Official translation

REPUBLIC OF LITHUANIA
LAW ON THE AMENDMENT OF THE LAW ON ADMINISTRATIVE PROCEEDINGS

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Vilnius

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Article 1. Revised Version of the Law of the Republic of Lithuania on Administrative Proceedings

The Law of the Republic of Lithuania shall be amended and set forth to read as follows:

"LAW OF THE REPUBLIC OF LITHUANIA ON ADMINISTRATIVE PROCEEDINGS

CHAPTER ONE
GENERAL PROVISIONS

SECTION ONE
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 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. "**Public administration**" means executive activity of state and local government institutions and other entities empowered by law, which is regulated by laws and other legal acts and the purpose whereof is implementation of laws, other legal acts and decisions of municipal institutions as well as administration and rendering of the public services provided for .

2. "**Internal administration**" means activities of administration whereby the functioning (structure handling, personnel management, management and administration of available material financial resources) of a particular state or local government institution, agency, service or organisation is ensured so as to enable it to implement in the due manner the tasks of public administration or other state activities assigned to it.

3. "**Entities of administration**" means entities which implement the functions of public or internal administration.

4. "**Entities of public administration**" means institutions, agencies, services, employees (officers) having the rights of public administration granted by law and implementing in practice the executive power or certain functions thereof. Enterprises and organisations granted by law the powers of public administration shall also be attributed to the entities of public administration.

Note. The classification of employees (officers) according to administrative powers granted to them is specified and their belonging to the entities of administration of a certain type is defined by the laws regulating public service or other special laws.

5. "**System of public administration**" means the system comprised of: 1) entities of state administration, 2) entities of municipal administration, 3) other entities of administration. The above entities of public administration shall be granted

the powers of public administration by laws or other legal acts adopted on the basis thereof.

6. "**Entities of state administration**" means state institutions, agencies, services as well as public servants (officers), who are conferred by law the rights of public administration. The entities of public administration shall be divided into central and territorial entities of public administration.

7. "**Central entities of state administration** " (institutions, agencies, services, enterprises, their employees (officers) means entities which effect administration in the entire territory of the state.

8. "**Territorial entities of state administration**" (institutions, agencies, services, their employees (officers) means entities which effect administration in the designated territory.

9. "**Entities of municipal administration**" means the municipal council, municipal controller, the mayor, the board, also agencies, services, enterprises subordinate to them, municipal public servants (officers) who are granted by law or by the decisions of the municipal council the rights of public administration in the territory of the municipality.

10. "**Other entities of public administration**" means public institutions, enterprises and NGOs, empowered in the manner prescribed by law to effect public administration.

11. "**Collegial body**" means an institution in which the decisions are taken not by the head of the institution alone, but by a group of persons by a majority vote.

12. "**Person**" means a natural person or a group of natural persons, a legal person, or a person without the rights of a legal person.

13. "**Statutory act**" means a law, administrative or any other legal act which establishes the rules of conduct for group of entities, not characterised by individual features.

14. "**Individual legal act**" means a single act of law application, intended for a particular entity or a group of entities characterised by individual features.

15. "**Administrative act**" means a legal act adopted by an entity of administration in the exercise of administrative functions.

16. "**Administrative-legal relations**" means public relations developing in the process of effecting public administration as well as internal administration, which are regulated by laws and other statutory acts.

17. “**Administrative disputes**” means conflicts of persons with the entities of public administration or conflicts between entities of public administration which are not subordinate to each other. The disputes between the employees and the administration as well as electoral disputes shall also be attributed to administrative disputes.

18. “**Tax disputes**” means disputes between the taxpayer (or the person deducting the tax) and the tax administrator or his officer regarding tax calculation or payment as well as underpayment or overpayment of tax.

19. "**Office-related disputes**" means disputes arising between public servants empowered to effect public administration and the administration, connected with the acquisition of the status of a public servant, change in the status or loss thereof and the application of disciplinary measures.

20. “**Complaint, petition**” means the forms of appeal to the empowered institution requesting the resolution of an administrative dispute. Complaints shall be lodged with the empowered institution by private persons, whereas state and municipal institutions, their representatives, public servants shall file petitions. Laws may also provide for other forms of appeal.

Article 3. Disputes over Issues of Law

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

2. The court shall not offer assessment of the disputed administrative acts and acts (or 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 administration has acted within the limits of its competence, also whether or not the act (action) complies with the objectives and tasks for the purpose whereof the institution has been set up and vested with appropriate powers.

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

1. The court may not apply laws which conflict with the 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, 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 or the act of the Government, which are applicable in a certain case, with the laws or the Constitution.

3. 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.

4. In case of conflict of the norms of this Law and those of other laws (with the exception of special laws), the court must follow the norms of the Law on Administrative Proceedings.

5. 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 or petition 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 the rights of other persons lodged by the institutions or agencies specified by laws or by the employees thereof;

3) on the petition for the protection of state or other public interests lodged in the cases established by law by the prosecutor, entities of administration, state control officers, other state institutions, agencies, organisations or natural persons;

4) on the petition for the protection of the rights of municipalities in the sphere of public administration; lodged by municipal institutions, agencies, services

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

Article 6. Courts 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 and other officers, political parties, political or public organisations 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. The principle of hearing the cases in open sessions shall also be not applicable where the law prescribes written proceedings for the hearing of complaints and cases.

Article 9. Language of the Judicial Proceedings

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

2. Before being submitted and announced, the documents drawn up in other languages shall be translated into the Lithuanian language and certified in the prescribed manner.

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 shall be paid for from the State budget.

Article 10. 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 11. Use of 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. Exercising their procedural rights, parties to the proceedings may audio-record the hearing. The parties must notify the court of the audio-recording being made.

3. Other persons shall be prohibited from filming, making photographs, audio- or video-recordings or using any other technical means during the hearing.

4. Persons who act in violation of the above prohibition of the use of technical means during the hearing shall be held liable under law.

Article 12. Public Character of the Case Material

1. The material of the heard administrative case, except for the material of the cases heard in a closed session of the court, shall be 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 petition unconsidered becomes effective.

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 petition unconsidered or having received a petition for granting access to the case material, the court shall have the right, upon the petition 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 petition, 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 Ministry of Justice and the Archives Department of Lithuania.

Article 13. Formation of a Uniform Court Practice

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

2. The Supreme Administrative Court of Lithuania shall pronounce the decisions, rulings and orders made under the appeal procedure at the plenary session, also decisions, rulings and orders made under the appeal procedure by the chambers of five or seven judges as well as all decisions made in relation to legality of administrative acts. When applying the laws, the courts, state and other institutions as well as other entities shall have regard to the interpretation of the application of laws, given in the decisions and orders pronounced in the established manner.

3. The Supreme Administrative Court of Lithuania shall examine the case-law practice of administrative courts in the application of the laws and shall give appropriate interpretation on the issue..

4. The Supreme Administrative Court of Lithuania when examining the practice of the administrative courts may consult the courts on the general issues of the application of laws.

5. The Supreme Administrative Court of Lithuania shall publish the bulletin "*Administracinių teismų praktika*" (Practice of Administrative Courts).

Article 14. Binding Effect of the Court Decision, Ruling and Order

1. An effective court decision, ruling 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, ruling 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.

SECTION TWO
COMPETENCE OF ADMINISTRATIVE COURTS

Article 15. 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 performed by the entities of public administration, also the legality and validity of refusal by the said entities to perform the actions within the remit of their competence or delay in performing the said actions;

2) lawfulness of acts passed and actions performed by the entities of municipal administration, also the legality and validity of refusal by the said entities to perform the actions within the remit of their competence or delay in performing the said actions;

3) compensation for material and moral damage inflicted on a natural person or organisation by unlawful acts or omission in the sphere of public administration by state or municipal institutions, agencies, services and their employees (Civil Code, Article 485);

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 possessing the powers of public administration (including officers and heads of agencies);

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

7) 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;

8) violation of the election laws and the Law on the Referendum;

9) complaint against the decision in the case of administrative law violation;

10) lawfulness of the decisions made and actions performed in the sphere of public administration by public agencies, enterprises and NGOs with public administration powers, also lawfulness and validity of the refusal by the above entities to perform the actions assigned within their competence or delay in performing the said actions;

11) lawfulness of acts of general character passed by public organisations, 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 as well as complaints about the status of the refugee.

