

## ANNEX 38

- Country Report LATVIA

**CONTRACT**  
**JLS/2006/C4/007-30-CE-0097604/00-36**

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**FOR**



**COMMISSION EUROPEENNE**

**- DG FOR JUSTICE, FREEDOM  
AND SECURITY -**

**Study on the Transparency of Costs of Civil Judicial  
Proceedings in the European Union**

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**- COUNTRY REPORT -**

**- LATVIA -**

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**DECEMBER 30, 2007**

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**ANNEXE 1    Questionnaire completed for the implementation of this study**

## COUNTRY REPORT

### *Preliminary notes*

This report is prepared for the need of the European Commission project “Study on the Transparency of Costs of Civil Judicial Proceeding in the European Union” for Latvia by the Country Expert Valters Gencs from Gencs Valters Law Firm.

## Introduction

Information provided below is prepared for the need of the European Commission project “Study on the Transparency of Costs of Civil Judicial Proceeding in the European Union” for Latvia. The objective of this report is to identify the sources of costs of civil judicial proceeding in the Republic of Latvia, especially considering aspects of cross-border litigation in the European Community. Report consists of Executive Summary, 12 Chapters and Questionary as Annex 1 for the study.

Executive Summary provides summary of the main sources of costs, level of transparency in determining the actual costs, approximate proportions of each identified costs, as specificities in relation to EU cross-border disputes and recommendations for EU action.

Chapters 1 - 11 provide detailed information on Cost Transparency and Fairness (Chapter 1), Court Fees (Chapter 2), Lawyers’ Consulting and representation Fees (Chapter 3), Bailiff Fees (Chapter 4), Expert Fees (Chapter 5), Translation/Interpretation Fees (Chapter 6) and Witness Compensation (Chapter 7) in Latvia. As well information on Pledges and Security Deposits (Chapter 8), Court Decisions (Chapter 9), Legal Aid (Chapter 10) and Personal Experience (Chapter 11) is provided.

Chapter 12 provide studies on 5 cases (Divorce, Custody of the Children, Alimony, Contract and Damages). Costs are provided either for national and cross-border litigations.

## Executive Summary

### 1 Summary of the mains sources of costs

Person willing to litigate in the Republic of Latvia shall consider following costs:

Court costs;

Proceeding costs;

Attorney fees;

Translation costs;

Interpretation costs;

Expert costs;

Bailiff costs.

Three posts in the global cost in general might be constituted by Court Fees (25 - 90%), Lawyer Fees (5 - 25%) and especially for the cross-border disputes - Transanslation costs and legalization of documents (5 - 10%). For litigations of non-money nature the Lawyer Fees might exceed the Court Fees considerably - that is up to 90%.



## **2 Level of transparency in the sources of costs**

Level of transparency of court fees and bailiff fees are quite high, as those costs are published on web-sites; and generally much more information is provided, if person is making a call to the court or bailiff. Costs of translation and interpretation are quite transparent as well, as almost every company of such service is providing its price list on web-site. Transparency of costs of attorneys and lawyers are quite low, as those costs are not limited by regulatory acts, and providers of this service generally do not publish their own fees. It has to be considered, that level of transparency in the sources of costs could be pretty low for non-Latvian speakers, as generally, especially for government institutions, this information is provided just in Latvian.

## **3 Determination of the amounts of costs**

Some types of litigation costs are strictly set up by regulatory acts. That includes court fees, proceeding costs, bailiff fees and governmental expert fees. On the other hand some types of litigation costs are not regulated and are set up by agreement between litigant and provider of service. That includes attorney fees, translation and interpretation fees and fees of non-governmental expert fees. Costs of ADR institutions are not regulated in Latvia as well. There are several regulatory acts where the reimbursement limits of the losing party are set up for those non-regulated costs, including attorneys fees. That is - attorney fees will be reimbursed just up to 5% of awarded sum, regardless that those costs were higher. Majority of proceedings in Latvia cost approximately EUR 150.00 - EUR 1'500.00 in Latvia. Average salary is approx. EUR 550.00.

## **4 Level of transparency in determining the actual costs**

There is neither sole institution nor information center in Latvia, which would provide general information for approximate costs of litigation in all procedural steps required. However information free of charge could be found on websites

(separate for courts, bailiffs, experts, translators, interpreters, legal aid). Even such separate costs can be found by non-lawyer person, it is likely such person does not have knowledge the complex procedural order and compete costs involved there. Generally persons are provided with information about litigation costs by their lawyers. However usually such information is not provided, if the lawyer providing such information does not represent the case. Therefore it is quite unlikely, that the person willing to litigate is able to get overall information about actual costs, if the litigation is not already initiated by lawyer.

Court Fees and Proceeding Costs are stipulated in Civil Procedure Code, which in general provides fixed costs; in some instances determination of costs is provided as fixed percentage depending on amount of claim. Bailiff Fees are stipulated on Regulations No 1075 of 28.12.2004. "Regulation on bailiff fees", which in general provides fixed costs for particular service; determination of costs is provided as a fixed percentage depending on amounts recovered by bailiff. Fees of governmental experts stipulated in Regulations No 374 of 31.05.2005. "Regulations on price list of the paid services of the State Forensic Science Bureau" and Regulations No. 839 of 01.11.2005. "Regulations on price list of the paid services of the State Forensic Medicine Centre", which provide either fixed cost or fixed margin of cost. Attorney fees, Translation/Interpretation Fees or non-governmental fees are not regulated by legislation acts and particular service providers are free to set up their own fees. That might be done either by providing general price list or as private information determined by a profession to his customer.

## **5 Proportion of each identified cost on the overall cost of civil judicial proceedings**

Generally the major proportion of overall cost of civil judicial proceeding might be taken by the lawyer's fee. Second larges - court fee for the filling of claim. Proportion of other fees depends on complexity and quantity of necessary action as transaltions, expertises and such like.

### **COURT FEES**

0-90%

BAILIFF FEES

0% - 10%

LAWYER FEES

5 - 90%

EXPERT FEES

0% - 15%

WITNESS COMPENSATION

0% - 5%

TRANSLATION/INTERPRETATION

0%-25%

It shall be noted, that costs may differ considerably depending the sort of case and necessities to be performed.

## **6 Proportion of each identified cost on the overall volume of activity**

COURT FEES

0-90%

BAILIFF FEES

2% - 10%

LAWYER FEES

5 - 90%

EXPERT FEES

2% - 10%

WITNESS COMPENSATION

0% - 5%

TRANSLATION/INTERPRETATION

0%-25%

It shall be noted, that costs may differ considerably depending the sort of case and necessities to be performed.

**7 Proportion of each identified cost on the value of disputed claim**

COURT FEES

0-90%

BAILIFF FEES

2% - 10%

LAWYER FEES

5 - 90%

EXPERT FEES

2% - 10%

WITNESS COMPENSATION

0% - 5%

TRANSLATION/INTERPRETATION

0%-25%

It shall be noted, that costs may differ considerably depending the sort of case and necessities to be performed.

## **8 Specificities in relation to EU cross-border disputes**

There are no specific costs in relation to EU cross-border disputes, which would differ from general costs. However it has to be considered, that probably there will be much more costs for translation, interpretation and legalization of documents as litigation shall be performed in Latvian language. As well there could be specific costs of execution of court judgements. It has to be considered, that for non-Latvian speakers it would be quite hard to determine costs of litigation without help of lawyer.

## **9 Recommendations for EU action/national action**

The most proper solutions to improve transparency are uniformization of all procedures and centralisation of the information on the functioning and costs of justice. For cross-border disputes - centralization of the information on the functioning and costs of justice, and imposition of Member States of European Community a translation of the presentation of their judicial system procedures and relevant costs.

## **10 Relationship between the costs of justice, the transparency in the costs of justice and access to justice**

It is quite probable, that lack of information on litigation fees can provoke the persons to deter from exercising of their rights. Especially for persons without high level of income, as there is general feeling, that costs of litigation are quite high. Therefore partially that can create a feeling of unfairness and judicial insecurity and could affect harmfully the movement of goods and persons in Europe.

## Detailed Draft Report

### **1 General Questions**

#### **1.1 Level of information on the transparency of fees and costs of justice**

It is quite difficult to obtain overall information on fees and costs of justice in Latvia. There is neither sole institution nor information center, which would provide general information for approximate costs of litigation in all procedural steps required. However information free of charge could be found on websites (separate for courts, bailiffs, experts, translators, interpreters, legal aid). Generally persons are provided with information about litigation costs by their lawyers. However usually such information is not provided, if the lawyer providing such information does not represent the case.

#### **1.2 Transparency perception**

It is likely, that lack of information on litigation fees can provoke the persons to deter from exercising of their rights. Especially for persons without high level of income, as there is general feeling, that costs of litigation are quite high. Partially that can create a feeling of unfairness and judicial insecurity and could affect harmfully the movement of goods and persons in Europe.

### **1.3 Solutions to improve transparency**

The most proper solutions to improve transparency are uniformization of all procedures and centralisation of the information on the functioning and costs of justice. For cross-border disputes - centralization of the information on the functioning and costs of justice, and imposition of Member States of European Community a translation of the presentation of their judicial system procedures and relevant costs.

### **1.4 Fairness of costs**

Litigation costs are quite low in Latvia considering other Member States. There are procedural tools to reduce some costs - for example court fees might be reduced in full amount. Low-income persons are entitled for Legal Aid from public funds. Latvian Civil Procedure Code works by principle, that litigation costs shall be reimbursed to the winning party. However certain limits are set up for some costs of litigation - for example lawyer fees are reimbursed up to 5% of the amounts awarded by court.

### **1.5 Conclusions and recommendations**

Persons willing to litigate are not able to get and consider precise overall litigation costs they are going to meet. In general the lawyers are providing this kind of information, when the litigation procedure is already started. For some instances that may provoke the persons to deter from exercising of their rights; especially in respect to the possible litigation over the border. The solution in EC level can be providing of approximate legal costs in all Member States accessible to all citizens of Member States.

## **2 Court fees**

### **2.1 General**

Regulation of court fees is provided by Chapter 4 "Litigation Costs" (art. 33 - art. 45) Latvian Civil Procedure Code. There are provided general principles of litigation

costs; court fees and relevant costs; calculation of claim amount; exceptions, when court fees shall not be paid; reimbursement procedures etc. There are several types of litigation, when the court fees shall not be paid or can be reduced up to full amount. Especially low-income persons, minors, employees and persons suffered from crimes are protected in this regard. The court fees are provided for the whole litigation and are the same for the all law courts.

Some information only in Latvian about Court Fees is published on court website [www.tiesas.lv](http://www.tiesas.lv). However costs of bringing an action to the courts are not provided there. Much of information could be received by calling to the courts. Some Latvian courts employ consultants to provide such information. Even court does not have such consultant, generally some other from administrative staff will provide such information. However is more likely, that information for non-Latvian or non-Russian speakers will not be provided.

## **2.2 Cost of bringing an action to the courts**

Costs of bringing an action to the court generally are determined as fixed percentage by the amount requested in the claim. For claims of no money nature the fixed fees are set separately. There are no separate costs for the cross-border litigations, which would differ from non-cross-border litigations (however there is fee for specific cross-border litigation procedural step, that is for the issuance of the Court Certificate, that the Court judgment came in effect for submission to the foreign Court).

Generally for the claims of money nature following fees for bringing an action are applicable:

1. for claims less than LVL 100 (approx. EUR 142.29) -  
fee LVL 10.00 (approx. EUR 14.23);

2. for claims LVL 101 - 1'000 (approx. EUR 143.71 - 1'422.87) -  
fee 15% from claim amount

3. for claims LVL 1'001 - 5'000 (approx. EUR 1'424.30 - 7'114.36) -  
fee LVL 150.00 + 2.5% from claim amount exceeding LVL 1'000 (approx. EUR 213.43  
+ 2.5% from claim amount exceeding EUR 1'422.87)



4. for claims LVL 5'001 - 20'000 (approx. EUR 7'115.78 - 28'457.44) -  
 fee LVL 250.00 + 1.6% from claim amount exceeding LVL 5'000 (approx. EUR 355.71  
 + 1.6% from claim amount exceeding EUR 7'114.36)

5. for claims LVL 20'001 - 100'000 (approx. EUR 28'458.86 - 142'287.20) -  
 fee LVL 490.00 + 1.0% from claim amount exceeding LVL 20'000 (approx. EUR  
 697.21 + 1.0% from claim amount exceeding EUR 28'457.44)

6. for claims LVL 100'001 - 500'000 (approx. EUR 142'288.60 - 711'435.90) -  
 fee LVL 1'290.00 + 0.3% from claim amount exceeding LVL 100'000 (approx. EUR  
 1'835.51 + 0.3% from claim amount exceeding EUR 142'287.20)

7. for claims more than LVL 500'000 (approx. EUR 711'435.90) -  
 fee LVL 2'490.00 + 0.05% from claim amount exceeding LVL 500'000 (approx. EUR  
 3'542.95 + 0.05% from claim amount exceeding EUR 711'435.90)

Other fees:

Nature of the action	Filing fees (description of filing fees, time of payment and determination of payer)	Regulation
<b>1. FAMILY LAW</b>		
Divorce	<b>LVL 50.00</b> (approx. EUR 71.14); paid by plaintiff on time of filing (payment could be delayed, if plaintiff is taking care of minor [ <i>CPC §43(5)</i> ]);  <b>LVL 5.00</b> (approx. EUR 7.11) for claim of divorce with missing, incapacitated or imprisoned person; paid by plaintiff on time of filing	<i>Civil Procedure            Code §34(1)2</i>
Children Custody Right	<b>LVL 20.00</b> (approx. EUR 28.46); paid by plaintiff on time of filing	<i>Civil Procedure            Code §34(1)4,            Chapter 29.<sup>1</sup></i>

Alimony	no fee	<i>Civil Procedure Code §43(1)3</i>
<b>2. LABOUR LAW</b>		
Work Accidents	no fee	<i>Civil Procedure Code §43(1)1, §43(1)2</i>
Redundancies	no fee	<i>Civil Procedure Code §43(1)1</i>
<b>3. COMMERCIAL LAW</b>		
Payment for a commercial or services agreement	<p>General fees for claims of money nature are applicable:</p> <p>1. for claims less than LVL 100 (approx. EUR 142.29) - LVL 10.00 (approx. EUR 14.23);</p> <p>2. for claims LVL 101 - 1'000 (approx. EUR 143.71 - 1'422.87) - 15% from claim amount</p> <p>3. for claims LVL 1'001 - 5'000 (approx. EUR 1'424.30 - 7'114.36) - LVL 150.00 + 2.5% from claim amount exceeding LVL 1'000 (approx. EUR 213.43 + 2.5% from claim amount exceeding EUR 1'422.87)</p> <p>4. for claims LVL 5'001 - 20'000 (approx. EUR 7'115.78 - 28'457.44) - LVL 250.00 + 1.6% from claim amount exceeding LVL 5'000 (approx. EUR 355.71 + 1.6% from claim amount exceeding EUR 7'114.36)</p> <p>5. for claims LVL 20'001 - 100'000 (approx. EUR 28'458.86 - 142'287.20) - LVL 490.00 + 1.0% from claim amount</p>	<i>Civil Procedure Code §34(1)1.a. - §34(1)1.g.</i>

	<p>exceeding LVL 20'000 (approx. EUR 697.21 + 1.0% from claim amount exceeding EUR 28'457.44)</p> <p>6. for claims LVL 100'001 - 500'000 (approx. EUR 142'288.60 - 711'435.90) - LVL 1'290.00 + 0.3% from claim amount exceeding LVL 100'000 (approx. EUR 1'835.51 + 0.3% from claim amount exceeding EUR 142'287.20)</p> <p>7. for claims more than LVL 500'000 (approx. EUR 711'435.90) - LVL 2'490.00 + 0.05% from claim amount exceeding LVL 500'000 (approx. EUR 3'542.95 + 0.05% from claim amount exceeding EUR 711'435.90)</p> <p>fee paid by plaintiff on time of filing</p>	
Goods or services not in accordance	<p>if claim is of non-money nature - LVL 20.00 (approx. EUR 28.46); paid by plaintiff on time of filing;</p> <p>if claim is of money nature - <b>general fees for claims of money nature are applicable</b> (indicated previously for "Commercial Law: Payment for a commercial or services agreement")</p>	<p><i>Civil Procedure Code §34(1)1.a. - §34(1)1.g.; §34(1)4.</i></p>
Litigation between associates	<p>if claim is of non-money nature - LVL 20.00 (approx. EUR 28.46); paid by plaintiff on time of filing;</p> <p>if claim is of money nature - <b>general fees for claims of money nature are applicable</b> (indicated previously for "Commercial Law: Payment for a commercial or services agreement")</p>	<p><i>Civil Procedure Code §34(1)1.a. - §34(1)1.g.; §34(1)4.</i></p>
Mandates and agents	<p>if claim is of non-money nature - LVL 20.00 (approx. EUR 28.46); paid by plaintiff on time of filing;</p> <p>if claim is of money nature - <b>general fees for claims of money nature are applicable</b> (indicated previously for "Commercial Law: Payment for a commercial or services agreement")</p>	<p><i>Civil Procedure Code §34(1)1.a. - §34(1)1.g.; §34(1)4.</i></p>

4. CIVIL LAW		
Consumers protection	<p>if claim is of non-money nature - <b>LVL 20.00</b> (approx. <b>EUR 28.46</b>); paid by plaintiff on time of filing;</p> <p>if claim is of money nature - <b>general fees for claims of money nature are applicable</b> (indicated previously for “Commercial Law: Payment for a commercial or services agreement”)</p>	<p><i>Civil Procedure Code §34(1)1.a. - §34(1)1.g.; §34(1)4.</i></p>
Liability	<p>if claim is of non-money nature - <b>LVL 20.00</b> (approx. <b>EUR 28.46</b>); paid by plaintiff on time of filing;</p> <p>if claim is of money nature - <b>general fees for claims of money nature are applicable</b> (indicated previously for “Commercial Law: Payment for a commercial or services agreement”)</p> <p><b>no fee</b> for Liability from Personal Injuries, Moral Injuries and Damages done by result of Crime</p>	<p><i>Civil Procedure Code §34(1)1.a. - §34(1)1.g.; §34(1)4.; §43(1)2.; §43(1)4.</i></p>
5. PROPERTY LAW		
Lease	<p>if claim is of non-money nature - <b>LVL 20.00</b> (approx. <b>EUR 28.46</b>); paid by plaintiff on time of filing;</p> <p>if claim is of money nature - <b>general fees for claims of money nature are applicable</b> (indicated previously for “Commercial Law: Payment for a commercial or services agreement”)</p>	<p><i>Civil Procedure Code §34(1)1.a. - §34(1)1.g.; §34(1)4.</i></p>
Ownership and co ownership	<p>for ownership claims (either movable or real property) the <b>general fees for claims of money nature are applicable</b> (indicated previously for “Commercial Law: Payment for a commercial or services agreement”) from the value of property.</p> <p>Claims for establishment of co ownership - <b>50% from fee generally applicable for</b></p>	<p><i>Civil Procedure Code §34(1)1.a. - §34(1)1.g.; §35(1)2.; §35(1)9; §34(1)10;</i></p>

	<p><b>property.</b></p> <p>Fees shall be paid by plaintiff on time of filing. Claim amount, that is value of property, is determined by plaintiff - however, if such value is obviously inadequate, the claim amount is determined by the court itself. In no case value of real property can be lower of taxable value of it.</p>	
<b>6. CIVIL STATUS</b>		
<b>Paternity (Affiliation)</b>	<b>LVL 20.00</b> (approx. <b>EUR 28.46</b> ); paid by plaintiff on time of filing	<i>Civil Procedure Code §34(1)4, Chapter 30.</i>
<b>Adoption</b>	<b>LVL 10.00</b> (approx. <b>EUR 14.23</b> ) paid by applicant on time of filing;	<i>Civil Procedure Code §34(1)3, Chapter 32.</i>
<b>Incapacity for insane persons</b>	<b>no fee</b>	<i>Civil Procedure Code §43(1)6, Chapter 33.</i>
<b>Trusteeship for persons with destructive lifestyle</b>	<b>no fee</b>	<i>Civil Procedure Code §43(1)7, Chapter 34.</i>
<b>Trusteeship for property of missing persons</b>	<b>LVL 10.00</b> (approx. <b>EUR 14.23</b> ); paid by applicant on time of filing;	<i>Civil Procedure Code §34(1)3, Chapter 35.</i>
<b>7. OTHERS</b>		
<b>Insolvency</b>	Insolvency of business or credit institution - <b>LVL 100.00</b> (approx. <b>EUR 142.29</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)3, Chapter 46, 47</i>
	Insolvency procedure regarding §33. and §37. of the <i>EC Regulation 1346/2000</i> , as well complaints about decisions of meeting or committee of creditors, and actions of administrator - - <b>LVL 10.00</b> (approx. <b>EUR 14.23</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)11</i>

