

LITHUANIAN CONTRIBUTION TO THE 2024 RULE OF LAW REPORT

JANUARY 16

Lithuanian contribution to the Rule of Law Mechanism is compiled by the Ministry of Foreign affairs of Lithuania from the inputs made by:

- Ministry of Justice of the Republic of Lithuania;
- Ministry of Culture of the Republic of Lithuania;
- Ministry of Social Security and Labour of the Republic of Lithuania;
- Prosecutor General's Office of the Republic of Lithuania;
- Office of the Seimas;
- Special Investigation Service of the Republic of Lithuania;
- National Courts Administration;
- Public Procurement Office;
- Office of the Equal Opportunities Ombudsperson;
- Ombudsmen's Office of the Seimas;
- Office of the Ombudsman for Children of the Republic of Lithuania;
- Inspector of Journalistic Ethics;
- Constitutional Court of The Republic of Lithuania



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I. JUSTICE SYSTEM

1. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

National court administration

Regarding the implementation of the recommendation to continue efforts to improve the transparency of the system of appointments to judicial positions, notably to the Supreme Court, taking into account European standards on judicial appointments. During the period in question, the Chairman of the Supreme Court of Lithuania, the Chairman of the Civil Division of the Supreme Court of Lithuania and one judge to the judicial office in the Supreme Court of Lithuania had been appointed. Thus, the formation of the corps of judges of Supreme Court of Lithuania is basically going more smoothly. In addition, a significant change in the system of appointments of candidates to the judicial office in district courts, regional courts as well as in regional administrative courts should be noted. According to the Article 55¹, Part 3 of the Law on Courts, the selection of candidates to the judicial office in district courts as well as to the vacant or vacating judicial positions in regional and regional administrative courts is organized continuously, after legally important procedures have been completed beforehand: the candidates to the judicial office are evaluated by the Selection Commission of Candidates to Judicial Office and entered in the General Ranking Lists of courts of the relevant jurisdiction. It should be noted that the implementation of this part of the reform of appointments of candidates to the judicial office is not as fast and effective as expected when adopting changes in legal regulation. Currently, there are 63 vacancies in district courts, 8 vacancies in regional courts and 2 vacancies in regional administrative courts. Meanwhile, decisions are not made regarding some candidates to the judicial office which are on the general lists (there are 34 candidates to the judicial office in district courts and 24 candidates to the judicial office in regional courts).

Regarding the implementation of the recommendation to continue efforts to provide adequate resources for the justice system, including on the level of remuneration for prosecutors and non-judicial staff, taking into account European standards on resources and remuneration for the justice system. On 16 September 2022, the General Meeting of Judges, which is the highest institution of the self-governance of courts, took place and the Resolution on the situation in the courts of the Republic of Lithuania was adopted. On 20 March 2023, the Board of the Association of European Administrative Judges (AEAJ) appealed to the responsible authorities of the Republic of Lithuania, urging them to determine the salaries of Lithuanian judges as soon as possible, which would correspond to the status of judges, the requirements for judges, the functions they perform and their responsibilities². On 11 May 2023, the Council of Associations of Judges of the Baltic States also expressed concern that insufficient financing of Lithuanian courts poses a real threat to the administration of justice³. On 25 May 2023, the Executive Board of the European Network of Councils for the Judiciary (ENCJ) made the Statement on financial security in the context of Judicial independence noting that judicial independence should include protection against interference with the financial security of the court as an institution. Judicial remuneration should

¹<https://www.teismai.lt/lt/teismu-savivalda/visuotinis-teiseju-susirinkimas/rezoliucija-del-situacijos-lietuvos-respublikos-teismuose/9715>

²<https://lrta.lt/wp-content/uploads/2023/03/AEAJ-kreipimasis.pdf>

³<https://lrta.lt/baltijos-valstybiu-teiseju-asociaciju-taryba-lietuvos-teismu-nepakankamas-finansavimas-kelia-realial-gresme-teisingumo-vykdymui/>



be adequate and preclude exposing judges to the risk of inappropriate pressures and corruption⁴. On 25 May 2023, the draft amendments to the Law on Civil Services together with the Law on Remuneration of Judges have been approved by Seimas. On 9 June 2023 the amendments to the Law on Civil Services together with the Law on Remuneration of Judges have been signed by the President of the Republic of Lithuania and officially published in the Register of Legal Acts. The provisions regarding the increase of judges' salaries entered into force on 1 July 2023, and the final result is seen positively by the judiciary and correspond to the demands regarding judges' salaries. The provisions regarding the Civil Services Reform, as well as civil servants', including non-judicial court staff's, salaries, should enter into force from 1 January 2024. Although it was expected that the implementation of the Civil Services Reform would lead to an increase in the salaries of court staff, additional funding which would allow to increase the salaries of court staff was not intended to the judicial system. However, the funds saved during the implementation of the district court reform were left for the courts and this should allow for a slight increase in salaries of court staff. On March 2023, there were vacancies for up to 90 judicial assistants and more than 60 court hearing clerks, and this problem still remains relevant as there are almost no candidates for these positions as well as court staff leaves for other institutions due to the low salary (also, please, see the answer to the question No. 13). In addition, more than 50 court hearing clerks had been employed as employees under an employment contract, and this does not meet the requirements for the civil services. Such situation indicates, that the courts can no longer ensure the efficient organization of work due to the lack of personnel.

Constitutional Court of the Republic of Lithuania

Recommendations addressed to Lithuania concerned such spheres as reforming of the legal aid system, improving the transparency of the system of appointments to the Supreme Court, providing of adequate resources for the justice system and providing human and financial resources for the functioning of the Office of the Parliamentary Ombudspersons.

As to the activities of the Constitutional Court of the Republic of Lithuania, over the past year this Court did not adopt rulings dealing with the aforementioned issues, however, the Court has already three pending constitutional justice cases concerning constitutionality of legal regulation of the remuneration of judges. These cases will be described in more detail in section 'Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information' (I. Justice system, A. Independence). Legislative developments related to regulation of the remuneration of justices, including justices of the Constitutional Court, also will be dealt in the same section.

In March 2023, three new justices of the Constitutional Court were appointed and started their work at this Court (according to Paragraph 2 of Article 103 of the Constitution, one-third of the Constitutional Court, as every three years, was reconstituted (The Law on the Constitutional Court, available at [https://lrkt.lt/en/about-the-court/legal-information/the-law-on-the-constitutional-court/193.\)\)](https://lrkt.lt/en/about-the-court/legal-information/the-law-on-the-constitutional-court/193.))). Concerning issue of impartiality of one justice of the Constitutional Court, former political official, as well concerning regulation of 'revolving doors' in the Constitutional Court it will be pointed out in more detail in section 'Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)' (I. Justice system, A. Independence).

Ministry of justice

Regarding recommendation "Continue the reform of the legal aid system by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on

⁴https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/Statement%20EB%20financial%20security%2025%20May%202023.pdf?fbclid=IwAR0a6kd0_Cy8t3q93kGHdO5pPR0yAqvgoKJACyR1T91WHyiRvIKPuf9HlEs



legal aid” (related to question 12)

As it was stated in our previous input for the 2023 Rule of Law report, ensuring good quality state-guaranteed legal aid is a priority and the first step included the amendments of the Law on State-Guaranteed Legal Aid, which were adopted by the Parliament in June 2023 and entered into force on 1 January 2024.

To increase the quality of state-guaranteed legal aid, the Law on State-Guaranteed Legal Aid stipulates that the Ministry of Justice of the Republic of Lithuania (hereinafter – the Ministry of Justice), together with the Lithuanian Bar Association and the State Guaranteed Legal Aid Service, will ensure special training for advocates who provide legal aid in specific areas. The special training plan for 2024 includes training for advocates who: defend suspected or accused minors, represent minors – victims of certain crimes, represent victims of crimes in specific cases (such as cases involving human trafficking, domestic violence, hate crimes, crimes against sexual self-determination and integrity), and represent persons who are requested to be declared as legally incapable or in cases regarding compulsory hospitalization and treatment. Special training will be organised by the Lithuanian Bar Association. According to the Law on State-Guaranteed Legal Aid, advocates who complete special training and provide state-guaranteed legal aid in those specific areas will be paid double for the legal aid provided.

According to the Law on State-Guaranteed Legal Aid, the Lithuanian Bar Association will also provide recommendations for advocates regarding the provision of legal aid in specific cases. These best practises and guidelines will be helpful for legal aid providers in their daily work. Furthermore, the Lithuanian Bar Association will adopt special rules for the evaluation of the quality of state guaranteed legal aid provided to address the complaints made by legal aid recipients.

The Law on State-Guaranteed Legal Aid stipulates that to assess the quality of state-guaranteed legal aid, the State-Guaranteed Legal Aid Service will carry out surveys of recipients of state-guaranteed legal aid, persons participating in the organization and/or provision of state-guaranteed legal aid.

Furthermore, the decision to increase the remuneration by 25 percent for the provision of state-guaranteed legal aid was adopted and entered into force on 1 January 2024.

Further steps in this area are planned for 2024 and include managing the workload of advocates by establishing criteria for even distribution of different complexity legal aid cases and reducing the administrative burden on advocates by improving the functionalities of the Legal Aid Services Information System (TEISIS).

Regarding Recommendation “Continue efforts to improve the transparency of the system of appointments to judicial positions, notably to the Supreme Court, taking into account European standards on judicial appointments” (related to question 2)

The amendments of the Law on Courts and related laws aiming to optimize and speed up the procedure for the selection of judges came into force on 1 January 2023 (information regarding these amendments was provided in the input for the 2023 Rule of Law report). During one year of application of the revised law, there were no indications that the changes were not effective. This year the President of the Supreme Court of Lithuania, Chairman of the Civil Division of this Court and a new judge were appointed successfully and effectively.

c) Regarding recommendation “Continue efforts to provide adequate resources for the justice system, including on the level of remuneration for prosecutors and non-judicial staff, taking into account European standards on resources and remuneration for the justice system” (related to questions 8, 14, 15).

The draft legislation to improve the civil service system was prepared by the Ministry of the Interior of Republic of Lithuania, and the amendments to the Law on the Civil Service were



adopted by Seimas on 25 May 2023 and came into force on 1 January 2024. The reform also encompasses the remuneration system changes for civil servants working in the justice system. The Law on the Civil Service proposes to allow the heads of institutions to approve the salary system, which would allow more flexible determination of competitive wages, so there would no longer be maximum coefficient limits for specific groups of positions. The Law on the Civil Service also envisages that the head of the institution could foresee and apply various promotion measures.

The adopted amendments are available here:

<https://www.e-tar.lt/portal/lt/legalAct/0892744006bf11ee9978886e85107ab2>

Also, the judicial map reform (please see detailed information in response to question 17) will create the necessary legal prerequisites for a more efficient distribution of funding for the judicial system. According to calculations made by the Judicial Council and the National courts administration, after the implementation of the judicial map reform, during the three stages of the reform (until 2026), about 4,351 thousand Euro will be saved, which could be also used for the promotion and higher salaries of court staff and the development of innovations in the courts.

A. Independence

2. Appointment and selection of judges⁴, prosecutors and court presidents (incl. judicial review)

National court administration

In 2023, the Selection Commission of Candidates to Judicial Office carried out 37 selections (29 selection sessions): 12 selections were made to judicial office in district courts, 9 selections were made to judicial office in higher courts, and 16 selections were made to leadership positions of courts. In comparison, in 2022, the Selection Commission of Candidates to Judicial Office carried out 48 selections (31 selection sessions): 29 selections were made to judicial office in district courts, 8 selections were made to judicial office in higher courts, and 11 selections were made to leadership positions of courts.

In 2023, 125 judges and candidates for the judicial office as well as 26 candidates for managerial positions were evaluated by the experts (Assessment of Personal and Leadership Competencies). In comparison, in 2022, 63 judges and candidates for the judicial office as well as 21 candidates for managerial positions were evaluated by the experts.

On 1 January 2023, the amendments to the Law on Courts, regarding a new selection procedure of candidates for the judicial office in district, regional and regional administrative courts, entered into force. In accordance with the provisions of the Law on Courts, the selection of candidates for the judicial office in district, regional and regional administrative courts is being organized continuously, and not for a specific court, as it was until 1 January 2023. In terms of the execution of the selection procedures, this means that the order of the selection of candidates for the judicial office in district, regional and regional administrative courts in the Selection Commission of Candidates to Judicial Office is determined by the date of adding them to the list of candidates to the judicial office in district courts or to the register of persons seeking a career as a judge.

The Chancellery of the President of the Republic of Lithuania can announce selections for district courts only after all the candidates on the aforementioned list have been evaluated by the Selection Commission of Candidates to Judicial Office. It should be noted that the implementation of appointments to judicial positions in district courts is not fast enough. For example, there are candidates to the judicial office who have been entered in the general order lists of district courts for several months, but decisions regarding their appointment are not made



in the President's institution⁵. Therefore, optimal mechanisms of institutional cooperation are being sought in the implementation of appointments of candidates to judicial positions in district courts.

Constitutional Court of the Republic of Lithuania

There are recommendations addressed to Lithuania concerning continuing efforts to improve the transparency of the system of appointments to judicial positions, notable to the Supreme Court, in the Rule of Law Report of 2023.

Regarding the Constitutional Court, in March 2023, three new justices of this Court were appointed and started their work at this Court (according to Paragraph 2 of Article 103 of the Constitution, one-third of the Constitutional Court, as every three years, was reconstituted). One of these justices is a former political official (former Member of the Parliament of the Republic of Lithuania (Seimas)).

Due to the issue of absent regulation of the 'revolving doors' in the Constitutional Court (this fact was pointed out in the Rule of Law Report of 2023, as certain limitations on political activities for judges of the Constitutional Court apply after their appointment (Paragraph 3 of Article 104, of the Constitution)), it must be noted that in practice the activities of the appointed aforementioned justice of the Constitutional Court does not raise questions concerning its impartiality in constitutional justice cases.

On the basis of the Article 48 'The Self-Disqualification or Disqualification of a Justice of the Constitutional Court of the Law on the Constitutional Court' (<https://lrkt.lt/en/about-the-court/legal-information/the-law-on-the-constitutional-court/193>) and according to the procedure provided in it, this justice informs the Court on the need of his disqualification or the Court disqualifies him from every issue that can raise doubts as to the impartiality of this justice, either the Constitutional Court considers questions of adoption of a petition or inquiry for an investigation into the constitutionality of a legal act, either considering the questions arising when a case is prepared for a hearing of the Constitutional Court.

3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

National court administration

In order to facilitate a more efficient functioning of the judiciary and courts, on 3 February 2022, the Prime Minister adopted an ordinance No. 25 setting up a working group composed of representatives of the Judicial Council, of the National Courts Administration, of the Office of the President of Lithuania, of the Government's Chancellery, of the Prosecutor's Office, and the Ministry of Justice, which was tasked with drawing up proposals to improve individuals' access to the court and increase public trust in the judiciary, to ensure more equal and effective use of the resources allocated to the courts, distribution of the workload of judges, to create a better preconditions to the specialization of judges, and to facilitate cooperation between courts and other institutions.

The working group initiated the preparation of draft laws implementing judicial reform: the amendments to the judicial map of district courts, to the procedural laws, and other amendments related to this reform of district courts. The final draft laws have been prepared by the Ministry of Justice of the Republic of Lithuania together with the Judicial Council and the National Courts Administration and submitted to the Seimas of Republic of Lithuania. On 29 June 2023 the Seimas of the Republic of Lithuania adopted the laws implementing the reform of

⁵ <https://www.teismai.lt/lt/teismams/teiseju-atranka/bendrasis-apylinkes-teismo-eiliskumo-sarasas/11042>



district courts (judicial map changes).

Considering the workload and efficiency of the existing district courts and their chambers, adopted laws foresee to consolidate the chambers of some district courts and to reduce their number (there will be 11 district courts and 24 court chambers instead of the current 12 district courts and 48 courts chambers), as well as to change the activity territories of some district courts.

When analyzing the possibilities to optimize the district courts, the following main criteria were taken into account:

- a) geographical location of the court and population of residents;
- b) the number of cases and workload;
- c) composition and human resources of the court;
- d) court infrastructure and its maintenance;
- e) additional consideration was also given to the possibility of organizing remote court hearings; composition of the court, possibilities of specialization of judges, etc.

According to the amendments to the Law of the Establishment of District Courts of the Republic of Lithuania and the Determination of the Territories of their Activities (hereafter – the Law of the Establishment of District Courts)⁶, the reform is divided into two stages. At the first stage, as of 1 January 2024, five court chambers (in five district courts) which have uneconomical court buildings and workload too low will be abolished. The redundant court buildings and other real estate will be transferred to the state company that centrally manages state real estate for administrative purposes. After the court chambers are closed, the availability of court services will be ensured for residents. According to the need, the outgoing court hearings will be organized, if needed, contracts will be made with the local self-government institutions for the provision of premises to ensure certain court functions, etc.

In accordance with the principle of irremovability of judges, the Article 3 of the Law of the Establishment of District Courts foresees that any changes to the structure of the court (the abolishment of the court chambers as territorial divisions) do not affect the exercise of the powers of the judges appointed to that court until 31 December 2023.

The judges, appointed until 31 December 2023 to the district courts which structure is being changed, after the entry into force of this law will continue to work in the relevant district court, and are considered to be appointed to that district court or those court chambers in the territory of which the court chambers to which they were appointed operated. The personnel of the court chambers will be offered to move to another court chambers in accordance with the procedure established by the legal acts, after the abolition of such positions as heads of the court chambers stationery office and personnel performing maintenance of the courthouses.

At the second stage of reform, as of 1 July 2024, the following actions are foreseen:

1. The abolishment of the district court of Plungė by the procedure of reorganization, dividing its rights and obligations as a legal entity between two other district courts of the same region. For a few years this court has been having one of the lowest workloads and the smallest number of judges compared to other district courts. Thus, one of its court chambers will be abolished as of 1 January 2024 and the final reorganization will be concluded on 1 July 2024. The procedure of the court reorganization was initiated by the Resolution No. XIV-2135 of the Seimas of the Republic of Lithuania of 29 June 2023⁷.

⁶ <https://www.e-tar.lt/portal/lt/legalAct/53b4b4701fb411eeb233e8b04dc9bb3d>

⁷ <https://www.e-tar.lt/portal/lt/legalAct/3ad717101a4e11eeb233e8b04dc9bb3d>



According to the Article 13, paragraph 1 of the Law on Courts of the Republic of Lithuania, courts are reorganized by law. After the courts participating in the reorganization have fulfilled the obligations provided for in the laws regarding preparation for the reorganization process, the final decision on the implementation of the reorganization of the district court of Plungė is taken by the Seimas of the Republic of Lithuania. Currently, the National Courts Administration has submitted to the Seimas information on the obligations fulfilled in the laws regarding the publication of the description of reorganization conditions and the notification of creditors. It is planned to renew and continue deliberations on the law on the reorganization of the district court of Plungė and other legal acts related to the reorganization in the Seimas.

2. Taking into account the workload, operational efficiency and other evaluated criteria of the existing district courts and their chambers, from 1 July 2024 it is planned to enlarge the chambers of district courts, by abandoning part of the chambers, as well as by changing the areas of activity of some district courts. It should be noted that according to the amendments to the Law of the Establishment of District Courts, the areas of operation of the district court chambers will be combined, but in most cases the buildings of the former court chambers will remain, court hearings will be held in them, and the availability of court services to the residents will be ensured. This process will be carried out in accordance with the principle that the distance from the central court chambers to the other court chambers of the same court should be about 60 kilometres. Such a distance is emphasized in the international recommendations on the mapping of the judicial system, as ensuring the right to a court in the territorial aspect of accessibility for people. At the same time, an additional possibility has been established if one of the parties to the case demands to use court video conferencing in the premises of the district court or the court chambers where the party would have to come if the case were to be heard live according to the procedure of oral proceedings.

After combining the territories of the district court chambers, maintaining the infrastructure of the former court chambers (court buildings), there may be a need for the judges of the same district court chambers to go to hear cases from one court chambers premises to the other premises in the territory of that district court. So, the Seimas of the Republic of Lithuania adopted the amendments to the Law on Courts⁸, establishing that if there are several premises of the court or court chambers to which the judge or judges hearing the case is appointed, the travel expenses of the judge are reimbursed in accordance with the procedure established by the Government of the Republic of Lithuania, when the case is heard in the premises of the same court or the same court chambers located in another residential area.

In addition, in order for judges to clearly know in which specific premises their workplace can be located, the Law on Courts was supplemented with the provision that if there are several premises of a court or court chambers, the President of the Republic, when appointing a judge of a district court, indicates the residential areas where the court or court chambers premises are located and where the judge will work.

The regulatory changes should enter into force on 1 July 2024. The Government of the Republic of Lithuania is obliged to adopt legal acts implementing the adopted amendments to the Law on Courts by 30 June 2024, such as the rules on reimbursement of travel expenses.

To make court proceedings more efficient, along with the changes to the court map, the amendments to the Code of Civil Procedure of the Republic of Lithuania were made. The amendments will allow the majority of cases heard in district courts according to the written procedure (additionally about 30,000 civil cases, which would make up about 21 percent of all

⁸ <https://www.e-tar.lt/portal/lt/legalAct/d42b0eb01fb411eeb233e8b04dc9bb3d>



received civil cases number), automatically distribute to all district courts, after assessing the workload of the courts. The possibilities of adapting the Lithuanian courts information system for such an automated distribution of cases among all district courts are currently being analysed.

