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Securing assets during a claim in EU countries

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European Judicial Network
(in civil and commercial
matters)



1 What are the different types of measures?

Article 145 of the Code of Civil Procedure (*Civilinio proceso kodeksas*) sets out the various types of interim measures. Interim measures may be the following:

1. seizure of the defendant's immovable property;
2. entry in the public register of a prohibition preventing the transfer of a title;
3. seizure of movable property, money or property rights owned by the defendant and held by the defendant or third persons;
4. detention of property owned by the defendant;
5. appointment of an administrator for the defendant's property;
6. a prohibition preventing the defendant from taking part in certain transactions or taking certain actions;
7. a prohibition preventing other persons from transferring property to the defendant or fulfilling other obligations;
8. in exceptional circumstances, a prohibition preventing the defendant from leaving his/her permanent residence and/or a prohibition preventing removal of a child from his/her permanent residence without the court's authorisation;
9. suspension of the realisation of assets where a claim has been filed for cancellation of the seizure of such assets;
10. stay of recovery enforcement;
11. award of temporary maintenance or imposition of provisional constraints;
12. an order to take steps preventing damage from occurring or increasing;
13. other measures prescribed by law or ordered by the court in the absence of which compliance with the court decision may be rendered more difficult or impossible.

2 What are the conditions under which such measures may be issued?

At the request of the persons involved in the case or other persons concerned, the court may impose interim measures if such persons provide a credible justification for their claim and if failure to adopt such measures may render compliance with the court decision more difficult or impossible.

The court may apply interim measures of its own motion only where that is necessary to protect the public interest and where failure to adopt such measures would violate the rights and legitimate interests of a person, society or the State.

Interim measures may be applied both in the absence of an action and at any stage of the civil procedure.

2.1 The procedure

Requests in connection with interim measures are examined by a court of first instance or, in the cases specified

in the [Law on Commercial Arbitration](#) (*Komercinio arbitražo įstatymas*), by the Vilnius Regional Court (*Vilniaus apygardos teismas*). Where the request for interim measures is stated in the application lodged, the issue of interim measures is decided only after the question of admissibility of the application requesting them has been resolved. The court rules on the request for interim measures as quickly as possible in a written procedure, but must do so no later than three working days after receiving the request. Where deemed necessary by the court, the defendant is notified of the examination of the request for interim measures.

Persons involved in the case have the right to lodge requests for interim measures with the appellate court or court of cassation in which the matter is pending on the merits.

The court may issue interim measures on the basis of a written reasoned request for interim measures from the person concerned before the date on which a court action is brought. In this request, the applicant must state the reasons why the action was not filed with the said request, produce evidence of a risk to the applicant's interests, and pay a deposit equal to half of the court fee charged for a request for interim measures, i.e. LTL 100. A deposit of LTL 1 000 is charged in the case of requests for interim measures relating to cases pending in national or foreign courts of arbitration or in foreign courts. The court may reduce the amount of the deposit in the light of the applicant's difficult financial situation if the applicant has submitted a reasoned request to that end with supporting evidence. When imposing interim measures, the court sets a time limit for bringing the action. This time limit may not exceed 14 days. If the action has to be brought before a foreign court or court of arbitration, the time limit may not exceed 30 days. If the action is not brought within the time limit prescribed, the interim measures are lifted. If it has not been brought due to the fault of the person concerned, the deposit is not returned.

A request for interim measures must be lodged with the same court that is to hear the action in accordance with the rules of jurisdiction. A request for interim measures relating to a case pending in a foreign court or a foreign or national court of arbitration must be filed with the Vilnius Regional Court.

At the reasoned request of the persons involved in the case or other persons concerned, the court may replace one interim measure with another. The court must inform the persons involved in the case or other persons concerned about any such request, and they are entitled to object to it.

The court may decide not to impose interim measures if the defendant pays the requested amount to the court's account or a guarantee has been issued for the defendant. Additionally, the defendant may pledge his/her assets for the benefit of the applicant.

2.2 The main conditions

(see section 2)

3 Object and nature of such measures?

3.1 What types of assets can be subject to such measures?

Interim measures may be applied with respect to real estate, movable property, funds and property rights.

3.2 What are the effects of such measures?

Interim measures are measures in the absence of which compliance with the court decision may be rendered more difficult or impossible. In cases involving the temporary restriction of the property rights to a jointly owned item, seizure may be imposed only on that share of the property which belongs to the person subjected to the interim measures. Where his/her share in the joint property has not been identified, the entire property may be seized until that share is identified.

Upon seizure of funds in accounts with banks and other credit institutions, the use of these funds is authorised only for the operations specified in the court order.

In cases where goods in free circulation, raw materials, semi-manufactures or ready-made products are seized, the property holder may change the composition and form of such property only if the total value thereof will not decrease, unless the court order provides otherwise.

A person whose property has been seized is liable for any infringement of the restrictions imposed from the moment of notification of the order to seize the property and, if notification is impossible, including where the order for interim measures is adopted in the absence of that person, from the moment the order is registered in the register of property seizures.

3.3 What is the validity of such measures?

If the court dismisses the claim, any previous interim measures are retained until the entry into force of the court judgement. The issue of lifting interim measures must be decided by court judgement.

If the claim is met, any previous interim measures remain valid until the court judgement is executed. The bailiff executing the court judgement will inform the keeper of the respective public register about the termination of interim measures in the case in question.

In the event of seizure of movable property which is not registrable in a property register, or if on the day of the order the value and nature of the defendant's property is not known to the court, the person requesting interim measures must apply to the bailiff with a request to locate and describe the defendant's property. Where no such request is filed with the bailiff and the details of the property seized are not clarified, the interim measures remain valid for fourteen days from the date of the order imposing them. At the request of the persons involved in the case or other persons concerned, interim measures may be lifted by an order of the court hearing the case on its merits.

The court will cancel the interim measures of its own motion if the person requesting interim measures fails to bring an action within the time limit prescribed by the court. An order to that effect is not subject to a separate appeal. The court may also cancel interim measures of its own motion where that is necessary to protect the public interest and where failure to lift them would violate the rights and legitimate interests of a person, society or the State.

If court-imposed interim measures limit, infringe or restrict the rights of persons not involved in the case, such persons are entitled to request the court hearing the case on its merits to cancel the interim measures imposed on them.

4 Is there a possibility of appeal against the measure?

Any order on interim measures adopted by the court of first instance in accordance with the applicable procedure may be challenged by the persons involved in the case by filing a separate appeal to a higher court, except in a number of cases set out in the Code of Civil Procedure. Persons not involved in the case may file a separate appeal only in respect of those orders of the court of first instance that have dismissed their requests for cancellation of the interim measures imposed on them. Filing of a separate appeal does not result in a stay of proceedings.

Court orders on interim measures are not subject to appeal in cassation.

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