



Lithuania

Narrative National Report

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INTRODUCTION TO THE ENFORCEMENT SYSTEM

Republic of Lithuania (EU)

Judicial officer in Lithuanian – 'antstolis' (singular), 'antstoliai' (plural).

All judicial officers operating in the Republic of Lithuania are persons authorised by the state to whom the state confers certain functions established by law. Judicial officers are independent in the performance of their functions. A judicial officer may also provide statutory services provided that this does not prevent him/her from performing the functions of a judicial officer. Judicial officers operate as natural persons engaged in individual activities, hire their own employees, and are responsible for the organisation of their work. By combining their professional efforts, judicial officers may set up a joint office of several judicial officers, however such an office shall not acquire the status of a legal entity. Judicial officers are not civil servants and do not receive remuneration and funding from the state.

Organisation implementing the self-governance of judicial officers – Chamber of Judicial Officers of Lithuania.

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Judicial officers have the right to seize:

- movable property belonging to the debtor or to third parties;
- real estate;
- income;
- monetary funds that third parties must pay to the debtor;
- intangible assets;
- motor vehicles;
- ships;
- planes;
- crops;
- items stored in safes, etc.

Judicial officers enforce:

- eviction (eviction may also be enforced with the help of the police);
- transfer to the plaintiff of children named in the adjudication;
- seizure of property which the debtor is required to surrender by court, and transfer of such property to the plaintiff.



Arrest of a person under a court order or bringing of a person to a court hearing is executed by the police.

Judicial officers enforce court orders and decisions of other institutions regarding application of interim measures to the debtor's tangible and intangible movable property, real estate, business, shares, securities, etc.

Real estate belonging to the debtor, including other property registered in accordance with the procedure established by law, whose value exceeds two thousand euros, and other movable property with a unit value exceeding thirty thousand euros is disposed of by auction. Auctions are carried out electronically (online). Judicial officers distribute the funds received from the sale of assets by auction to creditors.

Court orders and other enforceable titles in civil proceedings are enforced by judicial officers alone.

Court orders, rulings and resolutions in criminal proceedings are enforced by judicial officers in so far as they relate to pecuniary enforcement, enforcement of restriction of operation and enforcement of liquidation penalties on a legal entity. Court orders in administrative offence proceedings are enforced in so far as they relate to pecuniary enforcement. In the following part, court orders in criminal and administrative proceedings are enforced by the police and prosecutors.

PART I: LEGAL FRAMEWORK

I.1 Legislation affecting civil enforcement

Legislation relevant to the enforcement procedure and the activities of judicial officers includes the following legal acts:

[Republic of Lithuania Law on Judicial Officers](#) (hereinafter – Law on Judicial Officers).

The Law on Judicial Officers is viewed as the main legal act, which governs the authority, functions and services of all judicial officers working in the Republic of Lithuania.

[Republic of Lithuania Code of Civil Procedure](#) (hereinafter – Code of Civil Procedure).

Together with the [Republic of Lithuania Civil Code](#) (hereinafter – Civil Code), the Code of Civil Procedure serves as the basis of the enforcement procedures and measures, that all parties of the enforcement procedure must adhere to. The Civil Code governs the general norms of Lithuania's civil law, while the Code of Civil Procedure regulates general procedural deadlines, court jurisdiction in civil cases and enforcement of court rulings by the use of judicial officers' services and main functions.

[Instructions for Enforcement of Decisions approved by Order No. 1R-352 of 27 October 2005 of the Minister of Justice of the Republic of Lithuania "On the Approval of Instructions for Enforcement of Decisions"](#) (hereinafter – Instructions).

The Instructions broadly showcase the specific steps, procedures, tasks and measures judicial officers follow during enforcement. Instructions also regulate the cost of enforcement and the payment the judicial officer receives for each task they



complete.

I.2 Enforceable titles

Enforceable titles are as follows:

- Enforcement orders issued on the basis of court and arbitration judgements, sentences, decisions and rulings;
- Court orders;
- Court judgements and rulings (in certain cases);
- Court decrees, resolutions of institutions and officials regarding the application of interim measures;
- Court judgements regarding restriction of legal entity activities and legal entity liquidation;
- Orders in administrative offence proceedings in so far as they relate to pecuniary enforcement;
- Prosecutor's sanctions regarding eviction of natural persons from residential premises and other prosecutor's orders in so far as they relate to pecuniary enforcement;
- Notarial executive records according to protested or unprotested bills of exchange or checks;
- Notarial enforcement orders regarding the drawing up of an inventory of inherited property;
- Resolutions of the Labour Disputes Commission;
- Resolutions of other institutions and officials whose enforcement in civil proceedings is determined by law.

Foreign court and arbitration judgements are enforced in cases provided for by international contracts and laws.

Court judgements, sentences, decisions, rulings and orders are enforced after entering into force, unless urgent enforcement is ordered by the court. Urgent enforcement of a procedural court order must be specified in the enforcement order. Documents shall enter into force at the end of their appeal period, if no appeal has been lodged.

In certain cases, an enforcement order must be issued after an enforceable judgement comes into force. Other documents may be submitted for enforcement upon their entry into force without issuing a separate enforcement order (for example, court orders and resolutions of the Labour Disputes Commission).

The legislation sets out the information that must be provided in the enforceable titles.

I.3 Service of documents to parties and third parties

I.3.1 Legal basis

The Law on Judicial Officers stipulates that one of the functions of a judicial officer is to serve documents by court order upon natural and legal persons in the Republic of Lithuania. In addition, a judicial officer may also serve documents upon persons in the Republic of Lithuania without a court order. Documents are served by court order in accordance with the procedures set forth in the Code of Civil Procedure. In cases where a judicial officer serves extrajudicial documents upon request, documents shall be served pursuant to the Procedure for Service of Documents approved by Order No. 202 of 8 July 2002 of the Minister of Justice of the Republic of Lithuania.

Documents must be served under a court order by a judicial officer on business days between 6 a.m. and 10 p.m. When serving extrajudicial documents upon request, the date and time of service shall not be limited.

1.3.2 The legal capacity to serve documents

In terms of judicial officers' legal capacity to serve documents, judicial officers in Lithuania may serve judicial documents in civil matters and extrajudicial documents. Judicial officers do not normally serve documents in criminal proceedings. Judicial documents may also be served by mail and courier service providers.

Documents may be served (by court order or upon request) only by judicial officers or their authorised assistants. In addition, documents may also be sent to the recipient via registered mail, courier or postal service provider. In this case, the judicial officer or his/her authorised assistant must ensure compliance with the Procedure for Service of Documents when documents are served.

A judicial officer may serve any type of documents when providing their service of serving documents upon natural or legal persons (without court order). It has been established that a judicial officer cannot check the content of documents being served, and shall not be responsible for it.

The Code of Civil Procedure provides that documents can also be served by registered mail or via courier service providers. In certain cases, documents can be served electronically.

The method of service of court documents is chosen by the court. The method of service of other documents can be chosen by the applicant. Some notices must be sent through a notary. For example, the Code of Civil Procedure provides that notices must be sent through a notary in cases when part of immovable property held under joint ownership is being sold.

A judicial officer may search for the addressee until the addressee is found and serve him/her the relevant documents. If the addressee refuses to accept the documents in the presence of the judicial officer, the documents shall be deemed as served. When documents are served by a judicial officer upon request of a person requesting the service of documents, legal consequences resulting from the service of a document or refusal to accept it may be explained to the addressee.

The applicant shall be issued an acknowledgement of receipt approved by the judicial officer, stating that the document has been served or that the recipient refused to

accept the document. A copy of the served document approved by the judicial officer shall be attached to the acknowledgement of receipt. Request for the service of documents and acknowledgement of receipt shall be stored in the judicial officer's office (excluding cases when documents could not be served).

Documents may be served by court order only by judicial officers or their authorised assistants. Documents upon request may also be served by judicial officers themselves or by their authorised assistants. In addition, documents may also be sent to the recipient via registered mail, courier or postal service provider. In this case, the judicial officer or his/her authorised assistant must ensure compliance with the Procedure for Service of Documents when documents are served.

Judicial officers may serve documents within the territory of the Republic of Lithuania. The geographical jurisdiction of judicial officers for the service of documents is the same as for the enforcement of court judgements.

Special rules for the service of documents applied to judicial officers are set forth in the Procedure for Service of Documents.

A person requesting the service of an extrajudicial document must submit to the judicial officer his/her request in the prescribed form which shall then be registered in the judicial officer's special log. The legal consequences resulting from the service of a document or refusal to accept it may be explained to the document recipient. The applicant shall be issued an acknowledgement of receipt in the prescribed form.

Documents must be served under a court order by a judicial officer on business days between 6 a.m. and 10 p.m. When serving extrajudicial documents upon request, the date and time of service shall not be limited.

When serving documents, judicial officers may use the Population Register to obtain information about residential addresses, as well as use social insurance data to obtain information about a relevant person's place of work.

If a judicial officer undertakes to serve documents by court order, the judicial officer shall have the right to obtain the necessary data for the addressee from the register of natural persons, register of legal entities and state registers (information about the workplace, place of residence, etc.) free of charge.

If a judicial officer is requested to serve documents by a natural person, it is not mandatory but recommended to provide information to the judicial officer in order to find the addressee. Information provided in advance speeds up the service of documents. If the addressee cannot be found at the address specified in the applicant's request, the judicial officer shall take active steps to gather additional information from relevant registers, and serve the documents at another location.

When serving documents, a judicial officer does not normally report the contents of the documents served, unless specifically requested to do so by the customer. At the request of the customer, a judicial officer may and, in cases prescribed by law, must explain the legal consequences resulting from the service of documents or refusal to accept them to the person accepting the documents.

1.3.3 The contents of the documents to be served

Regarding the contents and form of the aforementioned documents, it is important to note that the documents to be served by a judicial officer have no prescribed form. Application submitted to a judicial officer with a request to serve extrajudicial documents must include the following data: application date, judicial officer's name and surname, applicant's name, surname, personal number (title and code of legal entity, representative's position or document verifying power of attorney), address, recipient's name, surname (title of legal entity), address, method of service of documents, and signature (and seal in the case of a legal entity).

It is not established for documents served by a judicial officer to have certain details (required document details may depend on the type of document, but they are not related to the method of service).

When documents are served by a judicial officer upon request or by court order, an acknowledgement of receipt of the document shall be filled out indicating the recipient's name, surname, title of company (when serving upon another person related to the recipient, it is necessary to specify the name and surname of that person, and his/her relation to the recipient), date of service (refusal to accept), signature of the person who received the documents, legal entity seal, and name, surname, signature and seal of judicial officer (assistant judicial officer) serving the documents.

1.3.4 Service upon the addressee of other persons

Documents may be served not only upon the natural person himself/herself but also upon other persons related to him/her. When court documents must be served and the addressee is not found at their place of residence or other specified address or workplace, these documents may be served upon any of the adult family members living with the addressee (children/adopted children, parents/adoptive parents, spouses, etc.), excluding cases where family members have a contrary legal interest in the outcome of the case. If there are no such persons, documents shall be served upon the administration of the addressee's workplace.

When extrajudicial documents must be served upon a natural person, they may be served upon one of the adult family members of the recipient, or to the administration of the building where the recipient resides, or to the administration of the recipient's workplace if the recipient has no adult family members.

The person accepting the served document must indicate the date of receipt of the document, his/her name, surname, relation to the addressee, and sign the document. If persons related to the addressee refuse to accept the judicial documents without valid reasons, or do not notify the addressee thereof or do not forward the accepted documents to the addressee, the court shall be entitled to impose a fine of up to EUR 300 on them.

Judicial documents may be served at the place of residence or other specified address, or at the addressee's workplace, or at the declared residential address. There are no

restrictions on where extrajudicial documents can be served, however they are usually served at the addressee's residential address or workplace.

Judicial documents served upon legal entities are served upon the head of said legal entity, to other members of management bodies specified in the register of legal entities, to representatives of the legal entity in court, or to the clerical staff. When the person serving the documents does not find the addressee at the registered office of the legal entity or at another location specified by the legal entity, documents shall be served upon any other employee of the legal entity.

When the addressee is a legal entity, the person accepting the served documents must indicate the date of receipt of said documents, his/her name and surname, title of legal entity, his/her position, and sign the documents. If the head of the legal entity, other member of management body specified in the register of legal entities, representative of the legal entity in court, clerical staff or administration of the legal entity refuse to accept the judicial documents without valid reasons, or do not notify the addressee thereof, or do not forward the accepted documents to the addressee, the court shall be entitled to impose a fine of up to EUR 300 on them.

