

LEGAL AID FORM**GENERAL COURT**

Any natural or legal person, whether or not represented by a lawyer, who intends to apply for legal aid with a view to bringing an action before the General Court, or in a case to which he is a party, is invited to take note of the following information before completing the various sections of the form

1) Legal context

The provisions concerning legal aid 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 16 to 18, 31, 48, 54, 133, 134 and 238 to 248).

The Rules of Procedure of the General Court and the Practice Rules for the Implementation of the Rules of Procedure of the General Court 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

In order to bring an 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). This rule lays down the principle of the mandatory representation of an applicant by a lawyer.

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 the 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 jurisdiction in:

- direct actions brought by individuals and by Member States ⁽¹⁾ seeking annulment of acts of the institutions, bodies, offices and agencies of the 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,
- actions for annulment of decisions taken by the Boards of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and of the Community Plant Variety Office (CPVO),
- appeals brought against decisions of the European Union Civil Service Tribunal.

Thus, an application for legal aid will be refused on the grounds of the General Court's lack of jurisdiction in 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).

⁽¹⁾ With the exception of those reserved to the Court of Justice by the Statute and of those falling within the jurisdiction of the European Union Civil Service Tribunal.

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).

Thus, an application for legal aid made before the action to which it relates is brought, but after the time limit for bringing that action has expired, will be refused, since the action would be dismissed as inadmissible on the ground of delay.

4) **Mandatory 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 mandatory when applying for legal aid, both before an action is brought and while a case is ongoing. An application for legal aid submitted without the application form will not be taken into consideration (Article 147 of the Rules of Procedure and point 238 of the Practice Rules for the Implementation of the Rules of Procedure of the General Court).

An application for legal aid made after the General Court has delivered its decision ruling on the action in respect of which that application is made will not be taken into consideration.

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 legal aid applicant's financial situation,
- 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 241 of the Practice Rules for the Implementation of the Rules of Procedure of the General Court).

a) *Financial situation of the applicant*

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 Court with information relating to his income but must also produce, for example, tax returns, proof of salary, certificates issued by social security or unemployment benefit authorities, bank statements and information making it possible to assess his capital (value of movable or immovable property),
- 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 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 purposes 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 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, however, supporting documents intended to establish the applicant's lack of means may be accepted subsequently, subject to the delay in their production being adequately explained (point 246 of the Practice Rules for the Implementation of the Rules of Procedure of the General Court).

6) **Lodging of the application**

a) *By the applicant 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 Niedergrünewald
L-2925 Luxembourg

The dispatch or the delivery by hand of the paper version of the duly completed and signed form may be preceded by the transmission of that document by fax to fax number +352 43032100.

Where the duly completed and signed form is sent by fax:

- it will not be processed until the original is received at the Registry,
- the date of lodgement by fax will be deemed to be the date of lodgement of the form, provided that the original, bearing a handwritten signature, that was transmitted by fax reaches the Registry no later than 10 days after such transmission; if that original is not lodged within that period of 10 days, the date of lodgement will be the date on which the original is actually received by the Registry,
- it must be sent without delay, immediately after its dispatch by fax, without any corrections or amendments, even of a minor nature, being made thereto,
- in the event of any discrepancy between the original form bearing the handwritten signature and the copy previously received at the Registry by fax, the date of lodgement will be the date on which the original signed form is lodged.

b) *By the applicant's lawyer*

Where the applicant for legal aid is represented by a lawyer when the legal aid form is lodged, the lawyer may lodge the form at the Court Registry either in a paper version, which may have previously been sent by fax, or by means of the e-Curia application, in compliance with the requirements contained in the Conditions of use of the e-Curia application (point 240 of the Practice Rules for the Implementation of the Rules of Procedure of the General Court).

Where the duly completed and signed form is transmitted by fax, the information set out at point a) above is applicable.

c) *Signing of the form*

Without prejudice to the lodging of the form by a lawyer by means of the e-Curia application, the form must be signed by hand by the applicant if lodged by the applicant himself, or, if the applicant is represented, by his lawyer. Forms not bearing a handwritten signature will not be processed.

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 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 248 of the Practice Rules for the Implementation of the Rules of Procedure of the General Court).

8) Additional information

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

APPLICATION FOR LEGAL AID**GENERAL COURT****APPLICANT FOR LEGAL AID**

NATURAL PERSON

Mr Mrs/Miss/Ms

Surname:

Forename(s):

Address:

Postcode: Town/City:

Country:

Telephone (optional):

Fax (optional):

E-mail (optional):

Occupation or current position:

LEGAL PERSON ⁽²⁾

Business name:

Legal form:

'For-profit' entity: Yes No

Address:

Postcode: Town/City:

Country:

Telephone (optional):

Fax (optional):

E-mail (optional):

⁽²⁾ 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 and institutions, bodies, offices or agencies of the European Union. The 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
<p>.....</p>	
<p>.....</p>	

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:

Any supporting document that is relevant for the purposes 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.

⁽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

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).

- If, at the time of your application, your financial resources have remained unchanged since last year, the resources taken into account will be those declared to the national authorities in respect of the period from 1 January to 31 December of last year.
- If your financial situation has changed, your current resources will be taken into account, from 1 January this year until the date of your application.

	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. 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 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.

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), in conjunction with Article 78(3) of the Rules of Procedure).

Please describe the financial situation of the applicant and of its partners 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 and of its partner(s) or shareholder(s), 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.

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:

Fax (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/applicant's lawyer:

