ADMINISTRATIVE JUSTICE IN EUROPE

Preliminary questions

1. For almost ten years following the restoration of independence of Lithuania, the review of decisions and acts of administrative authorities was carried out by the courts of general jurisdiction. There were no specialized chambers for administrative affairs or specialization of judges – administrative disputes were heard by civil courts according to the specific rules of the Code of Civil Procedure (CCP). Proceedings for hearing disputes arising from administrative legal relations were construed by the "list" principle - courts could hear only administrative disputes directly listed in the CCP.

In May 1999, following the constitutional provision that for the consideration of administrative, labour, family and other categories of cases, specialized courts may be established pursuant to law[1], a system of specialized administrative courts was established. The need for such a reform was explained by the fact that, according to the existing legal regulation, civil courts can hear only a part of administrative disputes, while, due to the gaps in legal regulation, most of administrative disputes fall outside the competence of courts[2]. The idea of specialized administrative courts was also supported by the specifics and complexity of administrative disputes and the need for the specialization of judges. According to the Law on Establishment of Administrative Courts, specialised administrative courts were established for considering 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).

During the first period of its existence, the system of administrative courts consisted of 5 regional administrative courts, the Higher Administrative Court and the Administrative Division of the Court of Appeals of Lithuania. In 1999, the system of independent administrative disputes commissions was also established.[3]

[1] Article 111 of the Constitution
[2] Explanatory memorandum to the Draft Law on Establishment of Administrative Courts
[3] Law on Administrative Disputes Commissions, adopted on January 14, 1999

In 2001, the system of administrative courts underwent 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. Presently, the system of administrative courts of Lithuania consists of 5 regional administrative courts and the Supreme Administrative Court of Lithuania.

2. In Lithuania, the review by the courts of administrative acts and actions aim to submit administrative authorities to the law and protect individual rights. This position is supported by the available kinds of recourse against administrative acts and actions (*see answer to question 16*). Moreover, the precondition for applying to an administrative court is the legal interest of the claimant - the violation of his/her individual rights (except for the cases of protection of public interest). The Supreme Administrative Court of Lithuania has ruled numerous times that there are no grounds for the annulment of the disputed administrative act if it is determined that this administrative act has not violated the rights and/or legal interests of the claimant.[4]

3. According to the Law on Public Administration of the Republic of Lithuania, the term "*entities of public administration*" (or, in other words, "administrative authorities") means institutions, agencies, services and civil servants (officials) *having public administration rights* granted to them under laws *and implementing in practice the executive power or separate functions thereof*. Private institutions, which have been granted public administration powers in accordance with the procedure established by law, are also regarded as "entities of public administration".

4. According to the Law on Public Administration of the Republic of Lithuania, administrative acts are classified into:

4.1. *Individual administrative acts* (in most cases, this means an act of single application of law directed to a specific person or a definite group of persons);

4.2. *Administrative regulatory enactments* (sometimes called normative administrative acts) (means a legal act establishing the rules of conduct and intended for an individual indefinite group of persons)

[4] See e.g. Ruling of the Supreme Administrative Court of Lithuania of 30 December 2004, administrative case No. A^2 – 1049 – 2004; Ruling of the Supreme Administrative Court of Lithuania of 25 March 2005, administrative case No. A^2 - 108 – 2005.

In Lithuania, there is no legal concept of an *administrative contract*. All contracts, regardless of which institution is the party thereof, are regarded as civil contracts (this also includes public procurement).

I - WHO REVIEWS ADMINISTRATIVE ACTS

A - COMPETENT BODIES

5. Alongside the establishment of administrative courts, the general procedure of pre-trial consideration of complaints (applications) contesting the adopted individual administrative acts and acts (or omission) of civil servants and municipality employees in the sphere of public administration was established by the Law on Administrative Disputes Commissions. The law provides for the establishment of municipal administrative disputes commissions, regional administrative disputes commissions and the Chief Administrative Disputes Commission. For pre-trial consideration of tax disputes, the Commission on Tax Disputes under the Government of the Republic of Lithuania was established in 1998.

Application to administrative dispute commissions or the Commission on Tax Disputes prior to applying to an administrative court is not compulsory, save for the cases provided by laws.

6. (*See also Chart 1*) The court system of the Republic of Lithuania consists of **courts of general jurisdiction** and **administrative courts**.

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. Courts of general jurisdiction do not hear administrative disputes. However, when hearing a civil case, a court of general jurisdiction may also hand down a decision on the lawfulness of an individual administrative act[5]. District courts of general jurisdiction also hear cases of administrative offences coming within their jurisdiction, when so established by law.

It should be noted that certain issues, which, in some other countries, are dealt with by the specialized courts, in Lithuania fall under the competence of courts of general jurisdiction. It includes *inter alia:*

[5] Article 12 of the Law on Courts

- industrial property relations;
- public procurement
- contractual liability of state and municipal institutions.

The system of **administrative courts** of Lithuania consists of 5 regional administrative courts and the Supreme Administrative Court of Lithuania. Those are the courts of special jurisdiction hearing disputes arising from administrative legal relations. There are no specialized courts, competent to hear specific types of administrative disputes in Lithuania. Some specialization exists only at the level of pre-trial investigation institutions (e.g. the Commission on Tax Disputes).

The Constitutional Court of the Republic of Lithuania is given a special status. According to the Constitution of the Republic of Lithuania, the Constitutional Court of the Republic of Lithuania has exclusive competence to decide whether the laws and other legal acts adopted by the Seimas (the 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 the 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 act 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. As the Constitutional Court does not hear individual legal disputes, it is not regarded as a part of the court system.

B - RULES GOVERNING THE COMPETENT BODIES

7. –

8. The existence, competence and duties of administrative courts are governed by specific rules – some provisions of the Law on Courts of the Republic of Lithuania, the Law on Establishment of Administrative Courts, the Law on Administrative Proceedings of the Republic of Lithuania, as well as a number of specialized laws, such as laws on elections, public service, taxation, zoning etc.

