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PART ONE
GENERAL PROVISIONS

CHAPTER I
BASIC PROVISIONS

Article 1. Purpose of the Law

1. This Law establishes the procedure for the hearing of administrative cases concerning disputes arising from administrative legal relations.

2. When hearing the cases, the administrative court shall be governed by the norms of this Law and by the norms of the Code of Civil Procedure of the Republic of Lithuania (hereinafter Code of Civil Procedure) where a direct reference is made thereto by this Law.

3. The procedure of hearing administrative cases of different categories may also be regulated by other laws.

Article 2. Definitions

As used in this Law,

1. "**Administrative dispute**" means a conflict of person with the entity of public administration or a conflict between entities of public administration which are not

subordinate to each other. The office-related disputes, as well as electoral disputes shall also be attributed to administrative disputes.

2. "**Person**" means a natural person or a group of natural persons, a legal person, or any other organisation.

3. "**Office-related dispute**" means a dispute arising between a public servant or an officer and the administration related to the acquisition of the status of a public servant or an officer, change in the status or loss thereof and the application of disciplinary measures.

4. "**Legal mediation**" means a procedure for resolution of the administrative dispute in which one or several mediators help the parties to the dispute to settle the dispute in a civil case heard in the court in a peaceful manner.

Article 3. Disputes over Issues of Law

1. The Administrative court shall settle disputes over issues of law in public administration.

2. The court shall not offer assessment of the disputed legal acts and acts (omission) from the point of view of political or economic expediency and shall only establish whether or not there has been in a particular case a violation of a law or any other legal act, whether or not the entity of public administration has acted within the limits of its competence, also whether or not the legal act or action (omission) complies with the objectives and tasks for the purpose whereof the institution has been set up and vested with powers.

Article 4. Application of Laws in the Hearing of Administrative Cases

1. The court may not apply laws which conflict with the Constitution of the Republic of Lithuania (hereinafter Constitution).

2. Where there is ground to believe that the law or the act applicable in a particular case contravenes the Constitution, the court shall suspend the hearing of the case and, in view of the competence of the Constitutional Court of the Republic of Lithuania (hereinafter Constitutional Court), apply to it with a request to determine whether the aforesaid law or other legal acts complies with the Constitution. Having received the ruling of the Constitutional Court, the court shall resume the hearing of the case. The above rules shall also be applicable in the cases where the court questions compliance of the decree of the

President of the Republic of Lithuania (hereinafter President of the Republic) or the act of the Government of the Republic of Lithuania (hereinafter Government), which are applicable in a certain case, with the laws or the Constitution.

3. By applying the legal norms of the European Union, the court shall also observe the decisions of the European Union legal authorities. In cases stipulated by the laws, the court applies to a competent judicial authority of the European Union with an application for a preliminary ruling on the on the validity and interpretation of the legal acts of the European Union.

4. When it is related to the case pending, the Supreme Administrative Court of Lithuania may request the European Court of Human Rights to give advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention or the protocols thereto.

5. The administrative proceedings shall be held according to the laws of administrative procedure effective at the moment of hearing of the case, during the performance of individual procedural steps or execution of court decisions.

6. In case of conflicts of the norms of this Law and those of other laws (with the exception of special laws), the court must follow the norms of this law.

7. In case of the absence of a law regulating the matter of the dispute, the court shall apply the law regulating similar matters, while in case of the absence of such a law, the court shall conform to the common fundamentals of laws and their meaning, as well as to the criteria of justice and reasonableness.

Article 5. Right to Apply to the Court for Remedy

1. Every interested entity shall be entitled to apply to the court, in the manner prescribed by law, for the protection of his infringed or contested right or interest protected under law.

2. Waiver of the right to apply to the court shall be inadmissible.

3. The court shall accept an administrative case for consideration:

1) on the complaint of the person or his representative, applying for the protection of his right or interest protected under law;

2) on the petition for the protection of state or other public interests, rights of the state, municipality and persons and interests protected by the laws lodged by the

prosecutor, entities of public administration, organisations or natural persons in the cases established by the law;

3) on the application for the protection of the rights of municipalities in the field of public administration lodged by municipal institutions, agencies, services;

4) in the cases established by law, on the petition for the resolution of administrative disputes lodged by entities of public administration.

Article 6. Court as the Only Institution Administering Justice

In administrative cases justice shall be administered only by the courts guided by the principle of equality of all persons before the law and the court, irrespective of their sex, race, nationality, language, origin, social status, religion, convictions or views, type and character of activity, place of residence and other circumstances.

Article 7. Judicial Independence

1. When dispensing justice, the judges and courts shall be independent and obey only the laws. The judges and courts shall hear administrative cases on the basis of laws and under such conditions which do not provide conditions for influencing the judges' decisions.

2. The interference with the activities of the judge or the court by the institutions of State government and administration, members of the Seimas of the Republic of Lithuania (hereinafter Seimas) and other officers, political parties, political organisations and associations or natural persons shall be prohibited and shall make them liable under law.

3. Rallies, pickets and other actions held at a less than 75-metre distance from the court house and in the court house, aimed at influencing the judge or the court, shall be treated as interference with the activities of the judge or the court and shall be prohibited.

4. In case of interference with the activities of the court or the judge dispensing justice, the court or the judge must react in the manner prescribed by law.

Article 8. Investigation of Cases Open to the Public

1. The hearing of cases at administrative courts shall be held in public. The presence in the courtroom of persons who are under the age of 16 shall not be allowed, unless they are parties to the proceedings or witnesses.

2. The court may hold a closed session seeking to protect the privacy of personal or family life, also where public hearing of the case may disclose a state, official, professional or commercial secret. The court shall issue a justified order on the issue. Parties to the proceedings and, where necessary, witnesses, specialists, experts and interpreters may also appear in a closed session of the tribunal.

3. In a closed session of the court, the case shall be heard according to all the rules of the proceedings. The substantive provision of the court decision shall be made public except for the cases where the laws stipulate otherwise.

Article 9. Language of the Judicial Proceedings

1. Administrative proceedings shall be held, decisions shall be made and announced in the Lithuanian language.

2. Where the participant in the proceedings to whom the procedural documents shall be served in a foreign state does not know the Lithuanian language, the administrative court shall be presented with translations of such documents to the language he/she understands or the official language of the country where such documents have to be served, whereas in case of several official languages of such country - a translation to one of the official language used at the place of delivery. Where the judicial procedural documents have to be sent to the participant in the proceedings who does not know the Lithuanian language and resides in a foreign state, the court shall translate them to one of the languages indicated in this paragraph.

3. Upon the resolution of the judge who is preparing the case for hearing or of the court hearing the case, a document drawn up in another language may be translated at the court session by a translator.

4. Persons who have no command of the Lithuanian language shall be guaranteed the right to have the assistance of an interpreter. The services provided by the interpreter at the court session shall be paid for from the State budget.

Article 10. The Principles of Examination and Immediacy

1. Where necessary, the court shall review the circumstances of the case that are important for the correct resolution of the case ex officio. The court shall determine the scope

of such review and shall not be bound by the applications of participants to the administrative proceedings.

2. The court must examine all the evidence in the case directly, except for the cases stipulated in this Law.

3. The court may reason its decision only on the evidence that have been examined in the court hearing.

4. In making its decision, the court shall have no right to deal with the matters regarding the rights and obligations of the persons excluded from the hearing of the case.

5. During the closing statements, the participants in the proceedings may only rely on the circumstances that have been examined during the court hearing when examining the case on the merits.

Article 11. Efficiency and Economy of the Proceedings

1. A court takes efforts provided for hereof to prevent legal proceedings from delays and aspires the case to be heard during one court session, unless it prevents from proper hearing of a case.

2. Parties to the proceeding shall honestly use and not misapply their procedural rights, heed to prompt hearing, submit proofs and arguments to court to base their requirements and replications carefully and timely, considering the progress of procedure.

3. A court and parties to the proceedings also seeks that final judicial decisions is enforced in a reasonable time and as economically as possible.

Article 12. Explaining to the Parties to the Proceedings their Rights and Duties

The court must explain to the parties to the proceedings their procedural rights and duties, warn them of the consequences of the performance of or failure to perform procedural actions and assist the said persons in exercising their procedural rights.

Article 13. Use of Information and Electronic Communication Technologies and Other Technical Means in the Court

1. The court may use any technical means for recording the court hearing and for recording and investigating the evidence.

2. The parties in the proceedings can make the recording of the court hearing and use it only for the purposes of realisation of their procedural rights. The parties must notify the court of the audio-recording being made.

3. At the request of the person, the court shall permit the broadcasting, video-recording, taking photographs of the pronouncement of the court decision, making audio- and video-recordings during the hearing, use of any other technical means for the research or training purposes pursuant to the requirements established in this Article and other legal acts. The court shall not permit the use of technical means where doing so may disrupt the work of the court, show disrespect to the court or it is necessary to protect the rights or any other interests of other persons protected by the laws. The court permit is not necessary in cases where the audio-recording of pronouncement of court decision is made according to Paragraph 2 of this Article. The Council for the Judiciary shall set the procedure for submission and examination of applications of persons to permit the use of technical means during the publication of the court decision, as well as procedure and conditions for the use of such technical means and procedure for issue of court permits for the use of results of the use of such technical means.

4. The results of the use of technical means may be used only by the person indicated in the court permit for the purposes, in the manner and under the conditions indicated in the court permit. The person indicated in the court permit requesting to allow to use the results of the use of technical means by any other person or use them for the purposes, in the manner and under the conditions other than those indicated in the court permit must receive a new court permit in accordance with the procedure established by the Council for the Judiciary. The results of the use of technical means may not be used in any manner that breaches the rights of other persons or the interests protected by other laws, distort the content or essence of the court decision, as well as cannot be used for political or any other type of advertising, satire, entertainment and any other purposes in conflict with the respect to the court. The results of the use of technical means and the use of such means are also subject to other requirements applicable to public information, personal data protection, right to privacy, as well as personal honour and dignity.

5. In cases other than those stipulated in this Article, filming, making photographs, audio-or video-recordings, broadcasting of the hearing or using any other technical means during the hearing shall be prohibited.

6. The person in breach of the requirements of the use of technical means during the hearing shall be liable in accordance with the procedure established in Article 83 of this Law. The persons in breach of the use of results of the use of technical means during the hearing shall be subjected to the liability established by the laws.

7. The participation of persons involved in the proceedings, witness, specialist, expert, interpreter in the court hearings may be ensured by using information and electronic communication technologies (via video conferences, teleconferences or otherwise). The use of such technologies according to the procedure established by the Minister of Justice of the Republic of Lithuania (hereinafter – the Minister of Justice) shall ensure a reliable identification of persons involved in the proceedings and objectiveness of submission of explanations, testimony, questions and applications.

Article 14. Public Character of the Case Material

1. The material of the heard administrative case, except for the material of the cases that were heard during a closed session, or the material of the case involving the persons the confidentiality whereof shall be ensured in accordance with the procedure established by the Law on Protection of Reporting Persons of the Republic of Lithuania (hereinafter the Law on Protection of Reporting Persons), personal data, shall be made public and available for examination to the interested persons, including the persons who were not parties to the proceedings. The persons shall acquire the said right after the decision disposing of the case or the order to dismiss the case or to leave the complaint (application, petition) unconsidered becomes effective. The Seimas Ombudsperson of the Republic of Lithuania (hereinafter the Seimas Ombudsperson), the Ombudsperson for Children Rights of the Republic of Lithuania (hereinafter the Ombudsperson for Children Rights) and the Equal Opportunities Ombudsman of the Republic of Lithuania (hereinafter the Equal Opportunities Ombudsman) shall have a right to familiarise with the material of unexamined cases inasmuch as it is necessary for performance of their duties.

2. When issuing the final decision in the public hearing of the case or making an order to dismiss the case or to leave the complaint (request, petition) unconsidered or having received a request for granting access to the case material, the court shall have the right, upon the request of the parties to the proceedings or on its own initiative, to determine by a reasoned order that the case material or part thereof is not of public character, provided this

is necessary for the protection of the person's personal identity, private life and property, also for preserving confidentiality of the information relating to the person's health, also where there is a good ground to believe that a state, official, professional or commercial secret will be disclosed. A separate appeal may be filed against the order.

3. Seeking access to the material of the case which has been heard, a person shall file a standard form request, indicating in it his name, surname, place of residence and personal code. The procedure of granting access to the material of a case that has been heard shall be established by the minister of justice and the Chief Archivist of Lithuania.

Article 15. Formation of a Uniform Court Practice

1. A uniform administrative court practice in applying the laws and other legal acts shall be formed by the Supreme Administrative Court of Lithuania.

2. By developing and ensuring uniform interpretation and application of the law in the administrative courts, the Supreme Administrative Court of Lithuania analyses the practice of the national, European Union and international courts, other legal sources, prepares the summaries and overviews of the case-law, publishes information on its activities and performs any other actions within its competency.

3. The clarifications of the application of the laws and other legal acts provided in the decisions and rulings of the Supreme Administrative Court of Lithuania are considered by the state and other institutions and other persons in application of the same laws and other legal acts.

4. The Supreme Administrative Court of Lithuania publishes a bulletin. It contains relevant information on the case-law, summaries and overviews of the case-law, the publication whereof was supported by majority of the judges of this court, as well as may publish any other information on the activities of the Supreme Administrative Court of Lithuania and material that is important to ensure uniform interpretation and application of the law.

Article 16. Binding Effect of the Court Decision and Order

1. An effective court decision and order shall have a binding effect on all state institutions, officers and public servants, enterprises, agencies, organisations, other natural

and legal persons and must be executed within the entire territory of the Republic of Lithuania.

2. The binding effect of the court decision and order shall not deprive the interested persons of the right to apply to the court for the protection of the rights and interests protected under the law, the dispute in respect of which has not been heard and resolved in the court.

CHAPTER II
COMPETENCE OF ADMINISTRATIVE COURTS

Article 17. Cases Assigned to the Competence of the Administrative courts

1. Administrative courts shall decide cases relating to:

1) lawfulness of legal acts passed and actions (omission) performed by the entities of public administration, as well as delay these entities in performing within their remit;

2) lawfulness of acts passed and actions (omission) performed by the entities of municipal administration, as well as delay of actions of these entities;

3) compensation for damage caused by unlawful actions of public administration entities (Civil Code, Article 6.271);

4) payment, repayment or exaction of taxes, other mandatory payments and levies, the application of financial sanctions and the tax disputes;

5) office-related disputes, where one of the parties is a public or municipal servant, as well as disputes arising from exercise of material liability and the right of recourse under the Law on the Civil Service of the Republic of Lithuania;

6) decisions of the Chief Institutional Ethics Commission and petitions by the said Commission for the severance of service relations with public servants;

7) petition by the Seimas Ombudsperson on the severance of service relations with public servants;

8) disputes between the entities of public administration which are not subordinate to one another concerning competence or breaches of laws, except for civil litigation cases assigned to the courts of general jurisdiction;

9) violation of the election laws and the Law on the Referendum of the Republic of Lithuania (hereinafter the Law on Referendum);

10) lawfulness of the decisions made and actions (omission) performed in the sphere of public administration by public agencies, state or municipal enterprises and associations with public administration powers, as well as delay of actions of these entities;

11) lawfulness of acts of general character passed by communities, political parties, political organisations or associations;

12) complaints by aliens about the refusal to issue permits for residence and work in Lithuania or withdrawal of such permits, about changing permits for residence, as well as complaints about refusal or cancellation of Asylum;

13) petitions of the municipal council to present a conclusion whether the member of the municipal council, the member of the municipal council - the mayor against whom the procedure of the loss of mandate has been initiated has breached their oath and/or failed to exercise the powers assigned to them by the laws (as specified in the application);

14) petitions of the State Data Protection Inspectorate to apply to the competent judicial authority of the European Union regarding the decision of the European Commission on the suitability, adoption of standard data protection conditions or on the universal validity of the approved codes of conduct (hereinafter the Decision of the European Commission).

2. Other cases may also be assigned by law to the competence of administrative courts.

Article 18. Cases not Assigned to the Competence of Administrative Courts

1. Administrative courts shall not hear cases assigned to the competence of the Constitutional Court, also cases assigned to the courts of general jurisdiction and other specialised courts.

2. Investigation of the activities of the President of the Republic, the Seimas, members of the Seimas, the Prime Minister, the Government, judges of the Constitutional Court, the Supreme Court of Lithuania and the Court of Appeals of Lithuania, procedural actions of judges of other courts, also of prosecutors, pre-trial investigation officers and court bailiffs, connected with the administration of justice or investigation of a case as well as the execution of decisions, and decisions of the Seimas Ombudsman and the ombudsman for the

protection of the rights of the child shall be outside the remit of competence of administrative courts.

Article 19. Assignment of Administrative Cases to Courts

1. In case of joinder of several interconnected claims some of which are assigned to the competence of the court, whereas the others are outside the remit of competence of judicial institutions, all the claims must be heard in court.

2. If the assignment of a dispute raises doubts or results in the collision of effective laws, the dispute shall be heard in court.

Article 20. Competence of the Regional Administrative Court

1. The Regional Administrative Court shall be the court of the first instance for the cases specified in Article 17 of this Law, except for the cases referred to in Subparagraphs 11, 13 and 14 of Paragraph 1 Article 17 of this Law.

2. Where the procedure of preliminary extrajudicial investigation is not applied, the Regional Administrative Court shall hear the following cases as the court of the first instance:

1) cases relating to lawfulness of regulatory administrative acts adopted by the territorial entities of administration or entities of municipal administration;

2) cases relating to requests lodged by municipal councils regarding the infringement of their rights, where the respondents are entities of state administration;

3) on the petitions of the Government representative concerning the legal acts of municipal institutions and their officials, which are not in compliance with the Constitution of the Republic of Lithuania and the laws, concerning failure to implement laws and Government resolutions (decisions), concerning the lawfulness of the legal acts or actions infringing the rights of the residents and organisations;

4) compensation for damage caused by unlawful actions of public administration entities (Civil Code, Article 6.271);

5) office-related disputes, where one of the parties is a public or municipal servant, as well as disputes arising from exercise of material liability and the right of recourse under the Law on the Civil Service of the Republic of Lithuania;

6) decisions of the Chief Institutional Ethics Commission and petitions by the said Commission for the severance of service relations with public servants;

7) petition by the Seimas Ombudsperson on the severance of service relations with public servants;

8) disputes between the entities of public administration which are not subordinate to one another concerning competence or breaches of laws, except for civil litigation cases assigned to the courts of general jurisdiction (Subparagraph 8 of Paragraph 1 of Article 17 of this Law);

9) cases relating to complaints against the decision of the district electoral committee or the decision of the district committee for the Referendum on the mistakes made in the voter list or in the list of citizens entitled to participate in the Referendum;

10) complaints by aliens about the refusal to issue permits for residence and work in Lithuania or withdrawal of such permits, about changing permits for residence, as well as complaints about refusal or cancellation of Asylum;

11) EXPIRED;

12) cases relating to statements of the institutions implementing projects of special national importance regarding the legality of the legal act on taking the land for public needs.

3. The Vilnius Regional Administrative Court shall also be a court of the first instance for investigating complaints (requests) against the decisions of the Administrative Disputes Commission of Lithuania, its territorial divisions and the Tax Disputes Commission under the Government of the Republic of Lithuania and, in the cases provided for by law, also against the decisions taken by other institutions under the procedure of preliminary extrajudicial investigation of disputes.

4. The Vilnius Regional Administrative Court is also the first instance for hearing other cases attributed to the competency of the Vilnius Regional Administrative Court according to the effective laws.

Article 21. Competence of the Supreme Administrative Court of Lithuania

1. The Supreme Administrative Court of Lithuania is:

1) the appellate instance for cases heard by the administrative courts as courts of the first instance;

2) the single and last instance for the cases relating to the lawfulness of regulatory administrative acts adopted by the central entities of state administration as well as for the cases referred to in Article 17 Paragraph 1 Subparagraph 11 of this Law;

3) the last instance for the cases relating to the complaints against the decisions or omission of the Central Electoral Committee of the Republic of Lithuania, with the exception of those assigned to the competence of the Constitutional Court;

4) the last instance for deciding the issues concerning the assignment of administrative cases to the other administrative courts.

2. The Supreme Administrative Court of Lithuania shall hear petitions for renewal of proceedings in administrative cases, which have been disposed of by virtue of an effective court decision or order.

3. The Supreme Administrative Court of Lithuania shall hear cases referred to in Subparagraphs 13 and 14 of Paragraph 1 of Article 17 of this Law.

4. The Supreme Administrative Court of Lithuania shall also perform other functions assigned to its competence by laws.

Article 22. Resolution of Questions Related to the Case Fall Under Specific Jurisdiction of Courts of General Jurisdiction or of Administrative Courts

1. The case cannot be dismissed or complaint/application/petition cannot be left unexamined on the sole ground that the dispute falls respectively under the jurisdiction of court of general jurisdiction. In such cases, the case shall be transferred in accordance with the rules of specific jurisdiction.

2. Specific jurisdiction of the court of general jurisdiction or of the administrative court over the case shall be determined by the character of legal relation from which the dispute arose. In case of a mixed legal relation, specific jurisdiction of the case depends on which legal relation (civil or administrative) predominates.

3. When the administrative court has doubts about the case fall under specific jurisdiction of the courts of general jurisdiction or administrative court, these questions shall be resolved in a written procedure by a special judicial panel of judges comprising the

President of the Civil Division of the Supreme Court of Lithuania, the Vice-President of the Supreme Administrative Court of Lithuania and other two judges - one assigned by the President of the Civil cases division of the Supreme Court, another by the President of the Supreme Administrative Court.

4. The administrative court shall deliver a reasoned order on the questions of specific jurisdiction of the case through the Supreme Administrative Court of Lithuania.

5. Sessions of the special judicial panel specified in Paragraph 3 of this Article shall be presided over by the President of a Civil cases division of the Supreme Court. Decisions shall be delivered by consensus or a majority of votes of the members of the judicial panel; in the event of a tie the presiding judge shall have the casting vote. An order on the jurisdiction of the case shall be final and conclusive (not be subject to appeal).

6. After resolution of the question of specific jurisdiction of the case, the case shall be send to the competent court within three business days from the day of when the ruling was passed by the special chamber of judges. Furthermore, the special judicial panel of judges shall have a right to classify the submitted claims to individual unexamined cases in the court of general competency and administrative court.

7. Where the court of appellate instance, hearing the case, applies to the special judicial panel with the question of specific jurisdiction and the special judicial panel finds that the rules of specific jurisdiction have been infringed, the decisions of the courts of first instance whereby the dispute is solved on the merits, lose the legal effect and the case shall be transferred to the court of general jurisdiction in accordance with the rules of specific jurisdiction.

8. When the case is referred to the administrative court from the court of general jurisdiction, the administrative court sets a procedural status of persons participating in the case and, where necessary, takes measures for elimination of shortcomings of procedural documents.

CHAPTER III
GENERAL PROVISIONS CONCERNING THE COMPLAINTS/APPLICATIONS/PETITIONS

Article 23. Right to File a Complaint/Application/Petition

1. Persons, as well as other entities of public administration, including public servants and officers shall have a right to file a complaint/application/petition against an administrative act adopted by an entity of public administration or against the action (omission) of the above entities if they believe that their rights or interests protected by law have been breached.

2. The applications are filed with the administrative disputes commission or administrative court by the entities of public administration, while complaints - by other persons. As regards the collection of charges, the organisations providing services apply to the administrative disputes commission or administrative court with applications.

3. In cases stipulated in Subparagraph 7 of Paragraph 1 of Article 17 and 11, Subparagraph 3 and 12 of Paragraph 2 of Article 20, Articles 32 and 55, Paragraphs 1 and 2 of Article 112 and other cases stipulated by the laws, the statements are filed with the administrative court. Other laws may also provide for other forms of appeal.

4. The complaint (application, petition,) shall be filed directly with the administrative court in the cases provided for in Paragraph 2 of Article 20 of this Law.

5. In cases stipulated by this Law, the complaint (application, petition) shall be, first of all, filed with the administrative disputes commission or other institution of preliminary extrajudicial examination of disputes.

6. In other cases the complaint/application/petition may be filed at the claimant's discretion either with the administrative disputes commission or directly with the administrative court.

7. A complaint (application, petition) may be sent by post, except for case of disputes provided for in Subparagraph 9 of Paragraph 2 of Article 20 and Subparagraph 3 of Paragraph 1 of Article 21 of this Law and in electronic form by means of electronic communication. If the complaint/application/petition is sent by facsimile letter or other means of electronic communication (except for cases where the person’s identity is verified by methods stipulated in the Law on Courts of the Republic of Lithuania (hereinafter the Law on Courts), an original complaint (application, petition) shall be submitted no later than within three calendar days.

Article 24. The Form and Contents of the Complaint/Application/Petition

1. Complaints/applications/petitions shall be filed with the administrative disputes commission or administrative court in writing. Complaints/applications/petitions may be filed in an electronic form and submitted by means of electronic communication. The procedure for submission of complaint (application, petition) by means of electronic communication and form of complaint/application/petition shall be set by the Minister of Justice.

