

Übersetzung durch Eileen Flügel.

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Stand: Die Übersetzung berücksichtigt die Änderung(en) des Gesetzes durch Artikel 11 des Gesetzes vom 7. April 2025 (BGBl. 2025 I Nr. 109)

Version information: The translation includes the amendment(s) to the Act by Article 11 of the Act of 7 April 2025 (Federal Law Gazette 2025 I No. 109)

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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), last amended by Article 11 of the Act of 7 April 2025 (Federal Law Gazette 2025 I No. 109)
The Act was promulgated by the Bundestag with the approval of the Bundesrat as Article 3 of the Act of 5 May 2004 (Federal Law Gazette I, p. 718 (Act to Modernise the Act on Costs (*Kostenrechtsmodernisierungsgesetz*)). It enters into force on 1 July 2004 in accordance with Article 8 sentence 1 of this Act.

Part 1 General provisions

Section 1 Scope

(1) The remuneration (fees and expenses) for lawyers' professional activities is assessed according to this Act. This also applies to activities as a special representative under sections 57 and 58 of the Code of Civil Procedure (*Zivilprozessordnung*), under section 118e of the Federal Code for Lawyers (*Bundesrechtsanwaltsordnung*), under section 103b of the Professional Code for Patent Attorneys (*Patentanwaltsordnung*) or under section 111c of the Tax Consultancy Act (*Steuerberatungsgesetz*). Other members of a Chamber of Lawyers, partnerships of lawyers and other companies are deemed to be equal to a lawyer within the meaning of this Act.

(2) This Act does not apply to activities as an in-house lawyer (section 46 (2) of the Federal Code for Lawyers. It also does 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, restructuring commissioner, rehabilitation facilitator, member of a creditor advisory board, administrator of an estate, enforced receiver, fiduciary agent or arbitrator or to any similar activity. Section 1877 (3) of the Civil Code (*Bürgerliches Gesetzbuch*) and section 4 (2) of the Act on the Remuneration of Guardians and Custodians (*Vormünder- und Betreuervergütungsgesetz*) remain unaffected.

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

Section 2 Amount of remuneration

(1) The fees are calculated according to the value of the subject of the lawyer's professional activities (value of the claim) unless this Act specifies otherwise.

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

Section 3

Fees in social law matters

(1) In proceedings before the social courts, in which the Court Fees Act (*Gerichtskostengesetz*) does not apply, capped sliding-scale fees are incurred. In other proceedings, the fees are 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*); in proceedings under section 201 (1) of the Social Courts Act, fees must always be calculated according to the value of the claim. In proceedings taken on account of excessively long court proceedings (section 202 sentence 2 of the Social Courts Act), the fees are calculated according to the value of the claim.
(2) Subsection (1) applies accordingly 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 must 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. Sentences 1 and 2 do not apply to a fee agreement under section 34.
(2) In the agreement, it may be left to the Board of the Chamber of Lawyers to assess the remuneration at its equitably exercised discretion. If the assessment of the remuneration is left at the discretion of one contracting party, the statutory remuneration is deemed to have been agreed.
(3) If, taking into account all the circumstances, the agreed remuneration, the remuneration assessed by the Board of the Chamber of Lawyers under subsection 2 sentence 1, or the quota litis agreed under section 4a is inappropriately high, it may be reduced to the appropriate amount in legal action, to the amount of statutory remuneration. Before such reduction, the court must obtain an expert opinion from the Board of the Chamber of Lawyers; the aforesaid does not apply if the Board of the Chamber of Lawyers assessed the remuneration under subsection 2 sentence 1. The expert opinion must be made free of charge.
(4) 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 is null and void. The civil law provisions on unjust enrichment remain unaffected.

Section 4

Undercutting the statutory remuneration

(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 subject matter of the out-of-court matter is a collection service (section 2 (2) sentence 1 of the Act on Out-of-Court Legal Services (*Rechtsdienstleistungsgesetz*)), or if the prerequisites for the approval of advisory assistance (*Beratungshilfe*) have been fulfilled, sentence 2 does not apply and the lawyer may waive remuneration entirely. Section 9 of the Advisory Assistance Act (*Beratungshilfegesetz*) remains unaffected.
(2) If the subject matter is a collection service in one of the proceedings specified in section 79 (2) sentence 2 no. 4 of the Code of Civil Procedure, remuneration lower than the statutory remuneration may be agreed or the lawyer may waive remuneration entirely.

Section 4a Quota litis

(1) Quota litis (section 49b (2) sentence 1 of the Federal Code for Lawyers) may be agreed only if

1. the mandate relates to a maximum monetary claim of 2,000 euros,
2. a collection service is provided out of court or in one of the proceedings specified in section 79 (2) sentence 2 no. 4 of the Code of Civil Procedure, or
3. the client, upon reasonable consideration, would be deterred from taking legal proceedings in a particular case without the agreement of quota litis.

An agreement under sentence 1 no. 1 or 2 is inadmissible if the mandate relates to a claim that is not subject to attachment. The possibility of using advisory assistance or assistance with court costs is to be disregarded for the assessment under sentence 1 no. 3.

(2) In matters other than those specified in subsection (1) sentence 1 no. 2, it may only 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.

(3) The following are to be included in an agreement on quota litis:

1. specification of which remuneration is to be earned upon fulfilment of which prerequisites,
2. specification of whether the agreement is to have any influence, and if so, what influence the agreement is to have, on the court costs and administrative costs to be paid by the client if relevant and the costs of other participants that the client is required to reimburse,
3. the main reasons decisive for assessing the quota litis, and
4. in the case of subsection (1) sentence 1 no. 3, the envisaged statutory remuneration and, if relevant, the contractual remuneration independent of result for which the lawyer would be willing to accept the mandate.

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) sentences 1 and 2, or of section 4a (1) and (3) nos. 1 and 4. The civil law provisions on unjust enrichment remain unaffected.

Section 5 Remuneration for activities by representatives of the lawyer

Remuneration for activities not undertaken personally by the lawyer must 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 deal with jointly, each lawyer must receive full remuneration for his or her activity.

Section 7 Plurality of clients

- (1) If the lawyer works for several clients on the same matter, he or she receives the fees only once.
- (2) Each of the clients owes the fees and expenses that he or she would owe if the lawyer had only worked on his or her behalf; he or she also owes the flat-rate fee for documents under 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 calculated according to section 1 and the total expenses incurred.

Section 8

Due date, suspension of the period of limitation

- (1) The remuneration is due when the mandate has been disposed of or the matter has been closed. If the lawyer works in court proceedings, remuneration is also 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 is suspended for as long as the proceedings are pending. The suspension ends with the final and binding decision or when the proceedings have been terminated in some other way. If the proceedings have been stayed, the suspension ends three months after the due date. The suspension recommences if the proceedings are further pursued.

Section 9

Advance payment

The lawyer may demand an appropriate advance payment from his or her 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 communicated to the client by him or her, or communicated to the client upon his or her instigation; the invoice must be made in writing. The course of the period of limitation does not depend on communication of the invoice.
- (2) The amounts of the particular fees and expenses, advance payments, brief designations of the respective activities subject to a fee, 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 or she 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 must be assessed by the court of first instance upon petition by the lawyer or the client. Amounts already paid must be set off.
- (2) Such petition is permissible only when the remuneration is due. Before the assessment, the participants must be heard. The provisions of the respective procedural rules concerning the procedure for the assessment of costs, with the exception of section 104 (2) sentence 3 of the Code of Civil Procedure and the provisions of the Code of Civil Procedure on compulsory enforcement of court orders assessing the costs, apply accordingly. Proceedings before the court of first instance are free of charge. The lawyer's expenses for service of the court order must be included in the remuneration assessment order. There must be no other cost reimbursement; this also applies in proceedings on complaints.

(3) In proceedings before the administrative courts, finance courts and social courts, the remuneration is 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 apply accordingly.

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

(5) The assessment must 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 applies accordingly. The provisions of the rules of procedure applying to the underlying proceedings apply accordingly to the granting of the power of attorney.

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

(8) Subsections (1) to (7) 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 must be refused if he or she does not submit the client's declaration of consent with the petition.

Section 12

Application of provisions concerning 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 apply accordingly to assistance with procedural costs (*Verfahrenskostenhilfe*) and in the case of section 4a of the Insolvency Statute (*Insolvenzordnung*). The approval of assistance with court costs is deemed to be 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 must 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 must 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 must 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 are deemed to have been issued following the fourth day on which they were sent by regular mail. The objection must be lodged in writing with the court whose decision is being challenged; section 33 (7) sentences 1 and 2 applies accordingly. The objection must designate the specific decision being challenged and must demonstrate that the prerequisites specified in subsection (1) no. 2 have been fulfilled.

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

(4) The court must 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 must be overruled as inadmissible. Should the objection be without foundation, the court must dismiss it. The decision must be handed down by an incontestable order. The grounds on which the order is based must be briefly summarised.

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

(6) Costs are not reimbursed.

Section 12b Electronic file, electronic document

In proceedings under this Act, the procedural provisions on electronic files and electronic documents must 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 Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit*) apply.

Section 12c Provision of instruction on available legal remedies

Every contestable decision must contain advice on any available legal remedy and on the court with which this legal remedy must 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 is 51.50 euros when the value of the claim is less than 500 euros. The fee increases as indicated below:

Value of the claim is up to €...	... for each additional amount of €... or part thereof [as shown below]	the total fee increases by €...
2,000	500	41.50
10,000	1,000	59.50
25,000	3,000	55.00
50,000	5,000	86.00
200,000	15,000	99.50
500,000	30,000	140.00
more than 500,000	50,000	175.00

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

(2) In the case of a general fee for an out-of-court collection service relating to an undisputed claim (subsection (2) of the note on no. 2300 of the Remuneration Schedule), the fee is 31.50 euros when the value of the claim is up to 50 euros, by derogation from subsection (1) sentence 1.

(3) The minimum fee is 15 euros.

Section 14 Sliding-scale fees

(1) In the case of sliding-scale fees, the lawyer determines the fee in a particular case at his or her equitably exercised 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 must be taken into account. If the fee is to be reimbursed by a third party, the cost determined by the lawyer is not binding if it is inequitable.

(2) If one sliding-scale fee is to be set off against another, the fee that is set off is to be determined as if the lawyer had not done any previous work.

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

Section 15

Scope of indemnification of fees

(1) The fees must indemnify all the lawyer's professional activities from the award of the mandate to disposal 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 are incurred for those parts, but the fee must 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 are not affected if the matter has been disposed of before schedule or the mandate ends before the matter has been disposed of unless otherwise determined in this Act.

(5) If the lawyer is instructed to continue to work on a matter on which he or she has worked previously, he or she must not receive more fees than he or she would receive if he or she had been instructed with this task from the outset. If the earlier mandate was disposed of more than two calendar years previously, the further activity is deemed to be a new matter and the setting off of fees determined in this Act does not apply. Sentence 2 applies accordingly 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 26 (4) of the Capital Markets Model Case Act (*Kapitalanleger-Musterverfahrensgesetz*) more than two calendar years after the service of a decision under section 26 (3) sentence 1 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 or she must 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 may demand both fees, but not more than the total amount of the two fees less the set-off amount.

(2) If several fees are to be partially or entirely set off against the same fee, the amount to be set off must be calculated separately for each fee that is to be set off. In the case of ad valorem fees, however, the total amount to be set off may not exceed the amount that would have to be set off if the fee to be set off was calculated by adding up the partial values concerned on the basis of the highest relevant fee rate. In the case of capped sliding-scale fees, the total amount set off may not exceed the maximum determined set-off amount.

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

Part 3
Defining matters

Section 16
The same matter

The following 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 also applies 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, to effect a European Account Preservation Order, on 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*) in the revised version promulgated in the Federal Law Gazette Part III, 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*)), 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*)) 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 does 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 German Code of Criminal Procedure (*Strafprozessordnung*) 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 constitute different matters:

1. proceedings concerning appellate remedies and the preceding level of jurisdiction, to the extent that section 19 (1) sentence 2 no. 10a does not provide otherwise,
 - 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*), 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
 - a) on the issue of a writ of seizure or to effect a European Account Preservation Order,
 - b) on the issue of an injunction or an interim order,
 - c) on the order or restoration of suspensive effect, the suspension of enforcement or an order for the immediate enforcement of an administrative act and
 - d) on 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),

- 5a. redress proceedings, proceedings concerning increasing the collective total amount and implementation proceedings under the Consumer Rights Enforcement Act (*Verbraucherrechtedurchsetzungsgesetz*),
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) no. 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*)),
 - b) proceedings before a panel of the kind designated in section 111 (2) of the Labour Courts Act and
 - c) proceedings before other statutory boards of conciliation, dispute-resolution entities or arbitration boards,
8. mediation proceedings under section 165 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction and 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 constitute special matters:

1. any enforcement measure together with any further enforcement measures prepared thereby until the creditor is satisfied; the above applies accordingly 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 applies;
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, any proceedings concerning applications for the suspension of enforcement under section 44f of the Act to Implement Certain Legal Instruments in the Field of International Family Law (*Internationales Familienrechtsverfahrensgesetz*) and concerning applications under section 31 of the Foreign Maintenance Act (*Auslandsunterhaltsgesetz*);
7. proceedings to permit attachment with substitution (section 811a of the Code of Civil Procedure);
8. proceedings on a petition under 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*);

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 Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction.

