



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Lithuania

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

3403284

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	4412894000
Regional / entity level	1577457000

3) Per capita GDP (in €)

6996

4) Average gross annual salary (in €)

5196

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

3.4528

Please indicate the sources for the questions 1 to 4

Data from the Statistics department and Ministry of Finance.

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

58150487

7) Please specify

This sum was allocated to all courts of Lithuania (including the Supreme Court of Lithuania, Supreme Administrative Court of Lithuania and Court of Appeal) in 2006. Since the Ministry of Justice is responsible for training of judges, administration of investments programmes, therefore we also included the budget of the Ministry of Justice concerning the courts (the budget of the Ministry of Justice related to courts can be found in answer to question 7 point 2, 5, 6).

Therefore the total annual budget for courts consists of the sum allocated to courts directly (48949259 Eur) and the sum allocated to the Ministry of Justice (9201228 Eur)

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	33216520
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	547382
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	15454414
Annual public budget allocated to court buildings (maintenance, operation costs)	<input type="checkbox"/> Yes	
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	8491659
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	162187
Other (please specify):	<input checked="" type="checkbox"/> Yes	278325

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

☒ Yes

☐ No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

Over the last five years the annual budget of the courts gradually increased every year:

2002 – 99375000 LTL (28781000 €)
 2003 – 99964000 LTL (28952000 €)
 2004 – 109219000 LTL (31632000 €)
 2005 – 128351000 LTL (37173000 €)
 2006 – 142635000 LTL (41310000 €)

The above mentioned data doesn't include annual budget of the Supreme Court, Supreme Administrative Court, Court of Appeal of Lithuania and also the budget of the Ministry of Justice concerning the courts.

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

☐ for criminal cases?

☒ for other than criminal cases?

If yes, are there exceptions? Please specify:

In general litigants are not required to pay a court tax in criminal cases, but they do have to pay in civil cases. There are various exceptions, according to which litigants are not required to pay a court tax or fee to start a proceeding. For instance, the following shall be released from the payment of the official fee in civil cases, which are heard by a court of general jurisdiction: plaintiffs (employees) in cases concerning all claims arising from the legal relationships of employment, plaintiffs in cases concerning compensation of property or non-property damages created by criminal activity, parties in cases concerning damages, which have arisen due to false conviction, false arrest through the use of custodial measures, wrongful detention, wrongful use of judicial coercion, or wrongful imposition of an administrative penalty and/or arrest as well as due to damages, which have arisen due to the wrongful actions of a judge or court in hearing a civil case etc.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

4084743

12) Total annual approved budget allocated to the whole justice system (in €)

78018000

13) Total annual approved public budget allocated to legal aid (in €)

3226245

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	NA	NA

15) Is the public budget allocated to legal aid included in the court budget ?

☐ Yes

☒ No

16) Total annual approved public budget allocated to the public prosecution system (in €)

27638149

17) Is the budget allocated to the public prosecution included in the court budget?

☐ Yes

☒ No

18) Authorities formally responsible for the budget allocated to the courts:

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ministry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

National Courts Administration.

COMMENT TO Q18

The courts are the budget appropriation managers. Management and allocation of the budget among the individual courts cannot be interpreted as one under the laws of Lithuania. Allocation of the budget among the individual courts belongs to the initial stage of the budget preparation process and the management of budgets is the responsibility of each court individually.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Q12 - BUDGET OF THE WHOLE JUSTICE SYSTEM

In 2006 the annual budget allocated to the whole justice system was 78018000 €. It was allocated to the following institutions:

- o The Supreme Court of Lithuania – 12072000 LTL (3496000 €)
- o The Prosecutor's Office – 95429000 LTL (27638000 €)
- o The National Courts Administration – 4960000 LTL (1436000 €)
- o The Supreme Administrative Court of Lithuania – 5130000 LTL (1486000 €)
- o The Court of Appeals of Lithuania – 9175000 LTL (2657000 €)
- o Courts – 142635000 LTL (41310000 €).

The budget for Legal aid purposes is allocated to the Ministry of Justice

The Constitution of the Republic of Lithuania and the Law on Budget Structure determine that the State Budget shall be drafted for a period of three years and confirmed for the artificial year.

The State Budget is prepared based on the principles of strategic planning, State priorities, other laws and legal acts, macro-economic projections of the country's development, the Government Programme, long-term strategic plan of the Government activities, strategic plans of activities of ministries and Government agencies and the approved preliminary basic indicators of the National Budget, also the programmes and draft estimates of expenditure submitted by the managers of State budget appropriations and the strategic documents of the European Union financial assistance.

The annual budget planning process shall start with the establishment of the Government priorities. State institutions and agencies due to the fixed terms provide information to the Ministry of Finance that is required for the implementation of the macro-economic and fiscal projections. On the basis of the prepared macro-economic projections of the appropriate period the state fiscal plan is formulated. The Government of the Republic of Lithuania shall also approve the main financial indicators of the National Budget for the period of three years, preliminary controlling sums of the State investments, the common principles of the establishment of the maximum appropriations and the investment of the State resources to the appropriate spheres, the preliminary data on the amount of the European Union financial assistance.

Due to the fiscal plan the ultimate appropriations for every institution is established and having regard to this the estimate projects of the institutional strategic activity plans and State budget programmes are drafted. In accordance with the estimate projects of the strategic activity plans and State budget programmes the index of the institutional planning is generalized and its conclusions are applied in the preparation of the Draft Law on the Approval of the Financial Indicators of the State Budget and Municipal Budget for the Year Concerned (hereafter – the Draft Law on the Budget).

The State institutions and agencies, the Ministry of Finance, the Governmental Committee of the Strategic Planning and the Government of the Republic of Lithuania shall participate in the preparation of the Draft Law on Budget.

The Ministry of Finance shall submit the prepared Draft Law on Budget to the Government, which shall consider and present this Draft Law on Budget to the Seimas of the Republic of Lithuania.

The Committees of Seimas and its members shall provide proposals on the Draft Law on Budget. Having regard to the respective decisions of the Government concerning these proposals, the Draft Law on the Approval of the

Financial Indicators of the State Budget and Municipal Budget shall be reconsidered and approved.

The procedures of the planning, drawing up, approval of the State Budget and municipal budgets in greater details is regulated in the rules of the Government Resolution Nr. 543 adopted on 14 May 2001 concerning the drawing up and implementation of the State and municipal budgets of the Republic of Lithuania as well as in the Strategic Planning Methodology approved by the Government Resolution Nr. 827, which was adopted on 6 June 2002.

