

Übersetzung durch Eileen Flügel.

Translation provided by Eileen Flügel.

Stand: Die Übersetzung berücksichtigt die Änderung(en) des Gesetzes durch Artikel 6 des Gesetzes vom 19. Juni 2019 (BGBl. I S. 840)

Version information: The translation includes the amendment(s) to the Act by Article 6 of the Act of 19 June 2019 (Federal Law Gazette I, p. 840)

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Act on the Remuneration of Lawyers (*Rechtsanwaltsvergütungsgesetz - RVG*)

Act on the Remuneration of Lawyers of 5. May 2004 (Federal Law Gazette I, p. 718, 788), last amended by Article 6 of the Act of 19 June 2019 (Federal Law Gazette I, p. 840)

The Act was promulgated by the Bundestag with the approval of the Bundesrat as Article 3 of the Act of 5.5.2004 I 718 (Act to Modernise the Act on Costs - *Kostenrechtsmodernisierungsgesetz* - KostRMoG). It enters into force on 1.7.2004 pursuant to Article 8, first sentence of this Act.

Part 1 General provisions

Section 1 Scope

(1) The remuneration (fees and expenses) for lawyers' professional activities shall be assessed pursuant to this Act. This shall also apply to activities as a curator ad litem pursuant to sections 57 and 58 of the Code of Civil Procedure (*Zivilprozessordnung* - ZPO). Other members of a Chamber of Lawyers, partnerships of lawyers and other companies shall be considered equal to a lawyer within the meaning of this Act.

(2) This Act shall not apply to activities as a guardian, custodian, curator, guardian ad litem (*Verfahrenspfleger* or *Verfahrensbeistand*), executor, insolvency administrator, trustee, member of a committee of creditors, administrator of an estate, enforced receiver, fiduciary agent or arbitrator or to any similar activity. Section 1835 (3) of the Civil Code (*Bürgerliches Gesetzbuch* - BGB) shall remain unaffected.

(3) The provisions of this Act concerning reminders as a legal remedy and complaints shall take priority over the regulations of the procedural provisions applicable to the underlying proceedings.

Section 2 Amount of remuneration

(1) Fees shall be calculated according to the value of the subject of the lawyer's professional activity (value of the claim) unless this Act specifies otherwise.

(2) The amount of the remuneration shall be determined by the Remuneration Schedule in annex 1 of this Act. Fees shall be rounded up or down to the nearest cent. 0.5 cents shall be rounded up.

Section 3 Fees in social law matters

- (1) In proceedings before the social courts, in which the Court Fees Act (*Gerichtskostengesetz* – GKG) is not to be applied, capped sliding-scale fees shall be incurred. In other proceedings, fees shall be calculated according to the value of the claim unless the client is one of the persons specified in section 183 of the Social Courts Act (*Sozialgerichtsgesetz* - SGG); in proceedings under section 201 (1) of the Social Courts Act, fees shall always be calculated according to the value of the claim. In proceedings taken on account of excessively long court proceedings (section 202, second sentence of the Social Courts Act), fees shall be calculated according to the value of the claim.
- (2) Subsection 1 shall apply mutatis mutandis to activities outside court proceedings.

Section 3a **Remuneration agreement**

- (1) An agreement on remuneration must be made in writing. It must be designated as a remuneration agreement or in a comparable way, be clearly separate from other agreements, with the exception of awards of mandate, and may not be included in a power of attorney. It shall contain an indication to the effect that the opposing party, a participant in the proceedings, or, in such case as the costs are reimbursed, the public treasury, need not as a rule reimburse more than the statutory remuneration. The first and second sentences above shall not apply to a fee agreement under section 34.
- (2) If, taking into account all the circumstances, the agreed remuneration, the remuneration assessed by the Board of the Chamber of Lawyers pursuant to section 4 (3), first sentence, or the quota litis agreed pursuant to section 4a is inappropriately high, it can be reduced to the appropriate amount in legal action, to the amount of statutory remuneration. Before such reduction, the court shall obtain an expert report from the Board of the Chamber of Lawyers; the aforesaid shall not apply if the Board of the Chamber of Lawyers assessed the remuneration under section 4 (3), first sentence. The expert report shall be made free of charge.
- (3) Any agreement according to which a lawyer assigned as counsel using assistance with court costs (*Prozesskostenhilfe*) is to receive higher remuneration than the statutory remuneration for the work involved in such assignment shall be null and void. The civil law provisions on unjust enrichment shall remain unaffected.
- (4) (deleted)

Section 4 **Remuneration independent of result**

- (1) In out-of-court matters, lower remuneration than the statutory remuneration may be agreed. It must be proportionate to the lawyer's performance, responsibility and liability risk. If the prerequisites for the approval of advisory assistance (*Beratungshilfe*) have been fulfilled, the lawyer may waive remuneration entirely. Section 9 of the Advisory Assistance Act (*Beratungshilfegesetz* - BerHG) shall remain unaffected.
- (2) For summary proceedings for a payment order or compulsory enforcement proceedings under sections 802a to 863 and 882b to 882f of the Code of Civil Procedure, the lawyer can undertake to accept part of the claim to reimbursement in lieu of payment if the client's claim to reimbursement of the statutory remuneration cannot be collected. The share of the statutory remuneration that cannot be met through assignment in lieu of payment must be proportionate to the lawyer's performance, responsibility and liability risk.
- (3) In the agreement, it may be left up to the Board of the Chamber of Lawyers to assess the remuneration at its equitable discretion. If the assessment of the remuneration is left at the discretion of one party to the agreement, the statutory remuneration shall be deemed to have been agreed.
- (4) to (6) (deleted)

Section 4a **Quota litis**

(1) Quota litis (Section 49b (2), first sentence of the Federal Lawyers' Act (*Bundesrechtsanwaltsordnung* - BRAO) may be agreed only for an individual case and only if the client, upon reasonable consideration, would be deterred from taking legal proceedings without the agreement of quota litis on account of his economic situation. In court proceedings, it may be agreed that in case of failure, no remuneration, or a lower amount than the statutory remuneration, is to be paid if it is agreed that an appropriate supplement is to be paid on the statutory remuneration in case of success. The possibility of using advisory assistance or assistance with court costs shall be disregarded for assessment under the first sentence.

(2) The agreement must contain the following:

1. the envisaged statutory remuneration and, if relevant, the contractual remuneration independent of result for which the lawyer would be willing to accept the mandate and
2. specification of which remuneration is to be earned upon fulfilment of which prerequisites.

(3) The agreement shall also indicate the determining reasons for assessing the quota litis. In addition, it shall point out that the agreement has no influence on any court costs or administrative costs that the client may be required to meet, or on the costs of other participants that the client is required to reimburse.

Section 4b

Erroneous remuneration agreement

The lawyer may not demand remuneration higher than the statutory remuneration on the basis of a remuneration agreement that does not meet the requirements of section 3a (1), first and second sentences, or of section 4a (1) and (2). The civil law provisions on unjust enrichment shall remain unaffected.

Section 5

Remuneration for activities by representatives of the lawyer

Remuneration for activities not undertaken personally by the lawyer shall be assessed according to this Act if the lawyer is represented by another lawyer, the general representative, an assessor iuris with a lawyer or a trainee lawyer allocated to the lawyer for training.

Section 6

Plurality of lawyers

If a mandate has been issued to several lawyers for them to perform jointly, each lawyer shall receive full remuneration for his activity.

Section 7

Plurality of clients

(1) If the lawyer works for several clients on the same matter, he shall receive the fees only once.

(2) Each of the clients shall owe the fees and expenses that he would owe if the lawyer had only worked on his behalf; he shall also owe the flat-rate fee for documents pursuant to no. 7000 of the Remuneration Schedule insofar as it has only been incurred through providing information to several clients. However, the lawyer cannot demand a total of more than the fees assessed according to section 1 and the total expenses incurred.

Section 8

Due date, suspension of the period of limitation

(1) The remuneration shall be due when the mandate has been performed or the matter has been closed. If the lawyer works in court proceedings, remuneration shall also be due if a decision regarding costs has been issued, or the instance has terminated, or the proceedings have been stayed for more than three months.

(2) The period of limitation for the remuneration of work in court proceedings shall be suspended for as long as the proceedings are pending. The suspension shall end when the decision has entered into force or the proceedings have ended in some other way. If the proceedings have been stayed, the suspension shall end three months after the due date. The suspension shall recommence if the proceedings are further pursued.

Section 9 Advance payment

The lawyer may demand an appropriate advance payment from his client for the fees and expenses incurred and likely to be incurred.

Section 10 Invoice

(1) The lawyer may demand remuneration only on the basis of an invoice signed by him and communicated to the client. The course of the period of limitation does not depend on communication of the invoice.

(2) The amounts of the individual fees and expenses, advance payments, brief designations of the respective fees-related matters, designations of the expenses and the pertinent numbers of the Remuneration Schedule are to be indicated in the invoice, as is the value of the claim in the case of any ad valorem fees. In the case of charges for postal and telecommunications services, it is sufficient to indicate the total amount.

(3) If the client has paid the remuneration without receiving an invoice, he may demand communication of the invoice for as long as the lawyer is required to keep the reference files.

Section 11 Assessment of remuneration

(1) If the costs of the court proceedings include statutory remuneration, a flat-rate fee set under section 42 and expenses to be reimbursed (section 670 of the Civil Code), these shall be assessed by the court of first instance upon petition by the lawyer or the client. Amounts already paid shall be deducted.

(2) Such petition is permissible only when the remuneration is due. Before the assessment, the participants shall be heard. The provisions of the respective procedural rules concerning the procedure for the assessment of costs, with the exception of section 104 (2), third sentence of the Code of Civil Procedure and the provisions of the Code of Civil Procedure on compulsory enforcement of court orders assessing the costs shall apply mutatis mutandis. Proceedings before the court of first instance shall be free of charge. The lawyer's expenses for service of the court order shall be included in the remuneration assessment order. There shall be no other cost reimbursement; this shall also apply in proceedings on complaints.

(3) In proceedings before the administrative courts, finance courts and social courts, the remuneration shall be assessed by the record officer of the office of the court concerned. The provisions applicable to the respective jurisdiction on reminders as a legal remedy in cost assessment proceedings shall apply mutatis mutandis.

(4) If the value of the claim stated by the lawyer is disputed by a participant, the proceedings shall be suspended until the court has taken a decision on this matter (sections 32, 33 and 38 (1)).

(5) The assessment shall be rejected if the opponent of the petition raises objections or defence pleas not based on fee legislation. If the client has already raised such objections or pleas vis-à-vis the lawyer, the filing of the suit does not depend on whether the cost assessment proceeding have previously been initiated.

(6) Petitions and declarations may be submitted in writing or in a statement made to the record office of the court without the participation of an authorised representative. Section 129a of the Code of Civil Procedure shall apply mutatis mutandis. The provisions of the rules of procedure applying to the underlying proceedings shall apply to the granting of the power of attorney mutatis mutandis.

(7) A petition for assessment of the remuneration shall suspend the course of the period of limitation in the same way as filing a suit.

(8) Subsections 1 to 7 shall apply to sliding-scale fees only if the minimum fees are applied or the client has expressly agreed to the amount of fees. An assessment upon petition by the lawyer shall be refused if he does not submit the client's declaration of consent with the petition.

Section 12

Application of provisions for assistance with court costs

The provisions of this Act for lawyers assigned as counsel by means of assistance with court costs and for proceedings concerning assistance with court costs are to be applied to assistance with procedural costs (*Verfahrenskostenhilfe*) and in the case of section 4a of the Insolvency Statute (*Insolvenzordnung* - InsO) *mutatis mutandis*. The approval of assistance with court costs shall be considered equal to allowing additional time for payment under section 4a of the Insolvency Statute.

Section 12a

Redress granted in the event that a party's right to be given an effective and fair legal hearing has been violated

(1) Upon an objection having been filed by a participant adversely affected by a decision under this Act, the proceedings are to be continued if

1. no appellate remedy or other legal remedy is available against the decision, and
2. the court has violated the right of this participant to be given an effective and fair legal hearing and this has significantly affected its decision.

(2) The objection is to be filed within two weeks of the participant having become aware of the violation of the right to be given an effective and fair legal hearing; the time at which it so becomes aware is to be substantiated. Following the expiry of one year from the issuance of the decision challenged, an objection may no longer be filed. Decisions communicated by simple letter shall be deemed to have been issued following the third day on which they were sent by regular mail. The objection is to be lodged in writing with the court whose decision is being challenged; section 33 (7), first and second sentences shall apply *mutatis mutandis*. The objection must designate the specific decision being challenged and must demonstrate that the prerequisites specified in subsection 1 (2) are fulfilled.

(3) To the extent required, the other participants shall be given an opportunity to state their position.

(4) The court is to review *ex officio* whether the objection as such is an available remedy and whether it has been lodged in keeping with statutory requirements as to form and time. Should one of these requirements not have been met, the objection is to be overruled as inadmissible. Should the objection be without foundation, the court shall dismiss it. The decision shall be handed down by an incontestable order. The grounds on which the order is based shall be briefly summarised.

(5) Wherever the objection is justified, the court shall grant the redress sought by continuing the proceedings to the extent mandated as a result of the objection.

(6) Costs shall not be reimbursed.

Section 12b

Electronic file, electronic document

In proceedings under this Act, the procedural provisions on electronic files and electronic documents are to be applied to the proceedings in which the lawyer receives the remuneration. In the case of advisory assistance, the relevant provisions of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit* – FamFG) are to be applied.

Section 12c

Provision of instruction on available legal remedies

Every contestable decision shall contain advice on any available legal remedy and on the court with which this legal remedy is to be lodged, its headquarters and the requirements as to form and time.

Part 2

Fee provisions

Section 13

Ad valorem fees

(1) If the fees are based on the value of the claim, the fee shall be €45 when the value of the claim is less than €500. The fee shall increase as indicated below:

Value of the claim is up to €...	... for each additional amount of €... or part thereof [as shown below]	the total fee shall increase by €...
2,000	500	35
10,000	1,000	51
25,000	3,000	46
50,000	5,000	75
200,000	15,000	85
500,000	30,000	120
more than 500,000	50,000	150

A fee table for the values of claims up to €500,000 is attached to this Act as annex 2.

(2) The minimum fee shall be €15.

Section 14

Sliding-scale fees

(1) In the case of sliding-scale fees, the lawyer shall determine the fee in an individual case at his equitable discretion, taking into account all the circumstances, in particular the scope and difficulty of the professional activities involved, the significance of the case and the client's income and assets. In making the assessment, a particular liability risk incurred by the lawyer may be taken into account. In the case of sliding-scale fees that are not based on the value of the claim, the liability risk is to be taken into account. If the fee is to be reimbursed by a third party, the cost determined by the lawyer shall not be binding if it is inequitable.

(2) In a legal dispute, the court shall obtain the expert opinion of the Board of the Chamber of Lawyers insofar as the amount of the fee is disputed; this shall also apply in proceedings under section 495a of the Code of Civil Procedure. The expert report shall be made free of charge.

Section 15

Scope of indemnification of fees

(1) The fees shall indemnify all the work of the lawyer from the award of the mandate to settlement of the matter unless otherwise determined in this Act.

(2) The lawyer may only demand the fees once concerning the same matter.

(3) If different fee rates are to be applied to parts of the subject matter, separately calculated fees shall be incurred for those parts, but the fee shall not exceed the total sum of the partial values calculated on the basis of the highest fee rate.

(4) Fees that have already been incurred shall not be affected if the matter is settled before schedule or the mandate ends before the matter has been settled unless otherwise determined in this Act.

(5) If the lawyer is instructed to continue to work on a matter on which he has worked previously, he shall not receive more fees than he would receive if he had been instructed with this task from the outset. If the earlier mandate has been completed for more than two calendar years, the further activity shall be deemed to be a new matter and the setting off of fees determined in this Act shall not be applicable. The second sentence shall apply mutatis mutandis if a settlement is contested more than two calendar years after it was reached, or if the claimant submits a petition for the proceedings to be reopened under section 23 (4) of the Capital Markets Model Case Act (*Kapitalanleger-Musterverfahrensgesetz – KapMuG*) more than two calendar years after the service of a decision under section 23 (3), first sentence of the said Act.

(6) If the lawyer is instructed to perform only certain acts or activities which, under section 19, are part of the level of jurisdiction or proceedings concerned, he shall not receive more fees than a lawyer instructed to deal with the whole matter would receive for the same activity.

Section 15a Setting off fees

(1) If this Act provides for one fee to be set off against another, the lawyer can demand both fees, but not more than the total amount of the two fees less the setoff amount.

(2) A third party can invoke this setoff only to the extent that he has met a claim for one of the two fees, if there is an enforceable legal document against him for one of these claims or if claims to both fees are asserted against him in the same proceedings.

Part 3 Defining matters

Section 16 The same matter

The following shall constitute the same matter:

1. administrative proceedings to suspend or order immediate enforcement and concerning temporary measures to secure the rights of third parties, and any administrative proceedings for modification or reversal in the specified cases;
2. proceedings concerning assistance with court costs and proceedings for which an application for assistance with court costs has been filed;
3. several proceedings concerning assistance with court costs at the same level of jurisdiction;
- 3a. proceedings to determine the competent court and proceedings for which the place of jurisdiction is to be determined; this shall also apply if the proceedings to determine the competent court end before an action is brought or a petition is filed without the competent court having been determined;
4. a divorce case or proceedings concerning the dissolution of a life partnership and ancillary proceedings;
5. proceedings on the issue of a writ of seizure, the issue of an injunction or interim order, the order or restoration of suspensive effect, the suspension of enforcement or an order for the immediate enforcement of an administrative act and any proceedings concerning their modification or reversal;
6. proceedings under section 3 (1) of the Act for the Implementation of the Agreement between the Federal Republic of Germany and the Republic of Austria of 6 June 1959

concerning the reciprocal recognition and enforcement of court decisions, settlements and public records or documents in civil and trade cases (*Gesetz zur Ausführung des Vertrages zwischen der Bundesrepublik Deutschland und der Republik Österreich vom 6. Juni 1959 über die gegenseitige Anerkennung und Vollstreckung von gerichtlichen Entscheidungen, Vergleichen und öffentlichen Urkunden in Zivil- und Handelssachen – ZPVtrAUTAG*) in the revised version promulgated in the Federal Law Gazette part III, subsection number 319-12, last amended by article 23 of the Act of 27 July 2001 (Federal Law Gazette I p. 1887), and proceedings under section 3 (2) of the said Act;

7. proceedings concerning permission to enforce a provisional measure or a measure serving to provide security, and proceedings on a petition for the reversal or modification of such a decision (section 1041 of the Code of Civil Procedure);

8. arbitration proceedings and court proceedings in connection with the appointment of an arbitrator or a substitute arbitrator, on recusing an arbitrator or terminating the arbitrator's mandate, on providing assistance in taking evidence or performing other judicial actions;

9. proceedings before the arbitral tribunal and judicial proceedings on setting a deadline (section 102 (3) of the Labour Courts Act – *Arbeitsgerichtsgesetz - ArbGG*), recusing an arbitrator (section 103 (3) of the said Act) or taking evidence or administering an oath (section 106 (2) of the said Act);

10. several proceedings in each case concerning:

- a) reminders as a legal remedy,
- b) applications for a court decision,
- c) complaints at the same instance of complaint

in the procedure for the assessment of costs and in proceedings concerning a petition for a court decision against a notice assessing administrative costs (section 108 of the Act on Regulatory Offences – *Gesetz über Ordnungswidrigkeiten - OWiG*) on the one hand, and in the procedure for the invoicing of costs and in proceedings concerning a petition for a court decision against the amount of fees and expenses invoiced (section 108 of the said Act) on the other hand;

11. appellate remedy proceedings and proceedings on the admission of an appellate remedy; this shall not apply to proceedings on a complaint against the non-admission of an appellate remedy;

12. private prosecution proceedings and countercharges, also in the case of section 388 (2) of the Code of Criminal Procedure (*Strafprozessordnung - StPO*) and

13. litigation at first instance and the first instance of model cases under the Capital Markets Model Case Act.