<b>Inheritance</b>	Reading and Coming into Legal Effect of Last Will Instruction Instruments - <b>LVL 10.00</b> (approx. <b>EUR 14.23</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)3, Chapter 40.</i>
	Protection and Trusteeship of Inheritance - <b>LVL 10.00</b> (approx. <b>EUR 14.23</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)3, Chapter 41.</i>
	Announcement of Opening of Inheritance - <b>LVL 10.00</b> (approx. <b>EUR 14.23</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)3, Chapter 42.</i>
	acceptance of an Inheritance - <b>LVL 10.00</b> (approx. <b>EUR 14.23</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)3, Chapter 43.</i>

	<p><u>Confirmation of Rights of Inheritance</u>, if the value of inherited property exceeds 10 minimal wages (approximately EUR 1'707.46):</p> <ol style="list-style-type: none"> <li>1. for spouse and inheritants of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> degree, which resided together with inheritance-leaver - <b>0.5% of value of inherited property;</b></li> <li>2. for other inheritants of 1<sup>st</sup>, and 2<sup>nd</sup> degree - <b>1.0% of value of inherited property;</b></li> <li>3. for other inheritants of 3<sup>rd</sup> degree - <b>3.0% of value of inherited property;</b></li> <li>4. for inheritants of 4<sup>th</sup> degree - <b>10.0% of value of inherited property;</b></li> </ol> <p><u>Establishing of lawful effect of Will of Inheritance Contract</u>, if the value of inherited property exceeds 10 minimal wages (approximately EUR 1'707.46):</p> <ol style="list-style-type: none"> <li>1. for spouse and inheritants of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> degree - <b>50% from fee for Confirmation of Rights of Inheritance</b> (see above);</li> <li>2. for inheritants of 4<sup>th</sup> degree - <b>8.0% of value of inherited property;</b></li> <li>3. other inheritants by the will or contract - <b>15.0% of value of inherited property;</b></li> <li>4. other inheritants by the will or contract, if those are institutions for public good - <b>3.0% of value of inherited property;</b></li> </ol> <p><u>fee paid by beneficiary of inheritance after the Court's Judgment comes in effect</u></p>	<p><i>Civil Procedure Code §34(2)1, §34(2)2, §34(3); Chapter 44.</i></p>
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<b>Miscellaneous</b>	Securing of claim - <b>LVL 20.00</b> (approx. <b>EUR 28.46</b> ) or <b>0.5%</b> from the claim amount, if it exceeds <b>LVL 4'000</b> (approx. <b>5691.49</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)5</i>
	Securing of evidence prior taking of an action - <b>LVL 10.00</b> (approx. <b>EUR 14.23</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)6</i>
	Appeal of Court Judgment - <b>50% from fee paid in previous procedure for particular claim of application</b> ; paid by applicant on time of filing;	<i>Civil Procedure Code §34(4);</i>
	Appeal of other Court Decision - <b>no fee</b>	<i>Civil Procedure Code §34(5)</i>
	Writ of execution of Domestic Court - <b>LVL 1.00</b> (approx. <b>EUR 1.42</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(6)</i>
	Writ of execution of Foreign Court - <b>LVL 10.00</b> (approx. <b>EUR 14.23</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(7)</i>
	Writ of execution of domestic or foreign arbitration courts ( <i>Alternative Dispute Resolution</i> ) - <b>1.0% of the amount of obligation of value of property, but not exceeding LVL 100.00</b> (approx. <b>EUR 142.29</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)8</i>
	Undisputed compulsory execution of obligations in accordance with warning procedures, voluntary sale of real property by auction by court or obligation for safekeeping of subject of obligation by court - <b>1.0% of the amount of obligation of value of property, but not exceeding LVL 100.00</b> (approx. <b>EUR 142.29</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)7, Chapters 49.-51.</i>
Establishment of Juridical Facts - <b>LVL 10.00</b> (approx. <b>EUR 14.23</b> ); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)3, Chapter 37.</i>	



	Extinguishing of Rights - LVL 10.00 (approx. EUR 14.23); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)3, Chapter 38.</i>
	Renewal of Rights based on Debt Instruments or Bearer Securities - LVL 10.00 (approx. EUR 14.23); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)3, Chapter 39.</i>
	Pre-emption of Real Property - LVL 10.00 (approx. EUR 14.23); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)3, Chapter 45.</i>
	Strikes and Lockouts - LVL 10.00 (approx. EUR 14.23); paid by applicant on time of filing	<i>Civil Procedure Code §34(1)3, Chapter 48., 48.<sup>1</sup></i>

### 2.3 Other proceedings costs

Other proceeding costs are possible in litigation -

Fees of Court Office:

Certified copy of document by Court Office or reissuing of Court Judgment of Decision - LVL 2.00 (approx. EUR 2.85) - Civil Procedure Code §38(1)1;

Certificate of Court Office - LVL 0.50 (approx. EUR 0.71) - Civil Procedure Code §38(1)2;

Duplicate of Writ of Execution - LVL 5.00 (approx. EUR 7.11) - Civil Procedure Code §38(1)3;

Certificate that Court Judgment came in effect for submission to the foreign Courts - LVL 3.00 (approx. EUR 4.27) - Civil Procedure Code §38(1)4;

Summoning of Witness - LVL 3.00 (approx. EUR 4.27) - Civil Procedure Code §38(1)5;

Other costs:

Payments for witnesses and experts;

Expenses of examination of witnesses or on-site inspection;

Costs for search of defendant;

Costs related to the Execution of Court Judgment;

Costs related to delivery of Claim Statement and Court Summonses;  
Costs of publications in newspapers;  
Costs related to the securitization of a claim;  
Costs related to the safeguarding of Inheritance and preparation of inventory list.

Those costs are specified in Civil Procedure Code §39, which provides as well, that the procedures for calculation the amounts to be paid to witnesses and experts, or amounts related to searching of defendant are determined by Government Regulations. The Cabinet of Ministers adopted 27.04.1999. Regulations Nr. 154 “Order to calculate amounts paid to witnesses and experts in civil cases and costs related to the searching of defendant. §3 and §4 of Regulation No. 154 provide, that witnesses and experts are entitled to travel and hotel expenses, and per diem in amounts provided in other 25.06.1996. Regulations No. 233. The problem is, that such referred Regulations No. 233 are repealed and no more in force. Although other similar 28.05.2002. Regulations No. 219 exist, as the reference in not made to them, their application for the calculation of costs are quite uncertain.<sup>1</sup> The situation is even worse to non-employed experts, which are entitled to remuneration of their service. Reference again is made to another 10.09.1996. Regulations No. 351, which are abolished - and in this case, there are not even analogical Government Regulations. Thou those costs do not have to be beard by parties directly but court itself, the court is entitled to cover those expenses afterward by party, which lost the case.

## **2.4 Costs of legal rescourses (Appeals...)**

For Appeal of Court Judgment Court Fee 50% from the fee paid in previous procedure for particular claim of application shall be paid. For appeal of inter-procedural decisions of the Court no fee shall be paid.

## **2.5 Costs of ADR**

Alternative Dispute Resolution (ADR) procedure is allowed if parties agreed to transfer their dispute to such institution (there are some instances, when dispute is not allowed to the ADR procedure even parties agreed on it). There could be permanent and ad hoc Arbitration. There are 127 permanent arbitrations in Latvia

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<sup>1</sup> The broad wording of §44(1)2 of *Civil Procedure Code* for allows to apply the existing 28.05.2002. Regulations No. 219 for calculation to travel and hotel expenses for plaintiff or defendant, but not witness or expert

now. The Latvian Law does not limit fees for those ADR Arbitrations - those fees can be fixed by Arbitration itself. Generally Arbitration Fee and Arbitration Judge Fee depending from the claim amount should be paid by plaintiff in this type of litigation.

## **2.6 Costs of legal Aid proceedings**

Court fees are not covered by the Legal Aid in Latvia. However there are procedural tools provided by Civil Procedure Code, that if so requested, the court is entitled to reduce the fees by part of in full for low-income persons.

## **2.7 Costs of fast track proceedings**

There are no fast track proceedings in Latvia.

## **2.8 Costs of Group actions proceedings**

The Civil Procedure Code of Latvia does not provide such procedural tool as the group action. However the several plaintiffs are entitled to bring joint action - in this case, if claim is uniform and provided in one separate document, the court fee shall be paid as per document without difference of number of plaintiffs.

## **2.9 Payment**

Generally court fee shall be paid before a case is filed; and VAT is not applicable to such fee. There is strict requirement, that payment shall be made only with bank transfer, providing bank document to the court. Payment for ADR procedure generally is made before filing the claim. VAT 18% is applicable to those costs, if ADR institution is registered as VAT-payer.

## **2.10 E-justice**

There is no e-justice in Latvia.

## **2.11 Impact of the number of hearings on costs**

Number of hearings does not impact the costs regarding court fees. Number of hearings is not limited.

## **2.12 Transcription costs**

Transcription service is provided by the Court secretaries and are free of charge for parties. There could be transcription costs for ADR litigation.

## **2.13 Conclusions and recommendations**

The transparency for the court fees are quite high in Latvia, as the fees are fixed and in general the courts have consultation staff to provide explanations to persons interested in. However the problems to get this kind of information can be to the persons neither speaking Latvian nor Russian. In order to facilitate the obtaining of information it is recommendable to provide the court fees together with overall legal costs, including in languages accessible for citizens of other Member States as well.

# **3 Lawyers' consulting and representation fees**

## **3.1 General**

Lawyers are free to establish their own fees - such remuneration is set up by agreement with client. Advocacy Act provides stipulated fees just in cases, when such an agreement between advocate and his/her client is not concluded. Advocacy Act provides as well the entitlement for Latvian Government (Cabinet of Ministers) to determine the Advocates' fees. However Latvian Government has not adopted till now such Regulation of Advocates' Fees in civil matters, therefore no regulated fees exist.

