REGULATING AUTOMATION: THE LEGAL LANDSCAPE OF 'AUTOMATED ADMINISTRATIVE ORDERS' IN LITHUANIA

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Abstract

This article examines Lithuania's progress in digitalising its public sector, with a particular focus on the implementation of the so-called 'automated administrative orders'. While automating public sector services offers significant advantages, including cost savings, time efficiency, workload reduction, and the strengthening of key public administration principles — such as improved efficiency, accountability, transparency, equity, and fairness — it is crucial to establish a robust legal framework to support this transformation. Moreover, changes to the legal framework in this area set a precedent for the wider adoption of technology across the public sector. The article explores Lithuania's digital achievements, the role of automation in transforming the legal framework, and the challenges posed by balancing efficiency with fairness. It also considers the future of human oversight in the light of evolving European Union (EU) legal standards, concluding that while automation offers significant benefits, ensuring proper human involvement remains essential to protect fundamental rights.

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1. Introduction

Lithuania's progress in digitalising its public sector has been both impressive and transformative, showcasing its commitment to modernising government operations and making public services more efficient and accessible. While many digital initiatives, such as the eHealth platform (eSveikata), the e-Government portal (epaslaugos.lt), and the use of chatbots have simplified routine tasks and provided citizens with easier access to services, more complex technologies have been introduced with far-reaching effects. Among these, the implementation of 'automated administrative orders' stands out as a key innovation that directly influences the rights and obligations of individuals. By automating certain decisions related to administrative offences, Lithuania has revolutionised its legal framework, cutting down on bureaucratic delays, reducing workloads for officials, and limiting the potential for corruption.

However, this leap forward in automation also raises critical questions about the balance between efficiency and fairness. The absence of human involvement in the issuance of administrative orders prompts an examination of whether such systems fully align with national and EU legal standards. As automated systems continue to take over tasks that were traditionally performed by humans, this study becomes especially relevant not only for 'automated administrative orders' but also for other fields.

The article explores Lithuania's achievements in automating public services, the role of key technologies in driving these changes, and the potential for continued innovation, with a special emphasis on how 'automated administrative orders' have transformed Lithuania's legal framework. The discussion will also address the chosen levels of automation and the need for human oversight.

The article is structured as follows. After providing some general information about the state of the art in the automation and digitalisation of public administration under Lithuanian law in Section 2, Section 3 focuses on the technologisation of public administration procedures within the framework of the Law on Public Administration. Section 4 explores the concept of 'automated administrative orders'. The relevant national legal framework is discussed in Section 5, while Section 6 concentrates on the debate surrounding human oversight in 'automated administrative orders'. Section 7 concludes by summarising the main findings of the article.

2. Automation and Digitalisation in Lithuanian Administration

Lithuania has made many strides in the digitalisation of public services. In the first-ever 2023 Digital Government Index[1] by the Organisation for Economic Cooperation and Development (OECD) Lithuania was ranked fourteenth among the thirty-eight members of the organisation. This ranking assesses the readiness of the governments to digitally transform, becoming more consistent and human-centred. In addition, in the latest European Commission Digital Economy and Society Index (DESI) report of 2024[2] – which monitors Member States' digital progress – Lithuania was ranked 7th in terms of how well digital services work for citizens, evaluating the administrative steps that can be taken online for major life events (birth of a child, new residence, etc.). Lithuania also ranked seventh for businesses, assessing the public services available online needed for starting and running a business. Furthermore, Lithuania was ranked sixth in terms of the transparency of service processes, user-involved service design, and the ability for users to manage their personal data. Notably, Lithuania proudly ranked second in the EU for the amount of pre-compiled data in public service online forms.

According to the latest version of yet another similar EU tool

[1] OECD, *2023 OECD Digital Government Index: Results and key findings* (2024), at https://www.oecd.org/en/publications/2023-oecd-digital-government-index_1a89ed5e-en.html, accessed 7 June 2024.

[2] European Commission, *Digital Economy and Society Index (DESI) 2024* (2024), at https://digital-strategy.ec.europa.eu/en/policies/desi, last accessed 7 June 2024.

used to evaluate digital performance – the e-Government Benchmark 2024[3] – Lithuania was ranked seventh, with users of public services praising how easy it is to use eID and pre-compiled forms to complete tasks. While the Digital Economy and Society Index is a broader measure of the overall digital performance and competitiveness of European countries, the e-Government Benchmark specifically focuses on the performance of public services and how effectively they are provided digitally. In summary, Lithuania, achieving notable rankings in various international assessments, demonstrates its eagerness and potential to continue successfully transforming and digitalising its public sector.

It should also be noted that according to the Special Eurobarometer "The Digital Decade", at the national level, 80 per cent of respondents from Lithuania believe that digital technologies will be important for accessing public services online[4]. This indicates that system users also recognise the potential of technology to improve Lithuania's public administration systems.

In terms of Artificial Intelligence (AI), Lithuania was ranked 35th out of 193 countries in the 2023 Government AI Readiness Index[5]. This further highlights that Lithuania's public sector is well-prepared to integrate AI solutions into the provision of public services.

In addition, electronic methods of service provision have been gaining popularity in Lithuania. In early 2022, 61.5 per cent of institutions provided services via the E-Government Gateway, 100 per cent by e-mail, 79.2 per cent provided consultations on the website, and 53.8 per cent provided information services via social networks[6]. It was also noted that, as of 2023, 72% of Lithuania's population (all persons aged 16–74) actively engage with public

[3] European Commission, *eGovernment Benchmark Report 2024* (2024), at https://digital-strategy.ec.europa.eu/en/library/digital-decade-2024-egovernment-benchmark, last accessed 7 June 2024.

[4] European Commission, *The Digital Decade, special Eurobarometer 532*, at https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=88015, last accessed 7 June 2024.

[5] Oxford Insights, *Government AI Readiness Index 2023*, https://oxfordinsights.com/ai-readiness/ai-readiness-index/, last accessed 7 June 2024.

[6] Information retrieved from Official Statistics Portal webpage, at https://osp.stat.gov.lt/en/skaitmenine-ekonomika-ir-visuomene-lietuvoje-2022/skaitmenine-aplinka/e-valdzios-paslaugos, last accessed 7 June 2024.

digital services[7]. It is reasonable to expect that technological advancements in Lithuania's public sector will continue to expand, given the presence of key success factors: a robust technological foundation, the proven effectiveness of existing technologies, and, most importantly, user trust.

Courts have undoubtedly led the way in integrating technology into the Lithuanian public sector. Although the use of information and communication technology varies widely from country to country, several bold initiatives in Lithuania have contributed to the fact that courts in Lithuania are deemed to be fairly digitalised.

Lithuania has been a digital frontrunner since the 1990s[8]. The first big step in the implementation of technology in Lithuanian courts was the set-up of the case-handling LITEKO portal in 2004. LITEKO is a system for the registration, storage, management, search, collection, processing and submission of documents and data required for court activities, court decisions and statistical indicators, a court work automation system that works using computers, standard and application programs, databases, and data transmission networks. The system aims to improve the quality of the court's work as an organisation and make the court system as a whole more efficient. It seeks to increase the transparency of the court system's activities, streamline administrative processes, and support the work of the court staff[9]. In the early days of LITEKO's development, the following modules were implemented: 1) case registration and accounting; 2) exchange of case-related information between courts; 3) search for similar cases and information in the LITEKO databases; 4) court document templates; 5) the production of statistical reports, and 6) public

[7] Information retrieved from Official Statistics Portal webpage, at https://osp.stat.gov.lt/statistiniu-rodikliu-analize?hash=1aa714a3-0d52-40f0-aa8d-265e3ad064a7#/, last accessed 7 June 2024.

