

Seminar organised by the Hellenic Council of State and ACA-Europe

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New elements in the organisation and functioning of the Public Administration and Administrative Justice

Questionnaire

Responses from the Supreme Administrative Court of Lithuania

I. New models of organisation and functioning in the Public Administration

The aim and scope of Part I of this questionnaire is:

(A) To examine collaboration with private individuals (who are not public servants) in the unilateral action taken by the Administration, and more specifically to study the delegation to private individuals of tasks traditionally performed by public servants during the procedure of issuing an administrative act. Participation, in general, of citizens/interested parties in administrative proceedings (e.g. preliminary hearings, participation and all forms of consultation), collaboration with private individuals in the Administration's contractual activity (works, supply and service contracts, concession contracts, public-private partnerships, etc.), privatisation of public-sector bodies and creation of legal entities governed by private law are not covered by this questionnaire.

(B) To study the integration of private-sector organisational models into the tools and operating methods of the Public Administration.

A. Delegation of administrative tasks to private individuals

1. General provisions

Does your legal system recognise the following forms of collaboration between private individuals and the Public Administration?

Tasks assigned to private individuals during the procedure of issuing [adopting] an administrative act

Yes — where private individuals are empowered as public administration entities in accordance with Article 5 of the Law on Public Administration.



Recruitment of private individuals who are not civil servants within the Administration's structure, e.g. executive managers, senior managers

Yes – to the extent permitted by specific legislation; the Law on Public Administration (Article 5) allows public administration to be carried out by entities and persons other than career civil servants where the law so provides.

2. Regarding the involvement of private individuals in administrative proceedings

i. If the involvement of private individuals in administrative proceedings (as indicated above) is provided for in your legislation, please mention specific provisions.

- Constitutional provision
- General provision of a legislative nature
- Specific legislation

The involvement of private individuals derives from statutory provisions, primarily Article 5 of the Law on Public Administration, and from specific sectoral legislation; it is not directly regulated at constitutional level.

ii. Does national case-law or legislation define criteria pursuant to which the delegation of administrative tasks to private individuals is authorised?

Legislation defines the criteria, in particular Article 5 of the Law on Public Administration, requiring explicit legal authorisation and a clearly defined scope of powers; these requirements are applied by the administrative courts.

iii. How are administrative tasks delegated to private individuals? Please provide specific examples.

- Directly by law
- By an administrative act
- By contract
- Other

iv. Which administrative tasks can be entrusted to private individuals [content of the tasks]? Please provide specific examples from legislation and case-law.

- Preparation of the administrative act

Energy efficiency legislation – certified private experts prepare energy performance certificates used in administrative decision-making.



Issuance [adoption] of the administrative act

Private individuals may adopt binding administrative acts only if they are expressly recognised by law as public administration entities, which is exceptional.

Implementation of the administrative act

Construction supervision and control – certified private persons may perform inspections and verification tasks linked to the execution of administrative decisions.

Other

control, verification, certification, expert assessment - Attestation and certification of compliance with technical, environmental, or safety requirements by authorised private persons.

v. What is the extent [range] of administrative tasks that can be entrusted to private individuals? Please provide specific examples from legislation and case-law.

Advisory tasks

Decision-making tasks

Control and verification tasks:

Establishment of the facts

Legal qualification of the facts

Other

In Lithuanian law, private individuals may be entrusted with advisory, control, and verification tasks, and only exceptionally with decision-making powers, where expressly authorised by law and limited to persons with a special legal status.

vi. Are there any cases where the involvement of private individuals in administrative proceedings is prohibited?

No

Yes (please specify)

If yes, which legal instrument provides for the corresponding prohibitions?

Constitution

Legislation

Other

Please indicate any relevant case-law.

The involvement of private individuals is prohibited where public administration powers have not been expressly granted by law, or where the delegation would exceed the public

administration areas and limits laid down in Articles 5 and 6 of the Law on Public Administration.

3. Qualifications and selection procedure for private individuals

i. What is the procedure provided for in the legislation for the certification of private individuals? Please mention specific examples.

- | | |
|-------------------------------------|-------------------------------------|
| Participation in examinations | <input checked="" type="checkbox"/> |
| Selection based on criteria | <input checked="" type="checkbox"/> |
| Other | <input checked="" type="checkbox"/> |

Lithuanian legislation provides for the certification of private individuals through examinations, assessment against statutory criteria, and attestation or registration procedures defined in sector-specific legal acts.

