

### 1 Do I have to go to court or is there another alternative?

The laws of the Republic of Lithuania provide for a number of alternative dispute settlement options. In 2012, a recast Law on Commercial Arbitration (*Komercinio arbitražo įstatymas*) came into force in Lithuania. This Law applies to arbitration proceedings taking place on the territory of the Republic of Lithuania irrespective of the citizenship or nationality of the parties to a dispute, whether they are natural or legal persons, or whether the arbitration proceedings are organised by a permanent arbitration body or take place on an *ad hoc* basis. Arbitration is an equivalent alternative to state courts. It provides an option to quickly and conveniently settle most business disputes by bringing them before independent, authoritative and reputable private persons who are acceptable to both parties rather than to judges. The parties to arbitration may agree on the rules governing the arbitration proceedings more freely. The arbitration court may sit at any place convenient to the parties to the dispute and freely choose the language of the proceedings and the form of the decision, etc. Electronic arbitration agreements are recognised as written agreements.

In 2008, the Law on Conciliatory Mediation in Civil Disputes (*Civilinių ginčų taikinamojo tarpininkavimo įstatymas*) was adopted. Conciliatory mediation in civil disputes (also called mediation) is an amicable dispute settlement procedure involving an unbiased third-party conciliatory intermediary (mediator). The law specifies that mediation may be used to settle civil disputes (i.e. disputes involving family and other matters) which may be heard by a court in civil proceedings. The parties may use this option to settle their dispute both prior to referring their dispute to the court (extrajudicial mediation) and after court proceedings have started (judicial mediation). It should be noted that the start of mediation suspends the limitation period of a claim. Hence, even if an amicable settlement of a dispute fails, the parties retain their right to seek remedy in court. Judicial mediation is a free of charge. Moreover, if you chose to settle your dispute in a civil matter by way of judicial mediation, you will save a significant amount of time and effort compared to legal proceedings, and also money because, in the event the mediation procedure ends with an amicable agreement, 75 % of the court fee paid will be refunded. Settling a dispute by way of judicial mediation guarantees confidentiality, and any party can withdraw from judicial mediation without stating their reasons.

Extrajudicial settlement of disputes arising from consumer contracts is governed by the Law on Consumer Protection (*Vartotojų teisių apsaugos įstatymas*), which came into force in 2007 and enshrines an alternative to judicial proceedings, including its rules of procedure and institutional set-up. The bodies involved in alternative dispute settlement in Lithuania are the State Consumer Protection Service (*Valstybinė vartotojų teisių apsaugos tarnyba*), the Communications Regulation Service (*Ryšių reguliavimo tarnyba*) and other bodies dealing with disputes in individual sectors (the Communication Regulation Service hears disputes in the areas of electronic communications and postal and courier services, the Bank of Lithuania (*Lietuvos bankas*) deals with consumers' disputes with providers of financial services, etc.). Consumers may use legal assistance during alternative dispute settlement, but the costs of legal assistance are not refunded. State-guaranteed primary and secondary legal aid is provided to those consumers who meet the criteria set out in legislation. An application to an alternative dispute settlement body does not usually have suspensory effect on the limitation period. Therefore, given the relatively long deadlines for the settlement of consumer disputes and certain short limitation periods for claims, there is a serious risk of exceeding the limitation period.

### 2 Is there any time limit to bring a court action?

The general limitation period is ten years.

Lithuanian legislation lays down shorter limitation periods for particular types of claims.

A shorter one month limitation period is applied to claims arising from the results of tendering procedures.

A shorter three months limitation period is applied to claims to have the decisions of a legal entity's bodies declared invalid.

A shorter six months limitation period is applied to:

claims concerning the enforcement of default (a fine, late payment interest);

claims concerning defects of sold items.

A shorter six months limitation period is applied to claims arising from relations between transport companies and their clients with regard to consignments dispatched from within Lithuania while a one year limitation period is applied to consignments dispatched abroad.

A shorter one year limitation period is applied to insurance claims.

A shorter three years limitation period is applied to claims for damages, including claims for damages resulting from the inadequate quality of products.

