



UNIVERSITÀ DEGLI STUDI DI MILANO  
DIPARTIMENTO DI STUDI INTERNAZIONALI,  
GIURIDICI E STORICO-POLITICI



Towards more Effective  
enFORcemenT of claimS in  
civil and commercial matters  
within the EU EFFORTS

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**LUXEMBOURG**  
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BRUSSEL



# Collection of Lithuanian implementing rules

## A. Lithuania

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### I. General implementation strategy

Lithuanian national law provides for direct application and priority of EU regulations. Rules embedded in the EU procedural regulations are linked with the national procedural rules of the Civil Procedure Code of Lithuania by the specific Law Implementing the European Union legislation and International Legal Instruments regulating the Civil Procedure of the Republic of Lithuania (translation is annexed below). This specific law is intended to ensure smooth implementation of the EU procedural regulations in national context.

### II. Brussels I bis Regulation

#### 1. Competent court or authority and procedure for issuance of certificates (outgoing)

cf. Art. 53 and 60

The court that adopted a judgement in question. The procedure is not detailed in national laws: Art. 799<sup>1</sup> of the Code of Civil Procedure states that chapters 4, 5 and six that regulates recognition and enforceability of judgements adopted by foreign courts are applicable to judgments adopted by the courts of the EU in cases where there are no regulations of the EU applicable to the recognition and enforceability of court judgements.



## 2. Competent court or authority and procedure for the enforcement of foreign titles (incoming)

cf. Art. 44 (2), 45 (4), 47 (1), 54 (2)

See above.

## 3. Other implementation rules

cf. preliminary remarks

Brussels I bis regulation is not implemented in Lithuania: national regulation provides for direct application and priority for EU regulations.

## 4. Critical assessment

The decision not to implement Brussels I bis Regulation is considered to be the right one as EU regulations are directly applicable. However, it would be wise to list the procedural steps of how to reach the particular result described in the regulation.

Brussels I bis Regulation is often applied and usually does not cause a lot of uncertainties or questions regarding its contents and procedures.

## III. European Enforcement Order Regulation (EEO)

### 1. Competent authority for (re-)issuance and suspension of the EEO (outgoing)

issuing: cf. Art. 6 (1), 9 (1), 24 (1), 25 (1); suspending: cf. Art. 6 (2); reissuing: cf. Art. 6 (3); specialization or concentration?

The court which hears the case and pass a judgment or confirm court settlement can issue EEO. There is no special court. Authentic instruments mean promissory notes protested and non-protested by notaries, cheques, mortgage/pledge transactions with enforcement records made by notaries.

### 2. Procedural rules on (re-)issuance and suspension of the EEO

e.g. hearing of the debtor, service to the debtor, remedies for the creditor in case of refusal



EEO can be issued in cases in which court order is not contested, in documentary proceedings, in which preliminary judgment is not contested, in cases, in which default judgment is passed as no reply to the claim is received or the defendant accepted the claim. Most service methods applied in Lithuania meet the requirements of EEO Regulation. It is not possible to service procedural documents in EEO cases by public announcement method or to leave procedural documents at the registered place of residence or at the registered office address. It is not regulated if the creditor can challenge the refusal to issue EEO. We believe that it is possible to challenge such refusal because it does not preclude civil proceedings.

### 3. Procedural rules on rectification or withdrawal of the EEO

cf. Art. 10 (2)

The court which issued the EEO certificate may rectify it at the request of an interested party. A European Enforcement Order certificate issued concerning an authentic instrument may be rectified by the district court at the place of business of the notary who made the enforcement record of the authentic instrument.

### 4. Rules on service

cf. Art. 13, 14, 15, e.g. standard forms, competent service person, exclusion of national forms of service (cf. Art. 14(2), CJEU, C-292/10)

Where the claimant / creditor has noted in addition in the claim / application to issue a court order that the issuance of a European Enforcement Order will be sought, when examining the case, the court shall serve procedural documents using the methods of service of procedural documents, which have been specified in the Code of Civil Procedure of the Republic of Lithuania and conform to the requirements of Articles 13, 14 and 15 of Regulation (EC) No 805/2004. As it has been already said, most service methods applied in Lithuania meet the requirements of EEO Regulation. It is not possible to service procedural documents in EEO cases by public announcement method or just to leave procedural documents at the registered place of residence or at the registered office address. Nowadays usually procedural documents are serviced electronically or by couriers or by registered mail.

### 5. Possibilities for review under Art. 19 (1) and (2)

In the cases where the information on the service requirements has not been submitted to the court, a European Enforcement Order may be issued if their procedural documents have



been served using the methods of service of procedural documents that conform to the requirements of Articles 13, 14 and 15 of Regulation (EC) No 805/2004.

## 6. Competent authority and procedure for refusal, or stay or limitation of enforcement (incoming)

cf. Art. 21, 23, e.g. remedies and hearings, specialization or concentration?

The Court of Appeals of Lithuania decides the questions referred to in Article 21 of Regulation by rendering a ruling under the written procedure. The decisions referred to in Article 23(1)(a) of Regulation (EC) No 805/2004 shall, according to the competence, be made by a district court or a bailiff of the place of enforcement of the court decision, approved court settlement or authentic instrument. The decisions referred to in Article 23(1)(b) shall be made by a district court of the place of enforcement of the court decision, court settlement or authentic instrument. The decisions referred to in Article 23(1)(c) of Regulation shall be made by a bailiff of the place of enforcement of the court decision or authentic instrument.

## 7. Costs for the issuance of an EEO

if any, please provide the relation to comparable costs of national enforcement orders

No special costs are set for the issuance of an EEO in Lithuania.

## 8. Other implementation rules

cf. preliminary remarks

## 9. Critical assessment

EEO is still applied in Lithuania not often.

Most of civil cases, where EEO certificate was challenged, had the grounds that the defendant had not been properly notified about the civil proceedings. For instance, the defendant was notified about the claim only by public announcement on internet website. The Court of Appeals agreed that such notification of the debtor does not meet minimum standards set in EEO Regulation (Case No. 2-942-196/2017). In other case Vilnius district court decided that there is no ground to certify judgment as EEO as a defendant challenged in the court the authentic documents certified by a notary. These circumstances show that a claim could not be regarded as uncontested one (Case No. e2S-201-275/2018). In one more



case Lithuanian Court of Appeals agreed that the claim could not be regarded as uncontested as the defendant properly informed that she could not attend court hearing and asked to hear case without here appearing in the court. (Case No. e2-639-943/2019).

Official information from Chamber of Lithuanian Bailiffs

Submission of relevant documents to bailiffs in Lithuania

European enforcement orders			Total
	Authentic documents	Court decisions	
2019	89 units 50189097,00 Eur	18 units 554354,16 Eur	107 units 50 743 451,16 Eur
2018	81 units 47168712,09 Eur	15 units 580541,64 Eur	96 units 47 749 253,73 Eur
2017	69 units 44801970,06 Eur	14 units 431905,54 Eur	83 units 45 233 875,6 Eur

#### IV. European Payment Order Regulation (EPOR)

##### 1. National distribution of competences under Art. 6

specialization or concentration?

It is set that jurisdiction is to be established according to the national rules of civil procedure (Art. 20 of the Law Implementing the European Union Legislation and International Legal Instruments Regulating the Civil Procedure of the Republic of Lithuania). There is no special jurisdiction for cases under EPOR established.



## 2. Sanctions under Art. 7 (3)

Art 19 of the Law Implementing the European Union Legislation and International Legal Instruments Regulating the Civil Procedure of the Republic of Lithuania refers to the national civil procedure rules with exceptions set in the law discussed. Sanction under Art. 7 (3) is not discussed in the law in question. Therefore, general rules of civil procedure apply.

Sanctions applicable by the court are set in Arts. 103 – 109 of the Civil Procedure Code. The Civil Procedure Code, however, do not establish a discretion for the court to apply sanctions in case untrue information was provided intentionally.

## 3. Means of communication

cf. Art. 7 (5), (6) and Art. 16 (4), (5); please bear in mind the Report on the digitalization of enforcement procedures (D3.17)

Art 19 of the Law Implementing the European Union Legislation and International Legal Instruments Regulating the Civil Procedure of the Republic of Lithuania refers to the national civil procedure rules with exceptions set in the law discussed.

The form of submitting documents is regulated in Arts. 111 and 175<sup>1</sup>-175<sup>2</sup> of the Civil Procedure Code enabling the parties to the case to submit documents to the court both by filing paper copies following procedural requirements (number of copies etc.) or filing electronic documents via Court Information System. The parties to the case are able to follow the procedure of their case in the system as well as review documents of the case.

Enforcement procedure has also been digitalised enabling parties to submit documents to the bailiff for enforcement digitally.

## 4. Rules on service and verification by courts pursuant to Art. 12 (5)

cf. Art. 13, 14, 15, e.g. standard forms, competent service person, exclusion of national forms of service (cf. Art. 14(2), CJEU, C-292/10)

See above. The court serves documents either via post or via electronic system. If a party to the dispute is not a user of the electronic system and does not have an obligation to receive documents via electronic system (e. g. attorneys-at-law, state institutions, insurance companies etc.), the court may approach the party to the dispute informing about the possibility to become a user of the system and noting that the case can be accessed via the system. The electronic system records time stamp when the certain document has been



accessed. If the court uses post for serving documents, the parcel is usually sent as a registered mail and the post records the time the parcel has been retrieved.

#### 5. Rules on opposition to and review of the EPO (outgoing)

cf. Art. 16, 17, 20 (cf. CJEU, C-324/12)

Rules on opposition is not detailed in the Law Implementing the European Union Legislation and International Legal Instruments Regulating the Civil Procedure of the Republic of Lithuania refers to the national civil procedure rules with exceptions set in the law discussed. Art. 23 of the law discussed sets that a European order for payment shall be reviewed with reference to the grounds referred to in Art. 20 (1) and (2) of Regulation (EC) No 1896/2006 by the court, which has issued the European order for payment. Upon acceptance of an application to review the European order for payment, the court shall forward copies of the application and its annexes to the claimant and shall inform that the latter shall provide a written answer within fourteen days as of the day of sending of the application. The court shall examine the application to review the European order for payment under the written procedure not later than within fourteen days after the expiry of the time-limit to submit an answer to the application and shall render a ruling with one of the decisions referred to in Article 20(3) of Regulation (EC) No 1896/2006.

#### 6. Competent authority and procedure for refusal, or stay or limitation of enforcement (incoming)

cf. Art. 22, 23, e.g. remedies and hearings, specialization or concentration?

Lithuanian Court of Appeals handles applications referred to Article 22(1) of Regulation (EU) No 1896/2006 for refusal to enforce a European order for payment (Art. 24(2) of the Law Implementing the European Union Legislation and International Legal Instruments Regulating the Civil Procedure of the Republic of Lithuania). Such applications shall *mutatis mutandis* be examined according to the provisions of paragraphs 4, 5 and 6 of Article 4 of the Law discussed.

District court of the place of enforcement handles applications referred to in Article 23 of Regulation No 1896/2006 to stay or limit the enforcement of the European order for payment (Art. 24 (3) of the Law Implementing the European Union Legislation and International Legal Instruments Regulating the Civil Procedure of the Republic of Lithuania).





## 7. Remedies under national law in cases such as CJEU, C-119/13 and C-120/13

cf. also Art. 19 (2) EEOR

A European order for payment can be reviewed with reference to the grounds referred to in Article 20, paragraphs 1 and 2 of Regulation (EC) No 1896/2006 by the court, which has issued the European order for payment (Art 23(1) of the Law Implementing the European Union Legislation and International Legal Instruments Regulating the Civil Procedure of the Republic of Lithuania).

