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CURRENT STATE OF DIGITALIZATION IN LITHUANIAN CIVIL LAW AND EU INFLUENCES

Key words: digitalization, electronic transactions, digital assets, EU private law, Lithuanian law

Summary

The article examines the current state of digitalization in Lithuanian civil law, analyzing the influence of EU law and policy alongside the national legislator's advances beyond EU minimum. Drawing on the analysis, the article identifies stronger digital integration in economic relations (companies, obligations, intellectual property and digital assets) and civil procedure in contrast with weaker impact in social relations (family law, personality rights). Based on this assessment, the article offers targeted recommendations to enhance interaction between civil law and digitalization: fostering openness to innovations for transaction cost reduction, upholding functional equivalence and technological neutrality, and ensuring coherence and smooth integration of EU law into national frameworks. These steps aim to promote efficiency, accessibility, and legal certainty in an evolving digital landscape.

Introduction

Digitalization represents a socio-economic trend, which is increasingly relevant for European private law, including Lithuanian civil law. As private law governs economic relations between private actors and underpins a market economy increasingly reliant on digital technologies, traditional legal structures face inevitable pressure to adapt. Yet the impact of digitalization is not uniform across all areas of civil law: while some fields have undergone substantial change, others remain largely based on traditional legal forms.

In Lithuania, the digitalization of civil law is driven by two closely intertwined forces. First, as an EU Member State, Lithuania is subject to a growing body of EU law on digital technologies and data, which has significantly shaped areas such as electronic commerce, electronic signatures, digital content, intellectual property, data access, crypto-assets and digital judicial cooperation. Second, the Lithuanian legislator and courts have developed certain solutions that go

beyond the EU minimum, showing that national civil law retains considerable capacity to adapt to technological change on its own terms.

This article, using the dogmatic analysis of positive law, examines the extent and character of digitalization in Lithuanian civil law, researching whether this development has been uniform across the key areas of civil law and whether the existing legal framework is flexible enough to accommodate further technological change. It begins by situating the broader phenomenon of digitalization within the evolution of European digital private law, before turning to Lithuanian developments in the civil law of persons, property, obligations and procedure. It concludes by outlining future directions grounded in integrative principles of openness to innovation, technological neutrality, functional equivalence and coherence between EU and national law.

1. Digitalization

Digitalization may be defined as the integration of digital elements across the economy, social relations and public sphere. The society lives and thrives within the general framework of civil law – *ius commune* of the whole legal system. This makes civil law – both substantive and procedural[1] – an unavoidable target of various digitalization initiatives, which intensified lately due to rapid technologic development and, interestingly, as a response of COVID-19 pandemic, which together with quarantine restrictions complicated ordinary physical dealmaking. As a result of this, not just Lithuanian civil law became digital – today texts of civil legislation and court judgments are predominantly accessed in their electronic form. Digital assets in Lithuania are protected as property and exchanged against money and other property, traders and their customers are increasingly using electronic commerce as a more convenient and time efficient way of trade, entrepreneurs are establishing companies online, real estate transactions are formed and notarised in electronic form, the procedure of resolving civil disputes in courts and arbitration is becoming more and more digital. All this contributes to the overall efficiency of economy, but various risks also arise which should be addressed by the existing system of civil law. Main digital initiatives relevant for civil law are coming from Brussels, since the EU is quite active (sometimes even overly so) in the regulation of digital technologies and data, but national input is also significant.

[1] The term "civil law" as a distinct branch of law (in contrast to popular use of the word to simply denote continental legal systems) may be understood broadly or narrowly. In a narrow and most precise sense it means general branch of substantive law, which govern horizontal legal relations between equal persons over their personality, property and obligations. In a broad sense, which is used in this article, civil law also encompass procedure for adjudication of civil disputes.

