

ANNEX 27

- Country Report CYPRUS

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COMMISSION EUROPEENNE

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

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

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Team Leader**

- COUNTRY REPORT -

- CYPRUS -

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COUNTRY REPORT

Preliminary notes

This report has been prepared by Yiannos Georgiades managing partner of the law firm Georgiades & Mylonas and it is the result of conscientious and effective work by the partners and associates of the firm.

The methods used for the preparation of the report are research and interviewing.

The purpose of the report is to provide illustrative guidance and information about the Transparency of the Cost of Civil Judicial Proceedings in Cyprus

Introduction

The Cyprus legal system adheres to the common law tradition and is mainly based on the Anglo-Saxon legal system. As a common law jurisdiction and having codified important areas of substantive law, Cyprus applies English Common Law principles where there is no Cypriot legislation in force: The sources of law in Cyprus may be summarised as follows:

1. The Constitution;
2. Statutes enacted by the House of Representatives;
3. Subsidiary or Secondary Legislation and;
4. The English enactments which were specifically adopted when Cyprus became an independent republic;
5. Common Law principles (Case law).

Article 135 of the Constitution empowers the Supreme Court to issue Court Rules (Subsidiary or Secondary Legislation). In addition, Article 164 of the Constitution confers the power on the Supreme Court to issue Rules of Court regulating the costs of, and incidental to, any Court proceedings. Until today, the Supreme Court of

Cyprus has issued a great number of Procedure Rules, including Rules regulating and/or determining and/or assessing judicial costs.

Section 43 of the Courts of Justice Law, 1960 (Law 14/60), as well as Rule 1 of Order 59 of the Civil Procedure Rules provide that subject to the provisions of any law or Rules, trial costs are left up to the discretion of the trial judge. In the case *Gregoriou v. Bank of Cyprus Ltd* (1996) 1B CLR 1111, the Supreme Court of Cyprus held that the term “costs” is to be interpreted as having the same meaning as that defined by the English Civil Procedure Rules, which define costs as “sums payable for legal services”.

The normal rule is that the successful litigant is awarded an order for costs to be paid by the unsuccessful litigant (See *Kyriakou v. Leontiou* (1987) 1 CLR 420; *Hadjimarkou v. Hadjiotis* (1983) 1 CLR 222). This rule may not be partially or wholly applied if the conduct of the successful litigant is regarded by the court as deserving of the censure of disentitlement to costs.

The Court will direct the costs to be assessed by the Registrar (taxing officer) of the Court. Any party who is dissatisfied with the taxing officer’s assessment, with regard to any item to which an objection is raised, may apply to the Court for a review within seven days of the assessment date.

Executive Summary

1 Summary of the mains sources of costs

The main sources of costs in Cyprus are the following:

A. The Courts of Justice Law, 1960 (Law 14/60)

Section 43 of The Courts of Justice Law (Law 14/60) is the main legislative provision which, subject to the provisions of any law or Rules, confers full power and discretion upon the Courts in civil proceedings to determine by whom and to what extent the costs are to be paid.

The Courts of Justice Law, 1960 can be found online on www.leginet.com, which is the Cyprus legal portal providing two databases on legislation and cases in the Republic of Cyprus. However, www.leginet.com is not freely accessible but it is subscription-based. In particular, lawyers registered with the Cyprus Bar Association are provided with user names and passwords necessary for the use of the services of the website. The subscription fees are being paid by the Lawyers by means of stamps (called Information Technology stamps) which they affix on the pleadings filed to the Court. The Procedure Rules determine the value of the stamps and the category of pleadings on which the information stamps must be affixed.

B. Civil Procedure Rules (Order 59).

Order 59 of the Civil Procedure Rules (CPR) sets out the procedural legal framework for determining costs in civil proceedings.

Appendix B, Part II of the Civil Procedure Rules, as amended by the Civil Procedure Rule of 2006, defines the amount of costs that may be awarded to the successful litigant depending on the value of the claim amount or the subject matter.

C. Other Procedure Rules

The main sources of costs are the Procedure Rules. There are various Procedure Rules (see table below) that apply to different kinds of civil proceedings, depending on the nature of the dispute, and determine the amount of costs in these proceedings. These Procedure Rules are presented in the following table (Table I):

Table I

PROCEDURE RULES ON COSTS

- 1 The Supreme Court (Revisional Jurisdiction) Rules, as amended by Amendment Rule (No 1) of 2006
- 2 The Supreme Court (Admiralty Jurisdiction) Rules, as amended by the Rule of 2006
- 3 The Companies Rules, as amended by Amendment Rule (No. 1) of 2006
- 4 The Bankruptcy Rules, as amended by Amendment Rule (No. 2) of 2006
- 5 The Administration of Estates of Deceased Persons Rules, as amended by Amendment Rule (No. 1) of 2006
- 6 The Rent Control Rules, as amended by Amendment Rule (No. 1) of 2006
- 7 The Compulsory Acquisition of Property Rules of 1956, as amended by the Amendment Rule of 2006
- 8 The Mental Patients Rules of 1996, as amended by the Amendment Rule of 2006
- 9 The Immovable Property (Tenure, Registration and Valuation) Rules of 1996, as amended by the Amendment Rule of 2006

In addition, a number of Procedure Rules determine the amount of costs in Matrimonial and Family Law disputes. These Rules are contained in the Table below (Table II):

Table II

PROCEDURE RULES ON COSTS(MATRIMONIAL AND FAMILY LAW CASES)

- 1 The Matrimonial Causes Rules, as amended by the Amendment Rule of 2006
- 2 The Adoption Rules, as amended by the Rule of 2006
- 3 The Civil Procedure Rules (Maintenance Orders), as amended by the Amendment Rule of 2006
- 4 The Child Custody (Maintenance and Administration of the assets of Children) Rules, as amended by Amendment Rule (No. 2) of 2006
- 5 The Property relations between spouses Rules 1998
- 6 The Acknowledgement of Paternity Rules 1991

2 Level of transparency in the sources of costs

Bearing in mind that in Cyprus, there is no section or area of any Civil Law judicial dispute that is not regulated or covered by a Law or Rule defining the procedure or the determination and assessment of the costs of each case, it can be said that the Cyprus legal framework regarding court costs is satisfactory.

However, any physical person or legal entity interested in bringing a case into the court cannot find any information on how much they are about to pay in legal costs since there is no official or unofficial website or other public body providing such information. Therefore clients mainly rely on their lawyers to be informed on costs.

In addition, someone needs to have legal research skills in order to be able to find any law or Rule providing information on legal costs. Even Cypriot lawyers have difficulties in finding Procedure Rules since these are not included in any of the only two legal databases available in Cyprus, which are www.leginet.com and www.cylaw.org. As a result, the only way for a lawyer in Cyprus to be able to be informed of any legal update regarding Court costs is by subscribing to the

Government Gazette of the Republic, where primary and secondary legislation is published.

The only website where an individual can find Cyprus subsidiary legislation is the website of the Government Printing Office www.mof.gov.cy/mof/gpo, where you can find the last four years' publications of the Government Gazette. However, searching the publications is extremely difficult and a lawyer will not be able to find the information he wants unless he devotes quite a lot of time to this, since every daily publication may include 200 pages. Most importantly, any search using keywords included in the search engine would be worthless since the publications provided in the website have been scanned.

The Cyprus Bar Association has tried to find a solution to help Lawyers to be able to have, where necessary, immediate access to at least some sources of Court costs or fees. In particular, every year, the Cyprus Bar Association issues a Calendar Year Book, used by Lawyers in Court to write down the dates of appearance fixed by the Courts, which contains information on Court costs and fees. However, the information included in the Calendar is not adequate and since it is a hard copy, in contrast to legal websites, it cannot be updated. As a result, a Lawyer who does not subscribe to the Government Gazette has to wait until the issuing of the next calendar year book to be informed of any legal update regarding Court costs or fees.

In Cyprus, there is only one available publication consolidating all of the legislation and regulations regarding Court costs and fees (see "Costs 2006", by C. Kyriakides). However this publication is not the outcome of any public effort but it is the result of an individual initiative by Mr. C. Kyriakides, who used to be the Chief Registrar of the District Court of Limassol, and who has recently retired. In addition, five years ago, the Cyprus Bar Association issued a handbook on Court Fees and Costs in Judicial and Non-Judicial services.

3 Determination of the amounts of costs

A. General

In Civil Judicial Proceedings, the amount in dispute or the value of the subject matter serves two main purposes. Firstly, it is an element relevant to specifying the Court's jurisdiction and secondly, it indicates the scale in which the action has to be classified for the purpose of Court costs, which have to be paid under the relevant Rules. Thus the amount of costs in Civil Judicial Proceedings is determined by the value of the subject-matter of the case or the amount claimed.

The successful litigant is entitled to costs on the relevant scale, which must be recorded in every pleading filed with the Court. The Scale must be recorded on the right upper part of the front page of each pleading.

According to the Civil Procedure Rules when determining the scale applicable between the parties, the criterion is the amount awarded by the judgment in the case of a successful plaintiff, and for that of a successful defendant (with no counterclaim), the value of the subject matter of the claim. However the Court may allow, or order to be taxed, costs on a higher scale on special grounds arising from the nature and importance or the difficulty or urgency of the case.

Currently, there are nine cost scales (see Table III below) that apply and the limits of each one are determined by the amount claimed by the Plaintiff (or the Defendant in a case where there is a counterclaim against the Plaintiff).

Where the Defendant's counterclaim comes under a higher scale than that applied to the Plaintiff's claim, then the higher scale is the one that applies in that particular case.

Table III

COST SCALES

Claim not exceeding EURO 45

EURO 45 up to less than EURO 450

EURO 450 up to less than EURO 1,750

EURO 450 up to less than EURO 1,750

EURO 1,750 up to less than EURO 8,550

EURO 8,550 up to less than EURO 42,500

EURO 42,500 up to less than EURO 427,500
EURO 427,500 up to less than EURO 1,750,000
EURO 1,750,000 and over.

As a rule, the higher the Scale value, the higher the amount of costs that will be awarded to the successful party.

B. Procedure

The procedure regarding the determination and assessment (taxation) of Court costs includes the following stages:

I. The first stage includes the decision made by the Court which determines by whom the costs of the trial are ordered to be paid. As already stated, costs are normally awarded to the successful party.

The Court will then direct the costs to be assessed or taxed by the taxing master, who is the Court Registrar. However, the Court has the power, during the hearing of any cause or matter, or upon any application or proceeding in any cause or matter, to direct the costs of any pleading, evidence or other proceeding, which is improper, vexatious, unnecessary or caused by misconduct or negligence, to be disallowed, or may direct the taxing officer to look into the same and to disallow the costs thereof. In such a case, the party whose costs are disallowed will be ordered to pay the costs occasioned thereby to the other parties.

