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francuski

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Costs

Francuska

In this section you will find an overview of the costs of proceedings applicable to France. For a more in-depth analysis on the costs of proceedings, please consult the following case studies: Family law – Divorce Family law – Care of children Family law – Maintenance Commercial law – Contract Commercial law – Liability

Provisions relating to the fees of legal professions

The rates are made up of **fixed fees** and **variable fees** (often as percentage of the value of the dispute). A **distinction** should be made between:
officers of the court (lawyers and legal representatives), whose remuneration is only partially fixed; for the most part, fees are agreed freely with the client.
court or public officials, whose remuneration is fixed by the regulatory framework of the French government.

Court advocates

Decree no. 80-608 of 30 July 1980 sets the rates for court advocates at the Courts of Appeal. Officers of the court / Lawyers.
Regulations set the rates for lawyers representing parties at first instance (Decree no. 72-784 of 25 August 1972 and no. 75-785 of 21 August 1975).

Court appointed process servers

The rates for court appointed process servers to serve claim forms, notices of application and court orders are dealt with in decree no. 96-1080 of 12 December 1996.

Fixed legal expenses

Legal expenses in civil proceedings

Fixed legal expenses for litigants in civil proceedings

In civil matters, there are **fees that are legally indispensable in order to pursue an action**, and their amount has been **set** either by legislation or by order of the court. These fees are known as **costs**.
They comprise:
Fees, charges, taxes or levies paid to court offices or the tax authorities (these fees or levies are rare since Law no. 77-1468 of 30 December 1977 established the principle of free public service with regard to the civil and administrative courts);
The costs of translating documents, where this is required by statute or by an international undertaking;
Witness expenses;
Remuneration of technical specialists;
Fixed outlays (fees for process servers, court advocates, lawyers);
Emoluments for court or public officials;
Remuneration of lawyers in so far as this is regulated, including pleadings and advocacy fees;
Costs incurred in serving a document abroad;
Interpreting and translation costs made necessary by evidential enquiries carried out abroad at the request of the courts under Council 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;
Social welfare reports ordered in family matters and wardship proceedings for adults and minors;
Remuneration of the person appointed by the courts to represent the interests of the child.

The stage when fixed costs must be paid in civil proceedings

Civil proceedings costs include all **sums paid out or owed by the parties** before or in the course of an action.
These are for example, before the opening of the proceedings, the **costs of consulting legal advisers**, technical specialists and **travel costs**.
In the course of the action, these costs may concern the **costs of proceedings paid to officers of the court or court officials, fees paid to the State** and **consultancy fees.**
After the proceedings, they may concern the **costs of enforcing** the judgment.

Legal costs in constitutional matters

Fixed legal expenses for litigants in constitutional proceedings

As there are no provisions for **individuals to bring an action before the Constitutional Council** under current French rules of procedure, there is no need to answer this question.

What preliminary information can I expect from my legal representative (my lawyer)?

Information relating to the parties' rights and obligations

It is a matter of **professional conduct** for officers of the court to provide their clients with information pertaining to the rights and obligations of the parties.

Sources of information relating to legal expenses

Where can I find information on legal expenses in France?

On the websites of the Ministry of Justice and various professions.

In which languages can I find information on legal expenses in France?

The information is available in French.

Where can I find other information on these expenses?

There is no website that publishes the costs of proceedings.

Value Added Tax (VAT)

Where can I find information about this? What are the applicable rates?

The **rates** are given **exclusive of taxes**. The applicable rate of VAT is still **19.6%** with the exception of services given to **recipients of legal aid** (**5.5%**).

Legal Aid

What are the income limits for receiving civil legal aid?

Legal aid makes **no distinction** between **civil or criminal** matters, or the nature of the dispute. It focuses solely on **the applicant's resources** when deciding to grant or refuse the benefit.

Thus, every **person** with **French nationality** and every **national from Member States of the European Union**, as well as **non-profit, legal entities** who wish to assert their legal rights but do not have sufficient resources may claim legal aid.

Similarly, **foreign nationals, who are habitually and lawfully resident in France,** are entitled to benefit from legal aid **in civil matters**. This condition for lawful residence is not required in criminal matters. Moreover, the benefit will not be denied to minors, irrespective of the type of proceedings involved (civil, administrative or criminal).

