https://doi.org/10.38104/vadyba.2025.1.01

Vadyba
Journal of Management
2025, № 1 (41)
ISSN 1648-7974

SPECIFIC FEATURES OF THE RENEWAL OF PROCESS IN CIVIL AND ADMINISTRATIVE PROCEEDINGS

Jovita Einikiene, Diana Jankiene
Lithuania Business College

Abstract
Court decisions are acts of justice and protection of human rights, which, once they have entered into force, must be complied with by all persons, institutions, organizations and public authorities. However, in order to maximize the protection of personal rights and minimize possible errors in court procedural decisions, the legislation regulating court proceedings provides for a number of forms of verification of the legality and reasonableness of court procedural decisions. In applying the renewal of process, as an exceptional stage of court proceedings, it is important to ensure the protection of legal stability, legal certainty, the protection of the rights and fundamental freedoms of persons acquired by final judgments, and the stability of the substantive legal relations established. Convention for the Protection of Human Rights and Fundamental Freedoms the right to a fair trial, guaranteed by Article 6(1) of the Convention, emphasizes one of the essential elements of the principle of the rule of law: the principle of legal certainty, which implies respect for the principle of res judicata (the court's having finally settled the matter, i.e. the prohibition of an identical action). This principle requires that, once the courts have finally settled a dispute, their decision must not be called into question, thus ensuring the stability of relations. The grounds for reopening proceedings as an exceptional stage must therefore be applied informally and in accordance with the principle of legal certainty, so that reopening of proceedings is possible only for the correction of fundamental errors in important and compelling circumstances.
The article presents and discusses on the institute of reopening of proceedings in civil and administrative court's proceedings from a comparative perspective, the main procedural peculiarities of this type of issues in different jurisdiction courts, and draws certain conclusions on the main topics of the renewal of process in both civil and administrative cases. A comparison of the procedural laws governing civil and administrative proceedings and the case-law developing them shows that the essential provisions of the institute of reopening of proceedings make this stage of the proceedings exceptional and optional. The definiteness and clarity of the legal regulation guarantee that this stage of the proceedings complies with the provisions of the Convention on the guarantee of the right to a fair trial.
KEY WORDS: reopening of proceedings, renewal of process, judicial proceedings, civil proceedings, administrative proceedings
JEL classification: K1, K10, K19

Introduction

The aim of every legal proceeding is to do justice at trial. However, after a case has been heard and the judgment has become final, various new circumstances may arise which call into question the judgment and its fairness or the adequacy of the proceedings. Only after the trial has been concluded may it become apparent that a party has given false explanations, or that a forensic expert has given a false opinion on which a particular judgment was based. It may also be only after the judgment has become final that it becomes apparent that the case was heard by an unlawful tribunal or that the party against whom the judgment was given was not involved in the proceedings or was unaware of the proceedings. In such cases, it is necessary to reassess the case in the light of the new circumstances and to ensure that the case has been correctly dealt with by removing any appearance of illegality or unfairness in the judgment. The legal rules governing the institution of reopening of proceedings must be interpreted and applied in the light of the aims and objectives of that institution, which means that proceedings must be reopened if there are grounds for believing that the circumstances referred to in the application for reopening of proceedings, which are identified as grounds for reopening of proceedings, may render the procedural judgments of the courts rendered in the case unlawful and unfounded. The Court has noted that any plea in law relied on for the purpose of reopening proceedings must be analyzed in the context of the totality of the circumstances of the case, in order to answer the question whether the plea relied on for the purpose of reopening proceedings gives rise to a reasonable doubt as to the lawfulness and reasonableness of the procedural judgments rendered in the case (see, e.g, Ruling of the Supreme Court of Lithuania, Civil Cases Division of 30 October 2007 in civil case No 3K-3-451/2007; Rulings of the Supreme Administrative Court of Lithuania 7 August 2018 in Administrative Case No. eP-33-556/2018; ruling of 20 September 2023 in administrative case No eP-56-520/2023, etc.).

In 2023, 189,922 cases were received and 190,789 cases were heard in Lithuanian district, regional (first instance) and regional administrative courts (193,001 cases were received and 191,729 cases were heard in 2022, 188,767 cases were received and 190,888 cases were heard in 2021). Of these, 143 893 civil cases were heard in district courts, 3 779 civil cases were heard in regional courts, 2 121 civil cases were heard in the Court of Appeal of Lithuania and 330 civil cases were heard in the Supreme Court of Lithuania in the same calendar year. Meanwhile, 22 453 administrative cases will be heard in 2023 in district administrative courts and 3 199 administrative cases will be heard in the Supreme Administrative Court of Lithuania. As regards the requests for reopening of proceedings, it should be noted that in 2023, 68 requests for reopening of proceedings in closed administrative cases were received at the Supreme Administrative Court of Lithuania, but only 5 were granted. For example, the Vilnius City District Court, the largest court in Lithuania, dealt with 69 applications for reopening of proceedings in 2023, 25 of which were returned to the

applicants for various reasons, 25 were refused, 15 were reopened and 4 were dismissed.

The Constitution and laws of the Republic of Lithuania establish the validity and immutability of a final court decision, which ensures the stability of the relations resulting from the court decision and the protection of human rights and fundamental freedoms. Since it is the court's prerogative to carry out the function of justice entrusted to it by the Constitution of the Republic of Lithuania, and since final judgments must be enforced, the reopening of court proceedings is an exception to this process, which provides an opportunity, on the basis of grounds expressly laid down by law, to assess whether there are grounds for reviewing a final judgment, and in some cases for revising it by modifying it, or even by setting aside the judgment, and issuing a new judgment. However, the reopening of the proceedings may be prejudicial to the interests of the persons involved in the case in whose favor the judgment was given, may infringe the established principle of legitimate expectations, and may, in general, call into question the validity of the judgment and the existence of human rights protection. In such cases, the stability of established legal relations and legal certainty may be undermined and confidence in final judgments undermined.

The aim of this article is to analyze the main peculiarities of the legal regulation of the stage of reopening of court proceedings in civil and administrative proceedings by means of a comparative method and to draw the following conclusions from it. The object of the study is important because the renewal of proceedings, by its very nature and the application of this institute, may disturb the stability and immutability of a final judgment.

The object of the article is the peculiarities of reopening of proceedings as an exclusive stage of court proceedings and an exclusive form of control over the legality and reasonableness of procedural decisions of courts, both in civil and administrative proceedings.

The article uses the methods of analysis of legal acts, analysis of legal doctrine, synthesis, comparison and generalization. The method of quantitative and qualitative analysis of the examined cases was used in the analysis of the case law.