The amendments also established that if a case heard in district court according to the written procedure is decided to be heard according to the procedure of oral proceedings such a case shall be heard by using information and electronic communication technologies.

If at least one party makes a motivated request to hear the case with a direct participation in the court hearing, without the use of information and electronic communication technologies, and the court recognizes this request as reasonable, or the court on its own initiative recognizes that it is necessary to hear the case with the direct participation in the court hearing, without the use of information and electronic communication technologies, the court hearing takes place in the district court or in the court chambers that has/have a jurisdiction over the case.

The participants of the proceedings are also given the opportunity to use the court's information and electronic communication technologies in the premises of the district court or the court chambers where the case is being heard.

After the reform it is expected that people will be guaranteed justice of the same quality and speed both in big cities and regions. The existing infrastructure of the courts will not fundamentally change (only 5 uneconomical buildings will be abandoned), while the quality of the administration of justice will improve, as judges will be able to specialize, and the distribution of cases heard according to the written procedure throughout Lithuania will ensure that the cases will be heard more quickly. After optimizing court resources, the saved funds will be used to promote court staff and develop innovations on courts.

After assessing the decreasing trends of cases, taking into account the demographic trends of the population in the regions, during the optimization of the courts network in several stages it is expected to reduce the number of district court judges by 10% (48 judges) starting in 2024 and ending in 2026.

It is planned to reduce the judges' teams (the number of judicial assistant and clerks of court hearings) by a similar number, but this would not be a dismissal of court staff, but a reduction in the number of vacant positions. Such savings would reduce the current deficit of funds and allow for the efficient redistribution of court funds to finance existing court staff positions. It is foreseen that all the saved funding must remain for the court system, because the salaries of those working in the courts are extremely low, so the saved funds would help cover the currently unfunded needs of the courts and improve working conditions.

As mentioned above, this change is expected to be implemented gradually, starting in 2024 and ending in 2026. In the first phase, as foreseen, 10 judges' vacancies will be abolished from 1 January 2024, i. e. per one vacancy in each district court (except two districts courts in which there are no judges' vacancies on the date indicated). The Judicial Council has initiated the procedure laid down in the Law on Courts for advising the President of the Republic of Lithuania to reduce the number of judges by 10 judges' vacancies. Further reductions will be discussed within the judicial community, taking into account the workload of courts after the implementation of the reform.

The National Audit Office of Lithuania in the 2020 State audit report "The Judicial System" had made a recommendation to establish indicative workload norms for judges or other criteria that would allow objectively assess the need of judges in the courts. Considering this, on 24 November 2023 the Judicial Council approved a methodology for determining the optimal workload of the district court (judge), which aims to define the workload of a district court (judge) with cases, assessing the need for human resources to implement the functions assigned to the judicial system as well as planning and making decisions on determining the optimal number of district court judges, ensuring the uniformity of the workload in district courts. In order to test how the methodology will work, 3 pilot courts where the methodology will be applied from 2023



have been selected, and the methodology will be applied from 1 December 2023. The methodology will be applied in all district courts from 1 July 2024. The methodology has been approved only for district courts, and other courts will be taken into consideration in the future. The reform of district courts will also affect the activities of regional courts, including their workloads. There is a trend that has persisted for several years regarding unequal workloads among regional courts. The President of the Court of Appeal of Lithuania periodically decides on the possibility of transferring cases from one regional court to another. In this way, the aim is to reduce the differences in the workload of judges in certain regional courts, to equalize the indicators of the number of cases being heard, and to ensure a more operative hearing of cases. On the other hand, the aim is that judges working in courts of different regions would have the opportunity to hear the most diverse, including in terms of complexity, cases. These circumstances led to the discussions on the revision of the number of judges in the regional courts, and at the same time to assess whether the decision to reduce the number of judges in the regional courts would keep the work in all regional courts efficient, or whether the administrative costs would be justified. Thus, on 27 October 2023 the Judicial Council adopted the resolution setting up the working group, tasked with drawing up proposals on the possibilities of reforming the network of courts of appeal (Lithuanian Court of Appeal and Regional Courts).

During 2023, preparations for the reform of district administrative courts took place. The plan for the reorganization of the regional administrative courts was prepared and implemented, according to which the procedures for reorganization of the Regional Administrative Court were carried out by merging it with the Vilnius Regional Administrative Court. After the reorganization, as of 1 January 2024, administrative cases will be heard at first instance by a single court – the Regional Administrative Court, consisting of five court chambers, which will operate throughout the territory of the Republic of Lithuania. According to the provisions of the Law on the Reorganization of Administrative Courts, the reorganization will not affect the exercise of the powers of judges appointed until 31 December 2023, due to the reorganization, the workplace of the judges will not change.

4. Promotion of judges and prosecutors (incl. judicial review)

No significant changes.

5. Allocation of cases in courts

National court administration

In 2023, intensive modernisation works of the Case Allocation Module (hereinafter – the Module) of the Lithuanian Court Information System (hereinafter – LITEKO) were continued. One of the main directions of the new Module in solving the problem of uneven allocation of cases is the new model of the judge selection coefficient. The main changes in the components of the judge selection coefficient in the modernized Module are that not only the number of cases assigned to the judge in the reporting period in a specific distribution group, but also all pending cases at the time of the distribution of the judge's cases, available and unfinished judicial mediation processes will be evaluated. An important change is also the fact that when calculating the judge's selection coefficient, the cases assigned to the judge and heard by the judge will be counted in the scope of all types of cases (not limited to the classification group) by multiplying them by the case's complexity score. In addition, the cases heard by the judge as a panel member (not reporter) will also be considered, but will be given a less weight.

Furthermore, in the modernized Module it will be possible to apply a “ceiling” when assigning cases to judges – the maximum amount of case weighting coefficients per day for one judge. This tool was created to protect judges from the high number of cases received during the



one allocation of cases, while ensuring evenness of cases assigned to judges.

Another direction of the new Module in solving the problem of uneven allocation of cases is the change of defined groups of cases and their complexity scores, since the existing ones do not reflect the real complexity of cases. According to this, the existing case classification groups and their difficulty scores are being revised. It is planned that the updated system of case groups and their complexity scores will be implemented together with the modernized LITEKO, therefore in 2023 intensive work was carried out on the determination of new case classification groups and their complexity scores and their coordination with the courts. A draft amendment to the Description of the rules for the allocation of cases to judges and the formation of a judicial panel, approved by Resolution No. 13P-123-(7.1.2) of the Judicial Council of 25 September 2015, is going to be considered by the Judicial Council at the beginning of 2024.

In order to solve the issues of unequal workload in the courts, on 22 December 2022, a Law No. XIV-1750 (entered into force on 1 January 2023), supplementing the Code of Criminal Procedure of the Republic of Lithuania with Article 229¹, was adopted. The presidents of the regional courts and the president of the Court of Appeal of Lithuania were enshrined in an essentially analogous right as in Article 621 of the Code of Civil Procedure of the Republic of Lithuania to assign randomly selected cases that have not yet been assigned to a specific judge (panel of judges) by a court decision to be heard by judges of another court after finding a significant difference in the workload in the relevant district or regional courts. The cases assigned to the judges of another court to be heard on the grounds set out in the aforementioned article, which may be heard without holding a court hearing or are heard in district courts according to the written procedure, as well as when they are heard using information and electronic communication technologies according to the procedure established by the Code of Criminal Procedure.

When implementing the requirements of Article 229¹ of the Code of Criminal Procedure and Article 621 of the Code of Civil Procedure regarding the assignment of cases to judges of another court, when a significant difference in workload is established, amendments to the Provisions of Administration in Courts were approved by resolution No. 13P-59-(7.1.2) of the Judicial Council of 31 March 2023⁹, which set the criteria that are assessed when deciding whether there is a significant difference in workload between courts (court chambers), the entities performing the assessment and its periodicity. In addition, it was established that such data will be processed in one place – in the model data calculator prepared by the National Courts Administration.

In order to solve the issues of ensuring the workload balance in district and regional courts effectively, as well as after assessing the reform of district courts that will take place in 2024, the amendments to the Code of Civil Procedure were initiated in 2023¹⁰. It was established that cases, which under the grounds of the Code of Civil Procedure can be heard in the district courts by written procedure and which are not subject to the rules of exclusive jurisdiction, are allocated to district courts or court chambers by using a computer program taking into account their workload and following the rules for the allocation of cases approved by the Judicial Council (Article 62² of the Code of Civil Procedure). In addition, it was established that cases based on appeals (separate appeals) due to an unenforced decision or ruling of the district court are allocated among the regional courts by using a computer program, taking into account their workload and following the rules for the allocation of cases approved by the Judicial Council (Article 62³ of the Code of Civil Procedure). The amendments should enter into force from 1 July 2024.

Ministry of justice

National courts administration is currently working on a project which, among other

⁹ <https://www.e-tar.lt/portal/lt/legalAct/83b2a150d1f811ed9978886e85107ab2>

¹⁰ <https://www.e-tar.lt/portal/lt/legalAct/09cd5fa01fb511eeb233e8b04dc9bb3d>



changes, is expected to create an even more objective model for the allocation of cases using the information system of Lithuanian courts (LITEKO). The work on the development of the case distribution module has been completed, testing has been carried out, and the functionalities are now being improved.

Amendments to the Civil Code of the Republic of Lithuania, the Code of Civil Procedure of the Republic of Lithuania, and other related laws, aiming to transfer the functions that are not intrinsic to the judiciary to other institutions (e. g. notaries, judicial officers) came into force on 1 January 2023 (information regarding these amendments was provided in the input for the 2023 Rule of Law report). It was expected that the workload of the courts should decrease by about 10 percent. Although the court statistics for 2023 are not yet available, a positive change can already be seen by specific categories of cases. E. g., in 2022 7,569 civil cases regarding divorce by mutual consent of the spouses were received in the courts, while until December 2023 only 5,062 cases of this category were received in the courts, so the changes made it possible to reduce the workload of the courts in cases of this category by about 30 percent.

6. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

National court administration

The Vision of the development of Lithuanian courts for the years 2023-2033¹¹ includes the establishment of the right of the Judicial Council to appeal to the Constitutional Court of the Republic of Lithuania by amending Article 106 of the Constitution of the Republic of Lithuania¹². For this purpose, in 2023 the Concept of the right of the Judicial Council to appeal to the Constitutional Court of the Republic of Lithuania (hereinafter – the Concept) has been drafted. The Draft Concept provides that Article 106 of the Constitution needs to be supplemented with a new part which should provide that the right to apply to the Constitutional Court regarding the acts referred to in the first or second part of Article 105¹³ of the Constitution belongs to a special institution of judges provided by law – the Judicial Council – in cases where these acts threaten the independence of the judiciary. It is intended to adopt the aforementioned amendment to the Constitution by 2028.

To strengthen anti-corruption environment in Lithuanian courts, on 27 January 2023, the Judicial Council approved the Policy of the Transparency of Lithuanian Courts¹⁴. The policy sets up the essential value provisions that are promoted in Lithuanian courts, such as, absolute intolerance to corruption, publicity, disclosure of interests etc.

The declaration approved by the Council of Judges is a general principle that everyone working in the judicial system must comply with. The document says that the judicial system does not tolerate any bribery duties, trade, abuse of office by employees, abuse of authority, any means of protection of family members, close persons, relatives and other persons. It also declares that no gifts or other thanks, rewards for the work of judges or court employees are tolerated in the courts, except for thanks or awards given within the court system. It is indicated that in the cases permitted by law, each case of giving and receiving a gift is an appropriate assessment, and

¹¹ <https://www.teismai.lt/data/public/uploads/2023/02/eng-taisytas-1.pdf>

¹² <https://lrkt.lt/en/about-the-court/legal-information/the-constitution/192>

¹³ The Constitutional Court shall consider and adopt decisions on whether the laws of the Republic of Lithuania or other acts adopted by the Seimas are in conflict with the Constitution of the Republic of Lithuania.

The Constitutional Court shall also consider whether the following are in conflict with the Constitution and laws:

1) the acts of the President of the Republic;

2) the acts of the Government of the Republic.

¹⁴ <https://www.teismai.lt/data/public/uploads/2023/01/skaidrumo-politika.pdf>



all gifts received in accordance with the prescribed procedure are accounted for. The document says that every person working in the Lithuanian courts is responsible for the consequences he/she has caused for the entire judicial system and citizens' trust in the courts.

The judiciary of Lithuania sees all anti-corruption methods as one of the keystones for ensuring judicial independence. For this, in 2023 Lithuanian courts emphasized transparency awareness among judges and court staff conducting specialized training "Creation of an anti-corruption environment in judiciary". Also, by the decision of the Judicial Council, this topic became part of compulsory introductory training for newly appointed judges. Overall, 157 judges were trained in 2023.

Moreover, on its Review of Lithuania's National Agenda on the Prevention of Corruption¹⁵ the OECD has recommended to develop a risk map of the justice sector. Developing this map has been a priority in 2023 and is expected to be concluded in 2024, becoming a main tool for establishment of clear priorities and indicators facing risks most infringing the independence of the judiciary.

Ministry of justice

The amendments to remuneration system (salary increase) for judges of the Constitutional Court, of the courts of general competence, as well as specialised (administrative) courts of the Republic of Lithuania (the Law on Judges' Remuneration) came into force on 1 July 2023. The new law linked judges' salary to the national average wage, resulting in almost doubled salaries.

The adopted amendments are available here:

<https://www.e-tar.lt/portal/lt/legalAct/1001fbf006ca11ee9978886e85107ab2>

7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

National court administration

In 2023, the Judicial Court of Honour examined 4 disciplinary actions instituted against judges and made the following decisions:

1. One disciplinary action was dismissed, having established that the 3-year deadline for initiating a disciplinary action set by the Law on Courts has been missed. At the same time, the Judicial Court of Honour concluded that the judge's actions (informal meetings with a lawyer in a private environment, consulting during them on legal issues, evaluating them in the context of other circumstances discussed in this decision) are incompatible with the particularly high ethical standards set for judges, violating the principles of justice, impartiality, decency enshrined in the Code of Ethics of the Judges. Although the Judicial Court of Honour stated that the judge violated the rules of the Code of Ethics of the Judges, the expiration of the statute of limitations set by the Law on Courts eliminates the possibility of applying disciplinary liability to the judge;
2. In one disciplinary action a severe reprimand was imposed. The disciplinary action was instituted against the judge because of disrespectful and incorrect communication with court staff and participants in the proceedings and misconduct in civil cases;

¹⁵ <https://www.oecd.org/publications/review-of-lithuania-s-national-agenda-on-the-prevention-of-corruption-e6efed26-en.htm>



3. One disciplinary action was dismissed. The Judicial Court of Honour stated that the judge did not violate the Code of Ethics of the Judges by her behaviour. It was not established that the procedural documents were signed backdated, that the standard of work in the panel of judges was not followed and that she withdrew from the administrative case after the process had already ended;
4. In one disciplinary action a reprimand was imposed. The disciplinary action was instituted against the judge because of violations of the requirements the principles of respect for humans, exemplarity and dutifulness established in the Code of Ethics of the Judges, committed while performing his direct duties as a judge – while examining cases. The Judicial Court of Honour stated that, from the point of view of a judge's ethics, improper performance of a judge's duty established by law, failure to organize his professional activities in such a way that cases are examined in the shortest possible time, is a violation of the rules established in the Code of Ethics of the Judges.

8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

National court administration

The remuneration of judges and the procedure of its calculation are determined by the Law on Remuneration of Judges of the Republic of Lithuania.

The Judicial Council during the past few years has repeatedly addressed the legislative and executive authorities of the Republic of Lithuania on the remuneration of judges, stressing the need for the State to have a systematic approach to the remuneration of state authorities, officials, and law enforcement bodies.

On 25 May 2023, as the Government implements the wage reform of the entire State's public sector, the draft amendments to the Law on Remuneration of Judges¹⁶ have been approved by Seimas. The provisions regarding the increase of judges' salaries entered into force on 1 July 2023. Additional allocations were allocated to the courts to implement the law.

It should be noted that the Law on Remuneration of Judges, which sets the coefficients for salaries of judges, was adopted in 2008.

The coefficients for salaries of judges had not been increased since 2008, except the judges of district courts.

During the period of 2008-2022, on 1 January 2019, only the coefficients for salaries of judges of district courts had been increased. So, the coefficients for salaries of judges of other courts have not been increased for 14 years.

In the revised Law on Remuneration of Judges it was taken into account the need to have a systematic approach for the State to the remuneration of state authorities, officials, and law enforcement bodies as repeatedly declared by the Judicial Council as well as the need to respect the constitutional principle of the division of state powers.

The coefficients for salaries of the Speaker of the Seimas, the Prime Minister, the President of the Constitutional Court and the President of the Supreme Court of Lithuania were unified, and the salary system of the other officials was laid down accordingly to these values.

To implement the Civil reform, the remuneration system of state politicians, state officials, judges of the Constitutional Court of the Republic of Lithuania, judges of general competence and specialized courts, civil servants (except for statutory civil servants) has been reformed. Regarding the judiciary, on 25 May 2023 the amendments to the Law on Remuneration

¹⁶ <https://www.e-tar.lt/portal/legalAct.html?documentId=1001fbf006ca11ee9978886e85107ab2>



of Judges¹⁷ were adopted, increasing the salaries of the judges (at all levels), presidents of the courts, vice-presidents, presidents of the court's sections. The amendment entered into force 1 July 2023.

It should be noted that the salaries of judges and court staff were low and insufficient (e.g. compared with other state officials, public servants), thereby reforming their remuneration system was the crucial topic for the judiciary in 2023. The salaries of judges of the Constitutional Court and judges of general competence and specialized courts are calculated by multiplying the salary coefficient established in the Annex to the Law on Judges Remuneration by the state politicians, judges, state officials, civil servants, employees of state and municipal budget institutions of the Republic of Lithuania official salary (remuneration) base amount. The new law linked the base amount to the national average wage, resulting almost doubled salaries for the judges. This new system is expected to be less politicized and responsive to economic changes, helping to avoid a gap between judges' salaries and the labour market. The base amount will be reviewed every three years, taking into account the trends in wage changes in the labour market and the country's economic situation. Due to the recent increase in inflation, it is proposed to revise the base amount for the first time in 2024.

The amendments to the Law on Remuneration of Judges mentioned above also provide that the remuneration of judges of general competence and specialized courts consists of the official salary and payment for work and duty on rest days and holidays¹⁸ and substitution. Therefore, on 27 October 2023 the Judicial Council adopted the amendments to the Description of the procedure for the payment for work and on-call time on rest periods and public holidays¹⁸ and substitution, granting and payment of bonuses for the increased workload to judges of ordinary and specialised courts. In response to these amendments, the previously valid provisions related to the judges' bonuses for increased workload, as well as the supplement for service to the Republic of Lithuania have been repealed.

Constitutional Court of the Republic of Lithuania

In the light of the recommendation addressed to Lithuania 'to continue efforts to provide adequate resources for the justice system', it is worth to note that the Constitutional Court is preparing for a hearing (which is expected in 2024) three cases concerning constitutionality of legal regulation of the remuneration of judges. In these cases the petitioner – Regional Administrative Court of Regions – claim that according to the existing legal regulation it is not clear which criteria determines the amount of judicial remuneration; he argues as well that the judicial remuneration didn't reached the level that was before economic crisis of 2008, because the average remuneration in the society has growth and the difference between average wages per employee and judicial remuneration is not the same any more that it was before.

In addition, from July 2023 new regulation establishing remuneration amounts and conditions for the payment of salaries of judges, including salaries of justices of the Constitutional Court, came into force (new Law on remuneration of judges of the Republic of Lithuania is available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/1c0073c0010511eebc0bd16e3a4d3b97?jfwid=-oy44k57hh>). According to this regulation, among other, there are changes in calculating the remuneration amount and this regulation provides for the increase of judicial salaries, including salaries of justices of the Constitutional Court.

Prosecutor General's Office

¹⁷ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.330569/asr>

¹⁸ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/1fd6c630832d11ee9ee3e4a7f62b7a26?positionInSearchResults=0&searchModeIUUID=04a4760d-1075-438a-94dc-d6fbb12c9f28>



In autumn 2021, the Government of the Republic of Lithuania initiated a reform of the system of public sector salaries, the creation and implementation of which suggests a possible attempts of political influence on the Prosecutor's Office, an independent institution of the justice system. First, the Public Prosecutor's Office was not invited to participate in the drafting of this reform and was therefore not given the opportunity to express its position to the drafters. Moreover, the salary increase for prosecutors was unjustifiably scheduled to be implemented far later than for judges. It should be noted that the prosecutor's opposition to this reform was accompanied by a categorical unwillingness to compromise, delays in adopting decisions, avoidance of explanations, and the making of unreasonable and vague demands on the prosecution service by the drafters of the reform, some members of the Seimas and the Government. All of this can be seen as an attempt to influence the prosecutor's office, which is incompatible with the rule of law.

