

C/M/S/ Reich-Rohrwig Hainz

Questionnaire on

FUNDING; COSTS AND PROPOTIONALTY IN CIVIL JUSTICE SYSTEMS

Due to the fact, that the corresponding rules and laws are exceedingly comprehensive, this answers can only give a rough guide and do not reproduce the entire complexity of costs in the Austrian civil justice system.

1.1 Court charges (extract)

Court Fees Act

▼ *Civil proceedings*

"Tarifpost 1"	Amount of dispute	Charges
Flat-rate fee in civil proceedings in first instance related to the amount of dispute		
	to 150 Euro	19 Euro
from 150 Euro	to 360 Euro	37 Euro
from 360 Euro	to 730 Euro	52 Euro
from 730 Euro	to 2.180 Euro	87 Euro
from 2.180 Euro	to 3.630 Euro	140 Euro
from 3.630 Euro	to 7.270 Euro	257 Euro
from 7.270 Euro	to 36.340 Euro	607 Euro
from 36.340 Euro	to 72.670 Euro	1.191 Euro
from 72.670 Euro	to 145.350 Euro	2.384 Euro
from 145.350 Euro	to 218.020 Euro	3.577 Euro
from 218.020 Euro	to 290.690 Euro	4.769 Euro
from 290.690 Euro	to 363.360 Euro	5.962 Euro
above 363.360 Euro	1,2 per cent of amount of dispute plus 1.661 Euro	

There are no further charges in addition to the above flat rate fees at proceedings in first instance. Labour disputes by amount in dispute to 1.450 Euro are at no charge. Disputes in family matters (Sec 49 para (2) 2a and 2b Judicature Act (JN) are charged with 210 Euro.

"Tarifpost 2"	Amount of dispute	Charges
Flat-rate fee in civil proceedings in second instance related to the amount of dispute		
	to 150 Euro	15 Euro
from 150 Euro	to 360 Euro	33 Euro
from 360 Euro	to 730 Euro	58 Euro
from 730 Euro	to 2.180 Euro	117 Euro
from 2.180 Euro	to 3.630 Euro	233 Euro
from 3.630 Euro	to 7.270 Euro	467 Euro
from 7.270 Euro	to 36.340 Euro	934 Euro
from 36.340 Euro	to 72.670 Euro	1.753 Euro
from 72.670 Euro	to 145.350 Euro	3.507 Euro
from 145.350 Euro	to 218.020 Euro	5.260 Euro
from 218.020 Euro	to 290.690 Euro	7.014 Euro
from 290.690 Euro	to 363.360 Euro	8.768 Euro
above 363.360 Euro	1,8 per cent of amount of dispute plus 2.443 Euro	

There are no further charges in addition to the above flat rate fees at proceedings in second instance. Labour disputes by amount in dispute to 1.450 Euro are at no charge. Disputes in family matters (Sec 49 para (2) 2a and 2b JN) are charged with 279 Euro.

“Tarifpost 3”		Amount of dispute	Charges
Flat-rate fee in civil proceedings in third instance related to the amount of dispute			
		to 2.180 Euro	175 Euro
from	2.180 Euro	to 3.630 Euro	292 Euro
from	3.630 Euro	to 7.270 Euro	584 Euro
from	7.270 Euro	to 36.340 Euro	1.168 Euro
from	36.340 Euro	to 72.670 Euro	2.337 Euro
from	72.670 Euro	to 145.350 Euro	4.676 Euro
from	145.350 Euro	to 218.020 Euro	7.014 Euro
from	218.020 Euro	to 290.690 Euro	9.352 Euro
from	290.690 Euro	to 363.360 Euro	11.690 Euro
above	363.360 Euro	2,4 per cent of amount of dispute plus 3.258 Euro	

There are no further charges in addition to the above flat rate fees at proceedings in third instance. Labour disputes by amount in dispute to 1.450 Euro are at no charge. Disputes in family matters (Sec 49 para (2) 2a and 2b JN) are charged with 418 Euro.