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

Article 16. 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 (as a collegial body), 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, investigators, persons conducting an inquiry and court bailiffs, connected with the administration of justice or investigation of a case as well as the execution of decisions shall be outside the remit of competence of administrative courts.

3. District courts shall be the courts of first instance hearing cases relating to administrative offences in accordance with the Code of Administrative Offences. Certain cases of administrative law violations provided for by the above Code shall also be heard by other state institutions (officers) authorised by laws.

Article 17. 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 particular dispute raises doubts or results in the collision of effective laws, the dispute shall be heard in court.

3. If there are several interconnected claims in the case, some of which are assigned to the Vilnius Regional Administrative Court, whereas other claims are within the competence of administrative courts of other counties, the case must be heard at the Vilnius Regional Administrative Court.

4. Where the defendants in the proceedings are several entities of administration who are within the territorial jurisdiction of different courts, the issue of assignment of the case shall be decided according to the seat of the superior entity of administration. If the entities of administration are of equal legal status, the claimant shall have the right to choose the court in which the case shall be heard.

Article 18. 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 15 of this Law, if the claimant or the respondent is a territorial entity of state administration or an entity of municipal administration, except for the cases referred to in Article 15 paragraph 1 subparagraphs 6, 11 and 12 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 the petitions by the Seimas Ombudsmen in accordance with the Law on the Seimas Ombudsmen, where the respondent is territorial entities of administration and entities of municipal administration;

3) cases relating to petitions lodged by municipal councils regarding the infringement of their rights, where the respondent is territorial entities of state administration;

4) on the petitions of the Government representative concerning the 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, concerning the lawfulness of the acts or actions infringing the rights of the residents and organisations;

5) cases concerning compensation for material and moral damage inflicted on a natural person or organisation by unlawful acts or omission in the sphere of public administration by territorial state or municipal institutions, agencies, services and their staff performing their official duties (Civil Code, Article 485);

6) in respect of office-related disputes in which one of the parties is a public servant or municipal employee with powers of public administration, with the exception of cases where the claimant or the respondent is a central institution, agency, service of administration or a staff member of any of the above and provided that the Law on Public Service does not prescribe any other dispute resolution procedure;

7) on the petitions in the event of disputes about competence or violation of laws between the entities of public administration not subordinate to each other (Article 15 paragraph 1 subparagraph 7 of this Law), except in cases where one of the parties to the dispute is a central administration institution, agency, service;

8) cases relating to complaints about the decisions of state institutions (officers) in the cases of administrative offences;

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) concerning the petitions requesting to ensure enforcement of decisions of the administrative disputes commissions.

3. The Regional administrative court shall also be the court of the first instance for investigating complaints (petitions) against the decisions of the Chief Administrative Disputes Commission, the Tax Disputes Commission and, in cases provided for by law, also against the decisions adopted by other institutions for preliminary extrajudicial investigation of disputes.

Article 19. Additional Competence of the Vilnius Regional Administrative Court

1. Along with the competence established in Article 18 of this Law, the Vilnius Regional Administrative Court shall be the court of the first instance in the cases pointed out in Article 15 of this Law, when the claimant or respondent is an entity of central administration, with the exception of the cases on the lawfulness of the regulatory administrative acts adopted by entities of central administration, as well as the cases pointed out in Subparagraph 11 of Paragraph 1 of Article 15 of this Law.

2. The Vilnius Regional Administrative Court, as a court of the first instance, shall hear the following cases without application of the procedure of preliminary extrajudicial investigation:

1) cases relating to the petitions by the Seimas Ombudsmen in accordance with the Law on the Seimas Ombudsmen, where the respondent is central entities of State administration;

2) cases relating to petitions lodged by municipal councils regarding the infringement of their rights, where the respondent is central entities of State administration;

3) cases concerning compensation for material and moral damage inflicted on a natural person or organisation by unlawful acts or failure to act in the sphere of public administration by a central administrative institution, establishment, service performing their official duties (Civil Code, Article 485);

4) in respect of office-related disputes in which one of the parties is a public servant with powers of public administration, in cases where the claimant or the respondent is a central institution, establishment, service of administration or a staff

member of any of the above and provided that the Law on Public Service does not prescribe any other dispute resolution procedure;

5) cases subsequent to complaints concerning decisions adopted by the Chief Institutional Ethics Commission and petitions by the said Commission for the severance of service relations with public servants;

6) cases subsequent to the petitions in the event of disputes about empowerment or violation of laws regulating administrative relations (Subparagraph 7 of Paragraph 1 of Article 15 of this Law) in cases where the claimant or the respondent is a central administrative institution, establishment or service;

7) cases subsequent to complaints by aliens about the refusal to issue permits for residence and work in Lithuania or withdrawal of such permits, as well as complaints about the status of the refugee;

8) cases subsequent to complaints requesting to guarantee the implementation of decisions by the Chief Administrative Disputes Commission.

3. The Vilnius Regional Administrative Court shall also be a court of the first instance for investigating complaints (petitions) against the decisions of the Chief Administrative Disputes Commission, the Tax Disputes Commission 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.

Article 20. 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, including cases concerning administrative offences;

2) the appellate instance for hearing cases on administrative offences, which have been heard by district court;

3) 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 15 paragraph 1 subparagraph 11 of this Law;

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

5) the last instance for deciding the issues concerning the assignment of administrative cases to the relevant courts.

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

3. The Supreme Administrative Court of Lithuania shall form the uniform practice of the administrative courts in applying laws.

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

Article 21. Determination of the Issues regarding the Amenability of the Case to the Jurisdiction of Relevant Courts

1. The issues of whether the case is amenable to the jurisdiction of the court of general jurisdiction or to the administrative court shall be decided in the course of written proceedings by a special chamber of judges comprising the Chairman of the Civil Division of the Supreme Court of Lithuania, the Chairman of the Civil Division of the Court of Appeals of Lithuania as well as the Chairman of the Supreme Administrative Court of Lithuania and his deputies or the judges assigned by the chairmen of the relevant courts.

2. Motivated petitions or orders to determine the issues of assignment of the case to the relevant courts shall be filed through the Supreme Administrative court of Lithuania. The sessions of the chamber shall be presided over in rotation by the Chairman of the Civil Division of the Supreme Court of Lithuania and the Chairman of the Supreme Administrative Court of Lithuania. The decision shall be taken by a majority vote. In case of a tie vote, the presiding judge shall have the casting vote. The order concerning the case being subject to the jurisdiction of relevant courts shall not be subject to appeal.

SECTION THREE
GENERAL PROVISIONS CONCERNING THE COMPLAINTS/PETITIONS

Article 22. Right to File a Complaint/Petition

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

2. The complaint/petition shall be filed directly with the administrative court in the cases provided for in Article 18 paragraph 2 and Article 19 paragraph 2 of this Law.

3. In the cases provided for by law the complaint/petition shall be filed in the first instance with the administrative disputes commission or any other institution for preliminary extrajudicial investigation of disputes, thereafter the complaint may be also be filed with the administrative court.

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

5. A complaint/petition may be sent by post, except in case of disputes provided for in Article 18 paragraph 2 subparagraph 9 and Article 20 paragraph 1 subparagraph 4 of this Law. If the complaint/petition is sent by fax, the original copy of the complaint/petition must be within three days filed with the court.

Article 23. The Form and Contents of the Complaint/Petition

1. Complaints/petitions shall be filed with the administrative disputes commission or administrative court in writing.

2. The complaint/petition must contain the following:

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

2) the claimant's name, surname (name of the institution), personal code number (code number), place of residence (seat), also name, surname and address of his representative, if any;

3) name, surname, personal code number (if known), the office of the public servant whose actions are complained about or the name, seat of the institution (entity of administration);

4) name, surname (name), personal code number (code number, if known), place of residence (seat) of the third interested persons;

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

6) 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;

7) the claimant's claim;

8) the list of attached documents;

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

3. The complaint/petition shall be signed by the claimant or his representative. The power of attorney or any other document confirming the representative's authorisation must be attached to the complaint/petition filed by the representative.

Article 24. Documents Accompanying the Complaint/Petition

1. The following documents shall be attached to the complaint/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/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.

2. The stamp duty receipt or a justified request for exemption must be attached to the complaint/petition, except in the cases specified in Article 40 of this Law.

