

## **Note on Expertise Activities of EMPA**

Within the framework of its possibilities, EMPA is willing to carry out expertises to contribute towards the establishment of facts, resp. the avoidance and arbitration of disputes. However, in order to assure its reputation as a neutral body and maintain its quality standard, EMPA must impose certain conditions and restrictions regarding expertise activities. This note contains some important points which must be considered in connection with such assignments. It is oriented to those persons and authorities who intend to give EMPA tasks involving expertise assignments.

### **1. Legal Basis**

According to article 12, paragraph 2 litera e the ETH council ordinance which governs the federal research institute within the ETH Domain, dated November 13, 2003, states the Director-General of EMPA is responsible for regulating the conditions required for the preparation of the expertise for third parties.

### **2. Basic Principles**

In cases of dispute EMPA can take on an expertise assignment only if it is requested by legal or police authorities or with the consent of all involved parties. One-party assignments in dispute cases will not be accepted. Cases involving guarantees will be judged and treated in the same manner as those involving disputes. Only in exceptional cases can EMPA participate in arbitration courts.

### **3. Conditions**

Expertise assignments can be accepted only when the task is clearly defined. For investigations requested by legal or police authorities, expert questions must be presented, which are recognized as involving objective matters or those of expert opinion. EMPA can answer only technical, not legal questions.

### **4. Procedure**

Requests for expertise assignment from legal or police authorities or support in arbitration courts are to be addressed to the responsible EMPA board of directors. The directors will decide if EMPA possesses the necessary technical competence and if the formal conditions are met. This will form the basis for the acceptance or rejection of the assignment and for the selection of the expert. Afterwards the expert may correspond directly with the client.

All other requests, in particular expertises with the written consent of all parties involved as well as in non-disputed cases may be addressed directly to the responsible technical section.

### **5. Rejection of Assignments**

Expertise assignments may be rejected without furnishing reasons. In the case of a rejection, EMPA will be of assistance within its possibilities in trying to find an appropriate replacement expert.

Prof. Dr. Louis Schlapbach  
The President