

## ANNEX 49

- Country Report SWEDEN

**CONTRACT**  
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**FOR**



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**- 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 -**

**- SWEDEN -**

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COUNTRY REPORT .....	6
Introduction .....	7
Executive Summary .....	8
1 Summary of the mains sources of costs .....	8
2 Level of transparency in the sources of costs.....	9
3 Determination of the amounts of costs.....	9
4 Level of transparency in determining the actual costs .....	10
5 Proportion of each identified cost on the overall cost of civil judicial proceedings 11	
6 Proportion of each identified cost on the overall volume of activity .....	12
7 Proportion of each identified cost on the value of disputed claim.....	13
8 Specificities in relation to EU cross-border disputes .....	14
9 Recommandations for EU action/national action.....	14
10 Relationship between the costs of justice, the transparency in the costs of justice and access to justice .....	15
11 Conclusions and recommendations .....	15
Detailed Draft Report .....	16
1 General Questions .....	16
<b>1.1 Level of information on the transparency of fees and costs of justice</b>	<b>16</b>
<b>1.2 Transparency perception .....</b>	<b>17</b>
<b>1.3 Solutions to improve transparency .....</b>	<b>17</b>
<b>1.4 Fairness of costs .....</b>	<b>18</b>
<b>1.5 Conclusions and recommendations .....</b>	<b>18</b>
2 Court fees .....	19
<b>2.1 General.....</b>	<b>19</b>
<b>2.2 Cost of bringing an action to the courts .....</b>	<b>19</b>
<b>2.3 Other proceedings costs .....</b>	<b>21</b>
<b>2.4 Costs of legal recourses (Appeals...) .....</b>	<b>21</b>
<b>2.5 Costs of ADR.....</b>	<b>22</b>
<b>2.6 Payment.....</b>	<b>22</b>
<b>2.7 E-justice.....</b>	<b>22</b>
<b>2.8 Impact of the number of hearings on costs .....</b>	<b>22</b>
<b>2.9 Transcription costs.....</b>	<b>23</b>
<b>2.10 Conclusions and Recommendations.....</b>	<b>24</b>
3 Lawyers' consulting and representation fees .....	24
<b>3.1 General.....</b>	<b>24</b>
<b>3.2 Fees depending on the nature of the litigation .....</b>	<b>25</b>
<b>3.3 Fees depending on the type of lawsuit or proceedings.....</b>	<b>26</b>

3.4	Fees depending on the value of the claim .....	27
3.5	Fees depending on the jurisdiction.....	27
3.6	Legal aids cases.....	27
3.7	Contingency fees .....	28
3.8	Payment.....	28
3.8.1	Retainer .....	28
3.9	Conclusions and recommendations .....	28
4	Bailiff fees.....	29
4.1	General.....	29
4.2	Ante judgment .....	29
4.3	During proceedings .....	30
4.4	Post proceedings .....	30
4.5	Payment.....	30
4.5.1	Retainer .....	30
4.6	Conclusions and recommendations .....	31
5	Expert fees.....	31
5.1	General.....	31
5.2	Fees (medical experts, technical transports experts...) .....	31
5.3	Payment.....	32
5.3.1	Retainers.....	32
5.4	Legal aid cases .....	32
5.5	Reimbursement of experts' fees .....	33
5.6	Practical questions.....	33
5.7	Conclusion and recommendations .....	33
6	Translation and interpretation fees.....	34
6.1	General.....	34
6.2	Translation fees .....	34
6.3	Interpretation fees.....	35
6.4	Payment.....	35
6.5	Practical questions.....	36
6.6	Legal aid cases .....	36
6.7	Reimbursement.....	36
6.8	Conclusion and recommendations .....	36
7	Witness Compensation.....	37
7.1	General.....	37
7.2	Fees .....	37
7.3	Legal aids cases.....	37
7.4	Payment.....	38
7.5	Practical questions.....	38
7.6	Conclusions and recommendations .....	39
8	Pledges and security deposits.....	39
8.1	General.....	39
8.2	Fees .....	40
8.3	Payment.....	42
8.4	Conclusion and recommendations .....	42
9	Court decisions.....	42
9.1	Cost of notification.....	42

<b>9.2</b>	<b>Cost of obtaining an authenticated decision .....</b>	<b>42</b>
<b>9.3</b>	<b>Conclusions and recommendations .....</b>	<b>43</b>
10	Civil Legal aid .....	43
<b>10.1</b>	<b>General .....</b>	<b>43</b>
<b>10.2</b>	<b>Conditions of grant.....</b>	<b>43</b>
<b>10.3</b>	<b>Strings attached .....</b>	<b>45</b>
<b>10.4</b>	<b>Practical questions.....</b>	<b>45</b>
<b>10.5</b>	<b>Conclusion and recommendations .....</b>	<b>46</b>
11	Personal experience.....	46
12	Case studies .....	47

**ANNEXES TABLE:**

ANNEXE 1 Questionnaire completed for the implementation of this study

## COUNTRY REPORT

*Preliminary notes*

## Introduction

The object of this report is to identify the various sources of costs when seeking justice in Sweden, to provide some information on the actual cost of a proceeding in Sweden and to determine the level of transparency with respect to the sources of costs and the actual costs. In addition, the report includes information on how an individual may be able to seek this type of information.

As will become evident from the report the level of transparency when it comes to the main sources of costs is fairly high, but the level of transparency when it comes to the total amount of cost of a proceeding is much lower. One of the main reasons for the variations in costs between different proceedings is that lawyers charge different hourly fees and due to the fact that the time required to be spent on a case by a lawyer varies tremendously. The figures on proceeding costs in this report should thus only be considered estimates when the figures include sources of costs that are dependent on time spent by a service provider.

## Executive Summary

### 1 Summary of the mains sources of costs

In general, the main sources of costs for a judicial proceeding in Sweden are lawyers' fees, court filing fees, costs of evidence such as witnesses and experts, and costs of enforcement of a court's decision. In some matters it might also be necessary to obtain the assistance of an interpreter or a translator, or a party may incur costs associated with providing the court with a security. Lawyers' fees, costs of evidence and court filing fees represent the most common sources of cost. The proportion of these most common sources of costs on the overall cost of a judicial proceeding are approximately :

Lawyer fees

85-90 %

Cost of evidence

10-14%

Filing fee

Less than 1 %

The above mentioned figures should only be considered as estimates since they will vary extensively. For example, since representation of a lawyer is not required in a proceeding, the proportion of lawyers' fees may be as low as 0 %.

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

In Sweden the level of transparency when it comes to the sources of judicial costs is high. The reason being that the sources of costs do not vary extensively between different civil judicial proceedings. Information on the sources of costs can for example be obtained by contacting the National Courts Administration, the Enforcement Authority, a court, the Legal Aid Authority or a lawyer. Most of the aforementioned sources will provide this type of information free of charge. Information can also be found on various free websites such as [www.dom.se](http://www.dom.se) (the website of the National Courts Administration) and [www.kronofogden.se](http://www.kronofogden.se) (the website of the Enforcement Authority).

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

The amount of a specific type of cost is determined in different ways. Court filing fees are fixed and set according to a fee schedule determined by the government. Court filing fees do not vary with the amount litigated or the length of a proceeding. No other mandatory court fees than filing fees exist.

