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Digitalisation Regulation - Member State notifications

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This page contains information about the notifications made by the Member States pursuant to Regulation (EU) 2023/2844.

1. National IT portals for communicating with courts or other authorities

Public Electronic Services ('the PES') of the Lithuanian Courts Information System (LITEKO): E-Services Portal of Lithuanian Courts (hereinafter 'the EPP') ([EPP - Home \(teismas.lt\)](#)).

Citizens of the Republic of Lithuania, legal entities registered in Lithuania, persons legally residing in Lithuania, as well as legal entities registered in other countries, along with foreign nationals and their representatives, are authorised to access the EPP (paragraph 19.1 of Order No 6P- 141-(1.1) of the Director of the National Courts Administration of 17 September 2015 approving the Rules on the provision of public electronic services in the courts information system of the Republic of Lithuania ('the LITEKO PES Rules').

The purpose of LITEKO is to process electronically data on the cases pending and examined in Lithuanian courts, to record the progress of the proceedings and to provide mediation and public electronic services as provided for in the applicable legislation (paragraph 5 of the Regulations of the Lithuanian Courts Information System, approved by Order No 6P-112-(1.1) of the Director of the National Courts Administration of 28 November 2011) ('the LITEKO Regulations'). The services are defined as public electronic services provided by the courts of the Republic of Lithuania to service recipients using the LITEKO PES sub-system (paragraph 3.1 of the LITEKO PES Rules).

The LITEKO PES sub-system account can be accessed using SIRIP (the State Information Resources Interoperability Platform), which enables the identification of the user of services via external systems, by means of an identity card with integrated qualified digital certificates, the online banking system of commercial banks, a personal qualified digital certificate, or with court-issued personal identification login data (paragraph 5 of the *LITEKO PES Rules*).

First-time users of LITEKO PES must familiarize themselves with, and abide by, the rules governing the use of LITEKO PES, the Service User Guide available in the service recipient's account (hereinafter – the User Guide) and the rules set out therein, and must use the services only within the limits of the rights granted to the user, submitting to the LITEKO PES sub-system the correct data on the service recipient, the service user and other data that are required for the purpose of providing the services and that can be edited by the service user. In the event of changes being made to these data, the service user must update the account no later than on the next working day, to submit documents to the LITEKO PES sub-system in the format specified in the User Guide and readable when reproduced by means of the LITEKO PES subsystem, to refrain from performing any actions aimed at altering, disrupting or otherwise impairing the functioning of the LITEKO PES sub-system and from infringing the rights and legitimate interests of third parties.

2. National legislation on videoconferencing in civil and commercial matters

The use of videoconferencing in civil and commercial matters is governed by:

1. Article 175² of the Code of Civil Procedure of the Republic of Lithuania ('the CCP'). Use of video teleconferencing technologies;
2. Article 34(7)-(8) of the Law on courts of the Republic of Lithuania ('the Law on courts');
3. Order No 1R-309 of the Minister for Justice of the Republic of Lithuania of 7 December 2012 (as amended by Order No 1R-355 of the Minister for Justice of the Republic of Lithuania of 29 October 2020) approving the Description of the procedure for the use of video teleconferencing technologies in civil and administrative matters ('the Description approved by the Minister for Justice');
4. Resolution No 13p-156-(7.1.2) of the Judicial Council of 28 November 2014 approving the Description of the procedure for the use of videoconferencing equipment during court proceedings ('the Description');
5. The Recommendations on remote court hearings ('the Recommendations') adopted by the Judicial Council by means of the minuted decision of 27 August 2021.

Courts may hold videoconferences in accordance with Article 5 of Regulation (EU) 2023/2844. No data are available on the rights of other institutions to conduct videoconferencing under Article 5 of the Regulation.

The presence of participants in the proceedings and the hearing of a witness using videoconferencing and/or teleconferencing technology may be organised on the court's own initiative, after the court has assessed the appropriateness and the ability of the court to organise the hearing using videoconferencing and/or teleconferencing technology, as well as the possibilities for participants to attend the hearing using videoconferencing and/or teleconferencing technology (*paragraph 7 of the Description approved by the Minister for Justice*).

The courts mostly use the Zoom platform or videoconferencing equipment installed in court.

The type of conference (videoconference or teleconference) and specific videoconferencing technology (centralised court videoconferencing equipment ('centralised court equipment'), Zoom, Microsoft Teams, fixed or mobile telephone device, etc.) are selected, organised and managed by the judge hearing the case, taking into account the circumstances of the case, the videoconferencing technology available to the court and its availability, as well as the access to the relevant technology by the participants in the proceedings.

In view of the need to ensure the electronic security of data provided in remote court proceedings, the recommendation is to use videoconferencing technologies assessed and recognised as secure by the National Cyber Security Centre, giving priority, as far as practicable, to:

- centralised court equipment;
- the Zoom platform on the basis of licences granted to the courts (via a court account) (*paragraphs 3.2 to 3.3 of the Recommendations*).

A participant in the proceedings may express their views on the hearing of the case by means of information and electronic communications technology (via videoconferencing, teleconferencing, etc.) in any procedural document they submit (Article 111(2)(6) of the CCP).

An audio recording is made of the course of the court hearing in accordance with the procedure laid down by procedural law. For the purpose of recording and investigating the evidence, the court may video-record, film and photograph following the procedure established by procedural law or use any other technical equipment (Article 38(3) of the Law on courts).