3. The number of copies of the complaint/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.

SECTION FOUR
PRELIMINARY EXTRAJUDICIAL CONSIDERATION OF COMPLAINTS/PETITIONS

Article 25. Preliminary Extrajudicial Investigation of Disputes

1. Before applying to the administrative court, individual legal acts adopted by public administration entities provided for by law as well as their acts/omission 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/petition is filed for extrajudicial investigation of the dispute, the form and contents thereof must meet the requirements set in Article 23 of this Law.

Article 26. 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 municipal public administrative disputes commissions, Regional administrative disputes commissions and the Chief Administrative Disputes Commission.

2. The procedure of establishment of administrative disputes commissions and the principles of their work shall be laid down 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.

Article 27. The Competence of Municipal and Regional Administrative Disputes Commissions

1. Unless otherwise established by law, a person's complaint concerning individual administrative acts adopted by entities of public administration or their acts (or omission) may be filed with the municipal public administrative disputes commission.

2. Unless the laws provide otherwise, a complaint/petition concerning individual administrative acts adopted by territorial entities of state administration located in the Regional, their acts (or omission), also concerning individual administrative acts adopted by the entities of municipal administration located in the

Regional territory or their acts (or omission) may be filed with the Regional administrative disputes commission.

Article 28. Competence of the Chief Administrative Disputes Commission

Unless the laws provide otherwise, complaints/petitions concerning administrative acts or acts (or omission) in the sphere of public administration, where one of the parties to the dispute is the central entity of state administration, may be filed with the Chief Administrative Disputes Commission.

Article 29. Disputes outside the Jurisdiction of Administrative Disputes Commissions

Municipal, Regional administrative disputes commissions and the Chief Administrative Disputes Commission shall not settle disputes specified in Article 18 paragraph 2 and 3, Article 19 paragraphs 2 and 3 and Article 20 paragraph 1 of this Law, also disputes related to taxes, other mandatory payments and charges..

Article 30. Time Limits for Filing Complaints/Petitions with Administrative Disputes Commissions

1. A complaint/petition must be lodged with the administrative disputes commission within one month from the publication of the challenged administrative act or the day of delivery to the party concerned of the individual act or its notification of the acts (omission) of the administration (employees) or within two months from the day of expiry of the time limit set for complying with the demand.

2. In cases where the administration (employees) fail to perform their duties or delay the adoption of decisions, a complaint about such omission/delay may be lodged within two months from the day of expiry of the time limit set for the settlement of the issue.

Article 31. Time Limits for Preliminary Extrajudicial Investigation of Complaints

1. An complaint/petition filed with the administrative disputes commission must be investigated by extrajudicial procedure and a decision thereon must be made within fourteen days from the receipt of the complaint.

2. As necessary, the total time-limit for considering the dispute may be extended for an additional period of fourteen days upon a justified decision of the commission.

SECTION FIVE
BASIC RULES OF FILING COMPLAINTS/PETITIONS WITH THE ADMINISTRATIVE COURT

Article 32. Filing of Complaints/Petitions with the Administrative Court Contesting the Decision of the Commission

1. The decision of an appropriate 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 20 days of the day of receipt of the decision.

2. If the administrative disputes commission or any other institution for preliminary extrajudicial investigation of disputes fails to consider the complaint/petition within the prescribed time limit, the entities specified in Article 22 paragraph 1 of this Law may file with the administrative court an complaint/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 33. Other Time Limits for Filing Complaints/petitions with the Administrative Court

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

notification of the party concerned of the act (or omission) or within two months from the day of expiry of the time limit set by a law or any other legal act for the compliance with the demand.

2. If the entity of public or internal administration delays the consideration of a certain issue and fails to resolve it by the due date, a complaint about such failure to act (such delay) 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. No time limits shall be set for the filing of petitions for the review of the lawfulness of administrative legal acts with the administrative court.

Article 34 Restoration of the *Status Quo Ante*

1. If it is recognised that the time limit for filing a complaint/petition have not been observed for a good reason and there are no circumstances specified in a 37 paragraph 2 subparagraphs 1 to 7 of this Law, at the claimant's request the administrative court may grant restoration of the *status quo ante*.

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/petition shall be filed with the administrative court together with the petition for the restoration of the *status quo ante*.

3. The petition for the restoration of the *status quo ante* for filing the complaint/petition shall be considered by the chairman of the court, the judge or the chamber of judges formed by the chairman of the court in accordance with the written proceedings within ten days from the filing with the court of the petition accompanied by the evidence confirming the reasons. The claimant may file a separate appeal against 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. 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, the complaint 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/petition and shall render decision on the merits in accordance with the procedure established by this Law.

Article 35. Filing of Complaints/Petitions according to the Location of the Institution

The complaint/petitions hall be filed with the administrative court within the territory of whose jurisdiction the seat of the entity of public or internal administration whose legal acts or acts/or omission are contested is located.

Article 36. The Claim of the Seimas Ombudsman

In cases where, pursuant to the Law on the Seimas Ombudsmen, the Seimas Ombudsman applies to the administrative court on account of the citizen's complaint, his petition must be in compliance with the requirements of Article 23 paragraphs 1 and 2 and Article 24 paragraph 3 of this Law.

Article 37. Admission of the Complaint/Petition

1. After the court has received a complaint/petition, the chairman or the judge of the administrative court shall within seven days decide the issue of acceptance thereof by making an order. If the complaint/petition does not comply with the requirements set in Articles 23, 24 and 39 of this Law, the order shall set the time limit for rectifying the shortcomings. In case of failure to rectify the shortcomings within the time limit set by the court, the complaint/petition shall be deemed not to have been filed and shall be returned to the claimant by virtue of a court order. A separate appeal may be filed against the order to return the complaint/petition to the claimant.

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

1) the complaint/petition is not subject to investigation by the court;

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 thereto, regarding the same subject matter and on the same ground, or a court order to accept the claimant's withdrawal of the complaint/petition has become effective;

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

6) the complaint/petition is filed by a legally incapacitated person;

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

8) the time limit for filing a complaint/petition has lapsed and the claimant has not requested to be granted the restoration of the *status quo ante* or the court has dismissed the request.

3. In the order declaring the complaint/petition not receivable the chairman 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/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/petition. A transcript of the order made by the chairman 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 chairman or judge to declare the complaint/petition to be not receivable. After the order becomes effective, the complaint/petition shall be returned to the claimant.

4. 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 the act adopted by whom, or whose act or omission, or delay constitutes the subject matter of the complaint, the chairman or judge of the court may eliminate the shortcomings by virtue of an order. In such case an order to declare the complaint/petition to be receivable shall be made, indicating who shall be included as the party to the administrative proceedings as the respondent/respondents and/or the third interested party/parties. The final decision on the replacement of a party by the appropriate one shall be made by the court during the preparatory part of the court session.

SECTION SIX
LEGAL COSTS

Article 38. Stamp Duty

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

Article 39. Amount of Stamp Duty

1. Every complaint/petition in the administrative cases, irrespective of the demands made therein, shall be subject to a stamp duty in the amount of LTL 100, save for the exceptions specified in Articles 40 and 41 of this Law.

2. An appeal for the review of a court decision shall be subject to the stamp duty in the amount of LTL 50.

Article 40. Complaints/Petitions Exempt from Duty

1. Exempt from stamp duty shall be complaints/petitions relating to:

1) delay by the entities of public administration to perform the actions assigned within the remit of their competence;

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 municipality employees 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 administration, other State institutions, agencies, organisations, services or natural persons, relating to the protection of State or other public interests, as well as the petitions by the government institutions, agencies or their staff members prescribed by laws concerning the protection of other individuals' rights;

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

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) imposition of administrative sanctions or refusal to impose the sanctions;

11) compensation for damage inflicted upon a natural person or organisation by unlawful acts/omission in the sphere of public administration of a State or municipal institution, agency, service or its staff member in the performance of official duties (Article 485 of the Civil Code).

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/petitions specified in paragraphs 1 and 2 of this Article as well as petitions by entities specified in Article 110 paragraphs 1 and 2 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 41. 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 42. 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/petition;

3) when the complaint/petition or 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 investigation 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/petition 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/petition is not admissible for hearing where the complaint/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.