## 8. Costs for the issuance of the EPO

if any, please provide the relation to comparable costs in the national legal order

Art 21 of the Law Implementing the European Union Legislation and International Legal Instruments Regulating the Civil Procedure of the Republic of Lithuania refers the issue of stamp duty to Art. 434 (1)-(3) of the Civil Procedure Code. The article discussed sets stamp duty for cases regarding court order (national proceedings) which is equal to a quarter of the stamp duty which is paid under the general rules of the civil procedure but not less than EUR 10. A person can be fully or partly exempted from the stamp duty. The usual stamp duty is set in Art. 80 of the Civil Procedure Code and is calculated as a percentage of the value of the dispute; if the value of the dispute is less than EUR 30 000, stamp duty is 3 percent but no less than EUR 20; if the value of the dispute is more than EUR 30 000 but less than EUR 100 000, stamp duty is EUR 900 plus 2 percent of the amount exceeding EUR 30 000; if the value of the dispute is more than EUR 100 000, stamp duty is EUR 2 300 plus 1 percent of the amount exceeding EUR 100 000. The maximum stamp duty is EUR 15 000.

## 9. Other implementation rules

cf. preliminary remarks

## 10. Critical assessment

The regulation is applied quite rarely.



## V. European Small Claims Procedure Regulation (ESCPR)

### 1. Competent court

cf. Art. 4 (1) and Art. 20 (2): local jurisdiction, jurisdiction *ratione materiae*, specialization or concentration?

Cases under the European small claims procedure shall be heard by district courts according to the rules of territorial jurisdiction set out in the Code of Civil Procedure of the Republic of Lithuania (Art. 26 of the Law Implementing the European Union Legislation and International Legal Instruments Regulating the Civil Procedure of the Republic of Lithuania).

### 2. Means of communication

cf. Art. 4 (1), 8, 13; please bear in mind the Report on the digitalization of enforcement procedures (D3.17)

Art 19 of the Law Implementing the European Union Legislation and International Legal Instruments Regulating the Civil Procedure of the Republic of Lithuania refers to the national civil procedure rules with exceptions set in the law discussed.

The form of submitting documents is regulated in Arts. 111 and 175<sup>1</sup>-175<sup>2</sup> of the Civil Procedure Code enabling the parties to the case to submit documents to the court both by filing paper copies following procedural requirements (number of copies etc.) or filing electronic documents via Court Information System. The parties to the case are able to follow the procedure of their case in the system as well as review documents of the case.

Enforcement procedure has also been digitalised enabling parties to submit documents to the bailiff for enforcement digitally.

### 3. Procedure for claims outside the scope of the ESCPR

cf. Art. 4 (3)

General rules of civil procedure apply.

### 4. Costs and distribution of costs

cf. Art. 15a and 16: if any, please provide the relation to comparable costs in the national legal order; distribution of costs in cases where one party is only partly successful/not wholly successful (cf. CJEU, C-554/17)



The usual stamp duty is set in Art. 80 of the Civil Procedure Code and is calculated as a percentage of the value of the dispute; if the value of the dispute is less than EUR 30 000, stamp duty is 3 percent but no less than EUR 20; if the value of the dispute is more than EUR 30 000 but less than EUR 100 000, stamp duty is EUR 900 plus 2 percent of the amount exceeding EUR 30 000; if the value of the dispute is more than EUR 100 000, stamp duty is EUR 2 300 plus 1 percent of the amount exceeding EUR 100 000. The maximum stamp duty is EUR 15 000.

The litigation costs are to be reimbursed by the unsuccessful party. The court has discretion to decrease the litigation costs that is requested following the recommendations for the maximum amount of litigations costs as well as in respect whether the party was fully successful or partly and the procedural conduct of the party (Art. 93 of the Civil Procedure Code).

#### 5. Competent court and procedure for refusal, or stay or limitation of enforcement (incoming)

cf. Art. 22, 23, e.g. remedies and hearings, specialization or concentration?

Lithuanian Court of Appeals handle the applications referred to in Article 22(1) of Regulation (EC) No 861/2007 on refusal to enforce the decisions given under the European small claims procedure (Art. 31 (2) of the Law Implementing the European Union Legislation and International Legal Instruments Regulating the Civil Procedure of the Republic of Lithuania). Such applications shall *mutatis mutandis* be examined according to the provisions of paragraphs 4, 5 and 6 of Article 4 of the Law discussed.

Local district court of the place of enforcement handle the applications referred to in Article 23 of Regulation (EC) No 861/2007 to stay or limit the enforcement of decisions given under the European small claims procedure.

#### 6. Other implementation rules

cf. preliminary remarks

#### 7. Critical assessment

This procedure is not widely known and is rarely applicable due to its complexity and existence of more convenient national alternatives that can be applied at the choice of the claimant.



## VI. European Account Preservation Order Regulation (EAPOR)

### 1. Competent court

cf. Art. 6, 10: local jurisdiction, jurisdiction *ratione materiae*, specialization or concentration?

An application for the European Account Preservation Order shall be submitted to the first instance court which has jurisdiction to rule on the merits of this dispute. When the case on the merits of the dispute is outside the jurisdiction of a court of the Republic of Lithuania, an application for the European Account Preservation Order shall be submitted to the district court of the place of domicile of the consumer. In the case referred to in Article 6(3) of Regulation (EU) No 655/2014, an application for the European Account Preservation Order shall be submitted to the first instance court which has ruled on the case on the merits or approved the court settlement. The same jurisdiction rules are applied when the case on the merits is pending or has already been disposed at the court of appeal instance or at the court of cassation.

### 2. National provisions on the taking of evidence pursuant to Art. 9

There are no special national provisions on that. According to the code of civil procedure evidence shall be provided by the parties and other persons involved in the case. If the evidence provided is insufficient, the court may ask the parties or other persons involved in the case to provide additional evidence and shall set a time limit for their submission. The court shall have the right to collect evidence on its own initiative only in cases provided for in the Code of Civil Procedure and other laws, as well as when the public interest so requires and failure to take such measures would violate the rights and legitimate interests of a person, society or state. Art. 147 of CCP states that in exceptional cases when it is asked to apply provisional measures, it is also possible to ask to provide more evidence on such application.

### 3. Procedure for and means of providing security under Art. 12

No special rules are set for this question in Lithuania. According to CCP, at the request of a party, the court may ask the claimant or another person who has asked for interim measures within a time limit set by the court, to provide, a security for damages which may result from the application for interim measures. Compensation for these losses can also be secured by a bank guarantee. If the plaintiff fails to pay the money intended to secure damages or fails to provide a bank guarantee within the prescribed term, the court must repeal the applied interim measures within three working days from the date of expiry of the term.



#### 4. Liability of the creditor under national law

cf. Art. 13 (3), (4)

According to Art. 146 of CCP if the judgment is rendered to dismiss a claim, the defendant shall be entitled to claim damages from the defendant for the damage suffered as a result of the interim measures granted at the request of the applicant. If the defendant does not bring an action for damages within fourteen days of the date on which the court decision on the substance of the dispute takes effect, the measures for securing damages shall be revoked. The abolition of measures does not preclude the defendant from bringing a separate claim for damages in separate proceedings.

#### 5. Competent authority and methods to obtain account information

cf. Art. 14 (1), (5)

The information referred to in Article 14 of Regulation (EU) No 655/2014 shall be provided to the court examining the application for the European Account Preservation Order by the authority authorised by the Government of the Republic of Lithuania. This authority is the State Tax Inspectorate. It can retrieve information on Lithuanian bank accounts and their holders from the Tax Accounting Information System.

#### 6. Means of communication

cf. Art. 17 (5), 29, 36; please bear in mind the Report on the digitalization of enforcement procedures (D3.17)

Enforcement proceedings are really digitized in Lithuania. Courts and bailiffs communicate electronically.

#### 7. Appeals and remedies

cf. Art. 21, 33-35, 37-39

A separate appeal may be submitted in the case referred to Article 21(1) of Regulation. An application for the remedies to be applied in the Member State of origin as referred to in Articles 33 and 35 of Regulation shall be submitted to the court which has issued the European Account Preservation Order. A separate appeal may be submitted against the ruling of this court concerning remedies. An application for the remedies, which shall be applied in the Member State of enforcement and which are referred to in Articles 34 and 35 of Regulation (EU) No 655/2014, except Article 34(1)(a) and Article 35(3) of this



Regulation, shall be submitted to the district court of the domicile of the bailiff who is enforcing or enforced the European Account Preservation Order. A separate appeal may be submitted against the ruling of this court concerning remedies. The ruling of the court of appeal instance rendered after examination of separate appeals in the cases are not subject to appeal under the cassation procedure.

#### 8. Enforcement procedure

cf. Art. 23-25, 27-28

European Account Preservation Orders shall be enforced by a bailiff in Lithuania. The bailiff carries out the actions of receipt, transmission or service of procedural documents referred to in Article 4(14) of Regulation (EU) No 655/2014, as well as the actions referred to in Article 24(4), Article 24, paragraphs 1, 2 and 4 of Regulation (EU) No 655/2014.

#### 9. Liability of the bank under national law

cf. Art. 26

General rules of civil and criminal liability shall be applied in case of infringements made by banks for non-enforcement of a judgment not relating to the recovery of funds.

#### 10. Fees and costs of courts, authorities, and banks

cf. Art. 42, 43, 44

When submitting an application for the European Account Preservation Order, as well as when applying the remedies at court as referred to in Chapter 4 of Regulation (EU) No 655/2014, the stamp duty shall be paid, which shall be equal to the stamp duty, if any, payable for applications for interim protection measures or, respectively, for separate appeals against the rulings on interim protection measures. According to CCP, a stamp duty of EUR 50 shall be payable on applications for interim measures. Also 50 EUR stamp duty is paid if separate appeal is lodged.

Pursuant to Article 21 of the Law on Bailiffs the enforcement fees have the following structure:

1) An administrative fee, that consists of general expenses and additional expenses paid for particular operations performed by the judicial officer. 2) Remuneration to a judicial officer for enforcement of writs of execution defined by law. More information could be found [here](#).



## 11. Other implementation rules

cf. preliminary remarks

## 12. Critical assessment

This Regulation is still applied quite rarely.

## VII. Summary and overall assessment

It might be observed that some of EU instruments are applied quite rarely. It can be attributed to insufficient level of awareness, on one hand, and on shortcomings of the analysed European proceedings on the other hand.

Problem of insufficient awareness might be cured by increasing of adequate training and promotion of EU proceedings.

Current shortcomings of EU regulations might be solved by upgrading of rules of EU regulations.



## B. Annex: Implementation Rules and Translations

2008 m. lapkričio 13 d. Lietuvos Respublikos civilinį procesą reglamentuojančių Europos Sąjungos ir tarptautinės teisės aktų įgyvendinimo įstatymas Nr. X-1809	Law Implementing the European Union legislation and International Legal Instruments regulating the Civil Procedure of the Republic of Lithuania No X-1809 of 13 November 2008 ( <i>unofficial translation of the consolidated version of the law with all its amendments is enclosed</i> )
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/Translation from Lithuanian/

Consolidated version as of 01/04/2018

The Law published: Official Gazette Žinios 2008, No 137-5366, ref. No 1081010ISTA00X-1809

LAW IMPLEMENTING THE EUROPEAN UNION LEGISLATION AND  
INTERNATIONAL LEGAL INSTRUMENTS REGULATING THE CIVIL  
PROCEDURE OF THE REPUBLIC OF LITHUANIA

13 November 2008, No X-1809

Vilnius

SECTION ONE

GENERAL PROVISIONS

Article 1. Purpose of the Law

This Law shall ensure proper implementation of the European Union legislation referred to in the Annex to this Law and of international legal instruments regulating civil procedure.