If a judicial document cannot be served upon a natural person personally or served upon another person related to the said natural person, a notice of the served documents shall be left at the declared place of residence by placing it in the mailbox of the addressee. In this case, documents shall be deemed as served 30 days after leaving the notice. When judicial documents cannot be served upon the legal entity, these documents shall be sent to the registered office address of the legal entity and shall be deemed as served 10 days after they are sent.

If it is not possible to serve the documents upon a person and that person has not declared his/her place of residence, judicial documents may be served by publishing them on a special website, or served upon an appointed curator (documents shall be published or a curator shall be appointed by the court, not by the judicial officer). If a judicial officer is unable to serve extrajudicial documents, these documents shall be returned to the person requesting the service of documents or to the address specified by the said person by stating the reasons for non-service.

1.3.5 The use of new technologies

With regard to the use of new technologies, extrajudicial documents can be served electronically. It has been established that documents must be served in such a way as to ensure that these documents (all information contained therein) are served upon the addressee (become known to the addressee). In addition, in certain cases, a judicial officer may serve procedural documents upon participants in the enforcement procedure electronically.

Procedural documents are served upon participants in the enforcement procedure against receipt, by sending them via registered mail or by electronic means of communication. Procedural documents of judicial officers are sent to participants in the enforcement procedure electronically when the debt recovery amount in the enforcement proceedings is less than EUR 1000 (except in certain cases provided for

in the Code of Civil Procedure). In proceedings that involve larger debt recovery amounts, documents shall be sent via registered mail. Upon service of the judicial officer's procedural document, subsequent documents may be served upon the same recipient electronically.

Upon receipt of a written request of a participant in the procedure, procedural documents may be sent only electronically. There is an obligation for representatives of certain professions to receive documents electronically (for example, lawyers, legal assistants, judicial officers, assistant judicial officers, notaries, state and municipal enterprises, institutions and organisations, financial institutions and insurance companies).

I.3.6 Probative value of the service of documents

The method of service of documents does not have any special probative value.

I.4 Legal remedies, appeal and objection

Enforcement procedures and measures can also be appealed. Documents on the basis of which recovery is enforced may be appealed against under general procedure (for example, by making an appeal in cassation, or applying for renewal of procedure when the court judgement has taken effect; by lodging an appeal regarding a promptly enforceable judgement which has not yet taken effect, etc.). In addition, the procedural actions of a judicial officer may be appealed against in court, as specified in clauses I.4.2–I.4.9 thereof.

An appeal against the actions of a judicial officer may be lodged not later than within 20 days after the date on which the person became aware or should have become aware of the performance or refusal of performance of the action appealed against, and not later than within 90 days after performance of the action appealed against. The time limit for appealing against a document on the basis of which recovery is sought depends on what type of document is being appealed against (for example, a cassation appeal may be lodged within 3 months from the date on which the judgement under appeal enters into force).

Lithuania has a mandatory pre-trial appeal examination procedure executed through a judicial officer. An appeal against the procedural actions of a judicial officer is first lodged to the judicial officer himself/herself. The judicial officer shall examine the lodged appeal within 5 business days after receipt. If the judicial officer refuses to satisfy the appeal, he/she shall make a reasoned ordinance and, together with the said complaint, forward it to the district court. If the person lodging the appeal wishes for the application of interim measures in the course of the appeal, when lodging an appeal to the judicial officer, the said person shall additionally submit one copy of the appeal to the district court in whose area of jurisdiction the registered office of the judicial officer is situated. Appeals regarding documents on the basis of which recovery is sought are typically examined by court.

Cases concerning the legality of the actions of a judicial officer shall be examined by a district court in whose area of jurisdiction the registered office of the judicial officer is

situated. Cases where a document on the basis of which recovery is sought is appealed against are typically examined by the Supreme Court.

If an appeal is lodged against the actions of a judicial officer, it is not necessary to attach evidence, but it is recommended to do so. The appeal must include the detailed reasons and circumstances on which the applicant bases his/her appeal. When lodging an appeal regarding judicial or other documents on the basis of which recovery is sought, it is usually necessary to attach evidence supporting the appeal.

There is no limit to the cases in which appeals may be lodged. However, there is an established list of cases in which the court may, upon the request of interested parties, invalidate the acts of sale of property via auction, transfer of property to the plaintiff, or sale of property without auction: for example, if property not belonging to the debtor is sold, or if property is sold to persons who were not entitled to participate in the auction, etc. Sale of property by auction, transfer of property to the plaintiff, and sale of property without auction cannot be declared invalid on the sole ground of formal deficiencies which could not affect the legality of these actions.

The deadline for filing a response to the appeal is set by the court (usually within 14-30 days).

The Code of Civil Procedure lays down a general principle that the court must ensure that civil proceedings are examined in court within the shortest possible time. Examination of appeals regarding the procedural actions of judicial officers is accelerated by the fact that these appeals are normally handled under written procedure (unless the court decides otherwise).

The right of a third party to lodge an appeal in the enforcement procedure is not discussed separately in the Code of Civil Procedure. Typically, the said party may appeal against the procedural actions of a judicial officer if he/she has a clearly defined and documented interest in the enforcement proceedings. For example, a third party may file an appeal due to the fact that he/she was not granted access to the enforcement proceedings, the method of determining the value of property, the method of disposal of property, etc. In addition, a third party may bring an action to defend his/her rights to the property being recovered. Action regarding annulment of seizure of property may also be brought by the owner of property not belonging to the debtor, or its lawful operator.

Action brought or appeal lodged by a third party does not in itself affect the enforcement procedure, however the said party may request the court to apply interim measures and suspend the enforcement proceedings. In addition, a judicial officer who has been informed of the action brought may postpone enforcement or enforcement proceedings on own initiative.

Regarding the adopted court orders relating to the actions of judicial officers, a separate appeal may be lodged within seven days from the date of service of the certified copy of the order.

1.5 Postponement, suspension and termination of enforcement

It is important to note that the judicial officer has the right to decide whether to postpone enforcement.

I.5.1 Request for postponement by the creditor

The judicial officer may also postpone enforcement after being requested to do so by the creditor.

I.5.2 Request for postponement by the debtor

The judicial officer may postpone enforcement by request of the creditor in the following cases: if the debtor becomes seriously ill, the illness is not chronic and a document verifying the illness is provided by a medical institution; if the debtor is undergoing treatment in a hospital; if, in the case of eviction proceedings, the debtor or his/her family member becomes ill, the illness is not chronic and a document verifying the illness is provided by a medical institution.

In aforementioned cases, the debtor is not required to pay a deposit when requesting for postponement and such submission of a request for postponement does not in itself delay enforcement.

The judicial officer typically informs the creditor of the request for postponement of enforcement. There is no specific time limit for processing the request for postponement (a general deadline of 14 business days is applied). There is no maximum time limit for postponement of enforcement.

The legislation does not address the possibility of continuing enforcement before the end of the postponement period.

I.5.3 Request for postponement by the third party

The judicial officer cannot postpone enforcement by request of a third party.

I.5.4 Suspension of enforcement

There are also specific situations, when the judicial officer must suspend enforcement proceedings:

- In the case of death of the debtor or creditor, or after the reorganisation or liquidation of a legal entity, if transfer of rights and obligations is possible;
- If the debtor loses its legal capacity;
- If bankruptcy or restructuring proceedings are initiated against the debtor;
- If activity restriction is declared to a debtor bank or Central Credit Union;
- Upon receipt of a settlement agreement between the creditor and the debtor;
- When the time limit for lodging an appeal is renewed, if the basis for issuing an enforcement order was the contested decision (excluding decisions that must be enforced urgently). In addition, there are certain established cases where the judicial officer must suspend the disposal of property and the payment of funds.

There is no maximum time limit for suspension. The deadline is often associated with

the disappearance or emergence of certain circumstances. For example, enforcement proceedings are suspended until the successor of a deceased debtor (plaintiff) is found, or until the disappearance of other circumstances which led to the suspension of enforcement proceedings.

I.5.5 Termination of enforcement proceedings

In the case of termination of enforcement proceedings, such action requires the issuance of different procedural documents – an order terminating the proceedings and an order closing the proceedings. In all cases, when closing the proceedings, an order closing the proceedings must be issued. In certain cases, in order for enforcement proceedings to be closed, they must first be terminated (termination is one of the grounds for closing the proceedings). In addition, there are cases where an enforceable title under which enforcement has not been carried out or has been carried out only partially is returned to the plaintiff. Return of enforceable titles to the plaintiff is also one of the grounds for closing the proceedings.

Enforcement proceedings are deemed to be closed in the following cases:

- Upon full satisfaction of the creditor's claim (execution of the enforceable title);
- Upon return of the enforceable title to the plaintiff;
- Upon termination of the enforcement proceedings;
- When the enforceable title is forwarded to be executed by another judicial officer;
- When the enforceable title is forwarded to a court examining bankruptcy or restructuring proceedings.

Enforcement proceedings are terminated in the following cases:

- When enforcement is waived by the creditor;
- After the court approves the settlement agreement concluded between the creditor and the debtor;
- When the rights or obligations of a diseased creditor or debtor cannot be transferred;
- Upon expiration of the statutory limitation period for recovery;
- Upon annulment of enforceable titles which were the basis for enforcement;
- After reorganisation or liquidation of a legal entity, if transfer of rights and obligations is not possible;
- If the debtor and the creditor are the same person;
- If the debtor and the creditor entered into a debt settlement agreement;
- If the enforceable title has been unlawfully accepted for execution;
- If the creditor refused to accept certain items recovered from the debtor that were specified in the court decision;
- If recovery of litigation costs to the state budget is not possible due to the fact that the debtor has no assets or income, and the remaining amount of costs to be



recovered is lower than a certain set amount.

Enforceable titles are returned to the plaintiff in the following cases:

- By request of the plaintiff;
- If the debtor does not have any assets or income that could be recovered (or owns a home in which the debtor lives and the recovery of which is prohibited);
- If the plaintiff refused to accept the debtor's assets not sold during the execution of the court decision;
- If the debtor has no assets and does not live or work at the address specified by the plaintiff, or if the registered office of a legal entity is unknown;
- If the actions of the plaintiff make it impossible to enforce the court decision;
- If the judicial officer resigns or is deposed and the plaintiff does not request for the enforceable title to be transferred to another judicial officer;
- If enforcement must be executed within the area of jurisdiction of another judicial officer (and the enforceable title is not forwarded to another judicial officer);
- When the debtor does not have any income or assets, and does not live or work within the territory of the Republic of Lithuania.

1.6 Counter enforcement

With regard to counter enforcement, such procedure is not provided, however it is possible to reverse the enforcement of a court decision if a decision that has already been enforced is annulled and, upon re-examination of the proceedings, a new decision is issued to dismiss the action, or an order is issued to discontinue the proceedings or leave the action unexamined, in which case everything that has been recovered from the defendant in favour of the plaintiff pursuant to the annulled court decision must be returned to the defendant. In addition, a possibility is provided to offset the counter amounts to be recovered – if enforceable titles have been submitted for execution regarding the recovery of counter amounts of the debtor and the plaintiff placed in the same recovery line, the judicial officer shall issue an order to offset these amounts.

Reversal of enforcement of an annulled decision must be resolved by the court on its own initiative by re-examining the proceedings.

If the court does not resolve reversal of enforcement of a court decision, the defendant (debtor under the annulled decision) shall be entitled to file for reversal of enforcement.

Application for reversal of enforcement must be filed within 1 year after the court decision which does not resolve the issue of reversal of enforcement becomes effective.

Application for reversal of enforcement is filed directly to the court.

There is no time limit within which the court must examine such an application.

I.7 Objects and exemptions on enforcement

I.7.1 Exemptions

There are certain established amounts that cannot be recovered (for example, maternity, paternity and childcare benefits). When executing enforcement against natural persons, enforcement cannot be directed toward their household, farming, labour and educational supplies or other property necessary for the subsistence, professional work or education of the debtor or his/her family, or directed toward all supplies necessary for children and the disabled (a list is provided in the Instructions for Enforcement of Decisions). When executing enforcement against state or budgetary institutions, enforcement cannot be directed toward the general account of the State Treasury. In addition, enforcement cannot be directed toward funds received as European Union or other international financial support or co-financing funds granted for the implementation of a supported project (this enforcement prohibition is not applicable when the funds are used in violation of the legislation or contracts relating to the granting of these funds).

