



THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LITHUANIA

RULING

ON THE COMPLIANCE OF PARAGRAPH 4 (WORDING OF 23 DECEMBER 2005) OF ARTICLE 18 OF THE ROAD TRANSPORT CODE OF THE REPUBLIC OF LITHUANIA WITH THE CONSTITUTION OF THE REPUBLIC OF LITHUANIA

5 March 2008

Vilnius

The Constitutional Court of the Republic of Lithuania, composed of the Justices of the Constitutional Court: Armanas Abramavičius, Toma Birmontienė, Egidijus Kūris, Kęstutis Lapinskas, Zenonas Namavičius, Ramutė Ruškytė, Vytautas Sinkevičius, and Romualdas Kęstutis Urbaitis

The court reporter—Daiva Pitrenaitė

Seimas member Jurgis Razma (representing the Seimas, the party concerned, in the part of the case subsequent to petition No. 1B-09/2007 of the Klaipėda Regional Administrative Court, a petitioner), acting as the representative of the Seimas of the Republic of Lithuania, the party concerned

The Constitutional Court of the Republic of Lithuania, pursuant to Articles 102 and 105 of the Constitution of the Republic of Lithuania and Article 1 of the Law on the Constitutional Court of the Republic of Lithuania, in its public hearing, on 29 February 2008, considered constitutional justice case No. 31/06-08/07 subsequent to the following:

1) the petition of the Vilnius Regional Administrative Court, a petitioner, requesting an investigation into whether Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code of the Republic of Lithuania, to the extent that it prescribed that carriers providing charter runs are prohibited from picking and carrying groups of passengers from the territories of streets and grounds, whose limits are established by municipal institutions, and which border with bus stations, is not in conflict with Article 46 of the Constitution of the Republic of Lithuania

(petition No. 1B-38/2006);

2) the petition of the Klaipėda Regional Administrative Court, a petitioner, requesting an investigation into whether Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code of the Republic of Lithuania, to the extent that it prescribed that carriers providing charter runs are prohibited from picking and carrying groups of passengers from the territories of streets and grounds, whose limits are established by municipal institutions, and which border with bus stations, is not in conflict with Article 46 of the Constitution of the Republic of Lithuania (petition No. 1B-09/2007).

By the Constitutional Court's Decision "On Joining Petitions into One Case" of 1 October 2007, petition No. 1B-38/2006 (case No. 31/06) of the Vilnius Regional Administrative Court, a petitioner, and petition No. 1B-09/2007 (case No. 08/07) of the Klaipėda Regional Administrative Court, a petitioner, were joined into one case and it was given reference No. 31/06-08/07.

The Constitutional Court

has established:

I

1. The Vilnius Regional Administrative Court, a petitioner, considered an administrative case. By its ruling, the said court suspended the consideration of the case and applied to the Constitutional Court with the petition requesting an investigation into whether Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code, to the extent that it prescribed that carriers providing charter runs are prohibited from picking and carrying groups of passengers from the territories of streets and grounds, whose limits are established by municipal institutions, and which border with bus stations, is not in conflict with Article 46 of the Constitution (petition No. 1B-38/2006).

2. The Klaipėda Regional Administrative Court, a petitioner, considered an administrative case. By its ruling, the said court suspended the consideration of the case and applied to the Constitutional Court with the petition requesting an investigation into whether Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code, to the extent that it prescribed that carriers providing charter runs are prohibited from picking and carrying groups of passengers from the territories of streets and grounds, whose limits are established by municipal institutions, and which border with bus stations, is not in conflict with Article 46 of the Constitution (petition No. 1B-09/2007).

II

The petitions of the Vilnius Regional Administrative Court and the Klaipėda Regional Administrative Court, the petitioners, are grounded on the following arguments.

1. Under Article 46 of the Constitution, Lithuania's economy shall be based upon the right of private ownership, the prohibition against the monopolisation of production and the market, and upon the protection of freedom of fair competition. Under the Republic of Lithuania's Law on the Basics of Transportation Activity, in Lithuania, one may engage in the economic activity by using transport objects which by the right of ownership belong to the state, municipalities and private persons, while the state ensures that the carriers could enter into the transport services' market without being discriminated, as well as it ensures the independence of the activity of carriers and free and fair competition in the transport services' market. The Republic of Lithuania's Law on Competition prohibits any agreements, whereby one seeks to limit competition or which limit or may limit competition. The principle of non-discrimination of carriers of all kinds is entrenched in Regulation 684/92/EEC of the Council of the European Communities.