Section 17 Different matters

The following shall constitute different matters:

1. proceedings concerning appellate remedies and the preceding level of jurisdiction,

1a. the respective administrative proceedings, further administrative proceedings preceding court proceedings and serving to review an administrative act (preliminary proceedings, protest proceedings, complaint proceedings, redress proceedings), proceedings concerning complaints and further complaints under the Military Complaints Code (*Wehrbeschwerdeordnung - WBO*), administrative proceedings for the suspension

- or order of immediate enforcement and on temporary measures to secure the rights of third parties and court proceedings,
2. summary proceedings for a payment order and disputed proceedings,
 3. simplified proceedings on maintenance for minors and disputed proceedings,
 4. main action proceedings and proceedings on
 - a) the issue of a writ of seizure,
 - b) the issue of an injunction or an interim order,
 - c) the order or restoration of suspensive effect, the suspension of enforcement or an order for the immediate enforcement of an administrative act and
 - d) the modification or reversal of a decision taken in proceedings under letters a to c above,
 5. proceedings in which plaintiffs rely entirely on documentary evidence or proceedings on claims arising from a bill of exchange and ordinary proceedings that remain pending after desisting from the aforementioned proceedings or after a judgment subject to a reservation of rights (sections 596 and 600 of the Code of Civil Procedure),
 6. arbitration proceedings and proceedings concerning permission to enforce a provisional measure or a measure serving to provide security, and proceedings on a petition for the reversal or modification of an order concerning the permission of enforcement (section 1041 of the Code of Civil Procedure);
 7. court proceedings and preceding
 - a) dispute resolution proceedings before a dispute-resolution entity established or recognised by the *Land* department of justice (section 794 (1) (1) of the Code of Civil Procedure) or, if the parties undertake to reach an out-of-court settlement, before a dispute-resolution entity that attempts to reach a settlement (section 15a (3) of the Introductory Act to the Code of Civil Procedure - *Gesetz betreffend der Einführung der Zivilprozessordnung* - EGZPO),
 - b) proceedings before a panel of the kind designated in section 111 (2) of the Labour Courts Act,
 - c) proceedings before the port authority (*Seemannsamt*) for a provisional decision on labour law cases and
 - d) proceedings before other statutory boards of conciliation, dispute-resolution entities or arbitration boards,
 8. mediation proceedings under section 165 of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction and in any subsequent court proceedings,
 9. proceedings concerning appellate remedies and proceedings concerning complaints against the non-admission of appellate remedies,
 10. criminal investigation proceedings and
 - a) subsequent court proceedings and
 - b) regulatory fining proceedings subsequent to a stay of investigative proceedings,

11. regulatory fining proceedings before an administrative authority and subsequent court proceedings,
12. criminal proceedings and proceedings on the preventive detention reserved in a judgment and
13. reopening proceedings and reopened proceedings if the fees are based on part 4 or 5 of the Remuneration Schedule.

Section 18 Special matters

(1) The following shall constitute special matters:

1. any enforcement measure together with any further enforcement measures prepared thereby until the creditor is satisfied; the above shall apply mutatis mutandis in administrative compulsory enforcement proceedings (administrative enforcement proceedings);
2. any enforcement measure in the enforcement of a seizure or an injunction (sections 928 to 934 and 936 of the Code of Civil Procedure) that is not limited to service of process;
3. matters where the fees are based on part 3 of the Remuneration Schedule, any complaint proceedings, any proceedings concerning a reminder as a legal remedy against a court order assessing costs and any other proceedings concerning a reminder as a legal remedy against a decision by a senior judicial officer, unless otherwise provided for by section 16 no. 10;
4. proceedings concerning objections to the issuance of a court certificate of enforceability to which section 732 of the Code of Civil Procedure is to be applied;
5. proceedings for the granting of a further enforceable official copy;
6. any proceedings concerning petitions under sections 765a, 851a or 851b of the Code of Civil Procedure and any proceedings concerning petitions for modification or reversal of the orders made, any proceedings concerning applications under section 1084 (1), section 1096 or section 1109 of the Code of Civil Procedure and concerning applications pursuant to section 31 of the Foreign Maintenance Act (*Auslandsunterhaltsgesetz* – AUG);
7. proceedings to permit attachment with substitution (section 811a of the Code of Civil Procedure);
8. proceedings on a petition pursuant to section 825 of the Code of Civil Procedure;
9. the effecting of compulsory enforcement against an attached property right by receivership (section 857 (4) of the Code of Civil Procedure);
10. distribution proceedings (section 858 (5), sections 872 to 877 and section 882 of the Code of Civil Procedure);
11. proceedings for entry of a judgment creditor's mortgage (sections 867 and 870a of the Code of Civil Procedure);
12. the enforcement of a decision sentencing the debtor to advance payment of the costs that result from having a third party so take the action (section 887 (2) of the Code of Civil Procedure);
13. proceedings to effect compulsory enforcement using coercive means to urge action (section 888 of the Code of Civil Procedure);

14. any sentence to a coercive fine under section 890 (1) of the Code of Civil Procedure;
 15. a sentence to create a security in the case of section 890 (3) of the Code of Civil Procedure;
 16. proceedings to obtain information on the debtor's financial circumstances and assets (section 802f and 802g of the Code of Civil Procedure);
 17. proceedings to cancel an entry in the list of debtors (section 882e of the Code of Civil Procedure);
 18. exercise of the right to publication;
 19. proceedings on applications to permit compulsory enforcement under section 17 (4) of the Distribution Ordinance under Shipping Laws (*Schiffahrtsrechtliche Verteilungsordnung* - SVertO);
 20. proceedings on applications for the suspension of enforcement measures (section 8 (5) and section 41 of the Distribution Ordinance under Shipping Laws) and
 21. proceedings to order coercive measures by means of a decision under section 35 of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction.
- (2) Subsection 1 shall apply mutatis mutandis to
1. the enforcement of a seizure and
 2. execution

in accordance with the provisions of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction.

Section 19

Level of jurisdiction; activities connected with the proceedings

(1) The level of jurisdiction or proceedings include all preparatory, ancillary and winding-up activities and such proceedings as are connected with the level of jurisdiction or proceedings if the activity is not a special matter pursuant to section 18. In particular, such activities include the following:

1. preparation of an action, application or legal defence, insofar as no special court or administrative proceedings take place;
 - 1a. the submission of protective writs and the registration of claims or legal relationships in the Complaint Registry for model declaratory actions as well as the withdrawal of such registration;
2. out-of-court hearings;
3. interlocutory proceedings, appointment of representatives by the court competent in the main proceedings, the recusal of judges, senior judicial officers, record officers of the office of the court concerned or experts, a decision on an application concerning a court order for securitisation, an assessment of the value of a claim or of commercial value;
4. proceedings before a judge correspondingly delegated or requested;
5. proceedings
 - a) on reminder as a legal remedy (section 573 of the Code of Civil Procedure),
 - b) on an objection filed on account of the violation of the right to be given an effective and fair legal hearing,

c) under article 18 of Regulation (EC) No. 861/2007 of the European Parliament and of the Council of 13 June 2007 establishing a European Small Claims Procedure,

d) under Article 20 of Regulation (EC) No. 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure and

e) under Article 19 of Council Regulation (EC) No. 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in cases relating to maintenance obligations;

6. correction and amendment of the decision or its findings of fact;

7. assistance in the provision of security and the proceedings relating to its return;

8. completion of a decision and the calculation of an index-linked claim for maintenance for which a title exists as provided for enforcement abroad;

9. service or receipt of decisions or writs concerning appellate remedies and their communication to the client, consent to file an immediate appeal on points of law or an immediate complaint on points of law, an application for a decision on the obligation to bear the costs, the subsequent declaration of enforceability of a judgment upon special application, the issue of a certificate of the statutory time limit and of the entry into force of a judgment, the issuance of certificates pursuant to section 48 of the International Family Law Procedure Act – IFLPA (*Internationales Familienrechtsverfahrensgesetz - IntFamRVG*) or section 56 of the Recognition and Enforcement Implementation Act (*Anerkennungs- und Vollstreckungsausführungsgesetz - AVAG*), the issuance, rectification or revocation of a European Enforcement Order certificate pursuant to section 1079 of the Code of Civil Procedure, the issuing of the form or the certificate pursuant to section 71 (1) of the Act on the Recovery of Maintenance in Relations with Foreign States - Foreign Maintenance Act (*Gesetz zur Geltendmachung von Unterhaltsansprüchen im Verkehr with Ausländischen Staaten – Auslandsunterhaltsgesetz – AUG*);

9a. the issue of certificates, confirmations or forms, including their correction, cancellation or revocation pursuant to

a) section 1079 or section 1110 of the Code of Civil Procedure,

b) section 48 of the International Family Law Procedure Act,

c) section 57 or section 58 of the Recognition and Enforcement Implementation Act,

d) section 14 of the EU Protection against Violence Procedure Act,

e) section 71 (1) of the Foreign Maintenance Act,

f) section 27 of the International Inheritance Procedure Act and

g) section 27 of the International Property Procedure Act;

10. the filing of appellate remedies with a court at the same level of jurisdiction in proceedings in which the fees are based on part 4, 5 or 6 of the Remuneration Schedule; the filing of an appellate remedy by a new defence counsel is deemed to be part of the instance of the appellate remedy;

10a. complaint proceedings if the fees are based on part 4, 5 or 6 of the Remuneration Schedule unless otherwise determined therein or there is provision for special findings of fact regarding the fees;

11. the provisional stay, limitation or suspension of the compulsory enforcement, unless a separate hearing for oral argument takes place thereon;

12. the temporary stay or limitation of the enforcement and the order that enforcement measures are to be suspended (section 93 (1) of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction) unless a separate court hearing takes place thereon;

13. the first issuing of a court certificate of enforceability unless an appeal is filed on its account;

14. the cost assessment and the demand for remuneration;

15. (repealed)

16. the service of an enforceable legal document, a court certificate of enforceability and the other records or documents specified in section 750 of the Code of Civil Procedure and

17. the handing out of reference files or their transmittal to another lawyer.

(2) Further proceedings covered by section 18 (1) (1) and (2) are in particular as follows:

1. judicial search warrants pursuant to section 758a of the Code of Civil Procedure and decisions pursuant to sections 90 and 91 (1) of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction,

2. reminders as a legal remedy pursuant to section 766 of the Code of Civil Procedure,

3. the designation of a court bailiff (section 827 (1) and section 854 (1) of the Code of Civil Procedure) or of a sequestrator (sections 848 and 855 of the Code of Civil Procedure),

4. notification of the intention to carry out compulsory enforcement against a legal person under public law,

5. the threat of a coercive fine preceding a sentence and

6. the suspension of an enforcement measure.

Section 20

Referral, relinquishment of jurisdiction

If a case is referred or relinquished to another court, the proceedings before the referring or relinquishing court and before the court taking over the case shall constitute one instance. If a case is referred or relinquished to a court of lower instance, the further proceedings before that court shall constitute a new instance.

Section 21

Referral to a court of lower instance, continuation of ancillary proceedings as an independent family matter

(1) If a case is referred to a court of lower instance, further proceedings before that court shall constitute a new instance.

(2) In cases pursuant to section 146 of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction, also in conjunction with section 270 of the said Act, further proceedings before a family court together with the earlier proceedings shall constitute one instance.

(3) If ancillary proceedings are continued as an independent family matter, the continued proceedings and the earlier proceedings shall constitute the same matter.

Part 4 Value of the claim

Section 22 Principle

- (1) In the same matter, the values of several claims shall be added together.
- (2) The value of one matter shall be a maximum of €30 million unless a lower maximum value has been determined by law. If several persons are clients in the same matter on account of different claims, the value for each person shall be a maximum of €30 million, but not more than €100 million in total.

Section 23 General value provision

- (1) If the court fees are based on value, the value of the claim shall be determined in the court proceedings according to the value provisions applying to the court fees. In proceedings in which costs are charged according to the Court Fees Act or the Act on Court Fees in Family Matters (*Gesetz über Gerichtskosten in Familiensachen* – FamGKG), the value provisions of the respective act on fees are to be applied mutatis mutandis unless a court fee or fixed fee has been determined for the proceedings. These value provisions are also applicable mutatis mutandis to activities outside court proceedings if the subject matter of the activity could also be the subject matter of court proceedings. Section 22 (2), second sentence shall remain unaffected.
- (2) In complaint proceedings in which court fees are not charged, regardless of the outcome of the proceedings, or where court fees are not based on the value of the claim, the value shall be determined taking into account the interest of the claimant under section 3, second sentence, unless otherwise provided for in this Act. The value of the claim is limited by the value of the underlying proceedings. In proceedings concerning a reminder as a legal remedy or an objection filed on account of a violation of the right to be given an effective and fair legal hearing, the value shall be based on the provisions applying to complaint proceedings.
- (3) Unless otherwise provided for in this Act, the assessment provisions of the Court and Notary Cost Act (*Gerichts- und Notarkostengesetz* - GNotKge) shall apply with regard to the value of the claim in other matters and sections 37, 38, 42 to 45 and 99 to 102 of the Court and Notary Cost Act shall apply mutatis mutandis. Insofar as the value of the claim does not derive from these provisions and has not been otherwise determined, it shall be assessed with equitably exercised discretion; if there is a lack of sufficient substantial information to make an estimate, and in the case of non-pecuniary claims, the value of the claim shall be assumed to be €5,000, or lower or higher, depending on the case, but no more than €500,000.

Section 23a

Value of the claim in proceedings concerning assistance with court costs

- (1) In the proceedings concerning the approval of assistance with court costs or on the repeal of such approval pursuant to section 124 (1) (1) of the Code of Civil Procedure, the value of the claim shall be determined according to the value decisive for the main proceedings; in all other respects, it shall be determined with equitably exercised discretion according to the cost interest.
- (2) The value pursuant to subsection 1 and the value for the proceedings for which an application for assistance with court costs has been filed shall not be added together.

Section 23b

Value of the claim in model case proceedings under the Capital Markets Model Case Act

In model cases under the Capital Markets Model Case Act, the value of the claim shall be determined according to the amount of the claim asserted by or against the client in the main proceedings, insofar as this is the subject of the model proceedings.

Section 24

Value of the claim in restructuring or reorganisation proceedings under the Act for the Reorganisation of Credit Institutions (*Kreditinstitute-Reorganisationsgesetz - KredReorgG*)

If the mandate has been awarded by a creditor in restructuring and reorganisation proceedings, the value shall be determined on the basis of the nominal value of the claim.

Section 25

Value of the claim in execution and enforcement

(1) In compulsory enforcement, enforcement, administrative constraint proceedings and in the enforcement of a seizure or an injunction, the value of the claim shall be determined

1. according to the amount of the monetary claim to be met including ancillary claims; if a certain item is to be attached and if this item has a lower value, the lower value shall be decisive; if the income that will be earned in future is attached pursuant to section 850d (3) of the Code of Civil Procedure, the claims not yet due under section 51 (1), first sentence of the Act on Court Fees in Family Matters and section 9 of the Code of Civil Procedure are to be assessed; in proceedings for the distribution of assets (section 858 (5), sections 872 to 877 and 882 of the Code of Civil Procedure) the maximum monetary amount to be distributed is decisive;

2. according to the value of the objects to be surrendered or contributed; however, the value of the claim may not exceed the value of the surrender or eviction claim under the provisions determining the calculation of court costs;

3. according to the value that the action to be taken, toleration or omission has for the creditor and,

4. in proceedings on the provision of information on assets according to section 802c of the Code of Civil Procedure, according to the amount still owed deriving from an enforceable legal document, including ancillary claims; the maximum value shall be €2,000, however.

(2) In proceedings on applications by the debtor, the value shall be determined with equitably exercised discretion according to the interest of the claimant.

Section 26

Value of the claim in enforced auctions

In enforced auctions, the value of the claim shall be determined as follows:

1. when representing the creditor or another participant pursuant to section 9 (1) and (2) of the Act on Enforced Auction and Receivership (*Gesetz über die Zwangsversteigerung und die Zwangsverwaltung – ZVG*), according to the value of the right of the creditor or participant; if the proceedings are taken on account of a partial claim, the partial amount is only decisive if the claim involved is one to be satisfied under section 10 (1) (5) of the Act on Enforced Auction and Receivership; ancillary claims shall be included in the calculation; the value of the subject matter of an enforced auction (section 66 (1) and section 74a (5) of the Act on Enforced Auction and Receivership), or in distribution proceedings the proceeds available for distribution, shall be decisive if these are lower;

2. when representing another participant, particularly the debtor, according to the value of the claim in an enforced auction, in distribution proceedings according to the proceeds available for distribution; in the case of co-owners or other co-obligees, the share shall be decisive;

3. when representing a bidder who is not a participant, according to the amount of the maximum bid submitted for the client; if such a bid has not been submitted, according to the value of the subject of the enforced auction.

Section 27

Value of the claim in receivership of real estate

In receivership of real estate, the value of the claim in representing the applicant shall be determined according to the claim on account of which the proceedings have been filed; ancillary claims shall be included in the calculation; in the case of claims to recurring payments, the value of the payments for one year shall be decisive. In representing the debtor, the value of the claim shall be determined according to the total value of all claims on account of which the proceedings have been filed, and in representing another participant, the value shall be determined according to section 23 (3), second sentence.

Section 28

Value of the claim in bankruptcy proceedings

(1) The fees under nos. 3313 and 3317 and, in case of a complaint against an order on the opening of bankruptcy proceedings, nos. 3500 and 3513 of the Remuneration Schedule shall be calculated according to the value of the bankruptcy assets (section 58 of the Court Fees Act) if the mandate was issued by the debtor. In the case of no. 3313 of the Remuneration Schedule, the value of the claim shall be at least €4,000, however.

(2) If the mandate has been issued by a creditor, the fees specified in subsection 1 and the fee pursuant to no. 3314 shall be calculated according to the nominal value of the claim. Ancillary claims shall be included in the calculation.

(3) In all other cases, the value of the claim in bankruptcy proceedings shall be determined according to section 23 (3), second sentence, taking into account the economic interest pursued by the client in the proceedings.

Section 29

Value of the claim in distribution proceedings pursuant to the Distribution Ordinance under Shipping Laws

In proceedings pursuant to the Distribution Ordinance under Shipping Laws, section 28 shall apply mutatis mutandis on condition that the amount of liability determined takes the place of the value of the bankruptcy assets.

Section 30

Value of claims in court proceedings pursuant to the Asylum Procedure Act (Asylverfahrensgesetz – AsylVfG)

(1) The value of claims in proceedings under the Asylum Procedure Act shall be €5,000; in provisional relief proceedings it shall be €500. If several natural persons are involved in the same proceedings, the value shall increase by €1,000 for each additional person in claims proceedings and by €500 in provisional relief proceedings.

(2) If the value determined under subsection 1 is inequitable in the special circumstances of the individual case, the court can assess a higher or a lower value.

Section 31

Value of the claim in court proceedings under the Act on Appraisal Proceedings (Spruchverfahrensgesetz – SpruchG),

(1) If a lawyer represents one of several claimants in proceedings under the Act on Appraisal Proceedings, the value of the claim shall be determined on the basis of the proportion of the commercial value applicable to the court fees, which derives from the relationship of the number of the client's shares to the total number of all the claimants' shares. The decisive point in time for determining the number of shares to be attributed to the individual claimants shall be the respective time when the application was filed. If the court is not aware of the number of the shares to be attributed to a claimant, it shall be assumed that he has only one share. The minimum value shall be €5,000.

(2) If a lawyer has been mandated by several claimants, the values of the shares held by the individual claimants shall be added together; in this regard, no. 1008 of the Remuneration Schedule is not to be applied.

Section 31a

Exclusion proceedings under the Securities, Acquisition and Takeover Act (Wertpapiererwerbs- und Übernahmegesetzes – WpÜG)

If the lawyer represents a respondent in exclusion proceedings under section 39b of the Securities, Acquisition and Takeover Act, the value of the claim shall be determined by the value of the shares belonging to the client at the time of the application. Section 31 (1), second to fourth sentences and section 31 (2) shall apply mutatis mutandis.

Section 31b

Value of the subject in payment agreements

If the only subject of a settlement is a payment agreement (no. 1000 of the Remuneration Schedule), the value of the subject shall be 20 per cent of the claim.

Section 32

Assessment of value for court fees

- (1) If the decisive value for determining the court fees is assessed by the court, this assessment is also decisive for the lawyer's fees.
- (2) On the basis of his own rights, the lawyer can apply for the value to be assessed and can lodge an appeal against the assessment. If the value has not been assessed, he can use available legal remedies on the basis of his own rights.