I.7.2 Enforcement on property of a foreign country

Regarding enforcement on the property of a foreign country, such enforcement is not possible.

I.8 (Court) penalties and fines

The court can impose a fine on the debtor or other person who does not comply with the judicial officer's requirements or otherwise prevents the judicial officer from enforcing the enforceable titles. The aforementioned fine may be imposed repeatedly. However, such a fine cannot be replaced by seizure.

I.9 Access to information on the domicile and assets of the debtor

I.9.1 Access to information

A judicial officer who is executing the enforcement proceedings shall have access to information on the assets of the debtor.

Unlike the judicial officer, the creditor shall not have direct access to information on the assets of the debtor. However, the creditor can access information on the income and assets of the debtor in electronic enforceable documents.

A judicial officer can obtain information online using secure access.

A judicial officer can obtain information on the debtor's declared place of residence, date of birth, workplace, social security number, legal entity code, salary size, bank account numbers, the amount of funds received in these bank accounts, real estate, movable property to be registered (e.g., cars), etc.

In the performance of his/her functions, a judicial officer shall be entitled to receive the necessary data free of charge from the state tax inspectorate, social insurance institutions, registers and other natural and legal persons, including banks and other



credit and financial institutions, regarding the debtor's assets (real estate and other movable property (to be registered), for example, ships, weapons, vehicles, etc.), funds, income, expenses and activities, as well as other data necessary for the performance of judicial officer's functions.

A judicial officer may obtain the necessary information in various ways, mostly online, or, in much rarer cases, by submitting a written inquiry (e.g., to the livestock register).

A judicial officer must ensure the confidentiality of received information – not disclose any personal circumstances which became known to him/her during his/her professional activities, and not disclose any commercial and other secrets protected by law.

If the judicial officer violates the duty of confidentiality or abuses his/her powers, the said judicial officer may be subject to disciplinary, civil or criminal liability.

I.9.2 Statement of assets

By request of the judicial officer, the debtor must provide written information about his/her assets and their location, assets held by third parties, and funds in credit institutions.

Information on assets must be provided to the judicial officer.

By request of the judicial officer, the court may impose a fine of up to 500 euros or punishment by arrest of up to 30 days on a person for failure to provide the necessary data or for provision of false data.

The creditor is not entitled to require the debtor to provide data on his/her assets.

PART II: ORGANIZATION OF ENFORCEMENT

II.1 The status of the judicial officer

II.1.1 The jurisdiction and competences of the judicial officer

In total, there are 114 judicial officers in all territories of Lithuania. There are areas in regions where there are vacancies for judicial officers.

A certain area of jurisdiction is established for each judicial officer. One area of jurisdiction may have (and mostly does have) at least two judicial officers.

II.1.2 The obligations of the judicial officer

A judicial officer assumes certain obligations related to his/her activities.

The said obligations are set forth in [the Law on Judicial Officers](#) and other legislation (for example, [the Code of Professional Ethics of Judicial Officers](#)).

A judicial officer must:

- enforce the enforceable documents as prescribed by law;
- state factual circumstances under a court order;
- transfer and serve documents under a court order on natural and legal

persons in the Republic of Lithuania and perform other functions prescribed by law.

In certain cases, when a conflict of interest arises or may arise, a judicial officer cannot enforce orders and must withdraw (for example, if the judicial officer has a close family relationship with, is married to, has custody of or is taking care of one of the parties).

Certain acts of enforcement must be carried out by the judicial officer himself/herself (which cannot be executed by assistant judicial officers): statement of factual circumstances, disposal of pledged movable property by auction, institution or suspension of enforcement proceedings, return of an enforceable title, sale of assets, distribution of recovered funds among the plaintiffs, and calculation of enforcement costs.

The judicial officer may not hold other paid positions in companies, institutions and organisations, or undertake other work, excluding work in judicial officer self-government institutions, scientific, creative or pedagogical activities, or work in election and referendum commissions at all levels, and may not be elected (appointed) to be a member of the governing bodies of companies whose activities are associated with debt recovery, custody of assets, property valuation, legal consultations, and provision of mediation services.

The judicial officer must, in the prescribed manner, provide the Ministry of Justice and the Chamber of Judicial Officers of Lithuania with statements of revenue received and costs incurred during the performance of judicial officer functions and provision of services. The judicial officer must also declare his/her annual revenue to the State Tax Inspectorate each year.

The judicial officer must have a separate deposit account for keeping monetary funds belonging to other persons.

The judicial officer must transfer recovered monetary funds to the plaintiff within the established time limits.

The judicial officer shall calculate the enforcement costs by applying the enforcement cost values established in the Instructions for Enforcement of Decisions.

The activities of a judicial officer may be inspected in the prescribed manner. Judicial officers must continuously improve their qualifications. The regular performance appraisal of judicial officers shall be held every four years.

In performing his/her functions, a judicial officer must comply with the principles of operation set forth in the Law on Judicial Officers, as well as the principles of professional ethics (including confidentiality) and ethical standards of conduct set forth in the Code of Professional Ethics of Judicial Officers.

The professional civil liability of judicial officers shall be covered by compulsory insurance for damage caused to natural or legal persons in performing the functions of a judicial officer and exceeding EUR 290. Judicial officers shall be covered by compulsory insurance against professional civil liability by concluding a joint contract

of insurance of judicial officers against professional civil liability. The sum of compulsory insurance is currently EUR 100 000 per insured event per year.

II.1.3 Inconsistencies and conflict of interest

The judicial officer must be active in the enforcement procedure and take all legal measures on his/her own initiative to properly protect the interests of the plaintiff and execute enforcement within the shortest possible time, without violating the rights of other parties to the enforcement procedure.

The obligation of a judicial officer to be active is subject to the same restrictions generally applied to the activities of judicial officers (for example, restriction of the area of jurisdiction, obligation to avoid conflict of interest, etc.).

II.1.4 Ethics and deontology

There are ethical rules that judicial officers must follow.

The basic principles of activities of judicial officers are set forth in the Law on Judicial Officers. In addition, the Code of Professional Ethics of Judicial Officers provides the principles of professional ethics and the ethical standards of conduct of judicial officers.

The rules of ethical conduct prescribed by the Law on Judicial Officers and the Code of Professional Ethics of Judicial Officers are designed specifically for judicial officers.

The following principles of activities and ethics rules of judicial officers have been established and/or discussed: independence, impartiality and objectivity, integrity, legality, competence and professional development, relations between the judicial officer and the creditor (customer), and mutual relations with the debtor, third parties, office staff, the public, and judicial officers, etc. Ethics rules regarding relations between judicial officers, judges, public authorities and representatives of other legal professions (lawyers, advocates, notaries, etc.) have not been discussed. Certain ethics rules relating to the judicial officer's personal life have also been established. Requirements have been established for premises where the judicial officer's office is located.

Judicial officers are subject to financial and professional accountability (judicial officers must provide the Ministry of Justice with statements of revenue received and costs incurred during the performance of judicial officer functions and provision of services).

Rules have been established on the disciplinary liability of judicial officers and disciplinary penalties that may be imposed. If disciplinary proceedings have been instituted against a judicial officer, the said judicial officer cannot avoid the imposition of disciplinary liability.

The Code of Professional Ethics of Judicial Officers is approved by the meeting of judicial officers.

II.1.5 Disciplinary proceedings against judicial officers

Clear rules have been established on the disciplinary liability of judicial officers.

All disciplinary proceedings against judicial officers shall be heard by the Judicial Officers' Court of Honour. The Judicial Officers' Court of Honour shall consist of five members, of whom two shall be elected at a judicial officers' meeting, two shall be appointed by the Minister of Justice and one shall be appointed by the President of the Supreme Court of Lithuania.

Rules for instituting disciplinary proceedings against judicial officers are designed specifically for judicial officers and do not apply to the representatives of other legal professions (lawyers, advocates, etc.).

The Judicial Officers' Court of Honour shall consist of judicial officers only.

Disciplinary liability may be imposed for violation of legislation regulating the non-procedural activities of judicial officers (for example, the Code of Professional Ethics of Judicial Officers), the procedure for recovery of enforcement costs not related to the calculation of the amount of the enforcement costs or where a court decision notes breaches of imperative provisions of procedural law.

Disciplinary proceedings may vary in severity. They are prescribed by law in an ascending order (of severity).

The following disciplinary penalties may be imposed upon a judicial officer:

- 1) a warning;
- 2) a reprimand;
- 3) deprivation of the right to provide services (store (administer) assets in the enforcement procedure, state factual circumstances, transfer and serve documents without a court order, provide legal consultations, dispose of pledged movable property by auction, mediate in performing property obligations, provide bankruptcy administration or mediation services) for a period of up to six months;
- 4) deprivation of the right to carry out functions (enforce enforceable titles prescribed by law, state factual circumstances under a court order, transfer and serve documents, or carry out other functions prescribed by law) for a period of up to six months;
- 5) dismissal.

One of the possible disciplinary penalties is deprivation of the right to carry out the functions of a judicial officer for a period of up to 6 months.

Judicial officers may be subject to a disciplinary penalty of dismissal. In this case, the Minister of Justice shall not be entitled to change the decision of the Judicial Officers' Court of Honour, and will only carry out the formal procedure of adopting the order to remove the dismissed judicial officer from the list of judicial officers.

Judicial officers may appeal against the decisions of the Judicial Officers' Court of Honour (and the imposed disciplinary penalty) to Vilnius Regional Court.

II.2 Supervision over enforcement

Activities of judicial officers may be inspected.

The lawfulness of the procedural actions undertaken by a judicial officer shall be controlled by the court. Other professional activities of judicial officers (work organisation, professional ethics, financial activities) shall be controlled by the Ministry of Justice and the Chamber of Judicial Officers of Lithuania according to the procedures prescribed by the legislation.

Compliance of judicial officers with the Law on Judicial Officers, the Instructions for Enforcement of Decisions, the Code of Professional Ethics of Judicial Officers, other legal acts approved by the Minister of Justice (regulating the activities of judicial officers and processing of funds received in performance of judicial officer's functions), and the procedure for recovery of enforcement costs not related to the calculation of the amount of enforcement costs shall be controlled.

Activities of judicial officers may be subject to regular and extraordinary performance appraisal. The regular performance appraisal shall be held according to the annual judicial officer performance appraisal plan approved by the Minister of Justice. The regular performance appraisal of each judicial officer shall be held once every five years. The regular performance appraisal of a newly appointed judicial officer shall be held one year after commencement of the newly appointed judicial officer's professional activities. The extraordinary appraisal of a judicial officer shall be initiated by decision of the Performance Appraisal Commission and carried out upon receipt of a complaint, statement, request or other information stating the facts or circumstances that the judicial officer does not comply with the requirements established by law, or on the basis of a final court decision establishing the unlawful actions of the judicial officer. The right to initiate an extraordinary appraisal of the judicial officer shall be granted to the Minister of Justice or the Chamber of Judicial Officers of Lithuania. The date of the regular or extraordinary performance appraisal shall be coordinated with the inspected judicial officer.

Upon receipt of information that a judicial officer has been abusing alcohol, psychotropic, narcotic or other psychoactive substances at his/her workplace, or the judicial officer was not in his/her office at the set time of admission, or in other cases when information needs to be checked immediately, extraordinary appraisal may be held without notifying the judicial officer, and without the order of the Minister of Justice or the Presidium of the Chamber of Judicial Officers of Lithuania.

The performance appraisal procedure may only be attended by employees working in the office of the appraised judicial officer.

It has been established that the judicial officer must participate in the performance appraisal, and must provide the Ministry of Justice and the Chamber of Judicial Officers of Lithuania with information necessary to perform the appraisal. Upon receipt of the report on performance appraisal, the judicial officer shall be entitled to provide written explanations regarding the said report, as well as any additional documents.

The judicial officer may, under general procedure, appeal against the actions



performed during performance appraisal. If the performance appraisal is carried out by order of the Presidium of the Chamber of Judicial Officers of Lithuania, an appeal against the appraisal outcome must firstly be lodged to the presidium itself, and the presidium's reply may then be appealed against to the court of general jurisdiction. If performance appraisal is carried out by order of the Minister of Justice, an appeal should firstly be lodged to the Minister of Justice, and the Minister's reply may then be appealed against to the Administrative Court.

