

REPUBLIC OF LITHUANIA
LAW ON AMENDING ARTICLE 49 OF THE CODE OF CIVIL PROCEDURE AND
SUPPLEMENTING THE CODE WITH ARTICLE
261¹ AND CHAPTER XXIV¹

The law was passed on 13 March 2014 No. XII-771

Article 1. Declaring Invalid Paragraph 6 of Article 49

Paragraph 6 of Article 49 shall be declared invalid.

~~6. For the purposes of protection of public interest a class action may be brought in accordance with the procedure prescribed by the law.~~

Article 2. Amending of Article 80.

The Paragraph 1 of Article 80 of the Code shall be supplemented with the subparagraph 9:

9) the amount of duty stamp in class action lawsuit is being established in accordance with the regulations of Chapter XXIV¹ of this Code.

Article 3. Amending of Article 182.

Article 182 of the Code shall be supplemented with the subparagraph 6:

6) the facts established by the intermediate ruling in class action lawsuit [do not require proof] in the court hearing the individual pleas of the members of a class in the same class action lawsuit.

Article 4. Supplementing the Code with Article 261¹

The Code shall be supplemented with Article 261¹ and be set forth to read as follows:

“Intermediate Ruling in a Class Action Lawsuit

1. Should individual pleas of the members of a class be laid in a class action, the court hearing the class action lawsuit shall deliver a ruling in respect of all class members concerning the factual circumstances in the class action lawsuit consolidating the class members which is called intermediate ruling.

2. Following the intermediate ruling in the class action lawsuit, the court shall adjudicate the individual pleas of each class member and pass individual rulings in respect of each class member.”

Article 5. Supplementing the Code with Chapter XXIV¹

The Code shall be supplemented with Chapter XXIV¹ and have it read as follows:

“CHAPTER XXIV¹

PARTICULARITIES OF HEARING CLASS ACTION LAWSUITS

Article 441¹. General Provisions

1. The court shall hear class action lawsuits in accordance with the regulations set forth herein. The general regulations concerning hearing of lawsuits laid down in this Code or other laws shall be applicable to the class action lawsuits to the extent the regulations concerning hearing of class lawsuits are not established thereby.
2. The disputes when an action is grounded on identical or similar factual circumstances and aims at protecting natural or legal entities that set up a class and brought a claim, identical or similar substantive rights or interests protected by the law by means of the same remedy shall be adjudicated in accordance with the procedure set forth herein.
3. In preparing the class action lawsuit, the mandatory participation of an attorney-at-law is required. The mandatory representation of an attorney-at-law for the class group is required while the court is hearing the class action lawsuit.
4. The lawsuits referred to herein shall be heard by the regional court as the court of first instance.
5. When calculating the prescription of action it shall be deemed that the pleas of the class members were lodged when the class action was brought irrespective of the date on which they joined the class-

Article 441². Preliminary Out-of-Court Procedure for Dispute Adjudication

1. The representative of the class shall be obliged to notify the respondent of the intention of the class to apply to the court for bringing a class action lawsuit by sending a written claim by registered post mail on the address of the place of residence if a respondent is a natural person and on the address of the registered office if a respondent is a legal person. The claim shall specify the class members and their pleas and warn that if the pleas are not fulfilled within the period indicated in the claim, the class members may lodge the court with a class action. A period of at least 30 days for fulfillment of the pleas shall be set by the representative of the class. Should no response to the claim be received within the established period, it shall be deemed that the respondent failed to fulfill them.

2. The requirements concerning the preliminary out-of-court procedure for adjudication of disputes set forth herein shall not be applicable if different mandatory preliminary out-of-court procedure for dispute adjudication is established for the pleas laid pursuant to other legal acts or the class has exercised other non-mandatory out-of-court procedure for adjudication of the dispute.

Article 441³. Preconditions and Conditions for Bringing a Class Action

1. A class action may be adjudicated in accordance with the procedure laid down herein if the court has determined the following:

- 1) there exist circumstances set out in paragraph 2 of Article 441¹ of this Code;
- 2) a class action is a more expedient, effective and appropriate means of resolving the particular dispute than individual actions;
- 3) the preliminary out-of-court procedure referred to in Article 441² of the Code has been followed;
- 4) the class shall be represented by an appropriate representative.

