

LAW ON ADMINISTRATIVE PROCEEDINGS

14 January 1999 No. VIII-1029

Vilnius

CHAPTER ONE

GENERAL PROVISIONS

SECTION ONE

PURPOSE OF THE LAW, DEFINITIONS

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 holding hearings, the Administrative Tribunal shall be governed by the provisions of this Law, and in the cases not regulated under this Law - by the Code of Civil Procedure.

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 legislation and the purpose whereof is the implementation and application of laws, other legal acts and local authorities’ ordinances as well as the provision of projected public services and organisation and implementation of internal administration of state and local government institutions.

2. **“Internal administration”** means administration whereby the functioning (structure management, personnel management, management of available material financial resources) of a specific 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), possessing public administration rights granted by law and implementing in practice the executive power or certain functions thereof.

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 civil 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 said 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 civil servants (officers), who are conferred by law the rights of public administration.

7. **“Central entities of state administration ”** (institutions, agencies, services, 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, agencies, services subordinate to them, municipal employees (officers) who are empowered under law or by the decisions of the municipal council to effect public administration.

10. **“Other entities of public administration”** means public institutions 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 arbitrarily by the head of the institution, 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 another person without the rights of a legal person.

13. **“Regulatory enactment”** means a law or any other legal act (act of secondary legislation) which establishes the rules of conduct and is intended for an individual indefinite group of entities.

14. **“Individual legal act”** means a single act of law application, intended for a specific entity or a group of entities characterised by specific features.

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

16. **“Administrative-legal relations”** means public relations developing in the process of implementation of public administration as well as internal administration, which are regulated by laws and other regulatory enactments.

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 assigned 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, payment or recovery, underpayment or overpayment of tax as well as regarding penalties for non-compliance with or violation of tax obligations.

19. **“Complaint, application”** means the forms of appeal to the competent institution requesting the settlement of an administrative dispute. Complaints shall be lodged with the competent institution by private persons, whereas state institutions, their representatives, employees shall file applications. Laws may also provide for other forms of appeal.

Article 3. Disputes over Points of Law

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

2. The Tribunal shall not offer assessment of the disputed administrative act 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 specific case an infringement of law or secondary legislation act, whether or not the entity of administration has exceeded its competence, also whether or not the act (action) contradicts the objectives and tasks for the purpose whereof the institution has been set up and vested with appropriate powers.

SECTION TWO

COMPETENCE OF ADMINISTRATIVE TRIBUNALS

Article 4. Cases within the Jurisdiction of Administrative Tribunals

Administrative Tribunals shall adjudicate in cases concerning:

1) the legality of legal statutes adopted and acts performed by the entities of state administration, also the lawfulness and justifiability of the entities' refusal to act within their remit or their delay in acting;

2) the legality of ordinances adopted and acts performed by the entities of municipal administration, also the lawfulness and justifiability of the entities' refusal to perform acts within their remit or delay in the performance thereof;

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 local government institutions, agencies, services and their employees (Civil Code, Article 485);

4) taxes, other mandatory payments, levies and tax disputes;

5) applications of civil servants and municipal employees concerning employment relations, including dismissal from office and application of disciplinary measures;

6) disputes between entities of public administration not subordinate to each other concerning acts beyond their remit or infringement of laws, except for civil disputes which fall under the competence of courts;

7) infringement of the electoral laws or the Law on the Referendum;

8) appealing from the judgement in the case of an administrative violation of law;

9) legality of decisions taken by public institutions and NGOs and their actions in the sphere of public administrations;

10) legality of general acts adopted by public organisations, societies, political parties, political organisations or associations.

Article 5. Cases not within the Jurisdiction of Administrative Tribunals

1. Administrative Tribunals shall not hear cases assigned to the competence of the Constitutional Court, also cases within the competence of courts or other tribunals.

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), the Seimas Ombudsmen, judges of the Constitutional Court, the Supreme Court of Lithuania and the Court of Appeal of Lithuania, also the procedural actions of judges of other courts, prosecutors, investigators and persons conducting the inquiry, connected with the administration of justice or investigation of a case shall be outside the jurisdiction of Administrative Tribunals.

3. Administrative Tribunals shall not adjudicate in cases concerning administrative violations of law, to be heard under the Code of Administrative Violations of Law by district courts as the courts of first instance.

Article 6. Competence of County Administrative Tribunals

1. The County Administrative Tribunal is:

1) the first instance for the cases specified in Article 4 of this Law, other than those assigned to the competence of the High Administrative Tribunal;

2) the appeals instance for rulings in administrative cases.

