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Which country's court is responsible?

Lithuania

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Article 12 of the Law on Courts (*Lietuvos Respublikos teismų įstatymas*) establishes a uniform court system comprising of courts of general jurisdiction and courts of special jurisdiction.

Courts of general jurisdiction (first instance courts, both district and regional courts) hear all civil cases involving disputes relating to or arising from civil, family, employment, intellectual property, bankruptcy, restructuring or other private relations; such courts also hear cases in extraordinary legal proceedings and decide on applications regarding the acceptance and enforcement in the Republic of Lithuania of judgments by foreign courts and arbitration courts (Article 22 of the Code of Civil Procedure (*Civilinio proceso kodeksas*)).

Specialised courts, i.e. administrative courts (regional administrative courts), hear administrative cases arising from legal relations of an administrative nature.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

A claimant may file a claim to a court of his/her own choice according to the following conditions:

- 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 for the award of alimony and the determination of paternity may 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 persons' property may be filed according to the claimant's place of residence (registered office) or the place where the damage was done;
- a claim for damage resulting from unlawful conviction, unlawful application of custody measures, unlawful detention, unlawful application of procedural means of constraint or unlawful administrative punishment (arrest), including damage resulting from the unlawful actions of a judge or a court during the hearing of a civil case, may be filed according to the claimant's place of residence;
- 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 relating to consumer contracts may also be filed according to the consumer's place of residence;
- 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 damages resulting from a collision of ships and enforcement of compensation for assistance and rescue at sea, including any other cases where a dispute arises from legal relations involving maritime shipping, may also be filed according to the location or port of registration of the defendant's ship.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Civil cases are heard by district and regional courts as first instance courts (Article 25 of the Code of Civil Procedure).

According to the general rule enshrined in that Code, all civil cases are heard by district courts. There is also an exception to the general rule that certain cases fall within the jurisdiction of regional courts or the sole jurisdiction of Vilnius Regional Court.

This depends on the value of the disputed claim, whereby civil cases involving claims exceeding LTL 150.000, except for cases concerning family and employment relations and cases concerning compensation for non-material damage, are heard by regional courts.

Jurisdiction also depends on factors other than the disputed claim.

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

- 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 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 (stakes, interests);
- 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;
- 9) other civil cases which are required to be heard by regional courts as first instance courts under specific laws.

Vilnius Regional Court has sole jurisdiction as the first instance court in the following civil cases:

- 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.

2.2 Territorial jurisdiction (Is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

A claim is filed to a court according to the defendant's place of residence. A claim against a legal entity is filed according to the registered office of the legal entity as indicated in the Register of Legal Entities. Where the defendant is the state or a municipality, the claim is filed according to the seat of the institution representing the state or the municipality.

2.2.2 Exceptions to the basic rule

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

Parties may also agree on which court a claim should be filed with. Article 32 of the Code of Civil Procedure specifies that parties may change the territorial jurisdiction of their case by mutual agreement, but the competence of a court determined by its sole jurisdiction for or the subject matter of the case may not be changed by the parties' agreement.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

As specified in Article 30 of the Code of Civil Procedure, a claimant may choose which court is competent in the following cases:

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 his/her 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 his/her 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 or 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 compensation for damage to a persons' property may be filed according to the claimant's place of residence (registered office) or the place where the damage was done;

a claim for damage resulting from unlawful conviction, unlawful application of custody measures, unlawful detention, unlawful application of procedural means of constraint or unlawful administrative punishment (arrest), including damage resulting from the unlawful actions of a judge or a court during the hearing of a civil case, may be filed according to the claimant's place of residence;

a claim for compensation for damages resulting from a collision of ships and enforcement of compensation for assistance and rescue at sea, including any other cases where a dispute arises from legal relations involving maritime shipping, may be filed according to the location or port of registration of the defendant's ship.

a claim concerning an agreement/contract specifying the place of performance may also be filed according to the place of performance of 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 relating to consumer contracts may also be filed according to the consumer's place of residence;

In addition, a claim against a number of defendants residing or situated in different places may be filed according to the place of residence or registered office of one of the defendants, as chosen by the claimant (Article 33(1) of the Code of Civil Procedure).

A claim concerning an agreement/contract specifying the place of performance may be filed according to the place of residence or the registered office of the defendant or according to the place of performance of the agreement/contract, as chosen by the claimant. A claim relating to consumer contracts may be filed according to the place of residence or the registered office of the defendant or the consumer.

A claim concerning the award of alimony may be filed according to the place of residence or the registered office of the defendant or the claimant, as chosen by the claimant.

A civil claim concerning compensation for damage in a criminal case may be filed in order to be heard in accordance with the jurisdiction rules of the Code of Civil Procedure if the claim has not been filed or settled as part of a criminal case.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

Article 31(1) and (2) of the Code of Civil Procedure provides for the following exceptions to the general rule of territorial jurisdiction that are binding on a claimant initiating legal procedures:

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 the jurisdiction of the court at the place where the immovable property or main part of the property is situated.

claims by creditors of a succession filed before the heirs have accepted an inheritance fall within the jurisdiction of the court at the place of the inheritance or the main part of the inheritance.

It should also be noted that, in accordance with Article 33(2)–(4) of the Code of Civil Procedure of the Republic of Lithuania:

A counterclaim, irrespective of where jurisdiction for it lies, must be filed at the court of the initial claim. If the value of the claim is increased, its subject matter is changed, or the filing of a counterclaim changes the court competent for the case as determined by its subject matter, the court of the initial claim must decide on all the issues relating to the claim (counterclaim) and settle the entire case on its merits.

If any of the claimant's claims are to be filed according to the rules of sole jurisdiction, the overall action must be filed in accordance with those rules.

If any of the claimant's claims fall within the jurisdiction of a regional court, the overall action must be examined by a regional court.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

The parties may change the territorial jurisdiction of a case by written mutual agreement. However, the parties may not change the competence of a court determined by its sole jurisdiction for or the subject matter of the case by such agreement (Article 32 of the Code of Civil Procedure).

Jurisdiction to hear a case may exceptionally be justified by the participation of the defendant.

A court may transfer a case to another court where a defendant whose place of residence was not known asks for the case to be transferred to the court of his/her place of residence (Article 34(2)(2) of the Code of Civil Procedure).

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The specialised administrative courts operating in the Republic of Lithuania do not try civil, commercial or family-related cases. They try cases arising from legal administrative relations.

Last update: 21/10/2019

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