2. 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 petition not receivable or to return the petition as well as the court order to dismiss the case or to leave the petition unconsidered was made. Where an overpaid amount of the stamp duty is subject to be returned, the said time period shall run from the date of entry into effect of the court decision, order or ruling.

Article 43. Other Costs Relating to the Investigation of the Case

1. The following shall be attributed to costs relating to the investigation of the case:

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

2) costs of publication in the press of information regarding the venue and time of the hearing.

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 an appropriate request.

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 which are connected with the investigation of the case. 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 in by the parties, which are payable as costs connected with the investigation of the case, shall be awarded into 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 satisfied and refused claims.

Article 44. 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. When the claimant has obtained a decision in his/its favour, he/it shall be entitled to recover: the paid stamp duty; other costs relating to the drawing up and filing of the complaint/petition; costs connected with the investigation of the case; transport costs; the costs of renting of accommodation during the proceedings and the daily allowance in the amount of 10% of the approved sum of the minimum living standard for every day of the proceedings.

3. The claimant's right to recovery of costs provided for in paragraph 2 of this Article shall not be forfeited when the claimant withdraws his petition/complaint after the friendly settlement of the claim by the adverse party following the filing of the petition/complaint with the court.

4. When the decision is adopted in the respondent's favour, he shall be entitled to recover costs incurred while preparing the submission to the court written documents; other costs connected with the investigation of the case; transport costs; the costs of renting of accommodation during the proceedings and the daily allowance

in the amount of 10% of the approved sum of the minimum living standard for every day of the proceedings.

5. When the third persons obtain a relief or remedy following the hearing of the case, the said parties shall have the rights specified in paragraph 2 of this Article to recover the costs.

6. The party to the proceedings in whose favour the decision has been adopted shall also be entitled to reimbursement of representation expenses. The issue of reimbursement of representation expenses shall be determined in accordance with the procedure laid down by the Code of Civil Procedure and other legal acts.

Article 45. Taking a Decision on the Recovery of Costs

1. The party interested in the recovery of costs shall file with the court a written petition with the calculation and substantiation of the costs incurred. Petitions for the recovery of costs that have not been filed with the court by the termination of the hearing of the case on the merits must be filed with the court within 14 days after the coming into effect of the decision.

2. The court shall hear the petitions filed with the court before the termination of the hearing of the case on the merits by adopting a decision on the administrative case. In other cases the court shall as a rule dispose of the petition for the recovery of costs by making an order in a written proceeding.

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

CHAPTER SEVEN
COMPOSITION OF THE COURT. DISQUALIFICATIONS

Article 46. Composition of the Administrative Court

1. Cases provided for in Article 15 paragraph 1 subparagraphs 3, 5 and 9 of this Law, except for the complaints about the rulings of the district court in the cases of administrative offences, shall be heard by one judge, whereas other cases shall be heard by a chamber of three judges. In certain cases a chamber of judges may also be formed by virtue of an order of the chairman of the court for the hearing of cases for which the hearing by a single judge is provided.

2. At the Supreme Administrative Court of Lithuania cases shall be heard before a chamber of three judges. For hearing complex cases an expanded chamber of five or seven judges may be formed on the initiative of the chairman of the court or on the recommendation of the chamber or the case may be referred to the plenary session of the court.

3. The composition of the chamber of judges shall be formed, its chairman and judge rapporteur shall be appointed by the chairman of the administrative court or the chairman of the Supreme Administrative Court of Lithuania.

4. The judge who participated in the hearing of the administrative case and in the rendering of the decision/order/ruling on the merits therein 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.

5. 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 47. 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 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 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 is in family relationship with the parties, other participants in the proceedings or judges of the chamber;

3) he 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.

3. The reasons for disqualification specified in paragraph 2 subparagraphs 2 and 3 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 is subordinate in his employment or otherwise to at least one of the parties or other participants in the proceedings;

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

3) he 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. After the request for disqualification has been made, the court must hear the opinion of the participants in the proceedings as well as the explanation of the person whose disqualification is requested, if the person is willing to explain. The issues of disqualification and self-disqualification shall be determined by the judge hearing the case or the court in the conference room.

SECTION EIGHT
PARTICIPANTS IN THE ADMINISTRATIVE PROCEEDINGS

Article 48. 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 49. 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 heads of the appropriate institutions, agencies, services, enterprises, organisations and, in the cases provided for by laws or other legal acts, other employees acting within the powers granted on the basis of law or other legal acts, shall be heard as statutory representatives. 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).

3. As a rule, counsel for defence shall act as attorneys in the court (acting under the power of attorney). The powers of the counsel or assistant counsel shall be confirmed by the warrant of attorney of the counsel or assistant counsel or the agreement concluded with the client. The powers of other representatives must be specified in the power of attorney issued and executed according to the procedure laid down in the Civil Code and the Code of Civil Procedure.

4. Where a party to the proceedings is a minor or a disabled person, their statutory representatives (parents, adoptive parents, foster parents, guardians) shall have the right to represent their interests.

Article 50. 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 attorney'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:

1) referring the case to another court or institution;

2) full or partial withdrawal of the complaint/petition;

3) allowing of claims presented in the complaint/petition;

4) changing the grounds or subject matter of the complaint/petition;

5) appealing against the decision or order of the court;

6) delegation of power of attorney to another person;

7) receiving the writ of execution and presenting the same for execution;

8) receiving the awarded sums.

3. The authority to perform any of the actions specified in this Article paragraph 2 subparagraphs 1-8 shall be the subject of special consideration in the attorney's power of attorney.

Article 51. The Right of Access to the Case File of the Participants in the Proceedings. Making of Copies

1. The participants in the proceedings shall have the right to examine in the court the documents, other material of the case, and, with the leave of the court/the judge, make copies and transcripts thereof at their own expense.

2. The party 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 to make copies thereof. The court shall make an order on the issue.

3. The charge in the amount set by the Minister of Justice shall be payable for the copy of every page of the case file. The amount received for making copies of the case file shall be deposited in the special account of the court and used for purchasing, maintaining the copying equipment and for paying other clerical expenses.

Article 52. Withdrawing the Complaint/petition

The claimant shall have the right to withdraw the complaint/petition before it is found to be receivable, also to specify and change the grounds or subject matter of the complaint/petition, or to withdraw the complaint/petition at any stage of the investigation of the case before the court retires to the conference room.

Article 53. 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, 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 54. Replacing the Inappropriate Party

If the court establishes in the course of the investigation of the case that the complaint/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.

Article 55. 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 56. Procedural Rights of the Prosecutor, Entities of Administration, State Institutions, Agencies, Organisations, Services 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.

SECTION NINE
EVIDENCE

Article 57. Evidence

1. Evidence in an 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 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.

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 the 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 58. 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.

Article 59. 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 LTL 1 000 or detention in custody for the term of up to one month.

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

Article 60. 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 ands 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.

Article 61. 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 and signed by the specialist or recorded in the minutes of the court hearing. In the latter case the specialist shall have the right of access to the minutes and shall be entitled to present his comments in writing under his signature.

Article 62. Expert and his Opinion

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 opinion 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 opinion 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 opinion . The experts who disagree with them shall draw up their opinion separately.

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

Article 63. 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 64. Letters Rogatory

1. When it is necessary to collect evidence in another town or district, the court which hears the case shall send a communication requesting the relevant 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 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.

SECTION TEN
PROCEDURAL TIME LIMITS

Article 65. Procedural Time Limits

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/petition.

3. The hearing of the case in the administrative court must be completed and the decision must be adopted in the court of the first instance within two months from the day of issuance of the order to hear the case in the court, unless the law establishes shorter time limits for the hearing.

4. As necessary, the above-mentioned time limit for the hearing of the case may be extended for up to one month and in the cases in which the legality of regulatory administrative acts is contested -- for up to three months.

Article 66. Determining the Duration of the Procedural Time Limits

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 67. Suspension of Procedural Time Limits 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.

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

Article 68. Preparation for the Hearing of Administrative Cases in Court

1. The chairman or judge of the court who by virtue of an order recognised the appeal/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 to submit evidence or present additional explanation in writing as regards the submitted claims and set the time limits for execution;

3) send transcripts of the appeal/petition to the third interested person and the respondent and demand that the respondent present to the court the opinion within the specified time limit but not later than within fourteen days;

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

2. The chairman 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 working days, unless another time limit is set by the judge.