Civil Procedure Code provides, that advocate's fee shall be reimbursed to winning party by losing party no more than 5% from amount awarded by court. But in no-money claims no more than advocates' remuneration fee - as stated before, the Latvian Government have not yet adopted such fees, therefore amount reimbursed to winning party in such no-money claims is quite unclear.

There are none type of litigation, where just registered lawyer (sworn advocate) is admissible. Quite recently Latvian Constitutional Court banned last requirement of Civil Procedure Code for representation just by sworn advocates in cassation procedures. In all civil proceeding the party can be represented by a non-lawyer third party or yourself. However it has to be considered, that just sworn advocates fees are reimbursable from the losing party.

### **3.2 Fees depending on the nature of the litigation**

As already said before the lawyers fees are determined by agreement. Generally lawyers are paid on a per hour basis in Latvia, what is about 50-150 euros per hour in average. For claims with pretty high value some percent rate can be applied instead of hour rate (approx. 5-10%). In general there in no difference in fees depending on the nature of the litigation in Latvia.

### **3.3 Fees depending on the type of lawsuit or proceedings**

As already said before in general lawyers are paid on a per hour basis in Latvia, what is about 50-150 euros per hour in average. For claims with pretty high value some percent rate can be applied instead of hour rate (approx. 5-10%). In general there in no difference in fees depending on the type of lawsuit or proceedings in Latvia.

### **3.4 Fees depending on the value of claim**

As already said before in general lawyers are paid on a per hour basis in Latvia, what is about 50-150 euros per hour in average. For claims with pretty high value some percent rate can be applied instead of hour rate (approx. 5-10%). In general lawyer fees for claims of money nature will not exceed 5-25% from the value of claim.

### **3.5 Fees depending on the jurisdiction**

In general there is no difference in lawyers' fees depending on the jurisdiction. It is likely the same fee per hour base (approx. 50-150 euros) or the same percent rate from the claim amount (approx. 5-10%) will apply in all jurisdictions - either in City/Region Courts, District Courts, Supreme Court or ADR institution.

### **3.6 Legal aid cases**

The lawyers fees for providing the consultation, preparing the documents and representation courts can be covered in certain amount by Legal Aid for low-income persons. See more the Chapter 10 of this Report.

### **3.7 Contingency fees**

The lawyer and his client are free to set up any fee arrangements by their agreement, which may include contingency or conditional fees as well. There is no regulation in respect of it.

### **3.8 Payment**

Payment generally is made by transfer in the lawyer's account. Cash payment is quite common for small law offices. Payments by credit and debit cards could be made in largest law offices. VAT18% is applicable, if the lawyer is registered as VAT-payer.

#### **3.8.1 Retainer**

Retainer of 25-50% is quite common either for internal and cross border disputes.

### 3.9 Conclusions and recommendations

The lawyers' fees are neither fixed nor regulated in Latvia, therefore they vary considerably. Lawyers fees can be reimbursed no more than 5% from the amount awarded by court; any reimbursement of the lawyers' fees in awards of non-money nature is pretty unclear, as the Latvian Government does not provide regulation in this respect. In order to facilitate the obtaining of information it is recommendable to provide the average lawyers' fees together with overall legal costs, including in languages accessible for citizens of other Member States as well.

## 4 Bailiff fees

### 4.1 General

In general bailiffs in Latvia are used for the property arrest and recovery of debt in case the court decision is not performed voluntarily. The bailiff fees are set up in 28.12.2004. Regulations No. 1075 "Regulation of bailiff fees". Those fees are published on website of the bailiffs [www.lzti.lv](http://www.lzti.lv) as well. The general principle is that bailiff is paid per act by fixed fee. In general bailiff fee shall be paid by the requester of the service, except in case of recovery of debt, when the performance of the bailiff shall be paid by the debtor.

### 4.2 Ante judgment

Upon the request of interested persons a bailiff shall perform official activities [Bailiffs Act §74]:

delivery of documents;

recording of facts;

performance of inventory of property for the purpose of division of joint property;

organization of public auctions.

Nature of proceeding	Costs	Regulation
delivery of summon or other document	LVL 19.40 (approx. EUR 27.60) per address	<i>28.12.2004. Regulations No. 1075 "Regulation of bailiff fees" §2.19</i>

recording of fact	LVL 34.90 (approx. 49.66)	<b>28.12.2004. Regulations No. 1075 “Regulation of bailiff fees” §2.23</b>
performance of inventory of property for the purposes of division of joint property	LVL 19.40 (approx. EUR 27.60) for less than 10 items; LVL 34.90 (approx. 49.66) for 11-50 items; LVL 69.80 (approx. 99.32) for more than 50 items  <u>the fees could be multiplied 2-5 times considering the value of property</u>	<b>28.12.2004. Regulations No. 1075 “Regulation of bailiff fees” §2.7.</b>
organization of public auction	LVL 69.80 (approx. 99.32)  <u>the fee could be multiplied 2-5 times considering the value of property</u>	<b>28.12.2004. Regulations No. 1075 “Regulation of bailiff fees” §2.27.</b>

#### 4.3 During proceedings

Nature of proceeding	Costs	Others	Regulation
bailiff deeds notifications (proposals; invitations; deeds of bailiff performed actions; deeds of bailiff statement; notification deeds to public registers, banks, employers and third persons; call of expert)	LVL 3.90 (approx. EUR 5.55)		<b>28.12.2004. Regulations No. 1075 “Regulation of bailiff fees” §2.1., 2.2., 2.3., 2.6.</b>
securing of claim	<u>for arrest of property:</u> LVL 19.40 (approx. EUR 27.60) for less than 10 items;	exchange of the keeper of property: LVL 19.40 (approx.	<b>28.12.2004. Regulations No. 1075 “Regulation of bailiff fees” §2.7., 2.8., 2.16., 2.17.</b>



	<p>LVL 34.90 (approx. 49.66) for 11-50 items;</p> <p>LVL 69.80 (approx. 99.32) for more than 50 items</p> <p><u>the fees could be multiplied 2-5 times considering the value of property</u></p> <p>- - -</p> <p><u>arrest of bank accounts and cash:</u></p> <p>LVL 19.40 (approx. EUR 27.60) + LVL 3.90 (approx. EUR 5.55) for each injunction</p> <p>- - -</p> <p><u>securing of claim by prohibition of particular actions of defendant:</u></p> <p>LVL 19.40 (approx. EUR 27.60)</p>	EUR 27.60)	
participation in court hearing for public registration of real property of ship for the obtainer of such rights	LVL 19.40 (approx. EUR 27.60)		<b>28.12.2004. Regulations No. 1075 “Regulation of bailiff fees” §2.20.</b>

#### 4.4 Post proceedings

Nature of proceeding	Costs	Regulation
bailiff deeds notifications (deed of expenses obtained by performance of bailiff;	LVL 3.90 (approx. EUR 5.55)	<b>28.12.2004. Regulations No. 1075 “Regulation of bailiff fees” §2.4., 2.5., 2.18.</b>

deed of calculation of sums obtained, if there are several beneficiaries of court decision; deed of list of actions performed by bailiff)		
deed of property arrest	<p>LVL 19.40 (approx. EUR 27.60) for less than 10 items;</p> <p>LVL 34.90 (approx. 49.66) for 11-50 items;</p> <p>LVL 69.80 (approx. 99.32) for more than 50 items</p> <p><u>the fees could be multiplied 2-5 times considering the value of property</u></p> <p>(x2 - if value of property is LVL 3001.00 - 10'000 (approx. EUR 4'270.04-14'228.72); x3 - if (x2 - if value of property is LVL 10'001.00 - 100'000 (approx. EUR 14'230.14-142'287.20); x5 - if value of property exceeds LVL 100'000 (approx. EUR 142'287.20)</p>	<b>28.12.2004. Regulations No. 1075 "Regulation of bailiff fees" §2.7.</b>
notification of auction including preparation of text of publication	LVL 19.40 (approx. EUR 27.60)	<b>28.12.2004. Regulations No. 1075 "Regulation of bailiff fees" §2.9.</b>
sale of property by auction or commission shop; sale of securities	LVL 19.40 (approx. EUR 27.60)	<b>28.12.2004. Regulations No. 1075 "Regulation of bailiff fees" §2.10., 2.11., 2.12.</b>
sale of real property and ship by auction	LVL 69.80 (approx. EUR 99.32)	<b>28.12.2004. Regulations No. 1075 "Regulation of bailiff fees" §2.26.</b>
organization of public auction	<p>LVL 69.80 (approx. 99.32)</p> <p><u>the fee could be multiplied 2-5 times considering the value of property</u></p>	<b>28.12.2004. Regulations No. 1075 "Regulation of bailiff fees" §2.27.</b>

preparation and submission of deed for the amendments in public register	LVL 19.40 (approx. EUR 27.60)	<i>28.12.2004. Regulations No. 1075 "Regulation of bailiff fees" §2.13.</i>
deeds for performance of certain actions by debtor	LVL 19.40 (approx. EUR 27.60)	<i>28.12.2004. Regulations No. 1075 "Regulation of bailiff fees" §2.14., 2.15.</i>
deed of transfer of items, which are indicated in court decision, to the obtainer	LVL 34.90 (approx. EUR 49.66)	<i>28.12.2004. Regulations No. 1075 "Regulation of bailiff fees" §2.22.</i>
eviction of persons and property from the premises	LVL 69.80 (approx. EUR 99.32)	<i>28.12.2004. Regulations No. 1075 "Regulation of bailiff fees" §2.25.</i>
Bailiff Fee for all amounts recovered, if the Court Decision was not performed voluntarily (additionally to other fees)	<p>1. for amounts recovered less than LVL 3'000.00 (approx. EUR 4'268.61) - 15% fee;</p> <p>2. for amounts recovered LVL 3'001.00 - 10'000.00 (approx. EUR 4'270.04 - 14'228.72) - LVL 450.00 (approx. EUR 640.29) + 10% fee from amount exceeding 3'000.00 (approx. EUR 4'268.61);</p> <p>3. for amounts recovered LVL 10'001.00 - 100'000.00 (approx. EUR 14'228.72 - 142'287.2 ) - LVL 1'150.00 (approx. EUR 1'636.30) + 5% fee from amount exceeding 10'000.00 (approx. EUR 4'270.04);</p> <p>4. for amounts recovered more than LVL 100'000.00 (approx. EUR 142'287.2) - LVL 5'650.00 (approx. EUR 8'039.23) + 3% fee from amount exceeding</p>	<i>28.12.2004. Regulations No. 1075 "Regulation of bailiff fees" §6.</i>

	100'000.00 (approx. EUR 142'287.20);	
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#### 4.5 Legal Aid cases

The bailiff fees are not covered by Legal Aid. However at least the bailiff fees for the recovery of awarded amounts shall be paid directly from the debtor but not from the plaintiff.