A shorter five years limitation period is applied to claims for enforcement of interest and other periodic payments.

Claims regarding defects of works carried out are subject to shorter limitation periods.

Claims arising from the transport of cargo, passengers and luggage are subject to the limitation periods set out in the codes (laws) applicable to specific transport modes.

### 3 Should I go to a court in this Member State?

A dispute relating to contractual obligations is regulated by the law chosen by agreement between the parties involved; if the parties have chosen the law of the Republic of Lithuania, they can defend their legal interests before Lithuanian courts. Such agreement of the parties may be set out in the contract or established in accordance with the factual circumstances of the case. The parties may agree that the law of a certain state will govern the whole contract or a certain part(s) of the contract. Where the parties decide that the law of a foreign state should be applied to a contract, this cannot be used as grounds for waiving any mandatory rules applicable in the Republic of Lithuania or any other state that cannot be changed or waived by agreement of the parties.

If the parties do not indicate which law should govern the contract, the law of the state with which the contractual obligation is most closely associated applies. There is a presumption that the contractual obligation is most closely associated with the state in the territory of which:

the party bound by the obligation most characteristic of the contract has its permanent place of residence or central administration. If the obligation is more closely associated with the law of the state where the business of the party to the obligation is located, the law of that state will apply;

immovable property is located, if the subject matter of the contract is the right to the immovable property or the right to its use;

the main place of business was located at the time of concluding a transport contract, provided that the state of the main place of business of the carrier is the same as the state in which the cargo was loaded, or the registered office of the consignor is located, or the cargo was dispatched from.

Arbitration agreements are governed by the law applicable to the main contract. If the main contract is invalid, the law of the place where the arbitration agreement was concluded will apply; if this cannot be identified, then the law of the state of arbitration will apply.

The rights and obligations of the parties arising from damage are governed, at the choice of the affected party, either by the law of the state in which the relevant act was committed or any other circumstances resulting in the damage are located, or by the law of the state in which the damage was suffered.

The legal regime governing matrimonial property is determined by the law of the state of the spouses' permanent residence. Where the spouses' permanent places of residence are located in different states, the governing law will be the law of the state of which both spouses are nationals. Where the spouses are nationals of different states and have never had a common place of residence, the governing law will be the law of the state in which the marriage was contracted. The legal regime governing matrimonial property defined by contract is the law of the state chosen by the spouses in their contract. In this case, the spouses may choose either the law of the state in which they have or will have their permanent place of residence, the law of the state in which the marriage was contracted or the law of the state of which one of the spouses is a national. The spouses' agreement as to the applicable law property will be valid as long as it complies with the requirements of the law of the chosen state or the law of the state in which the agreement was made.

#### **4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?**

The rules of jurisdiction are set out in Articles 29–30 of the Code of Civil Procedure (*Civilinio proceso kodeksas*). A claim may be filed with a court according to the defendant's place of residence. A claim against a legal entity should be filed according to the registered office of the legal entity as indicated in the register of legal entities. If the defendant is the state or a municipality, the claim should be filed according to the registered office of the body representing the state of the municipality.

A claim against a defendant whose place of residence is unknown may be filed according to the location of his/her property or last known place of residence. A claim against a defendant who does not have a place of residence in the Republic of Lithuania may be filed according to the location of his/her property or last known place of residence in the Republic of Lithuania. A claim relating to the activities of a branch of a legal entity may also be filed according to the registered office of the branch.

A claim for the award of alimony and the determination of paternity may also be filed according to the claimant's place of residence. A claim for compensation for damage to a person's health, including death, may be filed according to the claimant's place of residence or the place where the damage was suffered. A claim for damage to a person's property may be filed according to the claimant's place of residence (registered office) or the place where the damage was done.

A claim concerning an agreement/contract specifying the place of performance may also be filed according to the place of performance indicated in the agreement/contract.

A claim relating to acting in the capacity of a guardian, custodian or property administrator may also be filed according to the place of residence (registered office) of the guardian, custodian or property administrator.

A claim concerning consumer contracts may also be filed according to the consumer's place of residence.

A claimant is entitled to choose between several courts having jurisdiction for the case.