As mentioned above, the implementation of the public sector salaries reform was planned in two phases. The first phase proposed a reform of the remuneration system for judges and some public officials, which was to enter into force on 1 July 2023. Meanwhile, the change in the remuneration system for prosecutors was separated from that for judges and was foreseen to be implemented only in the second phase, scheduled to enter into force on 1 January 2024.

From July 2022, after accidentally learning of the forthcoming reform, the Prosecutor General's Office was very active in trying to draw attention of the Government of the Republic of Lithuania, the members of the Seimas and the drafters of these laws to the necessity to maintain a certain balance in the remuneration of the judges and the public prosecutors, to make changes to the remuneration of these two professions systematically, to ensure that there is a balanced ratio of the salary of the judges and public prosecutors at the respective levels of the courts and the public prosecutor's office, and to ensure that it is proportionate, but the above-mentioned remarks were not taken into consideration.

In June 2023 some members of the Seimas submitted proposals to increase salary of public prosecutors in first phase of the reform in order to preserve the balanced and proportionate ratio between salaries of prosecutors and judges, as established by the current legislation. However, these proposals were not supported by the majority of the members of the Seimas. During the discussion of these proposals in the Seimas, ambiguous remarks were made by a Member of the Seimas and the Prime Minister about the unreadiness of the prosecution service for change, as well as the opinion of a Member of the Seimas on the possible discrimination against the prosecutor's office and its unsuitability for the Government (see between 1.55 and 1.59 minutes https://www.lrs.lt/sip/portal.show?p_r=35826&p_k=1&p_a=media_object_viewer&guid=E979AC50-2072-4C2A-9C8E-1BC527560A28). In the result, on 1 July 2023, the salaries of judges in Lithuania have been significantly increased, but salaries of prosecutors remained unchanged. This created a huge disproportion between the salaries of judges and prosecutors. For example, under the newly enacted system of remuneration of judges, the salary of a first instance prosecutor at the beginning of his/her career has become almost 60% lower than that of a first instance judge at the beginning of his/her career; the salary of the Prosecutor General has become almost 32% lower than that of the first instance judge at the beginning of his/her career. Moreover, it should be noted, that the first phase of the public sector remuneration system reform has also increased salaries for some pre-trial investigation officers (Special Investigation Service of the Republic of Lithuania and intelligence officers) whose activities in criminal proceedings are controlled by prosecutors¹⁹.

¹⁹<https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/bcd70f400b3f11eeb489c7d891071d0a?positionInSearchResults=3&searchModelUUID=4ed6fc78-8a90-4c75-b156-4a5486da41f4>



As it was not clear whether the salaries of prosecutors would be increased and how much, the President of the Republic of Lithuania submitted to the Seimas a draft Law on Prosecution Service (reg. No XIVP-2909, reg. date 16 June 2023, hereinafter referred to as the "Draft Law")²⁰, according to which the salaries of prosecutors were to be increased in proportion to the salaries of judges from 1 October 2023. However, this initiative was opposed by the Government. In accordance with the legislative procedure, the Board of the Seimas, by Decision No SV-S-10142²¹ of 5 July 2023, requested the Government to submit its opinion on this Draft Law. It should be noted that the Government failed to submit this opinion in time, thus blocking the adoption of this Law before 1 October 2023. The Government's opinion was adopted only on 25 October 2023²². In addition to this, in its opinion (hereinafter referred to as "Opinion") the Government proposed that the salary increase for prosecutors be implemented over three years, from 1 January 2024 to 1 January 2026, i.e. that the second phase of the reform of the public sector remuneration system be subdivided in another three phases. It should be noted that three-phase increase of salaries was not proposed to any other public institution and would apply only to the Public Prosecution Service. Such proposal, which is not based on any objective state economic indicators and socio-economic assumptions, must be considered discriminatory and in breach of the principles of legal certainty and clarity, social justice and proportionality, as well as other principles enshrined in the Constitution of the Republic of Lithuania, and generally accepted, especially in view of the fact that the increase of the salary of the judiciary was made immediately, without any phases.

As the main argument why the salaries of prosecutors are not raised together with those of judges, and why this increase is divided into phases, the Government has repeatedly stated in public that the Public Prosecution Service should implement reforms, optimise its activities, and eliminate redundant functions. The same proposal to Public Prosecution Service to implement procedural and structural efficiency measures by 31 December 2025, was also included in the Opinion (paragraph 2.2). However, the Government did not provide any reasoning for this proposal – any shortcomings of the work of the Public Prosecutor's Office, the unsatisfactory results, or the unjustified costs incurred by the Prosecutor's Office. During the consideration of the amendments to the Law on Public Prosecution Service in the Seimas, the Prosecutor General's Office actively provided explanations on the reforms implemented by the Prosecutor's Office, the performance of its functions, and sought to find out what reforms were still needed in the Prosecutor's Office but did not receive a clear answer from the Government. The Advisor to the President, while participating in the discussion of the draft Law in the Seimas, also pointed out that the Government did not comply with the deadlines provided for in the Statute and presented its opinion after the deadline for the entry into force of the draft Law proposed by the President, which prevented the proper increase of prosecutors' salaries in the proposed time-frame. He also pointed out that salaries of judges had been increased immediately without any phases, and that the proposal to increase the remuneration of prosecutors in phases was therefore unacceptable to the President (see between 1.12 and 1.16 minutes <https://www.youtube.com/watch?v=QMSjWwAjX2Q>).

The Government indicated that the phasing of the increase in prosecutors' salaries is not even a budgetary issue, but rather a matter of necessity of procedural and structural efficiencies, and referred to the reorganisation of the judiciary in 2023 as an example of good practice (see

²⁰<https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/bcd70f400b3f11eeb489c7d891071d0a?positionInSearchResults=3&searchModelUUID=4ed6fc78-8a90-4c75-b156-4a5486da41f4>

²¹<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/e8cb67701b1d11ee9f8efaacc26fd687?jfwid=m0nwu3a13>

²²<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/39d13c7476eb11eadbcc0bf53e6c339?jfwid=m0nwu3a13>



between 1.22 and 1.30 minutes <https://www.youtube.com/watch?v=QMSjWwAjX2Q>). During the discussion of the Draft Law, it was repeatedly pointed out by the Prosecutor General's Office that such efficiency solutions (but on a much larger scale) were already implemented 11 years ago, much earlier than by the judiciary: the structure of the prosecutor's office was changed in 2012, 19 remote prosecutor's offices were closed down by 2020, the number of buildings and the number of managers reduced significantly, etc. It should be noted that there were no enquiries by the Government regarding improvements to the efficiency of the Public Prosecution Service. It is therefore not clear what additional reforms the Government expects from the Public Prosecution Service and why the phased salary increase is dependent on the implementation of these reforms. The attempt to create vague tasks and to link the phasing of salary increases to the implementation of these tasks is incompatible with the rule of law and potentially violates the principle of independence of prosecutors. Moreover, statements by Government representatives that there should be a clear change in the performance indicators of the Public Prosecution Service if such an increase in the remuneration of prosecutors is approved, leads to the conclusion of possible influence and interference in the performance of prosecutors in exchange for the expectation of vague results in the performance of the Public Prosecution Service (see between 1.55 and 1.56 minutes <https://www.youtube.com/watch?v=QMSjWwAjX2Q>). In public, the Prime Minister has also expressed a vague position²³ that the prosecution has not done its homework and is not willing to enter into negotiation. On 12 December 2023, during the adoption of the Law on the Public Prosecution Service in the Seimas, MEPs repeatedly submitted proposals to ensure that the system of remuneration of prosecutors is not fragmented and is implemented in one phase from 1 January 2024. After voting, the decision was not adopted²⁴, with 64 votes in favour, 37 against and 27 abstentions. Prior to the re-vote, the statements made by the Prime Minister urging not to vote in favour of such proposals by the MEPs, also raises doubts about the possible influence of the Government in the decision-making process regarding the social guarantees of prosecutors. Following the comments made by the Prime Minister, the proposal was rejected in a re-vote with 61 votes in favour, 40 against and 28 abstentions (see between 1.55 and 1.56 minutes https://www.lrs.lt/sip/portal.show?p_r=35826&p_k=1&p_a=media_object_viewer&guid=8FD097EB-D4A9-4A54-8E4A-AE1F6970C089). In the final vote, the Seimas adopted amendments to the Law on the Public Prosecution Service, which provides for two phases of increase in the salaries of prosecutors from 1 January 2024 and 1 January 2025.

Thus, considering the 2023 process of increasing the salaries of prosecutors as well as Government's position and actions, the question arises as to whether such position towards the Public Prosecution Service could not be seen as a form of pressure from the Government and a possible threat to independence of public prosecution. As mentioned above, it remains unclear why exactly the salary increase for prosecutors is phased and why and how the prosecutor's office needs to reform and improve its performance. It is believed that the influence of the authorities on the judiciary, including the Public Prosecution Service, should be minimal when it comes to budgetary matters.

Ministry of justice

The amendments to remuneration system (salary increase) for judges of the Constitutional Court, of the courts of general competence, as well as specialised (administrative) courts of the Republic of Lithuania (the Law on Judges' Remuneration) came into force on 1 July 2023. The new law linked judges' salary to the national average wage, resulting in almost doubled

²³ <https://www.delfi.lt/news/daily/lithuania/premjere-apie-prokuroru-almu-didinimo-klausima-prokuraturos-pozicija-buvo-kieta-jai-truko-lankstumo.d?id=93798479>

²⁴ https://www.lrs.lt/sip/portal.show?p_r=35727&p_k=1&p_a=sale_klaus_stadija&p_svarst_kl_stad_id=-48491

salaries.

The adopted amendments are available here:

<https://www.e-tar.lt/portal/lt/legalAct/1001fbf006ca11ee9978886e85107ab2>

9. Independence/autonomy of the prosecution service

No significant changes

10. Independence of the Bar (chamber/association of lawyers) and of lawyers

During the reporting period there have been no changes in regulation. Advocates form an independent part of the legal system (Art. 3, part 1 of The Law on the Bar of the Republic of Lithuania). Lithuanian Bar is a self-governing body and is financed from mandatory periodic contributions, fees paid in accordance with the Law on the Bar of the Republic of Lithuania and from other sources (Art. 56, part 1 and 5 of The Law on the Bar of the Republic of Lithuania). Regarding two disciplinary actions against two lawyers (2023 Rule of Law Report Country Chapter on the rule of law situation in Lithuania, page 7), it should be noted that the Court of Honour of Advocates in one of the cases decided that the advocate violated the Code of Ethics of Lithuanian Advocates and imposed a disciplinary sanction, while in another case the Court of Honour of Advocates decided that there were no grounds for disciplinary liability.

11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

National court administration

On 11 December 2023, the National Courts Administration launched the online project OPEN COURTS, opening relevant data about court's activities to the public. The innovative online project on the website www.teismai.lt will allow to find not only statistical data on the number of cases received and handled in all Lithuanian courts, the specialisation of judges, but also information about the funds allocated to the Lithuanian courts, their use, the number of judges and court staff in Lithuanian courts²⁵. In 2023, Lithuanian courts continued the activities established in the Communication Strategy of Lithuanian Courts for 2021-2024 aimed at increasing the public's trust in the Lithuanian courts as an institution that administers justice, developed consistent coordinated external communication in the court system and carried out joint communication measures that strengthen internal communication and organizational culture in the courts.

In 2023, Lithuanian courts participated in the discussion festival "Exactly". This year Lithuanian courts participated in this festival for the fifth time. During the festival, the judge together with the lawyer and the head of the Special Investigation Service of the Republic of Lithuania, discussed justice. This discussion attracted a lot of interest, and the participants of the festival actively asked questions. For the first time, the organizers of this event, together with the national broadcaster, live-broadcasted the discussion of Lithuanian courts. This discussion attracted a lot of interest.

On 25 October 2023, the Day of the Constitution of the Republic of Lithuania and the European Day of Law, Lithuanian courts held a free legal advice day "You ask – we answer!" for the seventh time. Everyone had the opportunity to consult with professional lawyers – judicial assistants, lawyers, etc. During this event, Lithuanian courts provided consultations to more than 300 persons. The issues concerning inheritance, divorce, consumer rights, and labour law were the most popular.

²⁵ <https://statistika-ntalt.hub.arcgis.com/>

In 2023, during the project “Day with a Judge” 100 students from various Lithuanian 9 higher education schools visited the district, regional and administrative courts, as well as the Lithuanian Court of Appeal and the Supreme Court of Lithuania, and met with the judges working there. 9 Lithuanian higher education schools became the partners of the project. Students who visited the courts were invited to prepare a short video clip, presenting what impression such meetings left on them, what surprised them the most, and how to behave correctly in one or another situation, etc. 4 such video clips have been created, and the authors of the most interesting video clips were awarded on 13 December 2023.

In 2023, topics relevant to the judicial system were proposed for the radio program “Radio Case”. Also, in 2023, Lithuanian courts participated in the Open House and Culture Night events. During several days of these projects about 40 tours were conducted and almost 1000 visitors took part.

For the seventh year, volunteering in Lithuanian courts, which is implemented with the funds of the project “Improving Quality, Services, and Infrastructure in Lithuanian Courts”, has been encouraged (also, please, see the answer to the question No. 13 paragraphs 6-9 about volunteering in Lithuanian courts).

Ministry of justice (also applicable to question 16)

The Ministry of Justice is currently working on a legal initiative, aiming to enable a person providing decision-making assistance to participate in court proceedings. At request of a person with disability, he or she will be accompanied by a decision-making assistant throughout the proceedings and will be able to communicate and grasp the meaning of court decisions more easily.

The Ministry of Justice has also prepared an electronic publication on the rights of victims, which has been distributed to all interested institutions and is also available on the website of the Ministry of Justice. This electronic publication is written in an easy-to-read style, translated into foreign languages, and adapted to persons with hearing and visual impairments.

The accessibility of courts is also improved by the network of the court volunteers. Volunteers’ activities are to help court visitors to feel more confident, easier to orient themselves, to provide visitors with practical information related to court proceedings and activities and to familiarise themselves with the rights and responsibilities of a witness or a victim.

Furthermore, judicial map reform mentioned in answer to question 17 (below) provides possibility for judges to hear cases in courthouses closer to the parties to the proceedings, that could be beneficial for the parties.

Relevant information:

<https://tm.lrv.lt/lt/nukentejusiems-nuo-nusikaltimu/>

[https://www.teismai.lt/lt/pagalba-liudytojams-ir-](https://www.teismai.lt/lt/pagalba-liudytojams-ir-nukentejusiems/savanoriai/norintiems-tapti-teismo-savanoriais/4764)

[nukentejusiems/savanoriai/norintiems-tapti-teismo-savanoriais/4764](https://www.teismai.lt/lt/pagalba-liudytojams-ir-nukentejusiems/savanoriai/norintiems-tapti-teismo-savanoriais/4764)

B. Quality of justice⁵

12. Accessibility of courts (e.g. court/legal fees, legal aid, language)

Constitutional Court of the Republic of Lithuania

In 2023, the Constitutional Court did not adopt rulings dealing with the accessibility of courts. As in 2022, the individual constitutional complaint takes a perspective. Although the number of applications received in 2023 is lower than in 2022, they remain more accurate. The reduction of individual constitutional complaint might be explained by rather quite strict interpretation given by the Constitutional Court of the admissibility criteria (the statistic on admissibility is provided in the annual rapport that is being prepared).

Ministry of justice

The Ministry of Justice is currently working on a legal initiative, aiming to enable a person providing decision-making assistance to participate in court proceedings. At request of a person with disability, he or she will be accompanied by a decision-making assistant throughout the proceedings and will be able to communicate and grasp the meaning of court decisions more easily.

The Ministry of Justice has also prepared an electronic publication on the rights of victims, which has been distributed to all interested institutions and is also available on the website of the Ministry of Justice. This electronic publication is written in an easy-to-read style, translated into foreign languages, and adapted to persons with hearing and visual impairments.

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Furthermore, judicial map reform mentioned in answer to question 17 (below) provides possibility for judges to hear cases in courthouses closer to the parties to the proceedings, that could be beneficial for the parties.

Relevant information:

<https://tm.lrv.lt/lt/nukentėjusiems-nuo-nusikaltimu/>

<https://www.teismai.lt/lt/pagalba-liudytojams-ir-nukentėjusiems/savanoriai/norintiems-tapti-teismo-savanoriais/4764>

13. Resources of the judiciary (human/financial/material⁶)

National court administration

The salaries of civil servants working in the courts, such as judicial assistants and court hearing clerks are really very low, and this situation makes it difficult for the courts to find competent personnel. The Constitutional Court, when examining the relationship between the unity of the civil service system and its differentiated regulation, has stated that the establishment of a hierarchy of civil servants' posts or any other classification, categorisation, or the like must be uniform and based on the same criteria; it is not permissible for individual State institutions or individual branches of State power to establish for themselves a separate system of categories (classification) of civil servants' posts, which would not be based on the criteria established by law and common for the entire civil service. The establishment of such a unified system must respect the principle of the separation of powers, which implies, inter alia, that all the powers of the State – legislative, executive, and judicial – are equal in status.

At present, the salaries of experienced and competent civil servants and contract staff working in the judiciary are well below the national average, as the judiciary is not provided with the necessary funding. Even the salary coefficients of long-serving civil servants, most of whom are judicial assistants and court hearing clerks, are in most cases below the average of the minimum and maximum coefficients for that post as laid down in the Law on the Civil Service.

Furthermore, there are almost no candidates for these positions as well as competitions do not take place, because there are no candidates who would like to participate in them, or candidates who have registered do not come to the competition or do not collect the minimum number of points. Therefore, courts cannot find competent, and sometimes any staff, while offering the current salary, and such a situation has a direct negative impact on the quality and duration of the proceedings and the service of individuals in the courts.

In 2023, preparing the State budget for 2024, additional allocations have been allocated to the courts for 2024 in order to increase the official salary coefficients of judicial assistants, court



hearing clerks and psychologists. However, while having such low salaries, it is obvious that one additional allocation of funds does not solve the problem of long-term salary backlog.

In 2023, during the communication campaign on social networks 20 new volunteers were recruited. Introductory volunteer training was organized for them. Currently, the Volunteer Service operates in the following courts of the country, where about 30 volunteers assist (over the past year, volunteers assisted more than 300 court visitors): District Court of Vilnius City, Vilnius Regional Administrative Court (if there is a need), the Supreme Court of Lithuania (if there is a need), Vilnius Regional Court (if there is a need), Šiauliai Regional Court, District Court of Šiauliai, District Court of Klaipėda, Panevėžys Regional Court, District Court of Panevėžys, District Court of Kaunas, Kaunas Regional Court, District Court of Marijampolė, Chamber of Marijampolė, District Court of Telšiai, Chamber of Mažeikiai. Also, volunteers provided the necessary assistance to court visitors and staff as needed.

In 2023, in order to improve the accessibility of the courts for persons with movement disabilities a disabled-friendly sanitary unit was installed in the District Court of Kaunas, Chamber of Jonava and disabled-friendly lifts were installed in the District Court of Utena, Chamber of Zarasai, and in the District Court of Marijampolė, Chamber of Šakiai.

During 2020–2024, Lithuanian Courts are implementing the Justice and Home Affairs programme, which includes the project “Improving Quality, Services and Infrastructure in Lithuanian Courts”, in order to adapt the public areas of the District Court of Vilnius and the District Court of Kaunas to the needs of court visitors. During the projects, the aim is to meet the mobility needs of persons with disabilities in the public spaces of the courthouse, and to adapt sanitary units for persons with disabilities. These activities are planned to be completed in 2024. Also, in 2023, the works on the implementation of security measures in Lithuanian courts began. It is planned that access control systems will be installed/updated in 16 facilities in 2024.

Constitutional Court of the Republic of Lithuania

In 2023, the Constitutional Court did not adopt rulings dealing with resources of the judiciary. Due to financial resources, please, see also section ‘Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information’ (I. Justice system, A. Independence).

Prosecutor General's Office

Also please see answer to question 8.

14. Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

National court administration

Throughout 2023, the National Courts Administration has provided 82 seminars for judges and 40 seminars for court staff. During this year 96 training events were implemented face-to-face, 24 online, and 2 hybrids. All together 5794 representatives of courts were trained: 1898 judges, and 3896 court staff including representatives of the National Courts Administration.

This year, a lot of attention was paid to training due to changes in legal regulations e.g. Civil Service reform. To improve the management of human resources, training on certain topics like strengthening leadership competencies, promoting teamwork, good microclimate, and organizational culture in the team was organized. In 2023, training “Changes in the organization, how to talk to the employee”, “Improving communication between judges, judge’s assistants and court secretaries”, “The leadership strategies and employee motivation”, “How not to burnout:



what motivates us at work and how to keep it?”. The most popular trainings related to the professional activity of judges were: Training for judges handling family law cases, Training for judges handling labor law cases and etc.

As it was noted before (please, see the answer to the question No. 6), Lithuanian courts emphasize anti-corruption awareness among the members of the judiciary. Therefore, the Judicial Council has integrated related topics into judicial training programs. Firstly, a lecture of a topic “Creation of corrupt-free environment” has become a compulsory for introductory training of newly appointed judges. Secondly, other judges and court staff are being trained with the topics related to corruption prevention and corruption-related crimes, i.e. “International anti-corruption standards. Lithuania’s commitments”; “Creation of corrupt-free environment among judiciary”; “Integrity of the judiciary – a key prerequisite for the fight against corruption in the country”; “Judicial transparency policy: creating and maintaining an organizational culture based on openness”. 157 judges have attended these lectures in 2023.