#### 4.6 Payment

Payment can be made by bank transfer or cash. VAT 18% is applicable, if bailiff is registered as VAT-payer.

##### 4.6.1 Retainer

Retainer usually is not requested by bailiffs neither for internal nor cross-border disputes.

#### 4.7 Conclusions and recommendations

The transparency for the bailiff fees are quite high in Latvia, as the fees are fixed and accessible at least for Latvian speakers. In order to facilitate the obtaining of information it is recommendable to provide the bailiff fees together with overall legal costs, including in languages accessible for citizens of other Member States as well.

## 5 Expert

### 5.1 General

The fees of experts of government institutions are stipulated in government regulations. That is 31.05.2005. Regulations of Cabinet of Ministers No. 374

“Regulations on price list of the paid services of the State Forensic Science Bureau” and 01.11.2005. Regulations of Cabinet of Ministers No. 839 “Regulations on price list of the paid services of the State Forensic Medicine Centre”. The fees of State Forensic Science Bureau are published on its web site [www.vteb.gov.lv](http://www.vteb.gov.lv); however such information is not provided in English. Only fees of experts from governmental institutions are regulated by law. Private experts are free to fix their own fees. Amount reimbursed from the courts for non-governmental experts is stipulated on 27.04.1999. Regulations Nr. 154 “Order to calculate amounts paid to witnesses and experts in civil cases and costs related to the searching of defendant”. Generally experts from non-governmental institutions are compensated by their average wage of their working day.

There are some problems with other expenses of experts (travel, hotel, per diem and such like) and non-employed experts. The 27.04.1999. Regulations Nr. 154 “Order to calculate amounts paid to witnesses and experts in civil cases and costs related to the searching of defendant. §3 and §4 of Regulation No. 154 provide, that experts are entitled to travel and hotel expenses, and per diem in amounts provided in other 25.06.1996. Regulations No. 233. The problem is, that such referred Regulations No. 233 are repealed and no more in force. Although other similar 28.05.2002. Regulations No. 219 exist, as the reference is not made to them, their application for the calculation of costs are quite uncertain. The situation is even worse to non-employed experts, which are entitled to remuneration of their service. Reference again is made to another 10.09.1996. Regulations No. 351, which are abolished - and in this case, there are not even analogical Government Regulations. Thou those costs do not have to be bared by parties directly but court itself, the court is entitled to cover those expenses afterward by party, which lost the case.

## 5.2 Fees

The following fees are provided just for governmental expertise institutions State Forensic Science Bureau and State Forensic Medicine Centre:

Type of litigation	Fees	Who pays	Regulation	When is payment made in general

expertise of biological or chemical nature	LVL 5.00-8.50 (approx. EUR 7.11 - 12.09) per working hour (18%VAT not included)	demandeur of expertise	<b>31.05.2005. Regulations No. 374 "Regulations on price list of the paid services of the State Forensic Science Bureau"; Addendum No. 1, §1.1.-1.4.</b>	before the service is done by the amount specified in estimate; bank transfer is required; fee can be multiplied by 2 times, if expertise has to be done in short period of time
expertise of documents	LVL 4.00-8.00 (approx. EUR 5.69 - 11.38) per working hour (18%VAT not included)	demandeur of expertise	<b>31.05.2005. Regulations No. 374 "Regulations on price list of the paid services of the State Forensic Science Bureau"; Addendum No. 1, §2.1.-2.3.</b>	
economical expertise	LVL 28.00 (approx. EUR 39.84) per working hour (18%VAT not included)	demandeur of expertise	<b>31.05.2005. Regulations No. 374 "Regulations on price list of the paid services of the State Forensic Science Bureau"; Addendum No. 1, §2.4.</b>	
technical expertise	LVL 4.00-5.00 (approx. EUR 5.69 - EUR 7.11) per working hour (18%VAT not included)	demandeur of expertise	<b>31.05.2005. Regulations No. 374 "Regulations on price list of the paid services of the State Forensic Science Bureau"; Addendum No. 1, §3.1. - 3.4.</b>	
medical expertise of chemical or toxicological nature	LVL 3.34 - 33.35 (EUR 4.75 - 47.45) per examination (0%VAT applies)	demandeur of expertise	<b>01.11.2005. Regulations No. 839 "Regulations on price list of the paid services of the State Forensic Medicine Centre" Addendum §1.1. - 1.22.</b>	

expertise of paternity (DNA)	LVL 271.87 (EUR 386.84) per examination of 3 persons (18%VAT included)	demandeur of expertise	<b>01.11.2005. Regulations No. 839 "Regulations on price list of the paid services of the State Forensic Medicine Centre" Addendum §2.</b>	
autopsy of person, who is not citizen of EC Member State	LVL 156.00 (EUR 221.97) per examination (18%VAT included)	demandeur of expertise	<b>01.11.2005. Regulations No. 839 "Regulations on price list of the paid services of the State Forensic Medicine Centre" Addendum §3.</b>	
service of histological laboratory	LVL 26.67 (EUR 37.94) per examination (18%VAT included)	demandeur of expertise	<b>01.11.2005. Regulations No. 839 "Regulations on price list of the paid services of the State Forensic Medicine Centre" Addendum §4.1.</b>	
medical expertise for injured person, who is not citizen of EC Member State	LVL 15.95 (EUR 22.69) per examination (18%VAT included)	demandeur of expertise	<b>01.11.2005. Regulations No. 839 "Regulations on price list of the paid services of the State Forensic Medicine Centre" Addendum §5.</b>	
expertise for insurance company	LVL 7.39 (EUR 10.51) per examination (18%VAT included)	demandeur of expertise	<b>01.11.2005. Regulations No. 839 "Regulations on price list of the paid services of the State Forensic Medicine Centre" Addendum §6.</b>	
expertise of medical commission for civil	LVL 86.60 (EUR 123.22) per	demandeur of	<b>01.11.2005. Regulations No.</b>	

case	examination (18%VAT included)	expertise	<b>839 “Regulations on price list of the paid services of the State Forensic Medicine Centre” Addendum §7.</b>	
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### 5.3 Payment

Payment can be made by bank transfer or cash. VAT 18% is applicable, if expert is registered as VAT-payer (rate 0% is applicable to some expertise of medical nature). In the case of cross-border litigation VAT rate 0% is applicable for other EC Member State’s person, who is registered as VAT-payer.

#### 5.3.1 Retainer

Generally experts shall be paid before the performance of their service.

### 5.4 Legal aid cases

Expert costs are not covered by Latvian Legal Aid organization. However the court, considering the financial status of person, is entitled to release such person from those expenses. In this case, expert fees could be paid from public funds.

### 5.5 Reimbursement of experts’ fees

The court is entitled to order losing party to reimburse expert fees, if opposite party did such request and amount of such expertise does not exceed the limit stated by law.

### 5.6 Practical questions

Any expert is entitled to act before the court and no mandatory accreditation is required by law. However it is likely, that any expert will be asked for some proof of his/her proficiency such as certificate or license. Latvian court is entitled to accept expertise report made by expert of other EU Member State.

### 5.7 Conclusions and recommendations



The transparency for the expert fees for governmental expert institutions are quite high in Latvia, as the fees are fixed and accessible at least for Latvian speakers. In order to facilitate the obtaining of information it is recommendable to provide the fixed and average expert fees together with overall legal costs, including in languages accessible for citizens of other Member States as well.

## **6 Translation and interpretation**

### **6.1 General**

Translation and interpretation fees are not regulated by Latvian Law. Every translator, interpreter or company providing such services is entitled to set up its own fees. As those services are own business, generally the costs are provided separately by each professional. Generally every translation and interpretation company has its own web site, where price list is published; for example [www.aatranslations.lv](http://www.aatranslations.lv); mostly the price lists are provided in English as well. Neither translators nor interpreters shall be accredited. Generally translations to Latvian from English, German and Russian are provided for lower fees than other languages not so common. Higher fees are usually asked for translations with specific terminology, complexity of document and as well speedy service. Translators and interpreters are liable by Criminal Code in case such services are provided intentionally false or incomplete.

All civil procedure documents other language than Latvian shall be translated in Latvian [Civil Procedure Law §13(2)]. Generally notarization of translation takes place - a translator certifies a translation under his/her signature (so becoming sworn translator) and a public notary certifies the signature of such sworn translator on the translation [Notary Act §119, §120, §121]. Certification of translation by the party could be accepted by court as well.

Civil Procedure Code §13(4) provides, that natural persons, which do not speak in Latvian, shall be provided with interpreter in civil litigations. Such expenses of interpreter shall be covered by public fund.

## **6.2 Translation fees**

Average fees for translations are something between EUR 10.00 - 20.00 per page (approx. for 1800 symbols). Fees can be higher for complicated and speedy translations.

## **6.3 Interpretation fees**

Average fees for translations are something below EUR 50.00. It is expected that fees for interpretation from English, German and Russian will be lower than from other not so common languages.

## **6.4 Payment**

Payment generally is made by bank transfer or cash. VAT 18% is applicable, if translator/interpreter is registered as VAT-payer. In the case of cross-border litigation VAT rate 0% is applicable for other EC Member State's person, who is registered as VAT-payer.

### **6.4.1 Retainer**

Retainer might be asked for new customers.

## **6.5 Practical questions**

There is no mandatory requirement to a translator to be accredited by court, therefore any translator is entitled to produce a certified translation, including translator from other EU Member State or party himself/herself. However in those instances it is quite possible, that the court will ask to certify such translation before the public notary.

## **6.6 Legal aid**

Translation fees could be taken care of by government legal aid organization in cross-border litigations to foreign party for Latvian litigation, or to Latvian party for foreign litigation [State Legal Aid Act §11(2), §12].

## **6.7 Reimbursement**

Latvian Civil Procedure Code does not provide the possibility in the case of favorable decision for a party that has paid the translator's or interpreter's costs to claim such costs to be refunded by the losing party.

