



THE EUROPEAN
ORGANISATION FOR
EXPERT ASSOCIATIONS

10 Years EuroExpert - A Decade of Success



10 Years EuroExpert – A Decade of Success Special Edition

Editors

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ISBN 978 3-928528-20-7

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1. Welcome from the President

It gives me great pleasure to write the introduction to this short history commemorating the 10th anniversary of EuroExpert. The establishment of EuroExpert ten years ago marked a milestone in the history of experts in Europe as for many years national organisations had sought ways of co-operation. EuroExpert provided the solution as the founding organisations had a vision to harmonise and introduce recognised standards for experts working within the EU. Ten years on EuroExpert has already achieved many of its objectives – dealing with the challenges of the way that Expert Organisations exist in the member states as well as the differences between the legal systems. There has been a great deal of cross fertilisation which can only be of benefit to all Experts as well as those that use them.

Current full members are France (Conseil National des Compagnies d'Experts de Justice, C.N.C.E.J.), Germany (Bundesverband öffentlich bestellter und vereidigter sowie qualifizierter Sachverständiger e.V. – BVS), United Kingdom (The Academy of Experts – TAE), Spain (Asociación Española de Peritos Tasadores Judiciales), Portugal (Associação Portuguesa dos Avaliadores de Engenharia), Austria (Hauptverband der allgemein beeideten und gerichtlich zertifizierten Sachverständigen Österreichs), Czech Republic (Komora soudních znalců ČR, o.s.) and Hungary (Magyar Igazságügyi Szakértői Kamara).

This small booklet provides details of EuroExpert's objectives and achievements. It is gratifying to see how much has actually been achieved, especially when bearing in mind that, given the national differences, international organisations often encounter major difficulties in finding a common denominator. It is therefore remarkable that it has been possible to achieve considerable consensus, in spite of the different legal systems and the completely different organisational structures involved, as well as the defining of common features in a common language.

I should like to express my thanks to the founding organisations and to the Officers whose dedication has ensured that EuroExpert has been able to achieve so much. I have been extremely proud to be President as EuroExpert develops and new members are welcomed. The next decade will be no less challenging but hopefully equally rewarding.

Matthias Rant
President – 2006-2008

2. The History

The first substantial step forward towards the creation of EuroExpert was when the French (Fédération Nationale des Compagnies d'Experts de Justice, which became the Conseil National des Compagnies d'Experts des Justice, C.N.C.E.J.) and United Kingdom (The Academy of Experts) organisations signed a Declaration of Intent.

The 'Intent' was to work together and to invite other European associations and academies of experts to come together in order to consider the development of procedures and texts common to all with the aim of defining expert opinion and the expert through common systems. The 'Intent' was also to develop standard documents which could be used by all European experts to facilitate reciprocal understanding and build a common base on which to provide a foundation for mutual respect and useful collaboration. At the same time the German organisation (Bundesverband öffentlich bestellter und vereidigter sowie qualifizierter Sachverständiger e.V., BVS) was working with some of the Eastern European organisations with a view to forming an association along similar lines.

During the 1990s these two new initiatives came together. Meetings in London, Prague, Milan and Paris culminated in "The Muggendorf Declaration" being signed on 24th May 1998. The adoption of the Declaration by the BVS, FNCEJ (later: C.N.C.E.J) and TAE led to the formation of "EuroExpert", the Organisation for European Expert Associations (a not for profit organisation).

EuroExpert was registered in Luxembourg, which was chosen as it is the home of the European Court. The Member Countries agreed the Statutes for effective governance and these were then adopted with a copy being filed in Luxembourg.

It was then down to the substantive work of creating the new organisation and its governing Council – this was achieved at its first General Assembly in Munich. As with all organisations it was important to create a permanent office and a Secretariat. In Munich the Council took the step of appointing Bernhard Floter as the first Secretary General with the Secretariat being hosted in Cologne by the Institut für Sachverständigenwesen e.V. (IfS). As Secretary General, Bernhard Floter has been responsible for guiding EuroExpert along its way and its success today is no small reflection of his work.

In order to ensure the smooth operation of EuroExpert it was agreed that there should only be one member from each country and that the organisation must represent a substantial body of Experts within that country. Each member would also have to demonstrate that it had appropriate standards for Experts in accordance with the legal system

in their jurisdiction. It was recognised that not all Member States have an organisation representing a substantial body of Experts, so a “Box Model” was introduced to allow organisations from these States to participate fully in EuroExpert’s work. Whilst recognising the need of EU members it was felt that the development of EuroExpert (and therefore experts in general) would benefit from learning from the experiences of non EU Members. It was, therefore, agreed to have a special category of membership for those countries. The organisation’s aims and objectives were encompassed by the Statutes but EuroExpert is a practical multi-disciplinary organisation representing European Experts and institutions both within Europe and worldwide.

3. The Presidents



Emil A. Kolb, Germany, 1998 to 1999



Michael Cohen, United Kingdom, 1999 to 2001



Jean Donio, France, 2001 to 2002



Günter Schäffler, Germany, 2002 to 2004



Cástor Iglesias Sanzo, Spain, 2004 to 2006



Matthias Rant, Austria, 2006 to 2008



Secretary General
Bernhard Floter

4. The Aims of EuroExpert

The field and use of experts is expanding as a result of the expanding European Union and the legal and economic cross-frontier relationships between the States. There is a significant demand for highly qualified experts both for court appointments and for private (party) appointments. As experts in all of the European countries play an important evidentiary and advisory role there is a need for experts who comply with high common standards. This is highlighted by "Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in taking of evidence in civil or commercial matters."