Constitutional Court of the Republic of Lithuania

Every year the Constitutional Court justices share experience through different national and international conferences and meetings while cooperating with other national courts and other national institutions, as well as constitutional justice institutions of other states, international organisations, and international courts.

In May 2023, justices of the Constitutional Court participated, for example, in a trilateral meeting of the constitutional justice institutions of the Baltic States (Estonia, Latvia and Lithuania); in December 2023 the justices of the Constitutional Court took part in a bilateral conference of the constitutional courts of Lithuania and Latvia. The aim of such meetings and conferences is to share experience related to important constitutional issues of topical relevance, including the issues solved and those still under consideration, and to take discussions on the relevant constitutional jurisprudence.

In November 2023, the staff of the Constitutional Court had trainings on personal effectiveness and effective communication, as well as participated in various national and international conferences and meetings dedicated for relevant constitutional jurisprudence and its development.

Special Investigation Service

During the year 2023, seven anti-corruption awareness trainings were conducted for the justice professionals throughout Lithuania. Total number of participants in all trainings is 348. The trainings were conducted for both district and regional court representatives of major Lithuanian cities. A significant number of trainings were conducted online. Moreover, it is worth noting that court staff are the dominant group of such training participants and only rarely court chairs, court chancellors or judges participate in anti-corruption awareness raising trainings.

Ministry of justice

Every year the Ministry of Justice offers training topics reflecting the most relevant legal issues for the consideration of judicial self-governance bodies.

Prosecutor General's Office

The budget for the trainings in 2023 was 40.000,00 Eur. The prosecutors and personnel of the Prosecutor’s Office participated in 214 training events (on-line or face-to-face).

15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users,

procedural rules, access to judgments online)⁷

National court administration

Since 2021, meetings of the Judicial Council have been broadcasted to the judiciary and, since 1 January 2022 – to the public. Since 2023, in order to increase transparency of the decision-making process in the Judicial Council as a self-governance institution of the courts, to create conditions for better informing about the activities of the Judicial Council as well as to enable the judiciary and the public to become familiar with the reasons that led to one or another decision of the Judicial Council video records of broadcasted public meetings of the Judicial Council have become available to the public. Video records are publicly available for one year after the end of the meeting of the Judicial Council on the website of the National Courts Administration (the Judicial Council’s Resolution of 31 March 2023, No. 13P-58-(7.1.2) “On the Amendment of the Judicial Council’s Resolution No. 13P-30-(7.1.2) of 24 February 2017”²⁶).

In August 2023, the implementation of the project “Increasing the Efficiency of Judicial Activities”, financed by the investment funds of the European Union, was concluded and initial project results were developed, such as models for advanced management of court resources and case allocation were developed, Lithuanian Courts Information System LITEKO was partly modernized and judiciary trained on usage of modernized LITEKO system. It is planned to complete the development of LITEKOII by the first part of 2024. At this moment integration between LITEKOII and registers managed by other institutions is currently being completed, the court e-services portal “e.teismas.lt” is being adapted.

A step has also been taken into the field of artificial intelligence and a chatbot has been introduced to consult internal users of courts. For now, the chatbot, using the most advanced technologies, will only advise court employees about the new LITEKOII system, and together the judicial community will learn to work with the new technology so that in the near future the National Courts Administration can offer the chatbot service also to external users.

In 2023, a new project “Effective E-access to Court Decisions” co-funded by the European Commission Justice Programme was started to be implemented with the aim to establish consistency in the application of EU law by integrating the European Case Law Identifier (ECLI) into Lithuania’s LITEKO. The project aims to facilitate the search for national and EU court decisions. The objectives of the project: 1) to analyse the best foreign practice and analyse the current situation of Lithuanian court practice related to the development of ECLI, 2) to install ECLI in LITEKO II and create interfaces with the European Case Law Identifier (ECLI) search engine of the justice portal, 3) prepare a user manual and train the representatives of the courts. It is planned to introduce ECLI in Lithuania by November 2024.

In November 2023, the National Courts Administration of the Republic of Lithuania received a funding from the Council of Europe for introducing speech recognition software in courts of Lithuania. The speech recognition software will provide automated processing and transcription of audio recordings of court proceedings. Therefore, the current manual process will be replaced to automated transcription. The main result of this change will allow large part of the text to be generated automatically, leaving only the editing tasks. This will significantly speed up and simplify the preparation of court proceedings transcripts, as judges, assistant to judges, and other court employees will not have to manually transcribe the audio files but will only have to check and edit customized Microsoft Word document containing the result of the automated transcription. It is planned to introduce the speech recognition tool for Lithuanian judiciary by March 2024.

In 2023, during the implementation of the project “Improving Quality, Services, and Infrastructure in Lithuanian courts”, an electronic tool for data of judges and candidates to the

²⁶ <https://www.e-tar.lt/portal/legalAct.html?documentId=6afaf680d1f811ed9978886e85107ab2>



judicial office processing (hereinafter – TERIS) was being developed, which after its implementation should ensure more efficient data processing, better data protection, information traceability as well as continuity of use of information. The data of judges and candidates to the judicial office will be collected, processed, systematized and archived in TERIS. Judges and/or candidates to the judicial office will be able to submit applications, follow the progress of applications, see exam grades as well as the results of selections and evaluation. It is planned to complete the development of TERIS in 2024

In the program of the Government of the Republic of Lithuania, approved by the Seimas of the Republic of Lithuania on 11 December 2020 by the Resolution No. XIV-72 “On the Eighteenth Program of the Government of the Republic of Lithuania”, as well as in the National Security Strategy, approved by the Seimas of the Republic of Lithuania on 28 May 2020 by the Resolution No. IX-907 “On the Approval of the National Security Strategy”, there are established strategic goals for the next 5 years to ensure that technologies and equipment from unreliable manufacturers are not used in State institutions and sectors important from the point of view of national security, including 5G infrastructure. The coming year 2024 is the last year when it is necessary to replace the equipment of unreliable manufacturers.

Lithuanian courts use a closed video conferencing system for communication between courts, prisons and other institutions of the judicial system. This equipment is manufactured by Huawei and according to the requirements of the Law on Public Procurement of the Republic of Lithuania, must be replaced by other, reliable equipment; therefore, a consultation of market participants is now being announced in order to choose the most optimal solution not only technologically but also financially.

Constitutional Court of the Republic of Lithuania

All judgements of the Constitutional Court are available at its website <https://lrkt.lt/lt/teismo-aktai/nutarimai-isvados-ir-sprendimai-del-isaiskinimo/1947/y2023>. (The judgements until 2021 are available also in English <https://lrkt.lt/en/court-acts/rulings-conclusions-decisions/171/y2023> (judgments of 2022-2023 are still being translated into English)). Since 2016, the Constitutional Court has been broadcasting the announcement of its final acts (rulings, etc.) live online.

16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

National court administration

Please, see the answer to the question No. 3.

17. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

National court administration

Please, see the answer to the question No. 11 (the first paragraph about the online project OPEN COURTS).

Constitutional Court of the Republic of Lithuania

In 2023, the Constitutional Court did not adopt rulings dealing with issues of fraud and corruption. In this context, please also see section B ‘Prevention’ (II. Anti-Corruption Framework)



and the Constitutional Court's ruling of 12 October 2023 described in it as related in some way to measures to prevent and address corruption.

Ministry of justice (also applicable to question 13)

On 29 June 2023 the Seimas adopted legislation instituting a reform of the courts (judicial map changes). Considering the workload and efficiency of the existing district courts and their chambers, the adopted laws foresee consolidation of the chambers of some district courts and reduction of their number, as well as changes to the activity territories of some district courts. This would ensure better distribution of the workload of district courts throughout Lithuania and increase in the efficiency of the hearing of cases.

When analysing the possibilities to optimize the district courts, the following main criteria were considered:

- a) Geographical location of the court and population of habitants;
- b) The number of cases and workload;
- c) Composition and human resources of the court;
- d) Court infrastructure and its maintenance;
- e) Additional consideration was also given to: the possibility of organizing remote court hearings; composition of the court, possibilities of specialization of judges, etc.

Based on the mentioned criteria, the working group collected relevant statistical data to support possible decisions. Detailed data analysis was conducted by State Data Agency.

It is expected that people will be guaranteed justice of the same quality and speed both in big cities and regions. The existing infrastructure of the courts will not fundamentally change (only 5 uneconomical buildings will be abandoned), while the quality of the administration of justice will improve, as judges will be able to specialize, and the distribution of cases heard according to the written procedure throughout Lithuania will ensure that the cases will be heard more quickly. Instead of 12 district courts and 48 court chambers, 11 district courts and 24 court chambers will remain, but it is important to note that only one inefficient district court will be abolished during the reform, the remaining court chambers will be merged leaving the existing court infrastructure, so it will not affect the workplace of judges. After optimizing court resources, the saved funds (during the three stages of the reform (until 2026), about 4,351 thousand Euro) will be used to promote court staff and develop innovations on courts. First changes (5 uneconomical buildings will be abandoned) came into force on 1 January 2024.

Relevant information:

<https://www.e-tar.lt/portal/lt/legalAct/53b4b4701fb411eeb233e8b04dc9bb3d>

<https://www.e-tar.lt/portal/lt/legalAct/3ad717101a4e11eeb233e8b04dc9bb3d>

<https://www.e-tar.lt/portal/lt/legalAct/d42b0eb01fb411eeb233e8b04dc9bb3d>

<https://www.e-tar.lt/portal/lt/legalAct/09cd5fa01fb511eeb233e8b04dc9bb3d>

C. Efficiency of the justice system⁸

18. Length of proceedings

Constitutional Court of the Republic of Lithuania

As it was mentioned in 2022, the length of the proceedings in the Constitutional Court have been reduced and the examination of the case takes approximately one year.

Ministry of justice

Strengthening the effectiveness of the pre-trial stage of dispute resolution, promoting the



use of mediation could also impact the overall length of court proceedings. The Ministry of Justice in October 2023 initiated a draft Law on the Mediation of the Republic of Lithuania, aiming to improve the legal regulation of the provision of mediation services in the implementation of the recommendations provided after the ex-post evaluation on mandatory mediation in family disputes (which was carried out for the period from 1 January 2020 to 31 May 2022).

The main objectives of the amendments to the Law on Mediation are the following:

- in order to more efficiently solve issues related to the activity of mediators, to strengthen the coordination of activities of all mediators, it is suggested to determine that the self-government of mediators is implemented by the Chamber of Mediators of Lithuania and to transfer to self-government part of the functions in the field of mediation;

- to make the regulation of the payment for mediation services financed from the state budget more flexible;

- to make the involvement of the parties to the dispute more effective during mandatory mediation;

- to establish the duty of the mediator to submit an annual report on the mediations completed in the previous calendar year.

Relevant information:

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/04a9ad416d8911eea182def3ac5c11d6>

Other – please specify

II. ANTI-CORRUPTION FRAMEWORK

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

19. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

Constitutional Court of the Republic of Lithuania

There were no recommendations addressed to Lithuania concerning anti-corruption framework (except for continuing of efforts to improve the transparency of the system of appointments to judicial positions, notable to the Supreme Court) in the Rule of Law Report of 2023.

In 2023, the Constitutional Court didn't have any cases related to the anti-corruption framework. In this context, please also see section B 'Prevention' and the Constitutional Court's ruling of 12 October 2023 described in it as related in some way to measures to prevent and address corruption.

A. The institutional framework capacity to fight against corruption (prevention and investigation/ prosecution)

20. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.

Resources

According to the Special Investigation Service of the Republic of Lithuania (hereinafter – STT) statistical data of 31st of December 2023, 279 officers and employees work in the STT.

According to Article 14 part 1 of the Law on Special Investigations Service (hereinafter – the Law), the STT is financed from the state budget of Lithuania. For the year of 2023, it was allocated 14.922 million Euros of state budget funding of which 10,649,8 million Euros for the wages of the STT officers and employees.

The STT may have other funds to ensure criminal intelligence activities.

Main structural changes

STT underwent some minor structural changes. On June 19, 2023, Mr. Linas Pernavas, the Director of the STT, took an oath to the President of the Republic and officially started his duties. The new head of STT was appointed for a five-year term of office together with his team of Deputy Directors. Jovitas Raškevičius, who is responsible for coordinating corruption-related crimes investigations, has been appointed as the First Deputy Director of the STT for a second term. Deputy Director Egidijus Radzevičius has been also appointed for a new term to oversee anti-corruption education and administration. The newly appointed Deputy Director Elanas Jablonskas is responsible for the areas of corruption prevention and analytical anti-corruption intelligence.



International cooperation

During the year of 2023, STT by signing cooperation agreements further strengthened cooperation with these parties:

- Memorandum of Cooperation between STT and National Agency on Corruption Prevention of Ukraine²⁷ was signed on the 4 of December 2023. The purpose of this Memorandum of Cooperation is to enhance cooperation, exchange of information and experience between the parties on issues related to corruption prevention and combating it.
- Memorandum of Understanding on the Organisation of the 21st International Anti-Corruption Conference was signed on the 2 of June 2023. This Memorandum of Understanding set out the main responsibilities of the Government of the Republic of Lithuania, represented by the STT, the International Anti-Corruption Conference Council, Transparency International and Transparency International National Chapter in the Republic of Lithuania in organising the 21st International Anti-Corruption Conference on the 18-21 of June 2024 in Vilnius, Lithuania.

Participation in the EU-funded activities

The STT continues to be an actively participant in the EU-funded projects both in terms of improving its own capacities and in terms of sharing its best practices with other counterparts within and outside the EU.

New Projects

- In December 2023, STT and European Commission signed the Grant Agreement to implement the project **“Strengthening capacities of the STT to investigate digital evidence”** (No. 101140383). The project is funded by the Union Anti-Fraud Programme. The objective of the project is to keep up to date and improve detection and investigation abilities of the STT involved in the protection of the Union’s financial interests in Lithuania by obtaining the license of IT forensic tool “Graykey” which is used as the one of the key components of STT IT forensic toolset.
- In April 2023, the STT as member of the Secretariat of the **European Partners against Corruption (EPAC) and the European Union Anti-Corruption Contact Network (EACN)** launched the project **„EPAC/EACN best anti-corruption practice exchange“** (No. 101101788), (hereinafter – BACPE), funded by Union Anti-fraud Programme. The BACPE project provides EPAC/EACN members an opportunity to visit other EPAC/EACN members, personally meet colleagues, learn from one another, and collaborate to prevent and combat corruption in Europe. The two-year project consists of two components: **study visits** and **conferences**. During the course of this project, experts of EPAC/EACN members will share their expertise and practices on six key topics: Whistleblower protection, Asset recovery, Corruption risk assessment and management, Anti-Corruption awareness raising, Criminal investigation of corruption and fraud, Big Data analysis. Moreover, two EPAC/EACN Annual Professional Conferences and General Assemblies (2023, 2024) will be organized under the BACPE project. Each of the annual conference will take place over 1,5 days in one of the EPAC/EACN member countries.

Continuing projects

STT continued its successful implementation of the following projects in 2023:

- **Project “Facility supporting the strengthening of Rule of Law in the Republic of Serbia“**, where Lithuania is one of the implementing partners. Main responsibilities of the STT were to support the Serbian Agency for Prevention of Corruption to further strengthen its role, effectiveness, general capacities and functioning, as well as support the Ministry of Justice in the preparation and oversight of the implementation of strategic anti-corruption documents. The

²⁷ https://stt.lt/data/public/uploads/2023/12/scan_dovileb_2023-12-12-10-11-59-_eng.pdf



activities were implemented by long-term and short-term experts from the STT within the period from June 2022 to October 2023.

- **EU Twinning Project “Support to the reform of the criminal asset recovery and management system in Azerbaijan” (No. AZ 20 ENI JH 01 21).** The implementation of the project started on 1st of February 2022. The project seeks strengthening the institutional and operational capacity of the Department for the Coordination of Special Confiscation Issues of the Prosecutor General's Office of Azerbaijan (DCSCI) to ensure that it fully fulfils its mandate in the area of criminal property detection, tracking and recovery as well as asset manage. STT is the main implementing partner of the Project, therefore, is responsible for the implementation of these objectives. The project ends on the 31 of January 2024.

Two projects were completed in 2023:

- In order to create a corruption resistant environment in the public sector and in business, STT (main counterpart and beneficiary in Lithuania) finished the implementation of a European Commission-funded technical assistance project "Effective Implementation of the National Anti-Corruption Strategy" (No. 21LT14), which was aimed to support the review of Lithuanian National Anti-Corruption Strategy is implemented by the OECD in the framework of the Technical Support Instrument by the European Commission. The outputs of the project include reports with recommendations on design and effective implementation of the National Anti-Corruption Agenda and its Action Plans; design of Monitoring, reporting and evaluation framework for the implementation of the National Anti-Corruption Agenda and its Action Plans; Guidelines and action plan for the creation of a communications strategy for the STT; Handbook for Promoting Integrity in Lithuanian SME's. Translation of the output documents into Lithuanian is currently ongoing and carried out by OECD.
- Project “Strengthening multidisciplinary and regional approach in fighting corruption and fraud affecting EU financial interests in the Baltic region” (No. 101014631).²⁸ The started on 1 January 2021 and in accordance to the project lasted until 1st of March 2023. Two international workshops "Multidisciplinary approach and regional cooperation in tackling corruption and fraud risks affecting EU financial interests" organised in the framework of this project and brought together participants from law enforcement and other institutions from Lithuania, Latvia, Estonia and Poland to share their experience and best practice. Moreover, the STT, after completing the project, launched a publication that provides a structured overview of two international seminars. Publication you can find [here](#)²⁹.

Other international cooperation

- The STT, together with the Austrian Federal Anti-Corruption Bureau, continued its functions as the Secretariat of the EPAC/EACN in 2023.
- It is important to mention that on the 2-3 November 2023, the 22nd EPAC/EACN Annual Conference and General Assembly took place in Dublin, Ireland. The Conference was partly funded by the STT under the mentioned BACPE project. Around 200 participants from more than 100 institutions and more than 30 different countries took part in the event. Speakers from the European Commission, the European Public Prosecutor's Office, European Union Agency for Law Enforcement Cooperation (EUROPOL), European Anti-Fraud's Office (OLAF) and national anti-corruption and police oversight institutions

²⁸ https://www.stt.lt/en/news/7481/_2021-2/cooperation-of-the-baltic-countries-in-the-fight-against-corruption-and-fraud-is-being-strengthened:3055

²⁹ https://stt.lt/data/public/uploads/2023/05/olaf_workshop-8.pdf



provided their insights and experience on relevant topics. This year's Conference discussed the following themes: Whistleblowing, Gender-Based Violence perpetrated by state actors, Protecting the financial interests of the EU and Emerging Challenges in Corruption Investigations and Police Oversight. Among other speakers, the representative of the STT, presented experience in applying big data analytics in corruption investigations.

Mr Linas Pernavas, Director of the STT, during the General Assembly was elected as a new President of the networks for a two year term of office. The newly elected President of the EPAC/EACN outlined these main priorities for future EPAC/EACN work - strengthening cooperation and best practice sharing among European anti-corruption and police oversight authorities, continuing to serve as a platform for capacity building of POBs and ACAs and strengthening EPAC/EACN's influence as the biggest network in European anti-corruption policy-making. It is also important to promote providing conditions for effective information exchange between practitioners across national borders, and ensuring access to information and promoting the use of latest technology solutions for data analysis and evidence-based policymaking.

Additional milestone worth mentioning was reached in 2023 by the STT in the global arena. The largest International Anti-Corruption Conference (IACC), which is organised every two years in a different country around the world, will take place on the 18-21 of June 2024 and will be held in Vilnius. The IACC as a premier integrity forum will bring together state leaders, civil society and private sector representatives from more than 140 countries around the world to discuss global security threats and risks to integrity. The theme of the 21st Conference in Vilnius is "Confronting Global Threats: Standing Up for Integrity". Challenges to transparency due to the climate change, distrust in the public sector, the spread of populist and kleptocratic regimes and others will be tackled.

21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.

No significant changes

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

Special Investigation Service

At the beginning of the 2023 the final monitoring of the implementation of the former Interinstitutional Action Plan for 2020-2022 (hereinafter – Action Plan) was carried out. The monitoring report shows that in the period of 2020-2022 out of 46 measures: 25 were fully implemented, 21 – partly implemented.

When assessing the achievement of the indicators of a former Action Plan, an improvement of 6 indicators is observed, of which 3 indicators reached the intended goal. As mentioned in the information provided in the previous Rule of Law Reports, current document for the corruption prevention is – the National Anti-corruption Agenda for the period of 2022-2033. In 2023 May 3, the Government of the Republic of Lithuania has approved the Plan for the Implementation of the National Anti-Corruption Agenda for 2022-2033 in 2023-2025 (hereinafter – Plan), which is the current valid plan that provides measures to ensure a long-term, effective corruption prevention and control system in the Republic of Lithuania. The monitoring of the implementation of the Plan in the 2023, according to the Government's resolution, must be carried out until the 2024 end of June. Therefore, it is not possible to provide information on

implementation of measures foreseen in the Plan.