Theoretical Background

The reopening of proceedings is an independent stage in the judicial process, aimed at ensuring that the legality of the proceedings is guaranteed and that justice is done, as a fundamental duty of the court. It is a review of judgments which have already become final and is used when all other possibilities of verifying the legality and reasonableness of a decision in the event of doubt have been exhausted. It is not a mandatory stage of the judicial process and its use is therefore essentially discretionary, i.e. it may be invoked by the parties to the proceedings or by third parties by submitting applications for the reopening of proceedings in accordance with the procedure laid down (the exception in administrative proceedings will be discussed later). The essence and objectives of this institution are identical in both civil and administrative proceedings and, in accordance with the distinguishing features and the concepts formulated, this form of review of judgments may be defined as an exclusive form of review of final judgments, an optional stage of the proceedings and the only possibility of reviewing the lawfulness and reasonableness of the judgment in the event of doubts about it, on the basis of the grounds provided for by law.

Reopening of proceedings is not a cassation review, but an exceptional procedure, one of the aims of which is to achieve the greatest possible objectivity in the examination of cases by identifying the relevant criteria which may objectively give rise to the presumption that the case may have been wrongly decided. The establishment of strictly defined grounds for reopening proceedings is not an end in itself, but is necessary in order to safeguard the stability of legal relations, to implement the principles of legal certainty and the rule of law, since the absence of strict grounds for reopening proceedings would lead to a situation in which reopening of the proceedings would effectively become another ordinary stage of the proceedings, which would be contrary to the concept and objectives of the judicial system existing in Lithuania, and would diminish the significance of the final judgment. The task of the reopening of proceedings is not to directly review the actions of the lower courts, but to answer two questions: whether or not the grounds for reopening of proceedings set out in the law are present, and if they are present, whether or not they have had any impact on the judgment (ruling) given in the case, and on the court proceedings themselves.

The reopening of proceedings is possible only in the context of a final procedural decision of the court and in order to avoid disturbing the stability of the legal relations established on the basis of the final judgment (order). The legislator has created the stage of reopening of proceedings not as an ordinary, but as an exclusive form of control over the legality and reasonableness of court decisions, protecting the coherence and stability of the entire legal order (Resolution of the Supreme Administrative Court of Lithuania of 24 November 2021 in administrative case No eP-62-629/2021). Although other forms of review of the legality and reasonableness of court decisions, such as appeal and cassation, help to ensure these objectives, the reopening of proceedings, as an exclusive stage of judicial proceedings, performs its own unique function in the mechanism of the implementation of justice. The independence of the stage is characterized by the list of individual legal grounds for its initiation, the circle of subjects who have the right to initiate this stage, and the special procedure for the reopening of the proceedings established by the legislator, including the time limits and the peculiarities of the procedure.

Unlike in the case of instance review (appeal or cassation), in the case of reopening of proceedings, the errors of the lower court are not assessed - the proceedings are reopened on the basis of circumstances existing at the time of the trial but unknown to the court that heard the case, criminal acts of the parties or judges who heard the case, or circumstances that have arisen after the trial.

The European Court of Human Rights (hereinafter "the ECtHR") has also referred to the institution of reopening of proceedings as an exceptional procedure and has stated in its case-law that the right to a fair trial, guaranteed by Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter "the Convention"), has to be interpreted in the light of the Convention's preamble, which establishes the principle of the rule of law as a part of the common heritage of the countries that have applied the

Convention. One of the essential elements of the principle of the rule of law is the principle of legal certainty (e.g. Sypchenko v. Russia, judgment of 1 March 2007 (Application No 38368/0434); Volkov v. Russia, judgment of 15 March 2007 (Application No 8564/02035). The ECtHR has clarified that the Convention does not guarantee the right to reopen proceedings and that, as a general rule, an exceptional procedure such as the examination of an application for reopening of proceedings does not fall within the scope of Article 6 of the Convention (see, for example, the judgment of 1 March 2014 in the case of Dybeku v. Albania (Application No. 557/12). However, if the case is being retried, Article 6 of the Convention also applies to the procedure in which the application to reopen proceedings was considered (e.g. the judgment in San Leonard Band Club v. Malta (Application No. 77562/01) of 29 July 2004). According to the ECtHR, the application was similar to a cassation appeal on interpretation of law.

Civil proceedings are governed by the Code of Civil Procedure of the Republic of Lithuania ("CPC"), Chapter XVII of which deals with the grounds and procedure for the reopening of proceedings in civil cases, while administrative proceedings are governed by the Law on Administrative Procedure ("LAP"), Part IV of which is specifically dedicated to the reopening of proceedings in the context of the administrative proceedings. The article will then discuss, from a comparative perspective, the specific features of the reopening of proceedings in these proceedings: the grounds for reopening proceedings, the content of the applications for reopening proceedings and the procedure for their submission and examination, the subjects entitled to submit applications for reopening proceedings and the course and procedure for the examination of applications.

Research analysis results

Grounds for the renewal of process

The grounds for reopening proceedings in civil proceedings are laid down in Article 366 of the Civil Procedure Code of the Republic of Lithuania. The grounds for reopening proceedings in administrative proceedings are laid down in Article 156 of the Law on Administrative Proceedings.

The proceedings in a civil case concluded on the merits of a dispute by a final court decision (judgment, order or ruling), as well as in an administrative case concluded by a final court decision or ruling, may be reopened only on the basis of the grounds laid down in the procedural laws, which guarantee the stability of legal relations and the security of individuals and the protection of legitimate expectations. Although a number of the grounds for reopening proceedings are analogous in the CPC and the ABT Law, these proceedings have their differences in relation to the grounds on which proceedings may be reopened.

Both civil proceedings and administrative proceedings may be reopened if it is established that there is a new discovery of material facts which were not and could not have been known to the applicant at the time of the hearing (Article 366(2) of the CPC; Article 156(2) of the ABT Law); that the case has been heard by a court with an unlawful composition (Article 366(8) of the CPC); that the case has been heard by an unlawful court with an unlawful composition (Art, Article 156(9) of the ABTIA); that the Constitutional Court of the Republic of Lithuania, when examining a request of a person referred to in the fourth paragraph of Article 106(4) of the Constitution of the Republic of Lithuania, declares that a law or other act adopted by the Seimas, an act of the President of the Republic or an act of the Government (or a part of such act), on the basis of which a decision infringing the person's constitutional rights or freedoms has been taken is unconstitutional (Article 366(10) of the CPC; Article 156(13) of the ABTIA). The proceedings shall also be reopened if one of the parties to the proceedings was, at the time of the proceedings, incapacitated in a particular field and was not represented by a legal representative (Art. 366(6) of the CPC, Art. 156(6) of the ABT Law). The other grounds for reopening the proceedings are partially identical or substantially different, which gives rise to the specificity of civil and administrative proceedings.

