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German

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Costs

Germany

This page provides information on legal costs in Germany.

[Family law – divorce](#)

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Regulatory framework governing fees of legal professions

Lawyers

Germany has a single profession of 'lawyer' [*Rechtsanwalt*] and does not distinguish between lawyers, solicitors, barristers and advocates.

In Germany, lawyers' fees are charged either in accordance with the Lawyers' Remuneration Act [*Rechtsanwaltsvergütungsgesetz*] (RVG) or on the basis of fee agreements. In principle, fee agreements are always possible as an alternative to the statutory charges. However, the provisions of § 49b of the Federal Lawyers Code [*Bundesrechtsanwaltsordnung*] (BRAO) and §§ 3a to 4b of the Lawyers' Remuneration Act must be respected. In particular, if the lawyer represents the client in court, the agreed fees cannot be less than those laid down by law. Remuneration higher than that prescribed by law may be agreed at any time.

The **remuneration schedule** attached to the RVG (Annex 1 to the RVG) prescribes either **fixed fees** or **fee ranges** applicable to individual activities. The fee level is normally determined by reference to the **value of the claim**. The ranges of fees based on claim value stipulate the maximum and minimum fee rates payable. The current fee levels based on claim value are set out in the fees table (Annex 2 to the RVG). In each case, the appropriate fee from the prescribed range must be determined *ex aequo et bono*, taking into account all the circumstances, in particular the scope and difficulty of the work involved, the importance of the case and the client's income and financial circumstances. If the lawyer incurs a particular risk of liability, this may also be taken into consideration in the assessment of their fees. Fee ranges with statutory maximum and minimum amounts apply in a number of special fields, notably criminal cases and matters of social law.

Bailiffs

Bailiffs [*Gerichtsvollzieher*] charge only the fees stipulated in the **Bailiffs' Costs Act** [*Gerichtsvollzieherkostengesetz*] (GvKostG). A **set fee** is prescribed for each individual activity carried out by the bailiff.

Fixed costs

Fixed costs in civil proceedings

Fixed costs for litigants in civil proceedings

Usually, the court receives a **court fee**, calculated according to the **value of the claim**. In **civil cases** it is determined by the **Court Costs Act** [*Gerichtskostengesetz*] (GKG) and the **Court Costs (Family Matters) Act** [*Gesetz über Gerichtskosten in Familiensachen*] (FamGKG). The fee rates are set out in the schedule of costs (Annex 1 to the relevant Act). The fees are set out by claim value in the table of fees (Annex 2 to the relevant act). For general civil proceedings and those concerning family conflict, in particular for maintenance-related matters, the fee rate is **3.0**. For marital matters it is **2.0** and for matters relating to children, including parental custody and access, the fee rate is **0.5**. The value of the proceedings is determined as follows:

For **marital matters**, the value of the proceedings is determined at the court's discretion on the basis of the specific circumstances of each individual case, in particular the scale and importance of the matter, and the relative income and wealth of the spouses. Income is calculated on the basis of three times the net income of both spouses. Usually, the court fixes the value of the proceedings at three times the net income.

For **matters concerning family conflict**, the value usually depends on the value of the claim. For **maintenance matters**, the value is based on the future maintenance payments claimed, at most the amount for 1 year. Arrears incurred up until the application was filed are included in the calculation.

For **matters relating to children**, including parental custody and access, the fee rate is EUR 3 000.

If no agreement is reached, the **fees for court representation by a lawyer are calculated on the basis of the value of the claim**. The value of the claim usually corresponds to the value of the proceedings which is set in order to determine the court fees. The RVG sets out precisely which fees can be calculated at which rate for which type of procedure. Annex 2 to the RVG sets out the fees by claim value. For the first instance of civil matters, lawyers usually receive a **court fee** of 1.3 times the rate and a **consultation fee** of 1.2 times the rate. For a **settlement** agreement at first instance, lawyers also receive a **settlement fee** at a rate of 1.0.

