

THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LITHUANIA

FUNCTIONS AND POWERS

The Constitutional Court of the Republic of Lithuania ensures the supremacy of the Constitution within the legal system as well as constitutional justice by deciding whether the laws and other legal acts adopted by the Seimas are in conformity with the Constitution, and whether the acts adopted by the President or the Government of the Republic are in compliance with the Constitution and laws.

The Constitutional Court does not perform preliminary judicial review of laws. The Constitutional Court decides the constitutionality issues of enacted laws and other legal acts (a posteriori control). The Constitutional Court examines a case only when the entities prescribed by the Constitution address the Constitutional Court with a petition requesting to determine the conformity of a law or a legal act with the Constitution.

The right to file a petition with the Constitutional Court concerning the constitutionality of a legal act is vested in: (1) the Government, groups consisting of at least 1/5 of all Seimas members, and the courts for cases concerning a law or other act adopted by the Seimas; (2) groups consisting of at least 1/5 of all Seimas members and the courts for cases concerning an act of the President of the Republic; and (3) groups consisting of at least 1/5 of all Seimas members, the courts, and the President of the Republic for cases concerning governmental acts. The Constitutional Court passes rulings on these issues.

The case for the Constitutional Court hearing is prepared by the justice-rapporteur appointed by the President. At the beginning of Constitutional Court hearings the Court announces which of the summoned persons are present, informs parties to the case of their rights and duties, hears and settles requests of parties to the case. The justice-rapporteur delivers his report in which the essence of the case is presented. After this, the statements of the parties to the case are heard, the evidence is examined and court pleadings take place. The ruling must be adopted within one month after the end of the investigation of the case. After the court hearing the Constitutional Court retires to the deliberation room to pass a ruling.

Rulings of the Constitutional Court are promulgated on behalf of the Republic of Lithuania. The decisions of the Constitutional Court ascribed to its competence by the Constitution are final and not subject to appeal. Constitutional Court rulings have the power of law and are obligatory for all institutions of authority, courts, all enterprises, establishments and organisations, officials and citizens (*erga omnes*).

Under the Constitution, laws of the Republic of Lithuania (or a part thereof) or other Seimas acts (or a part thereof), acts of the President of the Republic, or acts of the Government (or a part thereof) shall not be applicable from the day that a Constitutional Court ruling stating that the appropriate act (or a part thereof) conflicts with the Constitution of the Republic of Lithuania is officially published (*ex nunc*).

The force of a Constitutional Court ruling recognising a legal act (or a part thereof) unconstitutional may not be overcome by repeated enactment of an equivalent legal act (or a part thereof).

The Constitutional Court also presents the following conclusions: (1) whether violations of the laws on elections occurred during the elections of the President of the Republic or the Seimas; (2) whether the capacity of the President of the Republic to continue in office is limited by reason of

health; (3) whether international agreements of the Republic of Lithuania are in conformity with the Constitution; (4) whether the concrete actions of the Seimas members or state officials against whom impeachment proceedings have been initiated contradict the Constitution.

The Seimas may request the Constitutional Court to draw a conclusion. The President of the Republic may address the Constitutional Court to draw a conclusion concerning the election of Seimas members and regarding international treaties. The conclusion concerning international treaties may be requested already prior to its ratification in the Seimas. The Seimas, conforming to the Constitutional Court conclusions, adopts the final decision.

The Constitutional Court investigates cases and arrives at conclusions collectively, provided that not less than two-thirds of all the justices of the Constitutional Court are participating. Rulings and decisions are passed by majority vote of at least half of the justices participating in the sitting. In the case of a tie, the vote of the President is decisive. Constitutional Court hearings are open.

The Constitutional Court investigates and decides only legal issues and refuses to consider petitions for the examination of the constitutionality of a legal act if the petition is grounded upon non-legal motives.