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RESTRICTIONS ON THE PROTECTION OF PUBLIC INTEREST IN THE FIELD OF CONSTRUCTION AND TERRITORIAL PLANNING

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Abstract. In the event of a violation of individual rights, the right to judicial protection is universally guaranteed. In cases where the right of a particular person is violated or a legitimate interest protected by law, the person himself or herself may apply to judicial protection directly. However, there are many situations in which certain acts or omissions cause damage to an object of general interest. In such a case, the public interest is presumed to be infringed. Assessing the cases of violation of the public interest in general, the sphere of territorial planning and construction should be distinguished as a specific area. Since cases of abuse of judicial protection occurred in these areas, often under the guise of protecting the public interest, the legal regulation was changed. This article analyzes the restrictions on the protection of the public interest established by legal norms, the changes in the legal regulation due to the protection of the public interest in the field of planning and construction of territories. The answer to the question of whether a restriction of the protection of the public interest is necessary at all is sought. It is presumed that excessive restrictions on the protection of the public interest may prevent it from defending it and dishonest individuals from pursuing their private interests at the expense of the public interest.

Keywords: territorial planning, construction, public interest, restriction of public interest protection

INTRODUCTION

Constitutional law universally recognizes that the state is an organization of the whole society (*Rulings of the Constitutional Court of the Republic of Lithuania* of 25 November 2002, 4 March 2003, 30 September 2003, 3 December 2003). The power of the state, as a political organization of the whole society, covers the entire territory of the state, its purpose is to ensure human rights and freedoms, to guarantee the public interest (*Ruling of the Constitutional Court of the Republic of Lithuania* of 30 December 2003). The imperative of social coherence is entrenched in the Constitution (*Rulings of the Constitutional Court of the Republic of Lithuania* of 14 January 2002, 3 December 2003, 5 March 2004). In performing its functions, the state must act in the interests of the whole society (*Ruling of the Constitutional Court of the Republic of Lithuania* of 4 March 2003). Every public interest can only be based on the fundamental values of society, which are enshrined, protected and defended by the Constitution; its

entrenchment and assurance, defence and protection are constitutionally motivated. The jurisprudence of the Constitutional Court has held that the implementation of the public interest as a public interest recognized by the state and protected by law is one of the most important conditions for the existence and development of society itself (*Rulings of the Constitutional Court of the Republic of Lithuania* of 6 May 1997 and 13 May 2005). On the other hand, the public interest, as a general interest of the state, the whole society or a part of society, must be reconciled with the autonomous interests of the individual, because not only the public interest but also the rights of a person are constitutional values (*Rulings of the Constitutional Court of the Republic of Lithuania* of 6 May 1997, Decisions of 13 December 2006).

These values enshrined in the Constitution - the protection and defence of the rights and legitimate interests of the individual and the public interest - cannot be contradicted. The right balance needs to be struck in this area. At the same time, it should be noted that the public interest is not to be considered any legitimate interest of a person or a group of persons, but only one that reflects and expresses the fundamental values of society, which are enshrined, protected and defended by the Constitution; these include, inter alia, openness and coherence of society, justice, individual rights and freedoms, the rule of law, etc. This is the interest of the society or a part thereof, which the state, in the exercise of its functions, is constitutionally obliged to ensure and satisfy, *inter alia* through the courts, in cases adjudicating following its competence.

Therefore, whenever the question arises as to whether a certain interest is to be regarded as public, it must be possible to substantiate that certain values enshrined in, protected and defended in the Constitution would be violated if the interest of a certain person or group is not satisfied. And in cases where the decision on whether a certain interest is to be considered public and defended and protected as a public interest must be made by the court adjudicating the case, it is necessary to state the reasons in the relevant court act. Otherwise, there would be a reasonable doubt that what is defended and protected by the court as public interest is not a public interest but a private interest of a particular person. It should be emphasized that the public interest is dynamic and changing (*Ruling of the Constitutional Court of the Republic of Lithuania* of 8 July 2005). On the other hand, it is very diverse. In principle, it is not possible to say *a priori* in which areas of life which may give rise to legal disputes or which may require the application of a law, the public interest may be threatened or the public interest may need to be safeguarded by the intervention of public authorities or officials. <...> The Constitutional

Court has held that laws, without violating the Constitution, may establish in which cases and under which procedure authorized institutions or authorized officials may defend the public interest in court (*Ruling of the Constitutional Court of the Republic of Lithuania* of 22 February 2001). It should be mentioned that the Constitution contains expressis verbis respective powers (according to Paragraph 2 of Article 118 of the Constitution, a prosecutor shall protect the rights and legitimate interests of a person, society and the state in cases established by law).

