

## LITHUANIAN CONTRIBUTION TO THE EUROPEAN RULE OF LAW MECHANISM

Lithuanian contribution to the Rule of Law Mechanism is compiled from the inputs made by:

- Prosecutor General's Office of the Republic of Lithuania;
- Special Investigation Service of the Republic of Lithuania;
- National Courts Administration;
- Chief Official Ethics Commission;
- 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.

We would also like to note that the information about Lithuanian judiciary and recent developments is annually provided to the EU Justice Scoreboard. The information with regard to the transparency of judicial process and public consultations has been provided to the GRECO questionnaire (3.1 questions) and Consultative Council of European Prosecutors Questionnaire.

We are attaching the following documents that are linked to the answers below:

1. CEPEJ Questionnaire on evaluation of the judicial systems (2018-2020)
2. Comments to the CEPEJ Questionnaire on evaluation of the judicial systems (2018-2020)
3. European Network of Councils for the Judiciary (ENCJ) Questionnaire on the quality of justice
4. ENCJ Questionnaire on independence and accountability of the Judiciary 2019-2020
5. Judicial independence questionnaire (2019)
6. EU Justice Scoreboard questionnaire
7. The Group of States Against Corruption (GRECO) Questionnaire of the Fifth Evaluation Round
8. Consultative Council of European Prosecutors Questionnaire on "Implications of the decisions of international courts and treaty bodies as regards the practical independence of prosecutors"
9. Responses by the Prosecutor General's Office of the Republic of Lithuania to the UN questionnaire on contemporary challenges to the independence of prosecutors
10. The Common Core Document by Lithuania to the United Nations
11. Law on Lobbying Activities
12. Law on the Adjustment of Public and Private Interests
13. Law on the Chief Official Ethics Commission

We would also like to draw attention to the additional information that is available on the website of the European Commission for the Efficiency of Justice (CEPEJ)- <https://rm.coe.int/judicial-system-of-the-republic-of-lithuania/1680790293> and <https://rm.coe.int/most-recent-developments-in-judiciary-en-final-2019-in-lithuania/168094fd75>

## **I. Justice System (Document 10)**

### **Changes in the legal framework of Lithuanian judiciary since 1 January 2019.**

#### *Procedures for the selection and performance evaluation of judges*

The competence of the Judicial Council in the selection procedures has been extended (strengthened). The Judicial Council appoints three members of the panel for the selection of judges (it should be noted, that until this change the members of the Selection Commission were appointed by the President of the Republic of Lithuania, no members of the Judicial Council could be appointed and its' decisions were not binding for the President). Besides, the Judicial Council is involved in the coordination of the procedure of this panel, as approved by the President.

The Judicial Council also approves the criteria for the selection of candidates for judges and establishes the procedures for the use of experts to assess the cognitive characteristics and personal competencies of applicants for already vacant or soon to be vacant seats of judges of the district court and of persons aspiring to career in the judiciary.

The selection panel will assess personal and cognitive qualities of the candidates. Experts will be involved to assess the personal and cognitive qualities, revealing the person's readiness to be a judge. A uniform selection was introduced for the appointment of judges at all levels, i.e. nominations for judges of the Supreme Court of Lithuania will also be considered in standard procedure. A judge of the Supreme Court shall be appointed by the Parliament, on proposal of the President of the Republic of Lithuania, and a candidate shall be chosen from the register of candidates seeking judicial career after evaluation process by the selection panel which also includes members appointed by the Judicial Council, which selects the best candidates according to the judge's selection criteria approved by the Judicial Council.

The implementation of GRECO recommendation provides for the possibility to appeal the opinion of the selection panel to the Lithuanian Supreme Court: the candidate involved in the selection to a currently vacant or soon to be vacant seat on the district court shall have the right to produce an appeal to the Lithuanian Supreme Court on a substantial procedural violation within seven days after the publication of the findings of the selection panel, where such violations could affect the objective assessment of candidates for nomination. The Supreme Court of Lithuania is authorised to suspend the appointment of a judge to the district court in question by notifying the office of the President of the Republic of Lithuania without delay. These complaints are dealt with a panel of three judges at the Supreme Court of Lithuania; the panel is required to examine the complaint within thirty days from the date of receipt of the complaint. In the event of material procedural breaches in the selection, where this has affected objective assessment of candidates, the Supreme Court of Lithuania may instruct the selection panel to re-evaluate the applicant who has filed a complaint or to revoke the finding of selection panel. In such a case, the selection for vacant or soon to be vacant seats in the district court in question shall be arranged repeatedly (Article 55(1) of the Law on Courts).