Stage of civil proceedings at which fixed costs must be paid

For **general civil matters, maintenance matters and marital matters**, the court fees are payable as soon as **the action is brought or the application is filed**. For **family matters**, they are due **at the end** of the proceedings. Providing nothing else has been agreed, lawyers are remunerated for services rendered on completion of their brief. However, they have the statutory right to an advance.

Fixed costs in criminal proceedings

Fixed costs in criminal proceedings

In criminal cases, court costs are not levied until the final **sentence** has been handed down. The level of the fee is determined by reference to the penalty imposed, and ranges between **EUR 140** and **EUR 1 000** at first instance. Lawyers with whom no fee has been agreed are entitled, both as defence counsel and as a representative of other interested parties, to charge fees within a set framework.

Stage of criminal proceedings at which fixed costs must be paid

Court costs are due **after final sentencing**. Providing nothing else has been agreed, lawyers are remunerated for services rendered at the end of their mandate. However, they have the statutory right to an advance.

Fixed costs in constitutional proceedings

Fixed costs for litigants in constitutional proceedings

There are no court costs for proceedings before the Federal Constitutional Court [Bundesverfassungsgericht], with the exception of vexatious actions (§ 34 of the Federal Constitutional Court Act [Bundesverfassungsgerichtsgesetz]). A lawyer must be retained only if there is a hearing before the Federal Constitutional Court (§ 22 of the Federal Constitutional Court Act).

Stage of constitutional proceedings at which fixed costs must be paid

Unless agreed otherwise, lawyers' remuneration is in principle payable on **completion of their brief**. However, they have the statutory right to an advance.

Prior information to be provided by legal representatives

Rights and obligations of the parties

Lawyers are obliged to give clients **full information and advice**, and must propose to their clients the safest and least hazardous means of achieving the desired objective. Lawyers must also point out **any risks** involved in the matter, so that clients are in a position to make a fully informed decision. The extent of the information to be provided depends on the lawyers' perception of what the client needs to know. Lawyers must **answer their clients' questions fully and truthfully**. Before a case proceeds to court, lawyers must make clear the prospects and risks involved in pursuing litigation. This includes the cost risks as well as the prospects for success.

Lawyers have **special obligations to provide information** in certain cases:

If their fees are based on **claim value**, lawyers are obliged to draw attention to this fact before being instructed to act (§ 49b(5) of the Federal Lawyers Code).

If **an agreement is entered into concerning their remuneration**, lawyers must point out that, if costs are awarded, only the statutory fees will be reimbursed (§ 3a(1), third sentence, of the Lawyers' Remuneration Act).

If lawyers agree with a client that they will be paid a **contingency fee**, they must draw the client's attention to the fact that the agreement has no effect on any other costs that the client might have to pay (§ 4a(3), second sentence, of the Lawyers' Remuneration Act).

Before concluding an agreement to represent a client in proceedings before a **labour court**, lawyers must draw the client's attention to the fact their costs are not refundable (§ 12a(1), second sentence, of the Labour Courts Act [Arbeitsgerichtsgesetz]).

How costs are fixed – legal basis

Where can I find information on cost legislation in Germany?

The texts of the laws relating to costs can be obtained from bookshops or are available in their latest versions, free of charge, on the internet.

In which languages can I obtain information on cost legislation in Germany?

The information is in German.

Where can I find additional information about costs?

Online information about costs

The **latest versions of laws** are accessible from the website of the Federal Ministry of Justice and Consumer Protection [Bundesministerium der Justiz und für Verbraucherschutz]. The various laws on costs can be downloaded by entering the relevant abbreviation (GKG, FamGKG, GvKostG and RVG).

Where can I find information on the average length of time that different procedures take?