The resources taken into account are **the legal aid applicant's average monthly resources of the last calendar year**, as well as **the resources of persons living habitually in the applicant's home**, where appropriate. In the latter case, the acceptance ceilings for the benefit are raised by adjustments for dependants.

However, recipients of certain types of **income support** (supplementary benefit from the National Solidarity Fund or the basic guaranteed income) are exempt from having to prove that their resources are insufficient.

Furthermore, different **welfare benefits** are not taken into account when calculating resources (family allowances, social security payments, housing benefit).

Legal aid may be **full or partial**, depending on the resources of the applicant. The **revenue ceilings** for granting legal aid are updated every year by the finance act. For 2009, the average monthly income received in 2008 for a single person must be:

equal to or lower than **EUR 911** for full legal aid,

and between **EUR 912** and **EUR 1 367** for partial legal aid.

These **ceilings are raised** by **EUR 164** for each of the first two dependants living with the applicant (children, spouse, cohabitee, civil partner, ascendant, etc.) and **EUR 104** for the third and subsequent dependant.

Are there other conditions for receiving legal aid as a victim?

As a general rule, **the status (e.g. victim or accused) of the party to the proceedings is not taken into account**. There is no difference in the way victims, the accused, claimants or defendants in criminal or civil proceedings are treated when deciding whether or not to grant legal aid.

However, the **justice system's framework and planning law of 9 September 2002** improved the conditions for access to justice for victims of the most serious crimes, namely intentional attacks against life or personal integrity (crimes defined and punished by Articles 221-1 to 221-5, 222-1 to 222-6, 222-8, 222-10, 222-14 (1° and 2°), 22223 to 222-26, 421-1 (1°) and 421-3 (1° to 4°) of the Criminal Code), and their dependants, so that they may bring a civil action for damages arising out of an attack against the person. In order to benefit from legal aid, the victims and their dependants are exempt from having to prove their resources. This provision applies specifically to victims of rape or physical abuse of a minor under 15 years old or persons who are particularly vulnerable, and which lead to death or permanent disability.

Furthermore, **in exceptional circumstances the means condition may be waived**, regardless of the status within the proceedings of the legal aid applicant (claimant/defendant, victim/accused) where their circumstances are of particular interest having regard to the object of the litigation or the foreseeable costs of the proceedings.

In particular, this provision applies to the victim of a criminal offence as a result of the circumstances in which that offence was committed.

Are there other conditions for obtaining legal aid as an accused?

As a general rule, there is **no particular condition** which governs the granting of legal aid to defendants in the main action. However, where those defendants pursue any form of **legal redress** (appeal, application to set a judgment aside, or an appeal for a decision to be set aside on a point of law (cassation)), the situation of the respondents to the appeal/application is improved if they already had the benefit of legal aid. Indeed, these individuals automatically retain the benefit of legal aid in order to defend themselves.

However, it is important to remember the general rule that applies both to claimant and defendant in the main action, whereby legal aid is not granted if the costs covered by this benefit are underwritten by a legal expenses insurance policy or an equivalent protection system.

Are any proceedings exempt from legal charges?

Before the **small claims and summary offences court** and the **district court**, the parties are not bound to instruct a lawyer. If the value of the action is less than EUR 4 000, matters may be brought before these courts using a simplified procedure which dispenses with the parties' requirement to use a court appointed process server.

Applications to review measures relating to the exercise of parental responsibility, including applications in relation to adoption, where the child was adopted before the age of 15 years, or measures taken following a divorce, or applications for maintenance payments may be made without a lawyer by way of a simple application.

As with all proceedings before the civil courts, these courts do not charge fees for issuing proceedings or entering judgment.

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

In civil matters, any judgment or decision that brings an end to an action must make a ruling on the costs incurred in the proceedings.

As a general rule, **costs** (**fixed fees** – see above) are payable by the losing party. However, the court may in a reasoned judgment order the other party to pay some or all of those costs.

A party may also request that the opponent bear all or part of the charges incurred, and which are **not included in the costs**. These concern, for example, the lawyer's advocacy fees, the fees for the process server's report and travel expenses. If this happens, the court can order the party required to pay the costs, or in default the losing party, to pay the other party an amount which the court determines to cover the expenses incurred and not included in the costs. The court will have regard to principles of fairness and the financial circumstances of the party ordered to pay. The court may, of its own motion, state that there are no grounds for making such an order for reasons based on the same considerations.