In order to ensure objective selection of candidates for district courts, candidates seeking judicial career, judges transferred or appointed to another court, and the evaluation of the professional performance of a judge, the evaluation system has been modified and now includes specific possible scores for indicators. Scores were set for assessing the professional performance (quality of work) of the judge of applicants who have passed the judges' examination and individuals exempt from the judges' examination, as well as candidates pursuing a judicial career, awaiting transfer or appointment to another court. The total score received determines the place of the candidate in the ranking list established by the selection panel.

The time-limit for periodic evaluation of a judge's performance (after the first evaluation, which is carried out three years following his/her appointment as a judge) has been amended to include periodic evaluation of a judge's performance every seven (previously – five) years, until the judge reaches the age of 64 (previously no age limit was determined) (Article 91(2) of the Law on Courts). It has been established that, in cases where less than three years have elapsed since the last periodic or extraordinary evaluation of a judge's performance, an extraordinary assessment of the performance

of a judge seeking promotion (career) or appointment as president of the court or division of the court for a new term of office may be carried out at the request of the judge.

#### *Composition and powers of the Judicial Council, judicial self-governance and other institutions*

The composition of the Judicial Council has been amended. Effective 1 November 2020, the Judicial Council will consist of 17 members (currently 23). The number of judges elected by the General Assembly of judges was revised: 3 will be elected from the Supreme Court, 2 (currently 3) – from the Court of Appeal and 1 (currently 3) from the Supreme Administrative Court, 3 (currently 5) from all regional courts, 1 (currently 5) from all regional administrative courts and 4 (currently 5) from all district courts. The law provides that only judges serving in different regional courts and district courts can now be elected to the Judicial Council.

Seniority requirement for a candidate to the Judicial Council is now reduced: minimum period of service to enter the Judicial Council will be 3 years (currently 5). The number of terms of office is also fixed – judges may be elected to the Judicial Council for a maximum of 2 consecutive terms (Article 119 of the Law on Courts).

The Judicial Council is now authorised to decide on the immediate sending of a judge for medical examination in accordance with the Law on Courts (before five years since the last medical examination of the judge have elapsed), if the president of the court or the body carrying out the external supervision of the administrative activities of the court reports a medical problem affecting service of a judge.

The Law on Courts also provides for a number of terms in office and the good repute requirements applicable to the panels and Judicial Court of Honour, as appointed by the Judicial Council: candidates to the panel charged with testing of judges, the members of the selection panel, members of the panel of judicial ethics and discipline, members of the assessment panel, and members of the Judicial Court of Honour shall be appointed from individuals of good repute, as defined in Law on Civil Service, and the number of terms of office shall not exceed 2.

The law enshrines actual right of the panel of judicial ethics and discipline to advise judges on ethical issues, and not merely to deal with disciplinary proceedings instituted against the judiciary (Article 85(1) of the Law on Courts)

In 2018, yet another body of judicial self-governance was established - a general meeting of the judges of the court; this meeting involves judges of that court and advises the president of the court on matters relating to the administration of the court (Article 114(1)(4), 114(1) of the Law on Courts). The Judicial Council is tasked with approving the model rules of procedure of the general meeting of judges of the court.

The draft of the Law on Strategic Management has been prepared which officially establishes the role of Judicial Council and/or National Courts Administration, representing the courts, in the process of formation of the State budget. The adoption of this law would legitimize the role of Judicial Council and/or National Courts Administration, representing the courts, in the process of formation of the State budget and strengthen the authority of the courts in relations with the constitutional partners.

#### *Other issues*

Temporary appointment of a judge (for 2 years) is now possible: in the event of circumstances preventing a judge of the district court or of chamber of the court from serving as a judge for a considerable period of time, any individual meeting the requirements for appointment to a district court may be appointed judge of that district court or of that chamber for a period of two years. A reasoned proposal to initiate proceedings for the temporary appointment of a judge shall be submitted to the President of the Republic by the Judicial Council. A candidate who has participated in the selection of any court can be appointed judge of the district court for two years, provided that no more than two years have elapsed since the issue date of the report of the selection panel. Where necessary, a separate selection for position of a judge for two years serving at a district court or chamber may be arranged (Article 57(2) of the Law on Courts).

