

ANNEX 32

- Country Report FRANCE

CONTRACT

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FOR



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COMMISSION EUROPEENNE

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- DG FOR JUSTICE, FREEDOM AND SECURITY -

Study on the Transparency of Costs of Civil Judicial Proceedings in the European Union

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- COUNTRY REPORT -

- FRANCE -

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COUNTRY REPORT

Preliminary notes

The aim of the present report is to provide an overview of costs of civil judicial proceedings in France in general as well as in cross-border disputes. The present report relies heavily on Annex 1 questionnaire enclosed.

The copies of legal acts regulating to this issue are attached to the questionnaire in annexe.

Introduction

One of the principles of the European Union is to guarantee access to justice for all citizens. In order to achieve this objective, certain criteria must be fulfilled. One of these criteria is that the costs of justice are affordable and that information on the costs of justice is easily accessible.

The European Union launched a project to identify the sources of costs of civil court proceedings in all Member States. In this report the sources of costs when litigating in France are identified. More specifically the proportion of each source of costs on the total costs needs to be identified.

The focus of this report are the costs in civil proceedings. This report shows that for these individuals taking actions in Court can become very difficult to access, indeed information on justice and information on costs of justice is opaque and very difficult to obtain and legal rules in France are so complex that without any advice from a professional it is mostly impossible to take any action. For this reason I think that the hurdle for achieving the objective of accessing justice to all citizens is rather a communication problem than an affordable problem.

Access to information and calculation of costs occurred in legal civil proceedings before French Courts is respectively difficult to get and complex to calculate. Hence the subject of costs of justice remains restricted and reserved to professionals as well in its comprehension as in its transparency.

In addition access to justice remains restricted due to high rates of Lawyers' fees and too narrow financial segment of recipients of legal aid.

At least as the number of European regulations is increasing, it is almost impossible for a non professional to be able to get the appropriate information, document,

rules and finally the costs occurred which apply to their own legal situation in a cross-border dispute without the help of a professional.

I think that all the fees associated to litigation are justified and fair, because the rules limit the costs risk for a plaintiff to take legal French proceedings. In France, as a rule (Act n° 77-1468 of 30th december 1977 ie Appendix COURT) there are no charges payable to the State for acts of procedure **because the Clerck's office are public, with the exception of Commercial Courts fees**, which are determined according to a scale of registry charges: (Table 1 of the article R 743-140 and Decree N° 2007-812 of 10 May 2007; Articles 853 and followers of the NCPC (new code of the Civil procedure) and articles R-743-140 to R743-157 of the Commercial code) (ie Appendix Court) indeed. **Their clerck's offices are private** The 'greffier' (clerk of the Court) attends the hearings of the Commercial Court, records the decisions taken, and delivers copies of those decisions.

Nevertheless there must be in mind of every litigant that there is always a costs risks in any litigation, which is the lack of recoverability of your costs rather than the risk of having to pay the opponent's costs in the event of losing a case.

A party who successfully brings proceedings in France cannot expect to recover anything like the sums effectively spent on the litigation but will usually recover simply a contribution to its real costs spent (Article 700 of the NCPC (new code of the Civil procedure)) other than the "Dépens" (ie Articles 695 and 696 of the NCPC (new code of the Civil procedure)).

Except of lawyer fees, most of the other costs of justice are fixed on the base of a statutory tariff and I don't see how they can become cheaper. I think it is right that the people who use the judicial system have to pay for that.

A new Law n° 2007-210 of 19 February 2007 is enforced since February which regulates legal assistance insurance and I am very favorable to this process. I think it can help to deliver the communication of justice and costs to citizens, make justice closer to them and provide with more confidence in justice than they currently have.

This report shows that there is very common situation of every day live where the assistance of a lawyer is not compulsory. . However, the laws are complex that the assistance of a lawyer is advisory and reassuring. Their fees would be the biggest part of the total proceedings costs.

Executive Summary

1 Summary of the mains sources of costs

In France, as a rule (Act n°77-1468 of 30th december 1977 ie Appendix COURT) there are no charges payable to the State for acts of procedure, with the exception of Commercial Courts fees which are determined according to a scale of registry charges: (Table 1 of the article R 743-140 and Decree N° 2007-812 of 10 May 2007; Articles 853 and followers of the NCPC (new code of the Civil procedure) and articles R-743-140 to R743-157 of the Commercial code) (ie Appendix Court). The 'greffier' (clerk of the Court) attends the hearings of the Commercial Court, records the decisions taken, and delivers copies of those decisions.

Notwithstanding “Costs” can be awarded, corresponding to costs incurred in conducting the proceedings. The French Courts make two forms of orders for costs. The first one is known as an order for “dépens” article 695 of the NCPC (new code of the Civil procedure) (ie Appendix Court), which is often translated as “costs”.The “Dépens” cover a variety of costs.

- The fees, taxes, government royalties or emoluments levied by the clerk's offices of Courts or by the tax administrationwith (**Court fees in Civil cases are free, there is no more charges since the enforcement of the Act n°77-1468 of 30th december 1977 because the Clerck's office are public, with the exception of Commercial Courts fees, their clerck's offices are private**);
- Cost of translation of documents where the latter is rendered necessary by the Act or international engagement;

- Allowance for witnesses;
- Expert fees;
- Fixed amount disbursements (**lawyers when representation is compulsory and “Avoués”(Court of Appeal’s Lawyers), bailiffs**);
- Emolument of public officers and public officers (**mostly bailiffs fees**);
- Cost of lawyers when the representation by a lawyer is compulsory to the extent that it is regulated including the closing speech dues;
- Expenses paid due to the notification of a process abroad;
- Cost of interpreting and translation rendered necessary by the inquiry orders to be carried out abroad at the request of Courts pursuant to Council Regulation (EC) n° 1206/2001 of 28 May 2001 on cooperation between Courts of the Member States in the taking of evidence in Civil and Commercial matters.

The second sort of costs order is known to French Lawyers as “Article 700 of the NCPC (new code of the Civil procedure)” (ie Appendix Court) or under the term “frais irrépétibles” basically provides for a contribution to the real costs occasioned by the proceedings which are not included in the “dépens”.

Every other cost incurred by the parties such as travel expenses, mail costs: as a rule they bear these costs themselves, unless the Court decides otherwise, in civil proceedings. The Court gives its decision on an equitable basis, having regard also to the losing party’s ability to pay. The Court has the power to order that no costs order be made.

2 Level of transparency in the sources of costs

(On a scale of 1-10)

COURT FEES 5

The level of transparency relating to Court fees for **Civil action** is clear indeed, as **a rule there are no charges** payable to the State for acts of procedure, the clerks of Civil Courts are public. Unfortunately this is not the case of **Commercial Courts** for which there is a scale of registry charges (Table 1 of the article R 743-140 and Decree N° 2007-812 of 10 May 2007).

In spite of a scale of registry charges which determined the fees, tax, penalties which may be due on documents and titles produced in support of the claims of the parties, either equal or multiple or sub-multiple of a standard rate (1,30 € (before tax)), each of the 191 registrar's Commercial Court determines its own registry charges. As an example:

A **substantive summons** for two parties (one claimant/ one defendant) costs:

- According to the scale of registry charges of the Table 1 of the article R 743-140 and Decree N° 2007-812 of 10 May 2007: it is around **69 € (After tax)**
- In Paris it is around **83 € (after tax)**
- In Nice it is around **70 € (after tax)**
- In Poitiers it is around **70 € (after tax)**
- In Lyon it is around **83 € (after tax)**
- In Bordeaux, the fees' reserve is **58.33 € (after tax)**
- In Nanterre, the fees' reserve is **80,85 € (after tax)**

Despite this standard rates there is no existing disclosed information relating to the reasons of variation of commercial fees within the 191 registrars. Hence it is quite difficult to provide amounts with details of the Commercial Courts fees.

To be clear you will not find any available document or information relating to the calculation of the Commercial Court fees with the exception of the table 1 of the of the article R 743-140 and Decree N° 2007-812 of 10 May 2007 which is for a non professionnall hard to understand. For the amount fo these fees you can have access by the following means, to each of the 191 registrars: www.greffes.com (every registrar of Commercial Court should provide with the amount of these fees, but it is not always the case)

BAILIFF FEES 3

The bailiff is used for service of process directly linked to the procedure such as issuing a writ and /or most forms of execution of decisions and most of those fees is charged on the basiss of a tariff sets up in the Decree N° 96-1080 of 12 th december 1996. But free fees are opened by the table 1 (ie appendix bailiffs) by reference to article 16.1 of the Decree N° 96-1080 of 12TH december 1996 and are justified by urgency and difficulties. Nevertheless it seems unfair to grant free fees in addition to fixed scale when fixed sacle is laid down as principle.

Hence, as long as their is free fees, the determination of any kind of fees is difficult. It is a free market. In addition the calculation system of the statutory tariff is so complex to handle that it is reserved to either accountant or bailiffs itself. At least, there is also a special statutory tariifs in matière prud'homale (v. article R. 519-1 od the labour code (code du travail) from the decree n°80-196 du 10 mars 1980, the statutory tariff is divided by half for service of process compare to those granted in Commercial and Civil deeds), in public expropriation (v. articles R. 13-55 et R. 13-56, alinéa 1er, du Code de l'expropriation), excessive debt (article R. 333-5 du Code de la consommation).

LAWYER FEES 4

Lawyers' basic fees are freely negotiated between the client and his Lawyer (art 10 of the Act 71-1130 of 31ST December 1971 modified in 1991). But as it varies according to the specialist area, urgency of the work, the worth of the matter at suit, the reputation of the Attorney dealing with the matter, the result obtained, and the location of the Act practice etc, an estimation of lawyer's basic fees is very hard to provide.

Per hour before tax the basic are on average between 250 Euros and 499 Euros.

In addition this statements is complicated slightly by the fact that there does exist a statutory tariff setting out Lawyers' fees for work preparing and presenting cases where representation by a Lawyer is mandatory (*Article 695 -7 of the NCPC "Cost of advocates to the extent that it is regulated including the Lawyers'hearing fees dues"*). I swear that its calculation is complex. Indeed, the statutory tariff is not determined according to neither the nature of the litigation nor the type of law suit or jurisdiction. It is mostly based on whether or not the litigation is considered valuable. So it is just impossible to provide any figures with details without the prejudice of the minimum that the court of appeal's Lawyer can claim which is 50 prime rate "unité de base", which is the equivalent of 135 € (before tax) ..

EXPERT FEES 2

The experts fees' information is not disseminated at all. The disclosure of information are restricted to the experts themselves or to professionals of justice. We may explain that cause the expert's fees are controlled by the Courts which fixes a sum (the Juge Taxateur has a fixed scale per each professional expert's practise (such as medical, real estate, finance, tax and accountance, transports.....) on account of the expert's fees. **The revue Experts; www.revue-experts.com provides statistics on expertise with details of experts fees per practise and hour.**

WITNESS COMPENSATION 6

The text relating to witness compensation is difficult to find and if you do not have any knowledge in the practise of justice, it is almost impossible to find it and then to understand it because it refers to criminal procedure articles. Nevertheless, as soon as you find it, the compensation fees are easily understandable and accessible, it is a fixed scale.

TRANSLATION/INTERPRETATION 6

It is exactly like the expert, indeed usually accredited translator/interpreter are experts. Then the disclosure of information is restricted. Nevertheless The costs of accredited translators and interpreters are regulated, not really transparent but quite easily accessible. However, since the cost are controlled by the court, the total cost is not easy to determine in advance

The order appointing the translator/or the interpreter fixes the sum on account of the translator/interpreter's fees, which is paid in to Court. The accredited translator/interpreter's fees depends on a the juge taxateur's schedule 's tariff. Currently the accredited translator's fees are in average 15 € (Before tax) per hour and the highest price is 20 € (Before tax)per hour for verbal translation. In 2006 the average accredited translator's fees for a case is 417 € (Before tax) and the highest price is 518 € (Before tax) (ie :statistics table (national survey)provided by the revue EXPERTS published in September 2007 N°76, M.Bernard Denis LAROQUE). Regarding the written translation, the fees vary between 10 and 19 € per page.

3 Determination of the amounts of costs

(On a scale of 1-10)

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4 Level of transparency in determining the actual costs

(On a scale of 1-10)

COURT FEES 6

Fixed scale for Commercial Courts and no fees for Civil Courts

BAILIFF FEES 1

Even if it is mostly based on a statutory tariff, the calculation of it is too complex.

LAWYER FEES 4

It is difficult, if not impossible to predict, how many hours an advocate works on a case.

EXPERT FEES 2

Mostly impossible to predict, it is determined by the judge.

WITNESS COMPENSATION 8

Fixed scale.

TRANSLATION/INTERPRETATION 2

Mostly impossible to predict, it is determined by the judge.

5 Proportion of each indentified cost on the overall volume of activity it is an approximation as there is no data available.

COURT FEES 2%

BAILIFF FEES 13%

LAWYER FEES 55 %

EXPERT FEES 25%

WITNESS COMPENSATION 0%

TRANSLATION/INTERPRETATION 5%

6 Proportion of each identified cost on the value of disputed claim

COURT FEES 0% does not depend on the value of the disputed claim

BAILIFF FEES 10%-15%

LAWYER FEES 60%-90%

EXPERT FEES 20%-40%

WITNESS COMPENSATION 0% does not depend on the value of the disputed claim

TRANSLATION/INTERPRETATION 5%-10%

7 Specificities in relation to EU cross-border disputes

COURT FEES

Do not depend on Eu cross-border aspect.

BAILIFF FEES

In fact, bailiffs fees do not depend on the cross border aspect. Indeed most of the action are covered by the state or organised by the state and are free of charge most of the time or recoverable against the losing party or reluctant party.

There is some specificity, in cross border litigation to serve a summon from a foreign country gives right to a lump sum of 50 € (before tax) (NCPC, art. 688-2) and the rate to serve a summon or notify a decision to a foreign country is set up at 16,5 prime rate equal to 36,30 € (before tax)(NCPC, art. 684)

LAWYER FEES

The fees do generally not depend on the cross border aspect as they are mostly fixed by hours but in the end it is likely that more hours will be charged, compared to the situation in which it were a national case.

EXPERT FEES

Do not depend on the cross border aspect as their fees are controlled by the judge and calculated per hour. It will be mostly their travel, and accommodation allowances which will depend on the cross border aspect.

WITNESS COMPENSATION

Do depend on the cross-border disputes relating to travel and accommodation allowances, but usually video-conference are organised instead of appearance in court.

TRANSLATION/INTERPRETATION

Depend on the languages that need to be translated.

8 Proportion of each identified cost on the overall cost of civil judicial proceedings

COURT FEES 0%- 3%

BAILIFF FEES 10%-15%

LAWYER FEES 60%-90%

EXPERT FEES 20%-40%

WITNESS COMPENSATION 0,5 %-1%

TRANSLATION/INTERPRETATION 5%-10%

9 **Recommandations for EU action/national action**

I really think that the EU has already the means to overcome the obstacles to get access to other European courts, but the only problem is that only few people are aware about it. The problem is in the lack of communication of the information.

Those following websites are a fantastic library of information of civil justice in the 27 members' state.

http://ec.europa.eu/justice_home/judicialatlascivil/html/ds_information_fr.htm

<http://ec.europa.eu/civiljustice/>

http://www.europarl.europa.eu/comparl/libe/elsj/scoreboard/justice/default_fr.htm#1

In cross border dispute, we should encourage the creation of an equivalent system as the European SOLVIT system. SOLVIT deals with cross-border problems between a business or a citizen on the one hand and a national public authority on the other, where there is possible misapplication of EU law. This network was created in July 2002 and has since then resolved more than 1300 problems encountered by citizens and businesses due to incorrect application of EU rules by national authorities. Its goal is to solve in ten weeks, without legal proceedings, problems caused by the misapplication of Internal Market law by public authorities. SOLVIT is free of charges

http://ec.europa.eu/solvit/site/index_fr.htm

10 **Relationship between the costs of justice, the transparency in the costs of justice and access to justice**

As mentioned earlier, one of the biggest hurdles for citizens to get access to justice is the ignorance of justice process by the absence of communication easily reachable and understandable. Having a clearer view on costs of justice and the formalities will make taking Court actions accessible.

But there is another huge obstacle is that, the laws are so broad and complicated, that in most cases the assistance of a lawyer is needed. As seen above, their fees are the biggest part in the total costs of taking judicial actions.

But developing ADR process is the right way to decomplex the proceedings by becoming less formalised, easier comprehensible for citizens and much more closer to their demand. The citizens' view of taking court actions is as scary as the movie. Dedramatised access to justice when people are already dramatised by what they are living is a good way to improve access to justice. I also believe that even with the best information persons seeking justice can get a feeling of judicial insecurity, since there are so many laws and they can be difficult to understand.

11 Conclusions and recommendations

As stated above, I really think that the EU has already the means to overcome the obstacles to get access to justice and its related costs of the 27 members states. Indeed the creation of the judicial atlas, the European Judicial network in civil and commercial matters, the SOLVIT system, the will to encourage the research of amicable solutions to problems by providing the database facilities and and form with information notice ; such as the consumer complaint form : http://ec.europa.eu/consumers/redress/compl/cons_compl/acce_just03_en.pdf; all of it is designed to improve communication between litigants. But the main problem is that only few people are aware about it.

Consequently the communication of those foregoing information has to be improved. The improvement has to come from the EU.

Detailed Draft Report

1 General Questions

1.1 Level of information on the transparency of fees and costs of justice

A person seeking justice will be confronted with quite some different costs when starting legal proceedings. Both you are insured for legal costs with your legal protection insurance and then your insurer provides you with every detail. Otherwise seeking justice information by ourself even to know if wether or not you are granted for legal aid is quite difficult. Clearly to get information on every cost incurred in litigation and estimate by ourself how much these costs will be in the end is a fighter run.

In general, even if most costs of justice's regulation are available online you must know exactly the rules and the articles which apply to your own situation, otherwise good luck. Indeed you will notice that the number of text, law, decree, "arête", "ordonnance", precedence and their relating articles without talking about the modification provided by new law or decree and their possible codification, is hugh for every costs incurred in justice action. When you have found the right text you have to take another step which is the comprehension of the text and its application to your case. Bailiffs' fees, witnesses' allowances can be found online. Nevertheless regarding bailiffs fees you will have to determine among more than 200 deeds the appropriate porceedings to be carried out by the bailiffs, regarding the witnesses's allowances granted for civil orcommercial litigation, the regulation is setted up in the criminal proceedings code (Code de Procédure Pénal). Information on lawyer

fees, expert fees, translation fees is hard to find. It is necessary to contact lawyers to request their hourly rate. Expert fees differ per practice. Translation fees are controlled by the judge. Hence, on a whole it is quite difficult for a non professional to get the appropriate information by himself.

Most information of justice regulations is accessible on line www.legifrance.gouv.fr

In France, some public structure or association are specialized in the defense of people facing difficulties in accessing justice are

- **SOS Avocats** provides free legal advices from Monday to Friday (7pm to 11 : 30 pm) at the following phone number: 0825 39 33 00 (0,15 € per minute)
- **Lawyers provide free legal advice in family law, rent law, and employment law, located at the Palais de Justice 4, boulevard du Palais - 75001 Paris Galerie de Harlay (stairs 5).**(subway : cité) from Monday to Friday (9h30 am to 12h00 am).
- **For minors issues, Antenne des mineurs du Barreau de Paris 25, rue du Jour - 75001 Paris (subway : LES HALLES - RER CHATELET LES HALLES) antennedesmineurs@avocatparis.org**

Lawyers provide Free legal advice from Monday to Friday (2pm to 5pm) at the following number: 01 42 36 34 87

- **Houses of justice “Les Maisons de la justice et du droit » listed in the public website: <http://www.annuaires.justice.gouv.fr>**

Provide legal advice on family law, rent law, employment law, foreigners law, consumers law, bank law, legal aid; appointment is requested.

- **Conseil départementale de l'accès au droit (C.D.A.D) listed in the public website: <http://www.annuaires.justice.gouv.fr> , provides help in accessing justice.**

As an indication of the level of transparency of costs of justice (1 to 5), I rate as follows:

- Court fees (1 to 5)? Not applicable except of Commercial Courts 3
- Lawyers' consulting and representation fees (1 to 5)? 2
- Bailiffs' fees (1 to 5)? 3
- Accessory costs and expenses
 - o Witnesses (1 to 5)? 1
 - o Expert assessments (1 to 5)? 1

- Translation (1 to 5)? 1
- Interpretation (1 to 5)? 1
- Legal aid levels of assistance (1 to 5)? 5
- Transcription (1 to 5)? 1

1.2 Transparency perception

I don't think that the main problem is the perception of the transparency, but merely the transparency's communication. There is a true lack of communication not on the rules apply to costs of justice but on the calculation of those costs of justice.

Information on how to get access to legal aid system is quite well organized. Legal aid is guaranteed to people who cannot afford a lawyer or legal insurance. The following website provide information of legal aid system www.droits.service-public.fr and this one www.cerfa.gouv.fr provides for form to fill in for legal aid beneficiary.

1.3 Solutions to improve transparency

Access to information and calculation of costs occurred in legal civil proceedings before French Courts is respectively difficult to get and complex. Hence the subject of costs of justice remains restricted and reserved to professionals as well in its comprehension as in its transparency.

In addition access to justice remains restricted due to high rates of Lawyers' fees (which by the way are fair and justified) and too narrow financial segment of recipients of legal aid.

At least as the number of European regulations is increasing, it is almost impossible for a non professional to be able to get the appropriate information, document, rules and finally the costs occurred which apply to their own legal situation in a cross-border dispute without the help of a professional.

Solutions:

In France (from 1 to 5. 1 being inappropriate, 5 being the most appropriate)

- Centralize the information on the functioning and costs of justice (from 1 to 5)?5
- Publish schedules of costs online (from 1 to 5)?5
- Uniformize all procedures (from 1 to 5)?0
- others

In cross-border disputes (from 1 to 5):

- Centralize the information on the operation and costs of justice (from 1 to 5) ?5
- Impose on Member States a translation of the presentation of their judicial system procedures and relevant costs (from 1 to 5)?5
- Impose on the claimant to provide the respondent with information on the judicial system of the country in which the litigation is brought (from 1 to 5)?2
- Dematerialise the proceedings (from 1 to 5)?1
- Impose on Member States to pay for the translation of any documents that the Court deems necessary (from 1 to 5)?1
- Enable multiple languages for the proceedings (from 1 to 5)?1
- Codify European texts governing the proceedings (from 1 to 5)?5
- Create specific procedures for cross border litigations (from 1 to 5)?2
- Create ad hoc European Courts that would include judges from relevant countries to the litigation (from 1 to 5)?2

1.4 Fairness of costs

I think that all the fees associated to litigation are justified and fair, because the rules limit the costs risk for a plaintiff to take legal French proceedings. In France, as a rule (Act n° 77-1468 of 30th december 1977 ie Appendix COURT) there are no charges payable to the State for acts of procedure **because the Clerck's office are public, with the exception of Commercial Courts fees**, which are determined according to a scale of registry charges: (Table 1 of the article R 743-140 and Decree N° 2007-812 of 10 May 2007; Articles 853 and followers of the NCPC (new code of the Civil procedure) and articles R-743-140 to R743-157 of the Commercial code) (ie Appendix Court) indeed **their clerck's offices are private** The 'greffier' (clerk of the Court) attends the hearings of the Commercial Court, records the decisions taken, and delivers copies of those decisions.

