

Domovská stránka>Podanie na súd>Kde a ako>Trovy konania

## Trovy konania

Slovensko

Na tejto stránke sú uvedené informácie o trovách konania na Slovensku. Podrobnejšiu analýzu celkových trov konania nájdete v týchto prípadových štúdiách: Rodinné právo – rozvod Rodinné právo – starostlivosť o deti Rodinné právo - výživné Obchodné právo – zmluva Obchodné právo – zodpovednosť

### Právny rámec upravujúci poplatky v právnických profesiách

V § 1 ods. 2 zákona č. 586/2003 Z.z. o advokácii a o zmene a doplnení zákona č. 455/1991 Zb. o živnostenskom podnikaní v znení neskorších predpisov sa ustanovuje:

„Výkon advokácie je zastupovanie klientov v konaní pred súdmi, orgánmi verejnej moci a inými právnymi subjektmi, obhajoba v trestnom konaní, poskytovanie právnych rád, spisovanie listín o právnych úkonoch, spracúvanie právnych rozborov, správa majetku klientov a ďalšie formy právneho poradenstva a právnej pomoci, ak sa vykonáva sústavne a za odmenu (ďalej len „právne služby“).“

### Právni zástupcovia

Odmeny právnych zástupcov upravuje vyhláška Ministerstva spravodlivosti Slovenskej republiky (č. 655/2004 Zb. odmenách a náhradách advokátov za poskytovanie správnych služieb) – anglické znenie vyhlášky o odmenách advokátov je dostupné na webovej stránke [Slovenskej advokátskej komory](#). Odmena advokáta sa musí určiť dohodou medzi advokátom a klientom (zmluvná odmena). Veľká väčšina všetkých odmien advokátom sa určuje na zmluvnom základe, pokiaľ zákon nepredpisuje tarifné odmeny. Ak sa účastníci konania nedohodnú, na určenie výšky odmeny sa použijú príslušné ustanovenia o tarifných sadzbách (vyhláška o odmenách advokátov). Tarifná odmena sa určí vynásobením základnej sadzby počtom úkonov alebo právnych služieb poskytnutých advokátom.

### Súdni zriadení

V Slovenskej republike súdni zriadení neexistujú. Tieto funkcie však vykonáva súdny exekútor podľa zákona č. 233/1995 Z.z. o súdnych exekútoroch a exekučnej činnosti (alebo **Exekučný poriadok**).

### Fixné trovy

#### Fixné trovy v občianskoprávných konaniach

#### Fixné trovy pre sporové strany v občianskoprávných konaniach

Všetky kategórie odmien sú uvedené v príslušných predpisoch, ktoré ponúkajú rozličné spôsoby určenia ich výšky:

**Súdne poplatky** upravuje zákon č. 71/1992 Zb. o súdnych poplatkoch a poplatku za výpis z registra trestov v znení neskorších predpisov (alebo zákon o súdnych poplatkoch). Výška je pevne stanovená alebo ako percentuálny poplatok alebo ako kombinácia oboch (v závislosti od druhu nároku).

**Odmeny exekútorom** upravuje zákon č. 233/1995 Z.z. o exekútoroch a exekučnej činnosti. Výška sa určí ako tarifná odmena (pevne stanovená alebo ako percentuálny poplatok v závislosti od predmetu exekúcie) alebo ako zmluvná odmena.

**Odmeny právnym zástupcom** upravuje vyhláška č. 655/2004 Z.z. o odmenách a náhradách advokátov za poskytovanie právnych služieb. Výška sa určí ako tarifná odmena (pevne stanovená odmena za každú poskytnutú právnu službu v závislosti od hodnoty nároku alebo jeho predmetu) alebo ako zmluvná odmena.

**Odmeny znalcom** upravuje vyhláška č. 491/2004 Z.z. o odmenách, náhradách výdavkov a náhradách za stratu času pre znalcov, tlmočníkov a prekladateľov. Výška sa určí ako tarifná odmena (pevne stanovená za každú službu, hodinová sadzba alebo percentuálny poplatok v závislosti od predmetu znaleckého úkonu) alebo ako zmluvná odmena.

**Náhrady pre svedkov** upravuje zákon č. 99/1963 Z.z. **Občiansky súdny poriadok** a následne vyhláška č. 543/2005 Z. z. o spravovacom a kancelárskom poriadku pre okresné sudy, krajské sudy, Špeciálny súd a vojenské sudy (alebo vyhláška o spravovacom a kancelárskom poriadku), zákon č. 311/2001 Z. z.

**Zákonník práce**, zákon č. 595/2003 Z. z. o dani z príjmu a zákon č. 663/2007 Z. z. o minimálnej mzde. Súd rozhoduje o náhradách nevyhnutných vzniknutých hotovostných výdavkov a náhradách za stratu príjmu (podľa pravidiel ustanovených vo vyhláške o spravovacom a kancelárskom poriadku).

**Odmeny prekladateľom/tlmočníkom** upravuje vyhláška č. 491/2004 Z.z. o odmenách, náhradách výdavkov a náhradách za stratu času pre znalcov, tlmočníkov a prekladateľov. Výška sa určí ako tarifná odmena (pevne stanovená odmena za každú hodinu/stranu pre príslušný jazyk alebo za službu poskytnutú prekladateľom/tlmočníkom) alebo ako zmluvná odmena.

Vo väčšine prípadných občianskych konaní je preto prakticky nemožné, aby niekto, kto nie je právnik, určil predpokladané celkové skutočné náklady bez odbornej rady.

Odborník (najmä právnik) však môže klientovi poradiť omnoho presnejšie, pokiaľ ide o jednotlivé náklady, ktoré môže počas konania očakávať podľa okolností prípadu. Keď je ťažké očakávať výsledok, právnik môže klientovi poradiť v oblasti predpokladaných nákladov spojených s rozličnými možnými výsledkami, ktoré budú v konečnom dôsledku závisieť od posúdenia a rozhodnutia súdu.

Jednotlivé druhy nákladov, ktoré sa môžu počas občianskeho konania vyskytnúť, upravujú osobitné predpisy/zákony. Tieto obsahujú rozličné spôsoby výpočtu odmien a možno ich rozdeliť do dvoch hlavných kategórií: tarifné odmeny a zmluvné odmeny.

