

[Home](#) > ... > [Find a Legal Professional](#) > [Find An Expert](#) > Slovenia

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Slovenia

Slovenia



I. Lists and registers of experts

The Ministry of Justice of the Republic of Slovenia maintains a register of experts. This register is publicly accessible [here](#).

Slovenian law does not provide a definition of expert witness. However, there is a distinction between expert witness, experts and law experts.

Not all experts are covered in the register – the register covers only court (judicial experts). The register consists of 50 main groups, with around 1000 experts listed in total.

II. Expert's qualifications

Pursuant to Art. 16 of the Slovenian Court Experts, Certified Appraisers and Court Interpreters Act, the criteria that experts have to meet to be registered are, inter alia:

- be a citizen of the Republic of Slovenia or a Member State of the European Union or a Member State of the European Economic Area and actively master the Slovenian language,
- has not been convicted *res judicata* of a premeditated criminal offence prosecuted *ex officio* which would render them morally unfit to provide court expert opinions, as it could prevent the impartial or professional performance of their work or harm the reputation of the court,
- has a pre-Bologna university education or has concluded a Bologna master's study programme and possesses appropriate professional knowledge and practical skills and experience for a particular type of expert work,
- have six years of experience in the field in which he wishes to carry out expert work,
- not perform an activity incompatible with judicial expertise.

A person who wishes to be appointed as a judicial expert shall submit to the Ministry of Justice, the application for appointment as a judicial expert, on the prescribed form and based on an open call. In order to determine the condition of the expert's knowledge and the practical skills and experience of the candidate, the Minister orders a special proficiency test. The Ministry then issues a decision, and the expert will take an oath. In order to be registered the expert does not have to subscribe to a code of conduct or ethics.

There are requirements for continuing professional development. Judicial experts must constantly update their knowledge and applied methods in the profession, or participate in consultations and professional training organized by a competent state authority, an authorized organization, a professional association or other professional institution. After five years from the date of appointment and after the expiration of every further five years all judicial experts are obliged to submit the evidence of professional training they took over the past five years to the Council of experts that verifies their proficiency.

General professional education includes basic knowledge in the field of the constitutional organization of the Republic of Slovenia, organization and functioning of the judiciary, court procedures, rules of evidence, legal provisions on the rights and duties of judicial experts, judicial assessors or court interpreters, law and institutions of the European Union and other topics related to the work of judicial experts, court assessors or court

interpreters.

Special professional education includes special expertise for individual areas of expertise and sub-areas of expert work.

Experts are not obliged to be members of a professional association in order to be listed in the register. An expert can be permanently dismissed from the register by the Minister:

- if the right to work as an expert is permanently withdrawn within the disciplinary proceeding,
- if an expert provides a written statement that he no longer wishes to provide court expert opinions,
- in case of dismissal of an expert
- if an indictment has been filed against an expert for a criminal offence prosecuted *ex officio* and which may be punished with more than two years' imprisonment, the Ministry removes this expert from the public section of the directory no later than three days after being notified of the legal fact. Re-entry in the public section of the directory is carried out after the cessation of the reasons for removal.

III. Remuneration of experts

The remuneration of court appointed experts is legally regulated. The amount of remuneration depends, inter alia, on the number of pages of the court file, the time spent on the investigation and the preparation of the oral hearing, on whether it is necessary to collect and examine additional documentation, on whether an investigation is necessary and the complexity of the case. Beside the remuneration, the experts are entitled to reimbursement of their costs and expenses.

Parties can obtain legal aid with regard to the expert's remuneration at prescribed rates.

The court decides in its decision which party or parties have to pay the remuneration.

IV. Liability of experts

The expert's liability is not subject to a cap by law. General regulations are applicable. Experts are not obliged to cover their possible liability via professional indemnity insurance.

V. Additional information about expert proceedings

Unfortunately, the Court Experts, Certified Appraisers and Court Interpreters Act in English is not accessible online.

1. Appointment of experts

1a. Appointment by a court

The court may appoint any person that it considers suitable and competent. In most cases the courts appoint an expert from the official register.

1b. Appointment by the parties

The parties can challenge the results of the expert appointed by the court and hire an expert at their own expense for that purpose.

2. Procedure

A) Civil procedure

Parties are required to provide detailed information, instructions and questions for the expert. When it is necessary for the expert's opinion the expert can contact the parties.

The court does not monitor the progress of the expert investigation. Nevertheless, each expert must inform the

court whether he/she expects to carry out the expected work in time. There is no quality control. Courts are not bound by the opinion expressed in expert reports.

Parties can challenge the report by statements or by providing a counter-expertise before the judge decides the case.

When a party asks for additional questions or the court needs more information the court can order an additional report.

The court is not bound by an expert opinion but will usually consider it when rendering a final decision.

1. Expert report

The expert delivers his report in writing or orally if the court desires so.

In the final report the expert has to address the parties' arguments. There is no prescribed structure for the report and there are no other specific requirements that experts need to adhere to in their report.

The Court Experts, Certified Appraisers and Court Interpreters Act specifies general and individual guidelines on preparing expert opinions that will be published on the website of the Ministry of justice. Guidelines shall be approved by the Council of Experts and shall include a uniform indication of the structure of, and instructions on the preparation of expert opinions. General and individual guidelines on areas and sub-areas of expertise of court experts shall be adopted and published on the website of the Ministry within two years after the application of the Act mentioned above (until 1st January 2021).

2. Court hearing

Experts are required to attend the court hearing if the court requests them to do so.

B) Other

The other procedures are largely identical to the civil procedure.

The information presented here was gathered during the Find an Expert Project from contacts per country selected by the [European Expertise & Experts Institute EEEI](#).

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