Lawyers' fees are not set according to official fee schedules, but depend on which lawyer is retained. A lawyer will usually set his own hourly rate. A lawyer's total fees in a case is usually determined by the individual lawyer's hourly rate and the time spent by the lawyer on the case, and thus varies with the complexity of each individual case.

The costs of evidence, such as witness compensation or expert compensation, depends on the type and amount of evidence needed in an individual case, and thus vary extensively from case to case.

Since lawyers' fees will vary extensively between different cases, an estimation of the cost for an average case will not be very reliable or useful. However, the total cost of an "average" proceeding might be estimated to be approximately 16 000 euros. The average income in Sweden is approximately 25 700 euros per year. The average cost of a proceeding will, based on the aforementioned figures, represent more than 7 average monthly wages.

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

The level of transparency in determining the actual cost of a proceeding depends on the type of cost. On one hand, the level of transparency when it comes to determining official fees, such as filing fees (filing fees are regulated in Statute of fees at public courts (Sw. Förordning (1987:452) om avgifter vid de allmänna domstolarna) and costs of enforcing a decision (enforcement fees are regulated in the Statute of fees at the Enforcement Authority (Sw. Förordning (1992 :1094) om avgifter vid Kronofogdemyndigheten) is usually very high. Such fees are usually fixed. Information on such fees is easily accessible to the public by contacting the National Courts Administration, the courts, the Enforcement Authority or a lawyer. Information provided by the National Courts Administration and the Enforcement Authority is also easily accessible on the internet. On the other hand, the level of transparency when it comes to determining lawyers' fees, is much lower. The reason being that lawyers' fees are not regulated by law. Instead each lawyer sets his or her own individual fee and the total fee for a case will depend on the complexity of each individual case. The total amount of lawyers' fees will therefore depend on the hourly fee and what time is spent by the lawyer on the case. The actual cost will thus vary tremendously between every case.

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

It is impossible to state the exact proportion of each individual type of cost in a civil judicial proceeding, since the proportion will vary extensively between every proceeding. In general the lawyers' fees represent the main cost of a civil judicial proceeding. However, since representation by a lawyer is not required according to Swedish law, the proportion of lawyers' fees in a specific matter may be as low as 0 %.

The below figures are estimates on the proportion of each identified cost based on an "average" case. The figures should only be considered estimates.

Court fees (filing fees)

0-1 %

Bailiff fees (service fees)

0 -1%

Lawyer fees

85-95 %

Expert fees

0-10%

Witness compensation

0-10 %

Translation/interpretation

0-3%

Enforcement fees

0-3%

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

Court costs, i.e. filing fees, are fixed costs. As a consequence court costs do not depend on the overall volume of activity in a civil judicial proceeding.

Lawyers usually charge an hourly fee for their services. The total amount of lawyers' fees in a case will therefore usually depend on the volume of activity in a case and will thus increase as volume of activity increases.

Costs for witnesses, experts, interpreters and translators are costs that depend on the time spent by each such individual and might increase as overall volume of activity increases.

The below figures are estimates of the proportion of each identified cost based on an 'average' case. If volume of activity increases, the proportion of court fees, bailiff fees and enforcement fees will usually decrease since these costs are fixed. The proportion of other types of costs might then increase. The figures should only be considered estimates.

Court fees (filing fees)

0-1 %

Bailiff fees (service fees)

0 -1%

Lawyer fees

85-95 %

Expert fees

0-10%

Witness compensation

0-10 %

Translation/interpretation

0-3%

Enforcement fees

0-3%

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

The cost of a civil judicial proceeding do not usually depend on the value of the disputed claim. This is true for almost all sources of costs. However, in cases where a party is asking for a provisional attachment on the other party's property in order to secure a party's right, the asking party has to deposit a security which depends on the loss that the opposing party may suffer. The amount of the security, which will often be a bank guarantee, will usually to some extent depend on the value of the disputed claim. It should also be noted that in cases where the amount at dispute is below approximately 2 140 euro there are limitations as to how much a losing party has to reimburse a winning party's costs.

The below figures are estimates of the proportion of each identified cost based on an 'average' case. If the value of the claim increases the listed proportions will usually remain the same since the costs are not dependent on the amount of the claim. The figures should only be considered estimates.

Court fees (filing fees)

0-1 %

Bailiff fees (service fees)

0 -1%

Lawyer fees

85-95 %

Expert fees

0-10%

Witness compensation

0-10 %

Translation/interpretation

0-3%

Enforcement fees

0-3%

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

The sources of costs in a legal proceeding are usually the same regardless if the dispute is a EU cross-border dispute or a national dispute. However, in some matters involving parties from different member states, foreign lawyers may be used to assist a national lawyer in a proceeding. An example of when such assistance may be helpful is when an opinion on foreign law is needed. Such assistance will naturally add to the cost of a proceeding. In other instances interpreters may be needed if witnesses or parties do not speak Swedish. Interpreters may also be needed if a foreign party and the party's national lawyer do not speak the same language. In some cases documents need to be translated before the documents are submitted to the courts. This will also add to litigation costs.

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

One of the more useful and feasible ways of facilitating access to justice on a cross-border level could be if member states had to provide a translation of a presentation of their judicial system procedure and relevant costs of proceedings. Another way would be to codify European texts governing the proceedings and create specific procedures for cross border litigation.

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

In general , increasing costs of justice will decrease the access to justice since people and businesses may not be able to afford justice. This in turn will deter people from seeking justice.

Higher transparency in the costs of justice might increase access to justice. This however will depend on the actual costs of justice. If costs are fixed, but high, this might work as a deterrent from seeking justice.

## **11 Conclusions and recommendations**

In general, the transparency is high when it comes to what the main sources of costs in a proceeding are. The reason being that the sources of costs do not vary extensively between different judicial proceedings.

The level of transparency, when it comes to determining the actual amount of the different sources of costs, depends on the type of cost. On one hand, the transparency when it comes to determining official fees, such as filing fees, is usually high since these fees are fixed. On the other hand, the level of transparency is much lower when it comes to the total amount of for example lawyers' fees. However, a lawyer will usually be able to provide some kind of estimate of the total amount of the fees. In my opinion, the lack of transparency, when it comes to the total amount of the various costs, is not usually a problem and will not act as a deterrent from seeking justice.

## Detailed Draft Report

### 1 General Questions

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

The accessibility of information regarding fees and costs of justice depends on which type of information is being sought. In general information on the different sources of costs is easily accessible. The reason being that the sources of costs do not vary extensively between different civil cases. Information on the sources of costs can for example be obtained from contacting the National Courts Administration, the Enforcement Authority, a court, the Legal Aid Authority or a lawyer. Most of the aforementioned entities will provide this type of information free of charge. Information can also be found on various free websites such as [www.dom.se](http://www.dom.se) (the website of the National Courts Administration) and [www.kronofogden.se](http://www.kronofogden.se) (the website of the Enforcement Authority).

