

Domov>Sprožitev sodnega postopka>Kje in kako>Stroški

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francoščina

Swipe to change

Stroški

Francija

V tem razdelku boste našli pregled stroškov postopka, ki se uporabljajo v Franciji. Natančnejše podatke o stroških postopka boste našli v študijah primerov: Družinsko pravo – Razveza zakonske zveze Družinsko pravo – Varstvo in vzgoja otrok Družinsko pravo – Preživnine Gospodarsko pravo – Pogodbe Gospodarsko pravo – Odgovornost

Predpisi o plačilu za storitve zaposlenih v pravniških poklicih

Tarife so sestavljene iz **fiksne** in **spremenljivega honorarja** (pogosto v odstotku vrednosti spora).

Treba je **razlikovati** med:

pravnimi strokovnjaki (odvetniki, sodni upravitelji), katerih plačilo je samo delno določeno s cenikom. Večinoma se o honorarjih sami dogovorijo s stranko; **javnimi in sodnimi uslužbenci**, katerih plačilo francoska vlada določi s cenikom v okviru svoje zakonodajne pristojnosti.

Zagovorniki pred pritožbenim sodiščem

Dekret št. 80-608 z dne 30. julija 1980 določa tarife zagovornikov pred pritožbenimi sodišči. Pravni strokovnjaki/odvetniki

Uredbeni akti določajo tarife odvetnikov za zastopanje strank na prvi stopnji (dekreta št. 72-784 z dne 25. avgusta 1972 in št. 75-785 z dne 21. avgusta 1975).

Sodni izvršitelji

Tarife sodnih izvršiteljev za sodne pozive in vročitve tožb in sodnih odločb so določene v dekretu št. 96-1080 z dne 12. decembra 1996.

Fiksni sodni stroški

Fiksni stroški v civilnem postopku

Fiksni stroški strank v civilnem postopku

V civilnih zadevah so **stroški, ki so zakonsko nujni za potek postopka** in katerih višina je **določena** z uredbo ali sodno odločbo. Ti stroški se imenujejo **sodni stroški**.

Zajemajo:

dajatve, takse, pristojbine ali honorarje, ki jih prejmejo sekretariati sodišč ali davčna uprava. Te dajatve in takse so redke, saj je bilo z zakonom št. 77-1468 z dne 30. decembra 1977 uvedeno načelo brezplačnosti sodnih aktov na civilnih in upravnih sodiščih;

stroške prevajanja aktov, kadar je to potrebno po zakonu ali zaradi mednarodne obveznosti;

povrnitev stroškov pričam;

plačilo specialistov;

izdatke po ceniku (tarifa sodnih izvršiteljev, zagovornikov pred pritožbenim sodiščem, odvetnikov);

honorarje javnih ali sodnih uslužbencev;

plačilo odvetnikov, če je zakonsko urejeno, skupaj s stroški zagovora;

stroške, nastale zaradi vročitve akta v tujini;

stroške tolmačenja in prevajanja, potrebnega zaradi preiskave, opravljene v tujini na zahtevo sodišč v okviru Uredbe Sveta (ES) št. 1206/2001 z dne 28. maja 2001 o sodelovanju med sodišči držav članic pri pridobivanju dokazov v civilnih in kazenskih zadevah;

stroške preiskav, odrejenih v družinskih zadevah in zadevah, povezanih s pravnim varstvom polnoletnih in mladoletnih oseb;

plačilo osebe, ki jo sodnik določi za zaslišanje mladoletnega otroka.

Faza civilnega postopka, v kateri je treba plačati fiksne stroške

Stroški civilnega postopka zajemajo vse **zneske, ki jih plačajo ali dolgujejo stranke** pred in med postopkom.

To so na primer pred začetkom postopka **stroški posvetovanja s pravniki** in specialisti ter **potni stroški**.

Med postopkom so to lahko **stroški postopka, ki se plačajo pravnim strokovnjakom in sodnim uslužbencem, takse, ki jih pobere država, in honorarji pravnih svetovalcev**.

Po postopku gre lahko za **stroške izvršitve** odločbe.

Sodni stroški v ustavnih zadevah

Fiksni stroški strank v ustavnem postopku

Ker v sedanjem stanju francoskih postopkov možnost, da **posameznik predloži zadevo Ustavnemu svetu**, ni predvidena, na to vprašanje ni treba odgovoriti.