2. The County Administrative Tribunal shall be the court of the first instance hearing the following cases:

1) cases concerning the legality of regulatory administrative enactments adopted by the territorial entities of state or municipal administration;

2) cases concerning the applications by the Seimas Ombudsmen pursuant to the Law on the Seimas Ombudsmen;

3) cases concerning the applications lodged by municipal councils regarding the infringement of their rights, where the opposite party are territorial entities of state administration;

4) cases concerning the applications of the Government representative concerning the acts of local authorities 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 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 local government authorities, institutions, agencies, services and their staff performing the duties of an office (Civil Code, Article 485);

6) cases concerning the applications of civil servants and municipal employees concerning employment relations (paragraph 5 of Article 4 of this Law), except in cases where one of the parties to the dispute is a central administration institution, agency, service or its staff member;

7) cases concerning the applications in the event of disputes about competence or violation of laws between the entities of public administration not subordinate to each other (paragraph 6 of Article 4 of this Law), except in cases where one of the parties to the dispute is the central administration institution, agency, service;

8) following a complaint about the decision of the district electoral committee or the district committee for the referendum concerning the mistakes made in the voter list or in the list of citizens entitled to participate in the referendum;

9) on the basis of complaints (applications) about the decisions of municipal and county administrative disputes commissions;

10) cases concerning the applications requesting to ensure enforcement of decisions of administrative disputes commissions.

Article 7. Competence of the High Administrative Tribunal

1. The High Administrative Tribunal is:

1) the first instance for the cases specified in Article 4 of this Law, where one of the parties to the proceedings is the central entity of state administration, also for tax cases, except for disputes concerning compulsory payments and levies;

2) the appeals instance for the cases which have been heard in the county Administrative Tribunals as the courts of the first instance.

2. The High Administrative Tribunal as the court of the first instance shall hear the following cases:

1) concerning the legality of regulatory administrative enactments adopted by central entities of state administration;

2) on the applications by the Seimas Ombudsmen pursuant to the Law on the Seimas Ombudsmen;

3) on the applications lodged by municipal councils regarding the infringement of their rights, where the opposite party are the central entities of state administration;

4) concerning the 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 the central administration institution, agency, service or its staff performing the duties of an office (Civil Code, Article 485);

5) on the applications of civil servants concerning employment relations (paragraph 5 of Article 4 of this Law), where one of the parties to the dispute is a central administration institution, agency, service or its staff member;

6) on applications in the event of disputes about competence or violations of laws regulating administrative relations (paragraph 6 of Article 4 of this Law) between public administration entities not subordinate to each other, where one of the parties to the dispute is the central administration institution, agency or service;

7) following the lodging of complaints about the infringement of the electoral laws or the law on the referendum or about the decisions of the Central Electoral Committee;

8) on the applications lodged by the entities specified in paragraph 1 of Article 28 of this Law questioning the legality of general acts adopted by public organisations, communities, political parties, political organisations or associations;

9) on following the lodging of complaints (applications) about the decisions of the Central Administrative Disputes Commission;

10) on applications requesting to ensure enforcement of decisions of the administrative disputes commissions.

Article 8. Administrative Division of the Court of Appeal of Lithuania

1. The Administrative Division of the Court of Appeal is:

1) the appeals instance for cases heard by the High Administrative Tribunal in the competence of the court of the first instance;

2) the last instance for matters of jurisdiction of administrative cases.

2. The Division of Administrative Cases of the Court of Appeal of Lithuania shall create uniform jurisprudence of Administrative Tribunals in law application.

CHAPTER TWO

APPEALS AND APPLICATIONS

SECTION THREE

GENERAL PROVISIONS REGARDING APPEALS (APPLICATIONS)

Article 9. Right to Lodge an Appeal (Application)

1. The right to lodge a complaint (application) concerning an administrative act adopted by an entity of public or internal administration or about the said entity's act (or omission) shall be vested in persons, other entities of public administration, including civil servants or local government employees when said persons believe their rights have been infringed upon.

2. The complaint (application) shall be lodged with the administrative disputes commission or directly with the Administrative Tribunal. The complaint (application) may be sent to the administrative disputes commission by post.

3. The Administrative Tribunal may be directly applied to with an application (complaint) by the state and local government institutions, agencies, services, employees or persons prescribed by law.

Article 10. Form and Content of an Appeal (Application)

1. Appeals (applications) shall be lodged with the administrative disputes commission or the Administrative Tribunal in writing.

2. The following must be specified in the complaint (application):

1) the name of the commission or Tribunal with which the complaint (application) is lodged;

2) the complainant's name, first name (name of the institution), place of residence (head office), also name, first name and address of the agent, if any;

3) name, first name and the office held or the name and head office of the institution whose actions are complained about;

4) name, first name (name of the institution), place of residence (head office);

5) the specific challenged action or act, date of its performance (adoption);

6) the circumstances upon which the complainant's request is based, supporting evidence, names, first names and places of residence of witnesses, location of other evidence;

7) the complainant's request, as necessary, also for the compensation of damage;

8) the list of appended documents;

9) place and date of drawing up the complaint (application).

3. The complaint (application) shall be signed by the complainant or his agent and, in case of appeals and in other cases provided for by law, also by the lawyer. The authorisation or any other document confirming the agent's authority must be attached to the complaint (application) lodged by the agent.

