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(CEPEJ)**

**WORKING GROUP ON THE EVALUATION OF JUDICIAL SYSTEMS
(CEPEJ-GT-EVAL)**

**Specific study of the CEPEJ on judicial experts
Contribution of the EEEI (European Expert and Expertise Institute)**

Note: This document is a contribution written by the EEEI on the basis of CEPEJ data and reports (mainly 2018 data) and enriched with its analyses, opinions and conclusions based on its networks and experience. The information and positions in this study are those of the authors and do not necessarily reflect the CEPEJ's official position. The CEPEJ cannot guarantee the accuracy of the data, analysis, opinions and/or conclusions of this study. Neither the CEPEJ nor any person acting on its behalf can be held responsible for the use which may be made of this information.

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JUDICIAL EXPERTS

This document is a contribution by members of the EEEI (European Expert and Expertise Institute), which is a think tank in the form of an association to which judges, lawyers, experts and academics belong collectively or individually and which aims to improve the quality of expertise in Europe.

For this study, the EEEI has used the 2018 statistics supplied by the CEPEJ, to which have been added analysis, opinions and conclusions based on its own experience and networks.

For the sake of continuity, the plan takes up the section on judicial experts from the CEPEJ's 2014 report on the efficiency and quality of justice, based on 2012 data.

JUDICIAL EXPERTS: A COMMUNITY IN SEARCH OF AN IDENTITY

Judicial experts are those experts certified or accredited by a court or other authority to make their experience available to the judiciary.

The expert's work is usually done individually and incidentally to his/her occupation, although it may be the primary activity in some fields such as forensic DNA profiling and is then mostly carried out by legal entities.

Experts contribute to the efficiency of justice by giving judges clear and reasoned replies on the specific and complex issues they have to deal with. The way in which expert evidence is used and overseen during legal proceedings determines the quality of the ruling and the duration of the case.

While the expertise is governed by the rules of evidence in every judicial system, the recruitment of experts, the ways in which they testify before the courts and their rights and obligations vary considerably. Their number differs meaningfully between states, and it is difficult to count them, since, firstly, there is no common definition of a judicial expert, secondly, information about them is not centralised, especially in the most populous countries, and thirdly, in the great majority of countries these experts are not represented at their respective national authorities.

However, following the 2014 report based on 2012 data, which noted that there was no consensus in Europe on either the definition of a judicial expert or the standards applying to experts and expertise, on 12 December 2014 CEPEJ adopted *Guidelines on the Role of Court-Appointed Experts in Judicial Proceedings of Council of Europe's Member States* (see below for the different types of judicial expert). Besides, the *Guide to Good Practices in Civil Judicial Expertise in the European Union* for both – experts appointed by the court and common-law experts – was published in October 2015. This guide was the outcome of a European consensus conference organised by the EEEI with financial support from the European Union's Directorate General for Justice.

These two documents show a genuine awakening to the importance regarding, firstly, of expert evidence in settling cases, even if the judge is under no obligation to accept an expert's conclusions, and secondly, of overseeing the quality of experts.

These works have also been an opportunity for a conceptual reflection on the definition of

the notion of judicial expert which is still being refined in the course of the exchanges between the CEPEJ and the states. It could induce in the near future variations in the terminology leading to another classification of the various types of experts which would better reflect reality.

Different types of judicial experts

Among the different types of experts met in the European states, whose missions are of a great variety, it is so far particularly distinguished between:

- **Experts appointed by the court** who provide the courts with scientific and technical knowledge to settle questions of fact;
- **Experts requested by the parties**, primarily in common-law systems, to offer their knowledge in support of the parties' arguments;
- **Legal experts** who are consulted by judges on specific legal issues, including those relating to foreign law, or are requested to assist the judge in his/her judicial work (without being involved in the ruling).

To this trilogy, other types of experts are now added, such as the authorities who give opinions in juvenile courts on the educational measures needed in the best interests of juvenile offenders.

At any rate, it is important not to confuse the **party's expert**, recruited and paid by a party to support the argument, with the **expert requested by the parties in the sense understood here, the best example of which is the expert *witness* in common law countries**. The latter, although designated and paid by a party, offers guarantees of quality and independence insofar as, because of the oath taken, he/she has more obligations towards the judge than towards the party that designated him/her and engages his/her criminal, civil and professional liability in the event of a breach of his/her duty of loyalty to the Justice.

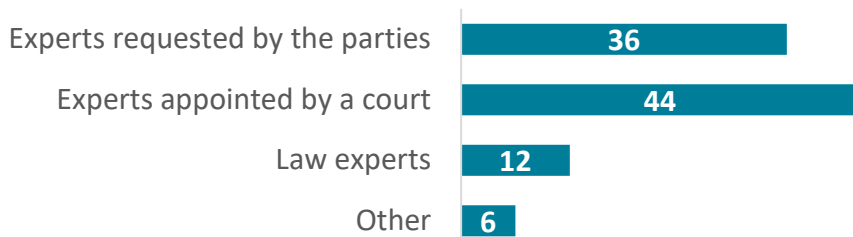
From this point of view, the expert *witness* who, contrary to his/her name, is not a witness insofar as his/her opinion goes beyond a simple statement of facts, is unquestionably a judicial expert who provides the judge with his/her assistance in the establishment of the truth. Conversely, the party's expert, who is very present in continental law countries, is not a judicial expert when he/she draws up a report which is added to the debates in support of the arguments of the party who recruited him/her, even if he/she is registered on the lists of judicial experts and acts in this capacity in other trials.

Thus, and contrary to the party's expert, the experts appointed by the court, the experts *witness*, the experts requested by the parties (the latter having the same duties towards the judge as the experts *witness* and the legal experts) are above all, whatever the author of their appointment and their remuneration, auxiliaries of the judge towards whom are formulated the same requirements of competence, independence and loyalty which justify that they are all grouped under the same denomination, that of judicial expert.

Table 3.1: Type of judicial experts in 2018 (Q202)

States/entities	Experts requested by the parties	Experts appointed by a court	Law experts	Other
ALB				
AND				
ARM				
AUT				
AZE				
BEL				
BIH				
BGR				
HRV				
CYP				
CZE				
DNK				
EST				
FIN				
FRA				
GEO				
DEU				
GRC				
HUN				
ISL				
IRL				
ITA				
LVA				
LTU				
LUX				
MLT				
MDA				
MCO				
MNE				
NLD				
MKD				
NOR				
POL				
PRT				
ROU				
RUS				
SRB				
SVK				
SVN				
ESP				
SWE				
CHE				
TUR				
UKR				
UK:ENG&WAL				
UK:NIR				
UK:SCO				
ISR				
KAZ				
MAR				
Yes	36	44	12	6
No	11	3	35	41
Total	47	47	47	47

Type of judicial experts in 2018 (Q202)



The majority of states (32 not including **Israel, Kazakhstan** and **Morocco**, which are not members of the Council of Europe) have both court-appointed and party-requested experts, while 11 member states have only court-appointed experts and three (**Cyprus, UK-Northern Ireland, UK-Scotland**) have only experts requested by the parties. The latter are *common law* countries.

Experts requested by the parties prove to be more present in *common law* countries.

Legal experts exist in 12 member states (**Estonia, Germany, Greece, Ireland, Luxembourg, Malta, Netherlands, Norway, Poland, the Russian Federation, Spain, UK-England and Wales**). Thus, since 2016, **Albania** and **Turkey** have disappeared from this list, while **UK-England** and **Wales** has joined it.

Since 2014, experts have appeared in six countries that do not fit into the classification used until now. This figure has remained the same since 2016 except that **France** has replaced **Lithuania** in this list, which includes **Denmark, France, Germany, Malta, Spain and Sweden**.

The slight statistical variations recorded since 2014 are more a result of a different understanding of the questionnaire or a laudable concern to be exhaustive in the reply provided than of a real change in the situation due to recent legislative changes.