Each oral hearing is recorded in an audio recording of the hearing (Article 168 of the CCP). Persons involved in the proceedings have the right to access the audio recording of the court hearing (Article 168(4) of the CCP) in accordance with the procedure laid down in the legal acts governing the procedure for access to the materials of criminal and civil cases and cases of administrative offences and administrative misdemeanours (*paragraph 6 of the Procedure for making audio recordings of court hearings approved by Resolution No 13P-22-(7.1.2) of the Judicial Council of 14 February 2014 ('the Resolution')*).

Audio recordings of court hearings are kept and archived in accordance with the procedure laid down by law. The protection of the audio recording of the court hearing against unauthorised use, copying, editing and destruction must be ensured (paragraphs 9 and 11 of the Description of the requirements for audio recordings of court hearings to record the course of proceedings of court hearings approved by Order No 1R-314 of the Minister for Justice of the Republic of Lithuania of 11 December 2012).

The audio recording of a public hearing recorded by a stationary audio recording device is transferred from the device to LITEKO in an automated manner unless, for technical reasons, the audio recording is transferred manually from the court's local server to LITEKO.

The audio recording of a public hearing recorded by a mobile audio recording device is transferred manually to LITEKO.

The audio recording of a closed hearing, as well as the audio recording transferred to LITEKO in compliance with the requirements laid down in the legislation relating to the archiving of cases, is recorded on a computer medium (CD-ROM etc.), ensuring protection against any alteration or destruction of the audio recordings contained therein. This medium is attached to the case file and is processed in accordance with the procedure laid down by law (*paragraphs 12 to 13, 15 of the Resolution*).

The court guarantees a party's right to the effective assistance by a lawyer/legal assistant in all court proceedings, including the confidentiality of communications with the participant being represented. If the lawyer/legal assistant and the client are not physically present at the same venue, the court may apply the following or other measures:

- at the request of the lawyer/legal assistant and the client/defendant, the court (a member of staff appointed by the court) may move them to a separate virtual room where they can discuss their defence position and other issues confidentially (the licensed Zoom software, for example, has this functionality (breakout rooms)). They are then returned to the general meeting environment;
- a recess may be announced, cameras and microphones are switched off, and the client/defendant is allowed to speak by telephone with a lawyer/legal assistant. If the lawyer/legal assistant and the client are physically present at the same venue, they may request a recess. During the recess, they switch off the microphone and video camera and return to the general meeting environment after the recess.

If the person is located in premises controlled by public authorities (detention centre, prison, etc.), they have the right to request a recess in the proceedings, during which all officials will leave the premises, with just the individual in question and their defence counsel remaining (the microphone and the cameras are also switched off) (*paragraph 5.13 of the Recommendations*).

Videoconferencing is organised and conducted in accordance with the procedure laid down in the CCP, Chapter II 'Organisation and Conduct of Video Conferences' of the Description, Chapter II 'Organisation of Court Proceedings by Means of Video Teleconferencing Technologies' of the Description approved by the Minister for Justice and paragraphs 3 to 5 of the Recommendations.

Automatic speech-to-text technology may be used.

Before issuing an order, the court hearing the case contacts the person appointed by the authority (court, the prosecutor's office, the Lithuanian Prison Service) to which the request to organise a videoconference during the proceedings is addressed, who is responsible for the use of videoconferencing equipment, its maintenance and the organisation of videoconferences, about the possibility of organising a videoconference and they agree on the venue, date and time of the videoconference.

The court selects the authority (court, prosecutor's office, body subordinate to the Prison Service) to which it applies with a request to organise a videoconference during the proceedings, taking into account the place of residence (location) of the person being questioned and/or the ability of the person being questioned to come to the venue of the scheduled videoconference.

Where the court and/or the authority to which the court applies for the organisation of a videoconference does not have videoconferencing equipment, it applies to the court of the district in whose territory it has jurisdiction, to another court or to any other authority with the necessary mobile videoconferencing equipment for the use of

such equipment to conduct the questioning via a videoconference. Mobile videoconferencing equipment is made available and returned to the court and/or the authority to which the court applies for the organisation of videoconferencing in accordance with the procedure laid down by law (*paragraphs 7-8 of the Description*).

If a participant in the proceedings informs the court that they do not consent to a remote hearing or do not have the technical capacity to participate using the videoconferencing technology indicated by the court, the court may organise a hybrid remote hearing and invite that person to attend the hearing in person.

When assessing the ability of the participants in the proceedings to participate in the hearing using videoconferencing technology, it is recommended that the following circumstances be taken into account (non-exhaustive list):

- the technical means at the disposal of an individual (if such information is available to the court);
- the situation of vulnerable groups of participants in the proceedings (minors, persons with disabilities, etc.) which may prevent an individual from participating independently and/or fully in the proceedings using videoconferencing technology (*paragraphs 3.8 to 3.9 of the Recommendations*).

For the purposes of establishing the identity of the persons present at the hearing:

A participant attending the hearing by means of videoconferencing technology must identify themselves and show their identity document in such a way that the court can compare it with the certified copy submitted to the court in accordance with the procedure laid down by law;

A participant attending the hearing by means of teleconferencing technology must join the hearing using the log-in data provided by the court, identify themselves and read out the following data requested by the court: the personal identification number (part thereof), the number of the lawyer's/legal assistant's certificate, the code assigned by the court and/or other data enabling the identification of the person (*paragraph 9 of the Description approved by the Minister for Justice*).

