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## OLD Legal aid

The right to legal aid allows those who do not have sufficient financial resources to meet the costs of a court case or legal representation. Legal aid systems exist in all Member States of the European Union (EU) in both civil and criminal proceedings.

Imagine a situation in which you are in dispute with somebody in your own country or abroad and you wish to take the case to court or a situation where you are required to defend yourself if the other party takes the initiative of bringing a case against you. Imagine a situation where you are charged with criminal offences in your own country or abroad and cannot afford legal advice and/or representation before a criminal court. In all these examples you may apply for legal aid.

The right to legal aid is enshrined by:

the [European Convention on Human Rights \(ECHR\)](#) - Article 6 (3)(c) of the ECHR guarantees the right to legal assistance where the defendant has insufficient means to pay for legal assistance, and to get free legal aid when the interest of justice so requires.

the [Charter of Fundamental Rights of the European Union](#) - Article 47 of the Charter stipulates that legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.

### Legal aid in civil proceedings

#### National disputes

A legal aid system exists in all Member States of the EU. If you are in dispute with a company, a professional person, an employer or other person in the **country of your residence** and you do not have sufficient financial resources to meet a court case, you can apply for legal aid under existing national regulations.

A comparison of national schemes on legal aid reveals, however, that there are fundamental differences in the philosophy, organisation and management of the legal aid systems in the Member States. As regards the philosophy of the systems, the broad objective in some States seems to be to make legal services and access to justice generally available, whereas in others, legal aid can be available only to the very poorest.

**To obtain more detailed information please click [here](#) (you will be redirected to the dedicated page of the European Judicial Network in Civil and Commercial matters. NOTE: These pages are currently being phased out prior to the forthcoming migration into the European e-Justice Portal. Therefore, the data in some pages maybe obsolete.).**

#### Cross-border disputes

If you are in a dispute with a company, a professional person, an employer or other person **abroad** and you do not have sufficient financial resources to bring a court case, you can apply for legal aid on cross-border disputes.

In order to facilitate access to legal aid in civil and commercial matters, the [Directive](#) on legal aid in cross-border issues was adopted.

It covers pre-litigation advice with a view to reaching a settlement prior to bringing legal proceedings; legal assistance in bringing a case before the court and representation by a lawyer in court and assistance with, or exemption from, the cost of proceedings.

In order to obtain legal aid in cross-border issues, you have to complete the relevant form for legal aid applications. The Directive provides two forms: one for legal aid applications and one for the transmission of legal aid applications. They are available [here](#) in all EU languages.

#### Legal aid in criminal proceedings

Member States have their own legislation establishing the ways in which legal aid is to be provided in criminal proceedings within their jurisdiction. In the future the European e-Justice Portal will provide detailed information in this area.

As for cross-border cases, there is currently no EU legislation on this subject.

Last update: 18/01/2019

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