The public interest in territorial planning and construction is examined in various aspects (Klimas, Brazdeikis (2013), Raižys (2013), Lastauskienė, Bakšienė (2015) etc.). This article will not seek to reveal the concept of public interest. The purpose of the research is to determine whether the constitutionally and statutory importance of the public interest cannot be denied by providing for restrictions on its protection.

Methodology. Analyzing the legal regulation of public interest protection in the context of the researched topic, comparative historical, logical-analytical, document analysis, scientific literature and document analysis methods were used. The comparative historical method is used in the analysis as a definition of another public interest and the conditions of its protection in legal acts, in the context of the analyzed topic. The method of document analysis is used to study the legal acts regulating territorial planning, construction and protection of the public interest. The logical-analytical method is used to make generalizations and formulate conclusions. The method of analysis of scientific literature and court decisions is used to find out the application and interpretation of legal norms regulating the protection of public interest both in court practice and doctrine.

DEFENCE OF THE PUBLIC INTEREST IN THE FIELD OF TERRITORIAL PLANNING AND CONSTRUCTION

The Supreme Administrative Court of Lithuania (hereinafter - the SACL), commenting on the public interest, noted that the legislator has not defined the public interest in legal acts, therefore its existence must be determined by the court in each specific case, taking into account all the circumstances of the case. and meaning. This court has repeatedly stated (see, for example, the SACL ruling of 27 December 2011 in administrative case No. A525-3318 / 2011) that the public interest, in applying the Law on Administrative Proceedings, should be perceived as what is objectively significant, necessary, valuable to the society or a part thereof, and the right of a person to defend the public interest in administrative proceedings is defined as the

right of persons provided by law to apply to an administrative court in cases established by law to defend what is objectively significant, necessary, valuable.

Article 30 of the Constitution of the Republic of Lithuania (*Constitution of the Republic of Lithuania* (CRL) 1992 Lietuvos Aidas, No. 220-0), Article 5 of the Code of Civil Procedure of the Republic of Lithuania (*Code of Civil Procedure of the Republic of Lithuania*) (hereinafter - CPC), Article 5 (*Law on Administrative Proceedings of the Republic of Lithuania, 1999 No. VIII-1262*) (hereinafter - LAP) enshrines one of the basic rights of a person - a person whose constitutional rights and freedoms are violated has the right to apply to a court. the violated or disputed right or interest protected by law has been defended (Article 5 (1) of the CPC); Every interested entity has the right to apply to a court under the procedure established by law to defend the violated or disputed right or interest protected by law (Article 5 (1) of the LAP).).

The possibility to apply to a court in defence of the public interest as provided for in Item 3 of Paragraph 3 of Article 5 and Paragraph 1 of Article 55 of the Law on Administrative Proceedings of the Republic of Lithuania. The provision of Paragraph 2 of Article 49 of the Code of Civil Procedure of the Republic of Lithuania states that in cases provided by law, state and municipal institutions and other persons may file a claim or statement to protect the public interest. According to the meaning of the indicated legal norms, the public interest may be protected in court under two conditions, i. y. the public interest is protected only by applying to a court established by law and only in cases provided by law. The norms of the LAP and the CPC, which indicate the entities entitled to apply to the court for the protection of the public interest, are formal, which do not provide a specific list of entities that may defend the public interest in the courts. It is also important that the law establishes not only the subjects but also the areas in which they have the right to defend the public interest in court. One of these areas is territorial planning and construction.

The main legal act regulating territorial planning in Lithuania is the Law on Territorial Planning of the Republic of Lithuania (*Official Gazette. 2013*, No. 76-3824), which aims to ensure sustainable territorial development and rational urbanization by establishing systematic nature of territorial planning process solutions, compatibility of documents at different levels and requirements for interaction, to create conditions for the harmony of the natural and anthropogenic environment, urban quality, preserving the valuable landscape, biological diversity, natural and cultural heritage values.

