

Strasbourg, 10 September 2006

CEPEJ (2006)  
**Version finale**

**Answer to the  
REVISED SCHEME  
FOR  
EVALUATING JUDICIAL SYSTEMS  
2004 Data**

**Réponse à la  
GRILLE REVISEE  
POUR  
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES  
Données 2004**

---

**LITHUANIA/LITUANIE**

Strasbourg, 15 September 2005

**CEPEJ (2005) 2 REV 2**  
**Version 1 Lituanie**

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

**REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS**

**adopted by the CEPEJ at its 5<sup>th</sup> Plenary Meeting (Strasbourg, 15 – 17 June 2005) and  
approved by the Committee of Ministers on 7 September 2005  
(936<sup>th</sup> meeting of the Ministers' Deputies)**

## Contents

<b>I. Demographic and economic data.....</b>	<b>p. 3</b>
I. A. General information.....	p. 3
I. B. Budgetary data concerning judicial system.....	p. 3
<b>II. Access to Justice and to all courts .....</b>	<b>p. 5</b>
II. A. Legal aid.....	p. 5
II.B. Users of the courts and victims .....	p. 7
II.B.1. Rights of the users and victims .....	p. 7
II.B.2. Confidence of citizens in their justice system.....	p. 9
<b>III. Organisation of the court system .....</b>	<b>p. 11</b>
III.A. Functioning .....	p. 11
III.B. Monitoring and evaluation .....	p. 14
<b>IV. Fair trial .....</b>	<b>p. 17</b>
IV.A. Fundamental principles.....	p. 17
IV.B. Timeframes of proceedings .....	p. 18
IV.B.1. General .....	p. 18
IV.B.2. Civil and administrative cases.....	p. 19
IV.B.3. Criminal cases.....	p. 19
<b>V. Career of judges and prosecutors .....</b>	<b>p. 21</b>
V.A. Appointment and training.....	p. 21
V.B. Practice of the profession .....	p. 24
V.C. Disciplinary procedures .....	p. 26
<b>VI. Lawyers.....</b>	<b>p. 27</b>
<b>VII. Alternative Dispute Resolution.....</b>	<b>p. 29</b>
<b>VIII. Enforcement of court decisions .....</b>	<b>p. 31</b>
VIII.A. Execution of decisions in civil matters .....	p. 31
VIII.B. Enforcement of decisions in criminal matters .....	p. 33
<b>IX. Notaries .....</b>	<b>p. 34</b>

## REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**COUNTRY:** THE REPUBLIC OF LITHUANIA

### National correspondent

First Name – Name ILONA VIJEIKIENE  
 Position Senior specialist of the Department of Legal Institutions  
 Organisation Ministry of Justice of the Republic of Lithuania  
 E-mail i.vijeikiene@tic.lt  
 Telephone +370 5 2662963

### I. Demographic and economic data

#### I. A. General information

1. Number of inhabitants 3 425 300

Source Department of the Statistics at the Government of the Republic of Lithuania

2. Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level

State level 3 664 414 301€

Regional / entity level

Please specify:

**In 2004 year's State budget the planned expenditures were 3 983 133 109 €, however the real State budget expenditures were 3 664 414 301 €.**

Source Ministry of Finance of the Republic of Lithuania

3. Per capita GDP 5 264 €

Source Department of the Statistics at the Government of the Republic of Lithuania

4. Average gross annual salary 4 024 €

Source Department of the Statistics at the Government of the Republic of Lithuania

#### I. B. Budgetary data concerning judicial system

5. Total annual budget allocated to all courts 38 045 065 €

Please specify:

**In 2004 year's State budget the planned expenditures for the national court system were 37 807 866 €. The real expenditures were 38 045 065 €. These expenditures do not include allocations for the Constitutional Court (planned expenditures were 1 665 025 €, the real expenditures – 1 669 341 €).**

Source *Ministry of Finance of the Republic of Lithuania*

6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?	X	25 310 530 €
▪ IT?	Data is not available	
▪ Justice expenses borne by the State?	Data is not available	

Source *Ministry of Finance of the Republic of Lithuania*

7. Annual public budget spent on legal aid 1 636 208 €

Source *Ministry of Finance of the Republic of Lithuania*

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	Data is not available
▪ the annual public budget spent on legal aid in other court cases	Data is not available

Source *Ministry of Justice of the Republic of Lithuania*

9. Annual public budget spent on prosecution system 24 375 087 €

Source *The Prosecutor General's Office of the Republic of Lithuania*

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	No	No	No	No
Other ministry. Please specify	No	No	Yes, Ministry of Finance	Yes, Ministry of Finance
Parliament	No	Yes	No	No
Supreme Court	Yes, preparation of the budget of the Supreme Court	No	No	No
Judicial Council	No	Yes, approval of draft budgets	No	No

		(except budgets of the Supreme Court, the Court of Appeals and the Supreme Administrative Court)		
Courts	Yes, each court prepares a draft of its own budget	No	No	No
Inspection body. Please specify.	No	No	No	Yes, National Audit Office
Other. Please specify	No	No	Yes, National Courts Administration	Yes, National Courts Administration

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your budgetary system*

**Concerning the question 6, in 2004 year's State budget the planned expenditures for salaries in the courts were 25 865 095 €. The real expenditures were 25 310 530 €. These expenditures do not include expenditures for salaries in the Constitutional Court (planned expenditures were 984 418 €, the real expenditures – 958 990 €).**