II.3 Access to the premises

Normally, every effort is made to have the debtor participate in the judicial officer's inspection of the premises. If the debtor refuses to participate or avoids doing so, the judicial officer may access the premises without the presence of the debtor or his/her representative, but with the presence of a police officer and witnesses (adults with legal capacity and with no interest in the proceedings).

If the judicial officer is not permitted to access residential premises, he/she must obtain a court order to access them (separate order is not required when enforcing a court judgement regarding eviction from or movement to residential premises, and other court judgements which cannot be enforced if the judicial officer does not access the premises). If a judicial officer holding a court order (and in cases when such order is not required) is still not permitted to access the premises, the judicial officer may access them with the help of a police officer and in the presence of witnesses (adults with legal capacity and with no interest in the proceedings). The judicial officer shall be entitled to access non-residential premises without a court order, but must do so with the presence of a police officer and witnesses.

II.4 Obstructing the judicial officer from carrying out enforcement

If the judicial officer is obstructed from carrying out enforcement, obstructions may be eliminated with the help of the police.

In cases prescribed by legislation, the police must provide the necessary assistance to the judicial officer in carrying out enforcement and eliminating the obstructions.

II.5 Time of enforcement

Enforcement may only be carried out on business days from 6 a.m. to 10 p.m.

Enforcement may be carried out during the night or on non-business days only in urgent cases where enforcement may become difficult or impossible if it is not carried out urgently. These restrictions do not apply to the provision of services by a judicial officer (e.g., statement of factual circumstances, pre-trial debt recovery, arbitration, etc.).

II.6 Mediation

The judicial officer may provide mediation services when resolving disputes.

To be able to provide mediation services, judicial officers must receive the necessary training and must be included in the list of mediators (and pass the mediator qualification examination if the judicial officer does not have 3 years of experience



working as a judicial officer).

In practice, judicial officers rarely provide mediation services.

Mediation services may only be provided by judicial officers themselves.

Mediation in the enforcement procedure is not mandatory in any case.

Just like any other mediator, a judicial officer may provide mediation services at any stage of the dispute, however a judicial officer does not normally provide such services to the parties to the enforcement proceedings executed by him/her (which may be deemed as a conflict of interest, since mediation is a service which the judicial officer may provide, and is not a function prescribed to the judicial officer by law). In any case, a judicial officer must give priority to the functions prescribed by law and cannot provide services in enforcement proceedings if he/she must carry out the same actions using enforcement measures.

When providing mediation services, just like any other mediator, a judicial officer must comply with the [Law on Mediation of the Republic of Lithuania](#) establishing that parties to the dispute and the mediator may agree on the nature and procedures of the mediation, conclusion of a settlement agreement, etc.

Mediation may result in a settlement agreement signed by parties to the dispute.

Settlement agreements concluded between disputing parties during the mediation procedure shall have legislative power.

PART III: ENFORCEMENT PROCEDURES

III.1 Initiation and end of the enforcement procedure

III.1.1 Initiation of enforcement

The Code of Civil Procedure of the Republic of Lithuania associates the initiation of the enforcement procedure with the submission of an enforcement document to an enforcement officer. The creditor applies to the enforcement officer with a request to accept the enforcement document, the original enforcement document and pays the necessary enforcement expenses.

The creditor submits a request to the judicial officer for the commencement of the debt recovery. In the absence of the creditor's claim, the recovery process cannot begin.

III.1.2 Determination of the means and object of enforcement

In many cases, the enforcement procedure starts with the judicial officer-sent reminder to pay the debt in an amicable way prior to the end of a certain period. Should the debtor fail to perform the obligation within the time limit fixed in the reminder, the enforcement officer initiates the search of his/her property. The scope of these actions depends on the amount of debt, the specific nature of the debtor's activity and the available information about the debtor. All credit institutions are provided, by electronic communication means, with the judicial officer's instruction to limit the disposal of the monetary funds or write the debtor's monetary funds off



the account in a compulsory manner. The accounts owned by the person become subject to the necessary restrictions. By reaching out to the Immovable Property Register, it is as well verified what immovable property the debtor possesses. If the debtor is a natural person, the data about his/her workplace and gained income are inspected, too. The debtor is inspected for possessing vehicles registered in his/her name in the state enterprise "Regitra". If it is established that the natural person has no private property, the financial situation of his/her spouse may be inspected as well, since debts may be collected from the spouse's part in the debtor's property. Depending on the individual qualities of the debtor, other registers may be applied to for information as well.

The creditor, when submitting a request to the enforcement officer, specifies in it the amount of the debt being recovered.

The enforcement document may be provided to the enforcement officer by the creditor or his/her representative, the authority or official that issued the enforcement instrument. The enforcement instrument is issued by the court or other institution that adopted the decision on collecting the debt or other actions.

Enforcement officers, when performing their functions, are independent and are guided, in their activity, by the Constitution of the Republic of Lithuania, international treaties of the Republic of Lithuania, this law and other laws, as well as regulatory enactments and the Judicial Officers' Code of Professional Ethics. The creditor is obliged to be pro-active in the enforcement process, provide offers and cooperate with the enforcement officer for the purposes of operational delivery of the enforcement process.

III.1.3 Withdrawal of enforcement

The creditor in the enforcement process is entitled to withdraw the writ of execution and cancel the enforcement, and the returning of the writ of execution to the creditor within the law-fixed period does not prevent him/her from submitting this document for enforcement all over again, inter alia, to another enforcement officer chosen by the creditor.

III.1.4 Enforceability of the enforcement document

If a person fails to follow the decision adopted by the court or another institution and, within the time period fixed in the law, fails to pay, in good faith, the debt or perform another obligation, the decision may be submitted to an enforcement officer for enforcement. The enforcement of decisions, carried out by the enforcement officer, is the final means of delivering justice. Each time before accepting an enforcement document for enforcement, the enforcement officer must make sure whether there are objective obstacles to accept the enforcement document and initiate the enforcement actions. The enforcement officer, when deciding on whether there are any obvious obstacles to accept the enforcement document and initiate the enforcement actions, inspects:

1) whether the enforcement document is submitted for enforcement by an eligible



person;

2) whether the enforcement document is subject to enforcement by that enforcement officer;

3) whether the content of the enforcement document meets the requirements of the Code of Civil Procedure and whether the writ of execution is accompanied with the necessary appendices;

4) whether the enforcement document was submitted for enforcement within the relevant period of limitation;

5) whether, in the event of death of the creditor or the debtor, the enforcement document is submitted for enforcement by the successor – whether the legal succession of rights and obligations took place after the death of the recoveror or the debtor;

6) whether, in the event of liquidation or reorganization of the creditor or the debtor as of a legal entity, the enforcement document is submitted for enforcement by its legal successor – whether the legal succession of rights and obligations of the legal entity took place;

7) whether the State Tax Inspectorate, in the cases on administrative offences, to the extent related to the property collection, as well as other institutions and officials whose decisions ‘enforcement under the civil procedure is established by the laws checked that the submitted enforcement document has not been enforced yet but must be enforced;

8) whether there are any obvious obstacles to accept the enforcement document for enforcement.

III.2 Enforcement against movable assets to settle pecuniary claims

III.2.1 General

The priority is given to the property that is not mortgaged or otherwise encumbered and is the easiest property to levy the execution upon.

It is the enforcement officer issuing the enforcement document that decides on the needs to sequester the property on his/her own, wherefore, the recoveror is not obliged to specify what property the enforcement officer has to sequester.

III.2.2 The inventory

After the end of the reminder period of 10 days, the enforcement procedure is initiated and, during this procedure, the debtor-owned property is sequestered. The debtor is not informed about the seizure in advance so that the property or funds are not concealed.

The procedural documents of the judicial officer are sent by registered post; if they could not be delivered, they are kept in the postal department and subsequently returned to the enforcement officer’s office.

Non-attendance of the party does not pose any obstacles.



Only that part of property is subject to seizure which belongs to the debtor on the basis of right of ownership.

There are no deadlines for proving the right of ownership to a thing; such facts may be checked by the enforcement officer in the registers.

The enforcement officer, having checked the Register of Residents and the Register of Marriage Contracts, may levy the execution not only upon the debtor's personal property but also upon his/her part in the shared ownership and his/her part in the joint ownership. Despite the fact that the debtor's obligation is personal, the collection under this obligation may be levied upon the debtor's part in the joint assets of the spouses.

If the enforcement officer establishes that the debtor's funds or other assets are possessed by third persons (the enforcement officer is entitled to receive this information as well as the information on whether third persons must pay funds or provide other assets to the debtor), these funds are sequestered.

A property custodian is appointed by enforcement officer's order in accordance with the procedure established in the Code of Civil Procedure, wherefore, it is the enforcement officer who may be addressed by concerned persons with respect to this issue that shall decide on changing it.

The creditor does not acquire any right to the sequestered property.

III.2.3 Valuation of the movable items

If, at the time of seizure, the enforcement officer cannot evaluate the property being sequestered, the value of the property may be established by a separate order of the enforcement officer on assigning an expert assessment to establish the value of the property.

If the parties disagree with the expert assessment that was carried out, the judicial officer may assign a repeated expert assessment.

III.2.4 Method of sale

One of the enforcement officer-provided services provided for in the Law of the Republic of Lithuania on Judicial Officer is realizing mortgaged movable property by way of conducting an auction.

This possibility is established and governed by the Law of the Republic of Lithuania on Judicial Officer; the sale is organized by a judicial officer.

Auctions announced by Lithuanian judicial officers are held only on the Internet; the auction may be attended remotely. Such a procedure for selling property by auction came into effect on 1 January 2013.

The judicial officer performs all the functions of the organizer of the auction.

The auction is announced, if the debt cannot be covered in six months. If the necessary monetary amount is paid to the judicial officer's deposit account before announcing the auction, the auction is withdrawn.

III.2.5 Sale through direct settlement

The debtor cannot independently realize the seized property. The debtor has the right to offer his/her buyer before the start of the auction.

III.2.6 Public sale of movables

The following persons are not entitled to participate in the auction: the judicial officer that organizes this auction, other judicial officers that work in one judicial officers' office with him/her, office's employees and close relatives, spouses (cohabitants of these persons).

The information about the whole property sold by auction is published on the special website www.evarzytynes.lt. Each ad shall specify the time of auction, the property category and the location of the property, the initial selling price, as well as the fee of a participant to the auction. Also, a brief description of property is provided and pictures of property and other additional information may be annexed to the ad. The auction is announced on business days from 9:00 a.m. until 2:00 p.m. The beginning of the auction is the moment of its announcement on the special website.

A participant must pay the fee of a participant to the auction, which is 10 % of the initial price of the property being sold.

If a person purchases property at the auction, the participant's fee is included into the final price of purchase. Those persons that did not purchase any property during the auction are refunded the participant's fee within three days.

The auction is deemed to have taken place, if at least one buyer participated in it, therefore there is no need for the judicial officer to postpone the public sale.

The initial price of property at the first auction is 80 % of the market value; at the second auction it is 60 % of the market value.

The auction lasts no less than 20 or 30 days, considering the type of property being sold. However, the auction lasts for so long as the price is getting increased. Under the Code of Civil Procedure, in all cases when at least one price offer is received before the expiry of the auction time, the auction is intended for another five minutes during which the participants to the auction may offer a price for the property being sold.

If the auction is invalidated because no participants participated in it, the property is handed over to the recoveror for the initial price of selling the property by auction. If the auction is invalidated because the successful bidder failed to pay the whole sum for the property purchased at the auction within the fixed time limit or because it turned out that the successful bidder had no right to participate in the auction, the property is handed over to the recoveror for the price it was purchased during the invalidated auction. After invalidating the auction, the judicial officer offers the recoveror to collect the property not sold by auction and fixes a period during which the recoveror must inform the judicial officer, in writing, about his/her consent to collect the property.

III.2.7 Payment of the sale price

The deadline for payment of the sale depends on the price of the property. Payment shall be made within ten days of the end of the auction – if the price of the property is three thousand euros or less – and within thirty days of the end of the auction – if the price of the property is more than three thousand euros.

The judicial officer invalidates the auction by his/her order, if the purchase price is not paid within the time limit.

If no bidder has made a compulsory deposition, the judicial officer invalidates the auction by his/her order.

