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## Case Study 4 – Commercial law – Contracts – Germany

### Costs in Germany

#### Costs of proceedings at first instance or appeal

Case study	Proceedings at first instance Initial court fees	Appeal Initial court fees
Case A	EUR 1 035.00	Appeal: EUR 1 380.00 Appeal on point of law: EUR 1 725.00
Case B	EUR 1 035.00	Appeal: EUR 1 380.00 EUR 1 725.00

#### Lawyer, bailiff and expert fees

Case study	Lawyer Is there a requirement for legal representation?	Average costs	Bailiff Is there a requirement for a bailiff to be involved?	Costs following judgment	Expert Is there a requirement to call an expert?	Costs
Case A	Yes	First instance: EUR 2 231	No	Depends on type of enforcement measure	No	Based on hourly rates. Levels vary according to area of activity, but the maximum rate is EUR 125, plus expenses and VAT
Case B	Yes	First instance: EUR 2 231	No		No	Based on hourly rates. Levels vary according to area of activity, but the maximum rate is EUR 125, plus expenses and VAT

#### Cost of covering witnesses' expenses

##### Case study Witnesses' expenses

Case study	Are witnesses entitled to reimbursement of their expenses?	Costs
Case A	Yes	Up to EUR 21 per hour for earnings lost, plus travel and other expenses
Case B	Yes	Up to EUR 21 per hour for earnings lost, plus travel and other expenses

## Costs of legal aid and reimbursement of other expenses

Case study	Legal aid	Reimbursement	Can the prevailing party request the award of litigation costs?	What costs are not eligible for reimbursement?	Are there instances where legal aid must be paid back?
	When and on what conditions can legal aid be awarded?  As a rule no legal aid is awarded to legal persons established outside the EU. General requirements: The party must be in a precarious financial situation (without income or assets), and the legal action must have reasonable prospects of success and must not appear to be vexatious.	When is legal aid awarded in full? If the disposable income of the party without income or assets does not exceed EUR 15 after deduction of certain basic allowances received by them or their family members and of housing and heating costs. Legal aid may also be granted in full in other cases, but must be reimbursed by instalments. The amount of the instalment depends on the disposable income.	What are the conditions?  1. On application (no lawyer required in order to apply) 2. Procedure still ongoing 3. See also column 1.		
Case A	See case A above	See case A above	See case A above	Yes, to the extent that they won	Costs not essential to their own legal action or defence
Case B	See case A above	See case A above	See case A above	See case A above	See case A above

## Translation and interpretation costs

Case study	Translation	Approximate cost	Interpretation	Approximate cost	Are there other costs relating to cross-border disputes?
	When and on what conditions is translation required?		When and on what conditions is interpretation required?		Description
Case A	In principle all written submissions to the court and all documentary evidence must be translated. The court may decide that the documents need not be translated if all the judges dealing with the case understand the language in question.	In most cases EUR 1.55 per 55 characters, plus expenses and VAT	The language of the courts is German. It may be decided to dispense with interpretation if all those present have a good command of the foreign language in question.	EUR 70 per hour, plus expenses and VAT	Costs of serving documents abroad
Case B					

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