2. The complaint/application/petition must contain the following:

1) the name of the administrative disputes commission or the court with which the complaint/application/petition is filed;

2) the name, surname (name) of the claimant, personal number (registration number), place of residence (seat), if the claimant has any, and email address, telephone, fax numbers or addresses of other means of electronic communication, as well as name, surname and address, if available, of the representative, if any, email, telephone, fax numbers of representative or addresses of other means of electronic communication;

3) requests regarding the receipt of response to the complaint/application/petition, court decision, other procedural documents by means of electronic communication;

4) name of entity of public administration or name and surname of other person whose legal acts or actions (omission) or delay in performance of actions are appealed, seat (place of residence), if known, and email address, telephone and fax numbers of entity of public administration or other person, addresses of other means of electronic communication;

5) names, surnames (names), personal ID numbers (registration numbers, if known), address of the place of residence (seat), if known, of any third persons concerned, and email addresses, telephone and fax numbers, addresses of other means of electronic communication;

6) the particular contested action (omission) or legal act, date of its performance (adoption);

7) the circumstances upon which the claimant's claim is based, supporting evidence, surnames, first names and place of residence of witnesses, location of other evidence;

8) the claimant’s claim;

9) the claimant's request regarding the hearing of the case in accordance with the written procedure;

10) the list of enclosed documents;

11) the place and date of the drawing up of the complaint/application/petition.

3. Complaint/application/petition shall be signed by the claimant or his representative. If the complaint/application/petition is submitted by means of electronic communication in accordance with the procedure established in Paragraph 4 of this Article, the complaint (application, petition) is deemed to have been signed. The power of attorney or any other document certifying the representative's authorisation must be enclosed to the complaint/application/petition filed by the representative.

4. When the complaint/application/petition is filed with the administrative court by means of electronic communication, the person's identity is verified by methods established in the Law on Courts. When the complaint/application/petition is filed with the administrative disputes commission by means of electronic communication, the person's identity is verified by signing with safe electronic signature.

Article 25. Documents Accompanying the Complaint/Application/Petition

1. The following documents shall be attached to the complaint/application/petition: the challenged act; a relevant decision of the administrative disputes commission or any other institution for preliminary extrajudicial investigation of disputes if the complaint/application/ petition has been heard in the administrative disputes commission or any other institution for preliminary extrajudicial investigation of disputes; if necessary - a document confirming the date of filing of demands or objections addressed to the institution, agency, service against which the complaint is lodged. Where the complaint/application/petition is filed by means of electronic communication, the digital copies of annexes shall also be enclosed thereto. Electronic complaints/applications/petitions and digital copies of annexes enclosed thereto shall be filed in accordance with the procedure established by the Minister of Justice.

2. The stamp duty receipt or a justified request for exemption must be attached to the complaint/application/petition, except in the cases specified in Article 36 of this Law.

3. The number of copies of the complaint/application/petition and the attached subparagraphs must be sufficient to deliver copies thereof to each party to the proceedings,

with a copy of documents being reserved for the court file, except for the cases where the complaint/application/petition is delivered by means of electronic communication or where the court permits the parties involved in the proceedings not to submit the complaint/application/petition due to excessive volume of documents. In case the number of copies of annexes to the complaint (application, petition) is lower than the number of parties involved in the proceedings, when sending the copy of complaint/application/petition to the parties involved in the proceedings, they shall be informed how to familiarise with annexes to the complaint/application/petition.

CHAPTER IV
PRELIMINARY EXTRAJUDICIAL CONSIDERATION OF COMPLAINTS/REQUESTS/PETITIONS

Article 26. Preliminary Extrajudicial Investigation of Disputes

1. Before applying to the administrative court, individual legal acts adopted by public administration entities as well as their acts/omission or delay of actions may be and in the cases established by law must be contested by applying to the institution for preliminary extrajudicial investigation of disputes.

2. When a complaint/request/petition is filed for extrajudicial investigation of the dispute, the form and contents thereof must meet the requirements set in Article 24 of this Law (except Subparagraph 9 of Paragraph 2 of Article 24).

Article 27. Administrative Disputes Commissions, the Procedure of their Establishment and Work

1. Unless the laws provide otherwise, preliminary extrajudicial investigation of disputes shall be carried out by Administrative Disputes Commission of Lithuania and its territorial divisions.

2. The procedure for formation of the Administrative Disputes Commission of Lithuania and its territorial units, their competencies, work principles and procedure for examination of complaint (applications) in the Administrative Disputes Commission of Lithuania and its territorial units shall be set by a separate law.

3. The decisions or actions/omission of entities of tax administration on the issues of taxes, other mandatory payments, except for tax-related disputes, may be filed selectively with either the Tax Disputes Commission or directly with the administrative court. The obligatory preliminary extrajudicial consideration of tax-related disputes shall be established by tax laws.

4. Other institutions for preliminary extrajudicial investigation of disputes may also be prescribed by law for certain categories of administrative disputes.

CHAPTER V
BASIC RULES OF FILING COMPLAINTS/REQUESTS/PETITIONS WITH THE ADMINISTRATIVE COURT

Article 28. Filing of Complaints/Application/Petitions with the Administrative Court Contesting the Decision of the Administrative Disputes Commission or any other institution for preliminary extrajudicial investigation of disputes

1. The decision of the Administrative Disputes Commission or any other institution for preliminary extrajudicial investigation of disputes, adopted after investigating an administrative dispute in accordance with the extrajudicial procedure, may be appealed against to the administrative court by any of the parties to the dispute, contesting the decision of the administrative disputes commission or any other institution for preliminary extrajudicial investigation of disputes. In such an event the administrative court may be appealed to within one month of the day of receipt of the decision, unless the laws provide otherwise.

2. If the Administrative Disputes Commission or any other institution for preliminary extrajudicial investigation of disputes fails to consider the complaint/application/petition within the prescribed time limit, the entities specified in Paragraph 1 of Article 23 of this Law may file with the administrative court an complaint/application/petition about the infringed right within two months from the day by which the decision ought to have been taken.

3. After a complaint has been lodged against the decision of the Administrative Disputes Commission or any other institution for preliminary extrajudicial investigation of disputes, the procedural status of the parties to the dispute shall not change.

Article 29. Other Time Limits for Filing Complaints/Applications/Petitions with the Administrative Court

1. Unless a special law establishes otherwise, a complaint/application/petition may be filed with the administrative court within one month from the day of publication of the contested legal act or the day of delivery of the individual legal act to party concerned or the notification of the party concerned of the act (or refusal to act).

2. If the entity of public administration fails to perform its duties or delays the consideration of a certain issue and fails to resolve it by the due date, a complaint about such failure to act (delay in performance) may be lodged within two months from the day of expiry of the time-limit set by a law or any other legal act for the settlement of the issue.

3. The time limits for petitions/applications requesting for examination of the legitimacy of regulatory administrative legal acts, as well as petitions of the State Data Protection Inspectorate to apply to a competent judicial authority of the European Union regarding the submission of the decision of the European Commission to the administrative court shall not be set.

Article 30. Restoration of Overlooked Time Limits

1. If it is recognised that the time-limits for filing a complaint/application/petition have not been observed for a good reason and there are no circumstances specified in Subparagraphs 1-8 of Paragraph 2 of Article 33 of this Law, at the claimant's request the administrative court may grant restoration of the status quo ante. The time-limit for filing the complaint/application/petition cannot be restored, if over 10 years have passed from the adoption of the disputed legal act or performance of actions or expiry of the time-limit set for the resolution of the issue set by the law or other legal act, except for the cases when the criminal activity related to the adoption of the legal act, performance of action or inaction or delay in performance is determined by the final and binding court decision.

2. The petition for the restoration of the status quo ante shall indicate the reasons of failure to observe the time-limit and present the evidence confirming the reasons of failure to observe the time limit. The complaint/application/petition shall be filed with the

administrative court together with the petition for the restoration of the status quo ante. Where the application for restoration of the status quo ante is submitted by the means of electronic communication, the complaint (application, petition) shall also be submitted by the means of electronic communication.

3. The petition for the restoration of the status quo ante for filing the complaint/application/petition shall be considered and the ruling shall be passed by the president of the court, the judge or the chamber of judges formed by the president of the court or his/her assigned judge in accordance with the written procedure within seven days from the filing of the petition with the court accompanied by the evidence confirming the reasons. Where the president of the court, the judge, the chamber of judges formed by the president of the court or a judge appointed thereby thinks it is necessary to receive the opinion of persons concerned regarding the application to restore the status quo ante for filing a complaint/application/petition, such application shall be examined within ten business days from the receipt thereof. In such case, the persons concerned shall be notified on the examination of application for restoration of the status quo ante for filing a complaint/application/petition and a time-limit for submission of opinion shall be indicated. The claimant may file a separate appeal against the ruling to refuse granting the restoration of the status quo ante in case of failure to observe the time-limit for filing the complaint/application/petition. Upon the entry into effect of the order to refuse granting the restoration of the status quo ante in case of failure to observe the time-limit for filing the complaint/application/petition, the complaint/application/petition shall be returned to the claimant.

4. Having granted the restoration of the status quo ante, the administrative court shall resolve the issue of acceptance of the complaint/application/petition and shall render decision on the merits in accordance with the procedure established by this Law.

Article 31. Territorial Jurisdiction of Administrative Proceedings Place of Lodging Procedural Documents

1. Complaint/application/petition is filed with the administrative court in the territory of activity whereof the seat (place of residence) of the respondent is located, whereas in case the respondent is a state or municipality - with the administrative court in the territory whereof the seat of institution representing the respondent is located. If the legitimacy of

administrative act or action (inaction) of the entity of public administration, its territorial unit, territorial entity public administration or officer operating in the part of territory of the Republic of Lithuania was verified (examined) by the superior entity of public administration according to the subordination and/or other institution of preliminary extrajudicial examination of disputes, the complaint/application/petition shall be filed with the administrative court according to the place of seat of that entity of public administration, its territorial unit, territorial entity of public administration or officer the legitimacy of administrative act or action (omission) whereof was verified (examined).

2. In cases regarding the compensation of damage resulting from illegal action of entities of public administration, cases regarding the award of pensions or refusal to award pensions, as well as in cases regarding the defending of the rights of persons with disabilities, at the discretion of the claimant, the complaint/application shall be filed with the administrative court according to the rules set in Paragraph 1 of this Article or according to the place of residence (seat) of the claimant. In the office-related disputes, as well as disputes arising due to material liability and implementation of the right of recourse according to the Law on Civil Service, at the discretion of the claimant, the complaint/ application may be submitted according to the rules set in Paragraph 1 of this Article or according to the location where the service is performed, was performed or should have been performed.

3. In case of several interrelated claims in a case, some of which are attributed to the Vilnius Regional Administrative Court, others to the Regional Administrative Court of the Regions according to Paragraph 4 of Article 20, the complaint/application/petition shall be filed with the Vilnius Regional Administrative Court. In other cases where several interrelated claims are lodged, which may be examined in the administrative courts of different regions, the complaint/application/petition shall be filed with the administrative court at the discretion of the claimant.

4. The complaint/application/petition to several representatives residing or located at different locations shall be filed according to the seat of one of the defendants at the discretion of the claimant. If due to one of the defendants the case is amenable to the Vilnius Regional Administrative Court according to Paragraph 4 of Article 20 of this Law, the complaint (application, petition) shall be filed with the Vilnius Regional Administrative Court.

5. Where the case is amenable to the court formed of the chambers of courts, the complaint/application/petition shall be filed with this court in any of the chamber of this court, whereas other procedural documents - in the chamber of the court to which the case is attributed to be heard by the appointed judge or judges.

Article 32. The Claim of the Seimas Ombudsperson

In cases where, pursuant to the Law on the Seimas Ombudsperson of the Republic of Lithuania (hereinafter Law on the Seimas Ombudsperson), the Seimas Ombudsperson applies to the administrative court on account of the citizen's complaint, his petition must be in compliance with the requirements of Paragraphs 1 and 2 of Article 24 and Paragraph 3 of Article 25 of this Law.

Article 33. Admission of the Complaint/Application/Petition

1. After the court has received a complaint/application/petition, the president or the judge of the administrative court shall within seven business days decide the issue of acceptance thereof. In case of decision on the matter of restoration of the status quo ante for filing the complaint/application/petition and the persons concerned are notified in accordance with the procedure established in Paragraph 3 of Article 30, the president or the judge of the administrative court shall resolve the matter of acceptance of the complaint/application/petition no later than within ten business days. If the complaint/application/petition does not comply with the requirements set in Paragraph 2 of Article 9, Articles 24, 25 and 35 of this Law, the ruling shall set the time-limit for rectification of shortcomings. In case the shortcomings are rectified within the time-limit set by the court, the complaint/application/petition shall be deemed not to have been filed on the day of its initial filing with the court. In case of failure to rectify the shortcomings within the time-limit set by the court, the complaint/application/petition shall be deemed not to have been filed and shall be returned to the claimant by virtue of a court ruling. A separate appeal may be filed against the order to return the complaint/application/petition to the claimant.

2. The president of the administrative court or the judge shall by virtue of an order declare the complaint/application/petition not receivable if:

1) the complaint/application/petition is not subject to investigation by the court in accordance with the procedure established by this Law;

2) the case does not come within the jurisdiction of the court;

3) the claimant has not complied with the procedure for extrajudicial consideration of the case established by the law for the cases of the said category;

4) the court decision adapted in relation to a dispute between the same parties of dispute thereto, regarding the same subject matter and on the same ground, or a court order to accept the claimant's withdrawal of the complaint/application/petition has become effective or to approve a court settlement between the parties to the dispute;

5) the decision is accepted by the Administrative Disputes Commission of Lithuania, its territorial unit whereby the dispute between the same parties to the dispute is resolved for the same subject and on the same basis, or the decision of the Administrative Disputes Commission of Lithuania, its territorial unit to approve the settlement between the parties to the dispute is accepted and this decision is not appealed within the time-limit established by the laws

6) the court seized is of a case relating to a dispute between the same parties, regarding the same subject matter and on the same ground;

7) the complaint/application/petition is filed by a legally in a particular area incapacitated person;

8) the complaint/application/petition is filed on behalf of the interested person by a person not authorised to conduct the proceedings;

9) the complaint/application/petition was filed after missing the deadline for filing the complaint/application/petition and this time-limit is not restored.

3. In the order declaring the complaint/application/petition not receivable the president of the court or the judge must indicate the institution the claimant has to apply to if the case is not subject to investigation by the court or the way of eliminating the circumstances which make the complaint/application/petition not receivable. The order must also direct that the stamp duty should be repaid in the cases where such duty was paid when filing the complaint/application/petition. A transcript of the order made by the president or judge of the court, declaring the complaint/petition to be not receivable, shall be within three days after the making of the order delivered or communicated to the claimant. A separate appeal may be filed against the order of the court person or judge to declare the complaint/application/petition to be not receivable. After the order becomes effective, the

complaint/application/petition shall be returned to the claimant, except for the cases where the complaint/application/petition was filed by the means of electronic communication.

4. The refusal of the court to accept the complaint/application/petition does not prevent from reapplying to the court with the same complaint/application/petition, if the circumstances that prevented from acceptance of the complaint/application/petition are eliminated or no longer exist.

5. If the claimant fails to indicate in the complaint the respondent or the third interested party or indicates not the actual respondent or third interested party, or indicates the persons whose rights and duties are not affected by the dispute, but sufficiently clearly defines in his complaint the subject matter of the dispute (indicates the contested legal act, the challenged act or omission to omission, or delay in performing actions) and the entity of administration or other person the act adopted by whom, or whose act or omission, or delay constitutes the subject matter of the complaint, the president or judge of the court may eliminate the shortcomings by virtue of an order. In such case, an order to declare the complaint/application/petition to be receivable shall be made, indicating who shall be included to the administrative proceedings as the respondent/respondents and/or the third party/parties concerned. The final decision on the replacement of a party to the proceedings by the appropriate one shall be made by the court during the preparatory part of the court hearing. If the claimant does not indicate the state representative or indicated a different state representative in the complaint/application/petition, the president or the judge of the court shall eliminate such shortcomings by indicating the representative of the state in the complaint/application/petition.

CHAPTER VI
LEGAL COSTS

Article 34. Stamp Duty

Except in cases provided for by law, complaints/application/petition shall be received and heard by the administrative courts only after the payment of the stamp duty prescribed by the law.

Article 35. Amount of Stamp Duty

1. Every complaint/application/petition in the administrative cases, irrespective of the demands made therein, shall be subject to a stamp duty in the amount of 30 EUR, save for the exceptions specified in Articles 36 and 37 of this Law.

2. An appeal for the review of a court decision shall be subject to the stamp duty in the amount of 15 EUR.

3. In case of submission of complaints/request/petition indicated in this Article to the court by means of electronic communication only, 75 per cent of the sum of stamp duty shall be paid for the respective complaint/request/petition.

Article 36. Complaints/Application/Petition Exempt from Duty

1. Exempt from stamp duty shall be complaint/application/petition relating to:

1) delay by the entities of public administration to perform the actions;

2) awarding of pensions or refusal to award the same;

3) violations of election laws and the Law on the Referendum;

4) petitions by public servants and officers when they concern legal relations in the office;

5) petitions by tax administrators and their officers concerning recovery of taxes and other payments into the budget, also their petitions concerning tax disputes; petitions by officers about the recovery of levies;

6) petitions by state and municipal control officers relating to the recovery into the State or municipal budgets of unlawfully received income or misappropriated grants, subsidies and allocations;

7) petitions, in the cases provided for by laws, by the prosecutors, entities of public administration, organisations or natural persons, relating to the protection of public interests or the rights of the state, the municipality and individual and the interests protected by law;

8) petitions by the Seimas Ombudsperson in accordance with the Law on the Seimas Ombudsperson;

9) petition by the Government representative concerning the acts adopted by municipal institutions, agencies, services as well as unlawful actions of their staff members;

10) compensation for damage caused by unlawful actions of public administration entities (Civil Code, Article 6.271);

11) petitions of the State Data Protection Inspectorate to apply to the competent judicial authority of the European Union regarding the decision of the European Commission on the suitability, adoption of standard data protection conditions or on the universal validity of the approved codes of conduct (hereinafter the Decision of the European Commission).

12) application of the State Data Protection Inspectorate according to the Law on the Legal Protection of Personal Data of the Republic of Lithuania (hereinafter the Law on the Legal Protection of Personal Data).

2. Other petitions to the administrative court by the entities of public administration which are directly related to public administration functions performed by them shall also be exempt from stamp duty.

3. Exempt from stamp duty shall also be separate appeals by the parties to the proceedings, also appeals against decisions of administrative courts adopted on the complaints/applications/petitions specified in Paragraphs 1 and 2 of this Article as well as petitions by entities specified in Paragraphs 1 and 2 Article 112 of this Law, contesting the legality of an administrative act or other act of general character.

4. The court shall have the right to demand that stamp duty be paid by the persons who abuse the right to legal remedy (i.e. who appeal to the court without a valid reason or more than once a month).

Article 37. Exemption from Stamp Duty

Having regard to the property status of a natural person or group of natural persons, the administrative court may grant them a full or partial exemption from stamp duty. The petition for exempting the natural person from stamp duty must be justified and substantiated by appropriate evidence.

Article 38. Repayment of Stamp Duty

1. The paid stamp duty or part thereof shall be repaid:

1) in case of overpayment in excess of the amount prescribed by law;

2) if the claimant withdraws his complaint/application/petition;

3) when the complaint/application/petition is found to be not receivable or when they are returned to the claimant;

4) in the event of dismissal of the case where the case is not subject to examination by the court or when the claimant has not observed the procedure of preliminary extrajudicial settlement of dispute prescribed for the cases of the particular category and it is no longer possible to use the procedure;

5) when the complaint/applications/petitions is not admissible for hearing unless the claimant makes use of the possibility to follow the procedure of preliminary extrajudicial dispute settlement prescribed for the cases of the particular category where there is still an opportunity to make use of the same procedure;

6) when the complaint/application/petition is not admissible for hearing where the complaint/request/petition has been filed by a legally incapacitated person or the person not authorised to conduct the proceedings;

7) when the complaint filed with the court is found not receivable;

8) if the stamp duty is paid for the complaint/application/petition not subject to stamp duty.

2. When the court settlement has been approved, 50 percent of paid stamp duty shall be return.

3. Stamp duty shall be repaid by the State Tax Inspectorate on the basis of the court or judge's order, provided that the petition has been filed with the court within at least two years of the date on which the judge's order to declare the complaint/application/petition not receivable or to return the petition as well as the court order to dismiss the case or to leave the complaint/application/petition unconsidered was made. Where an overpaid amount of the stamp duty is subject to be returned or the stamp duty is paid for the complaint/application/petition not subject to stamp duty, the said time period shall run from the date of entry into effect of the court decision, order or ruling.

Article 39. Other Costs Relating to the Examination of the Case

1. The costs of proceedings include the following:

1) amounts paid to the witnesses, interpreters, specialists, experts and organisations of experts;

2) costs for payment of legal services of the lawyer or assistant lawyer (costs of consultations of lawyer and assistant lawyer, assistance in preparation and submission of procedural documents and participation in the court proceedings);

3) any other necessary and reasonable costs not related to the provision of legal services to the party to the proceedings.

2. For keeping and recovering the amounts payable to the witnesses, specialists, experts and organisations of experts a special account shall be opened in the bank according to the location of the court.

3. The amounts payable to the witnesses, specialists, experts and organisations of experts shall be paid in advance by the party which made a request to summon witnesses, specialists or experts.

4. If the above-mentioned requests have been made by both parties, or if the witnesses, specialists and experts are summoned or the examination is carried out on the initiative of the court, the required amounts shall be paid in by the parties to the proceedings in equal amounts.

5. The specified amounts shall be paid into a special bank account of the court. Having regard to the property status of the natural person or group of natural persons, the administrative court may fully or in part exempt them from the payment into the special court account of the amounts specified in this Article. The request for exemption from the payment into the account of the said amounts must be justified and substantiated by relevant evidence. The aggrieved party may also be exempted from the payment into the account of the amounts indicated in this Article.

6. After the witnesses, specialists and experts have performed their duties, the court shall pay out the amounts due to them from the special account of the court and the amounts payable to the interpreter - from the budget resources allocated for the purpose.

7. The amounts unpaid by the parties to the proceedings, which are payable as costs related to the examination of the case, shall be awarded to a special account of the court from the nonprevailing adverse party to the proceedings or from the parties to the proceedings in proportion to the amount of the met and refused claims.

8. The provisions of this Article do not apply to the examination of the cases stipulated in Paragraph 3 of Article 21. In cases stipulated in Paragraph 3 of Article 21 of this Law, the amounts owed to the witnesses, specialists, experts and interpreters shall be paid by the court after they provide their services out of the state budget funds allocated to the court.

Article 40. Recovery of Costs by the Parties to the Proceedings

1. The prevailing party to the proceedings shall be entitled to recover costs from the nonprevailing adverse party.

2. The right of claimant to request compensation of costs shall also remain in the cases where the claimant refuses the complaint/application/petition due to the fact that the respondent meets his claim in good will after the complaint/application/petition is filed with the court.

3. If the rights of third persons concerned are met or defended after the examination of the case, these persons shall have the same rights to the compensation of costs as the party to the proceedings in favour whereof the decision is made.

4. The court may refuse to observe the rules of allocation of the costs of proceedings set in Paragraphs 1, 2 and 3 of this Article as to whether the procedural behaviour of parties to the proceedings was appropriate (same as in case of mediation), and having evaluated the reasons of emergence of the dispute and other causes that resulted in the litigation costs. The procedural behaviour of the party to the proceedings shall be deemed as appropriate, if it used the procedural rights and performed its procedural obligations in a fair manner.

5. The party to the proceedings in whose favour the decision has been adopted shall also be entitled to reimbursement of the costs of legal aid provided by the lawyer and assistant lawyer. The costs incurred for payment for the aid provided by other representatives according to the authorisation shall be reimbursed, if the court recognises them as eligible and reasonable and they are not related to the provision of legal services to the party to the proceedings. The issue of reimbursement of representation costs shall be resolved in accordance with the procedure laid down by the Code of Civil Procedure and other legal acts.

6. If the parties to the dispute did not set the procedure for allocation of the litigation costs when concluding a settlement, the court shall resolve this issue according to the provisions of this Article.

7. In examination of the cases provided in Paragraph 3 of Article 21 of this Law, the costs of parties to the proceedings shall not be compensated.

Article 41. Taking a Decision on the Recovery of Costs

1. The party concerned with the recovery of costs shall file with the court a written petition with the calculation and substantiation of the costs incurred before the end of

hearing of the case on the merits. The petitions on the reimbursement of costs shall be examined by the court when making a decision regarding the administrative proceedings.

2. If the claimant refuses the complaint/application/petition because the respondent meets his claim in good will, the issue on the compensation of litigation costs shall be resolved by the court by adopting a separate ruling.