Section 33

Assessment of value for lawyers' fees

- (1) If the fees in court proceedings are not calculated according to the decisive value for the court fees or if no such value exists, the court of the instance concerned, upon application, shall issue an order with its own independent assessment of the value of the subject of the lawyer's work.
- (2) Such an application is only admissible when remuneration is due. The lawyer, the client, an opponent liable to pay compensation and, in cases under section 45, the public treasury are eligible to file an application.
- (3) Persons eligible to file an application may file a complaint against an order under subsection 1 if the value of the claim in the complaint exceeds €200. A complaint is also admissible if the court that took the contested decision admits such complaint in its order on account of the fundamental significance of the question to be decided. A complaint is only admissible if it is filed within two weeks following service of the decision.
- (4) Insofar as the court considers the complaint to be admissible and well-founded, it shall remedy it; otherwise, the complaint shall be submitted to the court hearing the complaint without delay. The court hearing the complaint shall be the next highest court; in civil proceedings designated in section 119 (1) (1) of the Courts Constitution Act (*Gerichtsverfassungsgesetz - GVG*) it shall be the higher regional court. A complaint shall not be lodged with a supreme federal court. The court hearing the complaint is bound by the admission of the complaint; non-admission is incontestable.
- (5) If the claimant, without being at fault, was prevented from meeting the deadline, he shall, upon application, be granted restitution to the previous condition by the court that has to decide on the complaint if he lodges the complaint within two weeks of the removal of the impediment and substantiates the facts on which such restitution is based. It shall be assumed that there was no fault if instruction on legal remedies was not provided or was incorrect. After the expiration of a year from the failure to observe the deadline, an application for restitution can no longer be filed. A complaint may be filed against a refusal to grant restitution. This is only admissible if it is filed within two weeks. The period begins upon service of the decision. Subsection 4, first to third sentences shall apply mutatis mutandis.

(6) A further complaint is only admissible if, as the court hearing the complaint, the regional court took the decision and, on account of the fundamental significance of the question to be decided, it authorised such further complaint in its order. The only basis on which a further complaint may be filed is that the decision was based on a violation of the law; sections 546 and 547 of the Code of Civil Procedure shall apply *mutatis mutandis*. The higher regional court shall decide on the further complaint. Subsection 3, third sentence, subsection 4, first and fourth sentences and subsection 5 shall apply *mutatis mutandis*.

(7) Petitions and declarations may be submitted in writing or in a statement made to the record office of the court without the cooperation of an authorised representative; section 129a of the Code of Civil Procedure shall apply *mutatis mutandis*. The provisions of the rules of procedure applying to the underlying proceedings shall apply to the granting of the power of attorney *mutatis mutandis*. The complaint is to be lodged with the court whose decision is being contested.

(8) The court's decision on the application shall be taken by one of its members as a judge sitting alone; this shall also apply to complaints if the contested decision was taken by a judge sitting alone or a senior judicial officer. A judge sitting alone shall transfer the proceedings to a division or panel if the matter involves special difficulties of a substantial or legal nature or the case is of fundamental significance. The court shall always decide without the participation of honorary judges, however. A legal remedy may not be based on the fact that a transfer has or has not taken place.

(9) Proceedings on the application are free of charge. Costs are not reimbursed; that also applies to proceedings on a complaint.

Part 5

Out-of-court advice and representation

Section 34

Advisory services, expert opinions and mediation

(1) The lawyer shall aim to effect a fee agreement for verbal or written advice or information (advisory services) not connected with another activity subject to a fee, for preparing a written expert opinion and for mediation work unless the fees have been determined under part 2 division 1 of the Remuneration Schedule. If no agreement has been reached, the lawyer shall receive fees pursuant to the civil law provisions. If, under the second sentence above, the client is a consumer, the maximum respective fee for advisory services or for the preparation of a written report shall not exceed €250, however; section 14 (1) shall apply *mutatis mutandis*; the fee for a first consultation shall not exceed €190, however.

(2) Unless otherwise agreed, the fee for advisory services shall be set off against a fee for another activity connected with the advisory services.

Section 35

Provision of assistance in tax matters

(1) Sections 23 to 39 of the Tax Advisers Fee Ordinance (*Steuerberatergebührenverordnung* - StBGebV) in conjunction with sections 10 and 13 of the Tax Advisers Fee Ordinance shall apply *mutatis mutandis* to assistance in fulfilling general tax obligations and in fulfilling tax bookkeeping and recording obligations.

(2) If this Act provides for a general fee to be set off against another fee, a fee pursuant to sections 23, 24 and 31 of the Tax Advisers Remuneration Ordinance (*Steuerberatervergütungsverordnung* –StBVV), or in case of several fees, their total amount, shall be considered equal to a general fee pursuant to part 2 of the Remuneration Schedule. The basis for calculating the maximum amount of the proportion of the general fee to be set off shall be the value of the claim against which such fee is set off.

Section 36

Arbitration proceedings and proceedings before the arbitral tribunal

(1) Part 3 divisions 1, 2 and 4 of the Remuneration Schedule are to be applied *mutatis mutandis* to the following out-of-court proceedings:

1. arbitration proceedings pursuant to Book 10 of the Code of Civil Procedure and
2. proceedings before the arbitral tribunal (section 104 of the Labour Courts Act).

(2) In proceedings pursuant to subsection 1 (1), the lawyer shall receive the hearing fee even if the arbitration award is pronounced without a hearing for oral argument.

Part 6 Court proceedings

Section 37

Proceedings before the constitutional courts

(1) The provisions for an appeal contained in part 4, division 1, subdivision 3 of the Remuneration Schedule shall apply *mutatis mutandis* in the following proceedings before the Federal Constitutional Court or a constitutional court (constitutional court, state constitutional court) of a *Land*:

1. proceedings concerning the forfeiture of basic rights, the loss of the right to vote, exclusion from elections and referenda,
2. proceedings concerning the unconstitutionality of parties,
3. proceedings concerning charges against the Federal President, against a member of the government of a *Land* or against a member of parliament or a judge and
4. proceedings concerning other matters dealt with in proceedings similar to a criminal trial.

(2) In other proceedings before the Federal Constitutional Court or a *Land* constitutional court, the provisions contained in part 3, division 2, subdivision 2 of the Remuneration Schedule shall apply *mutatis mutandis*. The value of the claim shall be determined with equitably exercised discretion, taking into account the circumstances specified in section 14 (1); it shall be at least €5,000.

Section 38

Proceedings before the Court of Justice of the European Union

(1) In preliminary ruling proceedings before the Court of Justice of the European Union, the provisions contained in part 3 division 2 subdivision 2 of the Remuneration Schedule shall apply *mutatis mutandis*. The value of the claim shall be determined according to the value provisions applicable to the court fees of the proceedings in which the submission is made. The submitting court shall assess the value of the claim by order upon application. Section 33 (2) to (9) shall apply *mutatis mutandis*.

(2) If the submission has been made in proceedings in which the fees are based on part 4, 5 or 6 of the Remuneration Schedule, nos. 4130 and 4132 of the Remuneration Schedule are to be applied in preliminary ruling proceedings *mutatis mutandis*.

(3) The procedural fee for the proceedings in which the submission has been made shall be set off against the procedural fee of the proceedings before the Court of Justice of the European Union unless observations provided for in procedural law are submitted to the Court of Justice of the European Union.

Section 38a

Proceedings before the European Court of Human Rights

In proceedings before the European Court of Human Rights, the provisions contained in part 3 division 2 subdivision 2 of the Remuneration Schedule shall apply *mutatis mutandis*. The value of the claim shall be determined with equitably exercised discretion, taking into account the circumstances specified in section 14 (1); it shall be at least €5,000.

Section 39

Ex officio assignment of a lawyer as counsel

(1) A lawyer assigned as counsel to a respondent pursuant to section 138 of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction, also in conjunction with section 270 of the said Act, can demand from the respondent the remuneration of a lawyer appointed as representative in a trial and an advance payment.

(2) A lawyer assigned as counsel to a person pursuant to section 109 (3) or section 119a (6) of the Prison Act (*Strafvollzugsgesetz* - StVollzG) can demand from that person the remuneration of a lawyer appointed as representative in the proceedings and an advance payment.

Section 40

Lawyer appointed as joint representative

A lawyer can demand from persons for whom he has been appointed pursuant to section 67a (1), second sentence of the Code of Administrative Court Procedure (*Verwaltungsgerichtsordnung* – VwGO) the remuneration of a lawyer appointed as representative in a trial for several clients and an advance payment.

Section 41

Curator ad litem

A lawyer appointed as the defendant's representative pursuant to section 57 or section 58 of the Code of Civil Procedure can demand from him the remuneration of a lawyer appointed as representative in a trial. He cannot demand an advance payment from him. Section 126 of the Code of Civil Procedure is to be applied *mutatis mutandis*.

Section 41a

Representative of the lead petitioner

(1) For first-instance model case proceedings under the Capital Markets Model Case Act, the higher regional court may allow, upon application, the lawyer representing the lead petitioner to charge a special fee if his outlays are higher than the outlays of the representatives of the third-party petitioners. In assessing the fee, the additional outlay and the advantage and significance for the third-party petitioners shall be taken into account. The fee may not exceed a fee based on a rate of 0.3 in accordance with section 13 (1). The value here shall be based on the sum of all the claims asserted that were suspended under section 8 of the Capital Markets Model Case Act, insofar as these claims are affected by the assessment objectives of the model proceedings, up to a maximum of €30 million. The claim for remuneration against the client shall remain unaffected.

(2) The application shall be filed no later than before the end of the oral hearing. Notification of the application and supplementary briefs shall be made in accordance with section 12 (2) of the Capital Markets Model Case Act. A deadline for the declaration shall be set at the time of the notification. The *Land* treasury shall not be heard.

(3) The decision can be made at the time of the model decision. The decision shall be communicated to the lead petitioner, the lead defendant, the third-party petitioners and the lawyer. Section 16 (1), second sentence of the Capital Markets Model Case Act is to be applied *mutatis mutandis*. A public announcement may be made instead of issuing a communication; section 11 (2), second sentence of the Capital Markets Model Case Act is to be applied *mutatis mutandis*. The decision shall be incontestable.

(4) The fee, including any turnover tax incurred, shall be paid from the *Land* treasury. An advance payment cannot be demanded.

Part 7

Criminal and regulatory fining cases as well as certain other proceedings

Section 42

Setting a flat-rate fee

- (1) In criminal cases, court cases pertaining to regulatory fining, proceedings pursuant to the Act on International Cooperation in Criminal Matters – AICCM (*Gesetz über die internationale Rechtshilfe in Strafsachen* - IRG), proceedings pursuant to the Act on Cooperation with the International Criminal Court (*Gesetz über die Zusammenarbeit mit dem Internationalen Strafgerichtshof* - IStGHG), in matters involving deprivation of liberty and placement and in proceedings pursuant to section 151 nos. 6 and 7 of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction, the higher regional court of the district to which the court of first instance belongs shall, upon application by the lawyer, set a flat-rate fee for the whole proceedings or for individual stages thereof by means of an incontestable order if a selected lawyer's fees determined in parts 4 to 6 of the Remuneration Schedule are not acceptable on account of the special scope or special difficulty of the case. This shall not apply if ad valorem fees are incurred. If the assessment is limited to individual stages of the proceedings, the fees are to be designated according to the Remuneration Schedule which the flat-rate fee is intended to replace. The flat-rate fee may not exceed twice the amount of the applicable maximum fees of a selected lawyer pursuant to parts 4 to 6 of the Fee Schedule. For the instance in which the Federal Court of Justice is competent for the proceedings, it shall also be competent to decide on the application.
- (2) The application is admissible if the decision on the costs of the proceedings has entered into force. The lawyer appointed or assigned as counsel by the court can only file the application subject to fulfilment of the prerequisites of section 52 (1), first sentence and section 52 (2), also in conjunction with section 53 (1). The client shall be heard; in cases pursuant to Section 52 (1), first sentence, the defendant shall be heard; the state treasury and other participants shall also be heard if the costs of the proceedings have been imposed on them in full or in part.
- (3) The criminal division of the higher regional court shall have one judge. The judge shall transfer the matter to a division with three judges if this is necessary in order to ensure a unitary judgment.
- (4) The assessment shall be binding for the cost assessment procedure, the remuneration assessment procedure (section 11) and for legal action taken by the lawyer for payment of the remuneration.
- (5) Subsections 1 to 4 shall apply in regulatory fining proceedings before an administrative authority mutatis mutandis. The administrative authority shall decide on the application. An application for a court decision may be filed against the decision. Section 62 of the Act on Regulatory Offences shall apply to the proceedings.

Section 43

Transferring claims to the reimbursement of costs

If the defendant or the party concerned transfers to the lawyer a claim against the state treasury for reimbursement of lawyers' fees as necessary expenses, a setoff declared by the state treasury vis-à-vis the defendant or party concerned shall be ineffectual insofar as it would frustrate or limit the lawyer's claim. However, this shall apply only if, at the time of the set-off, the files contain a record or document concerning the transfer, or a notification concerning the transfer from the defendant or party concerned.

Part 8

Lawyer assigned or appointed as counsel, advisory assistance

Section 44

Right to remuneration for advisory assistance

For an activity within the context of advisory assistance, lawyers shall receive remuneration from the *Land* treasury pursuant to this Act unless special agreements have been made for the activity in advisory centres pursuant to section 3 (1) of the Advisory Assistance Act. The fee for advisory assistance (no. 2500 of the Remuneration Schedule) is owed only by litigants.

Section 45

Claim to remuneration of a lawyer assigned or appointed as counsel

(1) Unless otherwise determined in this part, a lawyer assigned as counsel using assistance with court costs or appointed as curator ad litem pursuant to section 57 or 58 of the Code of Civil Procedure shall receive the statutory remuneration from the federal treasury in proceedings before the federal courts and from the *Land* treasury in proceedings before the *Land* courts.

(2) A lawyer assigned as counsel pursuant to section 138 of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction, also in conjunction with section 270 of the said Act, pursuant to section 109 (3) or section 119a (6) of the Prison Act or appointed pursuant to section 67a (1), second sentence of the Code of Administrative Court Procedure can demand remuneration from the *Land* treasury if the person obliged to make the payment (section 39 or section 40) is in default of payment of the remuneration.

(3) If the lawyer has been otherwise appointed or assigned as counsel by a court, he shall receive remuneration from the *Land* treasury if a *Land* court appointed or assigned the lawyer, and from the federal treasury in all other cases. If a lawyer was initially appointed or assigned by a federal court and then by a *Land* court, the federal treasury shall pay the remuneration the lawyer has earned during his appointment or assignment by the federal court, and the *Land* treasury shall pay the remaining remuneration due to the lawyer. This shall apply mutatis mutandis if the lawyer was initially appointed or assigned by a *Land* court and then by a federal court.

(4) If the defence counsel advises against filing an application for reopening a case, he shall only have a claim against the state treasury if he was appointed pursuant to section 364b (1), first sentence of the Code of Criminal Procedure or the court made its ascertainment in accordance with section 364b (1), second sentence of the Code of Criminal Procedure. This shall also apply in court regulatory fining proceedings (section 85 (1) of the Act on Regulatory Offences).

(5) Subsection 3 is to be applied in regulatory fining proceedings before the administrative authority mutatis mutandis. The administrative authority shall take the place of the court.

Section 46

Expenses and expenditures

(1) Expenses, particularly travel expenses, shall not be remunerated if they were not necessary for the proper implementation of the matter.

(2) If, upon application by a lawyer before the start of a journey, the court of the level of jurisdiction concerned ascertains that a journey is necessary, this ascertainment shall be binding for the assessment procedure (section 55). In regulatory fining proceedings before the administrative authority, the administrative authority shall take the place of the court. For expenses (section 670 of the Civil Code), subsection 1 and the first and second sentences shall apply mutatis mutandis; the amount of costs to be reimbursed for enlisting the services of an interpreter or translator shall be limited to the amounts to be paid under the Court Payment and Reimbursement Act (*Justizvergütungs- und –entschädigungsgesetz* - JVEG).

(3) Expenses incurred through investigations for the purpose of preparing for the reopening of proceedings to which the provisions of the Code of Criminal Procedure apply shall only be remunerated if the lawyer was appointed pursuant to section 364b (1), first sentence of the Code of Criminal Procedure or if the court made the ascertainment pursuant to section 364b (1), second sentence of the Code of Criminal Procedure. This shall also apply in court regulatory fining proceedings (section 85 (1) of the Act on Regulatory Offences).

Section 47

Advance payment

(1) If the lawyer has a claim against the state treasury in respect of his remuneration, he can demand an appropriate advance payment from the state treasury for the fees incurred as well as for the expenses incurred and likely to be incurred. A lawyer assigned pursuant to section 138 of the Act on the Procedure in Family Matters and in Matters of Non-contentious

Jurisdiction, also in conjunction with section 270 of the said Act, or pursuant to section 109 (3) or section 119a (6) of the Prison Act or appointed pursuant to section 67a (1), second sentence of the Code of Administrative Court Procedure can only demand an advance payment if the person obliged to make the payment (section 39 or section 40) is in default of the advance payment.

(2) In the case of advisory assistance, the lawyer cannot demand an advance payment from the state treasury.

Section 48

Scope of the claim and the assignment

(1) The claim to remuneration is determined in accordance with the orders through which assistance with court costs is approved and the lawyer has been assigned or appointed as counsel.

(2) In matters where the fees are determined pursuant to part 3 of the Remuneration Schedule and the assignment relates to an appeal, a complaint on account of the main subject matter, an appeal on points of law or a complaint on points of law in respect of the main subject matter, remuneration shall also be granted from the state treasury for legal defence against cross appeal and, if the lawyer has been assigned to effect a seizure, an injunction or an interim order, also for their enforcement or execution. This shall not apply if expressly determined otherwise by the assignment order.

(3) If a contract has been concluded within the meaning of no. 1000 of the Remuneration Schedule, assignment in a divorce case covers all the activities required to achieve a settlement, insofar as the contract concerns

1. spouses' reciprocal maintenance,
2. maintenance for children within the spouses' relationship to one another,
3. custody of joint minor children,
4. arrangements concerning the right of contact with a child,
5. the legal situation concerning the marital home and household objects or
6. claims deriving from matrimonial property rights.

The first sentence shall apply mutatis mutandis to assignments as counsel in life partnership matters pursuant to section 269 (1) (1) and (2) of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction.

(4) Assignment as counsel in matters in which capped sliding-scale fees are incurred pursuant to section 3 (1) covers activities from the time of application for assistance with court costs unless otherwise determined by the court. Assignment as counsel also covers all activities in proceedings concerning assistance with court costs, including any preparatory activities.

(5) In other matters that are only connected with the main proceedings, the lawyer assigned as counsel for the main proceedings shall receive remuneration from the state treasury only if he also has been expressly assigned as counsel for those matters. This shall apply in particular to the following:

1. compulsory enforcement, enforcement and compulsion;
2. proceedings relating to seizures, injunctions and interim orders;
3. independent evidentiary proceedings;
4. proceedings on countercharges or counter-action, except legal defence against counter-action in matrimonial and life partnership matters pursuant to section 269 (1) (1) and (2) of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction.

(6) If the lawyer has been appointed or assigned as counsel in the first instance in matters pursuant to parts 4 to 6 of the Remuneration Schedule, he shall also receive remuneration for his activity before the time of his appointment, including his activity before charges were brought in criminal proceedings and including his activity vis-à-vis the administrative authority in regulatory fining cases. If the lawyer is assigned as counsel in a later instance, he shall receive his remuneration in this instance, also for his activity before the time of his appointment. If proceedings are consolidated, the court can extend the effects of sentence 1 above to include proceedings in which there was no assignment or appointment as counsel before the consolidation.

Section 49

Ad valorem fees from the state treasury

If fees are determined according to the value of the claim, the following fees shall be remunerated instead of the fee pursuant to section 13 (1) if the value of the claim exceeds €4,000:

Value of the matter in dispute up to the amount in euro indicated below	Fee in euro	Value of the matter in dispute up to the amount indicated in euro below	Fee in euro
5,000	257	16,000	335
6,000	267	19,000	349
7,000	277	22,000	363
8,000	287	25,000	377
9,000	297	30,000	412
10,000	307	more than 30,000	447
13,000	321		

Section 50

Further remuneration in connection with assistance with court costs

(1) When the costs and claims designated in section 122 (1) (1) of the Code of Civil Procedure have been met, the state treasury shall collect further amounts beyond the lawyer's claims transferred to it up to the amount of the regular remuneration if this is admissible pursuant to the provisions of the Code of Civil Procedure and pursuant to the provisions made by the court. Further remuneration is to be determined when the proceedings have been terminated through a decision that has entered into force or in some other way and the amounts to be paid by the party have been paid or compulsory enforcement of the party's movable assets in connection with these amounts has been unsuccessful or appears to have no prospect of success.