The identity of the person interviewed via videoconferencing may also be established by other means by decision of the requesting court (*paragraph 13 of the Description*).

Videoconferencing in court proceedings is organised and conducted in accordance with the rules of judicial procedure laid down by law and the procedure for the organisation and conduct of videoconferencing and the use of videoconferencing equipment laid down in the Description and other legal acts (*paragraph 4 of the Description*).

The parties have the right to inspect the case file (including the electronic file), to make and receive extracts and copies (digital copies) thereof, to file objections, to adduce evidence, to take part in the examination of evidence, to put questions to the other persons involved in the proceedings, witnesses and experts, to submit requests, to make oral and written submissions to the court, to submit their arguments and observations on any matters arising in the course of proceedings, to oppose the requests, arguments and observations of the other parties involved in the proceedings, to obtain certified copies (digital copies) of judgments, orders, rulings or decisions of the court, to lodge appeals against judgments and orders of the court, and to exercise any other procedural rights granted to the parties by the CCP (Article 42(1) of the CCP).

The President of the hearing explains, in accordance with the procedure laid down by the CCP, to the parties, third parties and their legal representatives who appear at the hearing, their procedural rights and obligations, except where the parties or third parties conduct the case through a representative with a university degree in law (Article 243 CCP).

Persons who do not speak the official language are guaranteed the right to participate in court proceedings through an interpreter (Article 8(2) of the Law on Courts of the Republic of Lithuania, Article 11(2) of the CCP).

Where necessary, the requesting court and the requested authority can mutually agree on measures to protect the person to be questioned and also ensure that the person to be questioned is assisted by an interpreter, if necessary (*paragraph 12 of the Description*).

If an interpreter is involved in the court proceedings, the interpreter should at all times during the hearing have appropriate visual contact with the participant in the court proceedings whose language is being interpreted

(paragraph 5.14 of the Recommendations).

When hearing the case, the court is required to examine directly the evidence in the case, i.e.: interview persons involved in the proceedings, hear witness statements, and examine expert opinions, written, material and other evidence (Article 235(1) CCP).

The persons appointed by a body (court, prosecutor's office, a body subordinate to the prison service) requested by the examining court to organise a videoconference in the course of proceedings and responsible for the use and maintenance of videoconferencing equipment and the organisation of videoconferences along with other representatives of that body participating in the examination via videoconference must also enable the interviewee to present evidence and ensure that it is transmitted to the court hearing the case (Paragraph 10.4 of the Description).

The person questioned by means of videoconferencing may submit evidence to the court by post, fax, the E-Services Portal of the Lithuanian courts (e-court.lt), or via a representative of the body (court, prosecutor's office, body subordinate to the Prison Service) requested by the examining court to organise a video conference in court proceedings, that representative participating in the videoconference hearing or by other means provided for by law (paragraph 13¹ of the Description).

At the end of the videoconference hearing, a representative of the body (court, prosecutor's office, body subordinate to the Prison Service) requested by the examining court to organise a videoconference in court proceedings, no later than the following working day, draws up a confirmation using the template given in the Annex to the Description, accompanied by an oath or undertaking signed by the person questioned (where the person to be questioned is required to take an oath or sign an undertaking) and the evidence provided, which are submitted to the court hearing the case (paragraph 14 of the Description).

If, during a remote hearing, the need arises to have documents or evidence submitted that could not be submitted before the date of the hearing, the court decides on the submission and admission in accordance with the procedural law. Measures should be put in place to ensure that all participants are able to see and/or hear the material submitted during the remote meeting. In such cases, the following may be decided, e.g.:

- to adjourn the hearing and set a deadline by which the participant in court proceedings must submit documents and material evidence in accordance with the prescribed procedure (through the court office, by post, via the EPP);
- if all the participants in the proceedings are EPP users, a recess may be declared and the documents ordered to be adduced in the case file via the EPP without delay, so that the hearing can continue on the same day after the documents have been consulted;
- by the court's decision in a particular case, where not all the participants in the proceedings are EPP users, an adjournment may be declared to enable a party to submit documents to the court by e-mail and/or to enable the court to forward documents to the other participants in the proceedings for their inspection at the e-mail address they have indicated, after assessing the security aspects of the case, including the protection of personal data, and the possible risks (*paragraph 5.11 of the Recommendations*).

When questioning a witness or other participant in the proceedings remotely, the court is advised to ensure that the participant is not unduly influenced and that no use is made of unauthorised means. The court may, if necessary and in accordance with the technical capabilities of the participant in the proceedings, take the following or other measures:

- request a camera sweep of the premises from which the individual is taking part in the proceedings, giving a rotational view (i.e. a remote check on the premises is carried out). In this case, it is advisable that the following two conditions be complied with:
 1. the participant is warned in advance that the court will apply such a measure in order to prevent infringement of the person's data protection requirements;
 2. the participant is warned in advance that the camera used must be mobile. The court may require these actions to be carried out at any time during the proceedings;
- the participant is reminded of the prohibition on the use of electronic means of communication and recommended to lock (close) from the inside the doors of the premises from which they are taking part in the proceedings. Before the remote meeting, the person should be informed that the premises from which

they will participate in the proceedings must be separate (cannot serve as a passageway). Additionally, it may be asked that the video camera be kept pointed at the door throughout the meeting;

- the person may be asked to perform ergonomic actions in such a way as to ensure that the camera's view covers the participant down to the waist, i.e. that not only their face but also their hands and their immediate surroundings can be seen;
- the person may be asked to sit further away from the video display in order to prevent reading from the screen (*paragraph 5.12 of the Recommendations*).