2. In addition to general conditions for bringing an action established in this Code, a class action must conform to the following special conditions:

- 1) an action shall be lodged by at least 20 natural and/or legal entities that express their will to be members of the class and bring the action to the court in writing. The model form of the above statement shall be approved by the Minister of Justice;
- 2) the class shall be represented by an attorney-at-law.

3. In the light of the nature of the action, in addition to the requirements set in Article 135 of this Code, the action must indicate the following:

- 1) request for hearing the claim in accordance with the procedural regulations concerning class actions;
- 2) substantiation why adjudication of the pleas is most expedient, effective and appropriate means of resolving dispute in accordance with the procedural regulations concerning class actions;
- 3) description of the class of persons with which the class action is related;
- 4) circumstances which are analogous or similar with regard to all members of the class;
- 5) individual pecuniary pleas of the class members (if any), circumstances which may be relevant for assessment of the pleas;
- 6) information which grounds the appropriation of the representative of the class;
- 7) indication that the requirements for preliminary out-of-court procedure for dispute adjudication set in Article 441² are fulfilled.
- 8) signatures of the representative and attorney-at-law of the class.

4. Annexes to the action must contain the following information:

- 1) a list of members of the class specifying the following information: name and surname (name), place of residence (registered office), identification number (legal entity code), other contact details (correspondence address, telephone etc.) of each member of the class; the statements of the members of the class referred to in subparagraph 1 of paragraph 2 hereof shall be submitted together with the list of members of the class;
- 2) agreement on provision of legal services (extract therefrom) concluded by the representative and the attorney-at-law representing the class;
- 3) a notice to be distributed by the representative of the class in order to expand the class within the time limit set by the court. The notice must indicate the representative of the class, his/its name and surname (name), contact details (correspondence address, telephone etc.), description of the class, respondent, the grounds of the action and the pleas laid in the action, information that persons willing to become members of the class may apply to the representative of the class within the time limit set by the court and in accordance with the procedure pursuant to which the members of the class are furnished with information and major information on the procedural particularities of hearing a class action. The model notice form shall be approved by the Minister of Justice;
- 4) evidence (if any) substantiating individual pecuniary pleas of the class members (if any) and circumstances which may be relevant for assessment of the pleas;
- 5) evidence that the requirements for preliminary out-of-court procedure for dispute adjudication set in Article 441² are fulfilled.

Article 441⁴. Procedural Status, Rights and Duties of the Representative of a Class

1. The representative of a class shall be a member of the class who brings an action in the lawsuit and is concerned by the outcome of the lawsuit (except for the case set out in paragraph 2 hereof) and who signs the action for the benefit of the class and with the attorney-at-law of the class pleads a civil case on the class action representing the interests of all class members.
2. The representative of a class may be the association or trade union where the pleas laid in the class claim arise out of legal relations directly related to the objective and field of activity of the association or the trade union and where at least 10 members of the class are the members of the association or trade union. Members of the class may include not only the members of the association or the trade union and in the lawsuit proceedings the association or the trade union shall represent the interests of all members of the class.
3. The representative of a class shall be deemed to be the claimant. In the course of the lawsuit proceedings the representative of the class shall furnish the court with evidence, defense, reasoning,

pleas or appeals, exercise other procedural rights of the parties set forth in Article 42 of this Code on behalf of the members of the class.

4. The representative of the class shall have all rights and duties in relation to defrayal of litigation expenses. The litigation expenses shall be defrayed by the members of class action in accordance with the procedure established in Articles 441¹⁶–441¹⁷ of this Code.

