

REPUBLIC OF LITHUANIA LAW ON THE CONSTITUTIONAL COURT

Chapter 1 The Status of the Constitutional Court

Article 1. The Constitutional Court - a Court Institution

The Constitutional Court of the Republic of Lithuania shall ensure the supremacy of the Constitution of the Republic of Lithuania in the legal system as well as constitutional legality by deciding, according to the established procedure, whether the laws and other legal acts adopted by the Seimas are in conformity with the Constitution, and whether the acts adopted by the President or the Government of the Republic correspond with the Constitution and laws.

In cases provided in the Constitution and this Law, the Constitutional Court shall present conclusions to the Seimas and the President of the Republic.

The Constitutional Court shall be an independent court which executes judicial power according to the procedure established by the Constitution of the Republic of Lithuania and this Law.

Article 2. Laws on the Constitutional Court

The Constitution of the Republic of Lithuania and this Law shall establish the objectives, powers, and work procedure of the Constitutional Court.

Article 3. Rules of the Constitutional Court

Internal questions of the Constitutional Court, the rules of professional conduct of judges, the structure of the Court apparatus, clerical work, and other issues shall be regulated by the Rules of the Constitutional Court, as approved by the Constitutional Court.

Article 4. Composition and Procedure of Formation of the Constitutional Court

The Constitutional Court shall consist of 9 judges appointed for an unrenovable term of nine years.

Every three years, one third of the Constitutional Court shall be reconstituted. The Seimas shall appoint an equal number of judges to the Constitutional Court from the candidates nominated by the President of the Republic of Lithuania, the Chairperson of the Seimas, and the Chairperson of the Supreme Court; the procedure shall also be used upon the renewal of the composition of the Court. Upon the expiration of the term of office, judges shall continue their duties until new judges are

appointed.

The Seimas shall appoint the Chairperson of the Constitutional Court from among the judges thereof who are nominated by the President of the Republic of Lithuania.

Article 5. Constitutional Court Judge Candidates

Citizens of the Republic of Lithuania who have an impeccable reputation, who are trained in law, and who have served, for at least 10 years, in the legal profession or in an area of education related to his or her qualifications as a lawyer, shall be eligible for appointment to Constitutional Court judge.

Names of candidates to Constitutional Court judge shall be announced through the press prior to the consideration thereof in the Seimas.

The State and Law Committee of the Seimas shall, at a closed sitting, consider the candidates nominated to the Seimas to the post of Constitutional Court judge, and shall then present their conclusions to the Seimas.

Chapter 2

The Status of Constitutional Court Judges

Article 6. Requirements for Constitutional Court Judges

Judges of the Constitutional Court may not hold any other elected or appointed office, and may not be employed in any business, commercial or other private institution or company, with the exception of educational or creative work. They shall also be prohibited from receiving any remuneration other than the salary established for judges and payment for educational or creative activities.

Constitutional Court judges may not participate in the activities of political parties or other political organisations.

Constitutional Court judges may not be defense counsels or representatives of any company, institution, organisation or person.

Article 7. The Oath of the Constitutional Court Judge

Before beginning office, persons appointed to Constitutional Court judge shall take an oath in a sitting of the Seimas.
The established text of the oath shall be:

"I, (name, surname),

Swear to be faithful to the Republic of Lithuania;

Swear to honestly and conscientiously discharge the duties of the office of Constitutional Court judge;
Swear to defend the Constitutional order of the Independent State of Lithuania and to protect the supremacy of the Constitution, obeying only the Constitution of the Republic of Lithuania.

So help me God!"

The last sentence may be omitted from the oath.
The oath shall be administered by the Chairperson of the Seimas in a sitting of the Seimas.

The oath shall be administered in keeping with the regulations established for the procedure of administering the oath of Seimas members.

Constitutional Court judges who either do not take the oath in the manner prescribed by law, or who take a conditional oath, shall lose the powers of judge. The Seimas shall adopt a corresponding resolution thereon.

Article 8. Immunity of Constitutional Court Judges

The person of a Constitutional Court judge shall be inviolable.

Constitutional Court judges may not be found criminally responsible, may not be arrested, and may not be subjected to any other restriction of personal freedom without the consent of the Constitutional Court. Questions of consent to institute criminal proceedings against a Constitutional Court judge shall be considered only upon the motion of the Prosecutor-General.

Constitutional Court judges who are detained or delivered to a law enforcement institution without personal documents must immediately be released upon establishing their identity.

Entry into the residential or office premises of Constitutional Court judges, the inspection or search of, or making a seizure in such premises or the inspection or search of, or making a seizure in personal or service automobiles or other per personal means of communication, the bodily inspection or search of judges, and the inspection or seizure of their property or documents shall be prohibited unless criminal proceedings have been instituted against the Constitutional Court judge according to the established procedure.

Criminal cases in which the accused is a Constitutional Court judge shall be tried by the Supreme Court.

Constitutional Court judges may not be persecuted for their speeches or voting in the Constitutional Court.

The powers and rights of the Constitutional Court and its judges may not be abridged upon the declaration of war or state of emergency.

Article 9. Powers of Constitutional Court Judges

Constitutional Court judges shall have the right to participate in Constitutional Court sessions with the right of decisive vote, to be granted free access to all material and

documents submitted to Court sessions, and to exercise other rights provided for by this Law.

Constitutional Court judges shall propose issues for consideration at Constitutional Court sessions and shall prepare questions assigned to them.

Constitutional Court judges shall have the right to request that all state institutions and their officers, local government institutions and their officers, state and other companies, institutions, organisations, and citizens' associations submit any documents and information concerning the issue which is being prepared for Court hearing, as well as to receive the officers' explanations on all issues under examination.

Judges shall also have the right to summon and question witnesses and experts, to apply for consultations of specialists, to commission persons to carry out check ups, and to send inquiries.

Constitutional Court judges shall not have the right to publicly express their opinion concerning the main point of issues which are either under examination or have been adopted for examination in the Constitutional Court.

Article 10. Suspension of the Powers of Constitutional Court Judges

The powers of a Constitutional Court judge may be suspended on the decision of the Constitutional Court upon:

- 1) consent granted according to the procedure established by this Law to institute criminal proceedings against the Constitutional Court judge;
- 2) a resolution of the Seimas to initiate impeachment proceedings in the Seimas against the Constitutional Court judge after the findings of the special interrogatory commission; and
- 3) the declaration of the judge as missing by an effective court order.

Upon suspension of their powers, judges shall lose the rights established by Articles 9 and 15 of this Law.

When the grounds for suspension of the powers of a Constitutional Court judge cease to exist, the Constitutional Court shall, within three days, adopt a decision concerning the restoration of the judge's powers. If a decision is not adopted within the stated period, the powers of the Constitutional Court judge shall be considered restored from the day that the judge actually resumes his or her duties upon notifying the Chairperson of the Constitutional Court thereof by application.

Article 11. Termination of the Powers of a Constitutional Court Judge

The powers of a Constitutional Court judge shall be terminated:

- 1) on the expiration of the term of office;
- 2) upon the death of the judge;
- 3) upon voluntary resignation;
- 4) if the judge is incapable of fulfilling his or her duties for reasons of health, i.e. if in the course of one year the judge is

ill for more than four months, or if he or she falls ill with a fatal or other lingering disease which precludes him or her from discharging the duties of judge; and
5) upon being removed from office by the Seimas according to impeachment proceedings.

In the case prescribed by Par. 3 hereof, the decision concerning the termination of the powers of Constitutional Court judges shall be adopted by the Seimas on the recommendation of the Seimas Chairperson.

In the case prescribed by Par.4 hereof, the Seimas shall resolve issues concerning the termination of the powers of judges only when there is a corresponding decision of the Constitutional Court and the findings of the medical commission formed by the Minister of Health.