EuroExpert's main aims are:

- : 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, personal integrity, independence, impartiality, objectivity and respect for confidentiality.
- : The provision of a point of contact between experts and the European Commission, the European Parliament, the European Court and other institutions of the European Union as well as any other institution which deals at European or international levels with tasks and issues concerning the type of work which experts do.
- : Cooperation and relations with judicial and legal authorities, government departments, official and private bodies and other appropriate tribunals and organisations for the purposes of accreditation and certification of experts and other matters relevant to the work which experts do.
- : The provision of a forum for experts worldwide.

5. Achievements and the work of EuroExpert

One of the main aims of EuroExpert has already been achieved: the development, promotion and convergence of professional standards for experts in the EU:

- : EuroExpert developed standards for personal and professional requirements (the Code of Practice) as well as standards for its expert associations (the Association Standards).
- : EuroExpert has also recognised the increasing awareness and growth of Mediation within the EU which will further be enhanced by the Mediation Directive. In order to ensure that experts who can offer so much to the mediation process are of the highest standards it agreed and adopted standards for Mediation Training.
- : EuroExpert recognised that one of the key features of the work of all experts is the preparation and production of an experts report. It therefore developed Report Standards for the Member States to adopt.

In order to achieve its aims it is important to research both the practical and judicial situation of experts in the different states. EuroExpert has carried out studies to compare the similarities and differences between the systems and delineated important points. To date EuroExpert has considered:

- : The role and status of Experts in Europe
- : The liability, advertising and the remuneration of experts
- : Conflicts of interests

Once a study has been completed EuroExpert hosts a symposium at which the findings are presented and discussion takes place regarding the similarities. It is from this process that much of the convergence has been achieved.



6. Symposia

EuroExpert has since 2000 held Symposia in the following places:

- : Madrid – 12th May 2000
- : Paris – 1st March 2002
- : Estoril – 7th June 2003
- : Leipzig – 19th June 2004
- : Vienna – 9th April 2005
- : Lisbon – 4th November 2005
- : London – 30th June 2006
- : Berlin – 16th March 2007
- : Prague 1st November 2007

Each symposium offers the opportunity for an in depth look at the role of experts within the host nation as well as providing a comparative analysis between the different states. Those attending the symposia include all EuroExpert member associations, individual experts from the member associations and representatives from government as well as the legal community.

The symposia have also considered the role that Experts can play within the ever increasing Alternative Dispute Resolution (ADR) arena. To date papers have been presented on the processes and benefits of both mediation and expert determination.

In addition to the above the experiences of EuroExpert have also been used for international projects of the European Union such as the 'AGIS Programme' in relation to 'The Requirements for European Judicial Experts in Criminal Matters'. 'AGIS' is a framework programme

to help police, the judiciary and professionals from the EU Member States and candidate countries co-operate in criminal matters and in the fight against crime.

EuroExpert's website (www.euroexpert.org) provides a useful tool as many of the papers that have been presented at the symposia can be downloaded at no cost. Information and Symposium documents can be found on www.euroexpert.org/events.

7. EuroExpertFinder

EuroExpert firmly believes that Experts play a vital role within the European Union and internationally both in dispute resolution and in the mainstream commercial environment. It became aware that for those seeking expert assistance there was no single point of reference and therefore decided to launch a service to assist in this process.

EuroExpertFinder is an excellent resource for those seeking an Expert within Europe and beyond as EuroExpert has access to a network of more than 50,000 qualified experts. The process of requesting an expert is very simple and can be done online via the EuroExpert website (www.euroexpert.org/EuroExpertFinder). The requester provide details of their requirements, such as the type of expert required and the process they are required for such as litigation, arbitration or general advice. It is possible to indicate specific requirements such as language skills and geographic location. The request is then submitted to the appropriate association for assistance. The service is monitored by the Secretary General of EuroExpert to ensure that users are provided with a consistent high level of service. In the relatively short time since the service has been introduced it has already provided assistance to a large number of users and experts alike.

8. EuroExpert Standards

8.1 Code of Practice for Experts within EuroExpert

The Code of Practice is the cornerstone of EuroExpert's work and is set out below.

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.

8.2 Association Standards within EuroExpert

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 Practice, adopted within EuroExpert in 2000, 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:

- 1) He has appropriate qualifications, training, experience and a satisfactory knowledge of the requirements of the scope 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.
- 2) He has demonstrated his competence by submitting a proper documentation (eg CV, copies of certificates for all relevant Academic and Professional qualifications, work experience and experience as expert, referees, reports, training).
- 3) 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.
- 2) define a development process (eg further training, Continuing professional development) to monitor members' compliance to the actual technical and ethical standards required in the field of their expert activity.
- 3) define policies and procedures for granting, maintaining, renewing, suspending or withdrawal of membership.

8.3 EuroExpert Standard for Mediation Training

EuroExpert has 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 organisation 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-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.

8.4 Report Standards within EuroExpert

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 eg 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.
- : 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 (eg 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.

9. Some Key Achievements from the 1st Decade

1998 - 1999

The Statutes and bylaws were agreed

1999 - 2001

Spain, Austria and Portugal join EuroExpert

The Code of Practice for Experts is adopted

A Secretariat in Cologne is established

2001 - 2002

Contacts are established with the Europeans Courts and Commission

2002 - 2004

Association Standards for member organisations were adopted

Terminology for Alternative Dispute Resolution (ADR) was compiled

Agreement was reached to run educational symposia

2004 - 2006

Agreement was reached on standards for mediation training

2006 - 2008

Czech Republic and Hungary join EuroExpert

Common standards adopted for the Expert's Report

EuroExpertFinder service launched

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