Claims for rights in rem in immovable property, the use of immovable property, except for applications concerning the liquidation of matrimonial property in divorce cases, and cancellation of the seizure of immovable property fall within to the jurisdiction of the court at the place of the immovable property or main part of the property.

Claims by creditors of a succession submitted before the heirs have accepted and inheritance fall within the jurisdiction of the court at the place of the inheritance or the main part of the inheritance.

#### **5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?**

All civil cases are heard by district courts as first instance courts, except for cases that are heard by regional courts or Vilnius Regional Court.

Regional courts hear the following civil cases as first instance courts:

since 4 April 2013, actions involving claims exceeding LTL 150.000, except for cases concerning family and employment relations and cases concerning compensation for non-material damage;

cases regarding legal non-property copyright relations;

cases regarding legal relations in civil public tenders;

cases regarding bankruptcy or restructuring, except for cases relating to the bankruptcy of natural persons;

cases where one of the parties is a foreign state;

cases based on claims regarding the compulsory sale of shares (stake, interest);

cases based on claims regarding the investigation of a legal entity's activities;

cases regarding compensation for material and non-material damage resulting from the violation of established patients' rights;

other civil cases which are required to be heard by regional courts as first instance courts under specific laws.

The following cases are heard solely by Vilnius Regional Court, as first instance court:

cases regarding disputes as referred to in the [Law on Patents \(\*Lietuvos Respublikos patentų įstatymas\*\)](#);

cases regarding disputes as referred to in the [Law on Trademarks \(\*Lietuvos Respublikos prekių ženklų įstatymas\*\)](#);

cases regarding the adoption of a Lithuanian citizen residing in the Republic of Lithuania as applied for by nationals of other states;

other civil cases falling within the sole jurisdiction of Vilnius Regional Court as the first instance court under specific laws.

#### **6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?**

Persons may bring a court action themselves or via their representatives. A person's participation in a hearing does not deprive that person of the right to have a representative in the proceedings. It is considered appropriate for a representative to attend a court hearing on behalf of the person he/she represents unless the court deems it necessary that the person being represented is present.

A person must have a lawyer in proceedings in the cases specified in the Code of Civil Procedure and the [Civil Code \(\*Civilinis kodeksas\*\)](#), e.g. if the court is hearing a case involving a person being declared legally incapable, the person in question must be represented by a lawyer.

#### **7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?**

Persons wishing to submit documents to a court or obtain documents from it must contact the court registry, which will explain the procedure for submitting, obtaining or returning documents. [Court contact points](#)

Since the launch of the e-services portal [e.teismas.lt](#) on 1 July 2013, it has been possible to file case documentation, keep track of proceedings, pay the court fee and obtain other services [on-line](#).

With a view to ensuring that cases are handled consistently, it is laid down by resolution that, since 1 January 2014, cases processed electronically by lower instance courts and transferred to appeal and cassation courts have also had to be processed electronically.

#### **8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?**

Persons participating in a case must provide original copies of procedural documents. In addition, the court must receive a sufficient number of copies of printed procedural documents: one copy for each opposing party (in cases involving multiple defendants or claimants, one copy for each of them, or if a representative or authorised person has been appointed to receive the procedural documents relating to the case, just one copy for that representative or authorised person) and for third parties, except where a procedural document is filed using electronic communications. Any annexes to procedural documents must be submitted in the same number of copies as the procedural documents, except where they are filed using electronic communications or if the court has authorised that annexes not be supplied to the parties because there is a large number of them.

All the procedural documents and their annexes must be submitted to the court in the national language. Where parties to the proceedings to whom the procedural documents are to be addressed do not speak the national language, the court must receive translations of such documents into a language they understand. Where the documents supplied have to be translated into a foreign language, the parties must provide duly certified translations.

A claim may be filed electronically via the electronic services portal of the Lithuanian courts <https://e.teismas.lt/lt/public/home/>, which can be accessed on the website of the National Courts Administration (*Teismų administracija*): <http://www.teismai.lt/>.