## SECTION TWO

### IMPLEMENTATION OF ARTICLES 280 AND 299 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

#### Article 2. Issuance of enforcement orders

Enforcement orders for the decisions of the Council of the European Union, the European Commission or the European Central Bank whereby a pecuniary obligation is imposed on persons, except for the states, as well as for judgments of the European Court of Justice shall, at the request of the party concerned, be issued by the Court of Appeal of Lithuania without delay and not later than within five working days.

Amendments to the Section:

No XII-2750, 08/11/2016, published in the Register of Legal Acts on 16/11/2016, ref. No 2016-26872

## SECTION THREE

### IMPLEMENTATION OF REGULATION (EC) NO 1393/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 13 NOVEMBER 2007 ON THE SERVICE IN THE MEMBER STATES OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS (SERVICE OF DOCUMENTS), AND REPEALING COUNCIL REGULATION (EC) NO 1348/2000 AND THE HAGUE CONVENTION OF 15 NOVEMBER 1965 ON THE SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS

#### Article 3. Procedure of service of documents received from abroad

1. The documents received from abroad shall be served under the procedure set out by the Code of Civil Procedure of the Republic of Lithuania and by the Minister of Justice of the Republic of Lithuania to the extent Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (hereinafter – Regulation (EC)



No 1393/2007), the 1965 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (hereinafter – the 1965 Hague Convention) and this Law do not provide otherwise.

2. The procedure of charging for the costs of service of documents in the Republic of Lithuania shall be set out by the Minister of the Republic of Lithuania under the procedure laid down in the Republic of Lithuania Law on Judicial Officers.

#### Article 3<sup>1</sup>. Implementation of the 1965 Hague Convention

The 1965 Hague Convention shall be implemented in the Republic of Lithuania in accordance with the Republic of Lithuania Law on the Ratification of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

#### Article 3<sup>2</sup>. Central authority

1. The central authority for the functions referred to in Article 3 of Regulation (EC) No 1393/2007 shall be the Ministry of Justice of the Republic of Lithuania.

2. The central authority designated under Article 2 of the 1965 Hague Convention for the functions referred to in the 1965 Hague Convention shall be the Ministry of Justice of the Republic of Lithuania.

#### Article 3<sup>3</sup>. Transmitting and receiving authorities

1. All the courts of general jurisdiction of the Republic of Lithuania, which hear civil and criminal matters, shall be competent to transmit documents abroad under Regulation (EC) No 1393/2007 and the 1965 Hague Convention.

2. The Chamber of Judicial Officers of Lithuania shall be the authority designated under Article 2(2) of Regulation (EC) No 1393/2007 as competent to receive requests for the service of documents from other Member States.

3. The central authority designated under Article 2 of the 1965 Hague Convention shall receive requests for service from other Contracting States and forward them to the Chamber of Judicial Officers of Lithuania.



4. The Chamber of Judicial Officers of Lithuania shall, in the cases referred to in paragraphs 2 and 3 of this Article, organise and coordinate the service of documents and their referral to judicial officers for enforcement.

#### Article 3<sup>4</sup>. Renewal of the expired time limit to submit an appeal

The defendant shall have the right to submit an application to renew the exceeded time limit to submit an appeal in the cases referred to in Article 19(4) of Regulation (EC) No 1393/2007 and Article 16(1) of the 1965 Hague Convention. The application to renew the exceeded time limit to submit an appeal shall not be examined where more than one year has elapsed after the day of rendering of the court decision.

Amendments to the Section:

No XII-2197, 17/12/2015, published in the Register of Legal Acts on 29/12/2015, reg. No 2015-20895

#### SECTION FOUR

##### PROCEDURE FOR RECOGNITION AND ENFORCEMENT OF COURT DECISIONS OF THE MEMBER STATES OF THE EUROPEAN UNION

Amendment to the Section title:

No XII-890, 15/05/2014, published in the Register of Legal Acts on 28/05/2014, ref. No 2014-05780

#### Article 4. Procedure for recognition and enforcement of court decisions of the Member States of the European Union

1. Court decisions of the Member States of the European Union and other documents enforceable under the European Union regulations, where such regulations of the European Union provide for the procedure for implementing the recognition and enforcement procedures of such court decisions and other enforceable documents, shall be recognised in the Republic of Lithuania and their enforcement shall be allowed under the procedure set out by the regulations of the European Union, this Law, and the Code of Civil Procedure of



the Republic of Lithuania. Where regulations of the European Union do not set out the procedure for implementing the recognition and enforcement procedures of court decisions of the Member States of the European Union, however, it is required to recognise such decisions and allow their enforcement under the regulations of the European Union, such decisions shall be recognised and their enforcement shall be allowed under Sections Four, Five and Six of Chapter LX of the Code of Civil Procedure of the Republic of Lithuania.

Amendments to this paragraph of the Article:

No XII-890, 15/05/2014, published in the Register of Legal Acts on 28/05/2014, ref. No 2014-05780

2. The provisions of this Article shall apply *mutatis mutandis* also in the case when foreign decisions are recognised and their enforcement is allowed under international treaties, if they provide for the possibility of a double review of the lawfulness and justification of the court decision on the recognition of a foreign court decision.

3. Where regulations of the European Union provide for the right of the parties to apply to court concerning the recognition of court decisions of the Member States of the European Union, an application for the recognition of a court decision of the Member State of the European Union shall be examined under the procedure set out in paragraph 4, 5 and 6 of this Article.

4. An application to allow enforcement of a court decision of the Member State of the European Union shall be submitted to the Court of Appeal of the Republic of Lithuania. Such application shall conform to the general requirements set for procedural documents, including the requirement to submit the application and its annexes in the national language or attach the translation of these documents into the Lithuanian language. If the applicant resides outside the Republic of Lithuania and has not designated a representative in the proceedings or an authorised person for the service of procedural documents who resides (has a professional domicile) in the Republic of Lithuania (Article 805 of the Code of Civil Procedure of the Republic of Lithuania), the application to allow enforcement of a court decision of the Member State of the European Union shall state an address in the Republic of Lithuania or an address of telecommunication terminal equipment to which procedural documents would be served on the applicant. An application to allow enforcement of a court decision of the Member State of the European Union shall be exempt from the stamp duty.

5. The application referred to in paragraph 4 of this Article shall be examined by a judge of the Court of Appeal of Lithuania. Upon identifying that the application has been submitted



without adhering to the procedure set out in the regulations of the European Union, this Law or the Code of Civil Procedure of the Republic of Lithuania, the court shall consider that the application has not been submitted and shall return it to the applicant, and the application, which has already been accepted by the court, shall be left unconsidered. The court shall set the time limit to eliminate the shortcomings of the form or content of the application (Article 115 of the Code of Civil Procedure of the Republic of Lithuania), if the applicant resides in the Republic of Lithuania, has indicated an address in the Republic of Lithuania or an address of communications terminal equipment for the service of procedural documents to the applicant, or has designated a representative in the proceedings or an authorised person to accept procedural documents who resides (or has a professional domicile) in the Republic of Lithuania (Article 805 of the Code of Civil Procedure of the Republic of Lithuania). If the shortcomings are not eliminated within the time limit set by the court, it shall be considered that the application has not been submitted and shall be returned to the applicant, and the application, which has already been accepted by the court, shall be left unconsidered. The court shall decide on the issue of authorisation to enforce a court decision of a Member State of the European Union by rendering a ruling under the written procedure. This ruling shall specify the procedure under which it can be reviewed and becomes enforceable; the ruling which allows enforcement of a decision shall also have an indication that enforcement of the decision of a Member State of the European Union has been allowed without verification whether there are any grounds specified in the regulations of the European Union to refuse to recognise the court decision of the Member State of the European Union. This ruling shall become enforceable after expiration of the time limit stated in the regulations of the European Union to appeal against the court ruling allowing enforcement of the court ruling of the Member State of the European Union. The Court of Appeal of Lithuania shall issue an enforcement document only after the ruling becomes enforceable and only with respect to the applicant and the person with respect of whom enforcement of the decision is sought.

6. An application to review the ruling on the authorisation to enforce a court decision of a Member State of the European Union shall be examined by a chamber of three judges of the Court of Appeal of the Republic of Lithuania. The rules for hearing separate appeals shall apply *mutatis mutandis* to such applications. A judge who has rendered this ruling may not be appointed to the chamber of judges of the Court of Appeal of Lithuania to examine the application to review the ruling on authorisation to enforce the court decision of the Member State of the European Union. After examining the application to review the ruling on authorisation to allow enforcement of the court decision of the Member State of the European Union and deciding to revoke the ruling, the court may not refer the matter for re-hearing under the procedure set out in paragraph 5 of this Article. After examining the



application to review the ruling on authorisation to enforce a court decision of the Member State of the European Union, the court shall render a ruling in all cases. This ruling shall become enforceable as of the day of its rendering. The court ruling may be appealed against by an appeal in cassation under the rules of procedure at the court of cassation.

#### SECTION FOUR<sup>1</sup>

#### IMPLEMENTATION OF REGULATION (EU) NO 1215/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 12 DECEMBER 2012 ON JURISDICTION AND THE RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS (RECAST)

Article 4<sup>1</sup>. Procedure for examining applications for or a decision that there are no grounds for refusal to recognise a court decision

1. Applications for a decision that there are no grounds for refusal to recognise a court decision, as referred to in Article 36(2) of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) (hereinafter – Regulation (EU) No 1215/2012), shall be examined by the Court of Appeal of Lithuania. Such applications shall be examined *mutatis mutandis* with reference to the provisions of paragraphs 4, 5 and 6 of Article 4 of this Law.

2. An application to review the ruling rendered by the Court of Appeal of Lithuania concerning the application referred to in paragraph 1 of this Article may be submitted within thirty days after the day of service of the ruling to the party. If a permanent residence of the party entitled to submit an application to review a ruling of the Court of Appeal of Lithuania is outside the Republic of Lithuania, the time limit for submission of the application to review the ruling of the Court of Appeal of Lithuania shall be sixty days and it shall be calculated after the day of service of the ruling on the party in person or its delivery to the place of his/her residence.

Article 4<sup>2</sup>. Procedure for examining applications for refusal to enforce a court decision

1. The applications referred to in Article 47(1) of Regulation (EU) No 1215/2012 for refusal to enforce a court decision shall be examined by the Court of Appeal of Lithuania. Such



applications shall be examined *mutatis mutandis* with reference to the provisions of paragraphs 4, 5 and 6 of Article 4 of this Law.

2. The appeal referred to in Article 49(2) of Regulation (EU) No 1215/2012 concerning the ruling rendered by the Court of Appeal of Lithuania on the application referred to in paragraph 1 of this Article to refuse to enforce a court decision may be submitted within thirty days after the day of service of the ruling on the party. If a permanent residence of the party entitled to submit the appeal referred to in Article 49(2) of Regulation (EU) No 1215/2012 is outside the Republic of Lithuania, the time limit for submission of the appeal shall be sixty days and it shall be calculated after the day of service of the ruling on this party in person or its delivery to the place of his/her residence.

Article 4<sup>3</sup>. Procedure for adaptation of the measure or order referred to in Article 54 of Regulation (EU) No 1215/2012

1. In accordance with Article 54(1) of Regulation (EU) No 1215/2012, the measure or order contained in a court decision shall be adapted by the subject, which has to recognise or enforce the court decision.