Information on the different types of costs can be obtained from various sources. For example information on court fees is easily accessible on the internet or by calling the courts or the National Courts Administration. Court fees are fixed and determined according to a fee schedule decided by the government. The level of transparency is thus very high. Information on court fees may be received free of charge. Information on enforcement fees are almost as easily accessible by contacting the Enforcement Authority or accessing the website of the Enforcement

Authority - [www.kronofogden.se](http://www.kronofogden.se). Enforcement fees are also usually fixed and determined according to a fee schedule set by the government. Lawyers set their own fees and thus lawyers' fees depend on which lawyer is being retained and the complexity of a case. In order to get information on lawyers' fees a person must contact a specific lawyer directly. Lawyers' fees are not regulated by law or set according to any official fee schedules. In some cases, such as where legal aid has been granted, there are limitation as to how much a lawyer charges (currently approximately 141 euros per hour). A lawyer will usually provide information on his or her hourly fee free of charge. A lawyer will also be able to provide an estimate on accessory costs and expenses such as witness costs and expert assessment. In order to get the exact cost of translation or interpretation, contacting a translation agency or interpretation agency will be necessary.

## **1.2 Transparency perception**

I do not believe that the lack of information in Sweden regarding the sources of costs or the actual costs of justice generally deter people from exercising their legal rights or create a feeling of unfairness and judicial insecurity. However, lack of information regarding the such information when it relates to cross border disputes may deter trade and movement in Europe and thus create the feeling that Europe is ineffective

## **1.3 Solutions to improve transparency**

In my opinion the national and European legislation are efficient to facilitate transparency and access to justice. Differentiated European judicial systems and fees are appropriate since the legal systems and cost levels are different across the member states.

The main source of cost of justice is lawyers' fees. Centralizing the information on the functioning and costs of justice for national disputes or publish schedules of costs online would not be an appropriate solution for facilitating access to justice,

since for such a system to be successful lawyers' fees were to be more uniform. Such a system would in my opinion not be desirable.

A system where the member states were required to present a translation of a presentation of their judicial system procedures and relevant sources of costs might be an efficient way to facilitate access to justice when it comes to cross border disputes. Imposing on member states to pay for the translation of any documents that the court deems necessary would also be an appropriate way of facilitating access to justice.

#### **1.4 Fairness of costs**

Fees associated with litigation usually involve costs of services provided by legally educated people and other professionals specialized in certain areas. In my opinion such fees are justified and fair in Sweden.

In Sweden, as a general rule, the losing party has to reimburse the winning party its litigation costs. In my opinion such a system is fair and efficient. The main reason being that such a rule will deter many people from bringing unjustified cases to court.

#### **1.5 Conclusions and recommendations**

Information on the various sources of costs in a Swedish proceeding is usually easily accessible by contacting the National Courts Administration, the courts or a lawyer. In my opinion lack of information regarding the sources of costs or the actual costs do not generally deter people from seeking justice within Sweden. However, lack of information when it relates to cross border disputes may deter people from seeking justice in another EU member state. In my opinion, a way to facilitate the access to justice when it comes to cross border disputes would be if the member states were required to present a translation of their judicial systems procedures and information on the relevant sources of costs.

## 2 Court fees

### 2.1 General

. Court fees are determined by the government and stated in the Statute of fees at public courts (Sw. Förordning (1987:452) om avgifter vid de allmänna domstolarna). The statute can for example be found on the webpage of the Swedish legislator [www.riksdagen.se](http://www.riksdagen.se). The statute only exists in a Swedish version and is not available in English.

Information on court fees is easily accessible on the internet (for example [www.riksdagen.se](http://www.riksdagen.se)) or by contacting the National Courts Administration or the courts. Such information is free of charge. Information on court fees can also be obtained by calling a lawyer. Most likely a lawyer will provide information on court fees free of charge.

The most common court fee, and almost always the only court fee, is a filing fee. When copies of documents are requested from the court by a party, the party may in certain rare cases be required to pay a transcription fee to the court. The average amount of a court fee (filing fee) is a fixed amount of approximately 20-49 euros and depends on the nature of the litigation. Filing fees are generally payable before or at the time a case is filed and is only charged at the district court level. Neither the Court of Appeals nor the Supreme Court charges a filing fee. Court fees can usually be paid in cash, by wire transfer or by credit card. This however differs between different courts. VAT is not applicable to court fees.

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

A fixed filing fee is the only fee charged for bringing an action to the courts. The filing fee for a civil claim, regardless of the nature of the action, is a fixed fee of SEK 450 (approximately 48 euros). The filing fee for most other court matters, such as adoption, change of name or the appointment of estate administrators is SEK 375 (approximately 40 euros). Filing fees are stated in the Statute of fees at public courts (Sw. Förordning (1987:452) om avgifter vid de allmänna domstolarna). No

additional filing fee is added in instances where a defendant is a foreign person or entity.

The filing fee is to be paid by the person filing a claim and is payable in connection with the filing of a claim.

Nature of the action	Filing fees (description of filing fees, time of payment and determination of payor)	Other court fees (description of filing fees, time of payment and determination of payor)	Regulation
1. FAMILY LAW			
▪ Divorce	<i>SEK 450 (approx 48 euro), to be paid in connection with filing a claim by the person filing a claim)</i>	<i>N/A</i>	Statute (1987:452) regarding fees at the public courts (Sw. Förordning (1987:452) om avgifter vid allmänna domstolar)
▪ Children Custody Right	<i>Same as above</i>	<i>N/A</i>	<i>Same as above</i>
▪ Alimony	<i>Same as above</i>	<i>N/A</i>	<i>Same as above</i>
2. LABOUR LAW			
▪ Work Accidents	<i>Same as above</i>	<i>N/A</i>	<i>Same as above</i>
▪ Redundancies	<i>Same as above</i>	<i>N/A</i>	<i>Same as above</i>
3. COMMERCIAL LAW			
▪ Payment for a commercial or services agreement	<i>Same as above</i>	<i>N/A</i>	<i>Same as above</i>
▪ Goods or services not in accordance	<i>Same as above</i>	<i>N/A</i>	<i>Same as above</i>
▪ Litigation between associates	<i>Same as above</i>	<i>N/A</i>	<i>Same as above</i>
▪ Mandates and agents	<i>Same as above</i>	<i>N/A</i>	<i>Same as above</i>
4. CIVIL LAW			
▪ Consumers protection	<i>Same as above</i>	<i>N/A</i>	<i>Same as above</i>
▪ Liability	<i>Same as above</i>	<i>N/A</i>	<i>Same as above</i>
5. PROPERTY LAW			
▪ Lease	<i>Same as above</i>	<i>N/A</i>	<i>Same as above</i>
▪ Ownership and co ownership	<i>Same as above</i>	<i>N/A</i>	<i>Same as above</i>
6. CIVIL STATUS (for example Adoption, Change of name)	<i>SEK 375 (approx. 40 euro), to be paid in connection with filing a claim by the person filing a claim)</i>	<i>N/A</i>	<i>Same as above</i>
7. OTHERS			

In cases where a party has been granted legal aid, the filing fee is waived

### **2.3 Other proceedings costs**

No other mandatory court fees than filing fees exist. There is no specific filing fee for a cross-border litigation being filed at a Swedish court.

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

Court of Appeals and the Supreme Court do not charge any filing fees or other court fees when a party is appealing a lower court case.

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

A party who has been granted legal aid, do not have to pay the court filing fee.