5. The representative of the class shall be obliged to do the following:

- 1) act in the interests of the members of the class;
- 2) accept the evidence and explanations available to the class members and, in consideration of their relevance to the lawsuit and lawsuit hearing stage, submit them to the court in charge of hearing the lawsuit;
- 3) furnish the court with all information regarding individual pecuniary pleas of the class members (if any) disclosed to the representative by the class members taking into consideration the lawsuit hearing stage;
- 4) cooperate with the attorney-at-law representing the class (claimants) and furnish him with all available information in relation to hearing of the lawsuit;
- 5) notify the class members of the progress of hearing of the lawsuit and procedural actions performed in the proceedings and include the class members in taking of decisions which exert material effect on hearing the class action lawsuit. The decisions which exert material effect on hearing of the lawsuit shall be the decisions referred to in Article 441⁶ of this Code;
- 6) allow the class members possibilities to familiarize with the data on incurred litigation expenses (total amount of incurred expenses and amount of expenses for each member of the class);
- 7) fulfill other duties set out herein and in this Code.

6. The representative of the class shall be replaced by delivering a court ruling in the following cases:

- 1) the representative of the class furnished the court with the request in which he indicates not to consider him as the representative of the class and requests the court to appoint another member of the class to be the representative of the class. The request shall specify the person who is recommended as the representative of the lawsuit, contain the consent of the class member to be the representative of the class and evidence that a majority of the class members agree with the candidacy of the representative of the class;
- 2) more than a half of the class members lodge the court with the request for replacement of the representative of the class. The request must indicate the person who the class members wish to appoint as the new representative. The request must be signed by the members of the class lodging

it, it must be accompanied by the written consent of the person recommended to be appointed as the representative of the class to be the representative of the class;

3) in the case referred to in paragraph 3 of Article 441¹³ of this Code, when the new representative of the class submits written consents of a majority of the class members for his appointment as the representative of the class in the appeal proceedings.

7. The court shall make the ruling referred to in paragraph 6 of this Article on replacement of the representative of the class public on the special Internet website. The above ruling shall not be the subject to appeal.

8. Where, pursuant to paragraph 6 hereof, the representative of the class is replaced, the procedural actions carried out before appointment of the new representative shall be binding upon the members of the class and the newly appointed representative of the class to the same extent they were binding upon the members of the class and previous representative of the class. Replacement of the representative of the class shall not imply termination of relations between the class and the attorney-at-law of the class.

9. Should the class fail to reach an agreement on appointment of the new representative of the class or the class remain without any representative of the class for other reasons, the court shall publicly announce that the class does not have any representative on the special Internet website and set the term of at least 30 days within which the court must be furnished with the consent of a member of the class to be the representative of the class as well as evidence that a majority of the class members accept the candidacy of the new representative. Should the class fail to recommend a new representative of the class upon expiry of the term set by the court, the court shall take no further action on the class action.

Article 441⁵. Procedural Status, Rights and Duties of the Members of a Class

1. All members of the class shall be deemed to be the claimants. The available procedural rights and duties except for the rights and duties set forth herein shall be exercised by members of the class through the representative of the class. In the class action lawsuit the class members cannot conduct the proceedings separately and act on own behalf, except the proceedings upon individual pecuniary pleas of the class members, where each class member conducts separately and acts on own behalf.

2. A member of the class shall be considered to have joined the class upon making the statement referred to in subparagraph 1 of paragraph 2 of Article 441³ of this Code.

3. Each member of the class may notify the court in writing that he withdraws the class. He may exercise the said right before the court delivers the ruling referred to in paragraph 5 of Article 441⁸ except for the cases provided for in paragraphs 3 and 4 of Article 441⁶ of the Code of Civil

Procedure. Withdrawal of the class shall not prevent the member of the class who withdrawn from bringing an individual action on the same grounds and for the same subject.

4. Where the class action includes individual pecuniary pleas of the class members, each member of the class expressing his will to be a member of the class and lodge an action to the court must notify the representative of the class of his individual pecuniary plea and submit the supporting evidence.

5. A member of the class may individually apply for enforcement of the individual ruling of the court delivered according to his individual pecuniary plea in the class action lawsuit.