## II. Access to Justice and to all courts

### II. A. Legal aid

#### 11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Yes	Yes
Legal advice (Yes/No)	Yes	Yes
Other (Yes/No). Please specify	No	No

#### 12. Number of legal aid cases:

- **total**
- **criminal cases**
- **other than criminal cases**

Data is not available  
Data is not available  
Data is not available

Source *Ministry of Justice of the Republic of Lithuania*

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes ☒ No ☐

14. Does your country have an income and asset test for granting legal aid:

	No	Yes/Amount
▪ for criminal cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ for other than criminal cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source *Ministry of Justice of the Republic of Lithuania*

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes ☐ No ☒

16. If yes, is the decision taken by:

	Yes
▪ the court?	<input type="checkbox"/>
▪ a body external to the court?	<input type="checkbox"/>
▪ a mixed decision-making body (court and external)?	<input type="checkbox"/>

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

	Yes	No
▪ for criminal cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ for other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If yes, are there exceptions? Please specify:

*There are a lot of exceptions from stamp duty in civil (14 clauses) and administrative cases (13 clauses), e.g. a complaint is relating awarding or refusal to award of pensions, a complaint is relating to imposition of administrative sanctions or refusal to impose the sanctions, a complaint is relating to awarding of maintenance, etc.*

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No ☐  
Yes ☒ Please specify:

*The legal expense insurance is not compulsory, so it is not in great demand.*

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	Yes	No
▪ criminal cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/> X, with exceptions
▪ other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

*There were 5 levels of the person's property and income with regard to legal aid. Persons whose annual income and property corresponded with the first level of property and income (approximately 1 445 € income per year) were eligible for primary legal assistance. Persons whose annual income and property corresponded with any of those 5 levels of property and income were eligible to the state legal aid. It should be noted that expenses of state legal aid to persons were covered by the State according to the level of the person's property and income (concerning the question 14).*

*If the compulsory participation of a lawyer in a case proceedings is established by the Code of Criminal Proceedings, legal aid to the suspect, the defendant or the convicted was provided by his/her agreement without testing his/her income and assets (concerning the question 14).*

**Note:**

*On the 20<sup>th</sup> January, 2005 the Seimas of the Republic of Lithuania adopted the Law on Amending the Law on the State Guaranteed Legal Aid as well as the Law on Implementation of the Law Amending the Law on the State Guaranteed Legal Aid, main provisions of which came into effect on the 1<sup>st</sup> May, 2005.*

*The new Law on Legal Aid introduced major changes in this area. The aim of the adopted law is to improve the system of the state guaranteed legal aid in pursuance of better application of the state's obligation to guarantee the delivery of legal aid. The law aims to simplify the procedure for identifying a person's eligibility for the state guaranteed legal aid and to safeguard the rational use of the resources of the State budget.*

## II. B. Users of the courts and victims

### II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- |   | Yes                                 | No                       |
|---|-------------------------------------|--------------------------|
| ▪ legal texts (e.g. codes, laws, regulations, etc.)?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): <a href="http://www.lrs.lt">http://www.lrs.lt</a>   |                                     |                          |
| ▪ case-law of the higher court/s?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): <a href="http://www.lat.litlex.lt">http://www.lat.litlex.lt</a> ; <a href="http://www.lvat.lt">http://www.lvat.lt</a> ; |                                     |                          |
| other documents (for examples legal forms)?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): <a href="http://www.lvat.lt">http://www.lvat.lt</a> ; <a href="http://www.infolex.lt">http://www.infolex.lt</a>         |                                     |                          |

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes ☐ No ☒

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes ☐ No ☒

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:



	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	No	No	No	No
Victims of terrorism	No	No	No	No
Child/Witness/ Victim	No	Yes, inquiry with the official for protection of the rights of the child or the psychologist; the possibility to give evidences only in pre-trial investigation and do not appear before the court (recorded evidences are hearing out in judicial proceedings)	Yes, the participation of the representative by the law	No
Victims of domestic violence	No	No	No	No
Ethnic minorities	No	No	No	No
Disabled persons	No	No	Yes, the compulsory participation of a lawyer and the representative by the law	No
Juvenile offenders	No	Yes, inquiry with the official for protection of the rights of the child or the psychologist	Yes, the compulsory participation of a lawyer; special types of provisional measures; special term of arrest	Yes, specific provisions for application of measures of suppression

Other - persons who do not speak Lithuanian	No	No	Yes, the right to translation; the compulsory participation of a lawyer	No
---	----	----	---	----

Please specify:

**Note:**

Judicial proceedings may be closed to public if case hearing may cause disclosure of state, civil service, trade or commercial secret or harm any vulnerable group (juvenile offenders, victims of rape etc.).

Besides, status of anonym (e.g. procedural right) may be applied for victims and witnesses if there is real danger for their or their relatives' lives, liberties, health or property, their given evidences are very significant and there is a serious or very serious crime (e.g. a felony).

24. Does your country have compensation procedure for victims of crimes?

Yes

No ☒

**Note:**

On the 30<sup>th</sup> June, 2005 the Seimas of the Republic of Lithuania adopted the Law on Compensation to Violent Crime Victims. The law entered into force on the 14<sup>th</sup> July, 2005 and it defines non-judicial compensation procedure for victims of violent crimes.

25. If yes, does this compensation procedure consist in:

Yes

- a public fund?
- a court order?
- private fund?

☐

26. If yes, which kind of cases does this procedure concern?

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No ☒

Yes

Please specify:

## II. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

Yes

No

- excessive length of proceedings?
- wrongful arrest?
- wrongful condemnation?