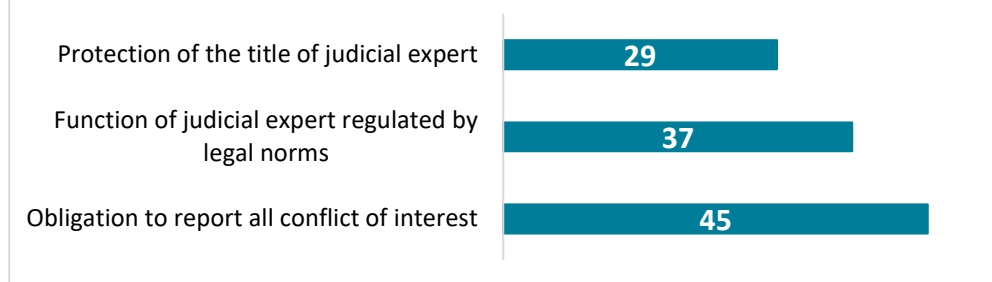
Thus, for example, the fact that **UK-Scotland** is joined by **UK-Northern Ireland**, which did not participate in the previous evaluation cycle, and by **Cyprus** in the list of countries that only have experts requested by the parties can perhaps be explained by a concern to simplify the reply. Although these three countries are all *common law* countries to varying degrees, it is questionable whether the judge has the right to appoint an expert as in **UK-England** and **Wales**. The EEEI report on the 2016 data had noted that concerning **UK-Scotland**, the authors were aware that, in civil cases a Scottish judge may decide that a particular question be “remit to a man of skill”.

Status of judicial experts

Table 3.2: Status of judicial experts in 2018 (Q203, Q204, Q204.1, Q207, Q207.1)

States/entities	Protection of the title of judicial expert	Function of judicial expert regulated by legal norms	Obligation to report all conflict of interest	Responsibility of courts to select judicial experts		Control of the progress of the expertise by the judge
				For recruitment and/or appointment for a specific term of office	For recruitment and/or appointment on an <i>ad hoc</i> basis, according to the specific needs of given proceedings	
ALB						
AND						
ARM						
AUT						
AZE						
BEL						
BIH						
BGR						
HRV						
CYP						
CZE						
DNK						
EST						
FIN						
FRA						
GEO						
DEU						
GRC						
HUN						
ISL						
IRL						
ITA						
LVA						
LTU						
LUX						
MLT						
MDA						
MCO						
MNE						
NLD						
MKD						
NOR						
POL						
PRT						
ROU						
RUS						
SRB						
SVK						
SVN						
ESP						
SWE						
CHE						
TUR						
UKR						
UK:ENG&WAL						
UK:NIR						
UK:SCO						
ISR						
KAZ						
MAR						
Yes	29	37	45	9	29	26
No or NAP	18	10	2	38	18	21
Total	47	47	47	47	47	47

Status of judicial experts in 2018 (Q203, Q204, Q204.1)



Protection of the judicial expert's title and function

29 countries protect the title of judicial expert compared to 31 in 2016.

Indeed, three countries (**Albania, Armenia, and Russian Federation**) changed their reply since the previous cycle and responded in the negative for 2018. In contrast, the **Netherlands** justified their positive reply for 2018 by the protection guaranteed only to experts in criminal matters.

Rules governing the activity of experts

37 countries indicated in 2018 to regulate the function compared to 38 in 2016. Indeed, the absence of rules framing the function seems to have spread to **France, the Netherlands and UK-Northern Ireland**, which had not participated in the previous evaluation cycle, without being fully compensated by those now enacted in **Germany and Greece**.

In **Germany** for example, the Code of Civil Procedure oblige the judge to set a deadline for the expert to submit his/her report, a law fixe the remuneration of experts and the process of recruiting experts by the Chambers of Commerce and Industry is formalized, even if it is beyond the control of the judicial authority. Furthermore, since the autumn of 2016, the expert is required to ask him/herself about possible conflicts of interest that could affect his/her independence and to inform the court and the parties without delay of elements that could characterize such a conflict.

In the light of these clarifications, the number of countries with rules governing the function should be considered to be 38, which is the same as in 2016, even though there have been changes in four states.

These rules are contained either within a Code of Procedure (**Albania, Armenia, Azerbaijan**) or an Administration of Justice Act (**Denmark**), or a specific law, or a combination of these three sources. They may also emanate from the Rules of the Superior Courts (**Ireland**). They may be limited to a single article which provides that the expert may participate in the judgment with the professional judges (**Sweden**) or they may extend beyond the provisions of a judicial Code to the point of including a Code of ethics (**Belgium**).

Nevertheless, the requirements addressed to judicial experts are very generally provided for by law.

The 2018 data confirm the observation that in most countries there are mandatory provisions

for the exercise of the function of judicial expert in the context of judicial proceedings.

As regards the time limits for completing the mission and submitting the expert report, in some cases the law sets a maximum time limit which the judge must take into account when determining the time limit in a particular case (e.g. **Albania, Croatia, Italy, Monaco, Northern Macedonia, , Portugal, Serbia**), while in other member states the law endows the judge with a general competence to determine the time limit in each specific case (e.g. **Austria, Azerbaijan, Denmark, Germany, Greece, Montenegro, Poland, Turkey**). In **Bulgaria**, the Code of Civil Procedure gives the judge a general competence, while the Code of Criminal Procedure distinguishes between the pre-trial phase, for which the judge is free to determine the time limits, and the trial phase, for which a specific limit is set. Similarly, in **Hungary** the civil judge has a general competence, while the criminal judge is bound by a legal obligation not to exceed a maximum time limit. In **Romania**, the principle is reversed and only the civil judge is bound by a legal limit. In **Ireland**, the court determines, where necessary and in consultation with the parties, the time required for the provision of a report or evidence.

In the **Slovak Republic**, the law does not establish a time limit for providing the expertise and filing the report. The judge assigns the appropriate time limit to the expert in his/her decision. In the **Russian Federation**, the time limits for the provision of expert opinions are set by the judges but there are no binding legal provisions in this respect. The same applies to **Latvia**, where forensic expertise is the only exception. In **UK-England and Wales**, time limits are set by the court in the exercise of its general case management powers, taking into account the desirability of avoiding excessive cost and delay.

Thus, with regard to the **setting of time limits**, a greater or lesser degree of flexibility may be associated with the exercise of the function of judicial expert.

Three main options can be observed:

- the time limit can be legally regulated with a maximum threshold: in **Albania**, if there is a large number of facts and the expert cannot respond immediately, the prosecuting authority grants him/her a time limit of no more than sixteen days. In case the expert needs to carry out a very complex verification, this period can be extended more than once for periods not exceeding thirty days, but in no case more than six months; in **Italy**, the maximum is 60 days; in **Portugal** - 30 days, in **Northern Macedonia** between 45 and 60 days;
- the judge may set the maximum time limit, as is the case in the **Russian Federation, Serbia, the Slovak Republic, Turkey, and UK-England and Wales**;
- the time limit may result from an agreement authorized by law, as is the case in the **Netherlands** where the appointing authority and the expert agree on the time limit.

It is noteworthy mentioning some special situations. For example, in **Slovenia** the time limit is set by the court or in an administrative procedure by another state authority. In **Ukraine**, according to the national law, the duration of the expertise is determined by the head of the expertise institution according to the complexity of the study, taking into account the load of the specialists.

Failure to meet the time limit may have financial consequences for the expert: in **Montenegro**, if the expert does not submit his/her conclusions and opinion within a given time limit, he/she may be punished with a fine of up to 500 euros. In **Slovenia**, the judicial expert who submits his/her technical report after the deadline set by the court is subject to

sanctions: his/her remuneration is reduced by 1% for each day of delay, up to a maximum of 50%, unless the judicial expert proves that the delay is due to legitimate and justifiable reasons.

Binding provisions may also specify other obligations, non-compliance with which may be sanctioned. For example: the obligation to obtain an agreement (in **Belgium**, concerning DNA expertise), the obligation to comply with a code of ethics (**UK-England and Wales/ UK-Northern Ireland**) or the obligation to fulfil the conditions necessary to be registered as an expert (**Slovak Republic**).

Experts' independence

Virtually, all states (45 out of 47 compared to 42 out of 46 in 2016) mention the requirement for an expert to indicate any conflicts of interest, reflecting a shared view that an expert must not only be independent but also be seen to be so.

Currently, only two countries do not mention this requirement (**Finland and UK-England and Wales**), **Germany** having recently formalized this obligation, which was previously implicit and in line with its legal tradition.

It is understandable that for *common law* countries, the requirement is not self-evident, since appointment and remuneration by a party faces the expert witness, if not with a permanent conflict of interest, at least with a conflict of loyalty to his/her duty to justice and the court and his/her duty to the party. However, all countries with at least a *common law* tradition, with the exception of **UK-England and Wales**, require the expert to declare any conflict of interest. This contradiction between *common law* countries should at least be clarified.