Article 12. Pecuniary Penalties

Disciplinary actions may not be brought against Constitutional Court judges. For failure to carry out the duties established in this Law or for nonattendance of Court sittings without good reason, a pecuniary penalty entailing the reduction of the judge's previous month salary by as much as 50 percent may be imposed on the judge upon the decision of the Constitutional Court.

Article 13. The Chairperson of the Constitutional Court

In addition to the duties of judge, the Chairperson of the Constitutional Court shall:

- 1) direct the work of the Constitutional Court;
- 2) direct the preparation of issues submitted to the Constitutional Court for examination;
- 3) convene and preside over sittings of the Constitutional Court;
- 4) propose issues to be examined by the Constitutional Court;
- 5) assign work to Constitutional Court judges;
- 6) submit the composition of the Constitutional Court apparatus and personnel to the Constitutional Court for approval, direct the work of the apparatus, and hire and dismiss the apparatus staff;
- 7) issue orders and directives; and
- 8) exercise other powers prescribed by this Law.

In resolving issues related to the work of the apparatus as well as other internal questions, the Chairperson shall issue orders; the Chairperson shall realise the procedural rights granted to him or her by issuing directives.

The Chairperson of the Constitutional Court shall manage the funds appropriated for the operation of the Constitutional Court.

Article 14. Acting for the Chairperson of the Constitutional Court

In the absence of the Chairperson of the Constitutional

Court or when he or she is not in the position to fulfill the duties of Chairperson, said duties shall be temporarily performed by a judge appointed by the Chairperson of the Constitutional Court.

In the absence of the Chairperson of the Constitutional Court or the judge appointed by him or her to carry out these duties, the office of Chairperson of the Constitutional Court shall be temporarily executed by the Constitutional Court judge with the longest term of service as lawyer.

Article 15. The Right of Constitutional Court Judges to Participate in Sittings of State Institutions

The Chairperson and judges of the Constitutional Court shall be entitled to participate in sittings of the Seimas of the Republic of Lithuania and of its committees and commissions, as well as in sittings of the Government, the Senate of Lithuanian Judges, the prosecutor's office, and other legal institutions.

Article 16. Social and Living Provision for Constitutional Court Judges

Constitutional Court judges shall be paid a salary which is 30 per cent more than the maximum salary of a Superior Court judge. The Chairperson or temporary Chairperson of the Constitutional Court shall be paid a salary which is 10 per cent more than the salary of a Constitutional Court judge.

Upon leaving office because of expiration of the term or resignation due to pensionary age or health, judges of the Constitutional Court shall be paid gratuity on discharge equaling 6 monthly salaries. Upon the death of a Constitutional Court judge, the benefit of the said amount shall be paid to his or her family. When the powers of a Constitutional Court judge are terminated on other grounds, he or she shall be paid a gratuity equaling 2 monthly salaries. Judges who are dismissed from office according to impeachment proceedings shall not be paid any gratuity upon discharge.

Pensionary provision for Constitutional Court judges shall be regulated by the Law on State Pensions and other laws of the Republic of Lithuania.

The Government shall assign living quarters in Vilnius for the term of office to Constitutional Court judges who either do not have living quarters in Vilnius or who live in Vilnius and are entitled to State aid in acquiring living quarters.

Upon the expiration of their term, with the exception of the cases when Constitutional Court judges are dismissed from office according to impeachment proceedings, judges must be assigned a job or office in a state institution, or, when this is not possible, another analogous job or office.

Chapter 3

Basic Rules of Legal Proceedings In the Constitutional Court

Section 1

Article 17. Legality and Independence of Constitutional Court Activities

In carrying out their duties, the Constitutional Court and its judges shall be independent of any state institution, person or organisation, and shall act only in accordance with the Constitution of the Republic of Lithuania.

The Constitutional Court shall obey only the Constitution of the Republic of Lithuania and laws which are in conformity with the Constitution.

Interference with the activities of a judge or the Constitutional Court by institutions of State authority and administration, the Seimas and its officers, political parties, political and public organisations, or citizens shall be prohibited and shall incur liability under law.

The Chairperson and judges of the Constitutional Court must immediately inform the Seimas of attempts to influence the Constitutional Court or any of its judges, and must publicize this through mass media.

Meetings, pickets, and other actions staged within 100 metres of the Constitutional Court building or in the Court itself and which are aimed at influencing a judge or the Court, shall be considered interference with the activities of the judges of the Court.

Article 18. Publicity of Constitutional Court Activities

Information concerning sittings of the Constitutional Court shall be declared on the premises of the Constitutional Court and announced in mass media through the Lithuanian News Agency (ELTA).

Constitutional Court sittings shall be open, and may be attended by citizens who are of age as well as by representatives of the press and other mass media. Persons who attend sittings in the Court room may make tape recordings, short-hand records or records of the hearing from their seats.

Taking photographs, filming, and making video recordings or television or radio broadcasts of hearings shall be permitted only upon the consent of the Constitutional Court.

The Constitutional Court may announce closed sittings provided that this is necessary for the safeguarding of a State, professional, commercial or other secret which is protected by law, or the security of a citizen or public morality.

If there are grounds to believe that during a sitting a threat may arise to the Court or the parties thereof, the Chairperson of the Constitutional Court may issue an order to the police to inspect the documents and belongings of persons entering the court room or to carry out bodily searches.

The Constitutional Court may remove persons interfering with the normal work of the Court from the court room.

The deliberation and voting of the judges of the Constitutional Court shall not be public, with the exception of cases provided for by this Law.

The ruling of the Constitutional Court shall always be announced publicly in the court room.

Article 19. Joint Activities of the Constitutional Court

The Constitutional Court shall jointly investigate cases and arrive at conclusions, provided that no less than two-thirds of all the judges of the Constitutional Court are participating.

In approving or amending the Rules of the Constitutional Court, or in resolving other internal issues, Constitutional Court sittings shall be legitimate provided that at least half of all the judges participate therein.

Rulings shall be passed by majority vote of at least half of the judges participating in the sitting. In the case of a tie, the vote of the Chairperson shall be decisive.

Article 20. The Language of the Court

In the Constitutional Court, legal proceedings shall be held and rulings shall be passed and announced in the Lithuanian language. Documents written in other languages shall be submitted and announced in their Lithuanian translation and after having been approved by a notary.

People participating in sittings who do not know Lithuanian shall be guaranteed the right to use a translator.

Article 21. Types of Constitutional Court Sittings

The Constitutional Court shall hold organizational and procedural sittings as well as court hearings. Sittings shall either be convened by the Chairperson of the Constitutional Court or held at the time set by the Constitutional Court.

The form of organizational and procedural sittings shall be free.

Concrete cases shall be tried in court hearings. These hearings shall be held according to the procedures established by this Law.

Article 22. Rulings and Decisions of the Constitutional Court

The Constitutional Court shall settle cases in essence by passing rulings. The Constitutional Court shall announce rulings in the name of the Republic of Lithuania.

In cases provided by this Law, the final act of the Constitutional Court shall be called the conclusions.

The Constitutional Court shall adopt decisions on individual questions which prevent a case from being settled.

The Constitutional Court shall adopt rulings, conclusions, and decisions in the deliberation room. Upon consultation and

without leaving to the deliberation room, the Constitutional Court may adopt a decision concerning simple issues as well as the imposition of penalties during a sitting. When such a decision is adopted, the Chairperson of the sitting shall immediately read it aloud and it shall be recorded in the sitting records.

Article 23. Organizational Sitzings of the Constitutional Court

Internal questions, issues of material investigation, and other issues shall be considered and settled in organizational sessions. The Chairperson and judges of the Constitutional Court shall propose issues for consideration. The Constitutional Court shall approve the agenda and schedule of sittings by its decision.

If necessary, scientists, specialists, and other persons shall be invited to organizational sittings.