2. European digital private law

It's characteristic for at least recent EU lawmaking that legislation is preceded by various policy action plans and strategies. The same is true with the EU digital law, development of which was accompanied by the Digital Agenda for Europe (2010),[2] Digital Single Market Strategy (2015),[3] European Strategy for Data (2020),[4] 2030 Digital Compass: The European Way for the Digital Decade (2021),[5] etc. Thus, for example, one of the key EU private law legislations – Digital Content Directive[6] was adopted following the Digital Single Market Strategy. These strategies should add coherence to different pieces of legislation, improve legal certainty and may serve as useful explanatory tools for the interpretation of EU digital law.

EU legislation has already more or less affected various branches of private law. Thus, in the area of persons, EU created comprehensive regulation on the protection of personal data, promulgated the European digital identity framework and facilitated electronic corporate actions (company formation and voting). According to Art. 6 of General Data Protection Regulation 2016/679 (GDPR),[7] processing shall be lawful where the data subject has given consent to the processing of his or her personal data for one or more specific purposes. Such consent in civil law may be characterized as a unilateral legal act (transaction, deal). Moreover, personal data may be used as a counter-performance (consideration) in onerous consumer contracts for digital content (Art. 3 of the Digital Content

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[2] Communication from the Commission of 19 May 2010 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (A Digital Agenda for Europe) COM(2010) 245 final. Available: https://eur-lex.europa.eu/EN/legal-content/summary/digital-agenda-for-europe.html [last viewed 09.03.2026].

[3] Communication from the Commission of 6 May 2015 to the European Parliament, the Council, the European economic and social committee and the Committee of the regions (Digital Single Market Strategy for Europe) COM(2015) 192 final. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52015DC0192 [last viewed 09.03.2026].

[4] Communication from the Commission of 19 February 2020 to the European Parliament, the Council, the European economic and social committee and the Committee of the regions (European Strategy for Data) COM(2020) 66 final. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52020DC0066 [last viewed 09.03.2026].

[5] Communication from the Commission of 9 March 2021 to the European Parliament, the Council, the European economic and social committee and the Committee of the regions (2030 Digital Compass: The European Way for the Digital Decade) COM(2021) 118 final. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52021DC0118 [last viewed 09.03.2026].

[6] Directive 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services. Available: https://eur-lex.europa.eu/eli/dir/2019/770/oj [last viewed 06.03.2026].

[7] Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). Available: https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng [last viewed 06.03.2026].

Directive)[8]. According to Art. 13g of the Company Law Directive 2017/1132,[9] Member States shall ensure that the formation of companies may be carried out fully online without the necessity for the applicants to appear in person. However, family law was practically untouched by the EU law on digital technologies and data. Minor exception is the rule on child's consent to process his/her personal data. Art. 8 of GDPR states that where the child is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorized by the holder of parental responsibility over the child.[10]

EU intellectual property law has been intensively affected by technological change. Due to its specific subject matter – namely, the protection of results of creative and innovative activities – the law of intellectual property has been closely intertwined with the development of digital technologies and online markets. Over the past three decades, the EU legislator has adopted a number of legislative instruments aimed at adapting copyright and related rights to the digital environment, including the Database Directive,[11] Software Directive,[12] Digital Single Market Copyright Directive,[13] Online Broadcasting Directive,[14] etc. In parallel with these legislative developments, the Court of Justice of the European Union has delivered important rulings in landmark cases related to ownership of digital objects.[15]

Although in the area of general property law EU law is traditionally more restrictive, it has created the right to access and transfer proprietary data held in devices. Pursuant to Art. 4 of Data Act (Regulation 2023/2854),[16] where data cannot be directly accessed by the user from the connected product or related

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[8] Directive 2019/770 of the European Parliament and of the Council of 20 May 2019.

[9] Directive 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (codification). Available: https://eur-lex.europa.eu/eli/dir/2017/1132/oj/eng [last viewed 06.03.2026].

[10] Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 (GDPR).

[11] Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31996L0009 [last viewed 09.03.2026].

