Izvorna jezična inačica ove stranice de nedavno je izmijenjena. Naši prevoditelji trenutačno pripremaju jezičnu inačicu koju vidite.

njemački

Swipe to change

Costs

Njemačka

This page provides information on legal costs in Germany.

Family law – divorce
Family law – custody of children
Family law – maintenance
Commercial law – contracts
Commercial law – liability

Regulatory framework governing fees of legal professions

Lawyers

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

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

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

Bailiffs

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

Fixed costs

Fixed costs in civil proceedings

Fixed costs for litigants in civil proceedings

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

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

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

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

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

Stage of civil proceedings at which fixed costs must be paid

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

Fixed costs in criminal proceedings

Fixed costs in criminal proceedings

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

Stage of criminal proceedings at which fixed costs must be paid

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

Fixed costs in constitutional proceedings

Fixed costs for litigants in constitutional proceedings

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

Stage of constitutional proceedings at which fixed costs must be paid

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

Prior information to be provided by legal representatives

Rights and obligations of the parties

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

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

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

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

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

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

How costs are fixed – legal basis

Where can I find information on cost legislation in Germany?

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

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

The information is in German.

Where can I find additional information about costs?

Online information about costs

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

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

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

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

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

Value added tax

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

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

Legal aid

Applicable income threshold in the area of civil justice

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

Applicable income limit for defendants in criminal proceedings

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

Applicable income limit for victims in criminal proceedings

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

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

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

Other conditions attached to the granting of legal aid for defendants

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

Cost-free court proceedings

Under **§ 183 of the Social Courts Act** [*Sozialgerichtsgesetz*] (SGG), proceedings before social courts [Sozialgerichte] involve **no costs for persons entitled to benefit** (i.e. insured persons, persons on benefit including those in receipt of survivor's benefit, disabled persons and their successors, provided that they are involved in their respective capacities in court proceedings as claimants or defendants). Claimants and defendants who do not fall within categories cited in § 183 SGG must pay a **fee** in accordance with **§ 184 of the SGG** (**EUR 150** for proceedings before the social courts, **EUR 225** for proceedings before the regional social courts [Landessozialgerichte], **EUR 300** for proceedings before the Federal Social Court [Bundessozialgericht]).**§ 197a of the SGG** provides

for derogation from these special rules whereby the costs customarily payable under the Court Costs Act are also applicable in proceedings before the social courts, if neither the claimant nor the defendant in a case is among the persons mentioned in **§ 183 of the SGG**.

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

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

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

Experts' fees

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

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

Translators' and interpreters' fees

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

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

Related links

Federal Ministry of Justice and Consumer Protection
Mediation Team of the German Lawyers' Association
Federal Family Mediation Association
Federal Mediation Association
Federal Association for Economic and Professional Mediation
Centre for Mediation (CfM)
Private banking ombudsman
Public banking ombudsman
Conciliation Board of the German Bundesbank
Ombudsman of the German cooperative banking group
Private building societies ombudswoman
Regional building societies ombudsman
Advisory committees and conciliation boards of the German Medical Association
Mobility Conciliation Board
Tourist Conciliation Board
Conciliation board for local transport in North Rhine-Westphalia
Private Health and Care Insurance Ombudsman
Conciliation Board of the Federal German Funeral Directors' Association
Conciliation Board of the Federal Network Agency
Real Estate Ombudsman in the German Real Estate Association
Conciliation boards of chambers of commerce and industry
Consensus Board for Fees and Awards
Central Association of the German Motor Vehicle Industry
Latest versions of laws

Related documents

Country report by Germany concerning the study on the transparency of costs PDF (565 Kb) en

Last update: 05/09/2023

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.