Article 24. Preliminary Investigation of Material

Issues presented to the Constitutional Court for consideration must be preliminary investigated. The Chairperson of the Constitutional Court shall charge one or several judges with conducting the investigation upon setting the term for this work.

The Chairperson of the Constitutional Court shall evenly distribute the preparatory work to judges.

A judge, upon beginning the investigation of the material which is given, shall:

- 1) ascertain that the grounds established in Articles 69 and 80 of this Law for refusal to examine a petition or inquiry are not present;
- 2) ascertain that the grounds established in Articles 70 and 81 of this Law for the return of a petition or inquiry of the petitioner are not present; and
- 3) establish which issues must be clarified before the case is prepared for the sitting.

Article 25. Report of the Results of the Preliminary Investigation

Upon the carrying out of the preliminary investigation and necessary preparatory acts, a judge shall draw up a certificate with proposals and shall report it to:

- 1) the Chairperson of the Constitutional Court, in proposing to accept a petition or inquiry and begin the preparation of the case for a sitting of the Constitutional Court in the procedure established by Article 27 of this Law if the petition or inquiry is within the jurisdiction of the Constitutional Court and is in conformity with other requirements of this Law;
- 2) the Chairperson of the Constitutional Court, in proposing to return the petition or inquiry to the petitioner if the material

conforms to the conditions provided in Articles 70 and 81 of this Law; and

3) the procedural sitting of the Constitutional Court, in proposing to adopt a decision to refuse to examine the petition or inquiry if the material conforms to the conditions provided in Articles 69 and 80 of this Law.

In settling the issues provided in paragraphs 1 and 2 of the first part of this Article, the Chairperson of the Constitutional Court shall adopt decrees. If, due to the aforementioned issues, disagreements arise between a judge and the Chairperson of the Constitutional Court, such issues shall be referred to the procedural sitting of the Constitutional Court for the consideration and decision.

**Article 26. Suspension of Validity of Acts of the President
or Government of the Republic**

In cases when the Constitutional Court receives a motion of the President of the Republic to investigate the conformity of an act of the Government with the Constitution, or when it receives a resolution of the Seimas to investigate the conformity of an act of the President of the Republic or an act of the Government with the Constitution, the preliminary investigation of that material must be carried out within 3 days, and the issue of whether to accept the petition for a hearing in the Constitutional Court must be settled.

If the Constitutional Court adopts a decision to accept a petition for a hearing, the Chairperson of the Constitutional Court shall immediately give an official announcement about it either in "The News of the Seimas and the Government of the Republic of Lithuania" or in a special publication of the Seimas, or in newspapers through the Lithuanian News Agency (ELTA). In this announcement, the Chairperson must state the exact title of the act in question, the date of its adoption, and that, in accordance with Article 106 of the Constitution of the Republic of Lithuania, the validity of the aforementioned act is suspended from the day of its official announcement until the ruling of the Constitutional Court concerning this case is announced.

In cases when the Constitutional Court, having tried a case, adopts a ruling that the act in question is in conformity with the Constitution, the Chairperson of the Constitutional Court shall immediately make an official announcement about it in the publications mentioned in the second part of this Article. In this announcement, the Chairperson of the Constitutional Court shall state the exact title of the act in question, the date of its adoption, the main point of the ruling of the Constitutional Court concerning this issue, and that the validity of the suspended act shall be restored from the day that this ruling is announced.

**Article 27. Preparation of Cases for Sittings of the
Constitutional Court**

A case shall be prepared for a sitting of the Constitutional Court by the chairperson-appointed judge of the Constitutional

Court. Normally, this judge shall be the one who has carried out the preliminary investigation of the appropriate material.

The judge shall conduct the following activities:

- 1) in necessary cases, interrogate the petitioner or the petitioner's representative about the main points of the demands, hear the petitioner's arguments, and propose, if necessary, that additional evidence be presented;
- 2) in necessary cases, interrogate the person concerned or the person's representative about the circumstances of the case, ascertain the person's counter-arguments and available evidence, and, if necessary, propose that explanations concerning the case be presented in writing;
- 3) interrogate witnesses and decide whether or not to summon them to the Court;
- 4) request and obtain documentary and material evidence and other necessary material from persons, state institutions, and other organizations;
- 5) commission an examination, and summon and interrogate specialists who are impartial to the results of the case; and
- 6) carry out other actions which are necessary for the preparation of the case for the court hearing.

The case material - copies of the petition to verify the conformity of a legal act with the Constitution or laws, copies of legal acts under examination, copies of other received documents - must be sent to the parties to the case within 3 days of the beginning of the preparation of the case for the court hearing.

The judge, having carried out preparatory acts and considering the case to be adequately prepared, shall propose to pass a decision to assign the case for the hearing in the Court sitting during a procedural sitting of the Constitutional Court.

Article 28. Procedural Sittings of the Constitutional Court

The following issues shall be considered in procedural sittings of the Constitutional Court: issues concerning the acceptance of petitions provided in Article 26 of this Law; all cases of the refusal to examine a petition or inquiry; issues concerning the preparation of cases for hearing; and other issues of preparation for court hearings.

Having heard the report of the judge and having discussed the issue of the preparation of the case for the court hearing, the Constitutional Court shall pass one of the following decisions:

- 1) to assign the case for hearing in the Court sitting and appoint a court speaker;
- 2) to return the case for additional investigation; and
- 3) to refuse to hear the case in the procedure established in Articles 69 and 80 of this Law.

Minutes shall be taken during procedural sittings of the Constitutional Court.

Upon the invitation of the Chairperson of the Constitutional Court, scientists, specialists, and other necessary persons may participate in procedural sittings. With permission of the

chairperson of the sitting, said persons may speak on the issue.

Article 29. Terms of the Hearing of Appeals in the Constitutional Court

Upon receiving an appeal - a petition or inquiry - which is within the jurisdiction of the Constitutional Court and which is presented in the procedure established by this Law, the Constitutional Court must begin investigation within 7 days, i.e. commission a judge of the Constitutional Court to start the preliminary investigation.

The hearing of the case must be finished and the final ruling or conclusions passed within 4 months of the day the petition or inquiry is received by the Constitutional Court unless otherwise provided by the Constitutional Court.

Article 30. Limits of Court Hearings of the Constitutional Court

The Constitutional Court shall investigate and decide only legal issues.

Article 31. Persons Participating in Cases

The following persons shall be considered parties to the case:

the petitioner - the state institution, the group of Seimas members who are granted by law the right to apply to the Constitutional Court with a petition to investigate the conformity of a legal act with the Constitution or laws or to pass a finding, or their representatives;
the person concerned - the state institution which has adopted the legal act whose conformity with the Constitution and laws is under investigation or its representative; Seimas members or other state officers, the constitutionality of whose actions must be investigated due to impeachment proceedings which have been initiated against them in the Seimas or their representative; the President of the Republic, when conclusions are presented concerning his or her state of health or the President's representative.

The parties to the case shall have equal procedural rights. They shall have the right to get familiar with the material of the case, make extractions, duplicates, and copies from it, declare suspensions, provide evidence, participate in the investigation of evidence, question other persons, witnesses and experts participating in the case, make requests, give explanations, provide their own arguments and reasonings, and object to requests, arguments and reasonings of other persons participating in the case.

Article 32. Representation in the Constitutional Court

Parties to the case may conduct their cases in the Constitutional Court either personally or through their representatives.

According to the law, state institutions shall be represented by their heads, who shall present documents to the Constitutional Court which confirm their post. Groups of Seimas members shall choose their own representative (representatives) and indicate this representative in the petition which is signed by all appealing Seimas members; their signatures shall be confirmed by the Seimas Chairperson or deputy Chairperson.

At behest, representatives of the parties to the case in the Constitutional Court may be only advocates or persons possessing law degrees, or persons having legal experience in higher state institutions. An advocate's powers of attorney shall be approved by the warrant. Other persons shall be issued the powers of attorney by the heads of the institutions that they represent.