3. If the Supreme Administrative Court of Lithuania changes the decision of the court of first instance or adopts a new decision without transferring the case for re-examination, it shall change the allocation of the litigation costs accordingly. If the Supreme Administrative Court of Lithuania does not allocate the litigation costs, this issue shall be resolve by the court of first instance by usually adopting a ruling in accordance with the written procedure.

4. The order made by the court of first instance on the recovery of costs may be appealed to the Supreme Administrative Court of Lithuania within seven calendar days from the pronouncement thereof.

Article 42. Procedure for Reimbursing Expenses of State-Guaranteed Legal Aid

1. If the party to the proceedings in whose favour the decision is made was granted state-guaranteed legal aid, the court shall settle the issue of reimbursement of the costs of state-guaranteed legal aid to the state at own discretion, having received the data of the institution organising the provision of state-guaranteed legal aid on the calculated costs of legal aid by applying mutatis mutandis the provisions of Articles 40 and 41 of this Law regulating the reimbursement of costs.

2. If the issue of compensation of the costs of state-guaranteed legal aid has not been resolved when adopting the decision having examined the case on the merits, the institution organising the provision of state-guaranteed legal aid shall have a right to submit the application to the court regarding the compensation of the costs of state-guaranteed legal aid to the state no later than within fourteen calendar days from the day when this decision becomes effective. In such case, the court shall decide on the issue of compensation of the costs of state-guaranteed legal aid to the state by adopting an additional decision.

CHAPTER VII
COMPOSITION OF THE COURT. DISQUALIFICATIONS OF JUDGES AND OTHER PERSONS

Article 43. Composition of the Administrative Court

1. In the administrative courts, the cases indicated in Subparagraphs 3, 4 and 5 of Paragraph 1 of Article 14, Paragraphs 1 and 2 of Article 131, cases regarding the decision of entities of public administration related to the provision of state-guaranteed legal aid, cases regarding the decision adopted by the administrative disputes commission and other collegial institution of preliminary extrajudicial examination of disputes, as well as in cases stipulated in Paragraph 5 of Article 99 of this Law shall be examined by a single judge, the other cases - by the chamber of three judges. In certain cases, a chamber of judges may be formed by the ruling of the president of the court or his/her appointed judge to examine the cases subject to hearing by a single judge. Where the court is formed of the chambers of the court, the chamber of judges shall be formed of the judges appointed to the same chamber of the court.

2. In the Supreme Administrative Court of Lithuania, the cases shall be heard before a chamber of three judges. In cases established by this Law, the proceedings may be heard in the Supreme Administrative Court of Lithuania by a single judge. A chamber of three judges may be formed by the ruling of the president of the court for examination of cases subject to hearing by a single judge. For the hearing of complex cases, an expanded chamber of five or seven judges may be formed on the initiative of the president of the court or on the recommendation of the chamber or the case may be referred to the plenary session of the court. The meeting of plenary session of the court is legitimate, if at least two thirds of the judges of the court are present.

3. The cases indicated in Paragraph 3 of Article 21 of this Law shall be examined by a chamber of five judges of the Supreme Administrative Court of Lithuania.

4. The members of the chamber of judges, the chairman of the chamber and the judge rapporteur shall be appointed by the president of the respective court or his/her appointed judge.

5. The judge who participated in the hearing of the administrative case and in the rendering of the decision/order on the merits therein (except for the rulings rendered when resolving the issue of acceptance of complaint/application/petition)may not participate in the hearing of the case either in the appellate court or in the hearing *de novo* of the case in the court of the first instance. The rule shall not be applicable when an extended chamber of

judges is formed in the Supreme Administrative Court of Lithuania or when the case is referred to the plenary session of the court.

6. Cases shall be prepared for the hearing and separate procedural actions shall be performed by a single judge on behalf of the court. The issues which the judge is entitled to decide on his own may also be decided by the chamber of judges or the plenary session of the court.

Article 44. Disqualification of the Judge and Other Persons

1. The judge, the recording clerk of the court hearing, the specialist, the expert and the interpreter may not participate in the hearing of the case and must disqualify themselves or be disqualified if they themselves are directly or indirectly interested in the disposition of the case or there are other circumstances which give reasons to doubt the impartiality of the above persons.

2. The judge may not participate in the hearing of the case if:

1) he/she participated in the legal proceedings initiated prior to his involvement in the case in the capacity of a witness, specialist, expert, interpreter, representative, the prosecutor, the recording clerk of the court hearing;

2) he/she is in family relationship with the parties, other participants in the proceedings or judges of the chamber;

3) he/she himself or his relatives have a direct or indirect interest in the disposition of the case or if there are circumstances which give reason to doubt his impartiality;

4) if he/she has performed judicial mediation in this case and the parties to the dispute failed to conclude a settlement during the judicial mediation.

3. The reasons for disqualification specified in Subparagraphs 2 and 3 of Paragraph 2 of this Article shall also be applicable with respect to a specialist, expert, interpreter and the recording clerk of the court hearing. In addition, an expert may not participate in the investigation of the case if:

1) he/she is subordinate in his employment or otherwise to at least one of the parties of the proceedings or other participants in the proceedings;

2) he/she carried out an audit the material whereof served as the ground for instituting the proceedings;

3) he/she is found to be incompetent.

4. The fact that the specialist, the expert, the interpreter and the recording clerk of the court hearing were involved in the previously held investigation of the case accordingly as a specialist, expert, interpreter, and recording clerk of the court hearing shall not be grounds for their disqualification.

5. If there are circumstances specified in this Article, the judge, specialist, expert, interpreter, recording clerk of the court hearing shall make a request for their disqualification. The participants in the proceedings may request their disqualification on the above-stated grounds.

6. Disqualification must be justified and requested prior to the commencement of the hearing of the case on the merits. Subsequently, the request for disqualification shall be admissible only if the person submitting the request gets knowledge of the grounds on which it is made after the commencement of the hearing of the case on the merits.

7. A repeated disqualification cannot be reasoned on the same arguments used to reason the disqualification that had been rejected.

Article 44. Procedure for Resolution of the Declared Disqualification

1. Where the disqualification on the grounds stipulated in Paragraphs 1 and 2 of Article 44 of this Law is declared to the judge(s) by the participant in the proceedings, the issue of disqualification shall be resolved by the president of that court, the vice-president of the court or the judge delegated thereby, except for the cases stipulated in Paragraph 2 of this Article.

2. Where a chamber of judges is formed for the examination of the case and the disqualification is declared not to all members of the chamber of judges, the issue of disqualification shall be resolved by the judge(s) to whom the disqualification has not been declared. In case of equal number of votes for and against the disqualification, the judge shall be considered as disqualified. In case of declaration of repeated disqualification based on the same arguments used for disqualification that was rejected, the issue of disqualification shall be resolved immediately by the judge or chamber of judges hearing the case.

3. Where the disqualification is declared to the president of the court, the issue of disqualification shall be resolved by the judge of that court having the highest length of work as the judge.

4. In cases where the regional administrative court does not have sufficient number of judges, the issue of disqualification shall be resolved by the president or vice-president of the Supreme Administrative Court of Lithuania, or the judge appointed by the president of the court or vice-president of the court immediately, but no later than within 3 business days from the receipt of declaration on disqualification in the Supreme Administrative Court of Lithuania. In this case, the declaration of disqualification and all the related documents, including the written explanations of the judge to be disqualified, if any, shall be sent to the Supreme Administrative Court of Lithuania no later than within one business day from the receipt of declaration of disqualification in the regional administrative court.

5. The issue of disqualification shall be resolved immediately. If in case of examination of the case by the chamber of judges the disqualification is declared to all members of the chamber of judges at the time of oral hearing of the case, the issue of disqualification is usually resolved during the same court hearing, after hearing all the opinions of the participants in the proceedings. In any other cases, the issue of disqualification shall be resolved no later than within three business days according to the written procedure, having familiarised with verbal or written explanations of the person declaring the disqualification and the person who is declared to be disqualified, if any.

6. The issue of disqualification of the expert, specialist, interpreter and secretary of the court meeting shall be resolved by the court hearing the case.

7. At the reasoned request of the person who suffered from the abuse of the right of disqualification, all or part of the penalty imposed to the person abusing the right of disqualification may be dedicated in favour of the person who suffered from the abuse of the right of disqualification. The right to impose a penalty to the person abusing the right of disqualification is also available to the persons indicated in Paragraph 4 of this Article when deciding on the issue of disqualification.

CHAPTER VIII
PARTICIPANTS IN THE ADMINISTRATIVE PROCEEDINGS

Article 46. Parties to and Participants in the Proceedings

1. Parties to the dispute/administrative case shall be the claimant and the respondent.

2. Parties to the administrative proceedings shall be: the claimant (the entity who filed the complaint, petition; the court, which issued the order); the respondent (the institution, agency, service, the employee whose acts or actions are contested); the third interested persons (i.e. those persons whose rights or duties may be affected by the disposition of the case).

3. Participants in the administrative proceedings shall be: parties to the proceedings and their representatives, also the prosecutor, entities of administration, organisations and natural persons participating in the case on the grounds specified in Article 56 of this Law.

Article 47. Representation in the Court

1. The parties to the proceedings shall defend their interests in the court themselves or through their representatives. By participating in the case, the party shall not forfeit the right to be represented in the case. State institutions, agencies, services shall be entitled to obtain the assistance of representatives of the interested superior State institutions.

2. The public institutions and authorities (state representatives) shall represent the State and the Government in the administrative proceedings according to the powers granted to them by the laws and other legal acts. State institutions and agencies shall be entitled to obtain the assistance of representatives of the concerned superior state institutions.

3. The cases may be conducted on behalf of the legal persons by the managers of institutions, authorities, services, companies and organisations, whereas in accordance with the procedure established by the laws and incorporation documents - by other employees or civil servants acting according to the rights and duties granted by the laws, other legal acts and documents of incorporation. The said persons shall submit to the court documents confirming the office held by them. The court, which applied to the administrative court, shall be represented by the judge who issued the order (or the chairman of the chamber of judges).

4. The authorised representatives at the court (under authorisation) may be:

1) lawyers;

2) assistant lawyers having a written permit of the lawyer supervising their practice to represent in a specific case;

3) one claimant delegated by other claimants or one respondent delegated by other respondents;

4) persons having a higher legal university education when they represent their close relatives or a spouse (cohabitee);

5) employees of legal persons or civil servants (in the court of appeal instance - persons having a higher university degree) representing a specific legal person;

6) persons controlling and/or controlled by the legal person, parent companies and/or subsidiaries. In such cases, the case is conducted in the court by a respective sole management body of the legal person, members of collegial management bodies authorised in accordance with the procedure established by the laws or incorporation documents or representatives on the basis of authorisation - employees or civil servants (in the court of appeal instance - persons having a higher university degree) and/or lawyers (assistant lawyers);

7) trade unions, if they represent the members of trade union in cases of office-related legal relations, and in case stipulated in Paragraph 1 of Article 126^{8} - trade unions or associations. In cases stipulated in this Paragraph, the case is conducted by sole management body of trade union or association, members of collegial management bodies authorised in accordance with the procedure established by the laws or incorporation documents or representatives on the basis of authorisation - employees (in the court of appeal instance - persons having a higher legal university education) and/or lawyers (assistant lawyers).

5. Together with persons indicated in Subparagraphs 1, 2 and 5 of Paragraphs 3 and Paragraph 4 of this Article, other persons may also be representatives on the basis of authorisation. If persons indicated in Subparagraphs 1, 2 and 5 of Paragraph 3 of this Article fail to appear at the court hearing, other persons cannot represent independently in the case on the basis of authorisation.

6. The powers of the lawyer or assistant lawyer shall be confirmed by the agreement or extract of agreement concluded between the lawyer or assistant lawyer with the client. The powers of other representatives are approved in accordance with the procedure established by the Code of Civil Procedure.

7. If the party to the proceedings is a minor or a person declared incapable or with limited capability in a certain field according to the procedure established by the laws, their interests may be represented by their representatives according to the law (parents, adoptive parents, guardians, care-givers).

Article 48. Powers of Representatives

1. The statutory representatives shall perform on behalf of the represented persons all procedural actions which the represented persons are entitled to perform; at the same time the restrictions provided for by laws shall be applied. The statutory representatives may delegate the authority to conduct the proceedings in the court to another person, chosen by them as the representative.

2. The lawyer's power of attorney to handle a case in the court entitles the attorney to perform all procedural actions on behalf of the principal except for cases stipulated in the power of attorney.

3. In cases where the party to the proceedings conducts the case via the representative, all procedural documents related to the case shall be presented only to the representative. Upon receipt of such documents, the attorney must immediately inform the principal thereof and form the possibility to familiarise with the received documents. In case of expiry of the representation relations, the attorney must perform the actions indicated in this Paragraph as regards the procedural documents that were sent to the representative by the court until the moment when the notification was received by the court on the expiry of the representation relations. If in case of expiry of representation relations, the attorney cannot serve the procedural documents to the principal due to objective reasons, he shall notify the court immediately and return the received procedural documents.

4. The rules for representation of the State and the Government shall be set by the Government.

Article 49. The Right of Access to the Case File of the Participants in the Proceedings

1. The participants in the proceedings shall have a right to examine the documents, other material of the case (including the electronic case) in the court, and, with

the permit of the court/the judge, receive copies (digital copies) and transcripts thereof at their own expense.

2. The party in the proceedings or the institution submitting documents or material to the court, which contain data constituting State, official, professional or commercial secret, may request that the court refrain from granting access to the data and allowing making copies thereof. The court shall make an order on the aforesaid issue.

3. The court shall have a right to decide not to allow the participants in the proceedings to familiarise with the material of the case containing personal data of the person, whose confidentiality is ensured in accordance with the procedure established in the Law on the Reporting Persons.

4. The amount of the fee for the copies of the case material and procedure for payment shall be set by the Government or its authorised institution.

Article 50. Withdrawal or Refusal of the Complaint/Application/Petition, Change of the Subject Matter or Basis of Complaint/Application/Petition

1. The claimant shall have a right to withdraw his complaint/application/petition before the acceptance thereof. If the claimant withdraws the complaint/application/petition, on the basis of the ruling, the court declares the complaint/application/petition as not to have been submitted and returns it to the submitting person.

2. The claimant shall have a right to refuse the complaint/application/petition at any stage of examination of the case before the court leaves to the conference room for discussion. The court shall not accept the refusal of the claimant's complaint/application/petition if it results in a conflict with the imperative provisions of the laws or public interest. If the claimant refuses the complaint/application/petition, the issue of termination of the case may be settled in accordance with the written procedure.

3. The claimant shall have a right to specify, change the basis of complaint/application/petition or the subject matter within fourteen calendar days from the day of receipt of the replies from the parties to the proceedings. In such case, the court shall be presented with a specified complaint/application/petition, which shall meet the requirements laid down in Paragraph 2 of Article 9 and Articles 24 and 25 of this Law. The issue of acceptance of a specified complaint/application/petition shall be resolved by applying *mutatis mutandis* the provisions of Article 33 of this Law. The court refuses to accept the

specified complaint/application/petition submitted after the deadline, except for the cases, where the respondent do not object to the acceptance of the specified complaint/application/petition or a necessity to submit a specified complaint/application/petition arose later or if the court believes that it is necessary for correct resolution of the case. The ruling of the court to refuse to accept a specified complaint/application/petition shall not be appealed by a separate appeal.

Article 51. A Right to Conclude a Settlement

1. At any stage of the proceedings, the parties to the dispute can close the case by concluding a settlement, if such can be concluded according to the nature of dispute. A settlement shall not be in conflict with the imperative provisions of the laws and other legal acts, public interest, shall not violate the rights or legitimate interests of third persons concerned. A settlement cannot be concluded in cases on the legitimacy of regulatory administrative acts, in cases on the basis of the appeals on the election laws and breaches of the Referendum Law, in cases on the applications of the municipal council to submit a conclusion whether the member of the municipal council, the member of the municipal council - the mayor against whom the procedure of the loss of mandate has been initiated has breached their oath and/or failed to exercise the powers assigned to them by the laws. The subject matter of the settlement shall be of the same nature as the claims indicated in the complaint (petition). The settlement may solve the entire dispute or part thereof (individual claims). The court shall take measures for reconciliation of parties to the dispute only in case of consent of the party to the dispute to start negotiations regarding the conclusion of a settlement.

2. The settlement shall be enclosed to the case. Before approving the settlement, the court shall explain the consequences of these procedural actions to the parties to the dispute. By adopting a ruling on the approval of settlement, the court shall approve the settlement and terminate the proceedings. The approved conditions of the settlement shall be indicated in this ruling.

3. After the parties reach a peaceful settlement and conclude a settlement during the judicial mediation, this contract shall be approved by the court hearing the administrative case in accordance with the procedure established in Paragraph 2 of this Article. When the judicial mediation is conducted by the same judge examining the administrative case, he shall

have a right to approve a settlement concluded by the parties to the dispute in accordance with the procedure established in Paragraph 2 of this Article.

4. The court shall not approve the settlement, which is in conflict with the conditions indicated in Paragraph 1 of this Article. If the court refuses to approve the settlement, it shall adopt a reasoned ruling for this issue. The ruling of the court on the refusal to approve the settlement may be appealed by lodging a separate appeal.

5. If the parties to the dispute conclude a settlement and submit it to the approval of the court after the adoption of the decision after examination of the administrative case at the regional administrative court, but before the expiry of the time-limit for its appeal to the court in accordance with the appeal procedure, the regional administrative court, having approved the settlement on the basis of ruling, shall repeal the adopted decision and terminate the proceedings. With the solution of the issue of approval of the settlement pending, the course of time-limit for submission of appeal shall be suspended. In case indicated in this Part, the issue of approval of the settlement or refusal to approve may be solved in accordance with the written procedure.

Article 52. Other Rights and Duties of the Parties to the Proceedings

1. The parties shall have equal procedural rights. The special character of the procedural rights of the parties in the cases of separate categories shall be established by special laws.

2. The parties to the proceedings shall have the right to request disqualification and submit petitions, preference to receive procedural documents in electronic form by means of electronic communication, submit evidence, take part in the examination of evidence, put questions to other participants in the proceedings, witnesses, specialists and experts, present explanations, present their arguments and reasoning, to object to the petition, arguments and reasoning of other parties to the proceedings, to apply to the court for the order regarding nondisclosure of the case material, to obtain transcripts of the court decisions, rulings and orders by virtue whereof the case was disposed of, to appeal against the court decisions, rulings and orders and to exercise other rights provided for by this Law.

3. The procedural rights of the parties to the proceedings (with the exclusion of the courts, counsel for the defence and prosecutors) shall be explained to them in writing,

delivering to them or sending them the explanation of their rights attached to the summons. The parties to the proceedings must exercise their procedural rights in good faith.

Article 53. Replacing the Inappropriate Party

If the court establishes in the course of the investigation of the case that the complaint/application/petition has been filed not by the person who has the right of claim, or to the inappropriate respondent, it will have the right to replace them, with the claimant's consent, by the appropriate claimant or respondent. In case the claimant refuses to give his consent, the court shall hear the case on the merits, and the persons summoned by the court shall participate in the proceedings with the rights of the third interested persons. If the court examining the case determines that a wrong state representative is indicated in the complaint/application/petition, it shall make the necessary changes.

Article 54. Succession to the Procedural Rights

1. Where one of the parties withdraws from the case (by reason of a person's death, dissolution of the legal person, reorganisation or liquidation of the institution or organisation or transfer of the claim), the court shall replace the party by its legal successor. The taking over of the rights may be effected at any stage of the proceedings.

2. All the actions performed in the course of the proceedings before the participation of the legal successor shall be binding on him to the extent, they would be binding on the person in whose stead the legal successor is participating in the proceedings.

Article 55. Procedural Rights of the Prosecutor, Entities of Public Administration, Organisations and Natural Persons, Protecting the Rights of the State, Municipality and Persons

1. In the cases established by law the prosecutor, the entities of administration, State institutions, agencies, organisations, services, or natural persons may apply to the court with a petition for the protection of the public interest or protection of the rights of the state, municipality and persons as well as the interests protected by laws.

2. The entities specified in Paragraph 1 of this Article shall have the procedural rights and duties of the party to the proceedings. Withdrawal by the above-stated persons of the petition filed by them shall not deprive the person, for the protection of whose rights and

interests the petition was filed, of the right to demand that the court should hear the case on the merits. The court may not accept the withdrawal of the petition filed by the entities specified in paragraph 1 of this Article, if this is contrary to law or public interest or infringes anyone's rights or interests protected by law.

CHAPTER IX
EVIDENCE

Article 56. Evidence

1. Evidence in the administrative case are all factual data found admissible by the court which hears the case and based whereon the court finds, according to the procedure established by the law, that there are circumstances which justify the claims and rebuttals of the parties to the proceedings and other circumstances, which are relevant to the fair disposition of the case or that there are no such circumstances. Data received in the course the mediation cannot be used as evidence in the administrative case. Information not subject to the confidentiality requirement is determined by applying mutatis mutandis the provisions of the Law on Mediation.

2. The above-mentioned factual data shall be established with the help of the following means: explanations of the parties to the proceedings and their representatives, the testimony of witnesses, explanations of specialists and opinion of experts, physical evidence, documents and other written, audio and visual evidence.

3. As a rule, the factual data which constitutes a state or official secret may not be evidence in an administrative case, until the data have been declassified in the manner prescribed by law.

4. The evidence shall be submitted by the parties to the proceedings and other participants in the proceedings. As necessary, the court may advise the said persons should submit additional evidence or upon the request of these persons or on its own initiative compel the production of the required documents, demand that the officers give explanations.

5. The evidence collected and documented in the manner prescribed by law shall retain its evidential value in all stages of the proceedings and as a rule they shall not be subject to review *de novo*.

6. No evidence shall have for the court any value set in advance. The court shall assess the evidence according to their inner conviction based on the scrupulous, comprehensive and objective review of all the circumstances of the case on the basis of the law as well as the criteria of justice and reasonableness.

Article 57. Circumstances or Facts Which are not Subject to be Proved

1. The circumstances recognised by the court as commonly known shall not be required to be proved.

2. The facts established by the effective court decision in one administrative or civil case shall not be required to be proved in another administrative proceedings in which the same persons are participating.

3. The facts presumed under the law as having been established shall not be required to be proved while hearing the case. Such renewal s may be rebutted according to the general procedure.

4. An effective court decision in a criminal case shall be binding on the court which hears administrative cases regarding the administrative legal consequences of the actions by the person in respect of whom the court decision has been rendered.

5. It is not necessary to prove the circumstances established by interim decision in group complaint case that became final and binding, when the court examines the requirements of individual nature of the members of the group in the case of the complaint of the same group.

Article 58. Responsibility of Persons Summoned to the Court

1. If the person summoned to the court fails to put in an appearance, he may be brought to the court upon the court or judge's order. Failure to appear in the court or refusal to give evidence, explanations or opinion in the court may be punishable by a fine in the amount of up to 300 EUR or detention in custody for the term of up to one month.

2. Giving knowingly false witness's testimony, presenting the expert's false conclusion, the specialist's false explanation, also for knowingly false translation/interpretation by the translator/interpreter shall make the persons liable under the Criminal Code. The judge hearing the case, or the court shall warn the witness, specialist, expert, translator/interpreter thereof against their signature.

Article 59. Witness

1. The person summoned as a witness must appear in the court and give truthful testimony. Upon the court's decision the witness may be examined in the place of his residence or employment.

2. The person who requests a witness to be summoned must indicate the witness's name and surname, place of residence or employment and the circumstances material to the case, which the witness is able to corroborate.

3. The following persons may not be summoned and examined as witnesses:

1) representatives in a civil case and counsel for the defence in a criminal case, concerning the circumstances which came to their knowledge in this capacity;

2) persons who due to their physical or mental deficiencies are unable to correctly comprehend the circumstances material to the case or to give true testimony in relation thereto;

3) clergymen, concerning the information that became known to them under the seal of confession;

4) healthcare employees – on the circumstances forming their professional secrecy;

5) mediators – on the circumstances they found out during the mediation;

6) other persons prescribed by the law.

4. The person may refuse to give testimony against himself/herself, his/her family members or close relatives.

5. Persons whose confidentiality has to be ensured in accordance with the procedure established by the Law on the Protection of Reporting Persons are usually not summoned as witnesses. Where the testimony of such person is materially important for correct examination of the case and without his participation there are no other possibilities to establish the circumstances important to the case, the court can decide to call the person whose confidentiality must be ensured as witness on the basis of a ruling. The court may delegate the police to organise the arrival of such witness to the court to ensure his/her confidentiality. The court must take measures to prevent from disclosure of identity of a person whose confidentiality must be ensured to the participants in the proceedings or other persons. Personal data of such witness shall be provided in a separate annex to the procedural

document, kept in an envelope and stored separately from the material of the case. The witness may be interviewed by means of remote audio and video broadcast with acoustic and visual obstacles preventing from identification of such person. In such case, the testimony of witness is recorded by making an audio or video recording with acoustic and visual obstacles preventing from identifying such person or recorded in the interview protocol.

Article 60. Specialist

1. Specialists shall be invited where, special knowledge is required in the court in the course of the investigation of the case for examining and evaluating documents, articles or actions.