Katere predhodne informacije lahko dobimo pri pravnem zastopniku (odvetniku)?

Informacije o pravicah in obveznostih strank

Pravni strokovnjaki morajo v skladu z **etičnim kodeksom** svojim strankam dati primerne informacije o njihovih pravicah in obveznostih.

Viri informacij o sodnih stroških

Kje najti informacije o sodnih stroških v Franciji?

Na spletnih mestih [Ministrstva za pravosodje](#) in [različnih poklicev](#).

V katerih jezikih so informacije o sodnih stroških v Franciji?

Informacije so v francoskem jeziku.

Kje najti druge informacije o stroških?

Spletne strani, na kateri bi bili objavljeni stroški postopkov, ni.

Davek na dodano vrednost (DDV)

Kje najti informacije o tem davku? Kakšne davčne stopnje se uporabljajo?

Tarife so navedene **brez davkov**. Vedno se uporablja **19,6**-odstotna stopnja DDV, razen za storitve, opravljene za **upravičence do pravne pomoči (5,5 %)**.

Pravna pomoč

Kakšen je prag dohodkov za upravičenost do pravne pomoči v civilnih zadevah?

Pri pravni pomoči **ni razlikovanja** glede na področje, tj. med **civilnimi in kazenskimi** zadevami, in naravo spora. Odobritev ali zavrnitev pomoči je odvisna samo od **sredstev prosilca**.

Tako lahko vse **fizične osebe**, ki so **francoski državljani** in **državljeni držav članic Evropske unije**, in **nepridobitne pravne osebe**, ki želijo uveljavljati svoje pravice pred sodiščem in nimajo zadostnih sredstev, zaprosijo za pravno pomoč.

Do pravne pomoči so v **civilnih zadevah** upravičene tudi **osebe, ki so tuji državljani ter redno in zakonito prebivajo v Franciji**. Ta pogoj o zakonitem prebivanju se vseeno ne zahteva v kazenskih zadevah. Pogoj ne velja za mladoletne osebe ne glede na postopek, v katerem so stranke (civilni, upravni ali kazenski).

Upoštevalo se **povprečni mesečni dohodki prosilca za pravno pomoč v zadnjem koledarskem letu** in po potrebi **dohodki oseb, ki običajno prebivajo v istem gospodinjstvu**. V tem primeru se zgornje meje za upravičenost do pomoči zvišajo s korekcijskimi koeficienti za vzdrževane družinske člane.

Vendar prejemnikom nekaterih **osnovnih socialnih prejemkov** (dodatni prejemek iz nacionalnega solidarnostnega sklada, zajamčeni minimalni dohodek) ni treba dokazati, da nimajo zadostnih sredstev.

Poleg tega se v dohodkih ne upoštevalo nekateri **socialni prejemki** (družinski dodatki, prejemki socialne varnosti, stanovanjske dajatve).

Pravna pomoč je glede na sredstva lahko **popolna ali delna**. **Zgornje meje dohodkov** za odobritev pomoči se vsako leto spremenijo z zakonom o javnih financah. Za leto 2009 morajo biti povprečni mesečni dohodki, prejeti v letu 2008, za samsko osebo:

največ **911 EUR** za popolno pravno pomoč;

med **912** in **1367 EUR** za delno pravno pomoč.

Te **zgornje meje se zvišajo za 164 EUR** za vsako od prvih dveh vzdrževanih oseb, ki živijo s prosilcem (otroci, zakonec, nezakonski partner, partner v okviru civilnega solidarnostnega pakta, prednik ...), in nato za **104 EUR** za vsako naslednjo vzdrževano osebo.

Ali obstajajo drugi pogoji, da oseba kot oškodovanec pridobi pravno pomoč?

Načeloma se **status stranke v postopku (npr. oškodovanec ali obtoženec) ne upošteva**. Oškodovanci, obtoženci, tožeče stranke ali tožene stranke se pri odločitvi o odobritvi ali zavrnitvi pravne pomoči ne obravnavajo različno.