The head of the institution may also commission another employee of that institution for the representation of his or her institute by issuing that person the powers of attorney.

Article 33. Parties to the Action

In this Law, parties to the action shall be considered parties to the case, their representatives, witnesses, experts, invited specialists and interpreters.

Article 34. Evidence

Any facts shall be admitted as evidence on the basis of which the Constitutional Court states that there are circumstances which justify the requests or rebukes of the parties to the case or that there are no such circumstances.

These facts shall be established on the basis of explanations of the parties to the case, testimony of witnesses, documentary evidence, and findings of experts.

Each party to the case must prove the circumstances on the basis of which they make their requests and retorts.

Parties to the case shall present evidence. If there is not enough evidence, the Court shall propose that additional evidence be presented.

The Court shall accept only that evidence which prove circumstances which are of importance to the case for investigation.

It shall be not required to prove the circumstances which are recognized by the Constitutional Court to be publicly known.

Facts which are established by ruling of the Constitutional Court which have become legal in one case shall not be proved again in hearings of other cases.

Article 35. Assessment of Evidence

Evidence presented to the Constitutional Court shall have no obligatory force in advance.

The Court shall assess evidence in accordance with the inner conviction of judges which shall be based on the detailed, comprehensive and objective examination of the whole complex of the circumstances of the case in the Court sitting and in observance of the laws.

Article 36. The Witness

Any person who may know some circumstances related to a case may be a witness. A person summoned to be a witness must appear before the Court or the judge and must testify truthfully.

For failure to appear before the judge or the Court due to reasons which are recognized as unimportant by the Court, a penalty may be imposed on the witness; if the witness fails to appear at a sitting without a valid reason for a second time, he or she may be brought by force by the police.

For the refusal or avoidance of testimony, or for knowingly false testimony, a witness shall be liable in accordance with laws. Witnesses shall be warned about their liability in the sitting of the Constitutional Court and shall sign on.

Expenses related to the appearance of witnesses before the judge and their participation in sittings of the Constitutional Court shall be covered from the funds assigned to the Constitutional Court for those purposes.

Article 37. The Expert

A person having the required knowledge to provide findings may be appointed as an expert. If necessary, several experts may be appointed.

The judge who prepares the case for hearing shall have the right to ask questions to which the expert's findings must be provided, while each party to the case shall have such a right during the sitting.

These questions shall be finally determined by the Court. Upon the summons of the Court or a judge, a person appointed as expert must be in attendance and provide the objective findings on the questions posed.

Experts shall have the right to get familiar with the case material, to participate in the case hearing, to address witnesses and persons participating in the case with questions, and to ask for additional material.

Penalties may be imposed on experts for failure to attend upon the summons of the Court or a judge or for an unjustified refusal to provide the findings.

Experts shall be liable in accordance with criminal laws for providing the findings which are knowingly false. Experts shall be warned of this and shall sign on.

Experts shall be compensated for their work if the work is not obligatory to them by virtue of their office, as well as for other expenses incurred for participation in the sitting of the Constitutional Court from the funds assigned to the Constitutional Court for these purposes.

Article 38. Expert Findings

Expert findings shall be presented in writing and shall be set forth in the examination act which state the executed investigations, the findings made on their basis, and the reasoned answers to the questions posed by the Court.

If there are several experts, they shall deliberate among themselves before providing the findings. If the experts reach the common findings, that findings shall be signed by all of the experts. Experts who do not agree with other experts shall sign their own findings.

Expert findings shall have no obligatory force in advance.

Article 39. Compensation of Expenses Incurred by Parties to the Case

Expenses of the parties to the case related to attendance and participation in legal proceedings of the Constitutional Court shall be compensated by the institutions which they represent.

Article 40. The Right of the Constitutional Court to Impose Penalties

The Constitutional Court shall have the right to impose penalties when:

- 1) officials and persons, at the set time and without valid reasons, fail to fulfill the requirements of the Constitutional Court or its judge to present documents or material, to approve documents or texts of acts, or to carry out investigations;
- 2) without valid reasons, a witness or expert fails to attend, refuses to attend, or does not inform of their failure to appear before the Constitutional Court or the judge;
- 3) an expert, without valid reasons, refuses to provide the findings;
- 4) a party to the case, after being reprimanded once, speaks out of turn or insults participants of the sitting or the Court a second time; and
- 5) a person who is in the court room violates order or does not listen to the demands of the Chairperson of the sitting to maintain order.

The Constitutional Court shall have the right to impose a penalty on citizens and representatives of the parties to the case equalling up to one average monthly salary, and on officials - up to four average monthly salaries for each case of violation.

When violations stated in the first part of this Article are committed during a sitting, the decision of the Constitutional Court concerning the imposition of a penalty shall be passed immediately during the sitting. In other cases, the decision concerning the imposition of a penalty shall be passed after the investigation. In all cases, the decision of the Constitutional Court concerning the imposition of a penalty shall be entered into the record of the sitting where the name, surname, working place and address of the violator shall be stated.

The decision of the Constitutional Court concerning the imposition of a penalty (extract from the record of the sitting) shall be sent to the bailiff to conduct.

Article 41. Joining of Petitions

Upon establishing that there are two or more petitions concerning the conformity of the same legal act with the Constitution or laws, the Constitutional Court may join them into one case before the beginning of the court hearing.

Article 42. Summonses of the Constitutional Court

Parties to the case and their representatives shall be informed by summonses of the Court of the time of the sitting of the Constitutional Court and the time and place of performance of separate procedural actions. Witnesses, experts and interpreters shall be summoned to the Court by summonses as well. Consequences for failure to appear before the Court shall be stated in the summons.

Summonses shall be delivered through messengers or by mail. The time when the addressee is presented with the summons shall be stated in the delivered summons and in the part of the summons returned to the Court which shall contain the signature confirming the delivery of the summons.

Summonses to appear in court for parties to the case must be delivered no later than 7 days before the beginning of the sitting.

Article 43. Sitting Notices

Sitting notices must be presented to judges of the Constitutional Court no later than 7 days before the beginning of the sitting. Duplicates of the material of the case under examination shall be delivered to the judges upon the commencement of the preliminary investigation of the material.

Section 2

Court Proceedings

Article 44. Court Hearings

A case shall be investigated by the Constitutional Court only once the parties to the case have been notified of this. Absence of the parties in a court hearing shall not be an obstacle in conducting the investigation of the case, passing a ruling or conclusion, or adopting other decisions.

While investigating a case, the Constitutional Court must directly examine evidence: they must listen to the statements of the persons participating in the case, the testimony of witnesses, and the findings of experts; and must examine written and other evidence.

The Court shall not have the right to investigate other cases until the investigation of the case at hand is settled or its investigation is suspended.

Only parties to the case, their representatives, witnesses,

experts, and invited specialists and officers may speak in the Court.

Article 45. The Chairperson of Court Hearings

Court hearings shall be presided over by the Chairperson of the Constitutional Court; in the absence or on the instruction of the Chairperson, hearings shall be presided over by the deputy Chairperson of the Constitutional Court, and if they are also absent - by a judge selected by the Constitutional Court other than the judge who is acting as speaker.

The presiding Chairperson: shall conduct the hearing and take measures to fully and impartially investigate the circumstances of the case;

shall exclude all things which are irrelevant to the case from the trial; shall interrupt the parties if they speak about matters which are irrelevant to the case or which are not within the jurisdiction of the Constitutional Court; and shall deprive speakers of speech when they start speaking at their own will, when they do not fulfill the requirements of the Chairperson of the court hearing, when they speak in a rude or insulting manner, or when they show disrespect for the Constitution or constitutional order of the State.