2. The explanations of the specialist shall be recorded in a separate document which must be signed.

Article 61. Expert and his Conclusion

1. If questions arise in the administrative case which require special knowledge in the sphere of science, art, technology and crafts, the court or the judge shall appoint an expert or charge an appropriate expert institution to carry out the expert examination.

2. The questions on which the conclusion of an expert is requested may be put to the court by each participant in the proceedings, however, the questions shall be finally determined by the court or the judge.

3. The expert's conclusion shall be presented in writing in the report of the expert examination. Where there are several experts appointed to the case, their joint opinion shall be signed by those of them who advance the conclusion. The experts who disagree with them shall draw up their conclusion separately.

4. The expert's conclusion shall not be binding on the court. However, the court must motivate its disagreement with the expert's conclusion.

Article 62. Rights of the Specialist and Expert

1. The specialist and the expert shall have the right to examine the case material, be present at the hearing of the case, put questions to the parties to the proceedings, witnesses, request the court for additional material, if this is required in order to give explanations or opinion.

2. The specialist and expert shall have the right to refuse to give explanations or opinion if he considers the presented material insufficient for giving explanations or opinion or that the question put to him is outside his remit.

Article 63. Letters Rogatory

1. In case of necessity to collect evidence in the territory of activity of any other court and where the court is formed of the chambers of the court, in the territory of activity of other chamber of that court, the court examining the cases may delegate the respective court or chamber of the court to perform certain procedural actions. If the evidence is in a foreign state, the court which hears the case shall send a communication with a request to the court in the foreign country through the Ministry of Justice of the Republic of Lithuania according to the procedure established by the international agreements to which the Republic of Lithuania is a party.

2. The order concerning a rogatory letter shall give a brief description of the merits of the case, indicate the circumstances which have to be discovered, the evidence which the court to which the rogatory letter is addressed has to collect. The order shall be binding on the court to which it is addressed and must be executed within ten days.

3. The rogatory letter shall be executed during the court session. The participants in the proceedings shall be informed of the time and place of the session, however, their non-appearance shall not preclude the execution of the rogatory letter.

4. The minutes and all the material collected during the execution of the rogatory letter shall be without delay sent to the court which hears the case.

CHAPTER X
PROCEDURAL TIME LIMITS

Article 64. Time Limits for Procedural Actions

1. The procedural actions shall be performed within the time limits set by laws. Where the time limits have not been set by law, they shall be set by the court. The court may grant an extension of the time limits it has set.

2. As a rule the preparation of administrative cases for hearing in the court must be completed within one month from the day of acceptance of the complaint/application/petition.

3. The ruling to assign the case to be examined in the court hearing usually has to be adopted no later than a month before the day of the court meeting.

4. The first court hearing usually shall take place no later than within three months after the day of acceptance of ruling to examine the case in the court hearing.

Article 65. Calculation of Time Limits for Performance of Procedural Actions

1. Time limits for performing procedural actions shall be determined by the fixed calendar day or by specifying the event which must occur or by a period of time. In the latter case the action may be performed within the duration of the entire period.

2. A time limit determined in years, months, weeks or days shall commence on the next day after the calendar day or event which corresponds to the day on which the time limit began.

3. A time limit determined in years shall expire on the appropriate day of the appropriate month of the last year. time limit determined in months shall expire on the appropriate day of the appropriate month of the last month. If the time limit which is determined in years or months expires in the month which lacks the appropriate day, the time limit shall be deemed to expire on the last day of the said month. A time limit determined in weeks shall expire on the appropriate day of the last week of the time limit.

4. If the end of a time limit falls on a day-off, the time limit shall expire at the next workday.

5. The performance of a procedural action for which a time limit has been set may last until 24.00 of the last day of the time limit. If the action must be performed in the court or any other institution, the time limit shall expire at the end of the fixed office hours.

6. The time limit shall not be considered missed if the complaint, documents or sums of money have been filed or delivered to the post or telegraph by 24.00 of the last day of the time limit.

Article 66. Suspension of Time Limits for Procedural Actions and Consequences of the Missed Time Limits

1. The running of all unexpired procedural time limits shall be suspended upon the suspension of the proceedings. The suspension of the running of the time limits shall commence from the moment of emergence of circumstances which provide grounds for the suspension of the proceedings. From the day of renewal of the case, the procedural time limits shall continue.

2. The right to perform procedural actions shall lapse upon the expiry of the time limit set for the performance thereof by the court or the law. Complaints and documents filed after the expiry of the term shall be returned to the persons who filed them.

3. For persons who missed the time limits for performance of procedural actions due to reasons recognised by the court as material, the missed time limit may be renewed. The application regarding the missed time-limit renewal shall be submitted to the court where it was necessary to perform the procedural action and examined in accordance with the written procedure. When submitting the application on the renewal of the time limit, it is also necessary to perform the procedural actions (procedural or other documents shall be submitted, or other actions shall be performed) for performance of which the time limit was missed. The court shall have a right to renew the missed time limit on its own initiative, when it is seen from the available material that the time limit was missed due to important reasons.

PART TWO
PROCEEDINGS IN THE COURT OF THE FIRST INSTANCE
CHAPTER I
GENERAL ADMINISTRATIVE PROCEEDINGS
SECTION ONE
PREPARATION FOR THE HEARING OF ADMINISTRATIVE CASES

Article 67. Preparation for the Hearing of Administrative Cases in Court

1. The president of the court or judge of the court who by virtue of an order recognised the complaint/application/petition to be receivable, shall, as necessary, determine the following mandatory issues relating to the preparation for the hearing of the case in the court:

1) take measures to secure the claim;

2) obligate the claimant, other participant in the proceedings or a person not involved in the case to submit evidence or present additional explanations in writing or in an electronic form by means of electronic communication (when the complaint/application/petition is submitted by means of electronic communication) regarding the submitted claims and set the time limit for execution;

3) send transcripts (digital copies) of the complaint/application/petition to the third interested person and the respondent and demand that the respondent to present to the court the opinion within the specified time limit, which is usually of at least fourteen calendar days from the day of receipt of transcript (digital copy) of complaint/application/petition;

4) upon the request of the parties compel the production of evidence which the parties are unable to get or issue a certificate for receiving the evidence;

5) decide on the summoning of the specialist or on the conduct of the expert examination;

6) having established that a settlement is possible in the case, offer the parties to the dispute a possibility to settle a case and indicate that by the mutual consent of parties to a case the essential terms and conditions of the agreement shall be agreed before the day of the court hearing;

7) having established a possibility to settle the dispute by judicial mediation in the case, offer the parties to the dispute to take advantage of this opportunity

8) perform other actions necessary when preparing for the hearing of the case.

2. The president of the court or the judge shall issue the orders necessary for preparing the hearing of the case in the court without notifying the participants in the proceedings, except when deciding the issue of ordering the expert examination.

3. The material or documents demanded by the judge must be delivered to the court within three business days, unless another time limit is set by the judge.

4. Considering that there are no obstacles for the hearing of the administrative case, the judge shall make a motion to the president of the court to refer the case to be examined in the court hearing. The following shall be indicated in the ruling passed by the president of the court or his/her appointed judge:

1) members of the chamber of judges, the chairman of the chamber of judges;

2) time and venue of the hearing;

3) delegation to send the summons to the participants in the proceedings, witness, specialist, expert and interpreter participating in the proceedings or to notify of the court hearing in any other way no later than within three business days from the day when the ruling is passed;

4) delegation to send to the respondents or third persons concerned the transcripts (digital copies) of complaint/application/petition and other documents, if these were not sent when preparing to hear the case, by regular mail or means of electronic communication no later than within three business days from the day of acceptance of the ruling.

5) other requests necessary for the timely hearing of the case.

5. The actions provided for in Subparagraphs 3-5 of Paragraph 4 of this Article may also be performed by the judge rapporteur. In the cases for which the hearing by a single judge is provided the actions provided for in Paragraph 4 of this Article, except for that referred to in Paragraph 1, shall be performed by the judge rapporteur.

Article 68. Joinder and Separation of Cases

1. Having established that two or more applications/petitions contesting the legality of one and the same regulatory administrative act have been filed with the court or different regional administrative courts or that the complaint/application/petition has been filed by different claimants, however, with regard to the same act or action/omission by the same respondent, the judge rapporteur or the court hearing the case may, before the completion of the hearing of the case on the merits, join them into one case by virtue of an order. Where the complaint/application/petition indicated in this Paragraph are filed with the same court, they are joined by the judge preparing the case for the hearing or the court hearing the case. When the complaint/application/petition indicated in this Paragraph are filed with the different chambers of the same court, the ruling on their joining shall be passed by the president or the vice-president of the court by settling the issue on the referral of the joint case for hearing by a specific chamber of the court at the same time. Issue regarding the joining of complaints complaint/application/petition in different regional administrative courts and submission of joint case for hearing by a specific court or specific chamber of the court shall be resolved by the president or the vice-president of the Supreme Administrative Court of Lithuania at the request of the court hearing the case.

2. Where there is more than one claim in a case, the court may, as necessary, separate certain of the claims into a separate case/cases.

Article 69. Referral of a Case to Another Court

1. The court shall transfer the case to be heard by a different court and, where the court is formed of the chambers of the court, to a different chamber of that court:

1) when in case of disqualification of one or several judges it is impossible to replace them with others in that court and, where the court is formed of the chambers of the court, in the chamber of that court (except for cases referred to in Paragraphs 3, 4 and 5 of this Article);

2) when it becomes evident that the court accepted the case in violation of the rules of jurisdiction of the courts;

3) having recognised that the case would be examined in a more expedient and cost-efficient manner in a different court, and, where the court is formed of chambers of the court, in a different chamber of that court, specifically – according to the place of residence or seat of the claimant or majority of claimants, if the complaint/application/petition was submitted by more than one person, or according to the location of real property that is directly related to the arising dispute, or according to the location of the adoption of the disputed legal act and/or event (action) directly related to the disputed legal act.

2. The issue of referral of the case from one court to another shall be resolved by the chamber of judges referring the case or the president of the Supreme Administrative Court of Lithuania, whereas the issue of referral of the case from one court to another in cases stipulated in Subparagraph 3 of Paragraph 1 of this Article, by the president of the Supreme Administrative Court of Lithuania at the order of the president of the court referring the case. The issue of referral of the case to another chamber of the same court shall be resolved by the president of that court.

3. Where the party to the proceedings is the judge and the case is amenable to the court wherein he/she or his/her spouse, children (adoptive children), parents (adoptive parents), brothers, sisters (stepbrothers, stepsisters), as well as children (adoptive children), parents (adoptive parents), brothers, sisters (stepbrothers, stepsisters) of his/her spouse work as judges (except for the Supreme Administrative Court of Lithuania), the president of the Supreme Administrative Court of Lithuania shall refer the hearing of the case to a different

court, except for the cases stipulated in Paragraph 4 of this Article. This rule shall also apply when a party to the proceedings is a relative of the judge indicated in this Paragraph.

4. Where a judge in the case is a party in the proceedings and the case is amenable to the court formed of the chambers of the court, wherein he/she or his/her spouse, children (adoptive children), parents (adoptive parents), brothers, sisters (stepbrothers, stepsisters), as well as children (adoptive children), parents (adoptive parents), brothers, sisters (stepbrothers, stepsisters) of his/her spouse work as judges, the president of such court shall refer this case to be heard by another chamber of that court where such persons are not appointed. This rule shall also apply when a party to the proceedings is a relative of the judge indicated in this Paragraph.

5. Where a the president or a vice-president of the court is the party in the proceedings and the case is amenable to the court formed of the chambers of the court, where he or his spouse, children (adoptive children), parents (adoptive parents), brothers, sisters (stepbrothers, stepsisters), as well as children (adoptive children), parents (adoptive parents), brothers, sisters (stepbrothers, stepsisters) of his/her spouse work as judges, the president of the Supreme Administrative Court of Lithuania shall refer this case to be heard by a different court. This rule shall also apply when a party to the proceedings is a relative of the president or the vice-president of the court indicated in this Paragraph.

6. The court must unconditionally seise of every case referred to it by another court and disputes on the issue between the courts shall be inadmissible, except in the cases provided for in Article 21 of this Law.

Article 70. Measures Securing the Claim

1. The court or the judge can take provisional measures to ensure the claim by the reasoned application of the participants in the proceedings or on its own initiative. The application for provisional measures shall be submitted in writing or in an electronic form by means of electronic communication in accordance with the procedure established by the Minister of Justice. The claim shall be secured at any stage of the proceedings, if the participant in the proceedings reasons the claim and failure to take provisional measures may lead to irreparable damage or damage that would be difficult to repair. In case of the grounds stipulated in this Paragraph, the provisional measures may also be applied in cases of need of temporary regulation of the situation related to the disputed legal relations.

2. At a reasoned request of the participants in the proceedings or on its/his own initiative, the court or the judge cannot apply the provisional measures established in Paragraph 3 of this Article, if it is established by other laws regulating the application of the sanctions or means of enhancement of financial stability and reliability to the financial institutions.

3. Provisional measures may be as follows:

1) granting an injunction restraining from certain actions;

2) stay of execution under the writ of execution;

3) temporary suspension of the validity of disputed individual legal act, as well as granting subjective rights to other person (not the claimant);

4) other measures applied by the court or the judge.

4. The judge or the court shall hear the petition for securing the claim no later than within three business days from the receipt thereof, without notifying the respondent and other participants in the proceedings. If such a petition is filed together with the complaint/application/petition, it shall be heard no later than within three business days from the acceptance of the complaint/application/petition. Where the court or the judge considers it is necessary to receive the opinion of the respondent and/or other participants in the proceedings for the request to apply the provisional measures, such application shall be examined within ten business days from the day of its receipt or acceptance of the complaint/application/petition. In such case, the respondent and/or other participants in the proceedings is/are notified on the examination of the application for provisional measures and the time limit is set during which the respondent and/or other participants in the proceedings have to submit their opinions. The court or the judge shall make an order on securing the claim, in which the procedure and the manner of the execution thereof shall be indicated.

5. The person against whom the provisional measures are applied is notified of the passed ruling on the application of provisional measures and explained about the liability for the violation of the restrictions imposed.

6. The provisional measures may be changed or cancelled by the initiative of the court examining the case on the merits or at the reasoned application of the participants in the proceedings submitted to this court. Where the provisional measures applied by the court restrict, violate or obstruct the rights of persons not involved in the proceedings, such persons

shall have a right to submit applications to the court hearing the case on the merits to change or revoke the provisional measures applied against them. The provisional measures are changed or revoked by the ruling of the court hearing the case on the merits.

7. A separate appeal may be filed against the court order on the issues regarding the securing of claims. The filing of a separate appeal against the order to secure the claim shall not stay the execution of the order or suspend the hearing of the case.

8. The court order to secure the claim shall be executed without delay. The order to replace a measure securing a claim or to cancel the measure aimed at securing a claim shall be executed upon the expiry of the time limit for filing an separate complaint against such orders and, where the complaint has been filed, upon making an order to reject the complaint. The orders specified in this Article shall be executed in accordance with the procedure established for the execution of court decisions.

9. In case the court rejects the complaint/application/petition, the provisional measures that have been applied are left until the court judgement becomes effective. The court shall resolve the issue of lifting of provisional measures by the virtue of order.

10. If the complaint/application/petition is met, the applied provisional measures shall be valid until the enforcement of the court judgement.

11. If the complaint/application/petition is met in part, the issue of validity of applied provisional measures shall be resolved by the court by virtue of order.

12. Where the injunctions specified in Paragraph 3 of this Article are not complied with, the guilty persons shall be imposed with a fine by a court order in the amount of up to 300 EUR. A separate appeal may be filed against the order of the court concerning the imposition of a fine.

Article 71. Request for a Response to a Complaint/Application/Petition

The president or the judge of the court shall send to the respondent a transcript (digital copy) of the complaint/application/petition, and, where necessary, transcripts (digital copies) of enclosed documents, and usually shall set a time-limit of at least fourteen calendar days from the day of receipt of transcript (digital copy) of the complaint/application/petition, during which the respondent must present to the court his written response to the complaint/application/petition. Where the respondent is an entity of public administration, he must present the responses to the complaint/application/petition in a form requested by the

claimant, and, if the claimant failed to submit the request regarding the form of procedural documents, in a form in which the complaint (petition, statement) was submitted. In a response to the complaint/application/petition, the respondent shall indicate his agreement or disagreement with the claims of that complaint/application/petition, whether he would participate in the court hearing, as well as opinion regarding the intention and possibilities to resolve the dispute by judicial mediation. The number of counterparts (copies) of response with annexes shall be sufficient to be delivered to each party involved in the proceedings and plus one copy to the court, except for the cases where the response is delivered by means of electronic communication or where the court allows not to submit the annexes due to excessive volume of document. Upon the receipt of written response from the respondent, its transcripts (digital copies) shall be sent to the parties in the proceedings.

Article 72. Summons and Notice Given by the Court

1. The participants in the proceedings and representatives shall be notified of the time and place of court hearing or performance of separate procedural action by summonses and notices. The witnesses, specialists, experts and interpreters shall also be required to appear in the court by having a summons served on them.

2. Unless otherwise established by laws, the summons must be served on the participants in the proceedings and representatives at least three days prior to the date of the court hearing.

3. The person to whom a notice or a summons is served shall have the summons delivered to the place of residence or sent to his place of work. The entity of public administration shall be notified at its seat. In cases referred to in Paragraph 7 of Article 74 of this Law, the court summons and notices shall be submitted by means of electronic communication. If the place of residence and place of work of the addressee are unknown, the court may submit the summons and notices on the time of and place of examination of the assigned case on the special website no later than 10 business days left before the day of hearing of the case. To this end, the court shall pass a ruling indicating the date of public delivery of procedural documents. In such event the participants in the proceedings shall be deemed to have been notified of the time and place of the hearing. The day of court summons or publication of notice on the special website shall be the day of delivery of court summons or statement to the indicated persons.

4. In the event of the deferral of the hearing of the case and the setting of a different time and place of the court hearing, the persons who appeared in the court shall be notified thereof against their signature. Other participants in the proceedings, also in case of deferral of the hearing of the case without a different time and place of the next court hearing being set, may be given a notification of the hearing of the case by means of court notices without the detachable slip subject to be returned to the court, in which the addressee shall confirm by his signature the service of the notice. The contents of the notice must correspond to the detail information of the summons. A transcript of the summons shall be deposited in the file. The notices shall be delivered by mail or via couriers, and, in cases referred to in Paragraph 3 of this Article, by means of electronic communication or by making public announcement on the special website. Sending of notice or publication on the special website is equal to the delivery of summons and it shall be deemed that the indicated participants in the proceedings have to be notified of the time and place of hearing of the case.

5. The information on the court hearings of that day is published on the notice board of the court and, where the court is formed of the chambers of the court, of the chamber of the court to which the judge or judges hearing the case is/are appointed.

Article 73. Contents of the Summons

1. The following shall be indicated in the summons:

1) the name of the addressee or the name, surname, address of the person;

2) the name, exact address of the court and, where the court is formed of the chambers of the court, name and exact address of the chamber of the court to which the judge or judges hearing the case is/are appointed;

3) the time and place of the court hearing or of the performance of a separate procedural action;

4) the name and number of the case to which the addressee is summoned, number of judicial proceedings and parties to the dispute;

5) the procedural status of the summoned person;

6) that the participants in the proceedings must submit all available evidence relating to the case;

7) that the person who received the summons in the absence of the addressee must deliver it to the addressee at the earliest possibility;

8) consequences of failure to appear (Articles 59, 77, 83 and 105 of this Law).

2. The basic procedural rights and duties of the parties to the proceedings shall be indicated in writing under the text of the summons. The service of the summons shall mean that the relevant party to the proceedings has been informed of his procedural rights.

Article 74. Delivery and Service of Summonses

1. The summonses shall be delivered by post or courier service. The time of serving on the addressee shall be marked in the served summons and in the detachable slip, subject to be returned to the court, in which the addressee shall put his signature confirming the receipt of the summons.

2. If the participant in the proceedings gives his consent, the judge may present him with the summons to be served on another person who is notified or summoned to participate in the proceedings. The person charged by the court to serve the summons must return to the court the detachable slip of the summons where the addressee has put his signature confirming the receipt of the summons.

3. The summons may be sent by facsimile transmission. The person who receives the message sent by facsimile transmission must deliver it to the addressee at the earliest possibility.

4. The summons shall be served on the addressee against his signature. The summons addressed to an enterprise, agency, organisation shall be served on its head officer or other employee. The person who receives the summons shall put his signature.

5. If the person serving the summons fails to find the person who is notified or summoned to participate in the proceedings at his place of residence or work, the summons shall be served on any of the adult family members residing with the addressee or, in their absence, apartment maintenance administration, the warden (his deputy) or the administration of the workplace. In the latter cases the person who receives the summons must when signing in confirmation of receipt indicate his name, surname as well as relationship with the addressee or official position. The person who receives the summons must deliver it to the addressee at the earliest possibility.

6. The detachable slip of the summons with the signature of the addressee or the notice of the service of the summons shall be returned to the court. If the actual whereabouts of the summoned person are unknown, the court shall open the hearing upon the receipt in

the court of the summons with an inscription confirming that the summons has been received by the apartment maintenance administration of the last known place of residence of the summoned person or the elder of the war (his deputy).

7. The court shall serve summons and notices to the lawyers, assistant lawyers, bailiffs, assistant bailiffs, notaries, the ombudsmen of the Seimas, entities of public administration, state and municipal enterprises, financial authorities, insurance and audit companies, court experts, bankruptcy administrators and restructuring administrators by the means of electronic communication. Furthermore, the summons and notices are served by means of electronic communication to persons obliged to accept the procedural documents by means of electronic communication by the legal acts or the contract concluded with the manager of the information system of the courts. Summons and notices to other persons shall be served by the court by means of electronic communication, if they wish to receive the procedural documents in such manner and have indicated the email of the recipient or address of other means of electronic communication. The procedure for and form of delivery of summons, notices and other procedural documents shall be set by the Minister of Justice.

8. In cases and according to the procedure stipulated by this Law when delivering the procedural documents to the participants in the proceedings, witness, specialist, expert or interpreter by means of electronic communication, the day of delivery of procedural document to the participant in the proceedings, witness, specialist, expert or interpreter shall be the next business day after the day of sending of procedural document.

Article 75. Consequences of Refusal to Accept the Summons

1. If the addressee refuses to accept the summons, the person serving it shall make a corresponding notice in the summons and the summons shall be returned to the court. The notice in the summons about the refusal to accept the summons by the addressee and the motives of the refusal shall be confirmed by the person serving the summons.

2. The refusal by the addressee to accept the summons shall be equated to the service of the summons on him.

Article 76. Duty to Inform of the Change of the Address during the Proceedings

1. The participants in the proceedings must notify the court on any changes in their address, email, telephone and fax numbers or addresses of other means of electronic

communication during the proceedings. In case of lack of such notice, the summons shall be sent to the last known address of the court (email address or other means of electronic communication) or officially declared address of the place of residence or the seat and shall be deemed as delivered, although the addressee no longer lives at that address or changed his seat (email or address of other means of electronic communication).

2. The court shall have a right to impose a fine of up to 30 EUR to the participants in the proceedings for failure to perform the obligation to inform the court on the changes in his address, email address, telephone and fax numbers, as well as addresses of other means of electronic communication, if they are necessary in order to accept the procedural documents by means of electronic communication, if such failure to notify results in the deferral of the hearing of the case.

SECTION TWO
HEARING OF THE CASE IN THE COURT

Article 77. Conditions for Opening the Court Hearing

1. A case shall be considered at the hearing of the administrative court only when the participants in the proceedings have been informed in advance by a summons, notice or public announcement of the time and place of the hearing.

2. Where the case relates to the violation of the election laws or the Law on the Referendum, also in cases on disputes for the consideration whereof special time limits have been set by law, the summons may be served on the participants in the proceedings a calendar day before the opening of the hearing.

3. Failure by the said participants to appear in the court after a proper service of notice shall not preclude the conduct of proceedings and the adoption of the decision.

4. The court hearings shall take place in the premises of the court the judge or judges hereof examine the case, and, if the court is formed of the chambers of the court, of the chamber of the court to which the judge or judges hearing the case is/are appointed.

5. Oral hearing of the case may also take place in the premises not specified in Paragraph 4 of this Article, if the case is examined in a more expedient and cost-efficient manner at a different location, specifically – according to the location of the majority of evidence or the place of residence or seat of the participants in the proceedings or the

majority of the participants in the proceedings, or according to the location of real property that is directly related to the examined case, or location of the acceptance of the disputed decision and/or event (action) directly related to the disputed decision.

Article 78. Impartiality, Verbality and Continuity of the Hearing of the Case in the Court

1. When hearing the case, the court of the first instance must examine the evidence in the case; hear the explanations by the parties to the proceedings, the testimony of the witnesses, explanations by the specialists and the opinion of the experts, examine the written evidence and review the physical evidence.