In civil proceedings, proceedings may be reopened when the ECtHR finds that judgments, rulings or decisions of the courts of the Republic of Lithuania in civil cases are contrary to the Convention and/or its Additional Protocols to which the Republic of Lithuania is a party, or when the ECtHR removes a pending petition from the list of cases on the basis of a peaceful settlement or unilateral declaration, if it is recognized by a friendly settlement or unilateral declaration that the rights of the petitioners under the Convention and/or its Additional Protocols to which the Republic of Lithuania is a party have been violated by the judgments, decisions or rulings of the courts of the Republic of Lithuania in civil cases (Art. 366 of the CPC) 1 p.). An analogous ground for reopening proceedings is also provided for in the ABT Law, but it is narrower and does not provide for such a wide range of cases for reopening proceedings after the adoption of the petition against Lithuania as civil proceedings, since administrative proceedings may be reopened when the ECtHR recognizes that a decision of a court in a case of the Republic of Lithuania is in conflict with the Convention and its Additional Protocols. However, the ABT Law additionally provides that administrative proceedings may be reopened if the United Nations Human Rights Committee recognizes that a decision of a court of the Republic of Lithuania has violated a right of a person under the International Covenant on Civil and Political Rights (Article 156(1) of the ABT Law), which is not provided for in the Civil Procedure Code. Another overlapping ground for reopening proceedings is where a final judgment has established that a party's or a third party's explanations, a witness's testimony, an expert's report which is notoriously false, a translation which is notoriously false, or the falsification of documents or physical evidence has been proven to be false or unreasonable, and which has led to an illegal or unfounded decision (Art. 366 of the Civil Procedure Code (CPC)). 3), which is established in the ABT Law as a case where a final court judgment establishes a knowingly false testimony of a witness, a knowingly false expert opinion, a knowingly false translation, falsification of documents or physical evidence, which resulted in an unlawful or unjustified decision (Art. 156(3) of ABT Law). It should be noted that in administrative proceedings, false explanations by a party or by third parties would not constitute grounds for reopening the proceedings, since neither parties nor third parties are sworn in administrative proceedings and do not take an oath before the court. Article 366(4) of the CPC and Article 156(4) of the ABT Law also provide for relatively similar grounds for the reopening of the proceedings in relation to criminal acts committed by the

parties to the proceedings in the course of the proceedings in the civil or administrative proceedings respectively. The CPC provides that proceedings shall be reopened where a final judgment of a court establishes criminal acts committed by the parties to the proceedings or by other persons involved in the proceedings, or by the judges, during the proceedings in question, while the ABT Law provides that a final judgment of a court establishes criminal acts committed by a party to the proceedings, a witness, a specialist, an expert, an expert or an interpreter or by judges during the proceedings in question. As can be seen, the legal norms are analogous in substance, but in terms of legal technique, the ABT Law is more specific as regards the persons involved in administrative proceedings: the concept of "party to the proceedings" in the ABT Law covers the parties to the proceedings and third interested parties, whereas the CPC concept of "party to the proceedings" covers both the persons having a substantive legal interest in the proceedings (the parties, third parties) and procedural interests in the proceedings (interpreters, forensic experts, reporting authorities, persons defending the public interest etc.).

Both the CPC and the ABT Law provide that proceedings may be reopened if a court decision or a verdict, which was the basis for the decision or ruling, is annulled as unlawful or unjustified (Article 156(5) of the ABT Law). However, the CPC additionally provides that proceedings may be reopened in the case of "any other act of an individual nature of the State or municipal authorities which was the basis for that decision, ruling or order". In administrative proceedings, an independent ground for reopening the proceedings is established in cases where "an individual legal act on the basis of which the court has decided the case is annulled as unlawful" (Article 156(11) of the Administrative Procedure Law). The concepts of 'act of an individual nature' and 'individual legal act' are similar in substance.

Also, the laws regulating civil and administrative proceedings provide for the reopening of proceedings in a case where the court has ruled on the rights or obligations of persons not involved in the proceedings in a substantially analogous manner (Article 366(7) of the CPC, Article 156(7) of the ABT Law). However, the CPC does not provide for any rights or obligations as grounds for the reopening of proceedings, but only for substantive rights and obligations established by a final judgment. This provision of the ABT Law is substantially extended by the practice of administrative courts: ABT Law 156 The ground referred to in Article 4(2)(7) is intended to ensure one of the fundamental principles of fair trial - the right to be heard, therefore, only the persons who have not been involved in the proceedings may initiate the reopening of the proceedings on this ground, and the proceedings shall be reopened on this ground when two essential conditions are established: (1) the persons applying for reopening of the proceedings have not been involved in the proceedings in which reopening of the proceedings is sought without sufficient grounds; (2) the procedural decision of the court has taken a decision concerning their rights and obligations (the procedural decision of the court infringes their rights or interests protected by law) (e.g., (i) the decision of the Supreme Administrative Court of Lithuania of 23 June 2020 in administrative case No. P-31-756/2020, 21 December 2017 ruling in administrative case No. P-78-858/2017).

Civil procedure law provides that proceedings may be reopened if a decision (judgment, ruling, order or decision) of a court of first instance contains a manifest error of law which may have contributed to an unlawful decision (judgment, ruling, order or decision) and the decision (judgment, ruling, order or decision) has not been subject to an appeal. It should be noted that Article 156 of the ABT Law does not directly provide for a substantially analogous ground for reopening the proceedings, but it does provide that proceedings may be reopened if there is clear evidence that there has been a material breach of substantive law in the application of the rules of substantive law, which may have contributed to the adoption of an unlawful decision or order (Article 156(10) of the ABT Law), or if the court decision or order is without reasons (Article 156(8) of the ABT Law). However, it should be noted that failure to state reasons for a judgment is an absolute ground for setting aside the judgment of the court in the event of an appeal (Article 146(2)(5) of the ABTIA). The inclusion of a possible independent ground in the administrative proceedings is due to the fact that, if the parties to the proceedings do not appeal against the decision of the Regional Administrative Court, the proceedings may be concluded in the court of first instance, and therefore the only possibility of reviewing the final decision of the administrative court may be the reopening of the proceedings.[i] . Meanwhile, the expression "manifest error of law which may have contributed to the adoption of an unlawful decision" used in the Code of Civil Procedure can be considered to be analogous in substance to the expression "manifest evidence of a fundamental error of substantive law in the application of the substantive law which may have contributed to the adoption of an unlawful decision" used in the Code of Administrative Procedure. However, in civil proceedings, there is no emphasis on which legal rule (substantive or procedural) is at fault, whereas in administrative proceedings it is envisaged that not any error, but an error in the application of a substantive rule of law, may be a ground for the reopening of proceedings in an administrative case.

