

Home>Taking legal action>Where and how>Costs

Costs

Germany

This page provides information on legal costs in Germany.

[Family law – divorce](#)

[Family law – custody of children](#)

[Family law – maintenance](#)

[Commercial law – contracts](#)

[Commercial law – liability](#)

Regulatory framework governing fees of legal professions in Germany

Lawyers

In Germany, lawyers' fees are charged either in accordance with the Lawyers' Remuneration Act [*Rechtsanwaltsvergütungsgesetz*] (RVG) or on the basis of an agreement between the lawyer and their client. Fee agreements are always an alternative to the statutory charges. They must be in compliance with the rules set out in § 49b of the Federal Lawyers Code [*Bundesrechtsanwaltsordnung* (BRAO)] and in §§ 3a to 4b RVG. If the lawyer represents the client in court, the agreed fees cannot be less than the amount laid down by law.

The remuneration schedule attached to the RVG (Annex 1 to the RVG) prescribes either value fees, fixed fees or fee ranges for various legal services. The amount of the fee is normally determined by reference to the value of the claim, and the fee amounts for the various claim values are listed in Annex 2 to the RVG. Any ranges of fees indicated for a claim value stipulate the maximum and minimum fee rates which can be invoiced for the service in question. The appropriate fee within this range is determined according to the scope and difficulty of the work involved, the importance of the matter, the financial circumstances of the client and the particular liability risks incurred by the lawyer. Fee ranges 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 **specific fee** is laid down for each individual activity carried out by the bailiff.

Fixed costs

Fixed costs in civil proceedings

Fixed costs for litigants in civil proceedings

In civil proceedings, court fees are usually payable on the basis of the amount of the claim. These fees are set in civil cases in accordance with 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 Acts), with Annex 2 listing the table of fees according to the claim value.

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, taking account of the scope, the importance of the matter and the income of both spouses. Usually, the value of proceedings corresponds to the net income generated in 3 months. For **matters concerning family conflict**, the value usually depends on the amount of the claim. For maintenance-related matters, the value is limited to the amount of maintenance claimed, at most the amount for 1 year. Any outstanding amounts up to the date of the application will also be taken into account.

For **matters relating to children**, including parental custody and access, the value of proceedings is EUR 4 000.

If no agreement is reached, the fees for **court representation by a lawyer are incurred according to the claim value**. This usually corresponds to the value of the proceedings which is set in order to determine the court fees. The Lawyers' Remuneration Act [*Rechtsanwaltsvergütungsgesetz*] (RVG) sets out precisely which fees can be calculated at which rates for certain procedures. Annex 2 to the RVG sets out the fee amounts 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

In ordinary civil matters, as well as in maintenance and marital matters, the court fees must be settled directly when filing the case or submitting the application. For **family matters**, the fees **are due at the end** of the proceedings. The lawyer's fees are usually paid at the end of the mandate, unless otherwise agreed. However, the lawyer is entitled to require an advance payment in accordance with the legal provisions.

Fixed costs in criminal proceedings

Fixed costs in criminal proceedings

The costs in criminal proceedings are invoiced only after final sentencing. The court costs depend on the amount of the penalty and range between EUR 15 540 and EUR 11 000 at first instance. Lawyers with whom no specific agreement has been made are entitled to charge fees both as defence counsel and as a representative of other interested parties. These fees are set within a given framework.

Stage of criminal proceedings at which fixed costs must be paid

Court costs must be paid after final sentencing. The lawyer's fees are usually settled at the end of the mandate, unless otherwise agreed. However, the lawyer is entitled to require an advance payment in accordance with the legal provisions.

Fixed costs in constitutional proceedings

Costs for litigants

The submission of a constitutional complaint to the Federal Constitutional Court [*Bundesverfassungsgericht*] is generally free of charge, unless the complaint is filed with abusive intent (pursuant to § 34 of the Federal Constitutional Court Act [*Bundesverfassungsgerichtsgesetz*]). Representation, particularly by a lawyer, is necessary only in the event of a hearing before the Federal Constitutional Court (pursuant to § 22 of the Federal Constitutional Court Act).