II. The second stage involves the assessment (“taxation”) of costs by the Registrar. The taxation procedure is of a judicial nature (see *Georgiades v. The Council of Ministers* (1999) 3 CLR 35). To this end, the successful litigant must prepare a bill of costs that he then has to submit to the Registrar (Taxing officer) for the amount of the costs awarded to be assessed.

According to the CPRs, in each case of cost taxing, the taxing officer allows all such costs, charges and expenses, as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party. The CPRs provide that the proceedings on the taxation of any bill of costs shall, as be as close as possible to those of the hearing of an action. As a result, it is provided that for the

purposes of taxation, the Registrar has the power to administer oaths or to call upon the party claiming the costs to furnish evidence that a sum claimed was in fact paid.

The Registrar taxes the bill of costs by dealing seriatim with each item by way of allowance or disallowance. Thus, if it appears to the Registrar that through his submitted bill of costs, the successful litigant is claiming for costs for actions or documents or procedures that have not been incurred during the trial, then the Registrar will disallow such costs. The CPRs provide the Registrar with a guide list of the actions, documents and procedures, the costs of which a successful litigant may include in the bill of costs. For example, according to the CPRs, a party may not claim for the cost of appearing in Court for directions for more than one appearance; thus if that party includes in his bill, costs for two or more Court appearances for directions, then the Registrar will allow the costs for only one appearance.

In addition, the costs claimed vary according to the scale which they come under. Thus, the costs for appearance for Court directions in the scale of EURO 450 - 1,750 vary between EURO 64.00 - 127.00 but in the scale of EURO 427,500 - 1,750,000, they vary between EURO 295 and 667.

III. At the third stage of the taxing procedure, the Registrar will certify, in the bill of costs provided by the successful party, the amount of costs that the latter is entitled to demand from the unsuccessful litigant. In particular, the Costs certificate will show the amount of costs that have been allowed further to a detailed assessment by the Taxing officer. The Costs Certificate may, upon being filed, be executed as if it were an Order from the Court.

If any party is dissatisfied with the Registrar's certificate, with regard to any item, to which he has raised an objection, he may apply to the Court for a review of the taxation of any such item or part of it.

However, according to the Case Law of the Supreme Court of Cyprus, the Court will not interfere with the decision of the taxing officer regarding the Court costs, except in cases where a serious error has been made [see Antonis Vourou and Christakis Lazarides v. Byrona Teggeraki (Civil Appeal 10571), dated 15/6/2006].

4 Level of transparency in determining the actual costs

Bearing in mind that Court costs and fees are determined and assessed using specific rules, it could be said that transparency in determining the actual costs is sufficient. The Civil Procedure Rules (CPR) set out the general procedural legal framework for determining costs in civil proceedings. The Civil Procedure Rules determine the procedure for determining costs and this procedure applies with regard to costs occurring in all kinds of civil proceedings or disputes.

Appendix B, Part II of the Civil Procedure Rules, as amended by the Civil Procedure Rule of 2006, defines the amount of costs that may be awarded to the successful litigant depending on the value of the claim amount or the subject matter.

There are various Procedure Rules that apply to different kinds of civil proceedings, depending on the nature of the dispute, and determine the amount of costs in these proceedings, which are:

1. The Supreme Court (Revisional Jurisdiction) Rules, as amended by Amendment Rule (No 1) of 2006
2. The Supreme Court (Admiralty Jurisdiction) Rules, as amended by the Rule of 2006
3. The Companies Rules, as amended by Amendment Rule (No. 1) of 2006
4. The Bankruptcy Rules, as amended by Amendment Rule (No. 2) of 2006
5. The Administration of Estates of Deceased Persons Rules, as amended by Amendment Rule (No. 1) of 2006
6. The Rent Control Rules, as amended by Amendment Rule (No. 1) of 2006
7. The Compulsory Acquisition of Property Rules of 1956, as amended by the Amendment Rule of 2006

8. The Mental Patients Rules of 1996, as amended by the Amendment Rule of 2006
9. The Immovable Property (Tenure, Registration and Valuation) Rules of 1996, as amended by the Amendment Rule of 2006
10. The Matrimonial Causes Rules, as amended by the Amendment Rule of 2006
11. The Adoption Rules, as amended by the Rule of 2006
12. The Civil Procedure Rules (Maintenance Orders), as amended by the Amendment Rule of 2006
13. The Child Custody (Maintenance and Administration of the assets of Children) Rules, as amended by Amendment Rule (No. 2) of 2006
14. The Property relations between spouses Rules 1998
15. The Acknowledgement of Paternity Rules 1991

However, the comments with regard to the transparency of the sources of costs apply here as well. Bearing in mind that in Cyprus, there is no section or area of any Civil Law judicial dispute that is not regulated or covered by a Law or Rule defining the procedure or the determination and assessment of the costs of each case, it can be said that the Cyprus legal framework regarding court costs is satisfactory.

However, any physical person or legal entity interested in bringing a case to Court cannot find any public information on how much they are about to pay in legal costs since there is no official or unofficial website or other public body providing such information. Therefore, clients mainly rely on their lawyers to inform them with regard to costs.

In addition, someone needs to have legal research skills in order to be able to find any law or rule providing information on legal costs. Even Cypriot lawyers have difficulty finding Procedure Rules since these are not included in any of the only

two legal databases available in Cyprus, which are www.leginet.com and www.cylaw.org. As a result, the only way for a lawyer in Cyprus to be able to be informed of any legal update regarding Court costs is by subscribing to the Government Gazette of the Republic, where primary and secondary legislation is published.

The only website where an individual can find Cyprus subsidiary legislation is the website of the Government Printing Office www.mof.gov.cy/mof/gpo, where you can find the last four years' publications of the Government Gazette. However, searching the publications is extremely difficult and a lawyer will not be able to find the information he wants unless he devotes quite a lot of time to this, since a daily publication may include 200 pages. Most importantly, any search using keywords included in the search engine would be worthless since the publications provided in the website have been scanned.

The Cyprus Bar Association has tried to find a solution to help lawyers to be able to have, where necessary, immediate access to at least some sources of Court costs or fees. In particular, every year, the Cyprus Bar Association issues a Calendar Year Book, used by lawyers in Court to write down the dates of appearance fixed by the Courts, which contains information on Court costs and fees. However, the information included in the Calendar is not adequate and since it is a hard copy, in contrast to legal websites, it cannot be updated. As a result, a lawyer who does not subscribe to the Government Gazette has to wait until the issuing of the next calendar year book to be informed of any legal update regarding Court costs or fees.

In Cyprus, there is only one available publication encompassing all of the legislation and regulations regarding Court costs and fees (see "Costs 2006", by C. Kyriakides). However, this publication is not the outcome of any public effort but rather the result of an individual initiative by Mr C. Kyriakides, who used to be the Chief Registrar of the District Court of Limassol, and who has recently retired. In addition, five years ago, the Cyprus Bar Association issued a handbook on Court Fees and Costs in Judicial and Non-Judicial Services.

Currently there is no other public information with regard to costs than that described in this question, namely question D.

With regard to information quoted by a professional to his customer, this information is based on the Regulations which are listed in this question, namely question D.

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

COURT FEES

3-15%, depending on the applicable scale of costs

BAILIFF FEES

2-7%

LAWYER FEES

70-90%

EXPERT FEES

2-5%

WITNESS COMPENSATION

2-5%

TRANSLATION-INTERPRETATION

2-5%

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

COURT FEES

3-15%, depending on the applicable scale of costs

BAILIFF FEES

1-3%

LAWYER FEES

60-90%

EXPERT FEES

5-20%

WITNESS COMPENSATION

5-10%

TRANSLATION-INTERPRETATION

2-5%

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

COURT FEES

3-15%, depending on the applicable scale of costs

BAILIFF FEES

1-3%

LAWYER FEES

60-90%

EXPERT FEES

5-20%

WITNESS COMPENSATION

5-10%

TRANSLATION-INTERPRETATION

2-5%

8 Specificities in relation to EU cross-border disputes

In Cyprus, no distinction is made in law with regard to costs in domestic and EU cross-border disputes. No law or rule provides for any particular costs to be allowed in cases concerning EU cross-border disputes.

9 Recommendations for EU action/national action

It is recommended that the European Union should set down a specific legislative framework regulating and determining the minimum and maximum charges of legal fees. Two decades ago, such a proposal would have been described as unrealistic but today, the establishment of the Euro makes it much easier for the proposed legislative measure to be adopted.

The recent decision of the European Court of Justice in *Federico Cipolla v Rosaria Portelese, and Stefano Macrino, Claudia Capodarte v Roberto Meloni* (Joined Cases C-94/04 and 202/04) has revealed the problems that could arise with regard to the freedom of provision of (legal) services within the EU where the Authorities of a Member State set down Rules specifying legal fees which differ from those established in other Member States. In our opinion, the decision of the European Court of Justice in *Federico Cipolla* underlines the need to create a EU legal framework, setting down specific provisions concerning the need for consumer protection, the issue of the correlation between the level of fees and the quality of the services provided and the legitimacy of any agreement between a lawyer and client deviating from the minimum fees set by the scale for lawyers' services.

On a national level, it is our belief as well as the belief of the majority of the lawyers who have been interviewed, that the legal framework on Court costs must be modernized in order to meet current international standards. The Rules should introduce new and fairer criteria with regard to the determination and assessment of the amount of Court costs and fees, such as the duration of the proceedings or the complexity of case. Medical negligence cases which come under the scale of "EURO 8,550 to less than EURO 42,500" necessitate much more work, preparation and time than a case of a breach of a promissory note where the same scale of costs applies.

In addition, the sources of costs should be easily accessible to consumers as well as to legal professionals. The fact that there is no official source or public body or organization that could provide information to the public about the costs that could occur in Court proceedings is considered as unacceptable in a country which has been an EU Member State since 2004. In addition, there is an urgent need for an official website to be created, providing information about the procedure, legal framework and legal updates on Court costs and legal fees..

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

The costs of justice and transparency in the costs of justice are considered to be related to access to justice since the majority of Cypriot people, prior to instructing their lawyer to take over their case in Court, usually ask for details about how much is the “whole thing” is going to cost and whether it is worth trying to resolve their case through judicial proceedings or trying to reach an out-of-court settlement. Cypriot lawyers are always willing to inform their clients of the costs of civil proceedings and their fees. In addition, according to Article 26(2) of the Advocates’ Code of Conduct “advocates must inform their client of the approximate requested fees, the amount of which must be fair, justified and reasonable under the circumstances”.