(2) A lawyer assigned as counsel shall submit a calculation of his regular remuneration to the case files without delay.

(3) If several lawyers were assigned as counsel, the amounts due to each of them shall be calculated on the basis of the relationship between the respective differences between the fees pursuant to section 49 and the regular fees, whereby payments that are to be set off against the difference pursuant to section 58 are to be deducted therefrom.

Section 51

Assessment of a flat-rate fee

(1) In criminal and regulatory fining proceedings, proceedings pursuant to the Act on International Cooperation in Criminal Matters, proceedings pursuant to the Act on Cooperation with the International Criminal Court, in matters involving deprivation of liberty

and placement and in proceedings pursuant to section 151 nos. 6 and 7 of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction, a flat-rate fee exceeding the fees pursuant to the Remuneration Schedule shall be approved, upon application, for the counsel appointed or assigned by the court for the whole proceedings or for individual stages thereof if the fees determined in parts 4 to 6 of the Remuneration Schedule are not acceptable on account of the special scope or special difficulty. This shall not apply if ad valorem fees are incurred. If the approval is limited to individual stages of the proceedings, the fees are to be designated according to the Remuneration Schedule which the flat-rate fee is intended to replace. A flat-rate fee can also be allowed for activities for which there is a claim pursuant to section 48 (6). An appropriate advance payment to the lawyer shall be approved upon application if he cannot be expected to wait for the assessment of the flat-rate fee, particularly on account of the long duration of the proceedings and the likely amount of the flat-rate fee.

(2) An incontestable decision shall be taken on applications by the higher regional court of the district to which the court of first instance belongs, and in the case of the assignment of a contact person (section 34a of the Introductory Act to the Courts Constitution Act (*Einführungsgesetz zum Gerichtsverfassungsgesetz* – EGGVG), such decision shall be taken by the higher regional court of the district where the penal institution is situated. The Federal Court of Justice is competent for the decision insofar as it appointed the lawyer. The state treasury shall be heard in the proceedings. Section 42 (3) is to be applied *mutatis mutandis*.

(3) Subsection 1 shall apply in regulatory fining proceedings before the administrative authority *mutatis mutandis*. The administrative authority shall decide on applications pursuant to section 1, first to third sentences at the time of assessing the remuneration.

Section 52

Claim against the defendant or the party concerned

(1) The court-appointed lawyer can demand from the defendant the payment of the fees of a selected defence counsel; he cannot demand an advance payment, however. The claim against the defendant shall lapse insofar as the state treasury has paid fees.

(2) The claim can only be asserted insofar as the defendant has a claim to reimbursement against the state treasury or the court of first instance ascertains upon the application of the defence counsel that the defendant is in a position to make a payment or to pay in instalments without limiting the maintenance required for him and his family. If the proceedings have not been pending before the court, the decision shall be taken by the court that appointed the defence counsel.

(3) If an application is filed according to subsection 2, first sentence, the court shall set a deadline for the defendant to disclose his personal and economic circumstances; section 117 (2) to (4) of the Code of Civil Procedure shall apply *mutatis mutandis*. If the defendant fails to submit a declaration by the deadline, it shall be presumed that he is able to pay within the meaning of subsection 2, first sentence.

(4) An immediate complaint is admissible against an order pursuant to subsection 2 pursuant to the provisions of sections 304 to 311a of the Code of Criminal Procedure. Within the context of section 44, second sentence of the Code of Criminal Procedure, the provision of instruction on available legal remedies pursuant to section 12c shall be considered equal to the provision of information on legal remedies available pursuant to section 35a, first sentence of the Code of Criminal Procedure.

(5) The point in time relevant for the beginning of the period of limitation shall be the time when the court decision concluding the proceedings entered into force or, if there is no such decision, upon termination of the proceedings. An application by the defence counsel suspends the course of the period of limitation. Such suspension shall end six months after the court's decision on the application has entered into force.

(6) Subsections 1 to 3 and 5 shall apply in regulatory fining proceedings mutatis mutandis. In regulatory fining proceedings before the administrative authority, the administrative authority shall take the place of the court.

Section 53

Claim against the client, claim by the lawyer appointed as counsel against the convicted person

(1) Section 52 shall apply mutatis mutandis to claims against a client of a lawyer who has been assigned as counsel to a private prosecutor, private accessory prosecutor, applicant in proceedings to compel public charges or in other matters in which the fees are determined according to part 4, 5 or 6 of the Remuneration Schedule.

(2) A lawyer appointed as counsel to a private accessory prosecutor, to an aggrieved party entitled to bring a private accessory prosecution or to a witness can demand the fees of a selected counsel only from the convicted person. The claim shall lapse insofar as the state treasury has paid the fees.

(3) The lawyer specified in section 2, first sentence can only assert a claim arising from a remuneration agreement if the court of first instance ascertains upon his application that the private accessory prosecutor, the aggrieved party entitled to bring a private accessory prosecution or the witness would not have fulfilled the prerequisites for the approval of assistance with court costs in a civil action at the time when the agreement was concluded only on account of his personal and economic circumstances. If the proceedings have not been pending before a court, the decision shall be taken by the court that appointed the counsel. Section 52 (3) to (5) shall apply mutatis mutandis.

Section 54

Culpability of a lawyer assigned or appointed as counsel

If the lawyer assigned or appointed as counsel causes the assignment or appointment as counsel of another lawyer through culpable conduct, he cannot demand fees that are also incurred by the other lawyer.

Section 55

Assessment of the remuneration and advance payments to be paid from the state treasury

(1) The remuneration to be granted from the state treasury and any advance payment thereon shall be assessed by the record officer of the office of the court of first instance upon application by the lawyer. If the proceedings have not been pending before a court, the assessment shall be made by the record officer of the office of the court that appointed the defence counsel.

(2) In matters in which the fees are determined pursuant to part 3 of the Remuneration Schedule, the assessment shall be made by the record officer of the court of the instance concerned unless the proceedings have terminated by a decision that has entered into force or in some other way.

(3) In the case of the assignment of a contact person (section 34a of the Introductory Act to the Courts Constitution Act), the assessment shall be made by the record officer of the office of the regional court of the district where the penal institution is situated.

(4) In the case of advisory assistance, the remuneration shall be assessed by the record officer of the office of the court determined in section 4 (1) of the Advisory Assistance Act.

(5) Section 104 (2) of the Code of Civil Procedure shall apply mutatis mutandis. The application shall contain a declaration stating whether the lawyer has received payments up to the day of the submission of the application and if so, which payments have been received. In the case of payments towards a fee that is to be set off, these payments, the rate or the amount of the fee, and also, in the case of ad valorem fees, the value on which they are based, are to be indicated. The lawyer shall notify receipt of any payments he has received after submitting the application without delay.

(6) Before assessing further remuneration (section 50), the record officer can demand that the lawyer submit to the office of the court to which the record officer belongs applications for the assessment of the remuneration for which he still has claims against the state treasury within a period of a month, or that he make a statement on the payments received (subsection 5, second sentence). If the lawyer does not comply with this demand, his claims against the state treasury shall lapse.

(7) Subsections 1 and 5 shall apply to regulatory fining proceedings before an administrative authority *mutatis mutandis*. The administrative authority shall take the place of the record officer of the office of the court.

Section 56

Reminders as a legal remedy and complaints

(1) The court of the legal instance at which the assessment was made shall decide by order concerning reminders of the lawyer and the state treasury against the assessment pursuant to section 55. In the case of section 55 (3), the criminal division of the regional court shall decide. In the case of advisory assistance, the court competent pursuant to section 4 (1) of the Advisory Assistance Act shall decide.

(2) In proceedings concerning reminders, section 33 (4), first sentence and section 33 (7) and (8) shall apply and in proceedings concerning complaints against decisions on reminders, section 33 (3) to (8) shall apply *mutatis mutandis*. Reminder and complaint proceedings shall be free of charge. Costs shall not be reimbursed.

Section 57

Legal remedy in regulatory fining cases before the administrative authority

An application may be filed for a court decision against decisions of the administrative authority in regulatory fining proceedings in accordance with the provisions of this part. Section 62 of the Act on Regulatory Offences shall apply to the proceedings.

Section 58

Setting off advance payments and payments

(1) Payments the lawyer has received pursuant to section 9 of the Advisory Assistance Act shall be set off against the remuneration to be paid from the *Land* treasury.

(2) In matters where the fees are determined pursuant to part 3 of the Remuneration Schedule, advance payments and payments the lawyer has received before or after the assignment as counsel are to be first set off against the remuneration for which a claim against the state treasury does not exist or only exists subject to fulfilment of the prerequisites specified in section 50.

(3) In matters in which the fees are determined pursuant to parts 4 to 6 of the Remuneration Schedule, advance payments and payments the lawyer has received before or after the court appointment or assignment as counsel for his activity in a matter that is subject to fees under the fee statutes shall be set off against the fees to be paid by the state treasury for this matter. If the lawyer has received payments after receiving fees from the state treasury, he is under an obligation to repay the fees to the state treasury. Setting off or repayment shall only take place insofar as the lawyer would receive a total of more than twice the amount of the fees from the state treasury to which he is entitled as a result of the payments, disregarding section 51. If the fees remaining to the lawyer pursuant to the third sentence are higher than the maximum fees of a selected lawyer, the amount in excess of the maximum fees is also to be set off or repaid.

Section 59

Transfer of claims to the state treasury

(1) Insofar as a lawyer assigned as counsel using assistance with court costs or pursuant to section 138 of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction, also in conjunction with section 270 of the said Act, or appointed pursuant to section 67a (1), second sentence of the Code of Administrative Court Procedure has a claim

against a party or against an opponent liable to pay compensation in connection with his remuneration, this claim shall be transferred to the state treasury upon the state treasury meeting the lawyer's claim. The transfer cannot be effected to the lawyer's disadvantage.

(2) The provisions on the costs of the court proceedings shall apply mutatis mutandis to the assertion of a claim, as well as to a reminder serving as a legal remedy and to a complaint. Claims of the state treasury shall be lodged with the court of first instance. If the court of first instance is a regional court and if the claim has been transferred to the federal treasury, the claim in this respect shall be lodged with the respective supreme federal court.

(3) Subsection 1 shall apply to advisory assistance mutatis mutandis.

Section 59a

Assignment and appointment as counsel by judicial authorities

(1) The provisions concerning a counsel for a witness assigned by a court shall apply to a counsel for a witness assigned by the public prosecution office mutatis mutandis. Decisions on applications pursuant to section 51 (1) shall be taken by the higher regional court in the district of which the public prosecution office has its headquarters. If the Federal Prosecutor General has assigned a counsel for a witness, the decision shall be taken by the Federal Court of Justice.

(2) The provisions concerning a court-appointed lawyer shall apply mutatis mutandis to a counsel appointed by the Federal Office of Justice pursuant to section 87e of the Act on International Cooperation in Criminal Matters in conjunction with section 53 of the said Act. The Federal Office of Justice shall take the place of the record officer of the office of the court concerned. The Federal Office of Justice shall decide on applications pursuant to section 51 (1) at the time of assessing the remuneration.

(3) An application may be filed for a court decision against decisions by the public prosecution office and the Federal Office of Justice pursuant to the provisions of this part. The regional court of the district where the judicial authority has its seat shall be competent. In the case of decisions by the Federal Prosecutor General, the Federal Court of Justice shall decide.

Part 9

Transitional and final provisions

Section 59b

Promulgation of new versions

Following amendments, the Federal Ministry of Justice can ascertain the text of the Act and promulgate it as a new version in the Federal Law Gazette. The promulgation must make reference to this provision and indicate

1. the effective date on which the text is ascertained,
2. the amendments since the last publication of the complete text in the Federal Law Gazette and
3. the entry into force of the amendments.

Section 60

Transitional provision

(1) The remuneration is to be calculated according to previous law if the unconditional mandate to settle the same matter within the meaning of section 15 was granted before the entry into force of a legal amendment or the lawyer was appointed or assigned as counsel before that date. If the lawyer is already active in the same matter on the date of the entry into force of a legal amendment, the remuneration for proceedings using an appellate remedy lodged after that date shall be calculated according to the new law. The first and second sentences shall also apply upon the amendment of provisions referring to this Act.

(2) If fees are to be assessed on the basis of the total value of several matters, the previous law shall apply to the whole of the remuneration even if under subsection 1 it would only apply to one of the matters.

Section 61

Transitional provision on the occasion of the entry into force of this Act

(1) The Federal Fees Ordinance for Lawyers (*Bundesgebührenordnung für Rechtsanwälte – BRAGO*) in the revised version published in the Federal Law Gazette part III, subsection number 368-1, most recently amended by Article 2 (6) of the Act of 12 March 2004 (Federal Law Gazette I p. 390), and references hereto shall continue to be applied if the unconditional mandate to settle the same matter within the meaning of section 15 was granted before 1 July 2004 or the lawyer was appointed or assigned as counsel by a court before that date. If the lawyer was already dealing with the same matter on 1 July 2004 and, if court proceedings are pending, is already working at the same level of jurisdiction instance, this Act shall apply to proceedings concerning an appellate remedy lodged after that date. Section 60 (2) is to be applied, *mutatis mutandis*.

(2) The provisions of this Act are to be applied to remuneration agreements even when the provisions of the Federal Fees Schedule for Lawyers continue to be applicable pursuant to subsection 1 and the declarations of intent of both parties were submitted after 1 July 2004.

Section 62

Proceedings pursuant to the Act for Therapeutic Preventive Detention (*Therapieunterbringungsgesetz - ThUG*)

The provisions of the Act for Therapeutic Preventive Detention concerning the remuneration of lawyers shall remain unaffected.

Annex 1 (to section 2 (2)) Remuneration Schedule

Structure

Part 1 General fees

Part 2 Out-of-court activities including representation in administrative proceedings

Division 1 Examination of the prospect of success of an appellate remedy

Division 2 Reaching agreement

Division 3 Representation

Division 4 (repealed)

Division 5 Advisory assistance

Part 3 Civil matters, proceedings under public-law jurisdictions, proceedings under the Prison Act, also in conjunction with section 92 of the Youth Courts Act (*Jugendgerichtsgesetz - JGG*), and similar proceedings

Division 1 First instance

Division 2 Appeal, appeal on points of law, certain complaints and proceedings before the finance court

Subdivision 1 Appeal, certain complaints and proceedings before the finance court

Subdivision 2 Appeal on points of law, certain complaints and complaints on points of law

Division 3 Fees for special proceedings

Subdivision 1 Special first-instance proceedings

Subdivision 2 Summary proceedings for an order to pay debts

Subdivision 3 Execution and enforcement

Subdivision 4 Enforced auction and receivership

Subdivision 5 Insolvency proceedings, distribution proceedings pursuant to the Distribution Ordinance under Shipping Laws

Subdivision 6 Other special proceedings

Division 4 Individual activities

Division 5 Complaints, complaints against the non-admission of an appellate remedy, and reminders as a legal remedy

Part 4 Criminal matters

Division 1 The defence counsel's fees

Subdivision 1 General fees

Subdivision 2 Preparatory proceedings

Subdivision 3 Court proceedings

First instance

Appeal

Appeal on points of law

Subdivision 4 Reopening proceedings

Subdivision 5 Additional fees

Division 2 Fees in penal enforcement

Division 3 Individual activities

Part 5 Regulatory fining matters

Division 1 The defence counsel's fees

- Subdivision 1 General fee
- Subdivision 2 Proceedings before an administrative authority
- Subdivision 3 First-instance court proceedings
- Subdivision 4 Proceedings concerning complaints on points of law
- Subdivision 5 Additional fees

Division 2 Individual activities

Part 6 Other proceedings

Division 1 Proceedings pursuant to the Act on International Cooperation in Criminal Matters and proceedings pursuant to the Act on Cooperation with the International Criminal Court

- Subdivision 1 Proceedings before an administrative authority
- Subdivision 2 Court proceedings

Division 2 Disciplinary proceedings, professional court proceedings on account of the violation of a professional obligation

- Subdivision 1 General fees
- Subdivision 2 Out-of-court proceedings
- Subdivision 3 Court proceedings

First instance

Second instance

Third instance

- Subdivision 4 Additional fee

Division 3 Court proceedings in matters involving deprivation of liberty, placement and other coercive measures

Division 4 Court proceedings pursuant to the Military Complaints Code

Division 5 Individual activities and proceedings for the reversal or modification of a disciplinary measure

Part 7 Expenses

**Part 1
General fees**

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
<i>Preliminary note 1:</i>		
The fees in this part shall be incurred in addition to the fees determined in other parts.		
1000	<p>Settlement fee</p> <p>(1) The fee shall be incurred for assistance in concluding an agreement through which</p> <ol style="list-style-type: none"> 1. the dispute or the uncertainty about a legal situation is removed or 2. provision is made for fulfilment of the claim while at the same time assertion of the claim before the courts is provisionally waived and while at the same time use of enforcement measures is provisionally waived if a legal document for compulsory enforcement has already been issued (payment agreement). <p>The fee shall not be incurred if the agreement is exclusively limited to an acknowledgement or a waiver. No. 4147 is to be applied in private prosecution proceedings.</p> <p>(2) The fee shall also be incurred for assistance in negotiations on agreements unless these were not causative of the conclusion of the agreement within the meaning of subsection 1.</p> <p>(3) For assistance with a contract concluded subject to a condition precedent or subject to the right to revocation, the fee shall be incurred subject to fulfilment of the condition or if the contract can no longer be revoked.</p> <p>(4) If there is a contractual right to claims, subsections 1 and 2 shall also apply to legal relationships under public law.</p> <p>(5) The fee shall not be incurred in divorce or life partnership matters (section 269 (1) (1) and (2) of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction). If a contract, in particular</p>	1.5

	concerning maintenance, is concluded with regard to the proceedings specified in the first sentence, the value of these proceedings shall not be taken into account in calculating the fee. In cases involving children, subsection 1, first and second sentences is also to be applied mutatis mutandis to assistance with an agreement concerning a matter which cannot be treated as a subject of disposal under a contract.	
1001	Reconciliation fee	1.5
	The fee shall be incurred for assistance with reconciliation if a spouse seriously intended to bring divorce proceedings or proceedings for the annulment of a marriage and the spouses continue or resume the marital relationship. This shall apply to life partnerships mutatis mutandis.	
1002	Settlement fee, unless no. 1005 is applicable	1.5
	This fee shall be incurred when, as a result of the lawyer's assistance, a case is settled entirely or partly following reversal or modification of the administrative act contested by means of a legal remedy. The same applies when a case is entirely or partly settled by means of the issue of a previously rejected administrative act.	
1003	Court proceedings other than independent evidentiary proceedings are pending on a matter: Fees 1000 to 1002 shall be ...	1.0
	(1) This shall also apply if proceedings concerning assistance with court costs are pending unless an application is only being filed for assistance with court costs for independent evidentiary proceedings or for a court record to be made of a settlement or if the assignment as counsel covers the conclusion of a contract within the meaning of no. 1000 (section 48 (3) of the Act on the Remuneration of Lawyers). Notification of a claim to model proceedings pursuant to the Capital Markets Model Case Act shall be considered equal to pending court proceedings. Proceedings before a court bailiff shall be considered equal to court proceedings.	
	(2) In cases involving children, the fee shall also be incurred for assistance with the conclusion of a court-approved settlement (section 156 (2) of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction) and with an agreement concerning a subject which cannot be treated as a subject of disposal under a contract if, as a result of such assistance, a court decision becomes dispensable or if such decision follows the agreement reached.	

