

Aide-mémoire – Legal aid (direct actions)

September 2024

This document, prepared by the Registry of the General Court, contains practical, non-exhaustive guidance intended to assist a 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 action¹ before the General Court or in connection with a direct action to which he is a party, with that procedure. Such persons, as well as their representatives, are nevertheless requested to refer to the Rules of Procedure of the General Court ('the Rules of Procedure') and to the Practice Rules for the implementation of the Rules of Procedure of the General Court ('the Practice Rules'), both authentic texts, for full information regarding the procedural rules, as well as to the information contained in the Legal aid form - direct actions.

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'.

GENERAL INFORMATION

- ☐ **Representation:** 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.**

- ☐ **Prerequisites:**

Jurisdiction of the General Court

Legal aid cannot be granted 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.

The General Court, in particular, does not have jurisdiction to review the lawfulness of decisions taken by:

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

Time limit for bringing an action

Legal aid cannot be granted if the application for legal aid is made before the action to which it relates has been brought, but **after the expiry of the time limit for bringing that action.**

Foundation in law

Legal aid cannot 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.**

- ☐ **Financial situation:** The applicant for legal aid must show that he is wholly or partly unable to meet the costs of the proceedings because of his overall financial situation, taking into account all income, capital and outgoings.

LEGAL AID FORM

- ☐ **Mandatory legal aid form: an application** for legal aid made either before an action has been brought or while that action is pending but **without the legal aid form will not be taken into consideration.**
- ☐ **Information: all the necessary information must be included in the form.** The application for legal aid may not be supplemented by the subsequent filing of additional material.
- ☐ **Supporting documents:** the legal aid form must be accompanied by all information and supporting documents making it possible to assess the applicant's financial situation and to substantiate the subject matter of the proposed action.

LODGING OF THE LEGAL AID FORM

- ☐ **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 form must be **signed by hand by the applicant for legal aid.**
- ☐ **By the lawyer of the applicant for legal aid:**

The form must be lodged by means of the **e-Curia** application.

ADDITIONAL INFORMATION

- ☐ Any **originals** of supporting documents lodged will not be returned. It is recommended to lodge photocopies of the documents in question.
- ☐ **If the applicant for legal aid repeats his application without the new application being based on new evidence, that application will not be registered.**
- ☐ The **time limit for bringing an action** does not run while the application for legal aid is being examined by the General Court. That time limit will resume after the General Court's decision regarding the application for legal aid has been served.