Experts' fees

In civil matters, remuneration of experts appointed by the court is set by **order of the court**.

If the court instructs an expert, it will set a retainer from which the remuneration will be deducted. The retainer will be as close as possible to the expected final payment. The court will designate the party or parties who must lodge the retainer with the court office.

Once the **expert's report** is lodged, the court will set the remuneration, having particular regard to the enquiries carried out, respect for time limits and the quality of the work done. The court will authorise the expert to return the appropriate amounts lodged at the court office, or as appropriate, payment of additional sums to the expert, indicating the party or parties who are to be responsible for this.

The judgment or decision bringing an end to the action gives a ruling on **liability for remunerating the expert**. As a general rule, this liability falls to **the losing party**, unless the court, through a reasoned decision, makes the other party liable for part or all of this fee.
On the other hand, the fees of **experts not appointed by the court** are **agreed freely between the expert and the client**, and they are not included in the costs.
A party may apply to the court for an order for the losing party or otherwise the party ordered to pay the costs to pay a sum to cover the fees thus incurred.
The court will make a ruling having regard to principles of fairness and the financial circumstances of the party ordered to pay.

Translators' and interpreters' fees

These fees are **the responsibility of the losing party**, unless the court, through a reasoned decision, makes the other party liable for part or all of this fee.

Related Attachments

France's report on the costs' transparency study PDF (1312 Kb) en

Last update: 08/11/2019

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Case study 1 - family law - divorce - France

In this case study on family law – divorce, Member States were asked to advise the party filing for divorce on litigation costs in the following situations:
Case A – National situation: a couple gets married. Later they separate and agree to a divorce.
Case B – Transnational situation: Two nationals from the same Member State (Member State A) marry. 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 France

Costs for legal proceedings, appeals and the alternative dispute resolution process

Case study	Legal proceedings			Appeal			Alternative dispute resolution process	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option available in this type of case?	Costs
Case A	No	No	No	No	No	No	Mediation can be used to try to find an agreement between the parties on the consequences of the divorce, but in all circumstances a court decision is required for the pronouncement of the divorce.	Mediation costs are payable by the parties, but may be covered by legal aid.
Case B	Idem	Idem	Idem	Idem	Idem	Idem	Idem	Idem

Costs for lawyer, bailiff and expert

Case study	Lawyer			Bailiff		Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compul-sory?	Costs
Case A	Yes	Free to set own fees.	Yes, if summons/ subpoena. No, if joint application.	Summons: EUR 18.70 Service: EUR 26.70	Service: EUR 26.70	A notary is required if real property forms part of community property.	List of f
Case B	Idem	Idem	Idem	Document originating from another Member State: EUR 50 Document destined for another Member State: EUR 36.30	Document originating from another Member State: EUR 50 Document destined for another Member State: EUR 36.30	Idem	Idem

Costs for witness compensation, oath or other security and other relevant fees

Case study	Witness compensation		Oath or other security		Other fees	
		Cost		Cost	Description	Cost

	Are witnesses compensated?		Does this exist and when and how is it used?			
Case A	No	No	No	No	No	No
Case B	Idem	Idem	Idem	Idem	Idem	Idem

Costs for legal aid and other reimbursement

Case study	Legal aid		
	When and under which conditions is it necessary?	When is aid total?	Conditions?
Case A	Legal aid can be requested by a spouse before or in the course of court proceedings. It is granted if: - the action for divorce brought by the spouse does not appear manifestly inadmissible or without any foundation in law; - the income declared does not exceed the limits set by law; - the costs of the divorce proceedings are not covered by legal protection insurance.	The State pays all the costs of the proceedings if the spouse is awarded total aid.	Total legal aid is granted if the monthly inc declared by the petitioner does not excee **EUR 911**. Partial aid is granted for those with incom between this amount and **EUR 1 367**. The upper limits for income are raised by **EUR 164** for the first two dependants and **EUR 104** for the third dependant and any subsequent.
Case B	Idem	Idem	Idem

Case study	Reimbursement	
	Can the winning party obtain reimbursement of litigation costs?	Are there instances when legal aid should be reimbursed to the leg organisation?
Case A	No, where the parties agree, the principle applied is division of costs, except where the parties agree otherwise or the judge decides otherwise.	When the divorce judgment awards costs to a spouse who does nc benefit from legal aid, the spouse must reimburse the Treasury offi with the costs advanced by the State in the defence of a spouse w does benefit from legal aid.
Case B	Idem	Idem