Although the costs of judicial proceedings are considered as playing an important role in Cypriot people deciding on whether they would like their civil dispute to be resolved through the Court, it seems that the most important and most serious consideration is the length of the judicial proceedings. Usually, the total length of time taken to have a final adjudication on a civil dispute is four to five years. As a result, the Republic of Cyprus has been found by the European Court of Human Rights to have violated Article 6 §1 of the European Convention of Human Rights on several occasions, which provides that “In the determination of his civil rights and obligations ..., everyone is entitled to a ... hearing within a reasonable time by [a] ...tribunal...” [see MARKASS CAR HIRE LTD v. CYPRUS (Application no. 51591/99) 2

July 2002, .CASE OF MAVRONICHIS v. CYPRUS (47/1997/831/1037) 24 April 1998, CASE OF LOUKA v. CYPRUS (Application no. 42946/98) 2 August 2000].

It is further recommended that in order to solve the problem of delays in Cyprus Courts with regard to the final adjudication of a civil dispute, the following measures must be taken:

1. Simplification of the current Judicial Proceedings;
2. Modernisation of the Procedure Rules, and,
3. Increase in the number of judges.

However, the problem of the lengthy Civil Judicial Proceedings in Cyprus is not independent of the issue of Court costs since in practice, the longer the Judicial Proceedings take, the greater the chance of more Court costs or fees being incurred.

In conclusion, it is recommended that the improvement of transparency in the sources of costs together with the simplification and modernisation of the current Civil Judicial proceedings would make citizens' access to justice much easier.

11 Conclusions and recommendations

We consider it a serious problem that the only practical way for a person (legal or physical) to be informed about the costs of bringing a case is to rely upon a lawyer. It is also unfortunate that in Cyprus, there is no public and/or official information regarding the costs since there is no official or unofficial website or any other public body that provides such information.

We believe that the omission of the Cypriot Authorities to provide free and easy accessible information via the Internet or other sources of information is not in keeping with a person's access to justice, which is a right protected by Article 30 of the Cyprus Constitution and Article 6 of the European Convention of Human Rights.

In our opinion, the Cypriot authorities, along with the contributions made by the competent institutions of the European Union, should solve the problem of this lack

of information by creating sources of information on costs (eg. official websites or public offices where trained and specialized personnel would provide all of the necessary information) where every citizen could easily, and at no expense, be informed of the cost of each procedure in the Courts.

Detailed Draft Report

1 General Questions

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

It has already been stated above that in Cyprus, there is a problem of access to information regarding fees and the costs of justice. In particular, such information cannot be found either on an official (or unofficial) website or from any other public body.

Currently, the only two legal databases that are available in Cyprus are www.leginet.com and www.cylaw.org, but these are only accessible to lawyers and anyway, they do not include the texts of any Subsidiary Legislation which, as already mentioned above, is the main source of Court costs and fees in Cyprus.

The only website where an individual can find Cyprus subsidiary legislation is the website of the Government Printing Office www.mof.gov.cy/mof/gpo, where you can find the last four years' publications of the Government Gazette but as already stated above, searching the publications is extremely difficult, even for a lawyer with good research skills.

Furthermore, no information on Court costs can be found on the official website of the Ministry of Justice and Public Order of the Republic of Cyprus www.mjpo.gov.cy/mjpo/mjpo.nsf or on any other official website of the Republic or the Government.

Currently, the Cyprus Bar Association is making efforts to reconstruct its website www.cyprusbarassociation.org, since this has been inactive for several years. The services that will be provided by the new reconstructed website of the CBA include information about the minimum Advocates' fees. For the moment, the CBA's website provides information about the Advocates' Code of Conduct (which as will be seen below sets down, inter alia, general guidelines and principles for the lawyers' relationships with their clients and in particular, specific guide criteria for setting advocates' fees) and information about filing with the CBA a complaint against advocates made by or on behalf of clients alleging excessive fees.

At the end the client depends on the actual information given by his lawyer as to the costs of his case since the amount of Legal fees varies from firm to a firm and consequently the only way to have an actual idea on costs is to get information by the actual lawyer.

1.2 Transparency perception

The Advocates Law & Rules confer the right upon an individual to dispute any amount of costs or fees claimed by their lawyer. A client may object to the amount of costs or fees before these are claimed.

According to the Advocates Rules, an advocate has a duty to furnish a bill of costs to his client in order to show in detail the services rendered and the payments made by the advocate on behalf of his client in respect of which the sums mentioned in the bill of costs are being claimed and showing the amount of all sums received by the advocate from or on behalf of the client. If the client disputes the amount of the bill of costs furnished to him by the advocate, he may apply to the Registrar of the Court in which the proceedings were conducted, in respect of which such costs were incurred, to tax the bill of costs and the Registrar has the power to tax the bill of costs accordingly.

In addition, according to the Advocates Law and Rules, a client has the right to file a complaint against their lawyer alleging excessive fees with the Cyprus Bar Association. Where the CBA receives a complaint from an advocate's client to the effect that an advocate has issued a bill of costs which they believe is excessive,

the CBA can refer the case to the appropriate committee and they will vote with regard to the fees. The decision of the committee is final and the Court or any other body does not have the power to amend or review the outcome, nor the Extra Judicial Reward Committee.

It should be noted that for any complaint filed, the Rules provide for the payment of EURO 69.00 in fees to the Disciplinary Board.

On the other hand, an advocate also has the right to ask the Committee to assess his/her fees in a particular case. In that case, the Committee's decision is binding upon the client concerned.

1.3 Solutions to improve transparency

It has already been argued above that the sources of costs should be easily accessible to consumers as well as to legal professionals. The Law Society regards as unacceptable the fact that there is no official source or public body or organization or website that can provide the public with information concerning the costs that could arise in Civil Judicial proceedings. There is also a need to create a centralised and published schedule of costs provided online and free to the public. The proposed website should also include services for immediately responding to any questions or queries.

In addition, since there is a significant part of the Cypriot population that does not use the Internet, it is recommended that parallel to the creation of an official website, the State should create a body or organisation providing information to the public through direct contact or by telephone, information leaflets, correspondence or post. In order to achieve the same goals, the State could provide financial (or other) motives to the private sector.

The Cyprus State could also provide the Cyprus Bar Association or the Local Bar Associations with the necessary means (financial and material assistance) in order to contribute towards achieving an adequate level of public information.

Finally, the fact that there are several Rules determining the procedure and the determination of Court costs could easily create confusion, not just among the public but also to lawyers themselves. Therefore, it is our view that the scattered

Rules on Costs should be concentrated in a simple Code of Costs, applicable to all kinds of Civil Judicial Proceedings.

1.4 Fairness of costs

The fairness of costs has two aspects.

The first aspect is the fairness of costs ordered in a particular case and secondly, the fairness of the minimum costs provided by the Rules. With regard to the fairness of costs in a particular case, there is no criterion for assessing whether or not the costs are fair. The Civil Procedure Rules set down particular principles and guidelines which must be followed by the Court or the Registrar in order to reach a fair result as to the Awarding and assessment of Costs in a particular case. In particular, according to the Rules, the Court has the power to disallow any costs that are considered to be improper, vexatious, and unnecessary or caused by misconduct or negligence. The same power is also conferred upon the Taxing officer who, when assessing or determining costs, must take into consideration the nature and importance of the cause or matter disputed, the amount involved, the parties' interest, the fund or persons bearing the costs, the general conduct and costs of the proceedings and all other circumstances.

The second aspect of fairness refers to the general concept of fairness with regard to the minimum and maximum legal costs or fees provided by the relevant Procedure Rules. The minimum and maximum legal costs or fees provided by the Rules are not considered by the legal profession as being fair since they are disproportionate to the value of work really done and the time spent, which is usually of much higher value than that of the costs allowed at the end of the case. This has resulted in a gradual decrease in the number of lawyers dealing with Court work. In contrast, the trend is that more and more young lawyers choose to deal with out-of-court work because the latter is considered to bring a lawyer much more income than court disputes, within a much shorter period of time and with much less effort.

It is a real fact that many advocates wonder why they should spend, eg. four hours preparing for and attending a Court hearing, something that could bring them about EURO 345 while at the same time, they could deal with registrations of companies or contract preparation, something that could bring much more income to their office (eg. EURO 5,150 or more).

Consequently, it is argued that the current Rules should increase the current amounts of Court costs, something that would result in Cypriot lawyers' enthusiasm for dealing with Court work again being rekindled and also an improvement in the quality of services provided to the public.

1.5 Conclusions and recommendations

In conclusion, it could be said that there is a serious problem with regard to the accessibility of sources of costs to consumers as well as to legal professionals.

With regard to the fairness of costs, one could say that there is no criterion for assessing whether or not the costs in a particular case are fair or not because this is a matter of the Court's discretion. On the other hand, examining the fairness of costs as a general concept and in particular, with regard to the minimum and maximum legal costs or fees provided by the relevant rules, the general position in the Cyprus legal profession is that these are not considered as being fair since they are disproportionate to the value of work really done and the time spent.

We believe that if the competent Cypriot authorities raised the current amounts, many Cypriot lawyers would be more willing to deal with Court work, again something that would be positively reflected in the improvement of the quality of services provided to citizens.

2 Court fees

2.1 General

The Court fees Order and Procedure Rules 1954, as amended by subsequent Rules, determine Court fees as well as the way in which they are charged. According to the Court fees Order and Procedure Rules, all fees for Court in Civil Proceedings are received by means of stamps. The stamps used for the receipt of Court fees are adhesive revenue stamps of the Cyprus Democracy. Every stamp denotes a value starting from EURO 0.45 cents to EURO 35.00.

Court fees are fixed and depend on the scale of costs that apply in the case in which that particular action is to be filed with the Court. Court fees do not depend on the law Court but depend on the nature of claim in dispute.

Court Costs are not for the whole litigation but concern each step of litigation. For example: The filing of an action that comes under the scale of EURO 1-8550 requires stamps with a value of EURO 48,00. From the filing of the action until the issuing of the final judgment, various pleadings may be filed in Court. If the plaintiff needs to file an application he must affix stamps to it with a fixed value of EURO 12. If that application needs to be accompanied by an affidavit, then the applicant must also affix to the affidavit EURO 3,50, which is the standard value of stamps. On the other hand, if the defendant needs to file an objection against the plaintiff's application, then he must affix stamps worth EURO 3.50 to the objection and this must be accompanied by an affidavit along with EURO 3.50 in stamps. Many applications may be filed with regard to various issues (e.g. an application for a summary judgment, amendment of pleadings, discovery of documents, the joining or separation of actions, etc.) during the trial and until a final judgment is issued.