The Chairperson of the court hearing shall have the right to require anyone who breaches procedure or disobeys his orders to leave the court room. A party to the case who ignores a reprimand of the Chairperson of the court hearing may be removed from the court room by Court decision.

The Chairperson of the court hearing shall warn the persons present in the court room that if their conduct interferes with the court hearing and that upon repeated violation of order, they may be removed from the court room.

The Chairperson of the Court shall announce a recess when it is necessary to take a rest, when parties to the case must get ready for the final speech, at the end of working hours, when normal work is obstructed, and in other cases.

Article 46. Procedure for Court Hearings

The persons present in the court room must keep order and respect the Court, and must, without objection, obey the Chairperson's demands to maintain order.

Minors, if they are not witnesses, shall not be admitted into the court room.

When the judges enter or leave the court room, and when the decision or ruling of the Constitutional Court is being declared, the court shall rise. All parties to the action shall stand while addressing the Court, speaking, and giving their testimony and explanations.

The Court shall be addressed with the words "High Court" or "Honourable Court".

During hearings of the Constitutional Court, order shall be kept by the Court clerk.

Demands of the clerk to keep order or to fulfill the instructions of the Chair-person shall be obligatory to all parties to the case.

If, during the court hearing, parties to the case breach order, disobey demands of the Chairperson of the court hearing to keep order, or violate other rules adopted by the Constitutional Court, they may be removed from the court room or be held liable under law.

Article 47. The Preparatory Stage of the Court Hearing

At the set time, the Chairperson of the court hearing shall announce the commencement of the hearing of the Constitutional Court as well as which case shall be tried.

The secretary of the Constitutional Court hearing shall announce which of the summoned persons are present as well as the reasons for which the other persons have failed to appear before court.

The Court shall identify the persons who are present, and shall verify the powers of the officials and representatives. If anyone from the parties fails to appear or if a representative does not have due power, the Constitutional Court shall decide whether or not it is possible to begin the hearing. Experts and parties to the case shall be informed by the Chairperson of the hearing of their rights and duties, and other summoned persons shall be informed by the Chairperson of their duties and responsibility.

Requests of the parties to the case shall be heard and settled by the Court.

Article 48. Self-suspension or Suspension of Constitutional Court Judges

A Constitutional Court judge may suspend himself or be suspended from the investigation of a case if he:

- 1) is a relative of one of the parties to the case and if the matter in dispute is of a personal nature; or
- 2) has publicly declared how the case under investigation should be settled.

If circumstances indicated in part 1 of this Article are present, the judge must announce them in writing prior to the commencement of the hearing, and must ask the Constitutional Court to settle the issue of the judge's suspension. On the same grounds and according to the same procedure, the parties to the case may also declare justified suspension.

If a suspension has been declared, the Constitutional Court must hear the arguments of the parties to the case. The Court shall settle issues of self-suspension or suspension in the room designated for deliberation.

Article 49. Suspension of the Investigation of a Case

The investigation of a case may be suspended upon the decision of the Constitutional Court if:

Demands of the clerk to keep order or to fulfill the instructions of the Chair-person shall be obligatory to all parties to the case.

If, during the court hearing, parties to the case breach order, disobey demands of the Chairperson of the court hearing to keep order, or violate other rules adopted by the Constitutional Court, they may be removed from the court room or be held liable under law.

Article 47. The Preparatory Stage of the Court Hearing

At the set time, the Chairperson of the court hearing shall announce the commencement of the hearing of the Constitutional Court as well as which case shall be tried.

The secretary of the Constitutional Court hearing shall announce which of the summoned persons are present as well as the reasons for which the other persons have failed to appear before court.

The Court shall identify the persons who are present, and shall verify the powers of the officials and representatives. If anyone from the parties fails to appear or if a representative does not have due power, the Constitutional Court shall decide whether or not it is possible to begin the hearing. Experts and parties to the case shall be informed by the Chairperson of the hearing of their rights and duties, and other summoned persons shall be informed by the Chairperson of their duties and responsibility.

Requests of the parties to the case shall be heard and settled by the Court.

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If a suspension has been declared, the Constitutional Court must hear the arguments of the parties to the case. The Court shall settle issues of self-suspension or suspension in the room designated for deliberation.

Article 49. Suspension of the Investigation of a Case

The investigation of a case may be suspended upon the decision of the Constitutional Court if:

- 1) the issue has not been adequately prepared and additional examination is necessary;
- 2) it is necessary to obtain new evidence; or
- 3) other vital reasons turn up.

In suspending a case hearing, the Constitutional Court may set another date for the hearing and announce that persons present sign for this.

In suspending a case hearing, the Court may question witnesses who are present and who will normally no longer be summoned.

Having renewed a case hearing, the Court shall decide whether to start the hearing *DE nova* or to resume the hearing from place in the legal process where the case hearing was suspended.

Article 50. Examination of Evidence

The hearing of a case shall begin in essence with a speech by the court speaker, in which the main points of the case, the cause and grounds of its investigation, and the contents and other necessary data related to the available material shall be established. The Constitutional Court judges may ask the speaker questions. After this, the statements of the parties to the case shall be heard, beginning with that of the petitioner. These persons shall have the right to ask each other questions and voice their opinion on each other's statement or request. The Constitutional Court judges may also ask them questions.

The Chairperson of the hearing shall read aloud the written pleadings of the parties to the case.

Prior to the questioning of witnesses, the Chairperson shall establish their identity and shall warn them of their responsibility upon signing for refusal or avoidance of giving evidence as well as for evidence which they know is false.

A witness may be asked questions after giving testimony. The written evidence of witnesses shall be read aloud at the Court hearing.

Written evidence or the records of their examination shall be read aloud at the Court hearing and shall be given to the parties to the case so that they can familiarize themselves with the material, and who thereafter shall be able to give their explanations.

Material evidence shall be examined by the Court; evidence shall also be shown to the parties to the case, and, as necessary, to experts and witnesses. Parties to the case may give explanations relative to material evidence.

Expert statements shall be read aloud at the Court hearing.

An expert may be asked questions. As necessary, the Court may set additional or repeated expert examinations.

Upon examining all of the evidence, the Chairperson of the court hearing shall ask the parties to the case if they want to supplement the case material. The Court shall settle requests by adopting decisions concerning them. When the requests have been settled or when there are no requests, the Chairperson of the court hearing shall announce the completion of the examination of evidence.

Article 51. Court Arguments

Court arguments shall consist of the statements of the parties to the action. During court arguments, the plaintiff and his representative shall present their statements first, followed by the interested person and his representative.

After that, the parties to the case may speak for a second time concerning the previous pleadings. The right to the final statement shall always belong to the interested person and his representative.

If the Constitutional Court acknowledges, in the course of the court arguments, that new circumstances pertaining to the case must be disclosed or new evidence must be investigated, it shall adopt a decision for the renewal of the examination of evidence. Upon completing the investigation of the evidence, the Court shall hear the arguments again according to the general procedure.

Article 52. Taking of Minutes

Minutes shall be taken for each Court hearing, as well as for each separate procedural action which is performed outside of the court hearing. Minutes shall be taken by the court hearing secretary.

Record of hearings of the Constitutional Court shall indicate:

- the place and the date of the hearing and as well as the time of its commencement and conclusion;
 - the full name and office of the Chairperson of the hearing;
 - the full names of the judges participating in the case and the secretary of the hearing;
 - the issue under investigation;
 - data relative to the parties to the case;
 - the witnesses and experts participating in the case;
 - other officials present at the hearing;
 - the consecutive order and the results of the actions of the Constitutional Court;
 - the decisions of the Constitutional Court;
 - the explanations and statements of the parties to the case;
 - records of warnings issued to witnesses and experts concerning their responsibility;
 - the evidence of witnesses and experts;
 - the questions put to parties to the case, witnesses and experts as well as their responses;
 - data concerning the examination of documents and other evidence;
 - the contents of pleadings;
 - facts which parties to the action request to be entered in the record;
 - violations of procedure as well as other facts concerning contempt for the Constitutional Court, reprimands, penalties and other procedural measures; and
 - that the decision or other ruling has been read aloud.
- The course and speeches of Constitutional Court hearings

must be recorded in the minutes as accurately and comprehensibly as possible. The evidence of witnesses and the findings of experts shall be recorded on a separate sheet and shall be signed by them; these evidence and findings shall be attached to the record as a constituent part. Hearings may be recorded in shorthand, although the stenographic record of a hearing shall not be added to the record.