Therefore we can state that this law is firstly aimed at sustainable territorial development and the priority for the ownership of land is not expressed. However, it is natural that a person (natural or legal) considers firstly what activity he could carry out that would be useful to him in the first place and therefore the society interest or public interest is of less importance for such owner (*Pranevičienė, Šostakienė, Vasiliauskienė* (2017)).

The main legal act in the field of construction is the Law on Construction of the Republic of Lithuania (*Official Gazette 2001*, No. 101-3597), which establishes the essential requirements for all construction, reconstruction and repair of buildings in the territory of the Republic of Lithuania, its exclusive economic zone and continental shelf. procedures for research, design, construction, completion of construction, use and maintenance of buildings, demolition, principles and responsibilities of construction participants, public administration entities, owners (or users) of buildings and other legal and natural persons in this field. The procedure for state supervision of territorial planning and state supervision of construction, the institutions performing supervision, their competence, duties and rights shall be established by the Law on State Supervision of Territorial Planning and Construction of the Republic of Lithuania.

In its practice, the SACL has noted that territorial planning is a territorial organization of the activities of natural and legal persons, which seeks to ensure the public interest - rational use of the territory in a specific way - establishing or forming the legal status of certain territories. They record in writing and graphically the knowledge about the territory, land plots or their groups, the needs, conditions and procedure for their management and development (see the decision of the SACL of 30 October 2008 in Administrative Case No. A822-1678 / 2008, the decision in Administrative Case No A-2032-525 / 2015 of 23 March 2015). The objectives of territorial planning enshrined in the Law on Territorial Planning can be achieved, and the interests of natural and legal persons or their groups, society, municipalities and the state in harmonizing the conditions of use and development of land and land in this territory can be harmonized only in strict compliance with legal regulations; for example, the SACL ruling of 20 March 2014 in administrative case No. A602-343 / 2014). In this context, it is particularly important to mention that the case law thus recognizes that the legality of territorial planning and construction procedures is *per se* of public interest (SACL. No. eA-732-438 / 2019, No. A520-500 / 2013; No. A756- No. 1621/2012; No. A525-3318 / 2011; No. A63-1158

/ 2010; No. A525-648 / 2010; Order of the Supreme Court of Lithuania No. 3K-3-496 / 2010; No. 3K-3-310 / 2010);

As can be seen from the scope of the legal framework, these are the areas that affect the whole environment around us, and the consequences of that impact will be felt not only by the present but also by future generations. Therefore, the position of the SACL that the legality of these processes is in itself in the public interest is to be supported.

The public interest in territorial planning is implemented through a regulated public territorial planning process, which is obligatory for all planning organizers, establishing in the decisions of territorial planning documents measures for use and protection of the territory, obligatory or possible activities and obligatory or possible activities and their restrictions. part). The following have the right to protect the public interest in the field of territorial planning: 1) institutions performing state supervision of territorial planning (National Land Service under the Ministry of Agriculture, State Forest Service, State Territorial Planning and Construction Inspectorate under the Ministry of Environment) (Article 3 of the Law on State Supervision of Territorial Planning and Construction Paragraph 1, Item 6 of Paragraph 1 of Article 22 (Official gazette. 2013. No. 76-3848.) 2) the public concerned (Paragraphs 1 and 5 of Article 49 of the Law on Territorial Planning); In this case, the law provides an exhaustive list of persons, and persons not included in this list the opportunity to defend the public interest.

As regards public authorities empowered to defend the public interest, the possibility for those authorities to defend the public interest in the context of the entity is not restricted. Restrictions apply to the right of the public concerned to defend the public interest.

According to Article 2 (20) of the Law on Territorial Planning, the public concerned is the public whose legitimate interests are or may be affected by the decisions of the draft territorial planning document or which have an interest in the implementation of these decisions. According to this definition, associations and other public legal entities (except legal entities established by the state or municipality, their institutions) established under the procedure established by legal acts and promoting sustainable development of territories and environmental protection are in all cases considered as interested parties. The concept of the public concerned in the territorial Planning Act is in line with the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ("the Aarhus Convention"), ratified in 2001. July 10 the concept of the society and the

interested society established in Paragraphs 4 and 5 of Article 2 of Law IX-44919 (Official gazette. 2009. No. 8-273).

