

**REPUBLIC OF LITHUANIA
LAW**

AMENDING THE LAW ON COURTS

31 May 1994, No. I-480
Vilnius

(A new version of 24 January 2002 No IX-732)
(as last amended by 6 November 2008 No X -1772)

Article 1. New Version of the Law of the Republic of Lithuania on Courts

The Law on Courts shall be amended and shall be set forth to read as follows:

**REPUBLIC OF LITHUANIA
LAW ON COURTS**

The Law on Courts shall establish the court system of the Republic of Lithuania, the jurisdiction, organisation, activities, administration and self-governance of courts, their principles, the status of judges, the procedure of selection of candidates to judges, appointment of judges, their promotion and liability, the social guarantees of judges and other issues relating to courts.

Legal regulation of the organisation and activities of courts, legal regulation of the status of judges and related issues shall be based on the universally recognised principles of law laid down in the Constitution of the Republic of Lithuania, other laws and international agreements to which the Republic of Lithuania is a party - respect for human rights and freedoms, the right of everyone to judicial remedy, to a fair and public hearing by an independent and impartial tribunal, the principles of separation of powers under which justice in the Republic of Lithuania is administered only by courts, the rule of law, independence of courts and judges, the autonomy of courts, their financial independence from other government institutions and decisions of the officials, self-regulation and self-governance of courts, other principles of court structuring, the status of judges and judicial process.

PART I

GENERAL PROVISIONS

CHAPTER I

FUNDAMENTAL PRINCIPLES OF ORGANISATION AND ACTIVITIES OF COURTS

Article 1. Administration of Justice

1. Justice in the Republic of Lithuania shall be administered only by courts.
2. Court decisions shall be delivered in the name of the Republic of Lithuania.
3. Court decisions may be reviewed only by court and only in accordance with the procedure prescribed by law.

Article 2. Independence of Courts

In the administration of justice courts shall be independent from other government institutions, officials, political parties, political and public organisations and other persons.

Article 3. Independence of Judges

1. The guarantees of the independence of judges and the status of judges shall be laid down in the Constitution of the Republic of Lithuania, this Law, other statutes and legal acts.
2. Administering justice, judges shall act impartially and obey only the law.
3. Administering justice, judges shall be independent from the parties to the proceedings, the court administration, other judges, government institutions, officials and other persons. Judges may not be exposed to any political, economic, psychological or social pressure or any other unlawful influence which might affect their decisions.
4. No person shall have the right to demand that a judge gives an account for a decision rendered in a specific case.
5. Judges shall be provided social guarantees commensurate with their status and ensuring their independence.

Article 4. Right to Judicial Remedy

1. Nationals of the Republic of Lithuania shall have the right to judicial remedy against encroachment on their rights and freedoms laid down in the Constitution of the Republic of Lithuania and the laws, as well as in the international agreements to which the Republic of Lithuania is a party.
2. Foreign nationals and stateless persons shall enjoy the same rights to judicial remedy as the nationals of the Republic of Lithuania unless the laws and international agreements of the Republic of Lithuania provide otherwise.
3. Enterprises, agencies, organisations and other institutions shall also have a right to judicial remedy.

Article 5. Right to Have a Court Hearing within a Reasonable Time by an Independent and Impartial Court

1. Everyone shall be entitled to a fair hearing by an independent and impartial court established by law.

2. The court, in all its activities, must ensure that hearing of a case shall be fair and public and within a reasonable time.

Article 6. Equality before the Law and the Court

1. All persons shall be equal before the law and the courts.

2. A person's rights may not be limited nor may he been given any privileges on account of his sex, race, nationality, language, origin, social position, religious belief, convictions, views or any other circumstances.

Article 7. Public Hearing

1. Courts shall have a public hearing of cases, save in the circumstances provided by law.

2. Judgements adopted by the court shall be pronounced publicly.

Article 8. Language of the Court Proceedings

1. Court proceedings in the Republic of Lithuania shall be held in the state language.

2. The right of persons who do not know the state language to participate in the proceedings shall be guaranteed through an interpreter.

Article 9. Binding Character of Court Judgements

1. Effective court judgements shall be binding for all institutions of State government, officials and employees, enterprises, agencies, organisations, other legal and natural persons and must be enforced on the whole territory of the Republic of Lithuania.

2. The procedure of recognition and enforcement on the territory of the Republic of Lithuania of the judgements of foreign courts, international courts and courts of arbitration shall be established by laws of the Republic of Lithuania and the international agreements to which the Republic of Lithuania is a party.

Article 10. Self-governance of Courts

1. Independence of courts determines their organisational self-sufficiency which shall be realised through self-governance of courts.

2. Self-governance of courts is founded on the representation, elections, accountability of their executive bodies as well as on responsibility of institutions of judicial self-governance for a proper performance of their functions.

3. Institutions of judicial self-governance shall report periodically about their activities to the highest body of self-governance – the General Meeting of Judges.

Article 11. Financial and Material Guarantees for the Functioning of Courts

1. Independence and self-sufficiency of courts shall be ensured by the financial and material guarantees stipulated in this Law.

2. Material and technical facilities of courts must be in line with the advances of science and technology, taking into account the economic potential of the State.

3. It shall be prohibited to worsen the financial, material and technical conditions for the functioning of courts provided by law. When the economic and financial situation of the country deteriorates considerably, the Seimas may review the material and financial conditions for the functioning of courts.

PART II COURT SYSTEM OF THE REPUBLIC OF LITHUANIA JURISDICTION OF THE COURTS

CHAPTER II COURTS OF THE REPUBLIC OF LITHUANIA

Article 12. Court System of the Republic of Lithuania. Establishment of Courts

1. The system of courts and their competence shall be established by the Constitution of the Republic of Lithuania, this Law and other laws. The courts of the Republic of Lithuania shall be instituted by law.

2. A uniform court system of the Republic of Lithuania shall be made up of the courts of general jurisdiction and courts of special jurisdiction.

3. The Supreme Court of Lithuania, the Court of Appeals of Lithuania, regional and district courts shall be the courts of general jurisdiction dealing with civil and criminal cases. District courts shall also hear cases of administrative offences coming within their jurisdiction by law. When hearing a civil case, a court of general jurisdiction may also make a decision on the lawfulness of an individual administrative act.

4. The Supreme Administrative Court of Lithuania and regional administrative courts shall be courts of special jurisdiction hearing disputes arising from administrative legal relations.

5. Other courts of special jurisdiction may also be established for hearing labour, family, juvenile, bankruptcy cases as well as cases of other categories.

6. Courts having extraordinary powers may not be established in Lithuania in peacetime.

7. The Supreme Court of Lithuania, the Court of Appeals of Lithuania and the Supreme Administrative Court of Lithuania shall exercise jurisdiction over the whole territory of the Republic of Lithuania. The number of other courts and their territorial jurisdiction shall be established by law.

8. The number of judges of the Supreme Court of Lithuania shall be determined by the Seimas of the Republic of Lithuania subject to the advice of the President of the Republic and on the proposal of the Chief Justice of the Supreme Court of Lithuania.

9. The number of judges of the Supreme Administrative Court of Lithuania shall be determined by the President of the Republic on the proposal of the Chairman of the Supreme Administrative Court.

10. The number of judges at other courts shall be determined by the President of the Republic on the advice of the Judicial Council.

11. Each court shall have legal personality and shall have a seal with the State emblem of the Republic of Lithuania.

Article 13. Reorganisation and Abolishment of Courts

1. Courts shall be reorganised or abolished only by law.

2. A court may not be reorganised or abolished if the functions coming under its jurisdiction have not been transferred to the jurisdiction of another court.

CHAPTER III

COURTS OF GENERAL JURISDICTION OF THE REPUBLIC OF LITHUANIA

SECTION ONE

DISTRICT COURTS

Article 14. District Court

1. The district court shall be composed of the Chairman of the court, Deputy Chairman/men and other judges. A Deputy Chairman may be appointed at a court having at least ten judges. Two Deputy Chairmen may be appointed at a district court having more than twenty judges.

2. The Mortgage Department may be instituted at a district court following the procedure prescribed by law.

Article 15. Jurisdiction of the District Court

1. The district court shall be first instance for the following:

- 1) civil cases assigned to its jurisdiction by law;
- 2) criminal cases assigned to its jurisdiction by law;
- 3) cases assigned to the jurisdiction of mortgage judges;

4) cases of administrative offences assigned to its jurisdiction;

5) cases relating to the enforcement of judgements and sentences.

2. In cases provided by law, judges of the district court shall perform the functions of an investigating judge, an enforcement judge as well other functions assigned to a district court by law.

Article 16. Mortgage Department at the District Court

1. A mortgage department at the district court (hereinafter - the Mortgage Department) shall be established following the procedure set forth in the Law on the Establishment of the Mortgage Register and other laws.

2. The territory over which the Mortgage Department exercises jurisdiction may not coincide with the territory of jurisdiction of the district court at which the Mortgage Department has been established. The territory of the jurisdiction of the Mortgage Department shall be determined by the Minister of Justice.

3. The activities of the Mortgage Department shall be regulated by the Law on the Establishment of the Mortgage Register, the Regulations of the Mortgage Register and other legal acts.

4. The Mortgage Department shall have its seal with the State emblem of the Republic of Lithuania and its own bank account.

Article 17. Functions of the Mortgage Judge

1. A mortgage judge shall hear, following the procedure established by law, cases involving contractual and judgement mortgages, charge, other rights in rem, registration of legal facts and things in the registers administered by the Mortgage Department, attachment, recovery from the pledged property, distribution of the recovered amounts among the creditors, and exercise other powers conferred to him under law.

2. A judge of the district court discharging the functions of a mortgage judge may also perform other functions assigned to a judge of the district court.

SECTION TWO REGIONAL COURTS

Article 18. Regional Court

1. The regional court shall consist of the Chairman, Chairmen of divisions and other judges.

2. The regional court shall have the Civil Division and the Criminal Division.

3. Judges shall be assigned to the Civil Division and the Criminal Division by the Chairman of the Regional Court taking account of the work load of the judges at the divisions.

Article 19. Jurisdiction of the Regional Court

The regional court shall:

- 1) be first instance for civil cases assigned to its jurisdiction by law;
- 2) be first instance for criminal cases assigned to its jurisdiction by law;
- 3) be appeals instance for cases involving decisions, judgements, rulings, resolutions and orders of district courts;
- 4) perform other functions assigned to its jurisdiction.

SECTION THREE

THE COURT OF APPEALS OF LITHUANIA

Article 20. The Court of Appeals of Lithuania

1. The Court of Appeals of Lithuania (hereinafter - the Court of Appeals) shall be composed of the Chairman, Chairmen of the divisions and other justices.
2. The Court of Appeals shall have the Civil Division and the Criminal Division.
3. Justices shall be assigned to the Civil Division and the Criminal Division by the Chairman of the Court of Appeals, taking account of the justices' caseload in the divisions.
4. The Court of Appeals shall have its seat in Vilnius, the capital of Lithuania.

Article 21. Jurisdiction of the Court of Appeals

The Court of Appeals shall:

- 1) be appeals instance for cases involving decisions, judgements, rulings, resolutions and orders of regional courts;
- 2) hear requests for the recognition of the decisions of foreign courts, international courts and arbitration awards and their enforcement in the Republic of Lithuania;
- 3) perform other functions assigned to its jurisdiction.

SECTION FOUR

THE SUPREME COURT OF LITHUANIA⁴

Article 22. The Supreme Court of Lithuania

1. The Supreme Court of Lithuania (hereinafter - the Supreme Court) shall be composed of the Chief Justice of the Supreme Court, chairmen of the divisions and other justices.
2. The Supreme Court shall have the Civil Division and the Criminal Division.
3. Justices shall be assigned into the Civil Division and the Criminal Division of the Supreme Court by the Chief Justice of the Supreme Court, taking account of the justices' caseload in the divisions.
4. The Supreme Court shall form the Senate of the Supreme Court.

5. Issues pertaining to the organisation and activities of the Supreme Court shall be established by this Law and the Statute of the Supreme Court approved by law.

6. The Supreme Court shall have its seat in Vilnius, the capital of the Republic of Lithuania.

Article 23. Jurisdiction of the Supreme Court

1. The Supreme Court shall be the only court of the cassation instance for reviewing effective decisions, judgements, rulings, resolutions and orders of the courts of general jurisdiction.

2. The Supreme Court shall develop a uniform court practice in the interpretation and application of statutes and other legal acts. For this purpose the Supreme Court:

1) shall release a public report about the rulings of the plenary sessions as well as the rulings of the judicial panel of three justices and of the extended judicial panel of seven justices the publication of which has been approved by the majority of justices of the appropriate division. Interpretation in respect of the application of statutes and other legal acts in the rulings published in the Supreme Court Bulletin shall be taken into consideration by courts, state and other institutions as well as by other persons when applying these statutes and other legislation;

2) shall analyse court practice in the application of statutes and other legal acts and provide their interpretation in the form of recommendations;

3) may advise judges about the interpretation and application of statutes and other legal acts.

3 The Supreme Court shall analyse and sum up, in accordance with the interpretation by judicial institutions of the European Union, the practice of courts of general jurisdiction in the application of the legislation of the European Union and shall make recommendations on the cooperation between Lithuanian courts of general jurisdiction and judicial institutions of the European Union in ensuring uniform interpretation of legal acts of the European Union and their application in the Republic of Lithuania.

4. The Supreme Court shall also perform other functions assigned under law to its jurisdiction.

Article 24. Composition of the Supreme Court Senate

1. The Supreme Court Senate shall be composed of the Chief Justice of the Supreme Court, Chairmen of the Civil and Criminal Divisions and seven justices having the longest record of work at the Supreme Court from each - Civil and Criminal Divisions.

2. The Chairman of the Supreme Court Senate shall be the Chief Justice of the Supreme Court.

3. The Supreme Court Senate shall elect from among its members the Secretary of the Senate for a term of four years.

Article 25. Jurisdiction of the Supreme Court Senate

The Supreme Court Senate shall:

- 1) approve summary reviews of court practice in the application of statutes and other legal acts in cases of individual categories and provide interpretation in the form of recommendations;
- 2) consider the necessity of making public the materials in the Supreme Court Bulletin, with the exception of cases provided for in this Law, Article 23, paragraph 2, subparagraphs 1 and 2;
- 3) consider other issues assigned under law to the competence of the Supreme Court;
- 4) consider other issues related to the activities of this court upon the request of the Chief Justice of the Supreme Court.

Article 26. Sessions of the Supreme Court Senate

1. Sessions of the Supreme Court shall be convened by the Chief Justice of the Supreme Court.
2. Justices of the Supreme Court who are not members of the Senate shall have the right to take part in the sessions of the Supreme Court Senate with a deliberative vote.
3. Chairman of the Legal Affairs Committee of the Seimas, the Minister of Justice, the Chief Justice of the Supreme Administrative Court of Lithuania, the Prosecutor General, the Chairman of the Council of the Bar and, where necessary, other persons shall be invited to the sessions of the Supreme Court Senate. When the above persons are not able to participate in the Supreme Court Senate sessions, the Deputy Chairman of the Legal Affairs Committee of the Seimas, the Deputy Minister of Justice, the Deputy Chairman of the Supreme Administrative Court of Lithuania, the Deputy Prosecutor General and the Deputy Chairman of the Council of the Bar may take part in the sessions of the Supreme Court Senate.
4. Chairmen, Deputy Chairmen, division chairmen and judges of other courts may take part in the sessions of the Supreme Court Senate.
5. The agenda of a session of the Supreme Court Senate shall be circulated, and copies of documents and drafts shall be mailed, no later than ten days before the session of the Senate, to the members of the Senate, other justices of the Supreme Court, the Chairmen of the Court of Appeals, the Supreme Administrative Court of Lithuania, regional courts, regional administrative courts and district courts, the Chairman of the Legal Affairs Committee of the Seimas, the Minister of Justice, the Prosecutor General, the Chairman of the Council of the Bar, and, where necessary, - to other persons.
6. A session of the Supreme Court shall be presided over by the Chief Justice of the Supreme Court, and when he is not available – by the Chairman of a division of the Supreme Court acting as the Chief Justice.
7. A session of the Supreme Court Senate shall have legal force if it is attended by at least two-thirds of the members of the Senate. Decisions of the Senate shall be adopted by ballot. A decision

shall be held to have been adopted if more than a half of all the members of the Senate present voted in favour. If there is a tie, the Chief Justice of the Senate shall have a casting vote.

Article 27. Bulletin of the Supreme Court

1. The Supreme Court shall issue its bulletin "Court Practice" publishing in it periodically the following:

- 1) the rulings and recommendations indicated in this Law, Article 23, paragraph 2, subparagraph 1 and paragraph 3;
- 2) summary reviews of court practice in the application of statutes and other legal acts in cases of separate categories approved by the Senate and interpretations in the form of recommendations;
- 3) other materials the necessity of publication whereof has been approved by the Senate.

2. Publishing of the Supreme Court bulletin shall be financed from the State budget and from the proceeds from sale of the bulletin. Courts and judges of the Republic of Lithuania shall receive the bulletin of Supreme Court free of charge.

CHAPTER IV

ADMINISTRATIVE COURTS OF THE REPUBLIC OF LITHUANIA

SECTION ONE

REGIONAL ADMINISTRATIVE COURTS

Article 28. Regional Administrative Court

The regional administrative court shall be composed of the Chairman of the court, the Deputy Chairman/Chairmen and other judges. The Deputy Chairman may be appointed at a court having at least ten judges. Two Deputy Chairmen may be appointed at a regional administrative court having more than twenty judges.

Article 29. Jurisdiction of the Regional Administrative Court

The regional administrative court:

- 1) shall be first instance for administrative cases assigned to its jurisdiction by law;
- 2) shall perform other functions assigned to its jurisdiction.

SECTION TWO

SUPREME ADMINISTRATIVE COURT OF LITHUANIA

Article 30. The Supreme Administrative Court of Lithuania

1. The Supreme Administrative Court of Lithuania (hereinafter - the Supreme Administrative Court) shall be composed of the Chairman of the court, the Deputy Chairman and other judges.

2. The seat of the Supreme Administrative Court shall be in Vilnius, the capital of the Republic of Lithuania.

Article 31. Jurisdiction of the Supreme Administrative Court

1. The Supreme Administrative Court shall be:

- 1) first and final instance for administrative cases assigned to its jurisdiction by law;
- 2) appeal instance for cases from decisions, rulings and orders of regional administrative courts;
- 3) appeal instance for cases involving administrative offences from decisions of district courts;
- 4) an instance for hearing, in cases established by law, of petitions on the reopening of decided administrative cases, cases involving administrative offences among them.

2. The Supreme Administrative Court shall develop a uniform practice of administrative courts in the interpretation and application of statutes and other legal acts. For this purpose the Supreme Administrative Court:

1) shall release a public report about decisions, orders and rulings rendered by the plenary session of the court, decisions adopted by a judicial panel of three judges or an extended judicial panel of five judges the publication whereof has been approved by the majority of the Court's judges as well as all decisions on lawfulness of regulatory administrative acts. Interpretation with regard to the application of statutes and other legal acts found in the decisions, rulings and orders which are published in the bulletin of the Supreme Administrative Court shall be taken into account by courts, state and other institutions as well as by other entities when applying these statutes and other legal acts;

2) shall analyse the practice of administrative courts in the application of statutes and other legal acts and provide their interpretation in the form of recommendations;

3) may advise the judges of administrative courts on the issues of interpretation and application of statutes and other legal acts.

3. The Supreme Administrative Court, in accordance with the interpretations of judicial institutions of the European Union, shall analyse and sum up the practice of administrative courts in applying the legislation of the European Union and shall make recommendations on the cooperation between administrative courts of Lithuania and judicial institutions of the European Union in ensuring uniform interpretation and application in the Republic of Lithuania of the legal acts of the European Union.

4. The Supreme Administrative Court shall exercise other functions assigned to its jurisdiction by law.

Article 32. The Bulletin of the Supreme Administrative Court

1. The Supreme Administrative Court shall issue its bulletin under the title "Practice of Administrative Courts" publishing in it periodically the following:

1) decisions, rulings, resolutions and recommendations indicated in Article 31, paragraph 2, subparagraph 1;

2) summary reviews of court practice in the application of statutes and other legal acts in cases of separate categories and their interpretation in the form of recommendations;

3) other materials the publication of which has been approved by the majority of judges of the court.

2. Publishing of the Supreme Administrative Court bulletin shall be financed from the State budget and from the proceeds of sale of the bulletin. The courts and judges of the Republic of Lithuania shall receive the bulletin free of charge.

CHAPTER V COURT HEARINGS

Article 33. Sources of Law in Court Hearings

1. When hearing cases courts shall be guided by the Constitution of the Republic of Lithuania, this Law and other statutes, international agreements to which the Republic of Lithuania is a party, resolutions of the Government, other legal acts in force in the Republic of Lithuania which are not in conflict with the statutes.

2. When hearing cases courts shall also be guided by the officially reported decisions of the Constitutional Court of the Republic of Lithuania and shall take account of the orders of the Supreme Court published in the bulletin of the this court and the decisions, rulings and orders of the Supreme Administrative Court published in the bulletin of the Supreme Administrative Court.

3. When hearing cases courts shall apply the legislation of the European Union and be guided by the resolutions of judicial institutions of the European Union as well as their prejudicial decisions on the issues of interpretation and validity of legal acts of the European Union.

4. When taking decisions in cases of appropriate categories the courts shall be bound by the rules of interpretation of law created by them, formed in analogous or similar cases. The courts of lower instance when taking decisions in cases of appropriate categories shall be bound by the rules of interpretation formulated in analogous or conceptually similar cases. The court practice in cases of appropriate categories must be amended and new rules for the interpretation of law in analogous or similar cases may be created only in cases when it is inevitable or objectively necessary.

Article 34. Underlying Principles of Court Hearings

1. Hearing of a case by the court shall be founded on the following principles: equality of the parties, the right to legal assistance, the right to due process, speedy and least expensive proceedings, the right to be heard, the adversarial procedure, presumption of innocence, impartiality of the court, public hearing, immediateness and prohibition of the abuse of process.

2. If the judge is a party to a case where the case is within the jurisdiction of a court where he/she or his/her spouse, children/adopted children, parents/adoptive parents, brothers, sisters/adoptive brothers, sisters as well as the children/adopted children, parents/adoptive parents, brothers, sisters/adoptive brothers, sisters of the spouse are judges at this court (with the exception of the Supreme Court, the Court of Appeal and the Supreme Administrative Court), the Chairman of a court of a higher level shall assign the case for hearing at a different court of the same level. The same rule shall apply where the above relatives of the judge are a party to the case.

3. A mortgage judge where he or one of his relatives indicated in paragraph 2 of this Article are a party to the case may not hear a case, perform actions whereby execution is levied against his property or the property of the above persons. If the Mortgage Department has only one mortgage judge the Chairman of the District Court shall direct another judge of the same court to perform the above actions.

4. Courts may establish specialisation of judges for hearing certain categories of cases. The description of the procedure specifying the specialization of judges and the basic principles thereof shall be approved by the Judicial Council.

Article 35. Symbols in the Courtroom and Distinguishing Marks of the Participants of the Hearing

1. There must be the State flag of Lithuania and the State emblem of Lithuania in a courtroom.

2. During the hearing of a case the judges shall wear gowns and insignia with the State emblem of Lithuania.

3. During the hearing the lawyers and prosecutors shall wear gowns.

Article 36. Composition of the Court

1. Cases at the district court shall be heard by one judge who has all judicial powers provided for in procedural legislation. In cases established by law cases at the district court may be heard by a judicial panel of three judges.

2. Cases at the regional administrative court and the regional court shall be heard by a judicial panel of three judges, and in cases established by law - by one judge.

3. Cases at the Supreme Administrative Court shall be heard by a judicial panel of three judges, an extended judicial panel of five judges or a plenary session of the Supreme Administrative Court.

4. Cases at the Court of Appeals shall be heard by a judicial panel of three judges.

5. Cases at the Supreme Court shall be heard by a judicial panel of three judges, an extended judicial panel of seven judges or a plenary session of a division of the Supreme Court.

6. Chairmen of district courts, the Court of Appeals and the Chief Justice of the Supreme Court may hear cases in the judicial panel of any division of the appropriate court, and the Chief Justice of the Supreme Court - also at a plenary session of any division of the Supreme Court.

7. A plenary session of the Supreme Administrative Court shall be presided over by the Chairman of this Court, and during his absence at the plenary session of the Court - by the Deputy Chairman. A plenary session of the Court shall be deemed lawful where it is attended by at least two-thirds of the judges of the Court. A decision shall be adopted by the majority of votes of the judges present at the plenary session. In the event of a tie the presiding judge shall have the casting vote.

8. A plenary session of a division of the Supreme Court shall be presided over by the Chief Justice of the Supreme Court and in the event that he is unavailable during a plenary session - by the Chairman of the division in which the case is heard on the appointment of the Chief Justice. Where both the Chief Justice of the Supreme Court and the Chairman of the division in which a case is heard are unavailable during a plenary session, the session shall be presided over by one of the judges of the division in which the case is heard on the appointment of the Chief Justice of the Supreme Court. A plenary session of a division of the Supreme Court shall be deemed lawful if it is attended by at least two-thirds of the judges of the division. A decision shall be adopted by the majority of votes of the judges attending the plenary session. In the event of a tie - the presiding judge shall have the casting vote.

9. In all instances the cases shall be allocated to judges and judicial panels so as to ensure the right of the parties to the proceedings and participants of the hearing to independent and impartial court.

10. The cases shall be allocated to the judges and the judicial panel shall be constituted via the IT programme created pursuant to the rules of allocation of cases to judges and of forming the judicial panels of judges approved by the Judicial Council.

11. The rules of allocation of cases to the judges and the constitution of judicial panels shall ensure that the cases are allocated to the judges and judicial panels of judges should be constituted taking into account the specialisation of judges, even distribution of work load, complexity of cases, the rotation of judicial panel, the maximum duration of activities of the judicial panel of the same composition, prohibitions provided in law to proceed in a specific case, change of the judge or of the composition of the judicial panel, the circumstances of dismissal of judges or their opting out, the cases of temporary incapacity for work, leave or mission.

Article 37. Resolutions of Disputes over the Jurisdiction

1. Disputes over the jurisdiction by a court of general jurisdiction and an administrative court shall be resolved in a written procedure by a special judicial panel composed of the Chairman of the Civil Division of the Supreme Court, the Deputy Chairman of the Supreme Administrative Court and two judges - one assigned by the Chairman of the Civil Division of the Supreme Court, another by the Deputy Chairman of the Supreme Administrative Court.

2. Courts of general jurisdiction shall file reasoned applications or orders to decide upon the issues of jurisdiction through the Supreme Court, and administrative courts - through the Supreme Administrative Court.

3. Sessions of a special judicial panel shall be presided over by the Chairman of the Civil Division of the Supreme Court. Decisions shall be delivered by consensus or a majority of votes of the members of the judicial panel. In the event of a tie the presiding judge shall have the casting vote. An order on the jurisdiction of a case shall not be subject to appeal.

Article 38. Recording of the Course of the Court Hearing and Outcome of Cases

1. In cases provided by procedural law, a record/verbatim record of the course of the court hearing shall be made by the clerk of the hearing.

2. The contents and the structuring of the text of the record shall be established by procedural law.

3. For the purposes of recording the course of the proceedings following the procedure established by procedural law the proceedings may be audio-recorded. For recording and investigating the evidence the court may video-record, film and photograph following the procedure established by procedural law or use any other technical equipment may be used.

4. Parties to the proceeding, in exercising their procedural rights, may, in accordance with the procedure laid down in procedural law, make an audio-recording of the court hearing.

5. Other persons shall be prohibited from filming, taking photos, audio- and video recording and using other technologies during a court hearing. A person who violates the prohibition on the use of technical equipment during a court hearing shall be held liable under law.

6. At the close of hearing of the case the court shall make a decision. The contents of the decision and the procedure of its adoption shall be set forth in procedural law.

Article 39. Official Publication of Court Decisions

1. Final acts of courts and annual reviews of court practice of the Supreme Court and Supreme Administrative Court shall be published in the internet web site of the National Court Administration according to the procedure established by the Judicial Council except in the cases provided by law.

2. All arguments whereon the act is based, except for the cases established by procedural laws, should be set forth in the published final act of the court. The final act of the court shall be the court act basically ending the case.

3. Final acts of courts and annual reviews of court practice specified in paragraph 1 of this Law shall be published not infringing the requirements of personal data protection, state, civil service, commercial (trade), professional and other secrets protected by laws, also keeping to the restrictions and prohibitions established by law.

4. Published in the internet web site specified in paragraph 1 of this Article shall also be the decisions of the European Court of Human Rights, of the judicial institutions of the European Union and other international judicial institutions, prejudicial decisions, opinions in cases the persons participating in which are citizens of the Republic of Lithuania, persons habitually resident in the Republic of Lithuania, legal persons of the Republic of Lithuania, or the state of Lithuania, other procedural decisions of the institutions indicated in this paragraph, the necessity of publication whereof is recognised by the Supreme Court or the Supreme Administrative Court, written in Lithuanian or translated into Lithuanian, and also other material according to the procedure established by the Judicial Council.

5. Access to the information published in the internet according to the procedure established in this Article shall be public and free of charge. Data basis must be provided with search engines.

Article 40. Judicial Co-operation in Respect of Legal Assistance

The courts of the Republic of Lithuania which need for court hearings information or legal assistance from another country, shall contact foreign courts and other institutions or international organisations in accordance with the procedure laid down in the laws of the Republic of Lithuania and international agreements to which the Republic of Lithuania is a party.

Article 40⁽¹⁾. Reference by Courts to the Judicial Institutions of the European Union

1. The court to which the issue of interpretation or application of the legal provisions of the acts of the European Union arise when applying the law of the European Union the examination of which is mandatory in order to adopt the decision in the case shall be entitled to apply to a competent judicial institution of the European Union with a request to give a preliminary ruling thereon.

2. The Supreme Court and the Supreme Administrative Court as well as the court which is the last instance in the action pending before the court (when the decision cannot be further appealed against), in the case referred to in paragraph 1 of this Article must request the competent judicial institution of the European Union for a preliminary ruling on the issues of interpretation or validity of legal acts.

PART III JUDGES

CHAPTER VI
STATUS OF JUDGES. STATUS SYMBOLS

SECTION ONE
POWERS, RIGHTS AND DUTIES

Article 41. Powers of Judges

1. A judge shall be a civil servant having the powers of state authority provided in this Law and other laws.

2. Requirements of a judge relating to the administration of justice shall be mandatory for all the state government institutions, officials and employees, enterprises, institutions, organisations, other legal entities and natural persons. Non-compliance with the requirements of a judge shall incur liability provided by law.

Article 42. Status Symbols of the Judges

1. When administering justice, the judges shall have the following status symbols - a judge's gown and insignia with the State emblem of Lithuania.

2. Following appointment as a judge, he shall be issued a certificate of a judge signed by the President of the Republic or the Chairman of the Seimas. The certificate shall be valid for the whole term of the judge's office.

3. Samples of the status symbols of the judge and of the judge's certificate, the description of the procedure of their issue and validity shall be endorsed by the President of the Republic upon the advice of the Judicial Council.

Article 43. Duties of the Judge

1. A judge must abide by the Constitution and other laws of the Republic of Lithuania and comply with the requirements of the Rules of Judicial Conduct.

2. Apart from administration of justice, a judge shall also perform other duties assigned by law to the jurisdiction of the court where he works.

3. A judge must notify in writing the Chairman of the court about judicial proceedings to which the judge himself is a party. The judge must also notify in writing the Chairman of the court about judicial proceedings to which the judge's spouse, children/adopted children, parents/adoptive parents, brothers, sisters/adoptive brothers, sisters also the children/adopted children, parents/adoptive parents, brothers, sister/adoptive brother, sisters are a party if the court where the judge works has jurisdiction over the case.

4. A judge must continuously improve his professional qualifications.

5. A judge must undergo health examinations, following the procedure established in Article 53¹ of this Law .

6. A judge shall be held liable in accordance with the procedure defined in this Law for failure to perform his duties as a judge.

Article 44. Rights and Freedoms of the Judge

1. A judge shall enjoy the rights and freedoms of a citizen of the Republic of Lithuania enshrined in the Constitution and laws of the Republic of Lithuania.

2. The procedural rights of a judge shall be set forth in procedural legislation.

3. Judges shall have the right to freely form professional judicial associations and other non-political organisations protecting the rights of judges, representing their interests and meeting their professional needs.

4. A judge shall have the right to represent in court his own interests, the interests of his under-age children and of the persons whose guardian or curator he is.

SECTION TWO

GUARANTEES OF THE INDEPENDENCE OF THE JUDICIARY

Article 45. Permanence of the Judicial Authority

1. A judge may be appointed, transferred, suspended or removed from office only on the grounds and in accordance with the procedure specified in the Constitution.

2. A person shall be appointed to hold the post of a judge for a definite period of time.

3. The term of office of an appointed judge may not be shortened.

4. A judge may be appointed to a court of a lower level or of a different jurisdiction only upon his consent, except when a person is appointed a judge of a lower level when applying a disciplinary measure.

5. When courts are reorganised or liquidated under law judges of these courts are transferred to other courts of the same level. Where there is no possibility to do that, judges may be appointed, subject to their consent, to the judicial office of a lower level court. In this case, additional social guarantees set forth in this Law shall be given to them.

Article 46. Prohibition of Interfering with the Judge

1. It shall be prohibited to interfere with a judge in order to exert influence on the course or outcome of a case.

2. Rallies, pickets or any other actions of individuals or their groups, taking place at a distance closer than 75 meters from the court building or inside the court building if they are intended to influence a judge or the court shall be regarded as interference with a judge or the court.

3. Persons who, by act or omission, obstruct the course of justice by the court, exert unlawful influence on the course or outcome of the case shall be held liable under law.

Article 47. Immunity of the Judge

1. Criminal proceedings may be instituted against the judge, he may be subject to detention or any other restriction of his freedom only by and with the consent of the Seimas, and during the period when the Seimas is not in session - by and with the consent of the President of the Republic, with the exception of cases.

2. It shall be prohibited to enter the residential or office premises of the judge, to carry out examination, search or seizure therein or in his personal or official car or any other personal vehicle, to carry out his personal examination or body search, examination or seizure of his personal belongings except in the cases established by law.

3. Operational investigation of the criminal activity likely committed by the judge may be opened only by the head of the entity of operational activity on the consent of the Prosecutor General and the pre-trial investigation may be commenced only by the Prosecutor General. The powers of the judge suspected or accused of the commission of criminal act may be suspended by the Seimas and in the period between the sessions of the Seimas by the President of the Republic. The judge shall be suspended from office until the final judgement in the criminal proceedings is adopted. If during the pre-trial investigation the circumstances are disclosed which prove that that the proceedings are impossible or that not enough evidence has been collected to prove the judge's guilt in committing criminal act or the judge has not been convicted guilty by court decision in a criminal case, the powers of the judge shall be renewed and he shall be paid the salary due to him during the period of his suspension.

4. The judge who commits an administrative offence punishable by a non-custodial penalty shall be held administratively liable according to the general procedure. The officer who recorded the administrative violation committed by the judge shall within 3 days notify thereof the Judicial Council.

5. The judge who commits an administrative violation punishable by a custodial penalty shall be held administratively liable upon receipt of the consent of the Seimas and in the period between the Seimas sessions – of the President of the Republic.

6. The judge detained without any personal documents and brought to any law enforcement institution shall be released immediately after his identity has been established.

7. The judge or the court shall not be liable for the damage caused to a party to the proceedings because of an unlawful or ungrounded decision. The damage shall be compensated by the State in the cases and in accordance with the procedure prescribed by law. Property and moral damage caused to an individual by a criminal act of the judge when administering justice and compensated by the State shall be recovered from the judge by recourse.

Article 48. Work and Activity outside the Court

1. The judge may not hold any other elective or appointed posts, work in business or any other private offices or enterprises, the only exception being teaching or creative activities.

2. The judge shall be free to participate in the activities of the institutions of judicial self-governance. During his work at the institutions of judicial self-governance the workload of the judge at the court where he works shall be reduced accordingly.

3. The judge may be a member of committees/groups which are drafting laws, international agreements and other legal acts if such activities do not interfere with his judicial duties. The judge shall inform the Chairman of the court where he works about such activities. The judge may, in accordance with the procedure prescribed by law, act as a representative of the Republic of Lithuania at international organisations.

4. The judge may not receive any other remuneration except the judge's salary and remuneration for teaching or creative activities.

5. The judge may not participate in the activities of political parties and any other political organisations.

6. The judge shall be immune from conscription.

Article 49. Protection of the Judge, Members of His Family and Their Property

1. Physical protection of the judge and members of his family when there is real threat to their life, health or their property connected with the discharge of judicial duties shall be guaranteed in accordance with the procedure established by the Government or an institution authorised by it.

2. Damage caused by injury, by destroying or stealing the property belonging to the judge or members of his family connected with the discharge of judicial duties shall be compensated for by the State following the procedure established by the Government.

Article 50. Other Guarantees of Judicial Independence

1. The State shall guarantee, by financial and organisational technical measures, adequate conditions of work for the judges and courts.

2. The State shall also provide other guarantees of judicial independence set forth in statutes and other legal acts.

CHAPTER VII
SELECTION OF CANDIDATES TO JUDICIAL OFFICE, APPOINTMENT AND
PROMOTION OF JUDGES

SECTION ONE
REQUIREMENTS FOR CANDIDATES TO JUDICIAL OFFICE OF THE DISTRICT
COURT AND THEIR SELECTION

Article 51. Requirements for a Candidate to Judicial Office of the District Court

1. The post of a district court judge may be filled by a national of the Republic of Lithuania of good repute, having a university degree in law – the academic title of bachelor in law or master in law or the lawyer’s professional academic title (one-cycle university education in law) meeting the requirements established by law required for security clearance procedure or work permit or right of access to or exchange in classified information, upon submitting a health certificate, having a record of at least five years of work in the legal profession and passing the examination for candidates to judges. A person having Doctor or Habil. Doctor of Social Sciences (Law) degree, also a person of at least five years standing as a judge, if not more than five years have lapsed since he last held that position, shall be exempt from sitting for the candidate examination.

2. Legal education obtained abroad shall be recognised in accordance with the procedure established by the Government.

Article 52. Good Repute

1. A person may not be held to be of good repute and may not be appointed a judge if:

1) under an effective court judgement he has been found guilty of commission of a criminal offence;

2) has been dismissed from the position of a judge, a prosecutor, a lawyer, a notary, a bailiff, a police officer or an employee of the system of the interior or from the civil service for violation of professional ethics or malfeasance and if less than five years have lapsed after the dismissal;

3) he abuses psychotropic substances, narcotic drugs, toxic substances or alcohol;

4) does not meet other requirements of the judicial code of conduct.

Article 53. Length of Service in the Legal Profession

1. The length of service in the legal profession shall be calculated from the moment when the person acquired a university degree in law as provided in Article 51 of this Law and took up an office specified in the list of legal professions.

2. A list of legal professions shall be approved by the Government or an institution authorised by it.

3. When in doubt about a person's length of service in the legal profession, the length of service necessary for holding the post of a judge shall be determined by the Commission for Recognition of the Length of Service in the Legal Profession.

4. The regulations of the Commission for Recognition of the Length of Service in the Legal Profession shall be approved by the Minister of Justice.

5. In the conclusions of the Commission for Recognition of the Length of Service in the Legal Profession the length of service in the legal profession of a person shall be indicated.

6. The decision of the Commission for Recognition of the Length of Service in the Legal Profession may be appealed to the administrative court.

Article 53⁽¹⁾ Health Examination of Candidates to Judicial Office and Judges

1. Health examinations of candidates to judges shall be performed before holding the examination of candidates to judges.

2. Health examination of judges shall be performed at least once in five years.

3. The requirements to the health of candidates to judges and judges and the description of the procedure of health examination of candidates to judges and judges shall be approved by the Minister of Health and Minister of Justice in consultation with the Judicial Council.

4. The Health Examination shall also cover psychological assessment. The psychological assessment shall be performed seeking to establish the type of personality and formative experiences.

5. Health examination shall be performed in the Medical Centre of the Ministry of the Interior.

Article 53⁽²⁾ Preliminary Checking of Paperwork of Candidates to Judicial Office

1. The candidate to judicial office shall submit to the National Court Administration documents certifying that he meets the requirements established in paragraph 1 of Article 51 of this Law (except the requirement to have passed the examination to the candidates to judicial office). In addition, the candidate to judicial office shall submit the completed questionnaire of the form set by the commission of the protection of secrets of the Republic of Lithuania and agree in writing to the check of his candidature.

2. The National Court Administration shall check the paperwork submitted by the candidate to judicial office. Seeking to establish whether the candidate to judicial office meets the requirements of security clearance procedure or for issuing work permit or for being granted access to classified information, the National Court Administration shall apply to the Security Department. The State

Security Department shall within 40 working days from the application to make a reasoned submission whether the candidate to judges meets the requirements of security clearance or permit to work or being granted access to classified information. Before taking a decision the State Security Department may summon the candidate to judges for talking with him, to request his written explanation and, as necessary, if the person does not object, to be tested with the polygraph. During the testing the operational activity methods and means may not be used with respect to the candidate to judges, except for operational interrogation and review of data in the operational record file.

3. Having determined that the submitted data provides evidence proving that the candidate to judicial office complies with the requirements specified in paragraph 1 of this Article, the National Courts Administration shall:

1) enter the data of the candidate to judicial office who is a person having Doctor or Habil. Doctor of Social Sciences (Law) degree or a person of at least five years standing as a judge, if not more than five years have lapsed since he last held that position, and shall enter the data in the list of candidates to judicial vacancies at a district court and shall transmit to the President of the Republic the data submitted by the candidate to judicial offices;

2) the candidate to judicial office who does not meet the requirements set in subparagraph 1 of this paragraph shall be permitted to hold the examination of candidates to judicial office and after he passes the examination his data shall be entered in the list of vacancies at district courts and in the documents submitted by the candidate to judicial office. The decision of the Commission for the Examination of Candidates to Judicial Office shall be transmitted to President of the Republic.

4. Having established that the submitted documents do not certify that the candidate to the judicial office meets the requirements specified in paragraph 1 of Article 51 of this Law or if the State Security Department concludes that the candidate to judicial office does not comply with the requirements necessary for issuing security clearance certificate or work permit or being granted access to classified information, the National Court Administration shall return the documents by a substantiated decision to the candidate to judicial office who submitted them. This decision of the National Court Administration may be appealed to court according to the procedure established by the Law on Administrative Procedure.

Article 54. Examination Commission of Candidates to Judicial Office

1. The Commission for the Examination of Candidates to Judicial Office of seven persons shall be formed for a period of three years by the Judicial Council. At least four members of the Commission must be judges. The Chairman of the Judicial Council shall nominate to the Examination Commission two judges and one academic having a law degree, and the largest judicial association and the Minister of Justice shall each nominate one judge and one academic having a law degree. The

Judicial Council shall appoint one member from the Commission for the Examination of Candidates to Judicial Office the Chairman of the Commission.

2. A meeting of the Commission for the Examination of Candidates to Judicial Office shall have legal force if at least five members of the Commission are present.

3. A decision of the Commission for the Examination of Candidates to Judicial Office about the results of the examination may be appealed to the Judicial Council within ten days after its announcement. A decision of the Judicial Council shall be final.

4. Regulations of the Commission for the Examination of Candidates to Judicial Office and the examination programme shall be approved by the Judicial Council.

Article 55. List of Candidates to Judicial Vacancies at the District Court

1. A person who meets the requirements for a judicial office and who has passed the examination shall be entered in the list of candidates to judicial vacancies of a district court. The list as well as personal files of the candidates to a judicial office shall be administered by the National Courts Administration.

2. The procedure for entering persons in the list of candidates to judicial vacancies at a district court shall be approved by the Judicial Council.

3. A list of candidates to judicial vacancies at a district court shall be submitted to the President of the Republic, the Judicial Council and the Selection Commission.

Article 55⁽¹⁾ Selection of Candidates to Judicial Office and the Selection Commission

1. The candidates to judicial vacancies at a district court shall be appointed by way of selection. For considering the issues of appointment to vacancies at a district court the President of the Republic shall compose the Selection Commission of Candidates to Judicial Offices (hereinafter the Selection Commission) and establish the working procedure of the Commission and the criteria of selection of candidates to judicial office. The Selection Commission shall be composed of seven persons for three years. Three members of Selection Commission shall be judges and four – members of the public. The President of the Republic shall appoint the Chairman of the Commission from the members of the Selection Commission. Members of the Judicial Council may not be appointed members of the Selection Commission.

2. The meeting of the Selection Commission shall be valid if attended by at least five members of the Commission. The decisions shall be adopted by the majority vote of all the Commission members.

3. Selection of candidates to judicial vacancies at a district court shall be announced and organised according to the procedure established by the President of the Republic by the Office of the President of the Republic.

4. Selection of candidates to judicial vacancies at a district court may be started when judicial vacancy at a district court emerges unexpectedly or at least 6 months before the planned emergence of a judicial vacancy at a district court. The information about the vacancies at district court judges and emergence of vacancies to district court judges and the location and time of intended selection shall be published by the Office of the President of the Republic in the internet web site of the National Court Administration.

5. The Office of the President of the Republic shall also present information about the judicial vacancy at a district court and emergence of vacancies at a district court and the location and time of the intended selection by a registered letter and by means of electronic communications to judges, seeking appointment to another court according to the procedure established by Article 64 of this Law and suggest participating in the selection.

6. If not a single judge, seeking to be appointed to another court according to the procedure established in Article 64 of this Law or the former judge seeking to be appointed according to the procedure established in Article 61 of this Law presented a written application to take part in the selection or accepted the offer to work as a judge in a specific court, in which a judicial vacancy emerged or will emerge according to the conditions provided for in this Article, the Office of the President of the Republic shall inform by a registered letter or electronic means of communication the judges seeking to be appointed to another court according to the procedure established by Article 63 about the judicial vacancy at district court and emergence of vacancies at district court and the location and time of the intended selection and suggest to take part in the selection.

7. Only those judges who by the announced day of selection had submitted to the Office of the President written applications for the participation in the selection shall be invited to take part in the selection specified in paragraph 5 of this Article or paragraph 6 of this Article.

8. When selecting the judges the professional knowledge and skills, the capacity to apply in practice theoretical knowledge and skills, the length of service as a judge, other quantitative and qualitative indicators of legal activity, observance of ethical requirements in professional and other activities, scientific and pedagogical work of every candidate shall be evaluated, in addition the opinion of the court where the judge works and where he is a candidate may be taken into account.

9. If not a single judge, seeking to be transferred to another court according to the procedure established in Article 63 of this law, has submitted a written application for the participation in the selection or agreed to the proposal to work as a judge in a specific court in which a judicial vacancy emerged or will emerge according to the conditions provided for in this Article, the Office of the President shall by a registered letter and by means of electronic communications inform the candidates to judicial vacancies at a district court, the information about whom has been included in the list of candidates to judicial vacancies at a district court before the announced selection day and suggest to take part in the selection. The Office of the President of the Republic shall publish the

information about the judicial vacancies at district court which emerged or will emerge and the intended place and time of the selection in the internet web site of the National Court Administration.

10. Only those candidates to judicial vacancies at district court shall be invited to participate in the selection whose information has been entered in the list of candidates to judicial vacancies at a district court before the announced day of selection and who submitted to the Office of the President of the Republic written applications to participate in the selection.

11. When organising the selection the Office of the President of the Republic shall:

1) receive from the National Court Administration the documents of the candidates to judicial vacancies at the district court;

2) submit the required documents according to the procedure established by law to the competent institutions which have to submit conclusions on the proof of good character of candidates to judicial vacancies at district court;

3) publish in the internet web site of the Office of the President of the Republic the names of the candidates to judicial vacancies at the district court, the descriptions of their life and work;

4) transfer to the Selection Commission the received written applications of candidates to judicial vacancies at a district court together with other documents to participate in the selection.

12. During the selection the Selection Commission shall examine the documents of the candidates to judicial vacancies at a district court and afterwards the selection will be oral (the interview). During the interview with each candidate to judicial vacancies at a district court participating in the selection the Selection Commission shall establish which candidates to judicial vacancies at a district court are most suitable according to their moral, subject and other characteristics and capacities, the experience of legal work and professional skills are most suitable to be district court judges and shall submit to the President of the Republic their conclusion about the candidates to judicial vacancies at a district court.

13. In its conclusion about the judicial vacancies at district courts the Selection Commission shall indicate to the President of the Republic one or several persons who are most suitable to be district court judges.

14. The conclusions of the Selection Commission concerning the candidates to judicial vacancies at the district court shall not be binding to the President of the Republic.

SECTION TWO

APPOINTMENT OF JUDGES AND THEIR OATH

Article 56. Appointment of a District Court Judge

1. A judge of a district court shall be appointed by the President of the Republic from the list of candidates to judicial vacancies at a district court.

2. The President of the Republic shall be advised about the appointment of a judge of a district court by the Judicial Council.

3. The President of the Republic having received the opinion of the Selection Commission on the candidates to judges shall no later than within 30 days submit for discussion the specific names of the nominees to the Judicial Council with a request for its advice.

4. The issue of appointment of the nominees to a judicial vacancy at a district court shall be dealt with during the next meeting of the Judicial Council.

5. After consideration of the appointments to the judicial office, the Judicial Council shall advise the President of the Republic about a definite nominee. The Judicial Council may advise the President about two or more candidates to a judicial vacancy at a district court.

6. The Chairman of the Judicial Council shall, within five days, communicate in writing to the President of the Republic the decision of the Judicial Council about its advice.

Article 57. Judges' Term of Office

1. A person shall be appointed to a judicial office for a term until he is 65 years of age. When a judge reaches the age of 65, his term of office shall expire. If a judge's term of office expires during the hearing of a case, he may continue in office to complete the hearing of the case or until the hearing is postponed.

2. The President of the Republic shall be suggested on the extension of the term of office of the judge by the Judicial Council.

3. Before the expiry of the terms of office specified in paragraphs 1 of this Article the powers of a judge may be terminated only in cases of suspension or removal of a judge from office as laid down in the Constitution of the Republic of Lithuania.

Article 58. Appointment and Replacement of a Mortgage Judge

1. A judge of a district court having the Mortgage Department may be appointed to discharge the functions of a mortgage judge. The judge's competence to discharge the duties of a mortgage judge shall be determined by the Chairman of a district court.

2. Performance of the functions of a mortgage judge may be assigned to several mortgage judges.

3. When the mortgage judge is ill or when he is not available for some other reasons the Chairman of a district court shall, in accordance with the procedure laid down in paragraph 1 of this Article, assign another judge of the same court to discharge the duties of a mortgage judge

Article 59. The Judge's Oath

1. The person appointed a judge, before assuming his duties, shall, in a solemn ceremony, swear an oath to the President of the Republic of Lithuania or the Seimas who have appointed him. The text of the oath shall be as follows:

"I, judge (name, surname) solemnly swear my allegiance to the Republic of Lithuania, to perform my duties in good faith, to administer justice in accordance with the Constitution and laws of the Republic of Lithuania, to protect human rights, freedoms and lawful interests, to be impartial, honest and humane, to protect the state secrets entrusted to me and always conduct myself as befits the judge.

So help me God."

2. (Repealed on 8 December 2005.)

3. When swearing the oath the judge shall wear his gown.

4. The judge shall sign the text of the oath. The text of the oath shall be held in the judge's personal file.

5. After the oath the President of the Republic or the Chairman of the Seimas shall hand to the judge a badge with the State emblem of Lithuania as a symbol of the judicial authority.

6. A judge shall swear the oath to the President of the Republic or the Seimas only once unless his powers have been suspended.

Article 60. Eligibility of a Justice of the Constitutional Court of the Republic of Lithuania and of the Supreme Court of Lithuania to Be Appointed a Judge

A former Justice of the Constitutional Court, of the Supreme Court of Lithuania may be appointed, without an examination and selection, a judge of the Supreme Court, of the Court of Appeals, of the Supreme Administrative Court, of a regional court, of the regional administrative court or of a district court.

Article 61. Peculiarities of Appointment of a Former Judge to Judicial Office

A former judge of any higher level court dismissed from his office at his own request, elected to another office or, with his consent, transferred to another job, may be appointed a judge of the court of the same level or of any lower court without an examination and if less than five years have lapsed from the expiry of the term of work as a judge. If several former judges or the judges appointed under Article 64 of this law wish to be appointed to the same judicial vacancy, when deciding the issue of appointment the issue of selection set in Article 55⁽¹⁾ of this Law shall apply.

Article 62. Restrictions on the Appointment of a Judge to a Specific Court or a Division of the Court

A judge may not be appointed to work at a court or a court division where his spouse, children/adoptive children, parents/adoptive parents, brothers, sisters/adoptive brothers, sisters work as Chairman, Deputy Chairman or Chairman of a division respectively.

SECTION THREE

TRANSFER OF JUDGES TO OTHER COURTS, THEIR APPOINTMENT AS JUDGES OF OTHER COURTS, THEIR CAREER DEVELOPMENT

Article 63. Transfer of a Judge to Another Court of the same Level or a Court of the Same Level but another Jurisdiction

1. A judge of a district court, a regional administrative court or a regional court may be transferred to another court of the same level after the lapse of not less than three years from his appointment to judicial office or the Chairman of a district court, a regional administrative court or a regional court, may after the expiration of his term of office as the Chairman of the court be transferred to, subject to his consent, another court of the same level or the court of the same level but of different jurisdiction.

2. In cases provided in paragraph 1 of this Article the selection procedures established in Article 55⁽¹⁾ of this Law shall apply when deciding the issue of transfer of the judge to another court.

3. The Consent of a judge shall not be necessary for a temporary transfer of a judge to another court of the same level or the court of another jurisdiction of the same level in order to ensure the functioning of the court (in cases where the judge of this court is unavailable due to ill health, where there is a vacancy in the court or where the judge of this court is not able to carry out his functions for other reasons). Such a transfer of a judge may not last longer than six months and may not occur more frequently than once every three years.

4. In cases provided by paragraph 3 of this Article, a judge shall be transferred to another court by a decree of the President of the Republic of Lithuania without applying the selection procedure established in 55⁽¹⁾ of this Law.

5. When deciding on the transfer of the judge in cases provided in paragraph 3 of this Article, the length of service of the judge being transferred, the specialisation, family situation, the distance to the locality where there is the court with a vacancy in judicial office, the judge's opinion and arguments concerning possible transfer and other essential facts shall be evaluated.

6. The President of the Republic shall be advised by the Judicial Council in respect of the transfer of the judge.

7. The judge shall be considered transferred to another court of the same level or to the court of different jurisdiction of the same level from the day of entry into force of the decree of the President of the Republic of Lithuania on the transfer of the judge.

Article 64. Appointment of a Judge to Judicial Office of a Lower Court

1. A judge may, at his request, be appointed a judge of any lower court.

2. A judge of a regional administrative court or a judge of a regional court may, at his request, be appointed a judge of a district court.

3. A judge of the Supreme Administrative Court or a judge of the Court of Appeals may, at his request, be appointed a judge of a regional court, of a regional administrative court as well as of a district court.

4. In the case provided for by Article 45, paragraph 4, a judge shall be appointed a judge of a lower court only subject to his consent.

5. Paragraph shall be withdrawn.

5. In cases specified in this Article, a judge shall be appointed to another court without a selection, in accordance with the established procedure of appointment and dismissal of judges. If several judges wish to be appointed to the same judicial vacancy, when deciding on the appointment the selection procedure established in 55⁽¹⁾ of this Law shall be applied.

Article 65. Register of Persons Seeking Judicial Office

1. A person seeking judicial office at a court of a higher level shall be included in the register of persons seeking judicial office.

2. The register of persons seeking judicial office and the personal files of persons seeking judicial office at a court of a higher level shall be administered by the National Courts Administration.

3. The procedure of including persons in the register of persons seeking judicial office shall be approved by the Judicial Council.

4. The National Courts Administration shall communicate the information about the persons who have been included in the register of persons seeking judicial office to the President of the Republic of Lithuania and the Judicial Council.

Article 66. Requirements for a Person Seeking Judicial Office at the Regional Administrative Court or the Regional Court

A judge entered in the register of persons seeking judicial office, of at least five years standing as a judge of a district court as well as a person having Doctor or Habil. Doctor of Social Sciences (Law) degree and of at least five years' standing as a university lecturer in law who has

submitted a health certificate may be appointed a judge of a regional administrative court or a regional court.

Article 67. Requirements of a Person Seeking Judicial Office of the Supreme Administrative Court or the Court of Appeals

1. A judge entered in the register of persons seeking judicial office, of at least four years standing as a judge of a regional administrative court or a regional court as well as a person having Doctor or Habil. Doctor of Social Sciences (Law) degree and of at least ten years' standing as a university professor of law who has submitted a health certificate may be appointed a judge of the Supreme Administrative Court or the Court of Appeals.

2. A judge of the Court of Appeals may be appointed a judge of the Supreme Administrative Court, and a judge of the Supreme Administrative Court may be appointed a judge of the Court of Appeals without regard to his record of work at the Court of Appeals or at the Supreme Administrative Court.

Article 68. Requirements for a Person Seeking Judicial Office of the Supreme Court

A judicial office of the Supreme Court may be filled by:

1) a judge of a regional administrative court, a judge of a regional court with a record of at least eight years of work as a judge;

2) a judge of the Supreme Administrative Court and a judge of the Court of Appeals with a record of at least five years of work as a judge in any of these courts;

3) a person having Doctor or Habil. Doctor of Social Sciences (Law) degree and a record of at least 15 years of work as a university professor of law who has submitted a health certificate.

Article 69. Recognition of the Record of Service as a University Professor of Law

Teaching at the universities offering graduate programmes of BA in law and/or MA in law as well as graduate programmes of professional lawyer qualifications degree, i.e. providing a single level university degree in law, by individuals having Doctor or Habil. Doctor in Social Sciences (law) degree shall be recognised as a record of service of a university law professor referred to in Articles 66, 67 and 68 of this Law .

Article 69⁽¹⁾. Selection of Persons Seeking Judicial Office

1. Selection to judicial vacancies of persons seeking judicial office shall be carried out according to the regulations of selection of persons seeking judicial office approved by the Judicial Council. Selecting the persons seeking judicial office, the quality of work of every candidate to judicial office, subject and personal qualities, organisational capacities and priority giving advantages

shall be evaluated. The assessment criteria of persons seeking judicial office shall be established by the Judicial Council.

2. When persons having a degree of Doctor or Habil. Doctor of Social Sciences (Law) seek to become judges of regional administrative court, regional court, judges of Supreme administrative court and judges of Court of Appeal, only their personal qualities and key competencies shall be evaluated.

3. The persons seeking judicial office shall be selected by the Selection Commission specified in paragraph 1 of Article 55⁽¹⁾ of this Law. The requirements set in paragraphs 3 and 4 of Article 55⁽¹⁾ of this Law shall be applied.

Article 70. Appointment of a Judge of the Regional Court and the Regional Administrative Court

1. A judge of a regional court and of a regional administrative court shall be appointed by the President of the Republic from among the persons entered in the register of persons seeking judicial office.

2. The President of the Republic shall be advised by the Judicial Council in respect of the appointment of a judge of a regional court and of a regional administrative court.

3. The candidates to judicial office of a regional court and of a regional administrative court shall be considered by the Judicial Council in accordance with the procedure specified in Article 56, paragraphs 3, 4, 5 and 6 of this Law.

Article 71. Appointment of a Judge of the Supreme Administrative Court

1. A judge of the Supreme Administrative Court shall be appointed by the President of the Republic from among the persons entered in the register of persons seeking judicial office.

2. The President of the Republic shall be advised by the Judicial Council in respect of the appointment of a judge of the Supreme Administrative Court.

3. The candidates to a judicial office of the Supreme Administrative Court shall be considered by the Judicial Council in accordance with the procedure specified in Article 56, paragraphs 3, 4, 5 and 6 of this Law

Article 72. Appointment of a Judge of the Court of Appeals

1. A judge of the Court of Appeals shall be appointed by the President of the Republic from among the persons entered in the register of persons seeking judicial office, with the concurrence of the Seimas.

2. The President of the republic shall be advised in respect of the appointment of a judge of the Court of Appeals by the Judicial Council.

3. The candidates to a judicial office of the Court of Appeals shall be considered by the Judicial Council in accordance with the procedure specified in this Law, Article 56, paragraphs 3, 4, 5 and 6.

Article 73. Appointment of a Judge of the Supreme Court

1. A judge of the Supreme Court shall be appointed by the Seimas on the nomination of the President of the Republic.

2. The candidates to a judicial office of the Supreme Court shall be selected and nominated by the President of the Supreme Court. This nomination shall not be binding on the President of the Republic.

CHAPTER VIII

CHAIRMEN, DEPUTY CHAIRMEN OF THE COURT AND CHAIRMEN OF THE COURT DIVISIONS

Article 74. Appointment of the Chairman, Deputy Chairman of the District Court, the Regional Court and the Regional Administrative Court, and of the Chairman and Chairman of a Division of the Regional Court

1. The Chairman, the Deputy Chairman and the Chairman of a division of the district court, the regional court and the regional administrative court shall be appointed by the President of the Republic on the advice of the Judicial Council.

2. The Chairman, the Deputy Chairman of the regional administrative court and the Chairman, the Deputy Chairman and the Chairman of a division of the regional court shall be appointed for a term of five years.

3. The Chairman, the Deputy Chairman of the district court shall be appointed for a term of five years.

Article 75. Appointment of the Chairman and the Deputy Chairman of the Supreme Administrative Court

1. The Chairman and the Deputy Chairman of the Supreme Administrative Court shall be appointed by the President of the Republic of Lithuania on advice of the Judicial Council.

2. The Chairman and the Deputy Chairman of the Supreme Administrative Court shall be appointed for a term of five years.

Article 76. The Procedure of Appointment of the Chairman and the Deputy Chairman and Chairman of a Division of the District Court, the Regional Administrative Court, the Regional Court and the Supreme Administrative Court

1. The candidates to the office of Chairman, the Deputy Chairman, and the Chairman of a division of the district court, the regional administrative court, the regional court and the Supreme Administrative Court shall be elected and presented to the President of the Republic of Lithuania for the consideration by the Selection Commission indicated in Article 55¹, part 1 of this Law. The Selection Commission candidates to the established posts shall elect due to the Selection regulations of persons seeking judicial office approved by the Judicial Council and the assessment criteria of persons seeking judicial office.

2. The candidates to the office of Chairman, the Deputy Chairman, and the Chairman of a division of the district court, the regional administrative court, the regional court and the Supreme Administrative Court shall be considered by the Judicial Council in accordance with the procedure set forth in Article 56, paragraphs 3, 4, 5 and 6 of this Law.

Article 77. Appointment of the Chairman of the Court of Appeal and the Chairman of a Division of the Court of Appeal

1. The Chairman of the Court of Appeal shall be appointed by the President of the Republic subject to the concurrence of the Seimas.

2. The Chairman of a division of the Court of Appeal shall be appointed by the President of the Republic.

3. The President of the Republic in respect of the appointment of the Chairman of the Court of Appeals and of the Chairman of a division of the Court of the Appeal shall be advised by the Judicial Council .

4. The Chairman of the Court of Appeal and the Chairman of a division of the Court of Appeal shall be appointed for a term of five years.

Article 78. Procedure of Appointment of the Chairman of the Court of Appeals and the Chairman of a Division of the Court of Appeal

2. Candidates to the office of the Chairman of the Court of Appeal and the Chairman of a division of the Court of Appeal shall be considered by the Judicial Council in accordance with the procedure set forth in Article 56, paragraphs 3, 4, 5 and 6 of this Law.

Article 79. Appointment of the Chairman of the Supreme Court and the Chairman of a Division of the Supreme Court

1. The Chairman of the Supreme Court shall be appointed by the Seimas on the recommendation of the President of the Republic from among the judges appointed to the Court.

2. The Chairman of a division of the Supreme Court shall be appointed by the Seimas on the recommendation of the President of the Republic.

3. The Chairman of the Supreme Court and the Chairman of a division of the Supreme Court shall be appointed for a term of five years.

4. Candidates to the office of the Chairman of the Supreme Court and the Chairman of a division of the Supreme Court shall be considered by the Judicial Council in accordance with the procedure set forth in Article 56, paragraphs 3, 4, 5 and 6 of this Law

Article 80. The Status of the Chairman and Deputy Chairman of the Court and the Chairman of a Division of the Court

1. The Chairman, the Deputy Chairman of the court, and the Chairman of a division of the court shall enjoy the same rights and have the same duties as other judges.

2. Additional procedural rights and duties of the Chairman, the Deputy Chairman and the Chairman of a division of the court shall be established by laws.

3. The administrative powers of the Chairman, the Deputy Chairman and the Chairman of a division of the court shall be established by laws and other legal acts.

4. The judge may only be appointed into the position of the Chairman, the Deputy Chairman or the Chairman of a division of the court of the same level for not longer than two consecutive terms. After the two consecutive terms in office the judge may be appointed to the positions of the Chairman, the Deputy Chairman or the Chairman of a division of the court of the same level if not less than five years have passed after his second term of office.

Article 81. Removal from Office of the Chairman, the Deputy Chairman and the Chairman of a Division of the Court

1. The Chairman, the Deputy Chairman and the Chairman of a division of the court shall be removed from office in the following cases:

1) upon expiry of the term in the appointed office;

2) if during the assessment of judge's activities it has been established that he inappropriately performs the administrative tasks prescribed by law;

3) in all other cases of removal of a judge from office as specified in this Law, Article 90, paragraph 1.

2. The Chairman of the Supreme Court shall be removed from office by the Seimas on the recommendation of the President of the Republic.

3. The Chairman of a division of the Supreme Court shall be removed from office by the Seimas on the recommendation of the President of the Republic and the advice of the Chairman of the Supreme Court.

4. The Chairman of the Court of Appeal shall be removed from office by the President of the Republic subject to the approval of the Seimas.

5. The Chairman of the Supreme Administrative Court and the Deputy Chairman of the Supreme Administrative Court shall be removed from office by the President of the Republic.

6. The Chairman of a division of the Court of Appeals, the Chairman and the Chairman of a division of the regional court, the Chairman and the Deputy Chairman of the regional administrative court, the Chairman and the Deputy Chairman of the district court shall be removed from office by the President of the Republic.

7. In respect of the removal from office of persons indicated in paragraphs 2, 3, 4, 5 and 6 of this Article the President of the Republic shall be advised by the Judicial Council, except the cases when the judge is appointed judge of the Constitutional Court of the Republic of Lithuania or member of the Government.

Article 82. Removal from Office of the Chairman of the Supreme Court, the Chairman of the Court of Appeal and the Chairman of a Division

1. The Chairman of the Supreme Court or the Chairman of the Court of Appeal may be removed from the position of the Chairman and judicial office by impeachment for a gross violation of the Constitution or a breach of oath also if it becomes known that he has committed a criminal offence.

2. The procedure of removal specified in paragraph 1 of this Article may be also applied to the Chairmen of divisions of the Supreme Court and of the Court of Appeal.

3. When impeachment is initiated by a resolution of the Seimas in respect of the person indicated in paragraphs 1 and 2 of this Article, his powers shall be suspended until a decision is reached during the impeachment procedure in the Seimas. When the Seimas does not approve impeachment, the powers of this person shall be renewed and he shall be reimbursed for the period of suspension of his powers.

CHAPTER IX

LIABILITY OF JUDGES, THEIR DISMISSAL AND REMOVAL FROM OFFICE, ASSESSMENT OF THE JUDGES' ACTIVITIES

SECTION ONE

LIABILITY OF JUDGES

Article 83. Disciplinary Liability of Judges

1. A disciplinary action shall be brought against a judge by the Judicial Court of Honour.
2. A disciplinary action may be brought against a judge
 - 1) for an action demeaning the judicial office;
 - 2) for violation of other requirements of the Code of Ethics of Judges;
 - 3) for non-compliance with the limitations on the work and political activities of judges provided by law.
3. An act demeaning the judicial office shall be an act incompatible with the judge's honour and in conflict with the requirements of the Code of Ethics of Judges whereby the office of the judge is discredited and the authority of the court is undermined. Any misconduct in office - negligent performance of any specific duty of a judge or omission to act without a good cause shall also be regarded an act demeaning the office of a judge.

Article 84. Instituting a Disciplinary Action

1. A disciplinary action may be instituted against a judge immediately after at least one of the violations specified in Article 83, paragraph 2 comes to light but not later than within three months from the day when this violation came to the notice of the Judicial Ethics and Discipline Commission which has the right to institute a disciplinary action. Excluded from this time period shall be the time when the judge was absent from work due to ill health or a vacation.
2. A disciplinary action may not be instituted after a lapse of more than three years from the moment of commission of the violation.
3. A disciplinary action may be instituted against a member of the Judicial Council or the Judicial Court of Honour only subject to the consent of the Judicial Council.
4. The Judicial Council, the Judicial Ethics and Discipline Commission and the Chairman of the court where a judge is employed or the Chairman of any court of a higher level or any person knowledgeable of the action provided for in paragraph 2 of Article 83 of this law shall have the right to make a motion for instituting a disciplinary action. The party having the right to make a motion for instituting a disciplinary action shall submit a reasoned petition for bringing a disciplinary action against the judge to the Judicial Ethics and Discipline Commission.
5. A disciplinary action against Chairmen, Deputy Chairmen of courts, Chairmen of court divisions and other judges may be instituted by the Judicial Ethics and Discipline Commission. If a motion for instituting a disciplinary action is made by a member of the Judicial Ethics and Discipline Commission, the issue in respect of instituting a disciplinary action shall be considered by the Judicial Ethics and Discipline Commission without participation of this member.

6. The instituted disciplinary action shall be transferred to the Judicial Court of Honour. Refusal to institute a disciplinary action shall be communicated to the party that has made a motion to institute a disciplinary action.

7. Where a disciplinary action is instituted against a judge in respect of a concrete case he is hearing, he shall be disqualified from the hearing.

Article 85. The Judicial Ethics and Discipline Commission

1. The Judicial Ethics and Discipline Commission shall be an institution of judicial self-governance deciding the issues of instituting a disciplinary actions against judges.

2. The Judicial Ethics and Discipline Commission shall be composed of seven members. Two members of the Commission shall be appointed by the President of the Republic, one candidate to the commission shall be appointed by the Speaker of the Seimas, four candidates – by the Judicial Council. The President of the Republic and the Speaker of the Seimas shall appoint members of the public to members of the Commission. The Judicial Council shall approve the Chairman of the Commission from the appointed members of the Judicial Ethics and Discipline Commission. A member of the Judicial Ethics and Discipline Commission may not be a member of the Judicial Council, an official having the right of initiative to institute disciplinary action, a member of the Judicial Court of Honour as well as the judge on whom the disciplinary penalties have been imposed.

3. The decision of the Judicial Ethics and Discipline Commission shall be considered adopted if voted for by not less than 4 members of the Commission.

4. The activities of the Judicial Ethics and Discipline Commission shall be regulated by the Rules of the Judicial Ethics and Discipline Commission approved by the Judicial Council.

5. The term of office of a member of the Judicial Ethics and Discipline Commission shall expire when:

1) his term of office as the judge expires;

2) the term of office to which he was appointed member of Judicial Ethics and Discipline Commission expires;

3) he resigns on a voluntary basis from the office of the Judicial Ethics and Discipline Commission;

4) the decision of the Judicial Court of Honour to impose a disciplinary penalty on him becomes effective;

5) he is withdrawn from his post in the Judicial Ethics and Discipline Commission.

6. A member of the Judicial Ethics and Discipline Commission shall be withdrawn from his post as the Judicial Ethics and Discipline Commission member if the entity which appointed him adopts a well-reasoned decision that the member of the Commission fails to perform the functions of the member of Judicial Ethics and Discipline Commission assigned to him.

Article 86. Decisions of the Judicial Court of Honour

After review of a disciplinary action the Judicial Court of Honour may, by its judgement:

- 1) dismiss a disciplinary action because of the absence of grounds for disciplinary liability;
- 2) dismiss a disciplinary action because of lapse of time;
- 3) limit itself to the review of a disciplinary action;
- 4) impose a disciplinary sanction.

2. The Judicial Court of Honour may, by its judgement:

1) suggest the President of the Republic or the Seimas to dismiss the judge from office according to the procedure established by law;

2) suggest to the President of the Republic to apply to the Seimas to institute impeachment proceedings against the judge.

3. When the President of the Republic or the Seimas refuses to apply disciplinary measures provided for in paragraph 2 of this Article, the Judicial Court of Honour shall restart the hearing of a disciplinary action and adopt one of the decisions pursuant to paragraph 1 of this Article.

4. A decision of the Judicial Court of Honour may, within ten days after its adoption, be appealed to the Supreme Court. Such appeals shall be heard by a judicial panel of three judges of the Supreme Court. An appeal may be filed by the judge and the party which instituted the disciplinary action.

5. A disciplinary action disposed by the Judicial Court of Honour shall be kept along with the judge's personal file.

6. The decisions adopted according to the procedure established by this Article which have become effective shall be published in disciplinary cases in a separate column of internet web site of the National Court Administration, except where this would prejudice state, official, commercial secret or the protection of the person's private life.

Article 87. Disciplinary Sanctions Imposed by the Judicial Court of Honour

1. The Judicial Court of Honour may impose one of the following disciplinary sanctions:

- 1) censure;
- 2) reprimand;
- 3) severe reprimand.

2. The Judicial Court of Honour shall notify the Judicial Council about the dispositions made.

Article 88. Effect of a Disciplinary Sanction

A disciplinary sanction imposed by the Judicial Court of Honour shall become effective ten days after it was imposed and shall be effective one year.

Article 89 shall be recognised as withdrawn.

SECTION TWO

DISMISSAL AND REMOVAL OF JUDGES FROM OFFICE

Article 90. Dismissal of the Judge

1. The judge shall be dismissed in the following cases:

- 1) upon his resignation;
- 2) when his term of office expires or when he reaches the retirement age under law;
- 3) by reason of health;
- 4) when the judge has been elected to another post or when he has been transferred to another job subject to his consent;
- 5) when he engages in conduct discrediting the office of judge;
- 6) when a judgement of his conviction becomes effective.

2. The judge may be dismissed by reason of his health only where, during one year he is ill for more than 120 calendar days in succession or for more than 140 calendar days during the last twelve months, or when he falls ill with an incurable or any other prolonged illness preventing him from discharging his duties as a judge.

3. A justice of the Supreme Court shall be dismissed by the Seimas on the motion of the President of the Republic.

4. A justice of the Court of Appeals shall be dismissed by the President of the Republic subject to the approval by the Seimas.

5. A justice of the Supreme Administrative Court shall be dismissed by the President of the Republic.

6. A judge of the regional court, the regional administrative court and the district court shall be dismissed by the President of the Republic.

7. In respect of the dismissal of the judge the President of the Republic shall be advised by the Judicial Council, except in cases when the judge is appointed justice of the Constitutional Court of the Republic of Lithuania or Member of the Government.

8. When a judge contests his dismissal from judicial office he shall be entitled to appeal, within one month from the day of his dismissal, to the Vilnius Regional Court.

Article 91. Removal of the Judge from Office

1. A justice of the Supreme Court and of the Court of Appeals may be removed from office by the Seimas in impeachment proceedings for a gross violation of the Constitution or a breach of the oath also if it comes to light that the judge committed a criminal offence.

2. Upon instituting impeachment proceedings at the Seimas by a resolution of the Seimas, the judge shall be suspended from office until the Seimas delivers a decision in impeachment proceedings. If the Seimas does not approve of impeachment, the judge shall be reinstated in office and shall be paid his salary due to him for the period of his suspension.

SECTION THREE

ASSESSING THE ASSESSMENT OF THE ACTIVITIES OF JUDGES

Article 91¹. Goals of Assessing the Activities of Judges

1. The activities of judges shall be assessed seeking to reveal the level of professional activities and skills possessed by the judges, also Chairmen of Courts, Deputy-chairmen of Courts, Chairmen of the divisions (hereinafter in this Section together referred to as judges), the capacities to use in practice theoretical knowledge and skills, to participate in the administrative work of the court and to organise it, to establish the strengths and weaknesses of the activities of judges and to promote them, to improve professional skills.

2. The results of assessing the activities of judges shall be used for the following purposes:

1) when organising adequate training of judges (establishing the trends of teaching, compiling and improving the programmes of teaching of the judges, tailoring teaching etc.);

2) objectively deciding the issues of promotion of judges and appointment for a new term of office of judges and Chairmen of courts, Deputy-chairmen of courts, Chairmen of the divisions, seeking to establish whether the judge who is a candidate to promotion or the Chairman of Court who is a candidate to a new term of office meets the requirements put to the candidate, as well as objectively comparing several candidates between one another;

3) promoting the improvement of the judge's qualifications;

4) developing the administration of courts.

Article 91². Types of Assessment of the Activities of judges

1. The types of assessment of the activities of judges shall be as follows:

1) periodical assessment of the activities of judges;

2) extraordinary assessment of the activities of judges.

2. The first assessment of the judge's activities shall be after the lapse of three years following his appointment to judge's office. Thereafter the activities of the judge shall be assessed periodically every five years.

3. The extraordinary assessment of the judge's activities shall be carried out when deciding on the promotion of the judge or Chairman of the court or Deputy-chairman of the court, Chairman of the division of the court or of his appointment for a new term of office, on the request of the judge himself or when the judge's operational weaknesses have been recurring.

Article 91³. Procedure for Assessment of the Activities of Judges

1. During the assessment of the activities of judges the judge's professional activities and personal qualities shall be assessed in a complex manner.

2. The procedure for assessment of the activities of judges shall be established by the Judicial Council.

3. The procedure for assessment of the activities of judges shall comply with the principle of legal certainty and efficiency, legitimate expectations and other principles specified in this Law, provide conditions for a comprehensive and objective assessment of the judges' professional activities. The legal acts regulating the assessment of the activities of judges shall, in addition to other provisions, state the following in a clear and exhaustive manner:

- 1) the periodicity of assessment of the activities of judges;
- 2) exhaustive framework of special assessment of the activities of judges;
- 3) entities entitled to initiate special assessment of the activities of judges;
- 4) assessment thresholds of the activities of judges;
- 5) methodology, duration and procedure of assessment of the activities of judges;
- 6) criteria of assessment of the activities of judges;
- 7) methods of obtaining the data required for assessing the activities of judges.

4. The assessment of the activities of judges shall be performed by the permanent commission for the assessment of activities of judges under the Judicial Council (hereinafter – the Assessment Commission). The Assessment Commission shall be formed for the term of office of the Judicial Council from seven members: three of them must be not judges. Four members of the Commission shall be elected from the judges by the Judicial Council, three shall be appointed by the President of the Republic. The activities of the Assessment Commission shall be serviced by the National Courts Administration.

5. The Chairman of the court, Deputy-chairman of the court or Chairman of the division, having initiated extraordinary assessment of the activities of the judge (hereinafter in

this Article - the initiator of extraordinary assessment), if he is a member of the Assessment Commission, has to withdraw from the assessment of activities of this judge. The initiator of the extraordinary assessment and the member of the assessment Commission, who participated in assessing the activities of this judge, may not adopt decisions on judicial promotion.

6. When assessing the activities of the judges, qualitative and quantitative professional performance indicators of the judge, his subject and character requirements, jurisdictional and non-jurisdictional activities of the judge must be taken into account.

7. The right to initiate the extraordinary assessment of the judges' activities shall rest with:

1) of the Chairman of the court – the Judicial Council, the Chairman of the court of the higher level or the Chairman of the court himself;

2) of the Deputy Chairman of the court – the Judicial Council, the Chairman of the court in which the judge to be assessed is employed, the Chairman of the court of higher level, his Deputy or the Deputy of the Chairman of the court himself;

3) of the Chairman of the section – the Judicial Council, the Chairman of the court in which the judge to be assessed is employed, his Deputy, the Chairman of the court of the higher level, his Deputy or the Chairman of the division or the Chairman of the division himself;

4) of other judges - the Judicial Council, the Chairman of the court in which the judge to be assessed is employed, his Deputy or Chairman of the division, the Chairman of the court of the higher level, his Deputy or the Chairman of the division or the judge himself.

Article 91⁴. Appealing against the

Results of Assessment of Activities of Judges

1. The judge, whose activities were subject to assessment, shall be acquainted against receipt with the results of assessment of his activities.

2. The judge, whose activities were subject to assessment shall be entitled to be acquainted within one month of the day on which he was acquainted with the activities assessment results to appeal against the results to the Judicial Council.

Article 91⁵. Use of the Results of Assessment

of Activities of Judges

1. If the assessment of the results of activities of judges shows the circumstances specified in subparagraph 2 of paragraph 1 of Article 81, paragraph 2 of Article 83, or subparagraph 5 or 6 of paragraph 1 of Article 90 of this Law, this may be grounds for starting a new separate investigation regarding the possibility

to start a disciplinary proceedings against the judge, to dismiss the judge or remove him from office according to the procedure established in Article 84, 90 or 91 of this Law.

2. The activities of assessing the judges' activities may be used without infringing on the rights of personal data protection, the requirements of protection of the state, official, commercial, professional and other secrets and requirements protected by law, and under other legal requirements or restrictions.

CHAPTER X

TRAINING AND IMPROVEMENT OF QUALIFICATIONS OF JUDGES AND JUDICIAL STAFF

Article 92. Types of Training for Judges

1. Initial training and obligatory in-service training shall be provided for judges.

2. Initial training shall be intended for persons who have been appointed judges to the district court for the first time, with a view to expanding their knowledge and building professional skills. Initial training for judges shall last at least a month before the judge assumes the duties of the judicial office.

3. Obligatory in-service training involving broadening special professional knowledge and skill building shall be aimed at by judges:

1) when they are given a promotion;

2) when they are appointed or transferred from a court of general jurisdiction to a court of special jurisdiction and also in other cases when the judge's qualifications undergo a change;

3) when regulation of public relations undergoes a fundamental change;

4) at least every five years starting from the period of previous training;

5) in other cases when appropriate.

Article 93. Organisation of Training of Judges

1. Training of judges shall be organised, programmes and methodological materials shall be developed by the Judicial Council and the Ministry of Justice.

2. Programmes for training of judges, regulations on training tests and schedules, types of training, its scope and financing, other teaching-related documents shall be approved by the Minister of Justice subject to the approval of the Judicial Council.

Article 94. Financing of Training of Judges

1. Training of judges shall be financed by the State. For this purpose, funding under a separate programme shall be provided for the Ministry of Finance for the organisation of training of judges, development and publication of teaching materials and other training-related expenses.

2. Estimates of court expenses shall earmark funds for the planned training of judges making up at least 1.5 per cent of the allocations for judges' salaries.

Article 95. Training of Court Staff

Training of the court staff shall be laid down by the Law on Civil Service. Under the Law on Civil Service, beside the Government or a body authorised by it, the Ministry of Justice shall also take part in the development and management of programmes for the improvement of professional qualifications and training, organisation of the improvement of professional qualifications and training of the court staff.

CHAPTER XI JUDGES' SOCIAL GUARANTEES

Article 96. Judges' Remuneration

1. Judges' remuneration shall be established by law.

2. During the judge's tenure it shall be prohibited to reduce his remuneration, with the exception of cases provided by this Law, or any other social guarantees.

Article 97. Judge's Record of Service

1. The judge's record of service shall be calculated from the day of his appointment to any judicial office.

2. For the purpose of calculating additional payment for the judge, duration of his annual leave and the amount of his pension, the record of the judge's service shall also include his work as a justice of the Constitutional Court of the Republic of Lithuania, a prosecutor, a deputy prosecutor, an investigator of the prosecutor's office, an officer in charge of preliminary investigations, a state arbitrator, his work in the civil service and for persons having academic degrees of Doctor of Doctor Habil. in Social Sciences (Law), the academic record of service.

Article 98. Judge's Leave

1. Judges shall be entitled to the annual leave of 28 calendar days. Judges having a period of service in judicial office over five years shall be granted an additional calendar day for each subsequent year of service; however, the aggregate duration of the annual leave of the judge may not be longer than 56 calendar days.

2. In addition to the leave laid down by this Law the judges shall also have the right to the special leave and unpaid leave laid down by the Labour Code.

3. In exceptional cases the judge may with his agreement be recalled from his leave. The annual leave that has not been used shall be granted to the judge at some other time.

4. A leave for up to one year may be granted to the judges, Chairmen of Court divisions, the Deputy of the Chairman of the Court by the Chairman of the Court for improving the qualifications and to the Chairmen of Courts the leave may be granted by the President of the Republic. In this case the judge shall be left a post held before that but the set remuneration shall not be paid; the time for improvement of qualifications shall be counted in the judge's service period. The judge shall be entitled to use his leave for improving his qualifications once in five years.

5. A judge shall be granted for up to 5 working days of relocation leave for being transferred to another post in another residential area as specified in Articles 63 and 64 of this Law.

6. A leave for Chairmen of other courts shall be granted by the President of the Republic.

7. The Deputy of the Chairman of the court, the Chairman of a division and other judges shall be granted leave by the Chairman of the appropriate Court.

Article 99. State Social Insurance of the Judges

Judges shall be subject to compulsory state social insurance following the procedure established by the Law on State Social Insurance.

Article 100. Judicial Pensions

1. A person whose aggregate period of service as a judge, a justice of the Constitutional Court of the Republic of Lithuania, a prosecutor, a deputy prosecutor, an investigator of a prosecutor's office, a state arbitrator, or a civil servant, having a degree of Doctor or Habil. Doctor of Social Sciences (Law) and a record of academic service of 20 or more years and who worked for the last five years prior to retirement as a judge or whose record of judicial service is 15 or more years and who attained the old-age retirement and whose term in judicial office has expired shall be paid a judicial pension in the amount of 45 per cent of the salary in his last judicial office. The pension shall be paid from the State budget.

2. The sum of the pensions provided for in this Law and the state social insurance pension may not be in excess of 1.5 of the average national monthly wages as published by the Department of Statistics of the last but one quarter prior to the month for which the pension is paid. Limitation of the pension shall be within the competence of the paying institution following the procedure established by the Government.

3. A judicial pension shall not be allocated, and the allocated pension shall not be paid:

1) where the judge's authority is terminated by way of impeachment proceedings;

2) he is dismissed from judicial office because he has, by his conduct, compromised the dignity of judicial office;

3) a judgement of conviction in respect of him becomes effective.

4. A justice of the Constitutional Court of the Republic of Lithuania who served the term stipulated in the Constitution of the Republic of Lithuania, whose term in office has expired and who is entitled to a state social insurance pension shall be paid a judicial pension amounting to 45 per cent of his salary as a justice of the Constitutional Court of Lithuania for the last full month. The amount of this pension and the pensions paid from the State budget and the State Social Insurance Fund may not exceed 1.5 of the national average monthly wages as published by the Department of Statistics of the last but one quarter prior to the month for which the pension is paid.

Article 101. Other Social Guarantees for Judges

1. A judge who is dismissed from office for health reasons or on reaching the pensionable age or when his term in office expires, shall be paid a severance pay in the amount of the average two-months remuneration. A person who is dismissed or removed from judicial office through his fault shall not be paid a severance pay.

2. Repealed

3. A judge who is appointed to a court of a lower level in the case specified in Article 45, paragraph 5, shall be paid his previous remuneration for three months.

4. A judge who is transferred to another court of the same level under Article 63 paragraph 4 shall be compensated according to the procedure established by the Government the transfer expenses.

5. Repealed

6. Judges shall be provided an opportunity to expand, at state expense, their knowledge necessary for holding judicial office and attaining higher professional qualifications.

7. Laws may also provide for other social guarantees for judges.

PART IV

ADMINISTRATION IN COURTS AND COURT SELF-GOVERNANCE

CHAPTER XII

ADMINISTRATION IN COURTS

SECTION ONE

POWERS OF CHAIRMEN, DEPUTY CHAIRMEN OF COURTS AND CHAIRMEN OF COURT DIVISIONS IN THE SPHERE OF ADMINISTRATION

Article 102. General Provisions on Administration in Courts

1. Administration in courts shall consist in organisational activities of judicial officers (internal administration of the court) and supervision of the above activities performed by the officers provided under this Law (external Courts Administration).
2. Administration in courts may not violate the principle of self-governance of courts.
3. The regulations of administration in courts shall be approved by the Judicial Council.

Article 103. Internal Administration in the Court

1. The Chairman, the Deputy Chairman of the court and the Chairman of a division of the court shall be officers of court who shall, in accordance with the procedure prescribed by this Law and other laws and other legal acts, direct the organisational work of the court.
2. The Chairman of the court shall assign the judges to the divisions of the court, establish the specialisation of the judges for hearing cases of appropriate categories, appoint them to perform the functions of a mortgage judge, approve the structure of the court.
3. The Chairman of a division shall be responsible for functioning of the division of the court and a proper performance of the functions assigned to the division. In addition, the Deputy Chairman of the court and the Chairman of the division shall be responsible for the sphere of organisational work which is assigned to them by the Chairman of the court or which is provided for by this Law and other statutes.
4. The Chairman of the court shall organise and supervise administration at the court, control compliance with the requirements of the Code of Judicial Ethics. The Chairman of the court shall review complaints of the persons in respect of the non-procedural actions unrelated to the administration of justice, also in respect of the acts of the court staff and shall report to the interested parties the results of the review, shall eliminate the established shortcomings of the court, and perform other functions of court administration assigned to him.
5. The Chairman of the court shall personally perform administrative functions assigned to him, however, where necessary, he may direct the Deputy Chairman/Chairmen of the court, the Chairmen of the divisions and other judges to perform these functions.

Article 104. Supervision of Administrative Activities of Courts

1. Supervision of administrative activities shall be exercised:
 - 1) of district courts - by the Chairman of the relevant regional court;
 - 2) of regional administrative courts - by the Chairman of the Supreme Administrative Court;

3) of regional courts - by the Chairman of the Court of Appeals.

2. The Chairman of the court shall perform the functions of supervision of administrative activities assigned to him personally, however, where necessary, he may direct the Deputy Chairman/Chairmen, the Chairmen of the divisions and other judges of the court to perform these functions.

Article 105. Acting in Place of the Chairman of the Court

1. If the Chairman of a regional court, the Court of Appeals or the Supreme Court is unavailable, the Chairman of a division appointed by the Chairman of the court or the Chairman of a division with a longer period of judicial service shall act in his place unless the Chairman of the court has appointed a person to act in his place.

2. If the Chairman of a division is unavailable, a judge of this division appointed by the Chairman of the court, or a judge of this division with the longest period of judicial service in this court shall act in his place unless the Chairman of the court has appointed a person to act in his place.

3. If the Chairman of a regional administrative court or the Supreme Administrative Court is unavailable, the Deputy Chairman of the relevant court shall act in place of the Chairman. If the Chairman of a regional administrative court where there are two or more Deputy Chairmen has no Chairman is unavailable a Deputy Chairman appointed by the Chairman of the court or the Deputy Chairman with a longer period of judicial service in this court shall act in his place unless the Chairman of the court has appointed a person to act for him. If the Chairman of a regional administrative court where there is no position of a Deputy Chairman is unavailable, the Chairman of the Supreme Administrative Court shall appoint one of the judges of the court to act in place of the Chairman temporarily.

4. If the Chairman of a district court is unavailable the Deputy Chairman of the court shall act in place of the Chairman. If the Chairman of a district court where there are two or more Deputy Chairmen is unavailable the Deputy Chairman appointed by Chairman of the court or the Deputy Chairman with a longer period of judicial service in the court shall act in place of the Chairman unless the Chairman of the court has appointed a person to act in his place. If the Chairman of a district court where there is no Deputy Chairman is unavailable one of the judges of the district court appointed by the Chairman of the appropriate regional court shall act in place of the Chairman temporarily.

SECTION TWO STRUCTURE OF THE COURT

Article 106. Administration of the Court

1. The Court Chairman shall be the head of the court as the state authority and budget authority.

2. The Court Chancellor shall be career civil servant subordinate to the Chairman of the court. The Court Chancellor shall direct the court administration.

3. The Court Chancellor shall:

1) coordinate and control the activities of the administrative units of the court, ensure the optimal management and use of financial, material, intellectual and information resources in implementing the strategic action plans of the court;

2) organise and coordinate the drafting and implementation of strategic action plans of the court;

3) approve the regulations of administrative units of the court, the list of posts and description of posts of civil servants and employees employed under employment contracts and receiving remuneration from the state budget (hereafter referred to as employees), according to the model lists and descriptions of posts approved by the Judicial Council ;

4) appoint to office or dismiss from office according to the procedure established by laws civil servants and employees of administrative units of the court, also promote them, impose on them official or disciplinary penalties, award benefits;

5) perform other functions assigned to him by laws, other legal acts and the Chairman of the Court.

4. In the absence of the Court Chancellor the Chairman of the Court shall instruct one of the heads of the administrative units of the court to perform all or part of his functions, except for the functions related to the management and use of appropriations.

5. The description of the post of the Court Chancellor shall be approved by the Chairman of the Court according to the model description of the post of the Court Chancellor approved by the Judicial Council.

Article 107. Structure of the Court Administration

1. The structure of administration of each court shall comprise an office, the records office, the accounting department (the financier), and the maintenance division (the house administrator). A court may have separate offices of the court divisions, the unit of analysis of court practice and/or unit of summing up, the court reception, library, divisions of information, codification as well as other structural units. Each court shall have a person responsible for public relations, a Lithuanian language specialist and secretaries of the court meetings.

2. Where the court has no court reception, the procedure of reception of residents, their complaints, appeals, applications not related to the specific cases investigated at the time, the procedure of informing the people by telephone shall be established. The administrative procedures

for investigating complaints and appeals shall be established by the Law on Public Administration and Government resolutions.

3. The structure of the court administration shall be approved by the Court Chancellor according to model descriptions of court structure approved by , the list of positions of the staff and their job descriptions shall be approved by the Chairman of the court in accordance with the model descriptions of the structure of courts approved by the Judicial Council.

Article 108. Civil Servants and Employees of the Court

1. Civil servants of the court shall comprise:

1) persons directly assisting judges in performing the assigned duties, analysing and summing up court practice;

2) other civil servants.

2. The status of civil servants of the court shall be defined by the Law on Civil Service and of the court employees – by the Labour Code.

Article 109. Repeal of the Article

Article 110. Repeal of the Article

Article 111. Repeal of the Article

Article 112. Repeal of the Article

CHAPTER XIII SELF-GOVERNANCE OF COURTS

SECTION ONE GENERAL PROVISIONS

Article 113. The Concept of Court Self-governance

Self-governance of courts shall be, in accordance with the Constitution of the Republic of Lithuania and other statutes, the right and real power exercised by the judges and courts in deciding freely and independently, on their own responsibility, the issues pertaining to the activities of courts.

Article 114. The System of Court Self-governance

1. The system of court self-governance shall be composed of:

- 1) the general meeting of judges;
- 2) the Judicial Council;
- 3) the Judicial Court of Honour.

2) The Judicial Council and the Judicial Court of Honour shall be accountable for their activities to the General Meeting of Judges.

3. The National Courts Administration shall assist the institutions of the self-governance of courts to exercise their functions.

4. For the purpose of preparing and reviewing or making decisions on certain issues the Judicial Council may form permanent or ad hoc commissions.

Article 115. Voluntary Organisations of Judges

The judges may freely form and join into associations of judges or any other non-political organisations representing the interests of the judiciary.

SECTION TWO

GENERAL MEETING OF JUDGES

Article 116. General Meeting of Judges

1. The general meeting of judges shall be the highest institution of the self-governance of courts.

2. All the judges of Lithuania shall participate in the general meeting of judges.

Article 117. Competence of the General Meeting of Judges

1. The General Meeting of Judges shall:

- 1) approve the Regulation of the General Meeting of Judges;
- 2) approve the Code of Judicial Ethics;

3) elect and recall members of the Judicial Council who are members of the Judicial Council not by virtue of their office;

4) hear a report about the activities of the Judicial Council;

5) hear a report of the Judicial Court of Honour;

6) consider and take decisions on other issues related to the activities of courts.

Article 118. Preparation, Agenda of and Decision Making by General Meeting of Judges

1. An ordinary session of the General Meeting of Judges shall be held, as a rule, on the first Friday of March at least once every two years.
2. When necessary, an extraordinary session of the General Meeting of Judges may be convened at the initiative of the Judicial Council or of one-third of all the judges of Lithuania.
3. A draft agenda of the General Meeting of Judges shall be mailed to the judges and the date of the extraordinary session of the General Meeting of Judges shall be communicated to the judges not later than one month before the session.
4. The General Meeting of Judges shall have legal force provided more than one half of all judges of Lithuania take part in it.
5. The General Meeting of Judges shall be opened by the Chairman of the Judicial Council. He then shall hand over the powers of presiding at the meeting to the Chairman of the session elected by the Meeting.
6. Decisions of the General Meeting of Judges shall be adopted by a simple majority of the judges present. Decisions may be adopted by secret ballot subject to the decision of the Meeting. The decisions of the General Meeting of Judges shall be signed by the Chairman and Secretary of the session.
7. The decisions of the General Meeting of Judges shall be executed by the institutions of the self-governance of courts, the judges and the National Courts Administration.

SECTION THREE

THE JUDICIAL COUNCIL

Article 119. The Judicial Council and its Composition

1. The Judicial Council shall be an executive body of the self-governance of courts ensuring independence of courts and judges.
2. The Judicial Council shall be composed of 21 members:
 - 1) by virtue of their office - the Chairman of the Supreme Court, the Chairman of the Court of Appeals, the Chairman of the Supreme Administrative Court;
 - 2) Judges elected by the General Meeting of Judges: three from the Supreme Court, the Court of Appeals, the Supreme Administrative Court each, three from all regional courts, three from all regional administrative courts and three from all district courts. The candidates shall be nominated and elected during the General Meeting of Judges by the representatives of the relevant courts.
3. A judge whose period of service in judicial office is less than five years or on whom disciplinary penalty has been imposed may not be elected a member of the Judicial Council.
4. The term in office for the member of the Judicial Council shall be four years.

5. The Chairman of the Judicial Council, the Deputy Chairman and secretary shall be elected by secret ballot for two years from the Judicial Council members . The first session of the new Judicial Council shall be opened by the judge serving the longest term as the judge. The judge shall organise the election of the Chairman of the Judicial Council.

6. The term of office of the judge shall expire when:

1) his term of office as the judge expires;

2) the term of office to which he was appointed member of Judicial Council expires;

3) he voluntarily resigns from the Judicial Council;

4) the decision of the Judicial Court of Honour to impose on him a disciplinary penalty becomes effective (except for the Chairmen of the Supreme Court, the Court of Appeals, the Supreme Administrative Court; they are *ex officio* members of the Judicial Council);

5) he is withdrawn from his post as Judicial Council member (except for the Chairmen of the Supreme Court, the Court of Appeals, the Supreme Administrative Court; they are *ex officio* members of the Judicial Council).

7. A Judicial Council member shall be withdrawn from the Judicial Council when the General Meeting of Judges makes a reasoned decision that the judge fails to perform the functions of the Judicial Council member assigned to him.

Article 120. Competence of the Judicial Council

The Judicial Council shall:

1) elect by secret ballot the Chairman, Deputy Chairman and the Secretary of the Judicial Council;

2) approve the Rules of Procedure of the Judicial Council;

3) give an informed advice to the President of the Republic in respect of the appointment of judges, their promotion, transfer and removal from office;

4) give an informed advice to the President of the Republic in respect of the appointment and removal from office of Chairmen, Deputy Chairmen, Chairman of divisions of courts;

5) give an informed advice to the President of the Republic in respect of determining or changing of the number of judges in courts;

6) form the examination commission for the candidates to judges; approve the regulations of the examination commission for the candidates to judges, the programme of the examination;

7) approve the procedure of entering the candidates in the list of judicial vacancies at the district court and the procedure of entering the candidates in the register of persons seeking judicial office;

8) form permanent and ad hoc commissions and approve their regulations;

9) elect and appoint by secret ballot members of the Judicial Ethics and Discipline Commission, elect the Chairman of the Commission from all the Commission members and withdraw them on the grounds laid down by this Law; approve the regulations of the Judicial Ethics and Discipline Commission;

10) appoint by secret ballot members of the Judicial Court of Honour and withdraw them on the grounds laid down by this Law;

11) approve the regulations of the Judicial Court of Honour;ⁱ²

12) hear reports of the Judicial Ethics and Discipline Commission, reports on the activities of the Judicial Court of Honour;

13) be entitled to propose instituting a disciplinary action against a judge;

14) approve the description of assessment of the judges' activities and the regulations of the Permanent commission of assessment of the judges' activities, consider complaints regarding the results of assessment of the judges' activities;

15) form the Permanent Commission for the Assessment of the Judges' Activities;

16) set the procedure and grounds for establishing the judges' specialisation, approve the regulations of the distribution of cases to judges and the regulations for forming the judicial panels;

17) approve the regulations of administration in courts, resolve other issues of administration in courts;

18) approve the regulations of organising the training of judges, the training programmes, the annual plans for improving the qualifications and qualification requirements to the lecturers;

19) approve model structures of district, regional and regional administrative courts, model lists of positions and job descriptions;

20) consider and approve proposals on draft investment programmes for courts and proposals for the budgets of courts and submit them to the Government;

21) hear the reports of the National Courts Administration on its activities;

22) every year not later than by 31 March publish in the internet web site of the National Court Administration a review of the court activities in the previous year;

23) convene the regular and, when necessary, extraordinary General Meetings of Judges;

24) co-operate with other institutions and organisations of Lithuania on the issues of court self-governance, administration and other issues relevant for the activities of courts;

25) co-operate with institutions of other countries and international bodies on the issues of court self-governance, administration and other issues relevant for the activities of courts;

26) have the right to receive from state institutions information required for performing the functions of judges;

27) decide other issues relating to court activities and relevant legislation.

Article 121. Meetings of the Judicial Council

1. A meeting of the Judicial Council shall be the main form of the activity of the Council. The meetings of the Council shall usually be held in the building of the Supreme Court

2. Meetings of the Judicial Council shall be convened, as a rule, once a month. When necessary, meetings may be convened on the initiative of the Chairman of the Council or of one-third of the members of the Council.

3. The materials relating to the issues to be considered during the Council meetings shall be circulated to all the members of the Council at least three days before the meeting of the Judicial Council.

4. Decisions of the Judicial Council shall be adopted by open ballot. The Council may, on its own motion, adopt decisions by secret ballot.

5. A decision of the Judicial Council shall be adopted upon getting the approval of more than a half of all the members of the Judicial Council.

6. The decisions of the Judicial Council shall be signed by the Chairman and the Secretary of the Council.

7. The procedure of the work of the Judicial Council shall be established by its Rules of Procedure.

8. The meetings of Judicial Council shall be public.

SECTION FOUR JUDICIAL COURT OF HONOUR

Article 122. Judicial Court of Honour

1. The Judicial Court of Honour shall be the body of judicial self-governance hearing disciplinary cases of judges and petitions of judges against defamation.

2. The Judicial Court of Honour shall be formed for four years and shall consist of nine members. The Supreme Court, the Court of Appeals and the Supreme Administrative Court shall each appoint two members to the Judicial Court of Honour. Three members shall be elected by the Judicial Council to the Judicial Court of Honour from all regional administrative courts, regional courts and district courts. Usually at least two candidates shall be nominated to a vacancy of a member of the Judicial Court of Honour. A member of the Judicial Council or an entity having the right of initiative to institute a disciplinary action, a member of the Judicial Ethics and Discipline Commission as well as the judge on whom disciplinary penalty has been imposed may not be elected a member of the Judicial Court of Honour. Members of the Judicial Court of Honour shall elect the Chairman and Deputy Chairman of the Judicial Court of Honour.

3. A meeting of the Judicial Court of Honour shall be valid if attended by not less than seven members of the Judicial Court of Honour. The decisions of the Judicial Court of Honour shall be taken by a simple majority vote of the members of Judicial Court of Honour attending the meeting. If there is a tie, the decision voted in favour of by the Chairman of the Judicial Court of Honour shall be deemed adopted.

4. The Judicial Court of Honour shall hear the cases publicly except where this would prejudice state, official, commercial secret or the protection of the person's private life. The operative parts of the decisions adopted by the Judicial Court of Honour after a not public hearing of the case shall be in all cases publicised.

5 The information about the issues to be considered at the sessions of the Judicial Court of Honour shall be published in the internet web site of the National Court Administration not later than 3 working days before the session. Information about the decisions adopted by the Judicial Court of Honour shall be published in the internet web site of the National Court Administration within 10 days after the session.

6. The term of office of the member of the Judicial Court of Honour shall expire when:

- 1) his term of office as the judge expires;
- 2) the term of office to which he was appointed member of the Judicial Court of Honour expires;
- 3) he voluntarily resigns from the Judicial Court of Honour;
- 4) the decision of the Judicial Court of Honour to impose on him a disciplinary penalty becomes effective;
- 5) he is withdrawn from his post as Judicial Court of Honour member.

7. The Judicial Court of Honour member shall be withdrawn from his post as Judicial Court of Honour member if the Judicial Council adopts a well-reasoned decision that the judge fails to perform the duties of the Judicial Court of Honour member assigned to him.

Article 123. Sessions of the Judicial Court of Honour

The Judicial Court of Honour shall hear disciplinary cases of judges and petitions of judges against defamation in accordance with the provisions of this Law and the Statute of the Judicial Court of Honour. The Statute of the Judicial Court of Honour shall be approved by the Judicial Council.

SECTION FIVE

NATIONAL COURTS ADMINISTRATION

Article 124. National Courts Administration

1. The National Courts Administration shall be an institution funded from the budget, operating according to this Law, the Law on National Courts Administration and other legal acts.
2. The National Courts Administration shall implement the following tasks:
 - 1) help ensure the independence of courts and judges, the organisational autonomy of courts;
 - 2) ensure according to its competence close and reciprocal liaison of courts and the institutions of court self-governance;
 - 3) help the institutions of judicial self-governance implement the functions assigned to them;
 - 4) ensure, according to its competence, smooth formation of the corps of judges;
 - 5) organise and ensure a centralised material support of courts;
 - 6) ensure the provision of pensions for the judges;
 - 7) seeking to ensure effective and rational management and use of state funds, organise the drawing up of draft estimates of state budgetary programmes implemented by courts and drafting of estimates of programmes and carrying out of investment projects (investment programmes) for courts;
 - 8) develop and implement the strategy of the common information system ;
 - 9) seek the effective functioning of the court system of the Republic of Lithuania.
3. The National Courts Administration implementing its tasks shall perform the functions established in the Law on the National Courts Administration, other legal acts.

Article 125. Repeal of the Article

PART V FUNDING AND MATERIAL SUPPORT

Article 126. Funding of the Court System

Courts shall be funded from the State budget. Each court shall have its own expenditure estimate. In cases provided by law, the court system may be funded from other financial sources of the State.

Article 127. Drawing up and Consideration of the Budget

1. Budgets and investment programmes shall be drawn up by the appropriations managers - the courts.
2. Appropriation managers - the courts shall submit their proposals in respect of their budget drafts to the Judicial Council for consideration. The Judicial Council, following its approval of the proposals in respect of the submitted draft budgets, shall put them before the Government.
3. Paragraph 3 of Article 127 shall be repealed.

Article 128. Material Support for the Courts

1. Material support for the courts shall be organised and ensured, in accordance with the approved expenditure estimates, by the Court Chancellor. The National Courts Administration shall organise and ensure a centralised provision of the courts with the supplies and service needed.

2. The appropriations manager of the State investment projects intended for courts, except the investment specified in paragraph 5 of this Article, shall be the Ministry of Justice.

3. The Ministry of Justice in accordance with the description of the procedure approved by the Judicial Council and by the Minister of Justice shall prepare investment projects for courts, submit them to the Judicial Council for agreement and suggest to include them into the State Investment Programme.

4. The investment projects for courts, except for the projects specified in paragraph 5 of this Article, shall be implemented by the Ministry of Justice.

5. The National Courts Administration shall be the manager of investments related to information systems. The National Courts Administration shall implement the projects of investment, organise the development and uptake in courts of information systems, carry out the administration and improvement of these information systems.

6. Buildings and other property used by the courts and the National Courts Administration shall be owned by the State. The courts and the National Courts Administration shall manage, use and hold this property on trust. The property transferred to the courts and the National Courts Administration may not be taken without a prior consent of the Judicial Council.

7. In individual cases, the courts may rent premises for performance of their functions.

Article 129. Inspection of Economic and Financial Activities of Courts

1. Financial and performance audit shall be performed in courts according to the procedure established by laws and according to its remit by the State Control.

2. The internal audit shall be performed in courts according to the established procedure by the National Courts Administration.

PART VI SECURITY OF COURTS

Article 130. Ensuring Peace and Order in Courts. Security of Courts

1. Peace and order in courts shall be ensured by the police.

2. The number of the police officers appointed to ensure security of courts shall be established by the General Commissar of the Police taking into account the proposals of the Judicial Council.

3. The police which ensures security of courts shall be financed from the state budget allocations for the police.

4. The powers of the police officers who ensure security of the courts shall be established by law.

PART VII
FINAL PROVISIONS

Article 131. Entry into Force

This Law shall enter into force on 1 September 2008.

I promulgate this Law passed by the Seimas of the Republic of Lithuania

PRESIDENT OF THE REPUBLIC

ALGIRDAS BRAZAUSKAS