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## Sagsomkostninger

Litauen

Denne side indeholder oplysninger om sagsomkostninger i Litauen.

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### Regler om salærer og honorarer til de juridiske erhverv

#### 1. Rådgivende advokater

Dette erhverv findes ikke i Litauen.

#### 2. Advokater

Advokatsalærer er ikke reguleret i Litauen. De varierer efter sagens kompleksitet og de involverede ressourcer. Salærerne må dog ikke overstige det maksimale beløb, der er fastsat efter anbefaling og godkendelse af **justitsministeren** og **formanden for rådet for Litauens advokatsamfund** (*Lietuvos advokatų tarybos pirmininkas*).

#### 3. Procederende advokater

Dette erhverv findes ikke i Litauen.

#### 4. Fogeder

Fogederne spiller kun en rolle, hvis en skyldner ikke efterkommer forpligtelserne i en dom, og der skal fremlægges tvangsfuldbyrdsdokumenter. Honorar, betaling og fritagelse fra tvangsfuldbyrdsomkostninger fastlægges i **instrukserne til domsfuldbyrdelsen**. Alle tvangsfuldbyrdsomkostninger betales af domhaveren (fordringshaveren). Under eller efter fuldbyrdelsen af dommen opkræves fogedens honorar af skyldneren.

Honorarets størrelse afhænger af typen af den nødvendige tvangsfuldbyrdelse og antallet af fogedforretninger. Visse tvangsfuldbyrdsomkostninger er faste, nogle beløber sig til 60 LTL pr. time, og andre fastsættes ud fra en procentdel af værdien af de aktiver, der er genstand for tvangsfuldbyrdelsen.

### Faste omkostninger

#### Faste omkostninger i civile sager

##### Faste omkostninger for sagens parter i civile sager

Sagsomkostningerne i **civile sager** omfatter stempelafgift og andre omkostninger, såsom repræsentation, udstedelse af retsdokumenter, honorarer til sagkyndige, vidnegodtgørelse, betaling for fuldbyrdelse osv. Stempelafgift er i visse tilfælde defineret i den civile retsplejelov med et fast beløb.

Sagsomkostninger er defineret i afsnit VIII i **den civile retsplejelov** (Civilinio proceso kodeksas).

##### Tidspunkt i en civil sag, hvor sagens parter skal betale faste omkostninger

Stempelafgiften betales normalt, inden kravet fremsættes for retten.

#### Faste omkostninger i straffesager

##### Faste omkostninger for sagens parter i straffesager

Der er ingen faste omkostninger for sagens parter i straffesager.

#### Faste omkostninger i forfatningssager

##### Faste omkostninger for sagens parter i forfatningssager

Forfatningssager er gratis, men offentligheden har ikke adgang til at anlægge en forfatningssag.

### Pligt for advokater og andre partsrepræsentanter til at give forhåndsoplysninger

Der er ikke fastsat nogen direkte pligt hertil i loven.

### Sagsomkostninger, der afholdes af den vindende part

Sagsomkostninger i civile sager er defineret i afsnit VIII i den civile retsplejelov.

### Omkostningskilder

#### Hvor kan jeg finde oplysninger om omkostningskilder i Litauen?

Der findes yderligere oplysninger i [Litauens rapport om undersøgelsen af gennemsigtigheden i omkostninger](#)  (950 Kb) .

#### På hvilke sprog kan jeg finde oplysninger om omkostningskilder i Litauen?

Oplysningerne er tilgængelige på engelsk.

#### Hvor kan jeg finde oplysninger om mediation/mægling?

Der findes flere oplysninger på følgende websted: [Domstolsmediation](#)

### Retshjælp

#### Betingelser for tildeling af retshjælp

I henhold til Litauens lovgivning findes der to typer statsgaranteret retshjælp:

**"Primær retshjælp"** (pirminė teisinė pagalba) dækker retshjælp i overensstemmelse med den procedure, der er fastlagt ved lov om statsgaranteret retshjælp, juridisk rådgivning og udfærdigelse af dokumenter, som skal indsendes til statslige og kommunale institutioner, undtagen procesdokumenter. Retshjælp omfatter også rådgivning om privat løsning af tvister, indgåelse af forlig i tvister og udarbejdelse af forslag til tvistbilæggesaftaler.

**"Sekundær retshjælp"** (antrinė teisinė pagalba) dækker udfærdigelse af dokumenter, forsvar og repræsentation i retten. Heri indgår processen med fuldbyrdelse og repræsentation i den indledende udenretlige fase af en tvist, hvor denne procedure er lovbealet eller påbudt ved en retsafgørelse. Retshjælp omfatter desuden sagsomkostninger, der er påløbet i civile retssager, i forfatningssager og i forbindelse med behandling af et civil søgsmål, der er rejst under en straffesag.

Alle litauiske borgere, borgere fra andre EU-lande, andre fysiske personer, der er lovligt bosiddende i Litauen eller andre EU-medlemsstater, samt andre personer, der er specificeret i internationale traktater, som Litauen har underskrevet, har ret til **primær retshjælp uanset deres indtægt**.

Alle litauiske borgere, borgere fra andre EU-lande og andre fysiske personer, der er lovligt bosiddende i Litauen eller andre EU-medlemsstater, kan ansøge om sekundær retshjælp. For at få sekundær retshjælp **må formue og årsindtægt ikke overstige de grænser herfor**, som er fastsat ved lov om statsgaranteret retshjælp.