☒

☒

If yes, please specify (fund, daily tariff):

Damage resulting either from unlawful conviction, or unlawful arrest, as a measure of suppression, as well as from unlawful detention, or application of unlawful procedural measures of enforcement, or unlawful infliction of administrative penalty - arrest - is compensated fully by the state irrespective of the fault of the officials of preliminary investigation, prosecution or court.

***It is possible to receive the compensation of pecuniary damage not exceeding 2 896 € and the compensation of non-pecuniary damage not exceeding 1 448 € in administrative (non-judicial) procedure.***

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes ☒

No ☐

If possible, please specify their titles, how to find these surveys, etc:

***Market and opinion research centre "Vilmorus" (<http://www.vilmorus.lt>) conducts monthly surveys on Lithuania's inhabitants attitude towards the social institutions (including the courts).***

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level	No	No
Surveys at court level	No	No

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes ☒

No ☐

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned	Yes, 30 days since a complaint was received	Yes, 30 days since a complaint was received
Higher court	Yes, 30 days since a complaint was received	Yes, 30 days since a complaint was received
Ministry of Justice	No	No
High Council of Justice	No	No
Other external organisations (e.g. Ombudsman)	No	No

Can you give information elements concerning the efficiency of this complaint procedure?

### III. Organisation of the court system

#### III. A. Functioning

**33. Total number of courts (administrative structure):**

- **first instance courts of general jurisdiction** 54 district courts

Source *National Courts Administration*

- **specialised first instance courts** 5 regional administrative courts

Source *National Courts Administration*

**Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

**34. Total number of courts (geographic locations)** 67

Source *National Courts Administration*

**35. Number of first instance courts competent for a case concerning:**

- **a debt collection for small claims** 54

**Please specify what is meant by small claims in your country:**

***Small claims cover all monetary claims up to 290 €.***

- **a dismissal** 54 district courts and 5 regional administrative courts

***Regional administrative courts are competent for civil service-related disputes (including dismissal), where one of the parties is a civil servant executing the powers of public administration.***

- **a robbery** 54 district courts and 5 regional courts

**36. Number of professional judges sitting in courts** 693

*(present the information in full time equivalent and for permanent posts)*

Source *National Courts Administration*

**37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

- *gross figure* None
- *if possible, in full time equivalent* None

Source *National Courts Administration*

**Please specify:**

38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs **None**

Source **National Courts Administration**

Please specify:

39. Does your judicial system include trial by jury with the participation of citizens?

No ☒

Yes ☐

For which type of case(s)?

If possible, number of citizens who were involved in such juries for the year 2004?

40. Number of non-judge staff who are working in courts **2 350**

(present the information in full time equivalent and for permanent posts)

Source **National Courts Administration**

41. If possible, could you distribute this staff according to the 3 following categories:

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars: **Data is not available**
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management): **Data is not available**
- technical staff: **Data is not available**

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No ☒

Yes ☐

Number of staff

43. Number of public prosecutors **850**

(present the information in full time equivalent and for permanent posts)

Source **The Prosecutor General's Office of the Republic of Lithuania**

44. Do you have persons who have similar duties as public prosecutors?

No ☒

Yes ☐

Please specify:

45. Is the status of prosecutors:

Yes

- independent within the judiciary?
- independent from the judiciary ?
- under the authority of the Ministry of Justice?

**Note:**

**Prosecution service is independent from the judiciary, but closely correlated to the latter.**

46. Number of staff (non prosecutors) attached to the public prosecution service  
585

(present the information in full time equivalent and for permanent posts)

Source *The Prosecutor General's Office of the Republic of Lithuania*

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board	No	No	No	No
Court President	Yes	Yes	No	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other. Please specify	Yes, the court's financier	Yes, the court's financier	Yes, the court's financier	Yes, the court's financier

48. In general, do the courts in your country have computer facilities?

Yes ☒

No ☐

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	Yes			
	Electronic data base of	Yes			

Administration and management	jurisprudence				
	Electronic files	Yes			
	E-mail	Yes			
	Internet connection	Yes			
	Case registration system	Yes			
	Court management information system		Yes		
Communication between the court and the parties	Financial information system		Yes		
	Electronic forms			Yes	
	Special Website			Yes	
	Other electronic communication facilities				

Source *National Courts Administration*

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No

Yes

X

Please specify the name and the address of this institution:

**National Courts Administration, A.Jakšto g. 13-1, Vilnius, Lithuania, LT-01105, phone +3705 268 5186, fax 3705 268 5187, e-mail: [info@teismai.lt](mailto:info@teismai.lt), <http://www.teismai.lt>.**

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

### III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes

X

No

**The Law on Courts does not commit the courts to prepare annual activity reports, however according the decision of the Judicial Council on the 16<sup>th</sup> January, 2004, the Chairmen of all courts must prepare and publish the courts' annual activity reviews.**

52. Do you have a regular monitoring system of court activities concerning the:

	Yes	No
▪ number of incoming cases?	X	
▪ number of decisions?	X	
▪ number of postponed cases?	X	
▪ length of proceedings?		X
▪ other?	X	

Please specify:

**Number of cases hearing whereof took longer than 6 months and reasons of such delay.**

53. Do you have a regular evaluation system of the performance of the court?

No ☒

Yes ☐

Please specify:

**Note:**

*There is no institutional evaluation system of performance of courts in Lithuania. Activities of judges are evaluated according the Periodic Judges' Activities Evaluation Regulation, which were passed by Judicial Council on the 7<sup>th</sup> May, 2004 (activities of the judge are evaluated decadal (once every 10 years); activities of judges of district courts, which are appointed for this position for the 5 years period, are evaluated after 2 years from the start in this position and at the end of 5 years period). During the evaluation theoretical and practical knowledge of a judge, efficiency and expedition of hearing cases, personal characteristics, and etc. are evaluated.*

*Activities of the judges are evaluated too when they seek to be appointed to a judge position in the higher level court.*

*The chairman of a court organises and supervises administration at the court, reviews complaints of the persons on the non-procedural activities unrelated to the administration of justice also about the actions of the court staff.*

*The administrative activities of the judge (the court) of lower instance courts are supervised by the chairman of the higher instance court according to courts' (judges') administrative activities supervision procedure. A system of courts' (judges') administrative activities supervision is laid down in the Regulation of Administration in Courts approved by the Judicial Council.*

54. Concerning court activities, have you defined:

▪ performance indicators? Yes ☒ No ☐

Please specify the 4 main indicators for a proper functioning of justice:

1. The judge's caseload;
2. Average of the judges' caseload in the court;
3. The court's caseload;
4. Stability of handed down sentences and judgements by a judge;
5. Stability of handed down sentences and judgements in the court.

**Note:**

*These indicators are aimed at the internal needs of the courts' – to resolve issues of administration.*

▪ targets? Yes ☐ No ☒

Please specify who is responsible for setting the targets:

- Yes ☐
- executive power?
  - legislative power?
  - judicial power?
  - other?

Please specify:



Please specify the main objectives applied:

Source *Ministry of Justice of the Republic of Lithuania*

55. Which authority is responsible for the evaluation of the performances of the courts:

	Yes	
▪ the High Council of judiciary?	<div></div>	Please specify:
▪ the Ministry of justice?		
▪ an Inspection body?		
▪ the Supreme Court?		
▪ an external audit body?		
▪ other?		

**N/A**  
**Note:**  
*The Judicial Council resolves issues of administration in courts, however it is not responsible for the evaluation of the performances of the courts.*

56. Does the evaluation system include quality standards concerning judicial decisions?

No	<div>X</div>	
Yes	<div></div>	Please specify:

Source *National Courts Administration*

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

	Yes	No
▪ civil cases?	<div>X</div>	<div></div>
▪ criminal cases?	<div>X</div>	
▪ administrative cases?	<div>X</div>	

*Supervision of compliance of procedural terms is performed by the chairman of the higher instance court, according to courts' (judges') administrative activities supervision procedure, performing periodical inspections and investigating the persons' complaints. The National Courts Administration gathers and summarizes data about the number of cases hearing whereof took longer than 6 months and reasons of such delay. The National Courts Administration puts forward conclusions to the Judicial Council.*

58. Do you have a way of analysing queuing time during court procedures?

No	<div></div>	
Yes	<div>X</div>	Please specify:

*Analyse of the length of proceedings is included in the courts' (judges') administrative activities supervision procedure.*

59. Do you monitor and evaluate the performance of the prosecution services?

No	<div></div>
Yes	<div>X</div> Please specify:

**The Prosecutor General is accountable for activities of the Prosecution system to the President of the Republic of Lithuania and Seimas of the Republic of Lithuania. The Prosecutor General also provides information on activities of the Prosecution system to the Government of the Republic of Lithuania and the public.**

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

#### IV. Fair trial

##### IV. A. Fundamental principles

60. Is there in your judicial system:
- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?  
Yes ☒ No ☐
  - the right to have reasons given for all prisons sentences?  
Yes ☒ No ☐
  - for all cases, an effective remedy to a superior jurisdiction?  
Yes ☒ No ☐
61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? 0 %, the hearing in the first instance court cannot be performed without presence of a defendant, except he/she is abroad and avoiding to attend the court
- Source Ministry of Justice of the Republic of Lithuania
62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?
- No ☐  
Yes ☒ If possible, number of successful challenges (in a year): Data is not available
63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)	5									
	Article 6§1 (duration)	7					2	2			
	Article 6§2	1									
	Article 6§3a										
	Article 6§3b										
	Article 6§3c	1									

	Article 6§3d	1									
	Article 6§3e										
Civil proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)										
	Article 6§1 (non execution only)							1			

**Note:**

**Regarding the violation of the right to appeal to court (Article 6 of the European Convention of Human Rights) there were 2 cases in criminal proceedings and 1 case in civil proceedings in the year 2003 and 1 case in criminal proceedings, 1 case in civil proceedings in the year 2004.**

Source *Ministry of Justice of Republic of Lithuania*

#### IV.B. Timeframes of proceedings

##### IV. B. 1. General

64. Are there specific procedures for urgent matters in:

- |                         | Yes               | No |
|-------------------------|-------------------|----|
| ▪ civil cases?          | X                 |    |
| ▪ criminal cases?       | X                 |    |
| ▪ administrative cases? | X (briefer terms) |    |

65. Are there simplified procedures for:

- |                                    | Yes | No |
|------------------------------------|-----|----|
| ▪ civil cases (small claims)?      | X   |    |
| ▪ criminal cases (petty offences)? | X   |    |
| ▪ administrative cases?            |     | X  |

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes X No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No X  
Yes Please specify:

#### IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): 152 132

Please specify the main types of cases:

*The main types of civil cases are cases concerning obligations (49 095), family relations (18 426) and courts' consents to enter into a transaction, administration of assets etc. (simplified procedure) (47 651).*