III.2.8 Handover of movables to the buyer

Within three business days after the full payment of the price of the property, the judicial officer draws up the certificate on the property sold by auction. Upon signing this certificate by the buyer, the right of ownership to the property sold by auction is handed over to him/her under the Code of Civil Procedure. The signing of the certificate is the only procedure for which the person that purchased the property or his/her representative must present themselves at the judicial officer's office.

III.2.9 Payment to the creditor

At first instance, the necessary expenses must be paid; if the property is mortgaged, this amount, first of all, must be diverted for settlement with the creditor on mortgage. In all other cases, the distribution of contributions is regulated in the Civil Code. Unless the parties agreed otherwise, the contributions received by the creditor in discharge of the obligation shall be, on a first-priority basis, diverted to compensate the creditor for the expenses related to making the claim on the performance of the obligation. On a second-priority basis, the contributions are diverted to pay the interest according to the priority of the payment deadlines thereof. On a third-priority basis, the contributions are diverted to pay the penalties. On a fourth-priority basis, the contributions are diverted to perform the main obligation.

The received contribution is distributed proportionally to cover all debts.

All judicial officer's orders may be appealed against; the appeal is submitted to the judicial officer's office and examined within 5 business days; if it is dismissed, it is forwarded to the court for consideration.

III.3 Attachment on the bank account of the debtor

The judicial officer has the possibility to view the debtor's available accounts and their numbers; however, he/she does not view the flow of funds at the accounts.

The judicial officer adopts, in the Judicial Officers' Information System, the order to write the monetary funds off in a compulsory manner, which is registered and the message is automatically transferred to all banks where the debtor has accounts.

The judicial officer-drafted order to write the monetary funds off in a compulsory manner may specify separate account numbers that are subject to attachment or specify that the attachment is applied to all the debtor's accounts.

After the judicial officer confirms the order to write monetary funds off in a compulsory manner, all funds at the account are written off automatically.

The attachment is applied to the debtor's accounts electronically, by using the Cash Restrictions Information System (CRIS).

All orders to write monetary funds off in a compulsory manner are drawn up electronically.

The judicial officer views information about the bank accounts using the Judicial Officers' Information System, wherefore, the banks do not have to send a separate notice.

The bank is not obliged to report on the history of the debtor's account, unless the judicial officer requests that such information be provided.

There are no specific deadlines established, the judicial officer may specify in the order the time limit for the provision of information.

After the judicial officer approves the order to write monetary funds off in a compulsory manner, the accounts will be attached.

The attachment may be applied both to all the debtor's accounts and to the specified accounts; in the specified account, the monetary sum which the debtor will be able to freely dispose of may be established, too.

No separate notices to the banks are sent.

After the judicial officer approves the order to write monetary funds off in a compulsory manner, the debtor's accounts become subject to attachment. The monetary funds credited to the account attached are written off automatically.

The attachment in accounts is annulled automatically after the whole monetary amount attached is written off.

If more than one attachment applies to the account, the credited funds are written off to cover all debts proportionally.

If the debtor makes payment directly to the recoveror or to the judicial officer's deposit account but not through his/her bank account, the judicial officer must send the withdrawal of the order to write off monetary funds in a compulsory manner, whereby the attachment of accounts is annulled.

The bank, just like other institutions, must execute the judicial officer's orders.

The judicial officer writes monetary funds off the bank accounts of the CRIS system; therefore, we have no information on other currencies.

III.4 Enforcement against savings deposits and current accounts

In cases of enforcement against savings deposits and current accounts, the same rules as stated in chapter III.3 apply.

III.5 Enforcement on immovable property



III.5.1 General

The attachment of the debtor's property is a temporary compulsory restriction or limitation of his/her right of ownership to his/her property or individual composite parts of this law – possession, use or disposal – which is implemented by the judicial officer. The judicial officer attaches the debtor's property by drawing up a certificate of property attachment.

Immovable property is registered in the Register of Immovable Property.

III.5.2 Enforcement against unregistered real estate

If the recoveror, when submitting the enforcement document to the judicial officer, has information about the debtor's unregistered property, he/she must provide such information and submit evidence, if any.

There are no separate orders.

When the execution is levied upon real estate or other registered property, the debtor's ownership of such property is established according to the written data of the register institution. Before levying the execution upon the unregistered property, the judicial officer must make sure, on the basis of the evidence proving the owner's rights, that this property belongs to the debtor.

III.5.3 Enforcement against registered real estate

Data of public registers about the property owned by the debtor are evidence whereunder the judicial officer decides on the owner of this property. Therefore, the essential information constituting evidence about the owner of the property is the data from the Register of Immovable Property.

Before levying the execution upon the unregistered property, the judicial officer must make sure, on the basis of the evidence proving the owner's rights, that this property belongs to the debtor. The judicial officer, when performing the obligation to establish the real estate owned by the debtor under the right of ownership, confines him/herself only to the data from the Register of Immovable Property, provided that other public registers available for the judicial officer or other evidence enable to see that the property may belong to the debtor individually or jointly with other persons.

The provisions of the Code of Civil Procedure regulating the enforcement of a court's judgement oblige the judicial officer to establish the fact of the debtor's ownership of an immovable thing, i.e., whether the whole property belongs to the debtor, what is the real value of that property, as well as whether the property is mortgaged, or attached and what restrictions are fixed to it.

The debtor has the right to submit a request on sequestrating other available property.

The judicial officer informs all case parties, both the debtor and the recoveror, about the procedural actions committed.

The parties are obliged to take an active part in the enforcement process and are

entitled to provide offers to the judicial officer.

The judicial officer is entitled to levy the execution only upon the property belonging to the debtor under the right of ownership.

New creditors may join the existing collection process.

The sequestration of property entails the limitation of the right of use and disposal.

If the circumstances change in a way making it possible for the main thing to be properly used without using the appurtenance thereof, the right of the owner of the appurtenance to use that thing is not limited, and the servitude ends by agreement of the owner of the appurtenance and the owner of the main thing. If the owner of the appurtenance and the owner of the main thing cannot agree, the decision on the end of the servitude is adopted by court.

The fact of the sale does not mean that the lease contract must be expired; this depends on the circumstances provided for in the sale contract and the fact of registering the lease contract.

III.5.4 The preparation of the sale of the real estate

Most commonly, the judicial officer helps to organize the visual inspection of the property. However, the inspection depends on whether the debtor willingly agrees or not to show the property being sold. The judicial officer cannot give a binding order to organize the visual inspection of the property or force the debtor to let in the persons wishing to visually inspect the property being sold.

The judicial officer may assign a property assessment for the objective valuation of that property, as well as the custodian of the property, until the sequestered property is sold.

The judicial officer may sequester all the property belonging to the debtor by right of ownership.

III.5.5 Valuation of the real estate

If the judicial officer has any doubts as to the property value, he/she must appoint an expert assessment on his/her own initiative. The appointment of expert assessment to evaluate the property sequestered is the legislator-entrenched judicial officer's possibility to cooperate with a person having special knowledge required for the property valuation, that may be instrumental to competently establish the market value of the property sequestered.

If the assessment results show that the value is not sufficient to cover the whole debt and the enforcement expenses, the process is not suspended and the debtor may apply for appointing a repeated expert assessment, otherwise the property will be sold to the buyer that offered the biggest sum at the auction according to the established value, even if it covers only a part of the debt.

III.5.6 Conditions for sale

After the expert assessment, the parties to the case are sent a notice on the



established value of the property. The information about the whole property being sold at auction is published on web portal www.evarzytynes.lt. Each ad specifies the time of auction, the property category and the location of the property, the initial sale price, as well as the participant's fee to the auction. Also, a brief description of the property is provided; the photos of the property and other additional information may be attached to the ad.

Under the provisions of the Code of Civil Procedure of the Republic of Lithuania and the Instructions on the Enforcement of Judgements, the first auction for the property is announced by the judicial officer only 20 days after the day of sending the information about the assessment of the sequestered property to the debtor.

III.5.7 Method of sale

Immovable property may be sold either by way of auction or to a buyer offered by the debtor.

Auctions are carried out electronically.

Electronic auction carried out in the Judicial Officers' Information System on the special website www.evarzytynes.lt is organized by a judicial officer, while the Judicial Officers' Information System is administered and processed by state enterprise "Registru centras".

III.5.8 Sale by direct agreement

The debtor is entitled to offer a buyer of the sequestered property before the auction.

III.5.9 Public sale of real estate

The following persons are not entitled to participate in the auction: the judicial officer, as well as other judicial officers working in one office with him/her, the office's employees and close relatives, spouses (cohabitants) of these persons.

The participant's fee is fixed according to the initial price of the object (if no other amounts are applicable in the respective auction).

Within 10 (ten) business days of the end of the auction, the participant's fee is refunded to the participants to auctions which did not purchase property and did not become the successful bidders, unless the auction ad specifies otherwise. One registered participant is enough for the action to take place, therefore there is no need for the judicial officer to postpone the public sale.

During the auction, the participants must enter the price offered for the object of auction on the website. The participants to the auction may increase the price by the minimal interval for increasing the price, specified in the specific ad of the auction. If the auction does not have any price offers yet, the price offer may be equal to the initial selling price of the object. Other participants may either offer the price by increasing it at least by the specified minimum interval for increasing the price or not offer (not increase) it without losing the paid participant's fee. The minimum interval for increasing the price is provided automatically. The participant to the auction may change the price being offered – write it down in the dialogue box at their own



discretion (more than the minimum increasing interval specified). During the auction, the website system does not allow different participants to the auction to make bets of the same value.

If the auction object is not sold at the auction, the judicial officer may announce a repeated auction.

Upon the completion of the auction process, the recoveror is offered to take over the property; if he/she does not do so, the enforcement process is initiated all over again.

III.5.10 Payment of the sale price

The initial contribution must be at least 30 % of the price of the immovable property and land plot or other real estate (including the participant's guarantee deposit) established at the auction and must be paid within 5 days of the signing of the real estate and land purchase and sale agreements.

If the auction does not take place, the recoverors are offered, by the judicial officer's order, to take over the unsold property and to inform the bail judicial officer in writing about their consent (or non-consent) within twenty days. If the recoverors refuse to take over the property, the judicial officer continues to carry out the recovery actions, i.e., announces a repeated, second auction for the sale of the same sequestered property.

If the auction is invalidated because the successful bidder did not pay the full amount for the property purchased at the auction within the set deadline, or because it became clear that the successful bidder was not entitled to participate in the auction, the property is transferred to the recoveror at that price, for which it was purchased in the invalidated auction. After invalidating the auction, the judicial officer offers the recoveror to take the property unsold by auction and sets a deadline within which the recoveror must notify the judicial officer in writing of his/her consent to collect the property.

III.5.11 Handover of the real estate to the buyer

The judicial officer shall, within three working days after payment of the full price of the property, but not earlier than twenty days after the end of the auction, draw up a certificate of sale of each item of property at the auction in the form specified in the Instructions on the Enforcement of Judgements. The act of sale of property by auction is a document certifying the right of ownership. When real estate is sold by auction, the certificate of sale of the property by auction is transferred to the registrar of the Real Estate Register by electronic means of communication.

An eviction claim is drawn up. If the persons do not agree to move out in good faith, the claim on eviction is to be filed with the court. An enforcement order is obtained after the court issues an eviction decision and the decision comes into effect. The enforcement document is submitted to the judicial officer, who forcibly evicts the indicated persons (forcibly enters the premises, uses the assistance of the police and other institutions).



III.5.12 Payment to the creditor

The amount recovered shall be distributed in the following priority order: 1) the administrative expenses of the enforcement case, which are compulsory for the performance of the required actions; 2) additional expenses for administering the enforcement case; 3) other enforcement-related expenses; 4) for creditors and judicial officer as remuneration for the execution of the enforcement documents established by law.

The amount recovered shall be distributed in the following priority order: 1) the administrative expenses of the enforcement case, which are compulsory for the performance of the required actions; 2) additional expenses for administering the enforcement case; 3) other enforcement-related expenses; 4) for first-priority creditors; 5) for remaining creditors, if any.

The amount recovered shall be distributed in the following priority order: 1) the administrative expenses of the enforcement case, which are compulsory for the performance of the required actions; 2) additional expenses for administering the enforcement case; 3) other enforcement-related expenses; 4) the recovered debt is distributed between the remaining creditors in proportion to the amount of debts to them. Distributions of funds may be challenged in court.