Ministry of justice

On 3 May 2023, the Government of the Republic of Lithuania, by the Resolution No 324 “On the Appointment of the Coordinator of the National Corruption Prevention Agenda 2022-2033 and the Approval of the Plan for the Implementation of the National Corruption Prevention Agenda 2022-2033 for the years 2022-2025” approved the Plan for the Implementation of the National Corruption Prevention Agenda 2022-2033 for the years 2023-2025 (hereinafter – the Plan).

The Plan is available here :

<https://www.e-tar.lt/portal/lt/legalAct/477f7bc0eb0e11ed9978886e85107ab2>

By Order of the Minister of Justice No 1R-327 of 16 October 2023, in order to coordinate the implementation of the measures envisaged in the Plan and to identify potential implementation problems in a timely manner, a working group (including representatives of the institutions responsible for the implementation of the measures of the Plan and observers from NGOs) was set up, which was tasked with, among other things, submitting, if necessary, proposals on legal regulation and amendments to the Plan to the Government of the Republic of Lithuania and/or to the Government Commission to coordinate the fight against corruption.

It should be stressed that the implementing institutions are responsible for implementing the measures set out in the Plan and may draw up their own activity plans and, if necessary, additional action plans. All information on the plans and amendments to them must be submitted by the institutions to the Special Investigation Service of the Republic of Lithuania (hereinafter – STT) within 15 days of the adoption of the plans.

At the end of the calendar year, within 30 working days, the responsible institutions have to inform the STT about the implementation of the Plan's measures (report). The STT, in turn, prepares an annual report by 30 June and submits it to the President, the Seimas and the Government, and makes it publicly available on its website, ensuring transparency and informing the public.

According to the data gathered by the middle of December 2023, there is already some evidence of the measures implemented and indicators achieved, e.g.:

- The Ministry of Economy and Innovation of the Republic of Lithuania has provided information that the number of datasets currently published on the centralised portal (data.gov.lt) exceeds the annual target. As of today, 1981 datasets have been published, which is an increase of 21% (although only 15% was planned in the Plan) compared to 2022. This fact shows that the target for the number of datasets published has been met and even exceeded. Lithuania's position in the Open Data Maturity Ranking is 7th (planned 8th).
- Relevant information: [Open Data in Europe 2023 | data.europa.eu](https://data.europa.eu)
- As part of the implementation of the measure on the whistleblower protection mechanism and its attractiveness (Action 3.5.2 of the Plan), at the end of September 2023 the Prosecutor General's Office launched a website for whistleblowers (pranesktiesia.lt) which explains who can become a whistleblower, how they can become a whistleblower, what they can do, and what they have to submit. It also provides examples of real stories, information on whistleblower protection, incentives and support measures.
- The Ministry of Education, Science and Sport has approved new curricula, including citizenship competence and anti-corruption education as an important part of pupils' competences.

- Other institutions are also taking steps towards transparency and efficiency in various areas such as the openness of public procurement data (Public Procurement Service - Measure 2.7.1, has achieved the 2023 indicator “Percentage of open public procurement data”, which is currently 70%), applying the institute of unreliable suppliers (Public Procurement Service - Measure 2.7.2, the indicator “Percentage of procurers applying the unreliable suppliers institute” set for 2023 at 1.34% has been achieved), transparency of the election financing process (Central Electoral Commission - Measure 2.5.1, the training of 12 disseminators and producers of public information was foreseen for 2023 – the measure has been implemented in full, all trainings have been completed.), etc.
- The Public Management Agency and the National Land Service are digitising processes and developing information systems to ensure greater openness and control over processes.

B. Prevention

23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training).

Constitutional Court of the Republic of Lithuania

Concerning issue of impartiality of one justice of the Constitutional Court, former political official, as well concerning regulation of ‘revolving doors’ in the Constitutional Court, please see in section ‘Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)’ (I. Justice system, A. Independence).

Special Investigation Service

STT carried out monitoring of the implementation of measures of the Law on Corruption prevention, which as well include codes of conduct, awareness raising to further use the results in communicating with public sector entities. The monitoring also assessed good examples, which will be included in the updated guidelines for creating an anti-corruption environment for the public sector in order to disseminate good practice (completed in 2023, design, translation into English, publishing and methodological advice event on application of the new Guidelines for the public sector is planned in the I quarter of 2024).

Also, in order to enhance integrity in public sector, a meeting was held with prevention specialists from all ministries. The purpose of the meeting was to strengthen the application of the principle of subsidiarity (entities of the public or private sector shall be primarily responsible for corruption risk management; an independent body to which the public sector entity is subordinated, accountable or assigned according to the field of management, shall propose measures to create an anti-corruption environment or shall implement them only to the extent necessary effectively to manage corruption risks in this entity), so that proper implementation of the measures would be ensured in all institutions subordinate to the ministries.

Moreover, in the first half of 2023 Anti-corruption Education Division of the STT organised 92 trainings for public sector and 7835 people participated in.

During the year 2023, STT e-learning platform has been further developed and became a regular anti-corruption awareness raising tool for various public and private sector organisations. More than 43 000 certificates were issued to 28 000 users of the platforms this year only (80 000 certificates in total from the establishment).

Currently STT e-learning platform offers 17 topics, 5 of which were introduced in 2023, namely national anti-corruption system, corruption prevention for the public, supervision of economic entities, educational institutions and probability of corruption. Moreover, after taking into account feedback from the platform users and further vision for the platform development,



training topics were categorised into general topics, specific target areas and topics for corruption prevention and other specialists. This allowed offering training materials for specialists and heads of organisations of greater expertise and not only cover materials for the public or public sector servants.

The STT coordinates and organises the Integrity Academy which is a platform for exchanging the best anti-corruption practices, where leading experts in the field of integrity share their experiences and advice on how to create an effective anti-corruption environment. The activities of the Integrity Academy are focused on three target groups: public sector entities, private sector entities, and teachers.

In 2023, the Academy actively continued its activities; within a year, a total of 13 best anti-corruption practice exchange events were organized which were attended by more than 5000 people. Furthermore, 24 organizations and teachers have joined the mentorship programme and receive expertise from the mentors of the Integrity Academy.

On 8th December, 2023, a celebration took place at the Presidential Palace of the Republic of Lithuania, marking the 3rd anniversary of the Integrity Academy initiative. The event provided an overview of the third year of the Academy, showcased the best examples of transparency initiatives, honoured the most active mentors and participants who received an acknowledgement from the President.

24. General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

See below.

25. Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

During the year 2023, STT has prepared Guidelines for Creating an Anti-Corruption Environment for Business³⁰. These guidelines discuss measures such as: company's anti-corruption policy; identifying, assessing and managing the corruption risks a company faces in its business environment; determining employees' tolerance of corruption and unethical behaviour; codes of ethics and conduct; policy to avoid conflicts of interest; raising employees' anti-corruption awareness; assessing the integrity and loyalty of recruited employees; gifts and representation policy; charitable donations and sponsorships policy; lobbying activities policy; internal whistleblowing channels and protection of whistleblowers etc. The event dedicated for presentation was carried out in May 2023³¹.

26. Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

Special Investigation Service

The protection of whistle-blowers, their rights and possible legal remedies are laid down in the Law on the Protection of Whistle-blowers of the Republic of Lithuania³². The Prosecutor's Office of the Republic of Lithuania implements the functions of the competent authority conferred by the Law on the Protection of Whistle-blowers.

³⁰ <https://www.stt.lt/data/public/uploads/2023/04/guidelines-for-business.pdf>

³¹ <https://skaidrumoakademija.lt/diskusija-apie-skaidrumo-versle-nauda/>

<https://skaidrumoakademija.lt/gerosios-praktikos/renginys-skaidrumas-versle-pareiga-ar-nauda/>

³² <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/267de1c2a9b911eb98ccba226c8a14d7?jfwid=-mmidcquki>

The STT ensures the protection of whistleblowers in accordance with this law. According to the STT statistical data of 20223, the Prosecutor General Office granted a status of whistleblowers to 5 persons, who provided information to the STT about alleged acts of corruption (in comparison to 9 persons in 2022).

Ministry of justice

The Prosecutor General's Office and the Ministry of Justice are working to strengthen the corruption reporting system, thus contributing to greater transparency and accountability in this area. To this end, the Plan includes Measure 3.5.2, which is directly aimed at strengthening the protection of whistleblowers and encouraging the reporting of corruption in Lithuania: "In order to develop the whistleblower protection mechanism and increase its attractiveness, to carry out an assessment of the practical application of the Law on the Protection of Whistleblowers of the Republic of Lithuania, to provide methodological assistance to public and private sector entities, and to encourage individuals to report corruption cases (social media presentations and events). The measure is to be implemented by 2025.

It should be emphasised that, according to Article 5 of the Law on the Protection of Whistleblowers of the Republic of Lithuania, the Public Prosecutor's Office of the Republic of Lithuania, as a competent authority, performs the following functions: receives and evaluates information on violations, conducts investigations and coordinates the actions of the authorities in the course of the investigation of the information on violations, decides on the measures for the protection of the whistleblowers, collects and publishes relevant information, provides consultations and administers the relevant online information³³. In addition, the Public Prosecutor's Office is responsible for analysing whistleblower protection practices and making recommendations to improve these practices.

Prosecutor General's Office

In 2023, Lithuania made significant strides in fortifying the application of the Whistleblowers Protection Law (WPL) across various dimensions. The set of following measures were implemented to ensure whistleblower protection and promote the reporting.

1. Receiving Reports as an External Channel:

³³ Article 5. Competent authority

1. The competent authority shall perform the following functions in the implementation of this Law:
 1. receive reports from persons who have provided information on infringements;
 2. evaluate the compliance of the information provided by the persons reporting infringements with the requirements laid down in this Law and take decisions on whether or not to recognise the persons reporting infringements as whistleblowers;
 - (3) investigate infringement reports and information in accordance with the competences laid down in the legislation governing its activities;
 - (4) transmit reports and information on infringements to the authorities competent to investigate them;
 - (5) take or initiate decisions on the protection, promotion and assistance of whistleblowers and coordinate the implementation of such decisions;
 - (6) coordinate the actions of the authorities in the investigation of information on infringements;
 - 7) summarise the practice of application of this Law, prepare and submit recommendations for improvement of the protection of whistleblowers, collect and publish statistical data;
 - (8) publish summary information on infringements revealed on the basis of information provided by whistleblowers;
 - 9) provide free of charge consultations to persons and institutions on the application of this Law;
 - (10) administer information on the Internet for persons and whistleblowers;
 - (11) perform other functions provided in this Law.
2. The functions of the competent authority established in this Law shall be exercised by the Public Prosecutor's Office of the Republic of Lithuania.



The Prosecutor General's Office, being the only external channel, received reports and either examined them or delegated their examination to other institutions while overseeing the investigation process. It is important to note that even in cases where a report is forwarded to another competent institution, the Prosecutor General's Office conducts a follow-up on the report and provides final information about the results of the report's examination to the whistleblower. In 2023, the Prosecutor General's Office received 76 reports under WPL (in comparison to 53 reports in 2022). In 2023, the Prosecutor General's Office recognised 41 person as whistleblower under WPL (in comparison to 31 person in 2022). In 2023, information and advice with regard to the application of the rules in place was provided through the hotline by the Prosecutor General's Office to 259 persons (in comparison to 286 persons in 2022). Out of the 76 reports received, only 7 reports were not forwarded for investigation as the provided information had already been examined. In 2022, 4 reports were not sent for evaluation, in 2021, 11 reports about violations were not submitted for assessment, and in 2020 –19 reports. These data indicate an increasing number of reports containing new, previously unexamined information, which leads to investigation. Additionally, there is a decreasing trend in the number of reports submitted to protect personal interests. Due to the reasons that reports may be received until the last day of the year, specific information about the number of initiated pre-trial investigations and those initiated by other institutions and the investigation results will be collected at the beginning of the year and can be presented during the next data submission.

2. Organizing Tailored Training Sessions:

Specialized training sessions were organized for institutions, professionals and internal channels involved in the whistleblowing process. These sessions aimed to enhance their understanding of the procedures and responsibilities associated with reporting and addressing corruption and other issues. New guidelines for implementing internal channels were developed and presented during the training sessions. Also a new methodology for creating training programs was developed, based on which training programs are tailored according to the specific functions in whistleblowing. The new methodology was necessary because training requirements vary significantly depending on the role of the institution or individuals undergoing training. Training sessions were organized for the Ministry of Justice, the Ministry of National Defense, municipalities, a University hospital, the State Border Guard Service, the Lithuanian Parliament, the Consumer Rights Protection Agency, and the National Courts Administration. Over 900 individuals attended the training sessions. Furthermore, the representatives of Prosecutor General's Office participated in various events to make the general public aware of the issues related to whistleblower protection. Lectures about the importance of Whistleblowing were also delivered to university students. Additionally, a comprehensive forum on whistleblower protection was organized in May, during which the results, challenges, and trends of the year 2022 were reviewed. A similar forum is planned to be organized in 2024 as well.

3. Launching Awareness-Raising Campaign:

A targeted awareness-raising campaign was initiated to educate the public and relevant stakeholders about the importance of whistleblowing, the protections granted by the WPL, and the role that individuals can play in combating corruption and other offences. The public awareness campaign consists of several parts. Video clips have been created to explain how whistleblowers can submit a report and what guarantees they are entitled to. Additionally, audio tracks have been created for broadcasting during radio programs. As part of the awareness program at the end of September 2023, a website for whistleblowers www.pranesktiesa.lt has been launched. The page provides explanations about whistleblowers and reporting, includes all relevant legal acts, forms for reporting violations, and contact information for whistleblower consultation lines. Additionally, real-life examples, cases of whistleblower protection, encouragement, and assistance



measures are available. The website also features current news related to the whistleblower institute and an events calendar. In order to increase awareness of the whistleblower protection institute, articles about whistleblower protection have been published on the famous internet portal DELFI, along with regularly broadcasted videos encouraging the reporting of violations. There was also an informational interview on national television and radio about whistleblower protection and the guarantees provided to them. As the conclusion of the calendar year approaches, it remains premature to calculate the definitive outcomes of the awareness-raising campaign, encompassing subsequent follow-ups and investigative results. A comprehensive and detailed overview of this campaign's impact will be made available in the near future and it can be presented during country visits and interviews. Preliminary observations, however, suggest that the campaign is proving to be a meritorious initiative. The increasing number of reports underscores the campaign's significance and efficacy, affirming its value as a strategic component in augmenting awareness and engendering a culture of vigilance against corruption and other offences.

4. Evaluation of WPL Implementation (2019-2023):

The Prosecutor General's Office carried out a comprehensive evaluation of the implementation of the Whistleblowers Protection Law from 2019 to 2023. Based on the findings of this evaluation, further recommendations for potential amendments of the Law have been provided to further strengthen the effectiveness of the WPL:

1. To consider changing the size of fines. The liability for breaches of confidentiality outlined in Article 555¹ of the Code of Administrative Offences of the Republic of Lithuania is too mild to have a deterrent effect (fines ranging from 1000 to 2000 euros). In other countries, the liability for such violations is considerably more strict.
2. To consider amending the regulations related to protection of whistleblowers against adverse treatment, in particular regarding the length of the court proceedings. Under current legislation, a reporting person, who suffers adverse treatment, may appeal to the Prosecutor General's Office. If it is established that the whistleblower is really experiencing adverse impact, the Prosecutor General's Office addresses the employer to remind guarantees that the whistleblower is entitled to. However, the Prosecutor General's Office does not have the authority to annul administrative acts that cause adverse impact such as dismissal or imposed fines. For the annulment of such administrative acts, the whistleblower must apply to the court. During the operational year of the WPL, two individuals applied to the courts regarding their dismissal as an adverse impact. In both cases the court proceedings lasted for 10 and 11 months. The recommendation is to ensure that cases regarding the adverse treatment against the reporting person be resolved urgently, so that reporting persons be really protected from adverse impact.

It should be noted, that most of retaliation cases often resolve quickly after the intervention of the Prosecutor General's Office by addressing the employer and requesting to cease the negative impact against a whistleblower. However, in instances where an administrative act is adopted, such as dismissal, the whistleblower is instructed to go to court, which is in line with the Directive's emphasis on effective access to judicial review. The Directive underlines that the competent authorities should assist whistleblowers in obtaining protection and in providing the necessary proof of an external report, allowing it to be certified in certain circumstances. Although the Directive implies that competent authorities may not always be the final arbiters of negative remedies, the argument for judicial review becomes more compelling. This is particularly evident in cases where the Prosecutor General's Office has the power to impose sanctions for adverse impact measures. In such instances, the separation of powers is crucial, emphasising the need for



the judicial system to play a role in determining the existence of negative impacts and administering appropriate penalties, ensuring a fair and balanced assessment.

The practice shows that only a small number (10–13%) of individuals seek redress for adverse impact. In 2022, 10 individuals filed complaints regarding the application of negative impact measures (10 individuals in 2021, and 8 – in 2020), however, only 2 of them pursued legal action regarding the compensation. In 2019–2023 only 2 cases were started in courts (both already solved). In 2022, a final court decision was reached in one administrative case regarding the application of negative impact against whistleblower. The appellate court determined that the dismissal of the whistleblower from service should not be considered as negative impact.

Another court decision was made in November 2023. In this case, it was established that negative impact measures were applied to the whistleblower, manifested in their dismissal. Due to this incident, the Prosecutor General's Office has initiated administrative offence proceedings, and a penalty will be imposed for the application of negative impact measures.

27. Sectors with high risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement

Special Investigation Service

One of the progress targets to pursue the strategic objective of the National Anti-corruption Agenda for the period of 2022-2033 is to ensure the operation of a transparent, simple and efficient **public procurement** system. The 2023-2025 Plan for the Implementation of the National Anti-Corruption Agenda for 2022-2033 foresees 3 measures for this progress target:

- 1) Develop and implement a digital tool to ensure the integrity and openness of procurement data, enabling analysis and data-based decision making.
- 2) Analyse the practice of applying the institution of unreliable suppliers and the factors that may be undermining the effectiveness of this institute. Develop guidelines for procurers and proposals for other measures to promote the proper and effective application of the institution of unreliable suppliers.
- 3) Centralise public procurements in the Ministry of Health's subordinate bodies.

In order to assess possible risks related to public procurement, in 2023 Analytical anti-corruption intelligence inspections were carried out, during which public procurements carried out by individual municipalities were evaluated. An evaluation of the public procurements of one of the contracting organizations related to the organization of the NATO summit in Vilnius was also carried out. The results of the analyzes were presented to the entity authorized to make significant decisions in terms of reducing the prevalence of corruption.

- list other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen/residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

It is important to mention that in 2023 STT carried out analytical anti-corruption



intelligence inspections in the areas of state supervision of construction and territorial planning, distribution of support from European Structural Funds, National Defence, Social Security and Labor, Communications, Energy in order to identify and assess possible conflicts of public and private interests or the possibility of them arising, as well as to identify possible corruption risks and/or threats. The results of the performed inspections should be provided to state and municipal authorities authorized to make significant decisions in terms of reducing the prevalence of corruption.

Other sectors with high risks of corruption and the relevant measures taken:

- **Healthcare**

The Plan for implementation of National Anti-Corruption Agenda in the period of 2023-2025 foresees 8 measures to reduce risk of corruption in healthcare:

- 1) Organise a social campaign to strengthen public anti-corruption awareness.
- 2) Update the descriptions of the fields of study of the group of health sciences (medicine, dentistry, oral care, public health, pharmacy, rehabilitation, nutrition, nursing and midwifery, medical technology, and cosmetology), including a provision on anticorruption issues in the relevant study programmes.
- 3) Following an analysis of the funding mechanism for the professional development of health professionals in foreign countries, take decisions on improving the funding mechanism for professional development.
- 4) Centralise public procurements in the Ministry of Health's subordinate bodies.
- 5) Develop and implement a tool for assessing patient feedback, i.e. information on healthcare services provided, including patient satisfaction, using information technology.
- 6) In order to improve the efficiency of the electronic pre-registration of patients, to make it more convenient for patients to register for personal health or medical services, and to monitor and analyse the waiting queues for these services to enable decisions to be taken to increase the accessibility of the services, implement the information system development project.
- 7) Improve the legal regulation of paid personal healthcare services by providing clear scope and procedure for the provision of personal healthcare services that are paid for and reimbursed by the budget of the Compulsory Health Insurance Fund, and ensure that this information is available in ways that are accessible to patients.
- 8) Develop a package of draft legislative amendments to ensure uniform, clear and unambiguous legal bases, conditions and procedures for the suspension and revocation of personal health professional licences.

- **Local government**

The Plan for implementation of National Anti-Corruption Agenda in the period of 2023-2025 foresees 4 measures to reduce risk of corruption in local government:

- 1) In order to develop and strengthen anti-corruption competences in self-governing authorities, develop a training programme and organise training for members and chairpersons of the Anti-Corruption Commissions set up by municipal councils.
- 2) Improve the legal framework to ensure that municipalities make transparent decisions on the reconstruction, repair, maintenance and emergency repairs of state-owned land reclamation and hydraulic engineering structures held and used in trust.
- 3) Revise the Republic of Lithuania Law on the Special Programme to Support Municipal Environmental Protection, setting out the criteria for the selection of measures to be financed, and the legal regulation of the allocation and maintenance of funds.
- 4) Develop a common standard for the content and structure of municipal datasets that promote transparency and openness, in order to open up municipal datasets.

