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European Account Preservation Order

Lithuania



Lithuania

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

Under Article 31¹⁸(5) of the Law, an application under Article 6(4) of the Regulation to obtain a European Account Preservation Order should be submitted to the local district court of the authority that issued the authentic instrument.

Up-to-date information on the Lithuanian courts and their contact details can be found in the European Judicial Atlas in Civil Matters.

Article 50(1)(b) – Authority designated as competent to obtain account information

Under point 1 of Lithuanian Government Resolution No 964 of 28 September 2016, the information referred to in Article 14 of the Regulation is provided to the court considering the application for a European Account Preservation Order by the State Tax Inspectorate under the Ministry of Finance (Vasario 16-osios g. 14, Vilnius; tel.: +370 5 266 8200; email: vmi@vmi.lt). This Resolution will enter into force on 18 January 2017.

Article 50(1)(c) – Methods of obtaining account information

The State Tax Inspectorate under the Ministry of Finance will use the method of obtaining account information provided for in Article 14(5)(b) of the Regulation, i.e. obtaining information on the bank accounts held by the debtor in banks operating in Lithuania from the Tax Accounting Information System.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

Under Article 31²²(1), in the case referred to in Article 21(1) a separate appeal may be lodged with the appeal court. Articles 334-339 of the Lithuanian Code of Civil Procedure set out the procedure for the submission and examination of a separate appeal. There is no right of appeal in cassation against rulings handed down by the appeal court after examination of the separate appeal.

Up-to-date information on the Lithuanian courts and their contact details can be found in the European Judicial Atlas in Civil Matters.

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

Under Article 31²¹(3) of the Law, the receipt, transmission and service of procedural documents as referred to in Article 4(14) of the Regulation is performed by a bailiff.

The list of bailiffs in Lithuania can be found via the following link:
<https://www.antstoliurumai.lt/lt/antstoliu-paieska>.

Under Article 31²³ of the Law, in the case described in Article 28(3) of the Regulation where the debtor is domiciled in Lithuania and Lithuania is not the Member State of enforcement, procedural documents are to be served on the debtor according to the procedure laid down in Article 3 and Article 3³(2) and (4) of the Law. In this case, the competent institution for receiving requests from other Member States for service of documents is the Lithuanian Chamber of Bailiffs (Konstitucijos pr. 15, LT-09319 Vilnius; tel. +370 5 275 0067, +370 5 275 0068; email info@antstoliurumai.lt). The Lithuanian Chamber of Bailiffs organises and coordinates the service of documents and their transmission for enforcement by bailiffs.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

Under Article 31²¹(3) of the Law, the European Account Preservation Order is enforced by the bailiff. The bailiff also performs the activities laid down in Article 24(4) and Article 25(1), (2) and (4).

The list of bailiffs in Lithuania can be found via the following link:
<https://www.antstoliurumai.lt/lt/antstoliu-paieska>.

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Main rules under national law:

1. Under Article 667 of the Lithuanian Code of Civil Procedure, if the share of property belonging to the debtor that is commonly owned with other persons has not been established, a bailiff shall distrain and attach the common property and suggest to the party seeking enforcement, and where necessary also the participants in the common ownership, that a court be petitioned to establish the debtor's share of the property held in common ownership with other persons. If said petition is not filed within the deadline set by the bailiff, the bailiff shall terminate recovery from this property. A new attempt at recovery from this property under the same enforceable instruments may take place no earlier than one year after the day the recovery from this property was terminated. The debtor's share held in common ownership shall be determined by a court ruling. After the court ruling establishing the debtor's share of the property held in common ownership becomes *res judicata*, recovery shall take place from the debtor's share of the property. A party seeking enforcement shall be entitled to demand that the debtor's share be established so that it is possible to recover from it.
2. Each time an account is preserved, an attempt is made to identify the owner of the funds in the account. The account may be preserved if the funds in the account belong to the debtor.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

Main rules under national law:

1. Under Article 668 of the Lithuanian Code of Civil Procedure, recovery may not take place from an amount of money not exceeding the minimum wage for one month as established by the Lithuanian Government^[1]. Furthermore, recovery may not take place from funds received in the form of EU or other international financial aid or co-financing for the implementation of a supported project during the implementation of the project and the project's mandatory period of operation, as laid down in EU legislation or international agreements entered into by Lithuania. This prohibition does not apply if the funds are recovered at the request of the institution monitoring the implementation of the supported project because the funds were spent in violation of EU law, Lithuanian law, international agreements or the agreements granting the funds.
2. Under Article 738 of the Lithuanian Code of Civil Procedure, recovery may take place from social security benefits for sickness or unemployment only in accordance with a court decision on the recovery of maintenance payments or a court decision on compensation for damage to health by mutilation or other injury, or for the loss of a breadwinner.

3. Under Article 739 of the Lithuanian Code of Civil Procedure, recovery may not take place from amounts belonging to the debtor in the form of: (1) compensatory payments for wear and tear to a worker's tools and other forms of compensation for deviations from normal working conditions; (2) sums paid to a worker travelling on official business, or transferred, employed or seconded to another location; (3) State social security maternity or paternity benefits; (4) child benefits paid under the Lithuanian [Law on Child Benefits](#); (5) a funeral allowance; (6) benefits paid under the Lithuanian Law on State Social Assistance Benefits, and other targeted social benefits, allowances or payments from State or municipal budgets for low-income families and social support for individuals; (7) redundancy benefits.

