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Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

Lithuania



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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 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

The competent authorities referred to in point 2(b) of Article 2(2) ('authentic instrument') of the Regulation are notaries. Information on notaries operating in the Republic of Lithuania is provided on the website of the Lithuanian Chamber of Notaries:

- in Lithuanian: <https://www.notarurumai.lt/notarai/4>;
- in English: <https://www.notarurumai.lt/en/notaries/35>.

The 'agreements' referred to in point (3) of Article 2(2) are not currently provided for under Lithuanian national law.

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

The State-guaranteed Legal Aid Service (*Valstybės garantuojamos teisinės pagalbos tarnyba*) ('the Service') is the authority granting legal aid referred to in Article 74(2) of the Regulation. Applications for secondary State-guaranteed legal aid are made to the Service's territorial divisions:

- Vilnius Department (Odminių g. 3, Vilnius; Tel. No (+370) 700 00 211);
- Kaunas Department (Kęstučio g. 21, Kaunas; Tel. No (+370) 700 00 177);
- Klaipėda Department (Vilties g. 10, Klaipėda; Tel. No (+370) 700 00 191);
- Šiauliai Department (Vasario 16-osios g. 49, Šiauliai; Tel. No (+370) 700 00 214);

Information on the municipalities served by the Service's territorial divisions is provided on the Service's

website:

- in Lithuanian: <https://vgtpt.lrv.lt/lt/nuorodos/veiklos-teritorijos>;
- in English: <https://vgtpt.lrv.lt/uploads/vgtpt/documents/files/Kur%20teikiama%20ATP%20EN.pdf>.

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

The district court (*apylinkės teismas*) which gave the decision is competent to issue the certificate pursuant to Article 36(1) (a) and (b), while the Vilnius regional court (*apygardos teismas*) which gave the decision is competent to issue the certificate pursuant to Article 36(1)(c).

Information about Lithuania’s courts and their geographical jurisdictions is provided on the Lithuanian courts’ website:

- in Lithuanian: <https://www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/teismai-ir-teisejai/teismu-kontaktai/1700>;
- in English: <https://www.lsa.lt/en/alal-members/>.

The notaries which certified the authentic instruments are competent to issue certificates pursuant to Article 66 of the Regulation.

The notaries which certified the authentic instruments are competent to rectify the certificates pursuant to Article 67(1) of the Regulation.

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

The district court which gave the decision or the Vilnius regional court which gave the decision is competent to rectify the certificate, pursuant to Article 37(1) of the Regulation.

The district court which gave the decision is competent to rectify the certificate pursuant to Article 48(1) of the Regulation.

The district court which gave the decision is competent to issue the certificate on lack or limitation of enforceability pursuant to Article 49 of the Regulation.

Information about Lithuania’s courts and their geographical jurisdictions is provided on the Lithuanian courts’ website:

- in Lithuanian: <https://www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/teismai-ir-teisejai/teismu-kontaktai/1700>;
- in English: <https://www.lsa.lt/en/alal-members/>.

The notaries which certified the authentic instruments are competent to issue certificates pursuant to Article 66 of the Regulation.

The notaries which certified the authentic instruments are competent to rectify the certificates pursuant to Article 67(1) of the Regulation.

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

The competent court referred to in Article 30(3) of the Regulation is the Court of Appeal (*apeliacinis teismas*) of Lithuania.

The competent court referred to in Article 40(2) of the Regulation is the Court of Appeal of Lithuania.

The competent authorities or courts referred to in Article 58(1) of the Regulation are:

- the Court of Appeal of Lithuania, when the application for refusal of enforcement is based on Article 39 of the Regulation or other grounds set out in the Regulation;
- bailiffs, when the application for refusal of enforcement is based on other grounds set out in national law permitted by the Regulation.

The competent courts referred to in Article 61(2) are:

- the Court of Appeal of Lithuania, when the application for refusal of enforcement is based on Article 39 of the Regulation or other grounds set out in the Regulation;
- the district courts through the bailiffs implementing the decision, when the application for refusal of enforcement is based on other grounds set out in national law permitted by the Regulation.

The competent courts referred to in Article 62(2) are:

- the Supreme Court (*Aukščiausiasis Teismas*) of Lithuania, when the application for refusal of enforcement is based on Article 39 of the Regulation or other grounds set out in the Regulation;
- the district courts, and subsequently the Supreme Court of Lithuania, when the application for refusal of enforcement is based on other grounds set out in national law permitted by the Regulation.