<p>1004</p>	<p>Appeal proceedings or appeal proceedings on points of law concerning the subject, proceedings concerning a complaint against the non-admission of one of these legal remedies or proceedings before the appellate court concerning the admissibility of the appellate remedy are pending: Fees 1000 to 1002 shall be</p> <p>(1) This shall also apply to proceedings concerning complaints and complaints on points of law referred to in preliminary notes 3.2.1 and 3.2.2. (2) Subsection 2 of the note on no. 1003 is to be applied.</p>	<p>1.3</p>
<p>1005</p>	<p>Agreement or settlement in administrative proceedings in social law matters in which capped sliding-scale fees are incurred in court proceedings (section 3 of the Act on the Remuneration of Lawyers): Fees 1000 and 1002 shall be incurred</p> <p>(1) The fee shall be determined in a uniform manner in accordance with this provision if claims from other administrative proceedings are included in the agreement. If court proceedings are pending on a matter, the fee shall be determined according to no. 1006. What is decisive for the amount of the fee is the maximum general fee incurred, disregarding an increase pursuant to no. 1008. If the lawyer is only entitled to a fee pursuant to section 34 of the Act on the Remuneration of Lawyers, the fee shall be half of the amount specified in the note on no. 2302. (2) If the agreement or settlement relates to only part of the matter, the share of the general fee corresponding to that part of the matter shall be estimated, taking into account the circumstances specified in section 14 (1) of the Act on the Remuneration of Lawyers.</p>	<p>amounting to the general fee</p>
<p>1006</p>	<p>Court proceedings are pending on the matter: Fee 1005 shall be incurred</p> <p>(1) The fee shall be determined in a uniform manner according to this provision even if claims not pending in these proceedings are included in the agreement. What is decisive for the amount of the fee is the procedural fee determined in the individual case in the matter in which the agreement is reached. An increase pursuant to no. 1008 shall not be taken into account. (2) If the agreement or settlement relates to only part of the matter, the share of the procedural fee corresponding to that part of the matter shall be estimated, taking into account the circumstances specified in section 14 (1) of the Act on the Remuneration of Lawyers.</p>	<p>amounting to the procedural fee</p>
<p>1008</p>	<p>Several persons are clients concerning the same matter: The procedural or general fee shall increase for each further person by</p> <p>(1) This shall apply to ad valorem fees only to the extent that the subject of the lawyer's activity is the same. (2) The increase shall be calculated on the basis of the amount concerning which the persons have a joint interest.</p>	<p>0.3 or 30% in the case of fixed fees; in the case of capped sliding-</p>

1009	<p>(3) Several increases may not exceed a fee rate of 2.0; in the case of fixed fees, the increases may not exceed twice the amount of the fixed fee and in the case of capped sliding-scale fees, increases may not exceed twice the minimum and maximum amounts.</p> <p>(4) In the case of the note on fees 2300 and 2302, the fee rate or amount of these fees shall increase mutatis mutandis.</p> <p>Collection fee</p> <p>1. up to and including €2,500.00.....</p> <p>2. from the amount in excess of €2,500.00 up to and including €10,000.00</p> <p>3. from the amount in excess of €10,000.00</p> <p>(1) The fee shall be charged for the disbursement or reimbursement of amounts of money received.</p> <p>(2) Cashless payments shall be considered equal to cash payments. The fee can be deducted from the amount paid to the client.</p> <p>(3) If the money is disbursed or repaid in several separate amounts, the fee shall be charged separately for each amount.</p> <p>(4) For the delivery or return of securities and items of value, the fee shall be incurred on the basis of the value as determined under subsections 1 to 3.</p> <p>(5) The collection fee shall not be incurred insofar as costs are transferred to a court or an authority or collected costs are passed on to the client or collected amounts are set off against the remuneration.</p>	<p>scale fees, the minimum and maximum amount shall increase by 30%</p> <p>1.0%</p> <p>0.5%</p> <p>0.25% of the disbursed or reimbursed amount - at least €1.00</p>
1010	<p>Additional fee for particularly extensive gathering of evidence in matters where the fees are based on part 3 and there are at least three court hearings at which experts or witnesses are heard</p> <p>The fee shall be incurred for the additional work involved in the particularly extensive gathering of evidence.</p>	<p>0.3 or, in the case of capped sliding-scale fees, the minimum and maximum amounts of the hearing fee shall increase by 30%</p>

Part 2
Out-of-court activities including representation in administrative proceedings

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
<i>Preliminary note 2:</i>		
(1) The provisions of this part are only to be applied insofar as sections 34 to 36 of the Act on the Remuneration of Lawyers do not provide otherwise.		
(2) The same fees shall be incurred for activity as counsel for a witness or expert in administrative proceedings for which the fees are determined by this part as for a representative in these proceedings. For activity as a counsel for a witness or as an expert before a parliamentary enquiry commission, the same fees shall be incurred as for the respective counsel services in criminal proceedings of first instance before a higher regional court.		
(3) (repealed)		
Division 1		
Examination of the prospect of success of an appellate remedy		
2100	Fee for the examination of the prospect of success of an appellate remedy, unless otherwise determined in no. 2102..... The fee shall be set off against any fee for appellate remedy proceedings.	0.5 to 1.0
2101	The examination of the prospect of success of an appellate remedy involves the preparation of a written expert opinion: Fee 2100 shall be	1.3
2102	Fee for the examination of the prospect of success of an appellate remedy in social law matters in which capped sliding-scale fees are incurred in the court proceedings (section 3 of the Act on the Remuneration of Lawyers), and in matters for which capped sliding-scale fees are incurred pursuant to parts 4 to 6..... The fee shall be set off against a fee for the appellate proceedings.	€30.00 to €320.00
2103	The examination of the prospect of success of an appellate remedy involves the preparation of a written expert opinion: Fee 2102 shall be	€50.00 to €550.00
Division 2		
Reaching agreement		

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
2200	General fee for reaching agreement pursuant to section 28 of the Act regulating the activity of European lawyers in Germany (<i>Gesetz über die Tätigkeit europäischer Rechtsanwälte in Deutschland - EuRAG</i>)	amounting to the procedural fee to which a representative or defence counsel is entitled
2201	Agreement is not reached Fee 2200 shall be	0.1 to 0.5 or minimum amount of the procedural fee to which a representative or defence counsel is entitled

**Division 3
Representation**

Preliminary note 2.3:

- (1) In payment order proceedings, part 3 division 3 subdivision 3 shall be applied mutatis mutandis.
- (2) This division does not apply to the matters provided for in parts 4 to 6.
- (3) The general fee shall be incurred for performing out-of-court work including providing information and assistance in drawing up a contract.
- (4) Insofar as a general fee has been incurred for an activity in administrative proceedings on account of the same matter, half of this fee, or in the case of ad valorem fees, a maximum fee rate of 0.75, shall be set off against a general fee for an activity in further administrative proceeding serving verification of the administrative act. In the case of capped sliding-scale fees, the maximum amount to be set off shall be €175.00. In assessing a further general fee on a scale, it shall not be taken into account that the scope of the activity was smaller on account of previous activity. In the case of an ad valorem fee, the setting-off shall be done according to the value of the matter in dispute, which is also the matter in dispute in the further proceedings.
- (5) Subsection 4 shall apply mutatis mutandis to an activity in proceedings under the Military Complaints Code if it is followed by an activity in complaint proceedings or if the activity in complaint proceedings is followed by an activity in further complaint proceedings before disciplinary superiors.
- (6) Insofar as a general fee has been incurred under no. 2300 on account of the same

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
<p>matter, half of this fee or a maximum fee rate of 0.75 shall be set off against a general fee pursuant to no. 2303. Subsection 4, fourth sentence shall apply mutatis mutandis.</p>		
2300	<p>General fee, unless otherwise determined in nos. 2302 and 2303.....</p> <p>A fee of more than 1.3 can only be demanded if the activity was extensive or difficult.</p>	0.5 to 2.5
2301	<p>The mandate is limited to writing simple documents: Fee 2300 shall be</p> <p>Simple documents are documents containing neither complex legal arguments nor major substantial discussions.</p>	0.3
2302	<p>General fee in</p> <ol style="list-style-type: none"> 1. social law matters in which capped sliding-scale fees are incurred in court proceedings (section 3 of the Act on the Remuneration of Lawyers), and 2. proceedings under the Military Complaints Code if the court proceedings take place before the Bundeswehr Disciplinary and Complaints Court or the Federal Administrative Court instead of making recourse to an administrative court in legal proceedings relating to military service under section 82 of the Legal Status of Military Personnel Act (<i>Soldatengesetz</i> – SG). <p>.....</p> <p>A fee of more than €300.00 can only be demanded if the activity was extensive or difficult.</p>	€50.00 to €640.00

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
2303	<p>General fee for</p> <ol style="list-style-type: none"> 1. dispute resolution proceedings before a dispute-resolving entity established or recognised by the <i>Land</i> department of justice (section 794 (1) (1) of the Code of Civil Procedure) or, if the parties attempt to reach an out-of-court agreement, before a dispute-resolving entity (section 15a (3) of the Introductory Act to the Code of Civil Procedure), 2. proceedings before a committee of the kind designated in section 111 (2) of the Labour Courts Act, 3. proceedings before the port authority for a provisional decision on labour cases and 4. proceedings before other statutory boards of conciliation, dispute-resolving entities or arbitration boards..... 	1.5
<p>Division 4 (repealed)</p>		
<p>Division 5 Advisory assistance</p>		
<p><i>Preliminary note 2.5:</i></p>		
<p>Within the context of advisory assistance, fees shall be incurred exclusively in accordance with this division.</p>		
2500	<p>Fee for advisory assistance</p> <p>No expenses shall be charged in addition to the fee. The fee may be waived.</p>	€15.00
2501	<p>Advisory fee</p> <p>(1) The fee shall be incurred for advisory assistance if such assistance is unconnected with another activity that is subject to a fee.</p> <p>(2) The fee shall be set off against a fee for another activity connected with the advisory assistance.</p>	€35.00

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
2502	Advisory activity with the objective of reaching an out-of-court agreement with creditors concerning debt settlement on the basis of a plan (section 305 (1) (1) of the Insolvency Statute): Fee 2501 shall be	€70.00
2503	General fee..... (1) The fee shall be incurred for carrying out a transaction including providing information or assistance with drawing up a contract. (2) Half of this fee shall be set off against the fees for subsequent court or official proceedings. A quarter of this fee shall be set off against the fees for proceedings for a declaration of enforceability of a settlement pursuant to sections 796a, 796b and 796c (2), second sentence of the Code of Civil Procedure.	€85.00
2504	Activity with the objective of reaching an out-of-court agreement with creditors concerning debt settlement on the basis of a plan (section 305 (1) (1) of the Insolvency Statute): When there are up to five creditors, fee 2503 shall be	€270.00
2505	There are six to ten creditors: Fee 2503 shall be	€405.00
2506	There are 11 to 15 creditors: Fee 2503 shall be	€540.00
2507	There are more than 15 creditors: Fee 2503 shall be	€675.00
2508	Agreement and settlement fee (1) The notes on nos. 1000 and 1002 shall be applied. (2) The fee shall also be incurred for assistance in reaching an out-of-court agreement with creditors concerning debt settlement on the basis of a plan (section 305 (1) (1) of the Insolvency Statute).	€150.00

Part 3
Civil matters, proceedings under public-law jurisdictions, proceedings under the Prison Act, also in conjunction with section 92 of the Youth Courts Act, and similar proceedings

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
<p><i>Preliminary note 3:</i></p> <p>(1) A lawyer who has been given an unconditional mandate as representative in a trial or as representative in the proceedings, as counsel for a witness, or as an expert or for some other activity in court proceedings shall receive fees pursuant to this part. A counsel for a witness or an expert shall receive the same fees as a legal representative in the proceedings.</p> <p>(2) The procedural fee shall be incurred for performing general work including providing information.</p> <p>(3) Unless determined otherwise, a hearing fee shall be incurred both for attending court hearings and for attending out-of-court appointments and meetings. However, it shall not be incurred for attending a court hearing only for the announcement of a decision. The fee for out-of-court appointments and meetings shall be incurred for</p> <ol style="list-style-type: none">1. attending an appointment arranged by a court-appointed expert and2. assistance at meetings aimed at the avoidance or settlement of the proceedings; this shall not apply to meetings with the client. <p>(4) If a general fee on account of the same matter is incurred pursuant to part 2, half of this fee, and in the case of ad valorem fees a maximum fee rate of 0.75, shall be set off against the procedural fee of the court proceedings. In the case of capped sliding-scale fees, the amount to be set off shall not exceed €175.00. If several fees have been incurred, the last fee incurred shall be decisive for the amount to be set off. In the case of capped sliding-scale fees, it shall not be taken into account that the scope of the activity in the court proceedings is smaller as a result of the previous activity. In the case of a value-based fee, the amount to be set off shall be calculated according to the value of the matter in dispute that is also the subject of the court proceedings.</p> <p>(5) If the subject of independent evidentiary proceedings also is or becomes the subject of a legal action, the procedural fee for the independent evidentiary proceedings shall be set off against the procedural fee for the level of jurisdiction concerned.</p> <p>(6) If a matter is referred back to a subordinate court that previously dealt with the matter, the procedural fee already incurred before this court shall be set off against the procedural fee for the new proceedings.</p> <p>(7) The provisions of this part are not to be applied if part 6 contains special provisions.</p> <p style="text-align: center;"><i>Division 1</i> <i>First instance</i></p>		

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
<p><i>Preliminary note 3.1:</i></p> <p>(1) The fees of this division shall be incurred in all proceedings for which no fees are determined in the following divisions of this part.</p> <p>(2) This division is also to be applied to proceedings concerning complaints on points of law pursuant to section 1065 of the Code of Civil Procedure.</p>		
3100	<p>Procedural fee, unless otherwise determined in no. 3102.....</p> <p>(1) The procedural fee for simplified proceedings concerning the maintenance of minors shall be set off against the procedural fee incurred in the subsequent legal action (section 255 of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction).</p> <p>(2) The procedural fee for proceedings in which plaintiffs rely entirely on documentary evidence or proceedings on claims arising from a bill of exchange shall be set off against the procedural fee for proceedings before the courts of general jurisdiction if the latter remain pending after desisting from the aforementioned proceedings or after a judgment subject to a reservation of rights (sections 596 and 600 of the Code of Civil Procedure).</p> <p>(3) The procedural fee for mediation proceedings pursuant to section 165 of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction shall be set off against the procedural fee for subsequent proceedings.</p>	1.3

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3101	<p>1. If the mandate ends before the lawyer has lodged an action, submitted an application initiating proceedings or a brief containing factual applications or presentations of facts, or the withdrawal of the action or the application, or before attending a court hearing;</p> <p>2. insofar as court hearings are held to reach an agreement between the parties or the participants or with third parties concerning claims not pending in these proceedings; if an application has been filed to place an agreement in the records or to ascertain that an agreement has been reached (section 278 (6) of the Code of Civil Procedure), this shall be considered equal to a court hearing on such claims; or</p> <p>3. insofar as, in a family case, the only subject is the granting of approval or the agreement of the family court to the subject, or in proceedings of non-contentious jurisdiction only an application is being filed and a decision is being heard,</p> <p>fee 3100 shall be.....</p> <p>(1) Insofar as, in the cases under no. 2 above, the total amount of procedural fees incurred pursuant to section 15 (3) of the Act on the Remuneration of Lawyers is greater than fee 3100, the difference shall be set off against a procedural fee incurred on account of the same matter in dispute in another case.</p> <p>(2) No. 3 above is not to be applied in disputed proceedings of non-contentious jurisdiction, in particular in proceedings pursuant to the Act on Court Proceedings in Agricultural Matters (<i>Gesetz über das gerichtliche Verfahren in Landwirtschaftssachen</i> - LwVfG).</p>	0.8
3102	Procedural fee for proceedings before the social courts in which capped sliding-scale fees are incurred (section 3 of the Act on the Remuneration of Lawyers).	Between €50.00 and €550.00
3103	(repealed)	
3104	<p>Hearing fee, unless otherwise determined in no. 3106.....</p> <p>(1) The fee shall also be incurred if</p> <p>1. in agreement with the parties or participants, or under section 307 or section 495a of the Code of Civil Procedure, a decision is taken without a hearing for oral</p>	1.2

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3105	<p>argument in proceedings for which such a hearing is prescribed, or if a settlement is agreed in writing in such proceedings,</p> <p>2. a court rules by means of a summary decision pursuant to section 84 (1), first sentence of the Code of Administrative Court Procedure (<i>Verwaltungsgerichtsordnung – VwGO</i>) or section 105 (1), first sentence of the Social Courts Act and an application can be filed for a hearing for oral argument or</p> <p>3. proceedings before the social court for which a hearing for oral argument is prescribed end without such a hearing following an accepted acknowledgement.</p> <p>(2) If negotiations were also held at the hearing to reach agreement concerning claims not pending in these proceedings, the hearing fee shall be set off against a hearing fee incurred on account of the same subject in dispute in another matter insofar as it is greater than the fee incurred when the claims not pending are disregarded.</p> <p>(3) The fee shall not be incurred if only an application has been filed to record an agreement of the parties or the participants or with third parties on claims that are not pending.</p> <p>(4) A hearing fee incurred in preceding summary proceedings for a payment order or simplified proceedings on maintenance for minors shall be set off against a hearing fee for the subsequent legal action.</p> <p>Attending only a hearing at which a party or participant failed to appear or was not properly represented and only an application was filed for a default judgment, a default decision or regarding the direction, or the direction in substance, of the course of proceedings (<i>Prozessleitung, Verfahrensleitung</i> or <i>Sachleitung</i>): Fee 3104 shall be</p> <p>(1) The fee shall also be incurred if</p> <p>1. in the case of failure to attend, the court only takes in officio decisions regarding the direction, or the direction in substance, of the course of proceedings or</p> <p>2. a decision is taken under section 331 (3) of the Code of Civil Procedure.</p> <p>(2) Section 333 of the Code of Civil Procedure is not to be applied mutatis mutandis.</p>	0.5

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3106	<p>Hearing fee in proceedings before the social courts in which capped sliding-scale fees are incurred (section 3 of the Act on the Remuneration of Lawyers).</p> <p>The fee shall also be incurred if</p> <ol style="list-style-type: none"> 1. in agreement with the parties, a decision is taken without a hearing for oral argument in proceedings for which such a hearing is prescribed or if in such proceedings a settlement is agreed in writing, 2. a court rules by means of a summary decision pursuant to section 105 (1), first sentence of the Social Courts Act and an application can be filed for a hearing for oral argument or 3. the proceedings for which a hearing for oral argument is prescribed end without such a hearing following an accepted acknowledgement. <p>In cases under the first sentence above, the fee shall amount to 90% of the procedural fee to which the lawyer is entitled in the same matter, disregarding an increase pursuant to no. 1008.</p>	€50.00 to €510.00
<p>Division 2</p> <p><i>Appeal, appeal on points of law, certain complaints and proceedings before a finance court</i></p> <p><i>Preliminary note 3.2:</i></p> <p>(1) This division is also to be applied in proceedings before the appeal court concerning the admissibility of an appellate remedy.</p> <p>(2) If in proceedings on an application for ordering, modifying or repealing a seizure or an injunction, the appeal court is to be regarded as the court responsible for the main action (section 943 of the Code of Civil Procedure), the fees shall be determined according to the provisions applying to the first instance. This shall apply mutatis mutandis to interim order proceedings and proceedings for ordering or restoring a suspensive effect, for suspending or repealing an enforcement, or for ordering immediate enforcement of an administrative act.</p> <p>The first sentence shall also apply mutatis mutandis to proceedings on an application pursuant to section 115 (2), fifth and sixth sentences, section 118 (1), third sentence or section 121 of the Act against Restraints of Competition (<i>Gesetz gegen Wettbewerbsbeschränkungen – GWB</i>).</p>		

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
<p style="text-align: center;"><i>Subdivision 1</i> <i>Appeals, certain complaints and proceedings before the finance court</i></p> <p>Preliminary note 3.2.1:</p> <p>This subdivision is also to be applied in proceedings</p> <ol style="list-style-type: none"> 1. before a finance court, 2. concerning complaints <ol style="list-style-type: none"> a) against decisions ending the legal instance in proceedings concerning applications for a certificate of enforceability of foreign legal documents or for granting a court certificate of enforceability to foreign legal documents and applications to reverse or modify an enforceability declaration or court certificate of enforceability, b) against a final decision on account of the main matter in dispute in family matters and in matters of non-contentious jurisdiction, c) against decisions ending the legal instance before the labour courts in proceedings for court orders (<i>Beschlussverfahren</i>), d) against decisions ending the legal instance before the administrative courts in proceedings for court orders on staff representation, e) pursuant to the Act Against Restraints of Competition, f) pursuant to the Energy Industry Act (<i>Energiewirtschaftsgesetz – EnWG</i>), g) pursuant to the Act on the Demonstration and Use of the Technology for the Capture, Transport and Permanent Storage of CO₂ (<i>Gesetz zur Demonstration und Anwendung von Technolgien zur Abscheidung, zum Transport und zur dauerhaften Speicherung von Kohlendioxid – KSpG</i>), h) pursuant to the EC Consumer Protection Implementing Act (<i>EG-Verbraucherschutzdurchsetzungsgesetz – VSchDG</i>), i) pursuant to the Act on Appraisal Proceedings (<i>Gesetz über das gesellschaftsrechtliche Spruchverfahren – SpruchG</i>), j) pursuant to the Securities Acquisition and Takeover Act (<i>Wertpapiererwerbs- und Übernahmegesetz – WpÜG</i>), 3. concerning complaints <ol style="list-style-type: none"> a) against the decision of an administrative or social court on account of the main subject matter in proceedings relating to provisional or temporary relief, b) pursuant to the Securities Trading Act (<i>Gesetz über den Wertpapierhandel – WpHG</i>), 		