A judge who seeks transfer to other chambers of the same court to which he/she is appointed is no longer required to have served in the chamber to which he/she is appointed for a period of 3 years.

By contrast, a judge of a district court, a regional administrative court or a regional court may be transferred to another court of the same level or to other chambers of the same court to which he/she is appointed after the lapse of not less than three years from his appointment to judicial office, subject to his/her consent, or after transfer in cases provided by this paragraph (Article 63(1) of the Law on Courts).

In the interests of improved protection of the judiciary, the Law on Courts expressly prohibits bringing weapons, ammunition, explosive, poisonous or other substances and objects of obvious danger to human life or health into the premises of the court (unless these items are related to the performance of official duties or not related to the proceedings before the court), except as provided by the law. A president of the court is authorised to determine the procedure for the conduct of persons in the court (outside proceedings) (Article 130(5)-(8) of the Law on Courts).

On 27 May 2016, the Judicial Council has approved the guidelines for quality standards on judicial procedural decisions. These include recommendations concerning the form, content and structure of judicial decisions. The standards are intended for final acts of the court (regardless of the nature of the case). In 2019, a study on the application of quality standards for judicial procedural decisions was carried out; it included analysis and evaluation of the conformity of judicial procedural decisions with the recommended standards for judicial procedural decisions, guidelines for improving the production of judicial procedural documents and measures for implementing the guidelines.

There was an increase in the number of forensic psychologists and the range of their functions; they help ensuring qualified interrogation of minors (under 14 years old) and the underage (under 18 years old) involved in pre-trial and trial proceedings), provide them with psychological assistance (as appropriate), assess the peculiar features of their development, psychological, personality and developmental issues, and provide conclusions, opinions, recommendations, both in writing and orally, in all categories of cases, depending on the needs of clients and within limits of their competence.

#### **Assessment of the initiatives:**

The Project “Volunteers in Courts” won the name of the project of social responsibility of the year at the largest annual communication even in Lithuania “PaRa Impact Awards 2016”. The project “Volunteers in Courts” was used to solve the problem when the witnesses and aggrieved persons feel unsafe in courts, experience stress, fear and lack of human support. The National Courts Administration suggested the way out – voluntary help in courts – and collected more than 150 applications of willing volunteers in 3 weeks using the effective communication means. The volunteers are working in seven Lithuanian courts. Volunteers help finding ways to proceed in the court, provide practical information on the trial and its progress (however, they do not consult on legal issues), inform on the rights and obligations of the witness / victim, listen and help the members of the public to feel safer and more reassured in the court.

The staged court’s hearing organized in the entire Lithuania “Journalist in the Chair of the Judge” – this project was recognized as the event of the year at the largest annual communication even in Lithuania “PaRa Impact Awards 2016” “Journalist in the Chair of the Judge” was the event to commemorate the day of press recovery, language and book. Its aim was to introduce the journalists immediately what is happening behind the scenes of the judge’s work and to provide them with the opportunity to understand the challenges faced by the judge when making decision in the case. During the event the journalists became the participants of the hearing (prosecutors, judges, secretary of the hearing, witnesses, accused persons, aggrieved persons and lawyers). All of them examined the same case, but all five journalists-judges made different decisions.

The Judicial Council of Lithuania won the ENCJ Award for Positive Change with their #courtscare programme 2018: the award has appreciated the measures currently implemented across courts and designed to help the litigators feel more psychologically assured: qualified psychologists offer emotional support in courts for minors as well as victims and their relatives; constantly increasing network of court volunteers helps the members of the public feel more confident and safer; technological innovations currently implemented contribute to a fast and convenient solution of problems.

The Judicial Council of Lithuania won the ENCJ Award for Positive Change for the second time with their Knowledge is Power programme 2019:

The initiative “Justice room” is the first free-of-charge escape/puzzle room in Lithuania, which invited the public to learn more of the judicial activities and the challenges the courts face. In this quiz on wheels, residents and guests of 5 major Lithuanian cities had the opportunity to become judges (although briefly) examining a complicated case and announcing the verdict. Thus, the public was given a practical experience of the work of the judges, the complexity of justice administration, and the responsibility when delivering a verdict.

The initiative of “Peaceful dispute settlement” has introduced the public to a faster, more cost effective and simpler way of dispute resolution, i.e. the judicial mediation. Demonstrative mediation simulations were arranged in a number of Lithuanian courts, and streamed live on Facebook social platform.

