

## Procedural time limits - Lithuania

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#### 1 What are the types of deadlines relevant for civil procedures?

The Civil Code (*Civilinis kodeksas*) provides for a general limitation period and shorter limitation periods. Limitation periods may be restoratory, acquisitional or resolutive.

#### 2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Sundays;

1 January: New Year's Day;

16 February: Day of the Restoration of the State of Lithuania;

11 March: Day of the Restoration of Lithuania's Independence of Lithuania;

Easter Sunday and Easter Monday (according to Western tradition);

1 May: International Labour Day;

First Sunday in May: Mother's Day;

First Sunday in June: Father's Day;

24 June: Midsummer's Day, Feast of St. John;

6 July: Statehood Day (Coronation of King Mindaugas);

August 15: Assumption Day

November 1: All Saints' Day

December 24: Christmas Eve

December 25 and 26: Christmas

### **3 What are the applicable general rules on time limits for the various civil procedures?**

A limitation period determined by laws, by a contract or by a judicial authority is expressed in terms of a calendar date or a number of years, months, weeks, days or hours.

A limitation period may also be defined in terms of an event that must inevitably occur. It may be restoratory, acquisitional or resolutive. A restoratory limitation period on one which may be restored by a court after it has expired provided that the relevant deadline has been missed for important reasons. An acquisitional limitation period is a period at the end of which a certain civil right or duty arises (is acquired). A resolutive limitation period is a period at the end of which a certain civil right or duty expires. Resolutive limitation periods may not be restored by a court or arbitration.

The general limitation period is ten years.

Lithuanian legislation lays down shorter limitation periods for particular types of claims.

A shorter one-month limitation period is applied to claims arising from the results of tendering procedures.

A shorter three-month limitation period is applied to claims to have the decisions of a legal entity's bodies declared invalid.

A shorter six-month limitation period is applied to:

1. claims concerning the enforcement of default (a fine, late payment interest);
2. claims concerning defects of sold items.

A shorter six-month limitation period is applied to claims arising from relations between transport companies and their clients with regard to consignments dispatched from within Lithuania while a one-year limitation period is applied to consignments dispatched abroad.

A shorter one-year limitation period is applied to insurance claims.

A shorter three-year limitation period is applied to claims for damages, including claims for damages resulting from the inadequate quality of products.

A shorter five-year limitation period is applied to claims for enforcement of interest and other periodic payments.

10. Claims regarding defects of works carried out are subject to shorter limitation periods.

Claims arising from the transport of cargo, passengers and luggage are subject to the limitation periods set out in the codes (laws) applicable to specific transport modes.

A limitation period or rules for calculating such a period may not be changed by agreement between the parties.

A limitation period does not apply to:

- 1) claims arising from the violation of personal non-property rights, except in cases established by the laws;
- 2) depositors' claims for the repayment of their deposits held in a bank or other credit institution;

3) other claims for damages resulting from the following crimes specified in the [Criminal Code \(Baudžiamasis kodeksas\)](#):

- 1) genocide (Article 99);
  - 2) treatment of persons prohibited under international law (Article 100);
  - 3) killing of persons protected under international humanitarian law (Article 101);
  - 4) deportation or transfer of civilians (Article 102);
  - 5) causing bodily harm to, torture or other inhuman treatment of persons protected under international humanitarian law (Article 103);
  - 6) forcible use of civilians or prisoners of war in the armed forces of an enemy (Article 105);
  - 7) destruction of protected objects or plunder of national treasures (Article 106);
  - 8) aggression (Article 110);
  - 9) prohibited military attacks (Article 111);
  - 10) use of prohibited means of warfare (Article 112);
  - 11) negligent performance of a commander's duties.
- 4) cases specified in other laws and other claims.

Time-limits applicable to hearings of civil cases. A court must aim to hear a civil case as promptly as possible, avoid delays and ensure that a civil case is heard at a single court session.