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
4.	concerning complaints on points of law pursuant to the Act concerning the execution of Prison Sentences and measures of rehabilitation and prevention involving deprivation of liberty - Prison Act (<i>Gesetz über den Vollzug der Freiheitsstrafe und der freiheitsentziehenden Maßnahmen der Besserung und Sicherung</i> – StVollzG), also in conjunction with section 92 of the Youth Courts Act.	
3200	Procedural fee, unless otherwise determined in no. 3204.....	1.6
3201	<p>Premature termination of the mandate or limited activity of the lawyer: Fee 3200 shall be</p> <p>(1) Premature termination shall be deemed to have taken place</p> <p>1. if the mandate ends before the lawyer has lodged an appellate remedy or has submitted a brief containing factual applications or presentations of facts, withdrawal of the action or of the appellate remedy, or before he has attended a court hearing or</p> <p>2. if court hearings are held with the purpose of reaching the agreement of the parties or participants or with third parties on claims not pending in these proceedings; if an application has been filed to record an agreement or to establish that such agreement has been reached (section 278 (6) of the Code of Civil Procedure), it shall be considered equal to a hearing on such claims.</p> <p>Insofar as the total amount of procedural fees incurred according to section 15 (3) of the Act on the Remuneration of Lawyers exceeds fee 3200 in cases under no. 2 above, the excess amount shall be set off against a procedural fee incurred on account of the same subject in another matter.</p> <p>(2) Limited activity by the lawyer shall be deemed to be when his activity is limited to submitting and substantiating the appellate remedy and receiving the decision relating to the appellate remedy</p> <p>1. in a family matter of which the only subject is the granting of authorisation or the approval of the matter by the family court, or</p> <p>2. regarding a matter of non-contentious jurisdiction.</p>	1.1

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3202	<p>Hearing fee, unless otherwise determined in no. 3205.....</p> <p>(1) The note on no. 3104, subsection 1 (1) and (3) and subsections 2 and 3 shall apply mutatis mutandis.</p> <p>(2) The fee shall also be incurred if a court rules by means of a summary decision without a hearing for oral argument pursuant to section 79a (2), section 90a or section 94a of the Finance Courts Code (<i>Finanzgerichtsordnung</i> – FGO).</p>	1.2
3203	<p>Attending only a hearing at which a party or participant failed to appear or was not properly represented (in appeal proceedings the appellant and in complaint proceedings the claimant) and only an application was filed for a default judgment, default decision or regarding the direction or the direction in substance of the course of proceedings: Fee 3202 shall be</p> <p>The note on no. 3105 and the note on no. 3202, subsection 2 shall apply mutatis mutandis.</p>	0.5
3204	<p>Procedural fee for proceedings before the regional social courts in which capped sliding-scale fees are incurred (section 3 of the Act on the Remuneration of Lawyers)</p>	€60.00 to €680.00
3205	<p>Hearing fee in proceedings before the regional social courts in which sliding-scale fees are incurred (section 3 of the Act on the Remuneration of Lawyers)</p> <p>The first sentence, (1) and (3) of the note on no. 3106 shall apply mutatis mutandis. In cases under the first sentence, the fee shall be 75% of the procedural fee to which the lawyer is entitled in the same matter, disregarding an increase pursuant to no. 1008.</p>	€50.00 to €510.00
<p><i>Subdivision 2</i> <i>Appeal on points of law, certain complaints and complaints on points of law</i></p>		
<p><i>Preliminary note 3.2.2:</i></p>		
<p>This subdivision is also applicable in proceedings</p>		
<p>1. concerning complaints on points of law</p>		
<p>a) in the cases specified in preliminary note 3.2.1 (2) and</p>		
<p>b) according to section 20 of the Capital Markets Model Case Act,</p>		

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
	<p>2. before the Federal Court of Justice concerning appeals, complaints or complaints on points of law against decisions of the Federal Patents Court and</p> <p>3. before the Federal Finance Court concerning complaints pursuant to section 128 (3) of the Finance Courts Code.</p>	
3206	Procedural fee, unless otherwise determined in no. 3212.....	1.6
3207	<p>Premature termination of the mandate or limited activity by the lawyer: Fee 3206 shall be</p> <p>The note on no. 3201 shall apply mutatis mutandis.</p>	1.1
3208	<p>Parties or participants can only be represented in the proceedings by a lawyer authorised to appear in the Federal Court of Justice: Fee 3206 shall be</p>	2.3
3209	<p>Premature termination of the mandate if the parties or participants can only be represented by a lawyer authorised to appear in the Federal Court of Justice: Fee 3206 shall be</p> <p>The note on no. 3201 shall apply mutatis mutandis.</p>	1.8
3210	<p>Hearing fee, unless otherwise determined in no. 3213.....</p> <p>Subsection 1 (1) and (3) and subsections 2 and 3 of the note on no. 3104 and subsection 2 of the note on no. 3202 shall apply mutatis mutandis.</p>	1.5
3211	<p>Attending only a hearing at which a claimant lodging an appeal on points of law or a claimant is not properly represented and an application is only filed for a default judgment, a default decision or regarding the direction or the direction in substance of the course of proceedings. Fee 3210 shall be</p> <p>The note on no. 3105 and the note on no. 3202 subsection 2 shall apply mutatis mutandis.</p>	0.8
3212	<p>Procedural fee for proceedings before the Federal Social Court in which capped sliding-scale fees are incurred (section 3 of the Act on the Remuneration of Lawyers)</p>	€80.00 to €880.00

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3213	<p>Hearing fee in proceedings before the Federal Social Court in which capped sliding-scale fees are incurred (section 3 of the Act on the Remuneration of Lawyers).</p> <p>The note on no. 3106, first sentence, (1) and (3) and second sentence shall apply mutatis mutandis.</p>	€80.00 to €830.00
<p>Division 3 Fees for special proceedings</p> <p><i>Subdivision 1</i> <i>Special first-instance proceedings</i></p>		
<p><i>Preliminary note 3.3.1:</i></p> <p>The hearing fee shall be determined according to division 1.</p>		
3300	<p>Procedural fee</p> <ol style="list-style-type: none"> 1. for proceedings before the higher regional court pursuant to section 16 (4) of the Copyright Administration Act (<i>Urheberrechtswahrmehmungsgesetz – UrhWG</i>), 2. for first-instance proceedings before the Federal Administrative Court, the Federal Social Court, the higher administrative court (court of administration) and the regional social court and 3. for proceedings in excessively long court proceedings and criminal investigation proceedings before the higher regional courts, regional social courts, higher administrative courts, regional labour courts or before a supreme federal court 	1.6
3301	<p>Premature termination of the mandate: Fee 3300 shall be</p> <p>The note on no. 3201 shall apply mutatis mutandis.</p>	1.0
<p><i>Subdivision 2</i> <i>Summary proceedings for an order to pay debts</i></p>		

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
<p><i>Preliminary note 3.3.2:</i> The hearing fee shall be determined pursuant to division 1.</p>		
3305	Procedural fee for representation of the applicant The fee shall be set off against the procedural fee for a subsequent legal action.	1.0
3306	Termination of the mandate before the lawyer has submitted an application initiating proceedings or a brief containing factual applications, presentations of facts, or the withdrawal of the application: Fee 3305 shall be	0.5
3307	Procedural fee for the representation of the respondent The fee shall be set off against the procedural fee for a subsequent legal action.	0.5
3308	Procedural fee for representation of the applicant in proceedings on the application for the issue of an enforcement decision The fee shall be incurred in addition to fee 3305 only if no objection is filed within the period for filing an objection or the objection has been limited under section 703a (2) (4) of the Code of Civil Procedure. No. 1008 is not to be applied if fee 3305 has already been increased.	0.5
<p><i>Subdivision 3</i> <i>Execution and enforcement</i></p>		
<p><i>Preliminary note 3.3.3:</i> This subdivision shall apply to</p> <ol style="list-style-type: none"> 1. compulsory enforcement, 2. enforcement, 3. administrative compulsion proceedings and 4. enforcement of a seizure or an injunction insofar as no special fees are determined below. It shall also apply to proceedings for the registration of a judgment creditor's 		

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
mortgage (sections 867 and 870a of the Code of Civil Procedure).		
3309	Procedural fee	0.3
3310	Hearing fee The fee shall be incurred for participation in a court hearing, a hearing to provide information on financial status or to record an affidavit.	0.3
<i>Subdivision 4 Enforced auction and receivership</i>		
3311	Procedural fee Each fee shall be incurred separately 1. for an activity in enforced auction proceedings until the initiation of distribution proceedings; 2. in enforced auction proceedings for an activity in distribution proceedings, including for assistance with out-of-court distribution; 3. in receivership proceedings for representing an applicant in proceedings on an application for the issue of a receivership order or for approval of accession; 4. in receivership proceedings for representing an applicant in further proceedings including distribution proceedings; 5. in receivership proceedings for representing another participant throughout the proceedings including the distribution proceedings and 6. for an activity in proceedings concerning applications for the temporary stay or limitation of compulsory enforcement and the temporary stay of the proceedings and for negotiations between the creditor and the debtor with the aim of suspending the proceedings.	0.4
3312	Hearing fee The fee shall only be incurred for attending an auction appointment for a participant. In all other cases, no hearing fee shall be incurred in enforced auction and receivership	0.4

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
	proceedings.	
	<p><i>Subdivision 5</i> <i>Insolvency proceedings, distribution proceedings pursuant to the Distribution Ordinance under Shipping Laws</i></p> <p><i>Preliminary note 3.3.5:</i></p> <p>(1) The fee provisions apply to distribution proceedings pursuant to the Distribution Ordinance under Shipping Laws, insofar as this has been expressly ordered.</p> <p>(2) When several creditors asserting different claims are represented, the respective fees shall be incurred separately.</p> <p>(3) The same fees shall be incurred for the representation of a foreign insolvency administrator in secondary insolvency proceedings as for the representation of the debtor.</p>	
3313	Procedural fee for representation of the debtor in opening proceedings. The fee shall also be incurred in distribution proceedings pursuant to the Distribution Ordinance under Shipping Laws.	1.0
3314	Procedural fee for representing a creditor in the opening proceedings The fee shall also be incurred in distribution proceedings pursuant to the Distribution Ordinance under Shipping Laws.	0.5
3315	Activity also in proceedings concerning a debt settlement plan: Procedural fee 3313 shall be	1.5
3316	Activity also in proceedings concerning a debt settlement plan: Procedural fee 3314 shall be	1.0
3317	Procedural fee for insolvency proceedings The fee shall also be incurred in distribution proceedings pursuant to the Distribution Ordinance under Shipping Laws.	1.0
3318	Procedural fee for proceedings concerning an insolvency plan	1.0
3319	Representation of a debtor who has submitted a plan: Procedural fee 3318 shall be	3.0

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3320	<p>The activity is limited to notification of a request for insolvency: Procedural fee 3317 shall be</p> <p>The fee shall also be incurred in distribution proceedings pursuant to the Distribution Ordinance under Shipping Laws.</p>	0.5
3321	<p>Procedural fee for proceedings concerning a petition for refusal or revocation of discharge of residual debt.</p> <p>(1) Proceedings concerning several petitions pending simultaneously shall be deemed to be one matter. (2) The fee shall also be incurred separately if the application is filed before the suspension of the insolvency proceedings.</p>	0.5
3322	<p>Procedural fee for proceedings on petitions for authorisation of compulsory enforcement pursuant to section 17 (4) of the Distribution Ordinance under Shipping Laws</p>	0.5
3323	<p>Procedural fee for proceedings on petitions for suspension of enforcement measures (section 8 (5) and section 41 of the Distribution Ordinance under Shipping Laws</p>	0.5
<p><i>Subdivision 6</i> <i>Other special proceedings</i></p>		
<p><i>Preliminary note 3.3.6:</i></p>		
<p>The hearing fee shall be determined pursuant to division 1 unless otherwise determined in this subdivision. In proceedings concerning assistance with court costs, the hearing fee shall be determined according to the provisions applying to the proceedings for which the application for assistance with court costs is being filed.</p>		
3324	<p>Procedural fee for cancellation proceedings</p>	1.0
3325	<p>Procedural fee for proceedings pursuant to section 148 (1) and (2), sections 246a and 319 (6) of the Stock Corporation Act (<i>Aktiengesetz – AktG</i>), also in conjunction with section 327e (2) of the said Act or pursuant to Section 16 (3) of the Transformation Act (<i>Umwandlungsgesetz – UmwG</i>)</p>	0.75

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3326	Procedural fee for proceedings before the labour courts if the activity is limited to a court decision concerning setting a deadline (section 102 (3) of the Labour Courts Act), the recusal of an arbitrator (section 103 (3) of the Labour Courts Act) or taking evidence or administering an oath (section 106 (2) of the Labour Courts Act.	0.75
3327	Procedural fee for court proceedings concerning the appointment of an arbitrator or a substitute arbitrator, the recusal of an arbitrator or termination of an arbitrator's mandate, for support in taking evidence or performing other judicial acts in connection with arbitration proceedings	0.75
3328	Procedural fee for proceedings concerning the provisional stay, limitation or suspension of compulsory enforcement or the temporary stay or limitation of enforcement and an order for the suspension of enforcement measures..... The fee shall be incurred only if a separate hearing for oral argument or a special court hearing takes place for this purpose. If the petition is filed with the court of enforcement and with the trial court, the fee shall be incurred only once.	0.5
3329	Procedural fee for proceedings for a declaration of enforceability of uncontested parts of a judgment (sections 537 and 558 of the Code of Civil Procedure).	0.5
3330	Procedural fee for proceedings concerning an objection filed on account of a violation of the right to be given an effective and fair legal hearing	amounting to the procedural fee for the proceedings in which the objection is filed, up to a maximum of 0.5, and in case of capped sliding-scale fees, up to a maximum of €220.00.
3331	Hearing fee in proceedings concerning an objection filed on account of a violation of the right to be given an effective and fair legal hearing	amounting to the hearing fee for the proceedings in which the objection is filed, up to a maximum of 0.5, and in case of capped sliding-scale fees, up to a maximum of €220.00

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3332	Hearing fee in the proceedings specified in nos. 3324 to 3329.....	0.5
3333	Procedural fee for distribution proceedings other than enforced auction and receivership The value shall be determined pursuant to section 26 (1) and (2) of the Act on the Remuneration of Lawyers. An appointment fee shall not be incurred.	0.4
3334	Procedural fee for proceedings before the trial court or the local court for the approval, extension or shortening of a clearance period (sections 721 and 794a of the Code of Civil Procedure) if the proceedings are not consolidated with the main proceedings	1.0
3335	Procedural fee for proceedings concerning assistance with court costs	amounting to the procedural fee for the proceedings for which the application for assistance with court costs is being filed, up to a maximum of 1.0, and in case of capped sliding-scale fees, up to a maximum of €420.00
3336	(repealed)	
3337	Premature termination of the mandate in the case of nos. 3324 to 3327, 3334 and 3335: Fees 3324 to 3327, 3334 and 3335 shall be a maximum of Premature termination shall be deemed to have occurred 1. if the mandate is terminated before the lawyer has submitted an application initiating proceedings or a brief containing factual applications, presentations of facts, or the withdrawal of the application or before he has attended a court hearing or 2. if an application has been filed only for an agreement between the parties or participants to be recorded or if court hearings are only being held in order to reach	0.5

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3338	<p>agreement.</p> <p>Procedural fee for an activity as a representative of the person notifying a claim under model claims proceedings (section 10 (2) of the Capital Markets Model Case Act)</p>	0.8
<p>Division 4 Individual activities</p> <p><i>Preliminary note 3.4:</i></p> <p>A hearing fee shall only be incurred for activities specified in this division if this is expressly determined.</p>		
3400	<p>The mandate is limited to carrying out the correspondence of the party or participant with the legal representative in the proceedings: Procedural fee</p> <p>The same fee shall also be incurred if, in agreement with the client, statements by experts are associated with the sending of the files to the lawyer at the higher level of jurisdiction.</p>	<p>amounting to the procedural fee to which the legal representative in the proceedings is entitled, up to a maximum of 1.0; in the case of capped sliding-scale fees up to a maximum of €420.00</p>
3401	<p>The mandate is limited to representation at an appointment within the meaning of preliminary note 3 (3): Procedural fee</p>	<p>amounting to half of the procedural fee to which the legal representative in the proceedings is entitled</p>

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3402	Hearing fee in the case specified in no. 3401.	The amount of the hearing fee to which the legal representative in the proceedings is entitled
3403	<p>Procedural fee for other individual activities, unless otherwise determined in no. 3406.</p> <p>The fee shall be incurred for other activities in court proceedings if the lawyer has not been appointed representative in a trial or representative in the proceedings unless otherwise determined in this division.</p>	0.8
3404	<p>The mandate is limited to writing a simple document: Fee 3403 shall be</p> <p>This fee shall be incurred in particular if the document contains neither complex legal arguments nor major substantial discussions.</p>	0.3
3405	<p>If</p> <p>1. in the case of no. 3400, the mandate is terminated before the legal representative in the proceedings has been mandated or the lawyer has engaged in any activity vis-à-vis the legal representative in the proceedings,</p> <p>2. in the case of no. 3401, the contract is terminated before the appointment has begun: fees 3400 and 3401 shall be</p> <p>In the case of no. 3403, the provision shall apply mutatis mutandis.</p>	a maximum of 0.5, in the case of capped sliding-scale fees up to a maximum of €210.00
3406	<p>Procedural fee for other individual activities in proceedings before social courts if capped sliding-scale fees are incurred (section 3 of the Act on the Remuneration of Lawyers)</p> <p>The note on no. 3403 shall apply, mutatis mutandis.</p>	€30.00 to €340.00
<p>Division 5 Complaints, complaints against the non-admission of an appellate remedy, and reminders as a legal remedy</p> <p><i>Preliminary note 3.5:</i></p>		

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
The fees pursuant to this division shall not be incurred in the complaint proceedings specified in preliminary notes 3.1. subsection (2), 3.2.1. or 3.2.2.		
3500	Procedural fee for proceedings concerning complaints and reminders serving as a legal remedy unless special fees are determined in this division	0.5
3501	Procedural fee for proceedings before the courts of social jurisdiction concerning complaints and reminders serving as a legal remedy if capped sliding-scale fees are incurred in the proceedings (section 3 of the Act on the Remuneration of Lawyers) unless special fees are determined in this division	€20.00 to €210.00
3502	Procedural fee for proceedings concerning complaints on points of law	1.0
3503	Premature termination of the mandate: Fee 3502 shall be The note on no. 3201 is to be applied mutatis mutandis.	0.5
3504	Procedural fee for proceedings concerning a complaint against the non-admission of an appeal, unless otherwise determined in no. 3511..... The fee shall be set off against the procedural fee for subsequent appeal proceedings.	1.6
3505	Premature termination of the mandate: Fee 3504 shall be The note on no. 3201 is to be applied mutatis mutandis.	1.0
3506	Procedural fee for proceedings concerning a complaint against the non-admission of an appeal on points of law or concerning a complaint against the non-admission of one of the complaints on points of law specified in preliminary note 3.2.2, unless otherwise determined in no. 3512..... The fee shall be set off against the procedural fee for subsequent proceedings concerning an appeal on points of law or a complaint on points of law.	1.6
3507	Premature termination of the mandate: Fee 3506 shall be The note on no. 3201 is to be applied mutatis mutandis.	1.1

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3508	In proceedings concerning a complaint against the non-admission of an appeal on points of law, the parties can only be represented by a lawyer who has been admitted to the Federal Court of Justice: Fee 3506 shall be	2.3
3509	Premature termination of the mandate if the parties can only be represented by a lawyer who has been admitted to the Federal Court of Justice: Fee 3506 shall be The note on no. 3201 is to be applied mutatis mutandis.	1.8