**Der anvendes således et fælles tærskelsystem ved vurderingen af, om ansøgeren er underbemidlet (et maksimalt beløb, hvorunder en ansøger anses for underbemidlet).**

#### Ret til retshjælp

Regeringen har fastlagt **to formue- og indtægtsgrænser**. Ansøgernes formue og indtægt må ikke overstige den første eller anden lovfastsatte grænse. Desuden må ansøgernes årlige nettoindtægt (over de seneste tolv måneder) ikke overstige den første eller anden indtægtsgrænse i henhold til litauisk lov. Underbemidling er ikke det eneste kriterium, der anvendes til at fastslå, om en person opfylder betingelserne for at få sekundær retshjælp.

Ret til retshjælp i henhold til **første grænse** har en person, hvis årsindkomst ikke overstiger 8 000 Litas (2 318,8 EUR) plus 3 000 Litas (869,6 EUR) for hver forsørgt person. Ret til retshjælp i henhold til **anden grænse** har en person, hvis årsindkomst ikke overstiger 12 000 Litas (3 478,2 EUR) plus 4 400 Litas (1 275,3 EUR) for hver forsørgt person. Der tages ikke hensyn til ansøgerens forpligtelser over for de forsørgede personer i forbindelse med vurderingen af, om vedkommende er underbemidlet.

Omfanget af sekundær retshjælp i henhold til en ansøgers formue og indtægt skal garanteres og dækkes af staten som følger:

100% – hvis ansøgerens formue og indtægt er fastslået til at ligge under første grænse

50% – hvis ansøgerens formue og indtægt er fastslået til at ligge under den anden grænse.

Staten skal garantere og dække 100% af omkostningerne ved sekundær retshjælp, der ydes til de personer, der er specificeret i § 12 i denne lov (jf. nedenfor). Disse omkostninger betales uanset en persons formue og indtægt. Dog ikke til personer (jf. lovens § 12, stk. 6), som frit kan disponere over formue og indtægt. Disse henføres til anden grænse. Her vil staten garantere og dække 50% af omkostningerne ved sekundær retshjælp.

Nogle personkategorier har ret til sekundær retshjælp **uanset de formue- og indtægtsgrænser**, som regeringen har fastsat (i henhold til § 12 i lov om statsgaranteret retshjælp):

Personer i straffesager (i henhold til § 51 i strafferetsplejen) og i andre sager, som er specificeret i loven, når der kræves fysisk tilstedeværelse af en forsvarsadvokat

Forurettede parter i sager om erstatning for skader, der er opstået i forbindelse med kriminelle handlinger, herunder sager om krav om godtgørelse for skader som led i en straffesag

Personer, der modtager socialbidrag til lavindkomstfamilier (enlige forsørgere) i henhold til litauisk lov

Personer, der bor på institutioner

Personer, der påviseligt lider af en alvorlig sygdom, personer, hvis manglende arbejdsevne er anerkendt, personer, som har nået pensionsalderen, og personer, som har fået anerkendt særlige behov af betydeligt omfang. Dette omfatter værger, idet statsgaranteret retshjælp er nødvendig af hensyn til repræsentationen og forsvaret af myndlingens (adoptivbarnets) rettigheder og interesser

Personer, som har fremlagt bevis for, at de ikke frit kan disponere over deres formue og indtægt af objektive årsager, og for, at den formue og årsindtægt, som de af disse årsager dermed kan disponere over, ikke overstiger formue- og indtægtsgrænsen i loven om retshjælp

Personer, som har alvorlige psykiske lidelser, i tilfælde hvor spørgsmål om deres tvangsindlæggelse og behandling behandles i henhold til psykiatriloven. Dette omfatter deres værger, idet statsgaranteret retshjælp er nødvendig af hensyn til repræsentationen og forsvaret af et adoptivbarns (myndlings) rettigheder og interesser

Skyldnere i tvangsfuldbyrdelsessager, når inddrivelsen skal ske på den seneste bopælsadresse

Forældre og andre juridiske repræsentanter for mindreårige børn i forbindelse med en udsættelsessag

Mindreårige børn, når de selvstændigt begærer deres lovfæstede rettigheder eller interesser forsvaret ved en domstol. Dog ikke personer, som har indgået ægteskab i overensstemmelse med den procedure, der er beskrevet i loven, eller er blevet anerkendt af retten som havende fuld retsevne

Personer, der har tabt deres retsevne i sager, hvor det skal afgøres, om en fysisk person har retsevne

Personer, der er inddraget i sager om registrering af en fødsel

Andre personer, der er inddraget i sager i forbindelse med traktater underskrevet af Republikken Litauen.

#### Honorarer til sagkyndige

Domstolen skal dække sagkyndiges tabte arbejdsfortjeneste – som følge af deres arbejdsfravær eller daglige beskæftigelse – for hver dag, de er indkaldt i retten. De bliver betalt for at udføre en relevant undersøgelse og får refunderet alle udgifter i forbindelse med deres møde i retten, rejse og ophold samt diæter. En part, som ansøger om indkaldelse af sagkyndige, skal betale **kaution** for et beløb, som domstolen bestemmer på forhånd. Hvis begge parter ansøger om sagkyndig bistand, deles de ligeligt om kautionen. Kautionen indsættes på domstolens særlige konto.

Hvis **domstolen** i henhold til Litauens **civillov** (Lietuvos Respublikos civilinis kodeksas) eller andre love **indkalder vidner** (liudytojai) **og sagkyndige** (ekspertai) **på eget initiativ, skal udgifterne hertil afholdes af staten**. Dette kan medføre, at der afsiges kendelse om undersøgelse eller besigtigelse af stedet for begivenheden (gerningsstedet).