2. Fleets of buses and bus stations are an area of regulation by municipalities; the administration of a municipality has the right to establish the limits of the territory in which it is prohibited to pick groups of passengers. In the opinion of a petitioner, Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code enshrines exceptional rights and conditions of the activity of the enterprises which provide for carriage of passengers and which by the right of ownership belong to municipalities, and those of carriers providing regular runs which carry out their activities from bus stations, creates preconditions for distorting fair competition in the market of long-distance carriage of passengers, for monopolising carriage of passengers, for discriminating (private) carriers providing charter runs, who work legally, and deprives passengers of a possibility of choosing a carrier, the kind of vehicle, and the price.

III

In the course of the preparation of the case for the Constitutional Court's hearing, written explanations from the representative of the Seimas, the party concerned, who was Seimas member E. Pupinis (representing the Seimas, the party concerned, in the part of the case subsequent to petition No. 1B-38/2006 of the Vilnius Regional Administrative Court, a petitioner) were received in which it is stated that the impugned legal regulation is not in conflict with Article 46 of the Constitution; a letter from the representative of the Seimas, a petitioner, who was Seimas member J. Razma was also received in which it is assented to the aforementioned written explanations. The position of Seimas member E. Pupinis, the representative of the Seimas, the party concerned, is based on the following arguments.

Carriage of passengers is executed by regular, special and charter runs. Carriage of passengers for a fare (both by charter and by regular runs) is a licensed economic activity; in addition, in order to carry passengers by regular runs, one must have a permission to carry passengers over established routes of regular runs, following the established routes, transport

timetables, pulling into the bus stations specified in them, etc. The markets of carriage of passengers by charter and regular runs from bus stations (as well as of carriage of passengers by special runs) are different, thus, carriers in such markets cannot compete among themselves under equal rights. The main purpose of bus stations is to provide services to passengers who travel by regular runs which are executed not only by carriers which are assigned to the area of regulation by municipalities, but also by private carriers. As long as the impugned provisions did not exist, the competition had not been fair, it used to harm the carriers of regular runs, because the carriers of charter runs would not follow the requirements to carry groups of passengers assembled in advance which have the same destination and to hold contracts of carriage of passengers and waybills; by carrying the passengers who were waiting for regular runs at bus stations and by concluding fictitious contracts of carriage of passengers, they actually provided regular runs without following the requirements established for such runs. Paragraph 4 of Article 18 of the Road Transport Code does not prohibit carriers of charter runs from carrying out their activity from other places which are not specified in this paragraph. Its provisions are not meant to monopolise carriage of passengers from bus stations, nor to prohibit fair competition.

IV

1. At the Constitutional Court's hearing, the representative of the Seimas, the party concerned, who was Seimas member J. Razma, virtually reiterated the arguments set forth in the written explanations of the representative of the Seimas, the party concerned, Seimas member E. Pupinis.

2. At the Constitutional Court's hearing, a specialist—P. Mikalonis, Deputy Director of the Road Transport Department of the Ministry of Transport and Communications of the Republic of Lithuania—took the floor.

The Constitutional Court

holds that:

I

1. On 19 November 1996, the Seimas adopted the Rode Transport Code which came into force on 11 December 1996. Paragraph 4 (wording of 19 November 1996) of Article 18 of this code prescribed: "Irregular runs are runs where groups of passengers formed in advance are brought to their destination and back to their place of departure, or a group of passengers which is composed of the passengers who departed and who will be brought back to the place of departure by a later run."

