

ANNEX 29

- Country Report DENMARK

CONTRACT
JLS/2006/C4/007-30-CE-0097604/00-36

IMPLEMENTED BY



DEMOLIN, BRULARD, BARTHELEMY

- HOCHÉ -

FOR



COMMISSION EUROPEENNE

**- DG FOR JUSTICE, FREEDOM
AND SECURITY -**

**Study on the Transparency of Costs of Civil Judicial
Proceedings in the European Union**

**Jean ALBERT
Team Leader**

- COUNTRY REPORT -

- DENMARK -

**Submitted by Peter Gjørtler
Country Expert**

DECEMBER 30, 2007

COUNTRY REPORT	6
Introduction	7
Executive Summary	8
1 Summary of the mains sources of costs	8
2 Level of transparency in the sources of costs.....	8
3 Determination of the amounts of costs.....	9
4 Level of transparency in determining the actual costs	9
5 Proportion of each identified cost on the overall cost of civil judicial proceedings	9
6 Proportion of each identified cost on the overall volume of activity	10
7 Proportion of each identified cost on the value of disputed claim	10
8 Specificities in relation to EU cross-border disputes	10
9 Recommendations for EU action/national action.....	10
10 Relationship between the costs of justice, the transparency in the costs of justice and access to justice	11
11 Conclusions and recommendations	11
Detailed Draft Report	12
1 General Questions	12
1.1 Level of information on the transparency of fees and costs of justice	12
1.2 Transparency perception	13
1.3 Solutions to improve transparency	14
1.4 Fairness of costs	15
1.5 Conclusions and recommendations	16
2 Court fees	16
2.1 General	16
2.2 Other proceedings costs	17
2.3 Costs of legal recourses (Appeals...)	18
2.4 Costs of ADR	18
2.5 Costs of legal Aid proceedings	19
2.6 Costs of fast track proceedings	19
2.7 Costs of Group action proceedings	19
2.8 Payment	19
2.9 E-justice	19
2.10 Impact of the number of hearings on costs	20
2.11 Transcription costs	20
2.12 Conclusions and Recommendations	20
3 Lawyers' consulting and representation fees	21
3.1 General	21
3.2 Fees depending on the nature of the litigation	21
3.3 Fees depending on the type of lawsuit or proceedings	22
3.4 Fees depending on the value of the claim	22
3.5 Fees depending on the jurisdiction	22
3.6 Legal aids cases	23
3.7 Contingency fees	23
3.8 Payment	23
3.9 Conclusions and recommendations	23
4 Bailiff fees	24
4.1 General	24
4.2 Ante judgment	24

4.3	During proceedings	24
4.4	Post proceedings	24
4.5	Payment.....	25
4.5.1	Retainer	25
4.6	Conclusions and recommendations	25
5	Expert fees.....	25
5.1	General.....	25
5.2	Fees (medical experts, technical transports experts...)	26
5.3	Payment.....	26
5.4	Legal aid cases	26
5.5	Reimbursement of experts' fees	27
5.6	Practical questions.....	27
5.7	Conclusion and recommendations	27
6	Translation and interpretation fees	27
6.1	General.....	27
6.2	Translation fees	28
6.3	Interpretation fees.....	28
6.4	Payment.....	28
6.5	Practical questions.....	29
6.6	Legal aid cases	30
6.7	Reimbursement.....	30
6.8	Conclusion and recommendations	30
7	Witness Compensation.....	30
7.1	General.....	30
7.2	Fees.....	31
7.3	Legal aids cases.....	31
7.4	Payment.....	31
7.5	Practical questions.....	32
7.6	Conclusions and recommendations	32
8	Pledges and security deposits.....	32
8.1	General.....	32
8.2	Fees.....	32
8.3	Payment.....	33
8.4	Practical questions.....	33
8.5	Conclusion and recommendations	33
9	Court decisions.....	33
9.1	Cost of notification.....	33
9.2	Cost of obtaining an authenticated decision	33
9.3	Conclusions and recommendations	34
10	Civil Legal aid.....	34
10.1	General.....	34
10.2	Conditions of grant.....	34
10.3	Strings attached	34
10.4	Practical questions.....	35
10.5	Conclusion and recommendations	35
11	Personal experience.....	36
12	Case studies	36
12.1	Case Study number 1 - Family law - Divorce (excluding division of matrimonial property).....	36

12.2	Case Study number 2 - Family law - Custody of the children (excluding alimony questions)	39
12.3	Case Study number 3 - Family law - Alimony	41
12.4	Case Study number 4 - Commercial law - Contract.....	43
12.5	Case Study number 5 - Commercial law - Responsibility	46

ANNEXES TABLE:

ANNEXE 1 Questionnaire completed for the implementation of this study

COUNTRY REPORT

Preliminary notes

Introduction

Executive Summary

1 Summary of the mains sources of costs

The main sources of costs are the court fees for submission of claims, the lawyer fees, and the bailiff fees for executions of judicial decisions.

As the court and bailiff fees depend on the value of the case, whilst the lawyer fees depend on the hourly rate set by the chosen lawyer, it is not possible to give a meaningful average relation between the three elements of cost.

2 Level of transparency in the sources of costs

The level of transparency is high, based primarily on internet access to information, together with direct communication with courts, lawyers, and other providers of services related to judicial proceedings.

3 Determination of the amounts of costs

The court fees are primarily calculated on the basis of the value of the claim, whereas lawyer fees are primarily calculated on the basis of time spent on the case.

As these are highly variable cost elements, it is not possible to give a meaningful average relation between litigation costs and monthly wages of the population.

4 Level of transparency in determining the actual costs

Lawyers are obliged to provide potential clients with a cost estimate for a specific case, and to justify subsequent deviations.

Court and bailiff fees are regulated by Act 2006-09-08 no. 936 and in general depend on the value of the cost. Lawyer fees are not regulated.

5 Proportion of each identified cost on the overall cost of civil judicial proceedings

In a typical case, the lawyer fees will constitute a larger proportion than the court fees. The court fees and lawyer fees form the major cost in relation to civil judicial proceedings, whereas bailiff fees and special services, such as experts, translators and interpreters typically form a minor part. However, in individual cases, especially the need for expert opinions may become a major element of costs.