- **Environmental protection.**

The Plan for implementation of National Anti-Corruption Agenda in the period of 2023-2025 foresees 7 measures to reduce risk of corruption in environmental protection:

- 1) Revise the Republic of Lithuania Law on the Special Programme to Support Municipal Environmental Protection, setting out the criteria for the selection of measures to be financed, and the legal regulation of the allocation and maintenance of funds.
- 2) Digitise land management and administration, bringing essential processes into cyberspace to ensure transparency in land management.
- 3) Develop a tool on the Lithuanian spatial information portal (www.geoportal.lt) that allows the public (ordinary users) to find clear and relevant information on the status of public land, its management and use in one place.
- 4) Develop and implement a Pollution Prevention Information System, fully digitising the environmental impact assessment of planned economic activities, the processes of screening for such assessment, integrated pollution prevention and control permits, the issuing of pollution permits and the monitoring of compliance with the conditions set out therein.
- 5) In order ensure transparent use of wildlife resources and control of this process, develop a hunting registration module (hunting participants, hunting catch records, planning and control of hunting limits).
- 6) Draft the Republic of Lithuania Law on the Protection of Immovable Cultural Heritage and the Republic of Lithuania Law on Amendments to the Law on Construction in order to improve the efficiency of the protection of the cultural heritage, to define clearly and separate the functions and competences of the authorities that coordinate, authorise and control heritage conservation and construction management works.
- 7) Conduct a pilot study in the area of the Ministry of Environment and the Ministry of Culture on the process of defending the public interest in civil or administrative proceedings, including not only representation in court, but also the enforcement of judgments, the application of the right of recourse, the amendment to gaps in the law or to the regulatory framework that has led to unsuccessful cases, and a system of monitoring this process.

- **Territorial planning and construction supervision.**

The Plan for implementation of National Anti-Corruption Agenda in the period of 2023-2025 foresees 2 measures to reduce risk of corruption in environmental protection:

- 1) In order to improve the functionality of the Register of Territorial Planning Documents of the Republic of Lithuania, introduce the functionalities of the Information System for the Compilation of Territorial Planning Documents of the Republic of Lithuania and the State Supervision of the Territorial Planning Process allowing to obtain additional data.
- 2) Draft the Republic of Lithuania Law on the Protection of Immovable Cultural Heritage and the Republic of Lithuania Law on Amendments to the Law on Construction in order to improve the efficiency of the protection of the cultural heritage, to define clearly and separate the functions and competences of the authorities that coordinate, authorise and control heritage conservation and construction management works.

Constitutional Court of the Republic of Lithuania

In this context it could be noted that on a basis of an individual constitutional complaint, in its ruling of 12 October 2023 (<https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2908/content>) the Constitutional Court recognised that the provisions of the Criminal Code governing the extended confiscation of property are not in conflict with the Constitution (i.e. with Article 23 thereof, which



establishes the inviolability of property, and with paragraph 1 of Article 31 thereof, consolidating the principle of the presumption of innocence). According to the travaux préparatoires of the Criminal Code, the possibility of extended confiscation of property concerns all the offender's property that is disproportionate to his/her legitimate earnings and it was introduced in order to make it economically disadvantageous to commit corruption and other selfish crimes, to prevent the commission of new criminal offences and to prevent the damage caused by such offences to the state and society.

Taking into account the fact that the impugned legal regulation clearly defines the application of the extended confiscation of property to persons who have committed specified most serious crimes, as well as the amount of property acquired during the specified period that is subject to the extended confiscation of property, the Constitutional Court noted that the extended confiscation of property is a proportionate measure to the constitutionally justified objective pursued (which is to ensure effective protection of the whole of society against criminal acts and to restore justice and legal order based on constitutional values).

The Constitutional Court also noted that a person against whom the application of the extended confiscation of property is sought does not have to prove that he or she has not committed a criminal act, but he or she must justify the legality of the acquisition of the property held only when the prosecutor and the court, in the exercise of their powers, collect sufficient data (evidence) suggesting that property that does not correspond to the amount specified in the law on the person's legal income has been acquired by criminal means. Moreover, the application of the extended confiscation of property is not intended to find a person guilty and punish him or her for specific criminal acts, but to ensure that the person is deterred from committing new criminal acts or to restrict the possibility of the convicted person to commit new criminal acts.

Public Procurement Office

In 2022 Public Procurement Office (PPO) had informed, about the creation process of new e-procurement system "SAULE", which had to start in 2023. Unfortunately, due to supplier's fault in contract infringement, PPO had to start legal proceedings against the supplier. On 5th January, 2024 the contract was terminated.

In 2024 PPO will seek new financial opportunities to develop a new e-procurement system. Objectives for the new e-procurement system remains the same: it should have technical features allowing for easier accumulation, handling and analysis of public procurement data throughout the procurement process ("once-only" principle, automated solutions for data gathering, publication of the data according to the obligations set in Public Procurement Law, integrations with state registers (including integration with PINREG), open data format for user friendliness and easier data analysis, etc.).

What is more, through 2023 PPO has implemented the project "Increasing the number of suppliers into public procurements". During the project activities PPO provided training for suppliers. These trainings strengthening suppliers' competences, not only in terms of competence to identify corruption, but also through increased competition, to reduce the risk of corruption. In 2024 PPO will continue this activity.

As part of public procurements specialist attestation program, in 2023 PPO included questions related to ethics of public procurement's proceedings into attestation program, which also includes corruption prevention topics.

28. Any other relevant measures to prevent corruption in public and private sector

Special Investigation Service

In 2023 STT has fundamentally updated the Guidelines for Creating an Anti-Corruption



Environment for Business (hereinafter – Guidelines)³⁴. The main goal of the updated guidelines is to increase awareness of the damage caused by corruption, to help businesses create an anti-corruption environment, and to increase business transparency and accountability. In addition, a workshop was organised to present these Guidelines and to share private sector experience in creating an anti-corruption environment.

STT, together with the Association of Supervisory Institutions, conducts methodological assistance events and meetings with representatives of institutions joining the association, with the aim of strengthening the creation of an anti-corruption environment in the field of supervision of the activities of economic entities (in 2023, meetings were held with prevention specialists and heads of institutions of the association's institutions).

Methodological assistance events for the public sector regarding the measures provided in the Law on Corruption prevention are also regularly conducted (e. g. in 2023 there was events for internal auditors, events about measures such as anti-corruption assessment of legal acts or drafts thereof, determination of the probability of manifestation of corruption, corruption prevention planning documents; events regarding whistleblower protection institute and Law on the Adjustment of Public and Private Interests).

In response to the elections, a series of events took place in the municipality, aimed at newly elected members of the Municipal Councils, Ethics Commissions, and newly elected mayors in order to create an anti-corruption environment in the municipality³⁵.

Ministry of justice

The Ministry of Justice, aware of the importance of cooperation between the private and public sectors in the fight against corruption and the strengthening of transparency, and taking into account the fact that representatives of both the public and private sectors, NGOs and academia face a number of common challenges and problems, but that the lack of cooperation sometimes leads to missed opportunities for mutual discussion and sharing of best practices, organised the international conference “Fostering integrity: from fighting corruption to building a culture of integrity in the public and private sectors” on 16 November 2023.

The conference was extremely well received by both the private and public sectors. Around 120 participants attended the conference live, and around 2,200 watched live broadcasting on Facebook and Youtube. Presentations and discussions at the conference covered the topic of transparency and integrity in various sectors, highlighting the importance of the involvement of the public sector, business, and society as a whole. Speakers from different areas and sectors shared their experiences, challenges and perspectives on strengthening transparency and integrity and preventing corruption.

The conference highlighted the importance of transparency in public procurement and discussed the expectations of the public sector and business regarding fairness and transparency. It also discussed how accounting and auditing can contribute to transparency and integrity, the importance of creating a corruption-proof environment in business and shared experiences on how banks and financial institutions implement anti-corruption programmes. The challenges of development cooperation were also discussed, with a particular focus on Lithuania's experience and contribution in providing assistance to other countries, as well as an overview of specific anti-corruption measures and their effectiveness based on case studies.

C. Repressive measures

29. Criminalisation, including the level of sanctions available by law, of corruption

³⁴ <https://stt.lt/data/public/uploads/2023/04/guidelines-for-business.pdf>

³⁵ <https://www.stt.lt/naujienos/7464/stt-renginiu-ciklas-korupcijai-atsparios-aplinkos-kurimas-savivaldoje:3615>;
<https://www.stt.lt/naujienos/7464/tesiamas-stt-renginiu-ciklas-korupcijai-atsparios-aplinkos-kurimas-savivaldoje:3656>.

and related offences, including foreign bribery.

The Criminal Code of the Republic of Lithuania sets strict criminal liability for corruption and related offences, which are enshrined in Chapter XXXIII (Crimes and misdemeanours against the civil service and public interests). There has been no change in the legislation in this sphere since the 2023 Rule of Law report.

30. Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible)⁹, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds¹⁰.

Special Investigation Service

Statistics (6 months of 2023) in the criminal cases of corruption-related offences, which are investigated by the STT:

- 78 persons (73 - natural persons, 5 – legal persons) were served with a notice of suspicion;
- 47 persons (46 - natural persons, 1 – legal persons) were convicted for corruption offences by a final court decision;
- 7 person (7 - natural persons, 0 – legal persons) was acquitted for corruption offences by a final court decision;
- 7 high level and complex corruption cases were investigated;
- 4 cases related with EU fundings were investigated, all of them is controlled by the European delegated prosecutor (EPPO);

Court decisions (sanctions) expressed in percentage:

- Fine – 86 %
- Suspended Prison Sentence- 12 %
- Fine and Suspended Prison Sentence - 2 %

The most common sanction for corruption related crimes is a fine (86 % of total sanctions imposed by courts).

Prosecutor General's Office

In 2023, in the period since January till November, 269 corruption-related criminal offences (Passive Bribery, Trading in influence, Active Bribery, Abuse of Office) were registered (this figure does not include data of December, 2023, because it is not available at the time of answering the questionnaire. Comparing the data of registered corruption-related criminal offences in 2023 and 2022 (453 since January till November, 2022), indicates that number of corruption-related offences in 2023 has decreased by 41 percent. In last few years a worrying tendency has been observed – the percentage of acquittals in corruption cases has been increasing: 3,83 percent in 2018; 4,78 percent in 2019; 5,88 percent in 2020; 11,38 percent in 2021; 19 percent in 2022; 18,5 percent in 2023 (January – September). As regards corruption-related criminal cases, in which high-ranking politicians had been prosecuted, the case related to a member of the Seimas of the Republic of Lithuania has already been indicated in earlier answers to the questionnaires. In December, 2020, the Seimas of the Republic of Lithuania granted a permission to prosecute a member of the Seimas of the Republic of Lithuania. During that time the pre-trial investigation was concluded, the case was brought to the trial and the member of the Seimas was convicted. In 2023, the Supreme Court of the Republic of Lithuania rejected his cassation appeal. Another case of political corruption (opened in 2016) should be mentioned. In 2018, a prosecutor charged former transport minister and leader of the Liberal Movement, a former vice-president of a large private company (MG Group), three other politicians from the Liberal Movement and the Labour



Party and three legal persons (MG Group, the Liberal Movement and the Labour Party) with bribery, trading in influence and abuse of office. In 2022, the court of first instance acquitted all defendants. However, in 2023, the Court of Appeal annulled the judgement of the court of first instance and sentenced all the defendants. Three of them were sentenced to imprisonment and have been already serving the sentence for a few weeks. The case is currently pending before the Supreme Court.

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

No significant changes

32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.

The possibility of asset confiscation, provided for in the Law on Civil Asset Confiscation of the Republic of Lithuania, when there is reason to believe that this asset was not obtained in a legal way, and when the total value of this asset does not correspond to the legal income of the person and this difference exceeds the amount of 2,000 basic penalties and fines.

Other – please specify

III. MEDIA PLURALISM AND MEDIA FREEDOM

33. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

No recommendations in this field. No significant changes

A. Media authorities and bodies¹¹

34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

On 1 July 2023, amendments to the Code of Administrative Offences of the Republic of Lithuania (in LT – <https://www.e-tar.lt/portal/legalAct.html?documentId=8fd25350053711ee9978886e85107ab2>) came into force, according to which the Radio and Television Commission of Lithuania (LRTK) was empowered to protect copyright³⁶ through administrative liability. Therefore, the LRTK has been issuing administrative fines. The activities of the LRTK in the field of copyright are financed by the blank tape levy provided for in the Lithuanian Law on Copyright and Related Rights (in LT, see Articles 20 and 20¹ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.81676/asr>).

In addition, as of 1 June 2023, the LRTK is responsible for calculating the annual fees paid by the audiovisual media service providers (in LT – <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/951d54e2fba011edbc0bd16e3a4d3b97?positionInSearchResults=1&searchModelUUID=da434ab9-5273-491d-b0a4-f281fe91b74d>).

35. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

No significant changes (last update in the 2023 Rule of Law report)

36. Existence and functions of media councils or other self-regulatory bodies

On 5 September 2023, the new Commission on Ethics in Public Information started its work (in LT – <https://www.etikoskomisija.lt/item/361-darba-pradejo-naujais-suformuotais-suomenes-informavimo-etikos-komisija>). Although the term of the previous Commission had not yet expired, an amendment to the Law on Provision of Information to the Public meant that the Commission had to be formed in accordance with the requirements of the new version of the Law. The amendments, adopted on 25 May 2023, are mentioned in the 2023 Rule of Law Report.

B. Safeguards against government or political interference and transparency and concentration of media ownership

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

As mentioned in the 2023 Rule of Law Report, the system, called ‘VIRISIS’ provides data on media owners and amounts of funds obtained from public bodies through contracts. The system

³⁶ It should be noted, that over the last four years, the Lithuanian Radio and Television Commission (LRTK) has acquired more responsibilities in the area of online copyright protection, e.g. LRTK can issue blocking orders in case of detected infringements.



is rolled out progressively: media service providers had to submit their ownership data by 30 June 2023 and now public institutions are submitting their data on public funds awarded to the media service providers (the data must be submitted regardless of the value of the contract).

To facilitate the process and make it smoother, the Ministry of Culture organized six training sessions for the media service providers and two training sessions for the public institutions in 2023. The Ministry of Culture is also looking into how to simplify and automate the process of collecting data on contracts (to lower the administrative burden and human error).

**38. Safeguards against state / political interference, in particular:
- safeguards to ensure editorial independence of media (private and public)**

As mentioned in the 2023 Rule of Law Report, in order to improve the financial support to the media, legislative amendments establishing a new Media Support Fund were adopted. The Fund was registered in the Register of Legal Entities on 13 September 2023, and the Director was appointed on 9 November 2023. At the end of October, many media outlets and associations appealed to the President, the Seimas, the Government, the Ministry of Finance, and the Ministry of Culture to allocate more money (the initial planned budget was 5 million euros). After the negotiations, the budget for 2024 is 6,518 million euros (in LT – <https://www.e-tar.lt/portal/lt/legalAct/cb6d7c909a5211eea5a28c81c82193a8>).

- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

The Council of Lithuanian Radio and Television was twice unable to elect a new Director General because the votes were always tied (6 members voted for one candidate, 6 for another), and there was much public discussion about how to resolve this situation. In the third vote, a new Director General was elected (see in ENG – <https://www.lrt.lt/en/news-in-english/19/2090638/incumbent-lrt-director-general-re-elected-for-second-term>).

- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance

Audiovisual media service providers and radio broadcasters are obliged to pay an annual fee, which is transferred to the Public Information Ethics Commission and to obtain a licence or notify their services to the LRTK. Vloggers do not have to pay an annual fee (they were exempted in 2022, the Ministry of Culture made the necessary changes), but they had to notify their activities to the LRTK (like other VOD service providers). Some vloggers notified, some didn't and raised questions about the administrative burden of the notification procedures. Discussions were held and it was agreed (necessary amendments were made by the Ministry of Culture) that the LRTK may on its own include vloggers in the list of media service providers (see in LT – <https://www.e-tar.lt/portal/lt/legalAct/43a212104b1711ee9de9e7e0fd363afc>).

39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any

rules regulating the matter

Ministry of culture

Lithuanian law does not prohibit the management of media outlets by proxy, which has led to a situation in one Lithuanian region where two local newspapers are de facto controlled by the same person (in LT - http://www.lzs.lt/lt/naujienos/aktuali_informacija/archive/del_ziniasklaidos_priemoniu_uzvaldy_mo_ir_gresmiu_visuomenes_informavimui.html). Discussions are taking place (e.g. in the Media Council) to resolve this situation. One possible way to help the situation is to update VIRSIS (so that it includes more data, including on de facto management). Further rules will be developed after the adoption of the EMFA.

Special Investigation Service

The Plan for the Implementation of the National Anti-Corruption Agenda for 2022-2033 in 2023-2025 envisages two measures aimed at ensuring media transparency:

- Update the media support model to ensure sustainability of support, media independence and priority support areas.
- Develop and implement additional functionality of the Public Information Producers and Disseminators Information System for media transparency, which would allow users of the system to see the funds paid by a particular state or municipal institution or body to public information producers and/or disseminators.

C. Framework for journalists' protection, transparency and access to documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.

See answer to question 42.

41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

See answer to question 42.

42. Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

Ministry of Culture approved an inter-institutional 2023–2025 action plan for the protection, safety and empowerment of journalists (in ENG – [https://lrkm.lrv.lt/uploads/lrkm/documents/files/2023-2025%20Action%20plan%20for%20the%20protection%2C%20safety%20and%20empowerment%20of%20journalists\(3\).docx](https://lrkm.lrv.lt/uploads/lrkm/documents/files/2023-2025%20Action%20plan%20for%20the%20protection%2C%20safety%20and%20empowerment%20of%20journalists(3).docx)). Public institutions together with the media community made specific commitments to increase the safety of journalists that focus on a range of different issues.

43. Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and



convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

On 29 June 2023 the Seimas adopted the amendments to the Law on State-Guaranteed Legal Aid that inter alia made it possible for SLAPP targets to receive state guaranteed legal aid in SLAPP cases without assessing a person's assets and income. The amendments came into force on 1 January 2024.

The adopted amendments are available here:

<https://www.e-tar.lt/portal/lt/legalAct/985c04f01b3811eeb233e8b04dc9bb3d>

Other – please specify

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

44. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

Constitutional Court of the Republic of Lithuania

There were no recommendations addressed to Lithuania concerning the system of checks and balances (except for continuing of efforts to improve the transparency of the system of appointments to judicial positions, notable to the Supreme Court) in the Rule of Law Report of 2023.

The Constitutional Court's ruling of 26 April 2023 (<https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2840/content>) could be mentioned in the context of issues of checks and balances. By this ruling the Court recognised that the legal regulation related to the power of the Government to establish criteria that must be met by municipal schools of general education is in conflict with the Constitution. The Constitutional Court stated that, by entrusting the Government with establishing these criteria, the legislature disregarded the requirement, arising from Constitution, to consolidate in the law clear criteria for determining whether a municipal school may carry out its activities, as well as disregarded the prohibition, arising from the constitutional principle of a state under the rule of law, on entrusting the Government with the implementation of the constitutional competence of the Seimas – to regulate through substatutory legal acts those legal relationships that, according to the Constitution, must be regulated through laws.

This ruling of the Constitutional Court which ensured adequate checks and balances is already implemented by the legislature. The legislature revised and amended the impugned legal regulation which was recognised as non compliant with the Constitution (<https://www.e-tar.lt/portal/lt/legalAct/7d2216b061f211eebc77e58877a83c4e>; <https://www.e-tar.lt/portal/lt/legalAct/4f061760a09311eea5a28c81c82193a8>).

A. The process for preparing and enacting laws

45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders¹²/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase.

Constitutional Court of the Republic of Lithuania

The Judicial Council and the institution charged with Administration of Judicial System participate in drafting the relevant laws and other legal acts. The representatives of the Constitutional Court are consulted when the considered draft law has constitutional problematics (participation in workshops).

Ministry of justice

The Plan for the Implementation of the Provisions of the Programme of the 18th Government of the Republic of Lithuania (§ 8.1.1 and 8.1.7) envisages the analysis of the practice of legal regulation and application of legislation, to identify the shortcomings of the legislative process performed by the institutions and to develop methodological recommendations for the institutions, ensuring the quality and sustainability of legislation. Also, the above-mentioned provisions envisage preparation of recommendations for the codification of existing legislation and provide a roadmap for its implementation.



According to this plan the Legislative Methodological Recommendations³⁷ and Recommendations for Codification³⁸ are approved and announced. Legislative Methodological Recommendations will help ensure the quality and sustainability of legislation and will educate institutions to follow high legislative standards. Recommendations for Codification are prepared in order to improve Lithuanian legal regulation system, to determine the general systematization of legal acts rules, increase the comprehensibility and accessibility of the legal acts.

