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Swedish

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## Costs

Sweden

This page provides you with information about judicial costs in Sweden.

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### Regulatory framework governing fees of legal professionals

#### Lawyers

Legal professionals' fees are not regulated in Sweden. However, if legal aid is granted, an hourly fee rate determined by the government applies. In 2012, this rate is, in most cases, SEK 1 205 exclusive of VAT (i.e. SEK 1 506 inclusive of VAT). The Code of Conduct for Members of the Swedish Bar Association (advokater) states that fees charged by members of the Bar must be reasonable.

#### Fixed costs

##### Fixed costs in civil proceedings

##### Fixed costs for litigants in civil proceedings

For an application in a civil case, the applicant must pay a filing fee to the court. At present the filing fee is SEK 450 (approximately EUR 50).

In cases where out of court settlement is permitted and the value of the claim obviously does not exceed half of the base amount prescribed in the National Insurance Act (the base amount for 2012 is SEK 44 000; i.e. half the base amount for 2012 is SEK 22 000), **compensation for litigation costs** may not include other expenses, except for:

Costs arising from legal advice, which is restricted to one hour at a time for each matter dealt with; the fee charged corresponds to the amount payable for one hour of legal advice under the Legal Aid Act (1996:1619)

The application fee

Travel and subsistence costs incurred by the party or the party's legal representative in order to attend a court hearing or, if the party is not required to attend in person, the travel and subsistence costs incurred by the legal representative

Expenses incurred by witnesses

Translation costs.

Compensation is granted only if the costs incurred were necessary in order to safeguard the interests of the party concerned.

For other civil cases (i.e. where the value of the claim exceeds half of the base amount according to the National Insurance Act) no such limitations or fixed costs apply.

##### Stage of the civil proceeding where fixed costs must be paid

The filing fee must be paid to the court when the application is made. However, the **Legal Aid Act** states that if legal aid has been granted the party should pay a legal aid fee to the legal representative once the costs arise. This fee is principally based on the party's income.

#### Fixed costs in criminal proceedings

##### Fixed costs for litigants in criminal proceedings

If a **public defence counsel** is appointed for the defendant by the court, the hourly fee rate mentioned above under the title 'Lawyers' applies. A special schedule applies in relation to proceedings of short duration. If the defendant is convicted, he or she must reimburse the State for public funds spent pursuant to the court decision on remuneration for his or her defence counsel. However, the defendant is not required to pay more for the defence counsel than the amount that would have had to have been paid as the legal aid fee if legal aid had been granted.

In certain cases, counsel for the aggrieved person (i.e. the alleged victim of a crime) may be appointed pursuant to the Act concerning Counsel for the aggrieved person. The aggrieved person is not responsible for any costs payable to this counsel. If the defendant is convicted, he or she must reimburse the State in respect of public funds spent pursuant to the court decision on remuneration for the counsel for the aggrieved person. However, the defendant is not required to pay more than the amount he or she would have had to have paid if legal aid had been granted.

##### Stage of the criminal proceeding where fixed costs must be paid

If the court decides that the defendant must reimburse the State the public funds spent pursuant to the court decision on remuneration for his or her defence counsel or counsel for the aggrieved person, the amount is paid after the verdict has been pronounced.

#### Fixed costs in constitutional proceedings

##### Fixed costs for litigants in constitutional proceedings

In Sweden there are no special constitutional proceedings of this kind. A party may, however, claim damages against the State for breach of his or her human rights. If this occurs, the previously-mentioned regulation of legal professionals' fees and fixed costs is applicable.

##### Stage of the constitutional proceeding where fixed costs must be paid

The previously provided information applies.

#### Prior information to be provided by legal representatives

#### Rights and obligations of the parties

Regarding the information to be provided by a member of the Swedish Bar Association concerning the parties' rights and obligations and their prospects of success, the Swedish Code of Judicial Procedure limits itself to stating that such a member shall, in his or her practice, honestly and diligently perform the assignments entrusted to him or her, and shall always observe good advocate mores.

Furthermore, according to the Code of Conduct for Members of the Swedish Bar Association, a member should – from the start of the assignment – inform his or her client of the charging and invoicing policy. According to this Code, fees may be charged by means of an invoice rendered in respect of part of the work done, on account or by invoicing when the assignment is completed. As regards other legal representatives who are not members of the Swedish Bar Association, no statutory obligations of this kind are stipulated.

#### **Costs sources**

##### **Where can I find information on cost sources in Sweden?**

As regards legal aid, information (also provided in English) can be found on the website of the [National Legal Aid Authority \(Rättshjälpsmyndigheten\)](#). As regards court fees, information (also in English) can be found on the website of the [Swedish courts](#). Information can be also found (in almost all official EU languages) on the website of the [European Judicial Network in civil and commercial matters](#).

##### **In what languages can I obtain information on cost sources in Sweden?**

Each website specifies language availabilities.