6 Proportion of each identified cost on the overall volume of activity

It constitutes a concern, whether the relationship between the size of court fees and the value of claims may have a negative impact on the willingness of potential parties to participate in legal proceedings.

7 Proportion of each identified cost on the value of disputed claim

Only the court fees are directly calculated in relation to the value of the claim, but the value of the claim may also be drawn into the calculation of the lawyer fees, depending on the arrangement between lawyer and client.

8 Specificities in relation to EU cross-border disputes

There is no special treatment in Denmark of costs relating to EU cross-border disputes, apart from the inherent need for interpretation and translation that may follow from the use of different languages.

9 Recommendations for EU action/national action

The Danish system may not in general be seen as constituting a technical barrier for the free movement of justice. The right to maintain a national language in the judicial procedure appears clearly linked to the retaining of sovereignty, and the costs related to interpretation and translation must be seen as natural consequence of accepting this European diversity.

10 Relationship between the costs of justice, the transparency in the costs of justice and access to justice

The Danish system does not in general constitute a barrier for the access to justice, and there is sufficient transparency for potential parties to form an opinion on the costs of judicial procedure. However, it may be argued that the relationship between the size of court fees and the value of the claim, together with the level at which these court fees are calculated may limit the willingness of some potential parties to bring judicial proceedings.

11 Conclusions and recommendations

The Danish system is highly transparent, with centralised information on the functioning and costs of justice, within the limits set by EU and national competition law. Procedures follow uniform patterns, with due regard to the special characteristics of the various procedures. Cross-border transparency could be increased by the setting up of an EU sponsored information network, letting the EU take charge of financing the assuring of information about all the national procedures and costs in all the EU languages.

Detailed Draft Report

1 General Questions

1.1 Level of information on the transparency of fees and costs of justice

The Danish system has a high level of transparency in relation to fees and costs of justice, with primary reliance on the use of the internet, together with direct access to the courts, lawyers, and other providers related to the procedure of justice.

The most direct access to information is from the free web site of the Danish Court Administration (www.domstol.dk), but paid access is also available at private web sites, such as Synopsis (www.synopsis.dk), which offers a discount scheme for private persons, and a substantial discount for students. The standard rate of subscription is above 50 € per year.

Traditional phone access to the courts is also available, and as personal appearance without lawyers is possible under Danish law, the court administrative staff is used to interface with private individuals on technical aspects of court proceedings. No need is presently felt for brochures on the issue of court fees.

Although the use of lawyers is not obligatory, the Bar Association (www.advocom.dk) runs a free information service on court fees. Parties may also approach practicing lawyers for information. As set out below, the Danish legislation requires lawyers to give pricing information.

There is no tradition in Denmark for trade unions or other organisations to give information on the cost of access to justice.

1.2 Transparency perception

The general level of internet access in Danish homes, work places and schools, serve to make the internet the primary tool to be perceived as relevant for the transparency of costs of court proceedings. Depending on age and preference, some potential parties to proceedings may prefer individual questions to courts or providers of justice, as set out above. Both courts and such providers, including lawyers, are perceived as being easily accessible.

In general, the calculation of the the main court fees may be said to have a relatively high degree of transparency. As for lawyers fees, the issue of transparency is secured by law, as the lawyers are obliged to give price information.

For the more detailed technical costs, including witnesses, experts, translation, interpretation, legal aid, and transcription, it may be claimed that there is an average level of transparency in Denmark. Private persons will be aware of the cost factors and have an idea of their level, but not of the specific modes of calculation.

In comparison, when undertaking consultations with colleagues in other Member States about costs of litigation, we have found an equally high level of transparency, with only a very limited importance attached to differences in language and legal systems, as well as the different roles of stakeholders in the procedure.

Likewise, it is the general opinion that the principles of openness and efficiency in European legislation, together with the similar principles in Danish law, serve as a sufficient basis for transparency in legal costs.

1.3 Solutions to improve transparency

In principle, indicative total solution prices set for various types of cases might serve to increase transparency, and thus ease the choice of potential parties to commence proceedings. However, given the many aspects that determine the time spent by a lawyer on a given case, such total solution prices would presumably be subject to so many reservations as to limit their predictive value. Presently, lawyers are obliged to present potential clients with a cost estimate for the actual case, and to justify any subsequent deviations.

In addition to this formal obligation within the lawyer client relationship to inform about prices, the Bar Society organises free access to information at a stage prior to the establishing of such relationships. Lawyers participate on a voluntary basis in open consultations, so as to advise private parties on the possibilities of taking legal action to solve problems, and in doing so also address the issues of cost.

A number of steps that might be proposed to increase transparency have already been undertaken in Denmark. As set out above, access to information has been centralised at public and semi-public web sites, including the Bar Society. Likewise, the Danish legislation has a simple approach to the calculation of court fees, limiting the number of different procedures.

It may be argued that transparency previously was at an even higher level, as the Bar Society used to publish schedules of indicative lawyers fees. However, this was some years ago found to constitute a violation of both Danish and EU competition legislation, and at the request of the Competition Council this practice was brought to an end.

At the European level, a network akin to those established for judges and prosecutors engaged in transborder cases might serve to increase the perception of transparency. The network should ensure access to public information in other member states, in all or at least the most common European languages.

It would seem that an obligation of cooperation between member state authorities, or alternatively a centralised initiative at the EU level would be the most efficient approach. The option of imposing on private parties in litigation to grant information to each other would not seem a viable method of ensuring

transparency. Likewise, the proposal to dematerialise the proceedings does not seem a viable alternative.

As for language issues, a full accept of all European languages in all courts, with the public undertaking all costs of translation and interpretation, would appear to be an efficient, but also utopian method of ensuring full transparency. Such demands would infringe on the perception of national identity, and place unrealistic costs on the operation of the national judicial systems.