Laws may establish specific time-limits for certain categories of civil cases to be heard. If a court of first instance fails to perform the procedural action that is required under the Civil Code, a party to the proceedings with an interest in that action being performed is entitled to apply to a court of appeal to apply for a deadline to be set for its performance. The application must be filed via the court that is hearing the case, and the latter must decide on its admissibility not later than on the working day following its receipt. If the court which failed to perform the procedural action giving rise to the application performs the actions in question within seven working days of receiving the application, the party in question is deemed to have waived the application. Otherwise the application is transferred to the court of appeal within seven working days of the date of its receipt. Such applications are usually examined by written procedure without the parties being notified of the time and place of the session or being invited to it. The application must be examined within seven working days of its receipt by the court of appeal. It must be examined and a decision on it taken by the president of the court of appeal, the president of the civil cases division or by a judge designated by them. The ruling handed down may not be contested by filing a separate appeal.

#### **4 When an act or a formality has to be carried out within a given period, what is the starting time?**

The time-limit begins to run from 0 hours 00 minutes on the day following the calendar date or event defining its start, unless otherwise provided for in specific laws.

#### **5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?**

Any written applications and notifications posted, telegraphed or transmitted by other means of communication before midnight on the last day of a time-limit are considered to have been sent on time (Article 1.122 of the Civil Code).

Article 123 (3)–(4) of the Code of Civil Procedure (*Civilinio proceso kodeksas*) stipulates that where a person delivering a procedural document does not find the addressee at his/her place of residence or workplace, the document must be served to any adult family member residing with him/her (children (foster children), parents (foster parents), spouse, etc.), except where family members have opposing legal interests in the outcome of the case, or, if they are absent as well, to the administration of the workplace.

Where a person delivering a procedural document does not find the addressee at a legal entity's registered office or other location specified by the legal entity, the procedural document must be served to any employee of the legal entity who is present at the place of delivery. If a procedural document is not delivered in the manner specified in this paragraph, it must be mailed to the address of the legal entity's office and is deemed to have been delivered within ten days of the date of posting.

**6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?**

The time-limit begins to run from 0 hours 00 minutes on the day following the event defining its start, unless otherwise provided for in specific laws. (Article 73 of the Code of Civil Procedure).

**7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?**

A limitation period is calculated in calendar days. It begins to run from 0 hours 00 minutes on the day following the calendar date or event defining its start, unless otherwise provided for in specific laws.

**8 When such a period is expressed in weeks, in months or in years?**

A procedural time-limit expressed in years, months, weeks or days begins to run from 0 hours 00 minutes on the day following the calendar date or event defining its start, unless otherwise provided for in specific laws.

**9 When does the deadline expire if expressed in weeks, in months or in years?**

A time-limit expressed in weeks expires at 24 hours 00 minutes on the appropriate day of the last week included in the time-limit. A time limit expressed in months expires at 24 hours 00 minutes on the appropriate day of the last month included in the time-limit. A time-limit expressed in years expires at 24 hours 00 minutes on the appropriate day of the appropriate month of the last year included in the time-limit. If a time limit expressed in years or months expires in a month not containing the date in question, the time-limit expires on the last day of that month.

**10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?**

Official holidays and rest days (Saturdays and Sundays) are included in the time-limit. If the last day of the time-limit is a rest day or official holiday, it is considered to expire on the next working day.

**11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?**

Restoration of procedural time-limits. Persons who miss a deadline set by specific laws or by a court for reasons acknowledged by the court to be important may have the time-limit in question restored. A court has the right to restore a time-limit at its own initiative where the case file indicates that the deadline in question has been missed for important reasons.

An application to have a time-limit restored must be filed with the court at which the procedural action was to be performed. It will be examined by written procedure. The procedural action (filing of a claim, submission of documents or performance of other actions) in respect of which the deadline has been missed must be performed in parallel to the application. An application to have a time-limit restored must be reasoned. It must be accompanied by evidence justifying the need to restore it.

A procedural time-limit is restored by court ruling. A refusal to restore a procedural time-limit is issued in the form of a reasoned court ruling. A court ruling rejecting an application to have a missed procedural time-limit restored may be contested by filing a separate appeal.

**12 What are the time limits for appeals?**

An appeal against a judgment of a regional court may be lodged within 30 days from when the judgment was passed by the court of first instance.

A separate appeal against a ruling of a regional court may be filed:

- within 7 days from when the ruling was issued in cases in which the ruling of the court of first instance under appeal has been issued in oral proceedings;
- within 7 days from when a certified copy of the ruling was served in cases in which the ruling of the court of first instance under appeal has been issued in written proceedings.