In interpreting this concept, the courts have stated that the law confers on public legal persons the right to defend the public interest, without linking this right to the moment of establishment of the legal person. Thus, the legislature opted for a regulation which allowed the locus to stabilize the public interest of public legal persons, irrespective of when they were established.

Taking into account the provisions of the Law on Environmental Protection and Territorial Planning, it is possible to distinguish the criteria for determining whether an applicant is considered an interested public under the Law on Environmental Protection and the Law on Territorial Planning, which has the right to go to court: I) association (non-governmental organization) the procedure operating under the requirements of the laws of the Republic of Lithuania; 2) it promotes environmental protection, helps to solve landscaping problems.

To determine whether a public organization meets the second criterion, i. y. promotes environmental protection, helps to solve landscaping problems, legal acts regulating the activities of a public organization must be assessed, evidence confirming the actual activities of a public organization in the field of environmental protection and landscaping, provisions of the statutes of a public organization the main objectives of the public organization. After the appeal to the court, the activities carried out by the public organization, the actions are taken, the appeal to various institutions do not constitute grounds to state that during the appeal to the court it acted as a non-governmental organization promoting environmental protection and solving landscaping problems. The fact that before the establishment of the association, its members, as individuals, actively participated in the discussion of wind power plant development issues in Pagėgiai municipality and adjacent districts does not substantiate the applicant's activities as a public organization in the field of environmental protection and landscaping (SACL Administrative Case No. A520-211 / 2013).

The Law on Territorial Planning of the Republic of Lithuania article 49 paragraph 4 states that interested parties members of the public, other interested natural and legal persons the right to apply to a court for an administrative decision on territories withdrawal of approval of a planning document only if they: I) participated in territorial planning publicity procedures and filed complaints or notifications due to public administration entities accepted with territories

planning decisions or areas of inaction by these entities planning public oversight authorities by due to the contested administrative decision regarding territorial planning acceptance of the approval of the document, if during the publicity procedures knew or could objectively have foreseen his or her potentially infringing rights; or 2) for reasons recognized by the court as important, was not able to participate in publicity procedures for territorial planning and submit complaints or notifications regarding decisions made by public administration entities related to territorial planning or inaction of these entities to territorial planning authorities before the contested administrative decision on territorial planning. document approval.

A reasonable question arises as to whether this is the case in paragraph 4 of the commented article the restriction imposed does not infringe Article 5 (1) of the LAP, which that every stakeholder has the right to be established by law to apply to a court to defend a violated or disputed right or statutory interest. However, the commentary is a *lex specialis* concerning the LAP norm mentioned above and should be given priority. On the one hand, such regulation is to be welcomed, as it is clear defines who will be able to question the territorial planning document. How it can be seen that it will usually be able to be active and planning, the results of those who are interested in the results, who know or can objectively anticipate their violated rights, will already provide complaints or notifications. On the other hand, such regulation also has a negative aspect, as to a certain extent it potentially restricts the right to judicial defence, which, among other things, is guaranteed by Paragraph 1 of Article 30 of the Constitution (Klimas (2017)).

In the light of this, it must be concluded that, although the law unconditionally confers a right on the public concerned to defend the public interest, that case-law has restricted that right.

RESTRICTION OF THE PROTECTION OF THE PUBLIC INTEREST IN THE CONTEXT OF MATERIAL JUSTIFICATION

Neither the Law on Territorial Planning, nor on Construction, nor the Law on State Supervision of Territorial Planning and Construction provides an exhaustive list of grounds on which institutions have the right to apply for the protection of the public interest. Guidelines for these frameworks can be found in the case law and the 2018 Opinion of the Prosecutor General of the Republic of Lithuania. June 26 order no. I-218 “On the Approval of the Recommendations on the Protection of the Public Interest” (TAR, 27 June 2018, No. 2018-10552) Description of the Procedure for the Protection of the Public Interest in the State

Territorial Planning and Construction Inspectorate under the Ministry of Environment wording of Order No. 1V-128 of the Head of the Planning and Construction Inspectorate under the Ministry of Environment of 17 July 2020).