2. The Road Transport Code (wording of 19 November 1996) has been amended and/or supplemented more than once. Article 18 (wording of 19 November 1996) thereof was amended and set forth in its new wording by Article 11 of the Republic of Lithuania's Law on Amending

Articles 1, 2, 4, 7, 8, 13, 14, 16, 17, 18, 20, 21, 23, 29, 37, 40, 42, 44, 47, and the Title of the Seventh Section of the Road Transport Code, Supplementing the Code with Article 17¹ and Recognition of Articles 57 and 58 Thereof as Null and Void, which was adopted by the Seimas on 19 March 2002 and which came into force on 9 April 2002. Paragraph 4 (wording of 19 March 2002) of Article 18 of the Road Transport Code prescribed:

“Charter runs are runs when groups of passengers assembled in advance are brought to their destination and are brought to their place of departure, or a previously transported group of passengers is brought back to the place of departure by a later run, or where a group of passengers are carried to their destination and the vehicle returns to the place of departure empty. Groups of passengers assembled in advance shall be carried provided that contracts of carriage of passengers and waybills are held. Waybills shall not be necessary if passenger groups are carried around the city in which the events specified in Paragraph 8 of Article 2 of this Code are held. The form of the waybills, the procedure for their accounting, ordering, manufacture, technological security, distribution, acquisition, use and destruction shall be established by the Ministry of Transport”.

It needs to be noted that the charter runs which are specified in Paragraph 4 (wording of 19 March 2002) of Article 18 of the Road Transport Code should not be regarded as a new form of carriage of passengers as the concept of the notion “charter runs” is virtually analogous to the former concept “irregular runs” of Paragraph 4 (wording of 19 November 1996) of Article 18 of this code.

3. On 23 December 2005, the Seimas adopted the Republic of Lithuania’s Law on Amending Articles 14, 16 and 18 of the Road Transport Code, which came into force on 31 December 2005 (save Article 2 thereof). Article 3 of this law amended Paragraph 4 (wording of 19 March 2002) of Article 18 of the Road Transport Code and set it forth in its new wording. Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code established the following:

“Charter runs are runs when groups of passengers assembled in advance are brought to their destination and are brought to their place of departure, or a previously transported group of passengers is brought back to the place of departure by a later run, or where a group of passengers are carried to their destination and the vehicle returns to the place of departure empty. Groups of passengers assembled in advance shall be carried provided that contracts of carriage of passengers and waybills are held. Waybills shall not be necessary if passenger groups are carried around the city in which the events specified in Paragraph 8 of Article 2 of this Code are held. The form of the waybills, the procedure for their accounting, ordering, manufacture, technological security, distribution, acquisition, use and destruction shall be established by the Ministry of Transport. It is prohibited to pick and carry groups of passengers from the territories of streets and grounds

bordering with bus stations. The limits of these territories of streets and grounds shall be established by municipal institutions.”

4. The Vilnius Regional Administrative Court and the Klaipėda Regional Administrative Court, the petitioners, request an investigation into whether Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code, to the extent that it prescribed that carriers providing charter runs are prohibited from picking and carrying groups of passengers from the territories of streets and grounds, whose limits are established by municipal institutions, and which border with bus stations, is not in conflict with Article 46 of the Constitution.

5. Article 46 of the Constitution provides: Lithuania’s economy shall be based on the right of private ownership, freedom of individual economic activity and initiative (Paragraph 1); the state shall support economic efforts and initiative that are useful to society (Paragraph 2); the state shall regulate economic activity so that it serves the general welfare of the Nation (Paragraph 3); the law shall prohibit monopolisation of production and the market and shall protect freedom of fair competition (Paragraph 4); the state shall defend the interests of the consumer (Paragraph 5).

6. It needs to be noted that the principles enshrined in Article 46 of the Constitution constitute a whole, which is the constitutional basis of the economy of this country; the provisions of all paragraphs of this article are interrelated and supplement each other, there is a balance between these principles, each of them is interpreted without denying the other principles. In the acts of the Constitutional Court, *inter alia*, its rulings of 20 April 1995, 13 February 1997, 27 October 1998, 6 October 1999, 23 February 2000, 18 October 2000, 6 December 2000, 14 March 2002, 9 April 2002, 17 March 2003, 26 January 2004, 13 May 2005 and 31 May 2006, a broad official constitutional doctrine is set forth, in which the provisions of Article 46 of the Constitution is construed. In addition, it has been held that: freedom and initiative of individual economic activity imply the freedom to freely choose business, freedom to freely conclude agreements, freedom of fair competition, equal rights of persons of economic activity, etc., however, the freedom of economic activity is not absolute, the person enjoys it only by following certain obligatory requirements and limitations; it is impermissible by means of established limitations to deny such essential provisions of freedom of economic activity as equality of rights of persons of economic activity, fair competition, etc.; under the Constitution, the state may not unrestrictedly interfere with the economic activity of a person; the state obligation to support economic efforts and initiative which are useful to society is one of the main rules regulating the economy of this country; while regulating economic activity, the state has to follow the principle of coordination of interests of the person and society and has to guarantee the interests of both the private person (a subject of economic activity) and interests of society; as a rule, regulation of economic activity is linked with establishment of conditions for economic activity, regulation of certain procedures,