[8] Basic technologies were being implemented between 1994 and 1996. As the computerisation of the courts continued, the position of an IT consultant was established, and a computer was purchased for each court. In 1994 a computer program named 'BYLOS', intended for automating the work of court clerks, registering correspondence received by courts, partially automating the calculation of statistics by certain sections and fixing meeting schedules, was created. Cf. V. Nekrošius et al., *Elektronizavimo priemonių naudojimas spartinant lietuvos civilinį procesą*, Teisė 93 (2015).

[9] *Provisions of the information system of Lithuanian courts*, at http://www.teismai.lt/dokumentai/tarybos_nuta-rimai/20060211-435.doc, last accessed 22 September 2024.

notice of court procedural decisions on the Internet[10]. In 2005, a module for automatic generation of timetables was promptly created and installed. Modules for the automatic calculation of the workload of courts and judges and the distribution of cases were also actively developed.

In 2006 the Judiciary Council approved the LITEKO development plan, which provided for the creation of six additional software modules: 1) the automation of court order issuance and other summary processes; 2) the electronic exchange of procedural documents and information between courts and other participants in the proceedings; 3) secure electronic communication between courts; 4) electronic accounting and tracking of fees; 5) the uniform numbering of cases and 6) workstations for judges and court personnel. The plan also included provisions to enable audio or video communication sessions with other LITEKO users within the court system, utilising workplace computer equipment such as a monitor, video camera, microphone, speakers, and headphones. Of these planned modules, the uniform case numbering module was implemented the fastest. The modules for the automatic generation of court hearing schedules, the automatic distribution of cases among the judges, the calculation of the judges' workloads, the control of participants in the proceedings, and the automated issuing of court orders have also been successfully implemented. After the Law on Courts was supplemented with a provision that entered into force on 1 September 2008, which requires cases to be allocated to judges and panels of judges via a computer program[11]; they were finalised and installed accordingly. In 2007, Marco Velicogna, an expert from the European Commission for the Efficiency of Justice, named Lithuania among the judiciaries of Central and Eastern Europe showing impressive results in terms of computer facilities, the use and availability of electronic resources, and the application of electronic registers and case management

[10] *Provisions of the information system of Lithuanian courts*, at http://www.teismai.lt/dokumentai/tarybos_nuta-rimai/20060211-435.doc, last accessed 22 September 2024.

[11] Law amending articles 33, 34, 36, 38, 39, 42, 43, 47, 51, 55(1), 57, 61, 63, 64, 69(1), 81, the title of Chapter IX, replacing and amending articles 83, 84, 85, 86, 90, 98, 101, 103, the title of the second section of Chapter XII, articles 106, 107,108, 119, 120, 122, 124, 127, 128, 129, recognising articles 89, 109, 110, 111, 112, 125 as invalid and supplementing the law with articles 53(1), 53(2) and the third section of Chapter IX of the Law on Courts of the Republic of Lithuania 2008.

systems[12].

The digitalisation of Lithuanian courts took a big step forward in 2013, when the LITEKO subsystem e.teismas.lt came into operation. On the e-services portal, individuals and businesses were able to submit procedural documents themselves using standard templates. It was also not necessary to send the attachments separately by mail; it was enough to scan them and upload them to the electronic system. In addition, on the aforementioned portal, the participants in the process were able not only to submit documents to the court, but also to familiarise themselves with all the case materials, access the records of court hearings, and monitor the progress of the case. Portal users with legal interests in the case were able to receive the information on all court proceedings via their accounts and the information was sent by email or short messages through their GSM operator[13]. The Law on Courts[14], the Law on Administrative Proceedings[15], and the Code of Civil Procedure[16], state that the electronic data related to judicial and enforcement proceedings must be managed, registered, and stored using information technology. Also, the right of the parties to proceedings to remote access to electronic case files and the right to submit procedural documents to courts electronically were established, and the use of electronic procedural documents and electronic signatures in the procedural activities of courts was authorised. From 1 July 2015, the same system has been used in administrative offence cases and from 1 January 2020, the procedures in some criminal cases (judicial order in criminal cases) have been managed electronically as well. To sum up, there was a gradual transition to the processing of electronically initiated cases in electronic form only.

The convenience of using the portal was increased by integrating it with the centralised state-administrated platform for public electronic services (the Electronic Government Gateway).

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[12] CEPEJ studies No. 7, *Use of information and communication technologies (ICT) in European judicial systems* (2007), at https://rm.coe.int/european-commission-for-the-efficiency-of-justice-cepej-use-of-informa/1680788281, last accessed 22 September 2024.

[13] *Overview of the activities of the Supreme Administrative Court of Lithuania 2013*, at https://www.lvat.lt/data/public/uploads/2018/01/lvat_2013_met_veiklos_apzv-1.pdf, last accessed 22 September 2024.

[14] Law on Courts No. 153-7826 2012.

[15] Law on Administrative Proceedings No. 13-308 2012.

[16] Code of Civil Procedure No. 36-1341 2012.

This platform enables authentication via electronic banking, identity cards, and electronic signatures. While increasing accessibility to the portal, the courts provide specific data to those who, for some reason, are unable to authenticate via the system, such as foreigners, allowing them to access it. Users registered with the system may load case forms and other documents directly onto the portal by compiling up to 100 forms from a document list with unique data, saving them to their own account or personal computer for later submission to a court. The system automatically fills in pre-existing data from the user's account into the procedural documents, speeding up the compilation process. Another convenient function of the system is that *e.teismas.lt* users can calculate the stamp duty, generate payment orders, and pay the stamp duty, litigation costs, or court-imposed fines directly via the Internet banking system. All litigation costs may thus be covered with just a few clicks. The system also features an integrated mediation service that ensures interactions between mediators and parties to the dispute are safe and trustworthy. Another advantage of the portal is quick access to case material. For example, portal users can download in ADOC format the general case information, documents provided by the parties, and documents issued by the court; they can also access recordings of the court hearings. Interestingly, among many other features of this system, enforcement procedures can also take place electronically. Parties to the dispute are able to submit applications to the bailiff and receive enforceable instruments electronically. Auctions of a debtor's property are also organised only electronically. The bailiffs' electronic system is already integrated into the LITEKO system. The submitted enforcement documents are distributed to the bailiffs automatically, ensuring a proportionate distribution of the enforcement documents to all bailiffs in the same area of activity and ensuring that the enforcement documents of the same debtor are submitted to the same bailiff. It can be concluded that these functions not only ensure the success of the *e.teismas.lt* portal, but also improve access to justice, as well as compliance with the principles of economy and efficiency. In conclusion, Lithuania's courts are among the most highly-digitalised in Europe, thanks to a series of innovative information and communication technology initiatives and supportive regulations. The LITEKO system, which has evolved since its launch in 2004, with the most significant advancement being the introduction of the e.teismas.lt subsystem

in 2013, plays a central role in automating court processes, increasing transparency and improving the efficiency of judicial procedures. The system facilitates everything from case management to remote hearings and electronic submissions, benefiting both court personnel and the public.