### Štádium občianskoprávneho konania, keď strany sporu musia zaplatiť fixné trovy

Podľa zákona č. 71/1992 Zb. o súdnych poplatkoch a poplatku za výpis z registra trestov v znení neskorších predpisov sa pred začiatkom súdneho konania musí zaplatiť len súdny poplatok.

Podľa zákona č. 99/1963 Zb. (Občiansky súdny poriadok), trovy konania predstavujú okrem súdnych poplatkov najmä hotovostné výdavky účastníkov konania a ich zástupcov. Tieto výdavky zahŕňajú:

stratu príjmu účastníkov konania a ich právnych zástupcov,  
náklady na predkladanie dôkazov (vrátane odmien znalcom),  
náhrady notárom za služby spojené s ich úlohou súdneho komisára a náhrady ich hotovostných výdavkov,  
náhrady správcovi dedičstva a jeho hotovostných výdavkov,  
odmeny za preklady/tlmočenie,

odmeny za zastupovanie – ak účastníka konania zastupuje licencovaný právnik registrovaný **Slovenskou advokátskou komorou**.

Tieto náklady sa obvykle platia po vynesení súdneho rozhodnutia.

Trovy občianskeho konania ďalej vo veľkej miere závisia od prerokovávanej veci a rozhodnutia súdu (najmä pokiaľ ide o výber dôkazov a rozsah nákladov, ktoré sa majú nahradiť súdu alebo druhej strane). Preto je ťažké predpokladať skutočné náklady pred konaním.

#### **Fixné trovy v trestných konaniach**

##### **Fixné trovy pre strany sporu v trestných konaniach**

Súd môže rozhodnúť o trovách trestného konania po vynesení právoplatného rozhodnutia.

##### **Štádium trestného konania, keď sa musia zaplatiť fixné trovy**

Všetky náklady, ktoré vzniknú v trestnom konaní, sa uhrádzajú po nadobudnutí právoplatnosti rozsudku, pretože jedna časť takéhoto rozsudku je rozhodnutie o náhrade trov konania (zákon č. 301/2005 Z.z. **Trestný poriadok**).

#### **Fixné trovy v ústavnoprávnych konaniach**

##### **Fixné trovy pre strany sporu v ústavnoprávnych konaniach**

Vo veciach zastúpenia pred **Ústavným súdom Slovenskej republiky**, ktoré nie je možné vyjadriť v peniazoch, musí byť základná sadzba tarifnej odmeny za každú jednotlivú právnu službu jedna šestina výpočtového základu (§ 11 vyhlášky č. 655/2004 Z.z. o odmenách a náhradách advokátov za poskytovanie právnych služieb).

##### **Štádium ústavnoprávneho konania, keď sa musia zaplatiť fixné trovy**

Situácia podobná situácii v občianskoprávných a trestných konaniach platí aj pri ústavnoprávnych konaniach. Uplatní sa zákon č. 99/1963 Zb. (Občiansky súdny poriadok).

#### **Informácie, ktoré musia právni zástupcovia vopred poskytnúť**

##### **Práva a povinnosti strán**

V § 18 zákona č. 586/2003 Z.z. o advokácii a o zmene a doplnení zákona č. 455/1991 Zb. o živnostenskom podnikaní v znení neskorších predpisov sa uvádza:

Advokát je povinný pri výkone advokácie chrániť a presadzovať práva a záujmy klienta a riadiť sa jeho pokynmi. Ak sú pokyny klienta v rozpore so všeobecne záväznými právnymi predpismi, nie je nimi viazaný. O tom klienta vhodným spôsobom poučí.

Advokát je povinný pri výkone advokácie konať čestne a svedomito, dôsledne využívať všetky právne prostriedky a uplatňovať v záujme klienta všetko, čo podľa svojho presvedčenia pokladá za prospešné. Pritom dbá na účelnosť a hospodárnosť poskytovaných právnych služieb.

Advokát postupuje pri výkone advokácie tak, aby neznižoval dôstojnosť advokátskeho stavu. V záujme toho je povinný dodržiavať pravidlá profesijnej etiky a iné pravidlá, ktoré určuje predpis komory.

##### **Zdroje trov**

##### **V akých jazykoch môžem získať informácie o zdrojoch trov na Slovensku?**

Vyššie uvedené zákony o trovách sú uverejnené v Zbierke zákonov v slovenskom jazyku (podľa § 8 **zákona Národnej rady Slovenskej republiky** č. 1/1993 Z.z.)

##### **Kde nájdem informácie o mediácii?**

Mediáciu upravuje **zákon** č. 420/2004 Z. z. o mediácii.

##### **Kde nájdem ďalšie informácie o trovách?**

##### **Webová stránka obsahujúca informácie o trovách**

Informácie o trovách konania nájdete v jednotlivých všeobecne záväzných právnych predpisoch platných v Slovenskej republike, ktoré sú dostupné na webovom sídle **Ministerstva spravodlivosti Slovenskej republiky**.

##### **Kde nájdem informácie o priemernej dĺžke trvania jednotlivých konaní?**

Tieto informácie nájdete v štatistickej ročenke **Ministerstva spravodlivosti Slovenskej republiky**.

##### **Kde nájdem informácie o priemerných celkových trovách konkrétneho konania?**

Informácie o priemerných trovách a poplatkoch sa ťažko zisťujú z týchto dôvodov:

Nie sú uverejnené žiadne štatistické informácie.

Príslušné slovenské právne predpisy sú pomerne flexibilné a takmer vždy obsahujú možnosť stanoviť zmluvnú odmenu/náhradu, čo závisí od regiónu, reputácie právnickej firmy a ostatných osôb poskytujúcich služby súvisiace so súdnym konaním. Ešte dôležitejšia je však samotná vec, jej zložitosť, rozsah potrebných dôkazov a trvanie konania, ktoré tiež majú značný vplyv.

Okrem toho, dokonca aj výška tarifných odmien (ktoré môžu byť stanovené len na konci konania v podobe trov konania, závisia od výsledku veci a rozhodnutia súdu) súvisí so súdnym konaním, množstvom poskytnutých služieb a množstvom iných faktorov. Keďže nie je možné určiť priemerný rozsah súdneho sporu, nie je možné určiť priemerné náklady konania.

##### **Daň z pridanej hodnoty**

##### **Ako sa poskytuje táto informácia?**

Ak je exekútor zaregistrovaný ako platca DPH, DPH sa pripočíta k ním vypočítanému príjmu a nákladom (podľa podmienok § 196 č. 233/1995 Z. z. o súdnych exekútoroch a exekučnej činnosti).