III.6 Enforcement against wages and other permanent pecuniary income

To establish when and where the person gets employed, the judicial officer checks the state registers from time to time. There are no time limits set for the employers in such cases.

After receiving the judicial officer's order for enforcement (order for debt recovery, order for information), the employer must provide information to the judicial officer.

If the employer does not follow the judicial officer's order, although he/she has it, he/she may receive a court-imposed fine for failing to follow the judicial officer's requirements.

An agreement on part payment of the debt may be concluded.

Limitations with regards to enforcement against personal incomes, are provided in the Code of Civil Procedure.

The execution may not be levied upon the sums which the debtor owns as:

- 1) compensation payments for the depreciation of tools belonging to the employee and as other compensation paid when working in deviation from normal working conditions;
- 2) sums paid to an employee that goes on a business trip, is transferred, employed or sent to work in other locations;
- 3) maternity, paternity and childcare benefits;
- 4) child benefits paid in accordance with the Law on Child Benefits of the Republic of Lithuania;

5) funeral allowance;

6) benefits paid in accordance with the Law on Social Assistance Pensions and the Law of the Republic of Lithuania on Targeted Compensations, as well as other targeted social benefits, allowances and compensations from the state and municipal budgets for social support of those in need;

7) state social insurance pension for orphans paid in accordance with the Law of the Republic of Lithuania on State Social Insurance Pensions, state orphans' pension paid in accordance with the Law of the Republic of Lithuania on State Pensions, state orphans' pension for officials and military servants paid in accordance with the Law of the Republic of Lithuania on State Pensions for Officials and Military Servants, the state orphan's annuity of the signatory, the state orphan's annuity of the President of the Republic;

8) severance pay, except certain cases;

9) monetary funds at the convict's personal account opened in the detention facility, which do not exceed a half of the amounts established by the Criminal Executive Code of the Republic of Lithuania.

Amount of deductions from the debtor's salary and other income:

1. From the part of the debtor's remuneration and equivalent benefits and contributions not exceeding the minimum monthly salary (MMS) established by the Government:

a) for the recovery of maintenance by periodic payments, the compensation for damages caused by mutilation or other damage to health, as well as the deprivation of life of the supporter - thirty per cent, unless otherwise provided for in the writ of execution itself or otherwise provided for by law or court;

b) for all other types of recovery, unless otherwise provided in the writ of execution itself or otherwise provided for by law or court, - twenty per cent;

c) according to several enforcement documents - thirty per cent.

2. From the part of salary, as well as equivalent benefits and contributions, exceeding the amount of the MMS established by the Government, fifty per cent are deducted, unless otherwise provided for by law or court.

3. If the debtor maintains incapacitated family members, at his/her written request, the deductible proportion referred to in paragraph 2 of this Article may be reduced, by order of the judicial officer, by ten per cent for each dependent, but such reduction may not reduce the part established by law or court.

III.7 Attachment under the debtor's debtor

III.7.1 General

Under the Code of Civil Procedure, the judicial officer has the right to act independently in deciding on the moment of sequestration of the debtor's debtor property. The judicial officer executing the enforcement document decides on the



need to sequester the property on his/her own.

When submitting a request to the judicial officer for recovery of a debt, the creditor shall indicate the amount of the debt and information on what funds may be available to persons owed to the debtor.

III.7.2 The enforcement

The parties to the enforcement proceedings – the recoveror and the debtor - may file a complaint against the judicial officer's actions. It should be noted that the court hears cases on appeals against judicial officers' actions in accordance with the special litigation procedure. Any person whose rights and obligations are involved in the case shall be deemed to be a concerned party in the case. Such a person has the right to take part in the proceedings, which gives rise to his/her right to appeal against the judicial officer's actions. Other persons have the right to bring an action in a civil lawsuit, provided that it relates to the ownership of the property upon which the execution is levied, and that such a dispute shall be examined in accordance with the rules of contradictory procedure. However, the said rule does not deny the person's right to appeal to a court against the actions of a judicial officer in accordance with the special litigation procedure.

In this case, the creditor does not have such right.

Not applicable. In cases of recovery from the debtor's assets (not debtor's debtor) claims of mortgage creditors are covered on a first-priority basis; claims of other creditors are covered proportionally to the amounts of debts.

Yes, the debtor's debtor must provide information. The judicial officer interrogates the third parties by order about the funds possibly available to the debtor. The judicial officer shall inquire, by his/her order, third parties regarding any funds belonging to the debtor.

Time periods are specified in the judicial officer's orders. They are not provided by law, so they may vary from case to case.

The recoveror could apply to a court for compensation of damages according to the standard procedure.

III.7.3 Distribution of the moneys received

The funds received as repayment of debt are transferred to the judicial officer's deposit account.

If the priority order of recoveries is the same, the funds received are distributed proportionally to all the debtor's debts.

The received funds are distributed proportionally to all the debtor's debts.

III.8 Enforcement against shares

III.8.1 General

The judicial officer is entitled to choose the enforcement actions, such as attachment of account or shares, and to levy an attachment.

The creditor does not have to indicate in the application which and how many shares the judicial officer must sequester. The judicial officer, after checking the registers, decides on the applicable restrictions on his/her own.

III.8.2 The enforcement

The judicial officer, when sequestering shares, as well as any other property, draws up a certificate of sequestration of property and forwards it to the Register of Certificates of Sequestration of Property for registration.

The creditor does not acquire the right to the shares sequestered.

The judicial officer, having drawn up the certificate of sequestration of property, forwards it to the Register of Certificates of Sequestration of Property for registration.

III.8.3 Evaluation and sale

Article 47 of [the Law on Companies](#) establishes the exclusive right of a shareholder, i.e., all shareholders of the company have the pre-emptive right to acquire the shares transferred by the shareholder to third parties. Just like other assets, shares must be evaluated; if the buyer offered by the debtor refuses to buy the shares, the shares are sold by auction in accordance with the general procedure.

Shares may be sold by auction after carrying out expert examination or determining their nominal value in accordance with the data of the Register of Legal Entities. The initial price of the property being sold in the first auction is eighty percent of the price of the property; in the second auction it is sixty percent of the price of the property.

Securities included in the trading lists of the stock exchange shall be sold in accordance with the procedure established by the rules of exchange with respect to the sale of stock of shares. Other securities are sold by auction in accordance with the standard procedure. When selling shares of private limited liability companies by auction, the number of stock of shares being sold must be calculated in such a way as to prevent the violation of the number of shareholders established by law in the event the shares are acquired by several buyers.

Shares shall be sold in accordance with the same standard procedure as other movable or immovable property. The value of shares is determined by way of valuation and expert assessment.

If the auction is declared invalidated due to the fact that no bidder participated in it, the property shall be transferred to the collector at the initial selling price of the property by auction. If the auction is declared invalidated because the successful bidder has not paid the full amount for the property purchased within the set deadline, or because it has become clear that the successful bidder was not entitled to participate in the auction, the property is transferred to the recoveror at the price at which it was purchased in the invalidated auction. After declaring the auction invalidated, the judicial officer offers the recoveror to take the property unsold by auction and sets a deadline within which he/she must notify the judicial officer in writing of his/her consent to take the property. If the collector refuses to take the property transferred in accordance with the set procedure or fails to notify the judicial

officer of his/her consent to take over the transferred property within the specified deadline, or fails to pay the difference between the initial price of the sold property and the part of the funds falling to him/her within the specified deadline, the judicial officer shall announce a second auction no later than one month after the day of invalidating the auction. If the recoveror refuses to take the property transferred to him/her or, within the time period fixed by the judicial officer, fails to notify the judicial officer of his/her consent to take the transferred property or, within the set time period, fails to pay the difference between the initial price of the property being sold and the funds falling to it, the judicial officer, no later than one month after the invalidation of the auction, announces a repeated auction.

A repeated auction is carried out under the same conditions as the previous auction which was announced invalidated.

III.9 Other attachment procedures

The judicial officer can seize electronic money (for example, in Paysera accounts) and various rights that belong to the debtor, such as the right to inherit, land lease right, etc. However, the enforcement against such property (rights) is complicated due to the difficult process to value the asset. There may also be restrictions on the new owner exercising such rights in the future.

III.10 Handing over movable assets

The court shall specify in its judgment which item(s) is (are) to be transferred to the recoveror.

When the recoveror is awarded certain items specified in the court decision, the judicial officer shall take those items from the debtor or a third party and hand them over to the recoveror.

If the items specified in the decision are not available, the judicial officer shall draw up a certificate confirming this and the enforcement document shall be returned to the recoveror. If the items cannot be handed over because they are defective, incomplete, or if they cannot be handed over for other reasons, the judicial officer shall draw up a certificate stating that the judgment cannot be enforced and the enforcement order shall be returned to the recoveror.

III.11 Enforcement in reinstatement of employee to work

The court or the Labour Disputes Commission decides. The enforcement document may be adopted according to the debtor's place of residence, place of work or location of property. Most frequently, it is the court that operates in the judicial officer's area of activity, which coincides with the debtor's place of residence.

Enforcement documents for reinstatement of employee to work may be lodged within one month of the date of the judgment. The decision of the Labour Disputes Commission shall be enforced after its entry into force, except in cases when the decision in whole or in part must be enforced as a matter of urgency.

Enforcement orders under court decisions can be submitted for enforcement within



five years of the court decision coming into force. The time limit for lodging enforcement orders under urgent judgments is calculated from the first day after the judgment is given.

Time limits within which decisions of other officials or institutions may be enforced are determined by other relevant national laws.

If periodic benefits are recovered by a court decision, the enforcement documents are valid for the entire period for which the benefits have been awarded, and the time limit for lodging enforcement starts from the date of expiry of each benefit period.

The recoveror may also apply to the court for the award of all or part of the remuneration, as well as the amount of penalty for the period of delay in payment, procedural interest from the final amount awarded by the court from the date of initiation of the court proceedings until the full enforcement of the judgment, and the litigation expenses.

III.12 Eviction

Under a court judgement, only the persons specified in the writ of execution, with their property, must be evicted from the residential premises.

The time of eviction shall be notified to the debtor in writing at least five working days in advance. If minors are evicted without being provided with other residential premises, the judicial officer shall notify the state institution for the protection of the rights of the child in writing of the time and place of the eviction by sending a notice, but not later than thirty days before the date of eviction.

Eviction is usually carried out in the presence of the evicted person. In cases where the evicted person is hiding or does not comply with the judicial officer's call to move out from the premises, the judicial officer evicts him/her by conducting an enforcement procedure in the presence of a representative of the police and the custodian.

If the person fails to move out in good faith, the judicial officer evicts him/her by conducting an enforcement procedure; in the presence of the police or the custodian of the property, the certificate in which all the things in the apartment are described is drawn up.

The debtor is responsible for paying the enforcement expenses.

The judicial officer appoints a custodian; if the debtor fails to take the things, they are destroyed.

III.13 Enforcement of obligations to act, refrain from acting or suffer action

III.13.1 Enforcement of the decision for division of items

If the parties have not agreed on the specifics of the division of items, the court decides on the matter in its ruling. In such cases, the general rules of recovery of enforcement expenses apply.

III.13.2 Enforcement of the decision in which the debtor has a duty to perform certain action, tolerate certain actions, or to omit certain actions

The final decision regarding the enforcement proposals made by the judicial officer; the decision may be appealed to the district court in whose territory the judicial officer operates.

In the first instance, the creditor and the debtor carry out the enforcement for settlement of obligation for action. If neither of the parties take necessary actions, this may be done by the judicial officer.

Regardless, when submitting an enforcement document to a judicial officer, the necessary enforcement expenses must be paid.

In cases, where the assigned action in the enforcement document can only be completed by the debtor, a reminder to take certain actions in good faith is sent to the debtor; if the debtor fails to comply with the obligation within the specified period, the judicial officer may apply to the court for a fine.

In theory, the judicial officer can order the debtor to deposit an amount of money for compensation of damage, which the creditor may suffer by further behaviour of the debtor. Regulatory enactments do not limit this possibility; however, in reality we do not have such a practice. But these deposits take place only with the consent of the recoveror. The judicial officer alone would not be able to make such a decision.

If the enforcement document is enforced, the enforcement case is closed and the enforcement document is returned to the issuing authority. The recoveror should go to court, take out a new enforcement order and present it to the judicial officer for enforcement.