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

In some cases, where a decision is urgent, a party may ask for a temporary decision. Examples of such cases are certain custody cases and instances where a provisional attachment is being sought. Such cases may to some extent be handled as « fast track proceedings ». The court filing fee for such a case is the same as in an ordinary case.

#### **Costs of Group actions 'proceedings**

A group action may under certain conditions be filed at a general court. The court filing fee for such a proceeding is the same as in an ordinary case.

#### **Payment**

The party filing a case with the court is responsible for paying the filing fee. The filing fee is to be paid at the time a case is filed. VAT is not added to court filing fees but to costs of arbitration.

If the winning party has paid the court filing fee, the losing party may be ordered to reimburse the winning party this fee.

## **2.5 Costs of ADR**

. The parties may in certain cases agree that a case should be referred to arbitration. If arbitration or mediation according to the Arbitration rules of the Arbitration Institute of the Stockholm Chamber of Commerce is used the cost of the proceeding depends on the litigated amount. The costs are posted on the Stockholm Chamber of Commerce's website [www.sccinstitute.se](http://www.sccinstitute.se). For example, if the amount in dispute is 20 000 euro, arbitration according to the Arbitration Rules of the Arbitration Institute of the Stockholm Chamber of Commerce, using one arbitrator, will cost approximately 5 500 euro.

## **2.6 Payment**

VAT is not added to court filing fees but to costs of arbitration. When VAT is added, it amounts to 25 %.

Court filing fees are payable at the time a case is filed and the court will not start handling a case until payment has been received. All courts accept payments made in cash or by wire transfer. Some courts accept credit card payment. Wire transfer is an accepted method of payment for an arbitration or mediation proceeding according to the Arbitration rules of the Arbitration Institute of the Stockholm Chamber of Commerce.

## **2.7 E-justice**

Online court proceedings are not available. E-mailing cannot generally be used since documents sent by a party to the courts have to be signed.

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

The number of hearings is not limited to a specific number but is determined by the judge handling the case. In some cases no hearings are held. However, in a civil

case the number of hearings is usually limited to two, one “preparation” hearing and one main hearing. The court fees do not increase with the number of hearings since the filing fee is fixed. However, since lawyers are paid according to the time spent on a case, lawyers’ fees will usually increase with an increased number of hearings.

## 2.9 Transcription costs

The information on costs for copies of court documents etc. are available by contacting the courts directly or by contacting the National Courts administration. The fees are determined by the government in the Statute of fees (Sw. Avgiftsförordningen (1992 :191). The statute is available free of charge online on websites such as [www.riksdagen.se](http://www.riksdagen.se) and [www.infotorg.se](http://www.infotorg.se). This statute is not available in English. The costs are organized according to a fee schedule which is the same at every court. The average transcription cost is approximately 0-10 euros. In a case where a party has asked for copies less than 10 pages the cost is borne by the state. Examples of costs for obtaining copies of court documents, tapes and video tapes are as follows :

1-9 page	Free
10 pages	50 SEK (approx. 5,30 euros)
More than 10 pages	50 SEK + 2 SEK per page (approx. 5,30 euros + 0,2 euro per page)
Tape, each tape	120 SEK (approx. 13 euro)
Video tape, each tape	600 SEK (approx 64 euro)
Transcription of tape, for each quarter of a work hour started	SEK 90 (approx 9,60 euro)

Other fees such as postage may be added. VAT is not applicable to these costs.

Transcription costs are payable by the party requesting the transcription. However, in a case of a favourable decision for the party who has paid for such costs, the court may order the losing party to reimburse the costs if they were reasonably incurred to safeguard the party’s interest.

Payment for transcriptions take place either at the time the transcribed document is received, by cash or credit card payment, or by wire transfer after the receipt of an invoice.

In some cases, such as divorce cases and other family law cases, the court require the initial pleading to be accompanied by an extract from the population register (Sw. personbevis). Such a document may be obtained free of charge from the Tax Authority.

## **2.10 Conclusions and Recommendations**

The transparency when it comes to the sources of court fees and the amount of such fees is high. The reason being that filing fees are usually the only court fees charged and that the filing fees are fixed and charged according to the type of proceeding filed. The filing fees are the same in cross-border litigation as in national litigation. In order to facilitate in cases of cross-border litigation it may be appropriate if tables showing the court fees where available on-line in English

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

### **3.1 General**

. Every lawyer sets his or her individual fee. The fee is not organized according to a fixed schedule and is not regulated by law. However, according to the Swedish Bar Association Rules, the fees have to be "reasonable". Lawyers' fees usually do not depend on the litigated amount and do never depend on the outcome of the court's decision (contingency fee). In order to obtain information on lawyers' representation fees, a person has to contact the lawyer he or she is interested in retaining. A lawyer will usually provide information on his/her hourly fee free of charge. Since lawyers set their own fees it is almost impossible to state what the average lawyer's fee is on an hourly basis. However, lawyers' hourly fees usually are in the range of approx. 100-530 euros. The fee depends among other things on the lawyer's experience and the area of practice of the lawyer. VAT is applicable on lawyers' fees at the standard rate of 25 %.

In general there is no type of litigation where a person needs to retain a registered lawyer. In cases where lawyers' fees are covered under an insurance policy the insurance company may however usually require that a person or company retain a registered lawyer. A person may represent himself in a judicial proceeding, unless the person is underaged or the like, or may be represented by a any third party without legal experience. Such person has to be deemed suitable by the court, by reason of that person's honesty, knowledge and earlier activities.

A party may use an attorney living within the EES or Switzerland. Lawyers living in other countries are allowed if approved by the court. The lawyer has to master the Swedish language.

In cases where legal aid has been granted the maximum fee of a lawyer to be covered by legal aid is approximately 140 euros per hour.

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

. Since lawyers' set their own fees and every individual case demands different types of efforts and time spent by the lawyer, it is almost impossible to state what the average cost of a specific type of action is. The below chart shall only be considered examples of lawyers' fees according to the nature of the litigation:

Nature of the action	Average costs	Description	Regulation
<b>1. FAMILY LAW</b>			
▪ Divorce	SEK 4 000 (approx. 430 euro)	Lawyer's fee and court costs	N/A
▪ Children Custody Right	SEK 200 000 (approx. 21 390 euros)	Lawyer's fee and court costs	N/A
▪ Alimony	SEK 50 000 (approx. 5 400 euros)	Lawyer's fee and court costs	N/A
<b>2. LABOUR LAW</b>			
▪ Work Accidents	SEK 75 000 (approx. 8 021 euros)	Lawyer's fee and court costs	N/A

▪ Redundancies	SEK 120 000 (approx. 12 830 euros)	Lawyer's fee and court costs	N/A
<b>3. COMMERCIAL LAW</b>			
▪ Payment for a commercial or services agreement	SEK 250 000 (approx 26 738 euros)	Lawyer's fee and court costs	N/A
▪ Goods or services not in accordance	SEK 250 000 (approx 26 738 euros)	Lawyer's fee and court costs	N/A
▪ Litigation between associates	SEK 250 000 (approx 26 738 euros)	Lawyer's fee and court costs	N/A
▪ Mandates and agents	SEK 250 000 (approx 26 738 euros)	Lawyer's fee and court costs	N/A
<b>5. CIVIL LAW</b>			
▪ Consumers protection	SEK 250 000 (approx 26 738 euros)	Lawyer's fee and court costs	N/A
▪ Liability	SEK 250 000 (approx 26 738 euros)	Lawyer's fee and court costs	N/A
<b>5. PROPERTY LAW</b>			
▪ Lease	SEK 250 000 (approx 26 738 euros)	Lawyer's fee and court costs	N/A
▪ Ownership and co ownership	SEK 250 000 (approx 26 738 euros)	Lawyer's fee and court costs	N/A
5. CIVIL STATUS	SEK 25 000 (Approx. 2 674 euros)	Lawyer's fee and court costs	N/A
<b>6. OTHERS</b>			

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

. Since lawyers' set their own fees and every individual case demands different types of efforts and time spent by the lawyer, it is almost impossible to state what the average cost of a specific type of action is. Usually a lawyer's hourly rate does not depend on the type of lawsuit or proceeding, but on area of practice and experience.

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

Lawyers' fees do not usually depend on the value of the claim. However, there are limitations as to how much a winning party can be reimbursed by the losing party for lawyers' fee if the value of the claim does not exceed half a base amount (approximately 20 000 SEK ≈ 2 140 euros). The limitation in such cases is approximately 1 260 SEK (approx. 135 euros).

### 3.5 Fees depending on the jurisdiction

Since lawyers' fees are usually charged by the hour, fees do not depend on if a case is being brought at a district court, Appellate court or the Supreme Court. The below chart should only be considered estimates of lawyers' hourly rate.

Jurisdiction	Costs	Others	Regulation
ADR	105 – 530 euro per hour		Lawyers' set their own fees. However, according to the Swedish Bar Association Rules the fees must be reasonable.
Appellate court	105 – 530 euro per hour		Lawyers' set their own fees. However, according to the Swedish Bar Association Rules the fees must be reasonable.
Supreme court	105 – 530 euro per hour		Lawyers' set their own fees. However, according to the Swedish Bar Association Rules the fees must be reasonable.

### 3.6 Legal aids cases

In cases where legal aid has been granted, the legal aid usually covers a maximum of 100 hours of lawyer's work. When the lawyer has spent 100 hours or close to 100 hours on a case, the court shall decide if the legal aid shall cease. If the court decides that the legal aid shall continue, the court decides how many additional hours of legal work shall be covered by legal aid. When legal aid has been granted,

the person who has been granted legal aid shall pay a legal aid fee that is dependent on the legal costs and the income of the person who has been granted legal aid. Contingency fees.

### **3.7 Contingency fees**

Lawyer's fees cannot depend on the outcome of a case.

### **3.8 Payment**

#### **3.8.1 Retainer**

Lawyers do not usually request a retainer in national or cross-border disputes. Fees are usually payable as the case moves along (monthly) or upon completion of a case.

### **3.9 Conclusions and recommendations**

In general, the level of transparency when it comes to the total amount of lawyers' fees that will be incurred in a case is not very high. The reason being that the cost will depend on the hourly fee charged by the lawyer that has been retained and the amount of time spent on a case. The amount of time spent by a lawyer to safeguard the client's interest in a case will depend on many factors and will vary extensively. In my opinion this is an appropriate system. A lawyer must be able to set his/her own fee.

## **4 Bailiff fees**

### **4.1 General**

. Sweden do not have a general system of bailiffs. However, the information below is based on the assumption that a bailiff is a person/agency who serves documents, such as summonses and notifications of court hearings, on people. (Should the definition of a bailiff include a person who keeps order in the court room, this type of service is provided free of charge to the parties).

Information on fees for service of a document can be obtained free of charge by calling for example the courts, the National Courts Administration or the Police Authority.

Once a lawsuit has been filed with the court, the court will usually take care of service of all documents such as the summon and notices to appear in court. The most common procedure used by the court to have a document served is to have it sent by regular mail to the addressee. The letter is accompanied by a receipt of service, which the addressee is required to sign and return. The intervention of a “bailiff” may be used if this way of serving a document is unsuccessful. The cost for service of a document during a court proceeding is usually borne by the state. If for any reason a person wishes to arrange for the service of a document himself this can be arranged for example through the police authority. A charge of approximately 27 euro will then be payable before any such service attempts are made. If the police authority is used to effect service no VAT is added to the cost.

### **4.2 Ante judgment**

. The intervention of a “bailiff” is not required prior to a judicial proceeding. However, in some cases, such as where a matter involves a notice of termination of a rental agreement, a party may decide to have such a document served on the tenant.

### **4.3 During proceedings**

Once a lawsuit has been filed with the court, the court will usually take care of service of documents such as the summon and notices to appear in court. The most common procedure used by the court to have a document served is to have it sent by regular mail to the addressee. The letter is accompanied by a receipt of service, which the addressee is required to sign and return. The intervention of a “bailiff” may be used if this way of serving a document is unsuccessful. The cost for service of a document during a court proceeding is usually borne by the state. If for any reason a person wishes to arrange for the service of a document himself this can be arranged for example through the police authority. A charge of approximately 27 euro will be payable before any such service attempts are made. If the police authority is used to effect service, no VAT is added to the cost.

### **4.4 Post proceedings**

A final decision by the court does not need to be served on the parties. As a consequence the service of a “bailiff” is not required post proceeding.

### **4.5 Payment**

Service of documents are usually taken care of by the court during a court proceeding. If a “bailiff” is used to effect service the cost is borne by the state.

#### **4.5.1 Retainer**

. If a party has retained the service of a “bailiff” to effect service of a document the method of payment is usually wire transfer. If the police authority is used to effect service of a document, the cost of such service is approximately 27 euros. The fee has to be paid in advance.

## **4.6 Conclusions and recommendations**

. During a court proceeding, the court will usually arrange for service of court documents that are to be served on parties or witnesses. The cost for service of such documents are usually borne by the state. Information in this regard can be obtained for example by calling the courts. Transparency in terms of the source of cost and in terms of the amount of service costs that a party will incur is thus very high. In my opinion this is a system that usually works very well.

## **5 Expert fees**

### **5.1 General**

There are no mandatory requirements for a party to retain an expert in a legal proceeding. It is usually for a party to decide if such party wants to use an expert as evidence in a matter. In order for a person to get information on expert assessment costs the person has to contact an expert directly. An expert will usually provide information on his fees free of charge. Expert fees are not fixed according to fee schedules. The courts do not provide lists of experts or information on which expert to retain. In some cases, organizations within the area of the expert's expertise may be contacted in order to obtain a list of experts.

Experts retained by a party does not have to be accredited by the courts before they can act as experts in litigation. Such an accreditation system does not exist in Sweden.

### **5.2 Fees (medical experts, technical transports experts...)**

. In some cases, such as when the matter at issue is not amenable to out of court settlement, expert fees are paid for by the court. If an expert is appointed by the

courts, the expert is paid a “reasonable” fee. Experts retained by the parties determine their own fees. Such fees are to be paid by the party who has retained the expert. The expert fee in a court proceeding, where a final judgment has been rendered, is usually determined by the court, but payable by the party. In the judgment the court will as a general rule order the losing party to reimburse the winning party its costs to the extent they were reasonably incurred to safeguard that party’s interest.