▼ **Execution proceedings**

“Tarifpost 4”		Amount of dispute	Charges
Flat-rate fee			
a) in execution proceedings except lit b to the amount in dispute			
		to 150 Euro	14 Euro
from	150 Euro	to 360 Euro	32 Euro
from	360 Euro	to 730 Euro	37 Euro
from	730 Euro	to 2.180 Euro	51 Euro
from	2.180 Euro	to 3.630 Euro	68 Euro
from	3.630 Euro	to 7.270 Euro	87 Euro
from	7.270 Euro	to 36.340 Euro	126 Euro
from	36.340 Euro	to 72.670 Euro	152 Euro
above	72.670 Euro	for every further 72.670 Euro	152 Euro

b) in execution proceedings related to immovable property to the amount in dispute			
		to 150 Euro	29 Euro
from	150 Euro	to 360 Euro	37 Euro
from	360 Euro	to 730 Euro	48 Euro
from	730 Euro	to 2.180 Euro	68 Euro
from	2.180 Euro	to 3.630 Euro	95 Euro
from	3.630 Euro	to 7.270 Euro	145 Euro
from	7.270 Euro	to 36.340 Euro	209 Euro
from	36.340 Euro	to 72.670 Euro	336 Euro
above	72.670 Euro	for every further 72.670 Euro	172 Euro

For each application of execution proceeding related to movable property charges amounting to 7 Euro are added. Execution proceedings related to labour disputes by amount in dispute to 1.450 Euro are at no charge.

▼ **Offences with private prosecution**

“Tarifpost 13”	Amount of dispute	Charges
Charges:		
a)	Request of the injured party on prosecution.....	90 Euro
b) 1.	Appeal against judgments of regional court, if not associated with a nullity appeal and appeals against judgments of local court.....	105 Euro
2.	Nullity appeal.....	121 Euro

There are no further charges in addition to the above.

1.2 Other official charges (extract)

▼ **VAT**

No VAT is added to court fees.

▼ **TRANSLATOR**

Sec.54.GebAG

(1) Charges for translators account

1. to written translations
 - a) per 1.000 characters (without space character).....15,20 Euro;
 - b) if the document to be translated is written in other than Latin or German characters, the translation has to be done in other than Latin or German characters or if the document to be translated is difficult to read, each with 4 Euro more than the basic charge;
 - c) if the translation demands increased expenditure of time, because of specific linguistic or professional difficulties or if the translation has to be done between 8 p.m. and 6 a.m., on Saturday, Sundays or public holidays, in each case one and a half times of the basic charge;
2. in case of an lawful certification of an exact translation being in accordance with the original document.....3,20 Euro;
3. for attending a hearing or oral proceeding; for the first half an hour ____24,50 Euro; for every further half an hour.....12,40 Euro;

[...]

▼ **BAILIFF**

Sec.2 VGebG

Charge of enforcement

- 1. Forced administration of realty 20 Euro,
- 2. Execution sales of realty, of building on third-party land or building law.... 20 Euro,
- 3. Execution of movable property 6 Euro,

...

Sec.11 (1) With execution of movable properties [...] the remuneration accounts of overall paid or deducted amount

to	150 Euro	4,6%,
from surplus amount to	400 Euro	2,7%,
from surplus amount to	800 Euro	1,2%,
from surplus amount to	4.000 Euro	0,8%,
from surplus amount to	8.000 Euro	0,6%,
from surplus amount to	50.000 Euro	0,2%,
from surplus amount to	50.000 Euro	0,1%,

but at least 5 Euro.

(2) With distraint the remuneration accounts 6 Euro.

Sec.18 For delivery of documents [...] the remuneration accounts 2 Euro.

Sec.19 Compensation of travel expenses are, amongst others, covered depending on the distance.

1.3 Lawyers' fee

Lawyers receive a fee for their services, which is subject to agreement. However, the Lawyers' Fees Act (RATG) stipulates rates for work at court, which are primarily of importance for the cost refunds in civil cases, as well as in criminal cases in the event of private prosecution. Moreover, the Autonomous Fee Schedule is used as guidance and serves as a basis for an agreement.

Lawyers' Fee Act

Sec.3 The assessment basis in civil proceedings is based upon the amount in dispute, [...]

If the amount in dispute can not be determined, the following values are being considered:

1. Duties and taxes	2.180
2. Adoption.....	5.800
3. Agricultural matter. Minimum	10.900
4. Building law matters	
a) Minor project.....	5.800
b) Middle	21.800
c) Major project	181.000
5. Mining law matters	36.000
6. Rental and leasehold matters	
a) Commercial real estate	10.900
b) Accommodation up to 3 rooms	5.800
c) Miscellaneous accommodation	8.720

...