Source *National Courts Administration*

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	152 132	61 517	7 275	Data is not available
	Decisions on the merits	149 646	57 897	6 890	Data is not available
	Percentage of decisions subject to appeal in a higher court	5 %	Data is not available	Data is not available	Data is not available
	Pending cases by 1 January 2005	17 779	4 084	1 484	Data is not available
	Percentage of pending cases of more than 3 years	Data is not available	Data is not available	Data is not available	Data is not available
Average length (from date of lodging of court proceedings*)	1st instance decisions	Data is not available	Data is not available	Data is not available	Data is not available
	2nd instance decisions	Data is not available	Data is not available	Data is not available	Data is not available
	Total procedure	Data is not available	Data is not available	Data is not available	Data is not available

\* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

Where appropriate, please specify the specific procedure as regards divorce:

Source *National Courts Administration, the Supreme Administrative Court*

#### IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

▪ to conduct or supervise police investigation? Yes No  
X

- to conduct investigation? ☒ ☐
  - when necessary, to demand investigation measures from the judge? ☒ ☐
  - to charge? ☒ ☐
  - to present the case in the court? ☒ ☐
  - to propose a sentence to the judge? ☒ ☐
  - to appeal? ☒ ☐
  - to supervise enforcement procedure? ☒ ☐
  - to end the case by dropping it without the need for a judicial decision? ☒ ☐
  - to end the case by imposing or negotiating a penalty without a judicial decision? ☒ ☐
  - other significant powers? ☐ ☒
- Please specify:

71. Does the prosecutor also have a role in civil and/or administrative cases?

No ☐

Yes ☒ Please specify:

**Prosecutors, having established violation of personal, public, State rights or legitimate interests, public interest, must protect them. Prosecutors, having reasons to assume that requirements of acts of law were violated, when protecting public interest have the powers to address the court with a claim, statement, request, to take part in the court procedure when civil cases, presented by a prosecutor in the criminal case, administrative cases are heard, and to appeal against the decisions, rulings, judgments passed by the court.**

72. Functions of the public prosecutor in relation to criminal cases – please complete this table:

		Total number of 1st instance criminal cases
Received by the public prosecutor		17 358
Discontinued by the public prosecutor	In general	61 696
	Because the offender could not be identified	N/A
	Due to the lack of an established offence or a specific legal situation	20 401
Concluded by a penalty, imposed or negotiated by the public prosecutor		Data is not available
Charged by the public prosecutor before the courts		18 827

Source *The Prosecutor General's Office of the Republic of Lithuania*

73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

	Criminal cases	Robbery cases	Intentional homicides
Incoming cases	17 592	Data is not available	Data is not available
Judicial decisions	17 364	Data is not available	Data is not available
Convicted	17 882	Data is not available	Data is not available

Total number (1st instance)	persons			
	Acquitted persons	458	Data is not available	Data is not available
	Percentage of decisions subject to appeal in a higher court	26 %	Data is not available	Data is not available
	Pending cases by 1 January 2005	3 493	Data is not available	Data is not available
	Percentage of pending cases of more than 3 years	Data is not available	Data is not available	Data is not available
Average length*(from the date of official charging)	1st instance decision	Data is not available	Data is not available	Data is not available
	2nd instance decision	Data is not available	Data is not available	Data is not available
	Total procedure	Data is not available	Data is not available	Data is not available

\* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source *National Courts Administration*

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings**

## V. Career of judges and prosecutors

### V. A. Appointment and training

**74. Are judges initially/at the beginning of their carrier recruited and nominated by:**

- |  |                                     |
|--|-------------------------------------|
|  | Yes                                 |
| ▪ a body composed of members of the judiciary?                               | <input type="checkbox"/>            |
| ▪ a body composed of members external to the judiciary?                      | <input checked="" type="checkbox"/> |
| ▪ a body composed of members of the judiciary and external to the judiciary? | <input type="checkbox"/>            |

**75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:**

- |  |                                     |
|--|-------------------------------------|
|  | Yes                                 |
| ▪ a body composed of members of the prosecution system?  | <input checked="" type="checkbox"/> |
| ▪ a body composed of members external to the prosecution system?                               | <input type="checkbox"/>            |
| ▪ a body composed of members of the prosecution system and external to the prosecution system? | <input type="checkbox"/>            |

**76. Is the mandate given for an undetermined period for:**

- |                |                                     |                          |
|----------------|-------------------------------------|--------------------------|
|                | Yes                                 | No                       |
| ▪ judges?      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ prosecutors? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Are there exceptions ? Please specify:

A person is appointed to a judicial office (a judge) at a district court for the first time for a term of five years in order to ascertain whether the person qualifies for the office. Upon the expiry of the five year term, such a person may be appointed a judge of a district court, without a prior examination and selection, by the President of the Republic of Lithuania, for a term until he/she reaches 65 years of age. Judges of other courts are appointed for a term until they are 65 years of age.

The Chairman, the Vice Chairman of a regional administrative court and the Chairman and the Chairman of a division of a regional court are appointed for a term of five years. The Chairman and the Vice Chairman of the Supreme Administrative Court, the Chairman of the Court of Appeals and the Chairman of a division of the Court of Appeals are appointed for a term of six years. The Chairman of the Supreme Court and the Chairman of a division of the Supreme Court are appointed for a term of seven years. The Chairman, the Vice Chairman and the Chairman of a division of a court may not be appointed for more than two terms of office in succession.