Nevertheless there must be in mind of every litigant that there are always a costs risk in any litigation, which is the lack of recoverability of your costs rather than the risk of having to pay the opponent's costs in the event of losing a case.

A party who successfully brings proceedings in France cannot expect to recover anything like the sums effectively spent on the litigation but will usually recover simply a contribution to its real costs spent (Article 700 of the NCPC (new code of the Civil procedure)) other than the "Dépens" (ie Articles 695 and 696 of the NCPC (new code of the Civil procedure)).

Except of lawyer fees, most of the other costs of justice are fixed on the base of a statutory tariff and I don't see how they can become cheaper. I think it is right that the people who use the judicial system have to pay for that.

In France, insurances cover the risk of litigation in civil proceedings mostly as an add-on to the household or vehicle insurance although individually as well and I am very favorable to this process, it facilitates citizen's access to justice. I think it can help to deliver the communication of justice and costs to citizens, make justice closer to them and provide with more confidence in justice than they currently have. Besides, a new Law n° 2007-210 of 19 February 2007 is enforced since February with regard to legal protection insurance "assurance de protection juridique" provides that an insured with legal protection coverage must be assisted or represented by legal counsel (and not only by their insurer) if they or their insurer are informed that the opposing party is being assisted or represented by counsel. The lawyer fees are to be negotiated by the lawyer and the insured, not the insurer. The legislation further provides that an insurer may not provide an insured with the name of a lawyer unless such information is requested by the insured in writing. The only risk of this regulation is that the insurance industry will increase costs for insureds and as a result will limit access to coverage.

1.5 Conclusions and recommendations

As stated above, I really think that the EU has already the means to overcome the obstacles to get access to justice and its related costs of the 27 members' states. Indeed the creation of the judicial atlas, the European Judicial network in civil and commercial matters, the SOLVIT system, the will to encourage the research of

amicable solutions to problems by providing the database facilities and and form with information notice ; such as the consumer complaint form : http://ec.europa.eu/consumers/redress/compl/cons_compl/acce_just03_en.pdf; all of it is designed to improve communication between litigants. But the main problem is that only few people are aware about it. Consequently the communication of these foregoing informations has to be improved. The improvement has to come from the EU.

2 Court fees

2.1 General

In France, as a rule (Act n°77-1468 of 30th december 1977 ie Appendix COURT) there are no charges payable to the State for acts of procedure, with the exception of Commercial Courts fees which are determined according to a scale of registry charges: (Table 1 of the article R 743-140 and Decree N° 2007-812 of 10 May 2007; Articles 853 and followers of the NCPC (new code of the Civil procedure) and articles R-743-140 to R743-157 of the Commercial code) (ie Appendix Court). The 'greffier' (clerk of the Court) attends the hearings of the Commercial Court, records the decisions taken, and delivers copies of those decisions.

Notwithstanding “Costs” can be awarded, corresponding to costs incurred in conducting the proceedings. The French Courts make two forms of orders for costs. The first one is known as an order for “dépens” article 695 of the NCPC (new code of the Civil procedure) (ie Appendix Court), which is often translated as “costs”.The “Dépens” cover a variety of costs.

- The fees, taxes, government royalties or emoluments levied by the clerk's offices of Courts or by the tax administrationwith (Court fees in Civil cases are free, there is no more charges since the enforcement of the Act n°77-1468 of 30th december 1977 because the Clerck's office are public, with the exception of Commercial Courts fees, their clerck's offices are private);
- Cost of translation of documents where the latter is rendered necessary by the Act or international engagement;

- Allowance for witnesses;
- Expert fees;
- Fixed amount disbursements (lawyers when representation is compulsory and “Avoués”(Court of Appeal’s Lawyers), bailiffs);
- Emolument of public officers and public officers (mostly bailiffs fees);
- Cost of lawyers when the representation by a lawyer is compulsory to the extent that it is regulated including the closing speech dues;
- Expenses paid due to the notification of a process abroad;
- Cost of interpreting and translation rendered necessary by the inquiry orders to be carried out abroad at the request of Courts pursuant to Council Regulation (EC) n° 1206/2001 of 28 May 2001 on cooperation between Courts of the Member States in the taking of evidence in Civil and Commercial matters.

The second sort of costs order is known to French Lawyers as “Article 700 of the NCPC (new code of the Civil procedure)” (ie Appendix Court) or under the term “frais irrépétibles” basically provides for a contribution to the real costs occasioned by the proceedings which are not included in the “dépens”.

All the articles and texts mentionned hereinabove are listed in Appendix Courts and the public website www.legifrance.gouv.fr provides for some of those articles in English and the text of the Act in French as well as the private website www.droit.org provides those articles and the text of the Act in french.

2.2 Cost of bringing an action to the courts

There are no fees to be paid to the Civil Courts when the case is filed.

But there are fees to be paid in front of **the Commercial Courts**. Indeed there is a scale of registry charges and **the fees** are paid by cheque to the clerck of the Court when the case is filed.

In spite of a scale of registry charges which determined the fees, tax, penalties which may due on documents and titles produced in support of the claims of the parties, either equal or multiple or sub-multiple of a standard rate (1,30 € (before tax)), each of the 191 registrar's Commercial Court determines its own registry charges. As an example:

A **substantive summons** for two parties (one claimant/ one defendant) costs:

- According to the scale of registry charges of the Table 1 of the article R 743-140 and Decree N° 2007-812 of 10 May 2007: it is around **69 € (After tax)**
- In Paris it is around **83 € (after tax)**
- In Nice it is around **70 € (after tax)**
- In Poitiers it is around **70 € (after tax)**
- In Lyon it is around **83 € (after tax)**
- In Bordeaux, the fees' reserve is **58.33 € (after tax)**
- In Nanterre, the fees' reserve is **80,85 € (after tax)**

Hence it is quite difficult to provide amounts with details of the Commercial Courts fees. Approximatly, the fees for a substantive summons vary from 70 € to 90 € for 2 parties.

As previously stated, there is a scale of registry charges which determined the fees, tax, penalties which may due on documents and titles produced in support of the claims of the parties, either equal or multiple or sub-multiple of a standard rate (1,30 € (before tax)). Despite this standard rates there is no existing disclosed information relating to the reasons of variation of commercial fees within the 191 registrars.

Besides Commercial Courts the fees are determined in accordance with the numbers of the parties. The more parties are involved in the case the more expensive the fees are.

As of June the first 2007, for summary interlocutory summons. The figures are AFTER TAX	In Paris	In Nice
2 parties (1 claimant /1 defendant)	48,59 €	47,27 €
3 parties (1 claimant/2 defendants)	68,33 €	67,01 €
4 parties	88,08 €	86,67 €
Additionnal party	19,74 €	19,75 €

Commercial Courts' fees are paid by cheque or cash to the clerck of the Court.

2.3 Other proceedings costs

In certain cases, you will need the intervention of the bailiffs, if the case is to be commenced by a summons served by the claimant on the defendant. Only bailiffs can serve summonses (the cost of serving a summons is fixed by statutory tariff and as a dépens is borned by the losing part but advanced by the claimant).

Nature of the action	Costs	Description	Regulation
FAMIL Y ACT			
Divorce	0		
Children Custody	0		
Alimony	0		
LABOUR ACT			
Work Accidents	0		
Redundancies	0		
COMMERCIAL ACT			
Payment for a Commercial or services agreement	The costs vary in accordance with the value of the liabilities, the urgency, and difficulties. The minimum average amount is 38,85 € (After tax)	Bailiffs summons	Decree N° 96-1080 of 12TH december 1996 relating to statutory tariff granted to bailiff in Civil and Commercial's subject modifies by the decree n°2007-774 of 10 th may 2007
Goods or services not in accordance	The costs vary in accordance with the value of the liabilities,	Bailiffs summons	Decree N° 96-1080 of 12TH december 1996 relating to statutory

	the urgency, and difficulties. The minimum average amount is 38,85 € (After tax)		tariff granted to bailiff in Civil and Commercial's subject modifies by the decree n°2007-774 of 10 th may 2007
Litigation between associates	The costs vary in accordance with the value of the liabilities, the urgency, and difficulties. The minimum average amount is 38,85 € (After tax)	Bailiffs summons	Decree N° 96-1080 of 12TH december 1996 relating to statutory tariff granted to bailiff in Civil and Commercial's subject modifies by the decree n°2007-774 of 10 th may 2007
Mandates and agents	The costs vary in accordance with the value of the liabilities, the urgency, and difficulties. The minimum average amount is 38,85 € (After tax)	Bailiffs summons	Decree N° 96-1080 of 12TH december 1996 relating to statutory tariff granted to bailiff in Civil and Commercial's subject modifies by the decree n°2007-774 of 10 th may 2007
CIVIL ACT			
Consumers protection	The costs vary in accordance with the value of the liabilities, the urgency, and difficulties. The minimum average amount is 107,22 € (After tax)	Liabilities Up to 3800 € Bailiff summons	Decree N° 96-1080 of 12TH december 1996 relating to statutory tariff granted to bailiff in Civil and Commercial's subject modifies by the decree n°2007-774 of 10 th may 2007
Liability	The costs vary in accordance with the value of the liabilities, the urgency, and difficulties. The minimum average amount is 107,22 € (After tax)	Liabilities Up to 3800 € bailiff summons	Decree N° 96-1080 of 12TH december 1996 relating to statutory tariff granted to bailiff in Civil and Commercial's subject modifies by the decree n°2007-774 of 10 th may 2007
PROPERTY ACT			
Lease	0		
Ownership and co ownership	The costs vary in accordance with the value of the liabilities, the urgency, and difficulties. The minimum average amount is 107,22 € (After tax)	Liabilities Up to 3800 € Bailiffs summons	Decree N° 96-1080 of 12TH december 1996 relating to statutory tariff granted to bailiff in Civil and Commercial's subject modifies by the decree n°2007-774 of 10 th may

			2007
CIVIL STATUS	0		
OTHERS	0		

In cross border litigation to serve a summon from a foreign country gives right to a lump sum of 50 € (before tax) (NCPC, art. 688-2) and the rate to serve a summon or notify a decision to a foreign country is set up at 16,5 prime rate equal to 36,30 € (before tax)(NCPC, art. 684)

2.4 Costs of legal recourses (Appeals...)

Type of legal recourse (Appeals...)	Costs	Others	Regulation
Appeals for liabilities Up to 3800 € Bailiffs summons	The costs vary in accordance with the value of the liabilities, the urgency, and difficulties. The minimum average amount is 107,22 € (After tax)	none	Decree N° 96-1080 of 12TH december 1996 relating to statutory tariff granted to bailiff in Civil and Commercial's subject modifies by the decree n°2007-774 of 10 th may 2007
Appeals Bailiffs summons	The costs vary in accordance with the value of the liabilities, the urgency, and difficulties. The minimum average amount is 38,85 € (After tax)	none	Decree N° 96-1080 of 12TH december 1996 relating to statutory tariff granted to bailiff in Civil and Commercial's subject modifies by the decree n°2007-774 of 10 th may 2007

2.5 Costs of ADR

Type of ADR	Nature of the ADR	Costs	Regulation
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<p>Family conflicts code Civil, art. 373-2-10</p> <p>Family mediation is a process of construction or reconstruction of family ties focusing on the independence and responsibility of the persons concerned in situations including break-ups or separations, involving an impartial, independent, qualified third party, with no decision-making power : the family mediator, who, by organising confidential interviews, promotes communication between family members and ensures the correct handling of their dispute within the intended confines of the family in its diversity and variation. It must not concern rights that the parties are not free to exercise (e.g. filiation). Conflicts between businesses</p> <p>Conflicts between private individuals</p> <p>Financial Conflicts (code monétaire et financier, art. <u>L. 312-1-3, L. 351-1 et R. 312-7 et suivant(s)</u>)</p>	<p>MEDIATION</p> <p>regulated by sections 131-1 and following of the new code of Civil procedure proceeded under the control of the judge</p> <p>Any judge to whom a dispute is referred may, with the consent of the parties, have recourse to mediation: for this purpose, he appoints a mediator, a third person who is qualified, impartial and independent. The mediation process must not exceed three months and its confidentiality is guaranteed.</p> <p>When mediation takes place out of Court, there are no general regulations governing it.</p>	<p>The mediator's remuneration is set by the judge and is the responsibility of the parties, who must make a provisional payment at the start of the procedure, with the exception of impecunious parties who are eligible for legal aid.</p> <p><u>The mediation costs is Divided between the Parties.</u></p> <p><u>To the mediator fees which is 45 euros per hour (before tax) you have to add the administration fees which vary between 50 to 65 € (before tax) The VAT is 19,6%</u></p>	<p>Mediation may take place in the course of legal proceedings. it is regulated by Articles 131-1 to 131-15 of the NCPC</p> <p>When mediation takes place out of Court, there are no general regulations governing it</p>
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<p>Conflicts between businesses Conflicts between private individuals Conflicts between employees and employers Held before the Industrial Relations Tribunal, a specialised Court for hearing disputes between employers and employees, the procedure goes through a compulsory conciliation phase before the conciliation bureau. This procedure is regulated by sections L. 511-1 and R. 516 onwards of the Employment Code. If the parties reach an agreement, it is written up in an official report. If they fail to agree, the procedure continues. Employment code, art. L. 523-1 and follower (s) and R. 523-1 and follower(s) Employment code, art. L. 2522-1 and follower (s) (inforced as of 1st march 2008 at the latest). Conflicts between landlords and tenants Within each <i>département</i>, there is a conciliation commission dealing with matters relating to leases on dwellings. It is compulsory to refer a matter to this commission before taking it before a Court when the dispute relates to rental prices. There is no charge for this procedure. Any dispute regarding the condition of the premises, guarantee deposits, charges and repairs may also be referred to this commission. The workings of this commission are regulated by Decree No 2001-653 of 19 July 2001. Where Commercial leases are concerned, there are similar commissions, referral to which is always optional: the conciliation commissions for matters involving Commercial leases. They are regulated by sections L. 145-25 of the</p>	<p>Conciliation The parties may resort to conciliation before a legal conciliator out of Court if their dispute concerns rights that they are free to exercise. In the judicial context, conciliation is defined as an agreement concluded between the parties in the case, under the aegis of the judge so that the proceedings may end in a negotiated solution and not one imposed by judicial authority. The Court of first instance and the local Court may also, with the consent of the parties, appoint a conciliator. This is a voluntary legal assistant registered on a list drawn up by the First President of the Court of Appeal following a proposal by the Court of first instance.</p>	<p>Conciliation is a free service. In front of the District Court(Tribunal d'Instancel) you apply either by simple letter or there is a conciliation application form :Formulaire Cerfa n° 11807*01: http://www.vos-droits.justice.gouv.fr/art_pix/Form11807v01.pdf And its explication notice: http://www.vos-droits.justice.gouv.fr/art_pix/Notice50824n01.pdf</p>	<p>Articles 21, 127 to 131 830 to 835 OF THE NCPC (new code of Civil procedure) The preliminary attempt at conciliation before the Court of first instance and the local Court: the applicant applies verbally or in writing to the clerk of the Court's office. The clerk of the Court calls the parties together by means of an ordinary letter. If the conciliation is successful, the report, signed by the parties, the judge and the clerk of the Court, is legally binding. In the absence of conciliation, the case may either be heard immediately if the parties agree, or there may be a summary or a declaration to the Court office, depending on the seriousness of the claim and the nature of the dispute. In practice</p>
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2.6 Costs of legal Aid proceedings

The legal Aid proceeding is free. The State covers all legal aid expenses with the exception in the case of partial legal aid under which the state pays everything except for Lawyer fees - these fees are split by the state and the legal aid recipient who pays a “complementary fee” negotiated with the Lawyer through a written contract).

2.7 Costs of fast track proceedings

Summary interlocutory proceedings are free in front of Civil Courts. Before Commercial courts, the costs are determined according to scale of registry charges which determined the fees, tax, penalties which may due on documents and titles produced in support of the claims of the parties, either equal or multiple or sub-multiple of a standard rate (1,30 € (before tax)).

As of June the first 2007, for summary interlocutory summons. The figures are AFTER TAX	In Paris	In Nice
2 parties (1 claimant /1 defendant)	48,59 €	47,27 €
3 parties (1 claimant/2 defendants)	68,33 €	67,01 €
4 parties	88,08 €	86,67 €
Additionnal party	19,74 €	19,75 €

Commercial Courts’ fees are paid by cheque or cash to the clerck of the Court.

2.8 Costs of Group actions ‘proceedings

There are no existing Group actions’ proceedings in France. Each claimant takes its own legal proceedings.

2.9 Payment

Commercial Courts' fees are paid by cheque or cash to the clerk of the Court.

2.10 E-justice

E- Justice does not exist yet in France. The appropriate regulation: Article 748-1 and followers of the NCPC (new code of civil procedure) will come into force as of January 2009.

There is nothing to prevent the judge from making an audio, visual or audiovisual recording of the preparatory inquiries, when the circumstances so demand (as in a case of geographic separation). Mostly used for witness appearance.

2.11 Impact of the number of hearings on costs

None, the number of hearings depends on the complexity of the case and the decision belongs to the judge.

2.12 Transcription costs

The fees, taxes, government royalties or emoluments levied by the Civil clerk's offices of Courts or by the tax administration do not exist anymore (Articles 1435 to 1441 and 465 of the NCPC (new code of Civil procedure and article 11-3 of the Act n° 72-626 of the 5th July 1972) (ie APPENDIX Court). Hence transcription costs are free with the exception of:

Proceedings in front of Commercial Court and of the Court of appeal. Articles R 743-140 and R743-142 of the Commercial code. (ie APPENDIX Court)

Exception of article R224-1 of the code of criminal procedure (Arrêté of 14 September 1988)) in front of criminal Court.

And Only for proceedings in front of the Court of appeal, article 22 of the decree° 80-608 du 30 juillet 1980(ie APPENDIX Court) (refresher of 2 € per

document for printing, sending and copy costs). Those costs are part of the dépens if it is on the request of the judge otherwise they are charged to the client.

There is no calculation it is a fixed rate. In front of the Court of appeal, article 22 of the decree° 80-608 du 30 juillet 1980 (refresher of 2 € (before tax) per document for printing, sending and copy costs). Those costs are part of the dépens if it is on the request of the judge otherwise they are charged to the client.

Regarding Commercial decision the transcription fees is a multiple of 2 of a standard rate (1, 30 € (before tax) copy of a decision either downloaded or transfered by email is 3, 11 euros (after tax) or by mail 3, 76 euros (after tax).

2.13 Conclusions and Recommendations

I think that all the court fees associated to litigation are justified and fair, because the rules limit the costs risk for a plaintiff to take legal French proceedings. In France, as a rule (Act n°77-1468 of 30th december 1977 ie Appendix COURT) there are no charges payable to the State for acts of procedure indeed the Clerck's office are public with the exception of the Commercial Courts.

Despite that you will not find any available document or information relating to the calculation of the Commercial Court fees with the exception of the table 1 of the of the article R 743-140 and Decree N° 2007-812 of 10 May 2007 which is for a non professionnall hard to understand, the Commercial Courts costs are controlled by the scale of registry charges which determined the fees, tax, penalties which may due on documents and titles produced in support of the claims of the parties, either equal or multiple or sub-multiple of a standard rate (1,30 € (before tax)).

3 Lawyers' consulting and representation fees

3.1 General

Lawyers' basic fees are freely negotiated between the client and his Lawyer (art 10 of the Act 71-1130 of 31ST December 1971 modified in 1991).

Nevertheless this statements is complicated slightly by the fact that there does exist a statutory tariff setting out Lawyers' fees for work preparing and presenting cases where representation by a Lawyer is mandatory (Article 695 -7 of the NCPC "Cost of advocates to the extent that it is regulated including the Lawyers'hearing fees dues")

Regarding the statutory tariiff, it is set out by temporary measure (l'article 1er decree n°72-784 of 25th august 1972 modified by the decree n°75-785 of 21th august 1975) as the final text is still not in force, we may understand that this temporary measure is final. This temporary measure refers specially to title1 and article 81 of the decree 2nd april 1960 relating to statutory tariff granted to "avoués" (Court of appeal Lawyer) in front of Regional Courts and in front of the Court of appeal (decree n°80-608 of 30th july 1980 modified decrees n°84-815 of 4th september 1984 and n°2003-429 of 14th may 2003).

In accordance with the article 751 of the NCPC (new code of the Civil procedure) the parties are obliged to have a Lawyer in front of the Regional Court (Tribunal de Grande Instance unless written contrary provision) and on appeal for "Départements d'Alsace et de Lorraine et des Territoires d'Outre-Mer".

On appeal in most Civil and Commercial matters the parties are obliged to have a Court of appeal Lawyer "avoué" with the exception of "Departements d'Alsace et de Lorraine et des Territoires d'Outre-Mer" (article 901 of the NCPC new code of the Civil procedure), and lawyer 's representation is compulsory in front of the Supreme Court (articlle 974 to 982 of the of the NCPC new code of the Civil procedure).

In accordance with the article 18 of the NCPC the parties can be represented by a third party or themself, when a Lawyer is not complusory in front of the following Courts : Tribunal d'Instance (the District Court), le Conseil de Prud'hommes (The Industrial Relations Tribunal), le Tribunal des Affaires de Sécurité sociale (the

Social Security Tribunal), le Tribunal paritaire des baux ruraux (the Agricultural Land Tribunal), the Commercial Court, the Enforcements Court, the Juvenile Court as well as on appeal to those Courts.

In actions in Regional Courts (TRIBUNAL DE GRANDE INSTANCE) the parties can be represented by themselves, in cases concerning Commercial leases, urgent actions, actions for withdrawal of parental authority or statements of waiver.

In the family Court, a Lawyer is not compulsory in cases of delegation of parental authority or in proceedings consequent on divorce, parental authority, determination of contributions to the costs of the family and alimony.

3.2 Fees depending on the nature of the litigation

Lawyers fees do not exactly depend on the nature of litigation. Indeed Lawyers' basic fees are freely negotiated between the client and his Lawyer (art 10 of the Act 71-1130 of 31ST december 1971 modified in 1991) and the hourly rate also varies according to the specialist area, urgency of the work, the worth of the matter of the Act practice etc, and figures encountered may be between 250 Euros and 499 Euros on average per hour before tax. But as already stated hereinabove the lawyer's fees is complicated slightly by the fact that there does exist a statutory tariff setting out Lawyers' fees for work preparing and presenting cases where representation by a Lawyer is mandatory, and the mandatory of a lawyer is determined according to among others the nature of the litigation. Indeed in accordance with the article 751 of the NCPC (new code of the Civil procedure) the parties are obliged to have a Lawyer in front of the Regional Court (Tribunal de Grande Instance unless written contrary provision) and on appeal for Départements d'Alsace et de Lorraine et des Territoires d'Outre-Mer. On appeal in most Civil and Commercial matters the parties are obliged to have a Court of appeal Lawyer "avoué" with the exception of Départements d'Alsace et de Lorraine et des Territoires d'Outre-Mer) (article 901 of the NCPC new code of the Civil procedure), and lawyer's representation is compulsory in front of the Supreme Court (articles 974 to 982 of the of the NCPC new code of the Civil procedure).

