



Administrative Committee

Decision on legal aid concerning

- thresholds above which legal aid applicants are deemed wholly or partly able to bear the costs of the proceedings;
- deductions from income and assets to be taken into account;
- levels of monthly instalments to be paid by the applicant.

27 September 2023

**DECISION OF THE ADMINISTRATIVE COMMITTEE OF 27 SEPTEMBER 2023 ON THE
LEVEL OF LEGAL AID**

HAVING REGARD to the Agreement on a Unified Patent Court (UPCA) and in particular Articles 69 and 71 thereof;

HAVING REGARD to the Statute of the Unified Patent Court (UPCS) and in particular Article 15(3) thereof;

HAVING REGARD to Rules 375 – 382 of the Rules of Procedure of the Unified Patent Court (RoP) and in particular Rules 376A.2, 377.2 and 377A.3 thereof;

and

TAKING INTO CONSIDERATION COUNCIL DIRECTIVE 2002/8/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 (OJ L 026, 31/01/2003, P. 0041-0047);

and

TAKING INTO ACCOUNT necessary costs for legal representation in the Contracting Member States and the need to guarantee adequate access to justice

HAS ADOPTED THE FOLLOWING:

Article 1

When assessing an applicant's financial situation, his income and assets must be taken into account (R. 377A.1 RoP). The threshold above which a legal aid applicant is deemed wholly or partly able to bear the costs of proceedings set out in Rule 376 RoP shall be defined as follows in accordance with Rule 377.2 RoP taking into account the deductions from income and assets to be considered when assessing the applicant's financial situation in accordance with Rule 377A.3 sentence 1 RoP:

(1) The applicant is to use its disposable income.

(2) Income is all earnings in money or equivalent value (Rule 377A.2 RoP). The following are to be deducted from the applicant's income to determine the applicant's disposable income:

1.
 - a) Taxes paid on the income;
 - b) Compulsory social security contributions;
 - c) Contributions to private and/or public insurance schemes or similar institutions, as far as these contributions are prescribed by law or are reasonable in terms of reason and amount;
 - d) Necessary expenses associated with earning the income;
 - e) For applicants earning an income from economic activities, the rate displayed below at (4);
2.
 - a) For the applicant and the applicant's spouse or partner under a civil union, the rate displayed below at (4);
 - b) In the event of further maintenance payments being made based on a statutory obligation to pay such maintenance, for each person entitled to maintenance, in each case the rate displayed below at (4);
3. The costs of residential accommodation and heating costs, insofar as they are not obviously disproportionate to the general life circumstances of the applicant concerned;
4. Extra allowances for additional needs as may be deemed appropriate under the

individual circumstances of the case, especially caused by a pregnancy, single parenting, disabilities or special medical conditions;

5. With a view to special obligations to which the applicant is subject, further amounts as appropriate.

(3) The amounts in force at the time at which legal aid is granted shall govern.

(4) The amounts in accordance with numbers (2).1 e) and (2).2 are set on a monthly basis as follows:

For applicants earning an income from economic activities according to (2)1.e)	251 Euros
For the applicant and the applicant's spouse or partner under a civil union according to (2)2.a)	552 Euro
Maintenance payments for adult (18 years and older) dependents according to (2)2.b)	442 Euro
Maintenance payments for teenagers between 15 and up to 18 years of age according to (2)2.b)	462 Euro
Maintenance payments for children between 7 and up to 14 years of age according to (2)2.b)	383 Euro
Maintenance payments for children under 7 years of age according to (2)2.b)	350 Euro

Where these amounts are not full amounts in euro, they are to be rounded down where they are equal to 0.49 euro and less, and shall be rounded up where they are equal to 0.50 euro and higher. The amounts set out before for the applicant's spouse or partner under a civil union and the maintenance allowance amounts for adult dependents, teenagers and children stipulated herein shall be reduced by the income earned by the person entitled to maintenance.

(5) The applicant is to use its assets to the extent this can reasonably be expected of it. All realisable assets shall be used except for:

- assets provided from public funds to build up or secure a livelihood or to establish a household,
- old-age provision assets subsidised under applicable national law,
- other property, as long as it is demonstrably intended for the early acquisition or maintenance of a house property within the meaning defined below, insofar as this serves or is intended to serve the residential purposes of persons with a substantial disability or a threatened substantial disability or of blind persons or persons in need of care and this

purpose would be jeopardized by the use or realization of the property,

- appropriate household goods; the previous living conditions of the applicant are to be taken into account,
- objects which are indispensable for the commencement or continuation of vocational training or gainful employment,
- family and inherited items, the sale of which would mean particular hardship for the person making the request or his or her family,
- objects which serve to satisfy intellectual, in particular scientific or artistic needs and the possession of which is not a luxury,
- an appropriate house property which is wholly or partly occupied by the applicant or another sufficiently related person, alone or together with relatives and which is to be occupied by their relatives after their death. Reasonableness shall be determined by the number of occupants, the housing needs (for example, of disabled persons, blind persons or persons in need of care), the size of the plot of land, the size of the house, the layout and furnishings of the residential building and the value of the land including the residential building,
- small amounts of cash or other monetary values; any special hardship of the person making the request shall be taken into account,
- an appropriate motor vehicle.

Furthermore, the granting of legal aid may not be made dependent on the use or realisation of assets if this would mean hardship for the person who has to use the assets and for his or her dependents.

Article 2

The levels of monthly instalments to be paid by the applicant shall be defined as follows in accordance with Rule 377A.3 sentence 2 RoP:

Out of that part of the monthly income or assets to be used remaining after deductions defined in Article 1, monthly instalments are to be assessed in the amount of half of the disposable income; such monthly instalments are to be rounded down to a full amount in euros. Where the amount of a monthly instalment is lower than 10 euro, the assessment of monthly instalments is to be desisted from. Where the disposable income is greater than 600 euro, the monthly instalment shall amount to 300 euro plus that part of the income to be used that is in excess of 600 euro. A

maximum of 48 monthly instalments is to be paid.

Legal aid will not be granted if it can be foreseen that the applicant's costs of litigation will not be higher than four monthly instalments and will not exceed the partial amounts to be contributed from the applicant's assets.

Article 3

For the costs of representation pursuant to Rule 376.1(b) RoP the maximum level of legal aid that may be granted by the Court shall be set to 50 % of the maximum amount of recoverable costs laid down in the decision of the Administrative Committee pursuant to Article 69(1) UPCA and Rule 152.2 RoP in Administrative Committee – Decision on scale of ceilings –24/04/2023 D - AC/10/24042023_E.

Article 4

1. This decision will enter into force on 27 September 2023.
2. All thresholds set shall be adapted regularly to price and income indices.

Done on 27 September 2023 (online meeting)

For the Administrative Committee

signed Johannes Karcher
The Chairman