After being appointed prosecutor a person works on probation at most for 2 years. A person, who was exempted from exam for candidates for prosecutors, works on probation at most for 6 months. After probation Assessment Commission assesses a prosecutor. After this assessment a prosecutor is assessed every five years.

The Prosecutor General is appointed for a term of seven years and dismissed by the President of the Republic of Lithuania with a consent of the Seimas of the Republic of Lithuania. Deputies Prosecutor General are appointed for a term of seven years and dismissed by the President of the Republic of Lithuania pursuant to the presentation of the Prosecutor General.

If no, what is the length of the mandate:

Is it renewable?

- of judges?
- of prosecutors?

Yes No

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

A judge of a district court is nominated by the President of the Republic. The President of the Republic is advised about the appointment of a judge of a district court by the Judicial Council (concerning the question 74).

Concerning the question 75, persons are accepted to the service at the Prosecution system regarding voluntary and selection principles. Prosecutor General appoints by his order a person to the post within the list of incumbencies of Prosecutors regarding the presentation of Selection Committee (consisting of prosecutors). A prosecutor, when appointed to his post in an established procedure, conducts his duties until pension age (65 years old), or other grounds disabling him from serving as a prosecutor.

**77. Nature of the training of judges:**

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	Yes		
	Highly recommended	No		
	Optional	No		
General in-service training	Compulsory	Yes	Annual	No
	Highly recommended	No	Regular	Yes
	Optional	No	Occasional	No
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory	Yes	Annual	No
	Highly recommended	No	Regular	Yes
	Optional	No	Occasional	No
In-service training for specific functions (e.g. head of court)	Compulsory	Yes	Annual	No
	Highly recommended	No	Regular	Yes
	Optional	No	Occasional	No

**78. Nature of the training of prosecutors:**

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	Yes, intended for acting prosecutors (during traineeship).		
	Highly recommended	No		
	Optional	No		
General in-service training	Compulsory	Yes, intended for prosecutors of the Prosecutor General's Office and territorial offices	Annual	Yes
	Highly recommended	No	Regular	No
	Optional	No	Occasional	No
Specialised in-service training	Compulsory	Yes, qualification raising of specialized prosecutors	Annual	Yes
	Highly recommended	No	Regular	No
	Optional	No	Occasional	No

\*\*\*



You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your training system for judges and prosecutors
- 

**Point 8 part 1 article 20 of the Law on Prosecutor's Office establishes the obligation of a prosecutor to raise his qualification. Part 1 article 32 of the Law on Prosecutor's Office provides that prosecutors must raise their qualification pursuant to the training programs developed by the Prosecutor General's Office. In the point 2 of the Prosecutor Training strategy of the Republic of Lithuania for the years 2003-2006, approved by the Prosecutor General on the 18 December 2002, it is regulated that training of prosecutors includes initial and successive training. It should be noted that the working group has almost prepared the programs for purposive groups training and qualification raising in the year 2006 (concerning the question 78).**

#### V. B. Practice of the profession

79. Gross annual salary of a first instance professional judge at the beginning of his/her career 14 316 €

Source *National Courts Administration*

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court 32 449 €

Source *The Supreme Court of Lithuania*

81. Gross annual salary of a public prosecutor at the beginning of his/her career 8 945 €

Source *The Prosecutor General's Office of the Republic of Lithuania*

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court 20 431 €

Source *The Prosecutor General's Office of the Republic of Lithuania*

**Note:**

**Data on annual salary of prosecutors of the Public Charges Division of the Prosecutor General's Office, who pursue charges in the Supreme Court of Lithuania: lowest - 16 503 €; average - 20 431 €; highest - 23 278 €.**

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	No	Yes
Other financial benefit (If yes, please specify)	No	Yes, a prosecutor experiencing material problems due to disease of his own, disease or death of a member of his family, natural

		disaster, loss of property, also in other extraordinary cases may be provided with an allowance in an amount of up to five minimal monthly salaries. The allowance is paid from the funds intended for salaries of the Prosecution Service.
--	--	---

**84. Can judges or prosecutors combine their work with any of the following other professions?**

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	Yes			Yes, may be paid only for pedagogical work in an institution of higher education		
Research and publication	Yes, creative activities			Yes		
Arbitrator			No			No
Consultant		Yes, a judge may be a member of committees/groups which are drafting laws, international agreements and other legal acts, if such activities do not interfere with his judicial duties.		Yes, if the work in groups and on commissions for drafting legal acts is not a part of the prosecutor's direct duties		
Cultural function	Yes, creative activities			Yes, creative activities		
Other function to specify			No			No

**Note:**

**The prosecutor may be engaged in research or teaching work, be included in the groups or on the commissions for drafting legal acts only with the authorisation of the Prosecutor General.**

**85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?**

No ☒

Yes ☐

**Please specify:**

## V. C. Disciplinary procedures

### 86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number	3	10
	Breach of professional ethics (Yes/No) If yes, please specify the number	Data is not available	Yes, 1
	Professional inadequacy (Yes/No) If yes, please specify the number	Data is not available	No
	Criminal offence (Yes/No) If yes, please specify the number	Data is not available	No
	Other (Yes/No) If yes, please specify	Data is not available	Yes, 9
Types of sanctions	Total number	3	Yes, 10
	Reprimand (Yes/No) If yes, please specify the number	Yes, 3	Yes, 6
	Suspension (Yes/No) If yes, please specify the number	No	No
	Dismissal (Yes/No) If yes, please specify the number	No	No
	Fine (Yes/No) If yes, please specify the number	No	No
	Other (Yes/No) If yes, please specify	No	Yes, 4