Please indicate the sources for the questions 6, 7, 13 et 16

National Courts Administration, Ministry of Justice, Ministry of Finances

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

21) If other, please specify (in regards to question 20):

22) Does legal aid foresee the covering or the exoneration of court fees?

- ☒ Yes
☐ No

If yes, please specify:

According to person's income level, legal aid can cover from 100 per cent to 50 per cent of person's trial costs.

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- ☒ Yes
☐ No

If yes, please specify:

The Law on the State Guaranteed Legal Aid sets that secondary legal aid is drafting of documents of legal nature, defense and representation in the court process including the process of execution, representation in case of hearing precedent dispute out of court, if such hearing is established by the law or a court decision.

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	40271
Criminal cases	35718
Other than criminal cases	4553

25) 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

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?		yes	
for other than criminal cases?		yes	

27) 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

28) If yes, is the decision for granting or refusing legal aid taken by:

- ☐ the court?
- ☒ an authority external to the court?
- ☐ a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- ☒ Yes
- ☐ No

Please specify:

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

30) 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"/>
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 and the main reforms that have been implemented over the last two years

State guarantied legal aid shall mean the primary legal aid and secondary legal aid. All citizens of the Republic of Lithuania, citizens of other Member States of the European Union as well as other natural persons residing lawfully in the Republic of Lithuania and other Member States of the European Union and other persons specified in international treaties of the Republic of Lithuania shall be eligible for primary legal aid. There are any income and assets test for granting legal aid.

For secondary legal aid are eligible persons whose property and annual income do not exceed the property and income levels established by the Government of the Republic of Lithuania.

There are 2 levels of the person's property and income with regard to legal aid. The State shall guarantee and cover 100 per cent of the cost of secondary legal aid to the persons whose annual income and property correspondent with the first level of property and income (approximately 1623 € income per year). The State shall guarantee and cover 50 per cent of the cost of secondary legal aid to the persons whose annual income and property correspondent with the second level of property and income (approximately 2435 € income per year) (concerning the question 23).

If the compulsory participation of a lawyer in a case proceedings is established by the Code of Criminal Proceedings, secondary legal aid to the suspect, the defendant or the convicted is provided by his/her agreement without testing his/her income and assets (concerning the question 23).

"Secondary legal aid to is provided without testing his/her income and assets also:

- 1) to the aggrieved parties in the cases concerning for the damage incurred through criminal actions, including the cases when the issue of compensation for damage is heard as a part of a criminal case,
- 2) to the persons eligible for a social allowance under the Republic of Lithuania Law on Cash Social Assistance for Low-Income Families (Single Residents),
- 3) to the persons maintained by the State in stationary care institutions,
- 4) to the persons who have been established a severe disability or for whom incapacity for work has been recognised as well as guardians of these persons, where State-guaranteed legal aid is required for the representation and defense of rights and interests of a ward,
- 5) to the persons who have presented a proof that cannot dispose of their property and funds for objective reasons and that for these reasons, their property and annual income which they can freely dispose of do not exceed the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid,
- 6) to the persons suffering from serious mental disorders, when issues of their forced hospitalisation in psychiatric institutions and treatment are being considered according to the Republic of Lithuania Law on Mental Health Care, and their guardians, where State-guaranteed legal aid is required for the representation of rights and interests of a ward."

Please indicate the sources for the questions 24 and 26

Ministry of Justice

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) 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 (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)? ☒ yes

Internet address www.lrs.lt

case-law of the higher court/s? ☒ yes

Internet address www.lrkt.lt
www.lat.lt

other documents (for example forms)?

☒ yes

www.lvat.lt.
www.apeliacinis.lt
Internet address
www.tm.lt
www.infolex.lt

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

☐ Yes

☒ No

If yes, please specify:

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

☒ Yes

☐ No

If yes, please specify:

Relevant information could be find on a website of the Ministry of Justice:

<http://www.tm.lt>., also other websites: www.prokuraturos.lt

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities				

	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

- ☒ Yes
☐ No

36) If yes, does this compensation procedure consist in:

- ☒ a public fund?
☒ a court decision?
☐ private fund?

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

The Law of the Republic of Lithuania on Compensation of Damage Caused by Violent Crimes establishes compensation of the material and non-material damage caused by violent crimes.

The offender is liable to pay to the victim the compensation ordered by the court under the Criminal Procedure Code and the Civil Code.

According to the Law on Compensation of Damage Caused by Violent Crimes compensations are paid by the state when the offender lacks necessary means to satisfy judgement on damages.

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- ☐ Yes
☒ No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

☒ Yes

☐ No

If yes, please specify:

Under Article 19 of the Law on the Prosecutor's Office upon establishing a violation of the rights and lawful interests of a person, society or the State, the prosecutors shall protect the public interest in the cases and according to the procedure provided for by laws upon the notification, proposal, application or complaint filed by the person, state or municipal institution or agency, or on their own initiative as well as in cases when the officers, employees of other institutions or persons having equivalent status, who are under the obligation to protect the said interest, failed to take any measures to rectify the violation.

Having grounds to believe that the requirements of legal acts have been violated, the prosecutors, when protecting the public interests, have the following powers:

- 1) to lay an action, file a statement or an application
- 2) to request from persons production of documents and information
- 3) to task the heads and officials of state institutions, agencies to carry out inspections and audits
- 4) to summon persons and receive their explanations
- 5) to take part in the court hearing of civil cases, civil actions entered by the prosecutor in criminal proceedings, administrative proceedings and appeal against the court judgements, rulings and decisions handed down in the proceedings
- 6) to pass resolutions regarding the eviction of natural persons
- 7) to issue a warning to a state official, a public servant or a person equal in status to them not to commit violations of law
- 8) to pass a decision requesting an official inspection of activities of a state official, public servant or a person equal in status to them be conducted and submit a proposal to take a disciplinary or an administrative action against the said persons
- 9) to render a decision to refer the investigation materials for examination according to the administrative procedure, where pre-trial investigation has been terminated but there is evidence of an administrative offence committed by the person.

In the cases specified in the Code of Criminal Procedure, the prosecutors may request by a decision to initiate criminal proceedings.

Acting in the protection of the public interest, the prosecutors who prosecute on behalf of the State file a civil action, provided it has not been filed, if damage has been caused by a criminal act to the State or a person who, because of his minority, illness, dependence on the accused or due to other reasons is unable to defend his rights or legitimate interests in court.