6. Individual pecuniary pleas in the class action lawsuit lodged by the member of the class shall be heard by the court in accordance with the general regulations concerning hearing of lawsuits laid down in this Code to the extent the regulations are not established in this Chapter.

Article 441⁶. Procedural Rights and Duties of a Class

1. The class shall be entitled to change the grounds or subject of the class action and increase or decrease the total amounts of the pleas laid in the actions so far it is necessary regarding to the claims of the members joined to the group and the nature of these claims. The afore-mentioned procedural actions shall be carried out by the representative of the class before the court is furnished according to the regulations set in paragraph 4 of Article 441⁸ with the revised list of the class members and, if necessary, a qualified action.

2. The class may exercise the right to withdraw the class action before the court sends copy of the action to the respondent according to the paragraph 4 of Article 441⁸. Later the class action can be withdrawn only with the consent of respondent and not later than until the decision of the first instance court is delivered. If the right to withdraw the class action is exercised after the court has sent the copy of lawsuit to respondent the representative shall furnish the court with the consent of a majority of the class members in writing to withdraw the class action. Those actions shall be carried out by the representative.

3. The class and the respondent may conclude a settlement agreement. The representative of the class shall notify the class members of such intention, attach a copy of the drawn up settlement agreement and indicate that the class members in two weeks from the date of notifying may exercise the right provided for in paragraph 3 of Article 441⁵ of this Code and withdraw the class. The notice shall specify that upon non-exercising the right referred to in paragraph 3 of Article 441⁵ of this Code and approval of the settlement agreement by the court, the lawsuit is terminated and the class member cannot bring a claim on the same grounds and for the same subject. A settlement agreement is mandatory to those members of class who have not exercised the right referred to in paragraph 3 of Article 441⁵ of this Code.

4. The class may waive any plea laid in the class action. The representative of the class shall notify the class members of any intention, attach explanations concerning reasons of waiving of the plea and indicate that the class members may exercise the right referred to in paragraph 3 of Article 441⁵ of this Code and withdraw the class. The notice shall specify that upon non-exercising the right referred to in paragraph 3 of Article 441⁵ of this Code by the class member and approval of the waiving of the plea by the court, the lawsuit is terminated and the class member cannot bring a claim on the same grounds and for the same subject. A waiving of the plea is mandatory to those members of class who have not exercised the right referred to in paragraph 3 of Article 441⁵ of this Code.

5. The enforcement order concerning the court ruling common in respect of the class members in the class action lawsuit shall be issued to the representative of the class.

Article 441⁷. Acceptance of a Class Action

1. After the representative of the class lodges a class action, the court shall determine if the action may be adjudicated in accordance with the procedural regulations, evaluates if all the persons who claim shall be considered as members of a class, whether individual pecuniary pleas are related with the grounds and subject of the class action. The court by determining whether a class action is a more expedient, effective and appropriate means of resolving the particular dispute than individual actions, evaluates the described class, the nature of infringed substantive rights or interests protected by the law pleaded by the claim, the relationship between the common claim of class and individual pecuniary pleas of members of the class (if any), the amount of individual pecuniary pleas of members of the class and other circumstances according to the information submitted by the representative and other information known to the court. When determining the eligibility of the representative of the class the court evaluates the honesty, standing, competence for representation of the class of the representative; experience of the representative in other class action lawsuits (if any), his procedural behaviour in these proceedings; whether there is no conflict of interest between the representative of the class and the class members. By the same ruling the court shall set the term for extension of the class and approve of the notice on extension of the class submitted by the representative of the class. The above ruling may be appealed against by lodging a separate appeal. If such an appeal is lodged, the court shall suspend the proceedings until the appeal is resolved. Having resolved the lodged separate appeal the ruling is considered as final and cannot be the subject to cassation.

2. Prior to delivering the ruling on the acceptance of the class action the court shall send a copy of the action to the respondent and notify that the respondent may object within seven days from the

date of service of the ruling in accordance with the procedure established in paragraph 1 of Article 142 of this Code. The court shall at the same time notify the respondent of the known claimants, a copy of the list of the class members shall be attached to a copy of the class action and note that currently the class is not approved and is at the stage of extension; thus, not all claimants are known.