**Expected activities:**

Norway and EEA Financial Mechanism 2014 – 2021 Programme “Justice and Home Affairs”. The Project Promoter is National Courts Administration. List of main activities in the project:

*Increasing the Quality of Court Proceedings in Courts of Lithuania*

- Preparation of new model for the selection and evaluation of judges by assessing the currently used methodology for evaluation of competences (with emphasis on the social and personal skills) entitling a person to become a judge or during the periodic evaluation of judges (model of judicial competences (professional, personal and social), objective measurement criteria and indicators, methodology for evaluation of competences of judicial performance and selection of new candidates). The new model of judicial competences, including professional, personal and social skills will be developed, and that model will have objective measurement criteria, indicators and methodology for selection of new candidates and evaluation of competences of judicial performance. Judicial Council of the Republic of Lithuania will be actively involved in the creation of new model. Moreover, the necessary IT tool helping to assure an effective process of selection and evaluation of judges will be introduced. The new model will be approved by Judicial Council of the Republic of Lithuania and accordingly new legislation will be passed.

- Monitoring of court proceedings in at least 200 cases and hearings taking part in the courts of different types and instances will be carried out, with close cooperation within justice chain actors (courts, prosecution, advocacy, etc.). In addition, analysis of the best foreign practice of conducting court proceedings in foreign countries will be carried out, focusing on organizational aspects of the process, case preparatory meetings, functions of the judge and his team, cooperation with the parties of the proceedings, reasoning and explanation of the judgments to the parties and the public, analysis of the status, relations, role, cooperation between the judge and experts or specialists, etc. and eventually recommendations, methodologies and publications on improvement of the quality of court proceedings will be drawn up.

- Training courses on strengthening the judiciary and prosecution competencies in the areas of case management, organization of the proceedings, definition of functions of the judge and his team, anti-corruption issues (through the latter the PA16 will be addressed), cooperation with the parties of the proceedings, status/relations/role/co-operation between the judges, prosecutors, lawyers and experts or specialists by introducing innovative techniques will be carried out.

- Publicity measures and international conferences on sharing the best practices in organizational matter in the court proceedings and effective cooperation among justice chain will be arranged, involving different justice chain actors (judges, prosecutors, lawyers, etc.).

*Increasing the Quality of Service and Infrastructure in Courts of Lithuania*

- Study and the best foreign practice in effective management of courts system will be carried out and recommendations will be produced.

- Pilot court infrastructure model of arrangement of public spaces (court rooms, waiting rooms, rooms for people with special needs, courts volunteers, media, etc.) will be implemented in at least 2 courts, ensuring security and service quality requirements are complied with.

– Court Volunteers Service and cooperation with other NGOs will be expanded. The system of mentoring will be introduced, which will include training for mentors, development of methodological material and development of tools facilitating a smooth organizational process.

– Training courses on strengthening competences in leadership, modern management methods, team building, communication with team members and others within the judiciary will be organized. Target training groups will include court presidents, judges, heads of court divisions, chancellors, NCA top and middle range managers.

The EU-funded project on “Improvement of the efficiency of the judicial system”, with completion scheduled for 2021, is designed to create electronic tools for preparation and processing of judicial documents. The processing system for procedural and non-procedural documents will be developed as part of upgrade of LITEKO system.

The plan is to expand the means available for electronic processing of criminal cases. The functionality for handling penalty orders electronically is now developed and is in process of improvement (2020); functionalities for handling of other categories of criminal cases in electronic format (exclusively) will follow (by 2023).

## **A. Independence**

### **1. Appointment and selection of judges** (Documents 1, 2, 4, 5)

CEPEJ questionnaire Evaluation of the judicial systems (2018-2020): Q 3.4.1, 061-2, 061-11, 5, 5.1, 5.1.1, 110, 111, 112, 121, 121-1, 122, 208 (No 3, 5); information in comments: Q110, 111, 113, 121. Judicial independence questionnaire 2019: Q 1.1, 1.1.1, 1.1.2, 1.1.2.1, 1.1.3, 1.1.4, 1.1.4.3, 1.1.5, 1.1.6, 1.1.7, 1.1.8, 1.1.9, 1.2, 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.5.

Questionnaire indicators independence and accountability of the Judiciary 2019-2020:

(Independence indicators) Q 1e, 1f, 5, 5a, 5b, 5c, 5e;

(Formal accountability of the Judiciary as a whole; Involvement of civil society in judicial governance) Q5.