Examples:

- **Energy efficiency – certification of energy performance experts following examination and qualification procedures laid down in legal acts.**
- **Certification based on professional qualifications, education, experience, and integrity requirements, followed by inclusion in official registers maintained by public authorities (e.g. registers of certified experts).**

ii. How are selected the private individuals who will be entrusted with a specific administrative task? Please give examples.

- | | |
|--|-------------------------------------|
| Random selection from a list/register | <input type="checkbox"/> |
| Selection from a list/register based on criteria | <input checked="" type="checkbox"/> |
| Absolute discretionary power of the Administration | <input type="checkbox"/> |
| Selection by the citizen [upon a declaration] | <input type="checkbox"/> |
| Other | <input checked="" type="checkbox"/> |

In Lithuanian law, private individuals are selected primarily from official registers based on statutory criteria, or designated by administrative act where expressly provided for by law.

iii. Is there a legal provision and/or other instrument governing the actions of private individuals when performing administrative tasks? Please indicate specific provisions.

- | | |
|---|-------------------------------------|
| No | <input type="checkbox"/> |
| If yes, | <input checked="" type="checkbox"/> |
| General normative act (e.g. Code of Administrative Procedure) | <input checked="" type="checkbox"/> |
| Specific normative acts | <input checked="" type="checkbox"/> |

- Codes of Conduct, good practices (soft law)
- Other

The actions of private individuals performing public administration functions are governed by the Law on Public Administration, sector-specific legislation, and, where applicable, professional codes of conduct.

iv. How are the impartiality and integrity of private individuals guaranteed under the law? Please indicate specific provisions.

- Incompatibilities
- Impediments
- Criminal or disciplinary liability
- Other

Others: Civil liability and supervisory control

Lithuanian law ensures the impartiality and integrity of private individuals through incompatibility and exclusion rules, criminal and disciplinary liability, civil liability, and administrative supervision mechanisms.

v. What are the legal consequences in the event of an error, offence or failure on the part of the private individual?

- Withdrawal of the certification
- Disbarment from the professional association
- Imposition of a fine or other penalty
- Personal liability of the private individual (civil, criminal, disciplinary)
- Revocation of the administrative act in the issuance of which the private individual collaborated
- Civil liability of the State
- Other

Others: Temporary suspension of the right to perform administrative tasks.

Lithuanian law provides for certification withdrawal, professional sanctions, administrative and criminal penalties, personal liability, annulment of administrative acts, and State liability in cases of unlawful conduct by private individuals performing public administration functions.

4. Administrative checks [controls]

i. Does the Administration carry out checks on private individuals when they perform administrative tasks?

- Yes
- No

Sector-specific legislation and the Law on Public Administration provide for supervision and control of private individuals empowered to perform public administration functions.

ii. If yes, at what stage are the checks carried out?

- A priori
- A posteriori
- At any time

Lithuanian legislation provides for both prior and subsequent supervision of private individuals empowered to perform public administration functions, including ongoing oversight during the performance of such functions.

iii. How are checks activated?

- Following a complaint/administrative appeal
- Ex officio

iv. How extensive are the checks?

- Checks based on sampling
- Mandatory checks for all actions

Lithuanian legislation generally provides for supervision based on sampling and risk assessment, while mandatory checks of all actions are not provided for as a general rule.

v. What is the nature of the checks?

- Of legality
- Of the substance, of appropriateness

Under Lithuanian law, supervision of private individuals performing public administration functions is primarily limited to checks of legality; review of appropriateness or expediency is not provided for as a general rule.

vi. What is the type of checks?

- On persons
- On actions

Supervision under Lithuanian law may concern both the compliance and qualifications of the persons empowered to perform public administration functions and the lawfulness of the actions performed by them.



vii. Are the conclusions of private individuals binding on the Administration?

- Yes
- No

As a general rule, the conclusions of private individuals performing public administration functions are not binding on the Administration; the public authority retains responsibility for the final administrative decision, unless a law expressly provides otherwise. For example, under Lithuanian legislation on vehicle technical inspection, the conclusions of authorised private inspection bodies are binding insofar as the Administration may not lawfully disregard a valid inspection certificate, which constitutes a mandatory condition for participation in road traffic.

5. Judicial review

i. Can the actions of private individuals be subject to judicial review? Please indicate specific provisions or the relevant case-law.