4. Considering that there are no obstacles for the hearing of the case, the judge shall make a motion to the chairman of the court to refer the case to be considered at the court hearing. The order made by the chairman shall indicate:

1) the composition and chairman of the chamber;

2) time and venue of the hearing;

3) request to send summonses to the persons participating in the proceedings and notify them of the hearing in any other manner;

4) request to send transcripts of the complaint/petition and other documents to the respondents or third interested persons, if they were not sent during the preparation of the case for hearing;

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

5. The actions provided for in this Article paragraph 4 subparagraphs 3-5 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 this Article paragraph 4, except for that referred to in paragraph 1, shall be performed by the judge rapporteur.

Article 69. Joinder and Separation of Cases

1. Having established that two or more appeals/petitions contesting the legality of one and the same regulatory administrative act have been filed with the same court or that the appeal/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 merit, join them into one case by virtue of an order.

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 70. Referral of a Case to another Court

1. The court shall refer a case to another court:

1) if, upon the withdrawal of one or several judges, they may not be replaced by other judges in the same court;

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

3) when a judge is a party to the proceedings and the case falls under the jurisdiction of the court in which he or his close relative is employed as a judge (with the exception of the Supreme Administrative Court of Lithuania).

2. The issue of referral of the case from one court to another shall be determined by the chamber of judges of the appropriate court or the chairman of the Supreme Administrative Court of Lithuania.

3. If it transpires that the case falls under the jurisdiction of the court of general jurisdiction, the administrative court shall refer the case by virtue of an order to the appropriate court of general jurisdiction.

4. 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 71. Measures Securing the Claim

1. The court or the judge may, upon a motivated petition of the participants in the proceedings or upon his/its own initiative, take measures with a view to securing a claim. The claim may be secured at any stage of the proceedings if failure to take provisional measures to secure a claim may impede the enforcement of the court decision or render the decision unenforceable.

2. Provisional measures may be as follows:

1) granting an injunction restraining the respondent from certain actions;

2) stay of execution under the writ of execution;

3) suspension of validity of a contested act.

3. The judge or the court shall hear the petition for securing the claim within one day from the receipt thereof, without notifying the respondent and other participants in the proceedings. If such a petition is filed together with the complaint/petition, it shall be heard within one day from the acceptance of the complaint/petition. The court or the judge shall make an order on securing the claim, in which the procedure and manner of the execution thereof shall be indicated.

4. 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.

5. 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 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.

6. Where the injunctions specified in paragraph 2 of this Article are not complied with, the guilty persons shall be imposed a fine by a court order in the amount of up to LTL 1000.

Article 72. Request for a Response to an Complaint/petition

The chairman of the court or the judge shall send to the respondent a transcript of the complaint/petition and, as necessary, also the transcripts of the documents attached thereto and shall set the time limit within which the respondent must file with the court his/its written response to the complaint/petition as well as submit as many transcripts of the response as there are claimants in the case. In the response the respondent shall indicate his agreement or disagreement with the demands stated in the complaint/petition and whether or not he intends to take part in the court hearing of the case. If there is time enough before the opening of the hearing, the claimant shall be sent a transcript of the written response received from the respondent.

Article 73. 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 on whom a notice or a summons is served shall have the summons delivered to the officially declared place of residence or sent to his place of work. The entity of administration shall be notified at its seat. At the request and with the funds of the participants in the proceedings the court may publish an announcement regarding the time and place of the proceedings in the press. As necessary, the court shall do so on its own initiative. Upon the decision of the court, the announcement must be published in the local (regional) or/and national newspaper according to the place of residence of the person summoned at least seven days prior to the day of the hearing of the case. 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 publishing of the announcement shall be deemed the day of serving the summons on the above-mentioned 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 requisites of the summons. A transcript of the summons shall be deposited in the file. The notices shall be delivered by post or by courier service. In this case the sending of the notice shall be equated with serving of the notice and the above-mentioned participants in the proceedings shall be considered to have been notified of the time and place of the hearing of the case.

Article 74. 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 and accurate address of the court;

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

4) the name of the case to which the addressee is summoned;

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, 78, 84 and 103 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 75. 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. At the request and at the expense of the interested party the parties to the proceedings may be notified or the persons may be summoned also by a telephonogram or telegram. They shall be delivered against signature. A summons may also 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).

Article 76. 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 77. Duty to Inform of the Change of the Address during the Proceedings

1. The participants in the proceedings and representatives must inform the court of the change of the address during the proceedings. Where there has been no appropriate notification, the summons shall be sent to the address last known to the court or to the address of the officially declared place of residence or to the seat and shall be considered served even though the addressee might not be residing at the address or might have changed its seat.

2. The court may impose on the participants in the proceedings and representatives a fine in the amount of up to LTL 200 for failure to comply with the requirement to notify the court of the change in their address during the proceedings if there has been a deferral of the hearing due to the failure to notify.

SECTION TWELVE
HEARING OF THE CASE IN THE COURT

Article 78. Conditions for Opening the Court Hearing

1. A case shall be considered at the hearing of the administrative court only when the parties to the proceedings have been informed in advance by a summons, notice or public announcement in the press of 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 complaints and disputes for the consideration whereof special time limits have been set by law, the summons may be served on the parties to the proceedings a day before the opening of the hearing.

3. Failure to appear at the court hearing by the parties to the proceedings and their representatives, even though duly notified of the commencement of the court hearing, shall not preclude the hearing of the case and adoption of the decision.

Article 79. Impartiality 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 at least one of the judges is replaced following the deferral of the hearing during the proceedings, the case must be heard from the beginning, however, as a rule, the witnesses questioned in the court shall not be again summoned to the hearing.

3. The hearing of the case shall be uninterrupted, except for the rest period. Until the disposition of the case or suspension or deferral of the hearing, the court of the said composition shall have no right to hear other cases.

4. If the case is not disposed of 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.

5. In case of failure to appear at the hearing by either parties to the proceedings or their representatives, even though they have been notified of the time and place of the hearing in the manner prescribed by law, the court of the first instance may decide to hear the case according to the written proceedings, i.e. following the procedure laid down in Article 137 paragraph 4 of this Law.

Article 80. 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 and in other cases when required.

2. When deferring the hearing of the case, the court shall appoint the time of the next court hearing and notify the persons present thereof against their signature.

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 81. Comprehensive and Objective Review of the Circumstances of the Case

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

Article 82. 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. The pleadings in court shall comprise the argument by the claimant/claimants, respondent/respondents, the interested third person/persons or

their representatives and the specific final requests of the complaint/petition 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. Presented their arguments, the parties/their representatives may one more time exercise the right to reply.

8. If new circumstances are discovered during the pleadings in court, which have to be examined, the court may make an order to renew the hearing of the case on the merits. Subsequently the pleadings in court shall proceed following the above-mentioned procedure.

9. After the pleadings in court the court shall withdraw to the conference room to make the decision (ruling, order). The presiding judge shall make an announcement to the effect to those present in the courtroom.

Article 83. Minutes of the Court Hearing

1. Minutes shall be taken at every hearing of the administrative court, except for the sessions in written proceedings.

2. The following shall be indicated in the minutes:

1) the date and place of the court hearing;

2) the time of opening and closure of the court hearing;

3) the name and composition of the court hearing the case, the recording clerk of the court sitting, the persons participating in the administrative proceedings, also whether or not these persons are present and if any of them has failed to appear -- whether or not they have been duly notified of the time and place of the hearing;

4) the subject matter of the dispute;

5) that the participants in the proceedings have been explained their rights and duties;

6) applications and statements by the participants in the proceedings;

7) directions by the presiding judge and court orders made without retiring to the conference room;

8) that the judge rapporteur has introduced the case;

9) who of the participants in the proceedings presented their arguments at the court hearing;

10) new evidence submitted at the court hearing (explanations and testimony by the parties, other evidence listed in Article 57 of this Law), unless it has been submitted or collected in the course of the preparation for the court hearing;

11) written, physical or other evidence examined during the court hearing and representations of the parties in relation thereto;

12) summary of the pleadings in court s and rebuttals;

13) that the adopted decision, ruling or order have been read out and the procedure and time limits for appeal have been explained.

3. If a document was interpreted into the Lithuanian language during the court hearing according to the procedure laid down in Article 9 paragraph 3 of this Law, the interpreted text shall be recorded in the minutes and signed by the interpreter.