A few additional examples of technology used across various sectors in Lithuania's public sector will be explored further. Lithuania's eHealth[17] and e-Government[18] platforms are prime examples of automation and digitalisation in public services, transforming traditionally manual processes. The eHealth (eSveikata) platform transforms healthcare administration by automating and digitalising key tasks. Through eSveikata, patients can easily access their medical records, schedule appointments, and manage prescriptions online, reducing the need for manual record-keeping and in-person visits. This automation enhances operational efficiency, minimises errors, and shortens waiting times, empowering patients with greater control over their healthcare. For healthcare professionals, it simplifies procedures such as managing prescriptions, tracking patient follow-ups, and maintaining records, resulting in faster, more precise service delivery. Overall, this digitalisation enhances the patient experience and allows healthcare providers to allocate resources to more complex and critical tasks. Lithuania's e-Government portal (epaslaugos), on the other hand, automates a wide array of public services, from tax filing to social benefit applications. By digitalising these processes, the platform eliminates the need for citizens to physically visit government offices, saving both time and resources. This automation speeds up tasks such as filing tax returns, benefit requests, and document submissions, making the entire process more user-friendly. Moreover, it centralises numerous government services into a single, easily accessible portal, simplifying interactions with public services that would otherwise require navigating multiple departments and paperwork. This marks a major advancement in digitalising public administration, streamlining operations and enhancing accessibility for all citizens. In conclusion, both the eHealth platform and the e-Government portal share the common goal of automating and digitalising essential services to improve efficiency and user accessibility. By replacing manual processes with digital systems, both platforms

[17] See https://www.esveikata.lt, last accessed 22 September 2024.
[18] See https://epaslaugos.lt, last accessed 22 September 2024.

reduce the need for in-person visits and paperwork. These platforms lay the foundation for further digital transformation of public services in Lithuania, paving the way for more advanced and integrated digital solutions.

Moreover, several chatbots are already being used to enhance service efficiency and provide 24/7 assistance in the Lithuanian public sector. The State Tax Inspectorate's virtual assistant chatbot SIMAS was one of the first in the Lithuanian public sector. Since December 2020, 'Simas', the virtual assistant has been available on their website, offering advice to residents on general inquiries at all times. At present, Simas can assist with income and asset declarations, financial support applications, business licences, and individual activity certificates, fines, and the monthly non-taxable income calculator. In addition, residents are not limited to selecting from the subtopics or questions suggested by Simas; they can initiate a real conversation by typing questions, even in informal or irregular language. The virtual assistant continuously learns from the queries it receives, using AI to gather and analyse information in order to provide the most accurate response in real time. Responses can be delivered not only in writing but also through online links, visual materials, or attached files. Another chatbot, Ema, was introduced by the Lithuanian Employment Service in 2024. The chatbot currently offers support, in Lithuanian, on matters such as registering with the Employment Service, tuition assistance, and the employment of foreign nationals. Additionally, Ema can respond to general enquiries about the Employment Service, including its purpose, the services it provides, and where to find relevant legislation. In summary, the deployment of chatbots like SIMAS and Ema represents a significant step forward in Lithuania's efforts to modernise and automate its public sector. These AI-driven tools not only improve service efficiency but also enhance accessibility by offering round-the-clock assistance. SIMAS, with its comprehensive support for tax-related queries, and Ema, addressing employment services, both demonstrate how technology can streamline bureaucratic processes and provide timely, personalised responses.

In recent years, the State Tax Inspectorate has adopted technological innovations to improve the efficiency of its operations. In 2022 a robotic process was launched to handle the investigation of taxpayers who owe money to the state. It seeks to recover debts from those who may have acquired assets, by

checking various data sources, such as employment records, real estate registers, vehicle data, agricultural machinery, and ship registries, to determine whether the taxpayer possesses any assets that can be used to settle the outstanding debt. Another example, where the State Tax Inspectorate has incorporated automation is in the application of stamps to documents. The State Tax Inspectorate receives and sends various documents to and from foreign countries, which require a fixed text stamp. These documents are typically in PDF, Word, or Excel formats, as well as images. Due to the large volume of documents, it was decided to use robotic assistance for applying the stamps. The future plans involve automating the following processes: the model for assessing the financial and property status of taxpayers in the area of tax loan agreements, forming instructions for irrecoverable amounts and the preparation of decisions and protocols for administrative offences other than those currently handled by the existing robot[19]. By automating processes such as investigating asset ownership and applying stamps to documents, the Inspectorate has reduced manual workloads and increased productivity. Future plans for further automation, including financial assessments and administrative decisions, indicate a continued commitment to leveraging technology to improve the efficiency of its operations.

The Bank of Lithuania, the central bank of the Republic of Lithuania and a member of the European System of Central Banks, also applies automation for standard tasks. Employees of the Bank of Lithuania, who handle disputes between consumers and financial market participants, can use an implemented technical solution to instruct a robot to prepare certain documents, such as notifications to the consumer or their representative about the commencement of the dispute resolution process. The automated process, powered by software, enables the robot to select the appropriate standard document template and enter the necessary values in the relevant fields (for instance, the dispute resolution deadline, the name of the financial market participant, etc.). The employee's only remaining task is to review the generated document[20]. The automation of standard tasks at the Bank of Lithuania enhances efficiency, reduces costs, improves accuracy,

[19] The information was received on 14 March, 2024 following a response from the State Tax Inspectorate regarding the automation of processes.

[20] G. Strikaitė-Latušinskaja, *Automatizuoti administraciniai nurodymai Lietuvoje*, Teisė 125 (2022).

and streamlines dispute resolution, ultimately boosting overall productivity and service quality. In addition, the Bank of Lithuania has introduced a smart e-licensing tool that enables potential financial market participants to apply for licences remotely in a quicker, simpler, and more cost-effective way. Currently, the tool supports applications for nearly all types of licences.

Lastly, one of the most significant examples of delegating a key function with legal implications was the introduction of 'automated administrative orders', enabling decisions with legal consequences to be made automatically. Following the decision taken on 6 March 2018 by the State Road Safety Commission to adopt modern technologies to automate and simplify the processes of investigating, formalising, and holding individuals administratively accountable for traffic rule offences[21], on 1 January 2019 Lithuania introduced the automated issuance of certain administrative orders. This particular example of automation will be further examined in detail later in the article.

3. The Technologisation of Public Administration Procedures in the Regulation of the Law on Public Administration

The Law on the Provision of Information to the Public[22] and the Law on the Management of State Information Resources[23] form the primary legal basis for the technologisation of public services in Lithuania. The Law on the Provision of Information to the Public regulates the dissemination of information by media and public institutions, ensuring transparency, accuracy, and public access to information, including through digital platforms. The Law on the Management of State Information Resources governs the creation, maintenance, and protection of state information systems, facilitating the secure and efficient digitalisation of public services. However, the processes of public administration procedures, their

[21] The decision of the State Road Safety Commission meeting on 6 March, 2018, at https://sumin.lrv.lt/uploads/sumin/documents/files/Struktura_ir_kontaktai/Komisijos_ir_darbo_grupes/Valstybine_eismo_saugumo_komisija/Valstybines_eismo_saugumo_komisijos_protokolai/LV-46.pdf, last accessed 22 September 2024.

[22] Lietuvos Respublikos visuomenės informavimo įstatymas No. I-1418 1996.

