

99058013061000, 99058013061000

# Applying for public appointment and swearing-in as an expert or expert witness to provide expert opinions on services and activities in the skilled trades and their value in accordance with Sections 36 and 36a of the German Trade Regulation Act (Gewerbeordnung)

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/9522132/L100027>

| Modul                   | Sachverhalt   |
|-------------------------|---|
| Leistungsschlüssel      | 99058013061000, 99058013061000  |
| Leistungsbezeichnung I  | Applying for public appointment and swearing-in as an expert or expert witness to provide expert opinions on services and activities in the skilled trades and their value in accordance with Sections 36 and 36a of the German Trade Regulation Act (Gewerbeordnung) |
| Leistungsbezeichnung II |   |

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| Typisierung                   | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug   |
| Quellredaktion                | Mecklenburg-Vorpommern   |
| Freigabestatus Katalog        | unbestimmter Freigabestatus  |
| Freigabestatus Bibliothek     | unbestimmter Freigabestatus  |
| Begriffe im Kontext           |  |
| Leistungstyp                  | Leistungsobjekt mit Verrichtung  |
| Leistungsgruppierung          | Handwerk (058)   |
| Verrichtungskennung           | Bestellung (061)   |
| SDG-Informationsbereich       | Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens   |
| Lagen Portalverbund           |  |
| Einheitlicher Ansprechpartner | Nein   |
| Fachlich freigegeben am       | 19.07.2022   |
| Fachlich freigegeben durch    | Ministry of Economic Affairs, Infrastructure, Tourism and Labor Mecklenburg-Vorpommern   |
| Handlungsgrundlage            | <a href="https://www.gesetze-im-internet.de/hwo/_91.html">https://www.gesetze-im-internet.de/hwo/_91.html</a><br><a href="https://www.gesetze-im-internet.de/hwo/_91.html">https://www.gesetze-im-internet.de/hwo/_91.html</a>   |
| Teaser                        | Publicly appointed experts are all persons who have been appointed and sworn in by a public-law institution.   |
| Volltext                      | <p>Publicly appointed experts are characterized by special expertise, objectivity and trustworthiness. They are subject to supervision by the responsible Chamber of Crafts (HWK).</p> <p>Publicly appointed experts are all persons who have been appointed and sworn in by a public-law institution. According to the Crafts Code (HwO), it is the task of the Chamber of Crafts to appoint and swear in</p> |

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experts to provide expert opinions on the services and activities of the craft and their value in accordance with Sections 36 and 36a of the Crafts Code.

The principles and requirements for public appointment and swearing-in are set out in detail in the expert regulations (SVO) issued by the chambers of skilled crafts. The SVO determines the selection and appointment procedure according to which the chambers of skilled crafts carry out the public appointment, standardizes the rights and obligations of the experts and regulates the legal relationship between experts and the chamber of skilled crafts.

## Erforderliche Unterlagen

As a rule, you must submit the following documents:

- Confirmation that a certificate of good conduct "for submission to an authority" is/was applied for
- Clearance certificates from the tax office and health insurance company
- Application for swearing-in and public appointment including assurance that no double swearing-in exists
- Assurance that financial circumstances are in order and that no trade prohibition proceedings have been initiated
- Curriculum vitae, proof of training and qualifications
- photograph
- Company description
- Extract from the central trade register/entry in the craft register
- or proof of management function in a company registered with the HWK

Please also bring along

- Documents for the certificate of competence, e.g. master craftsman's certificate
- Proof of completed training courses, if applicable.

## Voraussetzungen

You must fulfill the following requirements as an expert:

- Proof of special expertise (above-average specialist knowledge), the necessary practical experience and the ability to prepare expert reports. This special expertise

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is determined by the Chambers of Crafts and Trades with the support of the relevant trade association according to a procedure developed by the Chambers of Crafts and Trades, which, in addition to the preparation of a trial report and a written test, also provides for an oral expert discussion before a competent committee.

- Orderly financial circumstances (possibly Schufa information)
- Entry in the chamber's register of craftsmen
- You have the necessary facilities to work as an expert

You can also be publicly appointed and sworn in as an expert if

- you are authorized to practice a trade independently (master craftsman's examination, graduate engineer) but are not entered in the register of craftsmen, but
- have worked in practice for at least 6 years in the last 10 years in a craft business in the trade for which you wish to be appointed, of which at least 3 years as a craft entrepreneur or in a managerial role,
- have your place of business as an expert or, if no such place of business exists, your main place of residence in the district of the Chamber of Skilled Crafts and fulfill the other aforementioned requirements.
- You must be familiar with the legal principles associated with the work of an expert.

**Kosten**
**Verfahrensablauf**

After the application and fulfillment of the requirements (including proof of special expertise and the necessary practical experience and ability to provide expert opinions), the public appointment and swearing-in by the Chamber of Crafts takes place.

**Bearbeitungsdauer**

13 Woche(n)  
Processing depends on the applicant's submission of proof that he/she meets the requirements for appointment.

**Frist**

none

**weiterführende**

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| <b>Informationen</b>     |  |
| <b>Hinweise</b>          | Personal attendance is required in order to gain a personal impression of the applicant with regard to the fulfillment of the appointment requirements.  |
| <b>Rechtsbehelf</b>      | <ul style="list-style-type: none"> <li>• Objections can be submitted to the relevant Chamber of Crafts.</li> <li>• Complaints can be submitted to the relevant administrative court.</li> </ul>  |
| <b>Kurztext</b>          | <ul style="list-style-type: none"> <li>• Publicly appointed experts are subject to supervision by the responsible Chamber of Crafts (HWK).</li> <li>• These are persons who have been appointed and sworn in by a public-law institution.</li> <li>• Please note the change in the law: The Chamber of Skilled Crafts is responsible for publicly appointing and swearing in experts to provide expert opinions on services and activities in the skilled crafts sector and their value in accordance with Sections 36 and 36a of the Trade, Commerce and Industry Regulation Act.</li> <li>• The principles and requirements for public appointment and swearing-in are set out in detail in the Expert Regulations (SVO).</li> <li>• The SVO defines the selection and appointment procedure according to which the chambers of crafts and trades carry out the public appointment, standardizes the rights and obligations of the experts and regulates the legal relationship between experts and the chamber of crafts and trades.</li> </ul> |
| <b>Ansprechpunkt</b>     |  |
| <b>Zuständige Stelle</b> | The respective Chamber of Crafts is responsible.   |
| <b>Formulare</b>         | Forms/online services available: Yes Written form required: No Informal application possible: Yes Personal appearance necessary: Yes   |
| <b>Ursprungsportal</b>   | Öffentliche Bestellung und Vereidigung als Sachverständige oder Sachverständiger zur Erstattung von Gutachten zu Leistungen und Tätigkeiten des Handwerks und deren Wert nach §§ 36 und 36a der Gewerbeordnung beantragen, Applying for public appointment and swearing-in as an expert or expert witness to provide expert opinions on services and   |

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activities in the skilled trades and their value in accordance with Sections 36 and 36a of the German Trade Regulation Act (Gewerbeordnung)