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# Experts HWK - Public appointment and swearing-in

The public appointment and swearing in of experts (m/f/d) is intended to provide courts, authorities and the general public with particularly reliable and credible persons who are particularly knowledgeable and experienced in a specific field.

The public appointment and swearing-in shall be carried out exclusively in the public interest, not in order to take account of the personal aims or ideas of the persons concerned.

In particular, it is **no admission to a profession**, but the award of a special qualification. It may be limited in content or subject to conditions and is usually limited to five years.

The applicant (m/f/d) has to prove his or her special expertise in one or more areas of the craft trades to convince the HWK Berlin during the appointment procedure.

## **Experts from other EU/EEA states:**

As an expert or expert with qualifications from other EU/EEA states, you can be publicly accredited under the following conditions

- You are authorized to carry out expert activities in one of these states. (The expert activities must be reserved there for persons who have proven special expertise in this field).
- You have been working full-time as an Expert or Surveyor for two of the last ten years and have proven special expertise.

## **Prerequisites**

- **public need**  
There must be a public need for a public appointment of experts in the relevant field of economics. The existence of the public need is examined by the HWK Berlin.
- **particular expertise**  
The applicant must prove his or her special expertise in the relevant subject area to the satisfaction of the HWK Berlin during the appointment procedure. According to the established case law of the highest courts, above-average knowledge, skills and practical experience in the subject area concerned are required.
- **personal suitability**  
It must be ensured that the applicant is personally suitable for such an appointment. This requires that an applicant does not only possess the personal qualities required to be able to perform their activities as a surveyor in an objective and impartial manner, but also that this requirement is fulfilled with regard to their entire personal and professional environment, from a public perspective.
- **legally exercising the craft in Berlin**  
As an applicant, you must be entitled to legally practise a craft in Berlin and meet the necessary registration requirements. You must be legally registered

in the Crafts Register of Berlin or in the list of crafts that do not require admission or in the list of crafts similar to crafts. For example as:

- 1.a) Owner or
- 1.b) Personally liable partner in a partnership (GbR, OHG, KG) or
- 1.c) executive director or board member of a legal entity

or

- 2) be entered in the register of craftsmen as a manager

or

- 3.) be employed as an employee in a craft enterprise.

If you would like to work as an expert in addition to your employment relationship, the public appointment as an expert requires you to be released from work by your employer during the regular working hours. The release from work must be recorded in a written declaration by the employer or employer-employee.

## Documents required

- **Application for public appointment of experts (HWK)**

The application can be submitted to the HWK Berlin by interested parties who meet the professional requirements for appointment (see legal basis - § 2 of the HWK Berlin Expert Regulations).

- **Curriculum vitae**

tabular curriculum vitae

- **Education and qualification certificates**

Documents on the required above-average specialist knowledge or proof of expertise, e.g. master craftsman's certificate, if necessary further proof of training, further training

- **Excerpt from the central business register for presentation to an authority**

(<https://service.berlin.de/dienstleistung/327835/>)

To verify personal reliability, information from the central business register is required for submission to an authority (document type 9).

The information must not be older than three months.

- **Certificate of good conduct for presentation to an authority**

(<https://service.berlin.de/dienstleistung/120926/>)

To verify personal reliability, an extract from the Federal Central Register (certificate of good conduct) is required for submission to an authority (document type O).

The information must not be older than three months.

- **Registration in the register of craftsmen or proof of the function of a manager in a company registered with the HWK**

The registration should have existed for at least 5 years.

- **Certificate of attendance at appropriate expert seminars**

(<https://www.akademie-des-handwerks.de/seminare/sachverstaendige/>)

Proof of training in the basics of expert witnessing, e.g. on topics such as: How is a site visit held? How to write an expert report? How do you settle accounts with the court?

You will find suitable offers e.g. at the Academy of Crafts or the Institute for Expertises IFS

- **Certificate in tax matters ("Bescheinigung in Steuersachen")**

(<https://service.berlin.de/dienstleistung/324713/en/>)

Certificate of no impediment from the locally responsible tax office.

- **Certificates of no impediment from the health insurance company**

Certificate of no impediment from the competent health insurance company on the proper payment of membership fees for the employed workers.

- **Samples of work**

In order to prove your theoretical and practical knowledge, please provide evidence of at least 3 expert reports related to the area of the order.

## Forms

- **Application for public appointment of experts (HWK) - to be appointed by the HWK**

## Fees

EUR 250.00

## Legal basis

- **Trade Regulations (Gewerbeordnung or GewO) § 36**  
([http://www.gesetze-im-internet.de/gewo/\\_\\_36.html](http://www.gesetze-im-internet.de/gewo/__36.html))
- **Trade Regulations (Gewerbeordnung GewO) § 36a**  
([http://www.gesetze-im-internet.de/gewo/\\_\\_36a.html](http://www.gesetze-im-internet.de/gewo/__36a.html))
- **Crafts Code (Handwerksordnung or HWO) § 91 sec. 1 No. 8**  
([http://www.gesetze-im-internet.de/hwo/\\_\\_91.html](http://www.gesetze-im-internet.de/hwo/__91.html))
- **Crafts Code (Handwerksordnung or HWO) § 106 sec. 1 No. 12**  
([http://www.gesetze-im-internet.de/hwo/\\_\\_106.html](http://www.gesetze-im-internet.de/hwo/__106.html))
- **Expert regulations of the Berlin Chamber of Crafts**  
(<https://www.hwk-berlin.de/downloads/sachverstaendigenordnung-91,121.pdf>)
- **Fee schedule of the HWK Berlin**  
(<https://www.hwk-berlin.de/downloads/gebuehrenordnung-91,150.pdf>)
- **List of fees of the Berlin Chamber of Crafts**  
(<https://www.hwk-berlin.de/downloads/gebuehrenverzeichnis-91,151.pdf>)

## Average time to process request

different depending on the field of activity

Provided that all documents are complete, up to 18 months.

## More information

- **Experts of the HWK Berlin**  
(<https://www.hwk-berlin.de/artikel/sachverstaendige-91,150,556.html>)
- **Information sheet of the HWK Berlin for expert applicants**  
(<https://www.hwk-berlin.de/downloads/infoblatt-fuer-sachverstaendigenbewerber-91,213.pdf>)
- **Nationwide database for experts in the skilled Crafts sector**  
(<https://www.svd-handwerk.de/suche.php>)

## **Notes on responsibility**

The Chambers of Crafts are not generally authorised to swear in experts, but appoint experts to give their opinion on goods, services and prices of craftsmen. Please also note that the appointment is only possible for those crafts (or trades) with which you are registered in the register of craftsmen.

The branch office as an expert must be in the Berlin chamber district, or if there is none, the main residence must be in the Berlin chamber district.