10. Expropriation.....	2.180
...	
13. Business law matters	
a) Small firm	10.900
b) Middle firm.....	36.000
c) Greater firm	72.000
d) Large firm.....	181.000
14. Protection of industrial property and intellectual property rights	36.000
...	
16. Insolvency.....	10.900
...	
18. Anti-trust Law.....	145.000
...	
20. Devise.....	4.360

Sec.6 AFS

Calculation of the fee can be carried out in analogous application of the RATG, particularly in application of the rules relating standard rate and „Tarifpost“ 1-3 and 5-9 RATG.

“Tarifpost 1”

Examples:

I. General

Short briefs; requests for information at court; revocation of power of attorney,

II. Civil proceedings

Abandon an action; objection to a default summons;

...

III. Execution proceedings:

Application to execution of movable property in accordance to § 14 Abs 2 EO

...

Assessment basis

		to inclusively	40 Euro.....	3,10 Euro,
above	40 Euro	to inclusively	70 Euro	4,30 Euro,
above	70 Euro	to inclusively	110 Euro	5,50 Euro,
above	110 Euro	to inclusively	180 Euro	6,20Euro,
above	180 Euro	to inclusively	360 Euro	6,70 Euro,
above	360 Euro	to inclusively	730 Euro	8,20 Euro,
above	730 Euro	to inclusively	1.090 Euro.....	10,90 Euro,
above	1.090 Euro	to inclusively	1.820 Euro.....	11,90 Euro,
above	1.820 Euro	to inclusively	3.630 Euro.....	13,30 Euro,
above	3.630 Euro	to inclusively	5.450 Euro.....	15,90 Euro,
above	5.450 Euro	to inclusively	7.270 Euro.....	19,70 Euro,
above	7.270 Euro	to inclusively	10.170 Euro.....	26,00 Euro,

[...]

“Tarifpost 2”

Examples:

I. Civil proceeding:

action for payment of moveable property, statement of defence
all other documents not mentioned in „Tarifpost 1“ and „Tarifpost 3“

II. Execution proceedings:

All document not mentioned in „Tarifpost 1“ and „Tarifpost 3“

...

Assessment basis

		to inclusively	40 Euro.....	13,20 Euro,
above	40 Euro	to inclusively	70 Euro	19,70 Euro,
above	70 Euro	to inclusively	110 Euro	26,00 Euro,
above	110 Euro	to inclusively	180 Euro	28,70 Euro,
above	180 Euro	to inclusively	360 Euro	32,50 Euro,
above	360 Euro	to inclusively	730 Euro	39,00 Euro,
above	730 Euro	to inclusively	1.090 Euro.....	51,80 Euro,
above	1.090 Euro	to inclusively	1.820 Euro.....	58,40 Euro,
above	1.820 Euro	to inclusively	3.630 Euro.....	64,70 Euro,
above	3.630 Euro	to inclusively	5.450 Euro.....	77,70 Euro,
above	5.450 Euro	to inclusively	7.270 Euro.....	96,80 Euro,
above	7.270 Euro	to inclusively	10.170 Euro.....	129,20 Euro,

[...]

“Tarifpost 3”

A

Examples:

I. General:

Application for provisional measures, all memoranda (briefs) except shorter ones following under “Tarifpost 2”

I. Civil proceeding:

See above; “Tarifpost 2”, statements of defence as long as they are not mentioned in “Tarifpost 2”

II. Execution proceedings:

Declaration of enforcement at law

Assessment basis

		to inclusively	40 Euro.....	26,00 Euro,
above	40 Euro	to inclusively	70 Euro	39,00 Euro,
above	70 Euro	to inclusively	110 Euro	51,80 Euro,
above	110 Euro	to inclusively	180 Euro	57,10 Euro,
above	180 Euro	to inclusively	360 Euro	64,70 Euro,
above	360 Euro	to inclusively	730 Euro	77,70 Euro,
above	730 Euro	to inclusively	1.090 Euro.....	103,40 Euro,
above	1.090 Euro	to inclusively	1.820 Euro.....	116,10 Euro,
above	1.820 Euro	to inclusively	3.630 Euro.....	129,20 Euro,
above	3.630 Euro	to inclusively	5.450 Euro.....	154,90 Euro,
above	5.450 Euro	to inclusively	7.270 Euro.....	193,50 Euro,
above	7.270 Euro	to inclusively	10.170 Euro.....	257,80 Euro,

[...]

