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Lithuania

In Lithuania mediation in civil disputes (including family disputes) is regulated by the Mediation Act of the Republic of Lithuania (a new version of this Act entered into force on 1 January 2019). The Mediation Act applies to the resolution of national and international civil disputes and implements Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters.

Mediation is a procedure for resolving civil disputes during which one or more mediators (impartial third persons) assist the parties in settling the dispute amicably. The parties may use this method both for disputes that have not yet been brought to court (extra-judicial mediation) and cases that are already being heard in court (judicial mediation).

Recourse to mediation is subject to the written agreement of the parties to the dispute. The use of mediation may be agreed solely for the types of disputes about which, by law, the parties may conclude a settlement agreement. The mediator is appointed jointly by the parties or, at the parties' request, may be nominated by the State-guaranteed Legal Aid Service.

With effect from 1 January 2019, mediation services may only be provided by persons who have passed a specific examination (with a few exceptions), meet other requirements set out in the Act (good reputation, having a university degree, completion of mediation training) and are entered in the list of mediators of the Republic of Lithuania. The list of mediators is published on the website of the State-guaranteed Legal Aid Service (<http://vgtp.lrv.lt/>). Mediators are also required to meet standards of impartiality and professionalism. Depending on the agreement reached, mediators may offer their services for payment or free of charge. The parties and mediators may agree on the method and procedure for resolving the dispute. Either of the parties may withdraw from mediation without giving reasons.

It is important to point out that the launch of mediation leads to the suspension of limitation periods. Consequently, even if the dispute cannot be resolved amicably, the parties retain their right to go to court to seek redress. If the parties are able to resolve the dispute amicably with the assistance of a mediator, a settlement agreement is concluded. Once approved by a court by simplified procedure, this agreement is enforceable.

The Act also enshrines the principle of confidentiality as one of the essential principles of mediation. This means that unless the parties agree otherwise, they, the mediators and the mediation services administrators must keep all information relating to the mediation secret, except information required to approve or implement the settlement agreement concluded during mediation and information the non-disclosure of which would be contrary to the public interest. This provision ensures that, apart from the above-mentioned exceptions, any information provided during mediation will not be able to be used against the party providing it.

The Mediation Act regulates the specifics of compulsory and judicial mediation and mediators' disciplinary responsibility.

From 1 January 2020, mediation in family disputes will be made compulsory. Compulsory and judicial mediation are funded from the State budget (for up to six hours) in cases where the selection of mediators is administered by the State-guaranteed Legal Aid Service. The parties retain the right to select a mediator to provide compulsory mediation services from the list of mediators, but in this case they will have to pay for it themselves.

Under the Code of Civil Procedure, people who have had recourse to mediation are subject to lower fees when they go to court.

Information on mediation and related legislation can be found on the website of the Ministry of Justice (in Lithuanian).

<http://tm.lrv.lt/lt/veiklos-sritys-1/civiliniu-gincu-taikinamasis-tarpininkavimas-mediacija>

Information on mediation on the website of the Ministry of Justice (in English):

<http://tm.lrv.lt/en/fields-of-activity/mediation>

Last update: 17/12/2019

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