Despite the fact that almost all states recognize independence as an essential quality of a judicial expert, it is not clear that all countries that have reported on this duty have required experts to formally complete a declaration of interests at the beginning of their operations, in accordance with paragraph 83 of the Recommendations of December 11 and 12, 2014. It is not excluded that some of them are satisfied with the existence of a recusal procedure (found in all states) and the expert's widely recognised right to refuse an assignment, to assert the existence of this obligation.

Recruitment and appointment of experts

Selection of judicial experts for registration on a list

Judicial experts can be recruited by courts, but 17 states or entities do not consider that courts should be responsible for the selection of experts. This number is higher than in the 2014 report as 5 states have removed this responsibility from the courts **Albania, Belgium, Estonia, Montenegro and Portugal**. There are no lists in **Andorra and Russian Federation**.

When experts are not recruited by the courts, the selection is usually made by the Ministry of Justice directly or assisted by a commission including judges and/or representatives of experts (**Azerbaijan, Czech Republic, Hungary, Kazakhstan, Luxembourg, Northern Macedonia, Malta, Montenegro, Romania, Serbia, Slovak Republic, Slovenia**) or through a state agency (**Portugal**). In **Denmark**, concerning children experts, the Ministry for Social Affairs approves the expert before the appointment is made by the Court

Administration.

In **Romania** and the **Czech Republic**, for example, the title of judicial expert is acquired on the basis of an examination or an interview organized by the Ministry of Justice. In **Romania**, persons acquiring this capacity are registered in the nominal table containing the judicial experts, drawn up on specialities and counties, by the Central Office for Judicial Technical Expertise within the Ministry of Justice. The local offices for judicial technical and accounting expertise within law courts communicate to the courts, to the criminal prosecution bodies and to other judicial bodies the list of the experts and specialists who may perform judicial expertise.

According to 2018 data, 32 countries or entities report having lists of judicial experts. It is noteworthy that the negative reply provided by **Germany** has to be construed in the light of the specificity of the system of appointment of judicial experts in that country. In particular, certain bodies (e.g. Chambers of Commerce and Industry, Federal Association of Publicly Appointed Experts) may keep lists of publicly appointed experts, but courts are not obliged to appoint experts from these lists.

There are therefore only 15 states or entities in which experts are chosen exclusively for a specific mission.

The drawing up of the lists of judicial experts follows very different rules, involving the courts more or less closely in the selection process and applying more or less broad selection criteria.

Few examples:

In **Germany**, in various fields, there are procedures for the public appointment of experts who have to provide evidence of certified expertise and regular training in their field. According to the Code of Civil Procedure and the Code of Criminal Procedure, publicly appointed experts should in general be given priority in the selection of judicial experts by the courts. These measures are intended to ensure quality, as the bodies responsible for public appointment (e.g. Chambers of Commerce and Industry) carry out a rigorous examination of the technical competence of experts prior to their appointment.

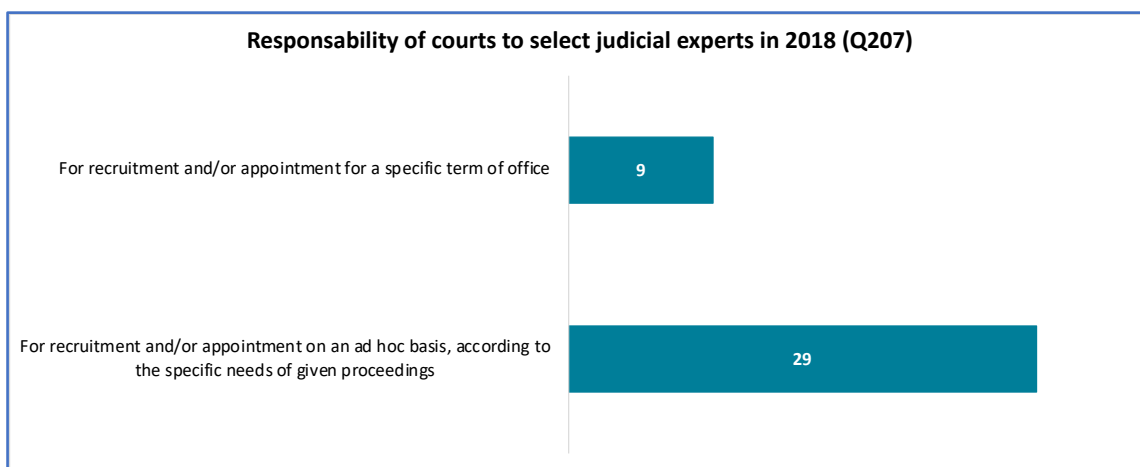
In **France**, regional lists and the national list are established and the selection made exclusively by judges of the courts of appeal and the Court of cassation, on the basis of applications submitted by candidates acting *proprio motu*. As to the experts already registered, they are consulted through their representatives only when registrations are renewed, every five years.

In **Spain**, the lists are drawn up by the courts on the basis of applications submitted by professional bodies or associations.

In **Italy**, the lists are prepared by ad hoc committees set up for every court of first instance, solely on the basis of the qualifications presented by the candidates and a character investigation, with the successful candidates being registered for life.

In the **Netherlands**, there is only a list for criminal cases. Recruitment and selection are carried out by the public prosecutor and the professional associations of judicial experts on the basis of strict criteria of competence and independence, following a transparent procedure. If the desired expert is not on the list, he or she must be appointed by the court.

Appointment of a judicial expert in a specific case



Unlike the recruitment of experts for registration on a list or other form of official selection for registration as an expert, dealt with above, the mode of selection of the expert is considered here when recourse to expertise is deemed essential to the solution of a dispute.

The judge is responsible for the appointment of the expert in 29 member states.

The expert is chosen from the list when the latter exists and, in the absence of a qualified expert on the list in the discipline in question, the judge has the possibility of appointing an expert who is not registered or recorded. The judge may or must, depending on the case, first obtain the opinion of the parties, or their approval (**Luxembourg**).

In some countries the appointment of the expert is not the responsibility of the judge but of the specialised department of the state or region which is also responsible for drawing up the list.

In criminal matters, the expert is usually appointed by the authority in charge of the investigation or prosecution.

It may also happen that the judge's decision identifies only the expert institution, and that the director of that institution decides which employee is available and best qualified to be assigned to the case (**Republic of Moldova**).

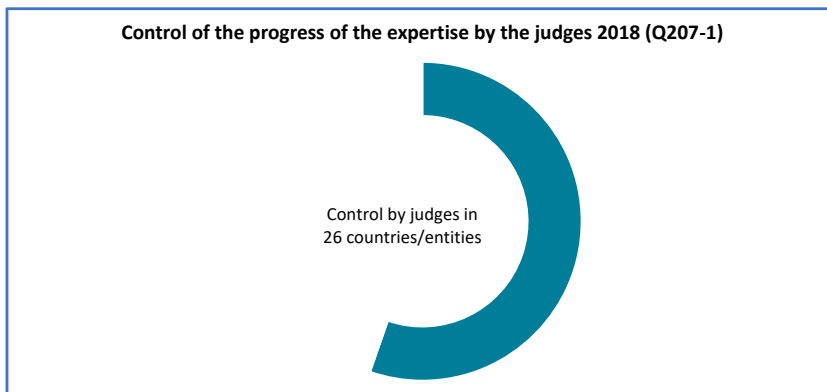
A judge may also rule that expert evidence is required and the expert is then designated by another judge (e.g. in **Spain**, for parties receiving legal aid, or in certain matters such as parentage).

In *common law* countries, experts are chosen by the parties and in the absence of an agreement between them, the judge appoints a qualified person using the register of experts if it exists. Where there is no list or register, experts may be selected directly by the parties (**Cyprus, Ireland, UK-England and Wales**) who are assisted in this selection by associations of experts (**UK-England and Wales**) or even by the head of the state expert agency (the **Russian Federation**).

In **Finland**, for instance, a court may obtain a statement on the question from an agency, a public official or any other person known for his/her integrity and expertise in the field under consideration. Prior to the appointment of an expert witness, the parties shall be heard on the matter. If a party calls an expert who has not been appointed by the court, the provisions for hearing witnesses apply.

Experts witnesses are mostly chosen from judicial experts approved for a specific type of expert evidence. More complex expert evidence may also be entrusted to professional institutions (hospitals, chemistry laboratories, universities, etc.).

Oversight by the judge Q207-1



26 states compared to 23 previously report that the judge controls the conduct of expertise operations, *i.e.* slightly more than half of the Council of Europe member states. The same proportion obtains within the European Union, where the need for judicial co-operation between judges within a more unified judicial area is nevertheless much greater.