Video conferencing technologies evaluated by the National Cyber Security Centre and recognised as secure, certified and licensed are used, with priority given, as much as practicable, to:

- centralised court equipment;
- the Zoom platform.

3. National law on videoconferencing in criminal matters

The use of videoconferencing in criminal matters is governed by:

1. Article 8² of the Code of Criminal Procedure of the Republic of Lithuania ('the CCRP').
2. Article 34(7)-(8) of the Law on Courts;
3. the Description;
4. the Description of the Procedure for the Use of Videoconferencing Technology in Criminal Matters, approved by Order No 1R-183 of the Minister for Justice of the Republic of Lithuania of 31 May 2021 ('the Description for Criminal Matters');
5. the Recommendations.

In exceptional cases, where it is not possible to ensure the hearing of cases under the regular procedure laid down by the CCRP, the hearing of cases and the participation of parties to the proceedings, witnesses, experts, professionals, interpreters and other persons involved in the proceedings, may, where technically feasible, be ensured by the use of information and electronic communications technology (via videoconferencing) where it is reasonable to assume that this will result in a more expeditious examination of the case, without prejudice to a full and objective investigation of all the circumstances of the case and the rights of the participants in the proceedings. This question is usually decided by the court by way of an order before the hearing. This order is not subject to appeal. The provisions of this paragraph do not apply in cases where a prosecutor, a victim and/or their representative, an accused person, their legal representative and/or their defence counsel, a civil claimant, a civil defendant and/or their representatives object to information and electronic communications technology (videoconferencing) being used to conduct the case hearing (*Article 8² (2) of the CCRP*).

A judge, a prosecutor and a pre-trial investigation officer must instruct participants in the proceedings as to their procedural rights and ensure their ability to exercise such rights (*Article 45 of the CCRP*).

The court makes a decision on the use of videoconferencing technology in criminal proceedings, explaining to the participants in the proceedings referred to in Article 8² (2) of the Code of Criminal Procedure that they may object to videoconferencing technology being used to conduct the case hearing (*paragraph 16 of the Description for Criminal Matters*).

Criminal proceedings and the presence of participants in court proceedings using videoconferencing technology may be organised either on the court's own initiative or at the request of a participant, which may be submitted to the court in writing or presented orally at a hearing. The request is made by witnesses, experts, specialists, interpreters and other persons involved in the proceedings for them to take part in the hearing using videoconferencing technology (*paragraph 6 of the Description for Criminal Matters*).

Before issuing an order, the court hearing the case contacts the person appointed by the body (court, prosecutor's office, the Lithuanian Prison Service) to which the request to organise a videoconference during the proceedings is addressed, who is responsible for the use and maintenance of videoconferencing equipment and the organisation of videoconferences, about the possibility of organising a videoconference, and they agree on the venue, date and time of the videoconference.

The court selects the authority (court, prosecutor's office, body subordinate to the Prison Service) to which it

applies with a request to organise a videoconference during the proceedings, taking into account the place of residence (location) of the person being questioned and/or the ability of the person being questioned to come to the venue of the scheduled videoconference.

Where the court and/or the authority to which the court applies for the organisation of a videoconference does not have videoconferencing equipment, it applies to the court of the district in whose territory it has jurisdiction, to another court or to any other authority with the necessary mobile videoconferencing equipment for the use of such equipment to conduct the questioning via a videoconference. Mobile videoconferencing equipment is handed over to the court and/or the body which the court requests organise a videoconference to be used and returned in accordance with the procedure laid down by law (*paragraphs 6 to 8 of the Description*).

If a participant in the proceedings informs the court that they do not consent to a remote hearing or do not have the technical capacity to participate using the videoconferencing technology indicated by the court, the court may organise a hybrid remote hearing and invite that person to attend the hearing in person.

When assessing the ability of the participants in the proceedings to participate in the hearing using videoconferencing technology, it is recommended that the following circumstances be taken into account (non-exhaustive list):

- the technical means at the disposal of an individual (if such information is available to the court);
- the situation of vulnerable groups of participants in the proceedings (minors, persons with disabilities, etc.) which may prevent a person from participating independently and/or fully in the proceedings using videoconferencing technology (*paragraphs 3.8 to 3.9 of the Recommendations*).

The court should guarantee a party's right to effective assistance by a lawyer/legal assistant in all court proceedings, including the confidentiality of communication with the participant they represent. If the lawyer/legal assistant and the client are not physically present at the same venue, the court may apply the following or other measures:

- at the request of the lawyer/legal assistant and the client/defendant, the court (a member of staff appointed by the court) may move them to a separate virtual room where they can discuss their defence position and other issues confidentially (the licensed Zoom software, for example, has this functionality (breakout rooms)). They are then returned to the general meeting environment;
- a recess may be announced, cameras and microphones are switched off, and the client/defendant is allowed to speak by telephone with a lawyer/legal assistant. If the lawyer/legal assistant and the client are physically present at the same venue, they may request a recess. During the recess, they switch off the microphone and video camera and return to the general meeting environment after the recess.

If the person is located in premises controlled by public authorities (detention centre, prison, etc.), they have the right to request a recess in the proceedings, during which all officials will leave the premises, with just the individual in question and their defence counsel remaining (the microphone and the cameras are also switched off) (*paragraph 5.13 of the Recommendations*).

