

Information Sheet – Guide to Handling Expert Opinion Fees Instructions & Assistance for the Injured Party

What should I do when I receive the expert report or invoice from TÜV NORD?

If you have specified in the fee agreement that TÜV NORD should directly inform the responsible insurance company or the appointed attorney with the expert report and the accompanying invoice, no further action is required on your part. However, if you have not provided such instructions, it is your responsibility to forward the received documents to your insurance company or legal representative. Sample letters for this purpose can be found on the website provided below.

Who is responsible for paying the commissioned TÜV NORD expert report?

In cases of an accident for which you are not at fault, the costs constitute a compensation claim that must be covered by the at-fault party's insurance provider. If agreed upon with us, the insurance company should directly remit the payment for our expert fees to the appointed entity within the TÜV NORD GROUP. If the insurance company has already transferred the invoiced amount to you, you are responsible for forwarding the payment to TÜV NORD. As the contracting party under a service agreement, you are fundamentally obligated to bear the costs if the insurance company does not settle the claim.

What should I do if I receive a payment reminder or a demand notice from TÜV NORD?

Such notices are not automatically forwarded to the insurance company by TÜV NORD. Therefore, you should immediately request the insurer to make the payment and send the reminder or demand notice along with your request. Sample letters for this purpose are available on the website listed below. If your case is being handled by an attorney, promptly forward the documents to them.

Is the insurance company allowed to reduce the expert's fees?

This matter concerns a statutory claim rather than a contractual one. The insurance company is legally obligated to provide compensation and can only reduce the amount if you have violated your duty to mitigate damages. Common arguments put forth by insurance companies—such as the claim that the costs are excessive or not customary in the local market—are not legally sufficient grounds for reduction. In such cases, seeking legal advice may be advisable.

What does the duty to mitigate damages entail?

The injured party may take measures that a reasonably prudent and economically minded individual would deem necessary to remedy the damage, but they must not seek to profit from the situation. Otherwise, the compensation claim may be proportionally reduced.

What does concurrent assignment (Abtretung Zug um Zug) mean?

Insurance companies sometimes require the injured party to declare a "concurrent assignment" before they settle the expert fee. This means that the insurer assumes the legal position of the injured party and attempts to assert possible contractual claims against a TÜV NORD GROUP entity. You may sign this assignment without concern. Once the insurance company has fully settled the expert fees, the matter is resolved, and no further payments are required from you.

What happens if the insurance company justifiably refuses to cover the expert fees?

This can only occur in two instances: The insurance company fully denies liability for the accident, or they accuse you of violating your duty to mitigate damages (e.g., by failing to disclose pre-existing damage). In such cases, as the contracting party, you are responsible for covering the expert fees.

What happens in the case of shared liability?

If shared liability is determined (i.e., partial fault for the accident), the insurance company will only cover the expert fees in proportion to the recognized liability percentage. You, as the contracting party, are responsible for covering the remaining amount. If you have comprehensive insurance, you may be able to claim the remaining costs through that policy. Seeking legal advice may be beneficial in such cases.

How should I proceed if my accident case goes to court?

If you decide to pursue your claims in court, please note that the expert fees must initially be paid by you. Due to the often lengthy duration of legal proceedings, further delays in payment are not feasible. If you win the case, the opposing insurance company will reimburse the expert fees, potentially including interest.

If you have further questions that are not addressed in this information sheet, we are happy to assist you. You may contact us via phone or through our website for further support.



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