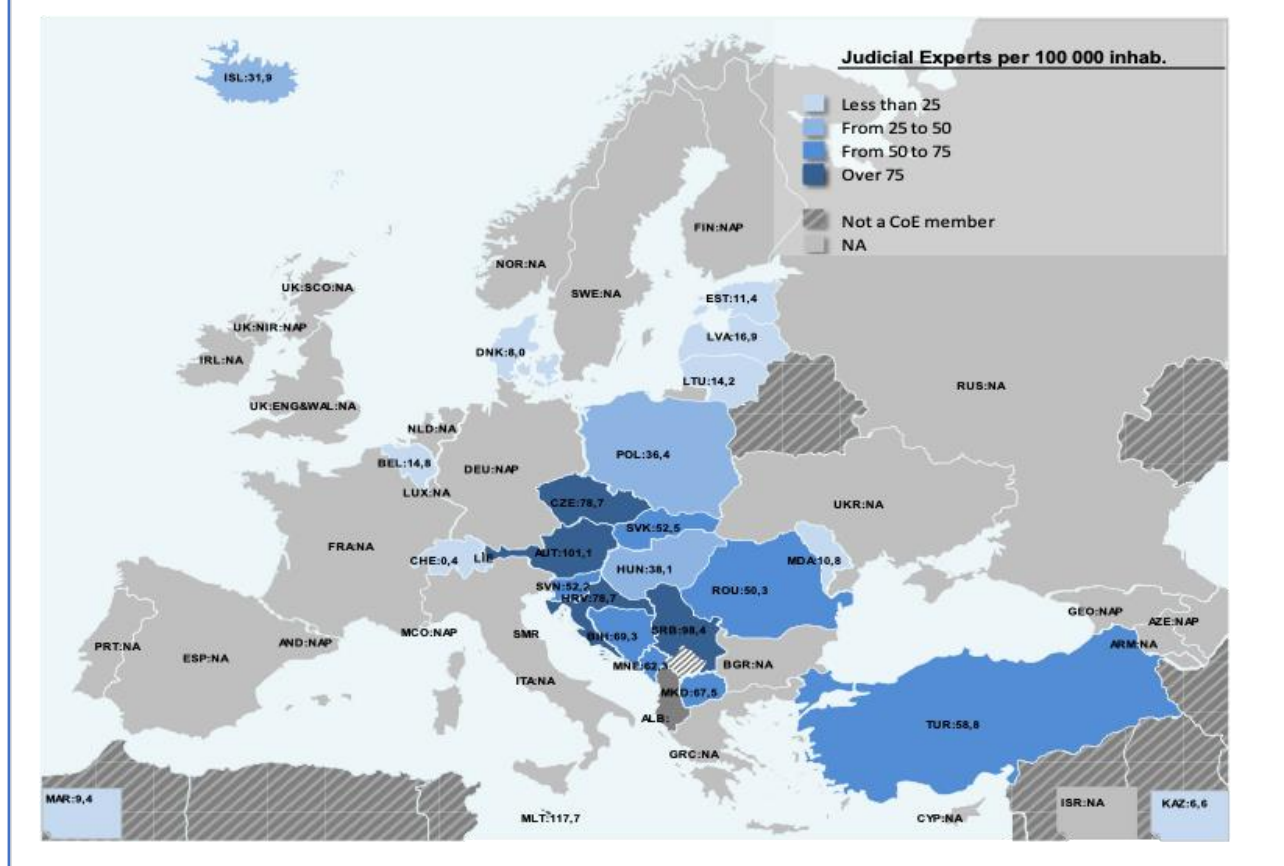
While the absence of oversight is understandable in common-law countries, since expert evidence is often ordered prior to the proceedings and overseen by the party requesting it, lack of oversight of “experts appointed by the court” by the judges designating them is more surprising.

Number of judicial experts Q 205

Table 3.3: Registered judicial experts in 2018 (Q202-1, Q205)

States/entities	Existence of list of registered judicial experts	Number of registered judicial experts	
		Total Number	Number (per 100 000 inhabitants)
ALB			
AND		NAP	NAP
ARM		NA	NA
AUT		8 917	101,1
AZE		NAP	NAP
BEL		1 697	14,8
BIH		2 423	69,3
BGR		NA	NA
HRV		3 208	78,7
CYP		NA	NA
CZE		8 381	78,7
DNK		464	8,0
EST		150	11,4
FIN		NAP	NAP
FRA		NA	NA
GEO		NAP	NAP
DEU		NAP	NAP
GRC		NA	NA
HUN		3 656	38,1
ISL		114	31,9
IRL		NA	NA
ITA		NA	NA
LVA		324	16,9
LTU		398	14,2
LUX		NA	NA
MLT		560	117,7
MDA		289	10,8
MCO		NAP	NAP
MNE		386	62,3
NLD		NA	NA
MKD		1 400	67,5
NOR		NA	NA
POL		14 000	36,4
PRT		NA	NA
ROU		9 762	50,3
RUS		NA	NA
SRB		6 855	98,4
SVK		2 861	52,5
SVN		1 087	52,2
ESP		NA	NA
SWE		NA	NA
CHE		32	0,4
TUR		48 189	58,8
UKR		NA	NA
UK:ENG&WAL		NA	NA
UK:NIR		NAP	NAP
UK:SCO		NA	NA
ISR		NA	NA
KAZ		1 205	6,6
MAR		3 343	9,4
Yes	32		
No or NAP	15		
Total	47		
Average		5 234	49
Median		1 549	51
Minimum		32	0
Maximum		48 189	118

Map 3.3.1: Number of registered judicial experts per 100 000 inhabitants in 2018 (Q205)



Only experts registered on a list are examined here.

Out of 32 states or entities having lists of judicial experts, only 24 are able to provide the number of accredited experts in 2018 compared to 25 in 2016, with **Albania** not providing data on this point. However, there has been a progression in the knowledge of expert populations since for the year 2012, only 20 states were able to provide these statistical elements.

Despite this relatively positive trend, the fact remains that because of, amongst other things, the lack of national databases, the local or regional nature of recruitment or the federal structure of states, the majority of the most populous countries have provided no data for assessing the number of experts they have. This is the case for **France, Germany, Spain and UK-England and Wales**.

It would, however, be useful to have a better idea of the number of registered experts, because according to the information in our possession, which should be confirmed more precisely on the basis of 2020 data, there seem to be major differences between states with a large territory covered by continental law (15 000 in **France**, in **Italy** 15 000 for the sole jurisdiction of the court of appeal of Naples).

These discrepancies observed since 2012 would reflect very important differences in the accreditation criteria between states which are satisfied with the justification of the theoretical knowledge of the basic profession on the one hand, and countries which practice a selection among professionals having equivalent theoretical qualifications by the application of complementary selection criteria such as experience, notoriety, legal training

to the rules of the expertise etc., on the other hand.

Evolution in the number of registered experts

Table 3.4: Evolution of registered judicial experts 2012 - 2018 (Q1, Q205)

