

# Access to justice, cross-border disputes: legal aid, financial aspects of civil proceedings

2002/0020(CNS) - 25/09/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Giacomo SANTINI (EPP-ED, IT) was approved by 436 votes to 90 votes with 15 abstentions. The Parliament adopted many amendments to broaden the scope of the Directive should cover, for instance, employment tribunals and pre-court legal advice. The Parliament proposes that the legal basis should be extended to include Article 65(c). The idea being to include measures eliminating obstacles to the good functioning of civil proceedings. Parliament also includes a reference to point 32 in the Presidency conclusions of the Tampere European Council which called for minimum standards to be drawn up on the protection of crime victims and their right to compensation for damages, including legal costs. Parliament also stipulates that this Directive should apply to all disputes in civil and commercial matters, which include employment law and consumer protection law, and to civil compensation claims deriving from criminal acts, when they form part of civil proceedings. On the other hand, the Directive shall not extend to revenue, customs or administrative matters. The Parliament states that if legal aid is granted, it must cover the entire proceeding, including expenses incurred in having a judgement declared enforceable or enforced; the recipient should continue receiving this aid until the final conclusion of the proceedings, including any appeals he may see fit to bring and any appeals brought against him. The costs covered shall include: - the payment of local lawyers' fees and any court fees in the forum Member State; - the costs of an interpreter; - the translation of relevant documents, - travel costs, either for attendance of parties or witnesses before a Court or for the purpose of face-to-face meetings between the client and forum lawyer, or between the parties and their lawyers, where such costs are properly justified and previously authorised by the granting authority and where the judge requires the physical presence of the persons concerned in court. The Parliament suggests that Member States shall provide that the winning party shall be entitled to reasonable and fair reimbursement from the losing party of all or part of the costs of the proceedings. Member States shall also provide that the losing party or parties in the case must meet all or part of the court costs. This requirement to meet costs may be made conditional on whether or not the losing party or parties are deemed to have acted recklessly. Lastly, it should be noted that with the Council's agreement, this Directive should not apply to Denmark.