As mentioned, the legislature does not define the public interest and the court must determine the existence of public interest on an *ad hoc* basis each time. For the LAP, the public interest is perceived as what is objectively significant, necessary, valuable to the society or a part thereof, and the right of a person to defend the public interest in administrative proceedings is defined as the right of persons provided by law to apply to an administrative court. significant, necessary, valuable to society or a part of it. In administrative case no. A17-742/2007, the panel of judges noted that the legislator gives the prosecutor the right to decide whether or not there is a public interest in initiating an administrative case in a particular case, but ultimately the presence or absence of public interest is decided by a court hearing an administrative case. In such a case, the court must determine the existence of the public interest on an *ad hoc* basis, taking into account all the circumstances of the particular case, the nature and significance of the issues to be considered therein (Order of the Supreme Administrative Court of Lithuania of 5 November 2007). In cases where the decision as to whether a particular interest is to be regarded as public and to be defended and protected as a public interest must be taken by the court seised, the reasons must be given in the relevant judicial act. Otherwise, there would be a reasonable doubt that what is defended and protected as public interest is not a public but a private interest of a certain person (ruling of the Constitutional Court of the Republic of Lithuania of 21 September 2006).

To protect the public interest and a person's subjective right or interest protected by law, the rules of administrative proceedings differ, therefore in a specific case it is important to determine what the applicant applied to the administrative court - protecting the public interest or subjective right or Order of 28 April 2008 in Administrative Case No A438-679 / 2008). Besides, the conditions for the satisfaction of a complaint differ, as not every violation of the law also leads to a violation of the public interest, but such a violation is necessary to satisfy the complaint regarding the protection of the public interest. Meanwhile, a person who defends his subjective right must prove the violation of this right during the proceedings. The distinction between cases in which the public interest is protected and where the applicant is defending his subjective rights or interests protected by law, in particular, makes it possible to define the subject-matter of the proceedings and to apply certain rules of evidence.

Determining whether the applicant has applied to the court for his subjective right or the protection of the public interest is also significant because when the law does not give the applicant the right to apply to the court for the protection of the public interest indicated in the complaint (request), the judge must refuse to accept such complaint) under Article 37 (2) (1) of the LAP. The case law recognizes that the main criteria for determining whether a person is defending the public interest or his subjective right or interest protected by law are the legal arguments, the circumstances on which he bases his claims. SACL panel of judges in administrative case no. A3-11 / 2004, systematically assessing Article 5 (1), (3) (1) and (3) and Article 56 (1) of the LAP, ruled that where the applicant bases his claim on a violation of private subjective rights or interests, the applicant should be considered to have applied to the LAP under the procedure laid down in Article 5 (1), in defence of one's own infringed or disputed right or interest protected by law.

However, in cases when the applicant bases his complaint on what is significant, necessary, valuable for the society or a part of it, it is assessed that the applicant has to apply to the court based on Article 5 (3) (3) and Article 56 (1) (LAP Order of the Court of 23 January 2004 in Administrative Case No. A3-11/2004; Order of the Court of 22 March 2007 in Administrative Case No. A17-316 / 2007; Order of the Enlarged Chamber of Judges of 19 January 2007 in Administrative Case No A3-64/2007; Order of 26 March 2008 in Administrative Case No A146-857/2008). Article 5 (3) (3) and Article 56 of the LAP provide for the right of a prosecutor to apply to a court in a case provided by law to protect the public interest or to protect the rights of the state, municipality or persons and the interests protected by law, but does not provide for their right to apply to a court. the rights and interests of a third party. For example, in administrative case No. A5-768 / 2007 the panel of judges did not satisfy the prosecutor's request to oblige the Kaunas County Governor's administration to restore the property rights to the land managed by persons who died before the nationalization of the land to the heirs of deceased former property owners who submitted applications in accordance with the established procedure. The panel of judges ruled that the prosecutor did not protect the public interest by this claim, but sought to protect the rights and interests of a third party, and did not provide a legal basis for such a claim (Order of 21 September 2007 in Administrative Case No. A5-768 / 2007).