Ak je právny zástupca zaregistrovaný ako platca DPH, jeho príjem a náklady vypočítané podľa tohto predpisu budú zahŕňať DPH (§ 18 ods. 3 vyhlášky **Ministerstva spravodlivosti SR** č. 655/2004 Z. z. o odmenách a náhradách advokátov za poskytovanie právnych služieb).

Ak je znalec, tlmočník alebo prekladateľ zaregistrovaný ako platca DPH, jeho vypočítaná odmena bude zahŕňať DPH (§ 16 ods. 2 **vyhlášky Ministerstva spravodlivosti** č. 491/2004 Z. z. o odmenách, náhradách výdavkov a náhradách za stratu času pre znalcov, tlmočníkov a prekladateľov).

##### **Aké sú platné sadzby?**

DPH sa neuplatňuje na súdne poplatky (zákon č. 71/1992 Zb. o súdnych poplatkoch a poplatku za výpis z registra trestov v znení neskorších predpisov).

Uplatňuje sa však na odmeny za mediáciu, pretože výkon činnosti mediátora je podnikateľská činnosť, a poplatky za rozhodcovské konanie vo výške 20 % pod podmienkou, že osoba poberajúca odmenu je zaregistrovaná ako platca DPH.

##### **Právna pomoc**

##### **Platná hranica príjmu v oblasti občianskoprávneho súdnictva**

Túto hranicu upravuje § 4 písm. i) zákona č. 327/2005 Z. z. o poskytovaní právnej pomoci pre osoby v materiálnej núdzi a o zmene a doplnení zákona č. 586/2003 Z. z. o advokácii a o zmene a doplnení zákona č. 455/1991 Zb. o živnostenskom podnikaní (živnostenský zákon) v znení neskorších predpisov v znení zákona č. 8/2005 Z.z.

V platnom znení znie: „Materiálnou núdzou stav, keď fyzická osoba je poberateľom dávky a príspevkov k dávke v hmotnej núdzi, 1e) alebo stav, keď príjem fyzickej osoby nepresahuje 1,6-násobok sumy životného minima 2) a táto fyzická osoba si využívanie právnych služieb nemôže zabezpečiť svojím majetkom“ . (311,30 eur)

##### **Platná hranica príjmu v oblasti trestného súdnictva pre obžalovaných**

Hranica príjmu pre obžalovaných, ktorí chcú, aby im pomáhal právny zástupca ex officio z oblasti trestného súdnictva nie je určená. V **Trestnom poriadku** (§37 a §38) sa uvádzajú okolnosti, v ktorých je obhajoba povinná:

Obvinený musí mať obhajcu už v prípravnom konaní, ak:

je vo väzbe, vo výkone trestu odňatia slobody alebo na pozorovaní v zdravotníckom ústave

je pozbavený spôsobilosti na právne úkony alebo jeho spôsobilosť na právne úkony je obmedzená

ide o konanie o obzvlášť závažnom zločine

ide o konanie proti mladistvému

ide o konanie proti ušlému

Obvinený musí mať obhajcu aj vtedy, ak to považuje súd a v prípravnom konaní prokurátor alebo policajt za nevyhnutné najmä preto, že majú pochybnosť o spôsobilosti obvineného náležite sa obhajovať

Obvinený musí mať obhajcu aj v konaní o vydanie do cudziny a v konaní, v ktorom sa rozhoduje o uložení ochranného liečenia s výnimkou protialkoholického liečenia

V § 38 Trestného poriadku sa ustanovuje, že

Vo vykonávacom konaní, v ktorom súd rozhoduje na verejnom zasadaní, musí mať odsúdený obhajcu, ak:

je pozbavený spôsobilosti na právne úkony alebo jeho spôsobilosť na právne úkony je obmedzená

ide o podmienkové prepustenie z výkonu trestu odňatia slobody mladistvého, ktorý v čase konania verejného zasadania nedovŕšil osemnásť rok

je vo väzbe

sú pochybnosti o jeho spôsobilosti náležite sa obhajovať

V konaní o mimoriadnych opravných prostriedkoch musí mať odsúdený obhajcu, ak:

ide o prípady uvedené v § 37 ods. 1 písm. a), b) alebo c)

mladistvý v čase konania verejného zasadania o mimoriadnom opravnom prostriedku nedovŕšil osemnásť rok

sú pochybnosti o jeho spôsobilosti náležite sa obhajovať

ide o konanie proti odsúdenému, ktorý zomrel

#### **Platná hranica príjmu v oblasti trestného súdnictva pre obeť**

Podľa § 558 ods. 1 Trestného poriadku súd rozhodne o povinnosti na náhradu trov poškodeného po nadobudnutí právoplatnosti rozsudku.

#### **Ďalšie podmienky spojené s poskytnutím právnej pomoci obetiam**

Všetky podmienky upravuje zákon č. 301/2005 Z.z. Trestný poriadok.

#### **Bezplatné súdne konanie**

Existujú **dva druhy výnimiek zo súdnych poplatkov** (§ 4 zákona Slovenskej národnej rady č. 71/1992 Zb. o súdnych poplatkoch a poplatku za výpis z registra trestov v platnom znení). Oslobodenie od súdneho konania sa vzťahuje na:

osobitné druhy konaní (starostlivosť o maloleté deti, nečinnosť alebo neoprávnený zásah správnych orgánov, vzájomnú vyživovaciu povinnosť rodičov a detí) alebo

osobitné druhy osôb (navrhovateľ v konaní o náhradu škody z pracovného úrazu a choroby z povolania, v konaní o určení neplatnosti skončenia pracovného pomeru atď.). Ak súd rozhodne v prospech sťažnosti, žalovaný je povinný zaplatiť príslušný súdny poplatok alebo časť určenú súdom, pokiaľ nie je aj on oslobodený od platenia poplatku.

Podľa § 138 Občianskeho súdneho poriadku, súd môže priznať účastníkovi celkom alebo sčasti oslobodenie od súdnych poplatkov, ak to pomery účastníka odôvodňujú a ak nejde o svojvoľné alebo zrejme bezúspešné uplatňovanie alebo bránenie práva. Súd však môže kedykoľvek počas konania priznané oslobodenie odňať.