In addition the statutory tariff depends on the type of jurisdiction (either in front of the regional court and/or in front of the court of appeal) as well as the value of

the claim indeed the calculation of the statutory tariff is mostly based on whether or not the litigation is considered valuable.

3.3 Fees depending on the type of lawsuit or proceedings

no

3.4 Fees depending on the value of the claim

As already stated hereinabove the statutory tariff is mostly based on whether or not the litigation is considered valuable, for figures see the paragraph below.

The litigation's amount is an important criterion to determine the free lawyer's fees which are usually calculated for an agreed sum based on a percentage of the liability's amount (around 20% when the liability is under 3800 euros and 40% and more when the liability is up to 3800 euros)

3.5 Fees depending on the jurisdiction

Hence the statutory tariff when representation by a lawyer is mandatory :

In Front of the Regional Courts (Tribunal de Grande Instance)

The statutory tariff in front of the Regional courts (Tribunal de Grande Instance) concerns, Lawyers' hearing fees (droit de plaidoirie), "droit fixe", "droits proportionnels" and disbursements.

Droit fixe is granted to the Lawyer for representation of his client. The Lawyer can only claim once to get the Droit fixe.

The droit fixe is settled at 6, 59 € (before tax) but may be reduced by half if the litigation interest is strictly inferior at 457 € (Article 3 of the Decree n°60-323 of 2th April 1960) as well as in accordance with articles 15, 16, 17 et 18 of the Decree n°60-323 of 2th april 1960.

The amount of the Lawyers' hearing fees is settled by Decree n°89-340 of 29TH may 1989 and it is currently 8,84 € (before tax). The Lawyers' hearing fees is due in a restrictive list of hearings setted out in article 2 of the arrêté of 15TH February 1995. Besides the Lawyers' hearing fees is not due in some jurisdictions listed in article 1 of the Decree N° 95-161 of 15TH february 1995.(ie appendix LAWYERS)

The droits proportionnels are calculated differently whether or not the litigation is considered valuable.

Either the litigation is considered valuable, hence in accordance with the article 4 of the Decree n°60-323 of 2th April 1960, the droits proportionnels are organised according to the fixed scale as follows:

Litigation considered valuable	percentage	Maximum of droits proportionnels claimed
- from 0 € to 1068 €	3, 60 %	max. 38, 45 €
- from 1068, 01 € to 2135 €	2, 40 %	max. 25, 61 €
- from 2135, 01 € to 3964 €	1, 20 %	max. 21, 95 €
- from 3964, 01 € to 9147 €	0, 60 %	max. 31, 10 €
- as of 9147 €	0, 30 %	No max

-or the litigation is not considered valuable then instead of a droit proportionnel it is a multiple of the "droit fixe" called "droit variable" which apply and which is calculated according to articles 13 et 14 of the Decree n°60-323 of 2th april 1960.

-at last the litigation is considered both valuable and not valuable, then it is a combination of the two above situation determined in article 7 of Decree n°60-323 of 2th april 1960.

Déboursés (disbursements): fixed scale

Include printing, mail and stationery costs in article 2 of the Decree n°75-785 of 21TH august 1975.

Total of the distursements	Fixed scale
< 6 €	4,6 €
> 6,1 € and <15 €	6,4 €
> 15,1 € and <29 €	8,9 €
> 29 €	15 €

Statutory tariff in front of the Court of appeal

In accordance with the decree n°80-608 of 30th july 1980, the statutory tariff for the Lawyer in front of the Court of appeal includes

émolument (refreshers)are defined in article 2 of the decree°80-608 of 30th july1980

les débours (disbursements)are defined in articles 21 to 23 the decree°80-608 of 30th July 1980.

Emoluments (refreshers)

Defined according to article 2 of the decree°80-608 of 30 July 1980¹.

There is a particular fixed scale of refreshers if whether or not the litigation is considered valuable.

litigation considered valuable

According to the 'article 9 of the decree°80-608 of 30th july 1980 it is a proportionnal refresher which is calculated based on a prime rate“unite de base” wich the amount is revised periodically by decree (decree n°2003-429 of 14 may 2003), the figure of the prime rate “unité de base” is setted out at 2, 70 € (before tax).

¹ l'article 2 of the decree°80-608 of 30 july 1980¹, "les émoluments alloués aux avoués près les cours d'appel dans toutes les instances, devant la formation collégiale ou le premier président, soumises à la procédure ordinaire, abrégée ou à jour fixe, contradictoire ou par défaut, constituent la rémunération due pour tous les actes de procédure, préparation, rédaction, établissement de l'original et des copies, vacations et démarches de toute nature, y compris tout ce qui concerne la mise en état, l'obtention des décisions, leur signification à avoué et à partie, ainsi que l'établissement du certificat de signification et l'obtention du certificat de non-pourvoi. Ils comprennent également le remboursement forfaitaire de tous frais accessoires de correspondance, d'affranchissement et de papeterie à la seule exclusion des déboursés mentionnés aux articles 21 à 23 ci-après ".

In any case the minimum the Lawyer can claim is 50 prime rate “unité de base”, which is the equivalent of 135 € (before tax).

According to article 11 of the decree° 80-608 of 30th July 1980:

Amount settled out in prime rate of sections of the decreasing proportionl refersher (conversion in euros).	Decrasing amount of the proportional refersher settled out in %
from 0 to 1800 prime rate inclusively (from 0 € to 4860 €)	5 %
from 1800 to 3600 prime rate inclusively (from 4860 € to 9720 €)	4 %
From 3600 to 5400 prime rate inclusively (from 9720 € to 14580 €)	3 %
from 5400 to 9000 prime rate inclusively (from 14580 € to 24300 €)	2 %
from 9000 to 18000 prime rate inclusively (from 24300 € to 48600 €)	1 %
From 18000 eto 45000 prime rate inclusively (from 48600 € to 121500 €)	0, 75 %
From 45000 to 90000 prime rate inclusively (from 121500 € to 243000 €)	0, 50 %
From 90000 to 450000 prime rate inclusively (from 243000 € to 1215000 €)	0, 30 %
From 450000 to 900000 prime rate inclusively (from 1215000 € to 2430 000 €)	0, 20 %
From and above 900000 prime rate (from and above 2430000 €)	0, 10 %

As soon as the figures of the proportional refersher is determined, the ratio defined in article 17 of the decree n° 80-608 of the 30th july 1980 (ie Schedule of ratio A : Appendix Lawyer) applies, this latter may, in particular case, be increased by another ratio justified by difficulties of proceedings as stated in article 18 of the decree n° 80-608 of the 30th july 1980 (ie Schedule of ratio B :

Appendix Lawyer). Any proceedings exclude from the ratio B provides for an increase of the initial ratio A equal to 0, 10 % of the proportional refresher.

Litigation considered not valuable

Application of the articles 12 (2°), 13 and 14 of the decree n° 80-608 of the 30th July 1980. The litigation are among others related to individuals' legal ability, civil status and Civil rights' demand. The minimum amount of refreshers is 21 prime rate (56,70 € before tax) without the prejudice of the minimum that the Lawyer can claim is 50 prime rate "unité de base", which is the equivalent of 135 € (before tax).

Litigation considered both valuable and not valuable.

Defined by the article 15 of the decree n° 80-608 of the 30th July 1980.

-Elements considered not valuable : The minimum amount of refreshers is 21 prime rate (56,70 € before tax) without the prejudice of the minimum that the Lawyer can claim is 50 prime rate "unité de base", which is the equivalent of 135 € (before tax).

-Elements considered valuable: Application of the article 11 of the decree° 80-608 of 30th July 1980 (See table hereinabove).

3.6 Legal aids cases

Once an individual is found eligible for total legal aid aide juridictionnelle, he or she must find their own attorney. Private attorneys are the sole providers of legal representation in Court. After an attorney accepts a case and provides legal representation, Greffes (the registry or office of the Court) certifies that legal service was indeed provided. The CARPA then pays the attorney who provided the services and the Trésor Public (national treasure) pays the members of the judiciary involved (Huissiers de justice, bailiffs, and avoués, Lawyers at the appeal level, experts, translators and interpreters).

Taking into account that legal aid is granted in totality.

Regarding Lawyer fees in front of district Court and Court of appeal (ie Article 90 of the Decree 91-1266 of 19 december 1991) fixed scale, their fees are calculated on the agreed sum for each type of proceedings multiplied with setted up unit of value taking into account that the value of one unit is currently 22, 50€ (before tax) Article 115 of the Loi de Finances N°2006-1666 published JO of the 27 december 2006. To know the value unit for each bar association (article 27 al 4 of the Act 91-647 of 10 july 1991 and article 116 of the decree 91-1266 of 19th december 1991) ie :

http://www.textes.justice.gouv.fr/art_pix/boj_20070001_0000_0004.pdf)

As an example, in a joint demand's divorce proceedings (1 year term proceedings): 675 € (before tax) if the Lawyer represents the two parties' beneficiaries of total legal aid: 1125 €

Lawyers' contribution in front of either the tribunal des conflits, Supreme Administrative Court (CONSEIL D'ETAT) or the supreme Court (COURT DE CASSATION) is 382 € (before tax) (ie Article 93 al1 of the Decree 91-1266 of 19 december 1991).

A respite's decision execution Lawyer fees is 115€ (before tax) and demand in front of the summary interlocutory judge, Lawyer fees is 153 € (before tax)

In case of intervention whitin the submission of advice to either the Council of State (Conseil d'état) or supreme Court (Cour de cassation), the Lawyer's contribution is 191 euros.

Court of appeal Lawyers (Avoués) : (ie Article 92 of the Decree 91-1266 of 19 december 1991) fixed scale. The mimimum of their contribution is 310 € (before tax) the maximum is 505 € (before tax) (ie Article 92 of the Decree 91-1266 of 19 December 1991).

Taking into account that legal aid is granted in partially:

Under partial legal aid the state pays everything except for Lawyer fees - these fees are split by the state and the legal aid recipient who pays a "complementary fee" negotiated with the Lawyer through a written contract.

Income scale for partial legal aid:

Income in euros	State funded %
875 to 914	85
915 to 964	70
965 to 1034	55
1035 to 1113	40
1114 to 1212	25
1213 to 1311	15

A BAJ can grant legal aid and then rescind it if the recipient becomes ineligible for such aid during the process. A recipient can lose legal aid ex-post if they become ineligible after a decision is granted. In both cases, Lawyers can ask their clients for fees after the BAJ pronounces withdrawal of legal aid.

3.7 Contingency fees

Defined in accordance with the article 10 of The Act n°71-1130 of 31st December 1971. But Contingency fee arrangements (pacte de quota litis) are strictly forbidden by the Act n°71-1130 of 31st december 1971 and a Lawyer may be subject to being disbarred in the event that he were to conclude solely a contingency fee agreement with his client

The contingency fee is taken as a percentage of the gross amount recovered. The percentage varies by the type of claim and the difficulty of the case.

A fees' agreement is required. A written fee agreement with the client which is subject to uplift in the event of a particularly positive result and of which the calculation is set out in advance, is however permitted. It is possible to agree a minimum fee in any event, with the balance depending on the final result. Indeed such agreement is relatively common between a plaintiff and the Lawyer in debt recovery matters, personal injury and labour law matters.

3.8 Payment

The VAT is applicable and the rate is 19,6%. But for legal aid's lawyer compensation the VAT is at 5, 5 %.

The accepted methods of payment by Lawyers are:

VISA credit card

Cash

Cheque

Wire transfer

3.8.1 Retainer

Lawyers will normally enter into a written retainer agreement providing for the Lawyer to be paid certain amounts in the course of the proceedings and the rest is paid when the case is settled up or monthly upon receipt of invoices (Usually the client provides for an allowance of 60% of the total fees when the case is filed).

The statutory tariff are paid by practitioners repayable on a fixed scale by the client whatever the decision of the judge is regarding the “dépens”.

3.9 Conclusions and recommendations

The Hourly fee is the most common practice. Few law offices set out their fee rates on their respective websites, but this is quite rare. As an example: www.sos-avocat.com (Farajullah Act firm Fees are 200 € (Before tax) per hour). Notwithstanding you may contact any Lawyer who indicates in the Bar Association that he is familiar with civil litigations work, provides this information to their clients usually free of charges to clients interested.

In case of a favourable decision for the party that has paid the statutory tariff lawyers fees as well as the free lawyers fees, their payment are usually partly refundable by the losing party. Indeed as the statutory tariff is part of the dépens, then in accordance with the Article 696 of the NCPC new code of the Civil procedure which sets out a general principle, the losing party is ordered to pay the legal cost.

The Article 7002 of the NCPC (new code of the civil procedure) relating to the “Frais irrépétibles” concerns mostly the free lawyer fees and the court may order the party who has been ordered to pay the dépens, or if not, the losing party, to pay a sum which the court fixes in its discretion. Regarding the payment of the “Frais irrépétibles”, the judge takes into account considerations of equity or the economic situation of the party. Usually the maximum amount of the lawyer free fees that are refunded by the losing party is around 40 %.

Lawyer’s fee is somewhat dissuasive. However, there is many situation where the representation by a lawyer is not mandatory.

There are no specific costs in case of cross-border litigation.

4 Bailiff fees

4.1 General

In accordance with the article 16 of the Decree N° 96-1080 of 12TH December 1996, the bailiffs’s fees are freely negotiated with his principal (in these cases fees are always chargeable to the principal (precedent cass civ II 8 april 2004 the proof of free fees warning is the responsibility of the bailiff).

There is three categories of deeds who which the bailiffs’ fees are freely negotiated.

the free fees must be opened by the table 1 (ie appendix bailiffs) by reference to article 16.1 of the Decree N° 96-1080 of 12TH december 1996 and are justified by urgency and difficulties. Nevertheless it seems unfair to grant free fees in addition to fixed scale when fixed scale is laid down as principle.

² Article 700 of the NCPC (new code of civil procedure)As provided for under I of Article 75 of the Act n° 91-647 of 10 July 1991, in all proceedings, the judge will order the party obliged to pay for legal costs or, in default, the losing party, to pay to the other party the amount which he will fix on the basis of the sums outlaid but not included in the legal costs. The judge will take into consideration the rules of equity and the financial condition of the party ordered to pay. He may, even sua sponte, for reasons based on the same considerations, decide that there is no need for such order.

Indeed According to fixed scale the costs for a summon is 38, 85 € (After tax) as a minimum (but the costs vary in accordance with the value of the liabilities) as well as some bailiffs used the arguments of urgency, and difficulties to increase the costs with free fees. Hence it is quite usual to have a summons' cost around 179, 40 € (After tax).

for deeds ' fees which are not based on the statutory tariff, it concerns mostly certified reports carried out by petition of a party before or during proceedings. Those deeds are not considered as "dépens" but may be recovered at least partly in accordance with the article 700 of the new code of civil proceedings. As an exemple a certified report carried out by a petition to ascertain events occurred in the rented apartment costs around 119,60 € (After tax)

in case of application of article 56 of the Act n° 71-1130 of 31st december 1971, assistance and representation in front of "tribunaux paritaire des baux ruraux" (the industrial relations tribunal and the agricultural land tribunal), enforcement difficulties in front of the juge de l'exécution (the enforcements Court), "audience de conciliation" (conciliation hearing) in front of the district judge relating to a seizure of earnings. As an example the costs of such assistance or representation is around 143, 52 € (After tax).

Statutory Tariff: The bailiff is used for service of process directly linked to the procedure such as issuing a writ and /or most forms of execution of decisions and most of those fees are charged on the basis of a tariff sets up in the Decree N° 96-1080 of 12 Th December 1996. It concerns mainly:

Droits fixe « Overheads » for payment of works carried out according to the nature of deed as well as the relating costs occurred; articles 4 and 5 of the Decree N° 96-1080 of 12TH december 1996

Droit proportionnel "proportional right" for payment of debts collection and cash collection; articles 4 and 5 of the Decree N° 96-1080 of 12TH december 1996

Right to start an action for payment of some necessary deeds for procurement or collection of legally binding claim ; articles 4 and 13 of the Decree N° 96-1080 of 12TH december 1996

Costs for conducting the case for particular cases; articles 4 and 15 of the Decree N° 96-1080 of 12TH december 1996

Travelling expenses; articles 3 and 19 of the Decree N° 96-1080 of 12TH december 1996

Disbursements article 20 of the Decree N° 96-1080 of 12TH december 1996

Droits fixe « Overheads

Overheads granted to the bailiffs are calculated by prime rate.

The prime rate is settled at 2, 20 euros (before tax).

The number of prime rate is assessed for each deed, demand or legal form as listed in tables I and II (APPENDIX BAILIFFS).

In case of deeds, legal formalities or demands relating to a fixed financial order, the overheads settled in the schedules I and II are multiplied:

by 0.5 if the amount of the fixed financial order is included between 0 € and 128 €,

by 1 if the amount is up to 128 € and low or equal to 1280 €

by 2 if the amount is up to 1280 €).

Droit proportionnel « proportional right » are calculated upon amounts collected or recovered out with a percentage which fluctuate in accordance with the liabilities. Those fees are charged upon either the debtor (article 8 of the Decree N° 96-1080 of 12th December 1996) or the creditor (article 10 of the Decree N° 96-1080 of 12th december 1996).

To get the proportional right settled by article 8 of the Decree N° 96-1080 of 12TH December 1996, the bailiff must have received a express or tacit warrant from the creditor to recover or collect the liabilities.

The bailliff commissioned by the creditor in accordance with the article 507 of the NCPC (new code of the Civil proceedings) is entitled according to article 10 of the Decree N° 96-1080 of 12th december 1996, to get a tapering proportional right

from the creditor in addition to the right charged upon the article 8 of the Decree N° 96-1080 of 12TH december 1996.

Nevertheless the scope of the right is restricted by the article 11 of the Decree N° 96-1080 of 12TH december 1996 (this right is excluded when the collection or the recovery is based on a legally binding order issued by a public authority as defined in article 3 (6°) of the Act of 9 july 1991) or on a legal binding order upon a liability issued of the labour agreementt carried out or an alimony (créance alimentaire).

Right too start an action for payment of some necessary deeds for procurement or collection of legally binding order(article 13 of the Decree N° 96-1080 of 12th december 1996)

The schedule 1 list of liabilities for which this fees applied.

The rate is calculated upon the liability's amount:

- from 0 € to 304 €, the rate is 2 prime rate (4,40 € before tax) for each instalment of 76 € ;
- from 304 € to 912 €, the rate is 8 prime rate (17,60 € before tax), plus 2 prime rate (4,40 €) for each instalment of 152 € ;
- from 912 € to 3040 €, the rate is 16 prime rate(36,20 € before tax), plus 2 prime rate (4,40 € before tax) for each instalment of 304 € ;
- as of 3040 €, the rate is 30 prime rate (66 € before tax), plus 2 prime rate (4,40 € before tax) for each instalment of 1520 €.

This right may neither be inferior of 2 prime rate (4, 40 € before tax), nor superior of 125 prime rate (275 € before tax).

According to article 14 of the Decree N° 96-1080 of 12th December 1996) this right is granted once within the context of private or judicial collection of the same liability. If the costs of the deed relating to the right to start an action is due by the debtor, this right costs is due by the debtor, otherwise this right 's costs is due by the creditor.

Costs for conducting the case (article 15 of the Decree N° 96-1080 of 12th december 1996)

Those costs are granted to the bailiff commissioned to manage the collection file in case of payment delays granted to the debtor sued by a judicial decision or a any

other legal binding order. The amount is 3 prime rate (6, 60 € before tax) for each instalment paid except of the payment of the balance. The maximum amount is 15 prime rate (33 € before tax).

Travelling expenses

Are defined in article 3 of the Decree N° 96-1080 of 12TH December 1996. In accordance with the article 19 of the Decree N° 96-1080 of 12TH December 1996 one allowance is due for all deeds delivered ou made by the bailiff during one trip. As an example one trip in the state where the bailiff has his office located, costs 7, 30 € (After tax) as travels expenses.

Disbursements

According to the article 20 du tarif of the Decree N° 96-1080 of 12TH December 1996, the bailiffs are enntitled to reimbursement of the sums advanced. Its concerns mainly: any taxes, mail exepenses requested by proceedings, locksmith's costs, moving costs, furniture depository and garage costs.

According to article 21 of the Act of 9th july 1991 in case of eviction proceedings if required : allowances paid to local gouvernement, to gendarme, to witness requested (allowances equal to 3 prime rate (6,60€ before tax) to be present when the doors open and 5 prime rate (11 € before tax) to help to carry out the eviction order, allowances granted to police man (allowances equal to 9 prime rate (19,90 € before tax) to be present when the doors open and 15 prime rate (33 € before tax) to help to carry out the eviction order), expenses dues to third parties for their professionnall activities and paid dircetly by the bailiff.

In addition the Article 302 bis Y of the tax code sets up a lump sum tax of 9, 15 euros for each bailiffs deed with the exception of among others legal aid and carrying out decision of justice. This lump sum is collected in the same way as the VAT.

There is also a special statutory tariifs in matière prud'homale (v. article R. 519-1 od the labour code (code du travail) from the decree n°80-196 du 10 mars 1980, the statutory tariff is divided by half for service of process compare to those granted in Commercial and Civil deeds), in public expropriation (v. articles R. 13-

55 et R. 13-56, alinéa 1er, du Code de l'expropriation), excessive debt (article R. 333-5 du Code de la consommation) military invalid pension (article R. 66 du Code des pensions militaires d'invalidité).

4.2 Ante judgment

French bailiffs have a statutory monopoly on the right to effect service of process in France.

When a French bailiff serves a summons notifying a person or a corporation in France that he/it has been sued in France or in another county, such process server must follow specific statutory requirement setted forth in Articles 648 - 658 of the New Code of Civil Procedure ("NCPC").

Only bailiffs can serve summonses. The cost of serving a summons is fixed by statutory tariff. This applies, mostly in front of the Regional Courts. In urgent summary proceedings (référés), a summons must be served on the Court. Exception In divorce proceedings, where a Lawyer is required to act, the action is commenced by means of an application to the Court which is free.

The following figures are based on the statutory tariffs and are calculated after tax, the reason is the complexity of the bailiffs' fees calculation.

Nature of proceeding	Costs	Others	Who pays	Regulation	When is payment made in general
<u>See table 1 appendix BAILIFFS</u> TO BRING A COURT ACTION: Only bailiffs can serve summonses This applies, for example, to cases in the <i>Tribunal de grande instance</i> except as regards proceedings in which	<u>Fixed scale</u> <u>determine d in table 1 (ie appendix BAILIFFS)</u> The costs vary in accordance with the value of the liabilities,	<u>Free fees</u> <u>around 130 euros (Before tax)</u> According to fixed scale the costs for a summon is 38,85 € (After tax) as a minimum (but the costs vary in	Either the claimant or The Lawyer who will advance the costs of having the document served, ultimately charged to the client. At the end of the	articles 4 and 5 of the Decree N° 96-1080 of 12TH december 1996 and article 16.1 of the Decree N° 96-1080 of 12TH december 1996	Usually the payment is made before the document is served the party will advance the costs.