(2) Subsection (1) applies accordingly to

1. the enforcement of a seizure and
2. execution

under the provisions of the Act on Proceedings 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 under 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 Representative Actions Register as well as the withdrawal of such registration;
- 1b. the third-party notice of a dispute (section 72 of the Code of Civil Procedure);
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, a leading decision procedure under the Code of Civil Procedure, a complaint on appeal regarding the expedition of proceedings under section 155b of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction;
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;
- 9a. the issue of certificates, confirmations or forms, including their correction, cancellation or revocation under
 - a) section 1079 or section 1110 of the Code of Civil Procedure,
 - b) section 39 (1) and section 48 of the International Family Law Procedure Act,
 - c) section 57, section 58 or section 59 of the Recognition and Enforcement Implementation Act (*Annerkennungs- und Vollstreckungsausführungsge*setz),
 - d) section 14 of the Act on European Violence Protection Procedures (*Gesetz zum Europäischen Gewaltschutzverfahren*),
 - e) section 71 (1) of the Foreign Maintenance Act,
 - f) section 27 of the International Inheritance Procedure Act (*Internationales Erbrechtsverfahrensgesetz*) and
 - g) section 27 of the International Property Procedure Act (*Internationales Güterrechtsverfahrensgesetz*);
- 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 no provision for specific activities subject to a fee;
- 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 Proceedings 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) nos. 1 and 2 are in particular as follows:

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

2. reminders as a legal remedy under 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 constitute one instance. If a case is referred or relinquished to a court of lower instance, the further proceedings before that court 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 constitute a new instance.

(2) In cases under section 146 of the Act on Proceedings 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 constitute one instance.

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

Part 4

Value of the claim

Section 22

Principle

(1) In the same matter, the values of several claims are added together.

(2) The maximum value of one matter is 30 million euros 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 maximum value is 30 million euros for each person, but not more than 100 million euros in total.

Section 23

General value provision

(1) If the court fees are based on value, the value of the claim is 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*), the value provisions of the respective Act apply accordingly unless a court fee or fixed fee has been determined for the proceedings. These value provisions also apply accordingly to activities outside court proceedings if the subject matter of the activity could also be the subject matter of court proceedings. Section 22 (2) sentence 2 remains unaffected.

(2) In complaint proceedings in which court fees are not charged independently of the outcome of the proceedings, or where court fees are not based on the value of the claim, the value is determined taking into account the interest of the claimant under section 3 sentence 2, 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 is 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*) 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 apply accordingly. Insofar as the value of the claim does not derive from these provisions and has not been otherwise determined, it must 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 is assumed to be 5,000 euros, or lower or higher, depending on the case, but no more than 500,000 euros.

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 under section 124 (1) no. 1 of the Code of Civil Procedure, the value of the claim must be determined according to the value decisive for the main proceedings; in all other respects, it must be determined with equitably exercised discretion according to the cost interest.

(2) The value under subsection (1) and the value for the proceedings for which an application for assistance with court costs has been filed must 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 is 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 implementation proceedings under the Consumer Right Enforcement Act

The value of the claim in implementation proceedings under the Consumer Rights Enforcement Act is to be determined in accordance with section 23 (3) sentence 2, taking into account the economic interest pursued by the client in the proceedings.

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 is 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 is decisive; if the income that will be earned in future is attached under section

850d (3) of the Code of Civil Procedure, the claims not yet due under section 51 (1) sentence 1 of the Act on Court Fees in Family Matters and section 9 of the Code of Civil Procedure must 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 (section 802c of the Code of Civil Procedure) and in proceedings concerning obtaining information from third parties about the debtor's assets (section 802l of the Code of Civil Procedure), according to the amount still owed deriving from an enforceable legal document, including ancillary claims; the maximum value is 2,000 euros, however.

(2) In proceedings on applications by the debtor, the value must 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 is determined as follows:

1. when representing the creditor or another participant under section 9 nos. 1 and 2 of the Act on Enforced Auction and Receivership (*Gesetz über die Zwangsversteigerung und die Zwangsverwaltung*), 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) no. 5 of the Act on Enforced Auction and Receivership; ancillary claims must 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, are 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 is 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 is determined according to the claim on account of which the proceedings have been filed; ancillary claims are to be included in the calculation; in the case of claims to recurring payments, the value of the payments for one year is decisive. In representing the debtor, the value of the claim is 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 is determined according to section 23 (3) sentence 2.

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, is 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 is at least 4,000 euros, however.

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

(3) In all other cases, the value of the claim in bankruptcy proceedings is to be determined according to section 23 (3) sentence 2, taking into account the economic interest pursued by the client in the proceedings.

Section 29

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

In proceedings under the Distribution Ordinance under Shipping Laws, section 28 applies accordingly on condition that the amount of liability determined takes the place of the value of the bankruptcy assets.

Section 29a

Value of the claim in proceedings under the Corporate Stabilisation and Restructuring Act (*Unternehmensstabilisierungs- und -restrukturierungsgesetz*)

The value of the claim in proceedings under the Corporate Stabilisation and Restructuring Act is to be determined in accordance with section 23 (3) sentence 2, taking into account the economic interest pursued by the client in the proceedings.

Section 30

Value of claims in court proceedings under the Asylum Act (*Asylgesetz*)

(1) The value of claims in proceedings under the Asylum Act is 5,000 euros; in proceedings covered by section 77 (4) sentence 1 of the Asylum Act, it is 10,000 euros; in provisional relief proceedings it is 2,500. If several natural persons are involved in the same proceedings, the value increases by 1,000 euros for each additional person in claims proceedings and by 500 euros in provisional relief proceedings.

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

Section 31

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

(1) If a lawyer represents one of several claimants in proceedings under the Act on Appraisal Proceedings, the value of the claim is 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 is 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 must be assumed that he or she has only one share. The minimum value is 5,000 euros.

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

Section 31a

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

If the lawyer represents a respondent in exclusion proceedings under section 39b of the Securities, Acquisition and Takeover Act, the value of the claim must be determined by the

value of the shares belonging to the client at the time of the application. Section 31 subsection (1) sentences 2 to 4 and subsection (2) applies accordingly.

Section 31b

Value of the subject in payment agreements

If the subject of the settlement is a payment agreement (fee 1000 no. 2 of the Remuneration Schedule), the value of the subject is 50 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 or her own rights, the lawyer may apply for the value to be assessed and may lodge an appeal against the assessment. If the value has not been assessed, he or she may use available legal remedies on the basis of his or her 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, issues an order with its own independent assessment of the value of the subject of the lawyer's professional activities.
- (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 euros. 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 must remedy it; otherwise, the complaint must be submitted to the court hearing the complaint without delay. The court hearing the complaint is the next highest court; in civil proceedings of the type designated in section 119 (1) no. 1 of the Courts Constitution Act (*Gerichtsverfassungsgesetz*) it is the higher regional court. A complaint is not to 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 or she must, upon application, be granted restitution to the previous condition by the court that has to decide on the complaint if he or she lodges the complaint within two weeks of the removal of the impediment and substantiates the facts on which such restitution is based. It must 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 may 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) sentences 1 to 3 applies accordingly.
- (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 apply accordingly. The higher regional court must decide on the further complaint. Subsection (3) sentence 3, subsection (4) sentences 1 and 4 and subsection (5) apply accordingly.
- (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 applies accordingly. The provisions of the rules of procedure applying to the underlying proceedings apply accordingly to the granting of the power of attorney. The complaint must be lodged with the court whose decision is being contested.

(8) The court's decision on the application is taken by one of its members as a judge sitting alone; this also applies to complaints if the contested decision was taken by a judge sitting alone or a senior judicial officer. A judge sitting alone transfers 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 always decides 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 must 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 in Part 2 Division 1 of the Remuneration Schedule. If no agreement has been reached, the lawyer receives fees under the civil law provisions. If, under sentence 2 above, the client is a consumer, the maximum respective fee for advisory services or for the preparation of a written expert opinion must not exceed 250 euros; section 14 (1) applies accordingly; the fee for a first consultation must not exceed 190 euros, however.

(2) Unless otherwise agreed, the fee for advisory services is to 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*) in conjunction with sections 10 and 13 of the Tax Advisers' Fee Ordinance apply accordingly 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 under sections 23, 24 and 31 of the Tax Advisers Fee Ordinance, or in case of several fees, their total amount, are deemed equal to a general fee in accordance with Part 2 of the Remuneration Schedule. The basis for calculating the maximum amount of the proportion of the general fee to be set off is 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 apply accordingly to the following out-of-court proceedings:

1. arbitration proceedings under 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 under subsection (1) no. 1, the lawyer receives 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 apply accordingly 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 apply accordingly. The value of the claim is to be determined with equitably exercised discretion, taking into account the circumstances specified in section 14 (1); it is at least 5,000 euros.

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 apply accordingly. The value of the claim is to be determined according to the value provisions applicable to the court fees of the proceedings in which the submission is made. The submitting court assesses the value of the claim by order upon application. Section 33 (2) to (9) applies accordingly.

(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 apply accordingly in preliminary ruling proceedings.

(3) The procedural fee for the proceedings in which the submission has been made is to be set off against the procedural fee of the proceedings before the Court of Justice of the European Union unless written 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 apply accordingly. The value of the claim is to be determined with equitably exercised discretion, taking into account the circumstances specified in section 14 (1); it is at least 5,000 euros.

Section 39

Ex officio assignment of a lawyer as counsel

- (1) A lawyer assigned as counsel to a respondent under section 138 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction, also in conjunction with section 270 of the said Act, may 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 under section 109 (3) or section 119a (6) of the Prison Act (*Strafvollzugsgesetz*) may 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 may demand from persons for whom he or she has been appointed under section 67a (1) sentence 2 of the Code of Administrative Court Procedure (*Verwaltungsgerichtsordnung*) the remuneration of a lawyer appointed as representative in a trial for several clients and an advance payment.

Section 41

Special representative

A lawyer appointed as special representative under section 57 or section 58 of the Code of Civil Procedure, section 118e of the Federal Code for Lawyers, section 103b of the Professional Code for Patent Attorneys or section 111c of the Tax Consultancy Act may demand from the person represented the remuneration of a lawyer appointed as representative in a trial or as defence counsel. He or she cannot demand an advance payment from the person represented. Section 126 of the Code of Civil Procedure applies accordingly.

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 or her 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 are to 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 is to be based on the sum of all the claims asserted that were suspended under section 10 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 euros. The claim for remuneration against the client remains unaffected.
- (2) The application is to be filed no later than before the end of the oral hearing. Notification of the application and supplementary briefs are made in accordance with section 16 (2) of the Capital Markets Model Case Act. A deadline for the declaration is to be set at the time of the notification. The Land treasury is not to be heard.
- (3) The decision may be made at the time of the model decision. The decision must be communicated to the lead petitioner, the lead defendant, the third-party petitioners and the lawyer. A public announcement may be made in the Registry in accordance with the Model Case Act instead of issuing a communication. The decision is incontestable.
- (4) The fee, including any turnover tax incurred, is to 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 under the Act on International Cooperation in Criminal Matters (*Gesetz über die internationale Rechtshilfe in Strafsachen*), proceedings under the German-Swiss Police Treaty Implementation Act (*Deutsche-Schweizerischer-Polizeivertrag-Umsetzungsgesetz*), proceedings under the Act on Cooperation with the International Criminal Court (*Gesetz über die Zusammenarbeit mit dem Internationalen Strafgerichtshof*), in matters involving deprivation of liberty and placement and in proceedings under section 151 nos. 6 and 7 of the Act on Proceedings 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, upon application by the lawyer, sets a flat-rate fee for the whole proceedings or for particular 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 does not apply if ad valorem fees are incurred. If the assessment is limited to particular 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 in accordance with Parts 4 to 6 of the Remuneration Schedule. For the instance in which the Federal Court of Justice is competent for the proceedings, it is also competent to decide on the application.