In addition, it should be noted that proceedings in administrative proceedings may be reopened where it is necessary to ensure the formation of uniform practice of administrative courts (Article 156(12) of the Administrative Procedure Law), which closely corresponds to the grounds for cassation in civil proceedings, as set out in Article 346(2) of the CPC. In administrative proceedings, the emergence of such grounds for reopening administrative proceedings is due to the fact that administrative proceedings do not provide for cassation. The administrative procedure itself is essentially aimed at reviewing the legality and reasonableness of administrative decisions taken by public administration[ii] entities and, by its very nature, the administrative procedure before the Administrative Court of the Regions[iii] is at the second stage (and sometimes at the third stage, e.g, The administrative decision[iv] which is challenged by individuals and which determines the rights and/or obligations of individuals or imposes other obligations or sanctions of a different nature, is adopted by a public administration entity and the individuals lodge a complaint with the court for its assessment. It is therefore important that the procedural law provides additional guarantees for individuals to seek a fair trial and justice, including by providing legal grounds for the reopening of proceedings and the removal of doubts as to the

legality or validity of a decision, as appropriate, due to the specificities of the existing procedure.

As it can be seen, the lists of grounds for reopening proceedings in civil proceedings set out in both the ABT Law and the CPC are exhaustive, which means that in the event of the existence of at least one of the listed grounds, reopening of the proceedings in a civil or administrative case, which has been concluded by a final court decision, may be initiated and reopened by the court in accordance with the established procedure.

However, the legislation governing the procedure also provides for cases in which the procedure will not be reopened. Article 366(3) of the CPC provides for an exception to the inapplicability of the institute of reopening of proceedings in civil proceedings: an application for reopening of proceedings is not possible in respect of final judgments on the annulment of a marriage or on the dissolution of a marriage, if at least one of the parties has contracted a new marriage or registered a partnership after the judgment has become final. Nor can proceedings be reopened in bankruptcy and restructuring cases. It is important to note that in the cases referred to in Article 366(1)(6) and (8) of the CPC (where one of the parties at the time of the proceedings was incapacitated in a particular field and was not represented by a legal representative, and where the case was heard by a court of an unlawful composition), the proceedings shall not be reopened, provided that the applicant could have relied on those grounds in his appeal or cassation appeal. However, in administrative proceedings, an application to reopen the proceedings is not possible in administrative cases in which the municipal council's request for an opinion on whether a member of the municipal council or the mayor of the municipality (hereinafter referred to as 'the mayor'), who is the subject of a procedure for the forfeiture of his/her powers, has broken his/her oath of office and/or failed to exercise the powers conferred by law (as referred to in the application) is being examined. Nor can the proceedings be reopened in administrative cases in which the State Data Protection Inspectorate is seized of a request to refer to a competent judicial authority of the European Union a decision of the European Commission on the adequacy of the standard data protection clauses or on the universal validity of the approved codes of conduct.

The list of grounds for reopening proceedings, both in civil and administrative proceedings, is clearly established at the level of the law and is exhaustive, which guarantees the stability and certainty of the substantive rights and obligations of persons established by final court decisions. However, in administrative proceedings, there are more grounds for reopening proceedings, which may be due to the existence of a two-tier system of administrative courts and the absence of cassation in administrative proceedings.

Entities entitled to lodge an application for the renewal of process

The parties to the proceedings and their representatives, as well as persons not involved in the proceedings, have the right to file an application to reopen the proceedings if the judgment or order has become final and infringes their rights or interests protected by law. However, persons who are not parties to the proceedings may file applications for the reopening of proceedings only on the sole grounds provided for in the Law on Administrative Procedure 156 Article 366(1)(7) of the Code of Civil Procedure, namely, if the decision of the court has ruled on the rights or obligations of the persons excluded from the proceedings. Although the ABT Law does not specifically provide that third interested parties may file an application for reopening of proceedings, which is provided for in the CPC, the participants in the proceedings have this right by their very nature. As regards the persons defending the public interest, it should be noted that the CPC provides that only the Prosecutor General of the Republic of Lithuania, i.e. the most senior official in the Lithuanian Prosecutor's Office, may file applications for the reopening of proceedings in order to defend the public interest. Whereas, in administrative proceedings, a request for reopening of proceedings may be filed by any public prosecutor and even public administration entities in order to protect the public interest or to protect the rights and interests protected by the law of the State and of individuals, which results in a much wider range of persons who may apply for reopening of proceedings in a pending administrative case.

The Law on Administrative Proceedings also provides for the institution of the submission of an application to initiate the reopening of proceedings in an administrative case, which is completely neglected in civil proceedings. Exceptionally, on the proposal of the President of the Regional Administrative Court or on receipt of information that there may be grounds for reopening proceedings in an administrative case, the President of the Regional Administrative Court has the right to submit a request to reopen proceedings the Supreme Administrative Court of Lithuania the President of the Administrative Court. In such a case, the application by the President of the Supreme Administrative Court of Lithuania shall be examined by a panel of judges appointed by the judge with the highest seniority. However, the referral is only an informative proposal to consider whether there are grounds for reopening the proceedings and is not binding on the panel of judges. The most notable recent case in which the President of the Supreme Administrative Court of Lithuania exercised his exclusive right to initiate the reopening of proceedings in an administrative case concerned the assessment of the publications of the port city news portal "Atvira Klaipėda" on public procurement in the context of the legal regulation of the protection of personal data.

There is also a significant provision in the administrative procedure concerning the importance of dissenting opinions of the judge. Where a case in which a dissenting opinion of a judge has been delivered has not been the subject of an appeal, or where the dissenting opinion has been delivered by a judge of the Court of Appeal, the case and the judge's dissenting opinion shall be remitted to the Court of Justice after the judgment has become final to the Supreme Administrative Court of Lithuania and its President shall decide whether to lodge a request to reopen the proceedings (Article 158(4) of the ABT Law).

The circle of persons entitled to submit applications for the reopening of proceedings is essentially the same in both civil and administrative proceedings, but in administrative proceedings there is the additional institution of the President of the Court of First Instance applying for the reopening of proceedings.

