Costs

Lithuania

In this case study on family law – custody of the children, Member States were asked to advise the suing party on litigation costs on litigation costs in order to consider the following situations: Case A – National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother and a right of access to the father. The mother sues to limit the father's right of access. Case B – Transnational situation where you are a lawyer in Member State A: Two persons have lived together unmarried in a Member State (Member State B) for a number of years. They have a child together but separate immediately after the child's birth. A court decision in Member State B gives the child's custody to the mother with a right of access to the father. The mother and the child move to live in another Member State (Member State A) as authorized to do so by the Court decision and the father remains in Member State B. A few years later, the mother sues in Member State A to change the father's right of access.

Costs in Lithuania

Costs of court, appeals and alternative dispute resolution

Case Study	Court			Appeals		
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees
Case A	The official fees in cases involving disputes of separated parents over contact with the child are 100 Litas. The courts can adjust this by taking into consideration the quarter's consumer price index (now - 132)	Participants in a proceeding pay 10 Litas for a repeat copy of a court document, and 1 Litas for each page	The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.	The official fees in cases involving disputes of separated parents over contact with the child are 100 Litas. The courts can adjust this by taking into consideration the quarter's consumer price index (now - 132)	Participants in a proceeding pay 10 Litas for a repeat copy of a court document, and 1 Litas for each page	The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds
Case B	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation

Case Study	ADR	
	Is this option open for this type of case?	Costs
Case A	Yes, after the essence of the dispute is identified in a preliminary session, the court will offer both parties the opportunity to come to a mutually acceptable compromise agreement and thus settle the case amicably..	Free
Case B	The same as in national situation	The same as in national situation A

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff		
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs
Case A	Lawyer representation is not compulsory	See section on Legal Profession Fee Regulation above	No	No	No. Bailiffs play their role only after the issue of enforcement orders Enforcement costs: 60 Litas which bailiff can claim in every execution case, 200 Litas for bailiff's salary, and other enforcement costs, depending on kind and quantity of execution actions.
Case B	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation

Case Study	Expert	
	Is use compulsory?	Cost

Case A	The court may appoint an expert or expertise for issues that require special knowledge in science, medicine, arts, engineering or craft, subject to the opinion of participants in the proceeding.	An advance surety in an amount established by the court must be paid by the requesting party. The government or an authorised institution establishes the maximum expenses. The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.
Case B	The same as in national situation	The same as in national situation

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost	Description	Cost
Case A	Yes, the amounts paid to witnesses are added to the expenses connected with hearing the case	See section on Experts' Fees above.	See section on Experts' Fees above.	The court must take into account the material situation of the paying party The amount depends on the nature of the procedural action and may not exceed 100,000 Litas	Other expenses include: 1) the inspection of a location; 2) defendant searches; 3) delivering court documents; 4) satisfying the court judgment; 5) reimbursement for curator's work; 6) others as necessary and reasonable	See section on Experts' above. Expenses for a defendant search must be paid by the party that requested a search or the court. See section on Bailliff's Fees A tutor has the right to receive remuneration for representation in line with tariffs and procedure set by government or its authorised institution. Representation costs are borne by the party on which initiative a tutor is appointed, who must pay his or her representation costs in advance
Case B	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation

Costs for legal aid and other reimbursement

Case study	Legal Aid		
	When and under what conditions is it applicable?	When is support total?	Conditions?
Case A	Primary legal aid can be claimed as described in the section on Legal Aid above. Secondary legal aid is eligible under the conditions set out in the section on Legal Aid above.	The state guarantees 100% percent of the costs of primary legal aid. The costs of secondary legal aid take account of a person's property and income (see section on Legal Aid above)	Persons wishing to receive primary legal aid may apply to the executive institution of a municipality, according to declared place of residence. Persons wishing to receive secondary legal aid must apply with documents substantiating the request and attesting to eligibility for secondary legal aid.
Case B	The same as in national situation	The same as in national situation	The same as in national situation

Case study	Reimbursement		
	Can the winning party obtain reimbursement of litigation costs?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
			Where the provision of secondary legal aid is terminated on the grounds referred to in subparagraphs 1, 2 and 6 of paragraph 1 of article 23 of the law. Costs can be recovered from the person to whom it was provided in accordance with procedure laid down by the law. Where insurance benefits are paid out after the costs, the costs of secondary legal aid must be refunded to the state budget within one month of the payment of the insurance benefit in line with the procedure

Case A	The winning party can obtain reimbursement of litigation costs from the losing party.	The costs of state-guaranteed legal aid and those incurred by the debtor in the execution process.	laid down by the Minister of Justice. Where a person fails to refund these costs, they must be recovered in accordance with legal procedure. Where secondary legal aid has been provided (subparagraph 6 of article 12 of the law) but where the circumstances change (subparagraph 1 of paragraph 2 of article 11) such a person must refund the amount of the secondary legal into the state budget within the time limit laid down by the service. If they fail to do so, the costs will be recovered in accordance with the required legal procedure Where 50% cent of the costs of secondary legal aid are covered, and an applicant fails pay his or her 50% percent share of the costs of civil or administrative the proceedings within the time limits required, the case may be terminated without the court taking a decision on the merits of the matter, and the applicant must refund the costs of secondary legal aid provided within the time limits laid down by the service. The state will be represented by the legal aid service.

Costs for translation and interpretation

Case study	Translation		Interpretation	
	When and under which conditions is it necessary?	Approximate cost?	When and under what conditions is it necessary?	Approximate cost?
Case A	All the court documents and their annexures must be submitted to the court in the state language.	A party, whose court documents must be translated into a foreign language, must pay in advance a surety set by the court to cover litigation expenses. If both parties submit petitions, both parties will pay the surety in equal parts.	People, who do not speak the official language, are guaranteed the right to interpretation/translation services during the proceedings.	The court must pay the amounts due interpreters/translators from the state budget funds.
Case B	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation

Last update: 07/04/2023
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