Appeals may be filed against judgments of regional courts hearing a case on its merits, while separate appeals may be filed against interim rulings of regional courts expressly referred to in the Code of Civil Procedure (e.g. against a ruling rejecting an application for restoration of a procedural time-limit (Article 78(6) of the Code of Civil Procedure), against a ruling on litigation costs (Article 100 of the Code of Civil Procedure) or against a ruling preventing further proceedings).

### **13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?**

A court session must in each case be conducted continuously except where an adjournment is announced, which may not be for longer than five working days. An adjournment may be announced to enable the court and the parties to the proceedings to rest from a prolonged hearing and to gather any missing evidence, thereby guaranteeing that the case is resolved as swiftly as possible.

If a court adjourns a hearing, the time of the next court hearing must be set and notified to the participants against a signed acknowledgement. Persons who have not appeared in court or who are newly included in the proceedings are notified of the time of the next court hearing in accordance with the Code of Civil Procedure.

In certain situations a court hearing may be suspended. Such suspension means that any procedural action to be performed with a view to deciding the case on its merits is temporarily suspended for an indefinite period of time. A case may be suspended for objective reasons specified in specific laws that prevent the hearing of a civil case and are not subject to the discretion of the parties or the court, or in circumstances which are not provided for in specific laws but nevertheless prevent the court from hearing the case on its merits.

The court must suspend a hearing in the following circumstances:

- in the event of the death of a natural person or termination of a legal entity that was a party to the case where the succession of rights is permitted in the light of the legal relations involved in the dispute; where a party loses its legal capacity, the case must be suspended until the successor of the deceased natural person or terminated legal entity or the circumstances resulting in the failure of succession have been clarified or a statutory representative of a natural person who has lost his/her legal capacity has been designated;
- where a particular case cannot be heard until another case has been decided, a case in civil, criminal or administrative proceedings will be suspended until a court decision, judgment, ruling or resolution comes into effect or until a ruling in administrative proceedings is handed down;
- where it transpires in a case involving property claims against a defendant that the satisfaction of such property claims is related to the hearing of a criminal case, the case will be suspended until the criminal case has been tried or temporary restrictions on property rights are lifted; other circumstances are also indicated in specific laws.

### **14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?**

Not applicable.

### **15 What are the consequences of non-observance of the deadlines?**

The expiry of a limitation period before a claim is filed will result in the claim being rejected.

Where the court acknowledges that a deadline has been missed for an important reason, the violated right must be defended and the limitation period in question must be restored.

Property-law issues relating to property the recovery of which is subject to limitation periods which have expired are resolved in accordance with the provisions of Volume IV of the Civil Code.

The right to perform a procedural action expires when the time-limit set by law or by a court has itself expired. Any procedural documents filed after the expiry of a time-limit are returned to the applicants. Missing a deadline for performing a certain procedural obligation does not release the person concerned from that obligation.

### **16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?**

If deadlines have been missed for important reasons and not more than three months have passed since the court judgment was passed, the court may, on the appellant's application, restore the time-limits in question. A time-limit for filing an appeal may be restored where the court acknowledges that the deadline in question has been missed for important reasons. A court ruling rejecting an application to restore an appeal time-limit may be contested by separate appeal. If the court of appeal grants this separate appeal and restores the time limit for appeal, the president of the civil cases division of the court of appeal must transfer the appeal, together with the case file, to the judicial panel of the court of appeal or refer the issue of the appeal's admissibility back to the court of first instance for a decision. If, in these circumstances, the case file is referred to the judicial panel of the court of appeal, the court of appeal must send copies of the appeal and its annexes to the parties to the proceedings within three working days of when the appeal was allowed. Once the time-limit for contesting a judgment and for responding to an appeal has expired, the court of first instance will send the case to the court of appeal within seven days and notify the parties. Where the case

is sent to the court of appeal and the latter determines that the deadline for appeal has been missed, the court may restore the time-limit at its own initiative (*ex officio*) provided that the case file clearly indicates that the deadline has been missed for important reasons, or suggest to the party to the proceedings that it file an application for the appeal time-limit to be restored (Articles 307(2)–(3), 338 and 78 of the Code of Civil Procedure). A ruling rejecting the appellant’s application to have a time-limit restored may be contested by filing a separate appeal (Article 78(6) of the Code of Civil Procedure).

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