The decision to protect the public interest must respect the principles of legitimate expectations, legal certainty and legal stability, assess the time before possible infringements,

their extent, the circumstances, whether the consequences can be prevented or whether the infringements have led to consequences. and etc.

If administrative decisions which may infringe the public interest and which have been taken more than 10 years ago, or where the infringements are minor, involve only technical and/or procedural errors (not affecting the legality of the decisions), a decision not to protect the public interest may be taken.

In the case of competition between several public interests, and if it is decided that other public interests may be harmed or will not be adequately protected at a reasonable cost by going to court, all competing public interests must be identified, i. y. the content of each public interest and the reasons why one or more public interests are given priority in a particular case.

Article 118 of the Constitution of the Republic of Lithuania provides that a prosecutor shall protect the rights and legitimate interests of a person, society and the state in the cases provided by law. Article 19 of the Law on the Prosecutor's Office of the Republic of Lithuania stipulates that prosecutors protect the public interest when they establish a violation of a legal act that violates the rights of a person, society, state and legitimate interests, and such violation is considered a violation of public interest.

The right of a prosecutor to go to court to protect a person's interests is an exception and is always linked to a breach of the public interest. The prosecutor shall apply to the court in civil or administrative proceedings when he establishes a violation of legal acts, the nature of which, in the prosecutor's opinion, is essential for the rights and legitimate interests of individuals, their groups, the state and society. It should be noted that the prosecutor, having established a legal basis for this, protects the interests of the person in all cases provided for in the Civil Code (hereinafter - CC) or the Code of Civil Procedure (eg CC 1.85, 2.10, 2. 114, 3.32, 3.39, 3.182, 3.263, CPK 449, 454, 494, 538 and other cases provided for by the CC and the CPC), and only in exceptional cases when the violation of the rights and legitimate interests of a person coincides with the violation of the public interest.

CONCLUSIONS

Assessing the cases of violation of the public interest in general, the sphere of territorial planning and construction should be distinguished as a specific area. It should be noted that the legislator, by granting the prosecutor the right to initiate civil and administrative cases when the public interest so requires, has not introduced the concept of public interest. This means that

the legislator has a broad understanding of the public interest and gives the prosecutor the right to decide for himself whether a public interest has been violated in a particular case or not (except in cases provided for by the CC and the CCP; in these cases, a violation of the public interest is presumed).

In the field of territorial planning and construction, the protection of the public interest is restricted by two criteria: by the subjects entitled to defend the public interest and by the material interest. On the one hand, such provisons of the Law on Territorial Planning of the Republic of Lithuania are to be welcomed, as it is clear defines who will be able to question the territorial planning document. On the other hand, such regulation also has a negative aspect, as to a certain extent it potentially restricts the right to judicial defence, which, among other things, is guaranteed by Paragraph 1 of Article 30 of the Constitution.

It must be concluded that application to the courts in the public interest, even in the event of a breach of the law, may not protect the public interest based on substantive interest, competition or legitimate expectations, legal certainty and legal stability. Based on analysis of legal regulation and case-law practice it could be concluded, that excessive restrictions on the protection of the public interest may prevent from defending it and dishonest individuals from pursuing their private interests at the expense of the public interest.

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28. The Constitutional Court of the Republic of Lithuania, Ruling of 22 February 2001;

29. Ruling of the Supreme Administrative Court of Lithuania in administrative case No. A525-3318 / 2011;
30. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. A822-1678 / 2008;
31. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. eA-732-438 / 2019,
32. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. A520-500 / 2013;
33. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. 1621/2012;
34. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. A525-3318 / 2011;
35. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. A63-1158 / 2010;
36. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. A525-648 / 2010;
37. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. A438-679 / 2008;
38. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. A3-11 / 2004;
39. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. No. A3-11 / 2004;
40. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. A17-316 / 2007,
41. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. A3-64 / 2007;
42. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. A146-857 / 2008;
43. Ruling of the Supreme Administrative Court of Lithuania in Administrative Case No. A5-768/2007;
44. Order of the Supreme Court of Lithuania No. 3K-3-496 / 2010;
45. Order of the Supreme Court of Lithuania No. 3K-3-310 / 2010;