

LAWS AND OTHER NORMATIVE ACTS

MINISTRY OF JUSTICE

DECREE No. 55 of 10 March 2014 .

Regulation laying down the parameters for the determination of fees for the legal profession, pursuant to Article 13 (6) of Law No 247 of 31 December 2012.

Chapter I

GENERAL PROVISIONS

Art. 2.

Fees and expenses

1. The lawyer's remuneration shall be proportionate to the importance of the work.
2. In addition to the remuneration and reimbursement of documented expenses in relation to individual services, the lawyer shall be due - in any case and also in the event of contractual determination - a sum for the reimbursement of flat-rate expenses, normally amounting to 15% of the total remuneration for the service, without prejudice to the provisions of Articles 5, 11 and 27 on the reimbursement of travel expenses.

Chapter II

PROVISIONS CONCERNING JUDICIAL ACTIVITY

Art. 4.

General parameters for determining remuneration in legal proceedings

1. When determining the fees, account shall be taken of the characteristics, urgency and value of the work performed, the importance, nature, difficulty and value of the matter, the subjective conditions of the client, the results achieved, the number and complexity of the legal and factual issues dealt with. With regard to the difficulty of the matter, particular account is taken of contrasting case law, and of the quantity and content of the correspondence with the client and other persons.

The judge shall take into account the average values set out in the annexed tables which, in application of the general parameters, may as a rule be increased by up to 80 per cent or decreased by up to 50 per cent. For the preparatory stage the increase shall generally be up to 100% and the decrease up to 70%.

Article 5.

Determination of the value of the dispute

1. In the award of fees to the unsuccessful party, the value of the case shall be determined in accordance with the Code of Civil Procedure unless otherwise provided in this paragraph. Where in a case concerning a division the dispute also concerns the estate to be divided, that estate shall be taken into account.

In proceedings for the payment of money or the assessment of damages, regard shall be had, as a general rule, to the sum awarded to the successful party rather than to the sum claimed. In any event, regard shall be had to the actual value of the claim, including in relation to the interests pursued by the parties, where it is manifestly different from that presumed under the Code of Civil Procedure or under special legislation.

2. [omissis]

3. In cases before the courts, in the liquidation of the client, due consideration shall be paid to the economic extent of the substantial interest which the client intends to pursue; in the liquidation of the unsuccessful party, regard shall be had to the economic extent of the substantial interest which is protected by the decision. In relation to disputes concerning public contracts, the substantial interest pursued by the private client is related to the actual profit or profits expected by the successful or excluded party.

5. Where the actual value of the dispute cannot be determined by the application of the above criteria, it is considered to be of indeterminable value.

6. Lawsuits of indeterminable value shall be considered as a rule and for these purposes of a value of not less than €26,000.00 and not more than €260,000.00, taking into account the subject-matter and complexity of the dispute.

Where a case of indeterminable value is of particular importance due to the specific subject-matter, the number and complexity of the legal issues involved, and the significance of the effects or useful results, including those of a non-pecuniary nature, its value shall be considered as a rule and for these purposes within the range up to €520,000.00.