- No
- Yes

If yes, what is the scope of the judicial review?

The review directly targets the action of the private individual (per se)

The review indirectly targets the action of the private individual (appeal lodged against the final act of the Administration, whether explicit or implicit, e.g. appeal lodged against the tacit acceptance of the actions of private individuals by the Administration)

ii. What types of disputes arise when challenging the actions of private individuals?

- administrative disputes
- private disputes

iii. Please mention typical cases from national case-law concerning the delegation of administrative tasks to private individuals.

Public administration functions are regarded as an expression of public authority and, as a rule, must be exercised by civil servants who form a distinct corps subject to strict requirements concerning recruitment, legal status, independence, accountability, and responsibility for the protection of the public interest. The Supreme Administrative Court has emphasised that these functions cannot be entrusted to individuals working under employment contracts, as this would allow the circumvention of the statutory and constitutional safeguards governing access to the civil service and the exercise of public authority (Supreme Administrative Court of Lithuania, Extended Chamber, judgment of 7 February 2017, case No. A-1053-662/2017).



Public administration functions may be entrusted only to entities expressly empowered by law. This may include legal persons, such as state-owned enterprises, or individuals with a special legal status, but only where the delegation is clearly established by law and limited to specific public administration functions.

At the same time, private experts or certification bodies may be involved in administrative procedures by performing mandatory expert assessments on which the issuance of administrative permits depends. In the case-law of the Supreme Administrative Court of Lithuania, the actions of such experts are not, as a rule, subject to direct judicial review; instead, judicial scrutiny focuses on the final decision of the municipality or another public authority that relies on the expert's opinion or findings.

B. Integration of private-sector methods and organisational models into the functioning of the Administration

1. Recruitment of senior managers outside the hierarchy of the civil service

i. What are the objectives of recruiting private individuals as senior managers within the Administration?

Where permitted by law, the recruitment of senior managers outside the civil service hierarchy aims to ensure effective organisation and management of public administration bodies, proper implementation of assigned functions, and accountability for results.

ii. In which sectors of the Public Administration is it permissible to recruit senior managers who do not belong to the hierarchy of the civil service, and in which sectors is it prohibited?

Recruitment of senior managers outside the civil service hierarchy is permitted in public institutions and public enterprises, but is generally prohibited in bodies exercising sovereign authority.

For the purposes of this questionnaire, exercising sovereign authority refers to the exercise of public-law powers enabling the adoption of unilateral, binding administrative decisions or the application of coercive measures directly affecting the rights and obligations of individuals, unless expressly provided for by law.

iii. What criteria does the Administration use to select external senior managers?



External senior managers are selected on the basis of statutory criteria relating to professional qualifications, managerial experience, integrity, and compliance with legally established selection procedures.

iv. What is the nature of the duties of external senior managers?

- | | |
|-----------------|-------------------------------------|
| Decision-making | <input checked="" type="checkbox"/> |
| Advisory | <input checked="" type="checkbox"/> |
| Other | <input checked="" type="checkbox"/> |

External senior managers primarily perform managerial and organisational functions and may take decisions within their competence, but they do not exercise sovereign authority, namely the power to adopt binding administrative decisions or apply coercive measures, unless expressly authorised by law.

v. Does error on the part of a senior manager give rise to:

- | | |
|---|-------------------------------------|
| Civil liability of the State | <input checked="" type="checkbox"/> |
| Personal liability of the manager (civil, criminal, disciplinary) | <input checked="" type="checkbox"/> |

Under Lithuanian law, unlawful actions committed in the exercise of public administration functions give rise to State liability for damage, while the senior manager may also incur personal civil, criminal, or disciplinary liability, in accordance with applicable legislation.

2. Organisational models

i. Does your country use New Public Management, Public Value Management, Digital Era Governance, or New Public Governance policies in the organisation of its Public Administration, for example, to digitise procedures, achieve objectives, ensure accountability, evaluate efficiency, promote the rational use and distribution of resources, control expenditure and ensure compliance with budget restrictions, codify legislation, promote career progression, train staff, etc.? Please provide specific examples.

Lithuania does not formally adopt a single comprehensive administrative model; however, Lithuanian public administration incorporates elements of several modern governance models through legislation, strategic instruments, and administrative practice. All public administration activity is primarily governed by law, and modern management tools (efficiency, performance, digitalisation, results-orientation) may be used only within the limits set by legislation.

ii. Is there a specific provision for the organisation of the Administration based on the above-mentioned models (Constitution, legal provision, etc.)?