### **2. Irremovability of judges, including transfers of judges and dismissal** (Documents 1, 2, 4, 5)

CEPEJ questionnaire Evaluation of the judicial systems (2018-2020): Q 061-6, 061-6-1, 061-6-2, 061-6-3; information in comments: Q 212, 121-1;

Judicial independence questionnaire 2019: Q 1.1, 1.1.1, 1.2, 1.2.1, 1.3, 1.4, 4, 4.1, 4.1.1, 4.2, 4.2.1, 4.3, 4.4, 4.5;

Questionnaire indicators independence and accountability of the Judiciary 2019-2020: (Independence indicators) Q 5, 5a, 5b, 5c, 7, 7a, 7b, 7c, 7d, 7e, 7f, 7g.

### **3. Promotion of judges and prosecutors** (Documents 1, 2, 4, 5)

CEPEJ questionnaire Evaluation of the judicial systems (2018-2020): Q 061-3, 061-4, 061-5, 061-6, 061-6-1, 061-6-2, 061-6-3, 5, 5.1, 5.1.1, 112, 113, 113-1; information in comments: Q 111, 113, 113-1, 121-1;

Judicial independence questionnaire 2019: Q 1.1, 1.1.1, 1.5, 1.5.1, 1.5.5, 1.5.5.1, 1.5.5.2;

Questionnaire indicators independence and accountability of the Judiciary 2019-2020: (Independence indicators) Q 5d, 5f.

### **4. Allocation of cases in courts** (Documents 1, 4, 3)

Judicial independence questionnaire 2019: Q 5, 5.1, 5.1.1, 5.2, 5.3, 5.3.1, 5.3.2, 5.3.2.1, 7, 7.1, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.2, 7.3;

Questionnaire indicators independence and accountability of the Judiciary 2019-2020: (Independence indicators) Q 8, 8a, 8b, 8c, 8d, 8e, 8f, 8g, 8h, 8i;

ENCJ Questionnaire on Quality of Justice: Q B7, 7.1, 7.2;

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

(Documents 1, 4, 5)

CEPEJ questionnaire Evaluation of the judicial systems (2018-2020): Q 208 (No 3, 4)

Judicial independence questionnaire 2019: Q 1.7, 1.7.1, 1.8.1, 1.8.2, 1.8.3, 1.8.3.1, 1.8.4, 1.8.4.1, 1.8.5, 1.8.6, 2, 2.1;

Questionnaire indicators independence and accountability of the Judiciary 2019-2020: (Independence indicators) Q 1, 1a, 1b, 1c, 1j, 1k, 1l, 1m, 1n, 2, 2a, 2b, 2c, 2d, 6b.

**6. Accountability of judges and prosecutors, including disciplinary regime and ethical rules**

(Documents 1, 2, 4, 5)

CEPEJ questionnaire Evaluation of the judicial systems (2018-2020): Q 085, 135, 5.3.2, 138, 138-1, 138-2, 5.4, 5.4.1, 140, 142, 5.4.2, 144, 145, 208 (No 3); information in comments: 115, 142, 144, 145;

Judicial independence questionnaire 2019: Q 1.5.1, 1.5.1.1, 1.5.1.2, 1.5.1.3, 1.5.1.4, 1.5.1.4.1, 1.5.2, 1.5.2.0, 1.5.2.1, 1.5.2.1.1, 1.5.2.2, 1.5.2.2.1, 1.5.3, 1.5.4, 1.5.4.1, 1.5.4.2, 1.5.6, 1.5.6.1, 1.5.6.2; 3, 3.1., 3.1.1, 3.1.2, 3.2, 3.2.1, 3.4;

Questionnaire indicators independence and accountability of the Judiciary 2019-2020: (Independence indicators) Q 1c, 1 d, 6, 6a, 6b, 6c;

(Formal accountability of the Judiciary as a whole; Involvement of civil society in judicial governance) Q 5;

(Formal accountability of the judge and staff; Mechanisms to promote and maintain ethical standards of the judiciary) Q 6, 6a, 6b, 6c, 7, 7a, 7b, 7c, 7d, 7e, 8, 8a, 8b, 8d, 8f, 8g, 9, 9a, 9d, 9c, 9d;

**7. Remuneration/bonuses for judges** (Documents 1, 2, 4, )

CEPEJ questionnaire Evaluation of the judicial systems (2018-2020): Q 5.3, 5.3.1, 132, 133, 134, 139, 208 (No 2); information in comments: 135, 138;