Costs for translation and interpretation

Case study	Translation		Interpretation	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?
Case A	Documents submitted to the judge must be translated.	There are no statistics available relating to costs.	When the judge does not understand the language in which the parties communicate.	Fixed by the judge.
Case B	Idem	Idem	Idem	Idem

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Case study 2 - family law - custody of the children - France

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 France

Costs for legal proceedings, appeals and the alternative dispute resolution process

Case study	Legal proceedings			Appeal			Alternative dispute resolution process	
	Initial court fees	Tran-scription fees	Other fees	Initial court fees	Tran-scription fees	Other fees	Is this option available in this type of case?	Costs
Case A	No	No	No	No	No	No	Judicial mediation is possible. Extrajudicial mediation is also possible.	Mediation fees ar fixed by the judge and payable by th parties, but the co may be covered b legal aid. Drawing up a fee agreement betwe the mediator and parties is good practice.
Case B	Idem	Idem	Idem	Idem	Idem	Idem	Idem	Idem

Costs for lawyer, bailiff and expert

Case study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use com-pulsory?	Costs
Case A	No	No	Yes, if summons/ subpoena. No, if joint application.	Summons: EUR 18.70 Service: EUR 26.70	If the clerk does not notify the decision, service by bailiff costs: EUR 26.70	No	Fixed by the judge.
Case B	Idem	Idem	Idem	Document originating from another Member State: EUR 50 Document destined for another Member State: EUR 36.30	Document originating from another Member State: EUR 50 Document destined for another Member State: EUR 36.30	Idem	Idem

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

Case study	Witness compensation		Pledge or other security		Other fees	
	Are witnesses compensated?	Does this exist and when and how is it used?	Does this exist and when and how is it used?	Cost	Description	Cost
Case A	No	No	No	No	No	No
Case B	Idem	Idem	Idem	Idem	Idem	Idem

Costs for legal aid and other reimbursement

Case study	Legal aid		
	When and under which conditions is it necessary?	When is full aid given?	Conditions?
Case A	Legal aid can be requested before or in the course of the court proceedings. It is granted if the income declared by the parent does not exceed the limits set by law.	The State pays all court fees if the parent is awarded full aid.	Total legal aid is granted if the monthly income declared by the petitioner does not exceed **EUR 911**. Partial aid is granted for those with an income between this amount and **EUR 1 367**. The upper limits for income are raised by **EUR 164** for the first two dependants and **EUR 104** for the third dependant and any subsequent.
Case B	Idem	Idem	Idem

Costs for translation and interpretation

Case study	Translation		Interpretation	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?
Case A	Documents submitted to the judge must be translated.	There are no statistics available.	When the judge does not understand the language in which the parties communicate.	Fees are fixed by the judge.
Case B	Idem	Idem	Idem	Idem

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Case study 3 - family law - alimony - France

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 France

Costs for legal proceedings, appeals and the alternative dispute resolution process

Case study	Legal proceedings			Appeal			Alternative dispute resolution process	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option available in this type of case?	Costs
Case A	No	No	No	No	No	No	Judicial mediation is possible. Extra-judicial mediation is also possible.	Mediation fees are fixed by the judge and payable by the parties, but the cost of mediation may be covered by legal aid. Drawing up a fee agreement between the mediator and the parties is good practice.
Case B	Idem	Idem	Idem	Idem	Idem	Idem	Idem	Idem

Costs for lawyer, bailiff and expert

Case study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is their intervention compulsory?	Costs
Case A	No	No	No	No	No	No	Fixed by the judge.
Case B	Idem	Idem	Idem	Idem	Idem	Idem	Idem

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

Case study	Witness compensation		Pledge or other security		Other fees	
	Are witnesses compensated?	Cost		Cost	Description	Cost

			Does this exist and when and how is it used?			
Case A	No	No	No	No	No	No
Case B	Idem	Idem	Idem	Idem	Idem	Idem

Costs for legal aid and other reimbursement

Case study	Legal aid		
	When and under which conditions is it necessary?	When is aid total?	Conditions?
Case A	Legal aid can be requested by the mother before or in the course of the court proceedings. It is granted if the income declared does not exceed the limits set by law.	The State pays all of the costs of the proceedings if the mother is awarded total aid.	Total legal aid is granted if the monthly income declared by the mother does not exceed **EUR 911**. Partial aid is granted for those with income between this amount and **EUR 1 367**. The upper limits for income are raised by **EUR 164** for the first two dependants of the mother and **EUR 104** for the third dependant and any subsequent.
Case B	Idem	Idem	Idem

Case study	Reimbursement	
	Can the winning party obtain reimbursement of litigation costs?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Yes, if the judge so decides.	When the family law judge's decision awards costs to a father who does not benefit from legal aid, the father must reimburse the Treasury office with the costs advanced by the State in the defence of a mother who does benefit from legal aid.
Case B	Idem	Idem

Costs for translation and interpretation

Case study	Translation		Interpretation	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?
Case A	Documents submitted to the judge must be translated.	There are no statistics available.	When the judge does not understand the language in which the parties communicate.	Fees are fixed by the judge.
Case B	Idem	Idem	Idem	Idem

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Case study 4 - commercial law - contract - France

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 EUR 20 000. 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 EUR 20 000 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 France

Costs for legal proceedings, appeals and the alternative dispute resolution process

Case study	Legal proceedings		
	Initial court fees	Transcription fees	Other fees
Case A	Court of first instance: no, there are no initial fees.	Court of first instance: no	Court of first instance: no

	Commercial court: yes, initial fees are at least EUR 69.97		
Case B	Court of first instance: no, there are no initial fees. Commercial court: yes, initial fees are at least EUR 69.97	Court of first instance: no	Court of first instance: no

Case study	Appeal			Alternative dispute resolution process	
	Initial court fees	**Transcription fees**	**Other fees**	**Is this option available in this type of case?**	**Costs**
Case A	No	No	No	Yes Conciliation Judicial mediation Extrajudicial mediation	Free Fixed by the judge. Agreement between the parties and the mediator.
Case B	No	No	No	Yes Conciliation Judicial mediation Extrajudicial mediation	Free Fixed by the judge. Agreement between the parties and the mediator.

Costs for lawyer, bailiff and expert

Case study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	**Average costs**	**Is representation compulsory?**	**Pre-judgment costs**	**Post-judgment costs**	**Is use compulsory?**	**Costs**
Case A	Court of first instance: yes Commercial court: no Appeal court: yes	Lawyers: Statistics not available Court advocates: EUR 983	Yes	Summons: EUR 18.70 Service: EUR 26.70	Service: EUR 26.70	No	Fees fixed by the judge.
Case B	Court of first instance: yes Commercial court: no Appeal court: yes	Lawyers: Statistics not available Court advocates: EUR 983	Yes	Summons: EUR 18.70 Service: EUR 26.70	Service: EUR 26.70	No	Fees fixed by the judge.

Costs for witness compensation, pledge or other security

Case study	Witness compensation	Oath or other security
	Are witnesses compensated?	**Does this exist and when and how is it used?**
Case A	Yes (decree of 27 December 1920 revising witness fees)	No
Case B	Yes (decree of 27 December 1920 revising witness fees)	No

Costs for legal aid and other reimbursement

Case study	Legal aid		
	When and under which conditions is it necessary?	**When is aid total?**	**Conditions?**
Case A	For-profit corporations (e.g. a company) cannot benefit from legal aid. In France, this can only be granted to individuals, as well as, under certain conditions, not-for-profit corporations and homeowners' associations.	The State pays all court fees if the mother has full legal aid.	Full legal aid is granted if the monthly income declared by the petitioner does not exceed **EUR 911**. Partial aid is granted for those with income between this amount and **EUR 1 367**. The upper limits for income are raised by **EUR 164** for the first two dependants and **EUR 104** for the third dependant and any subsequent.
Case B	Idem	Idem	Idem

	Reimbursement

Case study				
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is the percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Yes	Total reimbursement of listed fees, unless otherwise decided by the judge.	Unlisted fees: indemnity fixed by the judge on an equitable basis	When the judge's decision awards costs to a party who does not benefit from legal aid, the party has to reimburse the Treasury office with the costs advanced by the State in the defence of the party who does benefit from legal aid.
Case B	Yes	Total reimbursement of listed fees, unless otherwise decided by the judge.	Unlisted fees: indemnity fixed by the judge on an equitable basis	Idem