3. Where the action is not in compliance with requirements set in paragraphs 2-4 of Article 441³ of this Code, the action shall be put in order in accordance with the procedure for putting procedural documents in order established in this Code.

4. Having delivered the ruling on the acceptance of the class action the court shall make a public notice on extension of the class on the special Internet website.

5. As the ruling on the acceptance of the class action becomes effective, existence of the class cannot be argued in further stages of hearing the class action lawsuit.

Article 441⁸. Extension and Approval of a Class

1. The court taking into consideration the subject and grounds of a class action and possible size of the class as well as spread of members thereof shall set the term from 60 to 90 days for extension of the class in the ruling on the acceptance of the class action. Having received a sound request of the representative of the class, the court may extend the said term but not more than for additional 30 days.

2. The representative of the class may spread the notice approved by the ruling of the court concerning extension of the class referred to in subparagraph 3 of paragraph 4 of Article 441³ of this Code through media coverage and by other means.

3. The person's right to join the class action or withdraw it within the time limit set in the ruling referred to in paragraph 1 hereof shall not be restricted. A person shall join the class by furnishing the representative of the class with the completed statement referred to in subparagraph 1 of paragraph 2 of Article 441³ of this Code and withdraw the class by submitting a free-format written refusal to be a member of the class and claimant in the class action lawsuit to the court.

4. Upon expiry of the time limit set out in paragraph 1 hereof, the representative of the class shall furnish the court with a revised list of the class members and, if necessary, a qualified action not later than within 14 calendar days. The 14 calendar-day term can be renewed by the court acknowledging that the term was passed due to important reasons. The court shall immediately send a copy of the revised list of the class members and a copy of the action to the respondent in accordance with the procedure set forth in paragraph 1 of Article 117 of this Code noting that the

respondent may lodge objections over the revised list of the class members and qualified class action within 7 days as of the date of service of the ruling.

5. Having evaluated the objections of the respondent the court shall determine if the qualified action brought by the representative of the class is in compliance with the terms and conditions laid down in 441³ of this Code and having verified if all persons who lodged the action may be deemed to be the members of the class approve the final list of the class members by delivering a ruling.

6. The ruling referred to in paragraph 5 hereof shall not be the subject to appeal.

7. The court shall send a copy of the ruling referred to in paragraph 5 hereof accompanied by the notice on service of defence to the action brought to the court which delivered the ruling to the respondent and third parties concerned. When lodging a defence to the action the respondent shall indicate the details of the representative of the class as the details of the claimant and note that the defence is also lodged for the pleas of other members of the class.

8. After the court delivers the ruling referred to in paragraph 5 hereof the persons who could not exercise the right to become members of the class for important reasons shall be entitled to furnish the court with a reasonable request for joining the class. The court may uphold such request only subject to consent of the representative of the class and the respondent. The consent of respondent is not required for becoming a member of the class in the case set out in Article 441¹⁰.

Article 441⁹. Rulings of the court

1. Common ruling – the ruling delivered in the class action lawsuit by the court adjudicated the pleas laid in a class action by oral procedure common to all members of the class.

2. Intermediate ruling - the ruling delivered by the court in respect of all members of the class in the case individual pleas of the class members in the class action had been laid having been adjudicating the issues concerning the factual circumstances consolidating the class members raised by the class action by oral procedure.

3. Individual ruling – the ruling delivered by the court having been adjudicating the individual pecuniary pleas of each member of the class laid in a class action by written procedure (if the court does not consider that oral proceedings are necessary) and following the effective intermediary ruling. Individual rulings in the same lawsuit of the class action should be announced, if possible, at the same day.

Article 441¹⁰. Ratio between the Class Action and Individual Actions

Where prior to approval of the final list of the class according to the paragraph 5 of Article 441⁸ of this Code an individual action grounded on analogous or similar factual circumstances with

identical pleas for the same respondent and aiming at protection of substantive rights (or interests protected by the law) by the same remedy was brought, the claimant at own initiative or at the request of the court may exercise the right to withdraw the action referred to in Article 139 of this Code and become a member of the class in accordance with the regulations laid down in Article 441⁸ of this Code. In this case, if the court adjudicating the class action confirms the person in the list of the class, no further actions are taken on the claimant's individual plea at the initiative of the court without the respondent's consent.