2. The adaptation of the measure or order may be challenged before a court under the procedure set out by laws of the Republic of Lithuania.

Supplemented with the Section:

No XII-890, 15/05/2014, published in the Register of Legal Acts on 28/05/2014, ref. No 2014-05780

## SECTION FIVE

IMPLEMENTATION OF COUNCIL REGULATION (EC) NO 1206/2001 OF 28 MAY 2001 ON COOPERATION BETWEEN THE COURTS OF THE MEMBER STATES IN THE TAKING OF EVIDENCE IN CIVIL OR COMMERCIAL MATTERS

Article 5. Taking of evidence in a Member State of the European Union

1. All the courts/judges of the Republic of Lithuania shall have the right to take evidence in a Member State of the European Union under the procedure set out by legislation of the European Union.



2. Parties and their representatives, if any, shall have the right to participate in the performance of the taking of evidence by the court of a Member State of the European Union under the procedure set out by legislation of the European Union.

#### Article 6. Central authority

The Ministry of Justice of the Republic of Lithuania shall be the central authority for the functions referred to in Article 3 of Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.

#### SECTION SIX

IMPLEMENTATION OF COUNCIL REGULATION (EC) NO 2201/2003 OF 27 NOVEMBER 2003 CONCERNING JURISDICTION AND THE RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN MATRIMONIAL MATTERS AND THE MATTERS OF PARENTAL RESPONSIBILITY, REPEALING REGULATION (EC) NO 1347/2000, OF THE HAGUE CONVENTION OF 25 OCTOBER 1980 ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION, AND OF THE HAGUE CONVENTION OF 19 OCTOBER 1996 ON JURISDICTION, APPLICABLE LAW, RECOGNITION, ENFORCEMENT AND CO-OPERATION IN RESPECT OF PARENTAL RESPONSIBILITY AND MEASURES FOR THE PROTECTION OF CHILDREN

Amendment to the Section title:

No XII-1413, 11/12/2014, published in the Register of Legal Acts on 23/12/2014, ref. No 2014-20545

#### Article 7. Return of the child

1. Proceedings related to the return of the child who has been wrongfully removed or retained in an EU Member State or a Contracting State under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (hereinafter – the Hague Convention), other than the state of the child's habitual residence, (hereinafter – proceedings for the return of the child) shall be heard under the procedure set out in Chapter XXXIX of the Code of Civil Procedure of the Republic of Lithuania to the extent





Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (hereinafter – Regulation (EC) No 2201/2003), the Hague Convention and this Law do not provide otherwise.

2. Proceedings for the return of the child where the child has been wrongfully removed or retained in the Republic of Lithuania shall fall within the jurisdiction of the Vilnius Regional Court.

3. Hearing of the case for the return of the child shall be notified to the interested parties. The court, when getting ready to hear the case for the return of the child, shall task the central authority referred to in Article 11(2)(2) of this Law with provision of the information referred to in Article 55(a) of Regulation (EC) No 2201/2003.

4. If the applicant resides outside the Republic of Lithuania and has not designated a representative in the proceedings or an authorised person for the service of procedural documents who resides in the Republic of Lithuania (Article 805 of the Code of Civil Procedure of the Republic of Lithuania), the application for the return of the child shall state an address in the Republic of Lithuania or an address of telecommunication terminal equipment to which procedural documents would be served for the applicant.

5. An application for the return of the child shall be heard within the time limits set out in Article 11 of Regulation (EC) No 2201/2003. Where the case is heard under the oral procedure, the transcript of the hearing shall be drawn up.

6. The ruling to return the child or refuse to return the child may be appealed against by a separate appeal to the Court of Appeal of Lithuania. Cassation shall not be allowed in proceedings for the return of the child.

7. The function referred to in Article 11(6) of Regulation (EC) No 2201/2003 of the transmission of documents in the Republic of Lithuania shall be carried out by the central authority indicated in Article 11(2)(1) of this Law.

Article 8. Jurisdiction over proceedings where spouses are citizens of the Republic of Lithuania without a place of residence and assets in the Republic of Lithuania

An application for divorce, separation and marriage annulment when spouses are citizens of the Republic of Lithuania without a place of residence and assets in the Republic of Lithuania shall be submitted to any district court at the choice of the claimant.



Article 9. Enforcement of court decisions of the Member States of the European Union

1. Court decisions of the Member States of the European Union concerning rights of access and the return of the child shall be enforceable documents to be enforced under the rules set out in Part VI of the Code of Civil Procedure of the Republic of Lithuania to the extent this Law does not provide otherwise.
2. The certificates issued in the Member States of the European Union, referred to in Articles 41 and 42 of Regulation (EC) No 2201/2003, shall be enforcement documents.

Article 10. Practical arrangement for the enforcement of court decisions of the Member States of the European Union

1. Where a decision on the rights of access rendered by the court of a Member State of the European Union does not have the arrangements necessary or they are insufficient, the judicial officer who carries out enforcement actions shall apply to the district court of the place of enforcement with an application for practical arrangements for the exercise of rights of access.
2. The applications referred to in paragraph 1 of this Article shall be examined under the procedure set out in Article 593 of the Code of Civil Procedure of the Republic of Lithuania to the extent this Law does not provide otherwise.
3. The child who is capable of expressing his/her opinion and formulating his/her views on the exercise of the rights of access shall be heard at the court hearing by applying *mutatis mutandis* the procedure set out in Article 380 of the Code of Civil Procedure of the Republic of Lithuania.
4. When getting ready to hear the application referred to in paragraph 1 of this Article, the court shall order that the state child's rights protection institution of the place of the child's residence should provide an opinion.
5. A separate appeal may be submitted against the court's ruling stating the practical arrangement for the exercise of rights of access. The ruling rendered by the court of appeal instance after examining the separate appeal shall no longer be subject to appeal.

Article 11. Central authorities



1. The central authority for the functions set out in the Hague Convention shall be the Ministry of Social Security and Labour of the Republic of Lithuania.
2. The central authority for the functions set out in Regulation (EC) No 2201/2003 shall be:
  - (1) the Ministry of Justice of the Republic of Lithuania – responsible for the functions of communication between courts and the transmission of information about the procedural rules set in the law of the Republic of Lithuania in relation to the implementation of Regulation (EC) No 2201/2003;
  - (2) the Ministry of Social Security and Labour of the Republic of Lithuania – responsible for the functions set out in Regulation (EC) No 2201/2003, other than those referred to in subparagraph 1 of this paragraph.

#### Article 12. Application of interim protection measures

1. Upon acceptance of an application for the return of the child, the court may, at the request of the claimant or judicial officer or on its own initiative, and after rendering a decision for the return of the child, on its own initiative, apply interim protection measures, i.e. prohibition for the defendant/debtor to depart from the Republic of Lithuania and/or prohibition to remove the child from the Republic of Lithuania without the court's authorisation.
2. Rulings on the application of the interim protection measures referred to in paragraph 1 of this Article shall be enforced by a judicial officer.

#### Article 12<sup>1</sup>. Implementation of the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children

1. The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (hereinafter – the Hague Convention of 19 October 1996) shall be implemented in the Republic of Lithuania in accordance with the Republic of Lithuania Law “On the Ratification of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children”.



2. Court decisions of the States parties to the Hague Convention of 19 October 1996 (except for the Member States of the European Union), which fall within the scope of the Hague Convention of 19 October 1996, shall be recognised and their enforcement shall be allowed in accordance with Sections Four, Five and Six of Chapter LX of the Code of Civil Procedure of the Republic of Lithuania.

Supplemented with the Article:

No XII-1413, 11/12/2014, published in the Register of Legal Acts on 23/12/2014, ref. No 2014-20545

Article 12<sup>2</sup>. Procedure for examining applications for the takeover of jurisdiction and applications for the transfer of jurisdiction

1. The applications referred to in Article 15 of Regulation (EC) No 2201/2003 and Articles 8 and 9 of the Hague Convention of 19 October 1996 for the takeover of jurisdiction from a foreign court and for the transfer of jurisdiction to a foreign court shall be examined by the Court of Appeal of Lithuania.

2. The applications referred to in paragraph 1 of this Article shall be examined under the procedure set out in Chapter XXXIX of the Code of Civil Procedure of the Republic of Lithuania to the extent the Hague Convention of 19 October 1996 and this Law do not provide otherwise. The applications referred to in paragraph 1 of this Article shall be exempt from a stamp duty.

3. The applications submitted to the Court of Appeal of Lithuania as referred to in paragraph 1 of this Article shall conform to the general requirements set for procedural documents (Article 111 of the Code of Civil Procedure of the Republic of Lithuania). The application and its annexes submitted under the provisions of Article 15 of Regulation (EC) No 2201/2003 shall be lodged in the national language or shall be accompanied by translations of these documents into the Lithuanian language. The application and its annexes submitted under Articles 8 and 9 of the Hague Convention of 19 October 1996 shall be lodged in the national language or shall be accompanied by a translation of such documents into the Lithuanian language and, where that is not feasible, the application and its annexes shall be submitted in the English language or shall be accompanied by a translation of such documents into English. If the applicant resides outside the Republic of Lithuania and has not designated a representative in the proceedings or an authorised person for the service of procedural documents who resides (has a professional domicile) in the Republic of Lithuania (Article 805 of the Code of Civil Procedure of the Republic of



Lithuania), the application shall state an address in the Republic of Lithuania or an address of telecommunication terminal equipment to which procedural documents would be served on the applicant. The requirements specified in this paragraph shall not apply to the applications submitted to the Court of Appeal of Lithuania by the court of a foreign state.

4. The Court of Appeal of Lithuania, may, where that is expedient, order that the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour of the Republic of Lithuania should submit an opinion on the expediency of taking over of jurisdiction or transfer of jurisdiction. The Court of Appeal of Lithuania shall set the time limit to submit the opinion referred to in this paragraph.

5. The applications referred to in paragraph 1 of this Article shall be examined by a judge of the Court of Appeal of Lithuania. Upon identifying that the application has been submitted without adhering to the procedure set out in Regulation (EC) No 2201/2003 and the Hague Convention of 19 October 1996, the court shall consider that the application has not been submitted and shall return it to the applicant, and the application, which has already been accepted by the court, shall be left unconsidered. The court shall set the time limit to eliminate the shortcomings of the form or content of the application (Article 115 of the Code of Civil Procedure of the Republic of Lithuania), if the applicant resides in the Republic of Lithuania, has indicated an address in the Republic of Lithuania or an address of communications terminal equipment for the service of procedural documents on the applicant, or has designated a representative in the proceedings or an authorised person to accept procedural documents who resides (or has a professional domicile) in the Republic of Lithuania (Article 805 of the Code of Civil Procedure of the Republic of Lithuania). If the shortcomings are not eliminated within the time limit set by the court, it shall be considered that the application has not been submitted and it shall be returned to the applicant, and the application, which has already been accepted by the court, shall be left unconsidered. The requirements specified in this paragraph for the elimination of the shortcomings of applications shall not apply to the applications submitted to the Court of Appeal of Lithuania by the court of a foreign state. The court shall dispose of the application for the taking over of jurisdiction from a foreign court or the application for the transfer of jurisdiction to a foreign court by rendering a ruling under the written procedure. The rulings rendered by the Court of Appeal of Lithuania concerning the applications referred to in paragraph 1 of this Article shall not be subject to appeal.