[23] Lietuvos Respublikos valstybės informacinių išteklių valdymo įstatymas No. XI-1807 2011.

individual stages, and the requirements for individuals and public administration entities are regulated by the Law on Public Administration[24], which serves as an umbrella law for all areas of public administration. The faster and more versatile application of information technologies in the public sector has been further supported by the incorporation of the innovative 'principle of innovation and openness to change' in the Law on Public Administration. This principle mandates that public administration entities seek new and effective ways to better address issues in public administration and continuously improve their operations by applying the most advanced methods, models, technologies, tools, and examples of best practice.

Although this is not a traditional doctrinal principle of administrative law, it is applied in specialised activities with significant legal consequences for individuals. These activities are related to the functioning of public authorities when adopting individual administrative decisions concerning private individuals, providing administrative services, or supervising the activities of persons and enterprises.

Furthermore, the law enshrines other principles that ensure the development of technology, such as the 'principle of efficiency', which means that when making and implementing decisions, a public authority uses the resources allocated to it at the lowest possible cost while aiming for the best possible outcome. Additionally, the 'one-stop-shop' principle is directly applied when making administrative decisions. This principle aims to reduce the administrative burden on private individuals approaching a public administration entity. It not only ensures that the individual has the right to obtain all answers to their requests or complaint in one place but also imposes an obligation on the public administration entity to act proactively and obtain necessary information from other institutions or registers if such information is required to make an administrative decision.

In administrative practice, several significant legal regulatory changes have been made at the legislative level based on these principles. Firstly, the Law on Public Administration, which primarily establishes substantive rules related to the methods of submitting documents and the grounds for the non-examination of requests or complaints, was amended in 2020. The procedural rules

[24] Lietuvos Respublikos viešojo administravimo įstatymas No. VIII-1234 1999.

regarding the submission of requests and complaints, detailing the actions and stages through which public administration entities carry out administrative procedures, are determined by regulations approved by the Government.

This regulatory approach eliminates the need for excessively detailed legislative regulation of request submission and examination procedures. At the same time, it allows for more flexible conditions for introducing new technological solutions more quickly, without the need to go through the complex parliamentary process required to amend provisions of the Law on Public Administration.

Information technologies were first integrated into the procedures for examining individuals' complaints and requests within public administration institutions in 1999, with the initial version of the Law on Public Administration. Individuals submitting a request or complaint to an institution in the electronic space could do so via the official electronic tools provided by the institution, as indicated on the institution's website. However, in such cases, the individual's request had to be signed using an electronic signature (Article 19, Section 5 of the Law on Public Administration) on the egovernment Gateway portal. If a request or complaint was submitted via email without an electronic signature, and there was no way to verify the authenticity of the submission, it could be left unexamined. At that time, the institution providing responses and decisions to the individual also had to sign its documents using the secure electronic signature of the head of the institution.

Since 2020, a special article regarding the use of information and communication technologies by the authorities has been introduced into the Law on Public Administration[25]. It was established that the National Electronic Delivery System, which uses the postal network (the 'E-Delivery System'), is the primary platform through which official electronic documents are communicated, prepared, and submitted in the activities of public administration entities, both in inter-institutional operations and in dealings with private individuals.

However, the law also provides an alternative, allowing official electronic documents to circulate through other means. For

[25] Law on Amending Articles 1 and 2 of the Law No. XIII-2987 on Amending the Law No. VIII-1234 on Public Administration of the Republic of Lithuania No. XIII-3329 2020.

instance, public administration entities may use a shared document management information system or may have developed their own electronic tools for identifying individuals. Nevertheless, only electronic deliveries made via the E-Delivery System have the same legal and evidential value as registered postal deliveries. The electronic delivery service is provided free of charge to individuals sending electronic deliveries to public authorities through the E-Delivery System.

4. 'Automated Administrative Orders' for Administrative Offences

Under Lithuanian law, an administrative order is a settlement proposal recorded in the administrative offence protocol. It allows the person held administratively liable to voluntarily pay a fine equal to half of the minimum fine imposed for the offence, provided payment is made within fifteen calendar days from the date of delivery of the protocol. If the protocol, along with the proposal, is drawn up in the absence of the person concerned, this period is extended to thirty calendar days from the date of its dispatch. In the case of a repeated administrative offence, the proposal provides the option to pay the minimum fine established by the Code[26]. This mechanism allows individuals who have committed certain administrative offences to settle with the government without undergoing a full legal procedure by voluntarily paying a reduced fine (half of the minimum), or, in cases of repeat offences, the full minimum fine, within a specified time frame.

Administrative orders should generally be regarded as a tool for achieving the reconstructive function of liability and fostering reconciliation between the offender and the state, with a primary focus on prevention (protection) rather than repression (punishment). The institution of administrative orders represents a model of cooperation with state institutions, rather than fostering confrontation between individuals and the state. This approach promotes peaceful interaction rather than coercion. The aim of this strategy is to prevent greater harm that may result from individuals failing to comply with legal requirements. This is achieved by offering the opportunity to immediately pay half of the minimum fine, thereby encouraging negotiation with the state and

[26] Article 610 of the Code of Administrative Offences of the Republic of Lithuania XII-1869 201.

persuading the individual to admit their fault and wrongdoing, leading to reconciliation with the state, rather than punishment. Therefore, the purpose of the administrative order containing the settlement proposal is to encourage individuals to voluntarily comply with legal requirements. This strategy is thus preventive in nature and is more valuable for those individuals who are inclined to follow the law, but less so for those unwilling to voluntarily comply with the legal regulations set by the state. As a result, it is more effectively adopted in areas where no serious legal offences occur.

Moreover, administrative orders fulfil the specific deterrence objective (prevention) of personalised administrative liability. The effect of such liability is directed towards the individual, with the expectation that they will refrain from reoffending. This strategy plays a positive role in reminding individuals of the need to comply with legal requirements, and that in the event of repeated offences, they will not be allowed to evade legal consequences. In legal scholarship, such an individual deterrence strategy is criticised as costly and resource-intensive, especially when traditional administrative procedures are used to identify a large number of offenders. However, when automated processes are used, aiming to identify as many offenders as possible and collect fines on a voluntary basis, the economic benefits of its application increase, even if, in practice, the fines are relatively small.

In addition, the introduction of this system in cases of traffic rule offences was prompted by the observed trend that disputes typically did not focus on the violation itself, its classification, circumstances, or the question of guilt, but rather on the severity of the administrative penalty and the amount of the fine imposed. Consequently, appeals were frequently filed with the aim of alleviating the individual's situation, seeking to minimise the negative consequences of the penalty without challenging the evidence of the offender's guilt[27]. In conclusion, introducing this system into the Lithuanian legal framework in 2011 aimed to reduce the negative impact on individuals while providing a more

[27] Explanatory memorandum to Law amending Articles 30(2), 226, 232, 232(1), 239, 239(3), 241, 241(1), 246(1), 246(2), 246(7), 249, 259, 260, 261, 262, 282, 313 and the twenty-third section of the Code of Administrative Offences of the Republic of Lithuania, supplementing the code with Articles 257(1), 260(1), 260(2), twenty-third(1) and twenty-third(2) No. XIP-1839 2010.