States/entities	2012		2014		2016		2018		Trend 2012 - 2018 (Per 100 000 inhabitants)
	Absolute value	Per 100 000 inhabitants	Absolute value	Per 100 000 inhabitants	Absolute value	Per 100 000 inhabitants	Absolute value	Per 100 000 inhabitants	
ALB	1757	62,4	10162	351,3	9645	335,3			
AND	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	
ARM	NA	NA	NA	NA	NA	NA	NA	NA	
AUT	9193	108,8	9483	110,5	9489	108,6	8917	105,5	
AZE	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	
BEL	NA	NA	NA	NA	1823	16,1	1697	15,2	
BIH	1772	46,2	1840	48,1	2416	68,8	2423	63,2	
BGR	NA	NA	NA	NA	NA	NA	NA	NA	
HRV	NA	NA	3753	88,8	3345	80,5	3208	75,3	
CYP	NA	NA	NA	NA	NA	NA	NA	NA	
CZE	9857	93,8	9459	89,9	8908	84,2	8381	79,7	
DNK	NA	NA	210	3,7	390	6,8	464	8,3	
EST	138	10,7	150	11,4	150	11,4	150	11,7	
FIN	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	
FRA	NAP	NAP	NA	NA	NA	NA	NA	NA	
GEO	NA	NA			NAP	NAP	NAP	NAP	
DEU	NA	NA	NA	NA	NAP	NAP	NAP	NAP	
GRC	NA	NA	NA	NA	NA	NA	NA	NA	
HUN	4000	40,4	4000	40,6	4000	40,8	3656	36,9	
ISL	NAP	NAP	NA	NA	NAP	NAP	114	35,4	
IRL	NA	NA	NA	NA	NA	NA	NA	NA	
ITA	NA	NA	NA	NA	NA	NA	NA	NA	
LVA	293	14,3	310	15,5	316	16,0	324	15,8	
LTU	385	12,8	373	12,8	373	13,1	398	13,3	
LUX	750	142,9	NA	NA	812	137,5	NA	NA	
MLT	NAP	NAP	NA	NA	915	198,8	560	132,5	
MDA	335	9,4	272	7,7	283	10,2	289	8,1	
MCO					NAP	NAP	NAP	NAP	
MNE	751	121,1	271	43,7	1042	168,1	386	62,3	
NLD	412	2,5	696	4,1	569	3,3	NA	NA	
MKD	NA	NA	1021	49,3	1171	56,5	1400	67,9	
NOR	NAP	NAP	NAP	NAP	NAP	NAP	NA	NA	
POL	NA	NA	13200	34,3	19658	51,1	14000	36,3	
PRT	NA	NA	NA	NA	NA	NA	NA	NA	
ROU	4836	22,7	8317	37,3	10019	51,0	9762	45,8	
RUS	1501	1,0	1700	1,2	6810	4,6	NA	NA	
SRB	5342	74,2	6893	96,9	6882	97,8	6855	95,2	
SVK	2825	52,2	2901	53,5	2866	52,7	2861	52,9	
SVN	1450	70,4	1386	67,2	1232	59,6	1087	52,8	
ESP	NA	NA	NA	NA	NA	NA	NA	NA	
SWE	NAP	NAP	NAP	NAP	NAP	NAP	NA	NA	
CHE	NA	NA	NA	NA	42	0,5	32	0,4	
TUR	191013	252,6	198783	255,8	54763	68,6	48189	63,7	
UKR	6350	14,0	10006	23,3	NA	NA	NA	NA	
UK:ENG&WAL	NA	NA	NA	NA	NA	NA	NA	NA	
UK:NIR	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	
UK:SCO	NA	NA	NA	NA	NA	NA	NA	NA	
ISR	NAP	NAP	NAP	NAP	NA	NA	NA	NA	
KAZ							1205		
MAR					3321	9,5	3343		
Average	12 787	60,7	12 963	65,8	5 917	69,7	5 234	49,0	
Median	1 757	46,2	2 371	42,1	1 823	52,7	1 549	49,3	
Minimum	138	1,0	150	1,2	42	0,5	32	0,4	
Maximum	191 013	252,6	198 783	351,3	54 763	335,3	48 189	132,5	

The trend noted between 2012 and 2016 has not been confirmed over the period 2016-2018, while the number of member states able to provide figures has risen from 19 in 2012 to 22 in 2018 (plus **Kazakhstan** and **Morocco**).

Leaving aside **Turkey**, which, unlike the other countries, has reduced the number of its registered experts by almost three quarters to end up in 2018 with a percentage close to the average per 100 000 inhabitants, i.e. 58,8%, the trend is towards a decrease in the number of experts per 100 000 inhabitants as the average falls from 60,7 to 49.

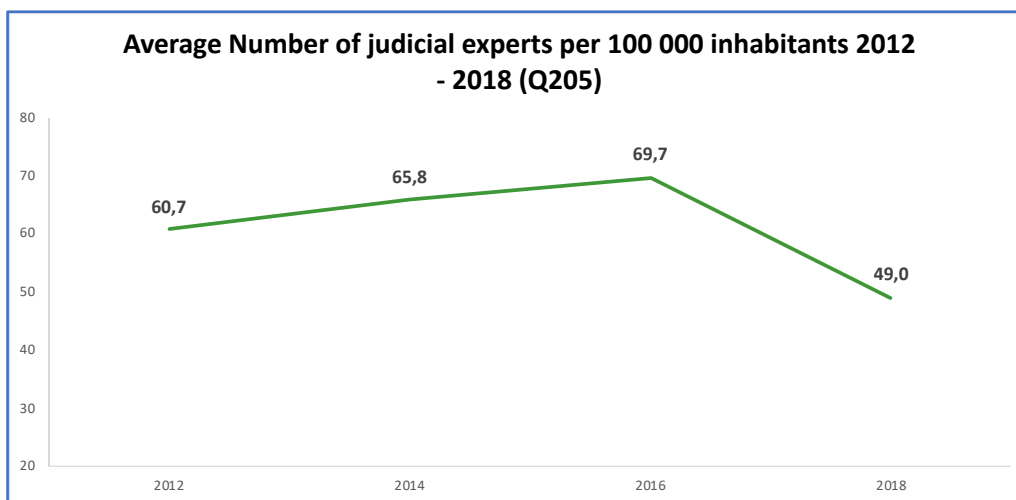
However, the gap between the minimum (0,4) and the maximum (132,5), even though it has been significantly reduced, and the absence of figures for the most populous countries, make it necessary to put the interpretation of the evolution of this average into perspective.

During this period, some countries experienced a very sharp increase in the number of experts, particularly in Eastern European countries (**Romania**, **Serbia**), and these increases put them far from the average, whereas other countries (**Bosnia-Herzegovina**) experienced

increases that brought them closer to the average. **Romania**, for example, evolved from 4 836 registered experts in 2012 to 9 762 in 2018. In addition, some countries have more or less marked downward variations (**Czech Republic, Republic of Moldova; Turkey**), while others are very stable despite a significant deviation from this average (**Baltic countries, Switzerland**) and a low number of experts.

Subject to further analysis, it is as if all the states, apart from the last-mentioned, were converging towards the average by either increasing or reducing the number of their experts, without its being possible to tell whether this continuing convergence reflects a concern to improve quality by greater selectiveness, a smaller number of applications or, in the opposite direction, simply a recognition of the needs of courts with burgeoning and increasingly complex cases.

Number of accredited or registered judicial experts per 100 000 inhabitants in 2018



The average number of experts per 100 000 inhabitants, which increased significantly between 2012 (60,7) and 2016 (69,7), decreased considerably in 2018 (49). The median shows a less important variation, but on the rise: 46,2 in 2012, 42,1 in 2014 and from 52,7 in 2016 to 51,3 in 2018.

However, the total number of experts is decreasing. It went from 244 157 in 2012 to 147 649 in 2016 and stands at 119 701 in 2018 (i.e. - 124 456).

In this regard, it is worth noting the case of **Turkey**, which alone has gone from more than 191 000 experts in 2012 to 48 189 in 2018, a decrease of 142 811 over the period.

It would be risky to draw a conclusion from these figures as to whether there will be a more limited use of judicial expertise.

Number of accredited or registered judicial experts per judge

Table 3.8: Number of experts per judge in 2018 (Q46 and Q205)

States/entities	Number of experts per judge
ALB	
AND	NAP
ARM	NA
AUT	3,7
AZE	NAP
BEL	1,1
BIH	2,4
BGR	NA
HRV	1,9
CYP	NA
CZE	2,8
DNK	1,2
EST	,6
FIN	NAP
FRA	NA
GEO	NAP
DEU	NAP
GRC	NA
HUN	1,3
ISL	1,8
IRL	NA
ITA	NA
LVA	,6
LTU	,5
LUX	NA
MLT	12,4
MDA	,7
MCO	NAP
MNE	1,2
NLD	NA
MKD	2,7
NOR	NA
POL	1,4
PRT	NA
ROU	2,1
RUS	NA
SRB	2,7
SVK	2,1
SVN	1,3
ESP	NA
SWE	NA
CHE	,
TUR	3,8
UKR	NA
UK:ENG&WAL	NA
UK:NIR	NAP
UK:SCO	NA
ISR	NA
KAZ	,5
MAR	1,1
Average	2
Median	2
Minimum	0
Maximum	12

22 States, to which must be added **Morocco** and **Kazakhstan**, were able to provide figures in the context of question 205 on the number of accredited or registered judicial experts.

There has been a further decline in the average number of experts in relation to the number of judges, which now stands at an average of 2, compared to 2,78 in 2016, 2,89 in 2014. In most member states, the proportion remains stable around 1,57 experts per judge, with the exception of **Austria** – 3,7 experts per judge, **Malta** where the proportion is 12,4 experts per judge, and **Turkey** – 3,8 experts per judge.