C - INTERNAL ORGANIZATION AND COMPOSITION OF COMPETENT BODIES

9. –

10. (*See also Chart 2*) Presently, the system of administrative courts of Lithuania consists of 5 regional administrative courts and the Supreme Administrative Court of Lithuania.

Regional administrative courts function as 1st instance courts for all administrative cases, with the exception of those assigned to the exclusive competence of the Supreme Administrative Court of Lithuania.

The Supreme Administrative Court of Lithuania is:

- the appellate and final instance for cases, arising from contested decisions, rulings and orders of regional administrative courts as the courts of first instance.
- the first and final instance for certain categories of administrative cases assigned to its jurisdiction by law.

Some cases of administrative offences are heard by district courts of general jurisdiction. Decisions of district courts in this category of cases may be appealed against before the Supreme Administrative Court of Lithuania.

D - JUDGES

11. Judges who review administrative acts do not belong to a specific category. According to the Law on Establishment of Administrative Courts, the legal position of administrative courts' judges shall be equal to the legal position of judges of courts of general jurisdiction, i.e., the provisions of the Law on Courts shall be applicable with respect to them.

12. Judges in Lithuania are appointed by the President of the Republic,[6] upon the advice of the Judicial Council (the highest self-government institution of the judiciary). General requirements for the candidates are – nationality of Lithuania, high moral character, university degree in law, certain length of service in the legal profession (depending on the level of the court). A special judicial examination before appointment is compulsory unless a candidate has a doctor's or habil. doctor's degree in social sciences (law).

If there are several candidates seeking to fill in a vacant judicial position, the selection of candidates for the judicial office is made by the special Selection Commission pursuant to the selection regulations, which are subject to the approval of the Judicial Council. When selecting candidates for judicial office, their skills, professional and personal qualities, general competence and priority advantages must be taken into account. The criteria for the assessment of candidates for the judicial office are determined by the Judicial Council.

13. Training of judges in Lithuania consists of initial training and obligatory in-service training. Initial training is intended for persons who have been appointed judges for the first time, with a view to expanding their knowledge and building professional skills. Obligatory in-service training involves the broadening of special professional knowledge and skill building. There is a special programme for the training of administrative court judges, approved by the Judicial Council.

14. A person seeking judicial office at a court of a higher level is included in the register of persons seeking promotion in judicial office administered by the National Courts Administration.

A judge of at least five years standing as a judge of a district court has a right to be appointed a judge of a regional administrative court. A judge of at least four years' standing as a judge of a

[6] With the exception of judges of the Supreme Court of general jurisdiction, who are appointed by the Seimas (parliament).

regional administrative court or a regional court of general jurisdiction has a right to be appointed a judge of the Supreme Administrative Court.

Selection of persons seeking promotion in judicial office to be appointed to judicial vacancies is held in accordance with the Regulations of Selection of Persons Seeking Promotion in Judicial Office, which is approved by the Judicial Council. When selecting persons seeking promotion in judicial office, the quality of work in judicial office, professional and personal qualities, organisational abilities and priority advantages of each applicant must be assessed. The criteria for the assessment of persons seeking promotion in judicial office are determined by the Judicial Council. The persons seeking promotion in judicial office are selected by the mentioned Selection Commission and appointed following the general appointment procedure.

15. Judges in Lithuania do not move from court to court. A judge may be transferred to an another court of the same level only subject to his/her consent. Consent of a judge is not necessary for a temporary transfer of a judge to an another court of the same level in order to ensure the functioning of the court (in cases where the judge of this court is unavailable due to ill health, where there is a vacancy at the court or where the judge of this court is not able to carry out his functions for other reasons). Such a transfer of a judge may not last longer than six months and may not occur more frequently than once every three years.

It is not possible for the member of the judiciary to take up a position in public administration.

E - ROLE OF COMPETENT BODIES

16. Following the given classification, administrative courts in Lithuania carry out full review of administrative acts. According to the Law on Administrative Proceedings, upon hearing the case, the administrative court can:

1) revoke the contested administrative act (part thereof) or obligate the appropriate entity of administration to remedy the committed violation or carry out other orders of the court;

2) oblige the appropriate entity of municipal administration to implement the law, a Government resolution or another legal act;

3) settle the dispute in any other manner provided for by law;

4) award damages or redress 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 in the discharge of their official functions (extra-contractual liability).

In the cases relating to omission by an entity of administration, i.e., failure to perform official duties or in the cases regarding the 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.

It should be noted, however, that administrative courts do not offer assessment of the disputed administrative acts (or omission) from the point of view of political or economic expediency and 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.

As there is no concept of administrative contract in Lithuania and all the disputes arising from contracts (including contracts with administrative authorities) fall under the jurisdiction of courts of general jurisdiction, administrative courts do not deal with contractual liability of administrative authorities.

17. Mechanisms for the delivery of a preliminary ruling, apart from the procedure under Article 234 of the Treaty establishing the European Community, do not exist. Some similarities may be found in the procedure of application to the Constitutional Court of the Republic of Lithuania on issues concerning the constitutionality of applicable legal acts (*see answer to question 6*).

A similar procedure exists for issues concerning the conformity of a regulatory administrative act (a part thereof) with a law or a regulation issued by the Government. According to Article 112 of the Law on Administrative Proceedings, the court of general jurisdiction or an administrative court has the

right to suspend the investigation of a case and apply to the administrative court by an order requesting to review the conformity of a specific regulatory administrative act (or a part thereof), applicable in the case being heard, with the law or Government regulation. Having received an effective decision of the administrative court in respect of the regulation, a court of general jurisdiction or an administrative court shall renew the suspended investigation of a particular case.

According to Article 26 of the Code of Civil Procedure of the Republic of Lithuania, if one of the submitted claims of a case is related to administrative legal act of individual nature, which legitimacy is disputed in the said case, then a court of general competence shall also resolve the issue of legality of the same during the hearing of the case.

Therefore a civil judge is entitled to annul an individual administrative act himself/herself and doesn't have to refer to the administrative court.

18. Administrative courts in Lithuania have only judicial functions and do not have an advisory role vis-à-vis the executive or the legislature.