effective means of resolving offences. Furthermore, an additional objective was to avoid costly proceedings for institutions and courts at all levels. It was emphasised that this efficient and streamlined approach to handling straightforward, clear, and indisputable administrative law offences would provide an optimal means of achieving the objectives of administrative penalties[28]. Accordingly, case law has confirmed that the establishment of the administrative order system significantly optimised the duration of administrative violation cases, allowing legal proceedings to be resolved primarily at the investigation stage. By preventing cases from progressing to later stages, this approach also helped to conserve substantial resources[29]. The introduction of administrative orders with settlement proposals not only simplified the legal process for certain administrative offences but also reduced the costs and time consumption associated with enforcing liability for these offences. Another objective of implementing this system was to prevent corruption. By creating a more structured and transparent framework, administrative orders limited opportunities for corrupt practices. For example, standardised procedures for handling administrative offences reduced discretionary power, while a predictable framework for penalties minimised the possibility of negotiating reduced penalties. Resolving cases at the investigation stage further reduced the opportunity for direct interactions between offenders and officials. In summary, these administratie orders are a simplified process for fulfilling the objectives of administrative penalties for specific offences of administrative law. This procedure provides a quicker and more cost-effective resolution by allowing the offender to reconcile with the government by voluntarily paying a reduced fine for the offence. This approach reduces the need for extensive legal proceedings, saving both time and resources, while ensuring that penalties are enforced efficiently. By encouraging voluntary compliance by means of reduced fines, administrative orders help maintain legal accountability with minimal administrative burden.

Although the notion just explored of administrative order is not a particularly new concept in administrative law[30], what is new

[28] Explanatory memorandum, cit. at 27.

[29] K. Mikalauskaitė-Šostakienė & A. Zykevičius, *Administracinio nurodymo institutas: taikymo ypatumai ir problemos*, Visuomenės saugumas ir viešoji tvarka (9): mokslinių straipsnių rinkinys 160 (2013).

[30] This institute was established in Lithuania in 2011.

is the option for automating issuance, which came into effect on January 1, 2019[31], following amendments to the Code, and was fully implemented on January 1, 2020[32]. Article 611(4) of the Code of Administrative Offences of the Republic of Lithuania now provides an exhaustive list of administrative offences recorded in the absence of the person suspected of committing the offence. For these offences, an administrative offence protocol with an administrative order (or only an administrative offence protocol, or only a decision) can be automatically produced in the Administrative Offences Register. Automation in this process refers to the creation of administrative offence protocols entirely using software, with no human involvement. Instead of an official manually issuing an administrative order, these are automatically created within the Register of Administrative Offences[33]. Automation should be understood as the creation of an order recorded in the administrative offence protocol, allowing the individual to voluntarily pay a fine (either half of the minimum fine or the full minimum fine, depending on the frequency of the offence) within a specified timeframe. The key change lies in how the proposal is issued.

As mentioned, after automation was established, the Code of Administrative Offences of the Republic of Lithuania introduced a finite list of administrative offences for traffic offences that are recorded without the presence of the person suspected of committing the offence. Related changes to the Code were made on 20 December 2018 and came into effect on 1 January, 2019[34]. The

[31] Law amending Articles 33, 38, 417, 424, 569, 573, 575, 589, 590, 595, 602, 610, 611, 612, 669, 682 and 686 of the Code of Administrative Offences of the Republic of Lithuania, Teisės aktų registras, 21888.

[32] The data were obtained on 10 March 2020 from the Communication Department of the Lithuanian Police.

[33] See G. Strikaitė-Latušinskaja, cit. at 20; J. Paužaitė-Kulvinskienė & G. Strikaitė-Latušinskaja, *Automated administrative order in the context of the code of administrative offences*, in M. Doucy, M. Dreyfus, N. Noupadia (eds.), *Changements démocratiques et électroniques dans l'action publique locale en Europe : REvolution ou E-volution ? Democratic and Electronic Changes in Local Public Action in Europe: REvolution or E-volution ?* (2022) 387–405.

[34] Law amending Articles 33, 38, 417, 424, 569, 573, 575, 589, 590, 595, 602, 610, 611, 612, 669, 682 and 686 of the Code of Administrative Offences of the Republic of Lithuania 2018. This introduced the automation of administrative orders for the following offences: 1) breach of the regulations governing the protection and use of surface water bodies' protection zones or shoreline protection strips (in relation to driving or parking vehicles in contravention of the established

scope of legal offences for which 'automated administrative orders' can be issued has been altered a few times already, albeit not significantly.[35] Additionally, two significant changes were made to

requirements); 2) parking vehicles in a forest or driving vehicles through forests where prohibited; 3) illegally driving motor vehicles over grass surfaces, forest floors, or on the ice of bodies of water; 4) driving a vehicle without compulsory motor third-party liability insurance for vehicle owners and operators, or when such insurance is not in place; 5) driving vehicles that unregistered (or re-registered) vehicles in contravention of the established procedure or without undergoing mandatory technical inspection; 6) exceeding the prescribed speed limit; 7) failure to respect road signs, passenger transport regulations, or any other breach of the road traffic rules; 7) breach of the payment procedure for local parking charges in areas designated by municipal councils; 8) breach of the regulations concerning local charges for permits to drive vehicles into state-protected areas, municipally designated nature reserves, landscape protection areas, and locally important protected zones; 9) driving while committing multiple traffic offences that endanger road safety, including illegal overtaking, entering oncoming lanes, participating in illegal races, or causing dangerous situations; 10) breach of the regulations for crossing railway level crossings; 11) breach of the regulations on the use of seat belts, child seats suitable for a child's height and weight, and motorcycle helmets; 12) failure to meet legal obligations to maintain roads and structures safely or to promptly restrict or prohibit traffic on sections posing a safety risk; 13) driving without a permit in vehicles exceeding the allowed axle load by 2 to 4 tonnes, or the maximum weight by 4 to 8 tonnes; 14) driving vehicles exceeding the allowed axle load by over 4 tonnes, or the maximum permitted weight by over 8 tonnes without a permit; 15) conducting work on or near roads, setting up service points, constructing buildings, or placing advertisements in the road protection zone without due authorisation from the relevant authorities; 16) damaging roads, road structures, or traffic control devices; driving tracked vehicles on asphalt; causing road traffic obstructions; or contaminating the road surface; 17) failure to pay the required road usage fee by vehicle owners or operators.

[35] On 30 June 2020, the code was amended, and the relevant article was supplemented with an additional administrative offence of non-compliance by the vehicle owner (operator) with the requirements of the Lithuanian Road Traffic Safety Law (see the Law amending Articles 589 and 611 of the Code of Administrative Offences of the Republic of Lithuania No XIII-3219 2020). On 22 April 2021, the relevant article was amended to include cases involving the storage of non-operational vehicles in public spaces to the list (Law amending Articles 33, 414, 610 and 611 of the Code of Administrative Offences of the Republic of Lithuania No. XIV-266 2021). Finally, on 10 October 2022, the article was updated to include the following offences: 1) driving without completing the required health check, not adhering to licence restrictions (except for specific vehicle types), or with an expired licence; 2) driving without legal entitlement, the correct licence for the vehicle type, or while under suspension; 3) driving after disqualification or in violation of a requirement to use anti-alcohol engine locks; 4) failure by the vehicle owner (operator) to provide details of the person using the vehicle at the time of the offence (Law amending Articles 28, 29, 71, 415, 416,

extend the scope of automation beyond road traffic offences.