<p>a Lawyer is not required to act.</p> <p>In urgent summary proceedings (référés), a summons must be served on the Court.</p> <p>Exception In divorce proceedings, where a Lawyer is required to act, the action is commenced by means of an application to the Court which is free.</p> <p>Proceedings before the Juge des Exécutions (Enforcements Court) must be commenced by summons, except as regards proceedings for enforcement of an expulsion order.</p> <p>In the Tribunal d'instance (District Court), a summons is required for commencing an action worth more than €3800</p>	<p>the urgency, and difficulties</p> <p>The minimum average amount is 38,85 € (After tax)</p> <p>The minimum average amount is 107,22 € (After tax)</p>	<p>accordance with the value of the liabilities) as well as some bailiffs used the arguments of urgency, and difficulties to increase the costs with free fees. Hence it is quite usual to have a summons' cost around 179,40 € (After tax).</p>	<p>proceedings, as a dépens is usually borne by the losing party indeed the judge will, as a rule, award these costs against the losing party (article 696 of the NCPC (new code of Civil procedure), unless for reasons of equity or the party's financial situation.</p>		
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4.3 During proceedings

Nature of proceeding	costs	Others	Who pays	Regulation	When is payment made in general
to regularize the proceeding, to summon another party	Fixed scale determined in table 1 (ie appendix BAILIFFS)	FREE FEES for deeds 'fees which are not based on the	Either the claimant or The Lawyer who will advance the	articles 4 and 5 of the Decree N° 96-1080 of 12TH	Usually the payment is made before the document is

	<p>The costs vary in accordance with the value of the liabilities, the urgency, and difficulties</p> <p>The minimum average amount is 38,85 € (After tax)</p> <p>When the liabilities are worth more than €3800 then the minimum average amount is 107,22 € (After tax)</p>	<p>statutory tariff, it concerns mostly certified reports carried out by petition of a party before or during proceedings. Those deeds are not considered as “dépens” but may be recovered at least partly in accordance with the article 700 of the new code of Civil proceedings. As an exemple a certified report carried out by a petition to ascertain events occurred in the rented appartement costs around 119,6 € (After tax)</p>	<p>costs of having the document served repayabled by the client.</p> <p>At the end of the proceedings, as a dépens is usually borned by the losing party indeed the judge will, as a rule, award these costs against the losing party (article 696 of the NCPC (new code of Civil procedure), except where, for reasons of equity or the party’s financial situation.</p>	<p>december 1996</p> <p>and article 16.1 of the Decree N° 96-1080 of 12TH december 1996</p>	<p>served the party will advance the costs.</p>
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4.4 Post proceedings

Nature of proceeding To execute	costs	Others	Who pays	Regulation	When is payment made in general
Notification	Fixed scale determine in table 1 N° 2 Around 40 € (After tax)	FREE fees Between 90 € and 160 € (before tax)	Either the claimant or the losing party At the end of the proceedings, as a dépens is usually borned by the losing party indeed the judge will, as a rule, award these costs against the losing party	articles 4 and 5 of the Decree N° 96-1080 of 12TH december 1996 and article 16.1 of the Decree N° 96-1080 of 12TH december 1996	Usually the payment is made before the document is served the party will advance the costs.
Real-estate Seizure Order of payment for a liability up to 3040 €	Fixed scale determine in table 1 N° 59 around 170 € (After tax)	none	(article 696 of the NCPC (new code of Civil procedure), except where, for reasons of equity or the party's financial situation.	Articles 13 to 17 of the decree N° 2006-936 of 27 july 2006 and article 13 of the Decree N° 96-1080 of 12TH december 1996 Article 56 of the Act n° 71-1130 of 31 st december 1971.	
		FREE fees Assistance and representation in front of “tribunaux paritaire des baux ruraux” (the industrial relations			

		tribunal and the agricultural land tribunal), enforcement difficulties in front of the juge de l'exécution (the enforcement Court), audience de conciliation (conciliation hearing) in front of the district judge relating to a seizure of earnings. As an example the costs of such assistance or representation is around 143,52 € (After tax).			
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4.5 Legal aid cases

Once an individual is found eligible for total legal aid *aide juridictionnelle*, he or she must find their own attorney. Private attorneys are the sole providers of legal representation in Court. After an attorney accepts a case and provides legal representation, Greffes (the registry or office of the Court) certifies that legal service was indeed provided. The CARPA then pays the attorney who provided the services and the Trésor Public (national treasure) pays the members of the judiciary involved (Huissiers de justice, bailiffs, and *avoués*, Lawyers at the appeal level, experts, translators and interpreters).

The bailiffs fees are paid in total by the national treasure whether the recipient is eligible for total legal aid or partial legal aid.

Bailiffs' fees: (ie Article 94 of the Decree 91-1266 of 19 December 1991) fixed scale.

Notification of a deed minimum 10 euros (before tax) maximum 13,5 € (before tax). A minimum of 22 euros (before tax) maximum 25,5 € (before tax) for execution of a decision relating to parent's authority.

4.6 Payment

For service of process it is mostly the lawyer's claimant who settles up the fees of the Bailiiff and they are ultimately charged to the client. Nevertheless regarding a wide range of operations such as most forms of execution of decisions, involve the bailiff and the fees are recoverable against the resisting party.

But the bailiff also has a wider role in certain proceedings such as when a party obtains an order for seizure of infringing products or for obtaining of evidence, the legal professionnall who carries out these operations will be the bailiff and for many of his acts, the bailiff fees are freely negotiated, and in this case it is always the principal who pays the fees (Art 2 and 16 of the Decree N° 96-1080 of 12TH december 1996).

4.6.1 Retainer

Generally a retainer is requested by bailiffs in accordance of the article 22 of the Decree N° 96-1080 dated 12 dec 1996

4.7 Conclusions and recommendations

The bailiff is used for service of process directly linked to the procedure such as issuing a writ and /or most forms of execution of decisions and most of those fees is charged on the basis of a tariff set up in the Decree N° 96-1080 of 12th december 1996. But free fees are opened by the table 1 (ie appendix bailiffs) by reference to article 16.1 of the Decree N° 96-1080 of 12th december 1996 and are justified by urgency and difficulties. Nevertheless it seems unfair to grant free fees in addition to fixed scale when fixed scale is laid down as principle.

Hence, as long as there is free fees, the determination of any kind of fees is difficult. It is a free market. In addition the calculation system of the statutory tariff is so complex to handle that it is reserved to either accountant or bailiffs itself. At least, there is also a special statutory tariffs in matière prud'homale (v. article R. 519-1 of the labour code (code du travail) from the decree n°80-196 du 10 mars 1980, the statutory tariff is divided by half for service of process compare to those granted in Commercial and Civil deeds), in public expropriation (v. articles R. 13-55 et R. 13-56, alinéa 1er, du Code de l'expropriation), excessive debt (article R. 333-5 du Code de la consommation).

In case of a favourable decision for the party that has paid the bailiffs fees, their payment are usually refundable by the losing party. Indeed as the bailiffs fees is part of the depens, then in accordance with the Article 696 of the NCPC new code of the Civil procedure which sets out a general principal, the losing party is ordered to pay the legal cost.

There is specific costs in cross border litigation, indeed to serve a summon from a foreign country gives right to a lump sum of 50 € (before tax) (NCPC, art. 688-2) and

the rate to serve a summon or notify a decision to a foreign country is settled up at 16,5 prime rate equal to 36,30 € (before tax)(NCPC, art. 684)

5 Expert fees

5.1 General

The French Courts may, at the request of a party or of their own motion appoint an independent expert to investigate and produce a written report for the Court upon technical matters settles in the catalogue sets up by the arrêté of 10th june 2005 relating to the schedule settled in article 1 of the decree n°2004-1463 of 23 December 2004.

Experts' fees are controlled by the Courts but may often be very substantial.

The order appointing the expert fixes the sum on account of the expert's fees, which is paid in to Court.

The Court also determines which of the parties (usually the party who asked for the appointment of the expert) has to advance that sum on account, at least on a provisional basis. This sum is an allowance intended to cover the expert's fees and all his related expenses (it is mainly printing costs (between 0, 20 € and 0, 50 € per page), mail costs (the public price), travels expenses (the tax tariff), the opening file's costs (around 60 €)).

As soon as the allowance is deposited at the clerck's office of the Court, the expertise starts.

His proposal amount of fees is settled by a written demand, made differently according to jurisdiction, but it is usually a form with sections of fees and related costs already ascertained.

This is the Juge Taxateur who decides whether or not to accept the expert fees's proposal. He may decide to reduce the expert fees but only after receiving the expert's observations.

If the Juge Taxateur decides to raise up the expert fees, he must as well as decide which party will be charged for this increase.

During the expertise the expert may ask for additional new allowances if it's necessary to conduct his expertise and he may also ask to payments made in full or instalments of the allowances.

Expert's fees are part of the dépens ie Article 695 -4° of the NCPC (new code of the Civil procedure) and as a rule will be borne usually by the losing party (ie Article 696 of the NCPC (new code of the Civil procedure))

Besides In accordance to Article 248 of the NCPC (new code of the civil procedure):
 "The expert may not receive remuneration directly from one party in any form whatsoever even as a reimbursement of outlays save where so ordered by the judge".

5.2 Fees (medical experts, technical transports experts.....)

The fees depend of the nature of the expertise whatever is the type of litigations.
 The free fees vary in accordance with the nature of the expertise.

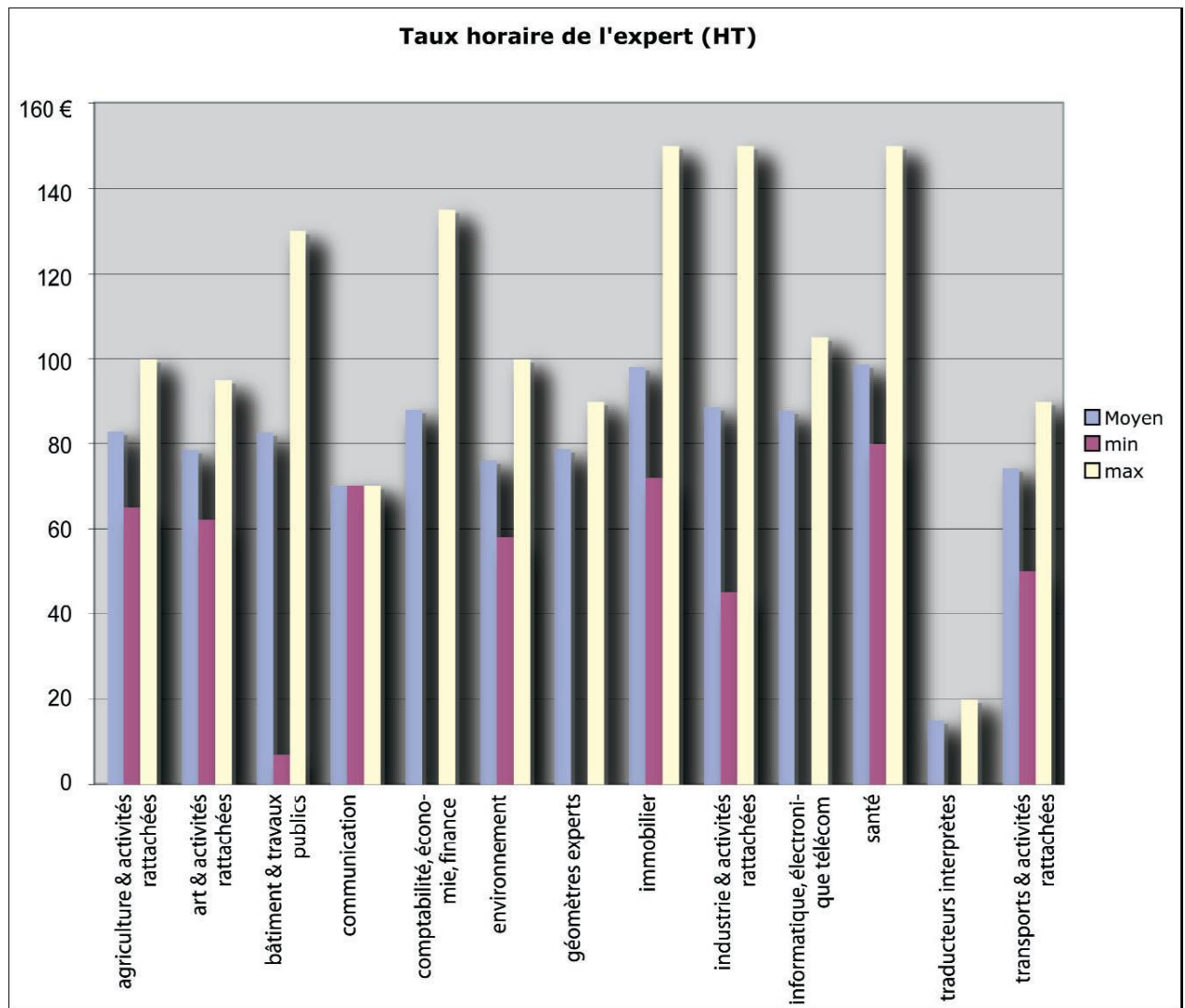
Type of litigation	Fees	Others	Who pays	Regulation	When is payment made in general
The French Courts may, at the request of a party or of their own motion appoint an independent	As already stated expert's fees are fixed by	Travel allowances <u>Based on the tariff settled up by the</u>	The party who asked for the appointment of the	the Act Loi n° 71-498 du 29 juin 1971 relating to judicial	As of the reception of the report, the clerk's office of the

<p>expert to investigate and produce a written report for the Court upon technical matters.</p> <p>The mission of experts are varied and their use is very common. For instance, they are frequently used in construction and engineering disputes and also where detailed research on accounting or financial matters is required.</p>	<p>the Court depend of the nature of the expertise taking into account. (ie below: expert fees per nature of activity 's statistics table provided by the revue EXPERTS published in September 2007 made by M.Bernard Denis LAROQUE)</p> <p>The sum covers the expert fees and all his related expenses (it s mainly printing costs (between 0,20 € and 0,50 € per page), and the opening file's costs (around 60 €)).</p>	<p><u>Article R110 of the criminal proceedings code°</u></p> <p>Residence allowances (accomodati on and meal) <u>Based on the tariff settled up by the Article R111 of the criminal proceedings code°</u></p> <p><u>For those costs the experts are compensated like state's group A employee.</u></p>	<p>expert or In the case of a favourable decision for the party that has paid the expert fees, the Court may order the losing party to pay for these fees (Article 696 of the NCPC new code of the Civil procedure)</p>	<p>experts.</p> <p>The decree n° 2004-1463 du 23 décembre 2004 relating to judicial experts.</p> <p>Arrêté du 12 may 2006 relating to the calatogue sets up in the article 1 of the decree n° 2004-1463 du 23 décembre 2004 relating to judicial experts.</p> <p>Articles 248, 267, 269, 271, 280, 284, 714, 715, 724 and 725 of the NCPC(new code of the Civil procedure)</p>	<p>Court will pay the remuneration to the expert, but the delay to be paid varies from few weeks to few months.</p>
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The third column of the following table sets up the average price of expertise per nature and the fourth column sets up the average experts 's fees per hour and per nature of expertise.

Domaine d'activités	nombre de réponses	nombre moyen par expert	durée moyenne de l'expertise (mois)	moyenne	min	max	moyen	min	max
agriculture & activités rattachées	18	4,56	6,32	2 609,56 €	380,00 €	4 576,00 €	82,80 €	65,00 €	100,00 €
art & activités rattachées	6	10,67	3,23	768,25 €	500,00 €	950,00 €	78,50 €	62,00 €	95,00 €
bâtiment & travaux publics	128	16,28	10,42	3 106,18 €	4,00 €	22 400,00 €	82,55 €	7,00 €	130,00 €
communication	1	1,00	1,00	1 500,00 €	1 500,00 €	1 500,00 €	70,00 €	70,00 €	70,00 €
comptabilité, économie, finance	22	5,91	8,69	6 001,66 €	0,00 €	53 990,00 €	88,00 €	0,00 €	135,00 €
environnement	5	7,60	3,47	1 362,11 €	620,00 €	5 000,00 €	76,00 €	58,00 €	100,00 €
géomètres experts	12	10,17	7,89	2 182,57 €	1 025,00 €	6 000,00 €	78,60 €	0,00 €	90,00 €
immobilier	10	29,70	5,39	2 160,13 €	1 390,00 €	3 000,00 €	98,20 €	72,00 €	150,00 €
industrie & activités rattachées	32	6,81	6,35	3 774,35 €	623,00 €	17 430,00 €	88,74 €	45,00 €	150,00 €
informatique, électronique télécom	10	4,30	7,03	1 001,05 €	0,00 €	4 000,00 €	87,80 €	0,00 €	105,00 €
santé	41	22,27	2,48	293,09 €	35,00 €	1 763,00 €	98,80 €	80,00 €	150,00 €
traducteurs interprètes	19	4,00	1,27	417,35 €	0,00 €	518,00 €	15,00 €	0,00 €	20,00 €
transports & activités rattachées	6	3,83	13,35	2 747,04 €	2 500,00 €	3 500,00 €	74,20 €	50,00 €	90,00 €
non précisé	11	10,90	6,77	3 319,21 €	205,80 €	5 000,00 €	78,43 €	65,00 €	91,00 €

Those above and below tables are provided by the revue EXPERTS: Year 2006 /expert fees per nature of activity's statistics table (national survey) provided by the revue EXPERTS published in September 2007 N° 76, M.Bernard Denis LAROQUE



5.3 Payment

The fees are calculated Per Hour. Around 100 € (Before tax) to 150€ (Before tax) in average. The highest rate per hour belongs to medical expert fees around 180 € per hour (Before tax).

It is quiet usual to have insurance expertise fees around 6000 € (Before tax) or NTIC (computer science and telecommunication) expertise fees for a minimum of 4000 € (Before tax) and a maximum of 11000 € (Before tax).

5.3.1 Retainer

Experts' fees are controlled by the Courts but may often be very substantial.

The order appointing the expert fixes the sum on account of the expert's fees, which is paid in to Court.

The Court also determines which of the parties (usually the party who asked for the appointment of the expert) has to advance that sum on account, at least on a provisional basis. This sum is an allowance intended to cover the expert's fees and all his related expenses (it's mainly printing costs (between 0, 20 € and 0, 50 € per page), mail costs (the public price), travels expenses (the tax tariff), the opening file's costs (around 60 €)).

As soon as the allowance is deposited at the clerck's office of the Court, the expertise starts.

His proposal amount of fees are setted by a written demand, made differently according to jurisdiction, but it is usually a form with sections of fees and related costs already ascertained.

This is the Juge Taxateur who decides whether or not to accept the expert fees's proposal. He may decide to reduce the expert fees but only after receiving the expert's observations.

If the Juge Taxateur decides to raise up the expert fees, he must as well as decide which party will be charged for this increase.

During the expertise the expert may ask for additional new allowances if it's necessary to conduct his expertise and he may also ask to payments made in full or instalments of the allowances.

Expert's fees are part of the *depens* ie Article 695 -4° of the NCPC (new code of the Civil procedure) and as a rule will be borne usually by the losing party (ie Article 696 of the NCPC (new code of the Civil procedure))

Besides In accordance to Article 248 of the NCPC (new code of the Civil procedure):
“The expert may not receive remuneration directly from one party in any form whatsoever even as a reimbursement of outlays save where so ordered by the judge”.

5.4 Legal aid cases

Expert fees in *lega laid* cases are determined in accordance with the Article 90 of the decree 91-1266 of 19 December 1991). The calculation is so complex and takes into account to various criteria that it is impossible to provide with figures for each kind of practise.

Regarding expert fees in front of district Court and Court of appeal, it is a fixed scale, their fees are calculated on the agreed sum for each type of proceedings multiplied with settled up unit of value taking into account that the value of one unit is currently 22,50€ (before tax) Article 115 of the Loi de Finances N°2006-1666 published JO of the 27 december 2006). To know the value unit for each bar association (article 27 al 4 of the Act 91-647 of 10 july 1991 and article 116 of the decree 91-1266 of 19th december 1991)ie :

http://www.textes.justice.gouv.fr/art_pix/boj_20070001_0000_0004.pdf

5.5 Reimbursement of experts' fees

The expert fees are part of the “*dépens*” as in accordance with the Article 696 of the NCPC new code of the Civil procedure) ususally the Court orders the losing party

to pay full or partial litigations expenses. But the Court can also order the parties to split the expert's fees.

5.6 Practical questions ?

Any expert can act before the Court (ie Article 1 of the Act Loi n° 71-498 du 29 juin 1971 relating to judicial experts) But usually the Court choose an accredited experts listed either in the National List or in Court of appeal list.

The conditions to be fulfilled to be an expert accredited by a Court for individuals or companies are settled in the articles 2 to 5 of the decree n° 2004-1463 du 23 Décembre 2004; There is no exams to take, the accreditation proceeding is settle in the articles 6 to 18 of the decree n° 2004-1463 du 23 Décembre 2004. (ie APPENDIX EXPERT).

The French Courts may, at the request of a party or of their own motion appoint an indepeendent expert to investigate and produce a written report for the Court upon technical matters.

The missions of experts are varied and their use is very common. For instance, they are frequently used in construction and engineering disputes and also where detailed research on accounting or financial matters is required.

There is no limit of time regarding the validity of a certified report as long as the situation doesn't change.

5.7 Conclusions and recommendations

The general principles of expertise costs are settled in the articles 248, 269, 270, 280 and 284 of the NCPC (new code of the Civil procedure) (ie Appendix EXPERT) and are attainable in the public website www.legifrance.gouv.fr

Meanwhile, the experts fees' information is not disseminated at all. The disclosure of information are restricted to the experts themselves or to professionals of justice. We may explain that cause the expert's fees are controlled by the Courts which fixes a sum (the Juge Taxateur has a fixed scale per each professional expert's practise (such as medical, real estate, finance, tax and accountance, transports.....) on account of the expert's fees. The revue Experts; www.revue-experts.com provides statistics on expertise with details of experts fees per practise and hour.

6 Translation and interpretation fees

6.1 General

All documents have to be translated into French if they are presented in French Courts. All documents sent abroad have to be translated in the addressee's tongue. Summons to appear in Court, judgements, letters rogatory, warrant of arrest, exchange of mailings between magistrates of different countries, have to be translated in the addressee's tongue. All documents considered by French Courts for varied proceedings, suits, etc.... that are written in a foreign language have to be translated into French. But in practise it is often no listed translators who just sworns in and is accredited just before the session

All translators have to be accredited when working for the Courts; some have an "official" accreditation i.e. either they appear on a list which is established and revised every 5 years by the Courts - (Cour of appeal' expert list (which includes accredited translators and the National list (which includes accredited translators) accepted by the Cour de Cassation) or on the TGI list which is reviewed every year, others (when no listed translators is available) are sworn in and accredited just before the session. This form of accreditation is only valid for the session in hand.