Vendar so se s **sistemskim zakonom o pravosodju z dne 9. septembra 2002** izboljšali pogoji dostopa do pravnega varstva za žrtve najtežjih kaznivih dejanj, zlasti naklepne kaznivega dejanja zoper življenje ali osebno integriteto (težja kazniva dejanja, opredeljena in kaznovana v skladu s členi 221-1 do 221-5, 222-1 do 222-6, 222-8, 222-10, 222-14(1) in (2), 222-23 do 222-26, 421-1(1) in 421-3(1) do (4), kazenskega zakonika), in njihove vzdrževance, da lahko vložijo zasebno odškodninsko tožbo zaradi kaznivega dejanja zoper osebo, saj jim za pridobitev pravne pomoči ni treba dokazati, kakšne dohodke imajo. Ta določba se uporablja predvsem za žrtve posilstva ali fizičnega nasilja nad osebo, mlajšo od 15 let, ali posebno ranljivimi osebami, ki se je končalo s smrtjo ali trajno invalidnostjo.

Poleg tega se **lahko izjemoma odstopa od pogoja o zadostnih sredstvih**, ne glede na status prosilca za pomoč v postopku (tožeča/tožena stranka, oškodovanec/obtoženec), vsakič ko ima njegov položaj poseben interes z vidika predmeta spora ali predvidljivih stroškov postopka.

Ta določba se lahko uporablja predvsem za žrtev kaznivega dejanja zaradi okoliščin, v katerih je bilo to dejanje storjeno.

Ali obstajajo drugi pogoji, da oseba kot obtoženec pridobi pravno pomoč?

Načeloma **noben poseben pogoj** ne ureja pogojev za odobritev pravne pomoči toženim strankam v postopku. Vendar je v primeru vložitve **pravnega sredstva** (pritožba, ugovor, kasacijska pritožba) položaj nasprotne stranke boljši, kadar so že deležne pravne pomoči. Te osebe namreč avtomatično ohranijo pravico do te pomoči pri svoji obrambi.

Vendar je treba opozoriti na splošno pravilo, ki velja za tožečo stranko in tudi za toženo stranko v postopku, in sicer da se pravna pomoč ne odobri, kadar se stroški, ki jih ta pomoč pokriva, krijejo iz zavarovanja pravne zaščite ali enakovrednega sistema varstva.

Ali so nekateri postopki oproščeni sodnih stroškov?

Strankam pred **sodnikom za spore majhne vrednosti in lažja kazniva dejanja** in **okrajnim sodiščem** ni treba pooblastiti odvetnika. Kadar je vrednost zahtevka manjša od 4 000 EUR, se zadeva lahko predloži tem sodiščem po poenostavljenem postopku, v katerem strankam ni treba uporabiti sodnega izvršitelja.

Predlogi za revizijo ukrepov o izvajanju starševske odgovornosti, zahtevkov na področju posvojitve, če je bil otrok sprejet pred dopolnjenim 15. letom starosti, ukrepov po razvezi zakonske zveze in zahtevkov za preživnino se lahko vložijo brez pomoči odvetnika, to je samo z vlogo.

Kot velja za vse postopke pred civilnimi sodišči, ta sodišča ne zaračunavajo stroškov za začetek postopka ali izdajo odločbe.

Kdaj mora stranka, ki je izgubila, plačati sodne stroške stranke, ki je uspela?

V **civilnih zadevah** mora vsaka sodna odločba ali sodba, s katero se konča postopek, vsebovati odločitev o tem, kdo bo nosil stroške, nastale v postopku.

Načeloma **sodne stroške (stroške po ceniku, glej zgoraj)** nosi stranka, ki je izgubila. Vendar lahko sodnik z obrazloženim sklepom odloči, da del ali vse stroške nosi druga stranka.

Stranka lahko še predlaga, da nasprotna stranka nosi vse ali del stroškov, ki jih je priglasila in **niso vključeni v sodne stroške**. To so predvsem honorarji njenega odvetnika, stroški sodnega izvršitelja in potni stroški. V tem primeru sodnik stranki, ki mora plačati stroške, ali če te ni, stranki, ki je izgubila, naloži, da drugi stranki plača znesek, ki ga določi, za priglašene stroške, ki niso vključeni v sodne stroške. Sodnik pri tem upošteva načelo pravičnosti ali ekonomski položaj stranke, ki ji je naloženo plačilo. Sodnik lahko – celo po uradni dolžnosti – iz razlogov, ki temeljijo na istih premislekih, odloči, da ni razlogov za naložitev takega plačila.