2. The court of the first instance shall hold the oral hearing of the case also where the composition of judges has not been changed. If in case of deferral of the hearing of the case during the proceedings at least one of the judges is replaced, the case shall be heard from the start, except for the cases where the participants in the proceedings do not object for the case to be continued to be heard from the procedural action after the performance of which it was deferred. If the case is re-examined, the witnesses questioned in the court are usually not summoned to the hearing again.

3. The hearing of the case in the court shall take place uninterruptedly, except for the cases when the break is announced, which cannot be longer than five business days. As long as the hearing of the case is not completed, the court of such composition shall have no right to hear any other cases except for the deferral of the hearing of the case, suspension or a break of the court hearing is made, the adoption and publication of decision is postponed.

4. If the case is not closed during the commenced court hearing, the next court hearing shall begin with the procedural action which closed the previous court hearing, provided that the parties to the proceedings have been duly notified hereof. After the break of the court hearing, the case continues to be heard with the last action performed before the break.

5. In case of failure to appear at the hearing by either parties to the proceedings, even though they have been notified of the time and place of the hearing in the manner prescribed by law, the court of first instance may decide to hear the case according to the written procedure. Having published the decision to hear the case in accordance with the written procedure, the court shall leave to the conference room to adopt the decision.

6. The case can be heard in accordance with the written procedure, when the claimant asks to examine the case in accordance with the written procedure in his complaint (petition, statement), and other parties in the proceedings do not submit any objection regarding such examination of the case within the time-limit set by the court. In case stipulated in this Paragraph, oral hearing of the case is prepared, if any party in the proceedings submits a reasoned application to examine the case in accordance with the written procedure or the court decides that such examination is necessary. The issues indicated in this Paragraph shall be resolved by the ruling of the court.

7. During the oral hearing of the case, at the request of the parties in the proceedings or at own initiative and consent of all parties in the proceedings, the court shall have a right to decide to continue to hear the case in accordance with the written procedure. When examining the case in accordance with the written proceedings, the court shall have a right to move to the oral hearing of the case having recognised that the circumstances of the case would be examined in more detail by the oral hearing of the case.

8. In cases stipulated by this Law, individual issues may be solved by the written procedure.

Article 79. Deferral of the Hearing of the Case

1. In case of failure to appear at the hearing by the interpreter or a party to the proceedings, the court may defer the hearing of the case by virtue of an order, should the court decide that their presence is indispensable for the hearing of the case or when it is necessary to compel submission of new evidence or when the parties to the dispute need more time for negotiations regarding a conclusion of peace agreement and in other cases when required. For conclusion of a peace agreement, the hearing of the case cannot be deferred more than once.

2. Hearing of the case may be deferred at the request of the claimant, respondent, third person concerned or one of their representatives, if the claimant, respondent, third person concerned or one of their representatives present documents reasoning their failure to appear in the court before the start of court hearing and the court recognises the reasons for failure to appear in the court as important.

3. When the hearing of the case is deferred since it is necessary to compel submission of new evidence, the court shall set the time limit for the submission thereof in the order.

4. When deferring the hearing of the case, the court may examine the witnesses who are present, provided that all participants in the proceedings have been notified of the court hearing.

Article 79[1]. Referral of Resolution of Disputes by Judicial Mediation

1. At the request or consent of the parties to the dispute and pursuant to the procedure established by this Law and the Chamber of the Judges, the judicial mediation may be conducted. Judicial mediation may be conducted only for the administrative dispute in case of which a conclusion of a peace agreement between the parties to the dispute is permitted by the laws.

2. Judicial mediation services are provided to the parties to the dispute free of charge.

3. The referral of the dispute to be solved by judicial mediation may be initiated by the court examining the administrative case or any party to the dispute. The dispute is referred to be solved by judicial mediation on the basis of a ruling of the court examining the administrative case, when the court explains to the parties the subject matter of judicial mediation, consent of the parties to the dispute or a petition to refer the dispute to be solved by judicial mediation is received.

4. Judicial mediation may be conducted by mediators who are the judges included in the list of mediators of the Republic of Lithuania. In the course of examination of the administrative case, at the consent of the parties, the judge may decide to conduct mediation on his own, and if the case is heard by a chamber of judges, the chamber of judges may appoint one of the members of the chamber to conduct mediation, if he/she is a mediator, or select and appoint another mediator, who is a judge, having considered, as far as practicable, the opinion on the candidacy of mediator, who is a judge, coordinated between the parties. The mediator shall be appointed only after the receipt of his/her written consent. At the request of the parties to the dispute, several mediators may be appointed.

5. By the virtue of ruling referred to in Paragraph 3 of this Article, the hearing of the case may be deferred and an exact time of the next court hearing shall be set. The judicial

mediation shall be completed before this deadline. At the proposal of the mediator, the time-limit for deferral of the hearing of the case may be extended on the basis of the ruling of the judge (chamber of judges) hearing the administrative case. In this case, a new exact time of the next court hearing shall be set.

6. The mediator appointed to conduct the judicial mediation must create a mediator's account on the Subsystem of Public Electronic Services of the Information System of Lithuanian Courts within five business days from the appointment.

7. The mediator is appointed to conduct judicial mediator in accordance with the procedure set by the Rules for Judicial Mediation approved by the Council of Judges. If judicial mediation is conducted by the judge (member of the chamber of judges) hearing the administrative case, his consent to conduct judicial mediation shall be formalised by a ruling. Before giving consent to conduct judicial mediation, the mediator shall have a right to receive information on the subject matter of dispute, the parties to the case and the category of the case.

8. The mediator shall disqualify himself/herself from the resolution of dispute by judicial mediation in case of the grounds referred to in Subparagraphs 1 and 4 of Paragraph 2 of Article 44 of this Law.

9. During the period of judicial mediation, the appointed mediator shall be provided with conditions to familiarise with the administrative case or, at the request of the mediator, the administrative case shall be handed over to him/her against his/her signature. Before the hearing of the administrative case set in the court ruling, the mediator must return the administrative case to the judge (chamber of judges).

10. Only parties to the dispute, their representatives and mediator can participate in the judicial mediation. At the request or consent of the parties to the dispute, other persons may also participate in the judicial mediation.

11. The courts shall provide premises for judicial mediation. At the agreement between the parties to the dispute and the mediator, judicial mediation may be conducted in any other premises as well. Information and electronic communication technologies may be used during the judicial mediation.

12. Any party to the dispute may withdraw from the judicial mediation without specifying the reasons of withdrawal. This shall not prevent the parties to the dispute from lodging a repeated petition for referral of the resolution of dispute by judicial mediation.

Article 80. Comprehensive and Objective Review of the Circumstances of the Case, Scope of Hearing of the Administrative Case

1. When hearing administrative cases the judges must actively participate in the examination of evidence, establishing all the circumstances material to the case and make a comprehensive and objective review of the said circumstances.

2. The administrative court cannot exceed the scope of claim of the submitted complaint/application/petition, except for the cases when it is requested by the public interest or in case the failure to exceed the scope of claim of the submitted complaint/application/petition would make a material breach of the rights and interests of the state, municipality and persons protected by the laws. The administrative court shall not be bound by the wording of the submitted claim.

Article 81. Procedure of the Court Hearing

1. When the court enters the courtroom, the court usher or the recording clerk of the court hearing shall announce: "All rise for the Court." All persons present in the courtroom shall rise, then take their seats upon the invitation of the presiding judge. All participants in the proceedings shall address the court and give testimony and explanations standing.

2. The court hearing shall be opened by the presiding judge who shall announce the case which will be heard.

3. The recording clerk of the court hearing shall announce who is present at the court hearing. The court shall establish the identity of those present, ascertain whether the officers and representatives have appropriate warrants. If any of the parties (or their representatives) fail to appear, the recording clerk of the court hearing shall inform whether or not they have been duly notified of the time and place of the court hearing, while the court shall decide whether the case may be heard in their absence.

4. The presiding judge shall announce the composition of the court, the recording clerk of the court hearing, the specialist, the expert, the interpreter, and explain to the participants in the proceedings their right to make requests for disqualification as well as their other procedural rights and duties, unless these have been explained earlier.

5. If the interpreter, the specialist, or the expert participates in the court hearing, the presiding judge shall explain their duties and warn them of the administrative and criminal liability for knowingly incorrect interpreting or for giving a knowingly untruthful conclusion. In this relation the interpreter, the specialist or the expert shall be requested to make a written undertaking. The court shall also decide on the requests by the parties (their representatives). The witnesses who have put in their appearance before the examination shall be removed from the courtroom.

6. The hearing of the case on the merits shall commence with the report given by the judge, in which he shall state the matter in dispute, the grounds for the dispute, the limits of the dispute and other material circumstances of the case. Thereafter the claimant/claimants, the respondent/respondents, the third interested party/parties and/or their representatives shall address the court. The duration of the address shall not be restricted, however, the presiding judge may warn any of the parties or their representatives if they deviate from the merits of the case. The parties/their representatives may be asked questions: the judge/judges shall be the first to put questions, to be followed by other parties/their representatives. After the explanations by the parties other evidence shall be examined: the testimony of the witnesses, explanation by the specialists and conclusions of the experts shall be heard, physical evidence shall be reviewed and written evidence shall be read out. Before the witness gives testimony, the presiding judge shall establish his personal identity and warn him of the liability for refusal to testify or evasion of giving testimony and for giving knowingly false testimony. The witness shall be requested to make an appropriate written undertaking which shall be attached to the minutes of the court hearing. Before completion of the hearing of the case on the merits, new applications by the parties shall be heard.

7. 7. Noting that the parties to the dispute tend to settle the dispute in a peaceful manner on the basis of mutual complies during the hearing of the case in the court, the court shall offer the parties to the dispute to conclude a peace agreement. In case of failure to conclude a peace agreement, the court shall have a right to continue oral hearing of the case and to solve the case on the merits.

8. The closing statements in the court shall comprise the argument by the claimant/claimants, respondent/respondents, the third person(s) concerned or their representatives and the specific final requests of the complaint (petition, statement) and rebuttals thereto. The duration of the argument shall not be restricted; however, the presiding

judge may warn any of the parties or their representatives if they deviate from the merits of the case. Having presented their arguments, the parties/their representatives may exercise the right to reply once again. After the closing statements, the court shall withdraw to the conference room to make the decision (ruling). The presiding judge shall make an announcement to the effect to those present in the courtroom.

9. During or after the closing statements, having recognised that any new circumstance material to the case must be determined or new evidence must be examined before the adoption of decision, the court shall pass a ruling to renew the hearing of the case on the merits. After the completion of hearing of the case on the merits, the closing statements shall take place according to the general order.

Article 82. Recording of the Course of Court Hearings

1. The course of court hearing is recorded by making an audio recording of the court hearing, except for the cases stipulated in this Law.

2. The requirements for the audio recording of the court hearing made to record the course of the court hearing are set by the Minister of Justice.

3. Recording of the course of the court hearing shall be organised by the chairman of the court hearing.

4. The parties to the proceedings shall have a right to familiarise with the audio recording of the court hearing, as well as to receive a digital copy of this recording free of charge.

5. In case of failure to make a proper recording of the course of the court hearing or part thereof due to any technical reasons when making an audio recording of the court hearing, the court hearing the case, at the request of the parties to the proceedings or at its own initiative, adopt a ruling to repeat the procedural action that could not be recorded by making an audio recording. The persons participating in the court hearing are notified of the procedural action planned to be repeated in accordance with the procedure laid down in this Law.

Article 83. The Right of the Court Hearing an Administrative Case to Impose Fines

1. The judge or the court which hears an administrative case shall be entitled to impose fines if:

1) officers and persons fail to meet, by the set time and without a good reason, the requests by the judge or the court for a reply to the complaint/application/petition, documents and other material as well as for failure to comply with other requirements put by the judge/the court related to the hearing of the case;

2) the witness, specialist or expert fails to appear, without a good reason, before the judge preparing the case for hearing or at the court hearing;

3) after having been given a warning, the persons participating in the proceedings again speak out of turn, insult other persons participating in the proceedings or the court;

4) the persons present in the courtroom upset the order, disregard the demands of the presiding judge that order be observed;

5) the person abuses the right of disqualification;

6) the person abuses the administrative proceedings. The administrative court may recognise a submission of obviously unreasoned procedural document, objectively unfair action or inaction directed against cost-efficient, expedient and fair examination or resolution of the case as the abuse of administrative proceedings.

2. The court which hears the administrative case shall have the right to impose upon natural persons and legal persons and their representatives a fine in the amount of up to 300 EUR and upon officers or representatives of institution or agencies - in the amount of up to 600 Eur for each case of violation, save for the case referred to in Paragraph 1 Subparagraph 5 of this Article. The court shall have a right to impose a fine to a person abusing the right of disqualification in the amount of up to 1,500 EUR. A separate appeal may be filed against the order of the court of first instance concerning the imposition of a fine.

SECTION THREE
COURT DECISIONS

Article 84. Adopting the Decision

1. The decision in the case heard on the merits shall be rendered by the administrative court in the conference room by a majority vote of the judges. The judges shall

have no right to refuse to vote or to abstain, also to disclose the opinions voiced during the deliberations in the conference room. The presiding judge shall be the last to vote. The decision adopted shall be signed by al the judges participating in the hearing.

2. The judge whose opinion of the case differs from that of the majority of the judges may write his dissenting opinion. The dissenting opinion shall not be announced publicly but shall be attached to the case file.

3. The decision of the court shall be drawn up and announced, as a rule, on the same day after the hearing of the case. The court decision shall be published by reading its introductory and resolution pats and making a short summary of the subject matter of reasons of the solution verbally. The court usually does not disclose the personal ID number, address of the place of residence or seat of a natural person, data on the document certifying the personal identity, telephone number, email address and other contact details, date of birth and location, family status, workplace and position held, licence plate number of a vehicle, number of account opened in a credit institution, unique number of real property or other registered property, exact address of location of such property, data forming the material of the case recognised by the court as not public, as well as special personal data. All persons in the courtroom shall stand when hearing the court decision being announced. In exclusive cases, the court can allow certain persons to hearing of announced court decision when sitting.

4. If the respondent fully allows the claims of the applicant, the court may present in the decision a summary version of the motivation indicating: the circumstances determined by the court, the evidence upon which the conclusions made by the court are based, the laws by which the court was governed.

5. After hearing the case, the court can defer the adoption of court decision and publication no longer than for twenty business days, and after hearing the case regarding the legitimacy of regulatory administrative act – no longer than for a month. In case of important reasons, at the reasoned request of the judge hearing the case or the member(s) of the chamber of judges hearing the case, the president of the court or his/her appointed judge may extend such time-limits by a reasoned ruling for no more than ten business days. In case of illness of the judge hearing the case or all members of the chamber of judges hearing the case, the president of the court or a judge appointed by him/her or inability to participate due to any other objective reasons, or in case of illness of one or several members of the chamber of

judges examining the case or inability to participate due to any other objective reasons, the remaining (participating) member(s) of the chamber of judges may extend this time-limit by virtue of a ruling until the disappearance of the objective reasons. If objective reasons leading to the extension of the time-limit for adoption and publication of court judgement do not disappear during a reasonable period of time, the president of the court or a judge appointed by him/her shall appoint a court of a new composition to hear the case and shall set a date for the hearing of the case. The parties in the proceedings shall be notified of the time and place of the publication of court decision. During the time when the court decision is being drafted, the judges of the chamber may hear other cases. The court decision the adoptions and pronouncement whereof was deferred may be pronounced by one of the judges who heard the case, in the absence of other judges of the chamber.

6. Where the adoption and pronouncement of court decision was deferred in accordance with the procedure established in Paragraph 5 of this Article and none of the participants in the proceedings arrived to hear the pronouncement of court order, the submission of the court decision signed by the judge (members of the chamber of judges) hearing the case to the office of the court and, where the court is formed of the chambers of courts, to the office of the chamber of court on the day of pronouncement of the court decision indicated in the court decision is made comparable to the pronouncement of decision.

7. The decision of the administrative court shall be adopted and pronounced in the name of the Republic of Lithuania.

Article 85. Deferral or arrangement of the enforcement of court decision

The issue of deferral or report of enforcement of court decision shall be resolved in accordance with the norms of the Code of Civil Procedure.

Article 86. Legality and Motivation of the Decision

1. The court decision must be legal and motivated.

2. When adopting the decision, the administrative court shall assess the evidence examined at the court hearing, state which circumstances material for the case have been established and which have not, which law may be applied in the case and whether the

complaint/application/petition is allowable. The complaint/application/petition may be allowable fully or in part.

3. All basic claims put forward by the claimant must be responded to in the court decision.

4. The court decision cannot be reasoned merely by the testimony of the witnesses whose confidentiality is ensured.

Article 87. Contents of the Decision

1. The decision of the court shall consist of the introduction, the recital, the motivation and the substantive provisions.

2. The following shall be indicated in the introduction of the decision:

1) time and place of the adoption of the decision;

2) the name of the court which adopted the decision;

3) the composition of the court, the recording clerk of the court hearing, the parties, other participants in the proceedings.

3. The following shall be indicated in the recital of the decision:

1) the claims of the claimant;

2) the rebuttals by the respondent;

3) explanations by other participants in the [proceedings;

4. The following shall be indicated in the motivation of the decision:

1) the circumstances of the case established by the court;

2) the evidence on which the conclusions of the court are based;

3) the arguments based whereon the court rejects certain evidence;

4) the laws invoked by the court, references to specific norms that were applied.

5. The following shall be indicated in the substantive provisions of the decision:

1) the conclusion of the court to grant the petition in full or in part, at the same time setting forth the contents of the allowed claim, or to reject the petition;

2) the apportionment of legal costs;

3) the time limits and procedure of appeal against the decision.

Article 88. Types of Decisions

Upon hearing the case, the administrative court shall adopt one of the following decisions:

1) to reject the complaint/application/petition as unfounded;

2) to meet the complaint/application/petition and revoke the contested act (part thereof) or to obligate the appropriate entity of administration to remedy the committed violation or carry out other orders of the court;

3) to meet the complaint/application/petition and to obligate the appropriate entity of municipal administration to accordingly implement the law, the Government resolution or another legal act;

4) to meet the complaint and to settle the dispute in any other manner provided for by law;

5) to meet the complaint/application/petition and to award damages caused by unlawful actions of public administration entities (Civil Code, Article 6.271).

Article 89. Decision That May Have Influence on the Effectiveness of Means of Enhancement of Financial Stability and Reliability of Financial Institutions

Other laws can set the cases when the court decision that could have influence on the effectiveness of means of enhancement of financial stability and reliability of financial institutions shall be adopted only for the award of damages.

Article 90. Partial Decision

1. Only part of dispute is resolved by a partial decision. Partial decision may be adopted when several claims are submitted in the case and collected evidence is sufficient for the court to adopt a decision on the issue of reasonableness of one or several claims or part of the claim submitted in the case. Partial decision is a final decision in a respective part of the dispute.

2. In case of appeal on the partial decision, the case continues to be examined regarding other claims or part of the claim.

Article 91. Grounds for Annulment of Contested Acts

1. A contested act (or a part thereof) may be annulled if it is:

1) illegal in essence, i.e., conflicting by its contents with legal acts of superior power;

2) illegal by reason of being adopted by an entity of administration acting outside the remit of his competence;

3) illegal as it was adopted in violation of the basic procedures, especially the rules which were to ensure objective evaluation of all circumstances and validity of the decision.

2. The contested act (or a part thereof) may also be annulled on other grounds recognised as material by the administrative court.

Article 92. Decision in the Cases relating to Delay or Omission

In the cases relating to omission by an entity of public administration, i.e., failure to perform official duties or in the cases regarding delay in performing actions, the administrative court may adopt a decision obligating the appropriate entity of administration to make a relevant decision or comply with any other court order within the prescribed time limits.

Article 93. Court Decision to Ensure Enforcement of the Decisions Made by the Administrative Disputes Commission

EXPIRED

Article 94. Legal Consequences of Annulment of the Legal Act

The annulment of the contested legal act (action) shall signify restoration in a certain specific case of the *status quo* which existed before the making of the contested act (action), i.e., the claimant is granted restoration of the infringed rights or lawful interests, however the legal power of another legal act in effect before the annulled act shall not be restored *per se*.

Article 95. Sending Transcripts of the Court Decisions

Unless otherwise established by law, the parties to the proceedings who did not participate in the court hearing shall be sent transcripts of the administrative court decision within three business days from the announcement of the decision. If so requested in writing, copies (transcripts) of the decision shall also be sent to the parties in the proceedings which

participated in the hearing. The decision shall be sent by means of electronic communication in cases referred to in Paragraph 7 of Article 74 of this Law.

Article 96. Correction of Clerical Errors and Construction of the Decision

1. The court, having pronounced a decision in the case, shall have no right to reverse or amend the decision by itself.

2. Pending the execution of the decision the court may, on its own initiative or at the request of the parties, correct the clerical errors and obvious errors in calculation discovered in the decision. The issue of correction shall be determined without notifying the parties by making an order. A separate appeal may be filed against such an order of the court.

3. Pending the execution of the decision, the court shall have the right to construction, at the request of the parties to the proceedings, of the decision rendered by it, however, without changing its contents. A court hearing devoted to the construction on the decision and the parties to the proceedings shall be notified thereof. However, their failure to appear at the hearing shall not preclude the hearing of the issue relating to the construction of the decision. The court order regarding the construction of the decision may be appealed against by a separate appeal.

Article 97. Complementary Decision

1. Having adopted a decision in the case, the court may, upon the petition of the parties to the proceedings, also upon its own initiative, adopt a complementary decision:

1) in case of failure to examine in the decision any of the claims in respect whereof evidence has been submitted and explanations have been made by the parties to the proceedings;

2) if the court, having determined the issue of law, has failed to indicate the actions which the respondent must perform or from the performance whereof he must abstain;

3) if the court failed to solve the issue of compensation or allocation of the litigation costs or part thereof.

2. The issue regarding the adopting of a complementary decision may be raised within fourteen days from the delivery of the court decision.

3. The court shall adopt the complementary decision after having heard the issue at the court hearing. The participants in the proceedings shall be notified of the time and venue of the hearing. Transcripts of the complementary decision shall be sent to the parties and third interested persons if they did not attend the court hearing.

4. The complementary decision may be appealed against according to the appeals procedure within fourteen days from the day of adopting thereof.

5. A separate appeal may be filed against the court order dismissing the petition for adopting a complementary decision.

Article 98. Coming into Effect of the Decision

1. The decisions of the court of the first instance which have not been appealed against shall become effective after the time-limit for appeal has elapsed.

2. The decision which has been appealed according to the appeals procedure shall become effective, unless it has been reversed after the case has been heard on appeal.

3. The court decision adopted after the case has been heard on appeal shall become effective from the day of the adoption of the new decision.

4. After the decision has become effective, the parties to the proceedings and other participants in the proceedings, also their legal successors may not file with the court anew the same claims on the same grounds as well as contest in another proceedings the facts and legal relations determined by the court.

Article 99. Execution of the Decision

1. After the court decision whereby the complaint/application/petition is met becomes effective, the approved copy (transcript) thereof shall be sent for enforcement by the entity of public administration or other persons the legal acts or actions (inaction) or delay to perform actions whereof were appealed, or to the entity of public administration representing the State (Government) in the case, as well as the claimant.

2. If the entity of public administration referred to in Paragraph 1 of this Article or any other person fails to perform the decision within fifteen calendar days or within the time-limit set by the court, at the request of the claimant, the administrative court which adopted the decision issues a letter of enforcement by also ordering the enforcement thereof by the bailiff according to the location of the seat of the respondent in accordance with the

procedure laid down by the Code of Civil Procedure. Where the sums are recovered to the state budget or in case of recovery of damage resulting from illegal actions of entities of public administration, as well as in case of recovery of sums associated with office-related legal relations or payment of pensions, the court shall issue a letter of enforcement to the recovering entity without the request thereof.

3. The letter of enforcement is issued against signature or sent by registered mail, whereas in cases specified in Paragraph 7 of Article 74 of this Law, by means of electronic communication. A special mark is made in the case on the issue of the letter of enforcement.

4. Non-executed court decisions regarding compensation of damage, regarding the awarded sums and recovery of unpaid fines, as well as non-performed peace agreements approved by the court shall be performed in accordance with the procedure laid down by the Code of Civil Procedure. In such cases, the enforcement documents shall be issued to the claimant after the court decision becomes effective.

5. In the course of enforcement of court decisions and performance of peace agreements indicated in Paragraph 4 of this Article, the peace agreements may be concluded in accordance with the procedure laid down by the Code of Civil Procedure. Concluded peace agreements are referred to the regional administrative court in the territory of activity whereof the office of bailiff is located.