Firstly, the scope of automation was expanded on 13 December 2022, following the adoption of amendments that came into effect on 1 May 2023. It was established that when an administrative offence is recorded in the absence of the person suspected of committing it (specifically: 1) breach of the procedure for declaring assets and/or income, including late submission or non-submission of declarations and reports to the tax authority, or incorrect data entry in these documents; and 2) breach of the procedure for submitting reports, declarations, or other documents required by the tax authority, including late or non-submission and incorrect data entry), an administrative order containing the settlement proposal is drawn up and sent to individuals required to submit the necessary documents and data for the functions of the State Tax Inspectorate. These orders are automatically generated in the Register of Administrative Offences and may be unsigned[36]. The need to expand the scope of 'automated administrative orders' arose from the practical reality that individuals often fail to submit declarations to the tax authority on time, while the State Tax Inspectorate lacks the human resources to enforce administrative liability for all offenders. Consequently, these changes were expected to simplify the procedures for documenting the paperwork prepared by the tax authority, establishing the right for the tax authority not to physically sign protocols for administrative offences, with the relative 'automated administrative orders' being entered in the Register of Administrative Offences[37]. In general, this amendment was implemented as part of a project to transpose EU Council Directive (EU) 2021/514 of 22 March 2021 [38] into Lithuanian national law. It introduced a requirement for digital platform operators to report information to the State Tax Inspectorate on sellers earning income through activities facilitated by the platform. Due to the nature and flexibility of digital

417, 420, 422, 423, 424, 426, 427, 428, 431, 589, 602, 603, 608, 611 and 686 of the Code of Administrative Offences of the Republic of Lithuania No. XIV-1446 2022).

[36] Law amending Articles 12, 29, 208, 210, 211, 589, 611 and the Annex to the Code of Administrative Offences of the Republic of Lithuania and supplementing the Code with Articles 188(3), 217(2) No. XIV-1660 2022.

[37] See the explanatory memorandum on draft laws Reg. No. XIVP-2133- XIVP-2141 No, XIVP-2141 2022.

[38] European Union Council Directive 2021/514 amending Directive 2011/16/EU on administrative cooperation in the field of taxation [2021].

platforms, tax authorities often lack information on individuals operating through these platforms and their earnings. This project aims to address the issue of limited reporting on income earned via digital platforms, which hinders fair tax compliance compared to those not using such platforms. Among other things, it simplified procedures for formalising documents related to administrative offences, particularly those involving failure to submit reports, declarations, or other documents required for tax administration purposes. In addition, this regulatory change was driven by the fact that since 2018, following amendments to the Law on Public Administration of the Republic of Lithuania and other legal acts, legal principles and measures for business supervision have been established. These include both mandatory and advisory rules, in line with recommendations from the Organisation for Economic Cooperation and Development (OECD) and the best practices of other countries. The aim of these reforms was to ensure efficient and transparent operations by supervisory authorities, while reducing the regulatory burden on businesses. At the same time, the reform marked a shift towards greater automation in the public sector, particularly in interactions between state institutions and businesses. Individual business supervision procedures were systematically reviewed, introducing more automated data collection for supervision, as well as the automated creation of inspection plans and the automated assignment of inspections.

Secondly, on 16 December 2021, the relevant legal norm was amended to include the automatic generation of an administrative order in the Register of Administrative Offences for the failure by a legal entity or foreign branch to submit accurate financial statements, annual reports, activity reports, or payment reports (including consolidated versions) to the Register of Legal Entities on time, as required by law[39]. This amendment came into effect on 1 July 2024. The purpose of this amendment was to resolve the issue of non-submission of financial statements: the handling of these administrative offences was expected to be simplified and expedited, ensuring that administrative liability is unavoidable. It aimed to reduce the number of legal entities failing to submit annual financial statements, thus increasing the accuracy of data in

[39] Law amending Articles 12, 33, 223, 321, 325, 327, 401, 413-1, 558, 560, 569, 578, 579, 589, 608, 609, 610, 611, 617, 618, 620, 621, 644, 664, 665, also changing the title and appendix of Chapter XXXIX of the Code of Administrative Offences of the Republic of Lithuania and recognising Article 323 as invalid No. XIV-785 2021.

the Register of Legal Entities.

In conclusion, since the initial introduction of automation in 2018, amendments to the Code of Administrative Offences have broadened the scope of legal offences eligible for automation. Key changes in 2019, 2020, 2021, and 2022 expanded the range of offences in areas related to road safety. The adoption of automation beyond road traffic offences has been crucial, particularly in tax administration. With amendments introduced in 2021 and 2022, automation now addresses also the non-submission of financial statements and tax declarations by legal entities and digital platform operators.

For these offences, an administrative offence protocol with an administrative order containing a settlement proposal can be created automatically. Automation is designed to issue settlement proposals for administrative offences detected through photographs or video recordings of vehicles capturing the offences, or through offences recorded by stationary or mobile law enforcement detection systems[40]. Automation is entrusted solely to these types of offences because they are typically clear, objective, and indisputable. Offences such as traffic offences can easily be captured by technology without the need for human judgement or interpretation. This reduces the likelihood of errors, eliminates the need for manual processing, and ensures consistent enforcement. By limiting automation to offences that can be verified through concrete visual evidence, the process becomes more efficient and reliable, minimising the potential for disputes over the facts of the offence. This approach also reduces the risk of corruption and human bias, ensuring consistent and fair enforcement. The focus on these offences aligns with the goals of automating settlement proposals. The objectives of system automation are as follows: 1) to simplify the administration of certain administrative offences; 2) to reduce the number of administrative offence cases being processed; 3) to encourage individuals who have committed administrative offences to pay the imposed fines voluntarily; 4) to reduce the administrative burden on institutions handling administrative offence cases, which require significant human resources and expenses, particularly with the increasing number of traffic safety prevention and control devices; and 5) to reduce the risk of corruption in drafting and sending procedural documents by

[40] Article 611(3) of the Code of Administrative Offences of the Republic of Lithuania No. XII-1869 2015.

automating the generation of administrative offence protocols and eliminating the human factor[41]. In conclusion, the objectives of both the manual system and the automated one are aligned, making the automated option more efficient in achieving the goals of the system.

To conclude, the automation of administrative orders is a significant step in integrating technology into Lithuania's public sector, laying the foundation for future innovation initiatives in carrying out public functions. It represents a significant advancement in the handling of administrative offences by making the process more efficient and reducing the need for human involvement. Overall, the automated system is a more efficient, transparent, and reliable method for handling certain administrative offences, benefiting both the government and the individuals involved.

5. The National Regulation of 'Automated Administrative Orders'

The institution of 'automated administrative orders' containing settlement proposals was introduced on 18 November 2010, when certain changes to the Code of Administrative Offences of the Republic of Lithuania were made, coming into force on 1 January 2011[42]. It should be noted that, since the establishment of this system, issuing an administrative order has been permitted in cases where the violation was documented without the presence of the individual suspected of committing the offence. In summarising the regulatory development of this subgroup of administrative acts, it can be observed that most of the conditions for applying this system under current regulations have essentially remained unchanged since 2011, despite six regulatory changes being implemented (in both the Code of Administrative Offences of the Republic of Lithuania and the Code of Administrative Offences of the Republic of Lithuania, which came into force on 1

[41] Explanatory memorandum to the draft law amending Articles 33, 38, 417, 424, 569, 573, 575, 589, 590, 595, 602, 610, 611, 612, 669, 682 and 686 of the Code of Administrative Offences of the Republic of Lithuania No. XIIIP-2672 2010.