Questionnaire indicators independence and accountability of the Judiciary 2019-2020: (Independence indicators) Q 1g, 1h;

**8. Independence/autonomy of the prosecution service** (Documents 8, 9, 10)

**9. Independence of the Bar (chamber/association of lawyers)** (Documents 8, 9, 10)

**10. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary** (Document 10)

**B. Quality of justice**

**12. Accessibility of courts (e.g. court fees, legal aid)** (Documents 1, 2, 3, 4, 6)

CEPEJ questionnaire Evaluation of the judicial systems (2018-2020): Q 1.1.2, 008, 008-1, 012, 012-1, 013, 014, 014-1, 1.1.3, 015-1, 015-2, 015-3, 032, 032-1, 033, 034, 035, 036, 037, 064-3, 064-3-1, 064-4, 064-4-1, 064-6, 064-6-1, 064-9, 064-10, 064-10-1, 064-12, 4, 4.1, 4.1.1, 086-1, 099-1, 101-1, 103, 149, 149-0, 154, 155, 156, 159, 7, 7.1, 7.1.1, 163, 163-1, 163-2, 164, 165, 166, 167, 168, 208 (No 3.1, 6, 8, 9.2); information in comments: Q 008, 008-1, 012, 012-1, 017, 018, 019, 020, 021, 024, 026, 030, 031, 031-1, 032, 035, 036, 064-2, 064-3, 165, 163-1, 164);

Scoreboard questionnaire for the group of contact persons on national justice systems: Q 2, 3, 4, 5, 6, 6.1, 10, 10.1, 11, 12-18;

Questionnaire indicators independence and accountability of the Judiciary 2019-2020: (Accountability indicators) Q 3, 3a, 3b, 3c;

ENCJ Questionnaire on Quality of Justice: Q B, B6, 6.1, 6.2, 6.3; B9, 9.1, 9.2, 9.3; B10, 10.1, 10.2; B11, 11.1, 11.2; B12, 12.1, 12.2; D, D18, 18.1, 18.2, 18.3, 18.4, 18.5, 18.6, 18.7, 18.8, 18.9; D19, 19.1, 19.2;

To ensure continued accessibility of courts during the time of COVID-19 crisis the following measures have been adopted.

The courts of Lithuania have responded in several ways that are foreseen in the procedural laws: 1) written procedure is applied when possible to hear the cases; 2) oral hearings which are not urgent have been postponed; 3) urgent oral hearings are organised following all the safety instructions and applying modern technologies to the extent possible.

The Judicial Council has issued recommendations to the Chairpersons of the Courts regarding the organization of work in their respective courts during quarantine period, leaving the specification of the recommendations to the discretion of each Chairperson (link to recommendations in English: <https://www.teismai.lt/en/news/news-of-the-judicial-system/regarding-the-exercise-of-judicial-functions-during-the-quarantine-period/7463>).

Civil proceedings, where possible by written procedure, take place in the conventional way. In civil cases where an oral hearing is mandatory and the parties have expressed a position that they wish to take part in the hearing, the scheduled oral hearings shall be adjourned without a date, informing the participants in the proceedings, agreeing on possible preliminary hearing dates with the parties. Oral proceedings in courts are limited to civil cases that must be dealt with immediately, such as civil cases concerning the court's permission to extend involuntary hospitalization and/or involuntary treatment, the removal of a child from an unsafe environment, cases provided for by the Code of Civil Procedure of the Republic of Lithuania and giving priority to the organization of oral meetings remotely if the court has the means to do so. In urgent cases, safety recommendations are followed during oral proceedings (social distancing, courtroom disinfection).

Upon the suspension of the direct service of persons in the courts, procedural documents are received electronically or sent by post. Judicial procedural decisions are sent by electronic means of communication, giving priority to the judicial information system. In exceptional cases, documents are sent by e-mail and regular mail to persons who do not have access to the judicial information system. Procedural documents and other correspondence are sent to non-participants in the proceedings (e.g. bailiffs, notaries) via the state E-delivery system or by e-mail, and only in exceptional cases by post. Communication/cooperation takes place by electronic means of communication, by telephone.