Where a child participates in a hearing, the child's legal representatives are informed about the hearing, which will be held by means of videoconferencing equipment or other remote technology, in accordance with the procedure provided for in the CCrP. A legal representative must, when summoned, appear before a pre-trial investigation officer, a prosecutor, a judge and a court and observe the established procedure in the course of a pre-trial investigation and hearing in court (Article 54(2) of the CCrP).

The best interests of the child must be taken into account in accordance with the procedure laid down in the CCrP, such as: The questioning of a child witness or a child victim at all times, as well as the questioning of a minor witness or a minor victim with regard to crimes against human life, health, liberty, sexual self-determination and inviolability, the child and the family, and with regard to profiting from the minor's prostitution or involvement of the minor in prostitution or in other cases when requested by participants in the proceedings or by the motion of a pre-trial investigation officer, a prosecutor or a pre-trial investigation judge, must be attended by a psychologist, to assist in questioning the minor taking into account their social and psychological maturity, as well as by a representative of a State institution for the protection of the rights of the child, to observe from another room whether the rights of the minor witness or the minor victim are being respected during the questioning. The representative of the State institution for the protection of the rights of

the child may ask the person being interviewed questions and submit requests concerning the questioning. A representative of the minor witness or the minor victim has the right to participate in the questioning only once it has been established that they will exert no influence on the minor (*Article 186(3) CCrP*).

At the request of parties to the proceedings or on the initiative of a pre-trial investigation officer, a prosecutor or a pre-trial investigation judge, a minor suspect's questioning must be attended by a psychologist, who assists in questioning the minor taking into account their social and psychological maturity, and/or a representative of a State institution for the protection of the rights of the child, who observes whether the rights of the minor suspect are being respected during the questioning (*Article 188(5) CCrP*).

Participation of a defence counsel is mandatory in the investigation of cases concerning acts in which a minor is suspected or accused of being involved (*Article 51(1)(1)*).

Publication of data on the suspects and victims who are minors is prohibited (*Article 177(1) of the CCrP*).

An audio-visual recording must be made during a pre-trial investigation or court hearing in accordance with the procedure laid down in Article 8² of the CCrP. This recording is attached to the record of a procedural action or the transcript of a court hearing and forms an integral part of the record/transcript, while procedural documents are served in accordance with the procedure laid down in Article 8¹ of this Code (Article 8² (6) of the CCrP).

The audio recording made in criminal cases is attached to the transcript of the hearing by transferring it to LITEKO or recording it on a computer medium in accordance with the procedure laid down in the Description of the procedure for making audio recordings of court hearings approved by Resolution No 13P-22-(7.1.2) of the Judicial Council of 14 February 2014 ('the Resolution'), and it constitutes an integral part of the transcript, and the participants in the proceedings have the right of access to the audio recording and to receive copies of it in accordance with the procedure laid down by the legislation.

The audio recording of a public hearing recorded by a stationary audio recording device is transferred from the device to LITEKO in an automated manner unless, for technical reasons, the audio recording is transferred manually from the court's local server to LITEKO.

The audio recording of a public hearing recorded by a mobile audio recording device is transferred manually to LITEKO.

The audio recording of a closed hearing, as well as the audio recording transferred to LITEKO in compliance with the requirements laid down in the legislation relating to the archiving of cases, is recorded on a computer medium (CD-ROM etc.), ensuring protection against any alteration or destruction of the audio recordings contained therein. This medium is attached to the case file and processed in accordance with the procedure laid down by law (*paragraphs 12 to 13 and 15 of the Resolution*).

Persons may have access to audio recordings made in cases heard in courts in accordance with the procedure laid down in the legal acts regulating the procedure for access to the materials of criminal and civil matters and cases of administrative, administrative offences and administrative misdemeanours (*paragraphs 5-6 of the Resolution*).

Audio and video recordings made using videoconferencing technology are stored in accordance with the procedure laid down by the Judicial Council (*paragraph 14 of the Description for Criminal Matters*).

Automatic speech-to-text technology may be used.

The CCrP (*Section 5. Appeal during a pre-trial investigation*) provides for the possibility to appeal against procedural actions and decisions of a pre-trial investigating officer and a prosecutor.

Article 6.271 of the Civil Code of the Republic of Lithuania provides for the possibility of obtaining compensation for damage caused by unlawful actions (acts, omissions) of a public authority or its employees which directly affect the rights, freedoms and interests of individuals (legal or individual acts, administrative acts, physical acts, etc., by the State or municipal authorities, with the exception of court judgments, orders and rulings).

The type of conference (videoconference or teleconference) and specific videoconferencing technology (centralised court videoconferencing equipment ('centralised court equipment'), Zoom, Microsoft Teams, fixed or

mobile telephone device, etc.) are selected, organised and managed by the judge hearing the case, taking into account the circumstances of the case, the videoconferencing technology available to the court and its availability, as well as the access to the relevant technology by the participants in the proceedings.

In view of the need to ensure the electronic security of data provided in remote court proceedings, the recommendation is to use videoconferencing technologies assessed and recognised as secure by the National Cyber Security Centre, giving priority, as far as practicable, to:

- centralised court equipment;
- the Zoom platform on the basis of licences granted to courts (via a court account).

In order to ensure that the technical resources available to the court are properly allocated and that judges have equal access to the videoconferencing technology procured under the court system, it is recommended that the court adopt a schedule for its use, a reservation procedure or other organisational measures agreed within the court (*paragraphs 3.2 to 3.4 of the Recommendations*).