[42] Law amending Articles 30(2), 226, 232, 232(1), 239, 239(3), 241, 241(1), 246(1), 246(2), 246(7), 249, 259, 260, 261, 262, 282, 313 and section twenty-three of the Code of Administrative Offences of the Republic of Lithuania and supplementing it with articles 257(1), 260(1), 260(2), and sections twenty-three(1) and twenty-three(2) No. 142-7257 2010.

January 2017). The most significant change – automation – was introduced on 20 December 2018 and came into force on 1 January 2019[43]. As already mentioned, the automation of administrative orders is driven by the growing need to expedite the investigation of administrative offences and, when necessary, the imposition of fines, likely due to the expansion of speed monitoring systems. Consequently, these updates should be viewed as improvements to the administrative order system, in order to achieve its original objectives.

Another important aspect to consider is the chosen level of automation. The scale ranges from no automation, where all tasks are performed by humans, to full automation, where tasks are entirely handled by algorithms. In this regard, the following changes introduced to the Code of Administrative Offences of the Republic of Lithuania are of particular interest. First, Article 590(2) of the Code of Administrative Offences of the Republic of Lithuania, which outlines the grounds for initiating administrative offence proceedings, was amended to include that the administrative offence procedure can also be initiated automatically by generating an administrative offence protocol or a notice of an act containing elements of an administrative offence in the Register of Administrative Offences. Secondly, Article 611 was supplemented by Section 4, which states that an administrative offence protocol with an administrative order can be automatically generated in the Register of Administrative Offences. It was also specified that the automatically generated administrative offence protocol must include the following: the date and place of its creation; the name of the institution where the administrative offence report was created; information about the person being held administratively accountable; the place, time, and nature of the administrative offence; the article, part of the article, or other legal provision determining the responsibility for the offence, which the person violated; the date, time, and place of the case hearing, if known at the time of the report's creation; and any other necessary data required to resolve the case. The administrative offence protocol automatically created in the Register of Administrative Offences is not signed. In contrast, Article 609 of the Code of Administrative Offences of the Republic of Lithuania

[43] Law amending Articles 33, 38, 417, 424, 569, 573, 575, 589, 590, 595, 602, 610, 611, 612, 669, 682 and 686 of the Code of Administrative Offences of the Republic of Lithuania 2018.

specifies what should be included in a traditional administrative offence protocol. It states that the protocol must, *inter alia*, include the position, first name, and last name of the person who conducted the investigation and drafted the protocol, and that the protocol must be signed[44]. These changes to the Code of Administrative Offences of the Republic of Lithuania suggest that 'automated administrative orders' are being issued autonomously, without review by corresponding officials. Moreover, the following provisions indicated in the explanatory memorandum to the relevant amendment law support the decision to eliminate the role of the official and apply full automation in issuing administrative acts. According to the explanatory memorandum, 1) the human factor is eliminated when protocols for administrative offences are created automatically; 2) it is proposed that the administrative act and other procedural documents be automatically created in the Register of Administrative Offences, meaning procedural documents would be completed automatically by the software; and 3) protocols of administrative offences or notifications of a possible administrative offence are created in the Register of Administrative Offences automatically, meaning that proceedings for administrative offences are initiated without the presence of an official[45].

In conclusion, the amendments to the Code of Administrative Offences of the Republic of Lithuania represent a significant shift towards automation in administrative procedures. These changes, particularly to Articles 590(2) and 611, allow for the automatic initiation of administrative offence proceedings and the generation of administrative orders without human oversight.

6. The Debate on Human Oversight in 'Automated Administrative Orders'

Human oversight is crucial in automated decision-making systems, especially when they significantly impact individuals' rights and obligations. It ensures that any potential biases, errors,

[44] Law amending the articles 33, 38, 417, 424, 569, 573, 575, 589, 590, 595, 602, 610, 611, 612, 669, 682 and 686 of the Code of Administrative Offenses of the Republic of Lithuania 2018.

[45] Explanatory memorandum to the draft law amending Articles 33, 38, 417, 424, 569, 573, 575, 589, 590, 595, 602, 610, 611, 612, 669, 682 and 686 of the Code of Administrative Offences of the Republic of Lithuania No. XIIIP-2672 2018.

or ethical concerns in AI-generated decisions can be reviewed and corrected by a human, maintaining fairness and accountability. In the context of public sector decisions, including 'automated administrative orders', human oversight helps safeguard fundamental rights and prevents the misuse of technology in areas like justice and law enforcement.

The importance of human oversight in public sector decision-making has been highlighted in various EU documents. For example, back in 2016, when the General Data Protection Regulation (GDPR) was adopted, it was noted that the data subject has the right not to be subject to decisions based solely on automated processing, including profiling, that result in legal consequences or similarly significant impacts on them[46]. In October 2020, the European Parliament adopted a resolution on a Framework of Ethical Aspects of Artificial Intelligence, Robotics and Related Technologies that recommends the European Commission to propose a legislative action to harness the opportunities and benefits of AI, but also to ensure protection of ethical principles[47]. The resolution also notes that while the deployment of AI, robotics and related technologies in public authority decision-making brings benefits, it can result in grave misuse, such as mass surveillance, predictive policing and breaches of due process rights. Accordingly, Member States should have recourse to such technologies only if there is thorough evidence of their trustworthiness and if meaningful human intervention and review is possible or systematic in cases where fundamental liberties are at stake. It follows that the European Parliament encourages careful use of the opportunities offered by technology and always prioritises human rights.

In relation to the 'automated administrative orders' discussed in this article, it is important to highlight the following provisions outlined in the aforementioned European Parliament resolution: 1) any decision taken by AI, robotics, or related technologies within the framework of prerogatives of public power

[46] Article 22 of the Regulation (EU) 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), 1.

[47] European Parliament, Resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies (2020/2012(INL)).

should be subject to meaningful human intervention and due process; 2) technological advancement should not lead to the use of AI, robotics, and related technologies to autonomously take public sector decisions which have a direct and significant impact on citizen's rights and obligations; 3) AI should never replace humans in issuing judgments; decisions, such as granting bail or probation, that are heard in court, or decisions based solely on automated processing producing a legal effect concerning the individual or which significantly affect them, must always involve meaningful assessment and human judgement; 4) decisions made or informed by AI, robotics, and related technologies should remain subject to meaningful human review, judgement, intervention and control; 5) bias in – and discrimination by – software, algorithms, and data is unlawful and should be addressed by regulating the processes through which they are designed and deployed. From the excerpts of the European Parliament resolution mentioned above, it is clear that when a decision is made with the assistance of technology and has a direct or significant impact on individuals' rights and obligations, there must be provisions for reviewing such decisions. Moreover, the European Parliament's proposed regulation highlights high-risk uses and purposes of AI, robotics, and related technologies. Among these, particular emphasis is placed on public sector decisions that have a significant and direct effect on the rights and obligations of natural or legal persons. Even though this resolution is a source of a soft law and not legally binding, it reflects the European Parliament's concern regarding stricter regulation of technological solutions in decision-making, particularly in the public sector[48].