Having in mind the purpose to improve legislative transparency and quality of the legislative process another document – the rules for coordination of projects of normative legal acts of ministers, Government institutions, and other subjects of public administration subordinate to and accountable to the Government are also in preparation by the Ministry of Justice. The document will provide uniform legislative and public consultation rules for all ministers, Government institutions, and other subjects of public administration subordinate to and accountable to the Government.

46. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions).

Constitutional Court of the Republic of Lithuania

Since the ruling of 16 April 2019 of the Constitutional Court (which has established the constitutional criteria determining the cases when the legislative procedure under special urgency and under urgency might be used), the number of legal acts adopted using the extraordinary procedure continue to reduce. The exact numbers are to be found in the Parliamentary registry.

Office of Seimas

The number of legal acts adopted urgently or extremely urgently in 2023 was as follows:

Adopted by law (number)	Order of urgency (number, percentage)	Order of extreme urgency (number, percentage)	Urgent order + Procedure of special urgency (number, percentage)
516	111 (21.51%)	0 (0%)	111 (21.51%)

The following regulations for adopting legal acts in cases of urgency or extreme urgency were observed:

Statute of the Seimas of the Republic of Lithuania

No I-399

Article 143. Decisions on a Submitted Draft

1. The Seimas shall adopt one of the following decisions concerning a submitted draft of a law or any other act of the Seimas:

- 1) to commence the procedure of consideration of the draft;
- 2) to adjourn the procedure of submission of the draft and to specify the actions to be taken by the initiators prior to repeated submission of the draft to the Seimas;

³⁷ Legislative methodological recommendations, accessible at the Ministry of Justice website ([link](#)).

³⁸ Recommendations for Codification, accessible at the Ministry of Justice website ([link](#)).



- 3) to reject the draft specifying the grounds for rejection.
2. If the Seimas decides to commence the procedure of consideration, a decision may be taken on submission of this draft for public comments.
3. All decisions on the presentation and consideration of a draft law at the Seimas sitting shall be taken by a simple majority of votes cast by those voting, with the exception of decisions to reject a draft or to submit the draft for public comments, which will be taken by the majority of at least 1/4 of all the Members of the Seimas.
- 4. If the Seimas decides to commence the procedure of debate, a decision may be taken on application of an urgency procedure or a special urgency procedure of debate and passage.**
- 5. Application for an urgency procedure or a special urgency procedure of debate and passage shall be laid down in Chapter XXIV of this Statute.**

Article 162. Proposal for a Debate and Passage under the Urgency Procedure

1. Debates on and passage of drafts of Seimas resolutions and, if the Seimas so decides, on drafts of laws shall be subject to the urgency procedure, unless the Statute of the Seimas stipulates another procedure of debates on and passage of such resolutions.
2. The President of the Republic, the Speaker of the Seimas or his Deputy deputising for the Speaker of the Seimas, the Leader of the Opposition, the lead committee, a political group or the Government shall have the right to propose the above-mentioned procedure on a reasoned motion. The urgency procedure for debating and passing draft laws may be applied on the motion of the subjects referred to in this paragraph only in exceptional cases where due to the current political, social, economic or other circumstances there is an urgent need for the establishment of a new legal regulation or amendment of the legal regulation in force in order to safeguard important public and national interests or to protect other constitutional values.
3. A decision to hold a debate on and to adopt a draft law under the urgency procedure may be taken during the submission of or debate on the draft at a Seimas sitting by a majority of votes cast by Members of the Seimas, provided that the majority comprises more than one-fifth of all the Members of the Seimas.
4. A draft law or a draft resolution of the Seimas proposed for a debate and passage under the urgency procedure must be edited by the Document Department prior to its debate at a Seimas sitting.

Article 163. Debate and Passage under the Urgency Procedure

1. Where a draft law is debated on and passed under the urgency procedure, the time period between the stages of a debate on a draft (consideration in the lead committee, debate at a Seimas sitting) and passage shall be shortened; other time limits established in this Statute and related to legislation shall also be shortened.
2. These time periods referred to in paragraph 1 of this Article must not be shorter than 24 hours.
3. The Seimas shall set the specific time limits in each individual case; however, a draft being debated on must be registered with the Secretariat of Seimas Sitzings and published on the website of the Seimas under any circumstances at least 24 hours prior to the sitting at which it will be passed.

Article 164. Debate and Passage under the Special Urgency Procedure

1. Debates on and passage of draft laws and draft resolutions of the Seimas may be subject to



special urgency procedure on a reasoned motion of the President of the Republic, the Speaker of the Seimas or his Deputy deputising for the Speaker of the Seimas, or the Government. The special urgency procedure for debating and passing draft laws and draft resolutions of the Seimas may be applied on the motion of the subjects referred to in this paragraph only in the cases where it is necessary to safeguard without delay vital public and national interests, i.e. when introducing or upon the introduction a state of emergency or martial law as well as when lifting it, when declaring or upon the declaration of mobilisation, when declaring demobilisation, taking a decision to use armed forces in the event of an armed attack and/or where it is necessary to urgently fulfil international obligations, during a natural disaster, in other extreme circumstances or in the event of a threat to national or public security that requires extremely urgent decisions of the Seimas.

2. A decision to hold a debate on and to adopt a draft law under the special urgency procedure shall be taken at a Seimas sitting by a majority of votes cast by Members of the Seimas, provided that the majority comprises more than one-fourth of all the Members of the Seimas.

3. A decision to hold a debate on and to adopt a draft law under the special urgency procedure may be taken during the submission of or debate on the draft at a Seimas sitting.

4. The requirements of Article 155 of the Statute shall not apply to the debate on and passage of a draft under the special urgency procedure and the procedure of passage following the submission may begin not earlier than after a three-hour interval. During such interval the amendments proposed by the persons having the right of legislative initiative, conclusions of the Legal Department of the Office of the Seimas concerning these amendments shall be submitted in writing and the draft shall be edited by the Document Department of the Office of the Seimas. Amendments submitted by the persons having the right of legislative initiative shall be submitted in writing not later than one hour prior to the commencement of passage of the draft.

5. In some cases, a lead committee may be assigned for consideration of a draft.

Article 170. Specific Features of Submission and Debate of Draft Laws Amending the Constitution

1. The Seimas must consider a draft law amending the Constitution initiated at the Seimas by 300 000 citizens of the Republic of Lithuania in accordance with the procedure laid down by the law. This draft shall be submitted at a Seimas sitting by a member of the initiative group of citizens or any other person authorised by the initiative group not later than within a week following the registration of the draft during the Seimas session and where the draft is registered between the Seimas sessions – at the first sitting of the next Seimas session.

2. Following the submission at a Seimas sitting, draft laws amending the Constitution shall be submitted for public comments in accordance with the procedure laid down in Article 126 of this Statute.

3. Draft laws amending the Constitution may not be debated on and passed under the urgency procedure or the special urgency procedure.

4. The Committee on Legal Affairs shall be the lead committee considering draft laws amending the Constitution. The committees appointed by the Seimas as additional for consideration of a draft law amending the Constitution must take their decision regarding this draft not less than a month prior to the consideration of this draft in the Committee on Legal Affairs.



5. The Committee on Legal Affairs must consider a draft law amending the Constitution not later than ten days prior to the debate on this draft at a Seimas sitting. A decision taken by the Committee on Legal Affairs with regard to the draft law amending the Constitution must be distributed to the Members of the Seimas not later than seven days before the debate on the draft at a Seimas sitting; the decision must be also forwarded to the President of the Republic and the Government.

6. During the consideration of a draft law amending the Constitution at the Committee on Legal Affairs, one of the following decisions must be taken, which will be presented for deliberation during the debate on the said draft law amending the Constitution at a Seimas sitting:

1) to approve the draft law amending the Constitution that has been submitted by the initiators as well as the Committee's conclusions;

2) to approve the draft law amending the Constitution that has been improved by the Committee as well as the Committee's conclusions. The improved draft law amending Constitution may include only non-essential amendments, which do not change the draft law amending the Constitution in principal, and/or editorial amendments and/or amendments dictated by technical rules of law-making;

3) to reject the draft law amending the Constitution;

4) to return the draft law amending the Constitution to the initiators for improvement and to recommend to them, pursuant to the provisions of Article 169 of this Statute, to register a new draft law amending the Constitution.

7. It shall be prohibited to restrict discussions on a draft law amending the Constitution when debating on it at a Seimas sitting, with the exception of the cases where such a decision is taken by a majority of votes cast by at least one-third of all of the Members of the Seimas.

8. The proposals of the Members of the Seimas regarding a draft law amending the Constitution which would amend the draft law in such a way that the purpose of the draft law amending the Constitution is distorted or the scope of the proposed constitutional legal regulation is altered, also the proposals where different measures of constitutional legal regulation for achieving the objectives of the said draft law are offered or amendment of any other provision of the Constitution are recommended shall not be considered and no vote shall be taken thereon.

9. Editorial comments and proposals of the Members of the Seimas regarding the text of a draft law amending the Constitution and/or their comments and proposals related to technical rules of law-making with regard to the text of the draft law amending the Constitution and submitted after the approval by the Seimas of the draft by a majority of votes cast by not less than two-thirds of all the Members of the Seimas when voting for it for the first time shall not be debated and voted on when the Seimas debates and votes on the draft law amending the Constitution for the second time.

Article 171³. Specific Features of Submission of and Debate on Draft Constitutional Laws

1. The Seimas must debate on a draft constitutional law initiated at the Seimas by 50 000 citizens of the Republic of Lithuania in accordance with the procedure laid down by the law. This draft shall be submitted at a Seimas sitting by a member of the initiative group of citizens or any other person authorised by the initiative group not later than within a week following the registration of the draft during the Seimas session and where the draft is registered between the Seimas sessions – at the first sitting of the next Seimas session.



2. Following the submission at a Seimas sitting, draft constitutional laws shall be submitted for public comments in accordance with the procedure laid down in Article 126 of this Statute.

3. Draft constitutional laws may not be debated on and passed under the urgency procedure or the special urgency procedure.

4. The Committee on Legal Affairs shall be the lead committee considering draft constitutional laws. The committees appointed by the Seimas as additional for consideration of a draft constitutional law must take their decision regarding this draft not less a month prior to the consideration of this draft at the Committee on Legal Affairs.

5. The Committee on Legal Affairs must consider a draft constitutional law not later than ten days prior to the debate on this draft at a Seimas sitting. The conclusions of the Committee on Legal Affairs as well as the draft constitutional law and its comparative version (in case of the approval of the draft) shall be registered with the Secretariat of Seimas Sitzings and published on the website of the Seimas.

6. It shall be prohibited to restrict discussions on a draft constitutional law when debating on it at a Seimas sitting, with the exception of the cases where such a decision is taken by a majority of votes cast by at least one-third of all of the Members of the Seimas.

Article 172. Submission of a Draft State Budget

1. A draft state budget shall be drawn up in accordance with the procedure established by the Law of the Republic of Lithuania on the Budget Structure and in adherence to the rules set out in the Constitutional Law of the Republic of Lithuania on the Implementation of the Fiscal Treaty.

2. Upon drawing up a draft state budget for the next year, the Government shall submit the draft to the Seimas by 17 October, together with the data on which this draft is based.

3. The National Audit Office of Lithuania shall, not later than within 15 working days from the submission of a draft state budget, present an opinion to the Seimas concerning a specific structural adjustment target set out in a draft law of the Republic of Lithuania on approval of financial indicators of the state budget and municipal budgets for a given year as well as the need of additional measures (in monetary terms) necessary for the implementation of this target. The Committee on Budget and Finance and the Committee on Audit shall discuss this opinion of the National Audit Office of Lithuania. Other committees, when considering the draft state budget, shall have regard to this opinion of the National Audit Office of Lithuania.

4. The Government shall, not later than within ten working days from the submission of the draft state budget, submit to the Seimas the information specified in paragraph 2 of Article 19 of the Law on the Budget Structure. When discussing the draft state budget, the committees shall have regard to this information.

5. The Bank of Lithuania shall, not later than within 15 working days from the submission of the state budget to the Seimas, present conclusions how the fulfilment of the tasks of the annual improvement of the government sector balance indicator affects the confidence in the stability of the financial system and the price stability, focusing on an external equilibrium of economy and a long-term sustainability of government finances. When discussing the draft state budget, the committees shall have regard to the above-mentioned conclusions presented by the Bank of Lithuania.

6. Repealed.

7. The report of the Government on the draft state budget shall be heard at the next sitting of the Seimas.

8. Thereafter, at least 15 days shall be assigned for consideration of the draft state budget in committees and political groups. During that period, Seimas sittings shall not be held.



9. Following the submission of the draft state budget at the above-mentioned Seimas sitting, the Committee on the Budget and Finance shall, in accordance with the procedure established by the Board of the Seimas, publish on the website of the Seimas the time limit for submitting to the committee proposals and comments of interested persons regarding the draft state budget.

10. The Committee on the Budget and Finance shall forward the received proposals and comments to relevant committees of the Seimas within their remit, for their consideration according to the procedure established by this Statute.

11. The draft state budget shall not be debated on and adopted under the urgency procedure or the special urgency procedure, except in cases when it is necessary to achieve the objectives of imposing a state of emergency or to carry out state defence, or to perform other vital state functions during mobilisation or war. When taking a decision to debate on and to adopt the draft state budget under the urgency procedure or the special urgency procedure, the Seimas may set other terms, which are shorter than those set in paragraphs 3, 4 and 5 of this Article, for the submission of conclusions and information; other terms of legislation set in this Statute shall be set in accordance with the procedure laid down in Chapter XXIV of this Statute.

Article 180⁶. Control of the Principle of Subsidiarity

1. Specialised committees shall, within their remit, be directly responsible for proper and timely control of the principle of subsidiarity.

2. Where necessary, a specialised committee shall submit to the Committee on European Affairs or the Committee on Foreign Affairs (with respect to the areas indicated in Article 180²(3) of this Statute) a conclusion on whether a draft legislative act complies with the principle of subsidiarity usually not later than within five weeks from the receipt of this draft legislative act or within ten working days from the receipt of the opinion of the Government (presented in accordance with the procedure established in Article 180⁷(3) of this Statute) on the compliance of the draft legislative act with the principle of subsidiarity. At the request of the specialised committee, the Legal Department of the Office of the Seimas shall prepare conclusions on whether the draft legislative act complies with the principle of subsidiarity.

3. The Committee on European Affairs or the Committee on Foreign Affairs shall, within its remit on its own (its chair's) initiative and upon receiving the request of the Speaker of the Seimas, the conclusions of the specialised committee submitted pursuant to paragraph 2 of this Article, the appeal of the political group, the Government's opinion, presented in accordance with the procedure established in Article 180⁷(3) of this Statute, on whether a draft legislative act complies with the principle of subsidiarity, consider the issue of compliance of the draft legislative act with the principle of subsidiarity at a Committee meeting usually within one week. Such meeting shall also be attended by the representatives of specialised committees and the Legal Department of the Office of the Seimas that presented the conclusions on whether the draft legislative act complies with the principle of subsidiarity.

4. Upon deciding that a draft legislative act possibly does not comply with the principle of subsidiarity, the Committee on European Affairs or the Committee on Foreign Affairs shall refer its conclusion together with a draft Seimas resolution regarding a reasoned opinion on the non-compliance of the draft legislative act with the principle of subsidiarity for debate at a Seimas sitting.

5. The conclusion of the Committee on European Affairs or the Committee on Foreign Affairs



concerning potential non-compliance of a draft legislative act with the principle of subsidiarity must be debated on at a Seimas sitting not later than within one week from registration of the said conclusion at the Secretariat of Seimas Sitzings, but, if possible, not later than one week prior to the expiry of an eight-week period from the date of transmission of the draft legislative act to national parliaments of the Member States of the European Union in the official languages of the European Union.

6. A draft Seimas resolution presented by the Committee on European Affairs or the Committee on Foreign Affairs regarding a reasoned opinion on the non-compliance of a draft legislative act with the principle of subsidiarity shall be debated on and passed at a Seimas sitting under the special urgency procedure. The conclusions of specialised committees and the Committee on European Affairs or the Committee on Foreign Affairs on potential non-compliance of the draft legislative act with the principle of subsidiarity shall be presented during that sitting.

7. A Seimas resolution regarding a reasoned opinion on the non-compliance of a draft legislative act with the principle of subsidiarity shall be forwarded to the Government and the Permanent Representative of the Seimas to the European Union. This Seimas resolution shall be published in the Register of Legal Acts, unless otherwise decided by the Seimas.

8. The Committee on European Affairs or the Committee on Foreign Affairs shall, within their remit, be responsible for giving a notice about the Seimas resolution referred to in paragraph 7 of this Article to the Presidents of the European Parliament, the Council of the European Union and the European Commission and national parliaments of other Member States of the European Union as soon as possible, but not later than within one week from passage of the resolution.

Article 186². Preparation of, Deliberation on and Passage of Draft Resolutions of the Seimas Regarding the Announcement of Mobilisation, Imposition of a State of Emergency or Martial Law, or the Use of Armed Forces

1. Draft resolutions of the Seimas regarding the announcement of mobilisation and demobilisation, imposition or lifting of a state of emergency or martial law, or the use of armed forces shall be prepared and submitted to the Seimas by the Government or the Speaker of the Seimas, or a Deputy Speaker of the Seimas temporarily acting as the Speaker of the Seimas.

2. Draft resolutions of the Seimas referred to in paragraph 1 of this Article shall be entered on an agenda of Seimas sittings as a matter of priority on the recommendation of the Board of the Seimas or the Speaker of the Seimas and shall be debated on and passed under the special urgency procedure.

3. The Committee on Legal Affairs shall be the lead committee and the Committee on National Security and Defence shall be the additional committee assigned for the consideration of the draft resolutions of the Seimas referred to in paragraph 1 of this Article.

4. The Committee on National Security and Defence must submit its conclusions on the draft resolutions of the Seimas referred to in paragraph 1 of this Article at least one hour before their consideration by the Committee on Legal Affairs. The Committee on Legal Affairs must consider the draft resolutions of the Seimas referred to in paragraph 1 of this Article not later than within



four hours after their presentation at the Seimas sitting.

5. Only proposals for the draft resolutions of the Seimas referred to in paragraph 1 of this Article which have been registered with the Secretariat of Seimas Sitzings within one hour after their presentation at the Seimas sitting shall be considered by the committees and deliberated on at a Seimas sitting.

6. The provisions of paragraphs 2, 3, 4 and 5 of this Article shall apply to those resolutions of the Seimas which approve or overrule the decisions of the President of the Republic pursuant to Article 142(2) and Article 144(2) of the Constitution.

47. Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight.

Constitutional Court of the Republic of Lithuania

The Constitutional Court continued to scrutinise measures adopted during the COVID-19 pandemic. In 2023, while assessing application of these measures, the Constitutional Court adopted three rulings of 24 January 2023 (<https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2797/content>), 31 May 2023 (<https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2857/content>), and 4 October 2023 (<https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2905/content>) recognising constitutionality and legality of impugned measures restricting such economic and civil rights and freedoms as freedom of economic activity, freedom of movement, individual freedom, individual inviolability and inviolability of private life, following the declaration of quarantine and a state-level emergency.

In more detail, by its ruling of 24 January 2023, the Constitutional Court has recognised that provisions of the resolution of the Government of the Republic of Lithuania of 14 March 2020 on declaring quarantine in the territory of the Republic of Lithuania, according to which the provision of beauty services was prohibited and that of dental services, with the exception of the provision of emergency medical care, was postponed from 16 March 2020 to 17 May 2020, were not in conflict with the Constitution of the Republic of Lithuania and the Republic of Lithuania's Law on the Prevention and Control of Communicable Diseases in Humans (wording of 13 December 2001).

In the Constitutional Court's ruling of 31 May 2023 the provision of a government resolution of 4 November 2020 on declaring quarantine in the territory of the Republic of Lithuania restricting close contacts in enclosed premises during quarantine ("It is not allowed to: ... have close contacts of more than 5 persons in enclosed spaces") (wording of 19 May 2021) was recognised as compatible with the Constitution

By its ruling of 4 October 2023, the Constitutional Court recognised that the impugned provisions of the government resolution of 26 February 2020 on declaring a state-level emergency (wording of 28 June 2021 with the amendments made before 2 February 2022) had not been in conflict with the Constitution and the Law on Civil Protection. Under the provisions impugned by the petitioners, contact services could be provided, economic activities could be exercised, and events could be organised only when, among others, the services were provided to, or were used by, persons who had met at least one of the criteria set out in the resolution, i.e. they had been vaccinated with one of the specified vaccines for the COVID-19 disease (coronavirus infection), they had tested negative for COVID-19, or they had recovered from the COVID-19 disease; those who had not met these criteria could only receive certain specified contact services; the impugned provisions also laid down the procedure for verifying the personal documents proving that a person met the above-mentioned criteria.

The ruling of 4 October 2023, among other, newly established that the measures restricting



individual freedom, inviolability of the person or the inviolability of the private life of the individual in order to prevent and control the spread of infectious diseases in human society, must not be such as to prevent a person, even temporarily, from satisfying his or her vital needs.