Source *National Courts Administration, the Prosecutor General's Office of the Republic of Lithuania*

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

## VI. Lawyers

87. Number of lawyers practising in your country

1282

Source *Lithuanian Bar*

88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

Yes ☐

No ☒

89. Do lawyers have a monopoly of representation:

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
Civil cases*	No		Member of family	Yes
			Trade Union	Yes
			NGO	No
			Other	No
Criminal cases*	Defendant	Yes	Member of family	No
			Trade Union	No
			NGO	No
			Other	No
	Victim	Yes	Member of family	No
			Trade Union	No
			NGO	No
			Other	No
Administrative cases*	No		Member of family	Yes
			Trade Union	Yes
			NGO	Yes
			Other	Yes

\* If appropriate, please specify if it concerns first instance and appeal.

90. Is the lawyer profession organised through?

- a national bar?
- a regional bar?
- a local bar?

Yes

☒

Please specify:

**There is only one bar in Lithuania – the Lithuanian Bar. There are no local or regional bars.**

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes ☒

No ☐

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes ☒ No ☐

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No ☒  
Yes ☐ Please specify:

94. Can users establish easily what the lawyers' fees will be?

Yes ☐ No ☒

95. Are lawyers fees:

- regulated by law? Yes ☐
- regulated by Bar association? ☐
- freely negotiated? ☒

96. Have quality standards been formulated for lawyers?

Yes ☐ No ☒

**Note:**

**Only principles of professional activities of the lawyer are defined in the Law on the Bar.**

97. If yes, who is responsible for formulating these quality standards:

- the bar association? Yes ☐
- the legislature? ☐
- other? ☐ Please specify:

98. Is it possible to complain about :

- the performance of lawyers? No ☐ Yes ☒ Please specify:

**A complaint may be submitted to the Lithuanian Bar.**

**Besides, according to the Law on the Bar, a disciplinary case may be initiated against the lawyer, apprentice of the lawyer for violations of the requirements set for by the Law on the Bar and Code of Ethics for Lawyers. The Council of the Lithuanian Bar and the Minister of Justice are authorized to initiate a disciplinary case for the lawyer.**

- the amount of fees? Yes ☒ No ☐

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)
Breach of professional ethics	Yes, 150
Professional inadequacy	Yes, 0

Reasons for disciplinary proceedings	Criminal offence	Yes, 0
	Other	No
Type of sanctions	Reprimand	Yes, 80
	Suspension	No
	Removal	Yes, 30
	Fine	No
	Other	No

**100. Who is the authority responsible for the disciplinary procedures:**

☐ a professional body? ☒ Yes **Please specify:**  
**Court of Honour of Advocates, also the Council of the Lithuanian Bar.**

☐ the judge? ☐ ☒ **Please specify:**  
☐ the Ministry of justice? ☒  
☐ other? ☐

\*\*\*

*You can indicate below:*

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar

**In the disciplinary proceedings any breach of any law, including the Law on the Bar is the breach of professional ethics. It is also possible to remove an advocate from the list in case of criminal offence without the disciplinary proceedings.**

## VII. Alternative Dispute Resolution

**101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:**

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	No
			Court	No
	Compulsory stage in court proceedings	No	Judge	No
	Ordered by judge in certain cases	No	Prosecutor	No
Family cases	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	No
			Court	No

Administrative cases	Compulsory stage in court proceedings	No	Judge	No
	Ordered by judge in certain cases	No	Prosecutor	No
	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	No
			Court	No
	Compulsory stage in court proceedings	No	Judge	No
Employment dismissals	Ordered by judge in certain cases	No	Prosecutor	No
	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	No
			Court	No
	Compulsory stage in court proceedings	No	Judge	No
Criminal cases	Ordered by judge in certain cases	No	Prosecutor	No
	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	No
			Court	No
	Compulsory stage in court proceedings	No	Judge	No
	Ordered by judge in certain cases	No	Prosecutor	No

**102. Can you provide information about accredited mediators?**

N/A

**103. Can you provide information about the total number of mediation procedure concerning:**

- civil cases? N/A
- family cases? N/A
- administrative cases? N/A
- employment dismissals? N/A
- criminal cases? N/A

Source *Ministry of Justice of the Republic of Lithuania*

**104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:**

***Vilnius Court of Commercial Arbitration was established as a result of the reorganization of the two arbitration institutions in Lithuania. In 2003 the two main Lithuanian permanent arbitration institutions – the Arbitration Court at the Association International Chamber of Commerce Lithuania and the Vilnius International Commercial Arbitration were merged into one institution, the Vilnius Court of Commercial Arbitration (VCCA).***

**Vilnius Court of Commercial Arbitration was registered as a permanent arbitration institution with the Ministry of Justice of the Republic of Lithuania on 27<sup>th</sup> September, 2003.**

**Vilnius Court of Commercial Arbitration operates in accordance with Law on Commercial Arbitration of the Republic of Lithuania.**

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system concerning ADR*

**The development of the pilot project of judicial mediation has started in 2005.**

## VIII. Enforcement of court decisions

### VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- judges?
  - bailiff practising as private profession ruled by public authorities?
  - bailiff working in a public institution?
  - other enforcement agents?
- Please specify their status:

Yes

☐

X

☐

**A bailiff is a person authorised by the State, empowered by it to perform the functions of enforcement of writs of execution, to make material ascertainment on the factual circumstances, to serve proceedings and carry out any other functions provided by law. A bailiff may provide the services set forth in this Law unless this interferes with the performance of the bailiff's functions (Law on Bailiffs, Article 2).**

106. Number of enforcement agents

124

Source *The Chamber of Bailiffs of Lithuania*

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes X

No

☐

108. Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

Yes

X

☐

109. Can users establish easily what the fees of the enforcement agents will be?

Yes

☐

No X

☐

110. Are enforcement fees:

- regulated by law?
- freely negotiated?