Når kautionens størrelse fastlægges, skal der tages hensyn til kommende udgifter. Domstolen betaler beløbene til de sagkyndige, når disse har udført deres opgaver. Domstolen skal også betale sagkyndige institutioner for udførelse af en undersøgelse ifølge en faktura, som fremsendes efter undersøgelsen.

Disse beløb vil blive hævet på domstolens særlige konto, som domstolen har åbnet i en lokal bank. Beløbene, som de sagkyndige (personer og institutioner) modtager, skal, såfremt der ikke er betalt kaution, hæves på domstolens særlige konto og **betales af den part, som domstolen har dømt til at betale omkostningerne, eller af parterne i fællesskab alt efter størrelsen af de krav, der er henholdsvis imødekommet og afvist**. Justitsministeriet fastlægger den maksimale grænse for disse omkostninger.

#### Oversætter- og tolkehonorarer

Domstolen dækker oversætteres og tolkes tabte arbejdsfortjeneste – som følge af deres fravær fra arbejdet eller deres daglige beskæftigelse – for hver dag, de er indkaldt i retten. Oversætterne/tolkene betales for deres arbejde og får refunderet alle udgifter til at kunne møde i retten, udgifter til rejse og ophold samt diæter. En part, som forelægger dokumenter for retten og kræver dem oversat til et fremmed sprog, skal betale en kaution forud for det af domstolen fastsatte beløb.

Domstolen skal betale oversætterne med statslige midler, dog ikke for oversættelse til et fremmed sprog af dokumenter, som er forelagt af parterne.

Omkostningerne ved tolkning/oversættelse under domsforhandlingerne skal **dækkes af staten**. Justitsministeriet fastlægger den maksimale grænse for disse omkostninger.

#### Relevante dokumenter

[Litauens rapport om undersøgelsen af gennemsigtigheden i omkostninger](#)  (950 Kb) 

Sidste opdatering: 07/04/2023

De nationale sprogudgaver af denne side vedligeholdes af de respektive EU-lande. Oversættelserne er lavet af Europa-Kommissionen. Eventuelle ændringer af originalen, som de kompetente nationale myndigheder har lavet, er muligvis ikke gengivet i oversættelserne. Europa-Kommissionen påtager sig ingen form for ansvar for oplysninger eller data, der optræder i nærværende dokument, eller hvortil der henvises heri. Med hensyn til de ophavsretlige regler i den medlemsstat, der er ansvarlig for nærværende side, henvises der til den juridiske meddelelse.

#### Case study 1 - family law - divorce - Lithuania

In this case study on family law – divorce, Member States were asked to advise the party that files for divorce on litigation costs in order to consider the following situations:

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

Case B – Transnational situation: Two nationals from 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 B.

#### Costs in Lithuania

##### Costs for court, appeals and alternative dispute resolution

Case Study	Court		
	Initial court fees	Transcription fees	Other fees
Case A	Spouses filing petitions to dissolve a marriage by mutual consent are exempted from the official fee in cases heard by a court.	Participants in a proceeding pay 10 Litas for a repeat copy of a court document, and 1 Litas for each page	The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.
Case B	Foreign natural or legal persons are subject to the same conditions of exemption, reduction, deferral and scheduling of payments as apply to Lithuanian citizens.	The same as in the national situation	The same as in the national situation

Case Study	Appeals		
	Initial court fees	Transcription fees	Other fees
Case A	Spouses filing petitions to dissolve a marriage by mutual consent are exempted from the official fee in cases heard by a court.	Participants in a proceeding pay 10 Litas for a repeat copy of a court document, and 1 Litas for each page	The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.
Case B	The same as in the national situation	The same as in the national situation	The same in as the national situation

Case Study	ADR	
	Is this an option open for this type of case?	Costs
Case A	Yes, after the essence of the dispute is identified in a preliminary session, the court will offer both parties the opportunity to come to a mutually acceptable compromise agreement and thus settle the case amicably.	Free
Case B	The same as in the national situation	The same as in the national situation

##### Costs for lawyer, bailiff and expert

Case Study	Lawyer	
	Is representation compulsory?	Average costs
Case A	Lawyer representation is not compulsory	See section on Legal Profession Fee Regulation above
Case B	The same as in the national situation	The same as in the national situation

Case Study	Bailiff		
	Is representation compulsory?	Pre-judgment costs	Post-judgment costs
Case A	No	No. Bailiffs play their role only after the issue of enforcement orders.	Governed by the instructions on judgment execution. Costs must be recovered from the debtor.  The amount depends on the kind of enforcement and quantity of execution

			actions – costs may be fixed, 60 Litas per hour or a percentage of the value of the relevant item(s)
<b>Case B</b>	The same as in the national situation	The same as in the national situation	The same as in the national situation

<b>Case Study</b>	<b>Expert</b>	
	<b>Is use compulsory?</b>	<b>Cost</b>
<b>Case A</b>	The court may appoint an expert or expertise for issues that require special knowledge in science, medicine, arts, engineering or craft, subject to the opinion of participants in the proceeding.	An advance surety in an amount established by the court must be paid by the requesting party. The government or an authorised institution establishes the maximum expenses. The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.
<b>Case B</b>	The same as in the national situation	The same as in the national situation