However, it should be noted that some states have less than one expert per judge (**Latvia, Lithuania, Estonia, Northern Macedonia and Kazakhstan**).

The decrease observed here is to be analysed together with the decrease in the number of experts per 100 000 inhabitants already noted. Thus, a very strong correlation appears between the number of inhabitants, the number of judges and the number of experts.

Despite the great diversity of disputes which implies that experts are required to have a wide variety of skills and therefore the recruitment of multiple specialists, the number of experts remains very close to the number of judges. The diversity of skills that must be permanently available to judges because of the diversity of the disputes that they may be called upon to decide probably explains why in countries where, as in **Malta**, the number of judges is small, the number of experts per judge deviates significantly from the average.

The strong correlation observed between the number of experts and the number of judges and the similarity of the ratios between comparable states finally tend to demonstrate that the efficiency of the judicial system does not depend on the overall number of registered experts, which does not exclude, of course, dysfunctions when certain specialities are not sufficiently provided for or when the quality of recruitment is not sufficient.

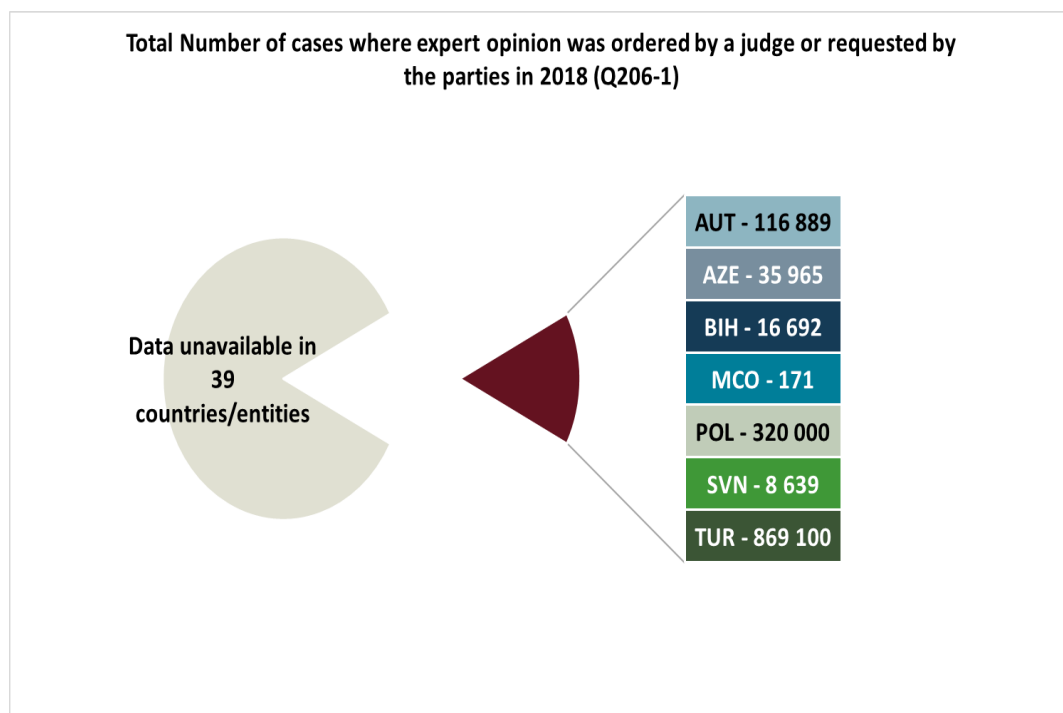
Moreover, as for the number of experts, the absence of the most populous countries in the statistics (**France, Germany, Italy, Russian Federation, Spain, United Kingdom**) potentially reduces the scope of this analysis.

Number of cases where expert opinion was ordered by a judge or requested by the parties in 2018

Table 3.7: Number of cases where expert opinion was ordered by a judge or requested by the parties in 2018 (Q206-1)

States/entities	Number of Cases where expert opinion was ordered by a judge or requested by the parties				
	Civil and commercial litigious cases	Administrative cases	Criminal cases	Other cases	Total Number
ALB					
AND	NA	NA	NA	NA	NA
ARM	NA	NA	NA	NAP	NA
AUT	78 490	NA	15 773	22 626	116 889
AZE	NA	NA	NA	NA	35 965
BEL	NA	NA	NA	NA	NA
BIH	12 350	0	862	3 480	16 692
BGR	NA	NA	NA	NA	NA
HRV	NA	NA	NA	NA	NA
CYP	NA	NA	NA	NA	NA
CZE	NA	NA	NA	NA	NA
DNK	NA	NA	NA	NA	NA
EST	NA	NA	NA	NA	NA
FIN	NA	NA	NA	NA	NA
FRA	NA	NA	NA	NA	NA
GEO	NAP	NAP	NAP	NAP	NAP
DEU	NA	NA	NA	NA	NA
GRC	NA	NA	NA	NA	NA
HUN	NA	NA	NA	NA	NA
ISL	NA	NA	NA	NA	NA
IRL	NA	NAP	NA	NA	NA
ITA	NA	NA	NA	NA	NA
LVA	NA	NA	NA	NA	NA
LTU	NA	NA	NA	NA	NA
LUX	NA	NA	NA	NA	NA
MLT	NA	NA	NA	NA	NA
MDA	NA	NA	NA	NA	NA
MCO	36	1	120	14	171
MNE	NA	NA	NA	NA	NA
NLD	NA	NA	NA	NA	NA
MKD	NA	NA	NA	NA	NA
NOR	NA	NA	NA	NA	NA
POL	NA	NA	NA	NA	320 000
PRT	NA	NA	NA	NA	NA
ROU	NA	NA	NA	NA	NA
RUS	NA	NA	NA	NA	NA
SRB	NA	NA	NA	NA	NA
SVK	NA	NA	NA	NA	NA
SVN	5 914	0	2 725	NA	8 639
ESP	NA	NA	NA	NA	NA
SWE	NA	NA	NA	NA	NA
CHE	NA	NA	NA	NA	NA
TUR	557 593	12 953	132 137	166 417	869 100
UKR	NA	NA	NA	NA	NA
UK:ENG&WAL	NA	NA	NA	NA	NA
UK:NIR	NA	NA	NA	NA	NA
UK:SCO	NA	NA	NA	NA	NA
ISR	20 504	5	12	NAP	20 521
KAZ	NA	NA	NA	NA	NA
MAR	58 699	5 199	21 945	0	85 843
Average	130 877	3 239	30 323	48 134	195 351
Median	12 350	1	2 725	13 053	35 965
Minimum	36	0	120	14	171
Maximum	557 593	12 953	132 137	166 417	869 100

Only 7 countries were able to report a figure in 2018, a proportion of 15% of member states. No previous data are available.



Poland provided an estimated figure of 320 000 expert opinions in all categories. In **Turkey**, where there has been a significant decrease in the number of experts, the number of expert opinions is 869 100, mainly in civil and commercial cases (557 593) and criminal cases (132 137), although there is a significant number of cases whose nature is not specified (166 417).

No data are available for other states with large populations.

In 2018, the data was also available in **Morocco** and **Israel**. The same situation is observed in **Morocco** as in **Turkey**, i.e., a high proportion of expert opinions in civil and commercial cases and criminal cases, respectively 58 699 and 21 945 out of a total of 85 843.

The low number of replies is due to the fact that in many countries there are no national statistics on this issue, which is nevertheless a significant indicator in the assessment of a judicial system.

Training

The following table shows the results of the survey on the training obligations of experts and the content of the training courses attended and aimed at maintaining technical expertise or maintaining knowledge of legal procedures.