In the field of criminal procedure, Lithuania has prepared a draft law amending the Code of Criminal Procedure of the Republic of Lithuania, which seeks: 1) to enable to organize the court hearings remotely by using electronic means of communication (in exceptional cases; without prejudice to the principle of direct and oral criminal proceedings); 2) to ensure that all participants of the proceedings (e.g. witnesses, experts, defenders and etc.) have the possibility to attend to the remotely organized court hearings; 3) to prevent delays in criminal proceedings and ensure safe and smooth criminal proceedings even during the quarantine.

### **13. Resources of the judiciary (human/financial) (Documents 1, 2, 3, 4, 5)**

CEPEJ questionnaire Evaluation of the judicial systems (2018-2020): Q 1.1.2, 006, 2, 2.1, 2.1.1, 016, 016-1, 017, 018, 019, 2.1.2, 020, 021, 022, 023-0, 023, 024, 025, 026, 027, 2.2, 2.2.1, 028, 029, 030, 031, 031-1, 037, 3, 3.1, 3.11, 042, 043, 044, 045, 045-1, 045-2, 3.2, 3.2.1, 046, 047, 048, 049, 050, 052, 052-1, 054, 054-1, 5.2, 5.2.1, 127, 128, 131, 131-1, 131-2, 10, 10.1, 10.1.1, 197, 198, 200, 201, 11, 11.1, 202, 202-1, 202-2, 202-3, 203-203-1, 203-2, 204, 204-1, 205, 205-1, 206, 207, 207-1; information in comments: Q 006, 012-1, 014, 014-1, 015, 015-3, 052, 201;

Judicial independence questionnaire 2019: Q 1.6, 1.6.1, 1.6.2, 1.6.3, 1.7, 1.7.1;

Questionnaire indicators independence and accountability of the Judiciary 2019-2020: (independence indicators) Q 3, 3a, 3b, 3c, 3d, 3e, 3 f;

ENCJ Questionnaire on Quality of Justice: QA5, 5.1, 5.2;



**14. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics, monitoring, evaluation, surveys among court users or legal professionals)** (Documents 1, 2, 3, 4, 6)

CEPEJ questionnaire Evaluation of the judicial systems (2018-2020) Q 2.2.2, 038, 040, 041, 3.4.3, 061-7, 061-8, 3.5, 3.5.1, 062-1, 064-7, 064-9, 065-1, 065-2, 065-3, 065-4, 065-4-1, 3.5.2, 065-5, 065-6, 3.5.3, 062-4, 062-4-1, 062-6, 062-6-1, 3.5.4, 062-7, 062-7-1, 062-8, 062-8-1, 062-9, 3.5.5, 063-1, 063-1-1, 063-2, 063-7, 063-7-1, 3.5.6, 064-2, 064-2-1, 064-3, 064-3-1, 064-4, 064-4-1, 064-6, 064-6-1, 064-7, 064-9; information in comments: Q 038, 062-1, 062-7, 062-8, 063-1, 064-11, 070, 080, 080-1;

Scoreboard questionnaire for the group of contact persons on national justice systems: Q 5, 6, 6.1, 7, 7.1, 8, 8.1, 9;

Questionnaire indicators independence and accountability of the Judiciary 2019-2020 (accountability indicators) Q 1, 1a, 1b, 1c, 1d, 4, 4a, 4b;

ENCJ Questionnaire on Quality of Justice: Q A4, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, C, C13, 13, C14, 14.1, 14.2, 14.3, C15, 15.1, 15.2, C16, 16.1, 16.2, 16.3, C17, 17.2, 17.2, D, D18, 18.1, 18.2, 18.3, 18.4, 18.5, 18.6, 18.7, 18.8, 18.9;

**15. Other - please specify** (Documents 1, 4)

Lay Judges CEPEJ questionnaire Evaluation of the judicial systems (2018-2020): Q 208 (No 1)

Relation with press (Questionnaire indicators independence and accountability of the Judiciary 2019-2020 (accountability indicators) Q 2, 2a, 2b, 2c);

**C. Efficiency of the justice system**

**16. Length of proceedings** (Documents 1, 2, 3,6)

CEPEJ questionnaire Evaluation of the judicial systems (2018-2020): Q 4.2, 4.2.1, 089, 104, 208 (No 6);information in comments: Q 102, 103, 104;

Scoreboard questionnaire for the group of contact persons on national justice systems: Q 12-18;

ENCJ Questionnaire on Quality of Justice: Q A, A1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7; A2, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8; A3, 3.1, 3.2; B8, 8.1, 8.2;