All interpreters have to be accredited when working for the Courts; some have an "official" accreditation i.e. either they appear on a list which is established and revised every 5 years by the Courts - (Cour of appeal' expert list (which includes accredited translators and the National list (which includes accredited translators) accepted by the Cour de Cassation) or on the TGI list which is reviewed every year, others (when no listed translators is available) are sworn in and accredited just before the session. This form of accreditation is only valid for the session in hand.

6.2 Translation fees

For written translation the fees are calculated mostly per page (sometimes by words) rarely on agreed sum except for civil status deed.

For verbal translation the fees are calculated per hour.

In the case of a litigation practise an official form which is completed by the Court authorities indicates time spent working. This is then multiplied by the official hourly rate which is set by the juge taxateur.

The order appointing the translator fixes the sum on account of the translator's fees, which is paid in to Court. The accredited translator's fees depends on a the juge taxateur's schedule 's tariff. Currently the accredited translator's fees are in average 15 € (Before tax) per hour and the highest price is 20 € (Before tax)per hour. In 2006 the average accredited translator's fees for a case is 417 € (Before tax) and the highest price is 518 € (Before tax) (ie :statistics table (national

survey)provided by the revue EXPERTS published in September 2007 N°76, M.Bernard Denis LAROQUE).

If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25% so the fees per hour are in average 18,75 € (Before tax) and the highest price is 25 € (Before tax).

6.3 Interpretation fees

In the litigation practise the fees are calculated per hour.

In the case of a litigation practise an official form which is completed by the Court authorities indicates time spent working. This is then multiplied by the official hourly rate which is set by the juge taxateur as an example in case of Article 178-2 of the NCPC (new code of civil procedure³)

The order appointing the interpreter fixes the sum on account of the interpreter's fees, which is paid in to Court. The accredited interpreter's fees depends on a the juge taxateur's schedule 's tariff. Currently the accredited interpreter's fees are in average 15 € (Before tax) per hour and the highest price is 20 € (Before tax)per hour. In 2006 the average accredited translator's fees for a case is 417 € (Before tax) and the highest price is 518 € (Before tax) (ie :statistics table (national survey)provided by the revue EXPERTS published in September 2007 N°76, M.Bernard Denis LAROQUE).

³ Article 178-2 of the NCPC (new code of Civil procedure “ Where a preparatory inquiry is ordered abroad, pursuant to the regulation mentioned under Article 178-1, is likely to generate expenses for interpreting at the time of its implementation by the concerned Court, the judge will fix the amount of the retainer fee that will be reduced from the total expenses according to the terms and conditions provided for under Article s 269, 270 and 271 of this code. As of the reception of the request for refunding of the amount of the expenses of interpreting by the applicant Court, the clerk's office of the Court will pay up to the amount of the deposited sums”.

If the interpretation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25% so the fees per hour are in average 18, 75 € (Before tax) and the highest price is 25 € (Before tax)

6.4 Payment

Translators and interpreters can generally be paid through:

- VISA credit card
- cheque
- Cash
- Wire (bank) transfer

Fees are paid on an hourly and/or per page basis. An official form which is completed by the court authorities indicates time spent working. As of the reception of the translation, the clerk's office of the court will pay the remuneration to the translator/interpreter.

The treasury paid the translation/interpretation fees (Article R 91 of the code of criminal procedure⁴) in the following cases:

Article R92-3° a) of the code of criminal procedure⁵ in front of criminal Courts

⁴ Article R 91 of the code of criminal procedure “ *Le Trésor public paye les frais énumérés à l'article R. 92. Il fait l'avance de ceux énumérés à l'article R. 93 et poursuit le recouvrement des frais qui ne sont pas à la charge de l'Etat, le tout dans la forme et selon les règles établies par le présent titre.*

Article R 93- 23° of the code of criminal procedure⁶ in case of deaf party and in accordance with Article R93-1 of the code of criminal⁷ procedure the state pays the fees setted by article R122 of the code of criminal procedure

Legal aid for either local case or cross-border case (ie article 119-1 of the decree of 19 december 1991)

The Written translation fees per page is 11, 13 €(before tax).

The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14, 79€ (before tax) in the others departments: 13, 26 €(before tax). For each additional half hour respectively 7, 32 or 6, 71 €.

If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.

The treasury advances the fees in the following cases:

⁵ Article R92-3° a) of the code of criminal procedure « *Les frais de justice criminelle, correctionnelle et de police sont :3° Les honoraires et indemnités qui peuvent être accordés aux personnes ci-après : a) Experts et traducteurs interprètes* »

⁶ Article R 93- 23° of the code of criminal procedure “*La rémunération et les indemnités des interprètes désignés en application de l'article 23-1 du nouveau code de procédure Civile* »

⁷ Article R93-1 of the code of criminal « *La rémunération et les indemnités des interprètes mentionnées au 23°* ⁷ Article R 91 of the code of criminal procedure “ *Le Trésor public paye les frais énumérés à l'article R. 92. Il fait l'avance de ceux énumérés à l'article R. 93 et poursuit le recouvrement des frais qui ne sont pas à la charge de l'Etat, le tout dans la forme et selon les règles établies par le présent titre.*

⁷ Article R92-3° a) of the code of criminal procedure « *Les frais de justice criminelle, correctionnelle et de police sont :3° Les honoraires et indemnités qui peuvent être accordés aux personnes ci-après : a) Experts et traducteurs interprètes* »

⁷ Article R 93- 23° of the code of criminal procedure “*La rémunération et les indemnités des interprètes désignés en application de l'article R. 93 sont liquidées selon les conditions prévues à l'article R. 122. Elles demeurent à la charge de l'Etat* ».

Article R93- 9° of the code of criminal procedure⁸ relating to legal aid:

Article R93- 24° of the code of criminal procedure⁹ relating to cooperation between Courts of the Member States in the taking of evidence in Civil and Commercial matters

Article 670-3 of the NCPC (new code of Civil procedure)¹⁰ relating to notification abroad carried out by the clerk's office of the Court

Article 119-1 of the Decree n°91-1266 of 19 th december 1991¹¹ regarding legal aid and cross-border dispute.

The Written translation fees per page is 11, 13 € (before tax).

The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14,79€ (before tax) in the others departments : 13,26 €(before tax). For each additional half hour respectively 7, 32 or 6, 71 €.

⁸ Article R93- 9° of the code of criminal procedure « *De la contribution versée par l'Etat au titre de l'aide juridictionnelle* »

⁹ Article R93- 24° of the code of criminal procedure « *La rémunération et les indemnités des interprètes désignés par le tribunal de grande instance pour l'exécution d'une mesure d'instruction à la demande d'une juridiction étrangère en application du règlement (CE) n° 1206/2001 du Conseil du 28 mai 2001 relatif à la coopération entre les juridictions des Etats membres dans le domaine de l'obtention des preuves en matière Civile et Commerciale.* »

¹⁰ Article 670-3 of the NCPC (new code of Civil procedure) « *Where, with respect to a notification abroad carried out by the clerk's office of the Court, the translation of the process, or of any other document, is necessary, the chief clerk or the responsible person of the clerk's office of the Court requests the translator. The translator will be paid according to Article R. 122 of the Criminal Procedure Code. The costs incurred due to the notification of the process abroad carried out by the clerk's office of the Court will be fixed, advanced and collected, as costs set out by Article R. 93 (16°) of the Criminal Procedure Code* ».

¹¹ Article 119-1 of the Decree n°91-1266 of 19 th december 1991 « *Lorsque l'aide juridictionnelle est accordée dans un litige transfrontalier en application de l'article 3-1 de la loi du 10 juillet 1991, et que l'instance se déroule en France, les frais d'interprète, les frais de traduction des documents que le juge a estimé indispensable d'examiner pour apprécier les moyens soulevés par le bénéficiaire de l'aide, ainsi que les frais de déplacement des personnes dont la présence à l'audience est requise par le juge, sont avancés par l'Etat selon les modalités prévues au troisième alinéa de l'article 119. Lorsque l'instance ne se déroule pas en France, les frais de traduction de la demande d'aide et des documents exigés pour son instruction avant transmission de cette demande à l'Etat de la juridiction compétente sur le fond sont avancés par l'Etat au vu d'une ordonnance émise par le garde des sceaux, ministre de la justice. La rémunération des traducteurs et interprètes est fixée conformément aux dispositions de l'article R. 122 du code de procédure pénale. Les frais de déplacement des personnes dont la présence à l'audience en France est requise par le juge sont couverts, sur justificatif, par une indemnité égale à celle attribuée aux témoins par l'article R. 133 du code de procédure pénale. Cette indemnité est versée au vu de l'état récapitulatif visé par le greffier en chef, accompagné des pièces justificatives, selon les modalités prévues au troisième alinéa de l'article 119.* »

If the translation concerns another language than English, German, Spanish or Italian, usually the fees are increased of 25%.

6.4.1 Retainer

Accredited translator/interpreter's fees are controlled by the Courts, when an interpreter or a translator is required by the Court. The order appointing the interpreter fixes the sum on account of the interpreter's fees, which is paid in to Court. The Court also determines which of the parties (usually the party who asked for the appointment of the translator/interpreter) has to advance that sum on account, at least on a provisional basis. Usually the sum advances on the account cover entirely the translator/interpreter's fees

6.5 Practical questions ?

Any interpreter/translator can act before the Courts (ie Article 23 of the NCPC (new code of civil procedure. Nevertheless you have to be a translator/interpreter listed in a judicial expert list to produce a certified translation.

To be accredited by a Court, either the interpreter/translator as the quality of a judicial expert listed and has followed the accreditation procedure sets in article 10 of the Act n°71-498 of 29th June 1971 (modified by the Act n° 2004-130 of the 11 February 2004 and the decree 2004-1463 of the 23 December 2004) or others are sworn in and accredited just before the session. This form of accreditation is only valid for the session in hand.

All documents have to be translated into French if they are presented in French Courts. All documents sent abroad have to be translated in the addressee's tongue. Summons to appear in Court, judgements, letters rogatory, warrant of arrest,

exchange of mailings between magistrates of different countries, have to be translated in the addressee's tongue. All documents considered by French Courts for varied proceedings, suits, etc.... that are written in a foreign language have to be translated into French.

Practical case:

“I already have a document translated by an accredited translator. I need this translation again but only have a photocopy of it.” Can I use this photocopy or do I need it to be certified by a Civil/legal authority? Or do I need to have the document translated again by an accredited translator?

The accredited translator has to certify as original the photocopy of the original document.

6.6 Legal aid cases

Interpreter and translator's fees in legal aid are set up by the article R 122 of the criminal proceedings code (code de procedure pénal)

The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14, 79€ (before tax) in the others departments : 13,26 €(before tax). For each additional half hour respectively 7, 32 or 6, 71 €.

The Written translation fees per page is 11, 13 €(before tax).

If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.

6.7 Reimbursement

The Court may order the losing party to pay all costs of suit that will include translation fees paid by the opponent the translation costs are considered by the Regional Courts (Tribunal de Grande Instance) and the Court of appeal as part of the dépens as disbursements (article 695-5 of the NCPC new code of the Civil procedure).

As interpreter's costs are part of the dépens then in accordance with article 696 of the NCPC (new code of the civil procedure) the payment to the interpreter can be refunded by the losing party.

6.8 Conclusion and recommendations

The costs of accredited translators and interpreters are regulated, not really transparent but quite easily accessible. However, since the cost is controlled by the court, the total cost is not easy to determine in advance.

7 Witness Compensation

7.1 General

Witnesses are not being paid to give a statement in court proceedings, but they are compensated for their time. The followings texts set the witnesses allowances:

Article R92-4 of the CPP code of criminal procedure¹².

Articles R 123¹³, R 124¹⁴, R 125¹⁵ of the CPP code of criminal procedure code. General rules (Articles R123 to R128 of the criminal proceedings code), Allowances for appearance (Articles R129 to R132 of the criminal proceedings code) Allowances for travel and accomodation and meal (Articles R133 to R138 and R 111 of the criminal proceedings code)

Articles 221¹⁶, 701 and 695-3° of the ncpc (new code of the Civil procedure)

decree N°2006-781 of 3rd July 2006 and arrêté of 3rd July 2006 of the decree N°2006-781 of 3rd July 2006, JO n153 of 4th July 2006 texte n° 17

7.2 Fees

To determine an average amount of the witness compensation the allowances for appearance are calculated in accordance with the index linked guaranteed minimum wage (SMIC)'s rate per hour 8, 27 € (rate at the 1st January 2007) (before tax) and allowances of travel depends of the travel means (either car, or public transport) and visitor's day takes into account to many various conditions.

¹² Article R92.4° of the code of criminal procedure : « *Les frais de justice criminelle, correctionnelle et de police sont : 4° Les indemnités qui peuvent être accordées aux témoins, aux jurés par application des articles R. 123 à R. 146 et aux parties Civiles par application des articles 375-1 et 422* ».

¹³ Article R 123 of the code of criminal procedure : « *Il peut être accordé aux témoins, s'ils le requièrent :*
1. *Une indemnité de comparution ;*

2. *Des frais de voyage ;*

3. *Une indemnité journalière de séjour*

¹⁴ Article R124 of the code of criminal procedure : « *Les indemnités accordées aux témoins ne sont payées par le Trésor qu'en tant qu'ils ont été cités ou appelés, soit à la requête du ministère public, soit en vertu d'une ordonnance rendue d'office dans les cas prévus aux articles 283 et 310* »

¹⁵ Article R215 of the code of criminal procedure : « *Les témoins cités ou appelés à la requête, soit des accusés, soit des parties Civiles, reçoivent les indemnités ci-dessus mentionnées. Elles leur sont payées par ceux qui les ont appelés en témoignage* ».

¹⁶ Article 221 of the new code of Civil procedure « *Le juge autorise le témoin, sur sa demande, à percevoir les indemnités auxquelles il peut prétendre* ».

Allowances for appearance (Articles R129 to R132 of the criminal proceedings code (cpp))

The minimum of allowances for appearance is = 1, 5 + (8, 27 € x 4) = 34, 58 € before tax)

An additional allowances is granted when the witness justifies that he has suffered a loss of income = 8,27 X by the number of hour of appearance max of 8 hours per day. In average this additionnal allowance for appearance is around 33, 08 € (before tax) per day

Allowances for travel and visitor's day (accomodation and meal) (Articles R133 to R138 and R111 of the criminal proceedings code (cpp)) (decree N°2006-781 of 3rd July 2006 and arrêté of 3rd july 2006 of the decree N°2006-781 of 3rd July 2006, JO n153 of 4th july 2006 texte n° 17)

As an example the allowances granted for travel by car is 0,006 € per kilometer.

As an example the allowances granted for visitor's day in France for meal the lump sum is 15,25 € and the maximum rate for accomodation is 60 € per night . For example the allowances granted for visitor's day in Portugal is 146 € (Before tax) (ie ANNEXE 1 of the arrêté of 3rd july 2006 of the decree N°2006-781 of 3rd July 2006, JO n153 of 4th july 2006 texte n° 17)

7.3 Legal aids cases

If you receive full legal aid or partial legal aid this, will cover the costs of allowances of witnesses calculated on a fixed scale, the same as the one granted in court proceedings without recipient elligible to legal aid.

Allowances for appearance (Articles R129 to R132 of the criminal proceedings code (cpp))

The minimum of allowances for appearance is = 1, 5 + (8, 27 €x 4) = 34, 58 € before tax)

An additional allowances is granted when the witness justifies that he has suffered a loss of income = 8, 27 X by the number of hour of appearance max of 8 hours per day. In average this additionnal allowance for appearance is around 33, 08 € (before tax) per day. Meanwhile, in legal aid, the judge avoids the allownaces of appearance by using the audio or videoconference to hear the witness testimony.

Allowances for travel and visitor's day (accomodation and meal) (Articles R133 to R138 and R111 of the criminal proceedings code (cpp)) (decree N°2006-781 of 3rd July 2006 and arrêté of 3rd july 2006 of the decree N°2006-781 of 3rd July 2006, JO n153 of 4th july 2006 texte n° 17)

As an example the allowances granted for travel by car is 0,006 € per kilometer.

As an example the allowances granted for visitor's day in France for meal the lump sum is 15,25 € and the maximum rate for accomodation is 60 € per night . For example the allowances granted for visitor's day in Portugal is 146 € (Before tax) (ie ANNEXE 1 of the arrêté of 3rd july 2006 of the decree N°2006-781 of 3rd July 2006, JO n153 of 4th july 2006 texte n° 17)

7.4 Payment is made by the court.

7.5 Practical questions ?

Preparatory inquiries may be ordered by the judge at the request of one of the parties, but the judge may also take the initiative.

Every person is obliged to cooperate in legal proceedings with a view to discovering the truth.

A witness may refuse to testify if he is unable to do so, or, in a divorce case, if he is a descendant of the couple. He may also refuse if his testimony has a bearing on a fact subject to professional secrecy. Furthermore, the witness may selectively refuse to testify if he can prove just impediment (impossibility of travel, illness, professional reasons, etc.). The judge will assess the legitimacy of this impediment

A person who refuses to appear before a Court at the judge's request may find himself faced with a fine of between 15 and 150 €.

It must also be pointed out that perjury is punishable as a criminal offence.

Minors, disqualified adults and persons on whom certain sentences are imposed (attainder) may not testify. The judge may, however, question them for information purposes, without putting them on oath. Furthermore, the descendants of couples in divorce or separation cases may not testify.

If you are party of the case, the declarations of this party to the case will not have the status of evidence.

Anyone who might know the circumstances relevant to the cases and who is mentally healthy. (Article 205 of the NCPC (new code of Civil procedure)).

The judge conducts the examination of the witness and puts questions to him. While present, the parties may not interrupt the witness nor address him directly so as not to influence him. If he deems it necessary, the judge will ask the questions that the parties wish to put to the witness.

There is nothing to prevent the judge from making an audio, visual or audiovisual recording of the preparatory inquiries, when the circumstances so demand (as in a case of geographic separation).

In accordance with the article 199 of the NCPC (new code of Civil procedure) the testimonies can be collected in written form which respects the conditions set up in the article 202 of the NCPC (new code of Civil procedure) as the application form Cerfa n° 11527*02 : http://www.vos-droits.justice.gouv.fr/art_pix/Form11527v02.pdf and verbally in case of enquiries (article 203 of the NCPC (new code of Civil procedure). There is no difference between a witness's verbal opinion and his written opinion. It is left to the judge to decide whether a witness should be examined.

In the case of a cross-border litigation, the witness statements have to be collected in a special proceeding. The 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 improves, simplifies and expedites cooperation between Courts as regards evidence.

The Regulation provides in Article 21 (1) that it shall, in relation to matters to which it applies, prevail over other provisions contained in bilateral or multilateral agreements or arrangements concluded by the Member States and especially over the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, in relations between the Member States party thereto. http://ec.europa.eu/justice_home/judicialatlascivil/html/te_documents_fr.htm?countrySession=2&

The taking of evidence including gathering evidence from witnesses abroad in EU cross-border litigation is possible in two different ways:

the French Court requests the competent Court of another member state to take evidence. Article 4 of the The Regulation (EC) No 1206/2001 of 28 May 2001

The request must be made using form A and send via email, post or fax.

http://ec.europa.eu/justice_home/judicialatlascivil/html/te_forma_fr.jsp?countrySession=2&txtPageBack=te_filling_fr_fr.htm

The request has to be drawn-up in French.

The requested Court shall execute the request without delay and, the latest within ninety days of receipt of the request and shall execute the request in accordance with the Act of the requesting Court.

The possibility of taking of evidence directly by the requesting Court is only allowed if it can be performed on a voluntary basis without the need of coercive measures.

Article 17 of the The Regulation (EC) No 1206/2001 of 28 May 2001

The request is addressed to the central authority of the requested state.

France has opted for a single body to be competent at national level, namely the Bureau de l'entraide Civile et Commerciale internationale of the Ministry of Justice:

Ministère de la Justice

Direction des Affaires Civiles et du Sceau

Bureau de l'entraide Civile et Commerciale internationale

13 Place Vendôme

75042, PARIS Cedex 01

Tel.: 00 33 (0)1 44 77 61 05

Fax: 00 33 (0)1 44 77 61 22

e-mail: Entraide-Civile-internationale@justice.gouv.fr

The request must be made using form J and must be made in French and send by email, fax and post.

http://ec.europa.eu/justice_home/judicialatlascivil/html/te_formj_fr.jsp?countrySession=2&txtPageBack=te_filling_fr_fr.htm

In general, the execution of the request is free of charge.

Nevertheless, if the requested Court requires so, the requesting Court shall ensure the reinforcement without delay, of the minimum fees paid to expert and interpreter and costs which have been occasioned by the application of special forms.

7.6 Conclusions and recommendations

The text relating to witness compensation is difficult to find and if you do not have any knowledge in the practise of justice, it is almost impossible to find it and then to understand it because it refers to criminal procedure articles. Nevertheless, as soon as you find it, the compensation fees are easily understandable and accessible, it is a fixed scale.

8 Pledges and security deposits

8.1 General

In accordance to French Act L91-650 dated 9 July 1991 and its decree 92-755 dated 31 July 1992; there are two kinds of preventive attachment, the interim measures and the precautionary measures.

The **Interim measures** may always be issued urgently by the judge responsible for urgent interlocutory proceedings (urgent applications procedure, payment of a deposit, eviction, injunction, and preservation of evidence). It is not possible to draw up an inventory of interim measures. In urgent interlocutory proceedings, all urgent measures may be obtained that is not seriously challenged or that do not justify a challenge (payment of a deposit, eviction of an unlawful occupier, expertise or recording of damage, and so on). Moreover, the judge in urgent interlocutory proceedings can urgently issue all measures that are necessary either to prevent imminent damage (for instance, stabilisation works) or to halt a manifestly illegal problem.

In addition, there is a special regime for **precautionary measures** (preventive attachments and judicial restrictive measures) which are the measures that enable a creditor, in most cases with the authorisation of a judge but not always, to make all or part of the assets of his debtor inalienable, and measures that enable a special restrictive right to be assigned to an asset in order to guarantee the payment of a claim which is not yet recognised in a judgment, but recovery of which appears to be at risk.

Precautionary measures may take two forms:

- **preventive attachments**, permitting the provisional seizure of tangible assets (movable property, vehicles, etc.) and intangible assets (a sum of money, contributories' rights and securities) and claims (bank accounts, rent, etc.).
- **Judicial restrictive measures** on buildings, businesses, holdings of other shareholders and property securities (registration of a provisional mortgage, or pledge of company shares or securities).

Besides, all the debtor's assets which the Act does not declare to be "exempt from attachment" (for instance the assets needed for everyday life or the performance of one's profession) may be subject to a preventive attachment. The same applies to claims: however, salaries can never be subject to preventive attachment measures (even though they can be seized on the basis of a Court ruling or other enforceable title, depending on the procedure for attachment of remuneration).

There is existing measures that enable a creditor to create a guarantee in order to guarantee the payment of a claim which is not yet recognised in a judgment, but recovery of which appears to be at risk. Nevertheless this guarantee has a short term of one month.

8.2 Fees

The Court does not carry out the measure but merely authorises it. The measure is carried out by the bailiff, at the request of the beneficiary of the Court's authorisation.

If the prior authorisation of a judge is required, the claim must be "founded in principle".

For precautionary measures, there is no express requirement of urgency.