Judicial proceedings using videoconferencing technology are organised in accordance with the rules of judicial procedure laid down in the Code of Criminal Procedure, the procedure for the use of videoconferencing technology laid down in the Description and other legal acts (*paragraph 5 of the Description for Criminal Matters*), Chapter II of the Description (organisation and conduct of videoconferencing), and in accordance with the procedure laid down in paragraphs 3 to 5 of the Recommendations.

Criminal proceedings and the presence of participants in court proceedings using videoconferencing technology may be organised either on the court's own initiative or at the request of a participant, which may be submitted to the court in writing or presented orally at a hearing. The request is made by witnesses, experts, specialists, interpreters and other persons involved in the proceedings for their participation in a hearing using videoconferencing technology (*paragraph 6 of the Description for Criminal Matters*).

The question of whether the hearing should be conducted by videoconference is decided by a reasoned order of the court hearing the case. Before issuing an order, the court hearing the case contacts the person appointed by the body (court, prosecutor's office, the Lithuanian Prison Service) to which the request to organise a videoconference during the proceedings is addressed, who is responsible for the use and maintenance of videoconferencing equipment and the organisation of videoconferences, about the possibility of organising a videoconference, and they agree on the venue, date and time of the videoconference. The list of persons appointed by the authority (court, prosecutor's office, body subordinate to the Prison Service) to which a request for organisation of a videoconference during court proceedings is addressed, who are responsible for the use of videoconferencing equipment, its maintenance and the organisation of videoconferences, together with the contact details of such persons (institution, telephone number, e-mail address) is published by the National Courts Administration on the intranet of the courts system. In the event of a change in the designated person or their contact details, the National Courts Administration is informed and it will update the list (*paragraph 6 of the Description*).

Automatic speech-to-text technology may be used during a hearing.

The CCrP provides for the identification of persons present at the hearing:

a participant in the proceedings, who participates in the hearing by means of videoconferencing technology, identifies themselves and shows a document proving their identity in such a way that the court can compare it with a copy of the document, certified in accordance with the procedure laid down by the law, submitted to the court, and/or with the documents in the case file from which the identity of the person can be confirmed;

the court ensures that, during the hearing, the personal identification number of the participant in the proceedings and other details of the identity document are not disclosed to other participants in the proceedings or to third parties, other than in cases where the other participants in the proceedings may be aware of these data from the case file to which they have access in accordance with the procedure laid down in the Code of Criminal Procedure.

Where a person attends a hearing using videoconferencing technology and the court hearing a criminal case has reasonable doubts as to the identity of the person, and those doubts cannot be dispelled, the court adjourns the

hearing and the hearing is held in the direct presence of the persons summoned by the court (*paragraphs 12 to 13 of the Description for Criminal Matters*).

The identity of the person being questioned by videoconference may also be established by other means by the decision of the court hearing the case (*paragraph 13 of the Description*).

A judge, a prosecutor and a pre-trial investigation officer must instruct participants in the proceedings as to their procedural rights and ensure their ability to exercise such rights (*Article 45 of the CCrP*).

Judicial proceedings using videoconferencing technology are organised in accordance with the rules of judicial procedure laid down in the Code of Criminal Procedure, the procedure for the use of videoconferencing technology laid down in this Description and other legal acts (*paragraph 5 of the Description for Criminal Matters*).

The rights of the suspect (Article 21(4) of the CCrP), the accused person (Article 22(3) of the CCrP) and the victim (Article 28 of the CCrP) and other participants in the proceedings are laid down in the CCrP.

The participants in the proceedings (a suspect, an accused person, a victim, etc.) are guaranteed the right of access to the services of an interpreter (*Article 8 of the CCrP*).

Any person suspected or accused of committing a criminal act has the right to be informed promptly, in a language which they fully understand, of the nature and cause of the charge against them, to have adequate time and facilities for the preparation of their defence, to question or to request questioning of witnesses, and to use the services of an interpreter free of charge if they do not understand or speak Lithuanian (*Article 45(7) CCrP*).

Where necessary, the requesting court and the requested authority coordinate measures to protect the person to be heard and also ensure that the person to be heard is assisted, if necessary, by an interpreter (*paragraph 12 of the Description*).

Videoconferencing technologies assessed and recognised as secure by the National Cyber Security Centre should be used, giving priority, as far as practicable, to:

- centralised court equipment;
- the Zoom platform.

4. Fees for procedures in civil and commercial matters

Regulation (EC) No 1896/2006 creating a European order for payment procedure

The rules laid down in Article 434(1) to (3) of the Code of Civil Procedure of the Republic of Lithuania for the calculation and payment of stamp duties (*Article 21 of Lithuanian Law No X-1809 of 13 November 2008 Implementing European Union and international legislation governing civil proceedings("the Law")*) apply in proceedings for the issue of a European order for payment.

Regulation (EC) No 861/2007 establishing a European Small Claims Procedure

European small claims are subject to a stamp duty of the amount set out in Article 80(1)(1) of the Code of Civil Procedure of the Republic of Lithuania (*Article 27 of the Law*).

Regulation (EU) No 655/2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters

An application for a European Account Preservation Order, as well as the remedies referred to in Chapter 4 of Regulation (EU) No 655/2014, are subject to a stamp duty equal to the stamp duty, if any, payable in respect of applications for interim measures or individual appeals against interim measures orders, as the case may be (*Article 31¹⁹ of the Law*).