Article 11. Documents Accompanying Appeals

1. The following documents shall accompany an complaint (application): the challenged act, a relevant decision of the administrative disputes commission if the complaint (application) has been discussed in the administrative disputes commission; when appropriate - a document confirming the date of filing of requests or objections addressed to the institution, agency, service against which the complaint is lodged..

2. The stamp duty bill or a justified request for exemption must accompany the complaint (application) except in cases specified in Article 26 of this Law.

3. The number of copies of the complaint and the appended items 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

PRE-TRIAL INVESTIGATION OF COMPLAINTS

Article 12. Pre-trial Dispute Settlement Procedure

1. Individual acts adopted by public administration entities specified by law as well as their acts (or omission) may be contested prior to applying to the Administrative Tribunal.

2. When a complaint (an application) is lodged prior to applying to the Tribunal, the form and contents thereof must meet the requirements set in Article 10 of this Law.

Article 13. Administrative Disputes Commissions, the Procedure of their Establishment and Work

1. Unless the laws provide otherwise, pre-trial consideration of disputes shall be effected by public administrative disputes commissions, county administrative disputes commissions and the Supreme 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 obligatory pre-trial consideration of disputes over taxes and other mandatory payments shall be prescribed by tax laws and other laws regulating obligatory payments.

4. Other pre-trial dispute settlement institutions may also be prescribed by law for separate categories of administrative disputes.

Article 14. The Competence of Municipal and County Administrative Disputes Commissions

1. Unless the laws provide otherwise, a person's complaint concerning administrative acts adopted by entities of public administration or their acts (or omission) may be lodged with the municipal public administrative disputes settlement commission.

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

adopted by the entities of municipal administration located in the county territory or their actions (or omission) may be lodged with the county administrative disputes commission.

Article 15. The Competence of the Supreme Administrative Disputes Commission

Unless the laws provide otherwise, complaints (applications) about 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 lodged with the Supreme Administrative Disputes Commission,.

Article 16. Disputes outside the Jurisdiction of Administrative Disputes Commissions

Disputes which are outside the jurisdiction of municipal, county administrative disputes commissions and the Supreme Administrative Disputes Commission shall be specified in Article 5, paragraph 2 of Article 6 and paragraph 2 of Article 7 of this Law.

Article 17. Time Limits for Lodging Complaints (Applications) with Administrative Disputes Commissions

1. A complaint (application) must be lodged with the administrative disputes commission within 1 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 actions of the administration (employees).

2. In cases where the administration (employees) fail to perform their duties or delay the adoption of decisions the time limit for lodging an complaint shall be measured from the day after the expiry of the time limit set for the settlement of the issue.

Article 18. Time Limits for Pre-trial Investigation of Complaints

A complaint (application) lodged with the administrative disputes commission must be considered in accordance with the pre-trial procedure and a decision must be taken thereon within 14 days of the receipt thereof.

SECTION FIVE
GENERAL RULES FOR LODGING COMPLAINTS (APPLICATIONS)
WITH THE ADMINISTRATIVE TRIBUNAL

Article 19. Lodging of Complaints (Applications) with the Administrative Tribunal Contesting the Decision of the Commission

1. The decision of an appropriate administrative disputes commission adopted upon considering an administrative dispute in accordance with the pre-trial procedure may be appealed against to the Administrative Tribunal by persons and other entities who suffered infringement of their rights in the sphere of public or internal administration. In such an event the Administrative Tribunal may be appealed to within 20 days of the day of receipt of the decision.

2. If the administrative disputes commission fails to consider the complaint (application) within the prescribed time period, the entities specified in paragraph 1 of Article 9 of this Law may lodge a complaint (application) concerning the infringed right within 1 month from the date the decision was to be taken.

Article 20. Other Time Limits for Lodging Complaints with the Administrative Tribunal

1. A complaint (application) may be lodged with the Administrative Tribunal within 1 month from the day of publication of the challenged act or the day of delivery of the individual act to or notification of the party concerned of the act (or omission).

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, such failure to act (delay) may be a subject of a complaint lodged within 1 month from the day following the expiry of the time period set under legal acts for the settlement of the issue.

3. No time limits shall be set for the lodging of applications with the Administrative Tribunal requesting review of lawfulness of regulatory administrative enactments.

Article 21. The Extension of the Missed Time Period

1. Upon the applicant's request the Administrative Tribunal may extend the time period set for the lodging of complaints (applications) if it is recognised that the time period has been missed for a valid reason.

2. When lodging an application for an extension of the time period, the reasons for the missing of the time period shall be stated therein. The complaint (application) must be lodged together with the application for the extension of the time period.

3. Upon extending the time period for the lodging of complaints (applications), the Administrative Tribunal shall take the case and take a decision on the merits of the case.

Article 22. Lodging of Complaints (Applications) according to the Location of the Institution

The complaint (application) shall be lodged with the Administrative Tribunal within the territory of whose jurisdiction the head office of the entity of public or internal administration whose legal acts or acts (or omission) are contested is located.