The Federal Statistical Office [Statistisches Bundesamt] produces an **annual series of statistical publications** on the administration of justice. **Series 10, subseries 2.1**, for example, contains data on the **length of civil proceedings throughout Germany**, broken down by individual *Land* and higher regional court [Oberlandesgericht] district. Separate data is provided for local courts [Amtsgerichte] and regional courts [Landgerichte], on the one hand, and higher regional courts, on the other, as well as for proceedings at first and second instance. The series does not contain statistics on the length of time taken by the proceedings in different types of case.

Where can I find information on the average total cost of a particular type of procedure?

There are books that give details of the **average cost risk for civil proceedings**.

Value added tax

Where can I find information on value added tax? What are the rates?

Courts and court bailiffs are not subject to VAT. Lawyers must charge VAT at 19%. It is charged separately as an expense and is not included in their fees.

Legal aid

Applicable income threshold in the area of civil justice

Legal aid is available upon application to anyone who, owing to their personal or financial circumstances, cannot cover the costs of the proceedings, or can cover them only partially or in instalments. The intended legal action or defence must afford a reasonable chance of success and must not appear frivolous. However, litigants must use their own resources insofar as this is reasonable. Depending on their income, a party can be awarded legal aid either that is **not to be paid back** or that is **to be paid back in instalments**. The Federal Ministry of Justice and Consumer Protection has produced a leaflet entitled *Beratungshilfe und Prozesskostenhilfe* ("Legal advice and legal aid"), which answers the most frequently asked questions using examples.

Applicable income limit for defendants in criminal proceedings

Income limits are **not applicable** to suspects or defendants in criminal proceedings. Legal aid is awarded in accordance with other criteria.

Applicable income limit for victims in criminal proceedings

Legal aid is awarded subject to **income** limits. These are flexible and are determined according to the anticipated costs of the case and the social situation of the claimant (maintenance obligations, housing costs). Legal aid can also be awarded with an obligation to **pay it back in instalments**.

Other conditions attached to the granting of legal aid for victims of criminal offences

Victims of certain serious crimes can apply to have a legal advisor assigned to them free of charge, regardless of their financial circumstances.

Other conditions attached to the granting of legal aid for defendants

Legal aid for suspects/defendants (assignment of court-appointed defence counsel) is subject not to income limits, but rather to certain legal **conditions**. These relate primarily to the seriousness of the offence, the threat of certain legal consequences (such as being banned from practising a profession or being confined to a psychiatric or neurological hospital), whether the defendant is on remand in custody or is the subject of protective custody proceedings, whether the previous defence counsel has been suspended, the complexity of the factual or legal situation, or whether the defendant is able to defend themselves.

Cost-free court proceedings

Under **§ 183 of the Social Courts Act [Sozialgerichtsgesetz] (SGG)**, proceedings before social courts [Sozialgerichte] involve **no costs for persons entitled to benefit** (i.e. insured persons, persons on benefit including those in receipt of survivor's benefit, disabled persons and their successors, provided that they are involved in their respective capacities in court proceedings as claimants or defendants). Claimants and defendants who do not fall within categories cited in §

183 SGG must pay a **fee** in accordance with **§ 184 of the SGG** (EUR 150 for proceedings before the social courts, **EUR 225** for proceedings before the regional social courts [Landessozialgerichte], **EUR 300** for proceedings before the Federal Social Court [Bundessozialgericht]). **§ 197a of the SGG** provides for derogation from these special rules whereby the costs customarily payable under the Court Costs Act are also applicable in proceedings before the social courts, if neither the claimant nor the defendant in a case is among the persons mentioned in **§ 183 of the SGG**.

The following arrangements apply in **criminal proceedings**: if the defendant is acquitted, or the case fails to proceed to trial, or the proceedings against the defendant are terminated, the costs (public expenditure) and expenses necessarily incurred by the defendant are in principle payable from the public purse.

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

The losing party must pay the other party's costs insofar as they were necessary for the proper prosecution of the litigation; that is to say, the **winning party's lawyer's statutory fees and expenses** and the winning party's **travel costs**, including any **loss of earnings** incurred through attendance at court.