To a limited extent, a harmonisation of national procedural law at the EU might serve to increase the transparency of access to justice, but would again seem utopian. The seem would apply to the idea of establishing special EU courts for cross border claims, as this may well be seen as a federalist approach akin to that of the United States.

Finally, the idea of introducing cooperative courts for transborder cases, with judges from each of the involved countries, would again require such changes to the understanding of courts and the place in the national constitutional system, that this most be regarded as utopian.

1.4 Fairness of costs

In general, the setting of court fees relative to the value of the claim is seen by many as an unjust element of court proceedings, as the value does not necessarily relate to the time or resources spent by the court on the case. In addition, as set out below, the award of costs may not always in relation to lawyers fees cover the actual costs of the party to receive compensation.

However, in general it is our perception that the level of court fees in Denmark do not serve to deter private parties from seeking legal action in order to attain their rights. To a limited degree, the level of fees may induce a feeling of unfairness and financial stress. To a wide extent this is covered by the cap that has been placed on court fees as set out below.

At a wider European level, the transparency of costs in other Member States is somewhat lower than the perception of local costs, which may have some, but not

any substantial impact on the realisation of the rights of free movement. It is not our opinion that there is any feeling that this makes Europe less effective or that the member states have failed to establish sufficient co-operation in this field.

Denmark follows most European states in operating the principle that the losing party shall reimburse the costs of the winning party, and in general this is seen as a fair principle. However, to a certain degree the costs awarded by the courts do not always cover the full legal costs of the winning parties.

1.5 Conclusions and recommendations

The Danish system of costs in relation to access to justice is highly transparent, and in general the costs do not reach a level that acts as a real barrier to reasonable access. However, given the direct relation between court fees and financial value of the case, there may be some perception of injustice in the mounting court fees for larger cases, which however is countered by the placing of a cap on the court fees.

2 Court fees

2.1 General

In Denmark, court fees are in general calculated in relation to the value of the claim, when possible, and may have a substantial impact on the decision of a party to bring a claim before the courts.

The court fees are regulated by the following legislation:

Act 2006-09-08 no. 936 on court and bailiff fees

Procedural Code 2006-10-05 Nr. 1001

Executive order 1987-11-17 Nr. 712 on payment of lay judges and witnesses

These texts are available only in the Danish language. The parliamentary act 2006-09-08 no. 936 on court fees is a consolidating act, that authoritatively incorporates amendments to the original parliamentary act L 1969 206.

Cost of bringing an action to the courts

The fees are to be paid first in connection with the submission of the application. If the case submitted for an oral hearing, fees have to be paid again.

Information about court fees may be gained from both public and private web sites, as well as by direct contact to courts and lawyers. This issue is dealt with above.

The calculation of fees is not left to the discretion of the courts, but follows the calculations rules set out in the parliamentary legislation.

Divorce proceedings are subject to a flat fee of 66 € for the submission and 100 € for the oral hearing. An exemption for court fees applies to cases concerning Children Custody Rights and Alimony. Likewise an exemption applies to Civil Status, and to some cases concerning Lease.

For all other cases, including Work Accidents, Redundancies, Payment for a commercial or services agreement, Goods or services not in accordance, Litigation between associates, Mandates and agents, Consumers protection, Liability, Lease (apart from the exempted cases), Ownership and co ownership, a single calculation is applied.

For the submission of the case, a flat fee of 66 € is calculated together with 1.2% of the value of claim above 6,666 €, with a maximum fee of 10,000 €. Likewise, for the oral hearing a flat fee of 100 € is calculated together with 1.2% of the value of claim above 6,666 €, with a maximum fee of 10,000 €.

However, cases concerning administrative decisions have a maximum fee of 266 euro, and certain few types of cases have a joint flat fee of 53 euro. This applies both to the fee for submission and the fee for the oral hearing.

2.2 Other proceedings costs

In general, no other steps in proceedings call for fees. However, enforcement of interim measures is considered a separate procedure, which may call for bailiff fees as set out below.

Thus, there are no additional proceeding costs for any of the fields mentioned, including Divorce, Children Custody Rights, Alimony, Work Accidents, Redundancies, Payment for a commercial or services agreement, Goods or services not in accordance, Litigation between associates, Mandates and agents, Consumers protection, Liability, Lease, Ownership and co ownership, Civil Status, or any other fields.

Likewise, the fact that a dispute constitutes a cross border case does not entail any specific or additional costs. Thus, there are no fixed costs or special calculations called on specifically in cases involving other member states.

2.3 Costs of legal recourses (Appeals...)

Court fees are calculated separately for appeals, as set out in the Act 2006-09-08 no. 936.

In general, the same calculation is applied as for the original application. However, for the High Court the minimum is 100 €, and for the Supreme Court the cost is increased by 50% and the minimum is 1500 €.

For the appeal of procedural issues, the normal calculation is replaced by set fees. The fee for the High Court is fixed at 53 €, and for the Supreme Court at 750 €.

2.4 Costs of ADR

Presently, a pilot project on ADR performed by courts is being performed. Thus, mediation may under this project be chosen as an alternative to normal court proceedings. However, the normal court fees are calculated also for the in-court ADR under the pilot project.

In general, private ADR is available and used to an increasing degree in Denmark. There is no public regulation on fees for the use of private ADR. Likewise there are no special fees for the use of ADR in transborder cases.

2.5 Costs of legal Aid proceedings

Normal court fees apply in legal aid proceedings, but are covered by the legal aid.

2.6 Costs of fast track proceedings

Fast track proceedings are not applied.

2.7 Costs of Group action proceedings

Group action proceedings are not presently applied, but will be introduced next year. As a point of departure, the normal rules on court fees will apply.

2.8 Payment

Payment is made to the courts and is not subject to the calculation of VAT. The possible methods of payment include Cash, Cheque and Wire transfer.

As set out above, there are no set fees for ADR in general, and accordingly no set means of payment. For the in-court ADR under the pilot project, the same means of payment are available as for normal court fees.

2.9 E-justice

On-line court proceedings are not possible under the Danish procedural code, nor are we aware of any such use in ADR proceedings. Video conferences are in general used in Danish society, but not as part of court proceedings.

The use of email as a means of communication with the courts is not regulated by law, and is deemed subject to the decision of the receiving court. Use of traditional mail is recommended.

2.10 Impact of the number of hearings on costs

The number of hearings does not have any impact on the court fees. Apart from hearings on procedural issues, each case will have only a single hearing.

2.11 Transcription costs

Transcription costs are fixed by Act 2006-09-08 no. 936 on court and bailiff fees. This act is published in the Official Gazette and is available on the internet (www.retsinformation.dk), but only in the Danish language.

There are no private organisations authorised to undertake transcription of court documents, which is done by the courts alone.

Information on the transcription costs may be obtained by telephone from the courts, and may also be requested from lawyers, both as part of the lawyer client relationship and in the informal consultations set out above.

There are no public or private web sites, nor any brochures, that give separate information on transcription costs.

Transcription costs are calculated as a flat fee, set at 23 € per document, without any calculation of VAT. The nature of the court document concerned does not have any impact on the fee.

The fee is paid by the requesting party, and there are no cases where the court will suspend the fee, or specifically order the losing party to pay the fee. Likewise, legal aid will not specifically cover such fees.

The possible methods of payment include Cash, Cheque and Wire transfer.

2.12 Conclusions and Recommendations

The Danish system is in general balanced in the level of court fees, so as to ensure at the same time access to justice, barriers against disproportional use of litigation,

and coverage of public costs. However, it may be argued that some have a perception of the balance having been established at too high a cost level. A reconsideration of the direct link between claim value and court fees might be considered, but in any case the problem is limited by the cap placed on court fees.

3 Lawyers' consulting and representation fees

3.1 General

Information about lawyers' fees is not available from public or general private web sites. Some information may be available on the web sites of the individual. However, the primary source of information is direct contact to individual lawyers.

There is no obligatory use of a registered lawyer, as parties may represent themselves, or for companies be represented by an in-house representative that is not employed specifically for this purpose.

Apart from this, representation is permitted only by registered lawyers, and the courts may order parties to take a lawyer, if the party is not able to represent itself adequately in the opinion of the court.

The right of lawyers from other member states to act in Denmark is fully compliant with the EU requirements, and allows both for the short term provision of services by foreign lawyers, for the establishment of foreign lawyers, and for the admission to the Danish Bar of foreign lawyers.

3.2 Fees depending on the nature of the litigation

There are no set fees for lawyers, and thus no systematic variation based on the nature of the litigation.

The fees are decided by the individual lawyer, and there is no schedule setting out the fees. However, as set out above, a lawyer will have an obligation to inform a

prospective client about the estimated costs of litigation, including fees and their calculation.

Previously, the Bar Association previously sent out guidelines for fees, but as set out above such guidelines were deemed contrary to competition law. However, the pre-existing guidelines are still to a certain extent applied by the courts when awarding costs, which for that reason may not cover the actual lawyer fees paid by the party to receive compensation for costs.

Fees are typically calculated by the application of a fixed hourly rate to the time spent on the case by the lawyer. The hourly rates are mostly in the field between 250 and 350 € for senior partners, whereas the use of younger associates will be set at a lower rate.

3.3 Fees depending on the type of lawsuit or proceedings

Depending on the agreement between the lawyer and the client, the complexity of the claim may also form part of the calculation of fees. The use of conditional fees, being released for payment only in case of success, is not applied.

There is no special calculation of fees related to the fact that a case may involve cross border issues. However, the cost of obtaining assistance from lawyers in other member states will typically be billed to the client.

3.4 Fees depending on the value of the claim

Depending on the agreement between the lawyer and the client, the value of the claim may also form part of the calculation of fees. The use of conditional fees, being released for payment only in case of success, is not applied.

3.5 Fees depending on the jurisdiction

As set out above, there are no set fees for lawyers, and thus no systematic variation based on the jurisdiction. However, income differences between regions of Denmark may have an impact on the general level of fees.

3.6 Legal aids cases

Lawyer fees in legal aid cases are fixed by the court, typically at a level somewhat below the general commercial level. This has the possible negative effect of dissuading some lawyers from engaging in cases involving legal aid.

3.7 Contingency fees

Contingency fees are not applied.

3.8 Payment

Payment is made by the client to the lawyer. The fee is subject to the standard Danish VAT at 25 %. Typically, a lawyer will accept payment by Cash Cheque, or Wire transfer, whereas the use of Credit Cards is not common.

A retainer may be requested of a client, but the use of this practice will vary greatly depending on the relationship between the lawyer and client. There is no separate practice in this relation for transborder cases.

We are not aware of any statistics as to the average costs in lawyers fees for handling individual types of cases such as, Divorce, Children Custody Rights, Alimony, Work Accidents, Redundancies, Payment for a commercial or services agreement, Goods or services not in accordance, Litigation between associates, Mandates and agents, Consumers protection, Liability, Lease, Ownership and co ownership, Civil Status, or any other types.

3.9 Conclusions and recommendations

Fees are normally set on a market basis and at a level that in general is perceived as high, although being below that of several comparable member states. However, the perception of high fees is not in general seen as a barrier for the access to justice, as legal aid and insurance schemes supplement the commercial market.

4 Bailiff fees

4.1 General

The Danish bailiff system forms part of the municipal courts, presided over by a local judge, using assistant judges and specialised administrative staff for the execution of legal decisions and for notifications.

Thus, the access to information is as for court fees and may be gained from both public and private web sites, as well as by direct contact to courts and lawyers. This issue is dealt with above.

4.2 Ante judgment

Procedural notification is covered by the general court fees, whereas interim measures such as seizure are subject to bailiff fees.

4.3 During proceedings

As set out above, interim measures involving execution are subject to bailiff fees.

4.4 Post proceedings

Measures relating to the execution of judgements are subject to bailiff fees, according to the scale set out in the Act 2006-09-08 no. 936 on court and bailiff fees.

4.5 Payment

Payment is made to the local court and is to be undertaken by the requesting party at the time of the request. The fee is not subject to VAT and payment may be made by Debit card, Cash, Cheque, or Wire transfer.

The fee is regulated by Act 2006-09-08 no. 936, and for execution on and seizure of property it is set at 53 €, plus 0.5% of value above 530 €, plus 53 € if assistance given outside of the court office. For enforcement of non-monetary decisions it is set at 40 €, plus 53 € if assistance given outside of the court office.

There is no special payment for post proceeding interventions, and likewise, there is no special cost for enforcement in transborder cases. As payment is required at the time of submitting a request, there is no use of retainers.

4.5.1 Retainer

Use of the bailiff system is covered by the court fees and does therefore not require the use of a retainer.

4.6 Conclusions and recommendations

The integration of the bailiff system in the Danish court system is an important element in assuring an effective functioning of the enforcement of justice, and also in identifying both access and enforcement as a public service.

5 Expert fees

5.1 General

Experts are mostly used in the form of a professional giving an opinion on state of the issue at stake, most often in relation to the condition of real property.

The decision on the use of experts is made in agreement with the court, who may also assist in the designation of experts.

There is no general access to web sites giving information about the cost of experts, but information may be gained from contacting courts and individual experts.

5.2 Fees (medical experts, technical transports experts...)

There are no standard fee rates for experts determined by the legislation. The cost will be decided by the court in the individual case.

We are not aware of any general statistics on expert fees. However in real property cases 1,333 euro is given as a typical cost.

5.3 Payment

Payment is undertaken by the party requesting an expert opinion. The fees of experts will be subject to the standard VAT of 25 %. In no case are the fees paid by the court. Typically, an expert will accept payment by Cash Cheque, or Wire transfer, whereas the use of Credit Cards is not common

5.4 Legal aid cases

The legal aid assistance may also cover expert opinion costs.

5.5 Reimbursement of experts' fees

The court may order reimbursement of expert opinion costs as part of its ruling on the case costs.

5.6 Practical questions

Experts will be appointed by the court in the individual case, but do not have to be accredited by the courts before they can act as experts in litigation.

As there is no accreditation in Denmark, there is also no automatic recognition of foreign accreditations. However, an expert from any EU member state may be appointed depending on a case-by-case assessment of the court.

The court will set a time frame for the expert's report. There is no specific duration of validity of the report.

5.7 Conclusion and recommendations

The use of experts is essential for several types of cases, notably involving real estate issues. The system of court designation of experts constitutes a long tradition in the Danish legal system, whereas the use of experts selected only by the individual party is also used, but typically with a lower impact on the decision of the court.

6 Translation and interpretation fees

6.1 General

The procedural language in Denmark, apart from the special circumstances applying to Greenland and the Faeroe Islands, is Danish. However, the

English language may be seen to be accepted in many relations, especially concerning documentation. At the formal level, the Nordic languages have a special standing in Danish courts.

There is no general access to web sites giving information about the cost of translation and interpretation, but information may be gained from contacting courts and individual translators and interpreters.

In addition, information may be supplied by the national associations, including Dansk Translatørforbund (<http://www.dtfb.dk/>) and Translatørforeningen (<http://www.translatorforeningen.dk>).

6.2 Translation fees

There are no fee rates for translation determined by the court or the legislation. Thus, the cost of translation is decided by the translators as payment for a provision of service, including consideration of the complexity of languages concerned.

The calculation of the cost will depend on the translator, but typical prices will be above 40 € per page or between 0.1 and 0.49 € per word.

6.3 Interpretation fees

There are no fee rates for interpretation determined by the court or the legislation. Thus, the cost of interpretation is decided by the interpreters as payment for a provision of service, including consideration of the complexity of languages concerned.

The calculation of the cost will depend on the interpreter, but typical prices will be between 500 and 750 € per day or between 0.1 and 0.49 € per word.

6.4 Payment

Payment is undertaken by the party needing translation or interpretation, or by the court in the cases relating to Nordic citizens. Thus, there is a special clause for translation of Nordic languages in §149 of the Procedural Code 2006-10-05 Nr. 1001.

The fees of translators and interpreters will be subject to the standard VAT of 25 %, except in cases of cross border ser. Typically, payment by Cash Cheque, or Wire transfer will be accepted, whereas the use of Credit Cards is not common.

6.5 Practical questions

Documents to be used in court proceedings do not have to be translated by an accredited translator.

Separate from accreditation, a possibility exists for certification of translators and interpreters, which lends authority to their services. The state certification is not related to court functions, but in general gives an assurance of the quality of the work performed, and in different connections the use of certified translators or interpreters may be required. Under §149 of the Procedural Code 2006-10-05 Nr. 1001, the court or other party may require certified translation.

When a translator is accredited in another member state, this will be recognised in Denmark at the same level as certification. There is no set limit on the durability of certified translations.

In general, Danish procedural practice does not have absolute requirements on the originality of documents used as evidence, but the strength of evidence will in general be less for non-original documents.

Thus faxes and photocopies may be submitted, unless a certified translation is required as set out above. The possibility of getting a reconfirmation of a translation by a certified translator will depend on whether the translator will agree to working in this manner.

Likewise, the courts do not accredit interpreters, but general state certifications are available, and by preference certified interpreters should be used

6.6 Legal aid cases

The legal aid assistance may also cover translation and interpretation costs.

6.7 Reimbursement

The court may order reimbursement of translation and interpretation costs as part of its ruling on the case costs.

6.8 Conclusion and recommendations

Translation and interpretation are often required in a multi-ethnic country, and also in a country seeing increased use of the right of free movement under EU law. The special consideration of Nordic citizens is based on the similarity of the core Nordic languages. For other languages, the Danish system is highly flexible and practical in its approach to assuring a level of communication that meets the standards required for the administration of justice.

7 Witness Compensation

7.1 General

Appearance as a witness is a civic obligation, and witness compensation is not in general set up as an actual compensation of costs related to the appearance. All persons are in general subject to witness obligation, apart

from those excluded by article 168 etc. of the Procedural Code 2006-10-05 Nr 1001.

Information about witness compensation is available from public web sites and from the courts. The issue is dealt with above.

There is no general national association from which to obtain a list of witness rights.

7.2 Fees

The compensation is in general calculated as 5 euro per 2 hours, with a minimum of 10 euros, thus covering up to 4 hours appearance. However, a witness may enter a claim for loss of income and for accommodation and travel costs, on which the court will decide.

These fee levels are regulated by Executive order 1987-11-17 Nr. 712 on payment of lay judges and witnesses. The fees do not vary with the type of case.

7.3 Legal aids cases

The normal rules apply also to legal aid cases.

7.4 Payment

Payment of witness compensation is made by the court from the state budget. The parties will not be required to compensate this cost.

There is no calculation of VAT. Payment will be made using Cash, Cheque or Wire transfer.

7.5 Practical questions

The low level of compensation may constitute a problem in relation to potential witnesses coming forward with the information that they have witnessed events relevant to a specific case.

In the transborder cases, the court may order the witness declarations to be translated. However, they do not need to be collected in a special separate set of proceedings.

There are no special proceedings to authenticate the testimony of witnesses, which is in general heard orally and in court. As set out above in relation to other evidence, the court will decide on the strength of the witness testimony.

7.6 Conclusions and recommendations

Appearance as a witness constitutes a civic duty under Danish law, and the issue of compensation is therefore traditionally not seen as a core issue. Correspondingly, witness compensation is in general set at a symbolic level.

8 Pledges and security deposits

8.1 General

The Danish legal system does not use the provision of pledges.

8.2 Fees

According to the procedural code, a security for costs is required from applicants not domiciled within the European Economic Area, if the defendant so requests.

Likewise, the court may decide on a security as a condition for granting interim measures. The setting of the security may be subject to both written and oral pleading.

8.3 Payment

The security mentioned above is lodged with the court.

8.4 Practical questions

There are no practical questions that call for attention in the present report.

8.5 Conclusion and recommendations

The system of requiring securities from applicants not domiciled in Denmark is in general justified by the difficulties of ensuring enforcement of claims abroad. However, following the line set out in EU jurisprudence and legislation, the Danish requirement now only applies for applicants outside the EEA area, where the justification still applies.

9 Court decisions

9.1 Cost of notification

The cost of notification in Denmark is included in the general court and bailiff fees.

There is no practice in Denmark publication of court decisions.

9.2 Cost of obtaining an authenticated decision

The cost of obtaining an authenticated copy of a decision is set by law as a fixed fee, presently of 23 €.

9.3 Conclusions and recommendations

10 Civil Legal aid

10.1 General

The Danish system for legal aid is based on economic need, allowing for the state to undertake the costs related to the case, including both court fees and lawyer costs.

The income level must be below 33,000 € per year, which is just slightly lower than the average income level in Denmark.

Access to information may be gained from public web sites, as well as by direct contact to courts and lawyers. This issue is dealt with above.

10.2 Conditions of grant

The grant is given based on an evaluation of the applicant's economic situation, in relation to the norms set in the legislation, as well as the likelihood of a successful outcome.

Legal aid is regulated by Procedural Code 2006-10-05 Nr. 1001 §323 etc, which is available online (www.retsinformation.dk).

10.3 Strings attached

There are no strings attached to the grant of legal aid, but coverage of appeal proceedings will be based on a new evaluation of eligibility.

10.4 Practical questions

The Danish legal aid will apply only to proceedings before a Danish court, but will also cover a preliminary reference to the European Court of Justice during such proceedings. In addition, it will apply to both the litigation itself and to the subsequent costs of enforcement.

The legal aid will cover most types of litigation, including Conciliation and mediation (in the court pilot project mentioned above), Divorce, Separation, Adoption, Children custody right, Alimony, Domestic violence, Paternity issues, Inheritance and Estate, Work accidents, Redundancies, Harassment, Disabled people rights, Social aid right, Pensions, Health, War veterans, Asylum rights, Consumers protection, Contracts, Representation and agency, Consumers protection, Contracts, Public enforcement agencies (excluding bailiff), Civil rights, Human rights, Education, Lease, Real property, Civil Status, Racial Discrimination, and other cases.

In addition to legal aid, most Danish households are now covered by private insurance for cost of litigation. This will cover legal costs in cases that are deemed acceptable by the insurance company on a case-by-case basis.

Such insurance is typically inserted as a part of a general household insurance, and it is not possible to give an average cost of such insurance.

10.5 Conclusion and recommendations

The use of insurance schemes constitutes an important supplement to legal aid in the Danish system, countering the perception that some may have of a high level in court and lawyer fees. However, as set out above, the general perception is not seen as reaching a level constituting barrier for the access to justice.

11 Personal experience

The present report is based on the working experience of Kyed & Jybæk, a full service Danish law firm with a daily working relationship with judicial authorities as well as the bar society in the Kingdom of Denmark. Based on this experience, it has not been deemed relevant to submit questionnaires for answering from sources outside of the law firm.

12 Case studies

The case studies have been filled out with cost estimates based on the information in scenarios. However, it should be noted the case examples are very abstract, and that that in general the estimated cost figures must be taken with great reservation, as the actual costs will depend on the specific issues of each real case.

The following case studies have been devised to provide a practical insight into the costs of justice.

Each case will have its own specificities, complications and resulting costs. However, a number of basic situations have been identified as representative of many cases that are brought before the courts. These are used hereunder to illustrate the answers otherwise provided in the answers to the different questionnaires submitted as part of this study.

In the following case studies, you are asked to advise a party to a dispute on the costs that it will probably incur as a result of the legal actions undertaken. For obvious reasons some of the costs will only be approximations.

12.1 Case Study number 1 - Family law - Divorce (excluding division of matrimonial property)

In the following Case Study please advise the party that files for divorce on litigation costs.

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 B¹.