Article 23. The Application of the Seimas Ombudsman

In cases where, pursuant to the Law on the Seimas Ombudsmen, the Seimas Ombudsman appeals to the Administrative Tribunal on account of the citizen's complaint, his application must be in compliance with the requirements of paragraphs 1 and 2 of Article 10 of this Law and paragraph 3 of Article 11 of this Law.

SECTION SIX LEGAL COSTS

Article 24. Stamp Duty

Except in cases provided for by law, complaints (applications) shall be accepted and considered by Administrative Tribunals only after the payment of the stamp duty prescribed by law.

Article 25. Amount of the Stamp Duty

1. Every complaint (application) in administrative proceedings shall be subject to a stamp duty in the amount of LTL 100, excluding the exceptions specified in Articles 26 and 27 of this Law.

2. An appeal for the review of a court judgement shall be subject to a stamp duty at the 50% rate payable upon the lodging of the complaint (application) with the court of the first instance.

3. A stamp duty in the amount of LTL 10 shall be payable for reissue of a copy of the court judgement, ruling or other court act.

Article 26. Complaints (Applications) Exempt from Duty

1. Exempt from stamp duty shall be complaints (applications) relating to:

1) unlawful refusal by the entities of public administration to perform the actions assigned within their remit or delay in performing same;

2) overstepping of one's authority when adopting administrative acts;

3) awarding of pensions or refusal to award;

4) violation of the electoral laws and the Law on the Referendum;

5) applications by civil servants and local government employees when they concern legal relations in the office;

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

7) applications 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;

8) applications by the prosecutors and their deputies, other State institutions, agencies or services, relating to State interests, also applications by public authorities or agencies prescribed by law or their employees concerning the protection of other individuals' rights;

9) applications by the Seimas Ombudsmen pursuant to the Law on the Seimas Ombudsmen;

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

11) imposition (failure to impose) of administrative sanctions;

12) compensation for damage inflicted upon a natural or legal person by unlawful acts or omission in the sphere of public administration by a state or local government institution, agency, service or its employee in the performance of duties of an office (Article 485 of the Civil Code).

2. Exempt from stamp duty shall also be appeals for the review of judgements of Administrative Tribunals on complaints (applications) specified in paragraph 1 hereof, also on applications by entities specified in paragraphs 1 and 2 of Article 28 of this Law, contesting the legality of a regulatory administrative enactment.

Article 27. Exemption from Stamp Duty

In view of the property status of a natural person or group of natural persons the Administrative Tribunal may grant them a full or partial exemption from stamp duty.

SECTION SEVEN

APPLICATIONS CONTESTING THE LEGALITY OF REGULATORY ADMINISTRATIVE ENACTMENTS

Article 28. Abstract Application Requesting Investigation of Legality of a Regulatory Administrative Enactment

1. The right to lodge an application with the Administrative Tribunal requesting investigation of compliance of the regulatory enactment (or part thereof) adopted by an entity of public administration with the law or a regulatory enactment of the Government shall be vested in the Seimas members, Seimas Ombudsmen, state control officers, courts and tribunals, also the prosecutors.

2. The Government representatives who carry out the supervision of municipality activities shall also have the right to apply to the Administrative Tribunal with an application with a view to investigating compliance of a regulatory administrative enactment (or part thereof) adopted by the entity of municipal administration with the law or a regulatory enactment of the Government.

3. A copy of the law or regulatory enactment of the Government which the contested regulatory enactment adopted by the entity of public administration is not

in compliance with must also be appended to the application requesting investigation of legality of the regulatory administrative enactment of the entity of public administration.

Article 29. Request for the Investigation of Legality of a Regulatory Administrative Enactment in Relation to an Individual Case

1. Entities specified in paragraph 1 of Article 9 of this Law shall have the right to apply to the Administrative Tribunal requesting investigation of compliance of a regulatory administrative enactment (or part thereof) with the law or a regulatory enactment of the Government when the Tribunal holds a hearing of a specific case relating to infringement of their rights.

2. When during the hearing of an individual case the Administrative Tribunal itself questions the legality of a regulatory administrative enactment which should be applicable in the specific case, the Tribunal shall suspend the hearing of the individual case and, where such an act is assigned within its competence, settle the matter of legality of the regulatory administrative enactment in the first place. In other instances Article 30 of this Law shall be applicable.

Article 30. Application to the Administrative Tribunal by a Court or a Tribunal

In the event a court or a tribunal questions the compliance of the regulatory enactment (or part thereof) adopted by the entity of public administration with the law or the regulatory enactment of the Government, the court or the tribunal shall suspend the hearing of the case and shall apply to the Administrative Tribunal with a ruling requesting verification of compliance of the appropriate act (or part thereof) with the law or the Government's regulatory enactment. Upon receipt of an effective judgement of the Administrative Tribunal, the court or the tribunal shall resume the hearing of the case.