19. –

F. ALLOCATION OF DUTIES AND RELATIONSHIP BETWEEN COMPETENT BODIES

20. The Supreme Administrative Court of Lithuania is responsible for the development of a uniform practice of administrative courts in the interpretation and application of laws.

For this purpose the Supreme Administrative Court:

1) publishes a report on judgements, decisions and rulings rendered by the plenary session of the Court, judgements, decisions and rulings rendered by a chamber of three judges or an extended chamber of five judges, the publication whereof has been approved by the majority of the Court's judges, as well as all judgements on the lawfulness of regulatory administrative acts. Interpretation relating to the application of laws and other legal acts found in the judgements, decisions and rulings which are published in the bulletin of the Supreme Administrative Court must be taken into account by courts, state authorities and other institutions as well as by other entities when applying these laws and other legal acts;

2) analyses the practice of administrative courts in the application of laws and other legal acts and provides their interpretation in the form of recommendations;

3) may advise the judges of administrative courts on issues of interpretation and application of laws and other legal acts.

Recommendations and consultations of the Supreme Administrative Court of Lithuania are not compulsory for the courts, although, in practice, they are obeyed.

There is no procedure analogous to the French *avis contentieux* in Lithuania.

II. HOW ARE ADMINISTRATIVE ACTS AND ACTIONS REVIEWED BY THE COURTS?

A. ACCESS TO JUSTICE

21. According to Article 25 of the Law on Administrative Proceedings, before applying to the administrative court, individual legal acts adopted by public administration entities, 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.

There is no general rule in Lithuania, that administrative acts must be challenged before a higher administrative authority or an independent dispute body before applying to the court. However, in certain kinds of administrative disputes, the internal control of administrative acts/omission is compulsory (e.g. social security disputes, tax disputes). In tax disputes the taxpayer is also granted a right, prior to having recourse to the court, to apply to the independent tax dispute commission (this remedy is not compulsory).

According to the Law on Access to Public Information and the jurisprudence of the Supreme Administrative Court of Lithuania, the violation of rights of individuals resulting from the mentioned law must be contested by applying to the administrative dispute commissions. Only after the exhaustion of this remedy is it possible to have recourse to judicial review. In other cases, the individual, as a general rule, is entitled to have recourse to the court directly. He/she is also entitled,

prior to judicial review, to contest the legality of individual administrative acts and actions of administration, as well as the legality and motivation of refusal to perform actions or the delay in performing actions before administrative dispute commissions.

22. According to Article 5 of the Law on Administrative Proceedings, every interested entity shall be entitled to apply to the court, in the manner prescribed by law, for the protection of his/her infringed or contested right or interest protected under law.

There is no limitation for natural or legal persons to bring a case before an administrative court.

The court shall also accept 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, organizations or natural persons.

Administrative courts also decide cases relating to the 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

23. In Lithuania, every applicant who challenges an administrative act has to demonstrate a particular interest in the annulment of this act. Only an application to an administrative court of an individual in order to protect *his/her own* infringed or contested right or interest is admissible (Art. 5 of the Law on Administrative Proceedings).

There is a possibility to bring a complaint in order to protect *state* or *other public interest* laid down for the prosecutor, entities of administration, state control officers, other state institutions, agencies, organizations or natural persons, but only in the cases prescribed by law.

According to the jurisprudence of the Supreme Administrative Court of Lithuania,[7] public entities are not entitled to challenge their own administrative acts in administrative courts[8]. If an unlawfulness of

[7] Ruling of the Supreme Administrative Court of Lithuania of 30 January 2004, administrative case No. A4-65-2004

an administrative act violates public interest, only the prosecutor or other persons, in the cases prescribed by law, may bring a case before the court.

24. According to Article 33 of the Law on Administrative Proceedings, 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 the 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. 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. 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.

The decision of an 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 within 20 days of the day of receipt of the decision.

There are also specific time limits depending on the nature of the proceedings (for instance, in election matters - 2, 3 and 5 days).

If it is recognized that the time limit for filing a complaint has not been observed for a good reason, at the claimant's request, the administrative court may grant restoration of the *status quo ante*. 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.

According to the Law on Public Administration, every administrative decision must specify the procedure for appeal, which also means the obligation to specify the time limits for an appeal.

[8] Lithuanian Law on Public Administration doesn't provide a possibility for the public authorities to overrule their administrative acts by themselves even in those cases when a substantial mistake was made with exception of error rectification procedure.

25. Administrative courts shall not hear cases assigned to the competence of the Constitutional Court, also cases assigned to the courts of general jurisdiction.

According to Article 21 of the Law on Administrative Proceedings, 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.

This provision is often criticized and to some extend raises questions about its conformity with Article 6 of the Convention on Human Rights and Fundamental Freedoms (hereafter – *the European Convention on Human Rights*) and Article 30 of Lithuanian Constitution (the right to a court). For instance, it doesn't give a remedy for seeking damages caused by an unconstitutional law of the Seimas.

26. There are no special screening procedures before Lithuanian administrative courts. Only the compliance of the complaint with the formal requirements and the time limits for lodging a complaint are verified while deciding whether a complaint is acceptable.

27. Article 23 of the Law on Administrative Proceedings sets minimal standards of the complaint to administrative courts. The complaint needs to include some information about the parties of the administrative dispute (the claimant's and respondent‘s name, surname (name of the institution), personal code number, place of residence (seat) etc.), the particular contested action (omission) or act, date of its performance (adoption), the circumstances upon which the claimant's claim is based, supporting evidence and the claimant's claim. There is no need to give legal grounds of the complaint, only factual circumstances have to be presented.

There are no specific forms of the complaint; the claimant is free to choose the format.

28. Presently, there is no possibility of instituting proceedings via the Internet. However one of the priorities of the Lithuanian government, mentioned in the Strategy of the Development of an Information Society,[9] is to create a possibility for citizens to communicate with state entities via the Internet. Most technical steps in this direction have already been taken in Lithuanian courts. On the 1st of January 2005, a new information system of Lithuanian courts, called *LITEKO*, was introduced. It connects all Lithuanian courts into one network and creates the most important conditions of bringing proceedings via the Internet.