Stage of constitutional proceedings at which fixed costs must be paid

Lawyer fees for proceedings before the Constitutional Court must usually be settled at the end of the mandate, unless otherwise agreed. However, the lawyer is entitled to require an advance payment.

Prior information to be provided by legal representatives

Rights and obligations of the parties

Lawyers have the duty to give clients full information and advice, and must point out the safest and least hazardous means of achieving the desired objective. All risks associated with the matter must be disclosed to the client, so that the client can make a fully informed decision. Lawyers must answer their clients' questions fully and truthfully. Before filing a case, they must explain to the client the prospects and risks of the proceedings, including the costs.

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

If the fees are based on claim value, lawyers must draw the client's attention to this fact before being instructed to act (§ 49b subpara. 5 of the Federal Lawyers Code (BRAO)). If **an agreement is entered into concerning their remuneration**, lawyers must point out that, if costs are reimbursed by the opposing party, only the statutory fees will be reimbursed (§ 3a subpara. 1 sentence 3 of the Lawyers' Remuneration Act (RVG)).

Before concluding an agreement to represent a client before a **labour court**, lawyers must draw the client's attention to the fact that their legal costs are not refundable (§ 12a subpara. 1 sentence 2 of the Labour Courts Act [*Arbeitsgerichtsgesetz*]).

How costs are fixed – legal basis

Where can I find information on cost legislation in Germany?

Information on cost legislation in Germany can be either purchased in bookshops or downloaded free of charge online in the latest version.

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

Most of the available information on cost legislation in Germany is in German.

Where can I find additional information about costs?

Online information about costs

The current versions of legislation can be consulted on the website <https://www.gesetze-im-internet.de/>. To download the various laws on costs, the relevant abbreviations (GKG, FamGKG, GNotKG, GvKostG and RVG) can be entered in the search function.

Where is information on the duration of individual types of proceedings published?

The Federal Statistical Office [Statistisches Bundesamt] publishes annual **statistical reports** on the administration of justice. For example, the report on civil courts provides data on the length of civil proceedings throughout Germany. The data are broken down by individual *Land* and higher regional court [*Oberlandesgericht*] district. There is also separate information for local courts [*Amtsgerichte*] and regional courts [*Landgerichte*] as well as for proceedings at first and second instance. The report sets out specific statistical data on the length of the proceedings in selected areas of law, such as medical liability, road traffic accidents and travel contracts.

Where can I find information on the approximate costs of different types of court proceedings?

There are books on the subject of average costs in civil proceedings. These books can cover various aspects, including the legal bases, cost control strategies, case studies and practical examples. In addition to this, various calculators are available online,

such as the one on the e-Justice portal of the Land of North Rhine-Westphalia, which can be used to calculate procedural fees in advance.

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. However, lawyers charge VAT of 19%. This sum is counted separately as costs and is not included in their remuneration.

Legal aid

Applicable income threshold in the area of civil justice

Any person who cannot afford some or all of the costs of litigation may apply for legal aid. The personal and financial circumstances must be taken into account. The planned legal dispute must have a chance of success and must not be vexatious. However, the person conducting the proceedings must use their assets, in so far as is reasonable. Depending on their income, legal aid can be awarded either with or without an obligation to pay it back in instalments. The Federal Ministry of Justice has published a brochure with the title 'Legal advice and legal aid' [*Beratungshilfe und Prozesskostenhilfe*] which answers the frequently asked questions using examples.

Applicable income limit for defendants in criminal proceedings

In criminal proceedings, there are different rules on the income of accused persons. In contrast to legal aid for claimants, there are no fixed income limits for defendants. Instead, other criteria are taken into account to determine whether they receive financial support.