No constitutional provision exists; elements of these models are implemented through legislation and implementing legal instruments.

iii. In which public services and agencies is this type of organisation used?

- | | |
|----------------------------------|-------------------------------------|
| The Administration stricto sensu | <input checked="" type="checkbox"/> |
| Public enterprises | <input checked="" type="checkbox"/> |
| Other public entities | <input checked="" type="checkbox"/> |

Elements of digitalisation, performance management, and efficiency-oriented organisation are applied within core administrative bodies, while maintaining a legality-centred model of public administration. Public enterprises widely apply efficiency-, performance-, and results-oriented organisational methods, in accordance with their governing legislation. Public institutions and other public entities operating under special legal regimes apply modern organisational and management tools where provided for by law.

iv. Are the policies for achieving the objectives designed:

- | | |
|---|-------------------------------------|
| At national level | <input checked="" type="checkbox"/> |
| At regional level | <input type="checkbox"/> |
| By subject-matter | <input checked="" type="checkbox"/> |
| By taking into account specific public entities | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> |

Policies for achieving administrative objectives in Lithuania are designed primarily at national level and by subject-matter, taking into account the specific functions of individual public entities.

v. Have specific objectives been set out for the action of the Administration? Please provide examples.

Lithuanian legislation and implementing instruments set specific objectives for the action of the Administration, including strategic planning, budgetary discipline, digitalisation, efficiency, and service quality.

If yes, is their accomplishment:

- | | |
|-----------|-------------------------------------|
| Optional | <input type="checkbox"/> |
| Mandatory | <input checked="" type="checkbox"/> |

Does failure to meet these objectives lead to:

- | | |
|--|-------------------------------------|
| Personal consequences for the senior managers | <input checked="" type="checkbox"/> |
| Legal consequences for the assessed organisation | <input checked="" type="checkbox"/> |
| Financial consequences for the assessed organisation | <input checked="" type="checkbox"/> |



Are incentives of any kind provided for civil servants (e.g. remuneration) or public entities to ensure that these objectives are achieved?

Performance-related remuneration elements or bonuses, where permitted by law; Incentives linked to achievement of institutional objectives in public entities; Non-financial incentives (career progression, recognition), as provided by applicable legislation.

vi. Are there any indicators for evaluating the action of the Administration in relation to the following factors:

- | | |
|--|-------------------------------------|
| Compliance with the regulatory framework | <input checked="" type="checkbox"/> |
| Effectiveness | <input checked="" type="checkbox"/> |
| Efficiency | <input checked="" type="checkbox"/> |
| Economy | <input checked="" type="checkbox"/> |
| Achievement of strategic objectives | <input checked="" type="checkbox"/> |
| Other | <input checked="" type="checkbox"/> |

Lithuanian legislation and implementing instruments provide for indicators relating to legality, effectiveness, efficiency, economy, and achievement of strategic objectives, as well as service quality.

II. Alternative methods for resolving administrative disputes

1. General provisions

i. Does your legislation provide for alternative dispute resolution (ADR) in cases involving public law/administrative law?

- | | |
|---------------------------------|-------------------------------------|
| Arbitration | <input type="checkbox"/> |
| Mediation | <input checked="" type="checkbox"/> |
| Other negotiations | <input checked="" type="checkbox"/> |

ii. Are there categories of administrative disputes that are excluded from ADR by law or according to case-law?

* Please elaborate on your answer, citing any relevant legislation and/or case-law

Under the Law on Administrative Proceedings of the Republic of Lithuania, a settlement agreement may not be concluded in cases concerning the legality of normative administrative acts, in cases brought by complaints relating to violations of the Electoral Code and the

Constitutional Law on Referendums, and in cases concerning requests submitted by a municipal council seeking an opinion as to whether a municipal council member or a mayor, in respect of whom proceedings for the loss of office have been initiated, has breached the oath and/or failed to perform the powers conferred on them by law (Article 51).

2. Settlement and Mediation

** Please elaborate on your answers, citing any relevant legislation and/or case-law.*

i. In administrative disputes, is it permissible for the Administration and private individuals/legal entities to sign a settlement agreement or other similar document (without prior mediation)?

Yes



No



ia. If yes,

Is this option expressly provided for in a legislative text (Constitution, law) or does it derive from a general principle of law?