4. The minutes must be completed and signed by the presiding judge or, upon his order, by the judge rapporteur and the recording clerk of the court hearing (indicating the date of signing) not later than within three working days after the end of the court hearing.

5. The parties shall have the right to examine the minutes and present to the court which heard the case written remarks regarding the minutes within three working days after the signing of the minutes.

6. The remarks concerning the minutes shall be examined by the judge who heard the case or the chairman of the chamber of judges. If the remarks meet with no objections, they shall be approved and ordered to be attached to the minutes. If the judge who heard the case disagrees with the presented remarks, he shall reject them and issue a motivated order. If objections to the remarks are voiced by the chairman of the chamber of judges, the issue of agreement or disagreement with the remarks shall be decided by virtue of an order made by the chamber of judges which heard the case, and, where the chamber of the same composition cannot convene, the issue shall be decided with the majority of the members of the chamber which heard the case participating. Remarks concerning the minutes must be examined within three days from the receipt thereof in the court as a rule according to written proceedings. In all cases the remarks concerning the minutes shall be attached to the case.

7. Minutes of a separate procedural action performed not during the court hearing may also be taken.

Article 84. 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/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.

2. The court which hears the administrative case shall have the right to impose upon natural persons and their representatives a fine in the amount of up to LTL 1000 and upon officers or representatives of institution or agencies - in the amount of up to LTL 2000 for every case of violation. A separate appeal may be filed against the order of the court of the first instance concerning the imposition of a fine.

SECTION THIRTEEN
COURT DECISIONS

Article 85. 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 introduction and substantive provisions of the decision shall be drawn up and announced, as a rule, on the same day after the hearing of an individual case. The parts of the decision comprising the recital and the motivation shall be drawn up no later than within seven working days after the pronouncement of the decision.

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. The decision in the cases regarding the legality of the regulatory administrative act and in other complex cases may be adopted and pronounced not on the same day, but not later than after ten days from the disposition of the case. The parties to the proceedings shall be notified of the date when the decision will be pronounced and a notice to the effect shall be made in the minutes of the court hearing. During the time when the decision is being drafted, the judges of the chamber may hear other cases. The decision or the order the passing and pronouncement whereof has been postponed may be pronounced by one of the judges who heard the case, other judges of the chamber not participating.

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

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/petition is allowable. The complaint/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.

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/petition as unfounded;

2) to meet the complaint/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/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/petition and to award damages or redressing of a moral wrong caused to a natural person or an organisation by the unlawful acts or omission in the sphere of public administration performed by State or municipal institutions, agencies, services and their employees while discharging of their official functions (Civil Code, Article 485).

Article 89. 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 90. Decision in the Cases relating to Delay or Omission

In the cases relating to omission by an entity of administration, i.e., failure to perform official duties or in the cases regarding delay in settling the matters, 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 91. Court Decision to Ensure Enforcement of the Decisions Made by the Administrative Disputes Commission

1. In the cases when the claimant applies to the administrative court with a petition to ensure enforcement of a decision made by the administrative disputes commission, the court shall compel production by the appropriate commission of the material on the basis whereof the decision was made and shall verify, by under procedure of written proceedings, the legality of the making thereof. If the court establishes that the decision of the administrative disputes commission is illegal, it

shall adopt a decision to annul the commission's decision and shall itself decide the case on the merits in the manner prescribed by this Law.

2. If the court adjudges that the commission's decision is legal, it shall adopt a decision to obligate the entity of public administration to implement the decision of the administrative disputes commission within the time limit set by the court. Provisions of Article 97 of this Law shall be applied to enforce the court decision.

Article 92. Legal Consequences of Annulment of the Act

The annulment of the contested 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 93. Sending Transcripts of the Court Decisions

Unless otherwise established by law, the parties to the proceedings and the third interested persons who did not participate in the court hearing shall be sent transcripts of the administrative court decision within three days from the drawing up of the decision. If so requested in writing, transcripts of the decision shall also be sent to the parties in the proceedings which participated in the hearing.

Article 94. 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 shall 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 95. 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.

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 96. 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 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 97. Execution of the Decision

1. After the court decision meeting the complaint/petition becomes effective, the transcript of the decision shall be sent for execution to the entity of administration whose actions or omission have been complained about and to the claimant.

2. If the decision is not executed within fifteen days or within the time limit set by law, the appropriate administrative court shall issue the claimant, at his request, with a writ of execution, at the same time ordering the bailiff's office under the district court of the locality where the respondent's seat is situated to execute the aforementioned writ in accordance with the procedure established by the Code of Civil Procedure.

3. Unexecuted court decision s ordering compensation of damage as well as the exaction of sums awarded by the court and of unpaid fines shall be executed in accordance with the procedure established by the Code of Civil Procedure. In the said cases claimants shall be issued writs of execution after the court decision becomes effective.

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

Article 98. Grounds for Suspension of the Proceedings

1. The court shall suspend the proceedings 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 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;

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

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

2. A separate appeal may be filed against the court order to suspend the proceedings, save for the order to suspend the proceedings due to the petition to the Constitutional Court or administrative court, or the order to commence the review of legality of a regulatory administrative act.

Article 99. Time Limits of the Suspension of the Proceedings

The proceedings shall be suspended:

1) in the cases provided for in Article 98 paragraph 1 subparagraphs 1 and 2 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 the legally incapacitated person;

2) in the cases provided for in Article 98 paragraph 1 subparagraph 3 of this Law - until the coming into effect of the court decision, decision , ruling or order;

3) in the cases provided for in Article 98 paragraph 1 subparagraphs 4, 5, 6 and 7 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.

Article 100. 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 101. Grounds for Terminating the Proceedings

The court shall terminate the proceedings:

1) if the case is not within the competence of administrative courts;

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/petition;

3) if the claimant has withdrawn his complaint/petition, save in the cases provided for in Article 56 paragraph 2 of this Law;

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

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

6) if it transpires that the complaint/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;

7) 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 102. 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/petition except when the petition as regards withdrawal was received by post or delivered through other persons.

Article 103. Grounds for Leaving the Complaint/Petition Unconsidered

The court shall leave the complaint/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/petition has been filed by a legally incapacitated person;

3) if the complaint/petition 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.

Article 104. Procedure and Consequences of Leaving a Complaint/Petition Unconsidered

1. If the complaint/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 Article 103 paragraphs 1, 2 and 3, which preclude the hearing of the case.

2. After the elimination of the circumstances which constituted grounds for leaving the complaint/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/petition unconsidered.

SECTION FIFTEEN

COURT ORDER

Article 105. 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. Such an order shall be recorded in the minutes of the court hearing.

4. The orders made shall be read out.

Article 106. 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 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 this Article paragraph 1 subparagraphs 4, 5 and 6 of this Law.

Article 107. Sending of Orders to the Parties to the Proceedings

The parties to the proceedings and the third interested persons who fail to appear at the court hearing shall be sent transcripts of orders to terminate or to suspend the proceedings, to leave the complaint/petition unconsidered or to refer the case to the court within the jurisdiction of which it falls. The transcripts of the order shall be sent no later than within three days form the day of making of the order.

Article 108. 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 109. 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.

II. CHARACTERISTICS OF HEARING CASES OF CERTAIN CATEGORIES

SECTION SIXTEEN

PETITIONS FOR REVIEW OF LEGALITY OF REGULATORY ADMINISTRATIVE ACTS

Article 110. An Abstract Petition for Review of Legality of a Regulatory Administrative Act

1. The right to apply to the administrative court with a petition 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 Seimas members, the Seimas Ombudsmen, officers of the State Control, Regional governors, courts of general jurisdiction and specialised courts, as well as the prosecutors. 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 specific public organisation, society, political party, political organisation or association.

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.

Article 111. Petition for Reviewing the Legality of a Regulatory Administrative Act in Relation to an Individual Case

1. Entities specified in Article 22 paragraph 1 of this Law shall have the right to petition 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 an order. 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.

3. Where there are no grounds for rejecting the petition 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 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 112 of this Law shall be applicable.

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 112. 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 113. Contents of the Order Made by the Court of General Jurisdiction or Court of Special Jurisdiction

1. In the cases specified in Article 112 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 act (a part thereof);

7) petition 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 114. 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 137 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 115. Court Decision on the Petition for Review of Legality of a Regulatory Administrative act

1. Having heard the case on the petition 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 transcript of the decision adopted.