control over economic activity, as well as with certain limitations and prohibitions on this activity; the state may not establish any such legal regulation whereby unfavourable and unequal economic conditions are established to economic persons, whereby their initiative is restricted and opportunities for its manifestation are not created; the provision that the law protects freedom of fair competition also means the obligation of the legislature to establish by law such legal regulation that production and the market would not be monopolised, that fair competition and freedom of economic activity would be ensured that the means and ways would be provided for in order to protect it; the constitutional guarantee of the protection of fair competition means, *inter alia*, the prohibition for state and municipal institutions which regulate economic activity against adopting decisions which distort or can distort fair competition; the introduction of a monopoly (which is prohibited by the Constitution) is an ungrounded granting of privileges to a certain economic person and, alongside, discrimination of other economic persons, restriction of their freedom of economic activity; the duty of the state to protect the interests of consumers implies that laws and other legal acts ought to establish various measures of protection of the interests of consumers, that state institutions ought to control economic persons how the latter are following the requirements established by means of laws and other legal acts.

7. The legislature, having the constitutional duty to regulate the economic activity so that it serves the general welfare of the Nation, also regulates by means of laws the economic activity of carriers of passengers, establishes conditions for this activity, requirements for implementation of this activity, restrictions and prohibitions on this activity, as well as the control over the economic activity of carriers of passengers. Certain relations of economic activity of carriers of passengers may also be regulated by means of statutory legal acts. However, under the Constitution, one may establish essential conditions for an economic activity, as well as prohibitions and restrictions thereon, which make an essential impact on the economic activity, as well as sanctions for corresponding violations of law, only by means of a law. The legal regulation which is established by means of statutory legal acts may not compete with one established in a law.

8. In order to be implemented more efficiently, certain functions, including those which are linked to the regulation of the economic activity of carriers of passengers, may, and sometimes also must, be delegated to municipalities. Under the Constitution, functions of municipalities may be established only by law and in a way that it would be clear to which extent a certain function is performed by the municipality and to which extent it is left to perform this function by the state; none of these functions means absolute independence of municipalities in the respective area (the Constitutional Court's ruling of 8 July 2005). While performing the assigned functions, the municipalities must heed the Constitution and laws.

9. Under the Road Transport Code, carriage of passengers for a fare is a licensed economic

activity (Paragraph 1 (wording of 19 March 2002) of Article 8); a licence (permit) to engage in carriage of passengers on long-distance routes shall be issued by the State Road Transport Inspectorate under the Ministry of Transport (Paragraph 4 (wording of 29 April 2004) of Article 8). Passengers shall be provided, *inter alia*, with regular and charter runs along long-distance routes (Paragraph 2 (wording of 19 March 2002) of Article 18). The economic activity of carriage of passengers may be implemented by using transport objects which, by the right of ownership, belong to the state, municipalities and private persons.

10. It immediately needs to be mentioned that the relations linked with carriage of passengers by regular runs and the relations linked with carriage of passengers by charter runs may (and must) be regulated by legal acts in a different manner—the legal regulation in question reflects the specificity of the corresponding economic activity and of the corresponding market, because some carriers provide carrying services to the passengers who travel on regular routes, while others—to the passengers who travel on charter routes. The differentiated legal regulation of these relations is not in itself to be considered as creation of unfair conditions for competition in the same market. In addition, the possibility as such of different legal regulation of the relations linked with the carriage of passengers by regular runs and the relations linked with the carriage of passengers by charter runs is not impugned in this constitutional justice case at issue.

11. The prohibition on picking and carrying groups of passengers from the territories of streets and grounds, whose limits are established by municipal institutions, and which border with bus stations established in Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code, which is impugned by the Vilnius Regional Administrative Court and the Klaipėda Regional Administrative Court, the petitioners, should be construed while relating it with other provisions of this code, *inter alia*, the provisions which define what runs are charter runs and in what way they are different from regular runs, as well as the provisions which define what groups of passengers should be deemed those assembled in advance.

