

2024/2996

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LEGAL AID FORM
- DIRECT ACTIONS - ⁽¹⁾
[2024/2996]

Any natural or legal person, whether or not represented by a lawyer, who intends to apply for legal aid, either with a view to bringing a direct action before the General Court or in connection with a case (direct action) to which he is a party, is invited to take note of the following information before completing the various sections of the form. An 'Aide-mémoire – Legal aid' is also available on the website of the Court of Justice of the European Union.

This form must be used for the purpose of making an application for legal aid either before a direct action has been brought or while such an action is pending.

By contrast, this form is not to be used for applications for legal aid made in connection with a preliminary ruling case. For such applications, please refer to the provisions set out in Articles 239 to 242 of the Rules of Procedure and points 266 to 270 of the Practice Rules. There is no specific form for such applications.

1. **Legal context**

The provisions relating to legal aid concerning direct actions are contained in the Rules of Procedure of the General Court (Articles 146 to 150) and in the Practice Rules for the implementation of the Rules of Procedure of the General Court (points 15 to 17, 33, 49, 171, 172 and 256 to 265) ('the Practice Rules').

The Rules of Procedure of the General Court and the Practice Rules are available on the website of the Court of Justice of the European Union (<http://curia.europa.eu>), under 'General Court'/'Procedure'.

2. **Rules of representation before the General Court**

The principle that parties other than the Member States, the institutions of the European Union, the States which are parties to the Agreement on the European Economic Area, and the EFTA Surveillance Authority **must be represented by a lawyer** is enshrined in Article 19 of the Protocol on the Statute of the Court of Justice of the European Union. Thus, in order to bring a direct action before the General Court, any natural or legal person must be represented by a lawyer authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area (Article 51 of the Rules of Procedure).

If, because of his financial situation, that person is wholly or partly unable to meet the costs of the proceedings, the Rules of Procedure provide that he is to be entitled to legal aid (Article 146(1) of the Rules of Procedure). **Unlike an action, which must be lodged by a lawyer representing the applicant, an application for legal aid may be submitted with or without the assistance of a lawyer.**

3. **Jurisdiction of the General Court and admissibility criteria**

Legal aid cannot be granted by the General Court if it is clear that the General Court has no jurisdiction to hear and determine the action in respect of which the application for legal aid is made (Article 146(2) of the Rules of Procedure).

Under the Treaties and the Protocol on the Statute of the Court of Justice of the European Union, **the General Court has, in particular, jurisdiction** to rule on the following direct actions:

- actions brought by individuals seeking annulment of **acts of the institutions, bodies, offices and agencies of the European Union**, a declaration that those institutions, bodies, offices or agencies have unlawfully failed to act, or compensation for damage sustained, and actions based on arbitration clauses;

⁽¹⁾ The expression 'direct actions' is defined in Article 1(2)(j) of the Rules of Procedure as meaning 'all of the actions that may be brought before the General Court, with the exception of requests for a preliminary ruling'.

- actions relating to intellectual property rights seeking annulment of decisions taken by the Boards of Appeal of the European Union Intellectual Property Office (EUIPO) and of the Community Plant Variety Office (CPVO);
- actions between the institutions of the European Union and their staff concerning their employment relationships and the social security scheme.

Thus, an application for legal aid **will be refused on the grounds of the General Court's lack of jurisdiction** to rule on the action if that action is brought for the purpose of:

- contesting the lawfulness of an **act adopted by national authorities** (whether administrative or judicial);
- contesting a **decision taken by an international body** which is not within the institutional system of the European Union (for example the European Court of Human Rights).

Nor can legal aid be granted if the action in respect of which the application for legal aid is made appears to be **manifestly inadmissible or manifestly lacking any foundation in law** (Article 146(2) of the Rules of Procedure).

4. **Compulsory legal aid form**

The legal aid form, published in the *Official Journal of the European Union*, is available on the website of the Court of Justice of the European Union, under 'General Court'/Procedure'.

The use of that form is compulsory when applying for legal aid, both before a direct action is brought and while it is pending. An application for legal aid made in connection with a direct action but without the legal aid form will not be taken into consideration (Article 147 of the Rules of Procedure and point 256 of the Practice Rules).

An application for legal aid made after the General Court has delivered the decision containing its ruling on the action in respect of which that application is made will not be taken into consideration. An application for legal aid with a view to bringing an appeal before the Court of Justice against a decision of the General Court must be made to the Court of Justice.

5. **Content of the application for legal aid and supporting documents**

The legal aid form is intended to provide the General Court, in accordance with Article 147(3) and (4) of the Rules of Procedure, with the information required to give an effective decision on the application for legal aid. The information required concerns:

- the **financial situation** of the applicant for legal aid
- and,
- where the action has not yet been brought, **the subject matter** of that action, the facts of the case and the arguments relating thereto (point 259 of the Practice Rules).

(a) *Financial situation of the applicant for legal aid*

The application for legal aid must be accompanied by **all information and supporting documents** making it possible to assess the applicant's financial situation, such as a certificate issued by a competent national authority attesting to his financial situation (Article 147(3) of the Rules of Procedure).