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3510	<p>Procedural fee for complaints proceedings before the Federal Patents Court</p> <ol style="list-style-type: none"> 1. pursuant to the Patent Act (<i>Patentgesetz - PatG</i>) if the complaint is against an order <ol style="list-style-type: none"> a) determining the remuneration for a declaration of willingness to grant a licence or ordering the payment of remuneration to the German Patent and Trade Mark Office, b) issuing an order pursuant to section 50 (1) of the Patent Act or suspending such an order, c) rejecting an application for registration or deciding on the maintenance, withdrawal or limitation of a patent; 2. pursuant to the Industrial Design Act (<i>Gebrauchsmuster-gesetz - GebrMG</i>) if the complaint is directed against an order <ol style="list-style-type: none"> a) dismissing an application for registration, b) deciding on a request for cancellation; 3. pursuant to the Trade Mark Act (<i>Markengesetz</i>) if the complaint is directed against an order <ol style="list-style-type: none"> a) deciding on the application for registration of a trademark, an objection or an application for cancellation or on a reminder serving as a legal remedy against such an order or b) rejecting an application for the registration of a geographical indication or designation of origin; 4. pursuant to the Semiconductor Protection Act (<i>Halbleiter-schutzgesetz - HalblSchG</i>) if the complaint contests an order <ol style="list-style-type: none"> a) rejecting an application for registration, b) deciding on a request for cancellation; 5. pursuant to the Design Act (<i>Designgesetz – DesignG</i>) if the complaint contests an order <ol style="list-style-type: none"> a) rejecting an application for registration of a design, b) deciding on an application for cancellation under section 36 of the Design Act, c) deciding on an application for establishing or declaring invalidity under section 34a of the Design Act; 6. pursuant to the Plant Variety Protection Act (<i>Sortenschutz-gesetz - SortSchG</i>) if the complaint contests an order by the objection committee 	

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 of the Act on the Remuneration of Lawyers
3511	Procedural fee for proceedings concerning a complaint against the non-admission of an appeal before a regional social court if capped sliding-scale fees are incurred (section 3 of the Act on the Remuneration of Lawyers) The fee shall be set off against the procedural fee for subsequent appeal proceedings.	€60.00 to €680.00
3512	Procedural fee for proceedings concerning a complaint against the non-admission of an appeal on points of law before the Federal Social Court if capped sliding-scale fees are incurred (section 3 of the Act on the Remuneration of Lawyers) The fee shall be set off against the procedural fee for subsequent proceedings concerning an appeal on points of law.	€80.00 to €880.00
3513	Hearing fee in proceedings specified in no. 3500.....	0.5
3514	In proceedings concerning a complaint against the dismissal of a petition for the issue of a writ of seizure or of a petition for the issue of an injunction, the court hearing the complaint shall set a date for a hearing for oral argument: Fee 3513 shall be	1.2
3515	Hearing fee in the proceedings specified in no. 3501.....	€20.00 to €210.00
3516	Hearing fee in the proceedings specified in nos. 3502, 3504, 3506 and 3510.....	1.2
3517	Hearing fee in the proceedings specified in no. 3511.....	€50.00 to €510.00
3518	Hearing fee in the proceedings specified in no. 3512.....	€60.00 to €660.00

**Part 4
Criminal matters**

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers
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		Selected lawyer	Lawyer appointed or assigned as counsel by a court
<p><i>Preliminary note 4:</i></p> <p>(1) These provisions are to be applied mutatis mutandis to an activity as a counsel or representative of a private prosecutor, private accessory prosecutor, participant in forfeiture proceedings or secondary participant, aggrieved party, witness or expert as well as in proceedings pursuant to the Criminal Rehabilitation Act (<i>Strafrechtliches Rehabilitierungsgesetz – StrRehaG</i>).</p> <p>(2) The procedural fee shall be incurred for performing the transaction including providing information.</p> <p>(3) A hearing fee shall be incurred for participation in court hearings unless otherwise determined. The lawyer shall also receive the hearing fee if he is present at the appointed time but the hearing does not take place for reasons for which he is not responsible. This does not apply if he was informed in good time of the cancellation or rescheduling of the hearing.</p> <p>(4) If the defendant is not at liberty, the fee shall be incurred with a supplement.</p> <p>(5) Fees shall be incurred pursuant to the provisions of part 3 for the following activities:</p> <ol style="list-style-type: none">1. in proceedings concerning a reminder serving as a legal remedy or a complaint against a court order assessing costs (section 464b of the Code of Criminal Procedure) and in proceedings concerning a reminder serving as a legal remedy against an invoice of court costs and in proceedings concerning a complaint against a decision on such reminder,2. in the compulsory enforcement of decisions taken on a legal claim for assets or the reimbursement of costs deriving from the criminal offence (sections 406b and 464b of the Code of Criminal Procedure), for assistance in using the authorisation to publish and in complaint proceedings against such a decision. <p style="text-align: center;">Division 1 The defence counsel's fees</p> <p><i>Preliminary note 4.1:</i></p> <p>(1) This division is also to be applied to activities in proceedings concerning the preventive detention reserved in the judgment and in proceedings on the subsequent order of preventive detention.</p> <p>(2) The entire activity as a defending counsel shall be remunerated by these fees. This also includes activities within the context of offender-victim mediation insofar as the subject is not related to property rights.</p>			

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
<i>Subdivision 1 General fees</i>			
4100	<p>Basic fee</p> <p>(1) The fee shall be incurred in addition to the procedural fee only once for initial familiarisation with the case, regardless of the stage of the proceedings at which it is incurred.</p> <p>(2) Fee 5100 already incurred on account of the same act or activity shall be set off.</p>	€40.00 to €360.00	€160.00
4101	Fee 4100 with surcharge	€40.00 to €450.00	€192.00
4102	<p>Hearing fee for participation in</p> <p>1. judicial questioning and inspection,</p> <p>2. questioning by the public prosecution office or another criminal prosecution authority,</p> <p>3. hearings outside the main hearing in which negotiations are held on the ordering or continuation of pre-trial detention or temporary accommodation,</p> <p>4. negotiations within the context of offender-victim mediation and</p> <p>5. conciliation hearings pursuant to section 380 of the Code of Criminal Procedure</p> <p>Several hearings on one day shall be deemed to be one hearing. The fee shall be incurred once for participation in up to three hearings within preparatory proceedings and for participation in up to three hearings at each level of jurisdiction.</p>	€40.00 to €300.00	€136.00
4103	Fee 4102 with surcharge	€40.00 to €375.00	€166.00

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
<i>Subdivision 2 Preparatory proceedings</i>			
<i>Preliminary note 4.1.2:</i>			
The preparation of a private prosecution shall be considered equal to activity in preparatory proceedings.			
4104	Procedural fee The fee shall be incurred for an activity in proceedings preceding receipt of the indictment, the filing of an application for a penal order with a court or in accelerated proceedings until the day before charges are brought, if these are only brought orally.	€40.00 to €290.00	€132.00
4105	Fee 4104 with surcharge	€40.00 to €362.50	€161.00
<i>Subdivision 3 Court proceedings First instance</i>			
4106	Procedural fee for the first instance before a local court	€40.00 to €290.00	€132.00
4107	Fee 4106 with surcharge	€40.00 to €362.50	€161.00
4108	Hearing fee for each day of the main hearing in proceedings specified in no. 4106.....	€70.00 to €480.00	€220.00
4109	Fee 4108 with surcharge	€70.00 to €600.00	€268.00
4110	A lawyer appointed or assigned as counsel by a court takes part in the main proceedings for more than five and up to eight hours: additional fee as well as fee 4108 or 4109		€110.00

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
4111	A lawyer appointed or assigned as counsel by a court takes part in the main proceedings for more than eight hours: additional fee as well as fee 4108 or 4109		€220.00 €
4112	Procedural fee for the first instance before a criminal division	€50.00 to €320.00	€148.00
	The fee shall also be incurred for proceedings		
	1. before a juvenile division unless the fee is determined pursuant to no. 4118,		
	2. in rehabilitation proceedings pursuant to part 2 of the Criminal Rehabilitation Act.		
4113	Fee 4112 with surcharge	€50.00 to €400.00	€180.00
4114	Hearing fee per day of main proceedings in proceedings specified in no. 4112.....	€80.00 to €560.00	€256.00
4115	Fee 4114 with surcharge	€80.00 to €700.00	€312.00
4116	A lawyer appointed or assigned as counsel by a court takes part in the main proceedings for more than five and up to eight hours: Additional fee as well as fee 4114 or 4115		€128.00
4117	A lawyer appointed or assigned as counsel by a court takes part in the main proceedings for more than eight hours: Additional fee as well as fee 4114 or 4115		€256.00
4118	Procedural fee for the first instance before a higher regional court, a criminal division with lay judges (<i>Schwurgericht</i>) or a criminal division pursuant to sections 74a and 74c of the Courts Constitution Act (<i>Gerichtsverfassungsgesetz</i> - GVG)	€100.00 to €690.00	€316.00
	The fee shall also be incurred for proceedings before a juvenile division if it		

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
4119	decides on cases governed by the general provisions on the competence of a criminal division with lay judges. Fee 4118 with surcharge	€100.00 to €862.50	€385.00
4120	Hearing fee per day of main proceedings in proceedings specified in no. 4118.....	€130.00 to €930.00	€424.00
4121	Fee 4120 with surcharge	€130.00 to €1,162.50	€517.00
4122	A lawyer appointed or assigned as counsel by a court takes part in the main proceedings for more than five and up to eight hours: Additional fee as well as fee 4120 or 4121		€212.00
4123	A lawyer appointed or assigned as counsel by a court takes part in the main proceedings for more than eight hours: Additional fee as well as fee 4120 or 4121		€424.00
<i>Appeal</i>			
4124	Procedural fee for appeal proceedings	€80.00 to €560.00	€256.00
	The fee shall also be incurred for complaint proceedings pursuant to section 13 of the Criminal Rehabilitation Act.		
4125	Fee 4124 with surcharge	€80.00 to €700.00	€312.00
4126	Hearing fee per day of the main hearing in appeal proceedings	€80.00 to €560.00	€256.00
	The fee shall also be incurred for complaint proceedings pursuant to section 13 of the Criminal Rehabilitation Act.		
4127	Fee 4126 with surcharge	€80.00 to €700.00	€312.00

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
4128	A lawyer appointed or assigned as counsel by a court takes part in the main proceedings for more than five and up to eight hours: Additional fee as well as fee 4126 or 4127		€128.00
4129	A lawyer appointed or assigned as counsel by a court takes part in the main proceedings for more than eight hours: Additional fee as well as fee 4126 or 4127		€256.00
<i>Appeal on points of law</i>			
4130	Procedural fee for proceedings concerning an appeal on points of law.....	€120.00 to €1,110.00	€492.00
4131	Fee 4130 with surcharge	€120.00 to €1,387.50	€603.00
4132	Hearing fee for each day of the main hearing in proceedings concerning an appeal on points of law.....	€120.00 to €560.00	€272.00
4133	Fee 4132 with surcharge	€120.00 to €700.00	€328.00
4134	A lawyer appointed or assigned as counsel by a court takes part in the main proceedings for more than five and up to eight hours: Additional fee as well as fee 4132 or 4133		€136.00
4135	A lawyer appointed or assigned as counsel by a court takes part in the main proceedings for more than eight hours: Additional fee as well as fee 4132 or 4133		€272.00
<i>Subdivision 4 Reopening proceedings</i>			

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
<i>Preliminary note 4.1.4:</i>			
A basic fee shall not be incurred.			
4136	General fee for the preparation of an application to reopen proceedings The fee shall also be incurred if advice was given not to file an application.	amounting to the procedural fee for the first instance	
4137	Procedural fee for proceedings on the admissibility of the application	amounting to the procedural fee for the first instance	
4138	Procedural fee for further proceedings	amounting to the procedural fee for the first instance	
4139	Procedural fee for complaint proceedings (section 372 of the Code of Criminal Procedure)	amounting to the procedural fee for the first instance	
4140	Hearing fee for each day of the hearing	amounting to the hearing fee for the first instance	
<i>Subdivision 5 Additional fees</i>			
4141	The lawyer's assistance makes main proceedings unnecessary: Additional fee	amounting to the procedural fee	
	(1) The fee shall be incurred if 1. criminal proceedings are dismissed not only provisionally or 2. the court decides not to open main proceedings or 3. the court proceedings become unnecessary as a result of the withdrawal by the defendant or another participant in the proceedings of an objection to the penal order, appeal or appeal on points of law; if a date has already been set for the		

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
4142	<p>main hearing, the fee shall only be incurred if the objection, appeal or appeal on points of law is withdrawn earlier than two weeks before the beginning of the day envisaged for the main proceedings; or</p> <p>4. the proceedings end as a result of an order pursuant to section 411 (1), third sentence of the Code of Criminal Procedure.</p> <p>If a private prosecution is withdrawn, subsection 1 (3) is to be applied to the counsel or representative of a private prosecutor mutatis mutandis.</p> <p>(2) The fee shall not be incurred if there is no evidence of an activity of benefit to the proceedings. It shall not be incurred in addition to fee 4147.</p> <p>(3) The amount of the fee shall be based on the level of jurisdiction at which a main hearing was avoided. The fee for a selected lawyer shall be assessed according to the middle of the sliding scale. An increase pursuant to no. 1008 and the surcharge (preliminary note 4 subsection 4) shall not be taken into account.</p> <p>Procedural fee in the case of confiscation and related measures</p> <p>(1) The fee shall be incurred for an activity on behalf of the defendant relating to the confiscation, legal consequences considered equal to confiscation (section 442 of the Code of Criminal Procedure), the repayment of surplus proceeds or a confiscation serving these purposes.</p> <p>(2) The fee shall not be incurred if the value of the claim is less than €30.00.</p> <p>(3) The fee shall be incurred for proceedings at first instance including preparatory proceedings and for each further instance.</p>	1.0	1.0

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
4143	<p>Procedural fee for proceedings at first instance concerning proprietary claims by the aggrieved party or his heir</p> <p>(1) The fee shall also be incurred if the claim is asserted for the first time in appeal proceedings.</p> <p>(2) One-third of the fee shall be set off against the procedural fee incurred for a civil action on account of the same claim.</p>	2.0	2.0
4144	Procedural fee in proceedings concerning an appeal or an appeal on points of law concerning proprietary claims by the aggrieved party or his heir	2.5	2.5
4145	Procedural fee for proceedings concerning a complaint against an order dispensing with a decision pursuant to section 406 (5), second sentence of the Code of Criminal Procedure	0.5	0.5
4146	Procedural fee for proceedings on an application for a court decision or on a complaint against a decision ending an instance pursuant to section 25 (1), third to fifth sentences and section 13 of the Criminal Rehabilitation Act	1.5	1.5
4147	<p>Agreement fee in private prosecution proceedings concerning a right to inflict punishment and a claim for the reimbursement of costs: Fee 1000 shall be incurred</p> <p>A further agreement fee shall be incurred pursuant to part 1 for a contract concerning other claims. The procedural fee determined in the individual case in the matter in which agreement is reached shall be decisive for the amount of the fee. An increase pursuant to no. 1008 and the surcharge (preliminary note 4 subsection 4) shall not be taken into account.</p>	amounting to the procedural fee	

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
Division 2 Fees in penal enforcement			
<i>Preliminary note 4.2:</i>			
Separate fees shall be incurred in proceedings concerning a complaint against a decision in the main proceedings.			
4200	Procedural fee as defending counsel for proceedings concerning 1. the settlement or suspension of a measure on accommodation a) in preventive detention, b) in a psychiatric hospital or c) in a detoxification institution; 2. the suspension of the rest of a fixed-term prison sentence or a life prison sentence or 3. the revocation of a suspended sentence or the revocation of a suspended detention order	€60.00 to €670.00	€292.00
4201	Fee 4200 with surcharge	€60.00 to €837.50	€359.00
4202	Hearing fee in proceedings specified in no. 4200.....	€60.00 to €300.00	€144.00
4203	Fee 4202 with surcharge	€60.00 to €375.00	€174.00
4204	Procedural fee for other penal enforcement proceedings.....	€30.00 to €300.00	€132.00
4205	Fee 4204 with surcharge	€30.00 to €375.00	€162.00
4206	Hearing fee for other proceedings	€30.00 to €300.00	€132.00

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
4207	Fee 4206 with surcharge	€30.00 to €375.00	€162.00
<p>Division 3 Individual activities</p> <p><i>Preliminary note 4.3:</i></p> <p>(1) The fees shall be incurred for individual activities without the lawyer having been otherwise assigned with defence or representation.</p> <p>(2) If the activity of a lawyer is limited to asserting or refuting a proprietary claim deriving from an offence in criminal proceedings, he shall receive the fees pursuant to nos. 4143 to 4145.</p> <p>(3) The fee shall be incurred separately for each of the specified activities unless otherwise determined. Section 15 of the Act on the Remuneration of Lawyers shall remain unaffected. Complaint proceedings shall be deemed to be a special matter.</p> <p>(4) If the lawyer has been assigned defence or representation for the proceedings, the fees incurred pursuant to this division shall be set off against the fees incurred for the defence or representation.</p>			
4300	Procedural fee for preparing or signing a document 1. substantiating an appeal on points of law, 2. explaining an appeal on points of law lodged by a public prosecutor, private prosecutor or private accessory prosecutor or 3. in proceedings pursuant to sections 57a and 67e of the German Criminal Code..... No special fee shall be incurred for lodging an appeal on points of law in addition to the fee for the substantiation of such an appeal.	€60.00 to €670.00	€292.00

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
4301	<p>Procedural fee for</p> <ol style="list-style-type: none"> 1. preparing or signing a private prosecution, 2. preparing or signing a document to justify the appeal or to respond to an appeal on points of law lodged by the public prosecutor, private prosecutor or private accessory prosecutor, 3. corresponding with the defence counsel, 4. acting as counsel for the defendant at a judicial hearing, at a hearing by the public prosecution office or another prosecution authority or in main proceedings, at an oral hearing or an inspection, 5. acting as counsel in proceedings to compel public charges (section 172 (2) to (4), section 173 of the Code of Criminal Procedure) or 6. other penal enforcement activities <p>No special fee shall be incurred for lodging an appeal in addition to the fee for the justification of the appeal</p>	<p>€40.00 to €460.00</p>	<p>€200.00</p>
4302	<p>Procedural fee for</p> <ol style="list-style-type: none"> 1. filing an appellate remedy, 2. preparing or signing other applications, requests or declarations or 3. other assistance as counsel not mentioned in nos. 4300 or 4301..... 	<p>€30.00 to €290.00</p>	<p>€128.00</p>
4303	<p>Procedural fee for representation in a clemency matter</p> <p>The lawyer shall also receive the fee if he was assigned with the defence.</p>	<p>€30.00 to €300.00</p>	
4304	<p>Fee for a lawyer assigned as contact person</p>		<p>€3,500.00</p>

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
	(section 34a of the Introductory Act to the Courts Constitution Act).		

Part 5
Regulatory fining matters

No.	Fees-related matter	Fee amount or fee rate pursuant to section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
<p><i>Preliminary note 5:</i></p> <p>(1) For activities as counsel or representative of a confiscation or secondary participant, witness or expert in proceedings for which the fees are determined according to this section, the same fees shall be incurred as for a defence counsel in these proceedings.</p> <p>(2) The procedural fee shall be incurred for performing the transaction including providing information.</p> <p>(3) The hearing fee shall be incurred for participation in court hearings unless otherwise determined. The lawyer shall also receive the hearing fee if he is present at the appointed time, but the hearing does not take place for reasons for which he is not responsible. This does not apply if he was informed in good time of the cancellation or rescheduling of the hearing.</p> <p>(4) Fees shall be incurred for the following activities pursuant to the provisions of part 3:</p> <p>1. for proceedings concerning a reminder serving as a legal remedy or a complaint against a court order assessing the costs, for proceedings concerning a reminder serving as a legal remedy against an invoice of court costs, for proceedings concerning a complaint against a decision on such reminder and for proceedings</p>			

- concerning an application for a court decision against a notice assessing administrative costs and the assessment of fees and expenses (section 108 of the Act on Regulatory Offences), whereby proceedings concerning an application for a court decision shall be considered equal to proceedings concerning a reminder serving as a legal remedy or a complaint against a court order assessing the costs,
2. in the compulsory enforcement of decisions that have been taken concerning the reimbursement of costs and for complaint proceedings against a court decision pursuant to no. 1 above.

Division 1
The defence counsel's fees

Preliminary note 5.1:

- (1) The fees reimburse the entire activity of the defence counsel.
- (2) If the amount of the fees depends on the amount of the fine, the fine determined most recently at the time when the fee is incurred is decisive. If a fine has not been determined, the amount of the fees in proceedings before an administrative authority shall be based on the average amount of the fine threatened in the fines regulation. If standard rates are determined in a statutory provision, these are decisive. Several fines shall be added together.

