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French

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## Costs

### France

In this section you will find an overview of the costs of proceedings applicable to France. For a more in-depth analysis on the costs of proceedings, please consult the following case studies: Family law – Divorce Family law – Care of children Family law – Maintenance Commercial law – Contract Commercial law – Liability

#### Provisions relating to the fees of legal professions

The rates are made up of **fixed fees** and **variable fees** (often as percentage of the value of the dispute). A **distinction** should be made between: **officers of the court (lawyers** and legal representatives), whose remuneration is only partially fixed; for the most part, fees are agreed freely with the client. **court or public officials**, whose remuneration is fixed by the regulatory framework of the French government.

#### Court advocates

Decree no. 80-608 of 30 July 1980 sets the rates for court advocates at the Courts of Appeal. Officers of the court / Lawyers.

Regulations set the rates for lawyers representing parties at first instance (Decree no. 72-784 of 25 August 1972 and no. 75-785 of 21 August 1975).

#### Court appointed process servers

The rates for court appointed process servers to serve claim forms, notices of application and court orders are dealt with in decree no. 96-1080 of 12 December 1996.

#### Fixed legal expenses

##### Legal expenses in civil proceedings

##### Fixed legal expenses for litigants in civil proceedings

In **civil matters**, there are **fees that are legally indispensable in order to pursue an action**, and their amount has been **set** either by legislation or by order of the court. These fees are known as **costs**.

They comprise:

Fees, charges, taxes or levies paid to court offices or the tax authorities (these fees or levies are rare since Law no. 77-1468 of 30 December 1977 established the principle of free public service with regard to the civil and administrative courts);

The costs of translating documents, where this is required by statute or by an international undertaking;

Witness expenses;

Remuneration of technical specialists;

Fixed outlays (fees for process servers, court advocates, lawyers);

Emoluments for court or public officials;

Remuneration of lawyers in so far as this is regulated, including pleadings and advocacy fees;

Costs incurred in serving a document abroad;

Interpreting and translation costs made necessary by evidential enquiries carried out abroad at the request of the courts under Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters;

Social welfare reports ordered in family matters and wardship proceedings for adults and minors;

Remuneration of the person appointed by the courts to represent the interests of the child.

##### The stage when fixed costs must be paid in civil proceedings

**Civil proceedings costs** include all **sums paid out or owed by the parties** before or in the course of an action.

These are for example, before the opening of the proceedings, the **costs of consulting legal advisers**, technical specialists and **travel costs**.

In the **course of the action**, these costs may concern the **costs of proceedings paid to officers of the court or court officials**, **fees paid to the State** and **consultancy fees**.

**After the proceedings**, they may concern the **costs of enforcing** the judgment.

##### Legal costs in constitutional matters

##### Fixed legal expenses for litigants in constitutional proceedings

As there are no provisions for **individuals to bring an action before the Constitutional Council** under current French rules of procedure, there is no need to answer this question.

#### What preliminary information can I expect from my legal representative (my lawyer)?

##### Information relating to the parties' rights and obligations

It is a matter of **professional conduct** for officers of the court to provide their clients with information pertaining to the rights and obligations of the parties.

##### Sources of information relating to legal expenses

##### Where can I find information on legal expenses in France?

On the websites of the [Ministry of Justice](#) and [various professions](#).

##### In which languages can I find information on legal expenses in France?

The information is available in French.

##### Where can I find other information on these expenses?

There is no website that publishes the costs of proceedings.

## Value Added Tax (VAT)

### Where can I find information about this? What are the applicable rates?

The **rates** are given **exclusive of taxes**. The applicable rate of VAT is still **19.6%** with the exception of services given to **recipients of legal aid (5.5%)**.

## Legal Aid

### What are the income limits for receiving civil legal aid?

Legal aid makes **no distinction** between **civil or criminal** matters, or the nature of the dispute. It focuses solely on **the applicant's resources** when deciding to grant or refuse the benefit.

Thus, every **person with French nationality** and every **national from Member States of the European Union**, as well as **non-profit, legal entities** who wish to assert their legal rights but do not have sufficient resources may claim legal aid.

Similarly, **foreign nationals, who are habitually and lawfully resident in France**, are entitled to benefit from legal aid **in civil matters**. This condition for lawful residence is not required in criminal matters. Moreover, the benefit will not be denied to minors, irrespective of the type of proceedings involved (civil, administrative or criminal).

The resources taken into account are **the legal aid applicant's average monthly resources of the last calendar year**, as well as **the resources of persons living habitually in the applicant's home**, where appropriate. In the latter case, the acceptance ceilings for the benefit are raised by adjustments for dependants. However, recipients of certain types of **income support** (supplementary benefit from the National Solidarity Fund or the basic guaranteed income) are exempt from having to prove that their resources are insufficient.

Furthermore, different **welfare benefits** are not taken into account when calculating resources (family allowances, social security payments, housing benefit). Legal aid may be **full or partial**, depending on the resources of the applicant. The **revenue ceilings** for granting legal aid are updated every year by the finance act. For 2009, the average monthly income received in 2008 for a single person must be:

equal to or lower than **EUR 911** for full legal aid,

and between **EUR 912** and **EUR 1 367** for partial legal aid.