B

I. All appeals

Assessment basis

		to inclusively	40 Euro.....	32,50 Euro,
above	40 Euro	to inclusively	70 Euro	48,60 Euro,
above	70 Euro	to inclusively	110 Euro	64,70 Euro,
above	110 Euro	to inclusively	180 Euro	71,40 Euro,
above	180 Euro	to inclusively	360 Euro	80,80 Euro,
above	360 Euro	to inclusively	730 Euro	96,80 Euro,
above	730 Euro	to inclusively	1.090 Euro.....	129,20 Euro,
above	1.090 Euro	to inclusively	1.820 Euro.....	145,10 Euro,
above	1.820 Euro	to inclusively	3.630 Euro.....	161,30 Euro,
above	3.630 Euro	to inclusively	5.450 Euro.....	193,50 Euro,
above	5.450 Euro	to inclusively	7.270 Euro.....	241,70 Euro,
above	7.270 Euro	to inclusively	10.170 Euro.....	322,30 Euro,

[...]

C

I. All appeals to the Supreme Court

Assessment basis

		to inclusively	40 Euro.....	39,00 Euro,
above	40 Euro	to inclusively	70 Euro	58,40 Euro,
above	70 Euro	to inclusively	110 Euro	77,70 Euro,
above	110 Euro	to inclusively	180 Euro	85,50 Euro,
above	180 Euro	to inclusively	360 Euro	96,80 Euro,
above	360 Euro	to inclusively	730 Euro	116,10 Euro,
above	730 Euro	to inclusively	1.090 Euro.....	154,90 Euro,
above	1.090 Euro	to inclusively	1.820 Euro.....	174,30 Euro,
above	1.820 Euro	to inclusively	3.630 Euro.....	193,50 Euro,
above	3.630 Euro	to inclusively	5.450 Euro.....	232,20 Euro,
above	5.450 Euro	to inclusively	7.270 Euro.....	290,10 Euro,
above	7.270 Euro	to inclusively	10.170 Euro.....	386,60 Euro,

[...]

“Tarifpost 4”

I.) Offences with private prosecution

1. Arraignment

- a) misdemeanour, which is local court competence..... 137,30 Euro;
- b) crime and all other misdemeanours..... 228,80 Euro;

[...]

“Tarifpost 8”

- (1) For every half an hour in meetings of all kind due

Assessment basis

		to inclusively	70 Euro	.....	10,90 Euro,
above	40 Euro	to inclusively	180 Euro	.....	15,90 Euro,
above	70 Euro	to inclusively	360 Euro	.....	21,10 Euro,
above	110 Euro	to inclusively	730 Euro	.....	26,00 Euro,
above	180 Euro	to inclusively	1.820 Euro	.....	39,00 Euro,

[...]

When representing a client e.g. hearing, a lawyer gets a standard rate of 60 per cent of sum of earnings in case of amount in dispute to 10.170 Euro, in case of amount in dispute above 10.170 he receives 50 per cent. This rate is doubled, when representations are held in case of a claim or statement of defence.

However, no additional costs are compensated, when applying the standard rate. All further activities like telephone calls, meetings, correspondence etc are deemed covered by the 50 or 60 per cent added to the fixed amount for briefs and hearings (per hour).

When working under the legal-aid scheme, lawyers do not receive a fee but are only entitled to a refund of the necessary cash expenses by the state. The state pays an adequate annual lump sum for the work done by lawyers on a pro-bono basis, which is used to finance retirement pensions for lawyers. Payment is effected to the bar association (the retirement fund).

1.4 A witness of fact (extract)

See Sec.3 GebAG

The charges cover basically compensation of necessary expenses, like travel costs and in the event of a financial loss compensation for such loss of income due to the attendance of the hearing.

1.5 An expert (extract)

See Sec.24 GebAG

The charges cover basically compensation of necessary expenses, which evolve from travelling to the place where taking of evidence is accomplished, compensation of expenses which evolve from engaging assistants and back staff, compensation for attending the hearing. Experts also receive a fee for their expert opinion. Usually this is calculated on the basis of hourly sales and the amount of time invested.

1.6. Any other costs

For instance costs for pre-process expenses or postal services.

1.7. Other factors constituting a “price” for bringing a claim

See Sec.48. Code of Civil Procedure

An apportionment of costs is possible where one party has caused a delay and thus added costs to the proceedings through their own fault. In such case, the delaying party will be required to pay all of the costs associated with the delay, regardless of who wins the action.