Drafting and procedure for submitting an application for renewal of process

According to the general rule laid down by the legislator, an application to reopen proceedings in a civil case must be lodged with the court of first instance that heard the case. However, certain exceptions are provided for. The first one is if the request to reopen proceedings is based on the grounds provided for in Article 366(1)(1) or (10) of the CPC (where the ECtHR finds that judgments, rulings or orders of the courts of the Republic of Lithuania in civil cases are contrary to the Convention and/or its Additional Protocols to which the Republic of Lithuania is a party, or when the ECtHR removes a petition from the list of cases on the basis of a peaceful settlement or unilateral declaration, if the peaceful settlement or unilateral declaration recognizes that the judgments, rulings or decisions of the courts of the Republic of Lithuania in civil cases have violated the Convention and/or its Additional Protocols, the rights of the applicants established by the Convention to which the Republic of Lithuania is a party in respect of judgments, rulings or decisions of the courts of the Republic of Lithuania in civil cases, and where the Constitutional Court of the Republic of Lithuania, when examining an application of a person referred to in the fourth paragraph of Article 106, paragraph 4, of the Satversme of the Republic of Lithuania, recognizes that a law or other act adopted by the Seimas, an act of the President of the Republic of Lithuania, or a government act (or a part of an act of the government), on the basis of which a decision violating the person's constitutional rights or liberties was taken, is unconstitutional, the application is referred to the Supreme Court of Lithuania). Where the application to reopen proceedings is based on the ground provided for in Article 366(1)(8) of the CPC (where the case was heard by a court with an unlawful composition), it shall be submitted to the court whose court with an unlawful composition heard the case. The application to reopen proceedings shall be dealt with in the same civil proceedings in which the application to reopen proceedings is made.

However, the law governing administrative court proceedings provides that the application for reopening of proceedings shall be made by the applicant or his representative, except in the cases referred to in Article 158(2) of the ABT Law, and that the application for reopening of proceedings shall be made directly to the to the Supreme Administrative Court of Lithuania. This Court is the only one which hears applications for reopening of proceedings in administrative proceedings, i.e. it has exclusive functional competence in these matters. The question of whether an application for reopening of proceedings has been admitted, as well as the question of whether an application for reopening of proceedings has been admitted, shall be examined by the Supreme Administrative Court of Lithuania by a panel of judges constituted by the President.

A request to reopen civil proceedings must be accompanied by evidence supporting the grounds for reopening the proceedings. The application itself must contain, in addition to the general requirements as to the content of the application: (1) the name of the court which delivered the judgment or order; (2) the grounds for reopening the proceedings; (3) the grounds for reopening the proceedings; (4) the circumstances on which the calculation of the time-limits referred to in Article 368 of the CPC is based; and (5) the applicant's application. An application for the reopening of civil proceedings shall be subject to stamp duty, the amount of which is set out in Article 80(4) of the CPC - the amount of stamp duty payable on an application for the reopening of proceedings shall be the same as the amount payable on an application for the bringing of an action (statement of claim in special proceedings), and the amounts of stamp duty payable on an application for the reopening of proceedings shall be calculated on the basis of the amount in dispute in cases of pecuniary litigation.

An application to reopen an administrative procedure is also subject to stamp duty, which is relatively low and fixed. In addition to the general requirements for procedural documents, the law provides that an application for the reopening of proceedings in an administrative case shall, as a procedural document, also state: (1) the substance of the judgment (ruling) which has become final and the grounds for reopening the proceedings; (2) the grounds for reopening the proceedings; (3) the circumstances on which the calculation of the time-limit for filing an application for reopening the proceedings is based; and (4) the substance of the application. The application for reopening of proceedings shall be accompanied by the evidence supporting the grounds for reopening of proceedings, a certified copy of the judgment (order) which has become final, and a document evidencing the representative's authority.

It should be noted that a special rule is laid down in the administrative procedure, which provides that if an application for the reopening of proceedings is made in accordance with the provisions of this Law 156 (2)(10) and/or (12) of Article 156(2) of the Law on Administrative Procedure (where there is clear evidence of a fundamental breach of substantive law in the application of the substantive law, which may have contributed to the adoption of an unlawful decision or order, or where it is necessary to ensure the formation of uniform practice of administrative courts), the request for a restoration of the law shall be made by a lawyer. In the cases referred to in this paragraph, an application for the reopening of proceedings by a representative of the State or another legal person may also be drafted by employees of the legal person or by civil servants who have a higher university degree in law. Where the application for the renewal of process in the cases referred to in this paragraph is made by a natural person who has a university degree in law, he or she shall be entitled to make the application. In addition, an application for the renewal of process in these cases may be made by a person authorized by this Law 47 persons referred to in Article 4(4)(4) and (7) of this Law (persons with higher university legal education, where they represent their close relatives or spouse (cohabitant); or trade unions, where they represent trade union members in cases of legal relations in the service, and 126^{8} in the case referred to in Article 126(1), by trade unions or associations. In the cases referred to in this paragraph, the proceedings shall be conducted before the court by the sole governing body of the trade union or association, by members of the collective governing bodies authorized in accordance with the procedure laid down by law or the instruments of constitution, or by representatives acting on instructions from employees (in the case of the court of appeal, university graduates) and/or lawyers (legal assistants). In such cases, the application for reopening of the proceedings shall be signed by the person lodging the application and by the person

drawing up the application. The signature of the applicant shall not be required if it is signed by the person authorized by the applicant to draw up the application.

A repeated request to reopen the proceedings on the same grounds is not possible (Article 158 of the ABT Law, Article 374 of the CPC).

As can be seen from the comparative legal framework, both civil and administrative proceedings impose similar content and form requirements for the drafting of an application for the reopening of proceedings, but the law on administrative proceedings provides for special cases where professional representation is mandatory in the case of reopening of proceedings.

Time limits for lodging an application for renewal of process

An application for reopening of the proceedings may be filed within three months from the date when the person filing the application became aware or should have become aware of the circumstances which constitute grounds for reopening of the proceedings (Art.368 of the CPC, Art.159 of the ABT Law). The legislation also uniformly defines the limitation period for filing an application for reopening proceedings. An application to reopen proceedings in a civil or administrative case may not be made if more than five years have elapsed since the judgment or order became final. An exception is provided for in the cases referred to in Article 366(1)(1) of the CPC (where the ECtHR finds that judgments, decisions or rulings of the courts of the Republic of Lithuania in civil cases are contrary to the Convention and/or its Additional Protocols to which the Republic of Lithuania is a party, or when the ECtHR removes the petition in question from the list of cases on the basis of a peaceful settlement or unilateral declaration, if the peaceful settlement or unilateral declaration recognizes that the judgments, rulings or decisions of the courts of the Republic of Lithuania in civil cases have violated the Convention and/or its Additional Protocols, the rights of the applicants established by the judgments, rulings or decisions of the courts of the Republic of Lithuania in civil cases to which the Republic of Lithuania is a party) and the cases referred to in Article 156(2)(1) of the ABT Law (when the ECtHR recognizes that the decision of the court of the Republic of Lithuania in a case is contrary to the Convention and its Additional Protocols, or when the UN Human Rights Committee recognizes that the decision of the court of the Republic of Lithuania has violated the rights of an individual established by the International Covenant on Civil and Political Rights), which is in itself caused by the longer time limits of the examination of cases before these international courts (institutions).