III.14 Sequestration of goods

The judicial officer usually leaves the operation over the sequestered property to the person who was managing it at the time of sequestration. However, if necessary, the judicial officer may, at any stage of the proceedings, transfer the attached property to another person, including the recoveror, for safekeeping. These persons shall act as custodians. The judicial officer hands the certificate of sequestration of property to the custodian. The judicial officer him/herself can safeguard the property as well. The said property may be movable and/or immovable.

Sequestration can be formed on a voluntary basis. The property custodian is appointed by judicial officer's order in accordance with the procedure established by the Code of Civil Procedure, wherefore, the judicial officer, to whom the persons concerned in this matter may apply, must decide on his/her replacement.

It is noteworthy to mention that sequestration can also be formed on a contract basis.

A special norm regulating temporary custody (sequestration) of objects in dispute is established in the Civil Code. This type of custody includes both cases where temporary custody of the objects in dispute arises on the basis of a custody agreement

concluded by the parties to the dispute and in cases where the custodian of the attached property is appointed by the court. According to this norm, the object of temporary custody may be both immovable and movable property.

At any time of the proceedings, the judicial officer may transfer the sequestered assets to another person for safekeeping.

The judicial officer, as a sequester, can also place the goods under seal.

III.15 Enforcement of foreign enforceable documents from non-EU States

An enforceable document in the law of civil procedure of the Republic of Lithuania must be a judgement of a court of another EU Member State recognised as a European Enforcement Order, or simply the European Enforcement Order itself. Therefore, an enforceable decision made in another non-EU State cannot be enforced in the Republic of Lithuania. The same applies to non-enforceable court decisions, made outside of the EU.

However, a court judgment may be recognized as a European Enforcement Order upon application to the court of the Member State of origin. The enforceable document in the law of civil procedure of the Republic of Lithuania should be a judgment of a court of another EU Member State recognized as a European Enforcement Order, or simply the European Enforcement Order itself.

It is important to note that if the debtor is not an EU resident, the possibilities to seek enforced recovery depend on whether the state of Lithuania and the respective foreign state have entered into a bilateral mutual legal assistance treaty. Intervention of lawyers/solicitors is not compulsory in such cases (although it can depend on each individual situation).

Judgments of foreign courts are recognized on the basis of international treaties. The judges cannot amend the decision to recognise a foreign court's decision. In the absence of an international treaty, requests for the recognition of foreign judgments are dismissed, if: the judgment has not entered into force under the law of the State in which it has been adopted; in accordance with the law of the Republic of Lithuania or the provisions of an international treaty, the case falls within the exclusive jurisdiction of the courts of the Republic of Lithuania or a third country; the party who did not take part in the proceedings was not properly informed of the initiation of civil proceedings and did not have access to defence during the proceedings and, in cases where he/she was incapacitated or his/her legal personality was restricted in a particular area, was not provided with proper representation; the judgment of the foreign court, which is requested to be recognized, is not compatible with the judgment of the court of the Republic of Lithuania adopted in a case between the same parties; the decision is in conflict with the public order enshrined in the Constitution of the Republic of Lithuania; the foreign court in its decision resolved issues concerning the legal status and capacity of a citizen of the Republic of Lithuania, legal representation, family property or inheritance legal relations and this is contrary to the private international law of the Republic of Lithuania, unless the Lithuanian courts have made the same decision.



The aforementioned proceedings (involving recognition) may raise objections. A ruling of the Court of Appeal of Lithuania on a request to review a ruling solely adopted by the judge of the Court of Appeal of Lithuania in a written procedure with regard to the recognition (enforcement) of a judgment of a Member State of the European Union in the Republic of Lithuania shall enter into force on the day of acceptance and may be appealed in cassation to the Supreme Court of Lithuania within three months of the adoption of the ruling.

Regardless, the decision to recognise the decision made in a non-EU State can be enforced in spite of a possible objection.

According to gathered data, complaints against courts' decisions to recognise a decision made by a foreign court are rare. It is important to mention that lodging of a contest has no effect on the enforcement proceedings, unless the court makes a separate decision to suspend the enforcement procedure.

A ruling of the Court of Appeal of Lithuania on recognising (refusing to recognise) a foreign (not from an EU Member State) or arbitral award and (or) allowing to enforce it in the Republic of Lithuania comes into effect upon the adoption thereof and, under the procedural rules for considering cases in cassation court, may be appealed to the Supreme Court of Lithuania by way of filing a cassation appeal.

The cassation appeal must be drawn up by a lawyer. A legal entity's cassation appeal may also be filed by its employees having a university degree in law. If the cassation appellant is a natural person with a university degree in law, he/she has the right to draw up the cassation appeal him/herself.

Regarding the deadlines, the average duration of proceedings for recognition can last up to three months, if the proceedings are not contested by the defendant. Meanwhile, if the proceedings are contested, they can last approximately from six months to one year. Such procedures and deadlines are shown to be wholly sufficient and appropriate, therefore they are evaluated as satisfactory.

PART IV: ENFORCEMENT COSTS

IV.1 The costs of enforcement

IV.1.1 General questions

The judicial officer's fee is calculated on the basis of the amount of the debt recovered. The amounts are specified in the Instruction for the Enforcement of Judgments, approved by the Minister of Justice.

The enforcement expenses are divided into:

Enforcement case administration expenses. They consist of the expenses required for taking compulsory actions in an enforcement case, as well as additional expenses incurred when taking actions in a particular enforcement case.

Necessary and additional enforcement expenses are always recovered from the debtor; the amount of the judicial officer's fee depends on the procedural actions taken in a particular enforcement case.



Enforcement costs are divided into:

- Costs of administering the enforcement case. They consist of the costs necessary to take the obligatory action in each enforcement case (hereinafter "necessary enforcement costs") and the additional costs incurred in carrying out the individual actions in a particular enforcement case (hereinafter "additional enforcement costs").
- Remuneration to the judicial officer for the enforcement of the documents established by law, establishment of factual circumstances by a court order, transmission and service of documents by a court order (hereinafter - remuneration to a judicial officer).
- Enforcement expenses. The procedure for the calculation and payment thereof are determined in the Instruction for the Enforcement of Judgements. It sets out the amounts of enforcement expenses and judicial officer's fees by category of enforcement documents. The expenses of enforcing a judgment start accruing as soon as the enforcement order is filed with the judicial officer. The final amount of the expenses to be paid depends on the number and complexity of the procedural actions. Enforcement expenses are: necessary expenses, additional expenses, and the judicial officer's fee.

Enforcement expenses remain unrecovered, for the judicial officer incurs costs but he/she does not receive their reimbursement and remuneration.

IV.1.2 Prepayment of enforcement costs

The recoveror or his/her authorized representative, when submitting the enforcement document for execution, must pay the necessary enforcement expenses to the judicial officer, save for the exclusions established in the Instruction for the Enforcement of Judgements.

IV.1.3 Creditor and enforcement fees

The amount of enforcement expenses depends on the actions committed in a specific case, wherefore, in the beginning of the enforcement proceedings, the judicial officer cannot tell exactly what expenses may be incurred and in what amount (he/she can do that only preliminarily).

Certain fees or enforcement expenses can be negotiated and partly agreed on. Enforcement expenses are decided on a case-by-case basis; they may be agreed with the creditor especially in such cases where the recoveror requests the sale of a particular asset and agrees to pay for the valuation himself.

The enforcement expenses paid by the recoveror shall be returned to the recoveror upon the recovery from the debtor.

The amounts of the judicial officer's fees are fixed; they are determined by the Instructions for the Enforcement of Judgements.

IV.1.4 Debtor and enforcement fees

Necessary and additional enforcement expenses and judicial officer 's fees are always recovered from the debtor.

The debtor shall be informed about the amount of the enforcement expenses by sending a calculation of the judicial officer's enforcement expenses, which indicates the procedural actions performed by the judicial officer and the respective fees.

The debtor cannot be relieved of the collection of the enforcement expenses.

The debtor may be released from the recovery (payment) of enforcement costs if they are agreed to be borne by the creditor. If the creditor is the state (e.g., an administrative fine must be enforced) and an enforcement order is unlawfully submitted to the judicial officer, the judicial officer is reimbursed a small part of the enforcement costs (€ 12) by the state. The judicial officer him/herself cannot make unreasonable concessions.

IV.1.5 Period of voluntary fulfillment and fees

The debtor is given a 10-day notice period to pay the debt voluntarily, without judicial officer's fee and some part of the additional expenses incurred.

If the debtor pays the debt within 10 days of the notice period, he/she has to cover only the necessary and postal expenses. A failure to pay the debt within this period will result in additional costs for the actions taken and the judicial officer's fee.

IV.1.6 Enforcement fees charged based on various phases within the enforcement process

Such a phase is not provided for, but it may be said that the enforcement process is divided into (i) a reminder period, when a period of 10 days is given to cover the debt, during which the judicial officer's remuneration and some other enforcement expenses are not calculated, and (ii) enforcement process, where the summons is not sent and the judicial officer starts immediately. recovery. The essential difference is that if the debt is paid within the reminder period, the debtor does not pay the judicial officer's remuneration. Also, the debtor's funds and assets may not be seized during the reminder period unless there is a possibility that the debtor may hide or destroy property and other assets.

The enforcement process starts with the judicial officer-sent reminder to pay the debt in good faith (period of 10 days). It is followed by enforced recovery. It is the use of the coercive power of the state to enforce the enforceable requirements, i.e., a set of legal remedies that a judicial officer is entitled to take if the debtor fails to comply with a judgment of a court or other authority in good faith, i.e., search of the debtor's property and application of sequestration, realization of the property, recovery from the debtor's salary or income equivalent to it, etc. In other words, it is the process during which relevant sanctions are taken to effectively enforce a judgment that has entered into force.

The judicial officer's remuneration does not accrue during the reminder period.

The expenses are calculated in each case individually, according to the procedural

actions committed.

The judicial officer's remuneration is calculated depending on the amount of the debt recovered.

IV.1.7 Fee for the initiation of enforcement proceedings

There is a fee for the initiation of enforcement proceedings. The recoveror or his/her authorized representative (only legal person/company), when submitting the enforcement document, must pay the necessary enforcement expenses to the judicial officer. If the recoveror fails to pay the necessary enforcement expenses when submitting the enforcement document, the judicial officer refuses to accept the enforcement document, save for the exceptions provided for in the Instructions on the Enforcement of Judgements. The judicial officer has the right to accept the enforcement document without payment of the necessary enforcement expenses by the recoveror, if, upon acceptance of the enforcement document, the recoveror is immediately invoiced to pay the necessary enforcement expenses. In this case, the necessary enforcement expenses must be paid by the recoveror within 20 days of the date of issue of the invoice. If the recoveror fails to pay the necessary enforcement expenses within the prescribed time limit, the judicial officer may accept other enforcement documents from such recoveror only if the recoveror pays the necessary enforcement expenses at the moment of submitting the enforcement documents.

Depending on the property situation of the recoveror – natural person – the enforcement officer may, either in whole or in part, release him/her of the payment of enforcement expenses. These expenses are recovered from the debtor. The enforcement officer has the right to defer the payment of enforcement expenses in accordance with the procedure established by this Instruction. Payment of up to half of the total expenses of enforcement may be deferred, except as provided in this paragraph. Payment of enforcement expenses may be deferred until the completion of the enforcement proceedings. All enforcement expenses are recovered from the debtor in accordance with the amounts set forth in this Instruction, regardless of whether the recoveror has been exempted from the enforcement expenses and whether they have been reduced or deferred. At the request of the recoveror – natural person – the payment of all general enforcement expenses may be deferred, but not longer than until the enforcement case is completed.

When enforcing enforcement documents for the recovery of monetary sums to the benefit of the state, the enforcement officer has the right to defer the payment of all enforcement expenses or to release the recoveror from the payment of these expenses.

The enforcement expenses in the events when the recovery is carried out in favour of the state under the court-adopted judgements shall be paid by the Ministry of Justice from the appropriations for enforcement of court decisions, unless the recoveror has been exempted from paying enforcement expenses in accordance with the procedure established by this Instruction.

The creditor or his/her authorized representative, when submitting the enforcement



document for execution, must pay the necessary enforcement expenses to the judicial officer.

The amount of the necessary expenses is fixed, established according to the amount of debt and the category of the case; the amounts are provided for in the Instructions on the Enforcement of Judgements.