Besides that the ruling of 7 June 2023 on the temporary accommodation of an asylum seeker in the event of a mass influx of foreigners in the event of a declared state of emergency, state of emergency or state of war (<https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2861/content>) is exceptional, again due to the extraordinary circumstances in the country. By this ruling, the Constitutional Court recognised that the provisions of the Law on the Legal Status of Aliens, according to which, in the circumstances of the aforementioned events, all asylum seekers were obliged to be accommodated in designated places without being granted the right to move freely within the territory of the Republic of Lithuania, where the duration of such accommodation could be up to six months, in the absence of a decision by the competent authority that could be appealed to a court, were in conflict with Article 20 of the Constitution.

Although the declaration of a state of emergency is not in itself a ground for restricting the liberty of a person, as enshrined in Article 20 of the Constitution, the Constitution, among others, Article 20 thereof, provides that the liberty of a person may be subject to limitation in order to protect the constitutional order of the state, as well as for the purposes of ensuring public order, the protection of the state, and state security. However, even when pursuing these objectives, the liberty of a person must not be limited or restricted on the basis of general grounds, without an assessment of the real threat posed by the person to the values protected by the Constitution where that threat would require the limitation of the person's liberty.

The impugned legal regulation was amended in 2023 (<https://www.e-tar.lt/portal/lt/legalAct/26bb8760a62c11ea5a28c81c82193a8>).

48. Regime for constitutional review of laws

Constitutional Court of the Republic of Lithuania

There are no changes concerning constitutional review of laws in the Constitutional Court in 2023. It should be noted that usually the rulings of the Constitutional Court are implemented in time and there is only about 3,2 percent of rulings waiting for the implementation (not all of them are adopted in 2023, but previously). The legislator has the duty to revise and to amend the legal regulation as to the extent it was recognised as violating the Constitution.

B. Independent authorities

49. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions¹³

See answer to question 50.

50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

The Office of the Equal Opportunities Ombudsman

The Office of the Equal Opportunities Ombudsman (hereinafter referred to as the Office), while assisting the Equal Opportunities Ombudsman in the performance of the functions assigned to it, faces constant difficulties in obtaining the necessary financial and human resources for the effective performance of these functions. In our opinion, the State, while assuming



important obligations in the field of human rights protection, must also ensure the proper, effective and qualitative implementation of these obligations by providing the necessary financial and human resources for the fulfilment of the obligations assumed. However, the Office is constantly dependent on the goodwill of the Government to allocate sufficient financial resources for the development of its activities. It is therefore important to note that if the law entrusts the Ombudsman for Equal Opportunities with new functions and expands the activities of the Office, the additional funds should be provided accordingly (in the same procedure for adopting the law). Otherwise, the Office is objectively not able to properly carry out the tasks assigned to it.

The Office of the Ombudsperson of Child's Rights

No significant changes. The office draws attention to the information mentioned in last year's report, regarding the lack of human and financial resources for the Office of the Seimas Ombudsman and the corresponding recommendation. The problem of ensuring adequate provision of adequate resources is not only a matter of concern for the Seimas Ombudsman's Office, but also for The Office of the Ombudsperson of Child's Rights, which, like the Seimas Ombudsmen the Ombudsman's Office, was established in accordance with the article 73 of the Constitution of the Republic of Lithuania and is an autonomous, independent body responsible for the observance of children's rights. The United Nations Committee and the United Nations Human Rights Human Rights Council have made recommendations to strengthen the support to the Child Ombudsman's Office, including sufficient human and financial resources to ensure that the Office to enable it to effectively carry out its mandate.

The Office of the Inspector of Journalistic Ethics

Currently, in addition to the Inspector (Head) of Journalistic Ethics, the Office of the Inspector of Journalistic Ethics (hereinafter referred to as "the Office") has 16 employees, of which 15 are civil servants and 1 is employee. The activities of the Office are financed from the state budget. The budget shall indicate the funds allocated to these activities on a separate line.

State budget appropriations intended to ensure the performance of all functions of the Office:

	2022	2023	2024
Budget (thousands, €)	587	687	759

The Office considers that funding is not sufficient for the effective performance of all functions.

The Seimas Ombudspersons' Office of the Republic of Lithuania

49.1. *Independence.* According to Article 73(1) of the Constitution, the Seimas Ombudspersons shall be an independent and autonomous institution (Resolution of the Constitutional Court of 9 November 2021). Thus, in the performance of its functions, the Seimas Ombudspersons' Office is independent both from the executive branch (the Government and the President of the Republic) and from the legislative branch (the Seimas (Parliament)). At the same time, it should be noted that Article 4(3) of the Law on the Seimas Ombudspersons (hereinafter referred to as "the Law on the Seimas Ombudspersons" or LSO) establishes the principle of accountability of the Seimas Ombudspersons to the Seimas (the Parliament), according to which they are accountable to the Seimas for their activities. By 15 March each year, the Seimas Ombudspersons are required to submit to the Seimas a written report on their activities for the previous calendar year (Article 11(1) of the LSO).



In the context of ensuring the independence of the Seimas Ombudspersons, attention should be drawn to one of the grounds for the termination of the mandate of the Seimas Ombudspersons, which is enshrined in the LSO. According to Article 9(1)(6) of the LSO, the mandate of the Seimas Ombudspersons shall be terminated when the Seimas, by a qualified majority (more than half of the members of the Seimas), declares its lack of confidence in the Seimas Ombudspersons. The grounds for a vote of no confidence in the Seimas are not specified in the Law on the Seimas Ombudspersons or in the Seimas Statute, and it follows that the Seimas (with more than half of its members) may vote no confidence in the Seimas Ombudspersons on any grounds. To ensure greater independence of the Seimas Ombudsmen, there have been several discussions on amending the above-mentioned provision of the LSO by removing the legal regulation under which the Seimas may terminate the mandate of the Seimas Ombudspersons, as well as to establish and enshrine in the Law on Seimas Ombudspersons a list of clear and justified conditions for the suspension of the Seimas Ombudspersons, as provided for in the Venice Principles on the Protection and Support of the Ombudsman, adopted by the European Commission for Democracy through Law (Venice Commission). It should be stressed that the introduction of such a legal regulation in the LSO would ensure the effective and real implementation of the principle of the independence of the Seimas Ombudspersons from other public authorities.

49.2. *Resources.* In 2023, amendments to the Laws on the Remuneration of the Parliamentary Ombudsmen and the Remuneration of State Politicians and Public Officials were adopted, which led to changes in the remuneration of the Parliamentary Ombudspersons.

The Law No VIII-1904 amending the Law on Remuneration of State Politicians and State Officials (TAR, 25 May 2023, No 11591), adopted on 25 May 2023, among other things, established a new salary rate for the Seimas Ombudsmen. As of 1 January 2024, the salary of the Seimas Ombudspersons shall be calculated based on a coefficient of 3.5 or 3.4 (for the head of the Seimas Ombudspersons Office and the Seimas Ombudspersons), which is the same as for judges of first instance courts. This legal regulation of the remuneration of the Seimas Ombudspersons is considered to be more in line with the legal status of the Seimas Ombudspersons.

On 25 May 2023, the Seimas also adopted the Law on the Seimas Ombudspersons No VIII-950, amending Articles 6, 7, 9, 10, 19, 22, 25, 28 and Section V of the Law on the Seimas Ombudspersons and supplementing the Law with Article 9-1 (TAR, 2023-06-09, No 2023-11571), which, by replacing the provisions of Article 10 of the LSO regulating the activities that are incompatible with the duties of an Ombudspersons, will be amended as of 1 January 2024 to read. In addition to the salary and remuneration for scientific and pedagogical work or creative activities, the Seimas Ombudspersons may receive remuneration for participation in projects financed by the European Union, international organisations, foreign states or Lithuanian development cooperation, where pedagogical or creative activities related to the protection of human rights, dissemination of human rights or the improvement of the work of ombudsman institutions are carried out.

49.3. *Resources and capacity.* The Law on the Approval of Financial Indicators of the State Budget and Municipal Budgets of the Republic of Lithuania for 2024, regulating the state budget allocations to the Seimas Ombudspersons Office, has allocated an additional EUR 64 thousand for the year 2024 to finance two vacant posts in the Human Rights Office of the Seimas



Ombudspersons' Office, which will assist the Seimas Ombudspersons to carry out the functions of the National Prevention Institution and the National Human Rights Institution.

This partly took into account, inter alia, concerns expressed in previous reports of the European Commission on the Rule of Law, the UN Committee on Economic, Social and Cultural Rights, the UN Committee against Torture, the UN Human Rights Council, and the Counter-Terrorism Committee's Counter-Terrorism Committee's Executive Directorate about the insufficient funding of the Seimas Ombudsmen's Office, which limits the independence and effectiveness of the institution. At the same time, it is crucial to note that although there have been positive developments in the financing of the activities of the Seimas Ombudspersons' Office, the issue of resources remains a topical one, given the scope of the functions performed by the Office (investigation of complaints from individuals against the activities (inaction) of officials of state and municipal authorities, national prevention of torture and national human rights institution).

It is important to stress that the mandates of national human rights institutions and national prevention institutions in OSCE countries are carried out by separate specialised teams of four to seven people. In contrast, the Seimas Ombudsperson is assisted in both functions by only five staff members of the Human Rights Division of the Seimas Ombudspersons's Office, who cannot practice exclusively in specific areas of expertise. This reduces the possibility of dealing with the full range of issues under scrutiny. Given the functions assigned to the Seimas Ombudspersons' Office as a national prevention institution and as a national human rights institution, the Seimas Ombudspersons' Office should be given additional financial resources to carry out these functions.

Statistics. According to Article 20 of the LSO, recommendations made by the Seimas Ombudspersons must be examined by the state/municipal institution to which the recommendation is made; no later than 30 days after the receipt of the recommendation, the Seimas Ombudsman must be provided with information on the measures to be taken in response to the Seimas Ombudspersons' recommendation.

The recommendations of the Seimas Ombudspersons are generally followed. As regards the implementation of recommendations following the investigation of complaints, more than 95 per cent of the recommendations made by the Seimas Ombudspersons (over the last two years) have been implemented (in some individual cases after repeated calls to take into account the recommendations made), and as regards the implementation of the recommendations made following the monitoring visits carried out under the Optional Protocol to the Convention against Torture, they have been implemented by at least 85 per cent of the time (in the last two years). At the same time, it should be noted that in some individual cases, objective reasons (e.g. lack of appropriations, outdated infrastructure) for the non-implementation of the recommendations made by the Seimas Ombudspersons, which the institution informs the Seimas Ombudspersons of upon receipt of the recommendation.

Please note that the recommendations of the Seimas Ombudspersons always include a deadline for the relevant institutions to inform the Seimas Ombudspersons about the implementation of the recommendations and, in cases of prevention of torture, to inform the Seimas Ombudspersons about how the recommendations will be implemented, and to consult with the Seimas Ombudspersons on the implementation of the recommendations. We note that in many cases, the authorities take concrete measures to address the problems identified by amending the



legal framework, providing specific responses to individuals, and taking action to remedy the violations identified.

Where necessary, the Seimas Ombudspersons assist the authorities in finding ways to implement the recommendation(s) made, first by discussing the situation and seeking cooperation through meetings, roundtables, invitations to experts, academics, etc.

The Seimas Ombudspersons' investigations into complaints by individuals, as well as reports following inspections or reports on specific areas of human rights, are published publicly on the Ombudspersons' website and, in individual cases, in the media. Thus, if an authority informs the Seimas Ombudspersons that it will not implement a recommendation without providing objective reasons for its decision, the Seimas Ombudspersons has the right to launch an own-initiative investigation into ongoing human rights violations, as well as to seek the implementation of the recommendation made by drawing the attention of the public to it through the media.

In the exercise of their functions as the National Human Rights Institution, the Seimas Ombudspersons participate in the legislative process by submitting relevant comments on draft legislation related to the guarantee of human rights and freedoms. It should be noted that these comments are generally taken into account.

C. Accessibility and judicial review of administrative decisions

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

The Plan for the Implementation of the National Anti-Corruption Agenda for 2022-2033 in 2023-2025 foresees a measure for more effective administration of seized and confiscated assets:

Carry out an analysis of the state information resources related to the assets to be recovered for the benefit of the State and provide solutions for the development of a new information system or the improvement of the interoperability of existing registers and/or information systems in order to administer seized and confiscated

52. Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).

According to the Law on Public Administration, a person has the right to appeal against an administrative decision adopted by an entity of public administration or any other response of an entity of public administration to a person's request or complaint or an action (omission) as well as a delay of an entity of public administration to perform the actions falling within its competence in accordance with the procedure laid down by this law. A request or complaint against a decision taken by a public administration body may not be examined if it is established that a request or complaint on the same subject has already been examined by a pre-judicial dispute settlement body or a court (more detailed information on general regime for administrative cases was provided in the last year input for the 2023 Rule of Law report for question 52).

Relevant legal acts are available here:

<https://www.e-tar.lt/portal/lt/legalAct/TAR.67B5099C5848>
<https://www.e-tar.lt/portal/lt/legalAct/TAR.0BDFFD850A66>

53. Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

Constitutional Court of the Republic of Lithuania

In seeking to clarify the true meaning of the provisions of European Union (EU) law, the Constitutional Court has twice used the institution of reference to the Court of Justice of the European Union (hereinafter also referred to as the CJEU) for a preliminary ruling in situations where the provisions of EU law were relevant when deciding constitutional justice cases. Such a possibility stems from the EU Treaties (Art. 267 TFEU) and it is also enshrined in the provisions of the Law on the Constitutional Court.

Article 28 of the Law on the Constitutional Court provides that one of the issues considered at the procedural sitting of the Constitutional Court concerning the preparation of the case for a judicial hearing can be the adoption of the decision to apply to the Court of Justice of the European Union (CJEU) and request a preliminary ruling on questions relating to the interpretation or validity of the legal acts of the European Union. If the Constitutional Court decides to apply to the CJEU and request a preliminary ruling on questions relating to the interpretation or validity of the legal acts of the European Union, under Article 48 of the Law on the Constitutional Court, this constitutes grounds for suspending the consideration of the case. The first reference to the CJEU was made by the decision of the Constitutional Court of 8 May 2007 (<https://lrkt.lt/lt/teismo-aktai/paieska/135/ta549/content>; it is available in English at <https://lrkt.lt/en/court-acts/search/170/ta1400/content>), adopted in the constitutional justice case in which the question decided concerned the connection to electricity networks. In this case, the Constitutional Court was requested to assess the constitutionality of the provision of Article 20 of the law implementing Directive 2003/54/EC of the EU concerning common rules for the internal market in electricity and repealing Directive 96/92/EC. At that time, the Constitutional Court decided that the impugned provision of the Law on Electricity must be interpreted in the context of the legal regulation of the directive; therefore, it referred to the CJEU in order to clarify both the meaning of the provisions of the directive and the limits of the application of the principle of subsidiarity, which allows the relevant issues to be resolved by the state itself. And only after receiving the ruling of the CJEU, the Constitutional Court decided (by its ruling of 4 December 2008, <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta510/content>; it is available in English at <https://lrkt.lt/en/court-acts/search/170/ta1425/content>) that the impugned legal regulation was not in conflict with the Constitution.

The second reference to the CJEU was made by the decision of the Constitutional Court of 20 December 2017 (<https://lrkt.lt/lt/teismo-aktai/paieska/135/ta1772/content>; it is also available in English at <https://lrkt.lt/en/court-acts/search/170/ta1843/content>), in the constitutional justice case on the regulation governing trade in raw milk, requesting an interpretation of the content of Article 148 of Regulation No 1308/2013, which regulates freedom of contractual relations in the milk and milk products sector. In this constitutional justice case, the petitioner impugned the provisions of the law that had imposed restrictions on the contracting parties to agree on factors for the purchase price of raw milk other than those provided for in the law and the prohibition to reduce the price by more than 3 percentage points without the permission of the state institution.

And only after receiving the ruling of the CJEU, the Constitutional Court assessed compliance of the impugned legal regulation with the Constitution. By its ruling of 6 February 2020 (<https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2065/content>), the Constitutional Court has



recognised that the Law on the Prohibition of Unfair Actions is, in terms of the procedure of its adoption, in conflict with Paragraphs 2 and 3 (“The scope of power shall be limited by the Constitution. State institutions shall serve the people”) of Article 5 of the Constitution and the constitutional principles of a state under the rule of law and responsible governance (as there were no reasons substantiating the application of the special urgency procedure, the legislature did not follow the constitutional requirement to deliberate draft laws and other acts of the Seimas under special urgency procedure only in exceptional constitutionally grounded cases). The Constitutional Court has also recognised that Article 3 (wording of 22 December 2015 with the amendment of 31 May 2018) and Article 5 (wording of 31 May 2018) of the Law on the Prohibition of Unfair Actions are not in conflict with the Constitution.

54. Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

There have been a number of recent amendments to the domestic law related to the compensation for damages by way of out-of-court settlements. The Law of the Republic of Lithuania on Compensation for Damages Caused by Unlawful Actions of the State Institutions and Representation of the State and the Government of the Republic of Lithuania (hereinafter – the Law on Compensation for Damages) provides for the possibility for the Ministry of Justice to compensate the damages by way of out-of-court settlements, following inter alia the adoption of the views of the international institutions (e.g. UN Committees). Non-pecuniary damages caused by unlawful actions of the State as well as pecuniary damages can be compensated in accordance with the limits established by the abovementioned Law. As from 30 June 2022, amendments to the Law on Compensation of Damages (Law No. XIV-1377) were adopted, whereby the maximum amounts of possible compensation for damages were increased as follows: the amount for pecuniary damages to be compensated by way of out-of-court settlements cannot exceed EUR 10,000, and the amount for non-pecuniary damages in out-of-court settlements cannot exceed EUR 5,000. Furthermore, a three-year time-limit for submitting requests for compensation by way of out-of-court settlements was established. It should be specified that the provisions as regards the three-year time-limit came into force on 15 July 2022, and the amended provisions as regards the maximum amounts of compensation for pecuniary and non-pecuniary damages came into force as from 1 January 2023.

Since 1 January 2024, in accordance with the amended Law on Compensation for Damages and the provisions of the Government Resolutions implementing it, the Ministry of Justice has taken over the functions of representing the Republic of Lithuania before the European Court of Human Rights (hereinafter – the ECtHR) and other international judicial and dispute resolution institutions, which were previously performed by the Government’s agent before the ECtHR (i.e. the permanent agent and co-agents will be appointed within ministerial office). The following amendments should be mentioned. Namely, as from 1 January 2024, amended Article 2 § 4 of the Law on Compensation for Damages states that the Ministry of Justice shall execute the judgments of the ECtHR regarding payment of monetary compensation within the time-limits set by the ECtHR. As from 1 January 2024, para. 8.23 of the amended Regulation of the Ministry of Justice states that the Ministry of Justice inter alia coordinates implementation of the judgments of the ECtHR, the views and recommendations of the UN Human Rights Committee, the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of Persons with Disabilities, the Committee on Enforced Disappearances (CED) and the Committee on the Rights of the Child (CRC) in cases against Lithuania. According to paras. 18-20 of the Rules on Representation of the State before the ECtHR and other international



judicial or dispute resolution institutions whose competence is recognized by the Republic of Lithuania, the permanent agent or co-agent shall immediately inform the competent authority or, if necessary, other State or municipal institutions about the judgments and views taken by the ECtHR and other international judicial or dispute resolution institutions. These judgments and views are implemented by competent authorities, state or municipal institutions according to their competence. They, having regard to these judgments and views, shall ensure that the laws of the Republic of Lithuania, other legal acts and public administration practices comply with the provisions of the relevant international treaties. Competent authorities and state or municipal institutions, which are responsible for the implementation of the judgments and views, must submit to the institution representing the state an action plan for the implementation within one month from the date of receipt of the notification of the judgment or views. Upon the request of the institution representing the state or on their own initiative, they must also provide information on the progress of the implementation and must immediately inform the institution representing the state about the adopted implementation measures. The permanent agent or co-agent coordinates the implementation of the judgments of the ECtHR and views of other international judicial or dispute settlement institutions by collecting information on the implementation plan, its progress and measures adopted and informing the Council of Europe and other international organizations or their judicial or dispute settlement institutions about the implementation.

D. The enabling framework for civil society

55. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

The Ministry of Social Affairs continued to support NGOs by providing grants for institutional capacity to umbrella, national and regional level organizations through national NGO fund.

56. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

National NGO fund continued its funding programs to support capacity building of NGOs. More information about national NGO fund: <https://socmin.lrv.lt/lt/veiklos-sritys/nevyriausybinu-organizacijų-politika/nvo-fondas>

57. Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

National NGO council continue operating next to The Prime ministers office (main government). There are also municipal NGO councils operating in municipalities. There are separate councils for local communities operating in municipalities. In municipalities that there are less than 100 000 citizens, communities councils may decide to delegate its powers to



municipal NGO council. The national level council for local communities is operating next to the Ministry of Interior.

58. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

No significant changes

E. Initiatives to foster a rule of law culture

59. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

The annual rule of law report was discussed on October 25, 2023 in a joint meeting of the Seimas of the Republic of Lithuania Committee on European Affairs and Committee on Foreign Affairs. In preparation for the General affairs council, the Committee on European affairs discussed rule of law related issues 8 times during 2023.

Other – please specify