The applicant's financial capacity is assessed on the basis of evidence proving his lack of means:

- a natural person cannot therefore confine himself to providing the General Court with information relating to the various types of income and allowances which he receives, but must also produce, for example, tax returns, proof of salary, certificates issued by social security or unemployment benefit authorities, bank statements, information making it possible to assess his capital (value of movable or immovable property), and documents relating to the expenses he is required to pay (such as a rental or loan agreement, a statement relating to school fees for a dependent child, an invoice or bills);

- a legal person cannot simply rely on its inability to pay, but must provide information concerning the legal form of the entity, whether it is for-profit or not-for-profit, the financial capacity of its partner(s) or shareholders, and produce, for example, financial statements or any other document evidencing its accounts, and any evidence supporting a claim that it is insolvent, in receivership or administration, unable to meet its financial obligations or in liquidation.

Sworn statements made and signed by the applicant himself are not sufficient proof of lack of means.

The information given on the form concerning the applicant's financial situation and the documents lodged in support of the information provided should give a complete picture of the applicant's financial situation.

Applications which do not establish to the requisite legal standard the applicant's inability to meet the costs of the proceedings will be rejected.

(b) *Subject matter of the proposed action*

If the application for legal aid is lodged before the action to which it relates has been brought, the applicant for legal aid must briefly state **the subject matter of that action, the facts of the case and the arguments** he proposes to put forward in support of the action. A section for that purpose is included in the legal aid form.

A copy of any **supporting document** that is relevant for the purpose of assessing whether the proposed action is admissible and well founded must be attached – for example correspondence with the prospective defendant or, in the case of an action for annulment, the decision which is to be contested as to its lawfulness.

The duly completed legal aid form and supporting documents must be intelligible in themselves.

(c) *Supplementary material*

The application for legal aid **may not be supplemented by the subsequent filing of additional material**. Such material will be rejected, unless it has been lodged at the request of the General Court. It is essential, therefore, to include all the necessary information on the form and to attach copies of any documentary proof of the information provided.

In exceptional cases, supporting documents intended to establish the lack of means of the applicant for legal aid may nevertheless be accepted subsequently, subject to the delay in their production being adequately explained (point 264 of the Practice Rules).

6. Lodging of the application

(a) *By the applicant for legal aid himself*

An applicant for legal aid who is not represented by a lawyer must send to or lodge at the Registry of the General Court the duly completed and signed paper version of the form, together with any supporting documents referred to. The Registry's address is as follows:

Registry of the General Court of the European Union

Rue du Fort Niedergrünwald

L-2925 Luxembourg

The form must be **signed by hand by the applicant for legal aid** (Article 147(6) of the Rules of Procedure and point 257 of the Practice Rules). Forms not bearing a handwritten signature will not be processed.

(b) *By the lawyer of the applicant for legal aid*

Where the applicant for legal aid is represented by a lawyer when the legal aid form is lodged, the lawyer must lodge the form by means of the e-Curia application, in compliance with the requirements contained in the Conditions of Use of e-Curia (point 258 of the Practice Rules).

7. Suspension and resumption of the time limit for bringing an action

The introduction of an application for legal aid suspends, for the person who made it, the time limit prescribed for the bringing of the action until the date of service of the order making a decision on that application or, where no lawyer is designated in that order to represent the applicant for legal aid, until the date of service of the order designating the lawyer instructed to represent the applicant (Article 147(7) of the Rules of Procedure).

The time limit for bringing an action does not run, therefore, while the application for legal aid is being examined by the General Court.

After the order making a decision on the application for legal aid has been served or, if that order did not designate a lawyer to represent the applicant for legal aid, after the order designating the lawyer instructed to represent that applicant has been served, **the remaining period within which the application initiating proceedings may be lodged may be very short**. Recipients of legal aid who are duly represented by a lawyer are therefore advised to **pay particular attention to compliance with the legal time limit** (point 265 of the Practice Rules).

8. Additional information

Any originals of supporting documents lodged will not be returned. It is therefore advisable to submit photocopies of supporting documents.

If the applicant for legal aid repeats his application without the new application being based on new evidence, that application will not be registered and the applicant for legal aid will be informed accordingly (point 263 of the Practice Rules).

APPLICATION FOR LEGAL AID

APPLICANT FOR LEGAL AID

NATURAL PERSON

Ms

Mr

Surname:

Forename(s):

Address:

Postcode:..... Town/City:

Country:

Telephone (optional):

Email (optional):

Occupation or current position:

LEGAL PERSON ^(?)

Business name:

Legal form:.....

'For-profit' entity:

☐ Yes☐ No

Address:

Postcode:..... Town/City:

Country:

Telephone (optional):

Email (optional):

^(?) Please attach to this application recent proof of the legal person's existence in law (extract from the register of companies, firms or associations or any other official document).

PARTY AGAINST WHOM YOU PROPOSE TO BRING AN ACTION ⁽³⁾

Your attention is again drawn to the fact that the General Court has jurisdiction to hear and determine disputes between natural or legal persons, on the one hand, and institutions, bodies, offices or agencies of the Union, on the other. The General Court cannot review the lawfulness of decisions taken by:

- international bodies which are not within the institutional system of the European Union, such as the European Court of Human Rights,
- national authorities of a Member State,
- national courts or tribunals.