Experts' fees

Experts **called by the court** receive a **fee based on an hourly rate**. The fee is fixed by law in the Judicial Remuneration and Compensation Act [Justizvergütungs- und -entschädigungsgesetz] (JVEG) and is paid by the parties to the proceedings.

The costs of an expert **privately** engaged by a party to prepare for **litigation** do **not form part of the procedural costs**, reimbursement of which is fixed in the judgment. These costs must therefore be **claimed separately**. If the party has engaged an expert to provide advice during litigation, reimbursement depends on the necessity of this in the case in question. The costs of an expert engaged by the court to give evidence are paid by the losing party or, if the parties have been only partially successful, both parties must pay their share of the costs on the basis of the relative extent to which they have won or lost.

Translators' and interpreters' fees

Interpreters and translators **called by the court** receive a fee that is also fixed by the JVEG and is paid by the parties to the proceedings. Interpreters are paid an **hourly rate** and translators are **paid by the line**.

In **criminal proceedings**, interpretation and translation costs for defendants or interested parties, provided that they are necessary for the defence or for the exercise of procedural rights, are paid from the public purse.

Related links

[Federal Ministry of Justice and Consumer Protection](#)

[Mediation Team of the German Lawyers' Association](#)

[Federal Family Mediation Association](#)

[Federal Mediation Association](#)

[Federal Association for Economic and Professional Mediation](#)

[Centre for Mediation \(CfM\)](#)

[Private banking ombudsman](#)

[Public banking ombudsman](#)

[Conciliation Board of the German Bundesbank](#)

[Ombudsman of the German cooperative banking group](#)

[Private building societies ombudswoman](#)

[Regional building societies ombudsman](#)

[Advisory committees and conciliation boards of the German Medical Association](#)

[Mobility Conciliation Board](#)

[Tourist Conciliation Board](#)

[Conciliation board for local transport in North Rhine-Westphalia](#)

[Private Health and Care Insurance Ombudsman](#)

[Conciliation Board of the Federal German Funeral Directors' Association](#)

[Conciliation Board of the Federal Network Agency](#)

[Real Estate Ombudsman in the German Real Estate Association](#)

[Conciliation boards of chambers of commerce and industry](#)

[Consensus Board for Fees and Awards](#)

[Central Association of the German Motor Vehicle Industry](#)

[Latest versions of laws](#)

Related documents

[Country report by Germany concerning the study on the transparency of costs](#)  (565 Kb) 

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Case Study 1 – Family law – Divorce – Germany

In this case study on family law (divorce), Member States were asked to advise the party filing for divorce on litigation costs in the following situations:

Case A – National situation: a couple gets married. Later they separate and agree to a divorce.

Case B – Transnational situation: Two nationals from Member State A marry in Member State A. After the wedding, the couple move to another Member State (Member State B) where they establish their residence. Shortly thereafter, the couple separates, with the wife returning to Member State A and the husband remaining in Member State B. The couple agrees to a divorce. Shortly after her return to Member State A, the wife files for a divorce before the courts of Member State B.

Costs in Germany

Costs for court and appeals

Case study	Court	Appeals
	Initial court fees	Initial court fees
Case A	Depends on income and assets.	Depends on income and assets.
Case B	Depends on income and assets.	Depends on income and assets.

Costs for lawyers

Case study	Lawyer
	Average costs
Case A	Depends on income and assets.
Case B	Depends on income and assets.

Costs for witness compensation and pledge or security

Case study	Witness compensation	Pledge or security
	Are witnesses compensated?	Does this exist and when and how is it used?
Case A	Yes, but witnesses are not normally required.	No
Case B	Yes, but witnesses are not normally required.	No

Costs for legal aid and other reimbursement

Case study	Legal aid	Reimbursement		
	When and under which conditions is it applicable?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Depends on income and assets.	Yes	Half	If the person's income and financial circumstances improve and in the case of payment by instalments.
Case B				

Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?
	When and under which conditions is it necessary?	Approximate costs?	When and under which conditions is it necessary?	Approximate costs?	Description
Case A					
Case B	At the court's discretion.	Usually EUR 1.55 per 55 keystrokes, plus expenses and turnover tax.	At the court's discretion.	EUR 70 per hour, plus expenses and turnover tax.	Service of documents abroad.