(2) The application is admissible if the decision on the costs of the proceedings is final and binding. The lawyer appointed or assigned as counsel by the court may only file the application subject to fulfilment of the prerequisites of section 52 (1) sentence 1 and section 52 (2), also in conjunction with section 53 (1). The client is to be heard; in cases under section 52 (1) sentence 1, the defendant is to be heard; the state treasury and other participants are also to 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 has one judge. The judge transfers the matter to a division with three judges if this is necessary in order to ensure a unitary judgment.

(4) The assessment is 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) apply accordingly in regulatory fining proceedings before an administrative authority. The administrative authority decides on the application. An application for a court decision may be filed against the decision. Section 62 of the Act on Regulatory Offences applies 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 set-off declared by the state treasury vis-à-vis the defendant or party concerned is ineffectual insofar as it would frustrate or limit the lawyer's claim. However, this applies 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 receive remuneration from the *Land* treasury under this Act unless special agreements have been made for the activity in advisory centres under 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 special representative within the meaning of section 41 receives 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 under section 138 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction, also in conjunction with section 270 of the said Act, under section 109 (3) or section 119a (6) of the Prison Act or appointed

under section 67a (1) sentence 2 of the Code of Administrative Court Procedure may 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 or she receives 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 pays the remuneration the lawyer has earned during his or her appointment or assignment by the federal court, and the *Land* treasury pays the remaining remuneration due to the lawyer. This applies accordingly 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 or she only has a claim against the state treasury if he or she was appointed under section 364b (1) sentence 1 of the German Code of Criminal Procedure or the court made its ascertainment in accordance with section 364b (1) sentence 2 of the German Code of Criminal Procedure. This also applies in court regulatory fining proceedings (section 85 (1) of the Act on Regulatory Offences).

(5) Subsection (3) applies accordingly in regulatory fining proceedings before the administrative authority. The administrative authority takes the place of the court.

Section 46 Expenses and expenditures

(1) Expenses, particularly travel expenses, are not 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 is binding for the assessment procedure (section 55). In regulatory fining proceedings before the administrative authority, the administrative authority takes the place of the court. For expenses (section 670 of the Civil Code), subsection (1) and sentences 1 and 2 apply accordingly; the amount of costs to be reimbursed for enlisting the services of an interpreter or translator is limited to the amounts to be paid under the Court Payment and Reimbursement Act (*Justizvergütungs- und -entschädigungsgesetz*).

(3) Expenses incurred through investigations for the purpose of preparing for the reopening of proceedings to which the provisions of the German Code of Criminal Procedure apply are only remunerated if the lawyer was appointed under section 364b (1) sentence 1 of the German Code of Criminal Procedure or if the court made the ascertainment under section 364b (1) sentence 2 of the German Code of Criminal Procedure. This also applies 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 or her remuneration, he or she may 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 under section 138 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction, also in conjunction with section 270 of the said Act, or under section 109 (3) or section 119a (6) of the Prison Act or appointed under section 67a (1) sentence 2 of the Code of Administrative Court Procedure may 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 from the state treasury is based on the statutory remuneration and is determined in accordance with the orders through which assistance with court costs has been approved and the lawyer assigned or appointed as counsel unless otherwise determined. If the assignment or appointment includes the conclusion of a contract within the meaning of no. 1000 of the Remuneration Schedule, or if the assignment or the approval of assistance with court costs is limited thereto, the claim includes all statutory fees and expenses arising through the work that is required in order to achieve the settlement.

(2) In matters where the fees are determined in accordance with 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 is also to 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 does 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 includes 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,
6. claims deriving from matrimonial property rights or
7. adjustment of pension rights.

Sentence 1 applies accordingly to assignments as counsel in life partnership matters under section 269 (1) nos. 1 and 2 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction.

(4) Assignment as counsel in matters in which capped sliding-scale fees are incurred under section 3 (1) includes activities from the time of application for assistance with court costs unless otherwise determined by the court. Assignment as counsel also includes 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 receives remuneration from the state treasury only if he or she also has been expressly assigned as counsel for those matters. This applies in particular to the following:

1. compulsory enforcement, enforcement and compulsion;
2. proceedings relating to seizures, the European Account Preservation Order, 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 under section 269 nos. 1 and 2 of the Act on Proceedings 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 in accordance with Parts 4 to 6 of the Remuneration Schedule, he or she also receives remuneration for his or her activity before the time of his or her appointment, including his or her activity before charges were brought in criminal proceedings and including his or her

activity vis-à-vis the administrative authority in regulatory fining cases. If the lawyer is assigned as counsel in a later instance, he or she receives remuneration in this instance, also for his or her activity before the time of his or her appointment. If proceedings are joined and the lawyer has not been appointed or assigned in all proceedings, the court may extend the effects of sentence 1 above to include proceedings in which there was no assignment or appointment as counsel before the proceedings were joined.

Section 49
Ad valorem fees from the state treasury

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

Value of the matter in dispute up to the amount in euros indicated below	Fee in euros	Value of the matter in dispute up to the amount indicated in euros below	Fee in euros
5,000	319.00	22,000	434.00
6,000	330.00	25,000	449.00
7,000	341.00	30,000	488.00
8,000	352.00	35,000	527.00
9,000	363.00	40,000	566.00
10,000	374.00	45,000	605.00
13,000	389.00	50,000	644.00
		65,000	692.00
		80,000	739.00
16,000	404.00	More than 80,000	786.00
19,000	419.00		

Section 50
Further remuneration in connection with assistance with court costs

(1) When the costs and claims designated in section 122 (1) no.1 of the Code of Civil Procedure have been met, the state treasury must collect further amounts beyond the lawyer's claims transferred to it up to the amount of the regular remuneration if this is admissible under the provisions of the Code of Civil Procedure and under the provisions made by the court. Further remuneration must be determined when the proceedings have been terminated through a final and binding decision 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 is to submit a calculation of his or her regular remuneration to the case files without delay.

(3) If several lawyers were assigned as counsel, the amounts due to each of them are calculated on the basis of the relationship between the respective differences between the

fees under section 49 and the regular fees, whereby payments that must be set off against the difference under section 58 are to be deducted therefrom.

Section 51

Assessment of a flat-rate fee

(1) In criminal and court regulatory fining proceedings, proceedings under the Act on International Cooperation in Criminal Matters, proceedings under the German-Swiss Police Treaty Implementation Act, proceedings under the Act on Cooperation with the International Criminal Court, in matters involving deprivation of liberty and placement and in proceedings under section 151 nos. 6 and 7 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction, a flat-rate fee exceeding the fees under the Remuneration Schedule must be approved, upon application, for the counsel appointed or assigned by the court for the whole proceedings or for particular 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 does not apply if ad valorem fees are incurred. If the approval is limited to particular stages of the proceedings, the fees must be designated according to the Remuneration Schedule which the flat-rate fee is intended to replace. A flat-rate fee may also be allowed for activities for which there is a claim under section 48 (6). An appropriate advance payment to the lawyer must be approved upon application if he or she 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 must 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*)), such decision must 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 is to be heard in the proceedings. Section 42 (3) applies accordingly.

(3) Subsection (1) applies accordingly in regulatory fining proceedings before the administrative authority. The administrative authority decides on applications under section 1 sentences 1 to 3 at the time of assessing the remuneration.

Section 52

Claim against the defendant or the party concerned

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

(2) The claim may 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 himself or herself and his or her family. If the proceedings have not been pending before the court, the decision is taken by the court that appointed the defence counsel.

(3) If an application is filed according to subsection (2) sentence 1, the court sets a deadline for the defendant to disclose his or her personal and economic circumstances; section 117 (2) to (4) of the Code of Civil Procedure applies accordingly. If the defendant fails to submit a declaration by the deadline, it is presumed that he or she is able to pay within the meaning of subsection (2) sentence 1.

(4) An immediate complaint is admissible against an order under subsection (2) under the provisions of sections 304 to 311a of the German Code of Criminal Procedure. Within the context of section 44 sentence 2 of the German Code of Criminal Procedure, the provision of instruction on available legal remedies under section 12c is deemed equal to the provision of information on legal remedies available under section 35a sentence 1 of the German Code of Criminal Procedure.

(5) The point in time relevant for the beginning of the period of limitation is 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 ends six months after the court's decision on the application has entered into force.

(6) Subsections (1) to (3) and (5) apply accordingly in regulatory fining proceedings. In regulatory fining proceedings before the administrative authority, the administrative authority takes 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 applies accordingly 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 may demand the fees of a selected counsel accruing from the appointment only from the convicted person. The claim lapses insofar as the state treasury has paid the fees.

(3) The lawyer specified in section 2 sentence 1 may only assert a claim arising from a remuneration agreement if the court of first instance ascertains upon his or her 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 or her personal and economic circumstances. If the proceedings have not been pending before a court, the decision is taken by the court that appointed the counsel. Section 52 (3) to (5) applies accordingly.

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 or she 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 are 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 is 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 in accordance with Part 3 of the Remuneration Schedule, the assessment is made by the record officer of the court of the instance concerned unless the proceedings have terminated by a final and binding decision 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 is 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 is 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) sentences 1 and 2 of the Code of Civil Procedure applies accordingly. The application must 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, must be indicated. The lawyer must notify receipt of any payments he or she has received after submitting the application without delay.

(6) Before assessing further remuneration (section 50), the record officer may 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 or she still has claims against the state treasury within a period of a month, or that he or she make a statement on the payments received (subsection (5) sentence 2). If the lawyer does not comply with this demand, his or her claims against the state treasury lapse.

(7) Subsections (1) and (5) apply accordingly to regulatory fining proceedings before an administrative authority. The administrative authority takes 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 decides by order concerning reminders of the lawyer and the state treasury against the assessment under section 55. In the case of section 55 (3), the criminal division of the regional court decides. In the case of advisory assistance, the court competent under section 4 (1) of the Advisory Assistance Act decides.

(2) In proceedings concerning reminders, section 33 (4) sentence 1 and section 33 (7) and (8) apply and in proceedings concerning complaints against decisions on reminders, section 33 (3) to (8) applies accordingly. Reminder and complaint proceedings are free of charge. Costs are not 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 applies to the proceedings.

Section 58 Setting off advance payments and payments

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

(2) In matters where the fees are determined in accordance with Part 3 of the Remuneration Schedule, advance payments and payments the lawyer has received before or after the assignment as counsel must 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. If a fee for which a claim against the state treasury does not exist is to be set off against a fee for which a claim against the state treasury exists, the claim against the state treasury is reduced only insofar as the lawyer, through a payment towards the fee to be set off and the claim to the other fee determined without setting off, would receive a sum of more than the total amount specified in section 15a (1).

(3) In matters in which the fees are determined in accordance with 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 or her activity in a matter that is subject to fees under the fee statutes must 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 or she is under an obligation to repay the fees to the state treasury. Setting off or repayment only takes 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 or she is entitled as a result of the payments, disregarding section 51. If the fees remaining to the lawyer under sentence 3 are higher than the maximum fees of a selected lawyer provided for in the

Remuneration Schedule, the amount in excess of the maximum fees must also 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 under section 138 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction, also in conjunction with section 270 of the said Act, or appointed under section 67a (1) sentence 2 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 or her remuneration, this claim is 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 apply accordingly 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 are to 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 is to be lodged with the respective supreme federal court.

(3) Subsection (1) applies accordingly to advisory assistance.

Section 59a

Assignment and appointment as counsel by judicial authorities

(1) The provisions concerning a court-appointed lawyer apply accordingly to a lawyer appointed by the public prosecution office. If the proceedings have not been pending before a court, the court competent for providing judicial confirmation of the appointment takes the place of the court of first instance.

(2) The provisions concerning a counsel for a witness assigned by a court apply accordingly to a counsel for a witness assigned by the public prosecution office. Decisions on applications under section 51 (1) are 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 Federal Court of Justice decides.

(3) The provisions concerning a court-appointed lawyer apply accordingly to a counsel appointed by the Federal Office of Justice in accordance with section 87e of the Act on International Cooperation in Criminal Matters in conjunction with section 53 of the said Act and in accordance with section 5 of the German-Swiss Police Treaty Implementation Act. The Federal Office of Justice takes the place of the record officer of the office of the court concerned. The Federal Office of Justice decides on applications under section 51 (1) at the time of assessing the remuneration.

(4) An application may be filed for a court decision against decisions by the public prosecution office and the Federal Office of Justice in accordance with the provisions of this part. The regional court of the district where the judicial authority has its seat has jurisdiction. In the case of decisions by the Federal Prosecutor General, the Federal Court of Justice decides.

Part 9

Transitional and final provisions

Section 59b

Promulgation of new versions

Following amendments, the Federal Ministry of Justice may 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) Previous law applies to the remuneration if the unconditional mandate to deal with the same matter was granted before the entry into force of a legal amendment. This also applies to a claim to remuneration against the state treasury (section 45, also in conjunction with section 59a). If the lawyer has a claim for remuneration without having been granted an unconditional mandate of the person to whom he or she is appointed or for whom he or she was assigned as counsel on the date of the appointment or assignment as counsel, previous law applies for this remuneration in the same matter if the appointment or assignment of the lawyer as counsel came into effect before the entry into force of a statutory amendment. To the extent that the appointment or assignment as counsel also includes a matter in which the lawyer was granted a mandate or performed legal work for the first time only after the entry into force of a statutory amendment, the new law applies to the remuneration. The law applicable under sentences 2 to 4 also applies to claims of a lawyer appointed or assigned as counsel that are not against the state treasury. Sentences 1 to 5 also apply when provisions to which this Act refers are amended.

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

(3) In matters under the Act on the Nursing Professions (*Pflegeberufegesetz*), section 52 (4) no. 4 of the Court Fees Act does not apply to determination of the value of the claim if the unconditional mandate to deal with the same matter was granted before 15 August 2019.

Section 61

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

(1) The Federal Lawyers' Fee Ordinance (*Bundesgebührenordnung für Rechtsanwälte*) in the revised version published in the Federal Law Gazette Part III, 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 continue to apply if the unconditional mandate to deal with 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, this Act applies to proceedings concerning an appellate remedy lodged after that date. Section 60 (2) applies accordingly.

(2) The provisions of this Act apply to remuneration agreements even when the provisions of the Federal Lawyers' Fee Ordinance continue to apply under subsection (1) and the declarations of intent of both parties were submitted after 1 July 2004.

Section 62

Proceedings under the Act for Therapeutic Preventive Detention (*Therapieunterbringungsgesetz*)

The provisions of the Act for Therapeutic Preventive Detention concerning the remuneration of lawyers 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 (<i>Jugendgerichtsgesetz</i>), 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 1 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 under the Distribution Ordinance under Shipping Laws, proceedings under the Corporate Stabilisation and Restructuring Act
	Subdivision 6 Other special proceedings
Division 4	Particular 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
	<i>First instance</i>
	<i>Appeal</i>

	<i>Appeal on points of law</i>
	Subdivision 4 Reopening proceedings
	Subdivision 5 Additional fees
Division 2	Fees in penal enforcement
Division 3	Particular 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	Particular activities
Part 6	Other proceedings
Division 1	Proceedings under the Act on International Cooperation in Criminal Matters, proceedings under the German-Swiss Police Treaty Implementation Act and proceedings under 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
	<i>First instance</i>
	<i>Second instance</i>
	<i>Third instance</i>
	Subdivision 4 Additional fee
Division 3	Court proceedings in matters involving deprivation of liberty, placement and other coercive measures
Division 4	Court proceedings under the Military Complaints Code

Division 5 Particular 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 under section 13 of the Act on the Remuneration of Lawyers
<i>Preliminary note 1:</i>		
The fees in this part are incurred in addition to the fees determined in other parts or a fee for advisory services in accordance with section 34 of the Act on the Remuneration of Lawyers.		
1000	<p>Settlement fee for assistance in the conclusion of a contract by means of which.....</p> <p>1. the dispute or the uncertainty about a legal relationship is removed</p> <p>2. provision is made for the claim to be fulfilled, while at the same time the claim is not yet determined</p> <p>(1) The fee under no. 1 is not incurred if the main claim is recognised or if it is waived. No. 4147 applies in private prosecution proceedings.</p> <p>(2) The fee is also incurred for assistance in negotiations on contracts unless these were not causative of the conclusion of the contract within the meaning of this provision.</p> <p>(3) For assistance with a contract concluded subject to a condition precedent or subject to the right to revocation, the fee is incurred subject to fulfilment of the condition, or if the contract may no longer be revoked.</p> <p>(4) In the case of legal relationships under public law, the fee is incurred insofar as there is a contractual right to claims. Subsection (1) sentence 1 and subsection (2) apply.</p> <p>(5) The fee is not incurred in divorce or life partnership matters (section 269 (1) nos. 1 and 2 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction). If a contract, in particular</p>	1.5
		0.7

	concerning maintenance, is concluded with regard to the proceedings specified in sentence 1, the value of these proceedings is not to be taken into account in calculating the fee. In parent and child matters, the fee is also incurred for assistance with an agreement concerning a matter which cannot be treated as a subject of disposal under a contract. Subsection (1) sentence 1 applies accordingly.	
1001	Reconciliation fee	1.5
	The fee is 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 applies accordingly to life partnerships.	
1002	Disposal fee, unless no. 1005 applies	1.5
	This fee is incurred when, as a result of the lawyer's assistance, a case is disposed of 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 disposed of entirely or partly by means of the issue of a previously rejected administrative act.	
1003	Court proceedings other than independent evidentiary proceedings are pending on a matter: Fee 1000 no. 1 and fees 1001 and 1002 are	1.0
	(1) This also applies 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 includes the conclusion of a contract within the meaning of no. 1000 (section 48 (1) and (3) of the Act on the Remuneration of Lawyers). Notification of a claim to model proceedings under the Capital Markets Model Case Act is deemed equal to pending court proceedings. Proceedings before a court bailiff are deemed equal to court proceedings.	
	(2) In parent and child matters, the fee is also incurred for assistance with the conclusion of a court-approved settlement (section 156 (2) of the Act on Proceedings 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.	
1004	(1) This also applies to proceedings concerning complaints and complaints on points of law referred to in preliminary notes 3.2.1 and 3.2.2.	1.3

	(2) Subsection (2) of the note on no. 1003 applies.	
1005	<p>Settlement or disposal of the matter 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 are incurred</p> <p>(1) The fee is determined in a uniform manner in accordance with this provision if claims from other administrative proceedings are included in the settlement. If court proceedings are pending on a matter, the fee is determined according to no. 1006. What is decisive for the amount of the fee is the maximum general fee incurred, disregarding an increase under no. 1008. If the lawyer is only entitled to a fee under section 34 of the Act on the Remuneration of Lawyers, the fee is half the amount specified in the note on no. 2302.</p> <p>(2) If the settlement or disposal relates to only part of the matter, the share of the general fee corresponding to that part of the matter must be estimated, taking into account the circumstances specified in section 14 (1) of the Act on the Remuneration of Lawyers.</p>	amounting to the general fee
1006	<p>Court proceedings are pending on the matter:</p> <p>Fee 1005 is incurred</p> <p>(1) The fee is determined in a uniform manner according to this provision even if claims not pending in these proceedings are included in the settlement. What is decisive for the amount of the fee is the procedural fee determined in the particular case in the matter in which the settlement is reached. An increase under no. 1008 is not to be taken into account.</p> <p>(2) If the settlement or disposal relates to only part of the matter, the share of the procedural fee corresponding to that part of the matter is to be estimated, taking into account the circumstances specified in section 14 (1) of the Act on the Remuneration of Lawyers.</p>	amounting to the procedural fee
1007	(repealed)	
1008	<p>Several persons are clients concerning the same matter:</p> <p>The procedural or general fee increases for each further person by</p> <p>(1) This applies to ad valorem fees only to the extent that the subject of the lawyer's professional activities is the</p>	<p>0.3 or 30% in the case of fixed fees;</p> <p>in the case of capped sliding-scale fees, the</p>

	<p>same.</p> <p>(2) The increase is calculated on the basis of the amount concerning which the persons have a joint interest.</p> <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 increases accordingly.</p>	minimum and maximum amounts increase by 30%
1009	<p>Collection fee</p> <p>1. up to and including 2,500.00 euros</p> <p>2. from the amount in excess of 2,500.00 euros up to and including 10,000.00 euros</p> <p>3. from the amount in excess of 10,000.00 euros</p> <p>(1) The fee is charged for the disbursal or reimbursement of amounts of money received.</p> <p>(2) Cashless payments are deemed equal to cash payments. The fee may 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 is charged separately for each amount.</p> <p>(4) For the delivery or return of securities and items of value, the fee is incurred on the basis of the value as determined under subsections (1) to (3).</p> <p>(5) The collection fee is not 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>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 is incurred for the additional work involved in the particularly extensive gathering of evidence.</p>	0.3 or, in the case of capped sliding-scale fees, the minimum and maximum amounts of the hearing fee increase by 30%

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

No.	Fees-related matter	Fee amount or fee rate
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		under section 13 of the Act on the Remuneration of Lawyers
<p><i>Preliminary note 2:</i></p> <p>1) The provisions of this part only apply insofar as sections 34 to 36 of the Act on the Remuneration of Lawyers do not provide otherwise.</p> <p>(2) The same fees are incurred for activities 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 activities as a counsel for a witness or as an expert before a parliamentary enquête commission, the same fees are incurred as for the respective counsel services in criminal proceedings of first instance before a higher regional court.</p>		
<i>Division 1</i>		
<i>Examination of the prospect of success of an appellate remedy</i>		
2100	Fee for the examination of the prospect of success of an appellate remedy, unless otherwise determined in no. 2102..... The fee is to 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 is	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 in accordance with Parts 4 to 6..... The fee is to be set off against a fee for the appellate proceedings.	€39.00 to €419.00
2103	The examination of the prospect of success of an appellate remedy involves the preparation of a written expert opinion: Fee 2102 is	€65.00 to €719.00

<i>Division 2</i>		
<i>Reaching agreement</i>		
2200	General fee for reaching agreement in accordance with section 28 of the Act regulating the activity of European lawyers in Germany (<i>Gesetz über die Tätigkeit europäischer Rechtsanwälte in Deutschland</i>)	amounting to the procedural fee to which a representative or defence counsel is entitled
2201	Agreement is not reached Fee 2200 is	0.1 to 0.5 or minimum amount of the procedural fee to which a representative or defence counsel is entitled
<i>Division 3</i>		
<i>Representation</i>		
<i>Preliminary note 2.3:(1) In payment order proceedings, Part 3 Division 3 Subdivision 3 applies accordingly.</i>		
(2) This division does not apply to the matters provided for in Parts 4 to 6.		
(3) The general fee is 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, must 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 is €225.00. In the case of an ad valorem fee, the setting-off must 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) applies accordingly 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 matter, half of this fee or a maximum fee rate of 0.75 is to be set off against a general fee under no. 2303. Subsection (4) sentence 3 applies accordingly.

2300	General fee, unless otherwise determined in nos. 2302 and 2303..... (1) A fee of more than 1.3 may only be demanded if the professional activities were extensive or difficult. (2) If the subject of the professional activities was a collection service relating to an undisputed demand, a fee of more than 0.9 may only be demanded if the collection service was particularly extensive or particularly difficult. In simple cases, only a fee of 0.5 may be demanded; as a rule, a case is deemed to be simple if the demand is met within two weeks of the first demand for payment. The maximum fee rate is 1.3.	0.5 to 2.5
2301	The mandate is limited to writing simple documents: Fee 2300 is Simple documents are documents containing neither complex legal arguments nor major substantial discussions.	0.3
2302	General fee in 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>). A fee of more than 391.00 euros may only be demanded if the professional activities were extensive or difficult.	€65.00 to €837.00
2303	General fee for 1. dispute resolution proceedings before a dispute-resolving entity established or recognised by the <i>Land</i> department of justice (section 794 (1) no. 1 of the Code of Civil Procedure) or, if the parties attempt to reach an out-of-court settlement, 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 and	1.5
3. proceedings before other statutory boards of conciliation, dispute-resolving entities or arbitration boards.....	

Division 4

(repealed)

Division 5

Advisory assistance

Preliminary note 2.5:

Within the context of advisory assistance, fees are incurred exclusively in accordance with this division.

2500	Fee for advisory assistance	€15.00
	No expenses are charged in addition to the fee. The fee may be waived.	
2501	Advisory fee	€42,00
	(1) The fee is incurred for advisory assistance if such assistance is unconnected with another activity subject to a fee. (2) The fee is to be set off against a fee for another activity connected with the advisory assistance.	
2502	Advisory activity with the objective of reaching an out-of-court settlement with creditors concerning debt settlement on the basis of a plan (section 305 (1) no. 1 of the Insolvency Statute): Fee 2501 is	€84.00
2503	General fee..... (1) The fee is incurred for carrying out a transaction including providing information or assistance with drawing up a contract. (2) Half of this fee is to be set off against the fees for subsequent court or official proceedings. A quarter of this fee	€102.00

	is to be set off against the fees for proceedings for a declaration of enforceability of a settlement under sections 796a, 796b and 796c (2) sentence 2 of the Code of Civil Procedure.	
2504	Activity with the objective of reaching an out-of-court settlement with creditors concerning debt settlement on the basis of a plan (section 305 (1) no. 1 of the Insolvency Statute): When there are up to five creditors, fee 2503 is	€324.00
2505	There are six to ten creditors: Fee 2503 is	€486.00
2506	There are 11 to 15 creditors: Fee 2503 is	€647.00
2507	There are more than 15 creditors: Fee 2503 is	€810.00
2508	Fee for settlement and disposal..... (1) The notes on nos. 1000 and 1002 apply. (2) The fee is also incurred for assistance in reaching an out-of-court settlement with creditors concerning debt settlement on the basis of a plan (section 305 (1) no.1 of the Insolvency Statute).	€180.00

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 under section 13 of the Act on the Remuneration of Lawyers
<i>Preliminary note 3:</i>		

(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 receives fees in accordance with this part. A counsel for a witness or an expert receives the same fees as a legal representative in the proceedings.