## **6.8 Conclusions and recommendations**

The transparency of the translation and interpretation fees are considerably high, however provided separately by each company. The fees are neither regulated nor fixed, and no authorized translator or interpreter is mandatory. In order to facilitate the obtaining of information it is recommendable to provide average costs of translation and interpretation fees together with overall legal costs, including in languages accessible for citizens of other Member States as well.

## **7 Witness Compensation**

### **7.1 General**

Compensation of witnesses is provided at 27.04.1999. Regulations Nr. 154 "Order to calculate amounts paid to witnesses and experts in civil cases and costs related to the searching of defendant". §3 and §4 of Regulation No. 154 provide, that witnesses are entitled to travel and hotel expenses, and per diem in amounts provided in other 25.06.1996. Regulations No. 233. The problem is, that such referred Regulations No. 233 are repealed and no more in force. Although other similar 28.05.2002. Regulations No. 219 exist, as the reference is not made to them, their application for the calculation of costs are quite uncertain. In practice the travel and hotel expenses are compensated to witnesses by the courts, providing receipts of such expenses. Compensation of expenses by traveling by air shall be agreed by the court prior the flight takes place. Latvian law provides, that witness shall be paid by employer for the time he/she performs duties of witness in amount of his/her average wage. Employer is entitled to invoice the court about such compensation of witness.

## **7.2 Fees**

There are no fees for witnesses. The expenses of witness are covered by the court from public funds in certain amount. The employer is required to pay average sale to his employee for the time he/she performed his/her duties as witness.

## **7.3 Payment**

Witness will be compensated his/her expenses in certain amount providing to the court the receipts of such expenses.

## **7.4 Practical questions**

The litigation in Latvian courts shall be performed in Latvian - any statement or document in non-Latvian language shall be translated in Latvian. Just written witness statements protocolled by court are considered by the court as evidence of witness. Party is entitled to require the securization of witness evidence from the court and court is entitled to order another court to perform such securization the witness statement in written [Civil Procedure Code §173].

Any person is able to be recognized as witness, except:

priests, who got facts through the confession, and other persons whose position or profession does not permit them to disclose certain information entrusted to them - regarding such information;

minors - regarding facts that testify against their parents, grandparents, brothers or sisters;

persons whose physical or mental deficiencies render them incapable of appropriate assessment of facts relevant to the matter; and

children under the age of seven.

Before giving the testimony the identity of witness is established and warning about criminal liability given, as well the witness is required to sing the following statement: "I, . . . (given name and surname of the witness), undertake to testify to the court about everything I know regarding the matter in which I am called as a witness. It has been explained to me that for refusing to testify or for knowingly giving intentionally false testimony I may be criminally liable in accordance with the Criminal Law" [Civil Procedure Code §169(2)]. The identification documents

shall be provided to court as passport, driving license or identification card [Civil Procedure Code §169(1)]. Witness is liable to criminal punishment for unjustified refusal to testify or intentionally false testimony [Civil Procedure Code §109(1)].

## **7.5 Conclusions and recommendations**

The witnesses are compensated from the public funds and can be ordered afterwards to be covered by the losing party. The amount of covered travel, hotel and per diem expenses is quite uncertain, as there is lack of corresponding governmental regulations. In order to facilitate the obtaining of information it is recommendable to provide general rules of witness compensation together with overall legal costs, including in languages accessible for citizens of other Member States as well.

## **8 Pledges and security deposits**

### **8.1 General**

Pledges and security deposits can be required for:

Securing of evidence prior taking an action [Civil Procedure Code §100(7)];

Securing of claim [Civil Procedure Code §140(2)];

Interim measures for breach of intellectual property rights [Civil Procedure Code §250.12(3)].

Party willing to impose the pledge or security deposit shall request it to the court in writing. The court is entitled to impose the pledge or security deposit without the request of party as well. Amount of deposit is determined by court considering possible damages of other party shall be covered.

### **8.2 Fees**

No fee shall be paid for request of pledge of security deposit.

### **8.3 Payment**

As no fee shall be paid for request of pledge of security deposit, therefore no payment is necessary.

#### **8.4 Practical questions**

In no circumstances neither the pledge nor security deposit is required automatically, just possibility for parties to use such procedural steps is provided. Neither pledges nor security deposits are more often in cross-border litigations.

#### **8.5 Conclusions and recommendations**

There is no fee required neither for pledges nor security deposits. In order to facilitate the obtaining of information in this respect it is recommendable to provide information that no fees are required for pledges/security deposits together with overall information on legal costs, including in languages accessible for citizens of other Member States as well.

### **9 Court decisions**

#### **9.1 Cost of notification**

Notification of court decision is not required by Latvian Civil Procedure Law neither in Latvia nor European Union.

#### **9.2 Cost of obtaining an authenticated decision**

Every party receives authenticated decision free of charge. If another copy of authenticated decision is requested, the fee this is LVL 2.00 (approx. EUR 2.85) [Civil Procedure Code §38(1)1].

## **10 Legal aid**

### **10.1 General**

Legal aid is regulated by Latvian State Legal Aid Act and executed by governmental institution State Legal Aid Administration. The information about legal aid, including the text of State Legal Aid Act, is published at web site of Ministry of Justice [www.tm.gov.lv](http://www.tm.gov.lv). For the moment all the information on web site is in Latvian only. The State Legal Aid Administration has toll free line 8001801, where persons are answered on Latvian and Russian and quite likely in English and German as well. Three brochures are published as well: 1. State Legal Aid in cross-border disputes (in Latvian); 2. State Legal Aid for low-income persons (in Latvian and Russian); and 3. State Compensation for Victims of Crime (in Latvian).

Legal Aid is provided by legal professionals, which are compensated from public funds through State Legal Aid Administration. Limits of amount of compensation are set up in legal acts, but for each particular case are determined by. In order to receive the legal aid, person is required to submit to the State Legal Aid Administration the application form - the information shall be filled or translated to the Latvian only.

### **10.2 Conditions of grant**

Persons are entitled for legal aid if such person is not able to cover (partially or in full) the legal protection of his/her rights because of reasons of special situation of emergency, property or income [State legal aid Act §3(2)], which is:

person is not able to cover expenses for protection of his/her rights because of natural disaster, force majored or other such like situation [04.07.2006. Regulation No 558 §4.1];

person is in full dependence by government of municipality [04.07.2006. Regulation No 558 §4.2];

person needs aid for the procedure of granting of status of asylum [04.07.2006. Regulation No 558 §4.3];

average income of person in last three months does not exceed minimal wage (now LVL 120.00 (approx. EUR 170.74) per month) and there is no property, which would provide the income or such property is necessary for the basic needs of person and his/her family [04.07.2006. Regulation No 558 §5.1];

just mentioned average income could be larger than 50% for each dependant of person, who is [04.07.2006. Regulation No 558 §5.2]:

juvenile;

child, who is studying, but no more than 24 years old;

non-employed parent or grandparent;

sister or brother, who has no parents in working age and is no more than 18 years old;

person for whose benefit the requester of legal aid will receive alimony;

person, who is in trusteeship.

Legal aid is granted for natural persons only, therefore no companies or organizations are entitled to such grant in Latvia.

### 10.3 Strings attached

Almost every type of litigation is covered by legal aid (for example ADR proceeding are not covered):

1. FAMILY LAW	
▪ Conciliation/mediation	x
▪ Divorce	x
▪ Separation	x
▪ Adoption	x
▪ Children custody right	x
▪ Alimony	x
▪ Domestic violence	x
▪ Paternity issues	x
2. INHERITANCE AND ESTATE	x
3. LABOUR LAW	



▪ Work accidents	x
▪ Redundancies	x
▪ Harassment	x
4. SOCIAL LAW	
▪ Disabled people rights	x
▪ Social aid right	x
▪ Pensions	x
▪ Health	x
▪ War veterans	x
5. IMMIGRATION LAW	
▪ Asylum rights	x
6. COMMERCIAL LAW	
▪ Consumers protection	x (legal aid is not provider for business party)
▪ Contracts	x (legal aid is not provider for business party)
▪ Representation and agency	x (legal aid is not provider for business party)
7. CIVIL LAW	
▪ Consumers protection	x (legal aid is not provider for business party)
▪ Contracts	x (legal aid is not provider for business party)
8. ADMINISTRATIVE LAW	
▪ Public enforcement agencies (excluding bailiff)	x
▪ Civil rights	x
▪ Human rights	x
▪ Education	x
9. PROPERTY LAW	
▪ Lease	x
▪ Real property	x
10. CIVIL STATUS	x
11. RACIAL DISCRIMINATION	x
12. OTHERS	x

Following costs are covered by State Legal Aid:

For legal consultation - LVL 7.00 (approx. EUR 9.96) per hour (no more than 3 hours are covered per case);

Drafting of procedural document - LVL 10.00 (approx. 14.23 EUR) (no more than 3 documents are covered per case);

Drafting of Appeal Statement - LVL 20.00 (approx. 28.46 EUR);

Drafting of Cassation Statement - LVL 30.00 (approx. 42.69 EUR);

Representation in Court - LVL10.00 (approx. 14.23 EUR) per hour (no more than 40 hours are covered per case);

Examination of Case Volume - LVL 5.00 (approx. EUR 7.11);

Limits can be exceeded in case, if lack of legal aid would arise major damage to the basic human rights of person; in such case the separate decision of State Legal Aid Administration should be taken.

Legal aid could be withdrawn, if person submitted false information, the financial status of person had improved and such like [State Legal Aid Act §34(1)].

Decisions of the State Legal Aid Administration subject to judicial review. That is decision subjects for appeal to the authority of Ministry of Justice, but afterwards - the Administrative Court, which decision shall be final [State legal aid Act §26].

#### **10.4 Practical questions**

Legal aid can be granted in full or partial coverage of legal costs. Contribution will be determined by consideration of the financial status of person.

#### **10.5 Conclusions and recommendations**

The information in respect to the Civil Legal Aid is quite accessible for the public. In order to facilitate the obtaining of information it is recommendable to provide this information together with overall legal costs, including in languages accessible for citizens of other Member States as well.

### **11 Personal experience**

Since the accession of Latvia to the European Community, there are more and more cases, when law firms are confronted with cross-border issues where the court was located in another Member State. Sometimes there is confrontation with the situation, where the clear evaluation of costs or justice is quite difficult. In those cases usually several foreign law offices are asked to provide the litigation costs,

which adds to costs. Therefore some data system free of charge would be good, which would provide approximate litigation costs for every EC Member State.

