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Case Study 5 – Commercial law – Liability – Germany

Costs in Germany

Costs of proceedings at first instance or appeal

Case study	Proceedings at first instance	Appeal
	Initial court fees	Initial court fees
Case A	Depends on level of damages claimed	Depends on level of damages claimed
Case B	Depends on level of damages claimed	Depends on level of damages claimed

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	Depends on amount of claim	No	Depends on type of enforcement measure	Not required by law – it is up to the court to decide whether an expert is necessary	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	Depends on amount of claim	No	Depends on type of enforcement measure	See above	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	Costs
	Are witnesses entitled to reimbursement of their expenses?	Up to EUR 21 per hour for earnings lost, plus travel and other expenses
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		
	When and on what conditions can legal aid be awarded?	When is legal aid awarded in full?	What are the conditions?	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?
Case A	See case study 4 above	See case study 4 above	See case study 4 above	See case study 4 above	See case study 4 above	See case study 4 above
Case B	See case study 4 above	See case study 4 above	See case study 4 above	See case study 4 above	See case study 4 above	See case study 4 above

Costs of translation and interpretation

Case study	Translation		Interpretation		Are there other costs relating to cross-border disputes?
	When and on what conditions is translation required?	Approximate cost	When and on what conditions is interpretation required?	Approximate cost	Description
Case A		In most cases EUR 1.55 per 55 characters, plus expenses and VAT		EUR 70 per hour, plus expenses and VAT	Costs of serving documents abroad
Case B	See case study 4 above		See case study 4 above		

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