The draft of the new Lithuanian Code on Administrative Proceedings already foresees a possibility of presenting procedural documents to administrative courts via the Internet.

E – Registration of judicial materials already exists in all Lithuanian courts. The introduction of tele-procedures hasn't been reflected yet.

29. Except for 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.

Every complaint/petition in an administrative case, irrespective of the demands made therein, shall be subject to a stamp duty of the amount of LTL 100 (about 30 EUR). Complaints/petitions relating to the delay by the entities of public administration to perform the actions assigned within the remit of their competence, awarding of pensions or refusal to award the same, violations of election laws and the Law on Referendum, petitions by state servants and municipal employees when they concern legal relations in the Office, compensation for damage inflicted upon a natural person or organization by unlawful acts/omission in the sphere of public administration and some other complaints/petitions are exempt from the stamp duty.

30. The assistance of a lawyer is not compulsory in Lithuanian administrative courts. The parties to the proceedings can defend their interests in court themselves or through their representatives. In this regard, there is no difference between the procedure before regional administrative courts and the

[9] Lithuanian Official Journal Valstybes Žinios, 2005, Nr.: 73- 2649

Supreme Administrative Court. According to Article 49 of the Law on Administrative Proceedings, the parties can be represented not only by a lawyer, but also by an another capable person, irrespective of his/her background. However, in practice, as a rule, parties are represented by lawyers.

31. In Lithuania, legal aid is divided into primary and secondary legal aid. Primary legal aid includes legal information and legal consultations outside the judicial procedure and is accessible to all citizens, EU citizens and foreigners irrespective of their financial resources. Secondary legal aid includes preparation of procedural documents, representation in courts, waiver of the stamp duty and other procedural costs. Access to secondary legal aid depends on the level of estate and income and covers 50 or 100 percent of all procedural costs. Some groups of persons (i.e. recipients of social allowance) can receive legal aid independently of their income.

Legal aid is granted through the special services, which are accountable to the Ministry of Justice. Refusal to grant legal aid is subject to appeal before administrative courts.

32. There is no fine for abusive or unjustified applications in the Lithuanian administrative procedure. However, if the complaint/petition is exempt from stamp duty, according to the Law on Administrative Proceedings, 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).

B. MAIN TRIAL

33. The Law on Administrative Proceedings *expresis verbis* covers only some principles of procedure before the administrative courts: the right to judicial protection, judicial independence, public hearing, public pronouncement of the judgment, equality of arms between the parties, binding effect of the judgment. However, other important principles of judicial proceedings follow from the European Convention on Human Rights, Lithuanian Constitution, jurisprudence of the European Court of Human Rights and Lithuanian Constitutional Court, and are applied in Lithuanian administrative courts as well: access to legal aid, adversarial hearing, secrecy of judicial deliberation, obligation to motivate judgments, etc.

The Supreme Administrative Court of Lithuania often uses procedural principles as a source of law and refers to them in its judgments.

34. Judicial impartiality is one of the main principles guaranteed by the Lithuanian Constitution and the Law on Administrative Proceedings. This principle is ensured by the prohibition of interference with the activities of the judge or the court by the institutions of the State government and administration, members of the Seimas and other officers, political parties, political or public organizations, or natural persons. Rallies, pickets and other actions held at a lesser than 75-metre distance from the courthouse and inside the courthouse, aimed at influencing the judge or the court, are treated as interference with the activities of the judge or the court, and are prohibited.

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 first instance. The rule is not 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.

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

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

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

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

35. In principle, the applicant shall have the right to specify and change the grounds of the complaint at any stage of the investigation of the case before the court retires to the conference room. According to the jurisprudence of the Supreme Administrative Court, changing of the grounds of the complaint, in principle, is not allowed in the appellate instance.

However, grounds of the complaint cover only factual circumstances of the case. The applicant is free to present new legal arguments in both first and appeal instances. The legal argumentation of the parties involved is not binding to the court and the court may apply a different legal ground to the presented factual circumstances.

36. The third interested persons (i.e. those persons whose rights or duties may be affected by the disposition of the case).

37. In the cases established by law, the prosecutor, entities of administration, state institutions, agencies, organizations, 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. As a rule, the prosecutor files a suit in an administrative court when protecting the public interest. According to the Law on the Prosecutor's Office, the prosecutor has a general competence to protect the public interest.

38. There is no such institution or person in Lithuania.

39. 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 a court order to accept the claimant's withdrawal of the complaint;

3) if the claimant has withdrawn his complaint;

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 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.

40. The fact, which documents are forwarded to the parties depends on the nature and importance of these documents. The president of the court or the judge shall send to the respondent a transcript of the complaint and, as necessary, also the transcripts of the documents attached thereto. If there is enough time before the opening of the hearing, the claimant shall be sent a transcript of the written response received from the respondent. There is no general rule stating that every written application shall be forwarded to the parties.

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

42. 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. 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, an official, professional or commercial secret. Parties to the proceedings and, where necessary, witnesses, specialists, experts and interpreters may also appear in a closed session of the tribunal.

The principle of hearing cases in open sessions shall also not be applicable where the law prescribes written proceedings for the hearing of complaints and cases. Written proceedings can be held at both, the first and the appellate instance, in case of failure to appear at the hearing by either of the parties to

the proceedings or their representatives, even though they have been notified of the time and the place of the hearing. Unless the chamber of judges decides otherwise, in the court of appellate instance, the proceedings on the appeal against court rulings in the cases of administrative offences shall also be held in writing.

43. According to the Law on Administrative Proceedings, the decision in a case heard on merits shall be rendered by the administrative court in a conference room by a majority vote of the judges. There is no explicit legal rule declaring who can take part in judicial deliberations in administrative proceedings. However, such a rule exists in civil procedure and, according to the jurisprudence of administrative courts, is applied in administrative courts as well. Only the judges who heard the case can participate in judicial deliberations. No other persons (e.g. who delivered an opinion, the recording clerk of the court hearing, the specialist, the expert) are allowed to be present in the conference room while making a decision. The secrecy of judicial deliberations is one of the procedural principles in Lithuania, which is in close connection with judicial impartiality. The infringement of this principle could result in the annulment of the judgment in the court of appellate instance.