As there are few EU documents regarding the use of various technologies that significantly affect human rights and obligations, it is worth discussing the documents related to such AI systems. First of all, the 2019 Ethics Guidelines for Trustworthy Artificial Intelligence[49] reiterate the GDPR notion that individuals have the right not to be subject to a decision based solely on automated processing when this produces legal effects or similarly significant

[48] For further details concerning the correlation between automated administrative orders in Lithuania and the adoption by the European Parliament of a Resolution on a Framework of Ethical Aspects of Artificial Intelligence, Robotics and Related Technologies in G. Strikaitė-Latušinskaja, cit. at 20.
[49] High-Level Expert Group on AI, *Ethics guidelines for trustworthy AI* (2019).

impacts on them. In the *White Paper on Artificial Intelligence*[50], adopted in 2020, human oversight is listed among the key features that high-risk AI applications should include. In addition, the European Commission categorises AI applications as high-risk when they involve significant risks related to safety, consumer rights, and fundamental rights. AI used in the public sector is classified as high-risk due to its potential for substantial impacts on individuals. This classification is based on two criteria: the sector itself (including public services) is susceptible to significant risks, and the specific application of AI can lead to legal or material effects that are difficult for those affected to mitigate. Furthermore, the European Union Artificial Intelligence Act (AI Act) – the first comprehensive legal attempt to regulate AI worldwide – entered into force on 1 August 2024[51]. However, the application of the provisions of the AI Act, depending on the categories of AI systems, will occur on 2 August 2025 (for provisions related to general-purpose AI systems), 2 August 2026 (for provisions related to high-risk AI systems) and 2 August 2027 (for provisions related to AI systems subject to existing EU health and safety legislation). The AI Act adopts a risk-based approach. Accordingly, risk levels in AI are categorised as either unacceptable, high, limited, minimal, or zero. It should be noted that specific rules are proposed for high-risk AI systems – those that create a high risk to the health and safety or fundamental rights of natural persons. In line with a risk-based approach, these high-risk AI systems are permitted on the European market subject to compliance with certain mandatory requirements: 1) the high quality of the datasets feeding the system to minimise risks and discriminatory outcomes; 2) the logging of activity to ensure the traceability of results; 3) detailed documentation providing all the information necessary regarding the system and its purpose for authorities to assess its compliance; 4) information that is clear and sufficient for uses; 5) appropriate human oversight measures to minimise risk; 6) a high level of robustness, security, and accuracy, and an ex-ante conformity

[50] European Commission, *White Paper on Artificial Intelligence – A European approach to excellence and trust*, COM(2020) 65 final [2020].

[51] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828.

assessment.

Article 6(2) of the AI Act defines high-risk AI systems as those that can significantly affect individuals' fundamental rights or operate in sectors where legal obligations are involved. 'Automated administrative orders', which impose fines or penalties through automated data processing (such as for traffic offences), have a direct effect on individuals' legal rights. This significant influence over legal outcomes might categorise them as high-risk. Accordingly, if 'automated administrative orders' were recognised under the high-risk category, the abovementioned stricter provisions would apply. Taking into account the aforementioned legal regulations of the EU, it may be concluded that decisions based solely on automated data processing, which result in legal consequences or have a substantial impact on individuals, must always involve meaningful human evaluation, with a human ultimately making the final decision. This ensures accountability, fairness, and the protection of fundamental rights, especially in contexts where automated decisions could significantly affect people's legal standing or rights.

When evaluating whether human oversight is being properly ensured, the legal status of an 'automated administrative order' must be analysed. Administrative orders are executed on a voluntary basis. If the individual pays the fine within the specified time, the settlement is considered fulfilled. Once the individual fulfils the settlement, the administrative offence proceedings come to an end. Accordingly, considering that the administrative act cannot be appealed[52], if someone disagrees with it, they must refrain from complying with it. If the individual facing administrative liability fails to comply with the administrative order, the order is deemed invalid, and the administrative offence report is forwarded to the authority responsible for non-judicial processing of the case. After reviewing the case through non-judicial proceedings, the official in charge issues a decision, which can then be appealed in a court of first instance. In conclusion, this system balances efficiency with legal recourse, ensuring that individuals retain the right to challenge administrative decisions.

The possibility of challenging a decision before an official may provide a level of human intervention, but whether it qualifies as proper human oversight under the European approach is

[52] Article 610(4) of the Code of Administrative Offences of the Republic of Lithuania No. XII-1869 2015.

debatable. According to the European Parliament's stance on AI and automated decision-making, meaningful human oversight requires not just post-decision review but also the possibility of human intervention throughout the decision-making process, particularly for decisions that impact individuals' rights and obligations. In the case of 'automated administrative orders', the oversight mechanism may be considered insufficient if it only allows for contesting the decision after it has been made, rather than ensuring human involvement at earlier stages, as mandated by the EU. Therefore, while the ability to appeal may provide some form of legal recourse, it may not fully meet the European standard for proper human oversight.

It is highly likely that the EU will continue to address the issue of human oversight in automated decision-making systems as part of its ongoing efforts to regulate AI and protect fundamental rights. The focus will likely be on ensuring transparency, accountability, and the protection of fundamental rights, particularly in cases where automated systems could have legal consequences for individuals. Future revisions of AI regulations may place more emphasis on pre-decision human involvement rather than relying solely on post-decision challenges, to align more closely with the European Parliament's ethical guidelines. Therefore, it is quite plausible that the EU will escalate oversight requirements for automated decisions, especially in high-impact areas like justice and law enforcement.

7. Concluding Remarks

Lithuania has made significant progress in the digitalisation of its public services, achieving notable positions in international rankings that assess digital transformation. The introduction of 'automated administrative orders' in 2019 marked a major step forward in leveraging technology in the public sector, resulting in a more efficient, fair, and transparent system for handling certain administrative offences. The adoption and increasing use of offence-detection systems have led to a sharp rise in recorded offences. For instance, in 2022, there was a 65 percent increase in registered offences compared to 2020, and a 34 percent increase compared to 2021[53]. Additionally, in the first 11 months of 2023,

[53] Conclusion of the Main Committee on the draft law amending article 611 of the Code of Administrative Offenses of the Republic of Lithuania 2023 102-P- 25.

630,000 speeding offences were recorded—almost 40,000 more than during the same period the previous year—with speeding comprising almost half of all traffic offences [54].

The sheer volume of offences demonstrates that without automation, it would be impossible for human resources alone to manage and process such a vast number of cases. Automation has become indispensable to administrative proceedings in Lithuania. However, as discussed in this article, questions remain regarding whether full automation—especially when these decisions significantly affect individuals' rights and obligations—fully complies with EU legal standards regarding human oversight.

The European legal landscape continues to emphasise the importance of safeguarding fundamental rights when employing automated decision-making systems. EU regulations stress the necessity of meaningful human intervention throughout the decision-making process to protect fundamental rights and ensure fairness. As Lithuania advances its public sector's automation, it will be crucial to ensure that its systems align with evolving EU standards, particularly in areas where legal outcomes are at stake. The ongoing development of EU regulations suggests that human oversight will remain a priority, requiring countries like Lithuania to balance the benefits of automation with the need to uphold transparency, accountability, and fundamental rights. As EU regulations on AI mature, Lithuania and other Member States will likely need to revise their frameworks to incorporate more robust human oversight mechanisms.

[54] Information retrieved from the Police Department webpage, at https://policija.lrv.lt/lt/naujienos/vairuotojai-dazniausiai-nepaiso-leistino-vaziavimo-greicio/, accessed 16 July 2024.