(2) The procedural fee is incurred for performing general work including providing information.

(3) Unless determined otherwise, a hearing fee is incurred both for attending court hearings and for attending out-of-court appointments and meetings. However, it is not incurred for attending a court hearing only for the announcement of a decision. The fee for out-of-court appointments and meetings is incurred for

1. attending an appointment arranged by a court-appointed expert and
2. assistance at meetings aimed at the avoidance or disposal of the proceedings; this does not apply to meetings with the client.

(4) If a general fee on account of the same matter is incurred in accordance with Part 2, half of this fee, and in the case of ad valorem fees a maximum fee rate of 0.75, is set off against the procedural fee of the court proceedings. In the case of capped sliding-scale fees, the maximum amount to be set off is 225.00 euros. If several fees have been incurred, the last fee incurred is decisive for the amount to be set off. In the case of a value-based fee, the amount to be set off is calculated according to the value of the matter in dispute that is also the subject of the court proceedings.

(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 is set off against the procedural fee for the level of jurisdiction concerned.

(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 is to be set off against the procedural fee for the new proceedings.

(7) The procedural fee for proceedings in which plaintiffs rely entirely on documentary evidence or proceedings on claims arising from a bill of exchange is 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).

(8) The provisions of this part do not apply if Part 6 contains special provisions.

Division 1

First instance

Preliminary note 3.1:

The fees of this division are incurred in all proceedings for which no fees are determined in the following divisions of this part.

3100	Procedural fee, unless otherwise determined in no. 3102..... (1) The procedural fee for simplified proceedings concerning the maintenance of minors is set off against the procedural fee incurred in the subsequent legal action (section 255 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction). (2) The procedural fee for mediation proceedings under section 165 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction is set off against the procedural fee for subsequent proceedings.	1.3
3101	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; 2. insofar as court hearings are held to reach a settlement 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 a settlement in the records or to ascertain that a settlement has been reached (section 278 (6) of the Code of Civil Procedure), or if a settlement is reached by the participants accepting a proposal issued in the form of an order in writing or in making a declaration for the record in a court hearing (section 101 (1) sentence 2 of the Act on Social Courts (<i>Sozialgerichtsgesetz</i>), section 106 sentence 2 of the Code of Administrative Court Procedure (<i>Verwaltungsgerichtsordnung</i>)); or 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, fee 3100 is..... (1) Insofar as, in the cases under no. 2 above, the total amount of procedural fees incurred under section 15 (3) of the Act on the Remuneration of Lawyers is greater than fee 3100, the difference must be set off against a procedural fee incurred on account of the same matter in dispute in another case. (2) No. 3 above does not apply in disputed proceedings of non-contentious jurisdiction, in particular in proceedings under the Act on Court Proceedings in Agricultural Matters (<i>Gesetz über das gerichtliche Verfahren in Landwirtschaftssachen</i>).	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 €65.00 and €719.00
3103	(repealed)	
3104	Hearing fee, unless otherwise determined in no. 3106.....	1.2
	(1) The fee is also incurred when	
	1. in agreement with the parties or participants, or under section 307 or section 495a of the Code of Civil Procedure or section 77 (2) of the Asylum Act, a decision is taken without a hearing for oral argument or discussion in proceedings for which a hearing for oral argument or discussion is prescribed, or if in such proceedings, with or without the assistance of the court, a contract within the meaning of no. 1000 is concluded or the case has been disposed of within the meaning of no. 1002,	
	2. a court rules by means of a summary decision under section 84 (1) sentence 1 of the Code of Administrative Court Procedure or section 105 (1) sentence 1 of the Social Courts Act and an application may be filed for a hearing for oral argument or	
	3. proceedings before the social court for which a hearing for oral argument is prescribed end without such a hearing following an accepted acknowledgement.	
	(2) If negotiations were also held at the hearing to reach a settlement concerning claims not pending in these proceedings, the hearing fee is 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.	
	(3) The fee is not incurred if only an application has been filed to record a settlement of the parties or the participants or with third parties on claims that are not pending.	
	(4) A hearing fee incurred in preceding summary proceedings for a payment order or simplified proceedings on maintenance for minors is set off against a hearing fee for the subsequent legal action.	
3105	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 power to control the subject matter of the litigation or the direction of the course of proceedings (<i>Prozessleitung, Verfahrensleitung or Sachleitung</i>):	0.5

	<p>Fee 3104 is</p> <p>(1) The fee is also incurred if</p> <ol style="list-style-type: none">1. in the case of failure to attend, the court only takes in officio decisions regarding the power to control the subject matter of the litigation or the direction of the course of proceedings (<i>Prozessleitung, Verfahrensleitung</i> or <i>Sachleitung</i>) or2. a decision is taken under section 331 (3) of the Code of Civil Procedure. <p>(2) Section 333 of the Code of Civil Procedure does not apply accordingly.</p>	
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 is also 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, with or without the assistance of the court, a contract within the meaning of no. 1000 is concluded or the case has been disposed of within the meaning of no. 1002,2. a court rules by means of a summary decision in accordance with section 105 (1) sentence 1 of the Social Courts Act and an application may be filed for a hearing for oral argument or3. the proceedings for which a hearing for oral argument is prescribed end without such a hearing following an accepted acknowledgement. <p>In cases under sentence 1 above, the fee amounts to 90 per cent of the procedural fee to which the lawyer is entitled in the same matter, disregarding an increase under no. 1008.</p>	€65.00 to €665.00

Division 2

Appeal, appeal on points of law, certain complaints and proceedings before a finance court

Preliminary note 3.2.

- 1) This division also applies in proceedings before the appeal court concerning the admissibility of an appellate remedy.
- (2) If in proceedings on an application for ordering a seizure, for effecting a European

Account Preservation Order or for the issue of an injunction as well as in proceedings to repeal, revoke or modify such decisions, the appeal court is to be deemed to be the court responsible for the main action (section 943, also in conjunction with section 946 (1) sentence 2 of the Code of Civil Procedure), the fees are determined according to the provisions applying to the first instance. This applies accordingly 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. Sentence 1 also applies accordingly to proceedings on an application under section 169 (2) sentences 5 and 6, section 173 (1) sentence 3 or section 176 of the Act against Restraints of Competition (*Gesetz gegen Wettbewerbsbeschränkungen*).

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

Preliminary note 3.2.1:

This subdivision also applies in proceedings

1. before a finance court,

2. concerning complaints

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 repeal 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 (*Beschlussverfahren*),

d) against decisions ending the legal instance before the administrative courts in proceedings for court orders on staff representation,

e) under the Act Against Restraints of Competition,

f) under the Energy Industry Act (*Energiewirtschaftsgesetz*),

g) under the Act on the Demonstration and Use of the Technology for the Capture, Transport and Permanent Storage of CO₂ (*Gesetz zur Demonstration und Anwendung von Technologien zur Abscheidung, zum Transport und zur dauerhaften Speicherung von Kohlendioxid*),

h) under the EC Consumer Protection Implementing Act (*EG-Verbraucherschutzdurchsetzungsgesetz*),

i) under the Act on Appraisal Proceedings (*Gesetz über das gesellschaftsrechtliche Spruchverfahren*),

j) under the Securities Acquisition and Takeover Act (*Wertpapiererwerbs- und Übernahmegesetz*),

k) under the Competition Register Act (*Wettbewerbsregistergesetz*)

3. concerning complaints

- 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) under the Securities Trading Act (*Gesetz über den Wertpapierhandel*),
- c) against a decision on the debtor's objection (section 954 (1) sentence 1 of the Code of Civil Procedure) in the case of Article 5(a) of Regulation (EU) no. 655/2014,

4. concerning complaints on points of law under the Act concerning the execution of Prison Sentences and measures of rehabilitation and prevention involving deprivation of liberty - Prison Act (*Gesetz über den Vollzug der Freiheitsstrafe und der freiheitsentziehenden Maßregeln der Besserung und Sicherung*), also in conjunction with section 92 of the Youth Courts Act.

3200	Procedural fee, unless otherwise determined in no. 3204.....	1.6
3201	Premature termination of the mandate or limited activity of the lawyer: Fee 3200 is (1) Premature termination is deemed to have taken place 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 or she has attended a court hearing or 2. if court hearings are held with the purpose of reaching a settlement of the parties or participants or with third parties on claims not pending in these proceedings; if an application has been filed to record a settlement or to establish that such settlement has been reached (section 278 (6) of the Code of Civil Procedure), this is deemed equal to a hearing on such claims. Insofar as the total amount of procedural fees incurred under section 15 (3) of the Act on the Remuneration of Lawyers exceeds fee 3200 in cases under no. 2 above, the excess amount is set off against a procedural fee incurred on account of the same subject in another matter. (2) Professional activities by lawyers are deemed to be limited when their activities are limited to submitting and substantiating the appellate remedy and receiving the decision relating to the appellate remedy 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 2. regarding a matter of non-contentious jurisdiction.	1.1

3202	Hearing fee, unless otherwise determined in no. 3205..... (1) Subsection (1) nos. 1 and 3 and subsections (2) and (3) of the note on no. 3104 apply accordingly. (2) The fee is also incurred if a court rules by means of a summary decision without a hearing for oral argument under section 79a (2), section 90a or section 94a of the Finance Courts Code (<i>Finanzgerichtsordnung</i>). 3203 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 power to control the subject matter of the litigation or the direction of the course of proceedings (<i>Prozessleitung, Verfahrensleitung or Sachleitung</i>): Fee 3202 is	1.2
3203	Fee 3202 is	0.5
3204	The note on no. 3105 and the note on no. 3202 subsection (2) apply accordingly.	
3205	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) 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)	€78.00 to €889.00 €65.00 to €665.00

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

Preliminary note 3.2.2:

This subdivision also applies in proceedings

1. concerning complaints on points of law
 - a) in the cases specified in preliminary note 3.2.1 no.2,
 - b) under section 23 of the Capital Markets Model Case Act and

c) under section 1065 of the Code of Civil Procedure,
2. before the Federal Court of Justice concerning appeals, complaints or complaints on points of law against decisions of the Federal Patents Court and
3. before the Federal Finance Court concerning complaints under section 128 (3) of the Finance Courts Code.

3206	Procedural fee, unless otherwise determined in no. 3212.....	1.6
3207	Premature termination of the mandate or limited professional activities by the lawyer: Fee 3206 is	1.1
	The note on no. 3201 applies accordingly.	
3208	Parties or participants may only be represented in the proceedings by a lawyer authorised to appear in the Federal Court of Justice: Fee 3206 is	2.3
3209	Premature termination of the mandate if the parties or participants may only be represented by a lawyer authorised to appear in the Federal Court of Justice: Fee 3206 is	1.8
	The note on no. 3201 applies accordingly.	
3210	Hearing fee, unless otherwise determined in no. 3213.....	1.5
	Subsection (1) nos. 1 and 3 and subsections (2) and (3) of the note on no. 3104 and subsection (2) of the note on no. 3202 apply accordingly.	
3211	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 power to control the subject matter of the litigation or the direction of the course of proceedings (<i>Prozessleitung, Verfahrensleitung or Sachleitung</i>). Fee 3210 is	0.8

	<p>The note on no. 3105 and the note on no. 3202 subsection (2) apply accordingly.</p>	
3212	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)	€105.00 to €1,151.00
3213	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).	€105.00 to €1,079.00
	<p>The note on no. 3106 sentence 1 nos. 1 and 3 and sentence 2 applies accordingly.</p>	

*Division 3
Fees for special proceedings*

*Subdivision 1
Special first-instance proceedings*

Preliminary note 3.3.1:

The hearing fee is determined according to division 1.

