



## PRESS RELEASE No 13/26

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Judgment of the Court in Case C-48/24 | Vilniaus tarptautinė mokykla

### **The obligation imposed by Lithuanian law on a private international school to review whether its staff meet a requirement for proficiency in the Lithuanian language potentially fails to have regard to freedom of establishment**

*While the national legislation appears to be appropriate for ensuring the legitimate objective of protecting and promoting the Lithuanian language, it may fail to have regard to freedom of establishment on account of the requirements for providing proof of proficiency in that language by the staff concerned and on account of there being no exception to that language requirement*

A private international school has been active in Vilnius (Lithuania) since 2004. It obtained the necessary administrative consents to deliver primary and secondary education programmes in English. In 2022, the National Language Inspectorate carried out an inspection of that institution in order to review its compliance with the requirements laid down in Law on the State Language. It found that some of the school's employees, including the director, had not passed the Lithuanian language exam. Under that law, teaching and administrative staff in regular contact with the public and the administrative authorities are required to be proficient in the Lithuanian language. In order to prove that they have the required level, those persons must provide a certificate issued by the National Education Agency, based on language tests organised in the territory of Lithuania. Lastly, the educational institutions concerned are required to review whether those persons meet that language requirement.

The Supreme Administrative Court of Lithuania, hearing the case on final appeal, decided to refer a question to the Court of Justice for a preliminary ruling regarding the compatibility of Lithuanian legislation with EU law.

In today's judgment, the Court of Justice finds that the Law on the State Language constitutes a restriction on freedom of establishment. It makes it less attractive for nationals of other Member States to set up and operate an educational establishment in Lithuania delivering education programmes in a language other than Lithuanian.

However, the law is appropriate for ensuring the objective of protecting and promoting the official language of that Member State is attained. It encourages the use of the language by persons subject to that requirement in their relations with pupils, pupil's parents and the general public, as well as with the national administrative authorities, as regards the administrative staff in particular.

**However, in relation to the requirements for providing proof which establishes that the language requirement has been met, the Court considers that the Lithuanian law, insofar as it requires the provision of a certificate issued by the National Education Agency on the basis of language tests organised in the territory of Lithuania, appears to go beyond what is necessary** to achieve the legitimate objective pursued, which it is for the referring court to ascertain.

It also states **that the language requirement in question appears to apply as soon as the persons concerned begin their duties, irrespective of the duration of their employment contract, without any exceptions or flexibility** being laid down in that regard. According to the Court, **the national law therefore appears to be disproportionate in relation to the objective pursued**, which is for the referring court to assess.

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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