

1 Covid-19 impact on civil proceedings

1.1 Time limits in civil proceedings

Lithuania has not adopted official legal acts suspending or extending procedural deadlines in civil cases. The renewal or extension of procedural time limits is decided on a case-by-case basis by the court hearing the case.

The Judicial Council circulated recommendations to courts, urging Lithuanian courts to “*flexibly assess requests from individuals to renew a missed deadline for submitting a procedural document or to perform a procedural action*” during and after the quarantine period if said actions were impeded by the emergency state declared in the Republic of Lithuania and subsequently altered organization of work in state institutions. The person requesting to renew missed deadlines shall provide the court with the data substantiating such circumstances together with the request.

1.2 Judicial organization and Judiciary

Judicial Council has issued recommendations to the Chairpersons of the Courts regarding the organization of work in their respective courts during quarantine period, leaving the specification of the recommendations to the discretion of each Chairperson.

Civil proceedings, where possible by written procedure, take place in the normal way. In civil cases where an oral hearing is mandatory and the parties have expressed a position that they wish to take part in the hearing, the scheduled oral hearings shall be adjourned without a date, informing the participants in the proceedings, agreeing on possible preliminary hearing dates with the parties.

Oral proceedings in courts are limited to civil cases that must be dealt with immediately, such as civil cases concerning the court's permission to extend involuntary hospitalization and/or involuntary treatment, the removal of a child from an unsafe environment, cases provided for by the CPC and giving priority to the organization of oral meetings remotely if the court has the means to do so;

In urgent cases, safety recommendations are followed during oral proceedings (social distancing, courtroom disinfection)

Judicial procedural decisions are sent by electronic means of communication, giving priority to the judicial information system. In exceptional cases, documents are sent by e-mail and regular mail to persons who do not have access to the judicial information system. Procedural documents and other correspondence are sent to non-participants in the proceedings (e.g. bailiffs, notaries) via the state E-delivery system or by e-mail, and only in exceptional cases by post. Communication/cooperation takes place by electronic means of communication, by telephone.

Upon the **suspension of the direct service** of persons in the courts, procedural documents are received electronically or sent by post.

Bailiffs: After transitioning to working remotely as of 16-03, judicial officers are continuing to provide most of their regular services to creditors and debtors during the quarantine period. While direct contact is limited, judicial officers and their employees will communicate with participants of proceedings by phone, e-mail, via the website <http://www.antstoliai.lt/> or by regular mail. The current quarantine is also not an obstacle for the submission of new enforcement orders: written enforcement orders may be submitted to judicial officers by mail, and electronic enforcement orders – by e-mail or via the Internet by logging into the Judicial Officers' Information System at <http://www.antstoliai.lt/>. During the quarantine period, judicial officers shall also refrain from announcing new auctions.

Regarding the organization of the **notaries' work**, draft amendments to the Law on the Notarial Profession and the Civil Code are being prepared. They provide that the majority of notarial services will be moved online and provided remotely. The draft amendments propose granting notaries the right to perform remote notarial acts and execute them as electronic notarial documents. The information will be transmitted to operating state registers and information systems. Visits to notary offices would be reserved solely for the direct identification of a person or expressed will. It is also planned to refuse the participation of a notary in approving some simpler mandates and enable electronic registration of mandates for which a notarial form is not required. The remote notarial services will exclude certification of wills and their acceptance into custody, as well as authentication of the fact that a person is alive. Also Notaries should not provide remote services if they believe that they would be able to ensure better protection of a client's legitimate interests only when meeting with him or her in person or in case they need to document a person's will, explain the consequences of notarial acts or ascertain a person's identity. Regarding the provision of **state-guaranteed legal aid services**, recommendations have been published on the State-guaranteed legal aid service webpage. It is strongly advised to avoid personal contact and organize the provision of legal aid using remote working tools, i.e. send all request by e-mail, provide consultations by phone, online or use other means of telecommunication. In urgent cases when the participation of an advocate is necessary in certain pre-trial investigation actions or court proceedings, act with due care, follow national guidelines for preventing the spread of Covid-19 (safe distance, hygiene, etc.), refuse to attend proceedings if adequate protective measures have not been taken (e.g. the room is not ventilated, there is no disinfectant, suspicions regarding the health of others in the room arise).

The Lithuanian Bar has also published similar recommendations to all **practising advocates** in Lithuania.

1.3 EU Judicial Cooperation

Most public authorities' employees work remotely. International legal assistance is still provided, but some processes can take longer.

2 Insolvency related measures adopted or planned for adoption in member states after the outbreak of the pandemic

2.1 Substantive insolvency measures and related contracts affecting measure

2.1.1 Insolvency suspension

2.1.1.1 Suspension of duty to file for insolvency (debtors)

On 21 of April the Parliament has adopted the Law on the COVID-19 impact on insolvency of legal persons:

Suspension of the debtor's duty to file for bankruptcy or restructuring proceedings for the period of three months after the end of quarantine period.

The government has the ability to extend this period until the end of 2020.

2.1.1.2 Protection of debtors about insolvency filing from creditors

The Law on the COVID-19 impact on insolvency of legal persons includes:

Creditor's right to file for insolvency is limited for the quarantine period.

2.1.2 Claim enforcement suspension and contract termination suspension

2.1.2.1 General / specific moratoria on claims enforcement / certain types of claims enforcement

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2.1.2.2 Suspension of contract termination (general / specific contracts)

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2.2 Civil, including insolvency courts suspension and procedural suspensions

In the context of COVID-19 crisis the courts of Lithuania have applied written procedure when possible to hear the cases. Civil proceedings, where possible by written procedure, take place in the normal way. It's important to note, that according to the Law on Insolvency of Legal Persons, priority should be taken to written procedure. Oral hearings in insolvency cases, when it's necessary, should be organized remotely, applying modern technologies.

2.3 Other insolvency measures (those relating to avoidance actions, reorganization plans, informal agreements, and others if appropriate)

The Law on the COVID-19 impact on insolvency of legal persons includes:

Suspended calculation of term when the debtor is not able to carry out the approved restructuring plan and as a result the restructuring could be terminated – for the period of three months after the end of quarantine period.

The government has the ability to extend this period until the end of 2020.

2.4 Related non-insolvency measures (payment deferrals, bank loans, social security, health insurance, business subsidies)

Measures applied by the tax administrators.

Deferring or arranging the taxes in instalments acc. to the agreed schedule without interest to be paid.

Stopping the tax arrears recovery actions in accordance with the criteria of reasonableness.

Exemption of the taxpayers from fines, default interest for failure to comply with tax obligations on time.

According to the Law on Real Estate Related Credit and the Law on Consumer Credit, under certain circumstances (e.g., the borrower becomes unemployed or loses at least one third of his/her income), upon borrowers request, the credit provider has an obligation to defer payment of credit instalments, except for interest, for the period not exceeding 3 months. Such an obligation for consumer credit providers was introduced by the amendments to the Law on Consumer Credit since 19 March 2020.

LT government has also adopted a broad package of economic measures for businesses (state-aid schemes, various allowances and subsidies, tax and loans deference's, etc.).

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