Case n° __1__

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	66 €	23 €	None	100 €	23 €	None	Yes (state administration)	66 €
Case B	66 €	23 €	None	100 €	23 €	None	Yes (state administration)	66 €

Case Study	Lawyer	Average costs	Bailiff	Pre-judgment costs	Post-judgment costs	Expert	Cost
	Is representation compulsory ?		Is representation compulsory ?			Is use compulsory ?	
Case A	No	1,500	No	Included in court fees	Not applicable	No	Not used
Case B	No	1,500	No	Included in court fees	Not applicable	No	Not used

Case	Witness compensation	Cost	Pledge or security	Cost	Other fees	Cost
	Are witnesses compensated ?		Does this exist and when and how is it used ?		Description	

¹ N.B : Article 3 of Regulation EC n°2201/2003 provides that: “In matters relating to divorce, legal separation or marriage annulment, jurisdiction shall lie with the courts of the Member State

(a) in whose territory:

- the spouses are habitually resident, or
- the spouses were last habitually resident, insofar as one of them still resides there”

Case A	<i>Yes</i>	<i>Not used in general</i>	<i>Deposit for non-EEA applicants and for interim measures</i>	<i>Estimated costs of opposing party</i>	<i>No</i>	<i>Not applicable</i>
Case B	<i>Yes</i>	<i>Not used in general</i>	<i>Deposit for non-EEA applicants and for interim measures</i>	<i>Estimated costs of opposing party</i>	<i>No</i>	<i>Not applicable</i>

Case	Legal Aid			Reimbursement			
	When and under which 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 ?
Case A	<i>Income under 33,000 € per year</i>	<i>Always</i>	<i>No</i>	<i>Yes</i>	<i>Total</i>	<i>None</i>	<i>No</i>
Case B	<i>Income under 33,000 € per year</i>	<i>Always</i>	<i>No</i>	<i>Yes</i>	<i>Total</i>	<i>None</i>	<i>No</i>

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	<i>If court so decides</i>	<i>Not used in general</i>	<i>If court so decides</i>	<i>Not used in general</i>	<i>No</i>	<i>Not applicable</i>

Case B	<i>If court so decides</i>	<i>400 €</i>	<i>If court so decides</i>	<i>400 €</i>	<i>No</i>	<i>Not applicable</i>
--------	----------------------------	--------------	----------------------------	--------------	-----------	-----------------------

12.2 Case Study number 2 - Family law - Custody of the children (excluding alimony questions)

In the following Case Study please advise the suing party on litigation costs by completing the table below.

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 access².

Case n° 2

Case Study	Court			Appeals			ADR	Costs
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	
Case A	<i>Exempt</i>	<i>23 €</i>	<i>None</i>	<i>Exempt</i>	<i>23 €</i>	<i>None</i>	<i>Yes</i>	<i>66 €</i>

² N.B : Article 8 of Regulation EC n° 2201/2003 provides that : "The courts of a Member State shall have jurisdiction in matters of parental responsibility over a child who is habitually resident in that Member State at the time the court is seized."

Case B	<i>Exempt</i>	<i>23 €</i>	<i>None</i>	<i>Exempt</i>	<i>23 €</i>	<i>None</i>	<i>Yes</i>	<i>66 €</i>
--------	---------------	-------------	-------------	---------------	-------------	-------------	------------	-------------

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ?	Pre-judgment costs	Post-judgment costs	Is use compulsory ?	Cost
Case A	<i>No</i>	<i>930 €</i>	<i>No</i>	<i>Included in court fees</i>	<i>Not typically used</i>	<i>No</i>	<i>400 €</i>
Case B	<i>No</i>	<i>930 €</i>	<i>No</i>	<i>Included in court fees</i>	<i>Not typically used</i>	<i>No</i>	<i>400 €</i>

Case	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	<i>Yes</i>	<i>Not used in general</i>	<i>Deposit for non-EEA applicants and for interim measures</i>	<i>Estimated costs of opposing party</i>	<i>No</i>	<i>Not applicable</i>
Case B	<i>Yes</i>	<i>Not used in general</i>	<i>Deposit for non-EEA applicants and for interim measures</i>	<i>Estimated costs of opposing party</i>	<i>No</i>	<i>Not applicable</i>

Case	Legal Aid			Reimbursement			
	When and under which 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 ?
Case A	<i>Income under 33,000 € per year</i>	<i>Always</i>	<i>No</i>	<i>Yes</i>	<i>Total</i>	<i>None</i>	<i>No</i>
Case B	<i>Income under 33,000 € per year</i>	<i>Always</i>	<i>No</i>	<i>Yes</i>	<i>Total</i>	<i>None</i>	<i>No</i>

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	<i>If court so decides</i>	<i>Not used in general</i>	<i>If court so decides</i>	<i>Not used in general</i>	<i>No</i>	<i>Not applicable</i>
Case B	<i>If court so decides</i>	<i>400 €</i>	<i>If court so decides</i>	<i>400 €</i>	<i>No</i>	<i>Not applicable</i>

12.3 Case Study number 3 - Family law - Alimony

In the following Case Study please advise the suing party on litigation costs by completing the table below.

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 A³.

Case n° 3

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	<i>Exempt</i>	<i>23 €</i>	<i>None</i>	<i>Exempt</i>	<i>23 €</i>	<i>None</i>	<i>Yes</i>	<i>66 €</i>
Case B	<i>Exempt</i>	<i>23 €</i>	<i>None</i>	<i>Exempt</i>	<i>23 €</i>	<i>None</i>	<i>Yes</i>	<i>66 €</i>

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ?	Pre-judgment costs	Post-judgment costs	Is use compulsory ?	Cost
Case A	<i>No</i>	<i>660 €</i>	<i>No</i>	<i>Included in court fees</i>	<i>100 €</i>	<i>No</i>	<i>Not typically used</i>
Case B	<i>No</i>	<i>660 €</i>	<i>No</i>	<i>Included in court fees</i>	<i>100 €</i>	<i>No</i>	<i>Not typically used</i>

Case	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	<i>Yes</i>	<i>Not used in general</i>	<i>Deposit for non-EEA applicants and for interim measures</i>	<i>Estimated costs of opposing party</i>	<i>No</i>	<i>Not applicable</i>

³ NB Article 5 of COUNCIL REGULATION (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters provides that: “in matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which, according to its own law, has jurisdiction to entertain those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties”