Article 31. The Contents of the Ruling Made by a Court or a Tribunal

1. When a court or a tribunal makes a ruling in the cases specified in Article 30 of this Law, the ruling must include:

- 1) a statement of the time and place of the making of the ruling;

- 2) the name and address of the court which makes the ruling;
 - 3) the composition of the court which makes the ruling, persons participating in the proceedings;
 - 4) a short statement of the matters asserted and the legal acts upon which the parties to the proceedings base their demands or rebuttals;
 - 5) information regarding the contested act: the agency which adopted the act, date of adoption; full title of the act;
 - 6) legal arguments upon which the applying court bases its doubt about the legality of the contested act (part thereof);
 - 7) request of the applying court and an explanation to which Administrative Tribunal the request is addressed.
2. The following documents shall be appended to the court ruling:
 - 1) the stayed proceedings before the court or the tribunal;
 - 2) a copy of full text of the contested legal act.
 3. Having completed the hearing of the case the Administrative Tribunal shall remand the referred stayed proceedings to the appropriate court.

SECTION EIGHT

COMPLAINTS ABOUT THE INFRINGEMENT OF THE ELECTORAL AND REFERENDUM LAWS

Article 32. Lodging a Complaint Requesting the Restoration of Suffrage or of the Right to take Part in a Referendum

1. A voter, 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 voting right (incorrectly recorded in the list or struck off the list, also when the data about the voter given in the list is inaccurate), may appeal against the decision of the district electoral committee or the district committee for the referendum to the Administrative Tribunal of the appropriate district within the time limits provided for in the electoral laws and laws on the referendum

2. If the Tribunal is appealed to without prior lodging of a complaint with the district committee, the judge shall refer the complaint to the appropriate committee and notify the applicant thereof.

Article 33. Lodging 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, as well as in the Law on the Elections to the Local Government Councils may complaint against the decisions of the Central Electoral Committee on the grounds and within time limits specified in this Law.

2. Complaints shall be lodged with the High Administrative Tribunal.

Article 34. Time Limits and Procedure for Conducting Hearings on Complaints relating to the Infringement of Electoral (Referendum) Laws

1. The Administrative Tribunal shall conduct hearings of complaints relating to infringement of electoral or Referendum laws within the time limits established by the electoral or Referendum laws.

2. The Administrative Tribunal shall conduct hearings on appeals upon notifying the applicant and the appropriate election committee thereof. Default of the said persons to appear in court after proper service of notice shall not preclude the conduct of a proceedings and the making of the order.

Article 35. The Order of the Tribunal on the Infringements of the Electoral Laws

1. The final order of the Administrative Tribunal in the proceedings on the complaint relating to infringement of electoral or Referendum laws shall become effective immediately after it is pronounced.

2. Upon the making of the final order its copies shall be immediately sent to the appropriate electoral committee and the applicant.

SECTION NINE

APPEALS AGAINST THE IMPOSITION OF ADMINISTRATIVE SANCTIONS

Article 36. Lodging an Appeal against the Imposition of an Administrative Sanction

1. The imposition of an administrative sanction may be appealed against by the person on whom it is imposed, the plaintiff, also the institution whose officer drew up the record of an administrative offence. The appeal may be lodged with the county Administrative Tribunal for the locality where the institution whose (whose officers') act is appealed against is situated within 10 days from the day of decision making. Laws may also provide for another time limit for lodging an appeal.

2. The appeal may also be sent to the Administrative Tribunal through the institution (officer) which/who imposed the sanction. Unless the law provides for a different time limit, the institution (officer) shall within 3 days send the appeal together with the case to the county Administrative Tribunal.

Article 37. Hearing of Appeals against an Administrative Sanction

1. The Administrative Tribunal shall conduct hearings on the appeal within 10 days following the day of receipt thereof, unless the law provides for a different time limit for the hearing.

2. The appellant and the institution (officer) which/who imposed the administrative sanction shall be notified of the time and place of the hearing. The failure of the said persons to appear in court after proper service of notice shall not preclude the Tribunal from conducting hearings on the appeal.

3. When conducting a hearing on the appeal the Administrative Tribunal shall verify the legality of and the grounds for the imposition of the administrative sanction.

Article 38. Order of the Tribunal on the Appeal against the Imposition of Administrative Sanction

1. The Administrative Tribunal shall make one of the following orders:

1) to leave the imposed administrative sanction stand as it is and to deny the appeal;

2) to revoke the imposed administrative sanction and to refer the case for a rehearing;

3) to revoke the imposed administrative sanction and to discontinue the proceedings;

4) to change the sanction without violating the legal act regulating the imposition thereof, however in such a manner as not to increase it.

2. Where it is established that the decision has been issued by the institution (officer) not authorised to decide the case, the decision shall be cancelled and the case shall be referred to a competent institution (officer).

3. Upon the coming into effect of the Administrative Tribunal order its transcript shall be sent to the person on whom the administrative sanction has been imposed, to the person, in response to his request, on whom damage has been inflicted as well as to the institution (officer) which/who imposed the sanction.