Creditors must show that there are "circumstances likely to threaten recovery" of the claim (for instance, the bad faith of the debtor who is concealing his assets, a large number of creditors, etc.).

Relating to **Interim measures**, the case must be referred to the judge responsible for the urgent interlocutory proceedings by a summons (a writ served by a bailiff). The interlocutory proceedings are adversarial. The competent judge is the president of the competent Court, depending on the nature of the petition. Jurisdiction in the ordinary law therefore lies with the president of the Regional Court. However, district Courts, the president of a Commercial Court, of an industrial tribunal or of an agricultural land tribunal may also rule in urgent interlocutory proceedings within the limits of their jurisdiction. Preventive attachments must be carried out by a bailiff. It is not mandatory to be represented by a Lawyer; the parties defend themselves in enforcement or urgent interlocutory proceedings. They may, however, be assisted or represented by a Lawyer.

Relating to **Precautionary measures**, in theory, prior authorisation by the judge is needed. However, some creditors are dispensed from such authorisation in the case of an enforceable entitlement or claims recognised in a Court ruling that is not yet enforceable.

The same applies in the case of failure to pay an accepted bill of exchange, promissory note or cheque or in the case of rent due for a building (if the lease is in writing). The competent judge is the judge of the Regional Court with jurisdiction to decide questions relating to the execution of civil judgments (executions judge). The competent judge is the judge in the place where the debtor resides. Preventive attachments must be carried out by a bailiff. This registration of judicial restrictive measures don't need to be carried out by an bailiff. However, given the complexity of the judicial procedure for registering a restrictive measure, creditors are always assisted by a professional. As well as even if the parties may defend themselves in enforcement or urgent interlocutory proceedings they are usually assisted or represented by a Lawyer.

8.3 Payment

The cost of precautionary measures is, in the end, paid by the debtor, although the creditor may be required to make an advance payment for this. The enforcement costs are subject to a scale of costs which fixes the remuneration of bailiffs for each act of enforcement and each precautionary measure.

Under Decree No 96-1080 of 12 December 1996, the remuneration scale for bailiffs comprises a fixed amount expressed, either cumulatively or alternatively as the case may be, in fixed or proportional charges, plus, where appropriate, a charge for commencement of proceedings.

In the case of precautionary measures, the proportional charges calculated on the basis of the amounts recovered are payable only if the bailiffs receive a mandate to recover the sums owed. Moreover, the nomenclature annexed to the above-mentioned Decree rules out the possibility of an additional fee that is freely negotiated, with the exception, however, of preventive attachments of contributories' rights and of securities.

According to Article 32¹⁷ of the Act n° 91-650 of 9th July 1991 the costs attached to interim measures and precautionary measures are charged to the debtor.

8.4 Practical questions?

The Article 517¹⁸, of the NCPC (new code of civil procedure) relates the measures that enable a creditor to create a guarantee in order to guarantee the payment of a claim

¹⁷ Article 32 of the Act n° 91-650 of 9th July 1991 « A l'exception des droits proportionnels de recouvrement ou d'encaissement qui peuvent être mis partiellement à la charge des créanciers dans des conditions fixées par décret en Conseil d'Etat, les frais de l'exécution forcée sont à la charge du débiteur, sauf s'il est manifeste qu'ils n'étaient pas nécessaires au moment où ils ont été exposés. Les contestations sont tranchées par le juge de l'exécution. Sauf s'ils concernent un acte dont l'accomplissement est prescrit par la loi, les frais de recouvrement entrepris sans titre exécutoire restent à la charge du créancier. Toute stipulation contraire est réputée non écrite. Cependant, le créancier qui justifie du caractère nécessaire des démarches entreprises pour recouvrer sa créance peut demander au juge de l'exécution de laisser tout ou partie des frais ainsi exposés à la charge du débiteur de mauvaise foi. L'activité des personnes physiques ou morales non soumises à un statut professionnel qui, d'une manière habituelle ou occasionnelle, même à titre accessoire, procèdent au recouvrement amiable des créances pour le compte d'autrui, fait l'objet d'une réglementation fixée par décret en Conseil d'Etat ».

which is not yet recognised in a judgment, but recovery of which appears to be at risk. Nevertheless this guarantee has a short term of one month.

8.5 Conclusions and recommendations

Given the complexity of the judicial procedure for registering a restrictive measure, creditors are always assisted by a professional. As well as even if the parties may defend themselves in enforcement or urgent interlocutory proceedings they are usually assisted or represented by a Lawyer. Hence it is somewhat difficult to predict the amount of this cost.

9 Court decisions

9.1 Cost of notification

9.2 Cost of obtaining an authenticated decision

Type of deed	Costs	Others	Regulation
Civil decision	0€	None Application form to demand for a copy of a Civil, employment or Commercial judicial decision n° 11808*02 : http://www.vos-droits.justice.gouv.fr/art_pix/Form11808v02.pdf	Articles 1435 to 1441 and 465 of the NCPC (new code of Civil procedure and article 11-3 of the Act n° 72-626 of the 5 th July 1972
Commercial decision	3,11 € (after tax) to download or transfer by email	3, 76 € (after tax) by mail Application form to demand for a copy of a Civil, employment or Commercial judicial decision n° 11808*02 : http://www.vos-droits.justice.gouv.fr/art_pix/Form11808v02.pdf	Articles R 734 -140 and R734-142 of the Commercial code.

¹⁸ Article 517 of the new code of Civil procedure : « L'exécution provisoire peut être subordonnée à la constitution d'une garantie, réelle ou personnelle, suffisante pour répondre de toutes restitutions ou réparations. »

The service of a document from or to a Member State of the European Union is governed by Council Regulation 1348/2000 of 29 May 2000 on the service of judicial and extra-judicial documents in civil or commercial matters. In the application of this regulation, France has made provision for bailiffs such as the Article 684 of the NCPC (new code of Civil procedure) and number 109 of the table 2 (ie appendix BAILIFFS) which determines the costs of the notification of a document to a foreign country costs **16, 5 prime rate equal to 36, 30 € (before tax) (NCPC, art. 684).**

9.3 Conclusions and recommendations

These costs are foreseeable, transparent and easy to determine. Information on these costs is easily accessible.

10 Civil Legal aid

10.1 General

The French legal aid system is also divided into two separate categories: *aide juridictionnelle* and *accès au droit*. *Aide juridictionnelle*, “jurisdictional assistance,” is the legal aid branch which provides individuals with legal representation before Courts and with alternative dispute resolution services. It is provided for individuals under a means test, and can be either partial (requiring a co-payment) or total according to an individual’s income. *Accès au droit*, “access to the Act,” is the legal aid branch that provides legal assistance to individuals in matters other than litigation, such as the provision of legal information, advice, counselling. This branch also provides assistance with legal matters that do not involve Court appearances, such as drafting wills and contracts. In this report, we will focused on the jurisdictional assistance “Aide juridictionnelle”.

The information to legal aid eligibility is very well made and access is easy. The following structure provides mostly free information on legal aid:

- **SOS Avocats** provides free legal advices from Monday to Friday (7pm to 11: 30 pm) at the following phone number: 0825 39 33 00 (0, 15 € per minute).
- **Lawyers provide free legal advice in family law, rent law, and employment law, located at the Palais de Justice** 4, boulevard du Palais - 75001 Paris Galerie de Harlay (stairs S).(subway : cité) from Monday to Friday (9h30 am to 12h00 am).
- **For minors issues, Antenne des mineurs du Barreau de Paris** 25, rue du Jour - 75001 Paris (subway : LES HALLES - RER CHATELET LES HALLES) antennedesmineurs@avocatparis.org Lawyers provide Free legal advice from Monday to Friday (2pm to 5pm) at the following number : 01 42 36 34 87
- **Houses of justice “Les Maisons de la justice et du droit » listed in the public website:** <http://www.annuaire.justice.gouv.fr> provide legal advice on family Act, rent Act, employment Act, foreigners Act, consumers Act, bank Act ; appointment is requested.

- Conseil départementale de l'accès au droit (C.D.A.D) listed in the public website: <http://www.annuaires.justice.gouv.fr> , provides help to access to rights.

10.2 Conditions of grant

Aide juridictionnelle benefits any person wishing to resolve his/her dispute through the litigation process. Legal aid is given by the legal aid bureau (BAJ: bureau d'aide juridictionnelle) subject to requirements as to resources, nationality, residence and admissibility. The *Bureaux d'Aide Juridictionnelle* (BAJs) determine who is eligible for *aide juridictionnelle*. BAJs are typically run by judges, Civil servants, representatives of bar associations and users of *aide juridictionnelle*. BAJs are located within each *Tribunal de grande instance* and within superior Courts. (articles 12 to 17 of the Act n°91-647 of 10th july 1991) as well as in cross border case when the French Court is the sitting Court (Article 51-6 of the Decree n°91-1266 of 19 december 1991).

Application form and when	Legal aid registrar	Ressources	Nationality	Residence	Admissibility
<p>To apply for legal aid, applicants must obtain a form Cerfa n° 12467*01 either from the website www.cerfa.gouv.fr at the following address http://www.vos-droits.justice.gouv.fr/art_pix/Form12467v01.pdf or from the city hall or the local tribunal.</p> <p>Individuals can apply before starting a legal action or even after the action has already begun</p>	<p>This form must be send to the BAJ "Bureau d'aide juridictionnelle" of the <i>Tribunal de Grande Instance</i> of their residence</p> <p>The exception from this single bureau rule is that there is a bureau attached to each of the following:</p> <ul style="list-style-type: none"> • Court of Cassation; • <i>Conseil d'État</i> (which is the supreme administrative Court); • Refugees Appeal Board <p>For supreme Court case you must apply</p>	<p>articles 4 to 6 of the Act n°91-647 du 10 juillet 1991</p> <p>legal aid applications made in 2007 for a single person :</p> <p>the average monthly resources limit (excluding family allowances and certain welfare benefits) of on the basis of resources received in 2006) is €874 for full legal aid and €1311 for</p>	<p>articles 2 to 3.1 of the Act n°91-647 du 10 juillet 1991</p> <p>a French national,</p> <p>a citizen of the European Union,</p> <p>a French resident,</p> <p>a foreign national normally and lawfully residing in France,</p> <p>-applicants who appear to be particularly deserving on</p>	<p>articles 2 to 3.1 of the Act n°91-647 du 10 juillet 1991</p> <p>No residence conditions is required for foreign nationals who are :</p> <p>minors,</p> <p>witnesses,</p> <p>placed under formal examination, charged,</p> <p>accused,</p> <p>convicted</p> <p>have joined a Civil action</p>	<p>articles 7 to 9.3 of the Act n°91-647 du 10 juillet 1991</p> <p>A BAJ must determine that the Civil legal aid application meets two tests:</p> <p>First, it must meet the dual test of means and reasonableness</p> <p>applicants who appear to be particularly deserving on account of the subject-matter of the</p>

	<p>to the legal aid bureau at the Court of Cassation, which will examine both your resources and the admissibility of your action.</p>	<p>partial legal aid.</p> <p>In both cases, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>No ressources conditions required for the beneficiary</p> <p>from the National Solidarity Fund</p> <p>to the Occupational Integration Minimum Income,</p> <p>if you are entitled to a war veteran's or a victim's pension.</p>	<p>account of the subject-matter of the case or the likely cost of the proceedings;</p> <ul style="list-style-type: none"> - foreigners who are minors, assisted witnesses, defendants, accused or convicted persons, parties claiming damages in criminal proceedings or those who are the subject of proceedings connected with the conditions governing entry to and residence in France by foreigners are entitled to legal aid without any residence requirements ; - foreigners having lawfully entered France and normally residing there or holding a residence qualification valid for at least one 	<p>to a criminal prosecution, where the action concerns entry and residence in France.</p> <p>People without a fixed residence may apply to the BAJ of their choice</p>	<p>case or the likely cost of the proceedings may be exempted from the income requirement; (With THE EXCEPTION OF individuals receiving the <i>Revenu Minimum d'Insertion</i> or the <i>Allocation Supplémentaire</i> (welfare aid for most indigent persons))</p> <p>Second, the case must not be “manifestly inadmissible or devoid of foundation.” This condition does not apply:</p> <ul style="list-style-type: none"> to defendants, to persons liable Civilly, to witnesses, to persons under examination, charged or accused, or to persons convicted. <p>In cassation</p>
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			year are entitled as of right to legal aid before the Refugees' Commission.		cases, legal aid will be refused if the applicant cannot show good grounds for cassation.
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The applicant must pass the means test for either *aide totale* (total aid under which the state pays for all justice-related fees, including Lawyers) or *aide partielle* (partial aid under which the state pays everything except for Lawyer fees) - these fees are split by the state and the legal aid recipient who pays a “complementary fee” negotiated with the Lawyer through a written contract).

Income scale for partial legal aid:

Income in euros	State funded %
875 to 914	85
915 to 964	70
965 to 1034	55
1035 to 1113	40
1114 to 1212	25
1213 to 1311	15

A BAJ can grant legal aid and then rescind it if the recipient becomes ineligible for such aid during the process. A recipient can lose legal aid ex-post if they become ineligible after a decision is granted. In both cases, Lawyers can ask their clients for fees after the BAJ pronounces withdrawal of legal aid

10.3 Strings attached ?

The decision granting the benefit of legal aid is subject to judicial review (ie (articles 50 to 52-1 of the Act n°91-647 of 10th July 1991). Legal aid can be withdrawn during or after the proceedings if:

- aid was obtained on the basis of inaccurate statements or documents;
- in the course of the proceedings you receive such resources that legal aid would not have been given if you had had them at the time of the application;

- as a result of the enforceable judgment you receive such resources that legal aid would not have been given if you had had them at the time of the application; or
- the proceedings that you have commenced with the legal aid is found to be dilatory or abusive.

Besides, the new Law n° 2007-210 of 19 February 2007 enforced since February with regard to legal protection insurance “assurance de protection juridique” substitutes an insured with legal protection coverage for the benefit of legal aid.

10.4 Practical questions

The transposition of the Directive N° 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for cross-border cases was made by the Act n° 2005-750 of 4 July 2005 and the decree N° 2005-1470 of 29 November 2005 but only for individuals. For the purposes of the directive a cross-border dispute is one where the party applying for legal aid in the context of the directive is domiciled or habitually resident in a Member State other than the Member State where the Court is sitting or where the decision is to be enforced.

The beneficiaries are all Union citizens, wherever they are domiciled or habitually resident in the territory of a Member State, who is eligible for legal aid in cross-border disputes within the scope of the directive. The same applies to third-country nationals who habitually and lawfully reside in a Member State

- The beneficiary is every individual who has his usual residence in the territory of one of the European Union's state and who wishes to apply for a legal aid in the territory of another European Union's state. **As an example a French resident who wishes to apply for a legal aid in Belgium or a German resident who wishes to apply for a legal aid in France.**


This does not apply for example when a French resident claimant starts an action in France against a foreign defendant who has his usual residence in another territory. **In this particular case you must be aware that the costs of the bailiff to serve a summons to a defendant residing in another member state than France is not covered by legal aid. It's belongs to the claimant to check if there is an international or bilateral agreement with France giving the profit of legal aid' assistance to serve a summons (details are provided by the public website: <http://www.justice.gouv.fr/applications/int/pays/>)**

- Legal aid is granted to individual for the purposes of seeking enforcement of a judgment or other enforceable document of either the state where the individual has his usual residence or of a different state than the one where the individual has his usual residence.

For example, the French resident beneficiary of a French judicial decision who have to either notify or enforce the French judicial decision in Italy, must apply for legal aid

in Italy. As well an Italian resident gets a German decision which has to either be notified or enforced in Spain. The beneficiary of that decision shall apply for legal aid in Spain.

- Application of Legal Aid for a cross-border dispute granted in France where the Court is sitting. German resident who wishes to apply for a legal aid in France for either start a proceedings or seek for an enforcement. It shall be left to the Act of France in which the Court is sitting or enforcement is sought whether the costs of proceeding may include the costs of the opponents imposed on the recipient of legal aid

Legal aid application shall be completed, and supporting documents translated in French on a standard form. (The German state shall support the translation of the application and of the necessary supporting documents) There is a unique application form for legal aid in cross border dispute JO L 225 du 31.08.2005, p. 0023 - 0027  (PDF File 149 KB).

This application is either sent by the French Central authority namely the *Bureau de l'entraide Civile et Commerciale internationale* of the Ministry of Justice:

Ministère de la Justice
Direction des Affaires Civiles et du Sceau
Bureau de l'entraide Civile et Commerciale internationale
13 Place Vendôme
75042, PARIS Cedex 01

Tel.: 00 33 (0)1 44 77 61 05
Fax: 00 33 (0)1 44 77 61 22
e-mail: Entraide-Civile-internationale@justice.gouv.fr

to the appropriate legal aid office (BAJ) (ie articles 27 or 26 of the Decree of 19 December 1991), or the claimant may directly send his request to the appropriate legal aid office (BAJ) (ie articles 27 or 26 of the Decree of 19 December 1991).

Legal aid is given by the legal aid office (BAJ: bureau d'aide juridictionnelle) subject to requirements as to resources, nationality, residence and admissibility. For cross border case the residence's requirement is cleared in accordance with the article 34.8° of the decree of 19 December 1991). The others requirements such as resources, nationality, admissibility are cleared as any local legal aid application.

Within supporting documents to the application, the BAJ turns its attention to either or not a legal assistance insurance is provided with the application. The application could be refused if the legal assistance insurance covers the costs occur by the case.

The currency of the resources is euro. Then conversion shall be made at the date of the application. To know the conversion rate you may consult the public website <http://www.finances.gouv.fr> service « taux de chancellerie ».

As soon as the legal aid is granted, the BAJ chooses a Lawyer if the claimant doesn't have already one as well as the bailiffs, avoués..... The Lawyer must be registered in a French bar association, per diem for the bailiffs. The decision of the BAJ is sent by simple letter to the claimant.

The costs that the French treasure will bear are:

-interpretation; (ie article R 122 of the criminal proceedings code (code de procedure pénal))

The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14,79€ (before tax) in the others departments : 13,26 €(before tax). For each additional half hour respectively 7, 32 or 6, 71 €.

If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.

-translation of the documents required by the Court or by the competent authority and presented by the recipient which are necessary for the resolution of the case; (ie article R 122 of the criminal proceedings code (code de procedure pénal))

The Written translation fees per page is 11, 13 € (before tax).

If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.


-travel costs to be borne by the applicant where the physical presence of the persons concerned with the presentation of the applicant's case is required in Court either by the Act (such as : conciliation in front of social Court (conseil des prud'hommes (article R 516-4 of the labour code (code du travail))), conciliation in case of a divorce proceedings (article 252-1 of the Civil code), agreed divorce (article 1099 of the Civil code), education assistance (article 1189 of the new code of Civil proceedings (NCPC)), guardian ship and trusteeship (article 1246 of the new code of Civil proceedings (NCPC))) or by the French Court which decides that the persons concerned cannot be heard to the satisfaction of the Court by any other means.(ie article R133 of the criminal proceedings (code de procedure penal))

Allowances for travel and visitor's day (accomodation and meal) (Articles R133 to R138 and R111 of the criminal proceedings code (cpp)) (decree N°2006-781 of 3rd July 2006 and arrêté of 3rd july 2006 of the decree N°2006-781 of 3rd July 2006, JO n153 of 4th july 2006 texte n° 17)

As an example the allowances granted for travel by car is 0,006 € per kilometer.

As an example the allowances granted for visitor's day in France for meal the lump sum is 15,25 € and the maximum rate for accomodation is 60 € per night . For example the allowances granted for visitor's day in Portugal is 146 € (Before tax) (ie ANNEXE 1 of the arrêté of 3rd july 2006 of the decree N°2006-781 of 3rd July 2006, JO n153 of 4th july 2006 texte n° 17)

- Application of Legal Aid for a cross-border dispute for which the sitting Court is another member state than France. As an example a French resident who wishes to apply for a legal aid in Belgium.

Legal aid application shall be completed, and supporting documents translated in the official languages of the receiving authority on a standard form. (The French state shall support the translation of the application and of the necessary supporting documents in accordance with the article R122 of the criminal proceedings code (code de procédure pénal) **The Written translation fees per page is 11,13 €(before tax).If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%. Besides if legal aid is refused to the claimant, then this later will have to reimburse the French state).** There is a unique application form for legal aid in cross border dispute JO L 225 du 31.08.2005, p. 0023 - 0027  (PDF File 149 KB).

This application is send to the French Central authority namely the *Bureau de l'entraide Civile et Commerciale internationale* of the Ministry of Justice:


Ministère de la Justice
Direction des Affaires Civiles et du Sceau
Bureau de l'entraide Civile et Commerciale internationale
13 Place Vendôme
75042, PARIS Cedex 01

Tel.: 00 33 (0)1 44 77 61 05
Fax: 00 33 (0)1 44 77 61 22
e-mail: Entraide-Civile-internationale@justice.gouv.fr

, or the claimant may directly send his request to the appropriate central authority the member state where the Court is sitting. You may consult the following website to have access to any central authority in europe :

http://europa.eu.int/comm/justice_home/judicialatlasCivil/html/index.htm

Regarding the enforcement of a decision in another country than France then if legal aid is granted then the legal aid office will pay for the notification fees and, if necessary the translation fees of the decision.

There is a unique application form for legal aid in cross border dispute JO L 225 du 31.08.2005, p. 0023 - 0027  (PDF File 149 KB).

Besides the state of the legal aid application claimant supports the translation of the demand as well as of the supporting document .

10.5 Conclusions and recommendations

The main problem with the state legal aid is that the fees paid to the lawyers providing state legal aid are several times lower than is the market price and does barely covers the lawyers 'tax. Therefore, the compensation provided is not in accordance with the quality of the lawyer's intervention.

11 Personal experience

In my career, I have you been confronted with cross-border issues were I was not able to evalauate clearly the costs. **For instance it was regarding the execution of a pledge and security attached to a property proceedings in a member state due to the complexity of the proceedings and hence the difficulty to ascertain the fees attached to it.**

Despite, the cooperation with lawyers residing in another European member are professionnall and pleasant.

The costs that I will drive down is the fees, not the average amount granted per hour but regulate the hours spendt or at least paying a decreasing scale fees after crossing the limit of time.

The best practice in your opinion in terms of costs transparency is communication.

LEGAL PROTECTION INSURANCE

In France, insurances cover the risk of litigation incivil proceedings mostly as an add-on to the household or vehicule insurance although individually as well and I am very favorable to this process, its facilate citizen's access to justice. I think it can help to deliver the communication of justice and costs to citizens, make justice closer to them and provide with more confidence in justice than they currently have. Besides, a new Law n° 2007-210 of 19 February 2007 is enforced since February with regard to legal protection insurance "assurance de protection juridique" provides that an insured with legal protection coverage must be assisted or represented by legal counsel (and not only by their insurer) if they or their insurer are informed that the opposing party is being assisted or represented by counsel. The lawyer fees are to be negotiated by the lawyer and the insured, not the insurer. The legislation further provides that an insurer may not provide on insured with the name of a lawyer unless such information is requested by the insured in writing. The only risk of this regulation is that the insurance industry will increased costs for insureds and as a result will limit access to coverage.