Article 441¹¹. Role of the Court

1. In addition to the representative of the class, the court may also invite other members of the class to the hearing when, according to the court, it is necessary for due hearing of the lawsuit.
2. If, in the court's opinion, the attorney-at-law improperly represents the interests of the class in the judicial proceedings, the court may propose to the representative of the class to replace the attorney-at-law. In such case, the representative of the class shall be obliged to immediately but not later than within three working days notify the members of the class of such proposal of the court.
3. Should, according to the court, the interests of the class be improperly represented by the representative, the court, by announcing the notice via special public website, may propose to the class members to exercise the right to replace the representative and appoint another representative of the class in accordance with the procedure prescribed in paragraph 6 of Article 441⁴ of this Code.
4. The court, having evaluated the decrease of the number of members in the class, is entitled to decide on the expediency, effectiveness and appropriation of further proceedings in particular dispute according to the procedural regulations concerning class actions.

Article 441¹². Service of Procedural Documents

Service of judicial procedural documents to the representative of the class or the attorney-at-law representing the class by any of the means referred to in paragraph 1 of Article 117 of this Code shall be deemed to be due service of procedural documents to all members of the class.

Article 441¹³. Particularities of the Appeal Proceedings

1. The representative of the class shall be entitled to lodge an appeal against the non-effective common ruling or against a non-effective intermediate ruling delivered by the court of first instance in the class action lawsuit. The appeal shall be drawn up by the attorney-at-law. The appeal shall be signed by the attorney-at-law and the representative of the class.

2. Each member of the class may state that he withdraws his rights and duties as claimant in the appeal proceedings, including the duty to recover the litigation expenses in appeal proceedings within the term for lodging an appeal by furnishing the court with a written statement. The term for lodging an appeal may be renewed if the court acknowledges it is missed for important reasons. When majority of the class action members withdraw their rights and duties in appeal proceedings, the appeal in class action against the rulings referred to paragraph 1 herein can not be lodged. These provisions are not applied in case the appeal is lodged not by the class but by another party of the lawsuit.

3. If the representative of the class does not appeal against the ruling referred to in paragraph 1 hereof under appeal procedure, the court, which delivered the common ruling or the intermediate ruling, being furnished with the written application of a majority of the class members which is submitted not later than three days before the expiry of the term for lodging a class appeal, shall postpone the date of legal effect of such ruling for 40 days by passing a ruling which is not the subject to appeal. In this ruling the court announces that any member of the class shall apply to the court to be acknowledged as the representative of the class in the appeal proceedings. The aforementioned ruling shall be made public on the special Internet website. The representative has being appointed according to the regulations laid down paragraph 4 of this Article has a right to lodge an appeal of the class within the term of postponed legal effect of the ruling. Information regarding the power of a new representative to lodge an appeal of the class shall be made public on the special Internet website.

4. Having received the application of the class member for his acknowledgement as the representative of the class in the appeal proceedings referred to in paragraph 3 herein, the court taking into consideration paragraph 1 of Article 441⁷ shall deliver a ruling on replacement of the representative not later than within 3 working day from the date of receiving this application. The new representative of the class shall submit written consents of a majority of the class members for his appointment as the representative of the class in the appeal proceedings. The above ruling shall be made public on the special Internet website. The above ruling shall not be the subject to appeal.

5. The representative of the class appointed in accordance with the procedure prescribed in paragraph 4 hereof shall lodge the appeal against the common ruling or intermediate ruling delivered in the class action lawsuit to the court within the term of postponed effect of the ruling. The afore-mentioned term shall be renewed if it is missed for important reasons. The ruling rejecting the petition on renewing the missed term to lodge an appeal is the subject to appeal.