### **5.3 Payment**

The fee for an expert depends on what type of expert retained. VAT is usually applicable to the fees charged by experts. The method of payment to an expert depends on the expert retained. Most persons do however accept payment by wire transfer.

Expert usually set their own fees. The average amount of these fees depend on the area of expertise and the individual experts rate. An estimated average rate is approximately 50-99 euros per hour.

VAT of 25 % is generally added to the expert fees. In cases of cross border litigation the main rule, assuming the foreign entity is a EU entity, is that VAT is invoiced foreign individuals but not foreign businesses. However, exceptions apply.

#### **5.3.1 Retainers**

Some experts may request a retainer before fulfilling any tasks.

### **5.4 Legal aid cases**

. Legal aid covers reasonable costs of evidence. Investigation costs up to 10 000 SEK (approximately 1 070 euros) are also covered, to the extent the costs were reasonably incurred to safeguard the party’s interest. In order to receive legal aid

you have to apply to the court or the legal aid authority. In addition to other restrictions regarding legal aid, legal aid will not be granted if a party has legal protection coverage in a private insurance policy or if the party's income exceeds approximately 27 807 euros.

## **5.5 Reimbursement of experts' fees**

. In cases of a favourable decision for a party who has paid expert fees, the court may order the losing party to reimburse the winning party his/her expert fees to the extent they were reasonably incurred to safeguard the party's interest.

## **5.6 Practical questions**

The court does not accredit experts. The court may however, in its own discretion, obtain an opinion from a public authority or officer or from a person specially authorized to furnish opinions or may commission a person known for its integrity and knowledge of the subject matter. This however is very rare in most types of cases.

There is no limitation as to how long an expert's report is valid. The main rule in Sweden is that any evidence may be used in court. However, in general written testimonies are not allowed. Some exceptions apply to this rule and some expert reports are therefore admissible without the expert being heard..

## **5.7 Conclusion and recommendations**

. Transparency, when it comes to the source of cost, expert fees, is usually high since it is up to a party itself to decide if the party wants to retain an expert. Should a party decide on retaining an expert, the transparency level, when it comes to the total cost of retaining such expert, is not particularly high. The fee will usually depend on what type of expert is retained, what hourly fee the expert charges and the amount of time the expert will be spending on the case. In my

opinion this is an appropriate system. An expert must be able to set his/her own fee.

## **6 Translation and interpretation fees**

### **6.1 General**

. In order to get information on translation or interpretation costs a person has to contact a translation agency or an interpretation agency. This information cannot be obtained from the courts. Interpretation and translation fees are not regulated by law. The Legal, Financial and Administrative Service Agency (Sw. Kammarkollegiet) can provide a list of accredited translators and interpreters. A translation agency or interpretation agency will free of charge provide a person with information regarding the agency's fee.

### **6.2 Translation fees**

. The translators usually set their own fee and may in some cases charge higher fees for less "common" languages and for certain types of documents such as legal or technical documents. Under certain circumstances the court may order the translation of a document. If the court has ordered a translation of a document, the translator will be awarded a "reasonable" fee, which is payable by the state. The courts do not accredit translators. The Legal, Financial and Administrative Service Agency (Sw. Kammarkollegiet) offers exams for people who wants to become accredited translators.

Documents used in a court proceeding do not have to be translated by an accredited translator in order to be used as evidence. A party may however bear the risk that a court might consider evidence not translated by an accredited translator less reliable. The filing fee is to be paid by the person filing a claim and is payable in connection with the filing of a claim.

Since the translators set their own fees there is no standard fee for a translator service. However, a translator will charge approximately 0.1-0.49 euros per word and more than 40 euros per page. VAT is generally added to the translators fees. In cases of cross border litigation the main rule, assuming the foreign entity is a EU entity, is that VAT is invoiced foreign individuals but not foreign businesses. However, exceptions apply.

In cases of a favourable decision for a party who has paid translation fees, the court may order the losing party to reimburse the winning party such fees to the extent they were reasonably incurred to safeguard the party's interest.

### **6.3 Interpretation fees**

If a party, witness or other person, who is to be heard at a court hearing, does not speak Swedish, the court may retain an interpreter to assist the court. In general interpreters retained by the courts are divided into three groups depending on their level of skill. The only general requirement for a person to be assigned the task of interpretation at the court is that the person be deemed "suitable". Interpreters retained by the courts are paid according to a fee schedule which depends on the level of skill possessed by the interpreter. Such interpreters are paid for by the state. If an interpreter is retained by a party, that party has to contact the interpretation agency directly in order to get information on fees. VAT is applicable to these fees, regardless if the case is a national case or a cross-border case. Information on accredited interpreters can be obtained from the Legal, Financial and Administrative Service Agency. The Legal, Financial and Administrative Service Agency offers exams for people who wants to become accredited interpreters.

### **6.4 Payment**

Interpreters paid for by the courts are paid on an half hourly basis according to a fee schedule. The average fee for an interpreter retained and payable by the court is 100-349 euros on a per day basis, depending on skill level.

If an interpreter is retained by the party, the fee for the interpreter may vary depending on among other things skill level, language and if interpretation is to be

done simultaneously. VAT of 25 % is usually added to interpretation fees. In cases of cross border litigation the main rule, assuming the foreign entity is a EU entity, is that VAT is invoiced foreign individuals but not foreign businesses. However, exceptions apply.

## **6.5 Practical questions**

. Any person deemed suitable may act before the court as interpreter. However, a person whose interest in the matter at issue, or whose relationship to any of the parties, could be considered to cast doubt on that person's reliability, may not be engaged as an interpreter.

Since there are few limitations on what can be offered as evidence in a Swedish court, a certified translation is valid indefinitely

## **6.6 Legal aid cases**

A person entitled to legal aid may claim assistance in respect to legal interpretation fees. In order to obtain such assistance a person has to apply for legal aid with the court or the legal aid authority.

## **6.7 Reimbursement**

In the case of a favourable decision for the party who has paid interpretation fees, the court may order the losing party to pay for the fees to the extent the fees are deemed reasonably incurred to safeguard the party's interest.

## **6.8 Conclusion and recommendations**

Parties to a civil matter will usually only have to retain the assistance of a translator and interpreter if one of the parties to the proceeding do not speak the Swedish language or documentation to be used in the proceeding are in a language

other than Swedish. This is usually known to the parties before a proceeding has started. The level of transparency, when it comes to translation and interpretation costs, as a source of cost in a proceeding, is thus fairly high. However, the transparency when it comes to the total amount of translation and interpretation costs that will be incurred is not very high (except when it comes to interpretation at a court hearing). In my opinion this is an appropriate system and not considered as a problem. An interpreter/translator must be able to set his/her own fee.

## **7 Witness Compensation**

### **7.1 General**

Information on witness compensation can be provided by calling the National Courts Administration, the courts or a lawyer. Information provided by the National Courts Administration and the courts are free of charge. Should a lawyer be contacted on this issue he or she might provide the information for free, or charge the information seeker based on his/her hourly rate.