CHAPTER THREE

JUDICIAL PROCEEDINGS

SECTION TEN

PERSONS - PARTICIPANTS IN THE ADMINISTRATIVE PROCEEDINGS

Article 39. Parties to and Participants in the Proceedings

1. There shall be the following parties to administrative proceedings: the applicant (the entity which lodged the complaint, application; the court which made the ruling); the defendant (the institution, agency, service, employee whose acts or actions are appealed against); the third interested persons (i.e., those, whose interests may be affected by the solution of the case).

2. Witnesses, experts, specialists, interpreters and, in the cases provided for by law, officers (representatives) of state or municipal institutions, taking part in the proceedings shall be considered as participants in the administrative proceedings.

Article 40. Legal Representation

1. Parties to the proceedings shall defend their interests in court themselves or through their representatives. The participation of the party in the proceedings shall not deprive it of the right to be represented in the case. State institutions, agencies, services shall have the right to have representatives from the interested superior state institutions.

2. Heads of appropriate institutions, agencies, services shall be considered as legal representatives, acting within the powers granted on the basis of laws or other legal acts. The persons shall produce to the court documents confirming their official duties. The court which applied to the Administrative Tribunal shall be represented by judge who made the ruling (or the chairman of the court division).

3. As a rule, legal counsels shall act as authorised representatives in court (acting under the power of attorney). The powers of the legal counsel shall be confirmed by the warrant of attorney. The powers of other representatives must be specified in the power of attorney issued and documented according to the procedure laid down in the Civil Code.

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

Article 41. Third Interested Parties

1. As a rule, the third interested parties shall be named by the applicant in his complaint (application).

2. If the third interested parties are not named in the complaint (application), but the circumstances of the case lead the Administrative Tribunal to believe that their interests may be affected by the solution of the case, the Tribunal shall identify such persons on its own initiative and give them notice of the hearing so that as to enable them to state their opinion and defend their rights.

Article 42. Right of Access to the Case Material of the Parties to the Proceedings

1. Parties to the proceedings shall have the right of access to the documents of the case and other material and shall have the right to make copies and excerpts thereof at their own expense.

2. The party or the institution which produces to the Tribunal documents or material which constitutes a state, professional, commercial or official secret may request the Tribunal not to grant access to the documents and the material or to make copies thereof. The Tribunal shall make a corresponding ruling on the issue.

Article 43. Other Rights and Obligations of the Parties to the Proceedings

1. The parties shall have equal procedural rights.

2. Parties to the proceedings shall have the right to challenge and file motions, submit evidence, take part in the examination of evidence, pose questions to other participants in the proceedings, make submissions, present their arguments and pleas, object to the motions, arguments and pleas of other participants in the proceedings, receive copies of the final judgements, rulings of the Tribunal, appeal from the judgements, rulings of the Tribunal and exercise other rights provided for by the Code of Civil Procedure.

3. Parties to the proceedings must exercise their procedural rights fairly.

SECTION ELEVEN HEARING

Article 44. Chambers of the Administrative Tribunal

1. The hearing of cases before the Administrative Tribunal shall be conducted by the chamber of 3 judges. For the purpose of hearing of complicated cases the chamber may be constituted by 5 judges. The constitution of the chamber shall be established and its president shall be appointed by the chairman of the Administrative Tribunal or of the Administrative Division of the Court of Appeal of Lithuania.

2. Cases shall be prepared for hearing and separate procedural actions provided for by law shall be performed by one judge on behalf of the court.

Article 45. Conditions for Opening the Hearing

1. The hearing of a case shall be conducted only after the parties to the proceedings have been given prior notice of the time and place of the hearing by sending a summons or making a public announcement in the press.

2. In cases relating to violation of electoral or Referendum laws as well as those involving appeals or disputes for the hearing whereof special time limits have been established by law summons to the parties to the proceedings may be served 1 day prior to the opening of the hearing.

3. Default of parties to the proceedings and their representatives to appear in court after proper service of notice shall not preclude the conduct of a proceedings and the passing of judgement.

Article 46. Hearings to be Public

1. All hearings of Administrative Tribunals shall be held in public.

2. A hearing may be held in private in order to preserve the privacy of personal or family life of an individual, also if a hearing of the case in public would disclose a state, professional, commercial or official secret. The Tribunal shall make a justified ruling hereunder.

Article 47. Time Limits for Hearing Administrative Cases

1. Unless the law provides for shorter time limits for conducting hearings, the hearing of an administrative case in the Administrative Tribunal must be completed and a judgement must be passed in the court of the first instance within 1 month from the day of receipt of the complaint (application) in court.

2. As necessary, the above general time limit may be extended by a justified court ruling, but only for a period not in excess of 1 month, whereas in cases where the legality of regulatory administrative enactments is contested - not in excess of 3 months.

Article 48. Duties of Judges in the Hearing of Administrative Cases

1. When hearing administrative cases, judges must actively participate in the collection of evidence, in the establishment of all significant circumstances of the case and must make a comprehensive and objective examination thereof.