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

☒ Yes

☐ No

If yes, please specify:

Under the Article 168 of the Criminal Procedure Code, an applicant has a right to appeal to a higher prosecutor and afterwards – to the pre-trial investigation judge, if the prosecutor refuses to start pre-trial investigation (criminal proceedings).

Under the Article 214 of the Criminal Procedure Code, if the prosecutor decides to discontinue the case, he must inform inter alia the victim of crime. The victim of crime has a right to appeal this to the higher prosecutor and afterwards – to the pre-trial investigation judge.

40) Is there a system for compensating users in the following circumstances:

- ☒ excessive length of proceedings?
- ☒ non execution of court decisions?
- ☒ wrongful arrest?
- ☒ wrongful condemnation?

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

Compensations for excessive length of proceedings, wrongful arrest and wrongful condemnation are paid from separate budgetary program on compensation of damages operated by Ministry of Justice. These compensations may be paid according to court decisions on damages as well as through out-of-court procedure.

Compensations for non execution of court decisions may be paid by bailiffs responsible for non execution.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- ☒ (Satisfaction) surveys aimed at judges
- ☐ (Satisfaction) surveys aimed at court staff
- ☒ (Satisfaction) surveys aimed at public prosecutors
- ☐ (Satisfaction) surveys aimed at lawyers
- ☐ (Satisfaction) surveys aimed at citizens (visitors of the court)
- ☐ (Satisfaction) surveys aimed at other clients of the courts

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

Survey agencies "Baltijos tyrimai" and "Vilmorus" every month are calculating ratings of various public institutions, e. g. Parliament, Government, political parties, Church, courts, prosecutor office, police.

See more: <http://www.balttyr.lt/indexe.htm>

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

- ☒ Yes
- ☐ No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

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

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	59
Specialised first instance courts (legal entities)	5
All the courts (geographic locations)	67

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

Administrative law cases.

Comment to Q45

Note: Among 67 courts are also mentioned the Court of Appeal of Lithuania, the Supreme Court of Lithuania, the Supreme Administrative Court of Lithuania.

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

☐ Yes

☒ No

If yes, please specify:

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	54
a dismissal	59
a robbery	54

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

Small claims cove all the monetary claims up to 290 Euros.

Please indicate the sources for the question 45

National Courts Administration

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

732

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	0
if possible, in full time equivalent	0

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

none

53) Does your judicial system include trial by jury with the participation of citizens?

☐ Yes

☒ No

If yes, for which type of case(s)?

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)

2613

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input checked="" type="checkbox"/> Yes	0
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	<input checked="" type="checkbox"/> Yes	1230
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)	<input checked="" type="checkbox"/> Yes	1001
technical staff	<input checked="" type="checkbox"/> Yes	382

Please indicate the sources for the questions 49, 50, 52, 53 and 55

The data of 55 question doesn't include data from the Supreme Administrative Court.
Source: data from the National Courts Administration

COMMENT TO Q56 - We gathered information from all the courts. The information is on number of establishments, but the actual number of working employees can be different, since not all establishments are filled in. It was difficult to categorize the staff according to the categories, therefore there can be some mistakes.

3. 1. 3. Prosecutors

57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)

854

58) Do any other persons have similar duties as public prosecutors?

- ☐ Yes
☒ No

If yes, please specify:

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

709

Please indicate the sources for the questions 57 and 59

Data provided by the Personnel Department of the Prosecutor General's Office of the Republic of Lithuania.

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Court administrative director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

"Other" includes accountant of the court.

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
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Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special Website	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- ☒ Yes
☐ No

If yes, please specify the name and the address of this institution:

National Courts Administration

Address: L. Sapiegos Street 15,
 LT-10312 Vilnius
 The Republic of Lithuania

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

National Courts Administration

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- ☒ Yes
☐ No

67) Do you have a regular monitoring system of court activities concerning the:

- ☒ number of incoming cases?
- ☒ number of decisions?
- ☒ number of postponed cases?
- ☒ length of proceedings (timeframes)?
- ☒ other?

Please specify:

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

68) Do you have a regular system to evaluate the performance of each court?

- ☒ Yes
- ☐ No

Please specify:

For example, National Courts Administration (NCA) performs the analysis of the work load in courts, as well as the overviews of cases the hearings of which were prolonged longer than a year.

According to Article 104 of the Law on Courts the supervision of administrative activities of courts is performed: 1) of district courts - by the Chairman of the relevant regional court, 2) of regional administrative courts - by the Chairman of the Supreme Administrative Court, 3) of regional courts - by the Chairman of the Court of Appeals.

The supervision of the administrative activity covers: 1) measures ensuring the transparency and reasonable time of the hearing: inspection of unjustifiably lengthy instances of the proceedings, supervision of the compliance with the procedure for the preparation of cases for judicial proceedings, for accepting and sending claims, appeals and applications, investigation of grievances the object whereof does not relate to the administration of justice, supervision of the procedure for distribution of cases, 2) measures guaranteeing high professional ethics of the officials and ensuring the effectiveness of the activities of judges and the staff of courts: supervision of the compliance with the professional ethics of judges and the staff of courts, effective use of the work hours of judges and judicial staff, administrative activities of the mortgage units, 3) work of the records office of the court: inspection of the organisational work of the records office of the court, proper compliance with the instructions and legal acts regulating the work of the records office of the court, procedure of compiling registration books and other documents, administration of the archives, maintenance of work conditions, the level of the vocational training of the clerical staff, proper storing and management of material evidence.

69) Concerning court activities, have you defined performance indicators?

- ☒ Yes
- ☐ No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- ☒ Incoming cases
- ☒ Length of proceedings (timeframes)
- ☐ Closed cases
- ☒ Pending cases and backlogs
- ☒ Productivity of judges and court staff
- ☐ Percentage of cases that are treated by a single sitting judge
- ☐ The enforcement of penal decisions
- ☐ Satisfaction of employees of the courts
- ☐ Satisfaction of clients (regarding the services delivered by the courts)
- ☐ Judicial and organisational quality of the courts
- ☐ The costs of the judicial procedures
- ☐ Other

Please specify:

Data is collected and annual report is provided.

71) Are there performance targets defined for individual judges?

- ☐ Yes
- ☒ No

72) Are there performance targets defined at the level of the courts?

