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<Commission>{PETI}Committee on Petitions</Commission>

<Date>{15/11/2024}15.11.2024</Date>

<TitreType>NOTICE TO MEMBERS</TitreType>

Subject: <TITRE>Petition No 0830/2023 by Justas Ivanauskas (Lithuanian), on behalf of NVO, on the right to free legal aid for legal persons</TITRE>

1. Summary of petition

The petitioner states that he submitted a petition to the Commission on Petitions of the parliament of Lithuania asking to amend the law in order to guarantee legal aid for legal persons. He claims that the public body he represents has suffered reputational damage, but is lacking the financial resources of being defended by a lawyer. The petitioner points out, that the Law on state-guaranteed legal aid in Lithuania does not provide state-guaranteed legal aid services to legal persons. According to the petitioner, the Ministry of Justice in Lithuania refuses to amend the Law in order to grant legal aid to legal persons claiming that there is no financial opportunity. The petitioner refers to the Article 47 of the Charter of Fundamental Rights of the European Union, according to which 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. He asks the European Parliament to amend EU law or to take other measures within its competence in order to grant state-guaranteed legal aid to legal persons in the EU Member States.

2. Admissibility

Declared admissible on 29 November 2023. Information requested from Commission under Rule 233(5). (former Rule 227(5)

3. Commission reply, received on 15 November 2024

The Commission’s observations

Council Directive 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes seeks to promote the application of legal aid in cross-border disputes for persons who lack sufficient resources where aid is necessary to secure effective access to justice.

Article 3(1) of the Directive provides that natural persons involved in a dispute covered by this Directive shall be entitled to receive appropriate legal aid in order to ensure their effective access to justice in accordance with the conditions laid down in this Directive.

Consequently, the right to legal aid under the Directive is limited to natural persons and does not include legal persons.

Conclusion

The Commission considers therefore that in accordance with the provisions of Directive 2003/8/EC, legal persons are not entitled to receive legal aid.