Podľa zákona č. 327/2005 Z. z. o poskytovaní právnej pomoci osobám v materiálnej núdzi (alebo zákona o právnej pomoci), **právna pomoc** znamená poskytovanie právnych služieb osobe oprávnenej podľa tohto zákona v súvislosti s uplatňovaním jej práv, ktoré zahŕňajú najmä:

právne poradenstvo,

pomoc pri mimosúdnych konaniach,

spisovanie podaní na súdy,

zastupovanie v konaní pred súdmi,

vykonávanie úkonov s tým súvisiacich, ako aj

úplné alebo čiastočné uhrádzanie nákladov s tým spojených.

Napriek tomu, ak príslušná osoba spĺňa požiadavky na poskytnutie právnej pomoci, je pravdepodobné, že bude oslobodená aj od platenia trov konania (vrátane súdnych poplatkov). Neexistuje žiadne výslovné ustanovenie, ktoré stanovuje, že osoba oprávnená na poskytnutie právnej pomoci je oslobodená aj od platenia súdnych poplatkov. Je však veľmi pravdepodobné, že súd takúto výnimku udelí.

#### **Kedy je strana, ktorá spor prehrala, povinná nahradiť trovy druhej strany?**

#### **Občianskoprávne konania: podľa § 142 Občianskeho súdneho poriadku**

Osoba môže príslušný súd požiadať o úplné alebo čiastočné odpustenie súdnych poplatkov. Súd môže z vlastného podnetu priznať účastníkovi, ktorý mal vo veci (plný) úspech, náhradu potrebných trov konania (vrátane súdnych poplatkov). **V prípade čiastočného úspechu** súd prizná náhradu časti trov konania každému účastníkovi, prípadne vysloví, že žiadny z účastníkov nemá právo na náhradu trov konania. Súd však môže priznať plnú náhradu trov konania, aj keď mal účastník vo veci úspech len čiastočný, ak rozhodnutie o výške plnenia záviselo od znaleckého posudku alebo od úvahy súdu, alebo ak mal neúspech v pomerne nepatrnej časti konania.

#### **Trestné konania: podľa § 557 Trestného poriadku**

Ak bol poškodenému **aspoň sčasti priznaný nárok na náhradu trov konania**, je odsúdený povinný nahradiť poškodenému nevyhnutné trovy konania vrátane nákladov zástupcu, keď je obhajoba povinná.

**Dokonca aj v prípade, ak poškodenému nebol priznaný takýto nárok**, súd môže podľa okolností prípadu rozhodnúť na návrh poškodeného o tom, že odsúdenému uloží povinnosť nahradiť poškodenému celé trovy alebo ich časť.

#### **Odmeny znalcov**

Vyhláška č. 491/2004 Z.z. o odmenách, náhradách výdavkov a náhradách za stratu času pre znalcov, tlmočníkov a prekladateľov stanovuje výšku odmien pre znalcov. Zoznam znalcov, ktorý spravuje **Ministerstvo spravodlivosti Slovenskej republiky**, je prístupný verejnosti na webovej stránke ministerstva. Znalec je zapísaný do zoznamu po splnení požiadaviek uchádzačom (podľa vyhlášky o odmenách pre znalcov, tlmočníkov a prekladateľov).

Odmena znalca sa musí **určiť dohodou medzi znalcom a klientom** (zmluvná odmena). Ak sa účastníci nedohodnú, na určenie výšky odmeny sa použijú príslušné ustanovenia o tarifných sadzbách.

Upozorňujeme, že DPH sa uplatňuje len pri zmluvnej odmene pod podmienkou, že je prekladateľ/tlmočník zaregistrovaný ako platca DPH.

Tarifná odmena sa určí na základe:

počtu hodín strávených na prípade  
 percentuálneho podielu počítačovej hodnoty predmetnej veci  
 paušálnej odmeny na základe predmetnej veci a počtu poskytnutých služieb

#### Prípadové štúdie za Slovensko

Konkrétnejšie informácie o trovách konania na Slovensku sú k dispozícii prostredníctvom niekoľkých konkrétnych prípadových štúdií.

#### Súvisiace prílohy

Správa zo štúdie o transparentnosti trov konania na Slovensku  (872 Kb) 

Posledná aktualizácia: 08/11/2019

Obsah pôvodných vnútroštátnych jazykových verzií na tejto webovej lokalite spravujú príslušné členské štáty. Preklady týchto textov zabezpečila Európska komisia. V prekladoch preto ešte môžu chýbať možné úpravy pôvodných textov, ktoré neskôr vykoná príslušný štátny orgán členského štátu. Európska komisia vylučuje akúkoľvek zodpovednosť za akékoľvek informácie alebo údaje obsiahnuté alebo uvedené v tomto dokumente. Právne normy v oblasti autorských práv členského štátu zodpovedných za túto stránku nájdete v právnom oznámení.

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

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 Slovakia

##### 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 option open for this type of case?	Costs
Case A	EUR66	EUR0	EUR33 (eventual motion related to injunction)	EUR66	EUR0	EUR33 (eventual motion related to injunction)	No	Average EUR150
Case B	EUR66	EUR0	EUR33 (eventual motion related to injunction)	EUR66	EUR0	EUR33 (eventual motion related to injunction)	No	Average EUR200

##### Costs of lawyer, bailiff and expert

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
Case A	Not compulsory but usual	Depends on various factors	No	EUR0	EUR0	No	Depends on various factors
Case B	Not compulsory but usual	Depends on various factors	No	EUR0	EUR0	No	Depends on various factors

##### Costs of 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
Case A	Yes	Depends on various factors. On average EUR50	No	EUR0		EUR0
Case B	Yes	Depends on various factors. On average EUR200	No	EUR0		EUR0

##### Costs of legal aid and other reimbursement

Case study	Legal Aid

	When and under what conditions is it applicable?	When is support total?
Case A	Application submitted to Centre for Legal Aid. Provided where: applicant is in material need; case is not clearly unsuccessful, and litigation amount exceeds the minimum wage – except in disputes where the litigation amount cannot be determined.	The successful applicant receives a complete package of representation and related services free.
Case B	Application submitted to Centre for Legal Aid. Provided where: applicant is in material need; case is not clearly unsuccessful, and litigation amount exceeds the minimum wage – except in disputes where the litigation amount cannot be determined.	The successful applicant receives a complete package of representation and related services free.

