


Case study 5 - commercial law - responsibility - Germany

 Please note that the original language version of this page [de](#) has been amended recently. The language version you are now viewing is currently being prepared by our translators.

In this case study on commercial law – responsibility, Member States were asked to advise the customer on litigation costs in order to consider the following situations:

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.



Costs in Germany

Costs for Court and Appeals

Case Study	Court	Appeals
	Initial court fees	Initial court fees
Case A	Depends on the amount of compensation claimed	Depends on the amount of compensation claimed
Case B	Depends on the amount of compensation claimed	Depends on the amount of compensation claimed

Costs for lawyer, bailiff and expert

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Case Study	Lawyer		Bailliff		Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Post-judgment costs	Is use compulsory?	Cost
Case A	Yes	Depends on the amount of compensation claimed	No	Depends on the type of enforcement measure	Not compulsory by law but depends on whether the court considers it necessary to call in an expert, in which case highly probable in practice.	Based on hourly rates, level differs according to area of activity, max. EUR 100 plus expenses and turnover tax
Case B	Yes	Depends on the amount of compensation claimed	No	Depends on the type of enforcement measure	See above	Based on hourly rates, level differs according to area of activity, max. EUR 100 plus expenses and turnover tax

Costs for witness compensation

Case Study	Witness compensation	
	Are witnesses compensated?	Cost
Case A	Yes	Loss of earnings, max. EUR 17 per hour, travel costs and other expenses
Case B	Yes	Loss of earnings, max. EUR 17 per hour, travel costs and other expenses

Costs for legal aid and other reimbursement

Case study	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?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	See case study no. 4 above	See case study no. 4 above	See case study no. 4 above	See case study no. 4 above	See case study no. 4 above	See case study no. 4 above

Case B	See case study no. 4 above	See case study no. 4 above	See case study no. 4 above	See case study no. 4 above	See case study no. 4 above	See case study no. 4 above
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Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?
	When and under which conditions is it necessary?	Approximative cost?	When and under which conditions is it necessary?	Approximative cost?	Description
Case A					
Case B	See case study no. 4 above	Normally EUR 1.85 per 55 keystrokes plus expenses and turnover tax	See case study no. 4 above	EUR 55 per hour plus expenses and turnover tax	Service of documents abroad

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Last update: 07/06/2019