6. An application shall be disposed of at the Court of Appeal of Lithuania not later than within six weeks after the day of acceptance of the application at the court.

7. After examination of an application for the takeover of jurisdiction from a foreign court and rendering of a decision to satisfy this application, the Court of Appeal of Lithuania shall,



taking into consideration the circumstances of the case, determine the court of the Republic of Lithuania competent to hear the case in the Republic of Lithuania. The proceedings instituted before a foreign court shall be transmitted to the competent court of the Republic of Lithuania for hearing on the merits. The provisions of Article 35 of the Code of Civil Procedure shall apply *mutatis mutandis* in such a case and the proceedings shall be continued in the competent court of the Republic of Lithuania. The competent court of the Republic of Lithuania shall, if necessary, determine the procedural status of the persons participating in the proceedings and take measures to eliminate shortcomings in the procedural documents.

Supplemented with the Article:

No XII-1413, 11/12/2014, published in the Register of Legal Acts on 23/12/2014, ref. No 2014-20545

## SECTION SEVEN

### IMPLEMENTATION OF REGULATION (EC) NO 805/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 21 APRIL 2004 CREATING A EUROPEAN ENFORCEMENT ORDER FOR UNCONTESTED CLAIMS

#### Article 13. European Enforcement Order

1. A European Enforcement Order shall be an enforcement document.
2. The content of a European Enforcement Order shall not be subject to the requirements specified in Article 648 of the Code of Civil Procedure of the Republic of Lithuania.
3. Court decisions, peaceful settlements approved by the court and authentic instruments for which a European Enforcement Order has been issued shall be enforceable documents. They shall be enforced according to the rules laid down in Part VI of the Code of Civil Procedure of the Republic of Lithuania to the extent Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims (hereinafter – Regulation (EC) No 805/2004) and this Law do not provide otherwise.
4. A European Enforcement Order or its copy shall be submitted for enforcement in the Republic of Lithuania translated into the Lithuanian language and shall be enforced without application of the provisions of Article 4 of this Law.



#### Article 14. Service of procedural documents

1. Where the claimant / creditor has noted in addition in the claim / application to issue a court order that the issuance of a European Enforcement Order will be sought, when examining the case, the court shall serve procedural documents using the methods of service of procedural documents, which have been specified in the Code of Civil Procedure of the Republic of Lithuania and conform to the requirements of Articles 13, 14 and 15 of Regulation (EC) No 805/2004.

2. In the cases where the information referred to in paragraph 1 of this Article has not been submitted to the court, a European Enforcement Order may be issued in the cases referred to in Article 3(1)(a) of Regulation (EC) No 805/2004, as well as in other cases, if their procedural documents have been served using the methods of service of procedural documents that conform to the requirements of Articles 13, 14 and 15 of Regulation (EC) No 805/2004.

#### Article 15. Authentic instruments

1. Authentic instruments shall mean promissory notes protested and non-protested by notaries, cheques, mortgage/pledge transactions with enforcement records made by notaries.

Amendments to this paragraph of the Article:

No XII-890, 15/05/2014, published in the Register of Legal Acts on 28/05/2014, ref. No 2014-05780

2. A European Enforcement Order concerning the authentic instruments referred to in paragraph 1 of this Article shall, at the creditor's request, be issued by the notary who has made the enforcement record. The notary shall issue a European Enforcement Order not later than within five days after the day of receipt of the application to issue a European Enforcement Order.

#### Article 16. Rectification or withdrawal of a European Enforcement Order

1. Where a European Enforcement Order does not conform to the court decision or authentic instrument as a result of a spelling or any other error, the provisions of



Article 648(6) of the Code of Civil Procedure of the Republic of Lithuania shall apply *mutatis mutandis* for rectifications of the European Enforcement Order.

2. The court, which has issued a European Enforcement Order, shall withdraw or refuse to withdraw the European Enforcement Order by its ruling in the case referred to in Article 10(1)(b) of Regulation (EC) No 805/2004.

3. The applications submitted by the parties to proceedings on the matters referred to herein shall not be subject to a stamp duty.

4. The provisions of this Article shall also apply in the cases when the district court of the office of the notary who has made the enforcement record is requested to rectify or withdraw the European Enforcement Order issued under the procedure set out in Article 15(2) of this Law.

#### Article 17. Refusal to enforce a court decision

1. The Court of Appeal of Lithuania shall dispose of the debtor's application referred to in Article 21 of Regulation (EC) No 805/2004 by rendering a ruling under the written procedure.

2. The application referred to in paragraph 1 of this Article shall not be subject to a stamp duty.

#### Article 18. Stay or limitation of enforcement of court decisions

1. The decisions referred to in Article 23(1)(a) of Regulation (EC) No 805/2004 shall, according to the competence, be made by a district court or a judicial officer of the place of enforcement of the court decision, approved court settlement or authentic instrument.

2. The decisions referred to in Article 23(1)(b) of Regulation (EC) No 805/2004 shall be made by a district court of the place of enforcement of the court decision, court settlement or authentic instrument.

3. The decisions referred to in Article 23(1)(c) of Regulation (EC) No 805/2004 shall, according to the competence, be made by a judicial officer of the place of enforcement of the court decision or authentic instrument.





4. The court shall examine the applications submitted by the parties to proceedings on the matters referred to in paragraphs 1 and 2 of this Article by applying *mutatis mutandis* the provisions of Article 593 of the Code of Civil Procedure of the Republic of Lithuania.

## SECTION EIGHT

### IMPLEMENTATION OF REGULATION (EC) NO 1896/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 12 DECEMBER 2006 CREATING A EUROPEAN ORDER FOR PAYMENT PROCEDURE

#### Article 19. Procedural specifics

To the extent specified by Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure (hereinafter – Regulation (EC) No 1896/2006), applications for a European order for payment shall be examined under the rules laid down in Chapter XXIII of the Code of Civil Procedure of the Republic of Lithuania, save for the exceptions specified in this Law.

#### Article 20. Jurisdiction over the cases

Applications for a European order for payment shall be submitted according to the rules of jurisdiction set out in the Code of Civil Procedure of the Republic of Lithuania.

#### Article 21. Stamp duty

The rules set out in paragraphs 1–3 of Article 434 of the Code of Civil Procedure of the Republic of Lithuania for the calculation and payment of the stamp duty shall apply in the cases for the issuance of a European order for payment.

#### Article 22. Case hearing under the national procedural law

1. In the case referred to in Article 10(2) of Regulation (EC) No 1896/2006, the claimant may submit a claim for the remaining part of the claim to the court under the rules of contentious litigation or may submit a new application to issue a European order for



payment, if the obstacles for which the court refused to issue a European order for payment for the whole claim have been eliminated.

2. In the cases referred to in Article 17(1) of Regulation (EC) No 1896/2006, the proceedings shall be continued by applying *mutatis mutandis* the provisions of Article 439, paragraphs 3, 5 and 6 of the Code of Civil Procedure of the Republic of Lithuania.

Amendments to this paragraph of the Article:

No XII-2750, 08/11/2016, published in the Register of Legal Acts on 16/11/2016, ref. No 2016-26872

#### Article 23. Review of a European order for payment

1. A European order for payment shall be reviewed with reference to the grounds referred to in Article 20, paragraphs 1 and 2 of Regulation (EC) No 1896/2006 by the court, which has issued the European order for payment.

2. Upon acceptance of an application to review the European order for payment, the court shall forward copies of the application and its annexes to the claimant and shall inform that the latter shall provide a written answer within fourteen days as of the day of sending of the application.

3. The court shall examine the application to review the European order for payment under the written procedure not later than within fourteen days after the expiry of the time-limit to submit an answer to the application and shall render a ruling with one of the decisions referred to in Article 20(3) of Regulation (EC) No 1896/2006.

#### Article 24. Enforcement of a European order for payment

1. The European order for payment, which has been certified by the standard Form G provided in Annex VII of Regulation (EC) No 1896/2006, shall be regarded as an enforcement document.

2. The applications referred to Article 22(1) of Regulation (EU) No 1896/2006 for refusal to enforce a European order for payment shall be examined by the Court of Appeal of Lithuania. Such applications shall *mutatis mutandis* be examined according to the provisions of paragraphs 4, 5 and 6 of Article 4 of this Law.



3. The applications referred to in Article 23 of Regulation No 1896/2006 to stay or limit the enforcement of the European order for payment shall be examined by the district court of the place of enforcement.

## SECTION NINE

### IMPLEMENTATION OF REGULATION (EC) NO 861/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 JULY 2007 ESTABLISHING A EUROPEAN SMALL CLAIMS PROCEDURE

#### Article 25. Procedural specifics

To the extent specified by Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (hereinafter – Regulation (EC) No 861/2007), cases under the European small claims procedure shall be heard under the general rules of contentious litigation, save for the exceptions specified in this Law.

#### Article 26. Jurisdiction over the cases

Cases under the European small claims procedure shall be heard by district courts according to the rules of territorial jurisdiction set out in the Code of Civil Procedure of the Republic of Lithuania.

#### Article 27. Amount of the stamp duty

European small claims shall be subject to the stamp duty specified in Article 80(1)(1) of the Code of Civil Procedure of the Republic of Lithuania.

#### Article 27<sup>1</sup>. Practical assistance and information to the parties

The practical assistance and information referred to in Article 11(1) of Regulation (EC) No 861/2007 shall be provided to the parties by entities providing primary State-guaranteed legal aid.



Supplemented with the Article:

No XII-2750, 08/11/2016, published in the Register of Legal Acts on 16/11/2016, ref. No 2016-26872

#### Article 28. Case hearing under the national procedural law

1. In the cases specified in Article 4(3) and Article 5(7) of Regulation (EC) No 861/2007, the court shall notify the claimant / defendant that, not later than within fourteen days as of the day of service of the court's notice, he/she has the right to submit a claim / counter-claim conforming to the requirements set out in the Code of Civil Procedure of the Republic of Lithuania.

2. If the claimant / defendant fails to submit the claim / counter-claim in the proper form within the time-limit set in paragraph 1 of this Article, it shall be considered that the application has not been submitted and shall be returned to the claimant / defendant by a court ruling. This ruling may be appealed against by a separate appeal.

#### Article 29. Appeal against decisions

Court decisions rendered under the European small claims procedure may be subject to appeal under the appeal procedure.

#### Article 30. Review of decisions

1. A court decision given under the European small claims procedure shall be reviewed by the court that has rendered the decision in the cases referred to in Article 18(1) of Regulation (EC) No 861/2007.

2. Upon acceptance of the application to review a decision, the court shall forward copies of the application and its annexes to the claimant and inform that the latter shall provide a written answer to the application within fourteen days as of the day of sending of the application.

3. The court shall examine the application to review a decision under the written procedure not later than within fourteen days after the expiry of the time-limit to submit an answer to the application and shall render a ruling with one of the decisions referred to in Article 18(3) of Regulation (EC) No 861/2007.



Amendments to this paragraph of the Article:

No XII-2750, 08/11/2016, published in the Register of Legal Acts on 16/11/2016, ref. No 2016-26872

4. Where an appeal and an application to review a decision is submitted in one and the same European small claim proceedings, a decision on the appeal shall be taken first.

#### Article 31. Enforcement of decisions

1. A court decision given under the European small claims procedure and certified by a standard Form D, as set out in Annex IV of Regulation (EC) No 861/2007, shall be regarded as an enforcement document.

2. The applications referred to in Article 22(1) of Regulation (EC) No 861/2007 on refusal to enforce the decisions given under the European small claims procedure shall be examined by the Court of Appeal of Lithuania. Such applications shall *mutatis mutandis* be examined according to the provisions of paragraphs 4, 5 and 6 of Article 4 of this Law.