Regulation (EC) No 805/2004 creating a European Enforcement Order for uncontested claims

Applications for rectification or revocation of a European Enforcement Order are exempt from stamp duty (*Article 16(3) of the Law*).

A debtor's application for refusal of enforcement referred to in Article 21 of Regulation (EC) No 805/2004 is exempt from stamp duty (*Article 17(2) of the Law*).

Regulation (EU) No 650/2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession

An application for recognition of a decision of a foreign court (arbitration) is exempt from stamp duty (*Article 811(4) of the CCP*).

An application for authorisation to enforce a judgment of a court of a Member State of the European Union is exempt from stamp duty (*Article 4(4) of the Law*).

Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)

An application for recognition of a decision of a foreign court (arbitration) is exempt from stamp duty (*Article 811(4) of the CCP*).

An application for authorisation to enforce a judgment of a court of a Member State of the European Union is exempt from stamp duty (*Article 4(4) of the Law*).

Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters

Applications for refusal of recognition or enforcement of a protection measure pursuant to Article 13 of Regulation (EU) No 606/2013 are examined by the Court of Appeal of Lithuania. Those applications are examined by applying mutatis mutandis the provisions of Article 4(4), (5) and (6) of the Law (*Article 31¹⁶(21) of the Law*).

An application for recognition of a decision of a foreign court (arbitration) is exempt from stamp duty (*Article 811(4) of the CCP*).

An application for authorisation to enforce a judgment of a court of a Member State of the European Union is exempt from stamp duty (*Article 4(4) of the Law*).

Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations

Applications for refusal to enforce the maintenance decision of the court of origin, either in whole or in part, as referred to in Article 21(2) of the Regulation, are heard by the Court of Appeal of Lithuania. Those applications are examined by applying mutatis mutandis the provisions of Article 4(4), (5) and (6) of the Law (*Article 31³(1) of the Law*).

Applications for a declaration of enforceability in accordance with Article 27(1) of Regulation No 4/2009 and appeals against judgments on such applications in accordance with Article 32(2) of Regulation No 4/2009 are examined by the Court of Appeal of Lithuania. These applications and appeals are examined by applying mutatis mutandis the provisions of Article 4(4), (5) and (6) of the Law (*Article 31⁴(1) of the Law*).

An application for recognition of a decision of a foreign court (arbitration) is exempt from stamp duty (*Article 811(4) of the CCP*).

An application for authorisation to enforce a judgment of a court of a Member State of the European Union is exempt from stamp duty (*Article 4(4) of the Law*).

Regulation (EU) 2016/1103 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes

An application for recognition of a decision of a foreign court (arbitration) is exempt from stamp duty (*Article*

811(4) of the CCP).

An application for authorisation to enforce a judgment of a court of a Member State of the European Union is exempt from stamp duty (*Article 4(4) of the Law*).

Regulation (EU) No 2019/1111 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast)

Requests for a decision referred to in Article 30(3) of Regulation (EU) 2019/1111 that there are no grounds for refusal of recognition referred to in Articles 38 and 39 of Regulation (EU) 2019/1111, applications for refusal of recognition referred to in Article 40(1) of Regulation (EU) 2019/1111, as well as requests for refusal of enforcement referred to in Article 59(1) of Regulation (EU) 2019/1111, where they are based on the provisions of Article 39 of Regulation (EU) 2019/1111 or on other grounds set out in Regulation (EU) 2019/1111, are examined by the Court of Appeal of Lithuania. Such applications are examined by applying mutatis mutandis the provisions of Article 4(4), (5) and (6) of the Law (*Article 9(2) to (3) of the Law*).

Applications for transfer of jurisdiction from a foreign court and applications for transfer of jurisdiction to a foreign court referred to in Articles 12 and 13 of Regulation (EU) 2019/1111 and Articles 8 and 9 of the Hague Convention of 19 October 1996 are examined by the Court of Appeal of Lithuania. Such applications are examined in accordance with the procedure laid down in Chapter XXXIX of the Code of Civil Procedure of the Republic of Lithuania, in so far as Regulation (EU) 2019/1111, the Hague Convention of 19 October 1996 and this Law do not provide otherwise. Such applications are exempt from stamp duty (*Article 12² (1) and (2) of the Law*).

An application for recognition of a decision of a foreign court (arbitration) is exempt from stamp duty (*Article 811(4) of the CCP*).

An application for authorisation to enforce a judgment of a court of a Member State of the European Union is exempt from stamp duty (*Article 4(4) of the Law*).

Issuance of copies (extracts) in accordance with Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.

In accordance with Article 81 of the CCP, the amount of the fee for copies of the case file (including the electronic file) and the procedure for payment of the fee are determined by Resolution No 1368 of the Government of the Republic of Lithuania of 3 November 2004 on the approval of the Description of the Procedure for the establishment of fees and payment for copies of the material of criminal cases and documents thereof in pre-trial investigation institutions, prosecutor's offices and courts, and copies of administrative, civil cases and documents thereof in courts.

For the issuance, correction, amendment or cancellation of the European Certificate of Succession, and preparation of supporting documents pursuant to Regulation (EU) No 650/2012, the notary is paid remuneration in accordance with paragraphs 16 and 30.6 to 30.7 of the list of notaries' fees (rates) for the performance of notarial acts, preparation of draft transactions, advice and technical services and exemption from these fees, as approved by Resolution No 498 of the Government of the Republic of Lithuania of 28 June 2023.