##### **Where can I find information on mediation?**

Information on mediation is available on the website of the [European Judicial Network in civil and commercial matters](#).

##### **Where can I find additional information on costs?**

##### **Available website on cost information**

You can find information on costs on the website of the [Swedish courts](#). This is the official government website which is available in English and Swedish and provides a description of Swedish courts and court procedures.

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

The Swedish courts aim to deal with civil cases, on average, over a period of no longer than 7 months in the district court and 5 months in the court of appeal respectively. However, in 2011 most cases, on average, took 7.9 months in the district courts and 5 months in the courts of appeal. This information can be found (only in Swedish) on the website of the [Swedish courts](#), where annual reports of the Swedish courts are available.

##### **Where can I find information on the average aggregate cost for a particular type of proceeding?**

No such official information is available.

#### **Value Added Tax**

##### **What are the applicable VAT rates?**

Fees for applications to Swedish courts are exempt from VAT. The VAT rate for private legal services is 25%.

#### **Legal aid**

##### **Applicable income threshold in the area of civil justice**

In order to be granted legal aid, the applicant's income must not exceed a financial threshold, currently set at SEK 260 000 (approximately EUR 25 000). When the applicant's income is estimated, his/her economic situation as a whole is taken into account, including child maintenance expenses, property expenses or debts for example. In cross-border cases, legal aid may be granted even if the applicant's income exceeds SEK 260 000 provided that he or she cannot pay the costs. The authorisation would be based on the difference in costs of living between Sweden and the applicant's EU member state of residence.

##### **Applicable income threshold in the area of criminal justice for defendants**

Provided certain conditions are met, every defendant is entitled to representation by public defence counsel, irrespective of his or her income. If the defendant is convicted, he or she must reimburse the State for public funds spent pursuant to the court decision on remuneration for his or her defence counsel. However, the defendant is not required to pay more for the defence counsel than the amount that would have had to have been paid as the legal aid fee if legal aid had been granted.

##### **Applicable income threshold in the area of criminal justice for victims**

If certain conditions are met, every victim – irrespective of his or her income – is entitled to a counsel pursuant to the Act concerning Counsel for the aggrieved person.

##### **Other conditions attached to the granting of legal aid for victims**

In certain cases, the court can appoint an 'aggrieved party counsel', usually an attorney (advokat), to assist the victim. The victim can receive assistance from the aggrieved party counsel if he or she is the victim of a crime (aggrieved party) and has been subjected to, for example, a sexual offence, assault, unlawful deprivation of liberty, robbery, or any other offence that can lead to the imprisonment of the person having committed the offence. The court appoints the aggrieved party counsel, but this may only be done once a preliminary investigation has been initiated. The aggrieved party counsel is paid by the State and will not cost the victim anything.

##### **Other conditions attached to the granting of legal aid for defendants**

If a suspect under arrest or a detainee so requests, a public defence counsel is appointed to represent him or her. The public defence counsel is also appointed upon request for a person suspected of an offence, unless a sentence less severe than 6 months' imprisonment is prescribed by law in respect of that offence.

A public defence counsel is also appointed in the following cases:

If a defence counsel is required by the suspect in relation to the inquiry into the offence;

If a defence counsel is needed in view of a doubt concerning the sanction to be imposed and there is a reason to impose a sanction other than a fine or a conditional sentence or such sanctions linked together;

If there are specific reasons relating to the personal situation of the suspect or the subject-matter of the case.

If the suspect is represented by the defence counsel of his or her choice, no public defence counsel is to be appointed.

##### **Cost-free litigation in civil proceedings**

If legal aid is granted, the plaintiff does not have to pay a filing fee to the court. The defendant does not have to pay any fees to the court. However, the parties may be liable to the other party's litigation costs, including filing fees. There are no filing fees for appeals submitted to **courts of appeal** or to the **Supreme Court**.

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

As a rule, the losing party pays the winning party's litigation costs. Compensation for litigation costs fully covers the costs of preparing for trial and of representation by the counsel in court, and the costs involved in presenting evidence (including witnesses and experts), provided that these costs were necessary to protect the party's interests. Compensation is also payable for the time and effort expended by the winning party on account of the trial. Negotiations aimed at settling the dispute which are directly related to a party's action are considered as measures taken for the preparation of the trial.

#### **Experts' fees**

The previous answer concerning the award/compensation of costs is relevant.

#### **Translators' and interpreters' fees**

If a party, a witness or any other person to be heard by the court does not understand and speak Swedish, an interpreter is hired to assist the court. If required, the court may provide for the translation of documents filed with or dispatched from the court. The court pays the translation and interpretation fees and the parties are not liable for any of those costs.

#### **Background material**

[Sweden's country report of the Study on the Transparency of Costs of Civil Judicial Proceedings](#)  (457 Kb) 

Last update: 19/03/2013

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