Specify the party/parties against whom the proposed action would be brought:

DEFENDANT(S)	ADDRESS
.....	
.....	

Continue, if necessary, on a blank sheet of paper, which should be attached to your application.

⁽³⁾ Where the action and the application for legal aid are lodged simultaneously, or where the application for legal aid is made after the action has been lodged, it is not necessary to complete the section entitled 'Party against whom you propose to bring an action'.

SUBJECT MATTER OF THE ACTION ⁽⁴⁾

If the application for legal aid is made before the action has been brought, the applicant must briefly state the subject matter of the proposed action, the facts of the case and the arguments in support of the action. The application must be accompanied by supporting documents in that regard (Article 147(4) of the Rules of Procedure).

Please describe the subject matter of the action you wish to bring, the facts of the case and the arguments in support of the action (the statement of the subject matter may be supplemented by using additional sheets):

Any supporting document that is relevant for the purpose of assessing whether the proposed action is admissible and well founded must be annexed to this form and included in the list of supporting documents.

Any originals of supporting documents lodged will not be returned. It is therefore recommended to lodge photocopies of the documents in question.

⁽⁴⁾ Where the action and the application for legal aid are lodged simultaneously, or where the application for legal aid is made after the action has been lodged, it is not necessary to complete the section entitled 'Subject matter of the action'.

FINANCIAL SITUATION OF THE APPLICANT FOR LEGAL AID

NATURAL PERSON

FINANCIAL RESOURCES

The application for legal aid must be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation, such as a certificate issued by a competent national authority attesting to his financial situation (Article 147(3) of the Rules of Procedure).

		Your resources	Resources of your spouse, partner or cohabitee	Resources of any other person who normally lives with you (child or other dependant). Specify:
a.	No income	(*)		
b.	Taxable net salary/wage (as shown on your payslips)			
c.	Non-salaried income (agricultural, industrial, commercial or non-commercial income)			
d.	Social/family allowances			
e.	Unemployment benefits			
f.	Daily allowances (sickness benefit, maternity benefit, occupational sickness benefits, industrial accident)			
g.	Pensions, retirement allowances, annuities and early retirement pensions			
h.	Maintenance allowances (amount actually paid to you)			
i.	Other resources (e.g., rent received, income from capital, income from securities, stocks and shares, etc.)			

Continue, if necessary, on a blank sheet of paper, which should be attached to your application.

(*) If this box is ticked, the applicant for legal aid must explain how he supports himself.

Please state the nature and value of any movable property (shares, liabilities, capital, etc.) and the address and value of any immovable property (buildings, land, etc.), including non-income-producing property, which you own:

OUTGOINGS

Please provide details of children and other persons who are dependent on you or who normally live with you:

Surname(s) and forename(s)	Relationship to you (e.g., son, nephew, mother)	Date of birth (dd/mm/yyyy)
.....		.../... /
.....		.../... /
.....		.../... /
.....		.../... /

Continue, if necessary, on a blank sheet of paper, which should be attached to your application.

Please provide details of any maintenance payments you make to third parties:

You may, if you wish, provide additional information about your situation (resources or outgoings):

The information set out above must be substantiated by supporting documents making it possible to assess your financial situation (Article 147(3) of the Rules of Procedure).

The list of supporting documents, including, where appropriate, a certificate issued by a competent national authority attesting to your financial situation, must be annexed to this form.

Any originals of supporting documents lodged will not be returned. It is therefore recommended to lodge photocopies of the documents in question.

LEGAL PERSON

If the applicant for legal aid is a legal person, please attach to this application recent proof of its existence in law (extract from the register of companies, firms or associations or any other official document) (Article 147(5) of the Rules of Procedure, read in conjunction with Article 78(4) thereof).

Please describe the financial situation of the applicant for legal aid and of its partner(s) or shareholders, as the case may be:

The information set out above must be substantiated by supporting documents making it possible to assess the financial situation of the applicant for legal aid and of its partner(s) or shareholders, as the case may be (Article 147(3) of the Rules of Procedure).

The list of supporting documents, including, where appropriate, a certificate issued by a competent national authority attesting to that financial situation, must be annexed to this form.

Any originals of supporting documents lodged will not be returned. It is therefore recommended to lodge photocopies of the documents in question.

PROPOSED LEGAL REPRESENTATION

If you have chosen a lawyer who is authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement, the following information will be required:

Title (e.g. Maître) and name:

Address:

Postcode:..... Town/City:

Country:

Telephone:

Email (optional):

SOLEMN DECLARATION

I, the undersigned, hereby solemnly declare that the information contained in this application for legal aid is correct:

Date: .../ .../ Signature of the applicant for legal aid or of the lawyer representing the applicant for legal aid:

LIST OF SUPPORTING DOCUMENTS

Supporting documents making it possible to assess your financial situation:

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If the action has not yet been brought, supporting document(s) that is/are relevant for the purpose of assessing whether the proposed action is admissible and well founded:

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