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Case Study 2 – Family law – Custody of children – Germany

In this case study on family law (custody of children), Member States were asked to advise the suing party on litigation costs in the following situations:
Case A – National situation: a couple have lived together unmarried for a number of years. They have a 3-year-old child at the time they separate. A court grants custody of the child to the mother and right of access to the father. The mother sues to limit the father's right of access.
Case B – Cross-border situation where you are a lawyer in Member State A: a couple have lived together unmarried in Member State B for a number of years. They have a child together but separate immediately after the birth of their child. A court in Member State B grants custody of the child to the mother and right of access to the father. The mother and child move to another Member State (Member State A) with the court's authorisation, while the father remains in Member State B. A few years later, the mother takes legal action in Member State A to change the father's right of access.

Costs in Germany

Costs of proceedings at first instance or appeal or for alternative dispute resolution

Case study	Proceedings at first instance	Appeal
	Initial costs of proceedings	Initial costs of proceedings
Case A	EUR 54.00	Appeal: EUR 108.00 Appeal on point of law: EUR 162.00
Case B	EUR 54.00	Appeal: EUR 108.00 Appeal on point of law: EUR 162.00

Lawyer, bailiff and expert fees

Case study	Lawyer		Expert	
	Is there a requirement for legal representation?	Average costs	Is there a requirement to call an expert?	Costs
Case A	No	First instance: EUR 622.00	At the court's discretion	EUR 100.00 per hour, plus expenses and VAT
Case B	No	First instance: EUR 622.00	At the court's discretion	EUR 100.00 per hour, plus expenses and VAT

Cost of covering witnesses' expenses

Case study	Witnesses' expenses	
	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	
	What are the conditions?	Can the prevailing party request the award of litigation costs?	Are there instances where legal aid must be paid back?
Case A	Depending on income and assets	Yes	If the person's income and financial situation improve and in the case of payment by instalments.
Case B	Depending on income and assets	Yes	If the person's income and financial situation improve and in the case of payment by instalments.

Translation and interpretation costs

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	Approximate cost
Case A						
Case B	At the court's discretion	In most cases EUR 1.55 per 55 characters, plus expenses and VAT	At the court's discretion	EUR 70 per hour, plus expenses and VAT	Costs of serving documents abroad	

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Case Study 3 – Family law – Maintenance – Germany

In this case study on family law (maintenance), Member States were asked to advise the suing party on litigation costs in the following situations:

Case A – National situation: a couple have lived together unmarried for a number of years. They have a 3-year-old child at the time they separate. The court grants custody of the child to the mother. The only point of disagreement concerns the amount to be paid by the father to the mother for the child's maintenance and upbringing. The mother sues with respect to this.

Case B – Cross-border situation where you are a lawyer in Member State A: a couple have lived together unmarried in Member State B for a number of years. They have a 3-year-old child at the time they separate. A court in Member State B grants custody of the child to the mother. With the agreement of the father, the mother and the child move to live in another Member State (Member State A) where they take up their residence.

The only point of disagreement concerns the amount to be paid by the father to the mother for the child's maintenance and upbringing. The mother sues with respect to this in Member State A.

