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# Sampler - apply for public appointment and swearing in

With a public appointment as a sampler, you are available to courts, authorities, the economy and the general public as a particularly reliable, credible and experienced person. You thereby subject yourself to additional professional and objectivity obligations.

- A public appointment and swearing-in is limited in time, for a maximum of five years.
- On application, an appointment can be renewed if the applicant can again prove his personal suitability and special expertise.

As a sampler, you check the quality, quantity, weight or correct packaging of goods in production and in the movement of goods. Samplers are to be publicly appointed and sworn in only for certain types of products. Their task is to establish certain facts impartially and independently of the client or to verify the proper performance of certain activities.

The public appointment is a special seal of quality under public law for experts in Germany. There is no higher qualification in the field of expert activities. Administrations and courts should prefer to appoint these experts. However, they are also available to the business community and private clients.

## **Procedure:**

The procedure is very complex and varies slightly depending on the subject area. It is advisable to seek personal advice from the relevant chamber before submitting your application.

1. The application form must be completed in full, signed and accompanied by all the required annexes.
2. The Chamber will request advance payments on fees and expenses.
3. The Chamber of Industry and Commerce will check the documents you have submitted for completeness and compliance with the minimum formal requirements.
4. In a personal interview, your personal suitability will be assessed after evaluating the references submitted. If necessary, other committees or bodies will be involved.
5. The Chamber commissions independent experts to evaluate your expertise. For this purpose, the expert reports, work samples and other proof of qualification to be submitted by you will be reviewed.
6. In addition, depending on the subject area, there is a written examination and a technical interview or a practical examination.
7. Taking the professional assessment into account, the Chamber of Industry and Commerce then makes the final decision.

## **Prerequisites**

- **Expert knowledge**

Through education and further training as well as professional experience,

you have acquired a level of expertise that is well above the average.

- **Work experience**

You have also already provided expert services in your field for several years.

- **Health requirement**

They are mentally and physically capable of meeting the requirements for experts in their field.

- **Personal suitability**

There must be no reason to doubt your independence and objectivity. You live in orderly economic circumstances. You are impartial and independent.

- **Further requirements**

These result from the expert regulations of the respective competent chamber and the appointment requirements of your subject area.

## Documents required

- **Request for counselling according to § 38 Trade Regulation (GewO)**

Contact form for those interested in the public appointment and swearing-in pursuant to § 36 Trade Regulation at the Berlin Chamber of Industry and Commerce (IHK Berlin)

- **Tabular curriculum vitae with biometric passport photo**

Detailed information on the acquisition of above-average knowledge in the subject area for which the public appointment is applied for; complete description of professional activity to date

- **List of all assessments of the last three years**

A list of all assessments, minutes and reports (work samples) made in the last three years before the application was submitted

- **Certificates/Diplomas**

Certified copies or photocopies of all certificates, diplomas or other documents relevant to the application (e.g. on professional titles), employment certificates, etc.

The certification can be replaced by simultaneous submission of the originals or can be carried out on site by the Chamber of Industry and Commerce's clerks.

- **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.

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

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

Certificate of no objection from the local tax office.

- **Information from the insolvency register**

(<https://service.berlin.de/dienstleistung/327527/>)

- For insolvency proceedings of natural persons residing in Berlin, two certificates may be required as proof. The first certificate for consumer insolvency proceedings must be applied for at your local court. If you have also been active as a trader, a second certificate for regular insolvency proceedings must be applied for at the Charlottenburg Local Court Amtsgerichtsplatz 1, 14057 Berlin.
- Applicants whose place of residence/business is outside Berlin should

inform themselves about the respective jurisdictions of the insolvency courts via the central local and court directory (see "More information").

- **Employer declaration (declaration of exemption)**

For experts who are in an employment, service or civil servant relationship:  
Declaration of exemption by the employer/civil servant

- **List of references**

Indication of several persons (at least five) who can provide information on the personal suitability and/or the special expertise to be demonstrated.

- **Attendance records for training events attended over the past three years**

Confirmation of attendance at training events in the requested field in the last three years  
area of expertise from the last three years

- **Attendance records for seminars**

Attendance records for at least three seminars about the required knowledge for creating assessments, about conduct in court, dealing with private clients and about liability and insurance issues (no expert seminars).

- **If applicable, list of own publications**

## Forms

- **Application for a consultation according to § 36 GewO**

(<https://www.ihk.de/blueprint/servlet/resource/blob/5305436/db36a18d114ea7f4ad14583f990c7a0/antrag-auf-beratungsgespraech-oeffentliche-bestellung-data.pdf>)

- **Employer declaration (declaration of exemption)**

(<https://www.ihk.de/blueprint/servlet/resource/blob/4721772/a95b53d44019281280cb2fb54838bb2e/arbeitsgebererklaerung-gg-ihk-data.pdf>)

## Fees

- EUR 1,000.00 to EUR 3,000.00
- approx. EUR 2,500.00: additional expenses for expert committees

Please note that you are liable to pay the fee as soon as you submit your application. Take advantage of the offer of a personal consultation before submitting your application.

## Legal basis

- **Trade Regulation (Gewerbeordnung or GewO) § 36 section 2**

([https://www.gesetze-im-internet.de/gewo/\\_36.html](https://www.gesetze-im-internet.de/gewo/_36.html))

- **Expert Regulations of the IHK Berlin**

(<https://www.ihk.de/blueprint/servlet/resource/blob/2265086/fec29756862ece92dbf1df6de3f03f09/sachverstaendigenordnung-data.pdf>)

- **Guidelines for the Expert Regulations (Sachverständigenordnung or SVO) of the Berlin Chamber of Industry and Commerce (IHK)**

(<https://www.ihk.de/blueprint/servlet/resource/blob/4705308/d9a68f69470ba7e056327913a306eae4/richtlinien-zur-sachverstaendigenordnung-data.pdf>)

- **Fee schedule of the Chamber of Industry and Commerce (Section**

### **F.1.1)**

(<https://www.ihk.de/blueprint/servlet/resource/blob/2256952/9289dfb239a0167a27d5a6159523ee4a/ihk-gebuehrenordnung-data.pdf>)

## **Average time to process request**

The necessary examinations are extensive and can take between approximately six and twelve months.

## **More information**

- **Overview of the Chambers of Industry and Commerce in Germany**  
(<https://www.ihk.de/?fdialog=ihk-finder%2F%2F>)
- **Information by IHK Berlin**  
(<https://www.ihk.de/berlin/service-und-beratung/unternehmensnachfolge-krisen-und-konflikte/sachverstaendigenwesen>)
- **Information sheet - Public appointment and swearing-in as an expert**  
(<https://www.ihk.de/blueprint/servlet/resource/blob/2253328/9e4b9d580dc5570a0f3786490f74d749/merkblatt-oeffentliche-bestellung-data.pdf>)
- **Further education expert witness**  
(<https://www.ihk.de/berlin/service-und-beratung/unternehmensnachfolge-krisen-und-konflikte/sachverstaendigenwesen/weiterbildungsangebote-2253206>)
- **List of experts**  
(<https://svv.ihk.de/svw-suche/4931566/suche-extern>)
- **Search for the competent court in the central local and court register**  
(<https://www.justizadressen.nrw.de/de/justiz/suche>)