Nagrade izvedencem

V **civilnih zadevah** se plačilo izvedencev, ki jih imenuje sodnik, določi v **sodni odločbi**.

Kadar sodnik zaupa nalogo izvedencu, določi znesek vnaprej plačanega honorarja, ki se odšteje od plačila izvedenca. Višina vnaprej plačanega honorarja je čim bližje predvidenemu končnemu plačilu. Sodnik določi stranko ali stranke, ki bodo morale položiti ta honorar v sodni pisarni sodišča.

Sodnik po predložitvi **poročila izvedenca** določi njegovo plačilo predvsem glede na opravljena potrebna dejanja, upoštevanje določenih rokov in kakovost opravljenega dela. Izvedencu dovoli, da zahteva izročitev zneskov, položenih v sodni pisarni, in po potrebi odredi, da se izvedencu nakažejo dodatni zneski, pri čemer navede stranko ali stranke, ki morajo plačati te zneske.

Sodnik s sodno odločbo ali sodbo, s katero se konča postopek, odloči, kdo **nosi stroške plačila izvedenca**. Načeloma plačilo nosi **stranka, ki je izgubila**, razen če sodnik z obrazloženim sklepom ne odloči, da vse te stroške ali njihov del nosi druga stranka.

Nasprotno pa se o honorarjih **izvedencev, ki jih ne imenuje sodnik, svobodno dogovorita izvedenec in njegov naročnik**. Ta honorar ni vključen v sodne stroške. Stranka lahko od sodnika zahteva, da stranki, ki je izgubila, ali če te ni, stranki, ki ji je bilo naloženo plačilo sodnih stroškov, naloži, naj ji povrne stroške tako nastalih honorarjev. Sodnik odloči na podlagi načela pravičnosti ali ekonomskega položaja stranke, ki ji je naloženo plačilo.

Nagrade prevajalcem in tolmačem

Te stroške nosi **stranka, ki ni uspela**, razen če sodnik z obrazloženim sklepom ne naloži plačila vseh stroškov ali njihovega dela drugi stranki.

Sorodni dokumenti

[Poročilo Francije o Študiji o preglednosti stroškov](#)  (1312 Kb) 

Zadnja posodobitev: 08/11/2019

Strani v jezikih držav članic pripravljajo posamezni nacionalni organi, njihov prevod pa zagotavlja prevajalska služba Evropske komisije. Prevodi zato morda še ne vsebujejo kasnejših sprememb izvirnika, ki so jih vnesli nacionalni organi. Evropska komisija ne prevzema nobene odgovornosti za informacije ali podatke, ki jih vsebuje oziroma na katere se sklicuje ta dokument. Za pravila o avtorskih pravicah države članice, ki je odgovorna za to stran, glejte pravno obvestilo.

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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 compulsory?	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 fi
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	
	Are witnesses compensated?	Cost	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

Legal aid			
Case study	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 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?	Are there instances when legal aid should be reimbursed to the legal 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 not benefit from legal aid, the spouse must reimburse the Treasury office with the costs advanced by the State in the defence of a spouse who does benefit from legal aid.	
Case B	Idem	Idem	

Costs for translation and interpretation

Translation		Interpretation	
Case study	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?
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.
Case B	Idem	Idem	Idem

Last update: 08/11/2019

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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

	Legal proceedings			Appeal			Alternative dispute resolution process	
Case study								
	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.	Mediation fees are fixed by the judge

							Extrajudicial mediation is also possible.	and payable by the parties, but the costs may be covered by legal aid. Drawing up a fee agreement between 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 compulsory?	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.		Fees are fixed by the judge.

			When the judge does not understand the language in which the parties communicate.	
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	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 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. Commercial court: yes, initial fees are at least EUR 69.97	Court of first instance: no	Court of first instance: no
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
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	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

Case study	Reimbursement			
	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 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.

Costs for lawyer, bailiff and expert

Lawyer	Bailiff	Expert

Case study							
	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

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?

Can the winning party obtain reimbursement of litigation costs?

Can the winning party obtain reimbursement of litigation costs?

Can the winning party obtain reimbursement of litigation costs?

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.

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