[12] Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs. Available: https://eur-lex.europa.eu/eli/dir/2009/24/oj/eng [last viewed 09.03.2026].

[13] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market. Available: https://eur-lex.europa.eu/eli/dir/2019/790/oj/eng [last viewed 09.03.2026].

[14] Directive 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes. Available: https://eur-lex.europa.eu/eli/dir/2019/789/oj/eng [last viewed 09.03.2026].

[15] CJEU judgment of 3 July 2012 in case No. C-128/11 UsedSoft GmbH v. Oracle International Corp; CJEU judgment of 19 December 2019 in case No. C-263/18 Tom Kabinet Internet BV v. Nederlands Uitgeversverbond.

[16] Regulation 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data (Data act). Available: https://eur-lex.europa.eu/eli/reg/2023/2854/oj/eng [last viewed 06.03.2026].

service, data holders shall make readily available data, as well as the relevant metadata necessary to interpret and use that data, accessible to the user without undue delay. This right by some authors may be potentially qualified as a property right.[17] Other notable initiatives concern digital financial assets, namely crypto assets subject to rules of MiCA Regulation[18] and draft Regulation on the establishment of the digital euro.[19] No substantive digitalization so far was seen in EU succession law.[20]

Following the general EU pattern, one of the biggest impacts of EU digital policy has been on the law of obligations, including rules on e-commerce, e-signatures, contracts for a digital content, product liability for malware programs and AI as well as specific regulation of economic sectors heavily related on IT (electronic financial markets – non-physical trading venues, algorithmic trading, crypto markets, also electronic communications markets [internet services, digital TV]), etc. Thus, for example, already Directive on Electronic Commerce 2000/31/EC[21] required Member States to ensure that their legal system allows contracts to be concluded by electronic means, i.e. forced the legal recognition of electronic contracts. Closely related to this is the Regulation on electronic identification (eIDAS) No 910/2014,[22] according to which a qualified electronic signature shall have the equivalent legal effect of a handwritten signature. Next to digital form of contracts, EU law has advanced into their digital content. Thus, Art. 7 of Digital Content Directive states that in order to conform with the contract, the digital content or digital service shall, in particular, where applicable, be of the description, quantity and quality, and possess the functionality, compatibility,

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17 Zech H. Data Access Rights as Property Rights. In: S. R., D.. Private Law and the Data Act. London: Bloomsbury Publishing, 2024, pp. 45–58.

18 Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets (MiCA). Available: https://eur-lex.europa.eu/eli/reg/2023/1114/oj/eng [last viewed 06.03.2026].

19 Proposal for a Regulation of the European Parliament and of the Council on the establishment of the digital euro. COM/2023/369 final. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52023PC0369 [last viewed 06.03.2026].

20 Some authors have analyzed the possibility to form existing EU certificate of succession in a digital form but the analysis shows that currently this is very complicated, because even if some electronic tools are used, the original Certificate of Succession still must be prepared and issued by the competent authority, to guarantee that the information is in accordance with the requirements of the Succession Regulation and the factual situation. See Van Erp S., Zimmermann K. The EU Succession Certificate: From standardization to digitalization. ERA Forum. Journal of the Academy of European Law, Vol. 23, Issue 2, 2022, p. 274.

21 Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). Available: https://eur-lex.europa.eu/eli/dir/2000/31/oj/eng [last viewed 06.03.2026].

22 Regulation 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market. Available: https://eur-lex.europa.eu/eli/reg/2014/910/oj/eng [last viewed 06.03.2026].

interoperability and other features, as required by the contract.[23] To tackle risks of digital technologies and AI to consumers, EU law has expanded the concept of product as to include all movables, even if integrated into, or inter-connected with, another movable or an immovable; it includes electricity, digital manufacturing files, raw materials and software (Art. 4 of the Product Liability Directive[24]).