#### Costs for witness compensation, pledge or security and other relevant fees

<b>Case Study</b>	<b>Witness compensation</b>		<b>Pledge or security</b>		<b>Other fees</b>	
	<b>Are witnesses compensated?</b>	<b>Cost</b>	<b>Does this exist and when and how is it used?</b>	<b>Cost</b>	<b>Description</b>	<b>Cost</b>
<b>Case A</b>	Yes, the amounts paid to witnesses are added to the expenses connected with hearing the case	See section on Experts' Fees above.	See section on Experts' Fees above.	The court must take into account the material situation of the paying party. The amount depends on the nature of the procedural action and may not exceed 100,000 Litas	Other expenses include: 1) the inspection of a location; 2) defendant searches; 3) delivering court documents; 4) satisfying the court judgment; 5) reimbursement for curator's work; 6) others as necessary and reasonable	See section on Experts' above. Expenses for a defendant search must be paid by the party that requested a search or the court. See section on Bailiff's Fees A tutor has the right to receive remuneration for representation in line with tariffs and procedure set by government or its authorised institution. Representation costs are borne by the party on which initiative a tutor is appointed, who must pay his or her representation costs in advance
<b>Case B</b>	The same as in the national situation	The same as in the national situation	The same as in the national situation	The same as in the national situation	The same as in the national situation	The same as in the national situation

#### Costs for legal aid and other reimbursement

<b>Case study</b>	<b>Legal Aid</b>		
	<b>When and under what conditions is it applicable?</b>	<b>When is support total?</b>	<b>Conditions?</b>
<b>Case A</b>	Primary legal aid can be claimed as described in the section on Legal Aid above. Secondary legal aid is eligible under the conditions set out in the section on Legal Aid above.	The state guarantees 100% percent of the costs of primary legal aid. The costs of secondary legal aid take account of a person's property and income (see section on Legal Aid above)	Persons wishing to receive primary legal aid may apply to the executive institution of a municipality, according to declared place of residence. Persons wishing to receive secondary legal aid must apply with documents substantiating the request and attesting to eligibility for secondary legal aid.
<b>Case B</b>	The same as in the national situation	The same as in the national situation	The same as in the national situation

<b>Case study</b>	<b>Reimbursement</b>
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	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?
<b>Case A</b>	Parties that achieve mutual consent to divorce are relieved of litigation costs.		The costs of state-guaranteed legal aid and those incurred by the debtor in the execution process.	Where the provision of secondary legal aid is terminated on the grounds referred to in subparagraphs 1, 2 and 6 of paragraph 1 of article 23 of the law. Costs can be recovered from the person to whom it was provided in accordance with procedure laid down by the law. Where insurance benefits are paid out after the costs, the costs of secondary legal aid must be refunded to the state budget within one month of the payment of the insurance benefit in line with the procedure laid down by the Minister of Justice. Where a person fails to refund these costs, they must be recovered in accordance with legal procedure. Where secondary legal aid has been provided (subparagraph 6 of article 12 of the law) but where the circumstances change (subparagraph 1 of paragraph 2 of article 11) such a person must refund the amount of the secondary legal into the state budget within the time limit laid down by the service. If they fail to do so, the costs will be recovered in accordance with the required legal procedure. Where 50% cent of the costs of secondary legal aid are covered, and an applicant fails pay his or her 50% percent share of the costs of civil or administrative the proceedings within the time limits required, the case may be terminated without the court taking a decision on the merits of the matter, and the applicant must refund the costs of secondary legal aid provided within the time limits laid down by the service. The state will be represented by the legal aid service.
<b>Case B</b>	The same as in the national situation	The same as in the national situation	The same as in the national situation	The same as in the national situation

#### Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	When and under what conditions is it necessary?	Approximate cost?	Description	Approximate cost?
<b>Case A</b>	All the court documents and their annexures must be submitted to the court in the state language.	A party, whose court documents must be translated into a foreign language, must pay in advance a surety set by the court to cover litigation expenses. If both parties submit petitions, both	People who do not speak the official language, are guaranteed the right to interpretation /translation services during the proceedings.	The court must pay the amounts due to interpreters/translators from the state budget funds.		

		parties will pay the surety in equal parts.				
<b>Case B</b>	The same as in the national situation	The same as in the national situation	The same as in the national situation	The same as in the national situation		

Last update: 07/04/2023

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#### Case study 2 - family law - custody of the children - Lithuania

In this case study on family law – custody of the children, Member States were asked to advise the suing party on litigation costs on litigation costs in order to consider the following situations:

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 access.

#### Costs in Lithuania

##### Costs of court, appeals and alternative dispute resolution

Case Study	Court			Appeals		
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees
<b>Case A</b>	The official fees in cases involving disputes of separated parents over contact with the child are 100 Lit. The courts can adjust this by taking into consideration the quarter's consumer price index (now - 132)	Participants in a proceeding pay 10 Lit. for a repeat copy of a court document, and 1 Lit. for each page	The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.	The official fees in cases involving disputes of separated parents over contact with the child are 100 Lit. The courts can adjust this by taking into consideration the quarter's consumer price index (now - 132)	Participants in a proceeding pay 10 Lit. for a repeat copy of a court document, and 1 Lit. for each page	The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.
<b>Case B</b>	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation

Case Study	ADR	
	Is this option open for this type of case?	Costs
<b>Case A</b>	Yes, after the essence of the dispute is identified in a preliminary session, the court will offer both parties the opportunity to come to a mutually acceptable compromise agreement and thus settle the case amicably..	Free
<b>Case B</b>	The same as in national situation	The same as in national situation A

##### Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailliff		
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs
<b>Case A</b>	Lawyer representation is not compulsory	See section on Legal Profession Fee Regulation above	No	No	No. Bailiffs play their role only after the issue of enforcement orders Enforcement costs: 60 Lit. which bailiff can claim in every execution case, 200 Lit. for bailiff's salary, and other enforcement costs, depending on kind and quantity of execution actions.
<b>Case B</b>	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation

Case Study	Expert	
	Is use compulsory?	Cost
<b>Case A</b>	The court may appoint an expert or expertise for issues that require special knowledge in science, medicine, arts, engineering or craft, subject to the opinion of participants in the proceeding.	An advance surety in an amount established by the court must be paid by the requesting party. The government or an authorised institution establishes the maximum expenses. The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.
<b>Case B</b>	The same as in national situation	The same as in national situation

#### Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost	Description	Cost
<b>Case A</b>	Yes, the amounts paid to witnesses are added to the expenses connected with hearing the case	See section on Experts' Fees above.	See section on Experts' Fees above.	The court must take into account the material situation of the paying party. The amount depends on the nature of the procedural action and may not exceed 100,000 Litas	Other expenses include: 1) the inspection of a location; 2) defendant searches; 3) delivering court documents; 4) satisfying the court judgment; 5) reimbursement for curator's work; 6) others as necessary and reasonable	See section on Experts' above. Expenses for a defendant search must be paid by the party that requested a search or the court. See section on Bailliff's Fees. A tutor has the right to receive remuneration for representation in line with tariffs and procedure set by government or its authorised institution. Representation costs are borne by the party on which initiative a tutor is appointed, who must pay his or her representation costs in advance
<b>Case B</b>	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation

#### Costs for legal aid and other reimbursement

Case study	Legal Aid		
	When and under what conditions is it applicable?	When is support total?	Conditions?
<b>Case A</b>	Primary legal aid can be claimed as described in the section on Legal Aid above. Secondary legal aid is eligible under the conditions set out in the section on Legal Aid above.	The state guarantees 100% percent of the costs of primary legal aid. The costs of secondary legal aid take account of a person's property and income (see section on Legal Aid above)	Persons wishing to receive primary legal aid may apply to the executive institution of a municipality, according to declared place of residence. Persons wishing to receive secondary legal aid must apply with documents substantiating the request and attesting to eligibility for secondary legal aid.
<b>Case B</b>	The same as in national situation	The same as in national situation	The same as in national situation

Case study	Reimbursement		
	Can the winning party obtain reimbursement of litigation costs?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
			Where the provision of secondary legal aid is terminated on the grounds referred to in subparagraphs 1, 2 and 6 of paragraph 1 of article 23 of

<b>Case A</b>	The winning party can obtain reimbursement of litigation costs from the losing party.	The costs of state-guaranteed legal aid and those incurred by the debtor in the execution process.	the law. Costs can be recovered from the person to whom it was provided in accordance with procedure laid down by the law. Where insurance benefits are paid out after the costs, the costs of secondary legal aid must be refunded to the state budget within one month of the payment of the insurance benefit in line with the procedure laid down by the Minister of Justice. Where a person fails to refund these costs, they must be recovered in accordance with legal procedure. Where secondary legal aid has been provided (subparagraph 6 of article 12 of the law) but where the circumstances change (subparagraph 1 of paragraph 2 of article 11) such a person must refund the amount of the secondary legal aid into the state budget within the time limit laid down by the service. If they fail to do so, the costs will be recovered in accordance with the required legal procedure Where 50% cent of the costs of secondary legal aid are covered, and an applicant fails pay his or her 50% percent share of the costs of civil or administrative the proceedings within the time limits required, the case may be terminated without the court taking a decision on the merits of the matter, and the applicant must refund the costs of secondary legal aid provided within the time limits laid down by the service. The state will be represented by the legal aid service.
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#### Costs for translation and interpretation

Case study	Translation		Interpretation	
	When and under which conditions is it necessary?	Approximate cost?	When and under what conditions is it necessary?	Approximate cost?
<b>Case A</b>	All the court documents and their annexures must be submitted to the court in the state language.	A party, whose court documents must be translated into a foreign language, must pay in advance a surety set by the court to cover litigation expenses. If both parties submit petitions, both parties will pay the surety in equal parts.	People, who do not speak the official language, are guaranteed the right to interpretation/translation services during the proceedings.	The court must pay the amounts due interpreters/translators from the state budget funds.
<b>Case B</b>	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation

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#### Case study 3 - family law - alimony - Lithuania

In this case study on family law – alimony, Member States were asked to advise the suing party on litigation costs on litigation costs in order to consider the following situations:

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.

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 A.

#### Costs in Lithuania

##### Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court		
	Initial court fees	Transcription fees	Other fees
<b>Case A</b>	Plaintiffs applying for child support are exempted from the paying the official fee in cases heard by a court	Participants in a proceeding pay 10 Litass for a repeat copy of a court document, and 1 Litass for each page	The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds



<b>Case B</b>	Foreign natural or legal persons shall be applied the same conditions of exemption, reduction, deferral and scheduling of payment of litigation costs as are applied to Lithuanian persons.	The same as in national situation	The same as in national situation
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<b>Case Study</b>	<b>Appeals</b>		
	<b>Initial court fees</b>	<b>Transcription fees</b>	<b>Other fees</b>
<b>Case A</b>	Plaintiffs applying for child support are exempted from the paying the official fee in cases heard by a court	Participants in a proceeding pay 10 Litas for a repeat copy of a court document, and 1 Litas for each page	The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.
<b>Case B</b>	The same as in national situation	The same as in national situation	The same as in national situation