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	As a general rule, no. However, the court may award a party a refund of the litigation costs of divorce, or a portion depending on the circumstances of the case and the parties.	50%	All costs incurred by one party are eventually reimbursable by the losing party, except the portion of experts', lawyers', translators' and interpreters' contractual (real) fees that exceed the legal tariff (abstract fees).	In principle, no. However, if conditions are met for a refund of incurred costs, this will be awarded to the advocate who pays it to the Centre for Legal Aid, if the amount is larger than the costs of the provided legal aid.
Case B	As a general rule, no. However, the court may award a party a refund of the litigation costs of divorce, or a portion of this, depending on the circumstances of the case and the parties.	50%	All costs incurred by one party are eventually reimbursable by the losing party, except the portion of experts', lawyers', translators' and interpreters' contractual (real) fees that exceed the legal tariff (abstract fees).	Yes. A foreign entitled person must refund to the Centre of Legal Aid the legal aid granted in whole or in part (based on the decision of the Centre of Legal Aid) if: (1) his/her income and property conditions at the time of filing the application did not establish the right to legal aid, due to untrue or incomplete data provided or (2) his/her income and property conditions have substantially changed – mainly due to success in this cross-border dispute, or (3) unless the costs spent so far for legal aid granted are or will be compensated to the designated advocate or the Centre of Legal Aid as a refund of the costs of proceedings.  If the foreign entitled person meets the conditions for refund of incurred proceedings costs, this will be awarded to the advocate who pays it to the Centre for Legal Aid if the amount is greater than the costs of the legal aid provided)

#### Costs for translation and interpretation

Case study	Translation	
	When and under what conditions is it necessary?	Approximate cost?
Case A	For translation of documentary evidence submitted to the court in another language (except the Czech language) by or in favour of either of the parties.  And eventually also for translation of other documents (for example, judgements) into the language the parties understand.	Depends on various factors. An average of EUR100.  Translation costs incurred in the exercise of parties' right to take part in court proceedings in their native language are paid by the state. However, the state can order these costs to be

		reimbursed by the parties, depending on the outcome of the case – unless they meet the requirements for exemption from court fees.
<b>Case B</b>	For the translation of evidence or other documents. The court also appoints a translator for: (1) documents addressed to a foreign judicial authority; (2) motion for recognition and enforcement of judgement (including annexes) rendered by a Slovak court abroad; (3) at the request of a foreign judicial authority; (4) other judicial documents – unless provided otherwise by European legislation or international convention.	Translation costs incurred in relation to exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to have the paid costs reimbursed by the parties, depending on the outcome of the case – unless the parties meet the requirements for exemption from court fees. On average, EUR300

Case study	Interpretation		Other costs specific to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	Description	Approximate cost?
<b>Case A</b>	If a person before the court speaks a language other than the Slovak language. Also for the purposes of examining people who are deaf, dumb and deaf and dumb, unless it is possible to communicate with them in another reliable manner. The parties to the litigation are authorised to act before the court in their native language or an official language of a state that they understand.	On average EUR100. Interpretation costs incurred in relation to the exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to order the parties to reimburse the costs, depending on the outcome of the case – unless the parties meet the requirements for exemption from court fees.		
<b>Case B</b>	If a person before the court speaks a language other than the Slovak language. Also for the purposes of examining people who are deaf, dumb and deaf and dumb, unless it is possible to communicate with them in another reliable manner. The parties to the litigation are authorised to act before the court in their native language or an official language of a state that they understand.	Interpretation costs incurred in relation to the exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to order the parties to reimburse the costs, depending on the outcome of the case – unless the parties meet the requirements for exemption from court fees. On average EUR300	Probably higher out-of-pocket expenses and loss of earnings. However, the parties to divorce proceedings are not authorised to reimbursement/ refund of proceedings costs (subject to exceptions).	Average EUR500

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

In this case study on family law – custody of the children, Member States were asked to advise the suing party 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 Slovakia

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

Court	Appeals	ADR
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Case Study	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	EUR0 (exempt from court fees)	EUR0		EUR0 (exempt from court fees)	EUR0		no	EUR0
Case B	EUR0 (exempt from court fees)	EUR0		EUR0 (exempt from court fees)	EUR0		no	EUR0

**Costs for lawyer, bailiff and expert**

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
Case A	not compulsory but usual	Depends on various factors	no	EUR0	EUR0	no	On average EUR150
Case B	not compulsory but usual	Depends on various circumstances	no	EUR0	EUR0	no	On average EUR200

**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
Case A	yes	On average EUR50	no	EUR0 (exempt from court fees)		EUR0 (exempt from court fees)
Case B	yes	On average EUR150	no	EUR0 (exempt from court fees)		EUR0 (exempt from court fees)

**Costs for legal aid and other reimbursement**

Case study	Legal Aid	
	When and under which conditions is it applicable?	When is support total?
Case A	Application submitted to Centre for Legal Aid. Provided where: applicant is in material need; case is not clearly unsuccessful, and litigation amount exceeds the minimum wage – except in disputes where the litigation amount cannot be determined.	The successful applicant receives a complete package of representation and related services free.
Case B	The applicant submits his/her application for legal aid to the Centre for Legal Aid and if: (1) the applicant is domiciled or habitually resident in a Member State different from Slovak Republic; (2) the applicant proves that he/she would meet the condition of material need to be granted legal aid in Slovak Republic; that he/she meets the conditions required for the provision of legal aid in the Member State of his or her domicile or habitual residence; (4) the case is not clearly unsuccessful (5) the litigation amount exceeds the amount of the minimum wage – except for disputes in which the litigation amount cannot be determined.	The successful applicant receives a complete package of representation and related services free.