Finally, EU law had moderate effect on the digitalization of civil procedures, including e-CODEX[25] and use of video conferencing in EU cross border litigation. Hence, according to Art. 8 of Regulation (EU) 2022/850[26], Member States shall authorize e-CODEX access points for the connected systems in their territory in accordance with applicable national and Union law. Art. 20 of Regulation (EU) 2020/1783[27] encourages court to take evidence using videoconferencing or other distance communications technology provided that such technology is available to the court and the court considers the use of such technology to be appropriate in the specific circumstances of the case.

Therefore, even if the EU private law is eclectic in general, in the field of digital technologies and data we may notice ongoing systemic change and impact on the existing civil law – both substantive and procedural. Following the general pattern, the impact is more obvious in respect to economic transactions (contracts, consumer protection) and barely seen in more 'national' areas of private law – family, property and inheritance law.

3. Advanced digitalization of Lithuanian civil law

Next to the EU minimum, Lithuanian legislator has pushed national civil law even further to digital dimension. For the sake of simplicity, I will briefly overview this process across four key areas of Lithuanian civil law: persons, property, obligations and procedure.

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[23] Directive 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services. Available: https://eur-lex.europa.eu/eli/dir/2019/770/oj [last viewed 06.03.2026].

[24] Directive 2024/2853 of the European Parliament and of the Council of 23 October 2024 on liability for defective products. Available: https://eur-lex.europa.eu/eli/dir/2024/2853/oj/eng [last viewed 09.03.2026].

[25] The e-CODEX system is electronic tool specifically designed to facilitate the cross-border electronic exchange of documents and evidence in digital form in civil and criminal cases.

[26] Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system). Available: https://data.europa.eu/eli/reg/2022/850/oj [last viewed 06.03.2026].

[27] Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence). Available: https://eur-lex.europa.eu/eli/reg/2020/1783/oj/eng [last viewed 06.03.2026].

3.1. Persons

Regarding natural persons, an important aspect related to digitalization is the characterization of personal data, including digital data, as the object of civil legal rights and subject to rules and protection under civil law. In theory, personal data under civil law should be understood as incident of personality which all natural persons have. Personality rights are civil legal rights *erga omnes* over own body, image, name, dignity, privacy (Lithuanian Civil Code (LCC)[28] Art. 2.20-2.26) and nowadays – personal data. Such data is any information relating to an identified or identifiable natural person (Art. 4 of GDPR)[29]. Consent to processing personal data, according to its legal nature, is a unilateral transaction, i.e. unilateral action of person intended to create, modify or extinguish their civil legal rights and duties (LCC Art. 1.63) and may be expressed in a digital form.

As to other unilateral transactions, Lithuanian civil law gives possibility to issue power of attorney in digital form by the natural person to deal with legal persons (companies, associations, institutions, etc.). Normally such power of attorney should have notarial form in order to be valid but digital form and publication in a public registry fully exempt the document from notarial approval (LCC Art. 2.138).

In contrast, holographic wills under Lithuanian civil law may be only handwritten (LCC Art. 5.30), which at least formally exclude the possibility to draft digital personal wills. Official wills are drafted by the notaries and signed by the persons in paper, although LCC Art. 5.28 arguably leaves some space to interpret its rules according to the principle of technology neutrality and as a result recognize the official will created in a digital form and signed by the qualified digital signature, if all other formalities were satisfied.

Legal persons in Lithuania may be fully formed and registered online. Their articles may be fully digital if they follow standard simplified content drafted by the administrator of a public registry. Again, in such a case, digitalization makes an exception from notarial approval which is normally necessary for the approval of company articles (LCC Art. 2.64). Remote participation and voting in a shareholders meeting are also available for Lithuanian companies – mandatory for listed companies and by demand of at least 1/10 of shareholders for all other companies (Art. 21 of Law on Stock Companies of Republic of Lithuania).[30]

As with EU family law, Lithuanian family law mostly is untouched by the digitalization.