It should be noted that the ABT Law additionally provides that persons who have missed the time limit for filing an application for renewal of proceedings for important reasons may have the missed time limit restored if the application for renewal of the time limit is filed not later than one year after the date on which the decision becomes final. The law also provides that the application may not be amended or supplemented after the time limit for filing the application for reopening proceedings has expired. The Code of Civil Procedure does not provide for such rules. While this situation can be partly resolved by a systematic application and interpretation of the provisions of the CPC, the right to amend or modify the application for the reopening of the proceedings, as a provision limiting the rights of the parties to the proceedings, should be discussed separately in order to ensure that the proceedings are more concentrated and to safeguard the rights and interests of the other parties to the proceedings.

The time limits for filing applications for the renewal of process are identical in the court proceedings, as are the procedural possibilities for the resumption of the time limit.

V. Procedure for the admission and examination of an application for the renewal of process

A general scheme of the progress of an application for reopening of proceedings is shown in Figure 1.

When deciding whether to accept an application to reopen proceedings in civil proceedings, the court examines whether the application complies with the requirements for such a procedural document. If the application to reopen proceedings does not comply with the requirements as to its form and content or if the stamp duty has not been paid, the court shall decide on the question of remedying the deficiencies of the application. However, if the grounds provided for in Article 137(2)(1), (2), (2), (7) and (8) of the CPC are present (the dispute is not justiciable in a civil court; the court does not have jurisdiction over the action; the application has been lodged by a natural person who is incompetent to act in a particular field, or the application on behalf of the interested party has been lodged by a person

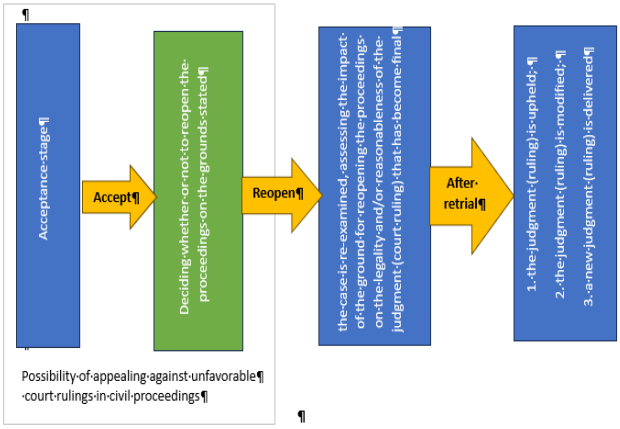

Fig 1. Schematic outline of the general course of an application for the renewal of process

who is not authorized to conduct the case), the court shall refuse to admit the application to reopen the procedure. An order of the court refusing to admit the application for reopening of proceedings may be appealed against by way of an individual appeal.

In administrative proceedings, Article 33 of the ABT Law (rules governing the admissibility of a complaint before a court) shall apply mutatis mutandis when dealing with the admissibility of an application. It shall also be verified whether the application complies with the specific requirements for an application for the reopening of proceedings laid down in Articles 157 , 158 , 159 and 160 of the Law on Administrative Procedure.

In civil proceedings, when the court accepts the application for reopening the proceedings, copies of the application are sent to the parties and third parties, and the court sets a date for the hearing of the application, which is not earlier than 14 days after the date of acceptance. Before the date fixed for the hearing, the persons involved in the

proceedings shall have the right to lodge a statement of defense to the application for reopening of proceedings. As a general rule, applications to reopen proceedings shall be heard by written procedure, unless the court decides to hear the application by oral procedure. Where necessary, the court may require the applicant to furnish further evidence that the time-limit for lodging the application has not been exceeded or that the grounds for reopening proceedings provided for in Article 366(1) of the CPC are present.

When the court accepts an application to reopen proceedings in an administrative procedure, it shall send copies to the parties to the proceedings within 5 working days at the latest. The parties to the proceedings shall have the right to lodge a statement of defense to the application for reopening of the proceedings within fourteen calendar days of receipt of a copy of the application for reopening of proceedings. The court shall deal with the application for reopening of proceedings, once it has been admitted, by written procedure. When examining an application for the renewal of process, the administrative court shall examine whether it is based on the grounds for renewal of process laid down by law. If necessary, the court shall have the right to require the applicant to provide additional evidence on the aforementioned issues.

In the event that, after hearing the application to reopen the proceedings in a civil case, the court finds that the application was lodged within the time limit and is founded on the grounds set out in Article 366(1) of the CPC, it shall, by order, reopen the proceedings and fix a date for the hearing of the case or, by order, refuse the reopening of the proceedings, if it finds that the defects referred to in this paragraph exist. If, at the hearing at which the proceedings were reopened, it appears that no further preparation for trial is necessary, the court shall, with the consent of the parties to the proceedings, proceed to the examination of the substance of the case. Where proceedings are resumed, the grounds for resumption shall be stated in the order of the court. An appeal may be lodged against an order refusing to reopen proceedings, except where reopening of proceedings has been refused at the appellate or cassation instance. An order of the court of appeal refusing to reopen proceedings may be appealed against in cassation.

In administrative proceedings, however, where the court finds that the application is not based on the grounds for reopening the proceedings laid down in the law, the court will refuse to reopen the proceedings by order. Where the court finds that there were grounds for refusing to accept the application for reopening of proceedings, the court shall refuse to reopen the proceedings by order. Where the court finds that there are grounds for imposing a time-limit for the completion of the deficiencies in the application for reopening of proceedings, the court shall, by order, impose a time-limit for the completion of the deficiencies. If the deficiencies are not remedied, the court shall, by order, refuse to reopen proceedings. The above rulings of the Supreme Administrative Court of Lithuania are not subject to appeal.

If the application to reopen proceedings in an administrative case is made within the time limits laid down by law and is based on the grounds for reopening proceedings laid down by law, the court shall issue a decision on the reopening of the proceedings, which shall specify the administrative court that will hear the case on the merits. Once the court has issued an order for the reopening of proceedings, the case shall normally be referred back to the court of the same instance whose decision or order is being challenged for a fresh decision. In cases where the judgment or order appealed against was given after an appeal has been lodged, the case shall be reheard before the Supreme Administrative Court of Lithuania. Where proceedings in such a case have been reopened by this Law on the grounds referred to in Article 156(2)(10) or (12) (where there is clear evidence that there has been a material breach of substantive law in the application of the substantive law, which may have contributed to the adoption of an unlawful decision or order, or where there is a necessity to ensure the establishment of a uniform practice amongst the administrative courts), the case shall be referred by the Supreme Administrative Court of Lithuania to an extended panel of judges or to a plenary session for a fresh hearing.