C. JUDGEMENT

44. How detailed are the given grounds of the decision, depends on the nature of the case and the stage of the proceedings. In administrative courts of first instance the grounds of the decision are usually quite short and based on the factual circumstances and the applicable legal norm. It substantiates the outcome of the case and answers to the main legal arguments of the parties involved. Judgments with very detailed argumentation are uncommon.

In important cases of the Supreme Administrative Court, especially those heard by an expanded chamber or of the plenary session of the court, the grounds of the decision can extend to 5000 or more words. In those cases not only answers to the legal arguments of the parties are given, but also a uniform administrative court practice is formed. However, in a big majority of cases the grounds of the decision are given more briefly. There are judgments in which grounds consist of only 300 words. This usually happens when the court of appellate instance agrees with all argumentation of the lower

court, and the appeal is definitely unjustified. As a rule, the grounds of the decisions of the Supreme Administrative Court reach 1000 – 2000 words.

45. In a huge majority of cases only references to national law and jurisprudence of the Supreme Administrative Court are made.

References to the general principles of law, the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights are more rare. Such references are more common in the decisions of the Supreme Administrative Court rather than regional administrative courts (e.g. in 2004, in about 0,9 percent of all cases of the Supreme Administrative Court references to the European Convention on Human Rights and its protocols have been made).

There have been only a few cases where Community law was directly applicable and where references to Community law and the jurisprudence of European Court of Justice have been made.

Administrative courts often refer to the personal conviction of the judge or criteria of justice and reasonableness, especially while assessing the evidence. According to the Law on Administrative Proceedings, the court shall assess the evidence according to the inner conviction of judges 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.

46. 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. Article 89 of the Law on Administrative Proceedings describes grounds for annulment of contested acts (e.g. illegality in essence, i.e., conflicting by its contents with legal acts of superior power, illegality, as it was adopted in violation of the basic procedures, etc.). The contested act (or a part thereof) may also be annulled on other grounds recognized as material by the administrative court.

The scope of control by administrative courts depends on the nature of the case. There is no clear provision in Lithuania, whether administrative courts are entitled to examine advantages and

drawbacks of the administrative decision. However, Lithuanian administrative courts carry out control of compatibility of administrative acts with the principles of subsidiarity, proportionality, objectivity and other principles of public administration, as they are set down in the Lithuanian Law on Public Administration and developed in the jurisprudence of the ECJ. In this respect administrative acts may also be annulled, if, for example, other possible acts to a lesser degree of influence on a person's rights were possible[10].

Lithuanian administrative courts recognize areas which are reserved to the exercise of discretionary powers by administrative authorities (e.g. discretionary power of the head of state authority to decide whether a specific need exists to move a state servant from one post to another[11]; discretionary power of the municipal authority to set an expiry date of the licence to provide transport services[12]; discretionary power of the Communications Regulatory Authority to impose obligations on an operator having significant market power on the relevant market[13] etc.). Judicial control in these areas is limited to objectivity, impartiality and criteria, which had been taken into consideration by an administrative authority while exercising discretionary powers.

There is no difference between practice of lower courts and the Supreme Administrative Court in this respect.

47. The prevailing party to the proceedings shall be entitled to recover costs from the nonprevailing adverse party. The Law on Administrative Proceedings specifies what kind of legal costs and to what extent can be recovered: the paid stamp duty, other costs relating to the drawing up and filing of the complaint, costs connected with the investigation of the case, transport costs, representation costs, etc.

There is no possibility to exempt a party from paying costs to the prevailing party. However, a possibility of limitation of repayable costs exists (e.g. representation costs).

[10] Ruling of the Supreme Administrative Court of Lithuania of 20 February 2004, administrative case No. A^1-362-2004.
[11] Ruling of the Supreme Administrative Court of Lithuania of 1 June 2005, administrative case No. A^7-433-2005.
[12] Ruling of the Supreme Administrative Court of Lithuania of 19 November 2004, administrative case No. A^5-913-2004.
[13] Ruling of the Supreme Administrative Court of Lithuania of 20 February 2004, administrative case No. A^1-362-2004.

48. Cases in regional administrative courts relating to the compensation for material and moral damage inflicted in the sphere of public administration and office-related disputes 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 for the hearing of cases where the hearing by a single judge is provided.

At the Supreme Administrative Court of Lithuania cases shall be heard before a chamber of three judges. An expanded chamber of five judges may be formed for hearing complex cases or such a case may be referred to the plenary session of the court.

49. 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.

There is no difference between lower and higher jurisdictions in this respect.

50. The decision is pronounced in public. 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.

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 of 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.

D – EFFECTS OF DECISIONS AND EXECUTION OF JUDGEMENT

51. An effective court decision, ruling or an order has 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 (Art. 14 of the Law on Administrative Proceedings). However, this does not deprive any 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.

According to Article 96 of the Law on Administrative Proceedings, after a decision of an administrative court has become effective, the parties and other participants in the proceedings, also their legal successors may not file with the court the same claims on the same grounds, nor repeatedly contest in other proceedings the facts and legal relations determined by the court. This basically means that an effective court decision has *res judicata* authority. *Stare decisis* authority of decisions is not, therefore, generally recognized.

52. As a general rule, the decisions of the court of first instance which have not been appealed against become effective after the time limit for appeal has elapsed (decisions of regional administrative courts may be appealed against within 14 days of the pronouncement of the decision; rulings and orders of the district courts and regional administrative courts in the cases relating to administrative offences - within 10 days). A court decision adopted after a case had been heard on appeal becomes effective from the day of the adoption of the new decision (Article 96 of the Law on Administrative Proceedings).

A regulatory administrative act (or a part thereof) is considered to be annulled and, as a rule, may not be applied from the day of the official announcement of the effective decision of the administrative court declaring it as illegal. However, according to Article 116 of the Law on Administrative Proceedings, having regard to the specific circumstances of the case and having assessed the possibility of the negative legal consequences, the administrative court may establish in its decision annulling a regulatory administrative act (or a part thereof) that it may not be applicable from the day of its adoption or may suspend the validity of the regulatory administrative act (or a part thereof) recognized illegal until the coming into effect of the court decision.