2. Unless the judge sets another time limit, the material or documents requested by the judge must be delivered to the Tribunal within 3 working days.

SECTION TWELVE

JUDGEMENTS

Article 49. Passing of Judgements

1. The Administrative Tribunal shall pass a judgement in relation to the heard case in the chambers by a majority vote of the judges. Judges shall have no right to refuse to vote or to abstain. The passed judgement shall be signed by all judges participating in the hearing.

2. The judgement passed by the Administrative Tribunal shall be publicly announced in the chambers.

3. Judgement in cases relating to the legality of administrative acts and in other complex cases may be passed and announced not on one and the same day but not later than within 10 days upon the completion of the hearing of the case. Pending the passing of judgement, the judges of the chamber may hear other cases.

4. The Administrative Tribunal judgement shall be passed and pronounced on behalf of the Republic of Lithuania.

Article 50. Types of Judgements

Having completed the hearing of a case the Administrative Tribunal shall pass one of the following judgements:

1) to reject the complaint (application) as devoid of merit;

2) to meet the complaint (grant the application) and rescind the contested act (or a part thereof), or to obligate the appropriate entity of administration to rectify the committed violation or to comply with any other order of the Tribunal;

3) to meet the complaint (grant the application) and to obligate the entity of municipal administration to implement accordingly the law, the Government resolution or any other legal act;

4) to meet the complaint (grant the application) and to order payment of monetary damages sustained by or compensation of moral damage inflicted on a natural person or organisation by unlawful acts performed in the sphere of public administration by state or municipal institutions, agencies, services and their staff members in the performance of their duties of an office or by their failure to act (Civil Code, Article 485).

Article 51. Grounds for the Rescission of Contested Acts

A contested act (part thereof) must be rescinded if it is:

- 1) illegal *per se*, i.e. contradicts by its contents the legal acts of higher order;
- 2) illegal by reason of having been adopted by an incompetent entity of administration;
- 3) illegal because it was adopted in violation of the principal established procedures, especially in breach of the rules intended to ensure an objective evaluation of all circumstances and the validity of the decision.

Article 52. Judgement in the Proceedings concerning Delay or Omission to Act

In the proceedings concerning the omission to act by the entity of administration, i.e., failure to perform the duties or delay in the settlement of matters, the Administrative Tribunal may by its order place the entity of administration under obligation to pass a decision within the time period prescribed by the Tribunal, or the Administrative Tribunal itself shall resolve the appropriate issue.

Article 53. Order to Enforce the Decision of the Administrative Disputes Commission

1. In the cases where the applicant applies to the Administrative Tribunal with a petition for the enforcement of the decision of the administrative disputes commission, the Tribunal shall exact from the appropriate commission the material based whereon the decision has been taken and shall verify its lawfulness. If the Administrative Tribunal establishes that the decision of the administrative disputes commission is unlawful, the Tribunal shall make an order to cancel the commission's decision and shall at its own discretion settle the dispute in substance.

2. If the Administrative Tribunal establishes that the decision of the commission is lawful, the Tribunal shall make an order to put the entity of public administration under an obligation to implement the decision of the administrative disputes commission within the time period prescribed by the Tribunal. Rules laid down in Article 58 of this Law shall be applicable to the enforcement of the order of the Tribunal.

Article 54. Legal Consequences of Rescission of an Act

The rescission of the contested act (annulment of the contested action) shall signify the restoration in the specific case of the situation which existed prior to the adoption of the contested act (action), i.e., the restoration of the infringed rights or lawful interests of the complainant, however, the legal power of another act in effect prior to the rescinded act shall not be automatically restored in this case.

Article 55. Legal Consequences of the Recognition of a Regulatory Enactment as Unlawful

1. A regulatory enactment (a part thereof) adopted by an entity of public administration shall be deemed rescinded and, as a rule, shall not be applicable as from the day of official pronouncement of the effective judgement of the Administrative Tribunal regarding the recognition of the appropriate regulatory enactment (of a part thereof) as unlawful.

2. Taking into account the specific circumstances of the case and having assessed the likelihood of negative legal consequences, the Administrative Tribunal may establish by its judgement that the rescinded regulatory administrative enactment (or a part thereof) may not be applicable as from the day of its adoption.

3. As necessary, the Administrative Tribunal may suspend the validity of a regulatory administrative enactment (or of a part thereof) pending the coming into effect of the judgement.

Article 56. Sending the Transcripts of Judgements

1. Unless the law prescribes otherwise, the parties to the proceedings and the third parties shall be sent transcripts of the Administrative Tribunal judgement within 3 days from the passing thereof.

2. In the cases when the proceedings is initiated by the Seimas Ombudsman, upon the passing of the judgement (ruling) a transcript thereof shall be sent to the Seimas Ombudsman as well.