- ☐ Yes
- ☒ No

73) Please specify who is responsible for setting the targets:

- ☐ executive power (for example the Ministry of Justice)
- ☐ legislative power
- ☐ judicial power (for example a High Judicial Council or a Higher Court)
- ☐ other

Please specify

74) Please specify the main targets applied:

75) Which authority is responsible for the evaluation of the performances of the courts:

- ☐ the High Council of judiciary
- ☐ the Ministry of Justice
- ☐ an Inspection authority
- ☐ the Supreme Court
- ☐ an external audit body
- ☒ other?

Other, please specify:

The Judicial Council resolves issues concerning the performances of the courts according to Article 120, Part 20 of the Law on Courts.

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- ☐ Yes
- ☒ No

If yes, please specify:

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- ☐ Yes
- ☒ No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

- ☒ civil cases?
- ☒ criminal cases?
- ☒ administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

- ☒ Yes
- ☐ No

If yes, please specify:

National Courts Administration analyzes the reasons of the prolonged hearings of cases. According to Article 104 of the Law on Courts the supervision of administrative activities of courts is performed: 1) of district courts - by the Chairman of the relevant regional court, 2) of regional administrative courts - by the Chairman of the Supreme Administrative Court, 3) of regional courts - by the Chairman of the Court of Appeals

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- ☒ Yes
- ☐ No

Please specify (including an indication of the frequency of the evaluation):

In supervising the administrative activities of lower courts, every court of higher jurisdiction, (which is responsible for supervising administrative activities of courts within its jurisdiction) draws up an annual plan of supervision of administrative activities of courts. The Regulations on Administration in Courts (12.3 point) establish that the planned complex investigation of administrative activities of a court (judges) has to be done not less than once in 5 years.

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- ☒ Yes
- ☐ No

If yes, please specify:

Source: The Law of the Republic of Lithuania on the Prosecutor's Office.
21/06/2005 Resolution of Seimas of the Republic of Lithuania Nr. X-25, publication "State News" (Valstybės žinios), 2005, Nr. 80-2891.

You can indicate below:

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

The prosecutor's office is headed by the Prosecutor General of the Republic of Lithuania. He is accountable for his activities to the President of the Republic and the Seimas of the Republic of Lithuania.

The Seimas of the Republic of Lithuania sets the priorities for the activities of the prosecutor's office and exercise parliamentary control over the activities. (For example, in 2005 on the 25th of June through the resolution the Seimas of the Republic of Lithuania approved the report of the prosecutor's office for 2004 and confirmed the priorities of prosecutor's office for 2005–2006).

The economic and financial activities of the Office of the Prosecutor General, territorial offices of prosecutors is controlled by the Prosecutor General (the prosecutors authorised by him), the State Control and other authorised state institutions.

The Prosecutor General submits information about the prosecutor's office to the Government of the Republic of Lithuania and the public.

Please indicate the sources for the the question 70,71, 72 and 76

National Courts Administration and the Ministry of Justice

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

☒ Yes

☐ No

If possible, number of successful challenges (in a year):

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	8	0	0	0
Civil proceedings - Article 6§1 (non-execution)	1	0	2	1
Criminal proceedings - Article 6§1 (duration)	2	2	9	0

Please indicate the sources for the questions 82 and 84

Ministry of Justice

comment to Q82

the hearing in the first instance court cannot be performed without presence of a defendant, except he/she is abroad and is avoiding to attend the court

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

☒ civil cases?

☒ criminal cases?

☒ administrative cases?

If yes, please specify:

For instance, a court may impose in civil case provisional safeguards basing on a reasonable request of the interested person filed in writing even before the date of a claim lodging to the court. A person requesting for imposition of provisional safeguards must provide the court with proofs of certain danger to claimant's property interests.

In criminal cases there are provisional measures and other procedural measures that can be applied quite rapidly. For this reason, pre-trial investigation judges have working hours even in weekends, thus allowing speedy decisions, e. g. on detention of suspects, on sanctioning of real-time monitoring of telecommunications or other electronic data, etc.

86) Are there simplified procedures for:

- ☒ civil cases (small claims)?
- ☒ criminal cases (petty offences)?
- ☐ administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

Some simplified procedures have been introduced in the Code of Civil Procedure (Chapter XXIII on the issue of court order and XXIV on adjudgement of small claims). Art. 441 states that the court which deals with the case where the claim for adjudgement of money doesn't exceed 1000 LTL (~ 290 EUR) has the right to decide upon the form and method, how to deal with the case. The case will be heard in oral proceedings if at least one of the parties so request.

Code of Criminal Procedure introduces the simplified procedure for dealing with some cases (Chapter XXXI). Art. 418 of the Code of Criminal Procedure states that the court can impose a penalty without dealing with the case in court proceedings if the sanction for criminal act is fine or this punishment is an alternative. This will apply if the defendant compensated or eliminated damage he/she created in case the damage was created, or undertakes to compensate and eliminate such damage. According to Art. 426 of the Code of Criminal Procedure the prosecutor can apply to the court with the application for the stepped-up process in case when the circumstances of the commitment of criminal act are clear and the criminal case should be dealt in the district court

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

- ☐ Yes
- ☒ No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law cases (1-7)	22299	221185	213940	29544
1 Civil (and commercial) litigious cases*	9038	70284	71219	8103
2 Civil (and commercial) non-litigious cases*	8282	75421	74067	9636
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	2677	26781	20123	9335
7 Other	2302	48699	48531	2470
Total criminal cases (8+9)	3259	17245	17225	3279
8 Criminal cases (severe criminal offences)	2879	15207	15257	2829
9 Misdemeanour cases (minor offences)	380	2038	1968	450

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

According to the Criminal Code of the Republic of Lithuania the criminal act is divided into crime and misdemeanour. Therefore the cases 8 category also includes cases with the commission of crime, whereas the cases of 9th category involve only cases with commission of the misdemeanour.

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	2952	12661	7128	3456
1 Civil (and commercial) litigious cases*	1186	7071	3087	1572
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	1766	5590	4401	1884
7 Other				

Total criminal cases (8+9)	605	5699	3332	715
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	7	665	665	7
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	227	898	701	424
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	847	8111	8913	45
Employment dismissal cases	121	224	335	10
Robbery cases	965	4786	4881	870
Intentional homicide case	100	242	271	71

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases			39		
Employment dismissal cases			131		
Robbery cases			76		
Intentional homicide			118		

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

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

The length of proceedings is calculated from the receiving the procedural documents in the court until the decision of the court.