53. According to Article 97 of the Law on Administrative Proceedings, once a court decision meeting the complaint (petition) becomes effective, the transcript of the decision is to be sent for execution to the entity of administration whose actions or omission have been complained about, and to the claimant. 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, a writ of execution, at the

same time ordering the designated bailiff's office to execute the aforementioned writ in accordance with the procedure established by the CCP.

Therefore, a judgment, which obliges a public authority to pass a due administrative act or take appropriate action, is implemented following the procedure laid down in the CCP. If such a decision is not carried out during the provided time period, the court may impose a fine on the person responsible for the execution of the mentioned decision. The fine is levied on behalf of the claimant, while a new time period is fixed for the execution of the decision (Art. 771 of the CCP).

Respectively, unexecuted court decisions ordering compensation of damage as well as the exaction of sums awarded by the court and of unpaid fines have to be executed in accordance with the procedure established by Article 624 of the CCP. In such cases, after the court decision becomes effective, the claimants are also issued writs of execution.

Decisions, concerning the lawfulness and annulment of normative legal acts are self-executing. A rule concerning the legal consequences of a court decision recognizing a regulatory administrative act as illegal, established in Article 116 of the Law on Administrative Proceedings, is such: a regulatory administrative act (or a part thereof) is considered to be annulled and, as a rule, may not be applicable from the day of the official announcement of the effective decision of the administrative court declaring it as illegal.

It can be noted that, in general, the present legislative framework in Lithuania fails to establish a clear process of implementation of judicial decisions of administrative courts. The fact whether a judgment in an administrative case is executed or not often relies on the actions of public authorities. In many cases, in order for a decision of the court to be carried out, a corresponding act of a public authority is called for. Therefore, the failure to obtain such an administrative act suspends the course of the administrative proceedings. For example, in the case of *Jasiuniene v. Lithuania* (judgment of 6 March 2003), the European Court of Human Rights came to a conclusion that Lithuania violated Article 6 § 1 of the European Convention on Human Rights when the officials failed to carry out a valid judgment.

54. There is no special policy in Lithuania concerning the length of time needed for the proper disposal of cases before administrative courts. However, practice shows that in Lithuania this is not an issue of great concern. Statistics from 2004 illustrate the latter statement: cases where the judicial proceedings exceeded the period of 6 months, equaled to only 0.36 percent of all administrative cases.

E - REMEDIES

55. The division of competence between the administrative courts is laid down in Articles 18-20 of the Law on Administrative Proceedings. The latter law distinguishes the competence of regional administrative courts in general, additional functions of Vilnius Regional Administrative Court (which comprise the competence of administrative courts of first instance) and also singles out the exclusive competence of the Supreme Administrative Court (the court of appeals).

As a rule, regional administrative courts hear administrative cases, where the claimant or the respondent is a territorial entity of state administration or an entity of municipal administration.

The Vilnius Regional Administrative Court has additional competence prescribed to it by law. It hears cases when the claimant or the respondent is an entity of central administration, with the exception of cases on the lawfulness of the regulatory administrative acts adopted by entities of central administration, as well as other specific issues, which are referred to it by the Law on Administrative Proceedings, such as 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, cases subsequent to complaints requesting to guarantee the implementation of decisions by the Chief Administrative Disputes Commission. It is also the court of first instance for investigating complaints against the decisions of the Chief Administrative Disputes Commission, the Tax Disputes Commission and the decisions taken by other institutions under the procedure of preliminary extrajudicial investigation of disputes.

The Supreme Administrative Court of Lithuania acts as an appellate instance for most of the cases heard by regional administrative courts (in certain cases - by district courts), as well as 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 lawfulness of acts of general character passed

by public organisations, communities, political parties, political organisations or associations. It is also the last instance for deciding the issues concerning the assignment of cases to the relevant administrative courts.

The Supreme Administrative Court of Lithuania is also responsible for the formation of the uniform practice of administrative courts in applying laws.

56. The answer to this question supplements the answer to question 55. There are two instances of administrative courts in Lithuania. Therefore, a system of appeals does exist.

Regional administrative courts are the courts of first instance for the vast majority of cases. Decisions of these courts, as well as decisions in cases on administrative offences, which have been heard by district courts, may be appealed against to the Supreme Administrative Court of Lithuania. No leave to appeal is requested.

Decisions of regional administrative courts may be appealed against to the Supreme Administrative Court of Lithuania within fourteen days from the pronouncement of the decision; decisions concerning administrative offences may be appealed against within ten days.

Appeals are not possible only in cases where the Law on Administrative Proceedings distinguishes the Supreme Administrative Court as a single instance for hearing cases explicitly laid down in Article 20.

Upon appeal, the Supreme Administrative Court will hear the whole litigation and review the findings of the fact, as well as points of law.

F - EMERGENCY PROCEEDINGS AND SUMMARY JURISDICTION / APPLICATIONS FOR INTERIM RELIEF

57. In the Law on Administrative Proceedings, interim relief measures are defined as “measures securing the claim”. According to law, the judge (judges) may, upon a motivated petition of the participants in the proceedings or upon his (their) 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.

The application for interim relief is heard within one day from the receipt thereof, by the same judge (judges), which is (are) dealing with the case in the main proceedings (depending on the fact, whether the main case is heard by a single judge or a collegiate).

The law does not differentiate between the course of proceedings at the lower courts and at the Supreme Administrative Court of Lithuania.

58. In Lithuania, petitions for the following interim measures may be filed: an injunction restraining the respondent from certain actions; the stay of execution under the writ of execution; the suspension of the validity of a contested act (Article 71 of the Law on Administrative Proceedings). Therefore, the scope of intervention of the judge depends on the circumstances of the case and on the petition filed. However, in all cases, the court order to secure the claim must be executed without delay and in accordance with the procedure established for the execution of court decisions. If the injunctions are not complied with, the court may impose a fine on the guilty persons.