2.2 Costs of bringing an action in the Courts

The Court fees Order and Procedure Rules provide a list of pleadings and/or documents to which a certain value of stamps must be affixed. The value of the stamps is determined by the Supreme Court Rules that are usually issued every year and monitored by the Cyprus Bar Association.

In order for a pleading to be valid and accepted for being filed in Court, the party wishing to file that pleading must first affix the stamps of the value provided by the relevant Rules. The Rules provide a list of pleadings and/or documents to which stamps must be affixed. In addition, the Rules determine the value of the stamps that need to be affixed to a pleading. With regard to actions (writ of summons), the value of the stamps needed depends on the scale of costs that apply in the case in which that particular action is to be filed with the Court.

Court Costs may depend on the jurisdiction. For example, the cost of bringing an action in Civil dispute differs from the costs with regard to actions in a Family or Labour or Rent control jurisdiction.

In addition, Court costs may depend on the type of proceeding in each jurisdiction. For example, in the Family jurisdiction, filing a Divorce necessitates stamps worth EURO 97. On the other hand an application for Children Custody Right necessitates EURO 19.50 in stamps.

Table IV below presents the values of stamps that need to be affixed to an action (Writ of Summons), filed according to the applicable scale of costs. Costs of legal recourses (Appeals...)

SCALE OF COSTS	VALUE OF STAMPS AFFIXED TO ACTIONS
Claim not exceeding EURO 9	EURO 1,75
EURO 9 to less than EURO 18	EURO 2,50
EURO 18 to less than EURO 45	EURO 5,50
EURO 45 to less than EURO 90	EURO 7,00
EURO 90 to less than EURO 450	EURO 17,50
EURO 450 to less than EURO 1,750	EURO 31,00
EURO 1,750 to less than EURO 8,550	EURO 48,00
EURO 8,550 to less than EURO 42,500	EURO 94,00
EURO 42,500 to less than EURO 85,500	EURO 154,00

EURO 85,500 to less than EURO 427,500	EURO 257,00
EURO 427,500 to less than EURO 1,750,000	EURO 350,00
EURO 1,750,000 and over.	EURO 450,00

2.3 Other Proceedings costs

Rules determine the value of the stamps that need to be affixed to a pleading. The value of the stamps needed depends on the kind and/or nature of the pleading and/or document that is to be filed. As with actions, the Rules provide that the value of stamps affixed to a number of particular pleadings (eg. the entering of an appearance, writ of executions and administration petitions) are determined by the scale of costs that apply when that particular pleading and/or document is going to be filed with the Court.

With the exception of applications for an appeal, the value of the Court fees of other proceedings and/or pleadings is usually lower than the Court fees applicable to actions.

Table V below shows the costs in the other civil proceedings:

Table V

OTHER CIVIL PROCEEDINGS	VALUE OF STAMPS AFFIXED TO ACTIONS
Rent Control Jurisdiction - Application for recovery of possession	EURO 9
Labour disputes Jurisdiction - General Application	EURO 9
Bankruptcy Proceedings - Bankruptcy petitions	EURO 26
Companies - Winding up petitions	EURO 26
Originating Summons	EURO 10
Mental Patients - General Application	EURO 12
Application for seal of writ of summons	EURO 21
Compulsory Acquisition of Property - Petition	EURO 12
Administration of Estates of deceased Persons - Application	EURO 6

Writ of delivery EURO 1.50 to EURO 206

2.4 Cost of legal resources

Table VI below shows the value of the stamps needed for filing a Civil Appeal. The value of the stamps required depends upon the scale of costs applicable to each case.

Table VI

SCALE OF COSTS	VALUE OF STAMPS AFFIXED TO CIVIL APPEALS
EURO 0 to less than EURO 1,750	EURO 52
EURO 1,750 to less than EURO 8,550	EURO 69
EURO 8,550 to less than EURO 42,500	EURO 120
EURO 42,500 to less than EURO 85,500	EURO 175
EURO 85,500 to less than EURO 427,500	EURO 275
EURO 427,500 to less than EURO 1,750,000	EURO 360
EURO 1,750,000 and over.	EURO 450

2.5 Costs of ADR

Article 28 of the Arbitration Law (Cap 4) confers the power on the Council of Ministers to appoint a fit and proper person to be the official referee, and may, by publishing a notice in the Government Gazette, prescribe a scale of fees to be collected by such an official referee.

According to Order 49 R. 1 of the Civil Procedure Rules, the parties may consent to referring an action to arbitration. In addition, the Court or judge may, if they are of the opinion that the action cannot, by reason of its requiring prolonged examination of documents or any scientific or local investigation or by reason of the question in dispute consisting wholly or in part of matters of account, be tried in Court, make an order referring the action to arbitration.

However, it is provided that no order of reference to Arbitrator can be entered unless provision is made for the arbitrator's costs by the parties, which must be deposited at the Court within the time specified by the Court. Where a deposit is not made within the specified time, the order becomes ipso facto void and the action must proceed as if no order of reference has been made.

In particular, the order of reference must specify the arbitrator and the rate of his remuneration. Such rate may be increased or reduced if the Court or Judge sees fit to do so. The Judgment cannot be given in conformity with the Arbitrator's award unless the arbitrator's costs are paid beforehand.

The Civil Procedure Rules, as amended by the Rule of 2006, determine the costs for appearances during Arbitration proceedings (see Table VII below).

Table VII

ARBITRATION SCALE OF COSTS FOR A CLAIM INVOLVING EURO	COSTS FOR A 3-HOUR APPEARANCE EURO	FOR EVERY ADDITIONAL HOUR OF APPEARANCE EURO
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0 to 450	31 to 52	12 to 18
450 to 1,750	64 to 94	26 to 38
1,750 to 8,550	123 to 163	52 to 64
8,550 to 42,500	194 to 255	79 to 101
42,500 to 85,500	234 to 308	94 to 123
85,500 to 427,500	284 to 382	113 to 152
427,500 to 1,750,000	366 to 496	144 to 197
1,750,000 and over.	513 to 694	205 to 277

In addition, the Rules determine the costs required to be paid after the making of the award (see Table VIII below).

Table VIII

ALTERNATIVE DISPUTE RESOLUTION	COSTS
Registration of the Referee's decision	EURO 18
Appeal against the Referee's decision	EURO 21

2.6 Costs of legal Aid proceedings

The relevant Rules are the Legal Aid Procedure Rules 1 of 2003, which provide the procedure with regard to filing an application with the Court, requesting legal aid. The procedure is simple. Any person interested in legal aid has to fill in a simple application form and file it with the Court Registrar. The Rules do not provide for any Court costs that need to be paid by means of stamps or otherwise for filing the application for legal aid.

2.7 Costs of fast track proceedings

In Cyprus, the Rules do not provide any special proceedings whereby a person may request accelerated handling of his case in Court. However, we believe that by way of a general application, a party could request the Court to resolve his case more rapidly. In this case, the party would have to pay the Court costs for a general application by means of stamps, the cost of which will not exceed 16 euros. Costs of Group action proceedings

2.8 Cost of Group actions proceedings

There are no special or particular costs for group actions proceedings in Cyprus.

2.9 Payment

The payment of Court costs does not require any special procedure. In practice, the lawyer of the successful party is entitled to costs, after obtaining the certified bill of costs from the Registrar, which he then sends to the other party against whom it was ordered to pay the costs or to his lawyer, a registered letter and attaches a true copy of the certified bill of costs requesting the immediate payment of the costs.

According to O. 59 r. 35 of the CPRs, certificates of taxation may, upon being filed, be executed as if they were orders of the Court. Thus, if the party liable for costs

refuses to pay any costs to the entitled party, the latter may proceed with enforcement measures against the refusing party..

2.10 E-justice

E-justice does not yet exist in Cyprus.

2.11 Impact of the number of hearings on costs

The costs of hearing are determined by the Civil Procedure Rules, as amended by the Rule of 2006. In particular, the costs of a hearing vary according to the applicable scale of costs in the case concerned.

The number of Court hearings has an effect upon the amount of Court costs. In fact, the greater the number of Court hearings, the higher the amount of costs will be allowed.

In the case of an appearance being made in Court for a hearing, if that hearing is adjourned by the Court due to a lack of time, the costs of the hearing may be allowed. However, the Court may disallow any costs of hearing if the reason for the adjournment rests upon the parties.

2.12 Transcription costs

There are two kinds of transcription costs:

1. Transcription costs of records and;
2. Transcription costs of verdicts.

The procedure for paying and determining the amount of both kinds are determined by the Rules. In particular, the transcription costs are collected by means of stamps. The payment takes place at the time of the transcription request. In particular, the party requesting the transcription affixes the value of stamps needed to an application book called 'certification' at the Court Registrar's office.

The value of the stamps required depends on the number of pages and the kind of document requested. Transcription costs of records are EURO 0.10 - 0.45 for each page, and for verdicts, EURO 0.10 - 0.45 for each page.

2.13 Conclusions and Recommendations

The general position in Cyprus is that the Court costs are not considered as being high but they are in harmonization with the financial capacity of the average Cypriot citizen.

However, with regard to citizens who are not included in the category of those who are entitled to legal aid since they do not meet the conditions required for legal aid to be granted, but on the other hand, they are in a poor financial position, we believe that the State should adopt regulatory and/or legislative measures providing these people, under specific conditions and/or requirements, a discount or allowance with regard to Court costs. In our opinion, justice would thus be more accessible to people on a low income or in a bad economic situation.

In addition, we believe that Cyprus should comply with the developments in third countries and in particular, with the European Union with regard to E-justice. In this respect, a lot of work must be done in order for the Cypriot Courts to comply since in our opinion, there is no infrastructure capable of meeting the technological standards of eg. the United Kingdom with regard to E-justice but we believe that with the help and cooperation of the competent authorities or institutions of the European Union, a lot can be achieved in this area..

3 Lawyers' consulting and representation fees

3.1 General

A lawyer may make a written or express agreement with his client fixing the amount and mode of payment for the whole or any part of his costs and disbursements. Where there is such an agreement, the costs are not subject to taxation.

According to Article 26(2) of the Advocates Code of Conduct, in the absence of an explicit agreement, advocates must inform their client of the approximate requested fees, the amount of which must be fair, justified and reasonable under the circumstances.

Where no express agreement has been reached between the client and his/her lawyer, then the latter will be paid according to the applicable scales in the Civil Procedure Rules.

The Advocate's Code of Conduct sets down specific provisions and guidelines that must be followed by Lawyers when setting fees. It provides that in the absence of an explicit agreement, advocates must inform their client of the approximate requested fees, the amount of which must be fair, justified and reasonable under the circumstances.