6. The ruling of the appeal court is common to all class members regardless of withdrawal of the member of the class from his rights and duties as claimant in the appeal proceedings in accordance with the procedure prescribed in paragraph 2 hereof.

7. If the class appeal is not lodged, each member of the class may lodge an individual appeal against the ruling delivered by the court when dealing with the individual pleas of that particular member of the class laid by him in the class action lawsuit in accordance with the general appeal regulations provided for in this Code. A member of the class may lodge an individual appeal within 30 days after expiry of the term for lodging a class appeal including the term of postponed efficiency of the ruling (if it was set).

8. Separate appeals against the rulings delivered by the court of first instance in class action lawsuit can be lodged by the representative. The separate appeals shall be prepared by attorney-at-law. The separate appeal shall be signed by the representative and attorney-at-law. For applying the separate appeal the general regulations concerning separate appeals laid down in this Code should be applied.

Article 441¹⁴. Particularities of the Cassation Proceedings

In the class action lawsuit the provisions of Article 441¹³ of this Code and the general regulations concerning cassation proceedings shall be *mutatis mutandis* applied to the cassation proceedings.

Article 441¹⁵. Apportionment of Litigation Expenses between the Class and the Respondent

If not provided otherwise in this Chapter, litigation expenses shall be apportioned pursuant to the general regulations concerning apportionment of litigation expenses established in this Code.

Article 441¹⁶. Stamp Duty in the Class Action Lawsuit

1. The stamp duty amounting to 140 Eur shall be paid for the class action concerning the non-pecuniary plea common to the class members. This stamp duty falls on the members of the class in equal parts.

2. Should the individual pecuniary pleas laid in the class action, all claims should be summed up and the stamp duty should be calculated relating to this sum in accordance with the general regulations laid down in this Code. The stamp duty falls on the members in proportion to the amount of the individual pecuniary plea brought by him.

3. The stamp duty for a class action lawsuit shall be paid by the representative, as fulfillment of his rights and duties, and the amount of stamp duty falling on each member of the class shall be

collected from members of the class according to the rules on apportionment of litigation expenses, which shall be approved by the representative. These rules shall comprise detailed order of apportionment of litigation expenses among the members of the class action.

4. The regulations laid down in this Chapter shall also be applied to the stamp duty which is paid by the representative of the class when lodging an appeal and a cassation appeal as well as a request for renewal of the proceedings.

Article 441¹⁷. Apportionment of Litigation Expenses among the Members of a Class

1. Litigation expenses include, besides those appointed in Paragraph 1 of Article 88 in this Code, reasonable and necessary expenses of the representative.

2. When, pursuant to Article 93 of this Code, the court awards the litigation expenses of the other party from the class, in the light of paragraphs 2-6 hereof, it shall be deemed that the aforementioned expenses are awarded from the members of the class in equal parts, except those cases covered by paragraphs 3, 4 and 5 of this Article.

3. In the event of delivering an intermediate ruling, the regulations laid down in paragraphs 1 and 2 hereof shall be applicable only to the expenses in relation to delivery of an intermediate ruling. The expenses in relation to adjudication of individual pecuniary pleas of the class members upon delivery of the preliminary ruling shall separately fall on each member of the class who laid an individual plea.

4. Should a member of the class withdraw the class, he shall be liable for the expenses which are related to procedural actions carried out before his withdrawal.

5. Should a member of the class withdraw from rights and duties as the claimant in appeal proceedings according to the regulations laid down in paragraph 2 in Article 441¹³ he shall not be liable for the litigation expenses incurred in the appeal and cassation proceedings. In other cases the litigation expenses in the appeal and cassation proceedings shall be considered in accordance with the regulations laid down in this Article.”

Article 6. Proposals to the Government of the Republic of Lithuania Before the entry into force of this Law, the Government of the Republic of Lithuania shall adopt subsidiary legislation.

Article 7. Entry into Force of the Law

This law, except for Article 6, shall enter into force on 1 January 2015.

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

PRESIDENT OF THE REPUBLIC

DALIA GRYBAUSKAITĖ