3300	Procedural fee	
	<ol style="list-style-type: none">1. for proceedings before the higher regional court under section 129 of the Collection Societies Act (<i>Verwertungsgesellschaftengesetz</i>) or section 32 of the Agricultural Organisation and Supply Chains Act (<i>Gesetz zur Stärkung der Organisationen und Lieferketten im Agrarbereich</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 and3. 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	Premature termination of the mandate: Fee 3300 is	1.0
The note on no. 3201 applies accordingly.		

*Subdivision 2
Summary proceedings for an order to pay debts*

Preliminary note 3.3.2:

The hearing fee is determined in accordance with division 1.

3305	Procedural fee for representation of the applicant	1.0
The fee is set off against the procedural fee for a subsequent legal action.		
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 is	0.5
The fee is set off against the procedural fee for a subsequent legal action.		
3307	Procedural fee for the representation of the respondent	0.5
The fee is set off against the procedural fee for a subsequent legal action.		
3308	Procedural fee for representation of the applicant in proceedings on the application for the issue of an enforcement decision	0.5
The fee is 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) no. 4 of the Code of Civil Procedure. No. 1008 does not apply if fee 3305 has already been increased.		

*Subdivision 3
Execution and enforcement*

Preliminary note 3.3.3:

(1) This subdivision applies to

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 also applies to proceedings for the registration of a judgment creditor's mortgage (sections 867 and 870a of the Code of Civil Procedure).

(2) In proceedings under Regulation (EU) no. 655/2014, fees are only incurred under this subdivision in the case of Article 5(b) of the said Directive. In the cases under Article 5(a) of the said directive, the fees are determined by the provisions applicable to seizure proceedings.

3309	Procedural fee	0.3
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3310	Hearing fee	0.3
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The fee is incurred for participation in a court hearing, a hearing to provide information on financial status or to record an affidavit.

Subdivision 4

Enforced auction and receivership

3311	Procedural fee	0.4
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Each fee is 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 activities 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.	
3312	Hearing fee	0.4

The fee is only incurred for attending an auction appointment for a participant. In all other cases, no hearing fee is incurred in enforced auction and receivership proceedings.

Subdivision 5

Insolvency proceedings, distribution proceedings under the Distribution Ordinance under Shipping Laws, proceedings under the Corporate Stabilisation and Restructuring Act

Preliminary note 3.3.5:

- (1) The fee provisions apply to distribution proceedings under the Distribution Ordinance under Shipping Laws and proceedings under the Corporate Stabilisation and Restructuring Act, insofar as this has been expressly ordered.
- (2) When several creditors asserting different claims are represented, the respective fees are incurred separately. The same applies in proceedings under the Corporate Stabilisation and Restructuring Act when several creditors assert different rights or when several debtor parties assert claims from their respective participations.
- (3) The same fees are incurred for the representation of a foreign insolvency administrator as for the representation of the debtor.

3313	Procedural fee for representation of the debtor in opening proceedings	1.0
	The fee is also incurred in distribution proceedings under the Distribution Ordinance under Shipping Laws.	
3314	Procedural fee for representing a creditor in the opening proceedings	0.5
	The fee is also incurred in distribution proceedings under the Distribution Ordinance under Shipping Laws.	
3315	Activities also in proceedings concerning a debt settlement plan: Procedural fee 3313 is	1.5

3316	Activities also in proceedings concerning a debt settlement plan: Procedural fee 3314 is	1.0
3317	Procedural fee for insolvency proceedings	1.0
	The fee is also incurred in distribution proceedings under the Distribution Ordinance under Shipping Laws, in proceedings under the Corporate Stabilisation and Restructuring Act and in proceedings on applications under Article 36(9) of Regulation (EU) 2015/848.	
3318	Procedural fee for proceedings concerning an insolvency plan	1.0
3319	Representation of a debtor who has submitted a plan: Procedural fee 3318 is	3.0
3320	The activities are limited to notification of a request for insolvency: Procedural fee 3317 is	0.5
	The fee is also incurred in distribution proceedings under the Distribution Ordinance under Shipping Laws.	
3321	Procedural fee for proceedings concerning a petition for refusal or revocation of discharge of residual debt. (1) Proceedings concerning several petitions pending simultaneously are deemed to be one matter. (2) The fee is also incurred separately if the application is filed before the suspension of the insolvency proceedings.	0.5
3322	Procedural fee for proceedings on petitions for authorisation of compulsory enforcement under section 17 (4) of the Distribution Ordinance under Shipping Laws	0.5
3323	Procedural fee for proceedings on petitions for suspension of enforcement measures (section 8 (5) and section 41 of the Distribution Ordinance under Shipping Laws	0.5

*Subdivision 6
Other special proceedings*

Preliminary note 3.3.6:

The hearing fee is determined in accordance with division 1 unless otherwise determined in this subdivision. In proceedings concerning assistance with court costs, the hearing fee is determined according to the provisions applying to the proceedings for which the application for assistance with court costs is being filed.

3324	Procedural fee for cancellation proceedings	1.0
3325	Procedural fee for proceedings under section 148 (1) and (2), under section 246a of the Stock Corporation Act (<i>Aktiengesetz</i>), (also in conjunction with section 20 (3) sentence 4 of the German Bond Act (<i>Gesetz über Schuldverschreibungen aus Gesamtemissionen</i>)), under section 319 (6) of the Stock Corporation Act (also in conjunction with section 327e (2) of the Stock Corporation Act) or under section 16 (3) of the Transformation Act (<i>Umwandlungsgesetz</i>)	0.75
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, suspension or repeal of compulsory enforcement or the temporary stay or limitation of enforcement and an order for the repeal of enforcement measures..... The fee is not incurred if the activity is part of the instance (section 19 (1) sentence 2 no. 12 of the Act on the Remuneration of Lawyers . If the petition is filed with the court of enforcement and with the trial court, the fee is 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 €280.00.
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 €280.00
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	0.4
	The value is determined in accordance with section 26 nos. 1 and 2 of the Act on the Remuneration of Lawyers. An appointment fee is not incurred.	
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 joined 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 €550.00
3336	(repealed)	
3337	Premature termination of the mandate in the case of nos. 3324	0.5

	<p>to 3327, 3334 and 3335:</p> <p>Fees 3324 to 3327, 3334 and 3335 are a maximum of</p> <p>Premature termination is deemed to have occurred</p> <ol style="list-style-type: none"> 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 or she has attended a court hearing or 2. if an application has been filed only for a settlement between the parties or participants to be recorded or if court hearings are only being held in order to reach a settlement. 	
3338	<p>Procedural fee for an activity as a representative of the person notifying a claim under model claims proceedings (section 13 of the Capital Markets Model Case Act)</p>	0.8
3339	<p>Procedural fee for implementation proceedings under the Consumer Rights Enforcement Act.....</p> <p>When representing several consumers asserting different claims, the fee is incurred by each of them separately.</p>	0.5

*Division 4
Particular activities*

Preliminary note 3.4:

A hearing fee is only incurred for activities specified in this division if this is expressly determined.

3400	<p>The mandate is limited to carrying out the correspondence of the party or participant with the legal representative in the proceedings:</p> <p>Procedural fee</p> <p>The same fee is also 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</p>
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		€550.00
3401	The mandate is limited to representation at an appointment within the meaning of preliminary note 3 (3): Procedural fee	amounting to half of the procedural fee to which the legal representative in the proceedings is entitled
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	Procedural fee for other particular activities, unless otherwise determined in no. 3406. The fee is 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.	0.8
3404	The mandate is limited to writing a simple document: Fee 3403 is	0.3
	This fee is incurred in particular if the document contains neither complex legal arguments nor major substantial discussions.	
3405	If, 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, 2. in the case of no. 3401, the mandate is terminated before the appointment has begun: fees 3400 and 3401 are	a maximum of 0.5, in the case of capped sliding-scale fees up to a maximum of €275.00
	In the case of no. 3403, the provision applies accordingly.	
3406	Procedural fee for other particular activities in proceedings before social courts if capped sliding-scale fees are incurred (section 3 of the Act on the Remuneration of Lawyers)	€39.00 to €445.00

The note on no. 3403 applies accordingly.

Division 5

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

Preliminary note 3.5:

The fees under this division are not incurred in the complaint proceedings specified in preliminary notes 3.2.1. and 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	€26.00 to €275.00
3502	Procedural fee for proceedings concerning complaints on points of law	1.0
3503	Premature termination of the mandate: Fee 3502 is	0.5
	The note on no. 3201 applies accordingly.	
3504	Procedural fee for proceedings concerning a complaint against the non-admission of an appeal, unless otherwise determined in no. 3511..... The fee is set off against the procedural fee for subsequent appeal proceedings.	1.6
3505	Premature termination of the mandate: Fee 3504 is	1.0
	The note on no. 3201 applies accordingly.	

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 is 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 is	1.1
	The note on no. 3201 applies accordingly.	
3508	In proceedings concerning a complaint against the non-admission of an appeal on points of law, the parties may only be represented by a lawyer who has been admitted to the Federal Court of Justice: Fee 3506 is	2.3
3509	Premature termination of the mandate if the parties may only be represented by a lawyer who has been admitted to the Federal Court of Justice: Fee 3506 is	1.8
	The note on no. 3201 applies accordingly.	
3510	Procedural fee for complaints proceedings before the Federal Patents Court 1. under the Patent Act (<i>Patentgesetz</i>) if the complaint is against an order 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 under 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. under the Industrial Design Act (<i>Gebrauchsmustergesetz</i>) if the complaint is directed against an order a) dismissing an application for registration, b) deciding on a request for cancellation; 3. under the Trade Mark Act (<i>Markengesetz</i>) if the complaint is directed against an order	1.3

	<p>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</p> <p>b) rejecting an application for the registration of a geographical indication or designation of origin;</p> <p>4. under the Semiconductor Protection Act (<i>Halbleiterschutzgesetz</i>) if the complaint contests an order</p> <p>a) rejecting an application for registration,</p> <p>b) deciding on a request for cancellation;</p> <p>5. under the Design Act (<i>Designgesetz</i>) if the complaint contests an order</p> <p>a) rejecting an application for registration of a design,</p> <p>b) deciding on an application for cancellation under section 36 of the Design Act,</p> <p>c) deciding on an application for establishing or declaring invalidity under section 34a of the Design Act;</p> <p>6. under the Plant Variety Protection Act (<i>Sortenschutzgesetz</i>) if the complaint contests an order by the objection committee</p> <p>.....</p>	
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)	€78.00 to €889.00
	<p>The fee must be set off against the procedural fee for subsequent appeal proceedings.</p>	
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)	€105.00 to €1,151.00
	<p>The fee must be set off against the procedural fee for subsequent proceedings concerning an appeal on points of law.</p>	
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 sets a date for a hearing for oral argument:	1.2

	Fee 3513 is	
3515	Hearing fee in the proceedings specified in no. 3501.....	€26.00 to €275.00
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.....	€65.00 to €665.00
3518	Hearing fee in the proceedings specified in no. 3512.....	€78.00 to €863.00

**Part 4
Criminal matters**

No.	Fees-related matter	Fee amount or fee rate under section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court

Preliminary note 4:

The provisions of this part apply accordingly to activities 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 under the Criminal Rehabilitation Act (*Strafrechtliches Rehabilitierungsgesetz*).

(2) The procedural fee is incurred for performing the transaction including providing information.

(3) A hearing fee is incurred for participation in court hearings unless otherwise determined. The lawyer also receives the hearing fee if he or she is present at the appointed time but the hearing does not take place for reasons for which he or she is not responsible. This does not apply if he or she was informed in good time of the cancellation or rescheduling of the hearing.

(4) If the defendant is not at liberty, the fee is incurred with a supplement.

(5) Fees are incurred in accordance with the provisions of Part 3 for the following activities:

1. in proceedings concerning a reminder serving as a legal remedy or a complaint against a court order assessing costs (section 464b of the German 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

German Code of Criminal Procedure), for assistance in using the authorisation to publish and in complaint proceedings against one of the above decisions.

Division 1

The defence counsel's fees

Preliminary note 4.1:

(1) This division also applies to activities in proceedings concerning the preventive detention reserved in the judgment and in proceedings on the subsequent order of preventive detention.

(2) The entire activity as a defence counsel must 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.

(3) If a fee depends on the duration of participation in the main proceedings, waiting times and interruptions on a main hearing day are to be taken into account. This does not apply to waiting times and interruptions for which the lawyer is responsible, or to interruptions of at least one hour each if these are ordered indicating the specific duration of the interruption or a time for the main proceedings to continue.