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[28] Civil Code of Republic of Lithuania of 18 July 2000, No. 74-2262. Available: https://www.e-tar.lt/portal/lt/legalAct/TAR.8A39C83848CB/asr [last viewed 06.03.2026].

[29] Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 (GDPR).

[30] Law on Stock Companies of Republic of Lithuania of 13 July 2000, No. 64-1914. Available: https://www.e-tar.lt/portal/it/legalAct/TAR.E22116F1B0E0/asr [last viewed 06.03.2026].

3.2. Property

In Lithuania, general property law is crucial for digitalization because it acknowledges property rights not only over tangible things but also over "other assets" (LCC Art. 4.38). Since things are defined as objects of material (physical) world (LCC Art. 4.1), those "other assets" mean elements with economic value originating in non-material (non-physical) world: finance, art, digital space or other world, which does not physically exist but is created by a human imagination or consensus. Supreme Court of Lithuania in a case involving financial assets has ruled that intangibles are treated and protected as property by applying over them *mutatis mutandis* ordinary property rules.[31] This paved the road to characterize as 'other assets' an emerging and increasingly important subclass of intangibles – digital assets, i.e. digitally recorded valuable objects subject to control in a virtual space. Digital assets differ from intellectual property by their 'rival' nature, i.e. normally a power over a specific asset can be exercised by only specific holder at a time. When such an asset is transferred, the previous holder loses control over it. In contrast, intellectual property protects intangible creations such as works, inventions, or databases. These objects are typically non-rivalrous: the use of protected work by one person does not prevent others from using the same work simultaneously. For example, a digital music file, software program, or literary text can be copied and accessed by multiple users at the same time without diminishing the original.

According to Lithuanian legal doctrine, digital assets comprise a wide variety of objects, which for convenience can be divided into two groups: simple and crypto assets. Simple digital assets include digital identifiers (email addresses, internet addresses (URLs), domain names, etc.), digital content files, and various non-cryptographic metaverse objects. Crypto assets consist of cryptography-based virtual objects (tokens), including virtual currencies.[32] Being a species of property, digital assets may be transferred *inter visos* or *mortis causa* and also protected by actions *in rem*. Therefore, proprietary status of digital assets, where they satisfy cumulative criteria of economic value, specificity and control, is a manifestation of flexibility of Lithuanian civil law, giving legal certainty to new markets and technologies.

In the field of intellectual property law, Lithuanian legal framework governing copyright in the digital environment closely reflects the structure and concepts of EU copyright law, while national initiatives have primarily focused on the digitalization of administrative procedures and intellectual property registers.

3.3. Obligations

Law of obligations in Lithuania so far is the mostly affected by digitalization area of civil law, however this impact in essence is based on ongoing harmonisation

[31] Supreme Court of Lithuania 2 October 2013, ruling in civil case No. 3K-3-470/2013.

[32] Didziulis L., Taminskas A., Matiukas M. Daiktine teise: vadovelis [Property law; textbook], Vilnius: Vilniaus universiteto leidykla, 2025, p. 124.

and modernisation of law of obligations by EU legislator. Apart from rules based on EU law, there are not much purely domestic initiatives.