## 12 Case studies

### 12.1 Case study 1: Family law – Divorce (excluding division of matrimonial property)

Case A - National situation: a couple gets married. Later they separate and agree to a divorce.

Case B - Transnational situation: Two nationals from a same Member State (Member State A) get married. The marriage is celebrated in Member State A. After the wedding, the couple moves to live and work in another Member State (Member State B) where they establish their residence. Shortly thereafter the couple separates with the wife returning to Member State A and the husband remaining in Member State B. The couple agrees to a divorce. Upon her return to Member State A, the wife immediately files for a divorce before the courts of Member State B2.

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	LVL 50.00 (approx. EUR 71.14)	free of charge	-	LVL 25.00 (approx. EUR 35.57)	free of charge	-	no	

<sup>2</sup> N.B : Article 3 of Regulation EC n°2201/2003 provides that: “In matters relating to divorce, legal separation or marriage annulment, jurisdiction shall lie with the courts of the Member State

(a) in whose territory:

— the spouses are habitually resident, or

— the spouses were last habitually resident, insofar as one of them still resides there”

<b>Case B</b>	LVL 50.00 (approx. EUR 71.14)	free of charge	LVL 3.00 (approx. EUR 4.27) for Certificate that Court Judgment came in effect for submission to the foreign Courts	LVL 25.00 (approx. EUR 35.57)	free of charge	LVL 3.00 (approx. EUR 4.27) for Certificate that Court Judgment came in effect for submission to the foreign Courts	no	
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Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
<b>Case A</b>	no	about LVL 500 (approx. 711.44)  [in fact, the costs may vary quite considerably]	no	seems no bailiff necessary for this type of litigation	seems no bailiff necessary for this type of litigation	no	seems no expert necessary for this type of litigation
<b>Case B</b>	no	about LVL 600 (approx. 853.72)  [in fact, the costs may vary quite considerably]	no	seems no bailiff necessary for this type of litigation	seems no bailiff necessary for this type of litigation	no	seems no expert necessary for this type of litigation

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and	Cost	Description	Cost

			how is it used ?			
<b>Case A</b>	yes, witness is compensated from public funds for travel and hotel expenses in certain amount; employer is required to pay average salary for time the witness performed his/her duties, which is compensated afterwards from public fund	LVL 3.00 (approx. EUR 4.27) - Summoning of Witness	for securing of evidence prior taking an action	LVL 10.00 (approx. EUR 14.23)  amount of deposit or pledge is determined by court considering possible damages of other party shall be covered		
<b>Case B</b>	yes, witness is compensated from public funds for travel and hotel expenses in certain amount; employer is required to pay average salary for time the witness performed his/her duties, which is compensated afterwards from public fund	LVL 3.00 (approx. EUR 4.27) - Summoning of Witness	for securing of evidence prior taking an action	LVL 10.00 (approx. EUR 14.23)  amount of deposit or pledge is determined by court considering possible damages of other party shall be covered		

Case	Legal Aid			Reimbursement			
	When and under which conditions	When is support total ?	Conditions ?	Can the winning party obtain	If reimbursement is not total	What costs are never reimbursed?	Are there instances when legal aid should

	is it applicable ?			reimbursement of litigation costs?	what is percentage in general ?		be reimbursed to the legal aid organization?
<b>Case A</b>	generally for low-income person	there are certain limits, which cannot be overreached  total support is possible only in cases, when basic human rights could be affected	the financial status of person would be considered	yes	just those expenses are reimbursed , which do not exceed certain limits (there is no percentage in general)	translation expenses	yes
<b>Case B</b>	generally for low-income person	there are certain limits, which cannot be overreached  total support is possible only in cases, when basic human rights could be affected		yes	just those expenses are reimbursed , which do not exceed certain limits (there is no percentage in general)		yes

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
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	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	for all documents in non-Latvian language	EUR 6.00 - 18.00 per average page;	if party does not speak and understand the Latvian	free of charge - court is required to provide interpretation for natural persons		
Case B	for all documents in non-Latvian language	EUR 6.00 - 18.00 per average page	if party does not speak and understand the Latvian	free of charge - court is required to provide interpretation for natural persons		

## 12.2 Case Study 2: Family law – Custody of the children (excluding alimony questions)

Case A - National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother and a right of access to the father. The mother sues to limit the father's right of access.

Case B - Transnational situation where you are a lawyer in Member State A: Two persons have lived together unmarried in a Member State (Member State B) for a number of years. They have a child together but separate immediately after the child's birth. A court decision in Member State B gives the child's custody to the mother with a right of access to the father. The mother and the child move to live in another Member State (Member State A) as authorized to do so by the Court decision and the father remains in Member State B. A few years later, the mother sues in Member State A to change the father's right of access<sup>3</sup>.

<sup>3</sup> N.B : Article 8 of Regulation EC n°2201/2003 provides that : "The courts of a Member State shall have jurisdiction in matters of parental responsibility over a child who is habitually resident in that Member State at the time the court is seized."

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	LVL 20.00 (approx. EUR 28.46);	free of charge	-	LVL 10.00 (approx. EUR 14.23)	free of charge	-	no	
Case B	LVL 20.00 (approx. EUR 28.46);	free of charge	-	LVL 10.00 (approx. EUR 14.23)	free of charge	-	no	

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	no	about LVL 500 (approx. 711.44) [in fact, the costs may vary quite considerably]	no	seems no bailiff necessary for this type of litigation	seems no bailiff necessary for this type of litigation	no	seems no expert necessary for this type of litigation
Case B	no	about LVL 600 (approx. 853.72) [in fact, the costs may vary quite considerably]	no	seems no bailiff necessary for this type of litigation	seems no bailiff necessary for this type of litigation	no	seems no expert necessary for this type of litigation



Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	yes, witness is compensated from public funds for travel and hotel expenses in certain amount; employer is required to pay average salary for time the witness performed his/her duties, which is compensated afterwards from public fund	LVL 3.00 (approx. EUR 4.27) - Summoning of Witness	for securing of evidence prior taking an action	LVL 10.00 (approx. EUR 14.23)	amount of deposit or pledge is determined by court considering possible damages of other party shall be covered	
Case B	yes, witness is compensated from public funds for travel and hotel expenses in certain amount; employer is required to pay average salary for time the witness performed his/her duties, which is compensated afterwards from public fund	LVL 3.00 (approx. EUR 4.27) - Summoning of Witness	for securing of evidence prior taking an action	LVL 10.00 (approx. EUR 14.23)	amount of deposit or pledge is determined by court considering possible damages of other party shall be covered	

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Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable ?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organization?
Case A	generally for low-income person	there are certain limits, which cannot be overreached  total support is possible only in cases, when basic human rights could be affected	the financial status of person would be considered	yes	just those expenses are reimbursed, which do not exceed certain limits (there is no percentage in general)	translation expenses	yes

<b>Case B</b>	generally for low-income person	there are certain limits, which cannot be overreached  total support is possible only in cases, when basic human rights could be affected	the financial status of person would be considered	yes	just those expenses are reimbursed, which do not exceed certain limits (there is no percentage in general)	translation expenses	yes
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Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
<b>Case A</b>	for all documents in non-Latvian language	EUR 6.00 - 18.00 per average page;	if party does not speak and understand the Latvian	free of charge - court is required to provide interpretation for natural persons		
<b>Case B</b>	for all documents in non-Latvian language	EUR 6.00 - 18.00 per average page	if party does not speak and understand the Latvian	free of charge - court is required to provide interpretation for natural persons		

**12.3 Case Study 3: Family law – Alimony**

**Case A - National situation:** Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother. The only outstanding dispute relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this.

**Case B - Transnational situation where you are a lawyer in Member State A:** Two persons have lived together unmarried in a Member State (State B). They have a three year old child. They separate. A court decision in Member State B gives the child’s custody to the mother. With the agreement of the father, the mother and the child move to live in another Member State (Member State A) where they establish their residence.

An outstanding dispute remains. This relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this in Member State A<sup>4</sup>.

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	no fee	free of charge	for securing of evidence prior taking an action - no fee	no fee	free of charge	-	no	
Case B	no fee	free of	for	no fee	free of	no fee	no	

<sup>4</sup> NB Article 5 of COUNCIL REGULATION (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters provides that: “in matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which, according to its own law, has jurisdiction to entertain those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties”

		charge	securing of evidence prior taking an action  no fee for Certificate that Court Judgment came in effect for submission to the foreign Courts		charge	for Certificate that Court Judgment came in effect for submission to the foreign Courts		
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Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	no	about LVL 500 (approx. 711.44)  [in fact, the costs may vary quite considerably]	no	seems no bailiff necessary for this type of litigation	in case the Court Ruling is not executed voluntarily the Bailiff is entitled to charge Defendant 15% from all amounts recovered to the Plaintiff	no	seems no expert necessary for this type of litigation
Case B	no	about LVL 600 (approx. 853.72)  [in fact, the costs may vary quite considerably]	no	seems no bailiff necessary for this type of litigation	as Court Ruling is going to be executed in other Member State B, no national bailiff would be necessary	no	seems no expert necessary for this type of litigation

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	yes, witness is compensated from public funds for travel and hotel expenses in certain amount; employer is required to pay average salary for time the witness performed his/her duties, which is compensated afterwards from public funds	no fee for Summoning of Witness	for securing of evidence prior taking an action	amount of deposit or pledge is determined by court considering possible damages of other party shall be covered		
Case B	yes, witness is compensated from public funds for travel and hotel expenses in certain amount; employer is required to pay average salary for time the witness performed his/her duties, which is compensated afterwards from public funds	no fee for Summoning of Witness	for securing of evidence prior taking an action	amount of deposit or pledge is determined by court considering possible damages of other party shall be covered		

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable ?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organization?
<b>Case A</b>	generally for low-income person	there are certain limits, which cannot be overreached  total support is possible only in cases, when basic human rights could be affected	the financial status of person would be considered	yes	just those expenses are reimbursed , which do not exceed certain limits (there is no percentage in general)	translation expenses	yes
<b>Case B</b>	generally for low-income person	there are certain limits, which cannot be overreached  total support is possible only in cases, when basic human rights could be affected	the financial status of person would be considered	yes	just those expenses are reimbursed , which do not exceed certain limits (there is no percentage in general)	translation expenses	yes

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	for all documents in non-Latvian language	EUR 6.00 - 18.00 per average page;	if party does not speak and understand the Latvian	free of charge - court is required to provide interpretation for natural persons		
Case B	for all documents in non-Latvian language	EUR 6.00 - 18.00 per average page	if party does not speak and understand the Latvian	free of charge - court is required to provide interpretation for natural persons		

#### 12.4 Case Study 4: Commercial law – Contract

**Case A - National situation:** A company delivered goods worth 20.000 euros. The seller has not been paid because the buyer considers that the goods do not conform to what was agreed. The seller believes that the goods conform to what was agreed and asks for payment in full because he asserts that the goods were purpose made and he will not be able to sell them to someone else.