We can notice that in 2018, initial training appears mandatory for judicial experts in 23 member states, just as in 2016, as well as in **Israel, Kazakhstan, and Morocco**. However, while **Albania, the Netherlands and Poland** no longer describe the initial training taken by judicial experts as mandatory, **Armenia, Azerbaijan and Iceland** recognize such an obligation for experts for 2018. As for continuous training, according to 2018 data, it is

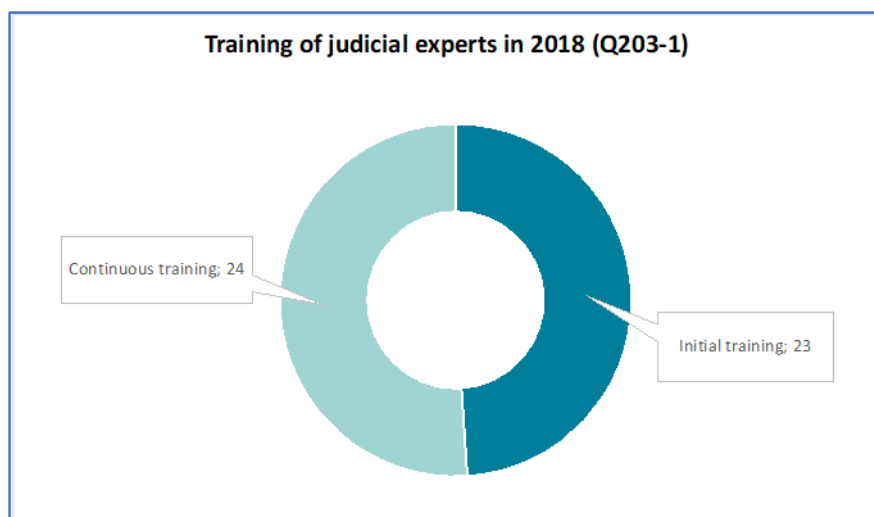
compulsory only in 19 member states and **Kazakhstan** (22 member states in 2016, this figure additionally including **Albania, the Netherlands and Poland**).

In 17 countries (**Albania** and the **Netherlands** no longer belong to this group of states), including **Kazakhstan**, judicial experts are required to undergo both initial and continuous training (19 in 2016). For example, **Turkey** specifies that an examination must be passed after initial training to become an expert and that experts must undergo continuous training to remain on the list.

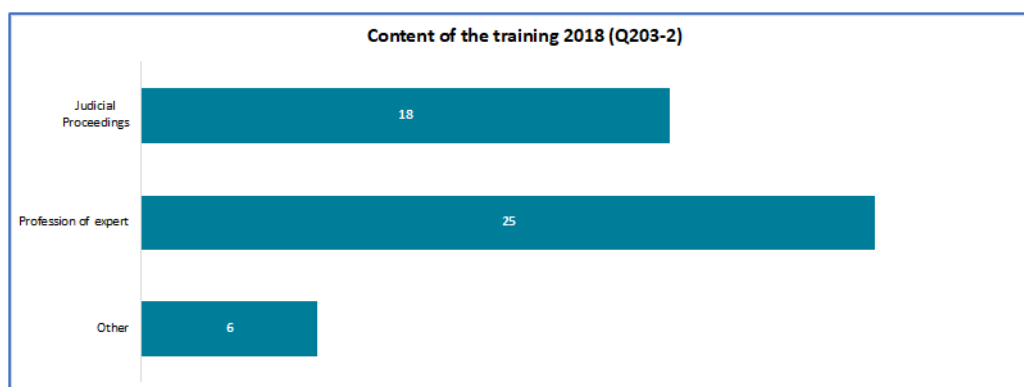
Conversely, in 21 member states, there is no training requirement for judicial experts - neither initial nor continuous (20 in 2016). Indeed, **Armenia** no longer belongs in 2018 to this group of states since initial training is now qualified as mandatory, while, as mentioned above, **Albania** and the **Netherlands** are now included.

Table 3.5: Training of judicial experts in 2018 (Q203-1, Q203-2)

States/entities	Obligation of training		Content of the training		
	Initial training	Continuous training	Judicial Proceedings	Profession of expert	Other
ALB					
AND					
ARM					
AUT					
AZE					
BEL					
BIH					
BGR					
HRV					
CYP					
CZE					
DNK					
EST					
FIN					
FRA					
GEO					
DEU					
GRC					
HUN					
ISL					
IRL					
ITA					
LVA					
LTU					
LUX					
MLT					
MDA					
MCO					
MNE					
NLD					
MKD					
NOR					
POL					
PRT					
ROU					
RUS					
SRB					
SVK					
SVN					
ESP					
SWE					
CHE					
TUR					
UKR					
UK:ENG&WAL					
UK:NIR					
UK:SCO					
ISR					
KAZ					
MAR					
Yes	23	24	18	25	6
No	24	23	27	20	39
Total	47	47	45	45	45



It is noteworthy emphasizing that question 203-1 is only about the existence of a training obligation. Therefore, a negative reply would not necessarily imply that judicial experts do not receive any training in the countries concerned, but only that the system does not include mandatory training for them. Put differently, the scope of the question, but also the insufficiency of the comments from the countries, do not allow at this stage to distinguish between the countries where optional training is offered to experts and those where no training takes place. Moreover, this reservation in the interpretation of the data is confirmed by the variation in the replies of some countries, certainly due to a desire to qualify as precisely as possible the training offered to experts - mandatory or optional.



Six countries selected the category "other" for the content of the training of judicial experts (**Hungary, Lithuania, North Macedonia, the Slovak Republic, Slovenia, Morocco and Turkey**). Among these states, only **North Macedonia and Turkey** accompanied their reply by a comment to justify the validation of all the proposed options. Thus, **North Macedonia** refers to the judicial proceedings, to the profession of expert, as well as to the substantive law - three fields of knowledge on which the examination allowing access to the profession is based. As for **Turkey**, the content of the expert training is described in detail including general principles of judicial proceedings, principles of experts' service, legislation on experts, qualification, power and responsibilities of experts, ethical rules that should be followed by experts, principles regarding the preparation of the experts' reports, IT system, etc.

Remuneration

The situations are very different across countries.

The issue of remuneration is a complex one: it is a process that usually involves the expert, the parties and the judge, under the aegis of the law or ministerial regulation, which may frame remuneration. Moreover, practice may be very different depending on the type of proceedings: criminal, civil, administrative, etc.

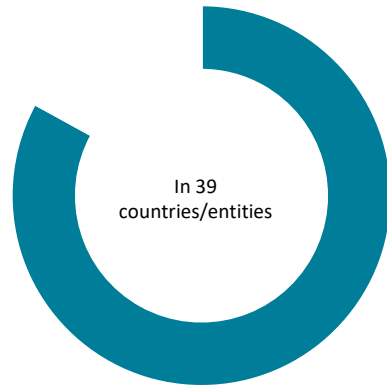
The rules for determining experts' remuneration differ considerably. However, three main situations can be identified:

- The remuneration is fixed by the court ordering the expertise, potentially with regulated scales. This concerns 18 countries.
- The remuneration is fixed by law or by ministerial regulation, in the form of scales. This concerns 19 countries.
- The remuneration is fixed between the expert and the party or parties. This is relevant mainly for *common law* countries. Nine countries are concerned. **Estonia** reports the intervention of an association of experts which fixes the scales.

Table 3.6: Remuneration of judicial experts in 2018 (Q205.1, Q206)