Applicable income limit for victims in criminal proceedings

For people who have been the victim of a crime, legal aid depends on their income. It takes into account the expected costs of the case and the claimant's personal circumstances, such as maintenance obligations and housing costs. There are flexible income thresholds and, in some cases, legal aid can be granted with the obligation to pay it back in instalments.

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

A special regime exists for victims of serious intentional acts of violence. Regardless of their financial situation, they can apply for free legal assistance.

Other conditions attached to the granting of legal aid for defendants

For defendants, there are also certain conditions attached to the granting of legal aid. These do not relate to income but rather to legal factors, such as the seriousness of the accusation, the penalty to be expected, the complexity of the situation and the question of whether the defendant can defend themselves. A lawyer will always be appointed by the court if the defendant is in custody or if they must appear in court, in order for a ruling on detention or placement to be made.

Cost-free court proceedings

Under § 183 of the Social Courts Act [*Sozialgerichtsgesetz*] (SGG), persons entitled to benefit are not liable for costs for proceedings before the social courts [*Sozialgerichte*]. This includes insured persons, persons on benefit (including those in receipt of survivor's benefit), disabled persons or their successors, if they are involved in that capacity as claimants or defendants. Pursuant to § 184 SGG, Persons who do not fall under § 183 fallen must pay a fee for each dispute. The fees amount to EUR 150 EUR before the social courts, EUR 225 before the regional social courts [*Landessozialgerichte*] and EUR 300 before the Federal Social Court [*Bundessozialgericht*]. § 197a SGG provides that, in certain cases, the costs are payable under the Court Costs Act, if neither the claimant nor the defendant in a case is among the persons mentioned in § 183 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 expenses and costs necessarily incurred by the defendant are paid from the public purse in accordance with § 467 StPO. If the accused person is convicted, they must in principle bear the costs of the proceedings themselves, including the remuneration of the court-appointed lawyer in accordance with § 465 StPO.

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

The party which loses the case must take over the procedural costs of the opponent. This includes court costs, the other party's lawyer's statutory fees and expenses, the travel costs and the loss of earnings caused by the appearance in court. These costs must have been necessary for the appropriate defence of the party's rights or for defence against a claim.

Remuneration of experts

The fee for court-appointed experts is calculated at fixed hourly rates in accordance with the Judicial Remuneration and Compensation Act [*Justizvergütungs- und -entschädigungsgesetz*] (JVEG). These costs must be paid by the parties to the proceedings.

Where a party appoints an expert privately in order to prepare for a legal dispute, these costs are not part of the legal costs fixed in the judgment.

Reimbursement of these costs must be requested separately. If the party has engaged an expert to provide advice during litigation, reimbursement depends on whether this advice was necessary in the case in question.

The remuneration of an expert appointed by the court to give evidence is borne by the unsuccessful party. If both parties win in part and lose in part, they must share costs according to the outcome of the legal dispute.

Translators' and interpreters' fees

Interpreters and translators called by the court receive a fee fixed in accordance with the Judicial Remuneration and Compensation Act. These costs must be paid by the parties to the proceedings. Interpreters are remunerated on the basis of an hourly rate, while translators are remunerated on the basis of the number of lines translated. In criminal proceedings, interpretation and translation costs required by the defendants or interested parties are paid from the public purse. This applies where the services are necessary for the defence or to exercise procedural rights.

Related links

[Federal Ministry of Justice](#)

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

[Federal Family Mediation Association](#)

[Federal Association for Mediation](#)

[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](#)

[Conciliation Board of the Federal Chamber of Lawyers](#)

[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?	Is there a requirement to call an expert?
Case A	No	At the court's discretion
	Average costs	Costs

		First instance: EUR 622.00		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					
Case B	At the court's discretion	Generally 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 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 legal persons established outside the EU. General requirements:	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	1. On application (no lawyer required in order to apply) 2. Procedure still ongoing 3. See also column 1.	Yes, to the extent that they won	Costs not essential to their own legal action or defence	See column 2

	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.	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.				
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
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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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