Article 116. Legal Consequences of Recognition of a regulatory Administrative Act as Illegal

1. A regulatory administrative act (or a part thereof) shall be deemed annulled and, 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 117. 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 "*Valstybės žinios*" (Official gazette) and must also be published in the publication in which such regulation was officially published. 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 shall be covered by the institution, agency, service, enterprise, organisation whose regulatory administrative act (a part thereof) was recognised illegal. As necessary, the costs of publishing shall be recovered on the basis of the court order, made after the publishing of the decision .

3. The institution, agency, service, enterprise, organisation 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 SEVENTEEN
COMPLAINTS ABOUT THE INFRINGEMENT OF THE ELECTORAL AND REFERENDUM LAWS

Article 118. Lodging a Complaint Requesting Restoration of the Right to Vote or Restoration of the Right to take Part in a Referendum

1. A voter, a representative of a political party, political or public organisation representative, contesting the decision of the district electoral committee or the district committee for the Referendum, adopted in response to his complaint about the errors made in the voter list or in the list of citizens entitled to participate in the Referendum, which preclude the voter from exercising his right to vote (when he has been incorrectly recorded in the list or struck off the list, also when inaccurate data about the voter is given in the list), may lodge a complaint against the decision of the district electoral committee or the district committee for the Referendum to the appropriate Regional administrative court within the time limits provided for in the electoral laws and the Law on the Referendum

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 119. 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. Complaints shall be filed with the Supreme Administrative Court of Lithuania.

Article 120. 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 121. 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. After the adoption of the decision, transcripts thereof shall be immediately sent to the appropriate electoral committee and the claimant.

SECTION EIGHTEEN
COMPLAINTS AGAINST THE DECISIONS AND RULINGS IN THE CASES OF ADMINISTRATIVE OFFENCES

Article 122. Filing a Complaint against the Decision or Rulings in the Cases relating to Administrative Offences

1. The decision or ruling in the case relating to an administrative violation of law may be contested by the person in respect of whom it has been made, the institution whose officer drew up the record of the administrative violation of law, also the injured person. Unless the laws provide otherwise, the complaint may be filed within ten days from the day of the adoption of the decision.

2. A complaint against the decision or ruling in the case relating to an administrative violation of law shall be filed through the district court which adopted the ruling or, accordingly, through any other state institution (its officer) which/who made a decision in the case. They shall within three days dispatch to the appropriate court the complaint attached to the administrative violation of law case file.

3. Where the complaint is submitted directly to the court, it shall compel the production of the appropriate administrative violation of law case file by the court or another institution which considered the case and shall determine the issue of acceptance of the complaint.

4. The time limits for investigating the complaint shall run from the day of receipt by the court of the administrative violation of law case file.

5. If the complaint is filed after the expiry of the time limit set for filing the complaint, the petition for the restoration of the *status quo ante* shall be heard according to the procedure laid down in Article 34 of this Law.

Article 123. Investigation of Complaint against the Decision in the Case concerning an Administrative Violation of Law

1. After the case has been prepared for court hearing, the person in respect of whom the record of administrative violation of law has been drawn up, the injured person, the institution whose officer drew up the record of administrative violation of law and the institution/officer which/who made a decision in the case of administrative violation of law shall be notified of the time and venue of the court hearing. Failure to appear in the court hearing by the above-mentioned entities or their representatives shall not preclude the hearing and disposition of the case, provided that they have been duly notified of the court hearing and there are no grounds for deferring the hearing.

2. The investigation of complaint against the decision in the case concerning an administrative violation of law shall not affect the procedural status of the parties to the proceedings.

3. The cases relating to administrative offences shall be heard before the Regional administrative court upon complaints against the decisions made in the above cases by the entities of administration (officers thereof) by a single judge in the first instance procedure in accordance with the norms of the Code of Administrative Offences and, as necessary, this Law.

Article 124. Decision of the Court of the First Instance on the Complaint Contesting the Decision in the Case on Administrative Violation of Law

1. Having heard the case relating to the complaint filed against the decision in the case on administrative violation of law, the court of the first instance shall adopt one of the following decisions:

1) to uphold the decision and not to meet the complaint;

2) to reverse the decision and terminate the proceedings;

3) to reverse the decision and impose an administrative sanction on the basis of the legal act establishing liability for the committed violation of law. Decision of the type shall be adopted in the cases where the commission of the violation of law is beyond doubt, the act of the violation of law has been proved , but the court determines that there has been an improper application of law. Having regard to the established circumstances of the case, the court shall have the right to redefine the

violation of law and to impose a sanction corresponding to the definition of the violation;

4) to reverse the decision and to return the case to the institution which is authorised to draw up the records of administrative offences, authorising it to appropriately define the committed violation of law. Such a decisions hall be adopted in the cases where an additional investigation of the circumstances of the case is required or when for other reasons the court abstains from changing the definition of the act;

5) to amend the decision, mitigating the imposed sanction or deciding not to impose any administrative sanction.

2. If the court of the first instance determines that the decision has been made by an institution/officer acting outside its/his jurisdiction, the decision shall be reversed and the case shall be disposed of by the court at its own discretion.

3. In the cases provided for in paragraph 1 subparagraphs 2 and 3 as well as paragraph 2 of this Article the court shall adopt a decision, while in the cases provided for in paragraph 1 subparagraphs 1, 4 and 5 -- a motivated order.

4. The court decisions and orders by virtue whereof the hearing of the case on the administrative violation of law is disposed of shall become effective within ten days from the publishing of the decision or order.

Article 125. Dispatching the Court Decision

After the decision of the administrative court has become effective, its transcript shall be sent on the next day to the person in respect of whom the decision in the case on an administrative violation of law has been made, to the injured person at his request as well as the institution/officer which/who drew up the record and the institution/officer which/who made the decision.

Article 126. Enforcing the Decision to Impose Administrative Sanctions

The procedure of enforcing the decision to impose an administrative sanction shall be established by the Code of Administrative Offences.

CHAPTER THREE
PROCEEDINGS IN THE COURT OF APPELLATE JURISDICTION

SECTION NINETEEN
APPEALING AGAINST THE COURT DECISIONS WHICH ARE NOT YET EFFECTIVE

Article 127. 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 fourteen days from the pronouncement of the decision.

2. In case of failure to observe the set time limit for filing an appeal, the appellant may be granted at his request restoration of the *status quo ante* for filing the appeal, provided it is recognised that the failure to observe the time limit has been caused by a valid reason.

Article 128. Appealing against the Court Rulings in the Cases relating to Administrative Offences

The rulings and orders of the district courts and Regional administrative courts, made when hearing in the first instance the cases relating to administrative offences, may be appealed against according to the procedure for appeal to the Supreme Administrative Court of Lithuania within ten days from the announcement of the ruling/order.

Article 129. Procedure for Filing Appeals

Appeals shall be filed either directly with the appellate court or through the court the decision, ruling or order whereof is appealed against. Having received the appeal, the appellate court shall compel the presentation of the administrative case file and determine the issue of admissibility of the appeal. As necessary , the appellate court may refer the issue of admissibility of appeal to the court of the first instance the decision, ruling or order whereof is appealed from.

Article 130. 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 and address;

3) the names and addresses of other participants in the proceedings, save for the parties and representatives of the third interested persons;

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) 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 court documentation.

4. The appeal shall be signed by the appellant, the counsel or the statutory representative. When the appeal is filed by the counsel, the statutory representative or the persons authorised by the heads of enterprises or institutions, the letter of attorney of the person filing the appeal must be attached thereto.

5. 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 131. 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. 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 132. Withdrawal of the Appeal

1. The person who has filled an appeal shall be entitled to withdraw the appeal before the closing statements. A written petition by the appellant whereby the appeal is withdrawn shall be attached to the case file while the oral statement shall be recorded in the minutes of the court hearing and signed by the appellant.

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 persons. 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*.

SECTION TWENTY
HEARING OF CASES AT THE APPELLATE COURT

Article 133. 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 134. Acceptance of an Appeal

1. The issue of acceptance of an appeal shall be determined by the chairman of the court or the judge within three days from the date of filing thereof with the court of the first instance and where the appeal is filed with the appellate court - within three days after the production of the administrative case file has been compelled.