### **7.2 Fees**

Witnesses in civil matters are generally not compensated by the state according to a fee schedule. A witness who has appeared in court is compensated for necessary cost for travel and maintenance and loss of time. The compensation is generally paid for by the party, but determined by the courts. However, some exceptions apply, for example in matters where a party has been granted legal aid. In such cases the compensation is paid for by the state according to a fee schedule

### **7.3 Legal aids cases**

If a person has been granted legal aid, the state will pay the costs of evidence, including witness compensation as decided by the courts.

## 7.4 Payment

. If a witness is paid for by the courts, for example when a party has been granted legal aid, the witness is compensated according to a fee schedule which for example limit the compensation for loss of time to 700 SEK (approximately 75 euros). A witness paid for by the courts and who has used his/her own car to travel to court may receive compensation at a rate of 12 SEK (approximately 1,30 euro) per 10 kilometers. Such witnesses are paid for in cash, by wire transfer or by check. The fee schedule is not available in English.

Witnesses paid for by the parties are entitled to compensation for necessary costs for travel and maintenance and loss of time according to what the court deems reasonable. Since witness compensation depend on what the actual loss of time for the individual witness is, compensation will to a great extent depend on the salary of the witness. Any average amount of compensation on a per day basis is thus very uncertain, but may amount to approximately 150-179 euros.

In some cases, the witnesses' fees are paid for by the courts. When having regard to a party's economic circumstance the court may order that compensation be paid out of public funds. Another such case is if the court has called a witness in a case that is not amenable to out of court settlement or when a party has been granted legal aid.

A general rule is that the court in a final judgment orders the losing party to reimburse a winning party the cost of his witnesses to the extent the witness costs were reasonably incurred to safeguard the party's interest.

## 7.5 Practical questions

. Any person who is not a party to the proceeding can be recognized as a witness at a court hearing. Witnesses giving testimony at a court hearing are required to take an oath. However, an oath may not be taken by a person under the age of 15 years or by a person who suffers from mental disturbance.

The main rule is that no written witness statements are allowed. However, there are a few exceptions to this rule. Evidence taken outside a main hearing shall be

retaken at the main hearing if the court finds it of importance in the case and no impediment exists to its presentation. If, in a case appealed to a court of appeal, the district court took oral evidence, retaking of that evidence is required only if the court of appeal finds evidence of importance for the inquiry. In the Supreme Court, however, the evidence that have been taken by a lower court may be retaken only for extraordinary reasons. A statement made in writing by a person by reason of a pending or contemplated proceeding may be admitted as proof only (1) if it is specifically authorized by law, (2) if an examination of the person who made the statement cannot be held at, or outside, the main hearing or otherwise before the court, or (3) if there are special reasons with regard to the costs or inconvenience that an examination at, or outside, the main hearing can be assumed to imply, and also to what can be assumed to be attained by such an examination, the importance of the statement and other circumstances.

## **7.6 Conclusions and recommendations**

The parties to a civil proceeding usually decide themselves if they want to hear any witnesses as evidence in the proceeding. If witness compensation will be a source of cost is thus based on what the parties decide. How much the compensation to the witnesses will end up being depends on among other things the loss of time that the witnesses have incurred. The level of transparency when it comes to the total amount of witness costs a party will incur in a proceeding is thus not very high. However, in my opinion, since witness compensation do not usually represent a large part of the total amount of costs of justice, this is not a big problem.

## **8 Pledges and security deposits**

### **8.1 General**

. If a person shows probable cause to believe that he has a money claim the court may under certain circumstances order the provisional attachment of so much or the opponents property that the claim may be assumed to be secured on execution.

In addition, if a person shows probable cause to believe that he has a superior right to certain property the court may under certain circumstances order provisional attachment of that property. In general, no such measure may be granted unless the applicant deposits with the court, security for the loss that the opposing party may suffer. A security may be a pledge, guarantee or a floating charge (sw. Företagsinteckning). The most common way to deposit a security is to provide the court with a bank guarantee. Unless the opposing party has accepted the security, the court examines the tendered security and decides if it shall be approved.

In cases where a non EES citizen, not residing in Sweden, or a non EES entity, has filed a law suit in a Swedish court against an EES citizen, a person residing in Sweden or an EES entity, the party may be required to deposit a security to cover the other party's litigation costs. This however requires that the defendant demand that such a security should be deposited.

In some cases, providing a security deposit can be avoided. For example, a person who has been granted legal aid does not have to deposit a security in order to get a motion for provisional attachment granted. In addition, if a person lacks means to furnish security and if the person has shown extraordinary reasons for his claim, the court may waive the security requirement.

In cases where a winning party has been required to deposit a security the court may order the costs reasonably incurred to safeguard the party's interest.

## **8.2 Fees**

. In order to obtain a court decision the initial step is to file a document with the court asking the court for a specific decision or judgment. The only court fee/cost for this step is an initial filing fee of approximately 48 euros. If a party is asking for an attachment on the opposing party's property, the party will also be required to deposit a security. Such a security will usually involve a bank guarantee. The actual cost of posting a bank guarantee will be the equivalent of the interest rate on the amount of the guarantee. During the court proceeding the court will bear the cost of serving the summon and other important court documents, such as notification of hearing. Should the court decide that service of such documents should be

executed by a “bailiff“, the cost of the bailiff will be borne by the court. The fee will thus be 0 euro for the parties to the proceeding. Once a decision or judgment has been rendered a party may ask the Enforcement Authority (Sw Kronofogden) to have such a decision/judgment enforced. The Enforcement Authority will charge the party an enforcement fee which amounts to a minimum of approximately 53-107 euros. A similar enforcement fee will be charged for the seizure procedure. If compulsory sale is used the fee will, among other things, depend on the type of property that will be sold. For example, the preparation fee for the sale of real property 1 % of the tax value and the sale fee for such property is 2 % of the tax value. The sale fee for other types of property is 4 % of the price of the property. The total preparation and sale fee varies from approximately 20 % of the base amount to 150 % of the base amount (base amount ≈ 4 310 euros).

If a party would like to obtain the attachment of another party’s property before a final judgment has been given, the party may file a motion with the court asking the court for a decision for provisional attachment. The court costs to be paid by the plaintiff is an initial filing fee of approximately 48 euros. In addition the party may be required to deposit a security for the loss that the opposing party may suffer. Such a security will usually involve a bank guarantee. The actual cost of posting a bank guarantee will be the equivalent of the interest rate on the amount of the guarantee. Once a decision has been rendered the party may ask the Enforcement Authority to enforce the decision. The Enforcement Authority will charge the party an enforcement fee which amounts to a minimum of approximately 100 euros. In addition, the party may have to pay any additional costs that the Authority may incur in order to enforce the decision.

If a party would like to effect seizure/garnishment of a defendants assets once a court decision/judgment has been obtained, the party may ask the Enforcement Authority to enforce the decision. The Enforcement Authority will charge the party an enforcement fee which amounts to a minimum of approximately 53-107 euros. In addition, the party may have to pay any additional costs that the Authority may incur in order to enforce the decision. If compulsory sale is used the fee will among other things depend on the type of property that will be sold. For example, the preparation fee for the sale of real property is 1 % of the tax value and the sale fee for such property is 2 % of the tax value. The sale fee for other types of property is 4 % of the price of the property. The total preparation and sale fee varies from

approximately 20 % of the base amount to 150 % of the base amount (base amount ≈ 4 310 euros).