59. The Law on Administrative Proceedings, which lays down the institute of claims for interim relief, does not establish for specific proceedings that would be dependent on the qualities of the litigants or the field of public action.

III – CAN ADMINISTRATIVE DISPUTES BE SETTLED BY NON-JUDICIAL BODIES?

60. There is no general order established by law for the resolution of disputes by administrative authorities themselves. However, certain laws foresee a relevant possibility.

For example, the Law on Tax Administration establishes an order according to which every taxpayer has a right to contest any act (or failure to act) of a territorial (local) tax administrator. Disputes arising from such complaints are examined by the central tax administrator, who, within 30 days, adopts its decision (i.e, confirming the decision of the local tax administrator, overriding it, amending it (in part

or completely), assigning the local administrator to carry out an inspection repeatedly, etc.). Such a decision of the central tax administrator may then be contested before the Commission on Tax Disputes or in court.

A similar procedure is laid down in the Law on Real Estate Registers. Articles 30-32 of the mentioned law provide for a possibility to contest (within 30 days) a decision of a territorial register to the central register. A special commission is then set up by the central register to hear such complaints, according to the procedures laid down by the Law on Administrative Proceedings. Once again, the decision of the central register may be appealed. Such an appeal is then heard by an administrative court.

61. For example, mediation is not a possible alternative in administrative disputes; administrative dispute resolution does not fall within the competence of an ombudsman, either (the ombudsman examines complaints, but does not solve the matter altogether; he/she will refer it to some other institution, or give recommendations on possible solutions of the matter, etc.).

As mentioned before, the only alternative to administrative dispute resolution provided by the courts are the municipal administrative disputes commissions, regional administrative disputes commissions, the Chief Administrative Disputes Commission, as well as the Commission on Tax Disputes. Application to these commissions is optional and only in specific instances, explicitly laid down in laws, obligatory (i.e., in certain tax disputes, the Commission on Tax Disputes must be applied to prior to addressing the court).

In all instances, the decisions of such disputes resolution commissions may be appealed against to the administrative courts.

62. Arbitration in administrative matters is not yet a possible alternative. The settlement of an administrative dispute without referring the matter to the court is possible only in concrete cases, where it is explicitly provided for by law. In certain spheres a possibility to reach a friendly agreement exists. For example, according to Article 71 of the Law on Tax Administration, the taxpayer and the tax administrator may sign an agreement concerning the sum of the tax due and the tax rate when neither of the parties has enough proof to base its separate estimates upon. After such an agreement is signed, the taxpayer gives up the right to contest the correctness of the calculation of the tax, and the tax administrator - to set a higher rate than had been agreed.

IV - ADMINISTRATION OF JUSTICE AND STATISTICAL DATA

A. FINANCIAL RESOURCES MADE AVAILABLE FOR THE REVIEW OF ADMINISTRATIVE ACTS?

63. In Lithuania approximately 0, 9 per cent of the state budget is allocated for the judiciary yearly. However, only about 1/10 of this amount is allocated for administrative courts (*see tables below*).

Reference year	Total assignations	Total assignations for the judiciary (courts of general jurisdiction and administrative courts)	Assignations for administrative courts	Percentage of assignations allocated for the judiciary	Percentage of budget allocated for administrative courts
2003	10865508 thousand Litas	119264 thousand Litas	12320 thousand Litas	1 per cent	0,1 per cent
2004	13752962 thousand Litas	130543 thousand Litas	13455 thousand Litas	0,9 per cent	0,1 per cent

Reference year	Total assignations for administrative courts	For remuneration of judges and staff	For other expenses

2003	12320 thousand Litas	8458 thousand Litas	3862 thousand Litas
2004	13455 thousand Litas	9504 thousand Litas	3951 thousand Litas

64. There are 751 positions for professional judges in both, administrative courts and courts of general jurisdiction[14], not taking into account the number of justices of the Constitutional Court.

65. Among 751 judicial positions, 61 positions are in administrative courts (15 judicial positions in the Supreme Administrative Court of Lithuania and 46 positions in regional administrative courts). It is approximately 8 per cent of all judicial positions.

66. Judges in Lithuania are assisted by legally qualified assistants. A university degree in law is compulsory for all assistants of judges. In some courts additional requirements are set in the job description, e.g. masters' degree in law, specific specialization or certain length of legal service[15].

According to the Law on Courts, each judge should have his/her own assistant. However, due to the lack of funding, the introduction of assistants in lower courts has gradually started only last year. Speaking about administrative courts, presently only the judges of the Supreme Administrative Court each have their own assistants. In regional administrative courts 1 assistant works with several judges. In September 2005, there were 26 assistants serving in regional administrative courts.

67. The Supreme Administrative Court of Lithuania has a library. Textbooks, monographs, law periodicals and case law selections can be found there.

[14] 727 judges actually serving at the courts on September 2005
[15] For example, assistant in the Supreme Administrative Court of Lithuania must have masters' degree in law and previous professional experience.

68. Administrative courts in Lithuania are all computerized. All courts have Internet access. The court information system, *LITEKO*, connecting all courts (administrative and of general jurisdiction) and intended for case file management and registration was launched at the beginning of this year.

69. Among the administrative courts, presently only the Supreme Administrative Court of Lithuania has its own website. The Chief Administrative Disputes Commission and Commission on Tax Disputes also have their own websites.

B. OTHER STATISTICS AND FIGURES

70-73. *For detailed information see tables below.*

Speaking about the number of registered cases it should be noted that the number of applications to regional administrative courts from the year of their establishment until 2004 has grown almost 3 times (from 4326 applications in 1999 to 10853 applications in 2004).

It is difficult to identify the average time taken between the lodging of a claim and judgement, as it very much depends on the category of a case. The Law on Administrative Proceedings establishes very strict time limits for the proceedings in regional administrative courts (1 month for preparation + 2 months for the hearing, unless special laws establish shorter time limits). Those time limits are usually followed. A calculation made by regional administrative courts show that the average time before the judgement is adopted is 2-3 months (for cases of administrative law violations – approximately 2 weeks).

Official statistics is available only on the number of cases the hearing of which lasted more than 6 months. In 2004, there were only 38 such cases in regional administrative courts (0,36 per cent of all cases).