Subdivision 1

General fees

4100	Basic fee (1) The fee is 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) Fee 5100 already incurred on account of the same act or activity is to be set off.	€48.00 to €432.00	€192.00
4101	Fee 4100 with surcharge	€48.00 to €540.00	€235.00
4102	Hearing fee for participation in 1. judicial questioning and inspection, 2. questioning by the public prosecution office or another criminal prosecution authority,	€48.00 to €360.00	€163.00

	3. hearings outside the main hearing in which negotiations are held on the ordering or continuation of pre-trial detention or temporary accommodation, 4. negotiations within the context of offender-victim mediation and 5. conciliation hearings under section 380 of the German Code of Criminal Procedure		
4103	Fee 4102 with surcharge	€48.00 to €450.00	€199.00

*Subdivision 2
Preparatory proceedings*

Preliminary note 4.1.2:

The preparation of a private prosecution is deemed equal to activity in preparatory proceedings.

4104	Procedural fee	€48.00 to €348.00	€158.00
	The fee is 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.		

4105	Fee 4104 with surcharge	€48.00 to €435.00	€193.00
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*Subdivision 3
Court proceedings*

First instance

4106	Procedural fee for the first instance before a local court	€48.00 to €348.00	€158.00
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4107	Fee 4106 with surcharge	€48.00 to €435.00	€193.00
4108	Hearing fee for each day of the main hearing in proceedings specified in no. 4106.....	€84.00 to €576.00	€264.00
4109	Fee 4108 with surcharge	€84.00 to €719.00	€321.00
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		€132.00
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		€264.00
4112	Procedural fee for the first instance before a criminal division	€60.00 to €384.00	€178.00
	The fee is also incurred for proceedings		
	1. before a juvenile division unless the fee is determined under no. 4118,		
	2. in rehabilitation proceedings in accordance with Part 2 of the Criminal Rehabilitation Act.		
4113	Fee 4112 with surcharge	€60.00 to €480.00	€216.00
4114	Hearing fee per day of main proceedings in proceedings specified in no. 4112.....	€96.00 to €671.00	€307.00
4115	Fee 4114 with surcharge	€96.00 to €839.00	€374.00
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		€154.00

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		€307.00
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 under sections 74a and 74c of the Courts Constitution Act The fee is also incurred for proceedings before a juvenile division if it decides on cases governed by the general provisions on the competence of a criminal division with lay judges.	€120.00 to €827.00	€379.00
4119	Fee 4118 with surcharge	€120.00 to €1,034.00	€462.00
4120	Hearing fee per day of main proceedings in proceedings specified in no. 4118.....	€156.00 to €1,115.00	€508.00
4121	Fee 4120 with surcharge	€156.00 to €1,394.00	€620.00
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		€254.00
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		€508.00

Appeal

4124	Procedural fee for appeal proceedings The fee is also incurred for complaint	€96.00 to €671.00	€307.00
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	proceedings under section 13 of the Criminal Rehabilitation Act.			
4125	Fee 4124 with surcharge	€96.00 to €839.00	€374.00	
4126	Hearing fee per day of the main hearing in appeal proceedings	€96.00 to €671.00	€307.00	
	The fee is also incurred for complaint proceedings under section 13 of the Criminal Rehabilitation Act.			
4127	Fee 4126 with surcharge	€96.00 to €839.00	€374.00	
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		€154.00	
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		€307.00	

Appeal on points of law

4130	Procedural fee for proceedings concerning an appeal on points of law.....	€144.00 to €1,331.00	€590.00	
4131	Fee 4130 with surcharge	€144.00 to €1,664.00	€723.00	
4132	Hearing fee for each day of the main hearing in proceedings concerning an appeal on points of law.....	€144.00 to €671.00	€326.00	
4133	Fee 4132 with surcharge	€144.00 to €839.00	€393.00	
4134	A lawyer appointed or assigned as counsel by a court takes part in the main		€163.00	

	proceedings for more than five and up to eight hours: Additional fee as well as fee 4132 or 4133		
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		€326.00

*Subdivision 4
Reopening proceedings*

Preliminary note 4.1.4:

A basic fee is not incurred.

4136	General fee for the preparation of an application to reopen proceedings The fee is also 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 German 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

*Subdivision 5
Additional fees*

4141	<p>The lawyer's assistance makes main proceedings unnecessary:</p> <p>Additional fee</p> <p>(1) The fee is incurred if</p> <ol style="list-style-type: none">1. criminal proceedings are dismissed not only provisionally or2. the court decides not to open main proceedings or3. 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 main hearing, the fee is only 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; or4. the proceedings end as a result of an order under section 411 (1) sentence 3 of the German Code of Criminal Procedure. <p>If a private prosecution is withdrawn, no. 3 applies accordingly to the counsel or representative of a private prosecutor.</p> <p>(2) The fee is not incurred if there is no evidence of an activity of benefit to the proceedings. It is not incurred in addition to fee 4147.</p> <p>(3) The amount of the fee is based on the level of jurisdiction at which a main hearing was avoided. The fee for a selected lawyer is assessed according to the middle of the sliding scale. An increase under no. 1008 and the surcharge (preliminary note 4 subsection (4)) are not taken into account.</p>		amounting to the procedural fee
4142	<p>Procedural fee in the case of confiscation and related measures</p> <p>(1) The fee is incurred for an activity on behalf of the defendant relating to the confiscation, legal consequences deemed equal to confiscation (section 442 of the</p>	1.0	1.0

	German Code of Criminal Procedure), the repayment of surplus proceeds or a confiscation serving these purposes. (2) The fee is not incurred if the value of the claim is less than 30.00 euros. (3) The fee is incurred for proceedings at first instance including preparatory proceedings and for each further instance.		
4143	Procedural fee for proceedings at first instance concerning proprietary claims (section 403 of the German Code of Criminal Procedure)	2.0	2.0
	(1) The fee is also incurred if the claim is asserted for the first time in appeal proceedings. (2) One-third of the fee is set off against the procedural fee incurred for a civil action on account of the same claim.		
4144	Procedural fee in proceedings concerning an appeal or an appeal on points of law concerning proprietal claims (section 403 of the German Code of Criminal Procedure)	2.5	2.5
4145	Procedural fee for proceedings concerning a complaint against an order dispensing with a decision under section 406 (5) sentence 2 of the German 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 under section 25 (1) sentences 3 to 5 and section 13 of the Criminal Rehabilitation Act	1.5	1.5
4147	Settlement fee in private prosecution proceedings concerning a right to inflict punishment and a claim for the reimbursement of costs: Fee 1000 is incurred	amounting to the procedural fee	
	A further settlement fee is incurred in accordance with Part 1 for a contract		

concerning other claims. The procedural fee determined in the particular case in the matter in which the settlement is reached is decisive for the amount of the fee. An increase in accordance with no. 1008 and the surcharge (preliminary note 4 subsection (4)) are not to be taken into account.

*Division 2
Fees in penal enforcement*

Preliminary note 4.2:

Separate fees are incurred in proceedings concerning a complaint against a decision in the main proceedings.

4200	Procedural fee as defence counsel for proceedings concerning		
	1. the disposal 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	€72.00 to €803.00	€350.00
4201	Fee 4200 with surcharge	€72.00 to €1,004.00	€430.00
4202	Hearing fee in proceedings specified in no. 4200.....	€72.00 to €360.00	€173.00
4203	Fee 4202 with surcharge	€72.00 to €450.00	€209.00
4204	Procedural fee for other penal enforcement proceedings.....	€36.00 to €360.00	€158.00
4205	Fee 4204 with surcharge	€36.00 to €450.00	€194.00
4206	Hearing fee for other proceedings	€36.00 to €360.00	€158.00
4207	Fee 4206 with surcharge	€36.00 to €450.00	€194.00

*Division 3
Particular activities*

Preliminary note 4.3:

(1) The fees are incurred for particular activities without the lawyer having been otherwise assigned with defence or representation.

(2) If a lawyer's activities are limited to asserting or refuting a proprietal claim deriving from an offence in criminal proceedings, he or she receives the fees under nos. 4143 to 4145.

(3) The fee is incurred separately for each of the specified activities unless otherwise determined. Section 15 of the Act on the Remuneration of Lawyers remains unaffected. Complaint proceedings are deemed to be a special matter.

(4) If the lawyer has been assigned defence or representation for the proceedings, the fees incurred in accordance with this division must be set off against the fees incurred for the defence or representation.

4300	<p>Procedural fee for preparing or signing a document</p> <p>1. substantiating an appeal on points of law,</p> <p>2. explaining an appeal on points of law lodged by a public prosecutor, private prosecutor or private accessory prosecutor or</p> <p>3. in proceedings under sections 57a and 67e of the German Criminal Code.....</p> <p>No special fee is incurred for lodging an appeal on points of law in addition to the fee for the substantiation of such an appeal.</p>	€72.00 to €803.00	€350.00
4301	<p>Procedural fee for</p> <p>1. preparing or signing a private prosecution,</p> <p>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,</p> <p>3. corresponding with the defence counsel,</p> <p>4. acting as counsel for the defendant at a judicial hearing, at a hearing by the public prosecution office or another prosecution</p>		

	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 German Code of Criminal Procedure) or 6. other penal enforcement activities No special fee is incurred for lodging an appeal in addition to the fee for the justification of the appeal.	€48.00 to €552.00	€240.00	
4302	Procedural fee for 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.....	€36.00 to €348.00	€154.00	
4303	Procedural fee for representation in a clemency matter	€36.00 to €360.00		
4304	The lawyer also receives the fee if he or she was assigned with the defence. Fee for a lawyer assigned as contact person (section 34a of the Introductory Act to the Courts Constitution Act).		€4,197.00	

Part 5
Regulatory fining matters

No.	Fees-related matter	Fee amount or fee rate under section 13 or section 49 of the Act on the Remuneration of Lawyers	
		Selected lawyer	Lawyer appointed or assigned as counsel by a court
Preliminary note 5:			
		(1) The provisions of this section apply accordingly to activities as counsel or representative of a confiscation or secondary participant, witness or expert.	

(2) The procedural fee is incurred for performing the transaction including providing information.

(3) The hearing fee is incurred for participation in court hearings unless otherwise determined. The lawyer also receives the hearing fee if he or she is present at the appointed time, but the hearing does not take place for reasons for which he or she is not responsible. This does not apply if he or she was informed in good time of the cancellation or rescheduling of the hearing.

(4) Fees are incurred for the following activities in accordance with the provisions of Part 3:

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 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 is deemed 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 in accordance with 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 is 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 are to be added together.

Subdivision 1
General fee

5100	Basic fee..... (1) The fee is 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 is not incurred if, in previous criminal proceedings, fee 4100 has been incurred for the same activity or act.	€36.00 to €204.00	€96.00
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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 is also incurred for participation in interrogations by the police or the administrative authorities.

5101	Procedural fee in case of a fine of less than 80.00 euros	€24.00 to €132.00	€62.00
5102	Hearing fee for each day on which a hearing takes place in proceedings specified in no. 5101	€24.00 to €132.00	€62.00
5103	Procedural fee in case of a fine of between 80.00 euros and 5,000.00 euros	€36.00 to €348.00	€154.00
5104	Hearing fee for each day on which a hearing takes place in proceedings specified in no. 5103	€36.00 to €348.00	€154.00
5105	Procedural fee in case of a fine of more than 5,000.00 euros	€48.00 to €360.00	€163.00
5106	Hearing fee for each day on which a hearing takes place in proceedings specified in no. 5105	€48.00 to €360.00	€163.00

*Subdivision 3
First-instance court proceedings*

Preliminary note 5.1.3:

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

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

application to reopen proceedings.

5107	Procedural fee in case of a fine of less than 60.00 euros.....	€24.00 to €132.00	€62.00
5108	Hearing fee for each day of main proceedings in the proceedings specified in no. 5107...	€24.00 to €288.00	€125.00
5109	Procedural fee in case of a fine of 60.00 euros to €5,000.00 euros.....	€36.00 to €348.00	€154.00
5110	Hearing fee for each day of main proceedings in the proceedings specified in no. 5109...	€48.00 to €564.00	€245.00
5111	Procedural fee in case of a fine of more than 5,000.00 euros.....	€60.00 to €420.00	€192.00
5112	Hearing fee for each day of main proceedings in the proceedings specified in no. 5111...	€96.00 to €671.00	€307.00

*Subdivision 4
Proceedings concerning complaints on points of law*

5113	Procedural fee	€96.00 to €671.00	€307.00
5114	Hearing fee for each day of main proceedings	€96.00 to €671.00	€307.00

*Subdivision 5
Additional fees*

5115	Proceedings before the administrative authority are terminated or main proceedings become unnecessary as a result of the lawyer's assistance: Additional fee	amounting to the respective procedural fee (1) The fee is incurred if
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	<p>1. the proceedings are not only provisionally suspended or</p> <p>2. an objection against a regulatory fining notice is withdrawn or</p> <p>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</p> <p>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 is only 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</p> <p>5. the court gives its decision in a ruling under section 72 (1) sentence 1 of the Act on Regulatory Offences.</p> <p>(2) The fee is not incurred if there is no evidence of an activity of benefit to the proceedings.</p> <p>(3) The amount of the fee is based on the level of jurisdiction at which a main hearing was avoided. The fee for a selected lawyer is assessed according to the middle of the sliding scale.</p>		
5116	<p>Procedural fee in the case of confiscation and related measures</p> <p>(1) The fee is incurred for an activity for the party concerned relating to the confiscation or legal consequences deemed equal to confiscation (section 46 (1) of the Act on Regulatory Offences, section 439 of the German Code of Criminal Procedure) or to a seizure serving these purposes.</p> <p>(2) The fee is not incurred if the value of the claim is less than 30.00 euros.</p> <p>(3) The fee is only incurred once for proceedings before the administrative authority and for court proceedings at first instance. The fee is incurred separately in proceedings concerning complaints on points</p>	1.0	1.0

of law.