Audio and video recordings made during a hearing shall be added to the record and the existence thereof shall be indicated in the record.

The record must be completed within 2 days of the conclusion or suspension of the hearing. A printed version of the record shall be signed by the Chairperson of the Constitutional Court and by the secretary of the hearing.

Article 53. Confidentiality of Deliberations of the Constitutional Court

Constitutional Court judges who have participated in court arguments shall retire to the deliberation room to make a ruling. The Chairperson of the hearing shall announce this to the persons present in the court room.

During the deliberation and adoption of decisions or conclusions, only Constitutional Court judges may be present in the deliberation room.

The Chairperson of the hearing shall lead the deliberation of the judges, guaranteeing them the opportunity to express their opinion freely and without hindrance. In seeking a thorough and exhaustive deliberation, the Chairperson shall organise voting as well as the recording and drawing up of the resolution. Upon the conclusion of deliberation, the Constitutional Court may invite the Court officer to the deliberation room to be dictated and record the ruling or conclusion of the Constitutional Court.

Neither the Constitutional Court judges nor the officer who participated in the hearing shall have the right to announce the opinions voiced in the deliberation room or how the judges voted.

Article 54. Issues Settled upon the Adoption of a Ruling

In adopting a ruling, the Court shall weigh the evidence and state which preponderant circumstances have been established and which have not been established, which Constitutional or lawful norm must be applied in the case at hand, and whether the petition is awardable.

The Court shall base its ruling only on the evidence which was investigated during the court hearing.

The Court shall, upon deciding in deliberation that new circumstances must be disclosed or new evidence must be investigated, pass a decision to renew the investigation of the case and shall determine which additional procedural actions must be performed.

Article 55. Procedure for Adopting a Constitutional

Court Ruling

The ruling of the Constitutional Court concerning the case shall be made in the deliberation room. The ruling must be presented within 1 month of the completion of the investigation of the case.

Rulings shall be made by majority vote. In the event of a tie vote, the vote of the Chairperson of the hearing shall be decisive. Judges shall not have the right to refuse to vote or to abstain from voting.

Adopted rulings shall be set forth in writing and signed by all the participating judges.

The discussion of amendments to rulings must be put in writing prior to the signing by judges.

Article 56. The Contents of Constitutional Court Rulings

The ruling of the Constitutional Court on a case shall be drawn up as a separate document.

It shall state:

- the title, date and place of the ruling;
- the composition of the Constitutional Court;
- the secretary of the hearing;
- the parties to the case and their representatives;
- the issue under investigation and its grounds;
- the articles of the Constitution and this Law which establish the right of the Constitutional Court to investigate the issue;
- the request set forth in the appeal;
- the full title of the legal act whose constitutionality was examined as well as the source wherein it was declared and wherefrom it was received;
- the action or decision of a Seimas member or state officer whose constitutionality was examined;
- the circumstances established by the Constitutional Court;
- the arguments and proof upon which the ruling of the Constitutional Court is based, and, if necessary, the arguments refuting other opinions;
- The Constitutional norm on the basis of which the Constitutional Court establishes the compliance of an act or action with the Constitution;
- the resolution of the ruling; and
- an indication that the ruling is final and not subject to appeal.

Article 57. Announcement in Court of Rulings of the Constitutional Court

Having adopted a ruling, the Constitutional Court shall return to the court room and the Chairperson of the hearing shall announce the Court ruling.

All present in the court room, with the exception of the Constitutional Court judges, shall stand to hear the ruling.

Upon the adoption of the ruling, neither the parties to the case nor other institutions and persons may raise the issue

concerning the conformity of the investigated legal act with the Constitution or laws in Court again, nor may they appeal against the conclusion of the Court or the Court established facts and legal relations.

Article 58. Correction of Rulings

Upon announcing the ruling, the Constitutional Court may, on its own initiative or at the request of the parties to the case, correct inaccuracies or editor's mistakes which are in the ruling. A corresponding decision shall be passed at the Court hearing concerning this. Parties to the case must be notified about the date and place of such a hearing.

Article 59. Appeals against Constitutional Court Rulings

Rulings of the Constitutional Court shall be final and shall not be subject to appeal.

Article 60. Sending of Constitutional Court Rulings

Constitutional Court rulings, within 2 days of their adoption, shall be sent to:
the judges of the Constitutional Court;
the parties to the case;
the Seimas, the President of the Republic, the Government;
and the Chairperson of the Supreme Court, the Prosecutor General, and the Minister of Justice.

The Chairperson of the Constitutional Court may order that a Constitutional Court ruling be sent to other institutions, officers, or persons.

Article 61. Interpretation of Constitutional Court Rulings

Rulings of the Constitutional Court may only be officially interpreted by the Constitutional Court at the request of the parties to the case, of other institutions or persons to whom it was sent, or on its own initiative.

A decision concerning an interpretation of a Constitutional Court ruling shall be passed at a Constitutional Court hearing as a separate document. Parties to the case must be notified about the date and place of such a hearing.

The Constitutional Court must interpret their rulings without changing their contents.

Article 62. Review of Constitutional Court Rulings

Constitutional Court rulings may be reviewed on their own initiative if:

- 1) new, vital circumstances turn up which were unknown to the Constitutional Court when the ruling was passed; or
- 2) the constitutional norm on which the ruling was based has changed.

In such a case, the Constitutional Court shall adopt a

decision and start the investigation of the case de novo.
A decision of the Constitutional Court concerning its ruling
may also be reviewed if the ruling was not interpreted according
to its actual contents.

Chapter 4

Legal Proceedings for Investigation Requests

The Compliance of Legal Acts with the Constitution

Article 63. The Constitutional Court's Jurisdiction over Cases Concerning the Compliance of Legal Acts with the Constitution

The Constitutional Court shall examine cases concerning:

- 1) the compliance of laws and other acts of the Seimas with the Constitution of the Republic of Lithuania;
- 2) the compliance of the acts of the President of the Republic with the Constitution and laws; and
- 3) the compliance of the acts of the Government with the Constitution and laws.

While investigating the cases specified in part 1 of this Article, the Constitutional Court shall examine the compliance of the entire act as well as a part thereof with the Constitution and the laws.

Article 64. Grounds and Cause for the Examination of Cases Concerning the Compliance of Legal Acts with the Constitution

The grounds for the examination of a case concerning the compliance of a legal act with the Constitution in the Constitutional Court shall be a legally justified doubt that the entire legal act or part thereof contradicts the Constitution according to:

- 1) the contents of norms;
- 2) the extent of regulation;
- 3) form; and
- 4) the procedure of adoption, signing and promulgation which has been specified in the Constitution.

The cause for examining a case concerning the compliance of a legal act with the Constitution shall be the procedure prescribed by this Law and the filing of a petition of the established form with the Constitutional Court.

Article 65. Filing a Petition with the Constitutional Court for the Investigation of the Compliance of a Legal Act with the Constitution

The right to file a petition with the Constitutional Court concerning the compliance of a legal act with the Constitution shall be vested in:

- 1) the Government, groups consisting of at least 1/5 of all Seimas members, and the courts for cases concerning a law or other act adopted by the Seimas;
- 2) groups consisting of at least 1/5 of all Seimas members and the courts for cases concerning an act of the President of the Republic; and
- 3) groups consisting of at least 1/5 of all Seimas members, the courts, and the President of the Republic for cases concerning Governmental acts.