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- ☒ to conduct or supervise police investigation?
- ☒ 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 the 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:

Prosecutor may only propose a penalty in his speech, but it is not anyhow binding for a court.

If there are grounds to release person from criminal liability, a prosecutor has a right to take a decision to discontinue the case. However such decision must be approved by the pre-trial investigation judge. A judge also has a right to impose penal measures (but not criminal penalty) to such person.

97) Does the prosecutor also have a role in civil and/or administrative cases?

- ☒ Yes
- ☐ No

If yes, please specify:

Upon establishing a violation of the rights and lawful interests of a person, society or the State, the prosecutors shall protect the public interest and lay an action or file a statement in civil or administrative proceedings.

See comments on question 36.

Source: The Code of Civil Procedure of the Republic of Lithuania. The Law on the Prosecutor's Office.

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

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	16108	NA	14836	NA	NA	17927

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 92 to 94 and question 98

Data provided by the Management Department of the Prosecutor General's Office.

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- ☒ Through a competitive exam (for instance after a law degree)?
- ☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- ☐ A combination of both
- ☐ Other

If other, please specify:

According to article 51 of the Law on courts a judicial vacancy at a district court may be filled by a national of the Republic of Lithuania of high moral character, having a university degree in law, possessing the qualifications required under the law, who has submitted a health certificate, is a person of at least of five years' standing in the legal profession and has passed the judicial examination. A person having a Doctor's or Habil. Doctor's of Social Sciences (Law) degree, also a person of at least five years' standing as a judge, if not more than five years have lapsed since he last held that position, shall be exempt from sitting for the judicial examination.

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- ☒ an authority composed of judges only?
- ☐ an authority composed of non-judges only?
- ☐ an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- ☒ Yes
- ☐ No

If no, please specify which authority is competent for promoting judges:

Q100 - Judges of the Supreme Court are appointed and dismissed by Seimas after an offer from the President of the Republic. Judges of the Court of Appeal are appointed by the President of the Republic after the consent of Seimas. Judges of district, regional courts, courts of special jurisdiction (Supreme administrative court, regional administrative courts) are appointed by the President of the Republic. The Judicial Council gives approval to the President of the Republic on questions concerning the appointment, career, transfer and dismissal of judges.

102) Which procedures and criteria are used for promoting judges? (please specify).

The career of the judges is regulated by the Law on Courts and the regulations of the Judicial Council on Entering the candidates in the register of persons seeking judicial promotion, Regulations of the Selection of Candidates for Judicial Appointments, the Assessment Criteria for Candidates for Judicial Office, the Regulations of Selection of the Persons Seeking Promotion in Judicial Office and the Assessment Criteria for Persons Seeking Promotion in Judicial Office.

Article 65 of the Law on Courts: Register of Persons Seeking Promotion in Judicial Office

1. A person seeking judicial office at a court of a higher level shall be included in the register of persons seeking promotion in judicial office.
2. The register of persons seeking promotion in judicial office and the personal files of persons seeking judicial office at a court of a higher level shall be administered by the National Courts Administration.
3. The procedure of including persons in the register of persons seeking promotion in judicial office shall be approved by the Judicial Council.
4. The National Courts Administration shall communicate the information about the persons who have been entered in the register of persons seeking promotion in judicial office to the Selection Commission, the President of the Republic and the Judicial Council.

Article 66 of the Law on Courts: Requirements for a Person Seeking Judicial Office at the Regional Administrative Court or the Regional Court

A judge entered in the register of persons seeking promotion in judicial office, of at least five years standing as a judge of a district court as well as a person having Doctor's or Habil. Doctor's of Social Sciences (Law) degree and of at least five years' standing as a university lecturer in law who has submitted a health certificate may be appointed a judge of a regional administrative court or a regional court.

Article 67 of the Law on Courts: Requirements for a Person Seeking Judicial Office at the Supreme Administrative Court or the Court of Appeals

1. A judge entered in the register of persons seeking promotion in judicial office, of at least four years' standing as a judge of a regional administrative court or a regional court as well as a person having a Doctor's or Habil. Doctor's of Social Sciences (Law) degree and of at least eight years' standing as a legal academic, who has submitted a health certificate, may be appointed a judge of the Supreme Administrative Court or the Court of Appeals.
2. A judge of the Court of Appeals may be appointed a judge of the Supreme Administrative Court, and a judge of the Supreme Administrative Court may be appointed a judge of the Court of Appeals irrespective of the length of service at the Court of Appeals or at the Supreme Administrative Court.

Article 68 of the Law on Courts: Requirements for a Person Seeking Judicial Office at the Supreme Court

A judicial office of the Supreme Court may be filled by:

- 1) a judge of a regional administrative court, a judge of a regional court of at least eight years' standing as a judge at any of these courts,
- 2) a judge of the Supreme Administrative Court and a judge of the Court of Appeals of at least five years' standing as a judge at any of these courts,
- 3) a person having a Doctor's or Habil. Doctor's of Social Sciences (Law) degree of at least 15 years' standing as a legal academic who has submitted a health certificate.

Article 691 of the Law on Courts: Selection of Persons Seeking Promotion in Judicial Office

1. Selection of persons seeking promotion in judicial office to be appointed to judicial vacancies shall be held in accordance with the Regulations of Selection of Persons Seeking Promotion in Judicial Office which shall be approved by the Judicial Council. When selecting persons seeking promotion in judicial office, the quality of work in judicial office, professional and personal qualities, organisational abilities and priority advantages of each applicant shall be assessed. The criteria for the assessment of persons seeking promotion in judicial office shall be determined by the Judicial Council.
2. When or Habil. Doctors of Social Sciences (Law) seek judicial office at a regional administrative court, a regional court, the Supreme Administrative Court and the Court of Appeals, only their personal qualities and general abilities shall be assessed.
3. The persons seeking promotion in judicial office shall be selected by the Selection Commission referred to in paragraph 1 of Article 551 of this Law. The requirements set out in paragraphs 3 and 4 of Article 551 of this Law shall be applied during the selection of persons seeking promotion in judicial office.

Article 551 of the Law on Courts: Selection of Candidates for Judicial Vacancies and the Selection Commission

1. Selection of the candidates for judicial office shall be made for the President of the Republic by the Selection Commission. The Selection Commission shall be composed of seven persons and shall be formed for a period of three years. The President of the Republic, the Chairman of the Judicial Council and the Chairman of the Seimas shall each appoint two members of the Commission, and one member shall be appointed by the Minister of

Justice. The Chairman of the Judicial Council shall appoint the Chairman of the Selection Commission from among the members of the Commission. Members of the Judicial Council may not be appointed members of the Selection Commission.