[1] As of 1 January 2016, the minimum monthly wage is EUR 350.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Banks are not entitled to charge fees – enforcement actions are carried out by bailiffs.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

Main rules under national law:

1. Under Article 609 of the Lithuanian Code of Civil Procedure, the enforcement costs incurred by bailiffs consist of: (1) administrative costs associated with enforcement proceedings that are necessary to perform the activities essential to any enforcement proceedings; (2) additional administrative costs associated with enforcement proceedings incurred in carrying out other activities in a specific enforcement case; (3) the bailiff's fee for enforcing statutory enforcement documents. The amount of enforcement costs and the procedure for their calculation and payment are set out in the Instructions on the enforcement of decisions adopted by Order No 1R-352 of the Minister for Justice of 27 October 2005 (hereinafter 'the Instructions') (version introduced by Order No 1R-265 of 14 November 2011).

Point 12³ of the Instructions lays down that enforcement of the European Account Preservation Order is to include the costs of enforcement referred to in point 7 of table 2 of the Instructions, as well as the additional costs incurred in carrying out the individual actions in the enforcement proceedings.

[Instructions](#) on the enforcement of decisions.

2. Under point 5 of the procedure for the taxation of service of judicial and extrajudicial documents in civil or commercial matters adopted by Order No 1R-16 of the Minister for Justice of 20 January 2016 (version introduced by Order No 1R-312 of 9 December 2016), the fee for the service of documents in Lithuania is EUR 110 if the service of the documents and their transmission for enforcement by bailiffs is organised and coordinated by the Lithuanian Chamber of Bailiffs.

[Description](#) of the procedure for the service of judicial and extrajudicial documents received from abroad in civil or commercial matters and for the taxation of this service.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

Main rules under national law:

1. Under Article 626(3) of the Lithuanian Code of Civil Procedure, recovery from property is not stayed if the property is attached or ownership rights to the property are temporarily restricted to secure the claims of creditors of equal or higher priority. In this case, recovery from the attached property or funds takes place according to the procedure set out in the Instructions on the enforcement of decisions.

2. Under Article 754 of the Lithuanian Code of Civil Procedure, there is no specific priority for the satisfaction of claims of mortgage providers and pledge holders from the pledged property. First priority is given to the satisfaction of claims for the recovery of maintenance and claims for compensation for damages resulting from mutilation or other injury and for damages arising from the loss of a breadwinner. Second priority is given to the

satisfaction of employees' claims arising under employment relationships. The satisfaction of all other claims takes third priority. If the recovered amount is not sufficient to satisfy in full all claims of a given priority, the claims are satisfied proportionately to the amount owed to each party seeking recovery.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

Under Article 31²² of the Law, an application for the legal remedies referred to in Article 33 of the Regulation that apply in the Member State of origin should be submitted to the court that issued the European Account Preservation Order.

An application for the legal remedies referred to in Article 34 of the Regulation (except for Article 34(1)(a)) that apply in the Member State of enforcement should be submitted to the local district court of the bailiff's office that is enforcing or has enforced the European Account Preservation Order.

An application for the legal remedy referred to in Article 34(1)(a) of the Regulation that applies in the Member State of enforcement should be submitted to the bailiff that is enforcing or has enforced the European Account Preservation Order.

Up-to-date information on the Lithuanian courts and their contact details can be found in the European Judicial Atlas in Civil Matters. The list of bailiffs in Lithuania can be found via the following link:
<https://www.antstoliurumai.lt/lt/antstoliu-paieska>.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

Under Article 31²² of the Law, a separate appeal may be lodged against a court ruling on the legal remedies referred to in Articles 33 and 35 of the Regulation that apply in the Member State of origin and the legal remedies referred to in Article 34 and 35 of the Regulation (except for Article 34(1)(a) and Article 35(3)) that apply in the Member State of enforcement. Under Article 335(1) of the Lithuanian Code of Civil Procedure, separate appeals must be lodged with the appeal court through the court whose ruling is being appealed within seven days of the day the ruling was handed down. If the court ruling being appealed was handed down by written procedure, a separate appeal may be lodged within seven days of the day the copy of the ruling was served. There is no right of appeal in cassation against rulings handed down by the appeal court after examination of the separate appeal.

An appeal against the actions of the bailiff concerning the legal remedies referred to in Article 34(1)(a) and Article 35(3) that apply in the Member State of enforcement may be lodged with the local district court of the bailiff's office. The rules set out in Article 593(1) to (4) of the Lithuanian [Code of Civil Procedure](#) apply *mutatis mutandis* to the submission and examination of this appeal. There is no deadline for submission of an appeal and there is no right of appeal against the court ruling on the bailiff's actions.

Up-to-date information on the Lithuanian courts and their contact details can be found in the European Judicial Atlas in Civil Matters.

Article 50(1)(n) – Court fees

Under Article 31¹⁹ of the Law, a court fee is payable when an application is made to the court to obtain a European Account Preservation Order or the legal remedies set out in Chapter 4 of the Regulation. The fee corresponds to the court fee for an application for interim measures or for a separate appeal against a ruling on interim measures, if any.

Current Lithuanian law does not specify a court fee payable for an application for interim measures. Under Article 80(2) of the Lithuanian Code of Civil Procedure, a court fee of EUR 28 is payable for a separate appeal against a ruling on interim measures.

Article 50(1)(o) – Languages accepted for translations of the documents

The language accepted for translations of the documents is Lithuanian.

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