3. The applications referred to in Article 23 of Regulation (EC) No 861/2007 to stay or limit the enforcement of decisions given under the European small claims procedure shall be examined by the local court of the place of enforcement.

#### SECTION NINE<sup>1</sup>

#### IMPLEMENTATION OF COUNCIL REGULATION (EC) NO 4/2009 OF 18 DECEMBER 2008 ON JURISDICTION, APPLICABLE LAW, RECOGNITION AND ENFORCEMENT OF DECISIONS AND COOPERATION IN MATTERS RELATING TO MAINTENANCE OBLIGATIONS

#### Article 31<sup>1</sup>. Hearing of matters relating to maintenance obligations

1. The matters relating to maintenance obligations shall be heard under the procedure set out in the Code of Civil Procedure of the Republic of Lithuania to the extent Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and



enforcement of decisions and cooperation in matters relating to maintenance obligations (hereinafter – Regulation (EC) No 4/2009) and this Law do not provide otherwise.

2. Articles 31<sup>2</sup> and 31<sup>3</sup> of this Law shall apply only to the court decisions rendered in the Member State bound by the Protocol on the Law Applicable to Maintenance Obligations to the Hague Convention of 23 November 2007.

3. Article 31<sup>4</sup> of this Law shall apply only to the court decisions rendered in the Member State not bound by the Protocol on the Law Applicable to Maintenance Obligations to the Hague Convention of 23 November 2007.

#### Article 31<sup>2</sup>. Review of court decisions

1. A defendant who did not enter an appearance in the proceedings for the maintenance obligations shall have the right to apply for a review of the decision given at the court of the Republic of Lithuania if there are the grounds referred to in Article 19(1) of Regulation (EC) No 4/2009. A court decision on maintenance obligations shall be reviewed by the court, which had rendered this decision.

2. Upon acceptance of the application to review a court decision on maintenance obligations, the court shall forward copies of the application and its annexes to the claimant and inform that the latter shall provide a written answer to the application within fourteen days as of the day of sending of the application.

3. The court shall examine an application to review a court decision on maintenance obligations under the written procedure. The court shall order an oral hearing for the application to review a court decision on maintenance obligations where it holds that it is necessary. The court shall dispose of the application to review a court decision on maintenance obligations not later than within fourteen days after the expiry of the time-limit to submit an answer to the application and shall render a ruling with one of the decisions referred to in Article 19(3) of Regulation (EC) No 4/2009.

#### Article 31<sup>3</sup>. Procedure for enforcement of court decisions rendered in the Member State bound by the Protocol on the Law Applicable to Maintenance Obligations to the Hague Convention of 23 November 2007

1. The applications referred to in Article 21(2) of Regulation (EC) No 4/2009 on refusal to enforce, either wholly or in part, the decision on maintenance obligations rendered by the



court of the state of origin shall be examined by the Court of Appeal of Lithuania. Such applications shall be examined *mutatis mutandis* with reference to the provisions of paragraphs 4, 5 and 6 of Article 4 of this Law.

2. The applications referred to in Article 21(3) of Regulation (EC) No 4/2009 on refusal to enforce, either wholly or in part, the decision on maintenance obligations rendered by the court of the state of origin shall be examined by the district court of the place of enforcement.

Article 31<sup>4</sup>. Procedure for enforcement of court decisions rendered in the Member State not bound by the Protocol on the Law Applicable to Maintenance Obligations to the Hague Convention of 23 November 2007

1. Applications for a declaration of enforceability of a court decision under Article 27(1) of Regulation (EC) No 4/2009 and appeals against court decisions concerning such applications shall, under Article 32(2) of Regulation (EC) No 4/2009, be examined by the Court of Appeal of Lithuania. Such applications and appeals shall be examined *mutatis mutandis* with reference to the provisions of paragraphs 4, 5 and 6 of Article 4 of this Law. The Court of Appeal of Lithuania shall order an oral hearing for a declaration of enforceability of a court decision under Article 27(1) of Regulation (EC) No 4/2009 where it holds that to be necessary.

2. If the Court of Appeal of Lithuania specifies the time limit (Article 29(1) of Regulation (EC) No 4/2009) for the submission of the extract referred to in Article 28(1)(b) of Regulation (EC) No 4/2009, this time limit shall not be shorter than seven days.

3. The ruling of the Court of Appeal of Lithuania rendered by the Court of Appeal of Lithuania after examining the appeal concerning the decision on the application for a declaration of enforceability may be appealed against by an appeal in cassation to the Supreme Court of Lithuania. The rules of proceedings at the court of cassation set out in the Code of Civil Procedure of the Republic of Lithuania shall apply for the hearing of such appeals to the extent Regulation (EC) No 4/2009 and this Law do not provide otherwise. The accepted appeal in cassation shall be included into the list of cases to be heard in the order of priority by the Supreme Court of Lithuania under the cassation procedure. The Supreme Court of Cassation shall set the time limit not longer than fourteen days to submit responses to the appeal in cassation. The Supreme Court of Lithuanian shall notify the parties and other persons participating in the proceedings of the time limit set to submit responses to the appeal in cassation in the notification about the inclusion of the appeal in cassation into the list of cases to be heard by the Supreme Court of Lithuania under the cassation procedure (Article 350(7) of the Code of Civil Procedure of the Republic of Lithuania). The



parties shall, and other persons participating in the proceedings have the right, to submit responses to the appeal in cassation in writing within the time limit set by the Supreme Court of Lithuania. This time limit shall be calculated after the inclusion of the appeal into the list of cases to be heard by the Supreme Court of Lithuania under the cassation procedure.

Article 31<sup>5</sup>. Central authorities and other competent bodies

1. The State-Guaranteed Legal Aid Service shall be the central authority for the functions specified in Regulation (EC) No 4/2009 in accordance with Article 49(1) of Regulation (EC) No 4/2009.

2. Where the applications of applicants concern maintenance obligations arising from a parent-child relationship towards persons under the age of 21, the functions of the central authority referred to in Article 51 of Regulation (EC) No 4/2009 shall be carried out by the State Social Insurance Fund Board under the Ministry of Social Security and Labour.

3. Upon receipt of the application referred to in paragraph 2 of this Article, the State-Guaranteed Legal Aid Service shall immediately refer it to the State Social Insurance Fund Board under the Ministry of Social Security and Labour. The State Social Insurance Fund Board under the Ministry of Social Security and Labour shall provide information directly to the requesting central authority under the procedure set out in Article 58 of Regulation (EC) No 4/2009, as well as carry out other functions referred to in Article 58, paragraphs 3-9 of Regulation (EC) No 4/2009.

4. Where the circumstances require, the provision of State-guaranteed legal aid in relation to the applications referred to in Article 56 of Regulation (EC) No 4/2009 shall be ensured under the procedure set out by the Republic of Lithuania Law on State-Guaranteed Legal Aid to the extent this Law and Regulation (EC) No 4/2009 do not provide otherwise. When it comes to light when examining the applications referred to in Article 56 of Regulation (EC) No 4/2009 that the applicant needs State-guaranteed legal aid, the authorities referred to in paragraphs 1 and 2 of this Article shall forward the applicant's application to provide State-guaranteed legal aid directly to the competent authorities that arrange State-guaranteed legal aid. A decision on the provision of State-guaranteed legal aid may also be made based on the referral of the authorities referred to in paragraphs 1 and 2 of this Article even when there is no separate application of the applicant to provide State-guaranteed legal aid when the scope of the State-guaranteed legal aid necessary is clear from the applications specified in Article 56 of Regulation (EC) No 4/2009 and such applications contain all the information necessary to take the decision on the provision of State-guaranteed legal aid.





5. In the performance of functions of the central authority set out in Regulation (EC) No 4/2009, the State-Guaranteed Legal Aid Service and the State Social Insurance Fund Board under the Ministry of Social Security and Labour shall have the right to receive, free of charge, the data necessary to perform the functions set out in Regulation (EC) No 4/2009 in any presentation form and method about the assets, funds, income and activities of persons, as well as other data necessary to perform the functions set out in Regulation (EC) No 4/2009, from the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania, other state and municipal institutions and agencies, banks and other credit and financial institutions, state registers (cadastres), departmental registers, state information systems and other information systems, incorporated public agencies, state enterprises, public establishments financed from the State budget, the budget of the State Social Insurance Fund Board, the Compulsory Health Insurance Fund and other state monetary funds and other entities authorised under the procedure set out by the Republic of Lithuania Law on Public Administration. The State-Guaranteed Legal Aid Service and the State Social Insurance Fund Board under the Ministry of Social Security and Labour shall use the data obtained only for performance of the functions set out in Regulation (EC) No 4/2009 without breaching Regulation (EC) No 4/2009, in particular the provisions of Articles 53, 61, 62, 63 of the Regulation, as well as shall adhere to the requirements of legal acts of the Republic of Lithuania regulating access to personal data, their use and transmission.

Amendments to the Article:

No XII-2338, 12/05/2016, published in the Register of Legal Acts on 24/05/2016, ref. No 2016-13904

No XIII-880, 12/12/2017, published in the Register of Legal Acts on 20/12/2017, ref. No 2017-20566

Article 31<sup>6</sup>. Languages

The languages acceptable in the Republic of Lithuania under Article 28(1)(c), Article 40(3) and Article 59(1) of Regulation (EC) No 4/2009 shall be Lithuanian and English.

Supplemented with the Section:

No XI-2081, 19/06/2012, Official Gazette Žinios, 2012, No 76-3928 (30/06/2012), ref. No 1121010ISTA0XI-2081



## SECTION NINE<sup>2</sup>

IMPLEMENTATION OF COUNCIL DECISION NO 2011/432/EU OF 9 JUNE 2011 ON THE APPROVAL, ON BEHALF OF THE EUROPEAN UNION, OF THE HAGUE CONVENTION OF 23 NOVEMBER 2007 ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE AND OF THE HAGUE CONVENTION OF 23 NOVEMBER 2007 ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE

### Article 31<sup>7</sup>. Hearing of matters relating to maintenance obligations

The matters relating to maintenance obligations shall be heard under the procedure set out by the Code of Civil Procedure of the Republic of Lithuania to the extent the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (hereinafter – the Convention) and this Law do not provide otherwise.

### Article 31<sup>8</sup>. Procedure for recognition and enforcement of decisions on maintenance obligations

1. Applications to recognise and enforce decisions on maintenance obligations under Article 23, paragraphs 2 and 3 of the Convention and appeals against decisions on such applications under Article 23(6) of the Convention shall be heard by the Court of Appeal of Lithuania. Such applications and appeals shall be examined *mutatis mutandis* with reference to the provisions of paragraphs 4, 5 and 6 of Article 4 of this Law. The Court of Appeal of Lithuania shall order an oral hearing for recognition and enforcement of a decision on maintenance obligations where it holds that to be necessary. The ruling of the Court of Appeal of Lithuania rendered concerning the application to recognise and enforce a decision on maintenance obligations shall become enforceable at the expiry of the time limit to submit an appeal against the court ruling on the application to recognise and enforce the decision as specified in Article 23(6) of the Convention, if an appeal has not been submitted against the ruling.