Issuance of certificates pursuant to Regulation (EU) No 1215/2012

The certificate pursuant to Article 53 of the Regulation is issued by the court which adopted the decision at the request of the person concerned. Such a certificate is applied for under the general procedure, by post or via the Lithuanian Courts Information System LITEKO. An application for the issuance of a certificate is not subject to stamp duty. This is not a new dispute, therefore the certificate is issued at the end of the proceedings and following the examination of the case on its merits after the judgment has become final.

Certificates pursuant to Article 60 of the Regulation are issued at the request of a person by:

- 1. the notary who issued the authentic instrument. This is subject to a notary's fee.*
- 2. the court that issued the ruling approving a settlement agreement. Such a certificate is applied for under the general procedure, by post or via the Lithuanian Courts Information System LITEKO. An application for the issuance of a certificate is not subject to stamp duty. This is not a new dispute, therefore the certificate is issued at the end of the proceedings and after the examination of the case on its merits.*

Issuance of certificates pursuant to Regulation (EU) No 606/2013

Certificates issued pursuant to Articles 5 and 14 of the Regulation are applied for under the general procedure, by post or via the Lithuanian Courts Information System LITEKO. An application for the issuance of a certificate is not subject to stamp duty. This is not a new dispute, therefore the certificate is issued at the end of the proceedings and after the examination of the case on its merits.

Issuance of certificates pursuant to Regulation (EU) 2016/1103

Certificates issued pursuant to Article 45(3)(b) of the Regulation are applied for under the general procedure, by post or via the Lithuanian Courts Information System LITEKO. An application for a certificate is not subject to stamp duty. This is not a new dispute, therefore the certificate is issued at the end of the proceedings and after the examination of the case on its merits.

Issuance of certificates pursuant to Regulation (EU) 2016/1104

Certificates issued pursuant to Article 45(3)(b) of the Regulation are applied for under the general procedure, by post or via the Lithuanian Courts Information System LITEKO. An application for a certificate is not subject to stamp duty. This is not a new dispute, therefore the certificate is issued at the end of the proceedings and after the examination of the case on its merits.

Issuance of certificates pursuant to Regulation (EU) No 2019/1111

Certificates under the Regulation are applied for under the general procedure, by post or via the Lithuanian Courts Information System LITEKO. An application for the issuance of a certificate is not subject to stamp duty. This is not a new dispute, therefore the certificate is issued at the end of the proceedings and after the examination of the case on its merits.

Regulation (EU) 2015/848 on insolvency proceedings (recast)

The submission of creditors' claims under the laws on the insolvency of legal persons of the Republic of Lithuania (Article 41) and on the bankruptcy of natural persons of the Republic of Lithuania (Article 23) is exempt from tax.

A court order approving or refusing to approve creditors' claims by way of an extraordinary appeal may be appealed against in accordance with the procedure laid down by law (an individual appeal is subject to stamp duty under Article 80(2) of the Code of Civil Procedure).

Communication between natural or legal persons or their representatives with the Central Authorities is exempt under Regulation No 4/2009 (except for the recovery of costs for free legal aid in accordance with the procedure laid down in the Law on State-guaranteed legal aid of the Republic of Lithuania).

Communication (submission of requests, etc.) with central authorities is exempt under Regulation 2019/1111.

Communication (submission of requests) with the competent authorities in accordance with Chapter IV of Directive 2003/8/EC.

There are no fees for submitting applications to the competent authority (the State-Guaranteed Legal Aid Service), but it may be necessary to reimburse the concomitant cost of interpreting, the application for legal aid and documents proving the right of a person to receive legal aid, etc. in accordance with the procedure laid down in the Law on State-Guaranteed Legal Aid of the Republic of Lithuania.

5. Electronic payment methods

As part of the implementation of the Regulation of the European Parliament and of the Council, from 1 January 2016, Lithuania has moved to the Single Euro Payments Area (SEPA) for credit transfers and direct debits.

Stamp duty, fines imposed by the court, costs of secondary legal aid, and costs of proceedings awarded to the State may be:

- 1. Paid by bank transfer to the budget revenue collection accounts of the State Tax Inspectorate under the*

Ministry of Finance held at different banks. The account numbers of the State Tax Inspectorate can be found [HERE](#).

2. Paid online via e.teismas.lt. It should be noted that if procedural documents and their annexes are submitted to the court by electronic means only, and if the applicant has asked to receive procedural documents only by these means, 75% of the amount of the stamp duty payable for the procedural document in question will be paid.

When paying by bank transfer to the budget revenue collection accounts of the State Tax Inspectorate under the Ministry of Finance, individuals may choose a payment method that is convenient and accessible to them.

The availability of payment methods is also promoted by the incentive to pay 75% of the amount of stamp duty payable for the procedural document in question when lodging procedural documents and their annexes by electronic means only, thus reducing the use of cash payments.

6. Notification on the early use of the decentralised IT system

There are no plans to start using the decentralised IT system before the deadlines set out in Regulation (EU) 2023/2844.

7. Notification on the early use of videoconferencing in civil and commercial matters

There are no plans to apply Article 5 of Regulation (EU) 2023/2844 before 1 May 2025.

8. Notification on the early use of videoconferencing in criminal matters

There are no plans to apply Article 6 of Regulation (EU) 2023/2844 before 1 May 2025.

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