Therefore, when a civil case is reopened, the court shall re-examine the case in accordance with the general rules of the CPC, but within the limits set by the grounds for reopening the proceedings. The legislator has laid down a strict limitation that the judge against whose judgment or order the proceedings are reopened may not be present during the examination of the application for reopening of the proceedings and/or of the case in which the proceedings have been reopened.

The court, after examining the civil case in which the proceedings have been reopened, has the right to: 1) reject the application for amendment or annulment of the judgment (order); 2) amend the judgment or order; 3) issue a new judgment (order). Where the application to vary the judgment (order) is dismissed, the court shall make an order, and where the judgment (order) is varied or a new judgment (order) is given, the court shall give its judgment or order. If the court modifies the decision/order or issues a new decision/order, the previous court decisions/orders shall cease to have legal effect. At the same time, it is important to note that the filing of an application to reopen proceedings does not in itself suspend the execution of the judgment or order, but the court, at the request of the persons involved in the proceedings or other interested persons or on its own initiative, has the right to suspend the execution of the judgment or order pending the hearing of the case for reopening proceedings. In addition, the court may require the applicant to provide security for the claimant's loss which may result from the suspension of the judgment or order. An order made by the court suspending the execution of the judgment or order may be subject to an appeal by way of an individual appeal.

However, the law on administrative procedure states that, after the proceedings have been reopened, the proceedings shall be re-examined in accordance with the rules of procedure of the court of first instance, if the contested final judgment or order was delivered at first instance. If the judgment or order appealed against was given on appeal, the reopening of the proceedings shall be subject to the appeal procedure. The court shall deal with the reopened case within the limits set by the grounds for reopening the proceedings. Where, following the reopening of proceedings, the administrative court re-examines the case, it shall take one of the following decisions: (1) dismiss the application and uphold the judgment or order appealed against; (2) modify the judgment or order appealed against; (3) set aside the judgment or order appealed against and adopt a new

judgment or order. In the first case, the order of the court shall be given; in the second and third cases, the judgment or order shall be given. If the administrative court adopts a new decision, it must also annul all previous court decisions in the case. The law makes it imperative that the judge whose decision or order is the subject of the reopened proceedings may not sit on the panel of judges constituted for the purpose of the reopening of the case, except the Supreme Administrative Court of Lithuania.

The filing of an application to reopen proceedings, as well as the court's order to reopen proceedings in an administrative case, does not suspend the execution of the contested decision or order. After accepting an application to reopen proceedings, the administrative court shall have the right to suspend the execution of the contested decision or order pending the hearing of the case for reopening proceedings. Where proceedings in an administrative case have been reopened, the execution of the contested decision or order may also be suspended pending the re-examination of the case. The order suspending the execution of the decision or order is not subject to appeal in this case.

Thus, the court first examines the question of whether to accept the application for reopening of proceedings. Only after the decision to admit the application for reopening of proceedings has been taken is the question of reopening of proceedings decided. Finally, only after the decision to reopen the proceedings has been taken, a hearing is organized for a review of the judgment within the framework of the grounds for reopening the proceedings. In civil and administrative proceedings, the procedure for applying for reopening of proceedings is essentially the same, but there are differences in the courts that hear applications for reopening of proceedings and the possibilities for applicants to appeal against procedural decisions of the court that are not to their satisfaction (e.g. a court's order refusing to admit an application for reopening of proceedings or not to reopen the proceedings). After the reopening of proceedings in administrative proceedings, the case may be re-examined by a different court from the one which decided on the reopening of proceedings, but the rights of the court to re-examine the case are essentially identical in both civil and administrative proceedings.

Conclusions

In conclusion, although the principles of legal certainty and legal certainty presuppose the general rule that a final judgment cannot be challenged, the case law of the European Court of Human Rights and the Constitutional jurisprudence of Lithuania suggest that the principle of legal certainty is not an absolute one, and that, under certain conditions, a departure from this principle is possible.

The need to reopen proceedings is based on the need, in certain cases, to rectify a final judgment (in the broadest sense of the term) in the light of new circumstances. This institution is a unique form of control over the reasonableness and legality of judicial decisions, is intended to eliminate possible inaccuracies and errors in the judicial proceedings, and is aimed at the implementation of the fundamental tasks of the court as laid down in the Constitution and in laws and international instruments, i.e. the administration of justice, the exercise of the right of defence, and the protection and safeguarding of the rights and legitimate interests of individuals.

Although the institute of reopening of proceedings cannot be fully equated with the cassation function of the courts, however, with only two levels of administrative courts in Lithuania, it can be concluded that, in principle, the Supreme Administrative Court of Lithuania, when deciding on the issue of reopening of proceedings in individual administrative cases, also performs a cassation function in a certain sense.

Convention for the Protection of Human Rights and Fundamental Freedoms 6 The right to a fair trial, guaranteed by Article 6(1) of the Convention, emphasizes one of the essential elements of the principle of the rule of law: the principle of legal certainty, which implies respect for the principle of res judicata (the court's having finally settled the matter, i.e. the prohibition of an identical action). This principle requires that, once the courts have finally settled a dispute, their decision must not be called into question, thus ensuring the stability of relations. The grounds for reopening proceedings as an exceptional stage must therefore be applied informally and in accordance with the principle of legal certainty, so that reopening of proceedings is possible only for the correction of fundamental errors in important and compelling circumstances.

A comparison of the procedural laws governing civil and administrative proceedings and the case-law developing them shows that the essential provisions of the institute of reopening of proceedings make this stage of the proceedings exceptional and optional. The definiteness and clarity of the legal regulation guarantee that this stage of the proceedings complies with the provisions of the Convention on the guarantee of the right to a fair trial. It is also important for the purpose of ensuring the purpose of reopening of proceedings and the stability of the rights of individuals to ensure the practice of the highest courts in the unification of the interpretation and application of the grounds for reopening of proceedings and other provisions of the procedural law.

References

Agnello, N. S., Chiles, J. R. "The First CFPB Administrative Appeal: RESPA, Kickbacks, and the Danger of De Novo Review", Business Law Today 9 (2015).

Ambrasaitė, G. (2006) Appeal in administrative proceedings: possibilities of limiting the right of access to the Supreme Administrative Court of Lithuania. *Jurisprudence*, 6 (84).

Bilak, D. A. Administrative Justice in Lithuania. Evaluation / United Nations Development Programme - Vilnius, 2003.

Bilevičiūtė, E., Pranevičienė, B. Constitutional Assessment of Certain Peculiarities of the Institute of Reopening of Administrative Proceedings. Constitutional and Legal System, Liber amicorum for Vytautas Sinkevičius, 2021, MRU.

Bogdanskienė, R. The Prosecutor as a Subject of Procedure Reopening. Jurisprudence: scientific works. Vilnius: Mykolas Romeris University Publishing Centre, 2007, No. 2 (92).