12. Regular runs are runs where passengers are carried at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points according to the timetable and rates set in advance (Paragraph 3 (wording of 19 March 2002) of Article 18 of the Road Transport Code); the licence to engage in carrying passengers by regular runs on an established route is issued according to the conditions approved by the Ministry of Transport (Paragraph 11 (wording of 19 March 2002) of Article 18); bus stations shall be established to provide services to the passengers who travel by means of regular runs (Paragraph 1 (wording of 29 April 2004) of Article 11).

In this context, it needs to be noted that bus stations are established namely for ensuring the servicing of the passengers of regular runs; according to the Road Transport Code, the main purpose

of bus stations is to provide passengers with regular runs over long-distance and international routes, to organise the checking of buses' crews before trips and their rest in between the runs, to control the time of departure and arrival of buses, to sell tickets to passengers, to provide them with information and luggage keeping services; this main purpose of the bus stations may not be changed (Paragraph 1 (wording of 29 April 2004) of Article 11). Bus stations may be founded by municipalities, natural and legal persons of the Republic of Lithuania and those from abroad, affiliates or representations of foreign legal persons (Paragraph 2 (wording of 29 April 2004) of Article 11).

13. However, as it has been mentioned, under Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code, charter runs are executed by carrying "groups of passengers assembled in advance, which have a common destination" when groups of passengers assembled in advance, which have a common destination, are brought to their destination and are brought to their place of departure or where a group of passengers, which had been brought earlier, is brought back to their place of departure by a later run, or where a group of passengers is brought to their place of destination and the vehicle returns to the place of departure empty. For such carriage of passengers, differently from the regular carriage of passengers, licences are not necessary because groups of passengers assembled in advance are brought while holding contracts of carriage of passengers and waybills. Under Paragraph 8 (wording of 19 March 2002) of Article 2 of the Road Transport Code, the group of passengers assembled in advance is "a group with which a carriage contract is concluded in advance (when the passengers are going on tourist tours, on business, also on the occasion of such events as exhibitions, symposia, conferences, seminars, meetings, concerts, stage performances, weddings or on similar occasions)".

Thus, under the Road Transport Code, only such groups of passengers are allowed to be carried by charter runs, which were assembled in advance after having submitted an order to the carrier and having concluded a contract for carriage of passengers with him in advance, but not such, which are assembled on the spot and depart immediately, purportedly by a charter run; in all cases it is prohibited to carry groups of passengers which are assembled on the spot and which depart immediately (purportedly by a charter run), i.e. the groups of passengers which are assembled without having submitted the carrier with an advance order and without having concluded a contract for carriage of passengers with him in advance. Therefore, it is prohibited to carry groups of passengers, which were assembled without having submitted the carrier with an advance order and without having concluded a contract for carriage of passengers with him in advance by charter runs from any places, not only from streets and grounds bordering with bus stations (whose limits, as mentioned before, are established by municipal institutions).

14. In the context of the constitutional justice case at issue, it should be emphasised that a

group of passengers assembled from passengers who were waiting for regular runs in the territory of a bus station or nearby, as well as in other places used for the same purpose, as well as a group of passengers assembled from other persons regarding the carriage of whom no advance order was submitted to the carrier and no contract for carriage was concluded with him, may by no means be regarded as a group of passengers assembled in advance which is specified in Paragraph 8 (wording of 19 March 2002) of Article 2 of the Road Transport Code. Under this code, the carriers who provide with charter runs' services and not with regular runs' services, cannot carry such groups of passengers formed of those who are waiting for regular runs, as well as other persons, regarding the carriage of whom no advance order was submitted to the carrier and no contract for carriage of passengers was concluded with him in advance, as well as groups picked not only from the territories of streets and grounds (the limits of which, as it has been mentioned, are established by municipal institutions) bordering with bus stations, but also from all other places. The carrying of groups of passengers formed from passengers who were waiting for regular runs, as well as groups assembled from other persons regarding the carrying of whom no advance order was submitted to the carrier and no contract for carriage of passengers was concluded with him in advance, would not comply with the definition of the notion "charter runs" contained in Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code and with the purpose of charter runs.