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 amount of maintenance claimed	Depends on amount of maintenance claimed
Case B	Depends on amount of maintenance claimed	Depends on amount of maintenance claimed

Lawyer, bailiff and expert fees

Case study	Lawyer		Bailiff		Expert	
	Is there a requirement for legal representation?	Average costs	Is there a requirement for a bailiff to be involved?	Costs following judgment	Is there a requirement to call an expert?	Costs
Case A	Yes	Depends on amount of maintenance claimed	No	Depends on type of enforcement measure	At the court's discretion	Based on hourly rates. Levels vary according to area of activity, but the maximum rate is EUR 100, plus expenses and VAT
Case B	Yes	Depends on amount of maintenance claimed	No	Depends on type of enforcement measure	At the court's discretion	Based on hourly rates. Levels vary according to area of activity, but the maximum rate is EUR 100, plus expenses and VAT

Cost of covering witnesses' expenses

Case study	Witnesses' expenses	
	Are witnesses entitled to reimbursement of their expenses?	Costs
Case A	Yes	Up to EUR 17 per hour for earnings lost plus travel and other expenses
Case B	Yes	Up to EUR 17 per hour for earnings lost plus travel and other expenses

Costs of legal aid and reimbursement of other expenses

Case study	Legal aid	Reimbursement	
	What are the conditions?	Can the prevailing party request the award of litigation costs?	Are there instances where legal aid must be paid back?
Case A	Depending on income and assets	Yes	If the person's income and financial situation improve and in the case of payment by instalments.
Case B	Depending on income and assets	Yes	If the person's income and financial situation improve and in the case of payment by instalments.

Translation and interpretation costs

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					
	At the court's discretion		At the court's discretion		

Case B	Generally EUR 1.55 per 55 characters, plus expenses and VAT	EUR 70 per hour, plus expenses and VAT	Costs of serving documents abroad
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Case Study 4 – Commercial law – Contracts – Germany

In these case studies on commercial law (contracts), Member States were asked to advise the seller on the costs of proceedings in the following situations:

Case A – National situation: a company delivers goods worth EUR 20 000. The seller is not paid because the buyer considers that the goods do not correspond to what was agreed.

The seller decides to sue for full payment.

Case B – Cross-border situation: a company based in Member State B delivers goods worth EUR 20 000 to a buyer in Member State A. The contract is written in the language of Member State B and falls under its jurisdiction. The buyer in Member State A refuses to pay because, in their opinion, the goods do not correspond to what was agreed. The seller decides to sue for full payment in Member State A on the basis of the contract entered into with the buyer.

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	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		Bailiff		Expert	
	Is there a requirement for legal representation?	Average costs	Is there a requirement for a bailiff to be involved?	Costs following judgment	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	
	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		
	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	As a rule no legal aid is awarded to	If the disposable income of the party without		Yes, to the extent that they won		See column 2

	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.	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.	1. On application (no lawyer required in order to apply) 2. Procedure still ongoing 3. See also column 1.		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	See case A above

Translation and interpretation costs

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					
Case B	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

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Case Study 5 – Commercial law – Liability – Germany

In this case study on commercial law (liability), Member States were asked to advise the customer on litigation costs in the following situations:

Case A – National situation: a heating equipment manufacturer delivers a heating appliance to an installer. The installer sells the appliance to a customer and installs it in the customer's house. A fire breaks out shortly afterwards. Each of the parties (manufacturer, installer and end customer) is insured. The cause of the fire is disputed. Nobody wants to compensate the customer.

The customer decides to sue the heating equipment manufacturer, the installer and the insurance company for damages.

Case B – Cross-border situation: a heating equipment manufacturer in Member State B delivers a heating appliance to an installer in Member State C. The installer sells the appliance to a customer and installs it in the customer's house in Member State A. A fire breaks out shortly afterwards. Each of the parties (manufacturer, installer and end customer) is insured by an insurance company in their own Member State. The cause of the fire is disputed. Nobody wants to compensate the customer.

The customer decides to sue the heating equipment manufacturer, the installer and the insurance company in Member State A for damages in that Member State.

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		Bailiff		Expert	
	Is there a requirement for legal representation?	Average costs	Is there a requirement for a bailiff to be involved?	Costs following judgment	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	
	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		
	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					
Case B	See case study 4 above	In most cases EUR 1.55 per 55 characters, plus expenses and VAT	See case study 4 above	EUR 70 per hour, plus expenses and VAT	Costs of serving documents abroad

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