12 Case studies are annexed to the report at the end of the annex 1 questionnaire.

12.1 Case study 1

12.2 Case Study 2

12.3 Case Study 3

12.4 Case Study 4

12.5 Case Study 5

CASE STUDIES

The following case studies have been devised to provide a practical insight into the costs of justice.

Each case will have its own specificities, complications and resulting costs. However, a number of basic situations have been identified as representative of many cases that are brought before the Courts. These are used hereunder to illustrate the answers otherwise provided in the answers to the different questionnaires submitted as part of this study.

In the following case studies, you are asked to advise a party to a dispute on the costs that it will probably incur as a result of the legal actions undertaken. For obvious reasons some of the costs will only be approximations. Your advice will be provided by completing the table of costs that follows the presentation of the case studies.

12.6 Case Study number 1 - Family Act - Divorce (excluding division of matrimonial property)

In the following Case Study please advise the party that files for divorce on litigation costs.

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

Case B - Transnational situation: Two nationals from a same Member State (Member State A) get married. The marriage is celebrated in Member State A. After the wedding, the couple moves to live and work in 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. Upon her return to Member State A, the wife immediately files for a divorce before the Courts of Member State B¹⁹.

¹⁹N.B : Article 3 of Regulation EC n°2201/2003 provides that: “In matters relating to divorce, legal separation or marriage annulment, jurisdiction shall lie with the Courts of the Member State

(a) in whose territory:

- the spouses are habitually resident, or
- the spouses were last habitually resident, insofar as one of them still resides there”

12.7 Case Study number 2 - Family Act - Custody of the children (excluding alimony questions)

In the following Case Study please advise the suing party on litigation costs by completing the table below.

Case A - National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A Court decision grants custody of the child to the mother and a right of access to the father. The mother sues to limit the father's right of access.

Case B - Transnational situation where you are a Lawyer in Member State A: Two persons have lived together unmarried in a Member State (Member State B) for a number of years. They have a child together but separate immediately after the child's birth. A Court decision in Member State B gives the child's custody to the mother with a right of access to the father. The mother and the child move to live in another Member State (Member State A) as authorized to do so by the Court decision and the father remains in Member State B. A few years later, the mother sues in Member State A to change the father's right of access²⁰.

12.8 Case Study number 3 - Family Act - Alimony

In the following Case Study please advise the suing party on litigation costs by completing the table below.

Case A - National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A Court decision grants custody of the child to the mother. The only outstanding dispute relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this.

²⁰ N.B : Article 8 of Regulation EC n° 2201/2003 provides that : "The Courts of a Member State shall have jurisdiction in matters of parental responsibility over a child who is habitually resident in that Member State at the time the Court is seized."

Case B - Transnational situation where you are a Lawyer in Member State A: Two persons have lived together unmarried in a Member State (State B). They have a three year old child. They separate. A Court decision in Member State B gives the child's custody 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 establish their residence.

An outstanding dispute remains. This relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this in Member State A²¹.

12.9

12.10

12.11 Case Study number 4 - Commercial Act - Contract

In the following Case Study please advise the seller on litigation costs by completing the table below.

Case A - National situation: A company delivered goods worth 20.000 euros. The seller has not been paid because the buyer considers that the goods do not conform to what was agreed. The seller believes that the goods conform to what was agreed and asks for payment in full because he asserts that the goods were purpose made and he will not be able to sell them to someone else. The seller decides to sue to obtain the full payment of the price.

Case B - Transnational situation: A company whose head office is located in Member State B delivers goods worth 20.000 euros to buyer in Member State A. The contract is subject to Member State B's Act and written in Member State B's language. This seller has not been paid because the buyer located in Member State A considers that the goods do not conform to what was agreed. The seller believes that the

²¹ NB Article 5 of COUNCIL REGULATION (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in Civil and Commercial matters provides that: "in matters relating to maintenance, in the Courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the Court which, according to its own Act, has jurisdiction to entertain those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties"

goods conform to what was agreed and asks for payment in full because he asserts that the goods were purpose made and he will not be able to sell them to someone else. The seller decides to sue in Member State A to obtain full payment of the price as provided under the contract with the buyer.

12.12

12.13

12.14 Case Study number 5 - Commercial Act - Responsibility

In the following Case Study please advise the customer on litigation costs by completing the table below.

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.

TABLES TO COMPLETE IN ANSWERING EACH CASE STUDY

Case n° 1

Case Study	Court			Appeals			ADR	
	Initial Court fees	Transcription fees	Other fees	Initial Court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs

Case 1A	0	0	0	0	2 € per document	0	YES CONCILIATION	0
Case 1B	<p>Unless stipulated otherwise in international agreements, according to article 310 of the Civil Code, divorce and legal separation are governed by French Act: where both spouses are of French nationality.</p> <p>So I will advice to file for a divorce before the Court of the same nationality of the spouses which in this present case the French Court</p>	0	<p>NO</p> <p>Decisions taken with regard to divorce are recognised <i>ipso jure</i> without any particular procedure, except in cases where such decisions must result in the attachment of goods or coercion on persons. The same applies if it is necessary to enforce maintenance payments or a decision concerning parental authority</p>	0	2 € per document	0	YES CONCILIATION	0

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ?	Pre-judgment costs	Post-judgment costs	Is use compulsory ?	Cost
Case 1A	<p>Not necessary</p> <p>The judge can be applied to by a simple request and without the need for a Lawyer. The request must indicate the object of the request and briefly explain the reasons for the request. It should be accompanied by supporting evidence such as certificates and any other documents concerning the request.</p>	<p>None</p> <p>The judge decides without any formalities on the respective requests of the parties.</p> <p>In case of lawyers fees are usually an agreed sum between 750 € and 1200 € (before tax)</p>	<p>Not necessary</p> <p>NeverthelessThe judge in family matters may also be applied to in chambers by a writ of summons, which involves the intervention of a bailiff.</p>	<p>Bailiffs intervention Statutory tariffs and free fees: 40 ,00 € to 180,00 € (after tax)</p>	<p>0€</p>	<p>No</p> <p>Possible Spychological expertise if requierd by the judge or the party</p>	<p>+/- 1000 € (before tax)</p>
Case 1B	<p>Not necessary</p>	<p>None</p> <p>The judge decides without any formalities</p>	<p>Not necessary</p> <p>The judge in family matters may also be applied to in chambers by a writ of</p>	<p>Bailiffs intervention Statutory tariffs and free fees: 40 ,00 € to 180,00 € (after tax)</p>	<p>Notification of the decision to the other member state. 36,30 € (before</p>	<p>No</p> <p>Possible Spychological expertise if requierd by the judge or the party</p>	<p>+/- 1000 € (before tax)</p>

		<p>on the respective requests of the parties.</p> <p>In case of lawyers fees are usually an agreed sum between 750 € and 1200 € (before tax)</p>	summons, which involves the intervention of a bailiff.		tax)		
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Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case 1A	Yes but not necessary in this case	<p>Allowances for appearances per day before tax : minimum=34 ,58 € , maximum =67,66 €</p> <p>Allowances granted for travel by car is 0,006 € per kilometer.</p> <p>Allowances granted for visitor's day in France for meal the lump sum is 15,25 € and the maximum rate for accommodation is 60 € per night</p>	no	0€	no	0€
Case 1B	yes	<p>Allowances for appearances per day before tax : minimum=34 ,58 € , maximum =67,66 €</p>	no	0€	no	0€

		<p>Allowances granted for travel by car is 0,006 € per kilometer.</p> <p>allowances granted for visitor's day (mea land accomodation) is a fixed scale : as a example in Portugal is 146 €</p>				
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Case	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?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
Case 1A	<p>Yes</p> <p>From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid and €1311 for partial legal aid. In both cases, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>If your resources exceed the limits, you may still be able to receive legal aid exceptionally if your action is particularly worthy of interest given its subject-matter and the likely cost (section 6 of the 1991 Act).</p>	<p>YES</p> <p>From 1 January 2007 the monthly resources limit for a single person is €859 for full legal aid, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>The resources statement is not required if you are entitled to benefits from the National Solidarity Fund or to the Occupational Integration Minimum Income, or if you are</p>	Resources conditions (articles 4 to 6 of the Act n° 91-647 of the Act of 10th July 1991)	<p>If the party receiving legal aid is the losing party then in accordance with article 42 of the Act n° 91-647 of 10 July 1991, the Court may by reasoned decision order the losing party to pay exclusively in whole or in part with the state, the depends, it specifies how they are to be shared.</p> <p>Besides, the state may be reimbursed by the losing party who has not received legal aid (ie article 43 of the Act n° 91-</p>	For the state, all fees occurred.	In case of Partial aid, the lawyers fees agreed with the recipient of partial legal aid.	No legal aid is provided only by the state.

		entitled to a war veteran's or victim's pension.		647 of the 10 July 1991) either entirely or partly. The Court gives its decision on an equitable basis, having regard also to the losing party's ability to pay. The Court has the power to order that no costs order be made.			
Case 1B	<p>Yes</p> <p>From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid and €1311 for partial legal aid. In both cases, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>If your resources exceed the limits, you may still be able to receive legal aid exceptionally if your action is particularly worthy of interest given its subject-matter and the likely cost (section 6 of the</p>	<p>YES</p> <p>From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>The resources statement is not required if you are entitled to benefits from the National</p>	Resources conditions (articles 4 to 6 of the Act n° 91-647 of the Act of 10th July 1991)	<p>If the party receiving legal aid is the losing party then in accordance with article 42 of the Act n° 91-647 of 10 July 1991, the Court may by reasoned decision order the losing party to pay exclusively in whole or in part with the state, the dependants, it specifies how they are to be shared.</p> <p>Besides, the state may be</p>	For the state, all fees occurred.	In case of Partial aid, the lawyers fees agreed with the recipient of partial legal aid.	No legal aid is provided only by the state

	1991 Act).	Solidarity Fund or to the Occupational Integration Minimum Income, or if you are entitled to a war veteran's or victim's pension.		reimbursed by the losing party who has not received legal aid (ie article 43 of the Act n°91-647 of the 10 july 1991)either entirely or partly. The Court gives its decision on an equitable basis, having regard also to the losing party's ability to pay. The Court has the power to order that no costs order be made.			
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Case	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	Approximative cost?
Case 1A	<p>all documents have to be translated into French if they are presented in French Courts</p> <p>When the judge does not master the language of one party.</p>	<p>Hour (before tax) □ between 10 and 19 euros for verbal translation</p> <p>Page (before tax) □ between 10 and 19 euros for written translation</p> <p>If the translation concerns another language than English, German, Spanish or Italian, usually the fees are increased of 25%.</p>	NA except in case of deaf party	<p>The Written translation fees per page is 11,13 €(before tax).</p> <p>The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14,79€ (before tax) in the others departments : 13,26 €(before tax). For each additional half hour respectively</p>	NA	NA

				<p>7,32 or 6,71 €.</p> <p>If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.</p>		
Case 1B	<p>all documents have to be translated into French if they are presented in French Courts</p> <p>When the judge does not master the language of one party.</p>	<p>Hour (before tax) <input type="checkbox"/> between 10 and 19 euros for verbal translation</p> <p>Page (before tax) <input type="checkbox"/> between 10 and 19 euros for written translation</p> <p>If the translation concerns another language than English, German, Spanish or</p>	NA except in case of deaf party	<p>The Written translation fees per page is 11,13 €(before tax).</p> <p>The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14,79€ (before tax) in the others</p>	NA	NA

		<p>Italien, usually the fees are increased of 25%.</p>		<p>departments : 13,26 €(before tax). For each additional half hour respectively 7,32 or 6,71 €.</p> <p>If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.</p>		
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1. 1. Case 2

Case	Court			Appeals			ADR	
	Initial Court fees	Transcription costs	Other fees	Initial Court fees	Transcription fees	Other fees	Is this option open for this type of case	Costs ?
Case 2A	0	0	0	0	2 € per document	0	Yes mediation Family conflicts code Civil, art. 373-2-10 Any judge to whom a dispute is referred may, with the consent of the parties, have recourse to mediation.	The mediator's remuneration is set by the judge and is the responsibility of the parties, who must make a provisional payment at the start of the procedure, with the exception of impecunious parties who are eligible for legal aid. <u>The mediation costs is</u> <u>Divided between the</u> <u>Parties.</u> <u>To the mediation fees</u> <u>which is</u> <u>45 euros</u> <u>per hour (1</u>

								<u>tax)</u> <u>you have</u> <u>to add</u> <u>the adminst</u> <u>fees</u> <u>which vary</u> <u>between</u> <u>50 to 65 € (</u> <u>tax)</u> <u>The VAT is</u> <u>19,6</u>
Case 2B	0	0	<p>As the procedure was not undertaken within the framework of divorce proceedings, the conventional exequatur procedure is applicable. This procedure is entered by a writ of summons before the president of the Court of first instance.</p> <p>The territorially competent Court is the Court of the defendant's place of residence. If the defendant is not domiciled or resident in France, the applicant is entitled to apply to the Court of their choice</p>	0	2 € per document	<p>As the procedure was not undertaken within the framework of divorce proceedings, the conventional exequatur procedure is applicable. This procedure is entered by a writ of summons before the president of the Court of first instance.</p> <p>The territorially</p>	NO	NO

			provided this meets the requirements for the proper administration of justice.			competent Court is the Court of the defendant's place of residence. If the defendant is not domiciled or resident in France, the applicant is entitled to apply to the Court of their choice provided this meets the requirements for the proper administration of justice.		
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Case	Lawyer		bailiff			Expert	
	<i>Is representation compulsory?</i>	<i>Average costs?</i>	<i>Is representation compulsory?</i>	<i>Pre-judgment costs</i>	<i>Post-judgment costs</i>	<i>Is use compulsory?</i>	<i>Cost</i>
Case 2A	Not necessary The judge can be applied to by a simple request and without the need for a Lawyer. The request must indicate the object of the request and briefly explain the reasons for the request. It should be	None The judge decides without any formalities on the respective requests of the parties.	Not necessary NeverthelessThe judge in family matters may also be applied to in chambers by a writ of summons, which involves the intervention of a bailiff.	Bailiffs intervention Statutory tariffs and free fees: 40 ,00 € to 180,00 € (after tax)	0€	No Possible Spychological expertise if requierd by the judge or the party	+/- 1000 € (before tax)

	accompanied by supporting evidence such as certificates and any other documents concerning the request.	In case of lawyers fees are usually an agreed sum between 750 € and 1200 € (before tax)					
Case 2B	Not necessary But recommended	In case of lawyers fees are usually an agreed sum between +/- 1500 € (before tax)	Yes	Bailiffs intervention Statutory tariffs and free fees: 40 ,00 € to 180,00 € (after tax)	0€	No Possible Spychological expertise if requierd by the judge or the party	+/- 1000 € (before tax)

Case	Witness compensation		Pledge or security		Other fees	
	<i>Are witnesses compensated ?</i>	<i>Cost</i>	<i>Does this exist and when and how is it used ?</i>	<i>Cost</i>	<i>Description</i>	<i>Cost</i>
Case 2A	Yes	Allowances for appearances perdy beofre tax : minimum=34 ,58 € , maximum =67,66 € Allowances granted for travel by car is 0,006 € per kilometer. Allowances granted for visitor's day in France for meal the lump sum is 15,25 € and the maximum rate for accomodation is 60 € per night	no	0€	no	0€

Case 2B	Yes	<p>Allowances for appearances per day before tax : minimum=34,58 €, maximum =67,66 €</p> <p>Allowances granted for travel by car is 0,006 € per kilometer.</p> <p>Allowances granted for visitor's day (meal and accommodation) is a fixed scale : as an example in Portugal is 146 €</p>	no	0€	no	0€
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Case	Legal aid			Reimbursement			
	<i>When and under which conditions is it applicable</i>	<i>When the support is total</i>	<i>Conditions ?</i>	<i>Can the winning party obtain reimbursement of litigation costs?</i>	<i>If reimbursement is not total what is the percentage in general?</i>	<i>What costs are never reimbursed?</i>	<i>Are there instances when legal aid should be reimbursed to the legal aid organisation?</i>
Case 2A	<p>Yes</p> <p>From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid and €1311 for partial legal aid. In both cases, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>If your resources exceed the limits, you may still be able to receive legal</p>	<p>YES</p> <p>From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>The resources statement is not required if you are entitled to benefits from the National Solidarity Fund or to the Occupational Integration Minimum Income, or if you are entitled to a war veteran's or victim's pension.</p>	<p>Resources conditions (articles 4 to 6 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Nationality conditions (articles 2 to 3.1 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Residence conditions (articles 2 to 3.1 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Legal aid is given if the action is not manifestly inadmissible or devoid of substance</p>	<p>If the party receiving legal aid is the losing party then in accordance with article 42 of the Act n° 91-647 of 10 July 1991, the Court may by reasoned decision order the losing party to pay exclusively in whole or in part with the state, the depends, it specifies how they are to be shared.</p> <p>Besides, the state may be reimbursed by the losing party who has not received legal aid (ie article 43 of the Act n° 91-647 of the 10 July 1991) either entirely or partly. The Court gives its decision on an equitable basis, having regard also to the losing party's ability to pay. The Court has the power to order that no costs order be made.</p>	For the state, all fees occurred.	In case of Partial aid, the lawyers fees agreed with the recipient of partial legal aid.	<p>No Legal aid is provided only by the state;</p> <p>In case of cancel of the legal aid benefice, all the sums granted must be reimbursed to the state (article 52 of the Act n° 91-647 of the Act of 10th July 1991)</p>

	aid exceptionally if your action is particularly worthy of interest given its subject-matter and the likely cost (section 6 of the 1991 Act).						
Case 2B	<p>Yes</p> <p>From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid and €1311 for partial legal aid. In both cases, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>If your resources exceed the</p>	<p>YES</p> <p>From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>The resources statement is not required if you are entitled to benefits from the National Solidarity Fund or to the Occupational Integration Minimum Income, or if you are entitled to a war veteran's or</p>	<p>Resources conditions (articles 4 to 6 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Nationality conditions (articles 2 to 3.1 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Residence conditions (articles 2 to 3.1 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Legal aid is given if the action is not manifestly inadmissible or devoid of substance</p>	<p>If the party receiving legal aid is the losing party then in accordance with article 42 of the Act n° 91-647 of 10 July 1991, the Court may by reasoned decision order the losing party to pay exclusively in whole or in part with the state, the dependants, it specifies how they are to be shared.</p> <p>Besides, the state may be reimbursed by the losing party who has not received legal aid (ie article 43 of the Act n° 91-647 of the 10 July 1991) either entirely or partly. The Court gives its decision on an equitable basis, having regard also to the losing party's ability to pay. The Court has the power to order that no costs order be made.</p>	For the state, all fees occurred.	In case of Partial aid, the lawyers fees agreed with the recipient of partial legal aid.	<p>No Legal aid is provided only by the state;</p> <p>In case of cancel of the legal aid benefice, all the sums granted must be reimbursed to the state (article 52 of the Act n° 91-647 of the Act of 10th July 1991)</p>

	limits, you may still be able to receive legal aid exceptionally if your action is particularly worthy of interest given its subject-matter and the likely cost (section 6 of the 1991 Act).	victim's pension.					
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Case	Translation		Interpretation		Other costs specific to cross -border disputes?	
	<i>When and under which conditions is it necessary ?</i>	<i>Approximatif cost?</i>	<i>When and under which conditions is it necessary?</i>	<i>Approximative cost ?</i>	<i>Description</i>	<i>Approximative costs?</i>
Case 2A	<p>all documents have to be translated into French if they are presented in French Courts</p> <p>When the judge does not master the language of one party.</p>	<p>Hour (before tax) <input type="checkbox"/> between 10 and 19 euros for verbal translation</p> <p>Page (before tax) <input type="checkbox"/> between 10 and 19 euros for written translation</p> <p>If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.</p>	NA except in case of deaf party	<p>The Written translation fees per page is 11,13 €(before tax).</p> <p>The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14,79€ (before tax) in the others departments : 13,26 €(before tax). For each additional half hour respectively 7,32 or 6,71 €.</p> <p>If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.</p>	NA	NA
Case 2B	<p>all documents have to be translated into French if they are presented in French Courts</p> <p>When the judge does not master the language of one party.</p>	<p>Hour (before tax) <input type="checkbox"/> between 10 and 19 euros for verbal translation</p> <p>Page (before tax) <input type="checkbox"/> between 10 and 19 euros for written translation</p> <p>If the translation concerns another</p>	NA except in case of deaf party	<p>The Written translation fees per page is 11,13 €(before tax).</p> <p>The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14,79€ (before tax) in the others departments : 13,26 €(before tax). For each additional half hour respectively 7,32 or 6,71</p>	NA	NA

		language than English, German, Spanish or Italien, usually the fees are increased of 25%.		€. If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.		
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1. 2. Case 3

Case	Court			Appeals			ADR	
	Initial Court fees	<i>Transcription costs</i>	<i>Other fees</i>	<i>Initial Court fees</i>	<i>Transcription fees</i>	<i>Other fees</i>	<i>Is this option open for this type of case</i>	<i>Costs ?</i>
Case 3A	0	0	0	0	2€ per page	0	No	no
Case 3B	0	0	No except translation of documents such as all the documents that give evidence of their needs, such as salary statements, a non-taxability declaration, an unemployment certificate or a certificate attesting to a long illness, rent, dependent children, maintenance and education costs, loans, etc. +/- 20 € per page	0	2€ per page	No except translation of documents such as all the documents that give evidence of their needs, such as salary statements, a non-taxability declaration, an unemployment certificate or a certificate attesting to a long illness, rent, dependent children, maintenance and education costs, loans, etc. +/- 20 € per page	No	no

Case	Lawyer		bailiff			Expert	
	<i>Is representation compulsory?</i>	<i>Average costs?</i>	<i>Is representation compulsory?</i>	<i>Pre-jugement costs</i>	<i>Post-judgment costs</i>	<i>Is use compulsory?</i>	<i>Cost</i>
Case 3A	Not necessary But recommended	In case of lawyers fees are usually an agreed sum between +/- 1500 € (before tax)	No choice of the party	Bailiffs intervention Statutory tariffs and free fees: 40 ,00 € to 180,00 € (after tax)	0€	No Possible Spychological expertise if requierd by the judge or the party	+/- 1000 € (before tax)
Case 3B	Not necessary But recommended	In case of lawyers fees are usually an agreed sum between +/- 1500 € (before tax)	No choice of the aprty	Bailiffs intervention Statutory tariffs and free fees: 40 ,00 € to 180,00 € (after tax)	0€	No Possible Spychological expertise if requierd by the judge or the party	+/- 1000 € (before tax)

Case	Witness compensation		Pledge or security		Other fees	
	<i>Are witnesses compensated ?</i>	<i>Cost</i>	<i>Does this exist and when and how is it used ?</i>	<i>Cost</i>	<i>Description</i>	<i>Cost</i>
Case 3A	Yes	Allowances for appearances perdy beofre tax :	no	0€	no	0€