In addition, the Code of Conduct provides specific criteria that must be followed when setting an Advocate's fees. In particular, advocates must be guided by the following criteria:

- (a) the time spent on the assignment, the result achieved and its significance;
- (b) the significance of their services and the urgency of the matter;
- (c) the amount of the dispute;
- (d) the originality or difficulty of the legal issues which have arisen;
- (e) their competence, experience and specialisation;
- (f) the client's financial situation;
- (g) their potential exclusion from appearing in other cases or accepting other clients;
- (h) whether the use of their professional services is on an ad hoc basis or established or permanent;
- (i) the extent of their involvement in the study, presentation and development of the case.

The Code also provides that the method used to calculate the fees must always be in compliance with the Regulations of the Cyprus Bar Association in force at that time.

In addition, according to the Advocates Law (Cap. 2), every advocate must exhibit in a conspicuous place in his office such tables of fees or Rules of Court as the Rules may direct.

Resource to a lawyer is not mandatory. The Law does not provide for any cases where someone is obliged to appoint a lawyer to represent him in a Civil case.

The Civil Procedure Rules determine the minimum professional charges for each stage of the litigation, depending on the applicable scale of the claim.

In Cyprus, it is against the rules of Code Conduct to work under a contingency fee arrangement.

It is not easy to determine the average costs established for a proceeding because this depends on the applicable case. However, based on our experience, the average cost for a case of breach of contract claim involving 8,000 Euros is 1,000-1,500 Euros..

3.2 Fees depending on the nature of the litigation

As stated above, lawyers' fees depend, among other things, upon the nature of the litigation. For example, the fee rates provided by the Rules for a common civil law dispute eg. breach of contract, are different to the fees for Matrimonial or Family Law disputes.

In addition, in cases necessitating a lot of work, time, effort and preparation, such as medical negligence cases, an Advocate makes a written or express agreement with his client fixing the amount of fees.

Most lawyers have a particular fee rate which is uniformly applied to all clients. That rate will be higher for an able and experienced lawyer than for a lawyer who has recently commenced practice. The rates charged by each individual lawyer are a matter for that lawyer and for negotiation with the client.

3.3 Fees depending on the type of lawsuit or proceedings

Legal fees also depend on the type of proceedings in each case. For example:

1. Fees in appeal proceedings are higher than fees in first instance proceedings: In particular, the fees during the appellate procedure are up to 1/3 to 1/2 higher than the fees during first instance proceedings (e.g. the fees for preparing for hearing an application by summons under the scale of EURO 1,750 up to less than EURO 8,550 in first instance proceedings vary between EURO 46-75 and in appellate proceedings, they vary between EURO 55-111; the fees for attending for hearing a decision under the scale of EURO 1,750 up to less than EURO 8,550 in first instance proceedings vary between EURO 51-63 and in appellate proceedings, they vary between EURO 73-99. I

2. In addition, fees for judicial proceedings under an Originating Summons (eg. an application for bankruptcy) are lower than the fees incurred during common civil dispute proceedings beginning with an action. Thus the costs in common civil dispute proceedings may be five to 10 or more times higher than the proceedings started by an originating summons and the reason is that usually, proceedings under an originating summons are simpler and faster than common civil dispute proceedings. Usually the costs in an originating summons vary between Euros 200-500..

3.4 Fees depending on the value of the claim

The amount of a lawyer's fees in Civil Judicial Proceedings is determined by the value of the claimed amount. Thus, the fees for making an appearance for Court Directions within the Scale of EURO 450 - 1,750 vary between EURO 64.00 - 127.00 but within the scale of EURO 427,500 -1,750,000, they vary between EURO 294 - 667..

3.5 Fees depending on the jurisdiction

In Cyprus, jurisdiction is not a criterion for assessing lawyers' fees. However, a lawyer may agree with his client a larger sum of fees in case legal representation in other cities or countries is needed..

3.6 Legal aids cases

According to the Legal Aid Procedure Rules 1 of 2003, the lawyers' consulting and representation fees in legal aid financed civil cases are determined on the basis of the applicable scales of costs in common civil proceedings. Consequently, there are no particular or special legal costs in legal aid cases.

Lawyers are entitled to the normal fees provided by Civil Procedure Rule No. 2 of 2006, which are determined by the applicable scale of costs.

3.7 Contingency fees

In Cyprus, it is against the rules of the Code of Conduct to work under a contingency fee arrangement..

3.8 Payment

3.8.1 . Retainer

According to the Civil Procedure Rules (Order 2 r. 14), any writ for a claim relating to more than two pounds must, when the plaintiff lives in Cyprus, be sealed by the Registrar when presented by an advocate, unless this is accompanied by a retainer in writing on a form specifically provided for this purpose.

The retainer must state, inter alia, the following:

“(1) I have not made any express agreement with the said advocate in regard to his remuneration, but I will pay him according to the scales in the Civil Procedure Rules.

or,

(2) I have made the following express agreement with the said advocate in regard to his remuneration”.

Where there is an express agreement with regard to the fees between the lawyer and his client, then the latter must place his initials at the beginning and end of the second paragraph. The same must be done with regard to the first paragraph where such an agreement exists.

In case of agreement, the terms of remuneration agreed upon must be set out in the retainer.

3.9 Conclusions and recommendations

In our opinion, in Cyprus there is an adequate legislative and regulative framework protecting a client from the arbitrary determination of an advocate’s costs by a lawyer. The advocates are obliged by the law to inform their clients of the approximate requested fees. Otherwise, this could amount to a breach of the code of conduct.

However, the lawyers’ obligation to inform their clients with regard to their fees is neither known by all citizens nor, in our opinion, can it solve the problem of the absence in Cyprus of a public and freely accessible information system with regard to lawyers’ fees and Court costs. Clients have the right to have access to freely creditable information on lawyers’ fees and court costs from an independent public body, which would be able to provide all of the necessary assistance, guidance and information on this matter.

4 Bailiff fees

4.1 General

Before 1996, the duties of bailiffs which were defined by the Civil Procedure Rules included the service of pleadings or other Court documents and the execution of writs for the seizure and sale of movable property.

In 1996, the Civil Procedure Rules were amended by including a new Order (Order 5B) which conferred the authority of service of judicial documents and/or pleadings to civil servants (private bailiffs or private process servers). Any litigant may choose any private process servers he prefers out of the seventy-one (71) private servers currently available in Cyprus.

For every document served, the private bailiff must be paid the fixed fees which are determined by Appendix C3 of Order 5B of the Civil Procedure Rules.

According to Order 44 r. 1 of the Civil Procedure Rules, bailiffs have the power to do all things necessary for the execution of a writ for the seizure and sale of movable property upon receipt of the writ. These are public servants and as a result, any fee collected under the procedure of execution of a writ belongs to the State.

The fees of bailiffs are to be paid by the party using their services but the latter is entitled to demand these fees to be paid by the unsuccessful party or the debtor.

The amount of fees of the public bailiffs is determined by Order 44 of the Civil Procedure Rules.

4.2 Ante judgment

For every document served by him, the private server is entitled to fees determined by the Civil Procedure Rules.

However, a party is not entitled to any costs deriving from the service of an originating summons or writ if he does not include in these pleadings the costs of their service.

After a document has been served, the private bailiff will prepare a document (receipt) including the fees he must be paid for his services. The receipt is then delivered to the lawyer of the party who has used the services of the private bailiff for its payment.

Table IX below shows the fees of private bailiff determined by the CPRs. For every service of a document, there is a fixed sum, to which a fixed amount is added which is analogous to the distance (kilometres) between the place of service and the Court of the dispute.

Table IX

FEES OF PRIVATE BAILIFFS	
	EURO
Fixed sum for every document served	2.75
Up to 10 kilometres from Court of dispute	0.90
Up to 20 kilometres from Court of dispute	2.75
Up to 30 kilometres from Court of dispute	4.50
Up to 50 kilometres from Court of dispute	7.00
For more than 50 kilometres from Court of dispute	11.50

The average bailiff (service process) cost established for a proceeding is Euro 50-80.

4.3 During proceedings

. During proceedings, many pleadings and/or other documents may need to be served to the other party by private bailiff.

At the end of the trial, the party entitled to the costs of the case may claim from the other party ordered to pay the costs any sum paid to the server by including them in the bill of costs which he must submit to the Registrar.

4.4 Post proceedings

As stated above (4.1), after 1996, bailiffs' duties with regard to Civil Judicial Proceedings have been confined to the execution of a writ for the seizure and sale of movable property upon receipt of the writ.

After the property is seized, the bailiff proceeds with its sale at auction to the highest bidder. The bailiff's fees in connection with the service of seizing and selling the seized property are equal to the amount of 5% of the amount paid by the highest bidder at auction, which must be deposited in a government account immediately after the sale.

Where no sale of property takes place, the Registrar may allow the bailiff his reasonable expenses in connection with the seizure and these expenses must be paid by the judgment creditor or upon the sale of the goods seized, as the Registrar may direct, and must be deposited in a Government account.

According to the Rules, the bailiff must prepare an account for his expenses that must be handed to the Registrar who has to check whether these expenses are reasonable.

4.5 Payment

4.5.1 Retainer

A retainer is not required for using the bailiff's services. For any pleadings and/or other documents that lawyers have to arrange to be served, they use the services of a particular private bailiff.

Usually at the end of every month, the bailiff prepares an account, including all the services he has effected during that month (irrespective of whether the documents were not related to the same case) which he delivers to the lawyer using his services for its payment..

4.6 Conclusions and recommendations

It could be said that the amendment of the Civil Procedure Rules (Order 5B), through which the authority to serve judicial documents and/or pleadings to civil servants (private bailiffs or private process servers) was conferred, has improved the private process serving procedure in Cyprus in the sense that since the amendment of the Rules, it has been easier for a lawyer to communicate with the private process server with whom he cooperates, something that is particularly important in cases where the immediate or urgent service of a pleading is required or necessary. In addition, private sector in process service has enhanced the quality of the services provided with regard to the service of documents relating to judicial proceedings.

With regard to a private process server's fees, it could be said that these are considered as high because the process serving procedure in Cyprus is quite easy, especially bearing in mind the fact that the size of the country is small and that private process servers usually do not have to travel to different cities to those where they are situated since they cooperate with their colleagues who work in other cities..

5 Expert fees

5.1 General

Experts are people who have specialised knowledge which an ordinary person does not possess, and it is often necessary for the Court to seek their guidance in disputes involving technical issues. Experts also contribute their knowledge towards preparing an action or a report that may be used as evidence in a case.

The Civil Procedure Rules (as amended by Procedure Rule No. 2 of 2006) determine the maximum sum of an allowance to be paid to an expert witness for every appearance in Court. With regard to any other contribution (eg. reports) provided by an expert to a party in relation to a case, the Rules do not set out any fees..

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

Annex B, Part III of Procedure Rule No. 2 of 2006 amending the Civil Procedure Rules includes the maximum sum of fees allowed for every attendance by an expert in Court (see table X below).

According to the Rule, the criteria for determining the allowance to experts are the time necessarily occupied by travelling to the Court and returning to their place of residence and the time necessarily occupied by attending Court.

Table X

ALLOWANCES TO EXPERTS

EURO

For the first attendance in Court	Not exceeding 90
For every subsequent attendance	Not exceeding 45

5.3 Payment

5.3.1 Retainer

No retainer is required for experts attending Court.

However, the party and the expert may reach an express or written agreement as to the fees and disbursements or costs paid to the latter for his contribution to the case concerned.

5.4 Legal aid cases

Legal aid Law 2002 (L.1651/2002) implements Directive 2002/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes and confers the right upon any individual to ask for legal aid from the State if that individual is financially unable to pay his/her legal costs in a judicial process.

The Legal Aid Procedure Rules of 2003 provide for costs regarding legal aid cases. There are no special provisions as to the fees of experts. Thus, experts in cases where legal aid is provided are entitled to the normal fees provided by Civil Procedure Rule No. 2 of 2006.

However, it is possible for the beneficiary to ask the Court to include in his legal aid the fees of experts who have contributed towards the judicial process through their knowledge or work.

5.5 Reimbursement of experts' fees

The successful party entitled to the costs of the case may be reimbursed by the other party for the fees he has paid to an expert for his attendance in Court by including them in his bill of costs.

In addition, experts are usually asked to prepare reports or written statements so that they may be used in Court as evidence. For example, in accident or medical

negligence cases, doctors who have examined the plaintiff's injuries are asked to prepare medical reports referring to the medical examinations, tests, treatment, hospital care, provided to the plaintiff. In the same medical reports, the doctors must include the overall sum of money paid by their patient (plaintiff) for the treatment provided. The plaintiff may then recover these costs by including them in his statement of claim as special damages..

5.6 Practical questions

In Cyprus, there is a serious problem of unwillingness on the part of doctors to give evidence in Court as to the damages and injuries suffered by the claimant in accident or medical negligence cases. In such cases, medical reports or written statements by the doctors who examined or treated the plaintiff are usually not enough to support the plaintiff's claim for damages, pain and suffering. Thus, the doctors are required to attend to Court in order to help the latter to get a clear idea of the degree or the seriousness of the injuries or pain suffered.

However, the majority of doctors are unwilling to attend to Court unless they are paid by the party summoning them a sum that is usually ten times more than the maximum allowance (Euro 85) allowed by the Rules for a first attendance in Court. The most common excuse given by the doctors for asking for such a large sum is that their attendance in Court, which usually takes one or two hours at most, makes them miss appointments with patients and consequently, they lose out on their earnings.

The problem is very serious because if the party who has asked the doctors to testify does not appear in Court, then there is a danger that a substantial amount of the claimed damages will be lost due to their failure to adequately prove these damages and/or injuries and/or pain and/or disbursements and/or other financial losses. Usually, the refusal of the doctors to attend Court is based on false excuses (eg. urgent surgery).

As a result, the claimant has to find solutions to the problem of the doctors' unwillingness to attend Court. The first option is to pay the doctors the sum requested. In such a case, the claimant cannot recover the sum paid from the other party if the claim is successful.

The second option is to ask the court to issue an arrest warrant against the doctors. However, this option is detrimental to the interests of the claimant, who has requested the arrest of the doctor since the latter might, for revengeful reasons, give the Court a testimony that could harm the claimant's case.

In our opinion, a solution to the problem could be reached either by increasing the experts' allowances provided by the Rules or by amending Evidence Legislation in order to establish the admissibility of written statements prepared and signed by doctors in cases where they are unable or unwilling to attend in Court to give oral evidence..

5.7 Conclusion and recommendations

In Cyprus, the Civil Procedure Rules determine the maximum sum of an allowance to be paid to an expert witness for every appearance in Court. In our opinion, the Rules could provide for minimum and/or maximum sums to be paid to experts with regard to any other contribution (eg. reports, examinations, research) provided by an expert to a party in relation to a case.

There is also a serious problem in Cyprus of a lack of willingness on behalf of experts, and in particular doctors, to attend Court. In many instances, this problem leads to injustice because it is not unusual for a party who has a clear case against his opponent to be unable to support and/or prove his case because of unwillingness on the part of the expert witness to attend in Court and give the evidence needed. In our opinion, the problem could be resolved either by raising the experts' fees provided by the Rules or by amending Evidence Legislation in order to establish the admissibility of written statements prepared and signed by experts in cases where they are unable or unwilling to attend Court to give oral evidence.

6 Translation and interpretation fees

6.1 General

According to the Official Languages Law of 1988 (L. 67/88) the official languages of Cyprus are Greek and Turkish. However, the withdrawal of the Turkish Cypriots from the administration of the Republic and the invasion of Turkey in Cyprus on 20 July 1974, has led to only Greek being used in judicial proceedings.

According to the Official Languages Law (above) a document or affidavit is admissible in Court irrespective of the language of the text. However, the law provides that for administration of justice reasons, a Court may order the translation of the document or affidavit into Greek, which is one of the official languages of Cyprus.

In cases where the registration and enforcement of Foreign Judgments is sought, the following conditions must be fulfilled:

1. Filing of an affidavit in support of the application of registration and;
2. Exhibiting of a certified copy of the judgment issued by the original court together with a Greek translation certified by a diplomatic or consular agent or by a sworn translator or by a person so certified.

The evidence of a witness not conversant with the Greek language may be given through interpretation.

In each case, a translator/interpreter must make a sworn declaration to the Court or Registrar with regard to the faithfulness and accuracy of their translation or interpretation..

6.2 Translation fees

There is no Law or Regulation in Cyprus regarding translation fees. Translators' fees are freely determined between the translator and the party using the translating services.

Translators' fees normally depend on the extent of the text translated. In our experience, translation fees vary between Euro 68 - 102..

6.3 Interpretation fees

There is no Law or Regulation in Cyprus regarding interpreting fees. As with translation fees, interpreters' fees are freely determined between the interpreter and the party using the interpreting services.

Interpreters' fees usually vary between EURO 35 - 140 per appearance in Court for interpreting and usually depend upon the length of their attendance in Court.

6.4 Payment

Translators' and interpreters; fees are freely determined by the party and the translator/interpreter.

6.5 Practical questions

In criminal judicial proceedings, if the accused does not understand Greek, he has the right to free services being provided by an interpreter. However, such a right does not exist in Civil Proceedings. Such a right should be conferred equally upon defendants or plaintiffs who do not understand Greek and who do not have the financial means to make use of interpreting/translation services.

In addition, for reasons of consistency, it is recommended that the Civil Procedure Rules should set out fixed or maximum fees allowed for using the services of an

interpreter/translator during the judicial process. The Rules should also allow the party entitled to the costs of the judicial process to claim from the other party the payment of the costs incurred during the process with regard to interpreting/translation services

6.6 Legal aid cases

Legal aid Law 2002 (L.165I/2002) includes in legal aid the fees and/or costs of interpreting and the costs of obtaining an official translation of documents that need to be produced in Court by the beneficiary.

6.7 Reimbursement

The winning party entitled to the costs of Judicial Proceedings does not have the right to request from the losing party the costs or fees for interpreting or translation used in the judicial process.

6.8 Conclusion and recommendations

In our opinion, it is necessary for a Law or Regulation to be enacted and/or adopted determining and/or regulating interpreting and translation fees in civil cases. In addition, the lack of any Law and/or Regulation providing for free interpreting and/or translation fees for civil litigants who do not understand Greek and who do not have the financial means to make use of interpreting/translation services, constitutes, in our opinion a serious barrier to fundamental access to justice which is protected by Article 30 of the Cyprus Constitution and Article 6 of the ECHR..

7 Witness Compensation

7.1 General

Trials in Cyprus are based on the adversarial system. According to the Civil Procedure Rules, the party which has the burden of proof presents his case first, by calling his witnesses, and the opponent party follows. The witnesses give their evidence in chief orally; they are then cross-examined by the other side's lawyer and re-examined by their own lawyer.

The Civil Procedure Rules (as amended by Procedure Rule No. 2 of 2006) determine a maximum allowance sum payable to a witness attending Court. The amount of the allowance depends upon the profession or occupation of each witness who gives evidence in Court.

7.2 Fees

Annex B Part III of the Procedure Rule No. 2 of 2006 amending the Civil Procedure Rules includes the maximum sum of fees allowed for every attendance by a witness in Court (see table XI below).

The criteria for determining witness compensation do not differ from those that apply to the compensation of experts. These are the time necessarily occupied in travelling to Court and returning to their place of residence and the time necessarily occupied in attending Court.

A witness must be compensated for all of his/her appearances in Court.

Table XI

ALLOWANCES TO WITNESSES		
	SCIENTISTS BANKERS	MERCHANTS EMPLOYEES LABOURERS PEASANTS PROPRIETORS
FIRST DAY OF APPEARANCE IN COURT	Not exceeding EURO 90	_____
FOR EVERY SUBSEQUENT APPEARANCE	Not exceeding EURO 45	_____
FOR EVERY APPEARANCE IN COURT	_____	Not exceeding EURO 90

In cases where a party summons as a witness a person who is a public servant, he must first deposit in the Court Registrar's Accounts department the sum of EURO 47 for the public servant's "day off work".

7.3 Payment

The party summoning a witness to attend Court must pay the latter the relevant allowances in advance, as presented in table XI above.

The successful litigant, who is entitled to the costs of the judicial process, has the right to claim from the other party his witnesses' costs, which include allowances for appearing in Court and disbursements. In addition, the winner of the judicial costs may reclaim all of the costs that he has paid for summoning his witnesses. In particular, the Rules provide that stamps of the Republic with the value of EURO 3.50 must be affixed to every summons to witness. In addition, an application for a summons to witness to be issued must be filed with the Registrar, which must be

stamped with EURO 3.5 Advocates' Stamps which, however, are not recoverable by the losing party.

Witness disbursements include all reasonable expenses incurred for the witness to attend Court. These expenses usually occur in cases where witnesses come from abroad. These witnesses must be compensated for their travel expenses and maintenance in Cyprus [see FREDERICKOU SCHOOLS CO. LTD, 2. NELPCO (CYPRUS) LTD, 3. MICHAEL FREDERICOU v. ACUAC INC (Civil Appeal 8266, 8530) dated 10 October 2002]. The witness is usually paid in advance by the party who has called him/her and if the latter wins the costs of the case, he/she may include these costs in his/her bill of costs. However, the bill of costs must be accompanied by all of the necessary evidence proving the witness expenses that have been incurred..

7.4 Practical questions

A problem with regard to the attendance of witnesses which usually occurs in Courts is that the hearings of cases are quite often adjourned due to a lack of time, either by the Judge or the legal representatives of the parties, and the witnesses must be recalled again to attend Court on the new hearing date fixed by the Court. In this respect, there is inconsistency between Judges because, while some of them do not order the reissuing of a new summons to witnesses who have already appeared in Court, other Judges order a new summons to be issued. The reissuing of a summons to witness in cases where the hearing is adjourned is pointless anyway since it takes some time for the preparation and filing of the application for the issue of the summons and the summons itself. In addition the value of the Advocates' Stamps affixed to the application for the summons to witness to be issued cannot be recovered by the losing party..

7.5 Conclusions and recommendations

It could be said that the witness allowances provided by the Civil Procedure Rules are satisfactory and adequate, bearing in mind the fact that usually, the appearance of a witness in Court does not exceed one or two hours at the most.

8 Pledges and security deposits

8.1 General

There are cases where in certain circumstances, a party is required to deposit security during a Judicial Proceeding. The Court may order a party to deposit security in the following situations:

A. Security for costs

Order 60 of the Civil Procedure Rules provides that a plaintiff (and, in respect of a counter-claim which is not merely in the nature of a set-off, a defendant) ordinarily resident outside Cyprus or a Member State of the European Union may be ordered to give security for costs, though he may be temporarily resident in Cyprus or in a European Union Member State.

In actions brought by persons resident outside Cyprus or the EU, when the plaintiff's claim is based on a judgment or order or negotiable instrument, it is up to the Court's discretion to ask the plaintiff to give security for costs.

Where the Court orders security for costs to be given, the proceedings in the action are stayed until such security is given. In the event of the security not being given by the appointed time, the action may be dismissed.

B. Interim Orders

Civil procedure Law (Cap 6) sets out provisions regarding the Powers of the Court in Civil Procedure and Execution. Part II of Cap 6 confers the power to grant an order or injunctions. In particular, this is while an action is pending for interim orders to be issued against the defendant for the sequestration, preservation, custody, sale, detention, or inspection of any property in his name or to direct that the defendant be restrained from parting with any immovable property registered in his name.

The conditions for granting an interim injunction are set out in Section 32 of the Courts of Justice Law 14/60 which confers power upon the Court, while exercising its civil jurisdiction, to grant an injunction if there appears to be a probability that the plaintiff is entitled to relief and if it will be difficult or impossible to do complete justice at a later stage without granting an interlocutory injunction.

Section 9 of Civil procedure Law (Cap 6) confers power upon the Court, upon an application being made by any party, to issue an injunction without notice to the other party (*ex parte*) upon proof of urgency or other specific circumstances. Before making any such order, the Court requires the party that has applied for it to enter into a recognizance with or without surety or sureties for his/her being answerable in damages to the person against whom the order is sought.

C. Registration of judgment

Under Section 53 of the Civil procedure Law (Cap 6) a judgment creditor may, for the period of time and to the extent specified, render any immovable property in which his judgment debtor is beneficially interested, and which is registered in the books of the Department of Lands in the debtor's name, as security for the payment of his judgment by registering his judgment at the District Lands office.

D. Stay of execution

Under Order 35 R. 18 of the Civil Procedure Rules, an appeal does not operate as a stay of execution or of proceedings under the decision appealed but the Court from which the appeal is being made or the Court of Appeal may order the stay of execution of the decision that is being appealed against. A necessary precondition for the granting of an order staying execution is that the person obtaining the order must furnish such security (if any) as may have been directed. If the security is to be given by means of a bond, the bond must be made out to the party in whose favour the decision was given under the appeal.

E. Examination of judgment debtor

Part IX of the Civil Procedure Law (Cap 6), confers the right to a judgment creditor (where the judgment for the payment of money remains wholly or in part

unsatisfied) to apply for the debtor to be examined with regard to his ability to make the payment.

The Court has the power to adjourn the examination from time to time and to ask the debtor for security for his appearance at the adjourned hearing, as it deems fit, and if he fails to find any security, it may order him to be detained in custody..

8.2 Fees

With regard to security for costs, the extent of the security ordered is determined by a preliminary bill of costs that the applicant attaches to his application for security for costs. In particular, the preliminary bill of costs includes the estimated costs of the proceedings that are likely to be incurred until the end of the first (or second) instance judicial proceedings. However, the amount of security awarded is left up to the Court's in the discretion, which may determine such sums as it sees fit. It is not common practice to order security on a full indemnity basis but usually, the Courts fix the sum at about two- thirds of the estimated costs.

The amount of security ordered by the Court in Interim Orders depends on the subject matter of the case and the claimed amount.

In cases of orders for an execution to be stayed, the security furnished is also left up to the Court's discretion.

In applications for a debtor to be examined, the Court usually asks the debtor for a security of EURO 1,750 for his appearance at the adjourned hearing.

8.3 Payment

The security for costs is given by way of a bond or a Letter of Guarantee issued by the Plaintiff. The security must be given to an officer of the Court, usually the Registrar, unless the Court directs it to be given to the party who is entitled to security for costs.

In cases where an interim order is granted, security is given by means of a guarantee or a bond which must be made out to the party in whose favour the order is being issued.

In applications for a debtor to be examined, the debtor signs a form provided by the Court, in which he undertakes that in case of failure to appear in Court, that party is liable to pay a particular sum immediately as a penalty.

8.4 Practical questions

The Rules should confer upon the Courts the power to ask witnesses who are unwilling to attend Court to deposit security for them to appear on the hearing date

8.5 Conclusion and recommendations

It could be said that a satisfactory legal framework exists in Cyprus for regulating the procedure with regard to the determination of securities and pledges.

It is recommended that the Courts should have the power to ask witnesses who are unwilling to attend Court to deposit security in order to secure their attendance in Court when this is required.

9 Court decisions

9.1 Cost of notification

At the end of the proceedings, the parties are called to attend Court to hear the decision. The decision is delivered orally and at the end of it, the parties are provided with a copy of the Judgment signed by the Judge. The Civil procedure

Rules determine the costs of attending court for hearing a decision. The costs depend upon the applicable scale. The fees for attending for hearing a decision under the scale of EURO 1,750 up to less than EURO 8,550 in first instance proceedings vary between EURO 51-63 and in appellate proceedings, they vary between EURO 73-99.

In addition, any lawyer can download decisions issued by the Court of Appeal from the two available legal websites in Cyprus www.leginet.com and www.cylaw.org (the latter is freely accessible). In cases where the Court of Appeal delivers an important decision, the Registrar is given orders to make copies of it so that any lawyer who is interested in reading it has an opportunity to obtain a hard copy of that decision.

There are also cases where the parties are notified to attend Court, eg. to correct an error in a judgment that has been issued. In these cases, no costs are provided for notifying the parties..

9.2 Cost of obtaining an authenticated decision

The costs of obtaining an authenticated decision (or drawn up) is EURO 10, which is paid by means of stamps.

10 Civil Legal aid

10.1 General

Legal Aid Law 2002 (L.165I/2002) has been implemented in Cyprus Directive 2002/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes and confers the right upon any individual to ask for Legal Aid from the State if that individual is financially unable to pay his/her legal costs in a judicial process.

The Legal Aid Procedure Rules of 2003 provide for costs regarding legal aid cases.

The frequency of the cases subject to legal aid in civil proceedings is 2-5%.

The law does not set any limitations with regard to the maximum income for which it is possible to take advantage of legal aid. However, in our experience, the maximum sum of legal aid does not usually exceed EURO 1,700 - 2,000. The average annual per capita income in Cyprus is EURO 32.000.

According to Legal Aid Law, where the litigant granted legal aid wins the case and consequently, the costs, then no cost must be provided under legal aid. In addition, any cost incurred under legal aid must be reimbursed..

10.2 Conditions of grant

Under Legal Aid Law, legal aid is provided in the following situations:

1. Criminal Proceedings for crimes or offences for which the law provides for imprisonment exceeding one year.
2. Civil and Criminal proceedings for specified violations of human rights
3. Proceedings relating to Family and Matrimonial Law disputes.
4. Cross-border disputes.

The person interested in requesting legal aid must file a written application with the Court. Before legal aid is granted to the applicant, the Court must examine the financial status of the applicant and the seriousness and circumstances of the case for which legal aid is being sought.

If legal aid is granted, it is considered that it should also cover the costs of the appellate procedure.

If the conditions for granting legal aid are met, the beneficiary will be provided with a legal aid certificate..

10.3 Strings attached

Legal Aid Law confers the power upon the Courts to cancel any certificate of legal aid if it seems that the conditions under which legal aid was granted are no longer fulfilled. However, canceling of legal aid certification does not affect the right of his counsel to be paid the legal fees to which he is entitled for the services provided until the day of cancellation..

10.4 Practical questions

The beneficiary has the right to choose any lawyer from those who are interested in providing their services under the Legal Aid Law.

In a case where a beneficiary does not designate a lawyer of his choosing, the Court will appoint a lawyer from a list of lawyers drawn up by the Cyprus Bar Association. Without prejudice to the provisions and conditions of the Advocates' Law and Code of Conduct, a lawyer has the right to deny his appointment by the Court.

The appointed lawyer has the right to ask for his legal fees to be paid at any stage of proceedings.

According to Legal Aid Law, legal aid with regard to cross-border litigation covers travelling expenses and transcription and interpretation costs. However, legal aid only covers travelling expenses where the attendance of the person granted legal aid is necessary. Accommodation expenses are not covered either. The law is also silent with regard to other expenses incurred e.g. meetings with lawyers, correspondence, etc..

10.5 Conclusion and recommendations

Legal Aid Law 2002 (L.165I/2002), which is in full compliance with European Law, confers the right upon any individual to request legal aid from the State where that

individual is financially unable to pay his/her legal costs in a judicial process. The procedure for requesting legal aid is very simple and does not create any particular problems to a person applying for legal aid. In addition, any interested party can easily be informed of all of the aspects and requirements for legal aid to be granted by the Registrars at the District Court which is competent to try that person's case.

However, in cases of cross-border litigation, in our opinion, the Legal Aid Law should provide for travelling and accommodation expenses to be covered in cases where the attendance of the person granted legal aid is necessary.

11 Personal experience

Although it can be said that the Cyprus Legal Framework regarding Court costs is satisfactory, we believe that the level of transparency in the sources of costs is not satisfactory at all. We believe that sources of costs should be easily accessible to consumers as well as to legal professionals.