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	No. None of the parties to the litigation is authorised to receive a refund of the proceedings costs where the proceedings could have been initiated ex officio –	

	proceedings on matters of care for minors may be initiated ex officio.	In principle, no. However, if conditions are met for a refund of incurred costs, this will be awarded to the advocate who pays it to the Centre for Legal Aid if the amount is greater than the costs of the provided legal aid.
<b>Case B</b>	No. None of the parties to the litigation is authorised to receive a refund of the proceedings costs where the proceedings could have been initiated ex officio – proceedings on matters of care for minors may be initiated ex officio.	Yes. A foreign entitled person must refund to the Centre of Legal Aid the legal aid granted in whole or in part (based on the decision of the Centre of Legal Aid) if: (1) his/her income and property conditions at the time of filing the application did not establish the right to legal aid, due to untrue or incomplete data provided or (2) his/her income and property conditions have substantially changed – mainly due to success in this cross-border dispute, or (3) unless the costs spent so far for granted legal aid are or will be compensated to the designated advocate or the Centre of Legal Aid as a refund of the proceedings costs. If the foreign entitled person meets the conditions for refund of incurred proceedings costs, this will be awarded to the advocate who pays it to the Centre for Legal Aid if the amount is larger than the costs of the legal aid provided)

#### Costs for translation and interpretation

Translation	
Case study	
	When and under what conditions is it necessary? Approximate cost?
<b>Case A</b>	For translation of documentary evidence submitted to the court in another language (except the Czech language) by or in favour of either of the parties. And eventually also for translation of other documents (for example, judgements) into the language the parties understand. Depends on various factors. An average of EUR100. Translation costs incurred in the exercise of parties' right to take part in court proceedings in their native language are paid by the state. However, the state can order these costs to be reimbursed by the parties, depending on the outcome of the case – unless they meet the requirements for exemption from court fees.
<b>Case B</b>	For the translation of evidence or other documents. The court also appoints a translator for: (1) documents addressed to a foreign judicial authority; (2) motion for recognition and enforcement of judgement (including annexes) rendered by a Slovak court abroad; (3) at the request of foreign judicial authority (4) other judicial documents – unless provided otherwise by European legislation or international convention Translation costs incurred in relation to exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to have the paid costs reimbursed by the parties, depending on the outcome of the case – unless the parties meet the requirements for exemption from court fees. On average EUR300

Interpretation		Other costs specific to cross-border disputes?	
Case study	When and under what conditions is it necessary?	Approximate cost?	Description Approximate cost?
<b>Case A</b>	If a person before the court speaks a language other than the Slovak language. Also for the purposes of examining people who are deaf, dumb and deaf and dumb, unless it is possible to communicate with them in another reliable manner. The parties to the litigation are authorised to act before the court in their native language or an official language of a state that they understand.	On average EUR100. Interpretation costs incurred in relation to the exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to order the parties to reimburse the costs, depending on the outcome of the case – unless the parties meet the requirements for exemption from court fees	
<b>Case B</b>	If a person before the court speaks a language other than the Slovak language. Also for the purposes of examining people who are deaf, dumb and deaf and dumb, unless it is possible to	Interpretation costs incurred in relation to the exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to order the parties to reimburse	Probably higher out-of-pocket expenses and loss of earnings However, the parties to divorce proceedings are not authorised to reimbursement/ refund of Average EUR500



	communicate with them in another reliable manner. The parties to the litigation are authorised to act before the court in their native language or an official language of a state that they understand.	the costs, depending on the outcome of the case – unless the parties meet the requirements for exemption from court fees. On average EUR 400 euros	proceedings costs (subject to exceptions).	
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### Case study 3 - family law - alimony - Slovakia

In this case study on family law – alimony, Member States were asked to advise the suing party 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 Slovakia

##### 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 option open for this type of case?	Costs
Case A	EUR0 (exempt from court fees)	EUR0		EUR0 (exempt from court fees)	EUR0		no	EUR0
Case B	EUR0 (exempt from court fees)	EUR0		EUR0 (exempt from court fees)	EUR0		no	EUR0

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

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
Case A	not compulsory but usual	EUR300	no	EUR0	EUR200	no	on average EUR150
Case B	not compulsory but usual	EUR800	no	EUR0	EUR200	no	on average EUR250

##### 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
Case A	yes	EUR50	no	EUR0		EUR0
Case B	yes	EUR200	no	EUR0		EUR0

##### Costs for legal aid and other reimbursement

Case study	Legal Aid

	When and under which conditions is it applicable?	When is support total?
Case A	Application submitted to Centre for Legal Aid. Provided where: (1) applicant is in material need; (2) case is not clearly unsuccessful, (3) litigation amount exceeds the minimum wage – except in disputes where the litigation amount cannot be determined.	The successful applicant receives a complete package of representation and related services free.
Case B	Application submitted to Centre for Legal Aid. Provided where: (1) applicant is in material need; (2) case is not clearly unsuccessful; (3) litigation amount exceeds the minimum wage – except in disputes where the litigation amount cannot be determined.	The successful applicant receives a complete package of representation and related services free.

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	No. None of the parties to the litigation is authorised to receive a refund of the proceedings costs where the proceedings could have been initiated ex officio – proceedings on matters of care for minors may be initiated ex officio.	No
Case B	No. None of the parties to the litigation is authorised to receive a refund of the proceedings costs where the proceedings could have been initiated ex officio – proceedings on matters of care for minors may be initiated ex officio.	Yes. A foreign entitled person must refund to the Centre of Legal Aid the legal aid granted in whole or in part (based on the decision of the Centre of Legal Aid) if: (1) his/her income and property conditions at the time of filing the application did not establish the right to legal aid, due to untrue or incomplete data provided or (2) his/her income and property conditions have substantially changed – mainly due to success in this cross-border dispute. If the foreign entitled person meets the conditions for refund of incurred proceedings costs, this will be awarded to the advocate who pays it to the Centre for Legal Aid if the amount is larger than the costs of the legal aid provided)

#### Costs for translation and interpretation

Case study	Translation	
	When and under what conditions is it necessary?	Approximate cost?
Case A	For translation of documentary evidence submitted to the court in another language (except the Czech language) by or in favour of either of the parties. And eventually also for translation of other documents (for example, judgements) into the language the parties understand.	Depends on various factors. An average of EUR100. Translation costs incurred in the exercise of parties' right to take part in court proceedings in their native language are paid by the state. However, the state can order these costs to be reimbursed by the parties, depending on the outcome of the case – unless they meet the requirements for exemption from court fees.
Case B	For the translation of documentary evidence or other documents. The court also appoints a translator for the purposes of: (1) translation at request of the Slovak court, including attached documents, addressed to a foreign judicial authority (2) a motion for recognition and enforcement of judgement (including annexes) rendered by Slovak court, abroad; (3) request of foreign judicial authority (4) other judicial documents, unless provided otherwise by European legislation or international convention.	Translation costs incurred in relation to exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to have the paid costs reimbursed by the parties, depending on the outcome of the case – unless the parties meet the requirements for exemption from court fees. On average EUR150

Case study	Interpretation		Other costs specific to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	If a person before the court speaks a language other than the Slovak language. Also for the purposes of examining people who are deaf, dumb and deaf and	Interpretation costs incurred in relation to the exercise of the parties' right to perform before courts in their native language are paid by the state.		