2. The selection of the candidates for judicial office shall be made pursuant to the selection regulations which shall be subject to the approval by the Judicial Council. When selecting candidates for judicial office at a district court, the skills, professional and personal qualities, general competence and priority advantages of the candidates shall be taken into account. The criteria for the assessment of the candidates for judicial office shall be determined by the Judicial Council.

3. A meeting of the Selection Commission shall be valid if at least five members of the Commission are present at the meeting. Decisions shall be taken by a majority of votes of all the members of the Commission.

4. The Selection Commission shall submit its conclusion about the candidates for judicial office to the President of the Republic

5. By the procedure set out in Article 691 of this Law, the Selection Commission shall also deal with the issues of selection of persons seeking promotion in judicial office, with the exception of cases specified in Articles 73 and 79 of this Law.

6. The conclusions of the Selection Commission about the candidates to judicial office shall not be binding on the President of the Republic.

103) How are prosecutors recruited?

- ☐ Through a competitive exam? (for example after a law degree)
- ☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- ☐ A combination of both
- ☒ Other

If other, please specify:

A person may be admitted to service at the prosecutor's office and appointed to the post of the prosecutor provided that he is a national of the Republic of Lithuania of high moral character, has a good command of the state Lithuanian language, has a university degree in law and MA in law or a professional lawyer's qualification degree or having Doctor or Habil. Doctor in Social Sciences (Law) degree, has passed an examination for candidates and has the recommendation of the Selection Commission.

The Candidates' Examination Commission shall be formed for assessing the candidates' professional qualification. The Examination Commission consists of the representatives nominated by the Prosecutor Office, Judicial Council and the Ministry of Justice. A person who disagrees with the decision of the Examination Commission may appeal against it to court.

Source: The Law on the Prosecutor's Office of the Republic of Lithuania.

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- ☒ an authority composed of prosecutors only?
- ☐ an authority composed of non-prosecutors only?
- ☐ an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- ☒ Yes
- ☐ No

If no, please specify which authority is competent for promoting prosecutors.

Q104 - A person shall be appointed to the post which is on the List of the Prosecutors'

Positions by order of the Prosecutor General on the recommendation of the Selection Commission.

Source: The Law on the Prosecutor's Office of the Republic of Lithuania.

Q105 -

106) Which procedures and criteria are used for promoting prosecutors (please specify)

The prosecutor's service, competence, suitability for the prosecutor's duties shall be evaluated by the Performance Evaluation Commission. The prosecutor shall be subject to performance evaluation every five years. The Performance Evaluation Commission shall submit conclusions to the General Prosecutor, who based on the conclusions of the Performance Evaluation Commission decides on the further performance of the prosecutor evaluated. The prosecutor may appeal the conclusion of the Performance Evaluation Commission to the Prosecutor General, while the decision of the Prosecutor General concerning the conclusion may be appealed against to court.

Source: The Law on the Prosecutor's Office of the Republic of Lithuania.

107) Is the mandate given for an undetermined period for judges ?

☒ Yes

☐ No

Are there exceptions? Please specify:

A person is appointed to a judicial office 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. A person may be appointed to hold a judicial office for a term of five years only once. The appointment of a person to a judicial office at a district court for a term of five years for the second time is not regarded as a reappointment if he discharged judicial duties after the first appointment for a term shorter than five years. 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 reaches 65 years of age.

Judges of other courts shall, from the outset, be appointed for a term until they are 65 years of age.

108) Is the mandate given for an undetermined period for prosecutors?

☒ Yes

☐ No

Are there exceptions? Please specify:

The prosecutor, appointed to the prosecutor's position in the manner prescribed by the Law shall pursue the responsibilities by then he reaches the age of 65, if there is no ground to assume that his service is impossible. For example, if he loses citizenship of the Republic of Lithuania, if there is a conclusion of the Performance Evaluation Commission stating that the prosecutor is not suitable for the position or based on the conclusion of the medical commission he is not fit to serve as the prosecutor.

The Prosecutor General shall be appointed for a term of seven years and dismissed from office by the President of the Republic with the approval of the Seimas. Deputies of the Prosecutor General shall be appointed for a term of seven years and dismissed from office by the President of the Republic upon the nomination of the Seimas.

Source: The Law on the Prosecutor's Office of the Republic of Lithuania, the Law on courts.

**109) If no, what is the length of the mandate?
Is it renewable?**

for judges

☐ yes, please
specify the
length

for prosecutors

☐ yes, please
specify the
length

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 and the main reforms that have been implemented over the last two years

5. 1. 2. Training

**110) Nature of the training of judges.
Is it compulsory?**

- ☒ Initial training
- ☒ General in-service training
- ☒ In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- ☒ In-service training for management functions of the court (e.g. court president, court managers)
- ☒ In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**112) Nature of the training of prosecutors.
Is it compulsory?**

- ☒ Initial training
- ☒ General in-service training
- ☒ Specialised in-service training (e.g. specialised public prosecutor)

- ☒ In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- ☒ In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

A person who has been admitted to service at the prosecutor's office and has passed an examination for candidates for the prosecutors' positions shall be posted, according to the prosecutors' traineeship regulations, on an individual traineeship programme approved by order of the Prosecutor General.

The prosecutors shall engage in in-service training according to training programmes drawn up by the Office of the Prosecutor General.

Practising prosecutor shall perform the functions established by the Law on the Prosecutor's Office of the Republic of Lithuania, other laws and nominated to them by the Prosecutor General and Chief prosecutor. 15 underlying in-service training spheres are provided for these prosecutors.

7 underlying in-service training spheres are nominated to the heads of the Prosecutor's Office (superior prosecutors, chief prosecutors and their deputies of the territorial prosecutor's office).

In 2006 the Prosecutor General confirmed the evaluation, principles, objectives and priorities of the training and in-service training needs for prosecutors and personnel of the Prosecutor General's Office.

Source: Data provided by the Training Methodical Department of the Prosecutor General's Office.