		<p>minimum=34 ,58 € , maximum =67,66 €</p> <p>Allowances granted for travel by car is 0,006 € per kilometer.</p> <p>Allowances granted for visitor's day in France for meal the lump sum is 15,25 € and the maximum rate for accomodation is 60 € per night</p>				
Case 3B	Yes	<p>Allowances for appearances per day before tax : minimum=34 ,58 € , maximum =67,66 €</p> <p>Allowances granted for travel by car is 0,006 € per kilometer.</p> <p>Allowances granted for visitor's day in France for meal the lump sum is 15,25 € and the maximum rate for accomodation is 60 € per night</p>	no	0€	no	0€

Case	Legal aid			Reimbursement			
	<i>When and under which conditions is it applicable</i>	<i>When the support is total</i>	<i>Conditions ?</i>	<i>Can the winning party obtain reimbursement of litigation costs?</i>	<i>If reimbursement is not total what is the percentage in general?</i>	<i>What costs are never reimbursed?</i>	<i>Are there instances when legal aid should be reimbursed to the legal aid organisation?</i>
Case 3A	<p>Yes From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid and €1311 for partial legal aid. In both cases, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>If your resources exceed the limits, you may still be able to receive legal</p>	<p>YES From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>The resources statement is not required if you are entitled to benefits from the National Solidarity Fund or to the Occupational Integration Minimum Income, or if you are entitled to a war veteran's or victim's pension.</p>	<p>Resources conditions (articles 4 to 6 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Nationality conditions (articles 2 to 3.1 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Residence conditions (articles 2 to 3.1 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Legal aid is given if the action is not manifestly inadmissible or devoid of substance</p>	<p>If the party receiving legal aid is the losing party then in accordance with article 42 of the Act n° 91-647 of 10 July 1991, the Court may by reasoned decision order the losing party to pay exclusively in whole or in part with the state, the depends, it specifies how they are to be shared.</p> <p>Besides, the state may be reimbursed by the losing party who has not received legal aid (ie article 43 of the Act n° 91-647 of the 10 July 1991) either entirely or partly. The Court gives its decision on an equitable basis, having regard also to the losing party's ability to pay. The Court has the power to order that no costs order be made.</p>	For the state, all fees occurred.	In case of Partial aid, the lawyers fees agreed with the recipient of partial legal aid.	<p>No Legal aid is provided only by the state;</p> <p>In case of cancel of the legal aid benefice, all the sums granted must be reimbursed to the state (article 52 of the Act n° 91-647 of the Act of 10th July 1991)</p>

	aid exceptionally if your action is particularly worthy of interest given its subject-matter and the likely cost (section 6 of the 1991 Act).						
Case 3B	<p>Yes</p> <p>From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid and €1311 for partial legal aid. In both cases, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>If your resources exceed the</p>	<p>YES</p> <p>From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>The resources statement is not required if you are entitled to benefits from the National Solidarity Fund or to the Occupational Integration Minimum Income, or if you are entitled to a war veteran's or</p>	<p>Resources conditions (articles 4 to 6 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Nationality conditions (articles 2 to 3.1 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Residence conditions (articles 2 to 3.1 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Legal aid is given if the action is not manifestly inadmissible or devoid of substance</p>	<p>If the party receiving legal aid is the losing party then in accordance with article 42 of the Act n° 91-647 of 10 July 1991, the Court may by reasoned decision order the losing party to pay exclusively in whole or in part with the state, the depends, it specifies how they are to be shared.</p> <p>Besides, the state may be reimbursed by the losing party who has not received legal aid (ie article 43 of the Act n° 91-647 of the 10 July 1991) either entirely or partly. The Court gives its decision on an equitable basis, having regard also to the losing party's ability to pay. The Court has the power to order that no costs order be made.</p>	For the state, all fees occurred.	In case of Partial aid, the lawyers fees agreed with the recipient of partial legal aid.	<p>No Legal aid is provided only by the state;</p> <p>In case of cancel of the legal aid benefice, all the sums granted must be reimbursed to the state (article 52 of the Act n° 91-647 of the Act of 10th July 1991)</p>

	limits, you may still be able to receive legal aid exceptionally if your action is particularly worthy of interest given its subject-matter and the likely cost (section 6 of the 1991 Act).	victim's pension.					
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Case	Translation		Interpretation		Other costs specific to cross -border disputes?	
	<i>When and under which conditions is it necessary ?</i>	<i>Approximatif cost?</i>	<i>When and under which conditions is it necessary?</i>	<i>Approximative cost ?</i>	<i>Description</i>	<i>Approximative costs?</i>
Case 3A	<p>all documents have to be translated into French if they are presented in French Courts</p> <p>When the judge does not master the language of one party.</p>	<p>Hour (before tax) <input type="checkbox"/> between 10 and 19 euros for verbal translation</p> <p>Page (before tax) <input type="checkbox"/> between 10 and 19 euros for written translation</p> <p>If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.</p>	in case of deaf party	<p>The Written translation fees per page is 11,13 €(before tax).</p> <p>The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14,79€ (before tax) in the others departments : 13,26 €(before tax). For each additional half hour respectively 7,32 or 6,71 €.</p> <p>If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.</p>	NA	NA
Case 3B	<p>all documents have to be translated into French if they are presented in French Courts</p> <p>When the judge does not master the language of one party.</p>	<p>The Written translation fees per page is 11,13 €(before tax).</p> <p>If the translation concerns another language than</p>	NA except in case of deaf party	<p>The Written translation fees per page is 11,13 €(before tax).</p> <p>The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14,79€ (before tax) in</p>	NA	NA

	<p>in case of application of the Article 670-3 of the NCPC (new code of Civil procedure) relating to notification abroad carried out by the clerk's office of the Court</p> <p>The translator will be paid according to Article R. 122 of the Criminal Procedure Code.</p>	<p>English, German, Spanish or Italien, usually the fees are increased of 25%.</p>		<p>the others departments : 13,26 €(before tax). For each additional half hour respectively 7,32 or 6,71 €.</p> <p>If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.</p>		
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1. 3. Case 4

Case	court			Appeals			ADR	
	Initial court fees	Transcription costs	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case	Costs ?
Case 4A	0	0	0	0	2€ per page	0	<p>There is a structure for the extrajudicial settlement of consumer-related disputes, put in place by the French authorities :</p> <p>Boîte postale (P.O. Box) 5000 - 75000 Paris - France.</p> <p>This is a one-stop shop providing information and guidance to consumers and helping to settle consumer-related disputes. It brings together on a <i>département</i> level consumers' associations, professional organisations and the administration (the <i>département</i> Office of Competition, Consumer Affairs and Fraud Prevention). This mechanism is free of charge. For more information, see the site of the Direction générale de la Concurrence, de la Consommation et de la Répression des Fraudes (Office of Competition, Consumer Affairs and Fraud Prevention).</p> <p>When insurance is concerned, groups of insurance companies have drawn up</p>	0

							<p>mediation charters through which an independent mediator gives an opinion on a dispute between insured and insurer. A matter may be referred to this mediator by letter (but a registered letter with advice of receipt is preferable). The mediator is bound by the adversarial system. If mediation fails, the case may be referred to the courts within a period of two years, in principle, starting from the act that was the original cause of the dispute.</p> <p>Useful addresses :</p> <p>Médiation assurance (Insurance Mediation) : 11, rue de la Rochefoucault F-75009 PARIS</p> <p>Centre de documentation et d'information de l'assurance (Centre for Insurance Documentation and Information) (CDIA) 26, boulevard Haussmann F-75311 Paris Cedex 09</p>	
Case 4B	0	0	0	0	2€ per page	0	<p>The European consumer complaint form has been drawn up by the services of the European Commission. http://ec.europa.eu/consumers/redress/compl/cons_compl/acce_just03_en.pdf</p> <p>And its information notice : http://ec.europa.eu/consumers/redress/compl/cons_compl/acce_just03_en_guide.pdf</p> <p>It is designed to improve communication between consumers and professionals, with a view to helping them reach amicable solutions to problems which they may encounter in their various transactions.</p> <p>It is available not only on the Commission's Internet site but also from European Consumer Centres, consumer associations or other consumer assistance and information centres, and from certain professionals</p>	0

Case	lawyer		bailiff			Expert	
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	<i>Is representation compulsory?</i>	<i>Average costs?</i>	<i>Is representation compulsory?</i>	<i>Pre-judgement costs</i>	<i>Post-judgment costs</i>	<i>Is use compulsory?</i>	<i>Cost</i>
Case 4A	yes	+/-250€/h or agreed sum + /- 5000€ (before tax)	Yes	Bailiffs intervention Statutory tariffs and free fees: 40 ,00 € to 180,00 € (after tax)	no	No Possible expertise	+/-3000€
Case 4B	yes	+/-250€/h or agreed sum + /- 7000€ (before tax)	yes	Bailiffs intervention Statutory tariffs and free fees: 40 ,00 € to 180,00 € (after tax)	To notify the decision to another member state 36,30 € (before tax)	No possible expertise	+/- 3000€

Case	Witness compensation		Pledge or security		Other fees	
	<i>Are witnesses compensated ?</i>	<i>Cost</i>	<i>Does this exist and when and how is it used ?</i>	<i>Cost</i>	<i>Description</i>	<i>Cost</i>
Case 4A	Yes	<p>Allowances for appearances per day before tax : minimum=34 ,58 € , maximum =67,66 €</p> <p>Allowances granted for travel by car is 0,006 € per kilometer.</p> <p>Allowances granted for visitor's day in France for meal the lump sum is 15,25 € and the maximum rate for accommodation is 60 € per night</p>	no	0€	no	0€
Case 4B	Yes	<p>Allowances for appearances per day before tax : minimum=34 ,58 € , maximum =67,66 €</p> <p>Allowances granted for travel by car is 0,006 € per</p>	no	0€	no	0€

		<p>kilometer.</p> <p>Allowances granted for visitor's day in France for meal the lump sum is 15,25 € and the maximum rate for accomodation is 60 € per night</p> <p>Allowances granted for mea land accomodation in another member state is granted according to a fixed scale as an example for Portugal it is 146 € (Before tax)</p>				
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Case	Legal aid			Reimbursement			
	<i>When and under which conditions is it applicable</i>	<i>When the support is total</i>	<i>Conditions ?</i>	<i>Can the winning party obtain reimbursement of litigation costs?</i>	<i>If reimbursement is not total what is the percentage in general?</i>	<i>What costs are never reimbursed?</i>	<i>Are there instances when legal aid should be reimbursed to the legal aid organisation?</i>
Case 4A	<p>No if you have an insurance agreement which covers legal costs</p> <p>otherwise Yes From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid and €1311 for partial legal aid. In both cases, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent</p>	<p>YES From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>The resources statement is not required if you are entitled to benefits from the National Solidarity Fund or to the Occupational Integration Minimum Income, or if you are entitled to a war veteran's or victim's pension.</p>	<p>Resources conditions (articles 4 to 6 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Nationality conditions (articles 2 to 3.1 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Residence conditions (articles 2 to 3.1 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Legal aid is given if the action is not manifestly inadmissible or devoid of substance</p>	<p>If the party receiving legal aid is the losing party then in accordance with article 42 of the Act n° 91-647 of 10 July 1991, the Court may by reasoned decision order the losing party to pay exclusively in whole or in part with the state, the depends, it specifies how they are to be shared.</p> <p>Besides, the state may be reimbursed by the losing party who has not received legal aid (ie article 43 of the Act n° 91-647 of the 10 July 1991) either entirely or partly. The Court gives its decision on an equitable basis, having regard also to the losing party's ability to pay. The Court has the power to order that no costs order be made.</p>	For the state, all fees occurred.	In case of Partial aid, the lawyers fees agreed with the recipient of partial legal aid.	<p>No Legal aid is provided only by the state;</p> <p>In case of cancel of the legal aid benefice, all the sums granted must be reimbursed to the state (article 52 of the Act n° 91-647 of the Act of 10th July 1991)</p>

	<p>dependants.</p> <p>If your resources exceed the limits, you may still be able to receive legal aid exceptionally if your action is particularly worthy of interest given its subject-matter and the likely cost (section 6 of the 1991 Act).</p>						
Case 4B	<p>No if you have an insurance agreement which covers legal costs</p> <p>Otherwise Yes From 1 January 2007 the monthly resources limit for a single person is €874 for</p>	<p>YES From 1 January 2007 the monthly resources limit for a single person is €874 for full legal aid, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>The resources statement is not required if you are</p>	<p>Resources conditions (articles 4 to 6 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Nationality conditions (articles 2 to 3.1 of the Act n° 91-647 of the Act of 10th July 1991)</p> <p>Residence conditions (articles 2 to 3.1 of the Act n° 91-647 of the Act of 10th July 1991)</p>	<p>If the party receiving legal aid is the losing party then in accordance with article 42 of the Act n° 91-647 of 10 July 1991, the Court may by reasoned decision order the losing party to pay exclusively in whole or in part with the state, the depends, it specifies how they are to be shared.</p> <p>Besides, the state may be reimbursed by the losing party who has not received legal aid (ie article 43 of the Act n° 91-647 of the 10 July 1991) either entirely</p>	For the state, all fees occurred.	In case of Partial aid, the lawyers fees agreed with the recipient of partial legal aid.	<p>No Legal aid is provided only by the state;</p> <p>In case of cancel of the legal aid benefice, all the sums granted must be reimbursed to the state (article 52 of the Act n° 91-647 of the Act of 10th July 1991)</p>

	<p>full legal aid and €1311 for partial legal aid. In both cases, the limit is raised by €157 for the first two dependants and by €99 for the third and subsequent dependants.</p> <p>If your resources exceed the limits, you may still be able to receive legal aid exceptionally if your action is particularly worthy of interest given its subject-matter and the likely cost (section 6 of the 1991 Act).</p>	<p>entitled to benefits from the National Solidarity Fund or to the Occupational Integration Minimum Income, or if you are entitled to a war veteran's or victim's pension.</p>	<p>1991)</p> <p>Legal aid is given if the action is not manifestly inadmissible or devoid of substance</p>	<p>or partly. The Court gives its decision on an equitable basis, having regard also to the losing party's ability to pay. The Court has the power to order that no costs order be made.</p>			
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Case	Translation		Interpretation		Other costs specific to cross - border disputes?	
	<i>When and under which conditions is it necessary ?</i>	<i>Approximatif cost?</i>	<i>When and under which conditions is it necessary?</i>	<i>Approximative cost ?</i>	<i>Description</i>	<i>Approximative costs?</i>
Case 4A	<p>all documents have to be translated into French if they are presented in French Courts</p> <p>When the judge does not master the language of one party.</p>	<p>Hour (before tax) <input type="checkbox"/> between 10 and 19 euros for verbal translation</p> <p>Page (before tax) <input type="checkbox"/> between 10 and 19 euros for written translation</p> <p>If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.</p>	in case of deaf party	<p>The Written translation fees per page is 11,13 €(before tax).</p> <p>The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14,79€ (before tax) in the others departments : 13,26 €(before tax). For each additional half hour respectively 7,32 or 6,71 €.</p> <p>If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.</p>	NA	NA
Case 4B	<p>all documents have to be translated into French if they are presented in French Courts</p> <p>When the judge does not master the language of one party.</p> <p>in case of application of</p>	<p>The Written translation fees per page is 11,13 €(before tax).</p> <p>If the translation concerns another language than English, German,</p>	NA except in case of deaf party	<p>The Written translation fees per page is 11,13 €(before tax).</p> <p>The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14,79€ (before tax) in the others departments : 13,26</p>	NA	NA

	<p>the Article 670-3 of the NCPC (new code of Civil procedure) relating to notification abroad carried out by the clerk's office of the Court</p> <p>The translator will be paid according to Article R. 122 of the Criminal Procedure Code.</p>	<p>Spanish or Italien, usually the fees are increased of 25%.</p>		<p>€(before tax). For each additional half hour respectively 7,32 or 6,71 €.</p> <p>If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.</p>		
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1. 4. Case 5

Case	court			Appeals			ADR	
	Initial court fees	Transcription costs	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case	Costs ?
Case 5A	0	0	0	0	2€ per page	0	<p>There is a structure for the extrajudicial settlement of consumer-related disputes, put in place by the French authorities :</p> <p>Boîte postale (P.O. Box) 5000 - 75000 Paris - France.</p> <p>This is a one-stop shop providing information and guidance to consumers and helping to settle consumer-related disputes. It brings together on a <i>département</i> level consumers' associations, professional organisations and the administration (the <i>département</i> Office of Competition, Consumer Affairs and Fraud Prevention). This mechanism is free of charge. For more information, see the site of the Direction générale de la Concurrence, de la Consommation et de la Répression des Fraudes (Office of Competition, Consumer Affairs and Fraud Prevention).</p> <p>When insurance is concerned, groups of insurance companies have drawn up mediation charters through which an independent mediator gives an opinion on a dispute between insured and insurer. A matter may be referred to this mediator by letter (but a registered letter with advice of receipt is preferable). The mediator is bound by the adversarial system. If mediation fails, the case may be referred to the courts within a period of two years, in principle, starting from the act that was the original cause of the dispute.</p> <p>Useful addresses :</p> <p>Médiation assurance (Insurance Mediation) : 11, rue de la Rochefoucault F-75009 PARIS</p> <p>Centre de documentation et d'information de l'assurance (Centre for Insurance</p>	0

							Documentation and Information) (CDIA) 26, boulevard Haussmann F-75311 Paris Cedex 09	
Case 5B	0	0	0	0	2€ per page	0	<p>The European consumer complaint form has been drawn up by the services of the European Commission. http://ec.europa.eu/consumers/redress/compl/cons_compl/acce_just03_en.pdf</p> <p>And its information notice : http://ec.europa.eu/consumers/redress/compl/cons_compl/acce_just03_en_guide.pdf</p> <p>It is designed to improve communication between consumers and professionals, with a view to helping them reach amicable solutions to problems which they may encounter in their various transactions.</p> <p>It is available not only on the Commission's Internet site but also from European Consumer Centres, consumer associations or other consumer assistance and information centres, and from certain professionals.</p>	0

Case	lawyer		bailiff			Expert	
	<i>Is representation compulsory?</i>	<i>Average costs?</i>	<i>Is representation compulsory?</i>	<i>Pre-judgment costs</i>	<i>Post-judgment costs</i>	<i>Is use compulsory?</i>	<i>Cost</i>
Case 5A	yes	+/-250€/h or agreed sum + /- 5000€ (before tax)	Yes	Bailiffs intervention Statutory tariffs and free fees: 40 ,00 € to 180,00 € (after tax	no	No Possible expertise	+/-3000€
Case 5B	yes	+/-250€/h	yes	Bailiffs	To notify the	No	+/- 3000€

		or agreed sum + /- 7000€ (before tax)		intervention Statutory tariffs and free fees: 40 ,00 € to 180,00 € (after tax	decision to another member state 36,30 € (before tax)	possible expertise	
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Case	Witness compensation		Pledge or security		Other fees	
	<i>Are witnesses compensated ?</i>	<i>Cost</i>	<i>Does this exist and when and how is it used ?</i>	<i>Cost</i>	<i>Description</i>	<i>Cost</i>
Case 5A	Yes	<p>Allowances for appearances per day before tax : minimum=34 ,58 € , maximum =67,66 €</p> <p>Allowances granted for travel by car is 0,006 € per kilometer.</p> <p>Allowances granted for visitor's day in France for meal the lump sum is 15,25 € and the maximum rate for accommodation is 60 € per night</p>	no	0€	no	0€
Case 5B	Yes	<p>Allowances for appearances per day before tax : minimum=34 ,58 € , maximum =67,66 €</p> <p>Allowances granted for travel by car is 0,006 € per kilometer.</p> <p>Allowances granted for visitor's day in France for meal the lump sum is 15,25 € and the maximum rate for accommodation is 60 € per night</p> <p>Allowances granted for meal and accommodation in another member state is granted according to a fixed scale as an example for Portugal it is 146 € (Before tax)</p>	no	0€	no	0€

Case	Legal aid			Reimbursement			
	<i>When and under which conditions is it applicable</i>	<i>When the support is total</i>	<i>Conditions ?</i>	<i>Can the winning party obtain reimbursement of litigation costs?</i>	<i>If reimbursement is not total what is the percentage in general?</i>	<i>What costs are never reimbursed?</i>	<i>Are there instances when legal aid should be reimbursed to the legal aid organisation?</i>
Case 5A	Not applicable because you have an insurance agreement which usually covers legal costs	Not applicable because you have an insurance agreement which usually covers legal costs	Not applicable because you have an insurance agreement which usually covers legal costs	Yes	Lawyer fees are reimbursed partly around 40 %. But they can be partly recovered by the application of the article 700 of the new code of civil procedure.	Lawyer fees are reimbursed partly as well as translation fees if it is not rendered necessary by the law	NA
Case 5B	Not applicable because you have an insurance agreement which usually covers legal costs	Not applicable because you have an insurance agreement which usually covers legal costs	Not applicable because you have an insurance agreement which usually covers legal costs	yes	Lawyer fees are reimbursed partly around 40 %. But they can be partly recovered by the application of the article 700 of the new code of civil procedure	Lawyer fees are reimbursed partly as well as translation fees if it is not rendered necessary by the law	NA

Case	Translation		Interpretation		Other costs specific to cross - border disputes?	
	<i>When and under which conditions is it necessary ?</i>	<i>Approximatif cost?</i>	<i>When and under which conditions is it necessary?</i>	<i>Approximative cost ?</i>	<i>Description</i>	<i>Approximative costs?</i>
Case 5A	<p>all documents have to be translated into French if they are presented in French Courts</p> <p>When the judge does not master the language of one party.</p>	<p>Hour (before tax) <input type="checkbox"/> between 10 and 19 euros for verbal translation</p> <p>Page (before tax) <input type="checkbox"/> between 10 and 19 euros for written translation</p> <p>If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.</p>	in case of deaf party	<p>The Written translation fees per page is 11,13 €(before tax).</p> <p>The interpretation and verbal translation fees for the first hour is for Paris and in the following departments des Hauts-de-Seine, de la Seine-Saint-Denis et du Val-de-Marne 14,79€ (before tax) in the others departments : 13,26 €(before tax). For each additional half hour respectively 7,32 or 6,71 €.</p> <p>If the translation concerns another language than English, German, Spanish or Italien, usually the fees are increased of 25%.</p>	NA	NA
Case 5B	When the judge does not master the language that the parties speak Article 670-3 of the NCPC (new code of civil procedure) ²² relating to	+/-20€/page in case of application of the Article 670-3 of the NCPC (new code of civil procedure) The translator will be paid	Idem	idem	NO	NO

²² Article 670-3 of the NCPC (new code of civil procedure) "Where, with respect to a notification abroad carried out by the clerk's office of the court, the translation of the process, or of any other document, is necessary, the chief clerk or the responsible person of the clerk's office of the court requests the translator. The translator will be

	notification abroad carried out by the clerk's office of the court	according to Article R. 122 of the Criminal Procedure Code. The costs incurred due to the notification of the process abroad carried out by the clerk's office of the court will be fixed, advanced and collected, as costs set out by Article R. 93 (16°) of the Criminal Procedure Code				
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paid according to Article R. 122 of the Criminal Procedure Code. The costs incurred due to the notification of the process abroad carried out by the clerk's office of the court will be fixed, advanced and collected, as costs set out by Article R. 93 (16°) of the Criminal Procedure Code”.