Small claims

Litwanja

1 Existence of a specific small claims procedure

Chapter XXIV of Part IV of the Code of Civil Procedure (Civilinio proceso kodeksas) of the Republic of Lithuania sets out the national small claims procedure. European small claims are dealt with pursuant to Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure, and European small claims cases are heard under the general rules for dispute resolution proceedings, with the exceptions laid down in the Law of the Republic of Lithuania implementing European Union and international legislation governing civil proceedings (Civilinį procesą reglamentuojančių Europos Sąjungos ir tarptautinės teisės aktų įgyvendinimo įstatymas).

1.1 Scope of procedure, threshold

The national small claims procedure and the European Small Claims Procedure is applicable to monetary claims not exceeding EUR 2 000.

The European Small Claims Procedure is applicable to civil claims not exceeding EUR 2 000. The procedure does not apply to cases concerning: the status or legal capacity of natural persons; rights in property arising out of a matrimonial relationship, maintenance obligations, wills and succession; bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, social insurance, arbitrage, employment law, tenancies of immovable property, with the exception of actions on monetary claims, and violations of privacy and of rights relating to personality, including defamation.

1.2 Application of procedure

The procedure has been applicable since 1 January 2009. European small claims cases are heard by district courts under the rules of territorial jurisdiction laid down in the Code of Civil Procedure of the Republic of Lithuania, i.e. by the district courts of towns or districts.

In the cases specified in Articles 4(3) and 5(7) of Regulation (EC) No 861/2007, the court must inform the applicant/defendant that he/she is entitled to file a claim/counterclaim not later than within 14 days of receipt of the court's notice, in accordance with the requirements set out in the Code of Civil Procedure of the Republic of Lithuania. Where the applicant/defendant does not file a properly executed claim/counterclaim with the court within the time limit set in paragraph 1 of this article, the application is deemed not to have been filed and is returned to the applicant/defendant by a court order. A separate appeal may be lodged against such an order.

1.3 Forms

The forms are provided by the courts and on the electronic services portal of the Lithuanian courts: https://e.teismas.lt/lt/public/home/.

1.4 Assistance

The presence of a legal representative/lawyer is not required. The courts provide assistance in the completion of forms, but do not advise on the merits of a claim. Article 11(1) of Regulation (EC) No 861/2007 sets out the practical assistance and information that is provided to the parties to proceedings by bodies that provide primary State-guaranteed legal aid.

1.5 Rules concerning the taking of evidence

Collection of evidence is governed by Chapter XIII of Part II of the Code of Civil Procedure.

1.6 Written procedure

Under the national small claims procedure, the court hearing a case may itself decide on the form and procedure for hearing the case. An oral hearing may be held where at least one party has submitted such a request. Under a written procedure, the persons involved in the case are not summoned and do not attend the court hearing. The persons involved in the case are notified of a written procedure in accordance with Article 133(3) of the Code of Civil Procedure. If a case is heard on the merits under a written procedure, the date, time and place of the court hearing as well as the composition of the court are announced on a special website (http://pranesimai.teismai.lt/teismu_pranesimai/) at least seven days before the date of the hearing, except in the cases specified by the Code, where the parties are notified under a different procedure. The said information is also provided by the court office.

1.7 Content of judgment

Under the national small claims procedure, the court's decision must have introductory and operative parts and make a brief statement of reasons.

1.8 Reimbursement of costs

A court fee (žyminis mokestis) in the amount set in Article 80(1)(6) of the Code of Civil Procedure of the Republic of Lithuania is charged on small claims. It amounts to 1/4 of the fee payable for the claim, but not less than EUR 10.

1.9 Possibility to appeal

Article 29 of the Law provides that the decisions of Lithuanian courts adopted under the European small claims procedure are subject to appeal. The appeal procedure is governed by Articles 301–333 of the Lithuanian Code of Civil Procedure. In accordance with Article 307(1) of the Code, where grounds for appeal exist, an appeal may be filed within 30 days of the date of the court decision.

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