### **8.3 Payment**

The fee for obtaining the assistance of the Enforcement Authority is payable by debtor. If the debtor is unable to pay the fees, the person requesting the assistance is responsible for the payment of enforcement fees.

### **8.4 Conclusion and recommendations**

The courts will usually be able to answer questions regarding if a security deposit is required in a matter. The transparency when it comes to the amount of a required security deposit in a matter is not very high. This could in some matters be considered as a slight problem. Practical questions

## **9 Court decisions**

### **9.1 Cost of notification**

The court notifies the parties of its decisions. There is no fee relating to the notification of decisions for the parties involved in a proceeding.

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

The costs involved with obtaining an authenticated copy of a decision is usually 0 euro for the parties involved in the proceeding. In cases where another person

wants to obtain such a copy, the cost depends on the number of pages of the decision. A copy of a decision less than 10 pages may be received free of charge.

### **9.3 Conclusions and recommendations**

## **10 Civil Legal aid**

### **10.1 General**

Legal aid is provided by the state. The definition of legal aid in this report does not include any legal assistance that may be obtained under a private insurance policy. However, it should be noted that legal assistance covered under private insurance policies is common. Information on legal aid is provided free of charge by the Legal Aid Authority and the courts. Information can also be obtained by calling a lawyer.

The regulation that regulates legal aid is the Legal Aid Act (Sw. Rättshjälplagen (1996 :1619)). There is no official English translation of this act. The Swedish version can be obtained at [www.riksdagen.se](http://www.riksdagen.se), [www.dom.se](http://www.dom.se), and other legal databases. The Act describes the types of litigation that can be covered and how much a person has to pay out of pocket for this type of aid. However the act, does not include a list of specific matters for which legal aid will be granted. Legal aid can be granted in most legal matters, but there are a few exceptions. It cannot, for example be granted in matters where a public defense counsel or a public counsel or a “counsel for injured people” has been appointed. In order to be granted legal aid in cases such as divorce or child support “special reasons” are required. Some types of matters are excluded from legal aid. Such matters include for example the preparation of a tax return, a will or a prenuptial agreement.

### **10.2 Conditions of grant**

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The main rule is that a person should make use of the legal protection coverage in a private insurance policy. As a general rule, if a person has legal protection coverage through his insurance, he cannot be granted legal aid regardless of income. If a person does not have insurance with legal protection coverage, or if the insurance does not cover the specific matter, or is not allowed to use the legal protection coverage, he may under certain conditions be granted legal aid.

The average yearly income in Sweden is approximately 25 670 euros. If a person has a gross yearly income of more than 260 000 SEK (approx. 27 500 euros) he/she is not entitled to legal aid from the state. Another condition for being granted legal aid is that the person has had at least one hour compulsory advice consultation from an attorney or a trained lawyer. In order for legal aid to be granted to a person there should be a need for legal assistance and it should be reasonable that the state pays the cost in the dispute. There is no automatic right to legal aid. The assessment on whether a person should be granted legal aid is made by the Legal Aid Authority or by the court (in cases where the dispute has already reached the courts).

There are a number of exceptions to the rules regarding when legal aid can be granted, and a number of matters where legal aid cannot be granted. For example a person is not entitled to legal aid if the value of the dispute is less than half a base amount (2007 base amount : 40 300 SEK (approx. 4 250 euro) . Legal aid is not granted for straight forward registration procedures such as drafting a will. If a person does not have legal protection coverage in a private insurance policy, but in the light of the person's financial circumstances ought to have had insurance, that person may not have the right to legal aid. In some cases, "special reasons" are required for a person to be granted legal aid. This applies for example to divorce cases or if a person is a business proprietor.

Legal aid provided by the Legal Aid Authority can only be granted to individuals and in certain instances to estates, i. e. corporations, associations etc are not eligible.

Legal aid may if "special reasons" exist be granted nationals involved in a cross-border case where the court is located in another member state than the member state of residence of the national and of the legal aid organism.

A person, who has been granted legal aid, does not have to pay enforcement fees to the Authority. If the court has decided that the parties are to attend mediation, legal aid can also cover the cost of the mediator. If legal aid is granted, the legal aid covers an appeal of a lower courts decision under the same conditions as is covered at the lower courts.

### **10.3 Strings attached**

Legal aid can be withdrawn for example if a person does not pay his legal aid fee, has given untrue information, his economic situation has changed, or if there no longer is reasonable that the state pays the person's costs.

Costs covered by legal aid are part of the lawyers' fees (normally a maximum of 100 hours), cost for evidence, some investigation costs, application fees, some mediation and enforcement costs. The amount of legal aid depends on the income of a person and is determined according to a preset table.

### **10.4 Practical questions**

A person who has been granted legal aid must pay a legal aid fee which depends on the cost of the lawyer and the person's income. The legal aid fee, which can never exceed the cost of the lawyer, amounts to:

1. two percent of the cost if a person's total income does not exceed SEK 50 000 kr (approx. 5 347 euros),
2. five percent of the costs, at least SEK 500 (approx 53 euros), if a person's total income exceeds SEK 50 000 (approx. 5 347 euros) but not SEK 100 000 kr , (approx. 10 695 euros)
3. ten percent of the costs, at least SEK 1 000 kr (approx. 107 euros), if person's total income exceeds SEK 100 000 (approx. 10 695 euros) but not SEK 120 000 (approx. 12 834 euros),

4. twenty percent of the costs, at least SEK 1 500 (approx. 160 euros), if person's total income exceeds SEK 120 000 (approx. 12 834 euros) but not SEK 150 000 (approx. 16 043 euros),

5. thirty percent of the costs, at least SEK 2 000 kr (approx. 213 euros), if person's total income exceeds SEK 150 000 (approx. 16 043 euros) but not SEK 200 000 (approx. 21 390 euros),

6. forty percent of the costs, at least SEK 5 000 (approx. 535 euros), if person's total income exceeds SEK 200 000 (approx. 21 390 euros).

Should a party who has been granted legal aid win a case, the losing party shall reimburse the winning party's legal aid fees to the party, and the rest of the legal costs covered by legal aid to the state.

## 10.5 Conclusion and recommendations

. Information on when a person may qualify for legal aid, and what the legal aid fee in such cases will be, is stated in the Legal Aid Act. Information is also easily accessible by calling the Legal Aid Authority. The level of transparency when it comes to legal aid is thus high and, in my opinion, this is a system that works well from a transparency point of view.

## 11 Personal experience

. In my career I have been confronted with cross-border issues where the costs of justice were too expensive for a client. These cases ended up not being solved at all or settled out of court.

I have been involved in cases where cooperation with lawyers residing in other countries have been necessary. The most common situation has been when a legal opinion on another country's legislation has been needed. Such assistance has been obtained by contacting a foreign lawyer directly. This type of situation almost always add to the costs of a case.

My opinion as to what constitutes a deterrent to seeking justice in cross-border disputes is the lack of information on total costs.

## 12 Case studies

*See Annex 1*

*The figures provided in the case studies should only be considered examples of amount of costs that each type of proceeding may include. The costs involved in all the given examples will vary extensively depending on a number of factors. However, as regards to case study 1 (a), the cost will almost never exceed 450 SEK (approx. 48 euros)*