The seller decides to sue to obtain the full payment of the price.

**Case B - Transnational situation:** A company whose head office is located in Member State B delivers goods worth 20.000 euros to buyer in Member State A. The contract is subject to Member State B's law and written in Member State B's language. This seller has not been paid because the buyer located in Member State A considers that the goods do not conform to what was agreed. The seller believes that the goods conform to what was agreed and asks for payment in full because he asserts that the goods were purpose made and he will not be able to sell them to



someone else. The seller decides to sue in Member State A to obtain full payment of the price as provided under the contract with the buyer.

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	LVL 394.90 (approx. EUR 561.89)	free of charge	1. LVL 10.00 (approx. EUR 14.23) for securing of evidence prior taking an action  2. LVL 70.28 (approx. EUR 100.00) for securing of claim	LVL 197.45 (approx. EUR 280.95)	free of charge	0.5% from the claim amount for securing of claim	yes	LVL 700.00 (approx. EUR 996.01)  !!! fee of Latvian Chamber of Commerce and Industry Court of Arbitration is provided here for this case - fees of other ADR bodies can differ considerably
Case B	LVL 394.90 (approx. EUR 561.89)	free of charge	1. LVL 10.00 (approx. EUR 14.23) for securing of evidence prior taking an action	LVL 197.45 (approx. EUR 280.95)	free of charge	0.5% from the claim amount for securing of claim	yes	LVL 700.00 (approx. EUR 996.01)  !!! fee of Latvian Chamb

			2. LVL 70.28 (approx. EUR 100.00) for securing of claim					er of Comme rce and Industr y Court of Arbitra tion is provide d here for this case - fees of other ADR bodies can differ conside rably
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Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	no	about LVL 1'500 - 2'000 (approx. EUR 2'134.31 - 2'845.74)  [in fact, the costs may vary quite considerably]	no	starting from LVL 19.40 (approx. EUR 27.60) for securing or each account, till 10 items of property and such like	in case the Court Ruling is not executed voluntarily the Bailiff is entitled to charge Defendant 10%-15% from all amounts recovered to the Plaintiff	no	approximately LVL 5.90 - 10.03 (EUR 8.39 - 14.27) per working hour of expert, if performed by State Forensic Science Bureau
Case B	no	about LVL 1'500 - 2'000 (approx. EUR 2'134.31 - 2'845.74)  [in fact, the costs may vary quite considerably]	no	starting from LVL 19.40 (approx. EUR 27.60) for securing or each account, till 10 items of property and such like	in case the Court Ruling is not executed voluntarily the Bailiff is entitled to charge Defendant 10%-15% from all amounts recovered to the Plaintiff	no	approximately LVL 5.90 - 10.03 (EUR 8.39 - 14.27) per working hour of expert, if performed by State Forensic Science Bureau

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	yes, witness is compensated from public funds for travel and hotel expenses in certain amount; employer is required to pay average salary for time the witness performed his/her duties, which is compensated afterwards from public fund	LVL 3.00 (approx. EUR 4.27) - Summoning of Witness	1. for securing of evidence prior taking an action 2. securing of claim	amount of deposit or pledge is determined by court considering possible damages of other party shall be covered		
Case B	yes, witness is compensated from public funds for travel and hotel expenses in certain amount; employer is required to pay average salary for time the witness performed his/her duties, which is compensated afterwards from public fund	LVL 3.00 (approx. EUR 4.27) - Summoning of Witness	1. for securing of evidence prior taking an action 2. securing of claim	amount of deposit or pledge is determined by court considering possible damages of other party shall be covered		

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable ?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organization?

<p><b>Case A</b></p>	<p>Legal Aid is not provided to parties performing business</p>			<p>yes</p>	<p>just those expenses are reimbursed , which do not exceed certain limits (there is no percentage in general)</p> <p>just 5% from the amount awarded can be reimbursed from the lawyer fee (that is, if Court awards EUR 20'000.00 for this case, the lawyer fee reimbursed shall be EUR 1'000.00)</p>	<p>Translation and Interpretation expenses</p>	<p>Legal Aid is not provided for this type of litigation</p>
<p><b>Case B</b></p>	<p>Legal Aid is not provided to parties performing business</p>			<p>yes</p>	<p>just those expenses are reimbursed , which do not exceed certain limits (there is no percentage in general)</p> <p>just 5% from the amount awarded can be reimbursed from the lawyer fee (that is, if Court awards EUR 20'000.00 for this case, the lawyer fee</p>	<p>Translation and Interpretation expenses</p>	<p>Legal Aid is not provided for this type of litigation</p>

					reimbursed shall be EUR 1'000.00)		
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Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	for all documents in non-Latvian language	EUR 6.00 - 18.00 per average page;	if party (his representative) does not speak and understand the Latvian	LVL 14.00 - 20.00 (approx. EUR 19.92 - 28.46) per hour		
Case B	for all documents in non-Latvian language	EUR 6.00 - 18.00 per average page	if party (his representative) does not speak and understand the Latvian	LVL 14.00 - 20.00 (approx. EUR 19.92 - 28.46) per hour		

## 12.5 Case Study 5: Commercial law – Responsibility

**Case A - National situation:** A heating equipment manufacturer delivers a heater to an installer. The installer on-sells (and installs) the heater to a customer to equip his/her house. The house catches fire shortly thereafter. Every participant (heating equipment manufacturer, installer, end-customer) is insured. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies.

**Case B - Transnational situation:** A heating equipment manufacturer in a Member State B delivers heater to an installer in a Member State C. The installer on-sells the heater (and installs) the heater to a customer in Member State A to equip his/her house. The house catches fire shortly thereafter. Each participant (heating equipment manufacturer, installer, end-customer) is insured by an insurance

company in its own Member State. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue in Member State A for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies in Member State A.

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	depends on the amount of claim	free of charge	1. LVL 10.00 (approx. EUR 14.23) for securing of evidence prior taking an action  2. 0.5% from the claim amount for securing of claim	½ from the fee, which shall be paid for previous procedure	free of charge	0.5% from the claim amount for securing of claim	yes, if all parties agreed to this type of litigation	depends on the amount of claim
Case B	depends on the amount of claim	free of charge	1. LVL 10.00 (approx. EUR 14.23) for securing of evidence prior taking an action  2. 0.5% from the claim amount for securing of claim  3. LVL 3.00	½ from the fee, which shall be paid for previous procedure	free of charge	1. 0.5% from the claim amount for securing of claim  2. LVL 3.00 (approx. EUR 4.27) for Certificate that Court Judgment came in effect	yes, if all parties agreed to this type of litigation	depends on the amount of claim

			(approx. EUR 4.27) for Certificate that Court Judgment came in effect for submission to the foreign Courts			for submission to the foreign Courts		
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Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	no	about LVL 4'000.00 - 5'000.00 (approx. EUR 5'691.49 - 7'114.36)  [in fact, the costs may vary quite considerably]	no	starting from LVL 19.40 (approx. EUR 27.60) for securing or each account, till 10 items of property and such like	in case the Court Ruling is not executed voluntarily the Bailiff is entitled to charge Defendant 10%-15% from all amounts recovered to the Plaintiff	no	approximately LVL 5.90 - 10.03 (EUR 8.39 - 14.27) per working hour of expert, if performed by State Forensic Science Bureau
Case B	no	about LVL 4'000.00 - 5'000.00 (approx. EUR 5'691.49 - 7'114.36)  [in fact, the costs may vary quite considerably]	no	starting from LVL 19.40 (approx. EUR 27.60) for securing or each account, till 10 items of property and such like	in case the Court Ruling is not executed voluntarily the Bailiff is entitled to charge Defendant 10%-15% from all amounts recovered to the Plaintiff	no	approximately LVL 5.90 - 10.03 (EUR 8.39 - 14.27) per working hour of expert, if performed by State Forensic Science Bureau

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	yes, witness is compensated from public funds for travel and hotel expenses in certain amount; employer is required to pay average salary for time the witness performed his/her duties, which is compensated afterwards from public fund	LVL 3.00 (approx. EUR 4.27) - Summoning of Witness	1. for securing of evidence prior taking an action 2. securing of claim	amount of deposit or pledge is determined by court considering possible damages of other party shall be covered		
Case B	yes, witness is compensated from public funds for travel and hotel expenses in certain amount; employer is required to pay average salary for time the witness performed his/her duties, which is compensated afterwards from public fund	LVL 3.00 (approx. EUR 4.27) - Summoning of Witness	1. for securing of evidence prior taking an action 2. securing of claim	amount of deposit or pledge is determined by court considering possible damages of other party shall be covered		

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable ?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organization?



							on?
<b>Case A</b>	if plaintiff is a person with low income	there are certain limits, which cannot be overreached  total support is possible only in cases, when basic human rights could be affected	the financial status of person would be considered	yes	just those expenses are reimbursed, which do not exceed certain limits (there is no percentage in general)  just 5% from the amount awarded can be reimbursed from the lawyer fee	Translation and Interpretation expenses	yes
<b>Case B</b>	if plaintiff is a person with low income	there are certain limits, which cannot be overreached  total support is possible only in cases, when basic human rights could be affected	the financial status of person would be considered	yes	just those expenses are reimbursed, which do not exceed certain limits (there is no percentage in general)  just 5% from the amount awarded can be reimbursed from the lawyer fee	Translation and Interpretation expenses	yes

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?

<b>Case A</b>	for all documents in non-Latvian language	EUR 6.00 - 18.00 per average page;	if party (his representative) does not speak and understand the Latvian	free of charge - court is required to provide interpretation for natural persons		
<b>Case B</b>	for all documents in non-Latvian language	EUR 6.00 - 18.00 per average page	if party (his representative) does not speak and understand the Latvian	free of charge - court is required to provide interpretation for natural persons		