IV.1.8 Enforcement expenses

Enforcement costs are divided into two parts - the costs for the administration of the enforcement case and the judicial officer's remuneration. The costs of administering the enforcement case include:

1. the costs necessary to carry out compulsory actions (called the necessary enforcement costs);
2. additional costs for individual actions in a specific enforcement case (additional enforcement costs). In this Report, the term "enforcement expenses" is understood as additional expenses (according to Lithuanian national legislation). Enforcement costs of this type are fixed for a specific enforcement action and are provided in Table No.3 of the Instructions for Enforcement of Decisions.

Table 3

No	Types of additional enforcement costs	Amounts of additional enforcement costs (EUR)
1.	A3 format 1 sheet copy	0,4
2.	A4 format 1 sheet copy	0,2
3.	Preparation of a progress report	24 per judicial officer's working hour
4.	Preparation of a certificate of payment of funds awarded for child support	2
5.	Verification of the correctness of deductions from the debtor's salary and other similar benefits	24 per judicial officer's working hour
6.	Preparation of the decision on the change of party to the enforcement proceedings	24
7.	Remuneration to the administrator of the debtor's assets	10 per cent of the income received from the administration of the debtor's assets, but not less than 80 euros for the administration of the assets of one debtor
8.	Remuneration for the curator	80 for representation per debtor

The amount of additional enforcement expenses is calculated individually according to the procedural actions taken in each specific enforcement case.

The debtor must bear the enforcement expenses incurred during the recovery process.

The judicial officer's remuneration is calculated on the basis of the amount of the debt successfully recovered.



IV.1.9 Expenses from third parties

Other enforcement costs not specified in Table 3 of the Instructions for Execution of Judgments (see IV.1.8) (postage and couriers, custody of property, transfer of property, execution of electronic auctions, remuneration of experts, translators and other persons involved in the enforcement process, advertisements in the media, bank transfers, paid inquiries and other expenses that the judicial officer must pay to third parties in the performance of his/her functions) shall be reimbursed (recovered) considering the actual costs related to the performance of these actions.

The judicial officer informs the creditor before taking enforcement actions, which may involve costs being paid to third parties.

The judicial officer must in all cases be reimbursed for the costs paid to third parties. Enforcement actions paid for to third parties are carried out after the creditor has paid for their performance, unless the agreement between the creditor and the judicial officer has deferred payment for enforcement actions or the creditor has been released from payment of enforcement costs. If the judicial officer him/herself pays the costs to third parties in advance, they are recovered from the debtor.

IV.1.10 Performance fee

The judicial officer is usually entitled to a fee for successful or partially executed enforcement of the debt. However, there are exceptions. Under certain conditions, there may be no performance fee for a judicial officer in recoveries of up to € 100 (when the debt is recovered from a bank account in a short time). The judicial officer's remuneration is not paid when the debtor enforces the judgment or the parties enter into a settlement or debt settlement agreement within the time limit set in the summons (reminder time) to enforce the judgment.

All enforcement costs, including the judicial officer's performance fee, are recovered from the debtor. The advance fee (called the necessary enforcement costs) must always be paid by the legal entity.

The amount of the judicial officer's performance fee and the calculation procedure depend on the amount to be recovered or the category of the enforcement document (if the enforcement document is not for the recovery of a monetary amount). When recovering amounts up to EUR 300, the judicial officer is paid a fixed fee. When recovering amounts higher than EUR 300, the judicial officer's remuneration is calculated by multiplying the amount to be recovered by a certain fixed percentage (but not less than a certain fixed amount).

The Instruction for the Enforcement of Judgments specifies 16 ranges of amounts to be recovered, the amount of which determines the remuneration paid to the judicial officer for the execution of the enforcement document. For example, if the amount to be recovered is less than EUR 3, the judicial officer's fee is EUR 8; if the amount to be recovered is from 50 to 300 Eur, the remuneration is 80 Eur; if the amount to be recovered is from EUR 2,000 to EUR 2,600, the remuneration to the judicial officer is 14 per cent of the recovered amount, but not less than EUR 300; if the amount to be

recovered exceeds EUR 29,000, the remuneration to the judicial officer is 4 percent of the recovered amount, but not less than EUR 1,740. More details can be found at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.265010/asr>.

In non-monetary recoveries (for example, for eviction, eviction or transfer of a child), the judicial officer's remuneration is usually calculated by applying a fixed rate per hour worked by the enforcement officer; the judicial officer's fee is EUR 24 per hour of his/her work.

When the judicial officer's remuneration is calculated as a percentage of the amount to be recovered, there is no maximum amount of remuneration.

IV.1.11 State as a creditor or debtor

When enforcing enforcement documents submitted by public bodies (State) for the recovery of sums of money, the judicial officer has the right to postpone the payment of all enforcement costs or to exempt the public body from the payment of these enforcement costs.

Normally, public bodies are exempt from paying enforcement costs, whether the recovery was successful or not. If the public body is the debtor in the enforcement case, there is no exemption from paying enforcement costs.

IV.1.12 Legal aid

Depending on the financial situation of the creditor (natural person), the judicial officer may release him or her from payment of enforcement costs in whole or in part or postpone payment of enforcement costs. The judicial officer must exempt the natural person receiving social assistance from paying the necessary enforcement costs or postpone the payment of these enforcement costs for at least 30 days, during which these persons must apply to a special state body - the State Guaranteed Legal Aid Service - for secondary legal aid to pay the necessary enforcement costs.

Natural persons receiving social benefits may apply to the State Guaranteed Legal Aid Service for the provision of secondary legal aid to cover the necessary enforcement costs. For creditors receiving legal aid, these costs or part thereof are paid by the State Guaranteed Legal Aid Service.

The judicial officer may, in whole or in part, exempt from enforcement costs or defer payment of enforcement costs for a legal person which submits an enforcement document issued in a civil case in which that legal person has been fully or partially exempted from the payment of stamp duty to the court.

For other legal persons, only the payment of additional enforcement costs incurred in carrying out individual actions in a specific enforcement case may be deferred.

Reimbursement of enforcement costs in this case (for a financially vulnerable recoverer) does not depend on whether the recovery was successful (if the necessary enforcement costs paid by the State Guaranteed Legal Aid Service cannot be recovered from the debtor, the costs remain with that service).

PART V: LINKS, LITERATURE AND SOURCES



Legal Acts

1. Lietuvos Respublikos antstolių įstatymas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.94F5702CA0F1/asr>>.

2. Lietuvos Respublikos civilinio proceso kodeksas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.2E7C18F61454/asr>>.

3. Lietuvos Respublikos civilinis kodeksas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.8A39C83848CB/asr>>.

4. Lietuvos Respublikos civilinį procesą reglamentuojančių Europos Sąjungos ir tarptautinės teisės aktų įgyvendinimo įstatymas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.68CC8934A031/asr>>.

5. Lietuvos Respublikos bausmių vykdymo kodeksas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.A0A0CCC6B997/asr>>.

6. Lietuvos Respublikos baudžiamojo proceso kodeksas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.EC588C321777/asr>>.

7. Lietuvos Respublikos administracinių nusižengimų kodeksas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/4ebe66c0262311e5bf92d6af3f6a2e8b/asr>>.

8. Lietuvos Respublikos fizinių asmenų bankroto įstatymas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.4CF08CA2BA45/asr>>.

9. Lietuvos Respublikos juridinių asmenų nemokumo įstatymas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/68f2cad098b711e9ae2e9d61b1f977b3>>.

10. Lietuvos Respublikos mokesčių administravimo įstatymas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.3EB34933E485/asr>>.

11. Lietuvos Respublikos socialinės paramos išmokų atskaitos rodiklių ir bazinio bausmių ir nuobaudų dydžio nustatymo įstatymas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.821DEBBBD657/asr>>.

12. Sprendimų vykdymo instrukcija, patvirtinta Lietuvos Respublikos teisingumo ministro 2005 m. spalio 27 d. įsakymu Nr. 1R-352 „Dėl Sprendimų vykdymo instrukcijos patvirtinimo“.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.64941CC184C3/asr>>.

13. Antstolių profesinės etikos kodeksas, patvirtintas antstolių susirinkimo.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.6823DE849EF1/asr>>.

14. Lietuvos Respublikos teisingumo ministro 2006 m. rugsėjo 26 d. įsakymu Nr. 1R-



295 patvirtinti: Antstolių (antstolių padėjėjų) drausmės bylą iškelimo ir nagrinėjimo taisyklės;

Antstolių garbės teismo veiklos nuostatai.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.72815DA97F33/asr>>.

15. Lietuvos Respublikos teisingumo ministro 2002 m. liepos 8 d. įsakymu Nr. 202 patvirtinti:

Antstolių veiklos teritorijų ir antstolių skaičiaus sąrašas;

Vykdomųjų bylą ir kitų dokumentų, neišmokėtų išieškotų lėšų ar turto, perimto, bet neperduoto išieškotojui, antstolio archyvo perdavimo pasibaigus antstolio įgaliojimams tvarkos aprašas;

Dokumentų įteikimo ir perdavimo tvarka;

Asmenų įrašymo į antstolių padėjėjų sąrašą tvarkos aprašas;

Duomenų apie vykdomųjų dokumentų priėmimą ir vykdymą, faktinių aplinkybių konstatavimą bei dokumentų perdavimą ar įteikimą, saugojimo, apskaitos, naudojimo ir sunaikinimo tvarka.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.92C57A9A32B7>> (pradinis dokumentas, aktuali redakcija nėra viešai paskelbta).

16. Lietuvos Respublikos teisingumo ministro 2016 m. sausio 20 d. įsakymu Nr. 1R-16 patvirtintas Teisminių ir neteisminių iš užsienio gautų dokumentų civilinėse arba komercinėse bylose įteikimo ir jo apmokestinimo tvarkos aprašas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/a5d1ace0bf7c11e5a6588fb85a3cc84b/asr>>.

17. Lietuvos Respublikos teisingumo ministro 2002 m. gruodžio 30 d. įsakymu Nr. 400 patvirtinti:

Antstolių viešo konkurso komisijos nuostatai;

Antstolių viešo konkurso tvarkos aprašas;

Antstolių veiklos tikrinimo tvarkos aprašas;

Antstolių informacinės sistemos nuostatai;

Antstolių atestavimo komisijos nuostatai;

Antstolių atestavimo taisyklės.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.28E1DBF30E56/asr>>.

18. Lietuvos Respublikos teisingumo ministro 2012 m. balandžio 19 d. įsakymu Nr. 1R-126 patvirtinti Piniginių lėšų apribojimų informacinės sistemos nuostatai.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.CAC53B6E4C27/asr>>.

19. Lietuvos Respublikos teisingumo ministro 2009 m. balandžio 30 d. įsakymu Nr. 1R-140 patvirtintos Antstolio veiklos dokumentų tvarkymo ir saugojimo taisyklės.



Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.77282225995F/asr>>.

20. Lietuvos Respublikos teisingumo ministro 2011 m. gruodžio 23 d. įsakymu Nr. 1R-308 patvirtinta Antstolių veiklos dokumentų saugojimo terminų rodyklė.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.DA3FB1E23A67>>.

21. Lietuvos Respublikos teisingumo ministro 2013 m. rugpjūčio 2 d. įsakymu Nr. 1R-205 patvirtintas Dokumentų pateikimo antstoliui ir jų įteikimo asmenims elektroninių ryšių priemonėmis tvarkos aprašas.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.A9FFD517C4AD>>.

22. Lietuvos Respublikos teisingumo ministro 2002 m. rugsėjo 23 d. įsakymu Nr. 254 (2007 m. liepos 18 d. d. įsakymo Nr. 1R-293 redakcija) patvirtinti Reikalavimai antstolio (antstolių) darbo vietai bei darbo laikui.

Available at: <<https://www.e-tar.lt/portal/lt/legalAct/TAR.CEC92D5B162C>> (aktuali redakcija nėra viešai paskelbta).

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3. KAMINSKIENĖ, N., *et al.* Mediacija. Vilnius: Mykolo Romerio universitetas, 2013.
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English

1. Recent Trends in Economy and Efficiency of Civil Procedure: Materials of International Conference, 9–10 of May 2013. Vilnius: Vilnius University Press, 2013.
2. Purpose of Modern Civil Procedural Law: The Material of the International Scientific Conference 5–6 June 2008. Vilnius: VĮ Registrų centras, 2008.