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

The authorities competent for enforcement referred to in Article 52 of the Regulation are bailiffs. Information about bailiffs operating in Lithuania and their geographical jurisdictions is provided on the website of the Lithuanian Chamber of Bailiffs:

- in Lithuanian: <https://www.antstoliurumai.lt/lt/antstoliu-paieska>;
- in English: <https://www.antstoliurumai.lt/lt/antstoliu-paieska>.

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

The redress procedures referred to in Article 61 are the following:

- when the application for refusal of enforcement is based on Article 39 of the Regulation or other grounds set out in the Regulation – a request for a review of the decision of the Court of Appeal of Lithuania concerning the application for refusal of enforcement, which may be submitted within thirty days of the date on which the decision is served to the party. This request is examined by a panel of three judges of the Court of Appeal of Lithuania. The rules for examining individual complaints apply *mutatis mutandis* to the examination of these requests. In all cases, the court which examined the request to review the decision on the application for refusal of enforcement gives the decision. This decision becomes final on the day it is given;
- when the application for refusal of enforcement is based on other grounds set out in national law permitted by the Regulation – a complaint about the order of the bailiff concerning the application for refusal of enforcement, which may be submitted to the bailiff within twenty days of the date on which the person filing the complaint became aware or should have become aware of the bailiff's order concerning the application for refusal of enforcement, but no later than ninety days after the date on which the action in question was carried out. The bailiff examines the complaint within five working days of receipt of the complaint and issues an order on it. If the bailiff rejects the complaint in full or in part, the complaint and the bailiff's order is forwarded to the district court with jurisdiction for the area in which the bailiff's office is located at the latest on the working day after the

order is issued.

The redress procedures referred to in Article 62 are the following:

- when the application for refusal of enforcement is based on Article 39 of the Regulation or other grounds set out in the Regulation, the decision of the Court of Appeal of Lithuania concerning an application for refusal of enforcement may be appealed in cassation in accordance with the rules governing proceedings in the court of cassation. An appeal in cassation to the Supreme Court of Lithuania may be filed within three months of the date on which the decision under appeal was adopted;
- when the application for refusal of enforcement is based on other grounds set out in national law permitted by the Regulation, a separate appeal against the decision of the district court concerning the bailiff's order regarding the application for refusal of enforcement may be filed within seven working days of the date on which the decision is served to the party. This separate appeal to the regional court is filed through the district court whose decision is under appeal. The decision of the regional court concerning the separate appeal against the district court's decision may be appealed in cassation in accordance with the rules governing proceedings in the court of cassation. An appeal in cassation to the Supreme Court of Lithuania may be filed within three months of the date on which the decision under appeal was adopted.

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

The names, addresses and means of communication for the Central Authorities designated pursuant to Article 76 of the Regulation are as follows:

- the Ministry of Justice of the Republic of Lithuania is the Central Authority responsible for the communication of information on national laws, procedures and services available in matters of parental responsibility referred to in Article 77(1) of the Regulation; address: Gedimino pr. 30, 01104 Vilnius; Tel.: (+370 5) 266 29 81; Fax: (+370 5) 262 59 40; e-mail: rastine@tm.lt; communication of information by post and e-mail; information on the website of the Ministry of Justice in Lithuanian: <https://tm.lrv.lt/lt/>; in English: <https://tm.lrv.lt/lt/>.
- the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour (*Valstybės vaiko teisių apsaugos ir įvaikinimo tarnyba prie Socialinės apsaugos ir darbo ministerijos*) is the Central Authority responsible for carrying out the other functions laid down for Central Authorities in the Regulation; address: Labdarių g. 8, 01120 Vilnius; Tel.: (+370 5) 231 0928; e-mail: info@vaikoteises.lt; communication of information by post and e-mail; information on the website of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour in Lithuanian: <https://vaikoteises.lt/>; in English: <https://vaikoteises.lt/home/>.

Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

Lithuanian law does not provide for the categories of close relatives referred to in Article 82(2), where the consent of the Lithuanian competent authority would not be required for the placement of a child.

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

English, as well as Lithuanian, is accepted for communications to Central Authorities pursuant to Article 91(3).

Article 103 (1) (i) – Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

The language accepted for the translations pursuant to Article 80(3), Article 81(2), Article 82(4) and Article 91(2) is Lithuanian.

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