There are no time limits fixed by laws for the hearing of cases at the Supreme Administrative Court of Lithuania (with the exception of several specific categories of cases, e.g. elections or refugees).

Average time of the judicial proceedings mostly depends on the category of a case (from 6 months for cases on the legality of normative administrative acts to 1 month for the appeals on court rulings). Average time taken between the lodging of an appeal and the judgement in cases concerning the validity and legality of judgements of regional administrative courts (main group of cases heard by the Supreme Administrative Court) is 3,5 months.

Regional administrative courts

Reference year	Cases lodged	Cases disposed of	Cases pending	Average time to judgment
2003	10362	10074	1411	2-3 months
2004	10853	10518	1375	2-3 months

The Supreme Administrative Court

Reference year	Cases lodged	Cases disposed of	Cases pending	Average time to judgment
2003	3728	3693	608	3-4 months
2004	3357	3479	833	3-4 months

74. It is impossible to provide the exact number of the annulment of administrative acts, decisions in lower courts, as no such statistics is collected. There is only statistical data on how many claims were fully or partially satisfied by the particular court. For this data see the chart below.

Regional administrative courts

Reference year	Cases disposed of	Number of fully satisfied	Number of partially	Percentage of fully or

		claims	satisfied claims	partially satisfied claims
2003	10074	3093	2102	52 per cent
2004	10518	3524	2279	55 per cent

75. There is no official statistics concerning the volume of litigation per field. However, calculations made by the Supreme Administrative Court of Lithuania show that about 33 per cent of cases[16] heard by the Supreme Administrative Court of Lithuania during the year 2004 concerned taxation, 12 per cent – public service, 10 per cent – restoration of property, 6 per cent – zoning, environmental protection and land planning, 6 per cent – health and social protection, 5 per cent – customs, and 28 per cent - other categories.

C – THE ECONOMICS AND ADMINISTRATIVE JUSTICE

76. There are no such studies or work at the moment.

Prepared by

Rimvydas Norkus
Director of the Department on Judicial Practice
of the Supreme Administrative Court of Lithuania

Goda Ambrasaite
Adviser to the President of the Supreme Administrative Court of Lithuania

[16] Not taking into account the cases of administrative sanctions.

Chart 1. Court system of Lithuania

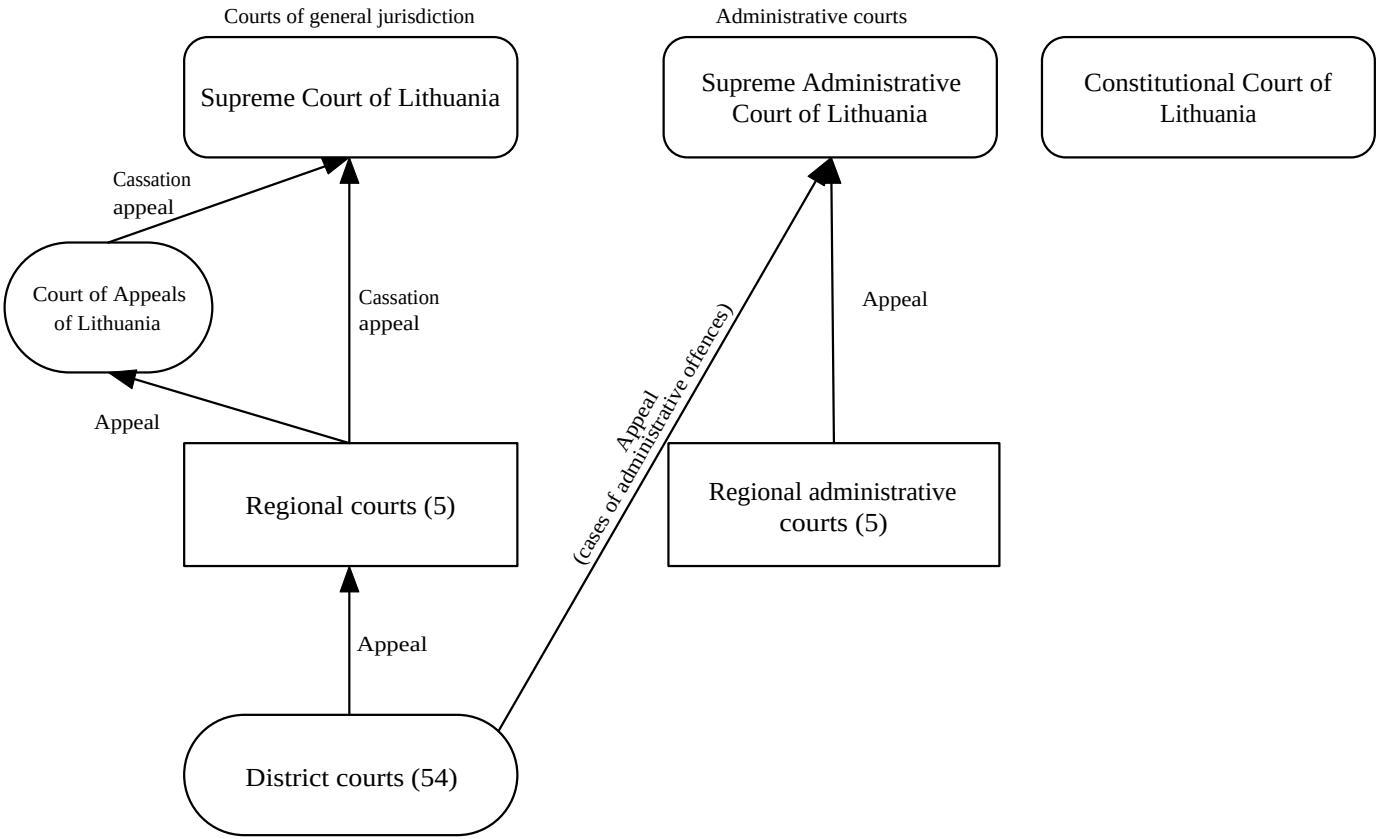

Chart 2. System of administrative courts in Lithuania