SECTION FOUR
SUSPENSION, TERMINATION OF PROCEEDINGS AND LEAVING THE COMPLAINT/APPLICATION/PETITION UNCONSIDERED

Article 100. Grounds for Suspension of the Proceedings

1. The court shall suspend the hearing of the case in the following cases:

1) in case of death of the person who was a party to the proceedings or dissolution of the legal person, provided that the legal relation of the dispute allows the succession;

2) when a party loses its legal capacity;

3) when a case may not be heard pending the disposition of another case which is being investigated in accordance with civil, criminal or administrative procedure;

4) when the court applies to the Constitutional Court requesting to determine whether the law or any other legal act applicable in the case conforms with the Constitution;

5) when the Constitutional Court has accepted the enquiry formulated in the ruling passed by another court on the same matter of the law and the court has no other legal arguments regarding the compliance of the law or legal act with the Constitution or the laws (in such case, the court shall not refer the case to the Constitutional Court);

6) when the administrative court is applied to with a request to review the legality of a regulatory administrative act or when the administrative court itself decides, while hearing a specific case, to review the legality of a regulatory administrative act;

7) when the court orders an expert examination to be performed;

8) when the court recognises the necessity to obtain from a foreign state the evidence/documents required in the case;

9) when the court applies to a competent judicial authority of the European Union for the prejudicial decision on the issue of interpretation or validity of the laws of the European Union;

10) when it becomes clear that the activity restriction (moratorium) is declared to a bank or Central Credit Union in the course of hearing of the case where the property claims are made against the bank or Central Credit Union;

11) where the court ruling regarding the adoption of group complaint is appealed by lodging a separate appeal;

12) in case specified in Paragraph 4 of Article 128 of this Law;

13) in other cases where the court recognises that the suspension of the court hearing is crucial.

2. The Supreme Administrative Court of Lithuania can suspend the case when requesting the European Court of Human Rights to give advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention for the Protection of Human Rights and Fundamental Freedoms or protocols thereto.

3. A separate appeal may be lodged against the court ruling to suspend the hearing of the case, except for a ruling to suspend the hearing of the case regarding the application to the Constitutional Court (in case referred to in Subparagraphs 4 or 5 of Paragraph 1 of this Article), administrative court or a competent judicial authority of the

European Union or a ruling on the initiation of investigation of the legitimacy of regulatory administrative legal act.

Article 101. Time Limits of the Suspension of the Proceedings

The proceedings shall be suspended:

1) in the cases provided for in Subparagraphs 1 and 2 of Paragraph 1 of Article 100 of this Law - until the establishment of the legal successor of the diseased person or of the dissolved legal person or until the assignment of the statutory representative of in a particular area incapacitated person;

2) in the cases provided for in Subparagraph 3 of Paragraph 1 of Article 100 of this Law - until the coming into effect of the court decision, decision, ruling or order;

3) in the cases provided for in Subparagraphs 4, 5, 6 and 7 of Paragraph 1 of Article 100 of this Law - until the disposition of the case by the Constitutional Court or the administrative court, accordingly, or until the expert examination is performed or evidence is obtained from a foreign state;

4) in case specified in Subparagraph 9 of Paragraph 1 of Article 100 of this Law, before the receipt of the prejudicial decision of a competent judicial authority of the European Union;

5) in case specified in Subparagraph 10 of Paragraph 1 of Article 100 of this Law, before the end of application of restriction (moratorium) against the activities of a bank or Central Credit Union;

6) in case specified in Paragraph 2 of Article 100 of this Law, before the receipt of advisory opinion of the European Court of Human Rights;

7) in case specified in Subparagraph 11 of Paragraph 1 of Article 100 of this Law, before the examination of a separate complaint;

8) in cases specified in Subparagraphs 12 and 13 of Paragraph 1 of Article 100, before the elimination of circumstances on the basis of which the examination of the case was suspended.

Article 102. Renewal of the Proceedings

The proceedings shall be renewed upon elimination or disappearance of the circumstances by reason whereof the proceedings were suspended, upon the motion of the

participants in the proceedings or on the initiative of the court. The court or the judge shall make an order according to written procedure regarding the renewal of the proceedings. Upon renewal of proceedings the case shall be heard according to the general rules laid down in this Law.

Article 103. Grounds for Terminating the Proceedings

The court shall terminate the proceedings:

1) if the case is not within the competence of administrative courts, except for the cases where the case is amenable to the court of general competency;

2) if there is an effective court decision made in relation to the dispute between the same parties, in relation to the same subject matter and on the same grounds or the court order to accept the claimant's withdrawal of the complaint/application/petition or to approve the settlement of the parties;

3) if the decision is accepted by the Lithuanian Administrative Disputes Commission, its territorial unit whereby the dispute between the same parties to the dispute is resolved for the same subject and on the same basis, or the decision of the Administrative Disputes Commission of Lithuania, its territorial unit to approve the peace treaty between the parties to the dispute is accepted and this decision is not appealed within the time-limit established by the laws;

4) if claimant has refused the complaint/application/petition, except in cases referred in Paragraph 2 of Article 55 of this Law;

5) if there is a settlement of the parties to the dispute and approved by the court;

6) if, upon the demise of the claimant, the legal relation of the dispute precludes legal succession;

7) if, upon the liquidation of a legal person who was the claimant, the legal relation of the dispute precludes legal succession;

8) if it transpires that the complaint/application/petition was accepted after the expiry of the time limit set for the filing thereof, while the claimant did not request the restoration of the *status quo ante* or the court dismissed such a request;

9) it appears that the time-limit for lodging the complaint/application/petition was restored without a reasonably ground;

10) if the claimant failed to comply with the procedure of preliminary extrajudicial hearing of the case prescribed for the cases of the category and the observance of the procedure is no longer possible.

Article 104. Procedure of Termination of the Proceedings and the Consequences thereof

1. The proceedings shall be terminated by a court order. If the proceedings are terminated by reason of the case being outside the jurisdiction of the courts, the court must indicate the institution to which the claimant must apply;

2. A separate appeal may be filed against the court order to terminate the proceedings.

3. Appeal to the court in relation to the dispute between the same parties about the same subject matter and on the same grounds shall be inadmissible upon the termination of the proceedings.

4. The court shall explain to the claimant the consequences of withdrawal of the complaint/application/petition except when the petition as regards withdrawal was received by post or delivered through other persons.

Article 105. Grounds for Leaving the Complaint/Application/Petition Unconsidered

The court shall leave the complaint/application/petition unconsidered:

1) if the interested person failed to observe, upon petition to the court, the procedure of preliminary extrajudicial investigation of the case prescribed for the cases of the category and the possibility to comply with the procedure still exists;

2) if the complaint/application/petition has been filed by in a certain area legally incapacitated person;

3) if the has been filed on behalf of the interested person by a person not authorised to conduct the proceedings;

4) if an administrative dispute between the same parties about the same administrative dispute is being heard before the court;

5) if the claimant failed to appear at the hearing and the court does not deem it possible to dispose of the case on the basis of the material available in the case, where the claimant has been notified thereof;

6) it appears during the hearing of the case in the court of first instance that the complaint/application/petition does not meet the requirements applicable to the content thereof or the stamp duty has not been paid. On this ground, the complaint/application/petition may be left unexamined only if the claimant fails to eliminate the shortcomings within the time-limit set by the court;

7) in case specified in Article 126^3 of this Law;

8) in case specified in Paragraph 2 of Article 130 of this Law.

Article 106. Procedure and Consequences of Leaving a Complaint/Application/Petition Unconsidered

1. If the complaint/application/petition is left unconsidered, the case shall be disposed of by a court order. The court must specify in the order the procedure for eliminating the circumstances listed in Paragraphs 1, 2 and 3 of Article 105, which preclude the hearing of the case.

2. After the elimination of the circumstances which constituted grounds for leaving the complaint/application/petition unconsidered, the interested person shall be entitled to file a complaint/petition *de novo* pursuant to the provisions generally applicable.

3. A separate appeal may be filed against the court order to leave the complaint/application/petition unconsidered.

SECTION FIVE
COURT ORDER

Article 107. Making of a Court Order

1. The court of the first instance shall make orders on separate issues which are not decided on the merits during the proceedings.

2. The court shall make orders in the conference room in accordance with the procedure established by this Law. The orders shall be signed by all judges who participated in the hearing.

3. Upon determining less complex issues, the court may make an order after a deliberation in the courtroom, without withdrawing to the conference room.

4. In individual cases, the court, taking into account the complexity of the issue to be resolved, shall have a right to defer the adoption and publication of the ruling for a period of maximum five business days.

5. The orders made shall be read out.

6. In cases where this Law does not prescribe resolution of a separate procedural issue by virtue of a court ruling, the judge may resolve the procedural issue by resolution. By resolving the issue by virtue of the resolution, the judge shall indicate the manner of resolution of the issue concerned by writing it on the document to be solved, and in case of resolution of the issue laid down in a document of an electronic form - indicating it by the special means in the electronic case. In addition, the judge shall indicate his first and last name, date of adoption of resolution and sign it. The resolution of the judge shall not be subject to appeal.

Article 108. Contents of an Order

1. The following must be indicated in an order:

1) the time and venue of making of the order;

2) the name of the court, the composition of the court, also the recording clerk of the court hearing (if he/she participated in the hearing), if the order is made in oral proceedings;

3) the participants in the proceedings and the subject matter of the dispute;

4) the issue in respect of which the order is made;

5) motives on the basis whereof the judges have arrived at their conclusions and the laws invoked by the court;

6) court ruling;

7) procedure and time limits of appealing the order.

2. The order made by the court without withdrawing to the conference room must contain the data specified in Subparagraphs 4, 5 and 6 of Paragraph 1 of this Article of this Law.

Article 109. Sending of Orders to the Parties to the Proceedings

The approved copies (transcripts) of the court ruling shall be issued and sent to the parties participating in the court proceedings at their request. In case of failure of the parties to the proceedings to arrive to the court hearing, the approved copies (transcripts) of the ruling which may be subject to separate appeals shall be sent no later than within three business days from the adoption of ruling, as well as approved copies (transcripts) of the ruling not subject to separate appeals to suspend the hearing of the case and rulings on referral of the case according to its attribution to a different court. In cases referred to in Paragraph 7 of Article 74 of this Law, the court rulings shall be submitted by means of electronic communication.

Article 110. Separate Orders

1. If during the hearing of an administrative case the court comes to a conclusion that the officers, institutions, agencies, enterprises, organisations and persons have violated the laws or other legal acts, it shall make a separate order indicating therein the violations committed and shall send the order to the appropriate institutions of public administration, the heads of enterprises, agencies, organisations.

2. The court shall be within one month submitted a response about the measures adopted in respect of the separate court order.

Article 111. Court Actions if Elements of Crime are Established during the Hearing of an Administrative Case

1. If in the course of hearing of an administrative case the court establishes elements of crime in the actions of a party to the proceedings or any other person, it shall notify the prosecutor thereof or institute criminal proceedings.

2. In the cases provided for in paragraph 1 of this Article the court, taking into account the circumstances of the case, shall either hear the administrative case on the merits or suspend the proceedings if the administrative case cannot be heard pending the disposition of the criminal case.

CHAPTER II
CHARACTERISTICS OF HEARING CASES OF CERTAIN CATEGORIES
SECTION ONE

PETITIONS/APPLICATIONS FOR REVIEW OF LEGALITY OF REGULATORY ADMINISTRATIVE ACTS

Article 112. An Abstract Application for Review of Legality of a Regulatory Administrative Act

1. The right to apply to the administrative court with an application for review of conformity of a regulatory administrative act (part thereof) with a law or a regulation issued by the Government shall be vested in the members of the Seimas, ombudsperson of the Seimas, children rights protection ombudsperson, equal opportunities ombudsperson, the control officers of the State of the Republic of Lithuania, courts of general and specialised competency, prosecutors and professional self-government associations established according to the laws to perform public functions. The above-mentioned entities shall also be entitled to apply to the administrative court with a petition to review the legality of an act of general character adopted by a a specific partnership, political party, political organisation or association. The entities referred to in this Paragraph, except for the courts of general and specialised competency, shall apply to the administrative court with a petition. Courts of general and specialised competency shall lay down the application to examine the legality of regulatory administrative act in the ruling.

2. The right to apply to the administrative court with a petition for review of conformity of a regulatory administrative act issued by the entity of municipal administration with a law or Government regulation shall also be vested in the Government representatives supervising the activities of municipalities.

3. Copies of the contested regulation and of the law or the Government regulation with which the contested regulatory administrative act conflicts shall be attached to the petition for reviewing the legality of a regulatory administrative act or any other act of general character.

4. The entities listed in Paragraphs 1 and 2 of this Article shall submit an abstract statement for investigation of the legality of regulatory administrative act in writing, by facsimile letter or in an electronic form by means of electronic communication.

Article 113. Application for Reviewing the Legality of a Regulatory Administrative Act in Relation to an Individual Case

1. Entities specified in Article 23 paragraph 1 of this Law shall have the right to apply to the administrative court to review conformity of a regulatory administrative act (or part thereof) with the law or Government regulation when a specific case regarding infringement of their rights is heard before the court.

2. In the cases provided for in Paragraph 1 of this Article the administrative court shall decide on the admissibility of the petition by making reasoned order or reasoned decision. The court shall reject a petition for review of legality of a regulatory administrative act if:

1) the petition is not connected with the specific case heard before the court;

2) there is an effective court decision adopted in respect of the contested regulatory administrative act;

3) the court seised of a case regarding the contested regulatory administrative act;

4) the petition is based not on legal motives;

5) the court has no doubt regarding the legality of regulatory administrative act.

3. Where there are no grounds for rejecting the application or when during the hearing of an individual case the administrative court itself has doubts about the legality of the regulatory administrative act subject to be applied in a specific case, the relevant administrative court shall by virtue of an order suspend the investigation of a particular case and, provided that review of legality of such an act has been assigned within its jurisdiction, shall decide to commence appropriate investigation. In other cases Article 114 of this Law shall be applicable. The court ruling to start the review shall be in compliance with the requirements established in Article 108 of this Law and shall clearly indicate for which regulatory administrative act (or part thereof) the court expressed its doubts as regards its legitimacy and shall also list the legal grounds to reason such doubts. The judge of the administrative court who participated in the adoption of the ruling to initiate the review of the legality of regulatory administrative act cannot participate in examination of the case regarding the legitimacy of regulatory administrative act on the merits.

4. After the decision of the administrative court determining the issue of legality of the regulatory administrative act becomes effective, the appropriate administrative court shall by virtue of an order resume the suspended investigation of a particular case and adopt a decision on the merits.

Article 114. Petition to the Administrative Court by the Court of General Jurisdiction or Court of Special Jurisdiction

1. The court of general jurisdiction or court of special jurisdiction shall have the right to suspend the investigation of a case and apply to the administrative court by an order requesting to review conformity of a specific regulatory administrative act (or a part thereof) applicable in the case being heard with the law or Government regulation.

2. Having received an effective decision of the administrative court in respect of the regulation, the court of general jurisdiction or the court of special jurisdiction shall renew the suspended investigation of a particular case.

Article 115. Contents of the Order Made by the Court of General Jurisdiction or Court of Special Jurisdiction

1. In the cases specified in Article 114 of this Law the following must be indicated in the order made by the court of general jurisdiction or court of special jurisdiction:

1) time and venue of making of the order;

2) the name and address of the court which made the order;

3) the composition of the court which made the order, the participants in the proceedings;

4) the merits of the case and the legal acts on which the parties to the proceedings base their claims or rebuttals;

5) information about the contested act: who passed it, date of passing, full title of the act;

6) legal arguments on which the claimant court bases its doubt about the legality of the contested regulatory administrative act (a part thereof);

7) application by the claimant court and to which administrative court it is addressed.

2. The following shall be attached to the court order:

1) the case, proceedings on which have been suspended in the court of general jurisdiction or court of special jurisdiction;

2) full transcript (copy) of the text of the contested act;

3) a copy of the law or Government regulation which the contested act conflicts with;

4) a copy of the court order for inclusion in the documentation of the administrative court.

Article 116. Hearing of a Case on the Legality of a Regulatory Administrative Act

1. Cases concerning the legality of regulatory administrative acts shall be heard in accordance with the general rules of procedure established in this Law.

2. In the cases provided for in Article 141 of this Law, also when the administrative court at its own discretion initiates proceedings on the legality of a regulatory administrative act in connection with the hearing of an individual case, the proceedings for review of legality of the regulatory administrative act shall be conducted under the procedure of written proceedings.

Article 117. Court Decision on the Petition/Application for Review of Legality of a Regulatory Administrative act

1. Having heard the case on the petition/application for review of legality of a regulatory administrative act, the administrative court shall adopt one of the following decision s:

1) to recognise the legality of the contested regulatory administrative act (or a part thereof) and to reject the petition for the annulment thereof ;

2) to recognise the contested regulatory administrative act (or a part thereof) as conflicting with the law or Government regulation and to deem it annulled.

2. Having heard the case on the legality of a regulatory administrative act, the administrative court shall return to the appropriate court the case on which proceedings have been suspended and which has been referred to the administrative court and shall dispatch the copy (transcript) of the decision adopted.

Article 118. Legal Consequences of Recognition of a Regulatory Administrative Act (Part Thereof) as Illegal

1. A regulatory administrative act (or a part thereof), as a rule, may not be applicable from the day of official announcement of the effective decision of the

administrative court on the recognition of the relevant regulatory administrative act (a part thereof) as illegal.

2. Having regard to the specific circumstances of the case and having assessed the possibility of negative legal consequences, the administrative court may establish in its decision that the annulled regulatory administrative act (or a part thereof) may not be applicable from the day of its adoption.

3. As necessary, the administrative court may suspend the validity of the regulatory administrative act (or part thereof) recognised illegal until the coming into effect of the court decision.

Article 119. Publishing of the Court Decision

1. The decision of the administrative court declaring a regulatory administrative act (or a part thereof) illegal and annulling the regulation shall be in all cases published in the Register of Legal Acts. The court decision may also indicate another publication in which the court decision must be published.

2. The costs of publishing of the administrative court decision in a publication, indicated by the court, shall be covered by the entity of public administration whose regulatory administrative act (a part thereof) was recognised illegal. necessary, the costs of publishing the decision of administrative court shall be recovered on the basis of the court order, made after the publishing of the decision .

3. The entity of public administration whose regulatory administrative act (a part thereof) was recognised illegal shall present to the appropriate administrative court the issue (copy) of the publication in which the decision of the administrative court in respect of the regulation has been published.

SECTION TWO
APPLICATIONS FOR SUBMISSION OF CONCLUSION

Article 120. Lodging of the Application to Submit a Conclusion

1. The application to submit a conclusion whether the member of the municipal council, the member of the municipal council - the mayor against whom the procedure of the loss of powers has been initiated breached an oath and/or failed to exercise the powers

assigned by the laws (as specified in the application) shall be lodged by a municipal council in accordance with the procedure established in the Law on Local Self-Government of the Republic of Lithuania (hereinafter the Law on Local Self-Government).

2. The Supreme Administrative Court of Lithuania shall not accept the application to submit a conclusion for review in the following cases:

1) the application was lodged by an entity having no right to lodge such petition;

2) the application is not based on legal arguments;

3) the application was lodged without observing the procedure established in the Law on Local Self-Government;

4) the issue raised in the application has already been examined by the Supreme Administrative Court of Lithuania.

3. The entity submitting the conclusion shall have a right to withdraw it before the start of the hearing in the court proceedings.

Article 121. Hearing of the Application to Submit a Conclusion in the Supreme Administrative Court of Lithuania and Submission of Conclusion

1. The Supreme Administrative Court of Lithuania shall submit a conclusion whether the member of the municipal council, the member of the municipal council - the mayor breached an oath and/or failed to exercise the powers assigned by the laws (hereinafter the conclusion on the breached oath and performance of powers of the member of the municipal council, the member of the municipal council - the mayor) within two months after the receipt of the application to submit a conclusion.

2. The application to submit a conclusion shall be examined according to the general rules of the proceeding established in this Law, save for the exceptions established in this Paragraph.

3. Upon the receipt of application to submit a conclusion, the court shall send to the member of the municipal council, the member of the municipal council - the mayor the copies (digital copies) of application to submit a conclusion and enclosed documents. The member of the municipal council, the member of the municipal council - the mayor shall have a right to submit a response to the application within seven calendar days from the receipt of documents indicated herein.

4. Application to submit a conclusion shall be examined by the Supreme Administrative Court of Lithuania having notified of the court hearing the municipal council submitting the petition and the member of the municipal council, member of the municipal council - the mayor on the loss of power whereof this procedure has been initiated. Failure to appear of the participants in the proceedings who were duly notified of the court hearing shall not be an obstacle for examination of the case and making the conclusions regarding the breached oath and performance of powers of the member of the municipal council, the member of the municipal council - the mayor.

Article 122. Conclusion of the Supreme Administrative Court of Lithuania

1. Having heard the petition indicated in Paragraph 1 of Article 120 of this Law, the Supreme Administrative Court of Lithuania shall adopt a conclusion regarding the breached oath and performance of powers by the member of the municipal council, the member of the municipal council - the mayor.

2. The conclusion regarding the breached oath and performance of powers of the member of the municipal council, the member of the municipal council - the mayor shall indicate the following:

1) time and venue of the adoption of conclusion;

2) the name of the court which adopted the decision;

3) composition of the court, the secretary of the court hearing (if he/she participated in the examination of the case), participants in the proceedings;

4) the subject matter of the dispute;

5) the explanations of the participants in the proceedings;

6) evidence reasoning the conclusion of the court;

7) arguments used by the court to reject certain evidence;

8) the laws observed by the court;

9) the decision of the court on the requested matter.

3. The conclusion of the Supreme Administrative Court of Lithuania regarding the breached oath and performance of powers of the member of municipal council, the member of the municipal council - the mayor shall be final and not subject to appeal.

4. Conclusion regarding the breached oath and performance of powers of the member of the municipal council, the member of the municipal council - the mayor shall be published on the website of the Supreme Administrative Court of Lithuania.

SECTION ONE[1]

PETITION FOR APPLICATION TO THE COMPETENT JUDICIAL AUTHORITY OF THE EUROPEAN UNION REGARDING THE DECISION OF THE EUROPEAN COMMISSION

Article 122[1]. Filing of Petition on the Decision of the European Union

1. The State Data Protection Inspectorate shall submit a petition to apply to a competent legal authority of the European Union regarding the decision of the European Commission (hereinafter the Petition on the Decision of the European Commission) to the Supreme Administrative Court of Lithuania in cases specified in the Law on the Legal Protection of Personal Data.

2. The Petition on the Decision of the European Commission shall indicate the following:

1) information indicated in Subparagraphs 1, 2, 3, 8, 10, 11 of Paragraph 2 of Article 24 of this Law;

2) subject matter of the complaint in the hearing whereof the State Data Protection Inspectorate decided to apply to the Supreme Administrative Court of Lithuania;

3) data on the decision of the European Commission: date of the adoption of decision, the full title, source of official publication;

4) legal arguments used by the State Data Protection Inspectorate to reason its doubt regarding the legitimacy of the decision of the European Commission.

3. The complaint during the hearing whereof the State Data Protection Inspectorate decided to apply to the Supreme Administrative Court of Lithuania shall be enclosed to the petition stipulated in this Article.

Article 122[2]. Examination of the Petition on the Decision of the European Commission

1. Petition on the Decision of the European Commission shall be examined according to the general rules of the proceeding established in this Law, save for the exceptions established in this Paragraph.

2. Petition on the Decision of the European Commission is usually examined in accordance with the written procedure.

Article 122[3]. Decision of the Supreme Administrative Court of Lithuania

1. Having examined the Petition on the Decision of the European Commission, the Supreme Administrative Court of Lithuania shall adopt one of the following decisions:

1) to apply to a competent judicial authority of the European Union with a petition to adopt a prejudicial decision according to Article 267 of the Treaty on the Functioning of the European Union (OJ 2016 C 202, p. 47);

2) to reject the petition of the State Data Protection Inspectorate on the Decision of the European Commission.

2. Decision of the Supreme Administrative Court of Lithuania adopted after examining the Petition on the Decision of the European Commission shall be final and not subject to appeal.

SECTION THREE
COMPLAINTS ABOUT THE INFRINGEMENT OF THE ELECTORAL AND REFERENDUM LAWS

Article 123. Lodging a Complaint Requesting Restoration of the Right to Vote or Restoration of the Right to Take Part in a Referendum

1. The persons referred to in the Law on Presidential Elections of the Republic of Lithuania (hereinafter the Law on Presidential Elections), the Law on Elections to the Seimas of the Republic of Lithuania (hereinafter – the Law on Elections to the Seimas), the Law on Referendum, the Law on Elections to Municipal Councils of the Republic of Lithuania (hereinafter – the Law on Elections to Municipal Councils) disagreeing with the decisions adopted by the regional election commission or regional referendum commission according to the complaints regarding the mistakes made in the list of electors or citizens having a right to participate in the referendum as a result of which the elector could not

realise his/her right to elect (erroneous inclusion in the list or removal from the list, as well as imprecise data on the elector in the list), can appeal against the decision of the regional election commission or regional referendum commission to the regional administrative court within the time-limits established in the laws on elections and the Law on Referendum. The complaint shall be lodged in writing, by facsimile letter or in an electronic form by means of electronic communication.

2. If the court is appealed to without prior filing of a complaint with the district committee, the judge shall refer the complaint to the appropriate committee and notify the claimant thereof.