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	14 816	10680
Judge of the Supreme Court or the Highest Appellate Court	30852	21900

Public prosecutor at the beginning of his/her career	12286	8900
Public prosecutor of the Supreme Court or the Highest Appellate Instance	27366	18584

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Housing	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other financial benefit	<input type="checkbox"/>	<input checked="" type="checkbox"/>

116) If other financial benefit, please specify:

The prosecutor who experiences financial difficulties because of his illness or illness or death of his family member, or a natural disaster, loss of property and in other exceptional cases may be granted a benefit in the amount of up to 5 minimum monthly salaries. The benefit shall be paid from the pay-roll fund of the prosecutor's office.

Q115

SPECIALE PENSION - It is provided to prosecutors with 20 year or more service in Prosecutor General's Office and those who reached the pensionable year (60 years for women and 62,5 for men) indicated in the Law on State Pensions of the Officers.

HOUSING - The prosecutor who has no accommodation at the locality of his service may be assigned employee accommodation in the manner laid down by the Prosecutor General.

OTHER BENEFITS - The prosecutor who experiences financial difficulties because of his illness or illness or death of his family member, or a natural disaster, loss of property and in other exceptional cases may be granted a benefit in the amount of up to 5 minimum monthly salaries. The benefit shall be paid from the pay-roll fund of the prosecutor's office.

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

118) If other function, please specify:

119) Can prosecutors combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
--	-----------------------	--------------------------	----

Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

120) If other function, please specify:

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

Source: the Law on courts, the Law on the Prosecutor's Office of the Republic of Lithuania.

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

☐ Yes

☒ No

If yes, please specify:

Please indicate the source for the question 114

Data provided by the Finance and Accounting Department of the Prosecutor General's Office, National Courts Administration

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

According to article 84 of the Law on Courts:

1. A disciplinary action may be brought against a judge immediately after at least one of the violations specified in paragraph 2, Article 83 of this Law comes to light but not later than within three months after the day when this violation came to the notice of the Judicial Ethics and Discipline Commission which has the right to institute a disciplinary action. Excluded from this time period shall be the time when the judge was absent from work due to ill health or a vacation.
2. A disciplinary action may not be instituted after a lapse of more than three years from the moment of the commission of the violation.
3. A disciplinary action may be brought against a member of the Judicial Council or the Judicial Court of Honour only upon the consent of the Judicial Council.
4. The Judicial Council and the Chairman of the court where a judge is employed or the Chairman of any court of a higher level shall have the right to make a motion for instituting a disciplinary action. The party having the

right to make a motion for instituting a disciplinary action shall submit to the Judicial Ethics and Discipline Commission a reasoned petition for bringing a disciplinary action against the judge.

5. A disciplinary action against the Chairmen, Vice Chairmen of courts, Chairmen of court divisions and other judges may be instituted by the Judicial Ethics and Discipline Commission. If a motion for instituting a disciplinary action is made by a member of the Judicial Ethics and Discipline Commission, the issue of instituting a disciplinary action shall be considered by the Judicial Ethics and Discipline Commission without the participation of this member.

6. The instituted disciplinary action shall be transferred to the Judicial Court of Honour. Refusal to institute a disciplinary action shall be communicated to the party that has made a motion for instituting a disciplinary action.

Investigation concerning a possible misconduct in office committed by the prosecutor may be started only by the Prosecutor General (his deputy).

Source: The Law on the Prosecutor's Office of the Republic of Lithuania

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

The Judicial Court of Honour is an institution of self-governance of courts, hearing disciplinary cases of judges and petitions of judges against libel.

The prosecutor shall be imposed a service-related penalty by order of the Prosecutor General according to the established procedure.

Source: The Law on the Prosecutor's Office of the Republic of Lithuania, the Law on courts.

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	4	32
1. Breach of professional ethics		3
2. Criminal offence		
3. Professional inadequacy		12
4. Other	4	17

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	4	15
1. Reprimand	2	6
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other	2	9

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 and the main reforms that have been implemented over the last two years**

A service-related penalty may be imposed on the prosecutor provided that less than six months have lapsed from the commission of the violation of law, misconduct in office or action discrediting the name of the prosecutor. Official inspection shall last for no longer than 30 calendar days. The prosecutor shall be imposed a service-related penalty within 15 calendar days from the date of submission to the Prosecutor General of the conclusion of official inspection concerning the prosecutor.

Source: The Law on the Prosecutor's Office of the Republic of Lithuania.

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

1555

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

- ☐ Yes
☒ No

128) Number of legal advisors?

NA

129) Do lawyers have a monopoly of representation:

- ☐ Civil cases*
☒ Criminal cases - Defendant*
☐ Criminal cases - Victim*
☐ Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

Civil cases: No. Articles 51-56, 354 of the Code of Civil Procedure.

Criminal cases -

defendant - Yes, with exceptions. Code of Criminal Procedure establishes institute of representative (Art. 53-56) and institute of defendant (Art. 47-52).

Art. 51 establish cases when participation of the defendant is compulsory. According to Art. 47 of the Code of Criminal Procedure advocates shall act as defendants. By the mandate of the advocate the assistants of advocates can be defendants if defensive doesn't object. Assistant of advocate can't be defendant, when the case concerns the felony and very severe crime.

According to part 1 of Art. 53 of Code of Criminal Procedure representatives by the law can participate in the proceedings and defend the interests of the represented persons, if these persons are infants or according to the law they are recognised as incapable, except cases when this would conflict with the interests of the infant or incapable person. According to part 2 of Art. 53 of Code of Criminal Procedure parents, adoptive parents, guardians, foster-parents or representatives of institution which fosters and takes care of the suspected person, defendant, convicted person, victim can be representatives by the law.

Criminal cases -

victim - No. According to Art. 55 advocates or by the mandate of an advocate – assistants of advocates, and upon the permission of pre-trial investigation officer, prosecutor or judge – also other person who has high legal education and whom the party to the proceedings has authorised to represent his/her interests. The chief of the legal person or its authorised employee or advocate can be representatives of the legal person

Administrative cases - No. Article 49 of the Law on administrative proceedings states who can be representatives in the courts.

130) Is the lawyer profession organised through:

☒ a national Bar?

☐ a regional Bar?

☐ a local Bar?

Please specify:

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

Please indicate the source for the question 126

Ministry of Justice, Lithuanian Bar

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

☒ Yes

☐ No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

☒ Yes

☐ No

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

☐ Yes

☒ No

If yes, please specify:

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- ☐ Yes
☒ No

135) Are lawyers fees:

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

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

136) Have quality standards been formulated for lawyers?

- ☐ Yes
☒ No

137) If yes, who is responsible for formulating these quality standards:

- ☐ the Bar association?
☐ the legislature?
☐ other?