2. If the appeal does not comply with the requirements of Article 130 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 did not request the restoration of the *status quo ante* or the request has not been granted;

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. Where an appeal is filed with the appellate court, the chamber of three judges of the court of appeals shall make a motivated order to refuse to accept the appeal.

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 135. 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 appellate instance shall send to the persons participating in the appeal proceedings transcripts of the appeal and annexes thereto ordering that detailed replies to the appeal be submitted to the court of appellate instance in writing within fourteen days.

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 136. Scope of Hearing of the Case

1. While hearing the case on appeal, the court shall review the legality and validity of both the contested and uncontested parts of the decision as well as the legality and validity of the decision in respect of the persons who did not file the appeal.

2. The court shall not be bound by the arguments of the appeal and it must review the case in full.

Article 137. The Hearing and Disposition of the Case in Writing

1. The chamber of judges may dispose of the appeal under the procedure of written proceedings, i.e. without summoning the participants in the proceedings to the court hearing and the court not appearing in the courtroom, if:

1) the court of the first instance which accepted the appeal should have declared it not receivable. In this case the appellate court shall terminate the appeal proceedings and make an order on the refund of the paid stamp duty;

2) it states, that there are grounds of invalidity of the decision of the court of the first instance specified in Article 142 paragraph 2 of this Law.

2. Unless the chamber of judges decides otherwise, the proceedings on the appeal against court rulings in the cases of administrative violations of the law shall also be held in writing.

3. Where appellate proceedings are held in writing, the minutes of the court hearing shall not be taken and there shall be no requirements for the procedure of the court hearing. The decision or order of the court shall be sent to the parties to the proceedings.

4. The appellate court may dispose of the case by holding the proceedings in writing also in the cases where neither the parties to the proceedings nor their representatives, although duly notified of the time and venue of the court hearing, appear at the hearing. A notice about the circumstances shall be made in minutes of the court hearing. The decision of the court to hold the hearing of the case in writing shall also be recorded in the minutes. After the announcement thereof the court shall withdraw to the conference room to adopt the decision .

Article 138. 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. If oral hearing of the case is held, minutes of the court hearing shall be taken in which all the essential moments of the hearing shall find reflection.

6. The minutes shall be signed by the chairman of the chamber or, on his direction, by the judge rapporteur and recording clerk of the court hearing.

SECTION TWENTY ONE
DECISION S OF THE APPELLATE COURT

Article 139. 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 and inform when the full text of decision or order will be drawn up.

3. The complete text of the decision or order shall be presented in writing and signed by all the judges within seven days from the adopting thereof.

4. By way of exception, having regard to the complexity and scope of the case, the chamber of judges hearing the case on appeal may, by virtue of a motivated order, defer the adopting and pronouncement of the decision or order for not longer than a ten-day period. During the preparation of the decision or order, the judges of the chamber may hear other cases.

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.

Article 140. 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 appeal unconsidered if the circumstances specified in Articles 101 and 103 of this Law have been established.

2. A court decision shall be adopted in the case provided for in this Article paragraph 1 subparagraph 2, while in the cases provided for in subparagraphs 1, 3, 4 and 5 the court shall make a motivated order.

Article 141. 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 142 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 142. 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, subject matter jurisdiction or exclusively territorial jurisdiction of the appropriate 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 , order is unmotivated;

6) the minutes 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 143. 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 144. The Decision of the Appellate Court on the Appeal in the Case of Administrative Violation of Law

1. The appealed court rulings in the cases of administrative offences shall be heard by the Supreme Administrative Court of Lithuania collegially in appeal proceedings. In such cases the lawfulness and validity of the appealed ruling shall be reviewed.

2. As a rule, the appeal proceedings against the decision or ruling in the cases relating to administrative offences shall be conducted in writing. Upon the decision of the chamber of judges, an oral hearing of a specific case may be held.

3. Having heard a case on the appeal against the decision or ruling in the case of administrative violation of law, the administrative court shall adopt one of the following decision s:

1) to uphold the decision or ruling and refuse to allow the appeal;

2) to reverse the decision or ruling and terminate the proceedings;

3) to reverse the decision or ruling and return the case for *de novo* hearing by the authorised institution or the court;

4) to amend the decision or ruling and impose a more lenient sanction or decide not to impose any administrative sanction.

4. In the cases provided for in this Article paragraph 3 subparagraph 2, the court shall make a decision, and in subparagraphs 1, 3 and 4 - a motivated order.

Article 145. Coming into Effect of the Decision, Ruling or Order of the Appellate Court

The decision, ruling or order of the appellate court shall become effective on the day it is made and shall not be subject to appeal by cassation.

Article 146. Separate Order by the Appellate Court

1. In the cases prescribed by Article 108 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 147. 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(ruling, 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, ruling or order of the appellate court.

SECTION TWENTY TWO
SEPARATE APPEALS

Article 148. 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 149. 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 of the order.

Article 150. 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 (rulings) made in the cases established in Articles 101 and 103 of this Law, reverse, at its own discretion, the order appealed against without holding an oral hearing and send a transcript 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.

2. As a rule the court shall hear the separate appeal without summoning the parties to the proceedings.

Article 151. 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 152. 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.

CHAPTER FOUR
RENEWAL OF PROCEEDINGS

SECTION TWENTY THREE
FILING OF PETITIONS FOR THE RENEWAL OF PROCEEDINGS

Article 153. 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 parties, other participants in the proceedings or their representatives 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 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.

Article 154. 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 statutory 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.

2. The chairman of the Supreme Administrative Court of Lithuania shall have the right to submit the recommendation to resume the proceedings on his own initiative or on the proposal of the chairman of the Regional administrative court.

Article 155. Filing the Petition for the Renewal of the Proceedings

1. The petition for the renewal of the proceedings shall be filed with the Supreme Administrative Court of Lithuania.

2. The petition for the renewal of the proceedings shall not be subject to stamp duty.

3. 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 chairman of the Court shall decide whether to make a recommendation to resume the proceedings.

Article 156. 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.

Article 157. 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) the name, surname (name) of the claimant, personal number (registration number), place of residence (seat);

3) the name of the court which adopted the decision(made the decision, order);

4) the substance of the effective court decision(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 156 is based;

7) substance of the entity's petition;

8) the venue, date of the drawing up of the petition, the claimant's signature.

2. The evidence justifying the grounds for resuming the proceedings and a transcript of the effective court decision(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.

SECTION TWENTY FOUR
HEARING OF PETITIONS FOR RENEWAL OF THE PROCEEDINGS

Article 158. Procedure for Hearing Petitions for Renewal of the Proceedings

1. The petition for renewal of the proceedings shall be heard by the chamber of judges formed by the chairman of the Supreme Administrative Court of Lithuania in the proceedings held in writing and without summoning to the hearing the parties to the proceedings.

2. In the course of the hearing of the petition for renewal of the proceedings the court shall ascertain whether the petition has been filed within the set time limits

and whether it 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 159. The Court Order on the Petition for Renewal of the Proceedings

1. In the cases when the chamber of judges states that the claimant has failed to observe the time limit set by law for the filing of the petition or that the petition is not based on the grounds for renewal of the proceedings provided for by law, the court shall refuse by virtue of an order to resume the proceedings. The court order shall not be subject to appeal.

21. 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. As necessary, the chamber may suspend the execution of the contested decision, ruling or order pending the *de novo* hearing of the case. The order regarding the suspension of the execution of the decision, ruling or order shall not be subject to appeal.

Article 160. Selecting the Court for Referring the Case for *de novo* Hearing of the Case

1. After the chamber 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.

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 161. 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, ruling 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.

Article 162. 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 decision s:

1) to reject the petition and confirm the court decision, ruling or order appealed against;

2) to amend the decision, ruling or order appealed;

3) to reverse the decision, ruling or order appealed and deliver a new decision, ruling 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, ruling 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 2. Coming into Effect of the Law

The procedure of coming into effect of this Law shall be established by the Law on the Implementation of the Law on the Amendment of Articles 2, 3, 4, 5, 6 of the Law on the Establishment of Administrative Courts and the Law on the Implementation of the Law on the Amendment of the Law on Administrative Proceedings.

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

PRESIDENT OF THE REPUBLIC VALDAS ADAMKUS

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