Article 124. Filing of Complaints Against the Decisions of the Central Electoral Committee

1. Persons specified in the Law on Presidential Elections, Law on the Elections to the Seimas, Law on the Referendum, and in the Law on the Elections to the Local Government Councils may lodge a complaint about the decisions of the Central Electoral Committee on the grounds and within time limits specified in this Law.

2. The complaints shall be filed with the Supreme Administrative Court of Lithuania in writing, by facsimile letter or in an electronic form by means of electronic communication.

Article 125. Time Limits and Procedure for Investigating Complaints Relating to the Infringement of Electoral or Referendum Laws

1. The administrative court shall investigate complaints relating to infringement of electoral laws or the Law on the Referendum within the time limits set by the electoral laws or the Law on the Referendum.

2. The administrative court shall investigate the complaints upon notifying the claimant and the appropriate electoral committee thereof. Failure by the said persons to appear in the court after a proper service of notice shall not preclude the conduct of proceedings and the adoption of the decision.

Article 126. Court Decision on the Infringements of Electoral Laws or the Law on the Referendum

1. The decision of the administrative court on the complaint relating to the infringement of electoral laws or the Law on the Referendum shall become effective immediately after its pronouncement.

2.nAfter the adoption of decision, the approved copies (transcripts, digital copies) thereof shall be sent immediately by mail or means of electronic communication to the respective election commission and the claimant.

SECTION THREE[1]
GROUP COMPLAINT

Article 126[1]. General Provisions

1. The group complaint may be filed by a group of natural and/or legal persons in accordance with the procedure established by this Law.

2. The court shall examine the case of the group complaint in accordance with the rules set in this Section. The general rules for examination of cases established by this Law shall not apply to the case of group complaint inasmuch as the rules for examination of the group appeal are not set in this Section.

3. When preparing the group appeal, the participation of the lawyer is a prerequisite. Representation of the group by the lawyer is necessary to the court when examining the case of group complaint.

4. When estimating the time-limits for the submission of group complaint and limitation periods, it shall be deemed that the claims of the members of the group despite the time of their connection to the group were submitted after filing the group complaint.

Article 126[2]. Prerequisites and Conditions of Filing of Group Complaint with the Court

The group complaint may be filed in the following cases:

1) the complaint is based on the identical or similar factual circumstances and is aimed at defending identical or similar rights or interests protected by the laws of a group of natural or legal person;

2) a common claim of the members of the group is raised;

3) the complaint of the group is a more focused, effective and suitable method to resolve a specific dispute than individual complaints;

4) at least one member of the group used a procedure for preliminary extrajudicial investigation of disputes when this procedure is mandatory according to the laws;

5) the group has a group representative;

6) the claim is filed by at least twenty natural or legal persons expressing their will in writing to be the members of the group and submitting a group complaint to the court;

7) the group has a group lawyer.

Article 126[3]. Special Requirements Applied to the Form and Content of the Group Complaint

1. The form and content of the group complaint are subject to the requirements established in Article 24 of this Law, except for Subparagraph 9 of Paragraph 2 of Article 24. Furthermore, such group complaint shall:

1) contain a petition to examine the complaint according to the rules of group complaint proceedings;

2) reason why examination of the claims according to the rules of group complaint proceedings are the most focused, effective and suitable;

3) describe the group submitting a complaint;

4) indicate the circumstances, which are identical or similar to all the members of the group;

5) contain a common claim of the group members;

6) contain claims of individual nature of the members of the group (if any) and circumstances that may be important in evaluation of such claims;

7) indicate the group representative.

2. The group complaint shall be signed by the representative and lawyer of the group.

Article 126[4]. Special Requirements Applied to the Annexes to the Group Complaint

In addition to the annexes to the complaint established in Article 25 of the Law, the following annexes shall be enclosed to the group complaint:

1) the list of group members indicating the first and last name (name), personal ID number (registration number), place of residence (seat) of each members of the group, if any, email addresses, telephone and fax numbers and addresses of other means of electronic communication;

2) statements of the group members specified in Article 1262(6);

3) contract for provision of legal services (extract thereof) concluded by the members of the group represented by the representative of the group and group lawyer;

4) statement which the representative of the group intends to publish seeking to supplement the group within the time-limit set by the court. This statement shall indicated the first and last name (name), address, email address, telephone and fax numbers or addresses of other means of electronic communication of the representative of the group, basis of complaint and the requirements specified therein, information that natural or legal persons wishing to become the members of the group can apply to the representative of the group within the time-limit set by the court, as well as procedure under which the representative of the group provided information and the main information on the particularities of the group complaint examination proceedings;

5) evidence reasoning the joint claim of the members of the group and circumstances that may be important in evaluation of this claim;

6) evidence (if any) reasoning the claims (if any) of individual nature of the group members and circumstances that may be important in evaluation of such claims;

7) documents certifying the circumstances specified in Article 1268(1) (when the group is represented by association or trade union).

Article 126[5]. Acceptance of the Group Complaint

1. The issue of acceptance of the group complaint shall be settled by the court no later than within fourteen business days from the day of receipt of complaint in the court by passing a ruling on the acceptance of group complaint.

2. By the virtue of ruling on the acceptance of group complaint, the court shall also decide whether the complaint can be heard according to the rules for proceedings of group complaint, evaluate whether all persons filing the complaint can be considered as the

members of the group, whether the individual complaints are related to the subject matter and basis of the group complaint. When deciding whether the group complaint is a more focused, effective and suitable method to solve a specific dispute than individual complaints, according to the information submitted by the group representative and other data available to the court, the court shall evaluate the described group, the nature of breached rights and interests defended by the complaint, relation of joint claim of the group and individual claims of the members of the group (if any), amount of individual claims of members of the group (if any) and other circumstances.

3. If the group complaint does not meet the requirements stipulated in Paragraphs 5, 6 and 7 of Article 126^2, Articles 126^3, 126^4 and 126^6, the shortcomings of the complaint shall be eliminated in accordance with the procedure established in Paragraph 1 of Article 33 of this Law. The court may set a time-limit for the elimination of shortcomings of the group complaint also in cases when not all persons submitting the complaint can be the members of the group, not all claims indicated in the claim can be examined according to the rules for proceedings of the group complaint and not all individual claims of the group members are related to the subject matter and basis of the group complaint.

4. Before adopting a ruling regarding the acceptance of the group complaint, the court shall send to the respondent the transcript (digital copy) of the group complaint and shall indicate a time-limit during which the respondent can submit his opinion regarding the group complaint and the list of group members. Furthermore, the court shall inform the respondent on the claimants known to it by adding a transcript (digital copy) of the list of group members to the transcript (digital copy) of the group complaint and shall note that the group is not confirmed at the moment and not all claimants are known. The provisions of this Paragraph shall not apply, when the court refuses to accept the group complaint on the grounds indicated in Paragraph 2 of Article 33 of this Law or because the conditions indicated in Paragraph 4 of Article 126^2 of this Law are not indicated.

5. The ruling on the adoption of group complaint may be subject to appeal by filing a separate appeal. If a separate appeal is filed, the case shall be suspended until the examination of the appeal.

6. On the basis of the reasoned ruling, the court shall refuse to accept the group complaint in case of lack of prerequisites and conditions for filing a group complaint as specified in Paragraphs 1, 2, 3 and 4 of Article 126^2 of this Law.

Article 126[6]. Stamp Duty in Group Complaint Proceedings

1. A stamp duty in the amount of one hundred and forty euro shall be paid for the group complaint. This stamp duty shall be paid by the members of the group in equal parts.

2. The stamp duty for the group complaint shall be paid by the representative of the group when realising the rights and duties of the group representative.

3. The rules set in this Section shall also apply to the stamp duty, which shall be paid by the representative by submitting a group complaint and petition on the renewal of proceedings in the group complaint case.

Article 126[7]. Allocation of Costs of Hearing of Proceedings Among the Members of the Group

1. The litigation costs, in addition to those indicated in Paragraph 1 of Article 39 of this Law, also include the mandatory and reasonable costs of the group representative and members of the group.

2. Where according to Article 40 of this Law the court awards compensation of litigation costs of other party to the group, it shall be deemed that such costs are awarded to the members of the group in equal parts, except for the cases specified in Paragraphs 3, 4 and 5 of this Article.

3. In case of adoption of interim decision, the rules set in Paragraphs 1 and 2 of this Article shall apply only to the costs of adoption of interim decision. The costs of examination of claims of individual nature shall be borne individually by each member of the group filing an individual claim after the adoption of the interim decision.

4. The member of the group, who withdraws from the group, shall only be liable for the costs related to the procedural actions performed before his withdrawal.

5. The member of the group who refused his rights and duties as the party in the proceedings during the appeal proceedings or renewal of proceedings shall not be liable for the litigation costs resulting from the appeal proceedings or renewal of proceedings. In other cases, the issue of the litigation costs arising during the appeal proceedings or renewal of proceedings shall be resolved pursuant to the rules established in this Article.

Article 126[8]. Procedural Situation of the Representative and Members of the Group, Procedural Rights and Obligations of the Representative, Members of the Group and the Group

1. The representative of the group is a member of the group submitting the claim in the proceedings and concerned with the closure of the case (except for cases when the group is represented by the association or trade union indicated in this Paragraph), who signs the complaint on behalf of the members of the group together with group lawyer, conducts the proceedings of group complaint by representing the interests of all members of the group. The representative of the group can be the association or trade union, when the claims raised on the basis of the group complaint are derived from legal relations directly related to the purposes and field of activities of association or trade union and where at least ten members of the group are associations or members of the trade union. In this case, the members of the group can include not only the members of association or trade union; however, when examining the case, the association or trade union together with the group lawyer shall represent the interests of all members of the group.

2. The representative of the group shall be considered as the claimant. The procedural situation, rights and obligations of the representative of the group are subject to provisions of Subparagraphs 1-6 of Paragraph 5 of Article 441[4] and Paragraphs 6-9 of Article 441[4] of the Code of Civil Procedure applied *mutatis mutandis*.

3. All members of the group shall be considered as claimants. The procedural situation, rights and obligations of the members of the group shall be subject to the provisions of Paragraphs 1, 3, 4 and 5 of Article 441[5] of the Code of Civil Procedure applied mutatis mutandis.

4. The procedural rights and obligations of the group shall be subject to the provisions of Article 441[6] of the Code of Civil Procedure applied mutatis mutandis.

Article 126[9]. Supplement and Approval of the Group

1. In the ruling on the acceptance of group complaint, the court shall set the time-limit for supplement of the group, approve the report on the supplement of the group indicated in Paragraph 4 of Article 126[4] of this Law and shall publish it on the special website. The representative of the group may publish the notice on the supplement of the group

approved by the court and indicated in Paragraph 4 of Article 126^4 of this Law via means of public information and other methods.

2. When supplementing and approving the group, the requirements established in Paragraphs 1, 4-8 of Article 441^8 of the Code of Civil Procedure shall be applied *mutatis mutandis*.

3. The person's right to join the group complaint or withdraw from the group within the time-limit of supplement of the group established by the court shall be unlimited. The person shall join the group by presenting the representative of the group with a statement indicated in Paragraph 6 of Article 126^2 of this Law and shall withdraw from the group by presenting the court and representative of the group with a written refusal to become the member of the group and the claimant in the group complaint proceedings. It shall be considered that the member of the group has joined the group when he presents the representative of the group with a statement indicated in Paragraph 6 of Article 126^2 of this Law.

4. After the court adopts a ruling to approve the final list of members of the group, the persons, who could not exercise the right to become the members of the group on duly substantiated grounds, shall have a right to present the court with a reasoned application to join the group. The court can meet this application only in case of receipt of consents of the representative of the group and the respondent. The consent of the respondent is not necessary in cases of becoming a member of the group in case specified in Article 126^{10} of this Law.

Article 126^{10}. Relation Between Group Complaint and Individual Complaints

In case of filing of an individual complaint based on identical or similar factual circumstances before the approval of the final list of members of the group with identical or similar claims to the same respondent, the claimant shall, on his own initiative or at the proposal of the court, exercise the right stipulated in Article 50 of this Law to take back the complaint and become the member of the group according to the rules established in Article 126^9 of this Law. In such case, if the court examining the group complaint approved the persons as the member of the group, the individual claim of the claimant shall remain unexamined on the initiative of the court.

Article 126[11]. Serving of Court Summons and Notices

Serving court summons and notices to the representative of the group and lawyer of the group in accordance with the procedure established in Article 72 of this Law shall be deemed appropriate for serving court summons and notices to all members of the group.

Article 126[12]. Role of the Court in Hearing of the Group Complaint Proceedings

In the course of hearing of group complaint proceedings, the court shall observe mutatis mutandis the provisions of Article 441[11] of the Code of Civil Procedure.

Article 126[13]. Court Decisions in the Group Complaint Proceedings

1. Joint decision is a decision adopted by the court having heard the claims lodged by the group complaint in accordance with the written procedure that is common to all members of the group.

2. Interim decision is a decision adopted by the court having heard the joint claims of the group lodged by the group complaint in accordance with the oral procedure regarding the factual circumstances unifying all members of the group which is common to all members of the group and adopted only in cases where individual claims of the members of the group are lodged in the group complaint.

3. Individual decision is a decision adopted by the court in accordance with the written procedure (or at the decision of the court – in oral procedure) and pursuant to the interim decision that became final, having examined the individual claim of each member of the group. The court shall publish individual decisions in the same group complaint proceedings on the same day, if possible.

4. Having examined the group complaint proceedings, the court can defer the adoption and publication of court decisions stipulated in this Article for a period of maximum one month.

Article 126[14]. Rules for Appeal Proceedings in the Group Complaint Proceedings

1. The provisions of Paragraphs 1-7 of Article 444[13] of the Code of Civil Procedure and the rules for appeal proceedings laid down in this Law shall be applied to the appeal proceedings in the group complaint proceedings.

2. Individual appeals against the rulings passed by the court of first instance in the group complaint proceedings may be filed by the representative of the group. A separate complaint shall be drafted by the group lawyer, signed by the group lawyer and group representative. Separate appeals shall be filed and heard according to the rules set in Section 4 of Part II of this Law.

Article 126[15]. Particularities of Renewal of Proceedings in Group Complaint Proceedings

1. When updating the proceedings in the group complaint proceedings, the provisions of Paragraphs 1, 2, 4, 6, 7 of Article 441[13] of the Code of Civil Procedure shall be applied mutatis mutandis, as well as the rules for examination of petitions on renewal of proceedings.

2. Where necessary, a ruling on the applications to replace the group representative before the end of time-limit for submission of petitions on renewal of proceedings shall be passed by the court of first instance adopting the decision on the group complaint or interim decision.

SECTION FOUR
MODEL JUDICIAL PROCEEDINGS

Article 127. Individual Homogeneous Proceedings

1. In case of any information that more than twenty individual administrative proceedings that are homogeneous in terms of law and facts are heard in one or several regional administrative courts (hereinafter the individual homogeneous proceedings), such proceedings may be heard in accordance with model court proceedings established in this Section. In any cases not discussed in the Section, other provisions of this Law shall apply.

2. One or more administrative cases indicated in Paragraph 1 of this Article may be examined in accordance with the procedure established in Article 129 of this Law and called model case(s).

Article 128. Initiation of Model Court Proceedings, Connection of Individual Homogeneous or Model Proceedings

1. Model court proceedings may be initiated by the president of the regional administrative court at the request of the judge (chamber of judges) by virtue of a ruling. Pursuant to the provisions of this Article, the model court proceedings may be initiated also at the request of the judge (chamber of judges) of the Supreme Administrative Court of Lithuania, after the president of the court passes a ruling. The ruling to initiate or refuse to initiate model proceedings shall not be subject to appeal.

2. The president of the regional administrative court can join several individual homogeneous or model proceedings to single model proceedings. Where several individual homogeneous or model proceedings are heard in different regional administrative courts, they can be joined by the president of the Supreme Administrative Court of Lithuania. Having joined several individual homogeneous or model proceedings to single model proceeding, the president of the court shall form a chamber of judges for the examination of this case.

3. The participants in the model proceedings, the Supreme Administrative Court of Lithuania and all regional administrative courts shall be notified of the ruling to initiate the model proceedings. Notices on the aforementioned ruling shall be published on the website of the Supreme Administrative Court of Lithuania.

4. After initiation of the model proceedings, the hearing of individual homogeneous proceedings indicated in Paragraph 1 of Article 127 of this Law shall be suspended. The court ruling to suspend the examination of individual homogeneous proceedings may be appealed by filing a separate appeal on the sole ground that this examined case does not meet the criteria established in Paragraph 1 of this Article.

Article 129. Particularities of Hearing of Model Proceedings

1. Model proceedings shall be heard by a chamber of judges consisting of three judges of the regional administrative court. Model proceedings shall be examined in the Supreme Administrative Court of Lithuania by a chamber of judges or plenary session of the court.

2. The administrative courts shall take measures to examine the model proceedings as soon as possible.

3. The court shall reject the application of the party to the individual homogeneous proceedings to involve it as a third person concerned in the model proceedings,

in case of failure to determine that his participation is crucial for due examination of the model proceedings. This ruling shall not be subject to a separate appeal.

Article 130. Renewal of the Hearing of Individual Homogeneous Proceedings

1. After the court decision becomes effective in the model proceedings, the hearing of individual homogeneous proceedings shall be renewed, except for the case established in Paragraph 2 of this Article. All regional administrative courts shall be notified of the entry into force of court decision in model proceedings examined in the appeal procedure in the Supreme Administrative Court of Lithuania and information shall be published on the website of the Supreme Administrative Court of Lithuania.

2. The regional administrative courts shall notify the parties to the individual homogeneous proceedings that the court decision in the model proceedings heard in appeal procedure in the Supreme Administrative Court of Lithuania wherein the claims of the claimant were rejected has become effective by explaining the right to submit an application to renew the hearing of individual homogeneous proceedings and legal consequences of failure to submit such application. If within one month from the notice of the court decision whereby the claims of the claimant are rejected in the model proceedings the party to the individual homogeneous proceedings does not file a petition for renewal of examination of individual homogeneous proceedings, the complaint (petition, statement) in the individual homogeneous proceedings shall be left unexamined. After submission of the aforementioned application within the established period of time, the hearing of the individual homogeneous proceedings shall be renewed.

Article 131. Examination of Individual Homogeneous Proceedings

1. After the court decision in the model proceedings becomes effective, the renewed individual homogeneous proceedings may be heard in the courts of both first and appeal instance according to the simplified procedure – by the single judge, in the written procedure. The decision (ruling) adopted/passed in such proceedings shall contain introductory and resolution parts, as well as short listing of arguments. If the chamber of judges was formed for hearing of individual homogeneous case, after renewal of the hearing of the case, at the proposal of the chamber of judges, the president of the court wherein the chamber of judges was formed shall appoint one judge for the hearing of individual

homogeneous proceedings. The court shall adopt a ruling on the hearing of the case by a simplified procedure and send it to the participants in the proceedings within three business days. This ruling shall not be subject to a separate appeal.

2. On the basis of the simplified procedure established in Paragraph 1 of this Article, the administrative court can examine only the cases indicated in Paragraph 1 of Article 127 of this Law, which were initiated after the entry into force of the court decision in the model proceedings.

3. Individual homogeneous proceedings shall be examined in accordance with the oral procedure in the court of first instance, if any party to the proceedings requests so within seven business days from the delivery of ruling for hearing of the case by a simplified procedure. In all cases, the court may decide to examine the homogeneous proceeding in a general manner.

4. The rules set in Paragraphs 1, 2 and 3 of this Article shall apply only if the legitimacy and reasonableness of the decision of the court of first instance were verified in the appeal procedure in the Supreme Administrative Court of Lithuania or the Supreme Administrative Court of Lithuania adopted a decision in the model proceedings according to Paragraph 1 of Article 128 of this Law. If the legitimacy and reasonableness of the decision of the court of first instance in the model proceedings were not verified in the appeal procedure in the Supreme Administrative Court of Lithuania, the renewed individual homogeneous proceedings shall be examined in the course of general procedure.

PART THREE
PROCEEDINGS IN THE COURT OF APPELLATE JURISDICTION

CHAPTER I
APPEALING AGAINST THE COURT DECISIONS WHICH ARE NOT YET EFFECTIVE

Article 132. Appealing against the Decisions of Regional Administrative Courts

1. The decisions of Regional administrative courts, adopted when hearing the cases in the first instance, may be appealed against to the Supreme Administrative Court of Lithuania within thirty days from the pronouncement of the decision.

2. In case of failure to observe the time limit set for filing an appeal, the appellant may be granted at his request restoration of the *status quo ante* for filing the appeal

by the court of first instance through which the appeal is submitted, provided it is recognised that the failure to observe the time limit has been caused by a valid reason. A separate appeal may be submitted regarding the ruling of the court of first instance, whereby it is refused to update the time-limit for the submission of appeal. If the Supreme Administrative Court of Lithuania meets such individual appeal and renews the missed time limit for submission of appeal, the court shall resolve the issue of acceptance of appeal on the basis of the same ruling.

3. In case the Supreme Administrative Court of Lithuania determines that the court of first instance accepted the appeal without observing the time limit for the submission of appeal, it may:

1) restore the time limit for the submission of appeal on its own initiative, if it is clearly seen from the available material that this time limit was missed due to important reasons;

2) offer the claimant to set a time limit to submit application regarding the renewal of time-limit for submission of appeal within a time-limit set by the court.

4. Application to restore the time limit missed for filing the appeal cannot be submitted, if over three months have passed from the day of publication of the court decision.

Article 133. Procedure for Filing Appeals

The appeals shall be submitted via the court the decision whereof is appealed in writing or in an electronic form by means of electronic communication according to the procedure established by the Minister of Justice.

Article 134. The Appeal

1. All parties to the proceedings shall be entitled to file an appeal.

2. The following shall be indicated in the appeal:

1) the name of the court to which the appeal is addressed;

2) the appellant's name, surname (names), personal ID numbers (registration number), address of the appellant and, if known, email addresses, telephone and fax numbers and addresses of other means of electronic communication;

3) the names and addresses of other participants in the proceedings, save for the parties and representatives of the third interested persons, and, if known, email addresses, telephone and fax numbers and addresses of other means of electronic communication;

4) the appealed decision and the court which adopted the decision;

5) the contested issues;

6) the laws and circumstances of the case whereon the illegality or invalidity of the decision or a part thereof is based (legal grounds for appeal);

7) the appellant's petition (subject matter of the appeal);

8) evidence confirming the circumstances presented in the appeal;

9) requests regarding the receipt of court decision, other procedural documents by means of electronic communication;

10) request of the appellant to hear the case in accordance with the oral proceedings, if he requests so;

11) the list of documents attached to the appeal.

3. The appeal must be accompanied by the evidence indicated in the appeal (if the appellant is in possession of any), also information regarding the payment of the stamp duty for the appeal. The number of copies of the appeal with the annexes must be sufficient for delivering a copy to each party to the proceedings and leaving one copy for the court.

4. The appeal shall be signed by the appellant or the representative thereof. If the appeal is submitted to the court by the means of electronic communication in accordance with the procedure established in Paragraph 5 of this Article, the appeal shall be deemed to have been signed. Where the appeal is filed by a representative, a document certifying the powers of the representative shall be enclosed thereto.

5. When the appeal is filed with by means of electronic communication, the person’s identity is verified by the methods established in the Law on Courts.

6. Claims which were not filed when the case was heard at the court of the first instance shall not be allowable in the appeal. Claims which are inextricably connected to the filed claims shall not be deemed to be new claims.

Article 135. Joining in the Appeal

1. Persons entitled to file an appeal may join in the filed appeal by submitting a written petition to the appellate court or petition by means of electronic communication according to the procedure established by the Minister of Justice. Such joining shall be allowed until the opening of the hearing of the case on the merits. The joining in the appeal shall no be subject to stamp duty. The persons joining in the appeal may not present in the petition for joining in the appeal any independent claims and grounds for reversing or amending the challenged decision.

2. Where the appeal is declared to be not receivable, the petition concerning the joining in the appeal shall be deemed not to have been submitted and shall be returned to the person who submitted it.

3. A person who has joined in the appeal shall forfeit the right to file an independent appeal.

Article 136. Withdrawal of the Appeal

1. The appellant shall have a right to withdraw from the appeal before the start of the court proceedings, if the case is heard in accordance with the written procedure, or before the closing statements, if the case is heard in accordance with the oral procedure. The statement of the claimant in writing or in electronic form by means of electronic communication, whereby the appeal is refused, shall be enclosed to the case (electronic case).

2. In the case provided for in paragraph 1 hereof the court shall terminate the appeal proceedings by virtue of an order, unless the decision has been appealed against by other parties to the proceedings. The court shall notify other participants in the appeal proceedings of the withdrawal of the appeal.

3. The person who withdraws the appeal shall have no right to file the appeal *de novo*.

CHAPTER II
HEARING OF CASES AT THE APPELLATE COURT

Article 137. Rules of Appeal Proceedings

Appeal proceedings shall be held in accordance with the rules applied with respect to the proceedings at the court of the fist instance, save for the exceptions established in this Law.