15. The prohibition for carriers providing charter runs on picking and carrying groups of passengers from the territories of streets and grounds (whose limits, as mentioned before, are established by municipal institutions) bordering with bus stations, which is entrenched in Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code, means that in the said territories, carriers providing charter runs are prohibited from assembling groups of passengers from passengers waiting for regular runs, as well as from other persons regarding the carrying of whom no advance order was submitted to the carrier and no contract for carriage of passengers was concluded with him in advance. However, this prohibition should not be construed as also including the prohibition for carriers of charter runs against boarding groups of passengers assembled in advance, which comply with the definition of the group of passengers assembled in advance established in Paragraph 8 (wording of 19 March 2002) of Article 2 of the Road Transport Code, on the vehicle in the said territories, and against carrying them from the said territories.

16. Since, as mentioned before, the carrying of groups of passengers assembled from the passengers who were waiting for regular runs, as well as from other persons regarding the carrying of which no advance order was submitted to the carrier and no contract for carriage of passengers was concluded with him in advance, would not comply with the definition of the notion "charter runs" contained in Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code and with the purpose of charter runs, it is prohibited to carry groups of passengers which were

assembled without having submitted the carrier with an advance order and without having concluded a contract for carriage of passengers with him in advance by charter runs from any places, not only from the territories of streets and grounds (whose limits, as mentioned before, are established by municipal institutions) bordering with bus stations, thus, the said prohibition should be regarded as redundant; even though such a prohibition were not established *expressis verbis*, it would still be enshrined in this code, as it stems from the concept of a charter run itself.

Also the corresponding duty to establish the limits of the territories of streets and grounds, which are established to municipal institutions, which border with bus stations, and from which it is prohibited to pick groups of passengers and to carry them by charter runs, should also be regarded as redundant: these limitations do not mark anything in essence, because even without the establishment of such a prohibition *expressis verbis*, carriers of charter runs, under the Road Transport Code, do not have the right to carry any freshly assembled and immediately leaving (purportedly by a charter run) groups of passengers, i.e. groups of passengers which were assembled without having submitted the carrier with an advance order and without having concluded a contract for carriage of passengers with him in advance, regardless of whether such groups of passengers are assembled within any territories of streets and grounds (which are defined by municipal institutions) bordering with bus stations, or beyond the limits of such territories.

17. If one comprehends the prohibition for carriers of charter runs against picking and carrying groups of passengers from the territories of streets and grounds (whose limits, as mentioned before, are established by municipal institutions) bordering with bus stations established in Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code in such a way, there is no ground to state that it discriminates carriers of charter (private) runs, violates the right of fair competition, distorts fair competition in the market of carriage of passengers or creates preconditions for monopolising that market.

18. Taking account of the arguments set forth, the conclusion should be drawn that Paragraph 4 (wording of 23 December 2005) of Article 18 of the Road Transport Code, to the extent that it prescribes that the carriers providing charter runs are prohibited from picking and carrying groups of passengers from the territories of streets and grounds, whose limits are established by municipal institutions, and which border with bus stations, is not in conflict with Article 46 of the Constitution.

Conforming to Articles 102 and 105 of the Constitution of the Republic of Lithuania and Articles 1, 53, 54, 55 and 56 of the Law on the Constitutional Court of the Republic of Lithuania, the Constitutional Court of the Republic of Lithuania gives the following

ruling:

To recognise that Paragraph 4 (wording of 23 December 2005, Official Gazette *Valstybės žinios*, 2005, No. 153-5643) of Article 18 of the Road Transport Code of the Republic of Lithuania, to the extent that it prescribes that the carriers providing charter runs are prohibited from picking and carrying groups of passengers from the territories of streets and grounds, whose limits are established by municipal institutions, and which border with bus stations, is not in conflict with the Constitution of the Republic of Lithuania.

This ruling of the Constitutional Court is final and not subject to appeal.

The ruling is pronounced in the name of the Republic of Lithuania.

Justices of the Constitutional Court:

Armanas Abramavičius

Toma Birmontienė

Egidijus Kūris

Kęstutis Lapinskas

Zenonas Namavičius

Ramutė Ruškytė

Vytautas Sinkevičius

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