2. Who bears the costs?

Each party is initially responsible for its own costs (see Sec 40 Code of Civil Procedure) but the principle that the loser pays applies (see Sec 41 Code of Civil Procedure). An apportionment of costs is possible in the case of partial victory (see Sec 43 para 1 Code of Civil Procedure)

The award of cost is part of the final decision rendered in each instance.

3. Sources of finance

3.1 Personal funds

Personal funds are permitted.

3.2 Legal aid

Someone who cannot pay the cost of proceedings, without causing a risk to his/her daily subsistence, will receive legal-aid support upon application. This means that he/she is fully or partly (temporarily) exempt from paying fees and (temporarily) assigned a lawyer free of charge. As a result, socially disadvantaged persons also have access to the law. He/She must pay these costs only to the extent and as soon as his/her financial situation has improved.

Legal aid, when granted, extends to court costs and other official costs, fees for witnesses, expert witnesses, translators and attorneys' fees where representation is compulsory.

If the case is lost by the party receiving legal aid, the costs of the winning party are not covered by legal aid and must be paid personally.

3.3/3.4 Legal Expenses Insurance / After-the-event (ATE) insurance

Legal expenses insurance including ATE insurance is permitted.

3.5 Loans or grants from banks, trade associations, etc.

Someone who takes loans or grant from banks to finance his/her claim uses his personal funds. As agreements or contracts with banks are internal affairs between the contractors, they are not relevant for the proceeding.

In employment proceedings trade unions and/or Labour Chamber/Economic Chamber may sponsor the representation by a lawyer (usually based on special agreements between those entities and the respective lawyer/law firm).

3.6 Funding from a lawyer or other third party investor

No funding from a lawyer, but other third party investors are permitted according to the law.

4. Further issues

4.1

Once the fees are all based in tariffs, the amounts are fixed. However, the amount of briefs and hearings is not completely foreseeable. Therefore the full amount of the cost of proceedings is not entirely predictable.

4.2

No real strategies for lowering costs are available. The duration of a proceeding increase costs, as a result a faster proceeding reduces costs, because even if one party develops tactics the other party's' conduct may still cause delays or further briefs, hearings and therefore costs. Furthermore it also depends on the attitude of the judge: if proceedings are divided in many short hearings they are more expensive than if they are handled in 2 or more longer hearings. This is due to the fact that the first hour of each hearing costs the double than every further hour. Corresponding cooperation by parties might be helpful.

4.3

The sums involved are adequate.

4.4

Average length of proceedings in per cent (2007):	
Up to 6 months	45%
6 months to 1 year	32%
1 to 2 years	17%
2 to 3 years	4%
More than 3 years	2%

Source: Federal Ministry of Justice

4.5

No data for proportion of settled cases available.

4.6

COURT CASES (2007)	District courts	Provincial or regional court
Civil cases	622.079	88.560
Non-litigious matters	361.893	17.420
Land/Commercial register	683.810	15.571
Execution matters	1.144.234	
Insolvency cases	10.156	13.368
Penal cases	67.304	64.773
Land register excerpts	158.367	
Judicial administration matters	150.089	124.502
TOTAL	3.179.932	324.194

Source: Federal Ministry of Justice

4.7 Appeal

As a matter of principle, every court decision may be contested. The legal remedies are various types of appeal (ordinary appeal, recourse or nullity appeal/complaint), for example. The district courts are the first-instance courts; appeals are lodged with the higher-level regional court. In cases below the value of 2000 Euro, the decision of the court is final as no appeal is permitted. There, an appeals panel will rule as second-instance agency. Whenever regional courts act as first-instance courts (either by a single judge or a panel) appeals against their rulings will handled by the court of appeal as a second instance.

In cases requiring a decision on legal issues of fundamental importance, a further appeal is possible to the Supreme Court.

The respective higher court generally decides on legal remedies. In civil-law cases a further appeal against the ruling of the appellate court is possible to the Supreme Court in certain circumstances (See Sec.502 Code of Civil Procedure). In penal-law matters there is generally only a two-tier procedure.

Civil cases (2007)	First instance	622.079	88.560
Appeals in civil cases	Second instance	25.614	8.986
	Third instance	1.450	
Penal cases (2007)	First instance	67.304	64.773
Appeals in penal cases	Second instance	2.630	6.766
	Third instance	820	

Source: Federal Ministry of Justice

Only every fifth decision is challenged by resorting to a legal remedy. The majority of challenged decisions are confirmed by the appellate courts.

4.8

Continuous proceedings would increase efficiency related to their length; e.g. proceeding lasts for 2 subsequent days. Currently the time between two hearings lasts up to months. As a result the judge, the involved parties as well as their attorneys have to get familiar with the facts again and again which increase length and cost of proceedings.

Case studies

The stated costs contain mainly court charges and the lawyer's fee, giving only a rough view of costs according to Austrian civil proceeding.

1.

Taken amount of dispute amounting to 200 EUR

Court charges 37,00 Euro

Lawyers' fee

Claimant

Claim 64,70 Euro

Hearing 1 (1 hour) 64,70 Euro

Hearing 2 (3 hours) 129,40 Euro

Plus double standard rate 60% 310,60 Euro

Plus freely agreed fee

Defendant

Statement of defence 64,70 Euro

Hearing 1 (1 hour) 64,70 Euro

Hearing 2 (3 hours) 129,40 Euro

Plus double standard rate 60% 310,60 Euro

Plus freely agreed fee

Plus VAT

Loser pays all

2.

Taken amount of dispute (marriage matters) amounting to 4.360 EUR; Sec.10 (4a) RATG

Court charges 210,00 Euro

Lawyers' fee

Claimant

Claim 154,90 Euro
Hearing 1 (1 hour) 154,90 Euro
Hearing 2 (3 hours) 309,80 Euro
Plus double standard rate 60% 743,50 Euro
Plus freely agreed fee

Defendant

Statement of defence 154,90 Euro
Hearing 1 (1 hour) 154,90 Euro
Hearing 2 (3 hours) 309,80 Euro
Plus double standard rate 60% 743,50 Euro
Plus freely agreed fee

Plus VAT

Loser pays all

3.

Taken amount of dispute amounting to 6.000 EUR

Court charges 257,00 Euro

Lawyers' fee

Claimant

Claim 193,50 Euro
Hearing 1 (1 hour) 193,50 Euro
Hearing 2 (3 hours) 387,00 Euro
Plus double standard rate 60% 928,80 Euro
Plus freely agreed fee

Defendant

Statement of defence 193,50 Euro
Hearing 1 (1 hour) 193,50 Euro
Hearing 2 (3 hours) 387,00 Euro
Plus double standard rate 60% 928,80 Euro
Plus freely agreed fee

Expert opinion 2000,00 Euro

Plus VAT

Loser pays all

4.

Costs depend on the amount of invoked compensation for damages

Loser pays all

5.

- (a) Costs depend on amount of invoked compensation for damages (500.000 EUR + action for a declaratory judgment 100.000 EUR)
Taken amount of dispute amounting to 600.000 EUR

Court charges 8.861,00 Euro

Lawyers' fee

(Amount of dispute x 0,5) / 1.000 + 871,14

Claimant

Claim 1.171,10 Euro
Hearing 1 (1 hour) 1.171,10 Euro
Hearing 2 (4 hours) 2.927,80 Euro
Brief 1.171,10 Euro
Hearing 3 (4 hours) 2.927,80 Euro
Hearing 4 (4 hours) 2.927,80 Euro
Plus double standard rate 60% 14.756,00 Euro
Plus freely agreed fee

Defendant

Statement of defence 1.171,10 Euro
Hearing 1 (1 hour) 1.171,10 Euro
Hearing 2 (4 hours) 2.927,80 Euro
Brief 1.171,10 Euro
Hearing 3 (4 hours) 2.927,80 Euro
Hearing 4 (4 hours) 2.927,80 Euro
Plus double standard rate 60% 14.756,00 Euro
Plus freely agreed fee

Expert opinion 1 10.000,00 Euro

Expert opinion 2 5.000,00 Euro

Plus VAT

Loser pays all

- (b) Costs depend on amount of invoked compensation for damages (loss of earnings has to be included in calculation - 1.000.000 EUR + action for a declaratory judgment 100.000 EUR)