Yes

X

☐



111. Is there a body entrusted with the supervision and the control of the enforcement agents?

No ☐  
 Yes ☒ Which authority is responsible for the supervision and the control of enforcement agents:

	Yes
▪ a professional body?	<input checked="" type="checkbox"/>
▪ the judge?	<input checked="" type="checkbox"/>
▪ the Ministry of justice?	<input checked="" type="checkbox"/>
▪ the prosecutor?	<input type="checkbox"/>
▪ other?	<input type="checkbox"/>

Please specify:

112. Have quality standards been formulated for enforcement agents?

No ☒  
 Yes ☐ Who is responsible for formulating these quality standards?

**Note:**  
**Only principles of bailiffs' activities are defined in the Law on Bailiffs.**

Source *Ministry of Justice of the Republic of Lithuania*

113. What are the main complaints of users concerning the enforcement procedure:

	Yes	No
▪ no execution at all?	<input type="checkbox"/>	<input type="checkbox"/>
▪ lack of information?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ excessive length?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ unlawful practices?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ insufficient supervision?	<input type="checkbox"/>	<input type="checkbox"/>
▪ excessive cost?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ other?	<input type="checkbox"/>	<input type="checkbox"/>

Source *Ministry of Justice of the Republic of Lithuania, the Chamber of Bailiffs of Lithuania*

114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No ☐  
 Yes ☒ Please specify:

**Ministry of Justice intended to prepare the following measures: the draft of Amendment of the Law on Bailiffs and the new Instruction of Enforcement Procedure whereby the tariffs (fees of the enforcement) would be reviewed etc.**

115. Is there a system measuring the timeframes of the enforcement of decisions :

	Yes	No
▪ for civil cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ for administrative cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

Yes

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more: please specify

X

Source *The Chamber of Bailiffs of Lithuania*

#### 117. Disciplinary proceedings and sanctions against enforcement agents:

	Yes /No (If yes, please specify the total number)
Disciplinary proceedings	Breach of professional ethics
	Professional inadequacy
	Criminal offence
	Other
Sanctions	Reprimand
	Suspension
	Dismissal
	Fine
	Other

Yes, 6

No

No

No

No

No

Yes, 1

No

Yes, 1 - notice

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your enforcement system of decisions in civil matters*

*Control over the procedural activities of a bailiff is carried out by a district court within the bailiff's activities area. Ministry of Justice and the Chamber of Bailiffs of Lithuania supervise the organizational issues of bailiff's work (concerning the question 111).*

*Concerning the question 117, 3 cases were confined to disciplinary proceedings because they were concerning the procedural activities of bailiffs.*

*The reform of enforcement system in Lithuania (in 2003) from a civil servant based system towards an independent professional based system was successful and served the purpose.*

#### VIII. B. Enforcement of decisions in criminal matters

##### 118. Is there a judge who has in charge the enforcement of judgments?

Yes ☒ Please specify his/her functions and activities (e.g. Initiative or control functions):

*Courts are authorised in performing of some to enforcement related questions, e.g. a district court of the sentence's enforcement place is entitled to change public works into other kind of penalties, a court which passed a sentence is entitled to change a fine into other kind of penalties etc.*

No ☒ Please specify which authority is entrusted with the enforcement of judgements (e. g prosecutor):

*A prosecutor controls the submission to enforcement and the enforcement of sentences.*

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No ☒

Yes ☐

Please specify:

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters

## IX. Notaries

120. Is the status of notaries:

- a private one?
- a status of private worker ruled by the public authorities?
- a public one?
- other?

Yes Number

☐ ☐

X ☐ 208

☐ ☐

Please specify:

Source *Ministry of Justice of the Republic of Lithuania*

121. Do notaries have duties:

- within the framework of civil procedure?
- in the field of legal advice?
- to authenticate legal deeds?
- other?

Yes

No

X

☐

X

X

X

☐

☐

☐

☐

If yes, please specify:

**Notaries perform the following notarial acts too: confirmation of transactions, certification of inheritance, acceptance of ships' protests, protests of bills and cheques, etc.**

122. Is there a body entrusted with the supervision and the control of the notaries?

No ☐

Yes ☒

Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

X

X

X

X

☐

Please specify:

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system of notaries

*Concerning the question 122, Ministry of Justice performs supervision of the organizational activity of notaries. The Chamber of Notaries also takes part in monitoring of performance of the notaries: monitors conscientious performance of the duties by the notaries, supervises the organisation of the work of notaries offices and compliance with the requirements of professional ethics etc. Supervision of the legality of the notarial acts performed by notaries is carried out by the district courts within the notaries' activities area.*

\*\*\*\*\*

123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:

*The main aims of the reforms in Lithuanian judicial system are to raise transparency of judicial system, to ensure adequate finances for the court system, to elaborate and adopt transparent system of calculation of fees of the enforcement of court decisions, to review the range of quantitative and qualitative entry requirements for legal and notarial professions in order to ensure competitive environment, to improve the system of legal aid in pursuance of better application of the state's obligation to guarantee the delivery of legal aid etc.*