*Division 2
Particular activities*

5200	<p>Procedural fee</p> <p>(1) The fee is incurred for particular activities without the lawyer having otherwise been assigned with the defence.</p> <p>(2) The fee is incurred for each activity separately unless otherwise determined. Section 15 of the Act on the Remuneration of Lawyers remains unaffected.</p> <p>(3) If the lawyer is assigned with the defence for the proceedings, the fees incurred in accordance with this number are set off against the fees incurred for the defence.</p> <p>(4) The lawyer also receives the fee for representation in enforcement and in a clemency matter if the defence was assigned to him.</p>	€24.00 to €132.00	€62.00
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**Part 6
Other proceedings**

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

Preliminary note 6:

- 1) The same fees are 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 proceeding
- 2) The procedural fee is incurred for carrying out the transaction including providing information.
- (3) A hearing fee is incurred for participation in court hearings unless otherwise determined. The lawyer also receives the hearing fee if he or she is present at the appointed time, but the hearing does not take place for reasons for which he or she is not responsible. This does not apply if he or she was informed in good time of the cancellation or rescheduling of the hearing.

Division 1

Proceedings under the Act on International Cooperation in Criminal Matters,
proceedings under the German-Swiss Police Treaty Implementation Act
and proceedings under the Act on Cooperation with the International Criminal Court

Subdivision 1 Proceedings before the administrative authority

Preliminary note 6.1.1:

Fees under this subdivision are incurred for activities vis-à-vis the authority granting assistance in proceedings under Part IX Division 2 Subdivision 2 of the Act on International Cooperation in Criminal Matters or under the German-Swiss Police Treaty Implementation Act.

6100	Procedural fee	€60.00 to €408.00	€187.00
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Subdivision 2

Court proceedings

6101	Procedural fee	€120.00 to €827.00	€379.00
6102	Hearing fee per day of hearings	€156.00 to €1,115.00	€508.00

Division 2

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

Preliminary note 6.2:

- (1) The fees cover all activities in the proceedings.
- (2) For representation vis-à-vis the supervisory authority outside of disciplinary proceedings, fees are incurred in accordance with Part 2.
- (3) Fees in accordance with Part 3 are incurred for the following activities:
 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,

2. in compulsory enforcement on the basis of a decision taken on the reimbursement of costs and for complaint proceedings against such a decision.

Subdivision 1
General fees

6200	Basic fee	The fee is 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.	€48.00 to €420.00	€187.00
6201	Hearing fee for each day on which a hearing takes place	The fee is incurred for participation in out-of-court hearings and out-of-court appointments for the taking of evidence.	€48.00 to €444.00	€197.00

Subdivision 2
Out-of-court proceedings

6202	Procedural fee	(1) The fee is incurred separately for an activity in further out-of-court proceedings preceding the court proceedings serving to examine the administrative decision. (2) The fee is incurred for an activity in the proceedings prior to receipt by the court of the application or of the notification of charges.	€48.00 to €348.00	€158.00
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Subdivision 3
Court proceedings at first instance

Preliminary note 6.2.3:

- (1) The following fees are incurred separately for reopening proceedings including their preparation.
- (2) If a fee depends on the duration of participation in the main proceedings, waiting times and interruptions on a main hearing day are to be taken into account. This does not apply to waiting times and interruptions for which the lawyer is responsible, or to interruptions of at

least one hour each if these are ordered indicating the specific duration of the interruption or a time for the main proceedings to continue.

6203	Procedural fee	€60.00 to €384.00	€178.00
6204	Hearing fee per day of hearings	€96.00 to €671.00	€307.00
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		€154.00
6206	A court-appointed lawyer takes part in the main proceedings for more than eight hours: additional fee as well as fee 6204.		€307.00

Second instance

6207	Procedural fee	€96.00 to €671.00	€307.00
6208	Hearing fee per day of hearing	€96.00 to €671.00	€307.00
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.		€154.00
6210	A court-appointed lawyer takes part in the main proceedings for more than eight hours: additional fee as well as fee 6208.		€307.00

Third instance

6211	Procedural fee	€144.00 to €1,331.00	€590.00
6212	Hearing fee per day of hearing	€144.00 to €659.00	€321.00
6213	A court-appointed lawyer takes part in the main		€160.00

	proceedings for more than five and up to eight hours: additional fee as well as fee 6212.		
6214	A court-appointed lawyer takes part in the main proceedings for more than eight hours: additional fee as well as fee 6212.		€320.00
6215	Procedural fee for proceedings concerning a complaint against the non-admission of an appeal on points of law The fee is set off against the procedural fee for subsequent proceedings concerning an appeal on points of law.	€84.00 to €1,331.00	€566.00

Subdivision 4
Additional fee

6216	A hearing for oral argument becomes unnecessary as a result of the lawyer's assistance: Additional fee (1) The fee is 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 is not incurred if there is no evidence of an activity of benefit to the proceedings. (3) The amount of the fee is based on the level of jurisdiction at which a main hearing was avoided. The fee for a selected lawyer is assessed according to the value in the middle of the sliding scale.	amounting to the respective procedural fee
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Division 3

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

6300	Procedural fee in matters involving deprivation of liberty under section 415 of Act on	€48.00 to €564.00	€245.00
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	Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction, in placement matters under section 312 of said Act and in proceedings under section 151 nos. 6 and 7 of said Act		
	The fee is incurred for each instance.		
6301	Hearing fee in cases under no. 6300	€48.00 to €564.00	€245.00
	The fee is incurred for participation in court hearings.		
6302	Procedural fee in other cases	€24.00 to €360.00	€154.00
	The fee is incurred for every instance in proceedings concerning the extension or suspension of deprivation of liberty under sections 425 and 426 of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction or a placement measure under sections 329 and 330 of the said Act.		
6303	Hearing fee in cases under no. 6302	€24.00 to €360.00	€154.00
	The fee is incurred for participation in court hearings.		

Division 4
Court proceedings under the Military Complaints Code

Preliminary note 6.4:

- (1) The fees in accordance with this division are incurred in proceedings for a court decision under the Military Complaints Code, also in conjunction with section 42 of the Military Service Code (*Wehrdienstordnung*) if the proceedings take place before the Bundeswehr Disciplinary and Complaints Court or the Federal Administrative Court instead of making recourse to an administrative court under section 82 of the Legal Status of Military Personnel Act (*Gesetz über die Rechtsstellung der Soldaten*).
- (2) If a general fee has been incurred under 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 225.00 euros, is 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 is decisive for the amount to be set off.

6400	Procedural fee for proceedings for a court	€96.00 to €815.00
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	decision before the Bundeswehr Disciplinary and Complaints Court		
6401	Hearing fee for each day of the hearing in proceedings specified in no. 6400	€96.00 to €815.00	
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 is set off against the fee for subsequent proceedings concerning the complaint on points of law.	€120.00 to €947.00	
6403	Hearing fee for each day of the hearing in proceedings specified in no. 6402	€120.00 to €947.00	

Division 5

Particular activities and proceedings for the reversal or modification of a disciplinary measure

6500	Procedural fee (1) The fee is incurred for particular activities if the lawyer has not been assigned with the defence or representation. (2) The fee is incurred separately for each particular activity unless otherwise determined. Section 15 of the Act on the Remuneration of Lawyers remains unaffected. (3) If the lawyer has been assigned the task of defence or representation for the proceedings, the fees incurred in accordance with this number are set off against the fees incurred for the defence or representation. (4) A fee under this provision is also incurred in each case for proceedings under 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.	€24.00 to €360.00	€154.00
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Part 7
Expenses

No.	Expenses-related matter	Amount
<i>Preliminary note 7:</i>		
(1) The fees also cover general business costs. Unless otherwise determined below, the lawyer may demand reimbursement of expenses incurred (section 675 in conjunction with section 670 of the Civil Code).		
(2) Official travel is deemed to have taken place if the destination is outside the municipality in which the lawyer's law firm or home is located.		
(3) If travel serves several transactions, the expenses incurred are to be distributed in accordance with nos. 7003 to 7006 according to the cost ratio that would have occurred if the particular transactions had been carried out separately. A lawyer who relocates his or her law firm to a different city may demand expenses in accordance with nos. 7003 to 7006 when continuing a mandate previously granted to him or her only insofar as they would also have been incurred from his or her previous law firm.		
7000	Flat-rate fee for producing and transferring documents: 1. for copies and print-outs a) from official and court files insofar as their production was necessary for appropriately processing the case, 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, c) to provide necessary information to the client insofar as more than 100 pages had to be prepared to this end, d) in other cases only if they were prepared additionally, in agreement with the client, also to inform third parties: for the first 50 pages to be invoiced, per page for each additional page for the first 50 pages in colour to be invoiced, per page for each additional page in colour 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 letter (d) above: per file for documents transferred, provided or copied to the same data carrier	€0.50 €0.15 €1.00 €0.30 €1.50 €5.00

	in one operation up to a maximum total of.....	
	<p>(1) The amount of the flat-rate fee for documents under no. 1 must be calculated in a standard way in the same matter and in court proceedings at the same instance. Transfer by telefax by the lawyer is deemed 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 under no. 2 is not less than the flat-rate fee for documents would be in the case of no. 1.</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>	full amount
7002	<p>Flat-rate fee for postal and telecommunication services</p> <p>(1) The flat-rate fee may be demanded in any matter instead of the actual expenses in accordance with no. 7001.</p> <p>(2) If fees are paid from the public treasury, these are decisive.</p>	20% of the fees up to a maximum amount of €20.00
7003	<p>Travel disbursements for official travel using one's own motor vehicle for each kilometre travelled.</p> <p>The travel disbursements cover the purchase, maintenance and operating costs as well as the depreciation of the motor vehicle.</p>	€0.42
7004	<p>Travel disbursements for official travel using other means of transport, if appropriate ...</p>	full amount
7005	<p>Per diem and out-of-town services fee for official travel</p> <ol style="list-style-type: none"> 1. not exceeding 4 hours 2. of between 4 and 8 hours 3. of more than 8 hours <p>A surcharge of 50 per cent may be added to these amounts for travel abroad.</p>	€30.00 €50.00 €80.00
7006	<p>Other disbursements on the occasion of official travel, if appropriate</p>	full amount

7007	A premium paid for third-party indemnity insurance against pecuniary damage in a particular case if the premium applies to liability amounting to more than 30 million euros. 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 euros to the total sum insured must be reimbursed.	full amount
7008	Turnover tax on the remuneration This does not apply if turnover tax is not collected under section 19 (1) of the Turnover Tax Act (<i>Umsatzsteuergesetz</i>).	full amount

Annex 2
(corresponding to Section 13 (1) sentence 3)

Value of the claim up to ... €	Fee ... €	Value of the claim up to ... €	Fee ... €
500	51.50	50,000	1,357.00
1,000	93.00	65,000	1,456.50
1,500	134.50	80,000	1,556.00
2,000	176.00	95,000	1,655.50
3,000	235.50	110,000	1,755.00
4,000	295.00	125,000	1,854.50
5,000	354.50	140,000	1,954.00
6,000	414.00	155,000	2,053.50
7,000	473.50	170,000	2,153.00
8,000	533.00	185,000	2,252.50
9,000	592.50	200,000	2,352.00
10,000	652.00	230,000	2,492.00
13,000	707.00	260,000	2,632.00
16,000	762.00	290,000	2,772.00
19,000	817.00	320,000	2,912.00
22,000	872.00	350,000	3,052.00
25,000	927.00	380,000	3,192.00
30,000	1,013.00	410,000	3,332.00

35,000	1,099.00	440,000	3,472.00
40,000	1,185.00	470,000	3,612.00
45,000	1,271.00	500,000	3,752.00