Subdivision 1
General fee

5100	Basic fee..... (1) The fee shall be incurred in addition to the procedural fee only once for initial familiarisation with the case, regardless of the stage of the proceedings at which it is incurred. (2) The fee shall not be incurred if, in previous criminal proceedings, fee 4100 has been incurred for the same activity or act.	€30.00 to €170.00	€80.00
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Subdivision 2
Proceedings before an administrative authority

Preliminary note 5.1.2:

- (1) Proceedings before an administrative authority also include warning proceedings and intermediary proceedings (section 69 of the Act on Regulatory Offences) until receipt of the files by the court.
- (2) The hearing fee shall also be incurred for participation in interrogations by the police or the administrative authorities.

5101	Procedural fee in case of a fine of less than €40.00	€20.00 to €110.00	€52.00
5102	Hearing fee for each day on which a hearing takes place in proceedings specified in no. 5101.....	€20.00 to €110.00	€52.00
5103	Procedural fee in case of a fine of between €40.00 and €5,000.00	€30.00 to €290.00	€128.00
5104	Hearing fee for each day on which a hearing takes place in proceedings specified in no. 5103	€30.00 to €290.00	€128.00
5105	Procedural fee in case of a fine of more than €5,000.00	€40.00 to €300.00	€136.00
5106	Hearing fee for each day on which a hearing takes place in proceedings specified in no. 5105.....	€40.00 to €300.00	€136.00

*Subdivision 3
First-instance court proceedings*

Preliminary note 5.1.3:

(1) The hearing fee shall also be incurred for participation in court hearings outside the main proceedings.

(2) The fees of this subdivision shall be incurred separately for reopening proceedings including their preparation; the procedural fee shall also be incurred if advice was given not to submit an application to reopen proceedings.

5107	Procedural fee in case of a fine of less than €40.00	€20.00 to €110.00	€52.00
5108	Hearing fee for each day of main proceedings in the proceedings specified in no. 5107...	€20.00 to €240.00	€104.00
5109	Procedural fee in case of a fine of €40.00 to €5,000.00.....	€30.00 to €290.00	€128.00
5110	Hearing fee for each day of main proceedings in the proceedings specified in no. 5109...	€40.00 to €470.00	€204.00
5111	Procedural fee in case of a fine of more than €5,000.00.....	€50.00 to €350.00	€160.00
5112	Hearing fee for each day of main proceedings in the proceedings specified in no. 5111...	€80.00 to €560.00	€256.00

*Subdivision 4
Proceedings concerning complaints on points of law*

5113	Procedural fee	€80.00 to €560.00	€256.00
5114	Hearing fee for each day of main proceedings	€80.00 to €560.00	€256.00
<i>Subdivision 5 Additional fees</i>			
5115	<p>Proceedings before the administrative authority are terminated or main proceedings become unnecessary as a result of the lawyer's assistance: Additional fee</p> <p>(1) The fee shall be incurred if</p> <ol style="list-style-type: none"> 1. the proceedings are not only provisionally suspended or 2. an objection against a regulatory fining notice is withdrawn or 3. a regulatory fining notice is withdrawn by the administrative authority following an objection and no objection is filed against a new regulatory fining notice or 4. the court proceedings become unnecessary as a result of the withdrawal of the objection to the regulatory fining notice or a complaint on points of law by the party concerned or by another participant in the proceedings; if an appointment for the main proceedings has already been set, the fee shall only be incurred if the objection or complaint on points of law is withdrawn earlier than two weeks before the beginning of the day that was envisaged for the main proceedings or 5. the court gives its decision in a ruling pursuant to section 72 (1), first sentence of the Act on Regulatory Offences. <p>(2) The fee shall not be incurred if there is no evidence of an activity of benefit to the proceedings.</p> <p>(3) The amount of the fee shall be based on the level of jurisdiction at which a main hearing was avoided. The fee for a selected lawyer shall be assessed</p>	amounting to the respective procedural fee	

	according to the middle of the sliding scale.		
5116	<p>Procedural fee in the case of confiscation and related measures</p> <p>(1) The fee shall be incurred for an activity for the party concerned relating to the confiscation or legal consequences considered equal to confiscation (section 46 (1) of the Act on Regulatory Offences, section 442 of the Code of Criminal Procedure) or to a seizure serving these purposes.</p> <p>(2) The fee shall not be incurred if the value of the claim is less than €30.00.</p> <p>(3) The fee shall only be incurred once for proceedings before the administrative authority and for court proceedings at first instance. The fee shall be incurred separately in proceedings concerning complaints on points of law.</p>	1.0	1.0
<p>Division 2 Individual activities</p>			
5200	<p>Procedural fee</p> <p>(1) The fee shall be incurred for individual activities without the lawyer having otherwise been assigned with the defence.</p> <p>(2) The fee shall be incurred for each activity separately unless otherwise determined. Section 15 of the Act on the Remuneration of Lawyers shall remain unaffected.</p> <p>(3) If the lawyer is assigned with the defence for the proceedings, the fees incurred pursuant to this number shall be set off against the fees incurred for the defence.</p> <p>(4) The lawyer also shall receive the fee for representation in enforcement and in a clemency matter if the defence was assigned to him.</p>	€20.00 to €110.00	€52.00

Part 6
Other proceedings

No.	Fees-related matter	Fee amount
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		Selected defence counsel or lawyer appointed as legal representative in the proceedings	Lawyer appointed or assigned as counsel by a court
<p><i>Preliminary note 6:</i></p> <p>(1) The same fees shall be incurred for an activity as counsel for a witness or expert in proceedings for which the fees are determined according to this part as for a legal representative in these proceedings.</p> <p>(2) The procedural fee shall be incurred for carrying out the transaction including providing information.</p> <p>(3) A hearing fee shall be incurred for participation in court hearings unless otherwise determined. The lawyer shall also receive the hearing fee if he is present at the appointed time, but the hearing does not take place for reasons for which he is not responsible. This does not apply if he was informed in good time of the cancellation or rescheduling of the hearing.</p>			
<p>Division 1 Proceedings pursuant to the Act on International Cooperation in Criminal Matters and proceedings pursuant to the Act on Cooperation with the International Criminal Court</p> <p><i>Subdivision 1</i> <i>Proceedings before the administrative authority</i></p>			
<p><i>Preliminary note 6.1.1:</i> Fees under this subdivision shall be incurred for activities vis-à-vis the authority granting assistance in proceedings pursuant to part IX paragraph 2 subparagraph 2 of the Act on International Cooperation in Criminal Matters.</p>			
6100	Procedural fee	€50.00 to €340.00	€156.00
<p><i>Subdivision 2</i> <i>Court proceedings</i></p>			
6101	Procedural fee	€100.00 to €690.00	€316.00
6102	Hearing fee per day of hearings	€130.00 to €930.00	€424.00
<p>Division 2 Disciplinary proceedings, professional court proceedings on account of the violation of a professional obligation</p>			

No.	Fees-related matter	Fee amount	
		Selected defence counsel or lawyer appointed as legal representative in the proceedings	Lawyer appointed or assigned as counsel by a court
<i>Preliminary note 6.2:</i>			
<p>(1) The fees cover all activities in the proceedings.</p> <p>(2) For representation <i>vis-à-vis</i> the supervisory authority outside of disciplinary proceedings, fees shall be incurred pursuant to part 2.</p> <p>(3) Fees pursuant to part 3 shall be incurred for the following activities:</p> <p>1. for proceeding concerning a reminder serving as a legal remedy or a complaint against a court order assessing costs, for proceedings concerning a reminder serving as a legal remedy against an invoice of court costs and in proceedings concerning a complaint against a decision on such reminder,</p> <p>2. in compulsory enforcement on the basis of a decision taken on the reimbursement of costs and for complaint proceedings against such a decision.</p>			
<p>Subdivision 1 General fees</p>			
6200	<p>Basic fee</p> <p>The fee shall be incurred in addition to the procedural fee only once for initial familiarisation with the case, regardless of the stage of the proceedings at which it is incurred.</p>	€40.00 to €350.00	€156.00
6201	<p>Hearing fee for each day on which a hearing takes place</p> <p>The fee shall be incurred for participation in out-of-court hearings and out-of-court appointments for the taking of evidence.</p>	€40.00 to €370.00	€164.00
<p>Subdivision 2 Out-of-court proceedings</p>			
6202	<p>Procedural fee</p> <p>(1) The fee shall be incurred separately for an activity in further out-of-court proceedings preceding the court proceedings serving to examine the administrative decision.</p>	€40.00 to €290.00	€132.00

No.	Fees-related matter	Fee amount	
		Selected defence counsel or lawyer appointed as legal representative in the proceedings	Lawyer appointed or assigned as counsel by a court
	(2) The fee shall be incurred for an activity in the proceedings prior to receipt by the court of the application or of the notification of charges.		
<p>Subdivision 3 Court proceedings at first instance</p> <p><i>Preliminary note 6.2.3:</i> The following fees shall be incurred separately for reopening proceedings including their preparation.</p>			
6203	Procedural fee	€50.00 to €320.00	€148.00
6204	Hearing fee per day of hearings	€80.00 to €560.00	€256.00
6205	A court-appointed lawyer takes part in the main proceedings for more than five and up to eight hours: additional fee as well as fee 6204		€128.00
6206	A court-appointed lawyer takes part in the main proceedings for more than eight hours: additional fee as well as fee 6204.		€256.00
<p>Second instance</p>			
6207	Procedural fee	€80.00 to €560.00	€256.00
6208	Hearing fee per day of hearing	€80.00 to €560.00	€256.00
6209	A court-appointed lawyer takes part in the main proceedings for more than five and up to eight hours: additional fee as well as fee 6208.		€128.00
6210	A court-appointed lawyer takes part in the main proceedings for more than eight hours: additional fee as well as fee 6208.		€256.00
<p>Third instance</p>			

No.	Fees-related matter	Fee amount	
		Selected defence counsel or lawyer appointed as legal representative in the proceedings	Lawyer appointed or assigned as counsel by a court
6211	Procedural fee	€120.00 to €1,110.00	€492.00
6212	Hearing fee per day of hearing	€120.00 to €550.00	€268.00
6213	A court-appointed lawyer takes part in the main proceedings for more than five and up to eight hours: additional fee as well as fee 6212.		€134.00
6214	A court-appointed lawyer takes part in the main proceedings for more than eight hours: additional fee as well as fee 6212.		€268.00
6215	Procedural fee for proceedings concerning a complaint against the non-admission of an appeal on points of law The fee shall be set off against the procedural fee for subsequent proceedings concerning an appeal on points of law.	€70.00 to €1,110.00	€472.00
Subdivision 4 Additional fee			
6216	A hearing for oral argument becomes unnecessary as a result of the lawyer's assistance: Additional fee	amounting to the respective procedural fee	
	(1) The fee shall be incurred if, with the consent of the participants, a court decision is taken without a hearing for oral argument or an intended decision is not revoked without a hearing in the main proceedings. (2) The fee shall not be incurred if there is no evidence of an activity of benefit to the proceedings. (3) The amount of the fee shall be based on the level of jurisdiction at which a main hearing was avoided. The fee for a selected lawyer shall be assessed according to the value in the middle of the sliding scale.		

No.	Fees-related matter	Fee amount	
		Selected defence counsel or lawyer appointed as legal representative in the proceedings	Lawyer appointed or assigned as counsel by a court
Division 3			
Court proceedings in matters involving deprivation of liberty, placement and other coercive measures			
6300	Procedural fee in matters involving deprivation of liberty pursuant to section 415 of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction, in placement matters pursuant to section 312 of said Act and in proceedings pursuant to section 151 nos. 6 and 7 of said Act	€40.00 to €470.00	€204.00
	The fee shall be incurred for each instance.		
6301	Hearing fee in cases under no. 6300	€40.00 to €470.00	€204.00
	The fee shall be incurred for participation in court hearings.		
6302	Procedural fee in other cases	€20.00 to €300.00	€128.00
	The fee shall be incurred for every instance in proceedings concerning the extension or suspension of deprivation of liberty pursuant to sections 425 and 426 of the Act on the Procedure in Family Matters and in Matters of Non-contentious Jurisdiction or a placement measure pursuant to sections 329 and 330 of the said Act.		
6303	Hearing fee in cases under no. 6302	€20.00 to €300.00	€128.00
	The fee shall be incurred for participation in court hearings.		
Division 4			
Court proceedings pursuant to the Military Complaints Code			
<i>Preliminary note 6.4:</i>			
(1) The fees pursuant to this division shall be incurred in proceedings for a court decision pursuant to the Military Complaints Code, also in conjunction with section 42 of the Military Service Code (<i>Wehrdienstordnung</i> – WDO) if the proceedings take place before the Bundeswehr Disciplinary and Complaints Court or the Federal Administrative Court			

No.	Fees-related matter	Fee amount	
		Selected defence counsel or lawyer appointed as legal representative in the proceedings	Lawyer appointed or assigned as counsel by a court
<p>instead of making recourse to an administrative court under section 82 of the Legal Status of Military Personnel Act. (2) If a general fee has been incurred pursuant to no. 2302 on account of the same matter for an activity in proceedings concerning a complaint or a further complaint before a disciplinary superior, half of this fee, up to a maximum amount of €175.00, shall be set off against the procedural fee of the court proceedings before the Bundeswehr Disciplinary and Complaints Court or the Federal Administrative Court. If several fees have been incurred, the last fee incurred shall be decisive for the amount to be set off. In assessing the procedural fee, it shall not be taken into account that the scope of the activity is smaller as a result of previous activity.</p>			
6400	Procedural fee for proceedings for a court decision before the Bundeswehr Disciplinary and Complaints Court	€80.00 to €680.00	
6401	Hearing fee for each day of the hearing in proceedings specified in no. 6400	€80.00 to €680.00	
6402	Procedural fee concerning proceedings for a court decision before the Federal Administrative Court, in proceedings concerning a complaint on points of law or in proceedings concerning a complaint against the non-admission of a complaint on points of law. The fee for proceedings on a complaint against the non-admission of a complaint on points of law shall be set off against the fee for subsequent proceedings concerning the complaint on points of law.	€100.00 to €790.00	
6403	Hearing fee for each day of the hearing in proceedings specified in no. 6402	€100.00 to €790.00	
<p>Division 5 Individual activities and proceedings for the reversal or modification of a disciplinary measure</p>			
6500	Procedural fee (1) The fee shall be incurred for individual activities if the lawyer has not been assigned with the defence or representation. (2) The fee shall be incurred separately for each individual activity unless otherwise	€20.00 to €300.00	€128.00

No.	Fees-related matter	Fee amount	
		Selected defence counsel or lawyer appointed as legal representative in the proceedings	Lawyer appointed or assigned as counsel by a court
	<p>determined. Section 15 of the Act on the Remuneration of Lawyers shall remain unaffected.</p> <p>(3) If the lawyer has been assigned the task of defence or representation for the proceedings, the fees incurred pursuant to this number shall be set off against the fees incurred for the defence or representation.</p> <p>(4) A fee pursuant to this provision shall also be incurred in each case for proceedings pursuant to the Military Service Code before a disciplinary superior for the suspension or amendment of a disciplinary measure and in court proceedings before the Bundeswehr Disciplinary and Complaints Court.</p>		

**Part 7
Expenses**

No.	Expenses-related matter	Amount
	<p><i>Preliminary note 7:</i></p> <p>(1) The fees also cover general business costs. Unless otherwise determined below, the lawyer can demand reimbursement of expenses incurred (section 675 in conjunction with section 670 of the Civil Code).</p> <p>(2) Official travel shall be deemed to have taken place if the destination is outside the municipality in which the lawyer's law firm or home is located.</p> <p>(3) If travel serves several transactions, the expenses incurred shall be distributed pursuant to nos. 7003 to 7006 according to the cost ratio that would have occurred if the individual transactions had been carried out separately. A lawyer who relocates his law firm to a different city can demand expenses pursuant to nos. 7003 to 7006 when continuing a mandate previously granted to him only insofar as they would also have been incurred from his previous law firm.</p>	

No.	Expenses-related matter	Amount
7000	<p>Flat-rate fee for producing and transferring documents:</p> <p>1. for copies and print-outs</p> <p style="padding-left: 20px;">a) from official and court files insofar as their production was necessary for appropriately processing the case,</p> <p style="padding-left: 20px;">b) for service or communication to the opposing party or participants and legal representatives in the proceedings on account of a legal provision or following a request by the court, authority or other agency in charge of the proceedings insofar as more than 100 such pages had to be prepared to this end,</p> <p style="padding-left: 20px;">c) to provide necessary information to the client insofar as more than 100 pages had to be prepared to this end,</p> <p style="padding-left: 20px;">d) in other cases only if they were prepared additionally, in agreement with the client, also to inform third parties:</p> <p style="padding-left: 20px;">for the first 50 pages to be invoiced, per page</p> <p style="padding-left: 20px;">for each additional page</p> <p style="padding-left: 20px;">for the first 50 pages in colour to be invoiced, per page</p> <p style="padding-left: 20px;">for each additional page in colour</p> <p>2. transfer of electronically stored files or provision of such files for downloading instead of the copies and print-outs referred to in no. 1(d) above:</p> <p style="padding-left: 20px;">per file</p> <p>for documents transferred, provided or copied to the same data carrier in one operation up to a maximum total of.....</p> <p>(1) The amount of the flat-rate fee for documents pursuant to no. 1 shall be calculated in a standard way in the same matter and in court proceedings at the same instance. Transfer by telefax by the lawyer shall be considered equal to producing a copy.</p> <p>(2) If for the purpose of transferring electronically stored files, documents are converted from hard copy to electronic form in advance of the transfer in agreement with the client, the flat-rate fee for documents pursuant to no. 2 shall not be less than the flat-rate fee for documents would be in the case of no. 1.</p>	<p>€0.50</p> <p>€0.15</p> <p>€1.00</p> <p>€0.30</p> <p>€1.50</p> <p>€5.00</p>
7001	<p>Fee for postal and telecommunication services</p> <p>No reimbursement may be demanded for the fees incurred for asserting a claim to remuneration.</p>	<p>full amount</p>
7002	<p>Flat-rate fee for postal and telecommunication services</p>	<p>20% of the fees</p>

No.	Expenses-related matter	Amount
 (1) The flat-rate fee can be demanded in any matter instead of the actual expenses pursuant to no. 7001. (2) If fees are paid from the public treasury, these are decisive.	up to a maximum amount of €20.00
7003	Travel disbursements for official travel using one's own motor vehicle for each kilometre travelled. The travel disbursements cover the purchase, maintenance and operating costs as well as the depreciation of the motor vehicle.	€0.30
7004	Travel disbursements for official travel using other means of transport, if appropriate ...	full amount
7005	Per diem and out-of-town services fee for official travel	
	1. not exceeding 4 hours	€25.00
	2. of between 4 and 8 hours	€40.00
	3. of more than 8 hours	€70.00
	A surcharge of 50% can be added to these amounts for travel abroad.	
7006	Other disbursements on the occasion of official travel, if appropriate	full amount
7007	A premium paid for third-party indemnity insurance against pecuniary damage in an individual case if the premium applies to liability amounting to more than €30 million. Unless otherwise specified in the insurer's invoice, the partial amount of the total premium deriving from the proportion of the sum insured in excess of €30 million to the total sum insured shall be reimbursed.	full amount
7008	Turnover tax on the remuneration This shall not apply if turnover tax is not collected under section 19 (1) of the Turnover Tax Act (<i>Umsatzsteuergesetz</i> - UStG).	full amount

Annex 2
(corresponding to Section 13 (1), third sentence)

Value of the claim up to ... €	Fee ... €	Value of the claim up to ... €	Fee ... €
500	45.00	50,000	1,163.00
1,000	80.00	65,000	1,248.00

Value of the claim up to ... €	Fee ... €	Value of the claim up to ... €	Fee ... €
1,500	115.00	80,000	1,333.00
2,000	150.00	95,000	1,418.00
3,000	201.00	110,000	1,503.00
4,000	252.00	125,000	1,588.00
5,000	303.00	140,000	1,673.00
6,000	354.00	155,000	1,758.00
7,000	405.00	170,000	1,843.00
8,000	456.00	185,000	1,928.00
9,000	507.00	200,000	2,013.00
10,000	558.00	230,000	2,133.00
13,000	604.00	260,000	2,253.00
16,000	650.00	290,000	2,373.00
19,000	696.00	320,000	2,493.00
22,000	742.00	350,000	2,613.00
25,000	788.00	380,000	2,733.00
30,000	863.00	410,000	2,853.00
35,000	938.00	440,000	2,973.00
40,000	1,013.00	470,000	3,093.00
45,000	1,088.00	500,000	3,213.00