2. The ruling of the Court of Appeal of Lithuania rendered by this court after hearing the appeal concerning the application to recognise and enforce a decision on maintenance obligations may be appealed against by an appeal in cassation to the Supreme Court of Lithuania. The rules of proceedings at the court of cassation set out in the Code of Civil



Procedure of the Republic of Lithuania shall apply for the hearing of such appeals to the extent the Convention and this Law do not provide otherwise. The accepted appeal in cassation shall be included into the list of cases to be heard by the Supreme Court of Lithuania under the cassation procedure. The Supreme Court of Cassation shall set the time limit not longer than fourteen days to submit responses to the appeal in cassation. The Supreme Court of Lithuania shall notify the parties and other persons participating in the proceedings of the time limit set to submit responses to the appeal in cassation in the notification about the inclusion of the appeal in cassation into the list of cases to be heard by the Supreme Court of Lithuania under the cassation procedure (Article 350(7) of the Code of Civil Procedure of the Republic of Lithuania). The parties shall, and other persons participating in the proceedings have the right, to submit responses to the appeal in cassation in writing within the time limit set by the Supreme Court of Lithuania. This time limit shall be calculated after the inclusion of the appeal into the list of cases to be heard by the Supreme Court of Lithuania under the cassation procedure.

3. The maintenance arrangements provided for in Article 30 of the Convention which meet the conditions set out in Article 30(1) of the Convention shall also be recognised and enforced under the provisions of this Article.

Article 31<sup>9</sup>. Central authorities and other competent bodies

1. The State-Guaranteed Legal Aid Service shall be the central authority designated under Article 4(1) of the Convention for the functions specified in the Convention.

2. Where the applications of applicants concern maintenance obligations arising from a parent-child relationship towards persons under the age of 21, the functions of the central authority referred to in Article 6 of the Convention shall be carried out by the State Social Insurance Fund Board under the Ministry of Social Security and Labour.

3. Upon receipt of the application referred to in paragraph 2 of this Article, the State-Guaranteed Legal Aid Service shall immediately refer it to the State Social Insurance Fund Board under the Ministry of Social Security and Labour. The State Social Insurance Fund Board under the Ministry of Social Security and Labour shall provide information directly to the requesting central authority under the procedure set out in Article 12 of the Convention, as well as carry out other functions referred to in Article 12, paragraphs 3-9 of the Convention.

4. Where the circumstances require, the provision of State-guaranteed legal aid in relation to the applications referred to in Article 10 of the Convention shall be ensured under the



procedure set out by the Republic of Lithuania Law on State-Guaranteed Legal Aid to the extent this Law and the Convention do not provide otherwise. When it comes to light when examining the applications referred to in Article 10 of the Convention that the applicant needs State-guaranteed legal aid, the authorities referred to in paragraphs 1 and 2 of this Article shall forward the applicant's application to provide State-guaranteed legal act directly to the competent authorities that arrange State-guaranteed legal aid. An application to provide State-guaranteed legal aid shall be submitted using the form of application for legal provided in the Convention of 25 October 1980 on International Access to Justice. A decision on the provision of State-guaranteed legal aid may also be made based on the referral of the authorities referred to in paragraphs 1 and 2 of this Article even when there is no separate application of the applicant to provide State-guaranteed legal aid when the scope of the State-guaranteed legal aid necessary is clear from the applications specified in Article 10 of the Convention and such applications contain all the information necessary to take the decision on the provision of State-guaranteed legal aid. Where the State-guaranteed legal aid excludes translation costs according to the Republic of Lithuania Law on State-Guaranteed Legal Aid, the applicant shall, under the provisions of Article 45(3) of the Convention, reimburse the costs of translation of the applicant's application and other related documents as incurred by the authorities referred to in paragraphs 1 and 2 of this Article.

5. In the performance of functions of the central authority set out in the Convention, the State-Guaranteed Legal Aid Service and the State Social Insurance Fund Board under the Ministry of Social Security and Labour shall have the right to receive, free of charge, the data necessary to perform the functions referred to in the Convention in any presentation form and method about the assets, funds, income and activities of persons, as well as other data necessary to perform the functions set out in the Convention from the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania, other state and municipal institutions and agencies, banks and other credit and financial institutions, state registers (cadastres), departmental registers, state information systems and other information systems, incorporated public agencies, state enterprises, public establishments financed from the State budge, the budget of the State Social Insurance Fund Board, the Compulsory Health Insurance Fund and other state monetary funds and other entities authorised under the procedure set out by the Republic of Lithuania Law on Public Administration. The State-Guaranteed Legal Aid Service and the State Social Insurance Fund Board under the Ministry of Social Security and Labour shall use the data obtained only for performance of the functions referred to in the Convention without breaching the Convention and, in particular, the provisions of Articles 38, 39 and 40 of this Convention, as well as shall adhere to the requirements of legal acts of the Republic of Lithuania regulating the processing of personal data.



Amendments to the Article:

No XII-2338, 12/05/2016, published in the Register of Legal Acts on 24/05/2016, ref. No 2016-13904

No XIII-880, 12/12/2017, published in the Register of Legal Acts on 20/12/2017, ref. No 2017-20566

Article 31<sup>10</sup>. Direct applications to competent bodies

Where the person / applicant applies to the competent body of the Republic of Lithuania on the matters regulated by the Convention under Article 37(1) of the Convention, the provisions of this Section shall also apply for decisions on the issues relating to the application of this person / applicant.

Article 31<sup>11</sup>. Languages

The languages acceptable in the Republic of Lithuania under Article 44, paragraphs 1 and 3 of the Convention shall be Lithuanian and English.

Supplemented with the Section:

No XII-392, 18/06/2013, Official Gazette Žinios, 2013, No 68-3419 (28/06/2013), ref. No 1131010ISTA0XII-392

## SECTION NINE<sup>3</sup>

IMPLEMENTATION OF REGULATION (EU) NO 650/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 4 JULY 2012 ON JURISDICTION, APPLICABLE LAW, RECOGNITION AND ENFORCEMENT OF DECISIONS AND ACCEPTANCE AND ENFORCEMENT OF AUTHENTIC INSTRUMENTS IN MATTERS OF SUCCESSION AND ON THE CREATION OF A EUROPEAN CERTIFICATE OF SUCCESSION

Article 31<sup>12</sup>. Issuance of a European Certificate of Succession



The authority, which issues a European Certificate of Succession under the provisions of Article 64(b) of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession shall be a notary of the place of opening of the succession.

Supplemented with the Section:

No XII-890, 15/05/2014, published in the Register of Legal Acts on 28/05/2014, ref. No 2014-05780

#### SECTION NINE<sup>4</sup>

#### IMPLEMENTATION OF REGULATION (EU) NO 606/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 12 JUNE 2013 ON MUTUAL RECOGNITION OF PROTECTION MEASURES IN CIVIL MATTERS

Article 31<sup>13</sup>. Issuance of a certificate, notification of the certificate, rectification or withdrawal of the issued certificate

1. The certificates referred to in Articles 5 and 14 of Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (hereinafter – Regulation (EU) No 606/2013) shall be issued by the court which has ordered the protection measure.
2. Where the certificate referred to in paragraph 1 of this Article is issued by a court of the Republic of Lithuania and the address of the person causing the risk is not known or that person refuses to accept receipt of the notification referred to in Article 8(1) of Regulation (EU) No 606/2013, the rules for service of procedural documents shall apply.
3. In the cases provided for in Article 9 of Regulation (EU) No 606/2013, a certificate shall be rectified or withdrawn by the court, which has issued it. The matters of rectification or withdrawal of a certificate shall be dealt with by applying *mutatis mutandis* the provisions of the Code of Civil Procedure on rectification of writing mistakes and clear arithmetical errors in decisions.



Article 31<sup>14</sup>. Enforcement of protection measures

The certificates issued in other Member States of the European Union in accordance with the provisions of Article 5 and 14 of Regulation (EU) No 606/2013 shall be enforcement documents enforceable according to the rules laid down in Part VI of the Code of Civil Procedure of the Republic of Lithuania.

Article 31<sup>15</sup>. Adjustment of protection measures

1. The factual elements of a protection measure shall be adjusted in the cases provided for in Article 11 of Regulation (EU) No 606/2013 by a judicial officer by issuing a reasoned arrangement under the procedure set out by the Code of Civil Procedure of the Republic of Lithuania.

2. The notification referred to in Article 11(4) of Regulation (EU) No 606/2013 about the adjustment of a protection measure in the cases when the address of the person causing the risk is not known or that person refuses to accept receipt of the notification shall be published on a special website under the procedure set out in the Enforcement Instruction. It shall be considered that the date of publication of the notification in the method indicated in this paragraph shall be the day of service of the notification.

Article 31<sup>16</sup>. Procedure for examining applications for refusal or enforcement of a protection measure

1. An application to refuse or enforce a protection measure under Article 13 of Regulation (EU) No 606/2013 shall be examined by the Court of Appeal of Lithuania. Such requests shall be examined *mutatis mutandis* with reference to the provisions of paragraphs 4, 5 and 6 of Article 4 of this Law.

2. An application to review a ruling rendered by the Court of Appeal of Lithuania concerning the application referred to in paragraph 1 of this Article may be submitted within thirty days after the day of service of the ruling on the party. If a permanent residence of the party entitled to submit an application to review a ruling of the Court of Appeal of Lithuania is outside the Republic of Lithuania, the time limit for submission of the application to review a ruling of the Court of Appeal of Lithuania shall be sixty days and it shall be calculated after the day of service of the ruling on the party in person or its delivery to the place of residence.



3. The ruling of the Court of Appeal of Lithuania rendered by this court after examining the appeal concerning a decision on the application to recognise and enforce a protection measure may be appealed against by an appeal in cassation to the Supreme Court of Lithuania. The rules of proceedings at the court of cassation set out in the Code of Civil Procedure of the Republic of Lithuania shall apply for the hearing of such appeals to the extent this Law does not provide otherwise. The accepted appeal in cassation shall be included into the list of cases to be heard by the Supreme Court of Lithuania under the cassation procedure. The Supreme Court of Cassation shall set the time limit not longer than fourteen days to submit responses to the appeal in cassation. The Supreme Court of Lithuanian shall notify the parties and other persons participating in the proceedings of the time limit set to submit responses to the appeal in cassation in the notification about the inclusion of the appeal in cassation into the list of cases to be heard by the Supreme Court of Lithuania under the cassation procedure (Article 350(7) of the Code of Civil Procedure of the Republic of Lithuania). The parties shall, and other persons participating in the proceedings have the right, to submit responses to the appeal in cassation in writing within the time limit set by the Supreme Court of Lithuania. This time limit shall be calculated after the inclusion of the appeal into the list of cases to be heard by the Supreme Court of Lithuania under the cassation procedure.

Supplemented with the Section:

No XII-1412, 11/12/2014, published in the Register of Legal Entities on 23/12/2014, ref. No 2014-20541

#### SECTION NINE<sup>5</sup>

IMPLEMENTATION OF REGULATION (EU) NO 655/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 15 MAY 2014 ESTABLISHING A EUROPEAN ACCOUNT PRESERVATION ORDER PROCEDURE TO FACILITATE CROSS-BORDER DEBT RECOVERY IN CIVIL AND COMMERCIAL MATTERS

Article 31<sup>17</sup>. Procedural specifics

The rules laid down in the Code of Civil Procedure of the Republic of Lithuania shall apply to the European Account Preservation Order procedure to the extent Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in





civil and commercial matters (hereinafter – Regulation (EU) No 655/2014) and this Law do not provide otherwise.

#### Article 31<sup>18</sup>. Jurisdiction

1. An application for the European Account Preservation Order shall be submitted in the cases referred to in Article 6, paragraphs 1 and 2 of Regulation (EU) No 655/2014 to the first instance court which has jurisdiction to rule on the merits of this dispute, except in the case referred to in paragraph 2 of this Article.

