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Justice

**Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes**



**European Commission**  
Justice

# Legal Aid

- On 27 January 2003 the Council adopted a directive to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.
- The provisions of this directive apply to "cross-border" civil cases, in other words where the person requesting legal aid does not live in the Member State where the case will be heard or where the decision is to be enforced.

# Legal Aid

- The directive establishes the principle that persons who do not have sufficient resources to defend their rights are entitled to receive appropriate legal aid.
- The directive lays down the services that must be provided for the legal aid to be considered appropriate, such as:
  - access to pre-litigation advice
  - legal assistance and representation in court

# Legal Aid

- The directive also specifies the conditions relating to the applicant's financial resources.
- Member States may specify thresholds above which applicants are deemed to be able to bear the costs of proceedings.
- However, a competent authority should take into account applicant's income, capital and family situation. Also, differences in the cost of living between Member State of domicile and the forum should be taken into account.

# Legal Aid

- Legal aid should include costs related to the cross-border nature of the dispute:
  - Interpretation;
  - Translation of documents;
  - Travel costs.

# Legal Aid

- Lastly, the Council Directive organises certain mechanisms for judicial cooperation between the Member States' authorities designed to facilitate the transmission and processing of legal aid applications. In particular, the directive provides for the possibility for a person to submit their application in their country of residence, which must then transmit it, rapidly and free of charge, to the authorities of the country which is to grant the aid.