Under the Law on Administrative Proceedings of the Republic of Lithuania, the court may, by way of a ruling, adjourn the examination of a case where the dispute is referred to judicial mediation, or where the parties to the dispute require time to conduct negotiations with a view to concluding a settlement agreement, as well as in other necessary cases (Article 79). Accordingly, the parties may also seek an amicable resolution of the dispute through negotiations.

Does this option only apply to the settlement of administrative disputes that are already under way, or can it also be used to prevent administrative disputes from arising in the first place?

Under the Law on Administrative Proceedings of the Republic of Lithuania, this option applies only to the settlement of administrative disputes that are already pending. Preventive mediation is not regulated.

Do the law or case-law distinguish between application for annulment (judicial review limited to the legality) and appeal on the merits (full judicial review of both legality and substance)?

Such a distinction is not provided by the law.



Is there a special procedure for initiating and conducting this alternative dispute resolution method, or are all matters left to the discretion of the parties involved?

Under the Law on Administrative Proceedings of the Republic of Lithuania, the President of the Court or a judge, by a ruling on the admissibility of the complaint (request, application), may, inter alia, determine that a settlement agreement may be concluded in the case, and invite the parties to consider the possibility of concluding a settlement agreement (Article 67).

Once the complaint has been admitted for examination, the court serves the respondent with a copy of the complaint and sets a time limit for submitting a written response. In its response, the respondent is required to indicate, inter alia, whether it agrees with the claims and its position on the possibility of resolving the dispute amicably, including through judicial mediation (Article 71).

If, during the proceedings, the court observes that the parties are inclined to resolve the dispute amicably through mutual concessions, it proposes to the parties to conclude a settlement agreement (Article 81). Thus, the court also actively participates in the initiation process of reaching an amicable settlement.

Under the Law on Administrative Proceedings of the Republic of Lithuania, the referral of a dispute to judicial mediation may be initiated by the court or by any party to the dispute. A dispute is referred to judicial mediation by a court order when the court explains the essence of judicial mediation to the parties and obtains the parties' consent or a request to refer the dispute to judicial mediation (Article 79^d). The court takes measures to reconcile the parties only if the parties have consented to start negotiations for concluding a settlement agreement (Art. 51).

After signing a settlement agreement (or other similar document), is ratification by a court required?

Yes



No



If yes, by which court?

A settlement agreement shall be submitted for approval to the administrative court of the instance in which the administrative case concerning the dispute between the parties is currently being examined. If the parties reach an amicable agreement during judicial mediation and conclude a settlement agreement, that agreement shall be approved by the administrative court hearing the case. When the judicial mediation is conducted by the judge who is hearing the administrative case, that judge has the right to approve the settlement agreement concluded by the parties in the prescribed manner. Under the Law on Administrative Proceedings of the Republic of Lithuania, if the parties to a dispute conclude a settlement agreement and submit it



to the court for approval after a judgment has been adopted by the Regional Administrative Court but before the deadline for filing an appeal has expired, the Regional Administrative Court, by a ruling approving the settlement agreement, shall annul the judgment and discontinue the proceedings. While the question of approving the settlement agreement is being decided, the time limit for filing an appeal is suspended (Article 51).

If no, can the legality of the settlement agreement (or other similar document) be examined by the judge on an incidental basis? Under what circumstances could the settlement be considered null and void and without legal effect?

NA

After being signed and/or validated, as applicable, does the settlement agreement have the force of res judicata? Can the enforcement of this document be pursued?

A settlement agreement approved by the court has the force of res judicata for the parties, constitutes an enforceable document, and may be enforced in accordance with the procedure established for the enforcement of court judgments.

Which court has jurisdiction over disputes concerning such enforcement?

The administrative court that approved the settlement agreement issues the writ of execution, while enforcement is carried out under the Civil Procedure Code.

ib. If the signing of a settlement agreement or other similar document between the Administration and private individuals/legal entities is not permitted in your country, this prohibition results from:

a legislative provision

a general principle of law

NA

ii. Does your country provide for a mediation procedure between the Administration and private individuals/legal entities for administrative disputes?

** The term 'mediation' is used here to refer to a procedure conducted by an independent and impartial third party, and not to administrative appeal procedures addressed to the Administration or to a body that is hierarchically dependent on the Administration.*



Yes
No

ii.a. If yes,

Is it expressly provided for in a legislative text (Constitution, law) or does it derive from a general principle of law?