Case B	<i>Yes</i>	<i>Not used in general</i>	<i>Deposit for non-EEA applicants and for interim measures</i>	<i>Estimated costs of opposing party</i>	<i>No</i>	<i>Not applicable</i>
--------	------------	----------------------------	--	--	-----------	-----------------------

Case	Legal Aid			Reimbursement			
	When and under which 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 ?
Case A	<i>Income under 33,000 € per year</i>	<i>Always</i>	<i>No</i>	<i>Yes</i>	<i>Total</i>	<i>None</i>	<i>No</i>
Case B	<i>Income under 33,000 € per year</i>	<i>Always</i>	<i>No</i>	<i>Yes</i>	<i>Total</i>	<i>None</i>	<i>No</i>

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	<i>If court so decides</i>	<i>Not used in general</i>	<i>If court so decides</i>	<i>Not used in general</i>	<i>No</i>	<i>Not applicable</i>
Case B	<i>If court so decides</i>	<i>400 €</i>	<i>If court so decides</i>	<i>400 €</i>	<i>No</i>	<i>Not applicable</i>

12.4 Case Study number 4 - Commercial law - Contract

In the following Case Study please advise the seller on litigation costs by completing the table below.

Case A - National situation: A company delivered goods worth 20.000 euros. The seller has not been paid because the buyer considers that the goods do not conform to what was agreed. The seller believes that the goods conform to what was agreed and asks for

payment in full because he asserts that the goods were purpose made and he will not be able to sell them to someone else.

The seller decides to sue to obtain the full payment of the price.

Case B - Transnational situation: A company whose head office is located in Member State B delivers goods worth 20.000 euros to buyer in Member State A. The contract is subject to Member State B's law and written in Member State B's language. This seller has not been paid because the buyer located in Member State A considers that the goods do not conform to what was agreed. The seller believes that the goods conform to what was agreed and asks for payment in full because he asserts that the goods were purpose made and he will not be able to sell them to someone else. The seller decides to sue in Member State A to obtain full payment of the price as provided under the contract with the buyer.

Case n° 4

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	226 € plus 260 €	23 €	None	226 € plus 260 €	23 €	None	Yes	1,300 €
Case B	226 € plus 260 €	23 €	None	226 € plus 260 €	23 €	None	Yes	1,300 €

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ?	Pre-judgment costs	Post-judgment costs	Is use compulsory ?	Cost
Case A		2,600 €	No	Included in court fees	100 €	No	400 €
Case B	No	2,606 €	No	Included in court fees	100 €	No	400 €

Case	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	<i>Yes</i>	<i>50 €</i>	<i>Deposit for non-EEA applicants and for interim measures</i>	<i>Estimated costs of opposing party</i>	<i>No</i>	<i>Not applicable</i>
Case B	<i>Yes</i>	<i>50 €</i>	<i>Deposit for non-EEA applicants and for interim measures</i>	<i>Estimated costs of opposing party</i>	<i>No</i>	<i>Not applicable</i>

Case	Legal Aid			Reimbursement			
	When and under which 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 ?
Case A	<i>Income under 33,000 € per year</i>	<i>Always</i>	<i>No</i>	<i>Yes</i>	<i>Total</i>	<i>None</i>	<i>No</i>
Case B	<i>Income under 33,000 € per year</i>	<i>Always</i>	<i>No</i>	<i>Yes</i>	<i>Total</i>	<i>None</i>	<i>No</i>

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	<i>If court so decides</i>	<i>Not used in general</i>	<i>If court so decides</i>	<i>Not used in general</i>	<i>No</i>	<i>Not applicable</i>

Case B	<i>If court so decides</i>	<i>400 €</i>	<i>If court so decides</i>	<i>400 €</i>	<i>No</i>	<i>Not applicable</i>

12.5 Case Study number 5 - Commercial law - Responsibility

In the following Case Study please advise the customer on litigation costs by completing the table below.

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.

Case n° 5

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	<i>Depends on value of</i>	<i>23 €</i>	<i>None</i>	<i>Depends on value of</i>	<i>23 €</i>	<i>None</i>	<i>Yes</i>	<i>1,300 €</i>

	<i>damage claim</i>			<i>damage claim €</i>				
Case B	<i>Depends on value of damage claim</i>	<i>23 €</i>	<i>None</i>	<i>Depends on value of damage claim</i>	<i>23 €</i>	<i>None</i>	<i>Yes</i>	<i>1,300 €</i>

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ?	Pre-judgment costs	Post-judgment costs	Is use compulsory ?	Cost
Case A	<i>No</i>	<i>2,600 €</i>	<i>No</i>	<i>Included in court fees</i>	<i>100 €</i>	<i>No</i>	<i>400 €</i>
Case B	<i>No</i>	<i>2,606 €</i>	<i>No</i>	<i>Included in court fees</i>	<i>100 €</i>	<i>No</i>	<i>400 €</i>

Case	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	<i>Yes</i>	<i>50 €</i>	<i>Deposit for non-EEA applicants and for interim measures</i>	<i>Estimated costs of opposing party</i>	<i>No</i>	<i>Not applicable</i>
Case B	<i>Yes</i>	<i>50 €</i>	<i>Deposit for non-EEA applicants and for interim measures</i>	<i>Estimated costs of opposing party</i>	<i>No</i>	<i>Not applicable</i>

Case	Legal Aid			Reimbursement			
	When and under which 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 ?
Case A	<i>Income under 33,000 €</i>	<i>Always</i>	<i>No</i>	<i>Yes</i>	<i>Total</i>	<i>None</i>	<i>No</i>

	<i>per year</i>						
Case B	<i>Income under 33,000 € per year</i>	<i>Always</i>	<i>No</i>	<i>Yes</i>	<i>Total</i>	<i>None</i>	<i>No</i>

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	<i>If court so decides</i>	<i>Not used in general</i>	<i>If court so decides</i>	<i>Not used in general</i>	<i>No</i>	<i>Not applicable</i>
Case B	<i>If court so decides</i>	<i>400 €</i>	<i>If court so decides</i>	<i>400 €</i>	<i>No</i>	<i>Not applicable</i>