These **ceilings are raised** by **EUR 164** for each of the first two dependants living with the applicant (children, spouse, cohabitee, civil partner, ascendant, etc.) and **EUR 104** for the third and subsequent dependant.

### Are there other conditions for receiving legal aid as a victim?

As a general rule, **the status (e.g. victim or accused) of the party to the proceedings is not taken into account**. There is no difference in the way victims, the accused, claimants or defendants in criminal or civil proceedings are treated when deciding whether or not to grant legal aid.

However, the **justice system's framework and planning law of 9 September 2002** improved the conditions for access to justice for victims of the most serious crimes, namely intentional attacks against life or personal integrity (crimes defined and punished by Articles 221-1 to 221-5, 222-1 to 222-6, 222-8, 222-10, 222-14 (1° and 2°), 222-23 to 222-26, 421-1 (1°) and 421-3 (1° to 4°) of the Criminal Code), and their dependants, so that they may bring a civil action for damages arising out of an attack against the person. In order to benefit from legal aid, the victims and their dependants are exempt from having to prove their resources. This provision applies specifically to victims of rape or physical abuse of a minor under 15 years old or persons who are particularly vulnerable, and which lead to death or permanent disability.

Furthermore, **in exceptional circumstances the means condition may be waived**, regardless of the status within the proceedings of the legal aid applicant (claimant/defendant, victim/accused) where their circumstances are of particular interest having regard to the object of the litigation or the foreseeable costs of the proceedings.

In particular, this provision applies to the victim of a criminal offence as a result of the circumstances in which that offence was committed.

### Are there other conditions for obtaining legal aid as an accused?

As a general rule, there is **no particular condition** which governs the granting of legal aid to defendants in the main action. However, where those defendants pursue any form of **legal redress** (appeal, application to set a judgment aside, or an appeal for a decision to be set aside on a point of law (cassation)), the situation of the respondents to the appeal/application is improved if they already had the benefit of legal aid. Indeed, these individuals automatically retain the benefit of legal aid in order to defend themselves.

However, it is important to remember the general rule that applies both to claimant and defendant in the main action, whereby legal aid is not granted if the costs covered by this benefit are underwritten by a legal expenses insurance policy or an equivalent protection system.

### Are any proceedings exempt from legal charges?

Before the **small claims and summary offences court** and the **district court**, the parties are not bound to instruct a lawyer. If the value of the action is less than EUR 4 000, matters may be brought before these courts using a simplified procedure which dispenses with the parties' requirement to use a court appointed process server.

**Applications to review** measures relating to the exercise of parental responsibility, including applications in relation to adoption, where the child was adopted before the age of 15 years, or measures taken following a divorce, or applications for maintenance payments may be made without a lawyer by way of a simple application.

As with all proceedings before the civil courts, these courts do not charge fees for issuing proceedings or entering judgment.

### When does the losing party have to pay the winning party's costs?

**In civil matters**, any judgment or decision that brings an end to an action must make a ruling on the costs incurred in the proceedings.

As a general rule, **costs (fixed fees – see above)** are payable by the losing party. However, the court may in a reasoned judgment order the other party to pay some or all of those costs.

A party may also request that the opponent bear all or part of the charges incurred, and which are **not included in the costs**. These concern, for example, the lawyer's advocacy fees, the fees for the process server's report and travel expenses. If this happens, the court can order the party required to pay the costs, or in default the losing party, to pay the other party an amount which the court determines to cover the expenses incurred and not included in the costs. The court will have regard to principles of fairness and the financial circumstances of the party ordered to pay. The court may, of its own motion, state that there are no grounds for making such an order for reasons based on the same considerations.

## Experts' fees

**In civil matters**, remuneration of experts appointed by the court is set by **order of the court**.

If the court instructs an expert, it will set a retainer from which the remuneration will be deducted. The retainer will be as close as possible to the expected final payment. The court will designate the party or parties who must lodge the retainer with the court office.

Once the **expert's report** is lodged, the court will set the remuneration, having particular regard to the enquiries carried out, respect for time limits and the quality of the work done. The court will authorise the expert to return the appropriate amounts lodged at the court office, or as appropriate, payment of additional sums to the expert, indicating the party or parties who are to be responsible for this.

The judgment or decision bringing an end to the action gives a ruling on **liability for remunerating the expert**. As a general rule, this liability falls to **the losing party**, unless the court, through a reasoned decision, makes the other party liable for part or all of this fee.

On the other hand, the fees of **experts not appointed by the court** are **agreed freely between the expert and the client**, and they are not included in the costs. A party may apply to the court for an order for the losing party or otherwise the party ordered to pay the costs to pay a sum to cover the fees thus incurred. The court will make a ruling having regard to principles of fairness and the financial circumstances of the party ordered to pay.

#### Translators' and interpreters' fees

These fees are **the responsibility of the losing party**, unless the court, through a reasoned decision, makes the other party liable for part or all of this fee.

#### Related Attachments

[France's report on the costs' transparency study](#)  (1312 Kb) 

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