The possibility of mediation is provided for in the Law on Administrative Proceedings of the Republic of Lithuania.

Is it mandatory or optional?

Optional

If it is optional, does it require:

The mutual agreement of the parties
Only the intention of the Administration
Only the intention of the private individual/legal entity

Specifically with regard to the State as a party to the dispute, is mediation initiated:

After approval by a special committee
By the administrative authority involved in the dispute
Other

At what stage can a case be referred for mediation?

Necessarily before the introduction of legal proceedings
At any stage of the litigation proceedings

Is there a specific piece of legislation governing the mediation process?

Yes
No

If yes, please specify:

The mediation process is regulated by the Law on Administrative Proceedings of the Republic of Lithuania and the Law on Mediation of the Republic of Lithuania.

Which principles of trial apply to the mediation process (hearing of the parties, adversarial principle, equality of arms, publicity, representation by a lawyer?)

In Lithuania, the mediation process is based on the principles of voluntariness, confidentiality, impartiality, neutrality, and efficiency, with the aim of reaching an amicable agreement. The principles of hearing the parties, equality of arms, and equal opportunities are also applied. These main principles ensure that the parties participate in the process of their own free will, that the mediator is neutral, and that all information remains confidential. The parties do not necessarily have to be represented by a lawyer.

How is the impartiality of the mediator ensured?

Under the Law on Mediation of the Republic of Lithuania, the mediator must be impartial towards the parties to an administrative dispute. The mediator may accept an offer to start mediation or to continue mediation already initiated only if he or she has informed the parties of any circumstances known to the mediator that could raise doubts about his or her impartiality, and if the parties have agreed that the mediator may conduct the mediation (Article 4).

Under the Law on Administrative Proceedings of the Republic of Lithuania, a judge may not participate in hearing a case if he or she has conducted judicial mediation in that case, or has conducted mediation regarding a dispute between the same parties, concerning the same subject matter and on the same grounds.

Under the Law on Administrative Proceedings of the Republic of Lithuania, the mediator must recuse himself or herself from resolving a dispute through judicial mediation if:

- 1) he or she previously participated in the case as a witness, specialist, expert, interpreter, representative, prosecutor, or court session clerk;**
- 2) he or she is a relative of any of the parties, other participants in the proceedings, or judges of the panel;**
- 3) he or she or his or her relatives are directly or indirectly interested in the outcome of the case, or there are other circumstances that raise doubts about his or her impartiality;**
- 4) he or she has conducted judicial mediation in the same case or has conducted mediation regarding a dispute between the same parties, concerning the same subject matter and on the same grounds.**

In addition, the mediator must recuse himself or herself if:

- 1) he or she or the institution or organization with which he or she is associated through employment (service) relations participated in the adoption of the individual administrative act challenged in this case, or in actions (inaction) or delays in performing actions challenged in this case by him or her or by the institution or organization with which he or she is associated through employment (service) relations;**

2) he or she or the institution or organization with which he or she is associated through employment (service) relations examined this case outside court proceedings or carried out an administrative procedure concerning the individual administrative act, actions (inaction), or delays in performing actions challenged in this case (Article 79²).

Impartiality of the mediator in Lithuania is ensured through the legal framework (the Law on Mediation), a professional code of ethics, and a mandatory mediator's declaration of absence of conflicts of interest. The mediator must be neutral, impartial, must not exert pressure on the parties, and must suspend the process if doubts arise regarding his or her impartiality.

Measures ensuring impartiality:

Legal requirements: Under the Law on Mediation of the Republic of Lithuania, the mediator must adhere to the principle of impartiality and must recuse himself or herself if a conflict of interest arises.

Parties' rights: The parties have the right to verify the mediator's reputation and request that an impartial mediator be appointed if the current one is not objective.

Code of ethics: Mediators follow professional ethical rules that require them to act impartially, regardless of the parties' gender, age, beliefs, or social status.

Declaration: Before starting the process, the mediator must confirm that he or she has no direct or indirect connections with the parties to the dispute.

If circumstances arise during mediation that raise doubts about impartiality, the process must be terminated or the mediator replaced.

Is there any interim relief (stay of execution, etc.) during the mediation process? If yes, who is competent to hear the case?