Bolzano, D. Some issues in the reopening of proceedings in civil matters. The right to judicial defence in the context of civil procedure reform: a collection of scientific articles [Electronic resource] / Mykolas Romeris University, Supreme Court of Lithuania. - Vilnius: Mykolas Romeris University, 2010.

Bradley, A. W., Ewing, K. D. Constitutional and Administrative Law. Harlow: Longman, 2003.

Bruskina, N. Reopening of proceedings after the ECtHR judgments in cases against Lithuania. Law. Vilnius: Vilnius University Press. 2019, t. 113. Buckley, Mert, "Administrative Law: De Novo Review of Administrative Action - What are the Limits", Washburn Law Journal 15, 3 (1976): https://

heinonline.org/HOL/P?h=hein.journals/wasbur15&i=481; Chad m. Oldfather, "Universal De Novo Review.
Civil procedure law. General Part, VU TF, 2020.
Code of Civil Procedure of the Republic of Lithuania (Official Gazette of the Republic of Lithuania, 2002, No. 36-1340; 2002, No. 42-0; TAR, 2002-02-28, No. IX-743).
Davis, M. S. A Basic Guide to Standards of Judicial Review, 33 S.D.L. Rev. 469 (1988).
Driukas A., Valančius V., Civil Procedure: theory and practice, Part IV.
European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 // Official Gazette. 1995, No. 40-987.
Hoffman A., "Corralling Constitutional Fact: De Novo Fact Review in the Federal Appellate Courts", Duke Law Journal 50, 5 (2001);
Jokšas, D., Katiševskaja, E. Why does administrative procedure (not) require cassation?
Kargaudienė, A. Changes in administrative law in modern democratic society. Jurisprudence. 2005, 70(62): 31-41.
Collective monograph dedicated to the tenth anniversary of the Lithuanian Administrative Courts. Administrative Courts in Lithuania. Today's Challenges. 2010 Lithuanian Supreme Administrative Court
Curve. E. The problem of public interest in civil procedure law. Jurisprudence, 2007, No.10.
Commentary to the Civil Procedure Code of the Republic of Lithuania. Part II-III (2005), Part II, Part III (2005), Vilnius: Justitia.
Kunnecke, M. Tradition and Change in Administrative Law. An Anglo - German Comparison. Berlin, New York: Springer, 2007.
Law on Administrative Proceedings (Official Gazette, 1999, No 13-308; 2000, No 85-2566; TAR, 15 June 2016, No 2016-16849).
Law on Public Administration (Official Gazette, 1999, No. 60-1945; 2006, No. 77-2975; TAR, 2020-06-11, No. 2020-12819).
Lithuanian courts. Performance in 2023. https://www.teismai.lt/data/public/uploads/2024/03/lietuvos-teismai-ataskaita-2023-m..pdf
Lukšytė, R. Establishment of material truth as one of the functions of the reopening of proceedings. No. 69 (2005): Jurisprudence
Mashaw, J. L. "Rethinking Judicial Review of Administrative Action: A Nineteenth Century Perspective", Cardozo Law Review 32, 6 (2011).
Mikelėnas, V., Laužikas, E., Nekrošius, V. Civil Procedure. Volume II. Vilnius: Justitia, 2003, 2005.
Morris d. Forkkosch, "Judicial De Novo Review of Administrative Quasi-Judicial Fact Determinations", Hastings Law Journal 25, 4 (1974);
Newspaper 15min Article "The President of the Supreme Administrative Court proposes to reopen the case related to "Atvira Klaipėda": https://www.15min.lt/naujiena/aktualu/lietuva/lvat-pimininkas-siulys-atnaujinti-byla-susijusia-su-atvira-klaipeda-56-1579034?utm_medium=copied
Paužaitė-Kulvinskienė, J. (2016). Searching for a Model of Administrative Procedure in Lithuanian Legal Science. In Paužaitė-Kulvinskienė, J. and Ragauskas, P. (eds.), *Quarter of a Century of Researching and Reforming the Lithuanian Legal System.* A collection of peer-reviewed scientific articles. Vilnius.
Raižys, D., Urbonas, D. (2010). An infrastructural model of administrative justice. Public Security and Public Order, 3, 51-74; 343.
Regional Administrative Court website https://administracinis.teismas.lt/veikla/apie-teisma/27
Review of the activities of the Supreme Administrative Court of Lithuania in 2023. https://lvat.lt/lt/doclib/ylaj78rxp1kcv8uznmjgx4txkz9gdtm5
Rubira, J. J. L. Some trends in administrative law in the 21st century. Texas International Law Journal. 2001, 36: 599 - 603.
Shechter, J. A. "De Novo Judicial Review of Administrative Agency Factual Determinations Implicating Constitutional Rights", Columbia Law Review 88, 7 (1988).
Seerden, R. Administrative law of the European Union, its member states and the United States: a Comparative Analysis. Antwerpen: Intersentia, 2007.
Urmonas, A., Pranevičienė B. The essence of administrative discretion and possibilities of discretionary control. Jurisprudence. 2002, 32: 54-64. 76.
Urmonas, A. Administrative law in the space of social change. Jurisprudence. 2006, 83: 37-47.
Valančius, V., Norkus, R. (2005). Prerequisites and Perspectives of the Reform of the Administrative Process in Lithuania. Justitia, 3 (57), 2-12.
Valančius, V. The Lithuanian Code of Civil Procedure: experience of the first year. Vol. 69 No. 61 (2005).
Valančius, V. (ed.) (2010). Administrative Courts in Lithuania. Today's Challenges. Vilnius.
Varnaitė, J. Reopening of administrative proceedings: concept, meaning and practice. Master's thesis.
Vėlyvis, S., Bolzanas, D. A closed case as a condition for the reopening of proceedings in a civil case. Socialinių mokslų studijos = Social sciences studies : mokslo darbai. Vilnius : Mykolas Romeris University Publishing Centre, 2009, No. 2(2).

RECEIVED: 01 August 2024 ACCEPTED: 02 September 2024 PUBLISHED: 06 January 2025

Jovita Einikiene, Associate Professor of Law, Lithuania Business College. Scientific research areas in Law (01S). The scientific research has been carried out in the fields of civil law, civil procedure, administrative procedure. Has been attending and presenting at various scientifical and practical conferences. Judge of Regional administrative court of Lithuania, phone +370 686 79745; email jovita.einikiene@ltvk.lt, ORCID ID: https://orcid.org/ 0009-0006-2549-1450.

Diana Jankiene, lecture, Lithuania Business College. Scientific research areas in Law (01S). Judge of Vilnius city district court of Lithuania, phone +370 671 35888; e-mail diana.jankiene@ltvk.lt, ORCID ID: https://orcid.org/0009-0003-8176-9187.