Article 138. Acceptance of an Appeal

1. The issue of acceptance of an appeal shall be determined by the president of the court or the judge within three business days from the date of filing thereof with the court of the first instance. If the case wherein the appeal was received is sent to the Supreme Administrative Court of Lithuania, the issue of acceptance of appeal shall be resolved by the president or the judge of the court of first instance no later than within three business days from the day of submission of the case to the court of first instance.

2. If the appeal does not comply with the requirements of Article 134 of this Law, the time limit for rectifying the shortcomings shall be set by an order. In case of failure to rectify the shortcomings by the time limit set by the court, the appeal shall be deemed not to have been filed and shall be returned to the claimant by virtue of the judge's order. A separate appeal may be filed against the order of the court of the first instance to return the appeal to the claimant.

3. An appeal shall be not receivable and shall be returned to the appellant if:

1) the claimant failed to observe the time limit set for filling the appeal and the missed time limit is not renewed;

2) the appeal was filed by a legally incapacitated person;

3) the appeal was filed by an unauthorised person.

4. A separate appeal may be filed against the order of the court of the first instance to declare the appeal not receivable. If the shortcomings are rectified, refusal to accept the appeal on the grounds specified in paragraph 3 subparagraphs 2 and 3 hereof shall not preclude the *de novo* filing of the appeal within the time limit set for appeal.

5. Having accepted the appeal the court of the first instance shall within three days send the case file with the received appeal and annexes thereto to the appellate court.

6. The court of appeal instance, having determined that the court had to set a time-limit to the claimant to eliminate the shortcomings of the appeal when solving the issue on the acceptance of appeal shall pass a ruling and set a time-limit to eliminate the

shortcomings of appeal. If the shortcomings are not eliminated, the appeal process shall be terminated.

7. If the shortcomings referred to in paragraph 3 of this Article come to light during the hearing of the case by appeal, the appeal proceedings shall be terminated.

Article 139. Preparation for the Hearing of the Case

1. The judge rapporteur shall himself perform actions required for the hearing of the case.

2. The court of appeal instance shall send to the parties of the proceedings transcripts of the appeal and annexes thereto ordering that detailed replies to the appeal be submitted to the court of appeal instance in writing within fourteen calendar days from the receipt of transcripts of appeal and annexes thereto. In cases referred to in Paragraph 7 of Article 74 of this Law, the digital copies of the appeal and annexes thereto shall be sent by the court by means of electronic communication.

3. In case of oral hearing of the case the participants in the proceedings shall be informed by notices of the venue and time of the hearing. Failure of the said persons to appear at the court hearing shall not preclude the hearing of the case.

Article 140. Scope of Hearing of the Case

1. When examining the case in appeal procedure, the court shall verify the reasonableness and legitimacy of the decision of the court of first instance without crossing the boundaries of the appeal.

2. The court shall cross the boundaries of the appeal when it is requested so by the public interest and when failure to cross of the boundaries of appeal would significantly violate the rights and interests protected by the laws of the state, municipality and persons. The court shall also verify if there are no grounds for invalidity of decision indicated in Article 146(2) of this Law.

Article 141. The Hearing and Disposition of the Case in Writing

1. The appeal shall be examined in accordance with the written procedure, i.e., without inviting the participants in the proceedings to the court hearing and without their presence, except for the cases, when the court recognises that oral hearing of the case is

mandatory. The parties to the proceedings can submit a reasoned application to discuss the case in the form of oral hearing in the appeal, response to the appeal or any other procedural document, however, the court is not obliged to consider such application.

2. Where appeal proceedings are held in writing, the audio recording of the court hearing shall not be made and there shall be no requirements for the form of procedure of the court hearing. The court decision or ruling shall be sent to the parties in the proceedings by mail or, in cases referred to in Paragraph 7 of Article 74 of this Law, by means of electronic communication within three business days from acceptance thereof.

3. The court of appeal instance may resolve the case by holding the proceedings in writing also in the cases where none of the participants in the proceedings appear in the oral hearing of the case, although duly notified of the time and venue of the court hearing. Having published the decision to hear the case in accordance with the written procedure, the court shall leave to the conference room to adopt the decision.

4. The participants in the administrative proceedings heard in accordance with the written procedure shall be notified of the date, time and venue of the court hearing and composition of the court on a special website no later than seven business days before the court meeting. This information shall also be published by the office of the court.

Article 142. Hearing of the Case on the Merits

1. The hearing of the case on the merits before the appellate court shall be commence with the statement about the case made by the judge rapporteur. The report shall set out the merits of the case, the arguments of the appeal and replies to the appeal as well as new evidence, if any has been submitted.

2. If an oral hearing of the case is held, after the statement about the case the court shall hear the explanations of the parties to the proceedings and other participants in the proceedings. The appellant shall be the first to speak. The court shall warn the participants in the proceedings if the contents of their statements does not correspond to the contents of the submitted procedural documents.

3. If the court recognises the necessity, the evidence reviewed at the court of the first instance may be repeatedly examined or additional examination may be carried out. The court may also examine the evidence which the court of the first instance refused to examine. New evidence which was not submitted to the court of the first instance shall be examined

only provided the court recognises as valid the reasons for which this was not done earlier or where the necessity of submission of new evidence arose at a later time.

4. Where oral hearing of the case is held, after the examination of the evidence the participants in the proceedings shall have the right to give their opinion in their closing speeches. If the examination of evidence was not required, the closing speeches shall begin after the explanations by the parties to the proceedings and other participants in the proceedings.

5. In case of oral hearing of the case, the course of court proceedings shall be recorded by making an audio recording of court hearing.

6. The court usually does not limit the duration of speeches of participants in the proceedings, however, in exclusive cases, taking into account the complexity of the case being heard and specific factual circumstance, it can determine the duration of speeches.

CHAPTER III
DECISION S OF THE APPELLATE COURT

Article 143. Adopting and Pronouncement of the Decision or Order

1. Where oral hearing of the case is held, after the closing statements by the participants in the proceedings the court shall retire to the conference room to adopt the decision or make an order.

2. Having adopted the decision or made an order, the court shall return to the courtroom and the chairman of the chamber or the judge rapporteur shall read out the introduction and substantive provisions of the decision or order, briefly present define the motives of the decision or order.

3. The complete text of the decision or order shall be presented in writing and signed by all the judges.

4. After hearing the case, the court can defer the adoption of court decision and publication no longer than for twenty business days, and after hearing the case regarding the legitimacy of regulatory administrative act - no longer than for a month. In case of important reasons, at the reasoned request of the member(s) of the chamber of judges hearing the administrative case, the president of the court may extend such time-limits by a reasoned ruling for no more than ten business days. In case of illness of all members of the chamber of

judges hearing the case or the president of the court or inability to participate due to any other objective reasons, or in case of illness of one or several members of the chamber of judges examining the case or inability to participate due to any other objective reasons, the remaining (participating) member(s) of the chamber of judges may extend this time-limit by virtue of a ruling until the disappearance of the objective reasons. The parties in the proceedings shall be notified of the time and place of the publication of court decision. During the time when the decision is being drafted, the judges of the chamber may hear other cases. If objective reasons leading to the extension of the time-limit for adoption and publication of court judgement do not disappear during a reasonable period of time, the president of the court shall appoint a court of a new composition to hear the case and shall set a date for the hearing of the case.

5. The decision or order the adopting and pronouncement whereof was deferred may be pronounced by one of the judges who heard the case, in the absence of other judges of the chamber.

6. Where the adoption and pronouncement of court decision was deferred in accordance with the procedure established in Paragraph 4 of this Article and none of the participants in the proceedings appeared to hear the pronouncement of court decision, the submission of the court decision signed by the judge (members of the chamber of judges) hearing the case to the office of the court and, where the court is formed of the chambers of courts, to the office of the chamber of court on the day of pronouncement of the court decision indicated in the court decision is made comparable to the pronouncement of decision.

Article 144. Rights of the Appellate Court

1. Having heard the case, the appellate court shall have the right to:

1) uphold the decision of the court of the first instance and reject the appeal;

2) reverse the decision of the court of the first instance and adopt a new decision;

3) amend the decision of the court of the first instance;

4) reverse the decision of the court of the first instance fully or in part and refer the case to the court of the first instance for holding a *de novo* hearing;

5) reverse the decision of the court of the first instance and dismiss the case or leave the complaint/application/petition unconsidered if the circumstances specified in Articles 103 and 105 of this Law have been established.

2. A court decision shall be adopted in the case provided for in Subparagraph 2 of Paragraph 1 of this Article, while in the cases provided for in Subparagraphs 1, 3, 4 and 5 the court shall make a motivated order.

3. The court of appeal instance cannot adopt a more disadvantageous decision of ruling than it is appealed regarding the claimant, if this decision is appealed by a single party only. Adoption of a more disadvantageous decision is not considered as the revocation of appealed decision and referral of the case to be heard by the court of first instance.

Article 145. The Right of the Appellate Court to Reverse the Challenged Court Decision and Refer the Case to the Court of the First Instance for *de novo* Hearing or for Adopting a New Decision

1 Having reversed the challenged court decision, the appellate court shall have the right to refer the case to the court of the first instance for *de novo* hearing if:

1) the decision is reversed for reasons specified in Article 146 of this Law;

2) a large amount of new evidence has to be collected in order to disclose the circumstances of the case;

3) not all claims have been investigated by the court of the first instance.

2. In the cases specified in paragraph 1 of this Article the appellate court shall adopt a new decision if *de novo* hearing of the case at the court of the first instance may delay the adopting of the final decision.

Article 146. Reversal or Amendment of the Decision in the Event of Violation of or an Error in Applying the Procedural Legal Norms

1. Violation of the procedural legal norms or an error in applying the norms shall constitute the grounds for reversing the decision only when the violation could have been the cause of erroneous disposition of the case.

2. The following cases shall be recognised as furnishing grounds for declaring the decision void:

1) where the case has been heard by a court of unlawful composition or in violation of the rules according to which cases are subject to functional jurisdiction or subject matter jurisdiction of the courts;

2) the court of the first instance has made a determination as regards the rights and duties of the persons not included among the participants in the proceedings;

3) the decision of the court of the first instance has not been signed by the judge or if the decision has been signed not by the judge who is named in the decision ;

4) the decision of the court of the first instance has been adopted not by the judge who heard the case;

5) the decision is unmotivated;

6) the audio recording of the court hearing have not been attached to the case file, except in cases where the proceedings have been in writing;

7) the court of the first instance has heard the case in the absence of at least one of the participants in the proceedings who has not been duly notified of the time and venue of the court hearing and the said person has used the circumstance as the grounds for his appeal;

8) the rules of language in the proceedings have been grossly violated during the hearing of the case by the court of the first instance and the person whose rights have been infringed has referred to the above-cited circumstance as ground for his appeal.

Article 147. Reversal or Modification of the Decision after the Violation of Substantive Law

Violation of norms of substantive law shall be ground for reversing or modifying the decision of the court of the first instance in the event of incorrect petition or construction of the norms by the court of the first instance.

Article 148. Coming into Effect of the Decision or Order of the Appellate Court

1. The decision or order of the appellate court shall become effective on the day it is made and shall not be subject to appeal by cassation.

2. When the court of appeal instance revokes the decision of the court of first instance in full or in part and refers the case of the court of first instance to rehearing, the

legal clarifications listed in the court of appeal instance are mandatory to the court of first instance.

Article 149. Separate Order by the Appellate Court

1. In the cases prescribed by Article 110 of this Law the appellate court may make a separate order. The appellate court shall indicate in the separate order the violations of legal norms or errors committed by the court of the first instance which do not furnish grounds for reversing the decision.

2. The appellate court shall be notified within one month of the measures taken in respect of the separate order.

Article 150. Returning a Heard Case to the Court of the First Instance

1. Upon hearing an appeal, the appellate court shall within ten days return the case together with the adopted decision (order) to the court of the first instance.

2. At the request of the parties to the proceedings, the court of the first instance send them transcripts (copies) of the decision or order of the appellate court. In cases referred to in Paragraph 7 of Article 74 of this Law, the transcripts (copies) of the decision or order of the appellate court shall be sent by means of electronic communication.

CHAPTER IV
SEPARATE APPEALS

Article 151. Validity of Norms of Appeal Proceedings

Save for the exceptions provided for in this Section, the rules regulating the proceedings in the appellate court shall be applied to filing and hearing the appeals.

Article 152. Procedure for Sending Separate Appeals

1. The parties to the proceedings may appeal against the orders of the court of the first instance (the judge) by filing a separate appeal with the appellate court:

1) in the cases specified in this Law;

2) where the court order precludes further conduct of proceedings.

2. Separate appeals shall be filed through the court the order whereof is appealed against within seven days from the pronouncement of the order.

3. If an appeal has been filed against an order made in the manner prescribed by law when hearing a case in the absence of the parties, a separate appeal may be filed within seven days after the delivery of the transcript (copy) the order.

Article 153. Procedure for Hearing Separate Appeals

1. Having received a separate appeal, the court of the first instance (judge) shall within three days from the receipt thereof:

1) if it/he finds the separate appeal admissible and provided the appeal has been filed not against the orders made in the cases established in Article 103 of this Law, reverse, at its own discretion, the order appealed against without holding an oral hearing and send a transcript (copy, digital copies) of the order made on the issue to the participants in the proceedings ;

2) if it/he finds the separate appeal inadmissible, refer the case with the separate appeal to the appellate court;

3) shall refuse to accept a separate appeal and return it to the person submitting it, if the ruling that cannot be appealed by a separate appeal is subject to appeal.

2. The court usually hears a separate appeal in accordance with the written procedure.

Article 154. Rights of the Appellate Court

Having heard the separate appeal, the appellate court shall have the right, by virtue of its order:

1) to uphold the order of the court of the first instance;

2) to amend the order of the court of the first instance;

3) to reverse the order of the court of the first instance and decide the issue on the merits;

4) to reveres the order of the court of the first instance and refer the issue to the court of the first instance for *de novo* hearing.

Article 155. Coming into Effect of the Order of the Appellate Court

The order made by the appellate court on the separate appeal shall become effective from the moment of its making.

PART FOUR
RENEWAL OF PROCEEDINGS

CHAPTER I
FILING OF PETITIONS FOR THE RENEWAL OF PROCEEDINGS

Article 156. Grounds for the Renewal of Proceedings

1. If a case has been disposed of by virtue of an effective court decision, ruling or order, the proceedings may be resumed on the grounds and according to the procedure established in this Section.

2. The proceedings may be resumed on the following grounds:

1) if the European Court of Human Rights rules that a decision of the court of the Republic of Lithuania is not in conformity with the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;

2) if material circumstances of the case have been discovered which the claimant was not aware of and could not be aware of during the hearing of the case;

3) if an effective court decision has established knowingly false evidence by the witness, knowingly false opinion by the expert, knowingly incorrect interpreting, falsification of documents or physical evidence, on the basis whereof an illegal or unreasonable decision was adopted;

4) if an effective court decision has established criminal actions by the participants in the proceedings, the witness, the specialist, the expert or the translator or criminal acts by the judges, committed during the hearing of the case;

5) if the court decision or judgement on the ground of which the decision or order was made is reversed as illegal or unreasonable;

6) if a party to the proceedings was legally incapacitated during the proceedings and had no statutory representative;

7) if in the decision the court gave a statement of the rights and duties of the persons excluded from the hearing of the case;

8) if the decision or order is unmotivated;

9) if the case was heard by a court of illegal composition;

10) in case of submission of clear evidence of the commission of a material violation of the norms of substantive law in the application of the norms which could have affected the adopting of the illegal decision, ruling or order;

11) if the individual legal act on the basis whereof the court disposed of the case has been revoked as illegal;

12) when it is necessary to ensure the formation of uniform practice of administrative courts.

2. A petition for the renewal of proceedings is not allowed for the cases referred in Paragraph 3 of Article 21 of this Law.

Article 157. Entities Entitled to File a Petition for the Renewal of Proceedings

1. The right to file a petition for the renewal of proceedings shall be vested in the parties to the proceedings and their representatives, the persons excluded from the hearing of the case, if the decision, ruling or order which has become effective infringes their rights or interests protected under law, also in the prosecutor and entities of public administration with a view to protecting the public interest or the rights of the State and individuals and interests protected under law. The persons not included in the hearing of the case may submit applications for renewal of proceedings only on the basis provided in Subparagraph 7 of Paragraph 2 of Article 156 of this Law.

2. At the proposal of the president of the regional administrative court or upon receipt of information on the likely grounds for renewal of the proceedings in the administrative case, in exclusive cases, the president of the Supreme Administrative Court of Lithuania shall have a right to submit the proposal to renew the proceedings. The proposal of the president of the Supreme Administrative Court of Lithuania shall be examined by the chamber of judges appointed by the judge having the highest length of working time as a judge. The proposal expresses only the proposal of informative nature to consider whether there are no grounds for renewal of proceedings and it is not mandatory to the chamber of judges.

Article 158. Filing the Petition for the Renewal of the Proceedings

1. The petition for renewal of proceedings shall be filed with the Supreme Administrative Court of Lithuania in writing or in an electronic form by means of electronic communication in accordance with the procedure set by the Minister of Justice.

2. The petition on the renewal of proceedings shall be drafted by the lawyer. The petition of the representative of the state, other legal person regarding renewal of proceedings may also be signed by the employees of legal persons having a higher legal university education. If the petition on the renewal of proceedings is submitted by a natural person having a higher legal university education, he/she shall have a right to draw up the petition himself/herself. Furthermore, the petition on the renewal of proceedings may be drawn up by the persons referred to in Subparagraphs 4 and 7 of Paragraph 4 of Article 47 of this Law. Petition on the renewal of proceedings shall be signed by the person filing it and the person drawing up the petition. The signature of person filing a petition is not mandatory, if it is signed by the person authorised to draw up the petition.

3. Petition for renewal of proceedings shall be charged with a stamp duty in the amount of 30 EUR.

4. If the case in which the judge has presented his separate opinion has been heard on appeal or where a dissenting opinion has been expressed by a judge of the court of appeal, after the decision becomes effective the case with the judge's separate opinion attached shall be referred to the Supreme Administrative Court of Lithuania and the president of the Court shall decide whether to make a recommendation to resume the proceedings.

5. A repeated petition on the renewal of proceedings on the same basis shall not be allowed.

Article 159. Time Limits for Filing a Petition for Renewal of the Proceedings

1. A petition for renewal of the proceedings may be filed within three months from the day when the entity who filed it learned or should have learned of the circumstances furnishing ground for renewal of the proceedings.

2. Persons who have failed to observe for good reason the time limits for filing the petition for renewal of the proceedings may be granted the restoration of the *status quo ante* provided the petition for the restoration of the proceedings has been filed within one year from the day the decision became effective.

3. A petition for the renewal of the proceedings shall be inadmissible if over five years have lapsed from the day the decision or order became effective, except for the case referred in Subparagraph 1 or Paragraph 2 or Article 156 of this Law.

4. After the expiry of the time-limit for the submission of application for the renewal of proceedings, the application may be amended or supplemented.

Article 160. Contents of the Petition for Renewal of the Proceedings

1. The following shall be indicated in the petition for renewal of the proceedings:

1) the name of the court with which the petition is filed;

2) name, surname (name), personal ID numbers (registration number), address of place of residence (seat), if known, of the appellant, and email addresses, telephone and fax numbers, addresses of other means of electronic communication;

3) the name of the court which adopted the decision (order);

4) the substance of the effective court decision (order) and ground for resuming the proceedings;

5) motives of renewal of the proceedings;

6) circumstances whereon the calculation of the time limits specified in Article 159 is based;

7) substance of the petition;

8) requests regarding the receipt of court decision, other procedural documents by means of electronic communication;

9) the venue, date of the drawing up of the petition, the claimant's signature. When the petition is submitted by the means of electronic communication, the person’s identity shall be verified by the methods established in the Law on Courts. In such cases, the petition shall be deemed as signed.

2. The evidence justifying the grounds for resuming the proceedings and a transcript of the effective court decision (order) shall be attached to the petition.

3. Where the petition for renewal of the proceedings is filed by a representative, the letter of attorney shall be attached to the petition, proving the authorisation of the representative. Evidence certifying the legal qualification of person drafting the petition shall be enclosed to the petition on the renewal of proceedings.

CHAPTER II
HEARING OF PETITIONS FOR RENEWAL OF THE PROCEEDINGS

Article 161. Procedure for Hearing Petitions for Renewal of the Proceedings

1. The issue of acceptance of petition for the renewal of proceedings, as well as petition on the renewal of proceedings accepted for hearing shall be heard by the chamber of judges formed by the president of the Supreme Administrative Court of Lithuania. When examining the acceptance of petition, Article 33 of this Law shall be observed mutatis mutandis. It shall also be verified if the petition is in compliance with the requirements established in Articles 157, 158, 159, and 160 of this Law.

2. After acceptance of petition on the renewal of proceedings, the court shall no later than within 5 business days send its copies to the parties in the proceedings. The parties in the proceedings shall have a right to submit a response to the petition on the renewal of proceedings within fourteen calendar days from the day of receipt of a copy of petition on the renewal of proceedings. In cases referred to in Paragraph 7 of Article 74 of this Law, the digital copies of petition on the renewal of proceedings shall be submitted by the means of electronic communication.

3. The accepted petition on the renewal of proceedings shall be heard by the court in accordance with the written procedure.

4. In the course of the hearing of the petition for renewal of the proceedings the court shall ascertain whether the petition is based on the grounds for the renewal of the proceedings provided for by law. As necessary, the court shall have the right to request from the claimant submission of additional evidence on the said issues.

Article 162. The Court Order on the Petition for Renewal of the Proceedings

1. In cases where the court finds that the petition is not based on the grounds for renewal of proceedings set by the law, the court shall refuse to renew the proceedings by virtue of a court ruling. The court ruling shall not be subject to appeal.

2. In cases where the court finds that there was a basis to refuse to accept the petition on the renewal of proceedings, the court shall refuse to renew the proceedings by virtue of a court ruling. In cases where the court finds that there was a basis for setting a time-limit for the elimination of shortcomings of the petition on the renewal of proceedings, the

court shall set a time-limit for the elimination of shortcomings. In case of failure to eliminate the shortcomings, the court shall refuse to renew the proceedings by virtue of a court ruling. The court rulings referred to in this Part shall not be subject to appeal.

3. If the petition has been filed within the time limits set by law and is based on the grounds for renewal of the proceedings provided for by law, the court shall make an order on the renewal of the proceedings, indicating therein the court, which will hear the case on the merits.

Article 163. Selecting the Court for Referring the Case for *de novo* Hearing of the Case

1. After the court has made an order on the renewal of the proceedings, as a rule the case shall be referred for *de novo* hearing to the court of the same instance of which is the court whose decision, ruling or order is appealed against.

2. In the cases where the appealed decision, ruling or order have been made upon hearing the case by appeal, the case shall be taken for *de novo* hearing by the Supreme Administrative Court of Lithuania. If the proceedings in such case were renewed on the basis stipulated in Subparagraphs 10 and 12 of Paragraph 2 of Article 156 of this Law, the case shall be referred for re-examination by the extended chamber of judges of the Supreme Administrative Court of Lithuania or a plenary session.

3 The judge whose decision, ruling or order furnished ground for resuming the proceedings shall not sit on the chamber of judges to which the case is referred for *de novo* hearing, with the exception of the Supreme Administrative Court of Lithuania.

Article 164. Application of Procedural Norms

1. Upon renewal of the proceedings, *de novo* hearing of the case shall be conducted in accordance with the procedural rules of the court of the first instance if the effective court decision, ruling or order appealed was made when the hearing of the case was held at first instance.

2. If the court decision or order appealed was made when the case was heard by appeal, upon renewal of the proceedings the case shall be heard *de novo* by conducting appeal proceedings.

3. Pursuant to the rules established in Paragraphs 1 or 2 of this Article, the court shall examine the renewed proceedings without crossing the boundaries defined on the basis of the renewal of proceedings.

Article 165. Court Decision s upon Hearing the Case on the Merits

1. Where, after the renewal of the proceedings, the administrative court hears the case on the merits, it shall deliver one of the following decisions:

1) to reject the petition and confirm the court decision, ruling or order appealed against;

2) to amend the decision or order appealed;

3) to reverse the decision or order appealed and deliver a new decision or order.

2. In the case provided for in paragraph 1 subparagraph 1 of this Article a court order shall be made, whereas in the cases provided for in subparagraphs 2 and 3 the court shall deliver a decision or order.

3. When the administrative court adopts a new decision, all previous court decision s made in the heard case must be reversed at the same time."

Article 166. Power of the Court Decision

1. Submission of application to renew the proceedings, as well as court ruling to renew the proceedings in the case shall not suspend the performance of the appealed decision or ruling.

2. Upon acceptance of petition for renewal of the proceedings for hearing, the court shall have a right to suspend the performance of appealed decision or ruling before the hearing of the case regarding the renewal of the proceedings. In case of restoration of the proceedings in the case, the performance of the appealed decision or ruling may also be suspended until the renewal of the proceedings. The ruling regarding the suspension of the performance of the decision or ruling shall not be subject to appeal.

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

PRESIDENT OF THE REPUBLIC VALDAS ADAMKUS