Under the Law on Administrative Proceedings of the Republic of Lithuania, during judicial mediation, the deadlines for submitting complaints (applications, petitions) and/or for examining cases provided for in this and other laws are suspended (Article 79²).

At the end of the mediation process,

If an agreement is concluded:

A document is drawn up

Other possibility (please specify)

A document is drawn up

If an agreement is not concluded:



Is a time limit set for bringing the matter before the competent court?
Are the litigation proceedings already under way (if applicable) continued?

The litigation proceedings already under way continue.

In the event that a document is drawn up following mediation, do the rules concerning the settlement procedure (see above) apply, or are there differences? If yes, please specify.

The rules concerning the settlement procedure apply.

iiib. If no mediation process is provided for, is this exclusion provided for in:

a legislative provision

a general principle of law

NA

3. Arbitration

** Please elaborate on your answers, citing any relevant legislation and/or case-law.*

i. In administrative disputes, is arbitration between the Administration and private individuals/legal entities permitted in your country?

Yes

No

ia. If yes,

Is this option expressly provided for in a legislative text (Constitution, law) or does it derive from a general principle of law?

NA

Does it concern both application for annulment (judicial review limited to the legality) and appeal on the merits (full judicial review of both legality and substance)? Are there any exceptions provided for by law or established by case-law?

NA

Is it mandatory or optional?



NA

ib. If arbitration is not permitted, is this prohibition due to

- A legislative provision
- A general principle of law

NA

ic. If arbitration is optional, does it require:

- The mutual agreement of the parties
- The sole intention of the Administration
- The sole intention of the private individual/legal entity

On the part of the State, is arbitration initiated:

- After approval by a special committee
- By the administrative authority involved in the dispute
- Other

NA

ii. For disputes arising from contracts between private individuals/legal entities and the State, do the common provisions relating to commercial arbitration (domestic or international) apply, or is there a special regime?

If there is a special regime, please briefly mention the elements that differentiate it from the commercial arbitration regime.

NA

iii. Is arbitration provided for in contracts falling within the scope of Directives 2014/24/EU and 2014/25/EU?

If yes, have any issues been raised regarding the application of the rules governing the performance of these contracts? How have the courts addressed such issues in the relevant case-law?

NA



iv. How are the independence and impartiality of the arbitrator ensured?

NA

v. Is there any interim relief when an administrative dispute has been submitted to arbitration? If yes, which body is competent to hear the case?

NA

vi. In arbitration concerning administrative disputes:

yes / no

Is there an obligation to make publicly available the basic information and documents relating to the proceedings?

Is the participation of third parties permitted?

Is legal representation mandatory?

If yes, is legal aid available?

Is the hearing public?

Is the arbitral tribunal obliged to give reasons for its award?

Is the arbitral award made publicly available?

vii. During the proceedings, the applicable system is:

the adversarial system

the inquisitorial system

viii. What powers does the arbitral tribunal have?

Reviews the legality of administrative acts of a non-pecuniary nature

Reviews the legality of an administrative act of a pecuniary nature (fine, etc.)

Annuls/amends an administrative act of a non-pecuniary nature

Annuls/amends an administrative act of a pecuniary nature

Addresses only recommendations to the Administration

Restricts itself to awarding compensation for damages

Does the arbitral award have effect:

Erga omnes (with regard to all)

Inter partes (between the parties)

Is it considered 'case-law' for other cases?

If the answer to the last question is yes, please explain.



NA

Can the validity of the arbitral award be challenged in court?

Yes

No

If yes, is the validity of the arbitral award reviewed directly or incidentally?

NA

Is it possible to waive the right to judicial review?

NA

Which courts have jurisdiction?

NA

What is the scope of the judge's review according to case-law?

NA

In arbitration, is the concept of public policy different, according to case-law, in cases where the State (or a legal person governed by public law) is a party to the arbitration? If yes, what are the differences compared with the concept of public policy in arbitral proceedings between private individuals?

NA

In arbitration, in addition to the rules of European competition and consumer protection law (see C-126/97, *Eco Swiss China Time Ltd v Benetton International NV* and C-168/05 *Mostaza Claro v Centro Móvil Milenium SL*, respectively), has case-law recognised other rules of EU law as rules of international public policy? If yes, please mention the relevant cases.

NA

Which body has jurisdiction to hear disputes arising during the enforcement of an arbitral award?
Has case-law dealt with special cases where enforcement has been contested on the grounds of the administrative nature of the dispute?

NA