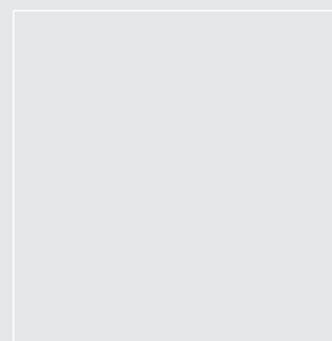
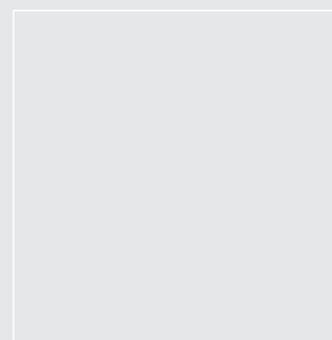
Litigation

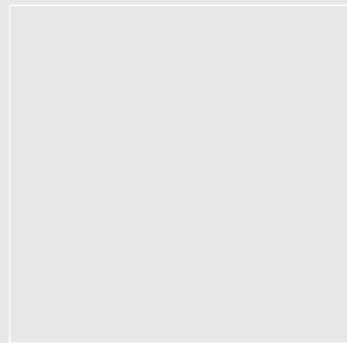
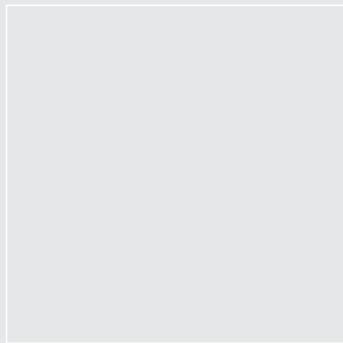
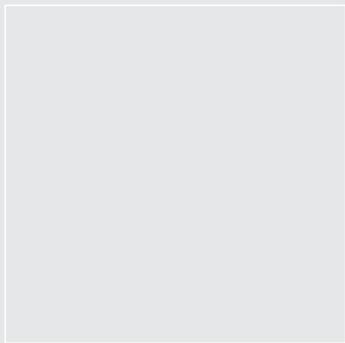
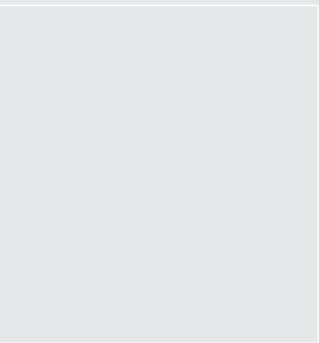
The taking of legal action in court.

Dispute

Disagreement leading to legal action.

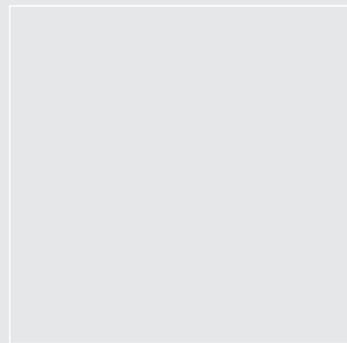
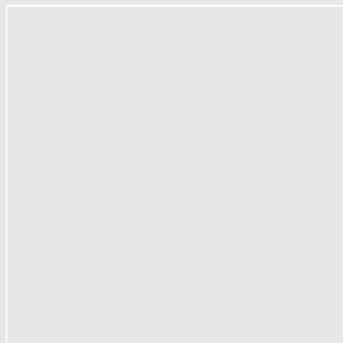
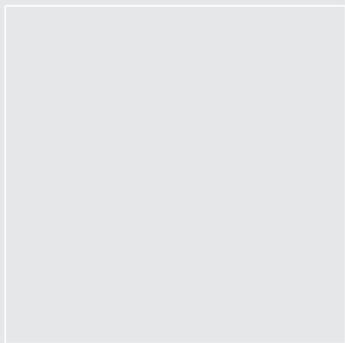
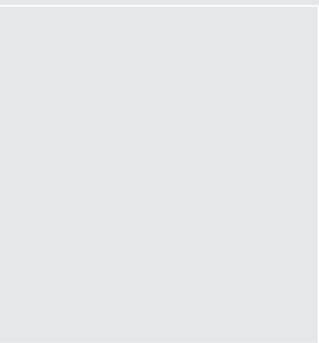
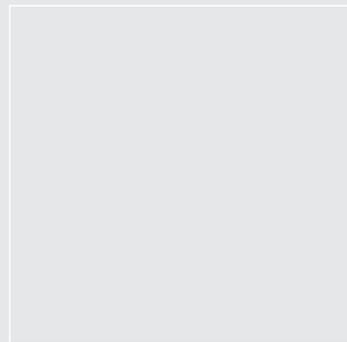
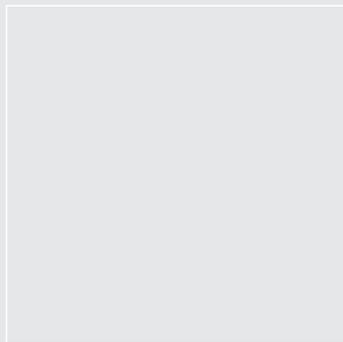
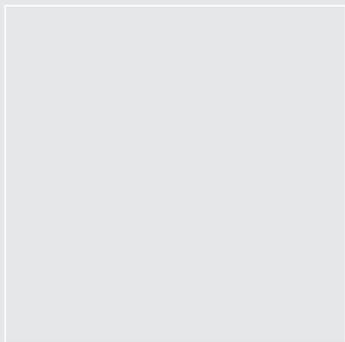
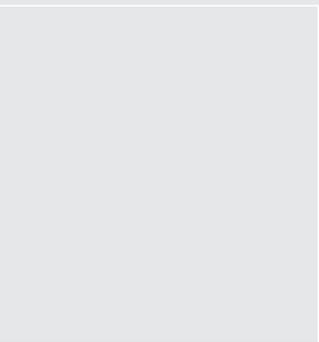
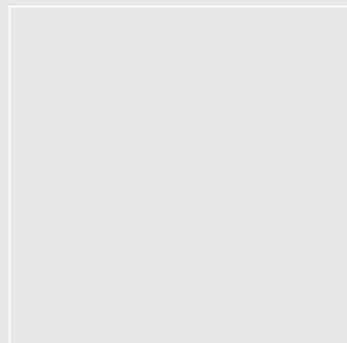
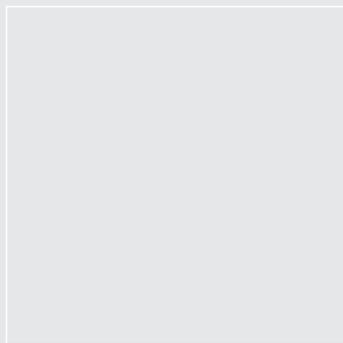
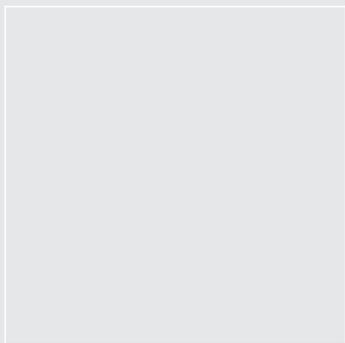
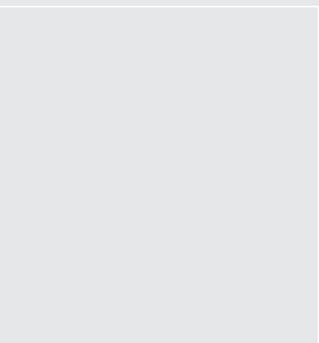
Language concerning the Use of Experts





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