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The Officially Appointed and Sworn Expert

A General Information on the Expert System by Courtesy of the Chamber for Industry and Commerce
Frankfurt

Independent and Impartial

The term “expert “ is not legally protected in Germany. The result: Even consultants that are not sufficiently qualified call themselves experts and work on the market. In order to distinguish between providers of that kind and real experts, German law provides the official appointment.

It attests an expert that he is particularly qualified in a special field.

Moreover, officially appointed experts are sworn in to act independently and impartially. This means: Third parties, to which expert opinions are usually presented, can rely on the results. A neutral expert opinion of this kind simultaneously strengthens the reputation and the position of the client: He is not suspicious of relying on an unjustifiable, biased expertise. As they are independent and impartial, officially appointed experts are preferably commissioned as court consultants – this is the way it is demanded by the rules of procedure of German courts.

Officially appointed specialists do by no means have to be working on their own. They do work in teams, engineering associations, laboratories or auditing companies. They are always personally responsible for their work as experts, however.

Qualification - Constantly on the Test Stand

Only specialists exhibiting outstanding qualifications will be officially appointed. In order to be granted an official appointment, they have to undergo an extensive test procedure. Thereafter, their work is under constant supervision of the appointing corporate bodies commissioned by the state (in Germany, these are primarily the Boards of Architects, the Chambers of Commerce, the Chambers of Industry and Commerce, the Boards of Engineers, the Chambers of Agriculture). This also means



that officially appointed experts may lose this status again – if their qualification does no longer satisfy the current requirements. In addition, officially appointed experts are also tested as to their trustworthiness and personal integrity. Only then they are allowed to use the desired quality signet.

Responsibilities and Commissions – Expert, Consultant and Arbitrator

Officially appointed experts do not only give expert opinions that state facts and determine causes. They also consult and are responsible for regular inspection and surveillance, they analyze and evaluate. Moreover, they work as arbitration experts. This means: Two contracting parties may commit themselves that they will acknowledge the qualified decision of a specialist as binding. In doing so, both sides quickly provide legal certainty – for instance in the question whether the quality of a delivery or service corresponds to the agreement under a contract or whether a system has been installed with functional capability.

Owing to the wide range of the special fields, there is no uniform remuneration regulation. Private clients and experts negotiate their contracts freely.

Legislation – Confidence and Security

Whoever entrusts officially appointed and sworn experts, will gain security for entrepreneurial, legal and private decisions. Exactly this circumstance was the motive for German legislation to introduce official appointment. The fact that the state acknowledges the special qualification of these experts and the particular quality of their services facilitates the selection of experts for enterprises, courts and consumers and guarantees that the expert opinion will meet high requirements.

Official Appointment and Swearing In – Symbols for Expertise

The demand for expert services is increasing all over Europe. Enterprises, courts and also consumers needing the know-how of a German expert will be faced with the question: How to find a qualified specialist?

The answer is easy: Whoever gives a mandate to an officially appointed and sworn expert will achieve a service of high quality – in Germany as well as in the European internal market