Article 66. The Contents of Petitions for the Examination of the Compliance of Legal Acts with the Constitution

Petitions for the examination of the compliance of legal acts with the Constitution must contain:

- 1) the addressee - the Constitutional Court;
- 2) the name and address of the petitioner;
- 3) information about the representative of the petitioner and his powers, with the exception of ex officio representation;
- 4) the name and address of the state institution which has adopted a disputable legal act;
- 5) the norms of the Constitution and this Law which provide the right to appeal with a petition to the Constitutional Court;
- 6) the precise name of the disputable legal act, its number, the date of its adoption, and other information which is necessary for identification thereof, as well as the source of its publication (if it was publicized);
- 7) concrete grounds for the investigation of the case with references to the norms provided for in this Law;
- 8) the position of the petitioner concerning the conformity of an appropriate act with the Constitution and legal support of such position containing references to laws;
- 9) a formulated petition to the Constitutional Court; and
- 10) the list of appended documents.

The petition shall be signed by the head of the institution which has been granted the right to appeal to the Constitutional Court. The petition of the Government must be supported by a directive of the Government which shall be appended to the submitted documents. Petitions of Seimas member groups shall be signed by all Seimas members who file the petition and their representative (representatives) shall be indicated; the signatures of said Seimas members shall be confirmed by the signature of the Chairperson or Deputy Chairperson of the Seimas.

The following shall be appended to the petition:

- 1) a duplicate of the whole text of the disputable legal act;
- 2) power of attorney or other document which confirms the powers of the representative, with the exception of cases of ex officio representation; and
- 3) notary-approved translations into the Lithuanian language

of all documents and other material which has been written in a language other than Lithuanian.

The list of witnesses and experts who are proposed to be summoned to the hearing of the Constitutional Court, findings of specialists, as well as other documents and material may be appended to the petition. The circumstances which each witness may confirm shall be indicated next to their name.

The petition and appendices thereto specified in part 3 of this Article shall be submitted to the Constitutional Court along with 30 copies of the duplicate. When necessary, the Chairperson of the Constitutional Court may charge the petitioner to submit up to 30 duplicates each of other appendices.

Article 67. The Contents of Petitions Filed with the Constitutional Court by the Supreme Court of Lithuania, the Court of Appeals of Lithuania, and District and Area Courts

Provided that there are grounds to consider that a law or other legal act, which shall be applicable in a concrete case, fails to conform with the Constitution, the court (judge) shall suspend the examination of said case and, with regard to the competence of the Constitutional Court, shall appeal to it with a petition to decide whether the said law or other legal act is in conformity with the Constitution.

The Supreme Court of Lithuania, the Court of Appeals of Lithuania, and district and area courts shall appeal to the Constitutional Court pursuant to a decision. The following must be indicated in the decision:

- 1) the time and place of the adoption of the decision;
- 2) the name and address of the court which has adopted the decision;
- 3) the composition of the court which has adopted the decision and the parties to the case;
- 4) brief contents of the case and the laws by which the parties to the case support their demands or rebuttals;
- 5) arguments presenting the opinion of the court on the non-conformity of a law or other legal document with the Constitution; and
- 6) a formulated petition of the court to the Constitutional Court.

The court decision shall be supplemented by:

- 1) the suspended case; and
 - 2) the duplicate of the whole text of the disputable act.
- 30 copies of the Court decision and 30 duplicate copies of the disputable legal act shall be submitted to the Constitutional Court.

After the investigation of a case, the Constitutional Court shall return the presented suspended case to the appropriate court.

Article 68. Withdrawal of Petitions to Examine the Conformity of a Legal Act with the Constitution

Upon the consent of the Chairperson of the Constitutional Court, the institution which has filed a petition to examine the conformity of a legal act with the Constitution may withdraw it prior to the setting of the investigation of said case at a court hearing.

**Article 69. Refusal of the Constitutional Court to Consider
Petitions for the Examination of the
Constitutionality of a Legal Act**

By a decision, the Constitutional Court shall refuse to consider petitions for the examination of the constitutionality of a legal act if:

- 1) the petition was filed by an institution or individual who does not have the right to appeal to the Constitutional Court;
- 2) the examination of the petition does not fall under the jurisdiction of the Constitutional Court;
- 3) the constitutionality of the act indicated in the petition has already been investigated by the Constitutional Court and the resolution on this issue adopted by the Constitutional Court is still in force;
- 4) the Constitutional Court has already initiated the examination of a case concerning the same issue; and
- 5) the petition is grounded by non-legal motives.

In refusing to consider a petition to investigate the conformity of a legal act with the Constitution, the Constitutional Court shall adopt a justified decision, the duplicate of which shall be sent or handed to the petitioner.

In the event that the grounds for refusal to consider a petition have been established after the initiation of the examination of the case during the session of the Constitutional Court, a decision to dismiss the case shall be adopted.

The annulment of a disputable legal act shall be grounds to adopt a decision to dismiss the initiated legal proceedings.

**Article 70. The Return of a Petition to Examine the
Constitutionality of a Legal Act to the Petitioner**

In the case that a petition or appendices thereof fail to comply with the provisions set forth in Articles 66 and 67, the Chairperson of the Constitutional Court shall return the petition to the petitioner on his own initiative or on the initiative of a judge.

The return of a petition shall not take away the right to appeal to the Constitutional Court according to the general procedure after abolishing reasons thereof.

**Article 71. Types of Constitutional Court Decisions
in Cases Concerning the Conformity of Legal Acts
with the Constitution**

Upon examining a case concerning the conformity of a legal act with the Constitution, the Constitutional Court shall adopt

one of the following rulings:

1) to recognise that a legal act is in conformity with the Constitution and laws; and

2) to recognise that a legal act contradicts the Constitution and laws.

In the case provided for in item 2 of part 1 of this Article, it shall be indicated what concrete Articles of the Constitution or provisions thereof or what concrete laws with which the legal act fails to conform.

In cases when one part of a legal act has been determined to be in conformity with the Constitution or laws, while the other part thereof has been determined to be in contradiction with the Constitution or laws, it shall be precisely indicated in the ruling of the Constitutional Court.

Article 72. Consequences of the Recognition of a Legal Act as Being Contradictory to the Constitution

Laws of the Republic of Lithuania (or a part thereof) or other Seimas acts (or a part thereof), acts of the President of the Republic, or acts of the Government (or a part thereof) shall not be applicable from the day that a Constitutional Court Ruling that the appropriate act (or a part thereof) contradicts the Constitution of the Republic of Lithuania is publicized. The same consequences shall arise when the Constitutional Court adopts a ruling that an act of the President of the Republic or act of the Government (or a part thereof) is in contradiction with laws.

Rulings adopted by the Constitutional Court shall have the power of law and shall be binding to all governmental institutions, companies, firms, and organisations as well as to officials and citizens.

All governmental institutions as well as their officials must revoke executive acts or provisions thereof which they have adopted and which are based on an act which has been recognized as unconstitutional.

Decisions based on legal acts which have been recognized as being contradictory to the Constitution or laws must not be executed if they have not been executed prior to the appropriate Constitutional Court ruling became effective. The power of the Constitutional Court to recognize a legal act or part thereof as unconstitutional may not be overruled by a repeated adoption of a like legal act or part thereof.

Chapter 5

Consideration of Inquiries Concerning Rulings

Article 73. Conclusions Presented by the Constitutional Court

The Constitutional Court shall present the following rulings:

- 1) whether violations of the laws on elections occurred during the elections of the President of the Republic or the Seimas;
- 2) whether the President of the Republic's capacity to continue in office is limited by reasons of health;
- 3) whether international agreements of the Republic of Lithuania are in conformity with the Constitution. The conclusion concerning an international agreement may be requested prior to the ratification thereof by the Seimas; and
- 4) whether the concrete actions of the Seimas members or state officials to whom impeachment proceedings have been initiated contradict the Constitution.