### **9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?**

An electronic claim form can be filled in on the electronic services portal of the Lithuanian courts <https://e.teismas.lt/lt/public/home/>.

Any claim filed to the court must meet the general requirements applicable to the content of procedural documents. (Article 111 of the Code of Civil Procedure). Procedural documents must be submitted to the court in writing. Each procedural document of a party to the proceedings must specify: the name of the court to which the procedural document is being filed;

the procedural status, names, surnames, personal identification numbers (if known), and places of residence of the parties to the proceedings; other addresses of other parties to the proceedings for serving procedural documents known to the applicant; where the parties to the proceedings or one of them is a legal person, the full name, registered office and any other addresses of other parties to the proceedings for the serving of procedural documents known to the applicant, codes, numbers of current accounts (if known) and details of credit institutions (if known);

the method to be used for serving the procedural documents to the party and the, postal address for correspondence, if different from the place of residence or seat;

the nature and subject matter of the procedural document;

circumstances substantiating the subject matter of the procedural document and any evidence confirming those circumstances;

any annexes must be attached to the procedural document filed;

the signature of the person filing the procedural document and the date it was drawn up.

A person to the proceedings who bases a procedural document on a rule of interpretation adopted by an international court or a court of a foreign state must provide a copy of the court decision setting out that rule and a duly certified translation of the decision into the national language.

A procedural document filed to the court by a representative must contain the information about the representative specified in points 2 and 3 above and must be accompanied by a document attesting to the representative's rights and obligations, provided that such a document has not yet been filed or the term of validity of the authorisation included in the file has expired.

A person authorised by a party to the proceeding who is unable to sign the procedural document must sign it on behalf of the latter, indicating the reason for which the party cannot sign the submitted document himself/herself.

Article 135 of the Code of Civil Procedure specifies that the statement of claim must contain the following information:

the amount of the claim, where a value is to be determined on the claim;

the circumstances on which the claimant bases his/her claim (factual grounds of the claim);

evidence attesting to the circumstances set out by the claimant, the places of residence of witnesses, and the location of other evidence;

what the claimant is seeking (the subject matter of the statement of claim);

the claimant's opinion concerning the possibility of a default judgement being handed down if there is no response to the claim or preliminary procedural document;

information as to whether the case will be conducted through an attorney. If it will be, the name, surname and office address of the attorney should be supplied;

the claimant's opinion concerning the possibility of concluding a settlement agreement if the claimant wishes to provide such an opinion.

The statement of claim must be accompanied by documents or other evidence on which the claimant bases his/her claims, proof of payment of the court fee and any requests for the taking of evidence which the claimant is unable to submit, indicating the reason for this.

### **10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?**

A statement of claim must be accompanied by all documents supporting your claims and proof of payment of the court fee. The court fee for non-pecuniary demands is LTL 100. In pecuniary disputes the court fee payable is equal to a percentage of the amount being claimed, as specified by specific laws: 3 % and at least LTL 50 for claims up to LTL 100 000; LTL 3 000 plus 2 % of the amount being claimed for claims above LTL 100 000 and up to LTL 300 000; and LTL 7 000 plus 1 % of the amount being claimed for claims above LTL 300 000. The total court fee in pecuniary disputes may not exceed LTL 30 000. Specific laws provide for cases in which claimants are exempted from the court fee. In addition, the court is entitled to grant partial exemption from or defer payment of the fee until its decision has been adopted, taking into consideration a person's financial situation. Any request for exemption from or deferral of the court fee must be justified and accompanied by proof of the person's poor financial situation.

In documentary proceedings, the court fee payable is half of the fee payable for the claim, but not less than LTL 20.

No court fee is payable for separate appeals, except for separate appeals seeking the application of interim measures, for which a LTL 100 court fee is payable.

Where procedural documents or annexes to such documents are filed with the court using electronic communications only, the fee payable is equal to 75 % of the court fee payable for the procedural document in question, subject to a minimum fee of LTL 10.

A client must agree on the provision of legal services with his/her attorney, attorneys or a professional attorney association by signing an agreement. The party must pay the agreed fee for the provided legal services. The parties are free to agree on the timing of the payment as they wish.