	dumb, unless it is possible to communicate with them in another reliable manner. The parties to the litigation are authorised to act before the court in their native language or an official language of a state that they understand.	However, the state is authorised to order the parties to reimburse the costs, depending on the outcome of the case – unless the parties meet the requirements for exemption from court fees		
<b>Case B</b>	If a person before the court speaks a language other than the Slovak language. Also for the purposes of examining people who are deaf, dumb and deaf and dumb, unless it is possible to communicate with them in another reliable manner. The parties to the litigation are authorised to act before the court in their native language or an official language of a state that they understand.	Interpretation costs incurred in relation to the exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to order the parties to reimburse the costs, depending on the outcome of the case – unless the parties meet the requirements for exemption from court fees.	Probably higher out-of-pocket expenses and lost earnings of the parties.	EUR500

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

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 EUR20.000. 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 EUR20.000 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 Slovakia

##### 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 option open for this type of case?	Costs
<b>Case A</b>	EUR1200 (i.e. 6 % of EUR20,000)	EUR0	EUR33, (related to eventual injunction)	EUR1200 (i.e. 6 % of EUR20,000)	EUR0	EUR33 (related to eventual injunction)	yes	On average EUR400
<b>Case B</b>	EUR1200 (i.e. 6 % of EUR20,000)	EUR0	EUR33 (related to eventual injunction)	EUR1200 (i.e. 6 % of EUR20,000)	EUR0	EUR33 (related to eventual injunction)	yes	On average EUR800

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

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
<b>Case A</b>	Not compulsory but usual	Depends on various factors	no	EUR0	EUR4000 (i.e. 20% of EUR20,000 – if the EUR20000 was	no	On average EUR250

					extortionate), supposing the court orders the buyer/defendant to pay EUR20,000 to the seller in a judgement that is final and binding. This fee must be paid by the defendant in addition to the claim.	
<b>Case B</b>	Not compulsory but usual	Depends on various factors	no	EUR0	EUR4000 (i.e. 20% of EUR20,000 – if the EUR20000 was extortionate), supposing the court orders the buyer/defendant to pay EUR20,000 to the seller in a judgement that is final and binding. This fee must be paid by the defendant in addition to the claim.	no On average EUR500

**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	EUR50	no	EUR0		EUR0
<b>Case B</b>	yes	EUR500	no	EUR0		EUR0

**Costs for legal aid and other reimbursement**

Case study	Legal Aid			Reimbursement			
	When and under what conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total, what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
<b>Case A</b>	Not available (the plaintiff/seller is a legal person)			Yes	50% In case of partial success. The court may apportion the costs between the parties, declaring that none has the right to restitution. However, the court may award the partially successful party full restitution, depending on the opinion of the expert or the discretion of the court, or if the unsuccessful portion of the claim is relatively negligible. The court decides on the restitution/refund of the incurred proceedings' costs upon a motion, either as a part of the final decision or by separate decision.	All costs effectively incurred by one party are eventually reimbursable by the other party – except experts', lawyers', translators' and interpreters' contractual (real) fees in an amount exceeding tariff fees, according to respective regulations (abstract fees).	
<b>Case B</b>				Yes			

Not available (the plaintiff/seller is a legal person)				50% In case of partial success. The court may apportion the costs between the parties, declaring that none has the right to restitution. However, the court may award the partially successful party full restitution, depending on the opinion of the expert or the discretion of the court, or if the unsuccessful portion of the claim is relatively negligible. The court decides on the restitution/refund of the incurred proceedings' costs upon a motion, either as a part of the final decision or by separate decision.	All costs effectively incurred by one party are eventually reimbursable by the other party – except experts', lawyers', translators' and interpreters' contractual (real) fees in an amount exceeding tariff fees, according to respective regulations (abstract fees).
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#### Costs for translation and interpretation

Case study	Translation	
	When and under what conditions is it necessary?	Approximate cost?
<b>Case A</b>	For translation of documentary evidence submitted to the court in another language (except the Czech language) by or in favour of either of the parties. And eventually also for translation of other documents (for example, judgements) into the language the parties understand.	Translation costs incurred in the exercise of parties' right to take part in court proceedings in their native language are paid by the state. However, the state can order these costs to be reimbursed by the parties, depending on the outcome of the case – unless they meet the requirements for exemption from court fees.
<b>Case B</b>	For the translation of documentary evidence or other documents. The court also appoints a translator for the purposes of translation of request of the Slovak court, including the attached documents, addressed to foreign judicial authority, motion for recognition and enforcement of judgement (including annexes) rendered by Slovak court, abroad, request of foreign judicial authority as well as other judicial documents, unless provided otherwise by European legislation or international convention.	Translation costs incurred in the exercise of parties' right to take part in court proceedings in their native language are paid by the state. However, the state can order these costs to be reimbursed by the parties, depending on the outcome of the case – unless they meet the requirements for exemption from court fees. On average EUR150

Case study	Interpretation	
	When and under what conditions is it necessary?	Approximate cost?
<b>Case A</b>	If a person before the court speaks a language other than the Slovak language. Also for the purposes of examining people who are deaf, dumb and deaf and dumb, unless it is possible to communicate with them in another reliable manner. The parties to the litigation are authorised to act before the court in their native language or an official language of a state that they understand.	Interpretation costs incurred in relation to the exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to have the paid proceedings costs reimbursed by the parties, pursuant to outcome of the case, unless the parties meet the requirements for exemption from the court fees.
<b>Case B</b>	If a person before the court speaks a language other than the Slovak language. Also for the purposes of examining people who are deaf, dumb and deaf and dumb, unless it is possible to communicate with them in another reliable manner. The parties to the litigation are authorised to act before the court in their native language or an official language of a state that they understand.	Interpretation costs incurred in relation to the exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to have the paid proceedings costs reimbursed by the parties, pursuant to outcome of the case, unless the parties meet the requirements for exemption from the court fees.