Please specify (including a description of the quality criteria used):

Only principles of professional activities of the lawyer are defined in the Law on the Bar.
Note: Republic of Lithuania Law on State –guaranteed legal aid foresees, that the rules for assessment of the quality of secondary legal aid shall be approved by the Lithuanian Bar upon agreement with the Minister of Justice.

138) Is it possible to complain about :☒ the performance of lawyers?☒ the amount of fees?

Please specify:

Yes.

A complaint may be submitted to the Lithuanian Bar or the court.

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.

139) Which authority is responsible for disciplinary procedures:☐ the judge?☒ the Ministry of Justice?☒ a professional authority or other?

Please specify:

Court of Honour of Advocates, also the Council of the Lithuanian Bar. The Minister of Justice is authorized to initiate a disciplinary case for the lawyer.

140) Disciplinary proceedings and sanctions against lawyers:**Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	43	33	3	3

141) Disciplinary proceedings and sanctions against lawyers:**Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	36	0	3	0	4

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years**

Data are submitted for the period of 22/04/2006- 20/04/2007 (concerning the question 140)

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 (concerning the question 141)

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

- ☐ Yes
- ☒ No

If yes, please specify:

144) Can you provide information about the number of accredited mediators?

- ☒ Yes
- ☐ No

If yes, please provide the number of mediators:

8

145) Can you provide information about the total number of judicial mediation procedures concerning:

- civil cases?

☒ yes, number: 2
- family cases?

☐ yes, number:
- administrative cases?

☐ yes, number:

employment dismissals?

☐ yes,
number:

criminal cases?

☐ yes,
number:

Please indicate the source for the question 145

Ministry of Justice, National Courts Administration

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

Vilnius Court of Commercial Arbitration was established as a result of the reorganisation of the two arbitration institutions. At the end of October 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 solves both national and international commercial disputes in a confidential way. 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 and the main reforms that have been implemented over the last two years

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

129

148) 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:

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).

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

- ☒ Yes
- ☐ No

150) Is the profession of enforcement agent organised by?

- ☒ a national body?
- ☐ a regional body?
- ☐ a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- ☐ Yes
- ☒ No

152) Are enforcement fees:

☒ regulated by law?

☐ freely negotiated?

Please indicate the source for the question 147

Ministry of Justice

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

☒ Yes

☐ No

154) Which authority is responsible for the supervision and the control of enforcement agents:

☒ a professional body?

☒ the judge?

☒ the Ministry of Justice?

☐ the prosecutor?

☐ other?

Please specify:

155) Have quality standards been formulated for enforcement agents?

☐ Yes

☒ No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

Note:

Only principles of bailiff's activities are defined in the Law on Bailiffs.

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- ☐ Yes
☒ No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

Ministry of Justice

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- ☐ no execution at all?
☐ non execution of court decisions against public authorities?
☒ lack of information?
☐ excessive length?
☒ unlawful practices?
☐ insufficient supervision?
☒ excessive cost?
☐ other?

Please specify:

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- ☐ Yes
- ☒ No

If yes, please specify:

159) Is there a system measuring the timeframes of the enforcement of decisions:

- ☐ for civil cases?
- ☒ for administrative cases?

160) 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:

- ☒ between 1 and 5 days
- ☐ between 6 and 10 days
- ☐ between 11 and 30 days
- ☐ more

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

Breach of professional ethics	<input checked="" type="checkbox"/> yes, number:	2
Professional inadequacy	<input type="checkbox"/> yes, number:	
Criminal offence	<input type="checkbox"/> yes, number:	
Other	<input checked="" type="checkbox"/> yes, number:	1

162) Sanctions pronounced against enforcement agents:

Reprimand	<input type="checkbox"/> yes, number:	
Suspension	<input type="checkbox"/> yes, number:	
Dismissal	<input checked="" type="checkbox"/> yes, number:	1
Fine	<input type="checkbox"/> yes, number:	
Other	<input checked="" type="checkbox"/> yes, number:	2

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

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 Bailiff's of Lithuania supervise the organizational issues of bailiff's work (concerning the question 130).

The table shows data as of the year 2006(concerning the question 161).

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 Bailiff's of Lithuania supervise the organizational issues of bailiff's work (concerning the question 153).

Please indicate the sources for the questions 157 and 160

Ministry of Justice

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?**

- ☐ Yes
☒ No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

According to Article 346 of Criminal Procedure Code, a prosecutor supervises submission of sentences for execution and their enforcement.

However, court has many functions in the enforcement of judgment proceedings. At first, a court which passed a judgment while submitting a judgment for enforcement must take several decisions, e. g. decide, if there are no grounds to postpone the enforcement of judgements, to inform a convict on the procedure of the enforcement of judgement, etc. This court also has a right to change, modify or release a person from penalty in cases provided by Criminal Code, e. g. he eludes to implement the criminal penalty.

Some functions are entrusted to local courts of the place of penalty enforcement, e. g. to decide on release from conditional suspension of the sentence, on conditional early release, etc.

All these decisions may be taken only under the motion of prosecutor, institution executing the sentence, convicted person or his lawyer. The court has no right of

initiative in controlling the enforcement procedure.

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

☐ Yes

☒ No

If yes, please specify:

There are no Criminal courts in the Republic of Lithuania. Criminal cases are dealt by the courts of general jurisdiction.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- ☒ Yes
☐ No

166) Is the status of notaries:

- | | | |
|---|---|-----|
| a private one (without control from public authorities)? | <input type="checkbox"/> yes,
number: | |
| a status of private worker ruled by the public authorities? | <input checked="" type="checkbox"/> yes,
number: | 251 |
| a public one? | <input type="checkbox"/> yes,
number: | |
| other? | <input type="checkbox"/> yes,
number and
specify: | |

167) Do notaries have duties:

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

Please specify:

According to Art. 26 of the Law on notary notaries testify upon the authenticity of documents and their extracts, authenticity of the signature in the document, authenticity of translation, confirm the time of submission of documents, accepts money to the deposit account, protests bills of exchange and cheques, etc

Please indicacte the source for the question 166

Ministry of Justice

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

☒ Yes

☐ No

169) 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?

Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

After the Constitutional Court has established several provisions of the Law on courts as contradicting with the provisions of the Constitution of the Republic of Lithuania, the project of the new Law on courts and other relevant legal acts have been presented to the Parliament (Seimas) and are under consideration.