### **11 Can I claim legal aid?**

The Law on State-Guaranteed Legal Aid (*Lietuvos Respublikos valstybės garantuojamos teisinės pagalbos įstatymas*) guarantees the provision of primary and secondary legal aid in accordance with the arrangements laid down.

Primary legal aid is provided to nationals of the Republic of Lithuania and other EU Member States, persons lawfully resident in the Republic of Lithuania or other EU Member States, and persons entitled to such aid under international agreements to which the Republic of Lithuania is a party. Primary aid must be provided immediately. Where this is not possible, you will be notified when it will be accepted, which must be not later than 5 days from the date of the application. Municipal officials and employees, attorneys or specialists of public agencies with which the municipality has concluded a contract will give personal advice on the out-of-court settlement of your dispute, provide information on the legal system, laws and other legislation and help with drafting a

settlement agreement or completing an application for secondary aid. Primary legal aid may be refused where the applicant's claim is clearly not justified, the applicant has already received an extensive consultation on the same question, it is clear that the person is able to obtain lawyer's advice without the legal aid guaranteed by the state in accordance with the law, or the application does not relate to the person's own rights and legitimate interests, except for the cases of representation specified under the law.

Secondary legal aid may be received by the same recipients, but the provision of such aid is also subject to the level of their total income.

Secondary legal aid may be provided to any person resident in the Republic of Lithuania whose assets and annual income does not exceed the eligibility levels set by the Government with regard to provision of legal aid. The assets and income are classified into levels I and II: for level I, the state covers 100 % of the costs of secondary legal aid, while for level II, the state covers 50 % of the costs of secondary legal aid (the remaining 50 % must be borne by the person).

The following persons are entitled to receive secondary legal aid free of charge irrespective of their assets or annual income: suspects, accused persons or convicts in criminal cases where the participation of a defence lawyer is mandatory; victims in cases relating to compensation for damage resulting from a crime, including cases where the matter of compensation is to be decided in a criminal case; recipients of social benefits; persons supported by residential social care establishments; persons confirmed to be suffering from a severe disability or recognised as being unfit to work; persons who have reached retirement age and have been judged to have a high level of special needs; guardians (custodians) of such persons, where legal aid is required to represent and protect the rights and interests of persons under their guardianship (custodianship); persons who have furnished proof (an attachment order on property, etc.) that they are unable for objective reasons to use their property and funds and, as a result, their property and annual income which they would be able to use as they wish does not exceed the eligibility level set by the Government with regard to provision of the secondary legal aid; persons suffering from a serious mental illness, where their forced hospitalisation or treatment is at issue; guardians (custodians) of such persons, where the legal aid is required to represent and protect the rights and interests of such person; debtors, where a claim is being made against their last place of residence where they currently live; the parents or other statutory representatives of a minor, where removal of the child is at issue; minors who are not married or declared by a court to have full legal capacity and who go to court in their own right in the cases specified in specific laws; persons seeking to be declared legally incapable in cases concerning the declaration of a natural person as legally incapable; persons seeking to register a birth and other cases provided for in international agreements to which the Republic of Lithuania is a party.

**12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?**

A court will decide on admissibility by adopting a resolution. This procedure is regarded as the start of a civil case. If there are any shortcomings and a person participating in the case or having filed a claim/procedural document eliminates that shortcoming in line with the court's requirements and deadlines, the claim/document is deemed to have been filed on the date of its delivery to the court. Otherwise it is regarded as not having been filed and is returned to the applicant, together with the annexes, by order of the judge not later than five working days after the deadline for the elimination of the shortcomings.

A claimant is entitled to withdraw his/her claim as long as the court has not sent a copy of it to the defendant. The claim may be withdrawn at a later stage only if the defendant agrees and that the claim is withdrawn before the court of first instance adopts its decision.

**13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?**

Parties to proceedings are informed of the time and place of the court hearing or individual procedural measures by a summons or court notice. A schedule of court hearings is also available on the internet via the Lithuanian Courts Information System accessible on the website of the National Courts

Administration. <http://liteko.teismai.lt/tvarkarasciai/>

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