As required by the Electronic Commerce Directive, Lithuanian law acknowledges electronic contracts. Consequently, LCC Art. 1.73 prescribes that documents signed by the parties and transmitted by means of communication terminal equipment have the same power as having been made in the handwritten form, providing the protection of the text is guaranteed and the signature can be identified. Regarding the validity of signature, the aforementioned Regulation on electronic identification (eIDAS) No 910/2014[33] states that a qualified electronic signature shall have the equivalent legal effect of a handwritten signature. National law adds to it by prescribing that the legal effect of an electronic signature that does not meet the requirements for a qualified electronic signature is equivalent to that of a handwritten signature only if users of such electronic signature agree to this in advance in writing and that it is possible to store this agreement on a durable medium (Art. 5 Law on electronic identification and trust services for electronic transactions).[34] However, Lithuanian case law is still fluctuating on this point. In some judgments Supreme Court applies strictly latter rule and acknowledges only qualified signature as sufficient electronic signature, which comply with eIDAS Regulation, and other secure signatures where parties have agreed on use of that in advance (in handwritten or qualified electronic form).[35] In other judgments Supreme Court adopted more flexible attitude and affirmed as valid electronic transactions which did not comply with formal requirements of signatures.[36] Besides ordinary transactions, in recent years Lithuanian legislator has created possibilities to conclude and notarise in electronic form even solemn transactions, such as sales of real estate. This is now become possible by using *e-notaras* system where parties may meet notary remotely and sign the solemn contract in electronic form (Art. 28^1 of Law on Notaries).[37] As to digital content in consumer contracts (B2C), Lithuanian civil law fully follows Digital Content Directive,[38] however, since rules are quite advanced and adapted to digital realms they could be *mutatis*

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[33] Regulation 910/2014 of the European Parliament and of the Council of 23 July 2014.

[34] Law on Electronic identification and Trust services for electronic transactions of Republic of Lithuania of 26 April 2018. Available: https://www.e-tar.lt/portal/legalAct.html?documentId=88ad61b052c111e884cbc4327e55f3ca [last viewed 06.03.2026].

[35] Supreme Court of Lithuania 3 July 2023, ruling in civil case No. e3K-3-193-969/2023.

[36] Supreme Court of Lithuania 23 February 2022, ruling in civil case No. e3K-3-36-781/2022; 13 November 2025, ruling in case No. e3K-3-158-421-2025.

[37] Law on Notaries of the Republic of Lithuania of 15 September 1992, No. 192-0. Available: https://www.e-tar.lt/portal/it/legalAct/TAR.BE3136A78E80/asr [last viewed 06.03.2026].

[38] On the transposition of the directive in Lithuanian civil law, see Didziulis L. The Impact of EU Directives 2019/770 and 2019/771: Lithuania. In: De Franceschi A. & Schulze R. (eds.). Harmonizing digital contract law. The impact of EU directives 2019/770 and 2019/771 and the regulation of online platforms: A handbook. Baden-Baden: Nomos Verlagsgesellschaft mbH & Co., 2023, pp. 400–424; Didziulis L. EU Digital Content Directive and evolution of Lithuanian contract law. Journal of Intellectual Property, Information Technology and E-Commerce Law, Vol. 12, No. 2, 2021, pp. 260–270.

mutandis extended by legislator of courts even to all types of contracts for supply of digital content and digital services (C2C, B2C, B2B).

Lithuanian tort law has a very broad protective scope and covers various situations (LCC Art. 6.263), including the strict liability for damage caused by dangerous objects (LCC Art. 6.270), potentially including malware and high-risk AI, however no substantial litigation has taken place in this respect. It may be relevant for situations falling aside from the new EU regime of product liability, which protects consumers from such kind of torts in the European internal market.

Quasi contractual obligations (performance not due, unjustified enrichment and benevolent intervention into affairs of another) are traditionally conservative and functionally neutral, thus no digitalization with respect to them was neither needed nor has taken place.

3.4. Procedure

In field of civil procedure, justice has become increasingly digital and that added speed, economy, simplicity and overall efficiency to a civil adjudication. Most of pleadings and other procedural documents together with accompanying evidence nowadays are filled in electronic form through the special webpage (*Elektroniniu paslaugu portalas, EPP*) operated by the National Administration of Courts. Furthermore, after the COVID-19 crisis, the prevailing practice is to resolve major part of civil disputes in remote court sessions where judges, litigants and other participants of the case access the hearings with an electronic conferencing program (usually ZOOM). Remote hearing is also used in alternative dispute resolution such as commercial arbitration and mediation. All court judgments are signed in paper but their copies are accessible in electronic form. Execution of judgments is also facilitated by another special webpage *antstoliai.lt,* open to use for bailiffs and litigants. Thus, civil procedure is the exceptional area of law where Lithuanian legislator has done much more than EU law to modernise legal relations and enable their existence in digital form.