Taken amount of dispute amounting to 1.100.000 EUR

Court charges 8.861,00 Euro

Lawyers' fee

(Amount of dispute x 0,5) / 1.000 + 871,14

Claimant

Claim	1.421,10 Euro
Hearing 1 (1 hour)	1.421,10 Euro
Hearing 2 (4 hours)	3.552,80 Euro
Brief	1.421,10 Euro
Hearing 3 (4 hours)	3.552,80 Euro
Hearing 4 (4 hours)	3.552,80 Euro
Plus double standard rate 60%	17.906,00 Euro
Plus freely agreed fee	

Defendant

Statement of defence	1.421,10 Euro
Hearing 1 (1 hour)	1.421,10 Euro
Hearing 2 (4 hours)	3.552,80 Euro
Brief	1.421,10 Euro
Hearing 3 (4 hours)	3.552,80 Euro
Hearing 4 (4 hours)	3.552,80 Euro
Plus double standard rate 60%	17.906,00 Euro
Plus freely agreed fee	

Expert opinion 1	10.000,00 Euro
Expert opinion 2	5.000,00 Euro

Plus VAT

Loser pays all

6.

Taken amount of dispute amounting to 8.000 EUR

Court charges	607,00 Euro
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Lawyers' fee

Claimant

Claim	257,80 Euro
Hearing 1 (1 hour)	257,80 Euro
Hearing 2 (2 hours)	386,70 Euro
Brief	257,80 Euro
Hearing 3 (2 hours)	386,70 Euro
Plus double standard rate 60%	1546,80 Euro
Plus freely agreed fee	

Defendant

Statement of defence	257,80 Euro
Hearing 1 (1 hour)	257,80 Euro
Hearing 2 (2 hours)	386,70 Euro
Brief	257,80 Euro
Hearing 3 (2 hours)	386,70 Euro
Plus double standard rate 60%	1546,80 Euro
Plus freely agreed fee	

Plus VAT

Loser pays all

7.

Taken amount of dispute amounting to 7.000.000 EUR

Court charges 85.661 Euro

Lawyers' fee

(Amount of dispute x 0,5) / 1.000 + 871,14

Claimant

Claim	4.371,10 Euro
Hearing 1 (2 hour)	6.556,70 Euro
Hearing 2 (4 hours)	10.927,75 Euro
Brief	4.371,10 Euro
Hearing 3 (4 hours)	10.927,75 Euro
Brief	4.371,10 Euro
Hearing 4 (4 hours)	10.927,75 Euro
Plus double standard rate 60%	59.010,00 Euro
Plus freely agreed fee	

Defendant

Statement of defence	4.371,10 Euro
Hearing 1 (2 hour)	6.556,70 Euro
Hearing 2 (4 hours)	10.927,75 Euro
Brief	4.371,10 Euro
Hearing 3 (4 hours)	10.927,75 Euro
Brief	4.371,10 Euro
Hearing 4 (4 hours)	10.927,75 Euro
Plus double standard rate 60%	59.010,00 Euro
Plus freely agreed fee	

Expert opinion 12.000,00 Euro

Plus VAT

Loser pays all

8.

Taken amount of dispute amounting to 730 EUR; Sec.14 (a) RATG

Court charges	52,00 Euro
<u>Lawyers' fee</u>	
<i>Claimant</i>	
Claim	77,70 Euro
Hearing 1 (1 hour)	77,70 Euro
Hearing 2 (3 hours)	155,40 Euro
Plus double standard rate 60%	373,00 Euro
Plus freely agreed fee	
<i>Defendant</i>	
Statement of defence	77,70 Euro
Hearing 1 (1 hour)	77,70 Euro
Hearing 2 (3 hours)	155,40 Euro
Plus double standard rate 60%	373,00 Euro
Plus freely agreed fee	

Plus VAT

Loser pays all

9.

Taken amount of dispute amounting to 36.000 EUR;

Court charges	607,00 Euro
<u>Lawyers' fee</u>	
<i>Claimant</i>	
Claim	725,80 Euro
Injunction (25% of claims' fee)	181,50 Euro
Hearing 1 (1 hour)	725,80 Euro
Hearing 2 (3 hours)	1.451,60 Euro
Plus double standard rate 60%	3.701,60 Euro
Plus freely agreed fee	
<i>Defendant</i>	
Statement of defence	725,80 Euro
Hearing 1 (1 hour)	725,80 Euro
Hearing 2 (3 hours)	1.451,60 Euro
Plus double standard rate 60%	3.483,80 Euro
Plus freely agreed fee	

Plus VAT

Loser pays all