Our experience indicates that the Court fees provided by the Rules do not represent the real work done for the preparation and presentation of a case in Court (eg. time, research, Court appearances, filing documents with the Court Registrar, etc). Furthermore, Court costs in Cyprus are considered to be comparatively low by international standards. As a first step, we recommend the creation of an official website providing information about the current legal framework and a legal update on Court costs and legal fees and services to provide an immediate response to any questions or queries from the public.

Furthermore, we believe that the legal framework of Court costs should be modernised by introducing new and fairer criteria regarding the determination of Court costs and fees.

It is further recommended that the improvement of transparency in the sources of Costs must be accompanied by the simplification and modernisation of the current Civil Judicial proceedings, something that would make citizens' access to justice much easier.

Finally, the European Union should set out a specific Legislative Framework regulating and determining the minimum and maximum charges of legal fees. The establishment of the Euro should make it much easier for the proposed legislative measure to be adopted. We believe that the adoption of the proposed measure would contribute towards consumer protection and would improve the quality of the services provided by the legal profession in the EU.

12. Cases studies

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	EURO 380	EURO 17	EURO 860	EURO 310	EURO 85	EURO 1550	No	No
Case B								

Case n° 2

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	Yes	EURO 1200	Yes	EURO 70	EURO 860	Yes	There are no costs
Case B	Yes	EURO 2250	Yes	EURO 300	EURO 1025	Yes	There are no costs

Case n° 3

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	Yes	EURO per appearance in Court	In cases where an interim order is pursued	EURO 3450	Preparation for hearing, pleadings, attendance in Court, filing of pleadings, attendance in Registrar Stamps Service of documents Letters, faxes or e-	EURO 1725

					mails, applications	
Case B	Yes	EURO per appearance in Court	In cases where an interim order is pursued	EURO 3450	Preparation for hearing, Recognition or Member State's B decision pleadings, attendance in Court, filing of pleadings, attendance in Registrar Stamps Service of documents Letters, faxes or e- mails, applications	EURO 1725

Case n° 4

Case	Legal Aid		Conditions ?	Reimbursement			
	When and under which conditions is it applicable?	When is support total ?		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 the instances when leg aid should reimbursed to the leg aid

							organisation
Case A	No legal aid may be provided in this case			Yes	75%	Expert reports, Out-of-Court work and preparation- Legal research	No legal aid may be provided in this case
Case B	No legal aid may be provided in this case			Yes	75%	Expert reports, Out-of-Court work and preparation- Legal research Translation fees	No legal aid may be provided in this case

Case n° 5

Case	Translation		Interpreting		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?

Case A	Where an exhibit or document that needs to be filed in Court is written in a foreign language	EURO 85 - 170	Where a witness does not speak Greek language	EURO 85 - 170 per Court attendance		
Case B						

The following table presents a bill of costs prepared by our office and taxed by the Registrar in a case of civil dispute where the plaintiff (our client) succeeded in his action. It should be noted that normally the total amount of fees taxed by the client do not normally represent the actual fees that a client has to pay to his lawyer since the latter is billing according to his own rates taking into consideration the time consumed on the case both on Court and out of Court.

BILL OF COSTS

	DISBURSEMENT S EURO	LEGAL FEES EURO	TAXED FEES and DISBURSE MENTS EURO
Instructions to sue		130,00	99,00

Preparing writ of summons 02/R6		150,00	68,00
Filing a writ of summons in Court	112,00 (77,00)	23,00	23,00
Preparing an ex parte application for a decision for not filing an appearance.		47,00	47,00
Filing an ex parte application for a decision for not filing an appearance.	9,00 (6,00)	23,00	23,00
Preparing an application by summons for a decision for not filing a defence.		60,00	
Filing an application by summons for a decision for not filing a defence.	12,00 (6,00)	23,00	23,00
Attending Court to hear an application for a decision.		84,00	33,00
Attending Court upon proof of the application for a decision.		84,00	41,00
Preparing an answer to the defence		76,00	70,00
Filing the answer to the defence		23,00	23,00
Preparing an application for fixing a hearing date		60,00	47,00
Filing an application for fixing a hearing date		23,00	23,00
Preparing a hearing		282,00	282,00
Appearing in Court for a hearing that was adjourned on 21/11/2001, 26/04/2002, 4/10/2002.		(112,00) 284,00X3= 852,00	334,00
Appearing in Court for Directions on 29/05/2001, 13/12/2001, 6/11/02, 28/11/2002, 11/12/2002, 10/02/2003, 17/3/2003, 23/05/2003, 1/07/2003, 22/09/2003, 8/12/2003, 8/3/2004, 4/6/2004, 15/09/2004, 15/11/2004, 25/2/2005, 31/03/2005, 19/5/2005, 13/6/2005.		486,00	486,00
Attending Court during arbitration on 26/2/2003, for three hours		211,00	/
Attending arbitration on 31/3/2003, for two hours		168,00	/
Attending arbitration on 9/4/2003 for two hours		168,00	/

Attending arbitration on 2/7/2003 for two hours		168,00	/
Attending arbitration on 27/3/2003 for two hours		168,00	/
Attending arbitration on 3/7/2003 for two hours		168,00	/
Attending arbitration on 8/3/2005 for two hours		168,00	/
Attending arbitration on 8/3/2005 for two hours		168,00	/
Attending arbitration on 18/3/2005 for two hours		168,00	/
Attending Court for adopting and delivering the decision issued by the arbitrator on 8/7/2005		84,00	84,00
Obtaining a true copy of the decision	10,00		/
8 necessary letters (8X€18,00)		247,00	216,00
Preparing a bill of costs		45,00	45,00
Filing the bill of costs		23,00	23,00
	143,00	4380,00	1990,00
	15% VAT	5037,00	298,50
	TOTAL	5180,00	87,00
			2375,50

The following table presents a bill of costs prepared by our office and taxed by the Registrar after an appeal was rejected against the respondent (our client).

BILL OF COSTS

		DISBURSMENS	LEGAL FEES EURO	TAXED FEES EURO
1.	Attending the Supreme Court for pre-trial proceedings on 6/10/2004.		282,00	193,00
2.	Preparing written speeches		423,00	423,00
3.	Attending Supreme Court and filing of speech.		29,00	23,00
4.	Preparing for hearing at the Supreme			

	Court		282,00	282,00
5.	Attending the Supreme Court for hearing on 7/3/2005.		423,00	146,00
6.	Attending The Supreme Court for delivery of the decision on 8/4/2005.		127,00	127,00
7.	Attending Court to receive the records of the case.	88,00	29,00	23,00
8.	Preparing three necessary letters (3X€31,00).		93,00	67,00
9.	Preparing the bill of costs		45,00	45,00
10.	Attending Registrar		29,00	29,00
11.	Taxing of the bill of costs		57,00	/
12.	Stamping of the bill of costs	91,00		
		179,00	1819,00	1358,00
		15%VAT	272,85	203,70
			179,00	
		TOTAL	<u>2270,85</u>	1561,70

The following table presents a bill of costs prepared by our office and taxed by the Registrar in a case of civil dispute where the action was dismissed against the defendant (our client).

BILL OF COSTS

		DISBURSEMEN TS EURO	LEGAL FEES EURO	TAXED FEES and DISBURSEMEN TS EURO
1	Entering a note of appearance		38,00	38,00
2	Stamping a note of appearance	36,00		5,50

3	Filing a note of appearance		29,00	/
4	Attending Court on 17/12/2002 for an application by summons dated 18/10/2002 which was unopposed		84,00	/
5	Attending Court on 24/2/2003 for an application by summons dated 8/1/2003 which was unopposed		84,00	84,00
6	Attending Court on 9/7/2003 for an application by summons dated 2/6/2003 which was unopposed		170,00	65,00
7	Preparing a written objection and a copy that was necessary.		60,00	60,00
8	Preparing an affidavit that was necessary for the written objection.		89,00	45,00
9	Filing the objection		29,00	29,00
	Stamping the objection and affidavit	5,50		4,50
11	Serving the objection upon the applicant	4,50		4,50
12	Attending Court on 29/10/2003 for an application by summons dated 2/6/2003 which was opposed		99,00	47,00
13	Attending Court on 26/1/2004 for an application by summons dated 2/6/2003. which was opposed		170,00	80,00
14	Preparing an application for filing a supplementary affidavit.		60,00	60,00
15	Preparing an affidavit		45,00	45,00
16	Stamping an application and affidavit	12,00		12,00
17	Filing an application for filing a supplementary affidavit.		29,00	29,00

18	Preparing a supplementary affidavit		89,00	45,00
19	Stamping a supplementary affidavit	5,50		3,50
20	Filing a supplementary affidavit		29,00	29,00
21	Preparing an application for the adjournment of the hearing.		60,00	/
22	Preparing an affidavit for an application for the adjournment of the hearing.		45,00	/
23	Stamping an application and affidavit.	12,00		/
24	Filing an application for the adjournment of the hearing.		29,00	/
25	Serving an application upon the respondent	5,50		/
26	Attending Court on 6/5/2004 for an application by summons dated 2/6/2003 which was opposed and for the application by summons dated 29/4/2004 which was unopposed		170,00	/
27	Preparing for the hearing of the application, dated 2/6/2003, which was opposed.		170,00	/
28	Attending Court on 20/10/2004 for the hearing of an application dated 2/6/2003.		284,00	170,00
29	Attending Court on 9/12/2004 for an application by summons dated 3/11/2004 which was unopposed		84,00	/
30	Attending Court on 16/12/2004 for an application by summons dated 3/11/2004 which was unopposed		84,00	65,00
31	Attending Court on 10/1/2005 for an application by summons dated 3/11/2004 which was unopposed		84,00	65,00
32	Directions for preparing a defence		129,00	129,00
33	Preparing a Defence and Counter-claim		150,00	91,00

34	Filing a Defence and Counter-claim		29,00	29,00
35	Attending Court on 4/2/2005 for an application by summons dated 3/11/2004 which was opposed		84,00	84,00
36	Preparing an application for a decision against the plaintiffs		60,00	60,00
37	Stamping the application	9,00		9,00
38	Filing the application.		29,00	29,00
39	Attending Court on 29/3/2004 for an application by summons dated 24/2/2004 which was unopposed		84,00	65,00
40	Attending Court on 26/4/2004 for an application by summons dated 24/2/2004 which was unopposed		84,00	84,00
41	Attending Court for Directions on 14/6/2005		284,00	284,00
42	Preparing for a hearing		282,00	282,00
43	Attending Court 17/11/2005 for the hearing of the action.		284,00	224,00
44	Preparing a bill of costs.		45,00	45,00
45	Filing a bill of costs		29,00	29,00
		90,00	3687,00	2430,00
			0	
		15% VAT	553,05	364,50
		TOTAL	4330,05	38,00
				<u>2832,50</u>