



(Map source: Europa)

Lithuania



Population: 3 500 000 inhabitants
Surface area: 65 000 Km²
Capital: Vilnius
Currency: Litas
Official language: Lithuanian
Form of government: Republic
Membership in the EU: 2004
Membership in the UIHJ: 2001

The “Antstolis”

Who are the professional officers charged with the enforcement of court judgments, the service of writs, or with debt collection?

The “Antstolis” are judicial officers that hold a monopoly on the enforcement of judgments and instruments and writs of execution. They also hold a monopoly on formulating observations and legal findings. Furthermore, they are empowered to proceed to the service of judicial and extra-judicial writs and to engage in the amicable process of collection and judgment debt collections, as well as in public auction sales of personal possessions under distraint. They may offer legal advice and provide services of mediation in the performance of property obligations, making material ascertainties as well.

What is the status of these professional officers?

The judicial officers are appointed by the Minister of Justice. Independent professionals, they operate with a liberal status. The profession and admission to it are strictly regulated. The judicial officers operate under deontological, disciplinary, and professional constraints for which they are required to take out liability insurance coverage.

How are the judicial officers organised?

The judicial officers currently number assigned by Minister of Justice is 135. 132 judicial officers act, half of these (74) being

women. This coverage is inadequate to serve a number of rural areas. The judicial officers are not allowed to form associations amongst themselves but can draw on their common resources. The judicial officers are given a territorial competence that is attached to one or several district courts. The association of the judicial officers, “**Lietuvos Antstolių rūmai**”/The **Judicial officers Chamber of Lithuania** is self - governance of judicial officers and represents the profession at the national level.

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How can one join the profession?

Aside from being of an exemplary moral character, the candidate must hold a university degree (5 or 6 years of study). Traineeship is not mandatory but the candidate must have spent 5 years in a legal environment or one year as a deputy judicial officer. After having successfully passed the professional examination, the candidate is appointed by the Minister of Justice. Currently, a programme of continuous training for the judicial officers and for their assistants is in the process of establishment.



The enforcement of court judgments

Who is charged with the enforcement of court judgments in Lithuania?

The judicial officers exercise a monopoly on the service of writs and the enforcement of judgments and writs of execution.

Can one contact a judicial officer directly to have a court order enforced?

Yes. One is at liberty to choose a judicial officer but only the judicial officer possessed of the territorial competence in the district of the execution is entitled to proceed with the enforcement of a judgment.

Is the judicial officer empowered to enforce execution against the entire debtor estate?

The judicial officer may proceed to the enforcement of a judgment against the debtor's movable or immovable estate, tangible and intangible both.

Is the judicial officer responsible for carrying out the enforcement act?

It is the creditor who makes the decisions as to the enforcement measures that need to be executed, but it is the judicial officer charged with the enforcement procedure who is responsible for the actual execution of the order. In the event of problems during the enforcement procedure, the judicial officer can have recourse to the services of the public enforcement authorities.

Is it possible for the judicial officer to obtain personal information about the debtor and his estate?

The judicial officer has access to all records, both public and private: bank records, the Social Security register, records of movable and immovable possessions and property, registration of vehicles, and the like...

Who pays for the judicial officer's intervention costs?

It is the debtor who must assume the costs of the judicial officer's intervention, in keeping to a fixed rate scale. In case of the debtor's insolvency, the creditor will have to assume the expense.

The service of documents

Are judicial officers entitled to proceed to the service of writs?

The judicial officers are empowered to proceed to the service of judicial and extra-judicial writs, mainly in the legal context of the enforcement order. Outside of this context, the modalities of the service are not regulated.

What are the physical steps involved in serving a writ?

Within the legal context, the writ is presented physically to the addressee. By default of this person's presence, the writ can only be presented to a member of the latter's family over 18 years of age. In the event that nobody may or wants to accept the writ, a registered letter with request for notice of receipt is then sent to the addressee. If the latter has departed without leaving a forwarding address, a registered letter with request for notice of receipt is sent to the last known address. Outside of the legal

context, only a physical handing-over to the addressee or to a member of the latter's family is permitted.

What is the force in law of a writ?

The judicial officer draws up a report on the modalities and circumstances of the presentation, which confers upon the writ the status of an official document.

Does the judicial officer's intervention fall within the framework of the Council regulation (EC) N° 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters?

No, but changes as for this matter will take place with hope from the beginning of the 2008 and The Judicial officers Chamber of Lithuania will be the receiving agency according to the **Council regulation (EC) N° 1348/2000**.



Debt collection

Is the judicial officer empowered to proceed to the collection of debts?

The judicial officers are empowered to proceed to an amicable collection process or to the collection of any and all judgment debts. This activity represents an important aspect of the judicial officers' tasks.

Is it possible to contact a judicial officer directly for the purpose of collecting a debt?

Yes. It suffices to contact the judicial officer and hand over your documentation to him. He will take charge of the entire collection process. He will first attempt to reach an amicable settlement. In case of failure, he

shall proceed with all steps necessary to obtain a writ of execution, of which he subsequently will ensure the processing, either through his own devices if he possesses the territorial competence, or by submitting the documentation to a judicial officer possessed of the local competence.

How much will it cost a creditor to arrange the collection of a debt?

For an amicable collection process, the fees may be established freely in agreement with the creditor. In case of the collection of a judgment debt, the legally imposed rate will be applied.

Other areas of intervention

May the judicial officer arrange for sales by auction?

Yes, within the context of a sale of possessions under distraint.

May the judicial officer engage in formulating legal findings and observations, such as statements of facts?

Since the creation of the new profession (2003), the judicial officers have a monopoly on formulating legal findings and observations. This activity is rapidly gaining in importance within the profession.

May the judicial officer represent the parties before the courts?

No, except within the context of the enforcement procedure.

Is the judicial officer entitled to offer legal advice?

Yes.

Is the judicial officer entitled to engage in other activities?

No. When acting as a judicial officer, the person may not hold any other paid position at enterprises, agencies and organisations or be engaged in any other work, with the exception of service at the institutions of judicial officers' self-governance, or research, creative work or teaching.