<b>Case Study</b>	<b>ADR</b>	
	<b>Is this option open for this type of case?</b>	<b>Costs</b>
<b>Case A</b>	Yes, after the essence of the dispute is identified in a preliminary session, the court will offer both parties the opportunity to come to a mutually acceptable compromise agreement and thus settle the case amicably	Free
<b>Case B</b>	The same as in national situation	The same as in national situation

#### Costs for lawyer, bailiff and expert

<b>Case Study</b>	<b>Lawyer</b>	
	<b>Is representation compulsory?</b>	<b>Average costs</b>
<b>Case A</b>	Lawyer representation is not compulsory.	See section on Legal Profession Fee Regulation above
<b>Case B</b>	The same as in national situation	The same as in national situation

<b>Case Study</b>	<b>Bailiff</b>		
	<b>Is representation compulsory?</b>	<b>Pre-judgment costs</b>	<b>Post-judgment costs</b>
<b>Case A</b>	No	No	No. Bailiffs play their role only after the issue of enforcement orders. Enforcement costs: 1) Periodic payments of alimony are enforced from the debtor's salary – 30 Litas for enforcement, which bailiff receives in every execution case, and other enforcement costs, depending on the kind and quantity of execution actions. 2) if alimony is recovered from debtor's property, enforcement costs in each case for execution and bailiff's salary will depend on the size of debt
<b>Case B</b>	The same as in national situation	The same as in national situation	The same as in national situation

<b>Case Study</b>	<b>Expert</b>	
	<b>Is use compulsory?</b>	<b>Cost</b>
<b>Case A</b>	The court may appoint an expert or expertise for issues that require special knowledge in science, medicine, arts, engineering or craft, subject to the opinion of participants in the proceeding.	An advance surety in an amount established by the court must be paid by the requesting party. The government or an authorised institution establishes the maximum expenses. The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.
<b>Case B</b>	The same as in national situation	The same as in national situation

#### Costs for witness compensation, pledge or security and other relevant fees

	<b>Witness compensation</b>	<b>Pledge or security</b>
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Case Study				
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Yes, the amounts paid to witnesses are added to the expenses connected with hearing the case	Yes, the amounts paid to witnesses are added to the expenses connected with hearing the case	See section on Experts' Fees above.	See section on Experts' Fees above.
Case B	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation

Case Study	Other fees			
	Description	Cost		
Case A	Other expenses include: 1) the inspection of a location; 2) defendant searches; 3) delivering court documents; 4) satisfying the court judgment; 5) reimbursement for curator's work; 6) others as necessary and reasonable	See section on Experts' above. Expenses for a defendant search must be paid by the party that requested a search or the court. See section on Bailliff's Fees A tutor has the right to receive remuneration for representation in line with tariffs and procedure set by government or its authorised institution. Representation costs are borne by the party on which initiative a tutor is appointed, who must pay his or her representation costs in advance		
Case B	The same as in national situation	The same as in national situation		

#### Costs for legal aid and other reimbursement

Case study	Legal Aid			
	When and under which conditions is it applicable?	When is support total?	Conditions?	
Case A	Primary legal aid can be claimed as described in the section on Legal Aid above. Secondary legal aid is eligible under the conditions set out in the section on Legal Aid above.	The state guarantees 100% percent of the costs of primary legal aid. The costs of secondary legal aid take account of a person's property and income (see section on Legal Aid above)	Persons wishing to receive primary legal aid may apply to the executive institution of a municipality, according to declared place of residence. Persons wishing to receive secondary legal aid must apply with documents substantiating the request and attesting to eligibility for secondary legal aid..	

Case study	Reimbursement			
	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 A	The winning party can obtain reimbursement of litigation costs from the losing party.	Where the provision of secondary legal aid is terminated on the grounds referred to in subparagraphs 1, 2 and 6 of paragraph 1 of article 23 of the law. Costs can be recovered from the person to whom it was provided in accordance with procedure laid down by the law. Where insurance benefits are paid out after the costs, the costs of secondary legal aid must be refunded to the state budget within one month of the payment of the insurance benefit in line with the procedure laid down by the Minister of Justice. Where a person	The costs of state-guaranteed legal aid and those incurred by the debtor in the execution process	Where the provision of secondary legal aid is terminated on the grounds referred to in subparagraphs 1, 2 and 6 of paragraph 1 of article 23 of the law. Costs can be recovered from the person to whom it was provided in accordance with procedure laid down by the law. Where insurance benefits are paid after the costs, the costs of secondary legal aid must be refunded to the state budget within one month of the payment of the insurance benefit in line with the procedure laid down by the Minister of Justice. Where a person

		<p>fails to refund these costs, they must be recovered in accordance with legal procedure.</p> <p>Where secondary legal aid has been provided (subparagraph 6 of article 12 of the law) but where the circumstances change (subparagraph 1 of paragraph 2 of article 11) such a person must refund the amount of the secondary legal into the state budget within the time limit laid down by the service. If they fail to do so, the costs will be recovered in accordance with the required legal procedure</p> <p>Where 50% cent of the costs of secondary legal aid are covered, and an applicant fails pay his or her 50% percent share of the costs of civil or administrative the proceedings within the time limits required, the case may be terminated without the court taking a decision on the merits of the matter, and the applicant must refund the costs of secondary legal aid provided within the time limits laid down by the service. The state will be represented by the legal aid service.</p>		<p>fails to refund these costs, they shall be recovered in accordance with legal procedure.</p> <p>Where secondary legal aid has been provided (subparagraph 6 of article 12 of the law) but where the circumstances change (subparagraph 1 of paragraph 2 of article 11) such a person must refund the costs of the secondary legal provided to the state budget within the time limit laid down by the service. If they fail to do so, the costs will be recovered in accordance with the required legal procedure</p> <p>Where 50 per cent of the costs of secondary legal aid are covered, and an applicant fails to fulfil the duty to pay 50 percent of the costs of civil or administrative the proceedings within the time limits required, the case may be terminated without the court taking a decision on the merits of the matter, and the applicant must refund the costs of secondary legal aid provided to the state budget within the time limits laid down by the service.</p> <p>Where the costs of secondary legal aid must be recovered, the state must be represented by the service.</p>
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#### Costs for translation and interpretation

Case study	Translation		Interpretation	
	When and under what conditions is it necessary?	Approximate cost?	When and under what conditions is it necessary?	Approximate cost?
<b>Case A</b>	All the court documents and their annexures must be submitted to the court in the state language.	A party, whose court documents must be translated into a foreign language, must pay in advance a surety set by the court to cover litigation expenses. If both parties submit petitions, both parties will pay the surety in equal parts.	People, who do not speak the official language, are guaranteed the right to interpretation /translation services during the proceedings.	The court must pay the amounts due to interpreters/translators from the state budget funds.
<b>Case B</b>	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation

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#### Case study 4 - commercial law - contract - Lithuania

In this case study on commercial law – contract, Member States were asked to advise the seller on litigation costs in order to consider the following situations:  
**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 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 law 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 decides to sue in Member State A to obtain full payment of the price as provided under the contract with the buyer.

#### Costs in Lithuania

#### Costs for court, appeals and alternative dispute resolution

Case Study	Court	Appeals	ADR

	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this c this typ
<b>Case A</b>	Stamp duty at 3% percent, but not less than 50 Litas (in real actions where claim does not exceed 100,000 Litas or €29,000)	Participants in a proceeding pay 10 Litas for a repeat copy of a court document, and 1 Litas for each page	The expenses connected with hearing the case: 1) inspection of a location; 2) defendant search; 3) delivering the court documents; 4) satisfying the court judgment; 5) reimbursement for expenses of the curator's work; 6) other necessary and reasonable expenses	Stamp duty at 3% percent, but not less than 50 Litas (in real actions where claim does not exceed 100,000 Litas or €29,000)	Participants in a proceeding pay 10 Litas for a repeat copy of a court document, and 1 Litas for each page	The expenses connected with hearing the case: 1) inspection of a location; 2) defendant search; 3) delivering the court documents; 4) satisfying the court judgment; 5) reimbursement of the curator's work; 6) other necessary and reasonable expenses	Yes

#### Costs for lawyer, bailiff and expert

Case Study	Lawyer
	Is representation compulsory?
<b>Case A</b>	Lawyer representation is not compulsory.
<b>Case B</b>	

Case Study	Bailiff	Expert
	Is representation compulsory?	Is use compulsory?
<b>Case A</b>	No	No
<b>Case B</b>	No	No

#### Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation	Pledge or security
	Are witnesses compensated?	Does this exist and when and how is it used?
<b>Case A</b>	Yes, the amounts paid to witnesses are added to the expenses connected with hearing the case	See section on Experts' Fees above.
<b>Case B</b>	The same as in national situation	The same as in national situation

Case Study	Other fees

	Description	Cost
<b>Case A</b>	Other expenses include: 1) the inspection of a location; 2) defendant searches; 3) delivering court documents; 4) satisfying the court judgment; 5) reimbursement for curator's work; 6) others as necessary and reasonable	See section on Experts' above. Expenses for a defendant search must be paid by the party that requested a search or the court. See section on Bailliff's Fees A tutor has the right to receive remuneration for representation in line with tariffs and procedure set by government or its authorised institution. Representation costs are borne by the party on which initiative a tutor is appointed, who must pay his or her representation costs in advance
<b>Case B</b>	The same as in national situation	The same as in national situation

#### Costs for legal aid and other reimbursement

Case study	Legal Aid	Reimbursement
	When and under which conditions is it applicable?	Can the winning party obtain reimbursement of litigation costs?
<b>Case A</b>	Legal Aid is not applicable.	The winning party can obtain reimbursement of litigation costs from the losing party
<b>Case B</b>		

#### Costs for translation and interpretation

Case study	Translation	Interpretation	
	When and under what conditions is it necessary?	When and under what conditions is it necessary?	Approximate cost?
<b>Case A</b>	All the court documents and their annexures must be submitted to the court in the state language.	People who do not speak the official language are guaranteed the right to interpretation /translation services during the proceedings.	The court must pay the amounts due to interpreters/translators from the state budget funds.
<b>Case B</b>		The same as in national situation	The same as in national situation

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#### Case study 5 - commercial law - responsibility - Lithuania

In this case study on commercial law – responsibility, Member States were asked to advise the customer on litigation costs in order to consider the following situations:

**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.

#### Costs in Lithuania

#### Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals		
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees
<b>Case A</b>	Stamp duty at 3% percent, but not less than 50 Litas (in real actions where claim does not exceed 100,000 Litas or €29,000)	Participants in a proceeding pay 10 Litas for a repeat copy of a court document, and 1 Litas for each page	The expenses connected with hearing the case: 1) inspection of a location; 2) defendant search; 3) delivering the court documents; 4) satisfying the court judgment; 5) reimbursement for	Stamp duty at 3% percent, but not less than 50 Litas (in real actions where claim does not exceed 100,000 Litas or €29,000)	Participants in a proceeding pay 10 Litas for a repeat copy of a court document, and 1 Litas for each page	The expenses connected with hearing the case: 1) inspection of a location; 2) defendant search; 3) delivering the court documents; 4) satisfying the court judgment; 5) reimbursement for

		expenses of the curator's work; 6) other necessary and reasonable expenses			expenses of the curator's work; 6) other necessary and reasonable expenses
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#### Costs for lawyer, bailiff and expert

Case Study	Lawyer	
	Is representation compulsory?	Average costs
Case A	Lawyer representation is not compulsory.	See section on Legal Profession Fee Regulation above
Case B		

Case Study	Bailiff			Expert	
	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
Case A	No	No	No. Bailiffs play their role only after the issue of enforcement orders. Enforcement costs: 1) 600 Litas if size of debt is from 50, 000 Lt (~€15,000) to 100,000 Lt (~€29,000) and 6%, but not less than 4000 Lt, of the executed debt amount as bailiff's salary, and other enforcement costs, depending on the kind and quantity of execution actions. 2) Bailiff's salary depends on size of debt.	The court may appoint an expert or expertise for issues that require special knowledge in science, medicine, arts, engineering or craft, subject to the opinion of participants in the proceeding.	An advance surety in an amount established by the court must be paid by the requesting party. The government or an authorised institution establishes the maximum expenses. The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.
Case B	No	No	Same as in a Case A		

#### Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Yes, the amounts paid to witnesses are added to the expenses connected with hearing the case	See section on Experts' Fees above.	See section on Experts' Fees above.	The court must take into account the material situation of the paying party. The amount depends on the nature of the procedural action and may not exceed 100,000 Litas

Case Study	Other fees	
	Description	Cost
Case A	Other expenses include: 1) the inspection of a location; 2) defendant searches; 3) delivering court documents; 4) satisfying the court judgment; 5) reimbursement for curator's work; 6) others as necessary and reasonable	See section on Experts' above. Expenses for a defendant search must be paid by the party that requested a search or the court. See section on Bailiff's Fees A tutor has the right to receive remuneration for representation in line with tariffs and procedure set by government or its authorised institution. Representation costs are borne by the party on which initiative a tutor is appointed, who must pay his or her representation costs in advance
Case B		

#### Costs for legal aid and other reimbursement

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Case study	Legal Aid		
	When and under which conditions is it applicable?	When is support total?	Conditions?
<b>Case A</b>	Primary legal aid can be claimed as described in the section on Legal Aid above. Secondary legal aid is eligible under the conditions set out in the section on Legal Aid above.	The state guarantees 100% percent of the costs of primary legal aid. The costs of secondary legal aid take account of a person's property and income (see section on Legal Aid above)	Persons wishing to receive primary legal aid may apply to the executive institution of a municipality, according to declared place of residence. Persons wishing to receive secondary legal aid must apply with documents substantiating the request and attesting to eligibility for secondary legal aid
<b>Case B</b>	Same as in a Case A	Same as in a Case A	Same as in a Case A

Case study	Reimbursement		
	Can the winning party obtain reimbursement of litigation costs?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organization?
<b>Case A</b>	The winning party can obtain reimbursement of litigation costs from the losing party.	The costs of state-guaranteed legal aid do shall not cover the costs that the court awards to the losing party nor the costs incurred by in the execution process.	Where the provision of secondary legal aid is terminated on the grounds referred to in subparagraphs 1, 2 and 6 of paragraph 1 of article 23 of the law. Costs can be recovered from the person to whom it was provided in accordance with procedure laid down by the law. Where insurance benefits are paid after the costs, the costs of secondary legal aid must be refunded to the state budget within one month of the payment of the insurance benefit in line with the procedure laid down by the Minister of Justice. Where a person fails to refund these costs, they shall be recovered in accordance with legal procedure. Where secondary legal aid has been provided (subparagraph 6 of article 12 of the law) but where the circumstances change (subparagraph 1 of paragraph 2 of article 11) such a person must refund the costs of the secondary legal provided to the state budget within the time limit laid down by the service. If they fail to do so, the costs will be recovered in accordance with the required legal procedure Where 50 per cent of the costs of secondary legal aid are covered, and an applicant fails to fulfil the duty to pay 50 percent of the costs of civil or administrative the proceedings within the time limits required, the case may be terminated without the court taking a decision on the merits of the matter, and the applicant must refund the costs of secondary legal aid provided to the state budget within the time limits laid down by the service. Where the costs of secondary legal aid must be recovered, the state must be represented by the service.
<b>Case B</b>	Same as in a Case A		Same as in a Case A

#### Costs for translation and interpretation

Case study	Translation		Interpretation	
	When and under what conditions is it necessary?	Approximate cost?	When and under what conditions is it necessary?	Approximate cost?

<b>Case A</b>	All the court documents and their annexures must be submitted to the court in the state language.	A party, whose court documents must be translated into a foreign language, must pay in advance a surety set by the court to cover litigation expenses. If both parties submit petitions, both parties will pay the surety in equal parts.	People who do not speak the official language, are guaranteed the right to interpretation /translation services during the proceedings.	The court must pay the amounts due to interpreters/translators from the state budget funds.
<b>Case B</b>	As per national situation	As per national situation	As per national situation	As per national situation

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