Costs for translation and interpretation

Case study	Translation		Interpretation	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?
Case A	Documents submitted to the judge must be translated.	There are no statistics available.	When the judge does not understand the language in which the parties communicate.	Fees fixed by the judge.
Case B	Documents submitted to the judge must be translated. Part of the inquiry procedure under Council Regulation (EC) No 1206/2001 of 28 May 2001.	There are no statistics available.	When the judge does not understand the language in which the parties communicate. Part of the inquiry procedure under Council Regulation (EC) No 1206/2001 of 28 May 2001.	Fees fixed by the judge.

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Case study 5 - commercial law - responsibility - France

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 France

Costs for legal proceedings, appeals and the alternative dispute resolution process

Case study	Legal proceedings			Appeal			Alternative dispute resolution process	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option available in this type of case?	Costs
Case A	Court of first instance: there are no initial fees. Commercial court: yes, initial fees are at least EUR 69.97	Court of first instance: no	Court of first instance: no	No	No	No	Yes Conciliation Judicial mediation Extra-judicial mediation	Free Fixed by the judge. Agreement between the parties and the mediator.
Case B	Court of first instance: no	Court of first instance: no	Court of first instance: no	No	No	No	Yes Conciliation Judicial mediation Extra-judicial mediation	Free Fixed by the judge. Agreement between the

	Commercial court: yes, initial fees are at least EUR 69.97							parties and the mediator.

Costs for lawyer, bailiff and expert

Case study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Costs
Case A	Court of first instance: yes Commercial court: no Appeal court: yes	Lawyers: Statistics not available. Court advocates: EUR 983	Yes	Summons: EUR 18.70 Service: EUR 26.70	Service: EUR 26.70	No	Fees fixed by th judge.
Case B	Court of first instance: yes Commercial court: no Appeal court: yes	Lawyers: Statistics not available. Court advocates: EUR 983	Yes	Summons: EUR 18.70 Service: EUR 26.70	Service: EUR 26.70	No	Fees fixed by th judge.

Costs for witness compensation

Case study	Witness compensation
	Are witnesses compensated?
Case A	Yes (decree of 27 December 1920 revising witness fees)
Case B	Yes (decree of 27 December 1920 revising witness fees)

Costs for legal aid and other reimbursement

Case study	Legal aid		
	When and under which conditions is it necessary?	When is aid total?	Conditions?
Case A	Legal aid can be requested before or during court proceedings by the buyer, as an individual or not-for-profit corporation. It is granted if: - the action brought by the buyer does not appear manifestly inadmissible or without any foundation in law; - the income declared does not exceed the limits set by law; and - the costs of the proceedings are not covered by legal protection insurance.	The State pays all the costs of the proceedings if the buyer is awarded full aid.	Full legal aid is granted if the monthly income declared by the petitioner does not exceed **EUR 911**. Partial aid is granted for those with income between this amount and **EUR 1 367**. The upper limits for income are raised by **EUR 164** for the first two dependants and **EUR 104** for the third dependant and any subsequent.
Case B	Idem	Idem	Idem

Case study

Reimbursement

Can the winning party obtain reimbursement of litigation costs?

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Case A

Yes

Total reimbursement of listed fees, unless otherwise decided by the judge.

Unlisted fees: indemnity fixed by the judge on an equitable basis.

When the judge’s decision awards costs to a party who does not benefit from legal aid, the party must reimburse the Treasury office with the costs advanced by the State in the defence of a party who benefits from legal aid.

Case B

Yes
Total reimbursement of listed fees, unless otherwise decided by the judge.
Unlisted fees: indemnity fixed by the judge on an equitable basis.
Idem

Costs for translation and interpretation

Case study	Translation		Interpretation	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?
Case A	Documents submitted to the judge must be translated.	There are no statistics available.	When the judge does not understand the language in which the parties communicate.	Fees fixed by the judge.
Case B	Documents submitted to the judge must be translated. Part of the inquiry procedure under Council Regulation (EC) No 1206/2001 of 28 May 2001.	There are no statistics available.	When the judge does not understand the language in which the parties communicate. Part of the inquiry procedure under Council Regulation (EC) No 1206/2001 of 28 May 2001.	Fees fixed by the judge.

Last update: 08/11/2019
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