Case study	Other costs specific to cross-border disputes?	
	Description	Approximate cost?
Case B	Probably higher out-of-pocket expenses and lost earnings of the parties.	On average EUR500

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

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 Slovakia

##### 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 option open for this type of case?	Costs
Case A	6 % of the value of the litigation amount; (EUR3000 (in case of value of the claim EUR50,000))	EUR0	EUR33, (related to eventual injunction)	6 % of the value of the litigation amount; EUR3000 (in case of value of the claim EUR50,000)	EUR0	EUR33 (related to eventual injunction)	no	EUR0
Case B	6 % of the value of the litigation amount; EUR3000 (in case of value of the claim EUR50,000)	EUR0	EUR33, (related to eventual injunction)	6 % of the value of the litigation amount; EUR3000 (in case of value of the claim EUR50,000)	EUR0	EUR33 (related to eventual injunction)	no	EUR0

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

Case Study	Lawyer		Bailliff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory ?	Cost
Case A	not compulsory but usual	On average EUR800	no	EUR0	EUR10,000 (i.e. 20 % of EUR50,000 if the debt was extortionate), supposing the court orders the defendant to pay EUR50,000 to the customer in a final and binding judgement. This fee must be paid by the defendant over and above the claim.	no	On average EUR300
Case B	not compulsory but usual	On average EUR1200	no	EUR0	EUR10,000 (i.e. 20 % of EUR50,000 if the debt was extortionate), supposing the court orders the	no	On average EUR300

				defendant to pay EUR20,000 to the customer in a final and binding judgement. This fee must be paid by the defendant over and above the claim.	
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**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
Case A	yes	On average EUR50	no	EUR0		EUR0
Case B	yes	On average EUR150	no	EUR0		EUR0

**Costs for legal aid and other reimbursement**

Case study	Legal Aid	
	When and under which conditions is it applicable?	When is support total?
Case A	Not available (the relationship is governed by commercial law)	
Case B	The applicant submits his/her application for legal aid to the Centre for Legal Aid provided: (1) he/she is domiciled or habitually resident in a member state different from Slovak Republic; (2) he/she proves that he/she meets the condition of material need to be granted legal aid in Slovak Republic (3) or that he/she meets the conditions required for the provision of legal aid in the member state of his or her domicile or habitual residence (4) the case is not clearly unsuccessful and (5) the litigation amount exceeds the amount of the minimum wage (except for disputes in which the litigation amount cannot be determined). Please note that legal aid is not be provided if the consumer is not a physical person.	The entitled person receives a complete package of representation and related services free.

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	Yes	50% In case of partial success. The court may apportion the costs between the parties, declaring that none has the right to restitution. However, the court may award the partially successful party full restitution, depending on the opinion of the expert or the discretion of the court, or if the unsuccessful portion of the claim is relatively negligible. The court decides on the restitution/refund of the incurred proceedings' costs upon a motion, either as a part of the final decision or by separate decision.	All costs effectively incurred by one party are eventually reimbursable by the other party – except experts', lawyers', translators' and interpreters' contractual (real) fees in an amount exceeding tariff fees according to respective regulations (abstract fees).	
Case B	Yes	50% In case of partial success. The court may apportion the costs between the parties, declaring that none has the right to restitution. However, the court	All costs effectively incurred by one party are eventually reimbursable by the other party – except experts', lawyers', translators' and interpreters'	Yes. A foreign entitled person shall refund to the Centre of Legal Aid the costs spent so far for granted legal aid in

		may award the partially successful party full restitution, depending on the opinion of the expert or the discretion of the court, or if the unsuccessful portion of the claim is relatively negligible. The court decides on the restitution/refund of the incurred proceedings' costs upon a motion, either as a part of the final decision or by separate decision.	contractual (real) fees in an amount exceeding tariff fees according to respective regulations (abstract fees).	whole or in part, based on the decision of the Centre of Legal Aid, if: his/her income and property conditions at the time of filing an application did not establish the right to legal aid, due to untrue or incomplete data provided by this person, or his /her income and property conditions has substantially changed, mainly due to success in this cross-border dispute, unless the costs spent so far for granted legal aid are or will be compensated to the designated advocate or the Centre of Legal Aid by the refund of the proceedings costs. (In case the foreign entitled person meets the conditions for refund of incurred proceedings costs, this refund will be awarded to the advocate who pays it to the Centre for Legal Aid if its amount was larger than the costs of the provided legal aid.)
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#### Costs for translation and interpretation

Case study	Translation	
	When and under what conditions is it necessary?	Approximate cost?
<b>Case A</b>	For translation of documentary evidence submitted to the court in another language (except the Czech language) by or in favour of either of the parties. And eventually also for translation of other documents (for example, judgements) into the language the parties understand.	Translation costs incurred in relation to exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to have the paid proceedings costs reimbursed by the parties, pursuant to outcome of the case, unless the parties meet the requirements for exemption from the court fees. On average EUR50
<b>Case B</b>	For the translation of documentary evidence or other documents. The court also appoints a translator for the purposes of translation by request of the Slovak court, including: (1) attached documents (2) documents addressed to foreign judicial authorities (3) motion for recognition and enforcement of judgement (including annexes) rendered by Slovak court abroad (4) request by foreign judicial authority (5) other judicial documents – unless provided otherwise by European legislation or international convention.	Translation costs incurred in the exercise of parties' right to take part in court proceedings in their native language are paid by the state. However, the state can order these costs to be reimbursed by the parties, depending on the outcome of the case – unless they meet the requirements for exemption from court fees. On average EUR300

Case study	Interpretation			
	When and under what conditions is it necessary?	Approximate cost?	Other costs specific to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	Description	Approximate cost?
<b>Case A</b>	If a person before the court speaks a language other than the Slovak language. Also for the purposes of examining people who are deaf, dumb and deaf and dumb, unless it is possible to communicate with them in another reliable manner. The parties to the litigation are authorised to act before the court	Interpretation costs incurred in relation to the exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to have the paid proceedings costs reimbursed by the parties, pursuant to outcome of the case, unless the parties meet the		



	in their native language or an official language of a state that they understand..	requirements for exemption from the court fees.		
<b>Case B</b>	If a person before the court speaks a language other than the Slovak language. Also for the purposes of examining people who are deaf, dumb and deaf and dumb, unless it is possible to communicate with them in another reliable manner. The parties to the litigation are authorised to act before the court in their native language or an official language of a state that they understand.	Interpretation costs incurred in relation to the exercise of the parties' right to perform before courts in their native language are paid by the state. However, the state is authorised to have the paid proceedings costs reimbursed by the parties, pursuant to outcome of the case, unless the parties meet the requirements for exemption from the court fees.	Probably higher out of pocket expenses and lost earnings of the parties.	In average EUR 500

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