Article 57. Publication of Judgement

1. A judgement of the Administrative Tribunal regarding the recognition of a regulatory administrative enactment (or a part thereof) as unlawful and its subsequent

rescission must be in any case published in the publication in which such an enactment was promulgated. The judgement may also specify another publication in which it is to be published.

2. All expenses occasioned by publication of the Administrative Tribunal judgement shall be born by the institution, agency, service, whose administrative act (or part thereof) has been recognised as unlawful. As necessary the publication expenses shall be recovered on the basis of the ruling taken following the publication of the judgement.

Article 58. Execution of Judgements

1. Upon the coming into effect of the judgement whereby the complaint is met its transcript shall be sent for execution to the entity of administration whose acts or omission have been complained against. Upon the coming into effect of the judgement its transcript shall also be delivered to the appropriate bailiffs' office, charging it with the control of the judgement execution.

2. If the entity of administration fails to enforce within the time period specified by Tribunal the judgement putting the entity under an obligation, the Tribunal which passed the judgement shall, upon the bailiff's request, impose on the employee, responsible for non-compliance, a fine in the amount of 75% of his last month's wage and set a new time limit for the execution of the judgement.

3. If a collegial body refuses to execute the judgement, its chief officer or the officer acting for him shall be held liable and shall incur punishment.

4. If the employees, responsible for the execution of the judgement for the second time and subsequently fail to execute the judgement within the time period set for the purpose, the Tribunal shall impose upon the responsible employee a fine in the amount of 1 to 3 of his monthly wages.

5. The fine shall be recovered from the punished employee into the state revenue.

6. The complainant may also appeal to the Tribunal because of the non-compliance with the judgement. The issue of imposition of a fine shall be heard at the court session upon giving due notice to the complainant and the employee responsible for the execution of the judgement.

7. Judgements regarding compensation for damage as well as reimbursement of costs awarded by the Tribunal shall be executed according to the procedure laid down in the Code of Civil Procedure. The procedure shall also be applied for recovering unpaid fines specified herein.

SECTION THIRTEEN

PAYMENT OF COSTS

Article 59. Costs

1. The party for which the judgement has been rendered shall be entitled to the payment by the other party of the costs incurred by it.

2. When the judgement has been rendered for the complainant, the latter shall have the right to demand the payment of the following costs incurred by him: the paid stamp duty; other expenses incurred through the writing and filing of the complaint (application); legal costs; transportation expenses; the cost of renting residential premises in the locality of the Tribunal for the period of court hearing and the daily allowance expenses - 10% of the approved applicable amount of the minimum living standard for every day of the court hearing.

4. When the hearing of the case results in the satisfaction or protection of interests of the third interested parties, the rights of the said parties to the payment of costs shall be the same as those of the complainant if the judgement is rendered for the complainant.

5. The party for which judgement has been passed shall have the right to demand reimbursement of representation expenses. The issue of reimbursement of the incurred representation expenses shall be settled in accordance with the procedure laid down by the Code of Civil Procedure.

6. The employee through whose fault the entity of administration had to reimburse the complainant for the expenses specified in paragraphs 2 and 5 hereof must, following the recourse action of the entity of administration, pay the costs born by the entity of administration.

Article 60. Making and Execution of an Order concerning the Reimbursement for Expenses

1. The Tribunal shall consider applications for reimbursement of expenses lodged prior to the hearing of the case in the Administrative Tribunal and make an order in the administrative proceedings. In the rest of the cases the Tribunal shall make a ruling.

2. The party interested in the reimbursement of expenses shall file with the Tribunal a written petition with the calculation and substantiation of the expenses incurred. Petitions for the reimbursement of expenses must be filed within 14 days after the coming into effect of the order.

3. Making an order concerning the reimbursement of expenses, the Administrative Tribunal shall fix a 2-week payment period. Orders which have not been timely executed shall be executed in accordance with the procedure laid down by the Code of Civil Procedure.

SECTION FOURTEEN

APPEALS FROM THE JUDGEMENTS OF TRIBUNALS

Article 61. Appeals from the Orders of County Administrative Tribunals

Orders and rulings of the County Administrative Tribunals on the reimbursement of expenses may be appealed against to the High Administrative Tribunal within 14 days after the making thereof.

Article 62. Appeals from the Orders of the High Administrative Tribunal

Orders and rulings of the High Administrative Tribunal on the reimbursement of expenses, passed in the hearing of administrative cases in the first instance may be appealed against to the Administrative Division of the Court of Appeal of Lithuania within 14 days after the making of the order..

Article 63. Review of Administrative Cases by Appeal

Unless the Law on Administrative Proceedings establishes otherwise, administrative cases shall be reviewed by appeal in accordance with the rules laid down in Sections 34 and 35 of Chapter 3 of the Code of Civil Procedure.

Article 64. Inadmissibility of Appeals in Cassation

Judgements of the Administrative Tribunals shall not be subject to appeal in cassation.

Article 65. Coming into Effect of the Law

The Law shall come into effect on 1 May 1999.

I hereby promulgate this Law enacted by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS