

Questionnaire relating to the *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Service Convention)*

Responding State:	Lithuania
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I. General Feedback

1. How does your State rate the general operation of the Service Convention?
(b) Good.
2. How does your State rate the useability of the HCCH [Practical Handbook on the Operation of the Service Convention](#)?
(b) Good.
3. Does your State's Central Authority have a manual or electronic case management register or system that is used to track incoming requests under the Service Convention?
(b) Yes – electronic for incoming and outgoing.
4. If your State's Central Authority has oversight for all outgoing requests, please indicate if there is a system used to track the progress of these.
(c) No.

II. Scope of the Convention

5. In the previous five years*, has your State experienced any difficulties in interpreting the scope of the Service Convention?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

A. Extrajudicial documents

6. Is the concept of "extrajudicial documents" (Art. 17) defined in the internal law of your State?
(b) No.

7. What types of extrajudicial documents are **transmitted** under the Service Convention by your State?

“Advance notice regarding claim of child support, an invoice, an eviction notice, etc. Note as regards concept of “extrajudicial documents”: according to EU Service Regulation 2020/1784, which applies directly within EU Member states, “the term ‘extrajudicial documents’ should be understood to include documents that have been drawn up or certified by a public authority or official, and other documents of which the formal transmission to an addressee residing in another Member State is necessary for the purposes of exercising, proving or safeguarding a right or a claim in civil or commercial law.”

III. Operation of the Convention

Requesting State refers to the State from which a request for service is, or will be, issued.

Requested State refers to the State to which a request for service is, or will be, addressed.

8. As the **requested State**, does your State provide assistance to locate a person to be served under the Service Convention?

(The Special Commission, at its 2014 meeting, encouraged Contracting Parties to provide such assistance consistent with their legal and structural capabilities, when able to do so, see C&R No 23.)

(a) Yes.

“To the extent possible and subject to functional capabilities, the Chamber of Judicial Officers may provide such assistance.”

9. As the **requesting State**, how would your State transmit a document for service upon another State, a State official, or a State-owned company?

(b) The Service Convention would apply, through:

(i) Main channel of transmission (Art. 5);

(iv) Indirect diplomatic channel (Art. 9(2));

10. As the **requested State**, how is a request for service on your State, State official or State-owned company executed?

“No cases identified but, in general, the regular procedure applies: the Central Authority (MoJ) sends the documents to the Chamber of Judicial Officers of Lithuania which organises the service (appoints a judicial officer who serves the documents to the addressee).”

11. Does your State serve judicial and extrajudicial documents in the same way?

(a) Yes.

A. Main Channel of Transmission (Art. 5)

12. In your State, what are the authorities or who are the persons competent to forward a request for service to a foreign Central Authority?

(a) Courts / Tribunals.

(f) Central Authority(ies).

13. Do outgoing requests for service have to be transmitted through your State’s Central Authority?

(b) No.

14. As the **requested State**, when no particular method is requested by the applicant, what is the primary / default method of service? (Art. 5(1)(a))

(b) Personal service.

15. In the previous five years*, as the **requested State**, has your State **received** a request with a particular method of service requested by the applicant? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

15.1. If yes, what method of service was requested?

N/A

15.2. If yes, was the requested method of service able to be executed?

N/A

16. In the previous five years*, as the **requesting State**, has your State's forwarding authorities requested a particular method of service? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

16.1. If yes, what particular method of service was requested?

N/A

16.2. If yes, was the requested method of service able to be executed?

N/A

16.3. If yes, were there costs associated with this method of service?

N/A

B. Alternative Channels of Transmission (Arts 8, 9 & 10)

State of origin refers to the State in which proceedings are commenced and where the document to be served originates.

State of destination refers to the State where service is, or will be, effected.

1. Model Form

Use of the Model Form is mandatory for the main channel of transmission. The Special Commission, at its 2009 meeting, urged State Parties to widely encourage the use of the part of the Model Form containing the "Summary", accompanied by the "Warning" (see C&R No 31).

17. As the **State of origin**, does your State use the “Warning” and “Summary” sections of the Model Form when transmitting a request through alternative channels?

(e) Not applicable, due to the objection made on the use of alternative channels.

18. As the State of destination, does your State use the “Certificate” section of the Model Form when informing whether documents have been served (in response to a request received through alternative channels)?

(e) Not applicable, due to the objection made on the use of alternative channels.

2. Diplomatic and Consular Agents (Art. 8)

19. In the previous five years*, have the diplomatic or consular agents of your State directly effected service of judicial or extrajudicial documents upon a person abroad? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(d) Not applicable, due to the objection made

20. In the previous five years*, has service by diplomatic or consular agents of your State been rejected by the addressee? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(d) Not applicable, due to the objection made.

3. Diplomatic and Consular Channels (Art. 9)

21. In the previous five years*, has your State used consular channels to forward documents? (Art. 9(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

22. In the previous five years*, under exceptional circumstances, has your State used diplomatic channels to forward documents? (Art. 9(2))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

4. Postal Channel (Art. 10(a))

23. Has your State (as the **State of destination**) objected to service under Article 10(a)?

(a) Yes.

23.1. If an objection has been made under Article 10(a), does your State continue to use postal channels for service as the State of origin, despite the objection?

(b) No.

23.2. If no objection has been made, does your State, as the **State of destination**, accept the use of postal channels for service from other States of origin that have made an objection under Article 10(a)?

N/A

23.3. If no objection has been made, which of the following categories does your State recognise as a “postal channel” under Article 10(a).

N/A

23.4. If no objection has been made, more specifically, would your State consider service by e-mail to be analogous to service by postal channels under Art. 10(a)?

N/A

23.5. If no objection has been made, does your State require the documents served to be translated into one of your State’s official languages?

N/A

5. Judicial Officers, Officials or other Competent Persons (Art. 10(b))

24. Has your State objected to service under Article 10(b)?

(a) Yes.

24.1. If no objection has been made, which of the following categories does your State recognise as a “judicial officer, official or other competent person” under Article 10(b), either for sending or receiving?

N/A

24.2. If no objection has been made, how does this channel of transmission operate in practice?

N/A

24.3. If no objection has been made, are there costs associated with this channel of transmission?

N/A

6. Person Interested in a Judicial Proceeding (Art. 10(c))

25. Has your State objected to service under Article 10(c)?

(a) Yes.

25.1. If no, which of the following categories does your State recognise as “any person interested in a judicial proceeding” under Article 10(c), either for sending or receiving?

N/A

25.2. If no, how does this channel of transmission operate in practice?

N/A

25.3. If no, are there costs associated with this channel of transmission?

N/A

C. Refusal to Execute Request (Art. 13)

26. In the previous five years*, has your State refused a request for service on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

27. In the previous five years*, has a request from your State been refused on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

IV. Use of Information Technology

In 2019, the PB circulated a questionnaire on the use of information technology in relation to the operation of the Service Convention. That survey was concluded prior to the COVID-19 pandemic. The questions below seek information from Contracting Parties on the use of technology and in light of the pandemic.

28. Has your State taken any steps (including through legislation) to enable or increase the use of technology to facilitate the operation of the Service Convention, including in response to the COVID-19 pandemic?

(b) No.

29. Do the forwarding authorities of your State transmit requests under the Service Convention electronically?

(a) Yes.

29.1. If yes, what methods of transmission do the forwarding authorities of your State use?

(a) E-mail (regular).

30. Does your State’s Central Authority accept requests under the Service Convention transmitted electronically in circumstances where **only** an electronic copy is provided (and where a paper copy is not subsequently provided)?

(a) Yes.

30.1. If yes, what methods of transmission does your State accept?

- (a) E-mail (regular).
- (b) E-mail (secured / encrypted).

30.2. If no, please provide further information about why this is not yet possible.

N/A

31. Does your State permit execution of service via electronic means?

- (h) No.

31.1. If no, what are your State's reasons for refusing to execute the requests for service to be performed by using information technology?

- (g) Other.
"Electronic service is possible if the addressee has previously agreed to such method of service. In cases with a foreign element (incoming requests), it is generally not possible to obtain such prior consent. Therefore, even if the request and documents have been received electronically, the documents to be served shall be printed and served on paper."

32. What challenges, if any, has your State faced regarding the use of information technology under the Service Convention?

- (b) Internal law limitations.
- (c) Judicial or administrative structures.
- (f) System interoperability / compatibility.
- (g) Security concerns.

33. In your State's opinion, what further work could the PB do on the use of information technology under the Service Convention?

- (b) Development of a Guide to Good Practice.

34. In addition to the Service Convention, is your State a Party to any bilateral, regional, or multilateral agreements that provide rules for the service of documents abroad?

- (a) Yes.

For Parties that answered "yes" to Q34 above:

34.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or execute requests for service?

- (a) Yes.
"EU Service Regulation 2020/1784"

V. 2023 Meeting of the Special Commission & Monitoring

35. What are the three key topics or practical issues related to the Service Convention that your State would like discussed at the 2023 meeting of the Special Commission?

1. *“Information on the procedures and duration of service in the requested State. The requested authority executes the request based on the methods and procedure established by its internal law. However, the requesting authorities do not know what the procedure for the execution of such requests applies in the requested state, therefore, the time limit within which the submitted request can be executed is unclear. It is suggested to consider the question of how the institution submitting the request could be informed about the preliminary deadline for execution of service.”*
2. *“Efforts made by executing authority for a positive outcome of the execution of the request. Sometimes documents are returned because they are not served due to formal reasons, e. g. addressee was not found, but state registers were not checked (workplace, declared place of residence, etc.).”*
3. *“Long feedback on outcome of request. The duration of civil proceedings is affected by the long duration of service of documents.”*

35.1. Please indicate whether the information provided in Q35 above may be published.

- (a) Yes.

36. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Service Convention?

- (a) Yes.

“See answer to Q 35. In addition, the acknowledgment of receipt could be used every time. Since there were cases in practice when the service took one year or longer. The requesting authority had to double check with the central authority of the requested state whether the documents were received.”

36.1. If the answer to Q36 above is “yes”, please indicate whether the information provided may be published.

- (a) Yes.

37. The PB is in the process of revising the Service Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals you recommend for inclusion?

- (b) No.

37.1. If the answer to Q37 above is “yes”, please indicate whether the information provided may be published.

N/A

DATA & STATISTICS FOR CONTRACTING PARTIES

I. Statistics under Main Channel of Transmission (Art. 5)

A. Incoming Requests

1. How many incoming requests for service did your State receive under the main channel of transmission (Art. 5) in each of the following years?

2017	24
2018	30
2019	21
2020	51
2021	44
2022	34
Unknown – <i>please explain.</i>	
-	

2. Which three States made the most requests?

Requesting State	Number
Norway	83
United States of America	38
Ukraine	21

3. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017		x			
2018		x			
2019		x			
2020		x			
2021		x			
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i>					
-					

4. How many of these incoming requests for service did your State receive via **electronic transmission** in each of the following years?

2017	Not available (N/A)
2018	N/A
2019	N/A
2020	N/A
2021	N/A
2022	N/A
Unknown – <i>please explain.</i> <i>“Incoming requests are usually in paper form. But electronic form is also acceptable by the central authority. No precise number of received requests is available.”</i>	

5. How many incoming requests for service did your State **execute for service** via electronic means in each of the following years?

This is regardless of whether a paper copy of the documents was subsequently provided.

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> <i>“The Chamber of the Judicial Officers of Lithuania did not execute any requests via electronic means. See also answer to Q31.1.”</i>	

6. Are execution times for electronically transmitted requests for service generally faster than those transmitted by post?

(b) Yes, moderately faster.

B. Outgoing Requests

7. How many outgoing requests for service did your State make under the main channel of transmission (Art. 5) in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
<p>Unknown – please explain. <i>“The courts of the Republic of Lithuania (as requesting authorities) process data on cases in the Lithuanian Courts Information System (LITEKO). LITEKO’s automated statistical generation works on the basis of classifications of categories of cases and court procedural decisions. Unfortunately, there is no separate code for files relating to the Service Convention. Therefore, it is not possible to provide accurate data on the outgoing requests.”</i></p>	

8. Which three States were the subject of the most requests?

Requesting State	Number
United Kingdom	N/A
Russia	N/A
Norway	N/A

9. How many outgoing requests for service did your State make via electronic transmission under the main channel of transmission (Art. 5) in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
<p>Unknown – please explain. <i>“The same reasoning as for answer to Q7 applies.”</i></p>	

II. Statistics under Alternative Channels of Transmission

10. Does your State have statistics on incoming requests under alternative channels of transmission?

- (a) Yes, Article 8.
- (b) Yes, Article 9.
- (c) Yes, Article 10(a).
- (d) Yes, Article 10(b).
- (e) Yes, Article 10(c).
- (x) No, none of the above.

10.1. If yes, how many (total) incoming requests for service did your State receive under the alternative channels of transmission in each of the following years?

N/A

III. Refusals (Art. 13)

11. If applicable, please indicate how many incoming requests for service your State refused to comply with between 2017 and 2022?

"7 (no payment received)"

12. If applicable, please indicate how many outgoing requests for service transmitted by your State were refused between 2017 and 2022?

"It is not possible to provide accurate data due to reasons indicated in answer to Q7."

CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Service Convention since 2014 and provide a link to, or upload the decisions (in PDF format only).

"No information available."

II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

"In Lithuania, the Service Convention is implemented by: - the Law of Ratification (Lithuanian version: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.101975>) and - Section III of the Law of the Republic of Lithuania on the Implementation of European Union and International Law on Civil Procedure. (Lithuanian version: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.331603/asr>)"

PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.