Conclusions and the way forward

EU law functions as a constant catalyst for innovation in digitalization within private law of Member States. Through directives and regulations, it establishes European standards mandating the legal recognition of crypto assets, electronic contracts, signatures, data rights, and cross-border digital procedures. These instruments require Member States to adapt traditional civil law structures to the digital era, promoting the modernization of legal systems and reducing barriers to cross-border digital transactions. Yet, the EU approach often leaves room for national legislators to exceed these minima, enabling further advancements where domestic conditions allow that.

The current state of digitalization in Lithuanian civil law exemplifies this dynamic interplay between EU-driven harmonization and national initiatives. Digital integration is most pronounced in economic civil relations, including corporate law, contracts, e-commerce, and property rights over intellectual property and digital assets. Lithuanian law not only fulfills EU requirements but occasionally goes further, as exemplified by a flexible approach to intangibles, including crypto and simple digital assets and the *e-notaras* system for remote notarization of solemn transactions, such as real estate sales. These innovations enhance efficiency in the commercial sphere, supporting market economy needs amid rapid technological change.

Conversely, digitalization remains limited in social civil relations, such as family law and succession law. These areas are largely untouched by EU digital initiatives (with minor exceptions, such as child consent under GDPR Art. 8) and exhibit minimal national progress – for example, holographic wills must remain handwritten (LCC Art. 5.30), and family law has seen little adaptation to digital forms.

Civil procedure has undergone intensive digitalization efforts. At the EU level, mechanisms like e-CODEX facilitate cross-border document exchanges, while other provisions encourage the use of videoconferencing in cross-border litigation (e.g., Regulations (EU) 2020/1783 and 2023/2844). Domestically, Lithuania has gone further by enabling comprehensive electronic access to justice through platforms such as the *Elektroniniu paslaugu portalas* (EPP) for electronic filings, remote hearings via ZOOM (accelerated by COVID-19 crisis), and electronic access to judgments and their execution. These innovations improve procedural efficiency, accessibility, and speed while preserving legal certainty.

Looking ahead, the future development of digitalization in civil law should prioritise the following:

Firstly, fostering openness to digital innovation and reducing transaction costs. Removing unnecessary formal barriers (e.g., expanding digital options in areas like wills) and encouraging emerging technologies can streamline economic and procedural interactions, increasing accessibility and efficiency.

Secondly, maintaining technological neutrality and functional equivalence. Civil law rules should prioritize functional outcomes over specific technologies, allowing flexibility for emerging tools – such as AI-assisted contracts or blockchain-based assets – while ensuring equivalence with traditional forms.

Thirdly, ensuring coherence between EU initiatives and national law. Harmonization requires aligning EU-derived rules with national civil law, preventing fragmentation within the legal system. Policy strategies should emphasize systemic coherence, technological neutrality, and functional equivalence to safeguard the integrity of national civil law while supporting the evolution of EU private law in the digital era.

By pursuing these priorities, national legislators can leverage EU momentum while exploiting national flexibility to build a resilient, inclusive, and future-proof civil law framework – one that supports digital transformation without compromising core principles of justice, freedom, and solidarity.

Interestingly, the phenomenon of digitalization may provide new opportunities for the EU legislator to harmonize European private law after the setbacks of previous unification projects at the EU level (such as the European Civil Code or Common European Sales Law). Digitalization could even serve as a practical agenda for renewed efforts to consolidate private law across Europe, aligning substantive rules and procedural practices with the technological realities of the twenty-first century, for example, by creating harmonized EU-level property rights over digital assets.

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Normative acts

European Union

6. Regulation 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market. Available: https://eur-lex.europa.eu/eli/reg/2014/910/oj/eng [last viewed 06.03.2026].
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