

## Short introduction to Lithuanian court system

The court system of Lithuania consists of **courts of general jurisdiction** and **administrative courts**.

**The Constitutional Court of the Republic of Lithuania** is given the special status. According to the Constitution of the Republic of Lithuania, the Constitutional Court of the Republic of Lithuania has the exclusive competence to decide whether the laws and other legal acts adopted by the Seimas (parliament) are in conformity with the Constitution, and whether the acts adopted by the President or the Government of the Republic are in compliance with the Constitution and laws, adopted by the Seimas.

If there is a ground to believe that the law applicable in a particular case contravenes the Constitution, the administrative court or court of general jurisdiction is obliged to 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 resumes the hearing of the case.

The right to file a petition with the Constitutional Court concerning the constitutionality of a legal act is also vested in the Government, groups consisting of at least 1/5 of all Seimas members, and the President of the Republic.

District courts, regional courts, the Court of Appeals of Lithuania and the Supreme Court of Lithuania are **courts of general jurisdiction**, hearing civil and criminal cases. District courts function as 1<sup>st</sup> instance courts. 5 regional courts (situated in Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys) function as 1<sup>st</sup> instance courts for some civil and criminal cases attributed to their jurisdiction by law, as well as courts of appellate instance for the judgments of district courts. The Court of Appeals of Lithuania is the court of appellate instance for the judgments of regional courts as 1<sup>st</sup> instance courts. The Supreme Court of Lithuania is the court of cassation instance, hearing cassation appeals against the appellate judgments of regional courts and the Court of Appeals of Lithuania. It is also responsible for developing of uniform practice of courts of general jurisdiction in interpretation and application of laws.

According to the Article 111 of the Constitution of the Republic of Lithuania, for the consideration of administrative, labour, family and other categories of cases, specialised courts may be established pursuant to law. Following this constitutional provision, as well as the provisions of Law on the Establishment of Administrative Courts (adopted on the 14<sup>th</sup> of January 1999), the system of specialized **administrative courts** was established and started to function in Lithuania from the 1<sup>st</sup> of May 1999.

In 2001, the system of administrative courts has undergone final reforms, which resulted in the creation of the Supreme Administrative Court of Lithuania and full separation of administrative courts from the system of courts of general jurisdiction. Recently the system of administrative courts of Lithuania consists of 5 regional administrative courts (situated in Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys) and the Supreme Administrative Court.

Regional administrative courts function as 1<sup>st</sup> instance courts, and the Supreme Administrative Court of Lithuania – as the appellate instance for administrative cases. In administrative cases there is no cassation. Rulings of the Supreme Administrative Court of Lithuania are final and not subject to appeal.

## Competence of administrative courts

The competence of administrative courts in Lithuania is regulated by the Law on Administrative Proceedings as well as number of specialized laws, such as laws on elections, public service, tax, zoning etc.

According to the Law on Administrative Proceedings, administrative courts settle disputes over issues of law in public or internal administration, that is consider complaints (applications) against administrative enactments adopted by the entities of public and internal administration and their acts or omission (i.e., neglect to perform their duties).

In addition, administrative courts hear petitions for review of conformity of regulatory administrative acts with a law or a regulation issued by the Government. This function of administrative courts is very similar to the function, performed by the Constitutional Court of the Republic of Lithuania.

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 are also outside the remit of competence of administrative courts.

## The Supreme Administrative Court

The Supreme Administrative Court of Lithuania was formed and started its activities from the 1<sup>st</sup> of January 2001, following the amendment of Law on the Establishment of Administrative Courts of 19<sup>th</sup> of September 2000.

According to the Law on Administrative Proceedings, the Supreme Administrative Court of Lithuania is the appellate and final instance for cases from decisions, rulings and orders of regional administrative courts as the courts of the first instance.

The Supreme Administrative Court is also the first and final instance for certain categories of administrative cases assigned to its jurisdiction by law. It includes *inter alia*:

- cases relating to the lawfulness of regulatory administrative acts adopted by the central entities of state administration
- 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.

The Supreme Administrative Court of Lithuania does not carry any advisory functions. However, it performs *a posteriori control* of legality of regulatory administrative acts, hearing petitions for review of conformity of a regulatory administrative act (part thereof) with a law, adopted by Seimas, or a regulation issued by the Government.

According to the law, a regulatory administrative act (or a part thereof) is 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.

The Supreme Administrative Court is also responsible for developing of uniform practice of administrative courts in interpretation and application of laws. For that purpose the Supreme Administrative Court periodically issues its bulletin under the title "Practice of Administrative Courts" (in Lithuanian only). Interpretation with regard to the application of laws found in the rulings which are published in the bulletin of the Supreme Administrative Court must be taken into account by courts, state and other institutions as well as by other entities when applying these laws.

## Structure of the Supreme Administrative Court

According to the Law on Courts of the Republic of Lithuania, the Supreme Administrative Court is composed of the President, the Vice-president and other justices. At present there are fourteen justices serving at the Court, together with the President and the Vice-president.

Cases at the Supreme Administrative Court are heard by a chamber of three justices. For hearing complex cases an expanded chamber of five justices may be formed on the initiative of the President of court or on the recommendation of the chamber or the case may be referred to the plenary session of the court. Plenary session is deemed lawful where it is attended by at least two-thirds of the justices of the Court.

The President of the Supreme Administrative Court is *ex officio* member of the Judicial Council (main self-government institution of the judiciary).

The apparatus of the Supreme Administrative Court is composed of President's Office, assistants to justices, Department of Judicial Practice, Records Office, Division of Information and Computer Technologies, Finance division and Economy division.

Adviser to the President of Court and assistants to justices are officers with university degree in law, whose main function is to advise the President of Court or justices on the issues relating to the analysis, application and systematisation of laws, provide support in preparing cases for court hearing, prepare drafts of procedural documents and assist the President of Court and justices in the performance of other duties.

The main function of the Department of Judicial Practice is the generalization and analysis of the judicial practice. It includes the practice of national courts (the Constitutional Court of the Republic of Lithuania, the Supreme Court of Lithuania and the Supreme Administrative Court of Lithuania), as well as practice of Court of Justice of the European Communities and European Court of Human Rights. Director and consultants of the Department of Judicial Practice are also officers with university degree in law.

Other court divisions and personnel perform auxiliary functions.

The seat of the Supreme Administrative Court of Lithuania is in Vilnius, Tilto Street 17/4.  
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