2. In the case referred to in Article 6(2) of Regulation (EU) No 655/2014 when the case on the merits of the dispute is outside the jurisdiction of a court of the Republic of Lithuania, an application for the European Account Preservation Order shall be submitted to the district court of the place of domicile of the consumer.

3. In the case referred to in Article 6(3) of Regulation (EU) No 655/2014, an application for the European Account Preservation Order shall be submitted to the first instance court which has ruled on the case on the merits or approved the court settlement.

4. The rules of jurisdiction set out in paragraphs 1 and 3 of this Article shall apply also in the cases when the case on the merits is pending or has already been disposed at the court of appeal instance or at the court of cassation.

5. In the case referred to in Article 6(4) of Regulation (EU) No 655/2014, an application for the European Account Preservation Order shall be submitted to the district court of the location of the authority, which has issued the authentic instrument.

#### Article 31<sup>19</sup>. Stamp duty

When submitting an application for the European Account Preservation Order, as well as when applying the remedies at court as referred to in Chapter 4 of Regulation (EU) No 655/2014, the stamp duty shall be paid, which shall be equal to the stamp duty, if any, payable for applications for interim protection measures or, respectively, for separate appeals against the rulings on interim protection measures.

#### Article 31<sup>20</sup>. Information authority



The information referred to in Article 14 of Regulation (EU) No 655/2014 shall be provided to the court examining the application for the European Account Preservation Order by the authority authorised by the Government of the Republic of Lithuania.

#### Article 31<sup>21</sup>. Specifics of enforcement proceedings

1. A European Account Preservation Order shall be an enforcement document.
2. The content of a European Account Preservation Order shall not be subject to the requirements specified in Article 648 of the Code of Civil Procedure of the Republic of Lithuania.
3. European Account Preservation Orders shall be enforced by a judicial officer. The judicial officer shall carry out the actions of receipt, transmission or service of procedural documents referred to in Article 4(14) of Regulation (EU) No 655/2014, as well as the actions referred to in Article 24(4), Article 24, paragraphs 1, 2 and 4 of Regulation (EU) No 655/2014.

#### Article 31<sup>22</sup>. Remedies

1. A separate appeal may be submitted in the case referred to Article 21(1) of Regulation (EU) No 655/2014.
2. An application for the remedies to be applied in the Member State of origin as referred to in Articles 33 and 35 of Regulation (EU) No 655/2014 shall be submitted to the court which has issued the European Account Preservation Order. A separate appeal may be submitted against the ruling of this court concerning remedies.
3. An application for the remedies, which shall be applied in the Member State of enforcement and which are referred to in Articles 34 and 35 of Regulation (EU) No 655/2014, except Article 34(1)(a) and Article 35(3) of this Regulation, shall be submitted to the district court of the domicile of the judicial officer who is enforcing or enforced the European Account Preservation Order. A separate appeal may be submitted against the ruling of this court concerning remedies.
4. The ruling of the court of appeal instance rendered after examination of separate appeals in the cases referred to in paragraph 1, 2 and 3 of this Article shall not be subject to appeal under the cassation procedure.



5. An application for the remedies, which shall be applied in the Member State of enforcement and which are referred to in Article 34(1)(a) and Article 35(3) of Regulation (EU) No 655/2014, shall be submitted to the judicial officer who is enforcing or enforced the European Account Preservation Order. A complaint against actions of the judicial officer may be submitted to the court. The rules set out in paragraphs 1-4 of Article 593 of the Code of Civil Procedure of the Republic of Lithuania shall apply *mutatis mutandis* for the submission and examination of such complaint. The court ruling concerning actions of the judicial officer shall not be subject to a separate appeal.

6. The application referred to in Article 38(1)(b) of Regulation (EU) No 655/2014 shall be submitted to the judicial officer who is enforcing or enforced the European Account Preservation Order.

7. An application in the case referred to in Article 39(3)(a) of Regulation (EU) No 655/2014 shall be submitted to the court which has issued the European Account Preservation Order.

8. An application in the case referred to in Article 39(3)(b) of Regulation (EU) No 655/2014 shall be submitted to the judicial officer who is enforcing or enforced the European Account Preservation Order.

Article 31<sup>23</sup>. Specifics of service of procedural documents

In the case referred to in Article 28(3) of Regulation (EU) No 655/2014, when the residence (domicile) of the debtor is in the Republic of Lithuania and the Republic of Lithuania is not the EU Member State of enforcement, procedural documents to the debtor shall be served according to the procedure set out in Article 3 and Article 3<sup>3</sup>, paragraphs 2 and 4 of this Law.

Supplemented with the Section:

No XII-2338, 12/05/2016, published in the Register of Legal Acts on 24/05/2016, ref. No 2016-13904

## SECTION TEN

### FINAL PROVISIONS

Article 32. Application of the Law



1. This Law shall apply to claims (requests, applications), which have been submitted after the coming into force of this Law.
2. The claims (requests, applications) submitted before the coming into force of this Law shall be examined according to the provisions that were in force before this Law came into effect.

#### Article 33. Invalidation of legal acts

After the coming into force of this Law, the following legal acts shall lose their effect:

- (1) Article 3 of the Republic of Lithuania Law on the Ratification of Convention on the Civil Aspects of International Child Abduction (Official Gazette *Žinios*, 2002, No 51-1928);
- (2) Republic of Lithuania Law on the Implementation of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (Official Gazette *Žinios*, 2005, No 58-2004);
- (3) Republic of Lithuania Law on the Implementation of Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims (Official Gazette *Žinios*, 2005, No 58-2005).

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC      VALDAS ADAMKUS

Annex to

The Law Implementing the European Union  
Legislation and International Legal Instruments  
Regulating the Civil Procedure



of the Republic of Lithuania

#### IMPLEMENTED LEGAL ACTS OF THE EUROPEAN UNION

1. Regulation (EC) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) (OJ 2012 L 351, p. 1).

Amendments to the paragraph:

No XII-890, 15/05/2014, published in the Register of Legal Acts on 28/05/2014, ref. No 2014-05780

2. Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ 2004 *Special Edition*, Chapter 9, volume 4, p. 121).

3. Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ 2004 *Special Edition*, Chapter 9, volume 6, p. 243).

4. Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European enforcement order for uncontested claims (OJ 2004 *Special Edition*, Chapter 9, volume 7, p. 38).

5. Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure (OJ 2006 L 399, p. 1), as last amended by Regulation of the European Parliament and of the Council (EU) No 2015/2421 (OJ 2015 L 341, p. 1).

Amendments to the paragraph:

No XII-2750, 08/11/2016, published in the Register of Legal Acts on 16/11/2016, ref. No 2016-26872



6. Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (OJ 2007 L 199, p. 1), as last amended by Regulation (EU) No 2015/2421 of the European Parliament and of the Council of 16 December 2015 (OJ 2015 L 341, p. 1).

Amendments to the paragraph:

No XII-2750, 08/11/2016, published in the Register of Legal Acts on 16/11/2016, ref. No 2016-26872

7. Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (“service of documents”), and repealing Council Regulation (EC) No 1348/2000 (OJ 2007 L 324, p. 79).

8. Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ 2009 L 7, p. 1).

Supplemented with paragraph of the Article:

No XI-2081, 19/06/2012, Official Gazette *Žinios*, 2012, No 76-3928 (30/06/2012), ref. No 1121010ISTA0XI-2081

9. Council Decision No 2011/432/EU of 9 June 2011 on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (OJ 2011 L 192, p. 39).

Supplemented with paragraph of the Article:

No XII-392, 18/06/2013, Official Gazette *Žinios*, 2013, No 68-3419 (28/06/2013), ref. No 1131010ISTA0XII-392

10. Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (OJ 2012 L 201, p. 107).



Supplemented with paragraph of the Article:

No XII-890, 15/05/2014, published in the Register of Legal Acts on 28/05/2014, ref. No 2014-05780

11. Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (OJ 2013 L 181, p. 4).

Supplemented with this paragraph:

No XII-1412, 11/12/2014, published in the Register of Legal Entities on 23/12/2014, ref. No 2014-20541

12. Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters (OJ 2014 L 189, p. 59).

Supplemented with this paragraph:

No XII-2338, 12/05/2016, published in the Register of Legal Acts on 24/05/2016, ref. No 2016-13904

Amendments:

1.

Seimas of the Republic of Lithuania, Law

No XI-2081, 19/06/2012, Official Gazette *Žinios*, 2012, No 76-3928 (30/06/2012), ref. No 1121010ISTA0XI-2081



Law supplementing the Law implementing the European Union legislation and international legal instruments regulating the civil procedure of the Republic of Lithuania with Section Nine-1 and supplementing its Annex

2.

Seimas of the Republic of Lithuania, Law

No XII-392, 18/06/2013, Official Gazette Žinios, 2013, No 68-3419 (28/06/2013), ref. No 1131010ISTA0XII-392

Law amending Article 31-5 of the Law implementing the European Union legislation and international legal instruments regulating the civil procedure of the Republic of Lithuania, supplementing the Law with Section Nine-2 and supplementing its Annex

3.

Seimas of the Republic of Lithuania, Law

No XII-890, 15/05/2014, published in the Register of Legal Acts on 28/05/2014, ref. No 2014-05780

Law amending the title of Section Four, Articles 4 and 15 and Annex of the Law No X-1809 implementing the European Union legislation and international legal instruments regulating the civil procedure of the Republic of Lithuania, and supplementing the Law with Sections Four-1 and Nine-3

4.

Seimas of the Republic of Lithuania, Law

No XII-1412, 11/12/2014, published in the Register of Legal Entities on 23/12/2014, ref. No 2014-20541

Law supplementing the Law No X-1809 implementing the European Union legislation and international legal instruments regulating the civil procedure of the Republic of Lithuania with Section Nine-4 and amending its Annex





5.

Seimas of the Republic of Lithuania, Law

No XII-1413, 11/12/2014, published in the Register of Legal Acts on 23/12/2014, ref. No 2014-20545

Law amending the title of Section Six of the Law No X-1809 implementing the European Union legislation and international legal instruments regulating the civil procedure of the Republic of Lithuania and supplementing the Law with Articles 12-1 and 12-2

6.

Seimas of the Republic of Lithuania, Law

No XII-2197, 17/12/2015, published in the Register of Legal Acts on 29/12/2015, reg. No 2015-20895

Law amending Section Three of the Law No X-1809 implementing the European Union legislation and international legal instruments regulating the civil procedure of the Republic of Lithuania

7.

Seimas of the Republic of Lithuania, Law

No XII-2338, 12/05/2016, published in the Register of Legal Acts on 24/05/2016, ref. No 2016-13904

Law amending Articles 31-5, 31-9 and Annex of the Law No X-1809 implementing the European Union legislation and international legal instruments regulating the civil procedure of the Republic of Lithuania and supplementing the Law with Section Four-5

8.

Seimas of the Republic of Lithuania, Law

No XII-2750, 08/11/2016, published in the Register of Legal Acts on 16/11/2016, ref. No 2016-26872



Law amending Section Two, Articles 22, 30 and Annex of the Law No X-1809 implementing the European Union legislation and international legal instruments regulating the civil procedure of the Republic of Lithuania and supplementing the Law with Article 27-1

9.

Seimas of the Republic of Lithuania, Law

No XIII-880, 12/12/2017, published in the Register of Legal Acts on 20/12/2017, ref. No 2017-20566

Law amending Articles 31-5 and 31-9 of the Law No X-1809 implementing the European Union legislation and international legal instruments regulating the civil procedure of the Republic of Lithuania