États / entités	Remuneration set by	Binding provisions
ALB	Ministry of Finance	
AND	Lui même	
ARM	The judge sets the remuneration which is paid by the Judicial Department.	
AUT	The remuneration of experts appointed by courts is governed by the Fees Claim Act (Gebührenspruchgesetz). It is fixed by the court on the basis of the time and effort expended, taking into account the income the experts can expect in their professional lives. In some proceedings, among others on nonlitigious matters, proceedings in which one of the parties receives legal aid, and in criminal cases some experts charges have to be fixed according to rates determined by law. The expert is furthermore compensated for costs such as travel expenses, assistants etc. The remuneration of the expert as part of the costs of litigation is paid by the litigant(s) having lost the case in civil cases. In criminal proceedings the State has to pay the expert, which is final following an acquittal; a convicted person is liable to bear these costs.	
AZE	The remuneration has been set to experts according for investigations that carried out by forensic experts and consists of their salary and allowances which set by their subordinate body.	
BEL	Si procédure pénale : tarif réglementé Si procédure civile : rémunération déterminée par les parties	
BIH	An expert shall be entitled to reimbursement of travel costs, costs for food and overnight stay, the costs of expert evaluation and reasonable remuneration for conducted expertise. The court shall decide on the reimbursement of costs and the amount of remuneration.	
BGR	The terms and conditions for determining and paying the remuneration of experts are set forth in Chapter Four of ORDINANCE No 2 of 29 June 2015 on the Registration, Qualification and Remuneration of Expert Witnesses issued by the Minister of Justice.	
HRV	Ministry of Justice of the Republic of Croatia	
CYP	the parties	
CZE	the court	
DNK	The Court Administration (the Administration of Justice Act article 93). The court sets the remuneration with regard to technical experts and the Court Administration sets the remuneration for children experts.	
EST	The Estonian Forensic Institute	
FIN	After hearing the expert in the court, the court asks the expert how much remuneration he or she is asking. The court then asks if the parties agree to pay the asked fee and usually they do. If there is a dispute on the fee, the court decides what is a reasonable amount.	
FRA	Le juge fixe la rémunération de l'expert en fonction des diligences accomplies, du respect des délais impartis et de la qualité du travail fourni.	
GEO	Remuneration is set by the contract.	
DEU	The remuneration of experts has been provided for by law (Act on the Remuneration of Experts, Interpreters and Translators as well as the Compensation of Honorary Judges, Witnesses and Third Parties, Justizvergütungs- und –entschädigungsgesetz, JVEG). It is permissible to conclude fee agreements with experts who are involved on a recurrent basis. The amount of the remuneration agreed may not exceed the amount of the remuneration provided for by said Act. According to section 413 of the Code of Civil Procedure, experts are remunerated pursuant to the Judicial Remuneration and Compensation Act (Justizvergütungs- und –entschädigungsgesetz, JVEG). The amount of the remuneration is set by the court.	
GRC	The Law	
HUN	If appointed by the court or other (investigating) official, the remuneration shall be based on the relevant Ministerial Decree of Experts' remuneration [(3/1986 (II. 21.) decree of the Minister of Justice on the remuneration of forensic experts]. If appointed by the interested party, the remuneration is subject to the agreement of appointer and appointee.	
ISL	The Judicial Administration.	
IRL	The expert remuneration is agreed between the expert and the party retaining him/her, subject to the fee if recoverable against another party being determined by the court official responsible for fixing legal costs (i.e. Taxing Master).	
ITA	The experts' remuneration is set by law.	
LVA	Forensic expert service costs in criminal and administrative proceedings are covered from the budget of the institutions (according to the Law), the private expert service is covered by the Cabinet regulations. Forensic expert service costs in civil proceedings are covered by the Cabinet regulations.	
LTU	The performance of forensic examination in state forensic institution in criminal cases is free of charge. But the court shall remunerate expenses of forensic expert due to appearing in court, travelling. Private forensic experts should be paid for the performance of their examination and shall be reimbursed for any expenses they incur due to appearing in court, travelling and accommodation and shall be paid a daily allowance. In civil cases, all expenses independently of the institution or person performing forensic examination should be covered by the court. The expenses for forensic examination in state forensic institution are counted according to the rulings approved by Ministry of Justice or Ministry of Health or Police Commissioner General. This amount cannot exceed the work and material costs necessary to make a forensic examination. The private forensic experts regulate the amount of expenses by their selves. The court shall cover the expenses for forensic experts (or institutions) when they have performed their duties in accordance with the invoice presented after the examination. Expenses that experts incur due to appearing in court, travelling and accommodation and a daily allowance are paid according to the legislation on official missions in the Republic of Lithuania.	
LUX	La rémunération est fixée par arrêté grand-ducal.	
MLT	The remuneration received by Court experts is laid out in the Code of organisation and Civil procedure (Chp 12) of the Laws of Malta.	
MDA	Judicial experts from judicial expertise public institutions are paid in 2018 according as well to the provisions of the new Law on the unitary system of remuneration in the budgetary sector, that entered into force in 2018.	
MCO	-le juge chargé du contrôle de l'expertise en matière civile (articles 344 à 373 du Code de procédure civile), -le juge d'instruction ou la juridiction de jugement en matière pénale, -le juge tutélaire dans le cadre des demandes de mise sous protection judiciaire (tutelle, curatelle)	
MNE	Judge	
NLD	Remuneration is set by law.	
MKD	It is regulated by secondary legislation adopted by the Minister of Justice.	
NOR	The courts, based upon legislative regulations.	
POL	Remuneration for permanent court experts is set by court or by prosecutor in specific case on the basis of law regulation.	
PRT	- The expert remuneration is established by the Regulation of Judicial Fees (article 17 and Annex IV)	
ROU	The authority that ordered the expertise.	
RUS	Experts receive remuneration for the work by the court decision, if this work is not their responsibility as employees of the organisation. The amount of experts' remuneration is calculated by the court in agreement with the parties of the dispute. Experts working under a contract of employment in a public institution receive a salary that is set by the employer.	
SRB	The amount and manner of compensation of costs and remuneration is determined in accordance with the regulation governing the reimbursement of costs in legal proceedings – a Ministry of Justice bylaw, Rulebook on Remuneration for Expenses in Judicial Proceedings (Official Gazette of RS No. 9 of 5 February 2016 and no. 62 of 13 July 2016), which can be found at the following link: https://www.mpravde.gov.rs/tekst/18081/pravilnik-o-naknadi-troskova-u-sudskim-postupcima.php .	
SVK	see general comment	
SVN	The remuneration is set in the tariff by the Minister of Justice.	
ESP	The definitive remuneration is set by the expert himself, in accordance with the rules of his profession.	
SWE	The remuneration is set by the Government.	
CHE	Le tribunal (cf. par exemple art. 184 al. 6 CPP concernant l'établissement d'un devis et l'art. 190 concernant l'indemnisation équitable)	
TUR	There is a tariff on the remuneration of the experts. This tariff is regulated by MoJ annually, Department of Expertise. (Code on Experts no 6754 Article 6, MoJ Regulation on Experts Article 19)	
UKR	The Cabinet of Ministers of Ukraine	
UK:ENG&WAL	For expert witnesses funded by legal aid, regulations cover remuneration rates. For all other cases rates are agreed between parties and the experts.	
UK:NIR	The party calling the expert to assist	
UK:SCO	n/a	
ISR	The court.	
KAZ	The amount of the remuneration of state expert is established in accordance with the Decree of the Government of the Republic of Kazakhstan dated October 9, 2014 No. 1070 "On some issues of reimbursement of expenses of persons incurred in criminal proceedings".	
MAR	Le tribunal	
Yes		39
No		8
Total		47

Existence of binding provisions in 2018 (Q206)



TRENDS AND CONCLUSIONS

The findings of this report based on 2018 data remain more or less the same as those made on 2016 data.

Despite the awareness of the importance of judicial experts in a process of improving the efficiency of justice, resulting in adoption by the CEPEJ of *Guidelines on the Role of Court-Appointed Experts in Judicial Proceedings of Council of Europe's Member States* and publication of the *Guide to Good Practices in Civil Judicial Expertise in the European Union*, the very diverse population of judicial experts remains poorly defined and poorly known, due in particular to a lack of institutional visibility.

Gradually, the notion of judicial expert has become more precise, leading to the abandonment of the classification between technical experts, experts requested by the parties and legal experts, in order to retain only the experts appointed by the court and the experts requested by the parties, who have the same obligations of competence and independence when they submit their opinion to a court. For the purposes of this report, legal experts and the "other" category have been retained, although the relevance of this retention is questionable.

For the rest, it can be noted with all the precautions induced by the absence of data for the majority of the most populous states and the differences recorded for the others, that the convergence of the number of experts per 100 000 inhabitants noted in previous periods is now coupled with a change in trend since the total number of experts, which had been increasing, is now decreasing, even if we disregard the two countries among the most populous which have proceeded with massive reductions.

Of course, this number taken from the lists of approved experts communicated by the member states leaves in the shade the experts appearing on lists drawn up by private bodies and does not reflect the real number of experts who regularly give their opinion in courts insofar as, on the one hand, due to a lack of selectivity when drawing up the lists in certain countries, judges regularly appoint only a small number of experts from among those registered or, on the other hand, judges are always free to appoint an expert not registered on a list.

The elaboration of the new questionnaire to be applied to the statistical data for 2020 should allow better defining the subject by making it possible to cross-reference the number of experts with the number of cases giving rise to expertise, in the hope that member states will be in a position to provide this data, which would be a sign of good management of expertise.

Concerning the training obligation (initial, continuous or both), no major changes can be reported for the period 2016-2018, as the data remains stable. On the other hand, it would be useful in the future to make a clearer distinction between countries where experts receive optional training and countries where no training is offered to experts. At present, the only identifiable group of countries is the one where judicial experts are required to undergo mandatory training.

The information provided on the remuneration under the control of the judge, the law or the administration, except when it is fixed by mutual agreement between the expert and the party which appoints him/her, is still too imprecise to determine whether the cost of the expertise is an obstacle to access to justice and ensures that the expert is sufficiently

remunerated to guarantee his/her independence while limiting the risks of corruption.