Article 74. Filing an Inquiry with the Constitutional Court

Only the Seimas may request the Constitutional Court conclusion on all issues specified in Article 73 of this Law.

The President of the Republic may appeal to the Constitutional Court with an inquiry concerning the election of the Seimas members and international agreements.

Article 75. Cause for the Preparation of a Constitutional Court Conclusion

The cause for the preparation of a conclusion of the Constitutional Court shall be the procedure established by this Law and the filing of an inquiry of an established form with the Constitutional Court.

Article 76. The Contents of the Inquiry

The following must be indicated in the inquiry:

- 1) the addressee - the Constitutional Court;
- 2) the name and address of the inquirer;
- 3) the norms of the Constitution and this Law which establish the right to file an inquiry with the Constitutional Court;
- 4) the actions whose constitutionality are proposed to be verified and the circumstances of their execution; when the inquiry concerns an international agreement - its exact name, number, date of signing, and other necessary information as well as the source of publication (if it was publicized);
- 5) a justified petition to the Constitutional Court; and
- 6) the list of appended documents.

Inquiries of the Seimas may be set forth in a resolution. In other cases, a Seimas resolution on the approval of the inquiry must be included.

The inquiry shall be signed by the Seimas Chairperson or acting deputy; the President of the Republic.

An inquiry must be supplemented by:

- 1) a duplicate of the whole text of the agreement;
- 2) appropriate evidence and duplicates of the officials'

decisions; and

3) notary approved translations into the Lithuanian language of documents and other material which was written in a language other than Lithuanian.

The list of witnesses and experts who are proposed to be invited to the session of the Constitutional Court, findings of specialists, a document concerning the powers of representatives and the right thereof to speak in the Constitutional Court on behalf of the applicant, as well as other documents and material may be appended to the inquiry. The circumstances which each witness may confirm shall be indicated next to his or her surname.

Inquiries and necessary supplements thereof shall be submitted to the Constitutional Court with 30 duplicate copies. When necessary, the Chairperson of the Constitutional Court may also demand the up to 30 duplicate copies each of other documents.

**Article 77. Inquiries Concerning the Violation of the Law
on the Elections to the Seimas**

Institutions indicated in Article 74 of this Law shall appeal to the Constitutional Court with inquiries concerning possible violations of the laws on elections during the elections of the President of the Republic or the Seimas elections within 3 days after the publication of the official election results.

The Constitutional Court shall examine and evaluate only the decisions made by the Central Electoral Committee or the Electoral Committee for Elections of the President of the Republic or the refusal thereof to examine complaints concerning the violation of laws on elections in cases when such decisions were adopted or other actions were carried out after the termination of voting in the elections of the President of the Republic or the Seimas.

Inquiries shall be examined within 72 hours of their filing with the Constitutional Court. The terms specified in this Article shall also include non-working days.

**Article 78. Inquiries Concerning the President of the
Republic's State of Health**

Only the Seimas shall have the right to submit an inquiry to the Constitutional Court concerning the President of the Republic's capacity to continue in office due to health reasons. The inquiry must be confirmed by a resolution adopted by majority vote of more than half of all the Seimas members.

The inquiry or appropriate resolution of the Seimas must be accompanied by a Seimas approved conclusion of the medical commission. When necessary, other evidence describing the health condition shall be appended thereto.

Article 79. Withdrawal of an Inquiry

An inquiry concerning the presentation of a conclusion may

be withdrawn prior to the commencement of a Constitutional Court hearing by the institution which has filed it.

Article 80. Refusal to Examine an Inquiry in the Constitutional Court

The Constitutional Court shall refuse to examine an inquiry concerning the presentation of a conclusion in the following cases:

- 1) when the inquiry has been filed by an institution or individual who does not have the right to appeal to the Constitutional Court;
- 2) when the inquiry is not grounded on legal motives;
- 3) when the examination of a concrete issue does not fall under the jurisdiction of the Constitutional Court;
- 4) in the absence of an action or decision whose constitutionality must be verified; and
- 5) when the issue raised in the inquiry, with the exception of cases provided for in paragraph 2 of Article 73 of this Law, has already been investigated in the Constitutional Court and the conclusion adopted by the Constitutional Court concerning this issue is still in force.

If in the course of the examination of the inquiry the matter under investigation ceases to exist, the Constitutional Court shall dismiss the initiated legal proceedings on the grounds thereof.

Article 81. Returning Inquiries to Applicants

The Chairperson of the Constitutional Court, on personal initiative or on the proposal of one of the judges, shall return inquiries to the applicants if the inquiry or appendices thereto fail to comply with the requirements set forth in Article 76 of this Law.

Returning of an inquiry shall not take away the right to appeal to the Constitutional Court according to the general procedure once the reasons for the return have been eliminated.

Article 82. Procedure for the Examination of Inquiries in the Constitutional Court

Inquiries pertaining to the constitutionality of international treaties of the Republic of Lithuania shall be examined according to the general rules for the examination of the constitutionality of legal acts.

Other issues shall be examined at the discretion of the Constitutional Court in adhering to a simpler procedure. Disputes which arise shall be settled in accordance with the regulations prescribed by this Law.

Article 83. Conclusions of the Constitutional Court

Upon the examination of an inquiry, the Constitutional Court shall adopt a conclusion.

The conclusion presented by the Constitutional Court shall

be final and shall not be subject to appeal.

Chapter 6

Final Provisions

Article 84. Publicizing Decisions of the Constitutional Court

The rulings and conclusions of the Constitutional Court, as well as, if necessary, other decisions thereof, shall be officially publicized in: a separate chapter of "The News of the Seimas and the Government of the Republic of Lithuania"; a special publication of the Seimas; and newspapers through the Lithuanian News Agency (ELTA).

Rulings of the Constitutional Court shall become effective on the day that they are publicized in one of the above mentioned publications.

Article 85. Provision of Funding to and Material Supply of the Constitutional Court

The Constitutional Court shall be financed from the State Budget. On the proposal of the Chairperson of the Constitutional Court, the Seimas shall approve the amount of funding in a special line.

The functioning of the Constitutional Court as well as the material and technical supply thereof shall be guaranteed by the Government of the Republic of Lithuania, which shall adhere to the principles of independence of the judges and the activities of the Court as established in this Law.

Article 86. The Staff of the Constitutional Court

The Constitutional Court shall have an assisting staff, the structure and by laws of which shall be approved by the Constitutional Court.

Article 87. Protection of the Constitutional Court

The protection of the buildings and premises of the Constitutional Court, and, upon the instruction of the Chairperson of the Constitutional Court, of the judges of the Constitutional Court, shall be vested in the Ministry of Internal Affairs.

Article 88. Symbols of the Constitutional Court's Power

In the court room of the Constitutional Court there shall be a picture of the State Emblem of the Republic of Lithuania, a

flag of the State, and a special edition of the Constitution of the Republic of Lithuania.

During hearing, judges of the Constitutional Court shall wear judge's gowns, the description and sample of which shall be approved by the Constitutional Court. Until such a sample is approved, approved Supreme Court judge gowns may be used.

Article 89. The Seal of the Constitutional Court

The Constitutional Court shall be a legal person and have a seal with a picture of the State Emblem of the Republic of Lithuania and the title "the Constitutional Court of the Republic of Lithuania".

Article 90. The Office of the Constitutional Court

The permanent office of the Constitutional Court shall be the city of Vilnius. Hearings of the Constitutional Court shall be held in its permanent office.

ALGIRDAS BRAZAUSKAS
Acting President
of the Republic
of Lithuania

Vilnius

3 February 1993

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