**17. Enforcement of judgements** (Documents 1, 2)

CEPEJ questionnaire Evaluation of the judicial systems (2018-2020): Q 064-7, 8, 8.1, 8.1.1, 169, 171, 171-1, 171-2, 171-3, 172, 172-1, 173, 174, 175, 176, 8.1.2, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 8.2, 8.2.1, 189, 190, 208 (No 6);information in comments: Q 086, 086-1, 169, 176, 178, 180, 182, 189;

## II. Anti-corruption framework

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

#### **19. List of relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption. Where possible, please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant)**

In accordance with the provisions of Article 12 of the Law of the Republic of Lithuania on Prevention of Corruption (hereinafter referred to as the Corruption Prevention Law), corruption prevention shall be implemented by the following bodies within the Republic of Lithuania: the Government of the Republic of Lithuania, Chief Official Ethics Commission, Special Investigations Service, and other state, municipal or non-state bodies.

The Special Investigation Service of the Republic of Lithuania (hereinafter – STT) is the main anti-corruption agency in Lithuania. The STT is an independent institution, accountable to the President and the Parliament of Lithuania.

The Law on the Special Investigation Service of the Republic of Lithuania <sup>1</sup> (hereinafter – the Law) is the main legal act, which lays down the status of the STT, the key principles and legal basis of its activities, its tasks and functions, the procedure of organization and financing of the Service, ways of control of its activities, and the status, rights and duties of its officers, as well as the course of service, conditions of incentives and official responsibility, social guarantees, wages and other peculiarities of their status and service.

The objective of the STT is to reduce corruption as a threat to human rights and freedoms, the principles of the rule of law and economic development. (Article 6 of the Law).

According to the Law Article 7, the main tasks of the STT are to perform, in accordance with the procedure established in the laws of the Republic of Lithuania and other legal acts, criminal persecution of corruption-related crimes, criminal intelligence, corruption prevention, anticorruption education of the public and public awareness raising, analytical anti-corruption intelligence<sup>2</sup>:

A candidate to the position of the Director of the STT is nominated to the Parliament (Seimas) by the President of the Republic, who also appoints and dismisses the Director of the STT, by and with the consent of the Seimas. The Director of the STT can be appointed for a term of five years. He may be re-appointed but he may hold this position no longer than for two terms in succession. The Director of the STT has the first Deputy Director of the STT and Deputy Director. They both are appointed and removed from office by the President of the Republic at the proposal of the Director of the STT. The term of office of the first Deputy Director and Deputy Director is linked to the term of office of the Director of the STT (Article 12 of the Law).

Currently 277 officers and employees work in the STT. The largest permissible number of positions of officers and employees is determined by the Board of the Seimas.

According to Article 14 of the Law, the STT is financed from the state budget of Lithuania. For the year of 2020 it was allocated over 13 million Euros of state budget funding. The STT may have other funds to ensure criminal intelligence activities. Moreover, to fulfil the tasks and functions established by this Law, the STT has the right, in accordance with the procedure established by law, to receive support from foreign institutions and establishments, international organizations and other lawful sources of funds

In implementation of the Republic of Lithuania Law on Corruption Prevention (hereinafter – Corruption Prevention Law), the STT<sup>3</sup>:

1) participates in the Government's developing the National Anticorruption Programme, and makes recommendations as to the amendments thereto;

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<sup>1</sup> <https://www.e-tar.lt/portal/lt/legalAct/TAR.9C9FA25983BC/asr>

<sup>2</sup> For more information on STT activities please see its annual report 2019-  
<https://stt.lt/doclib/ofInfo1bhmfv3h73f1wenwnc22ssqzwk>

<sup>3</sup> Article 15 of the Law on Prevention of Corruption, <https://www.e-tar.lt/portal/lt/legalAct/TAR.4DBDE27621A2/asr>.

- 2) puts forward proposals to President, the Seimas and the Government as to the introduction and improvement of the new legislation necessary for the implementation of corruption prevention;
- 3) takes part in the Government's discharge of its functions of coordination and supervision of the activities of the state and municipal agencies in the field of corruption prevention;
- 4) together with the other state and municipal agencies, implements corruption prevention measures;
- 5) together with the other state and municipal agencies, implements the National Anti-corruption Programme.

STT, pursuant to the Corruption Prevention Law and the Law, constantly conducts corruption prevention measures such as corruption risk analysis, anti-corruption assessment of legal acts or their drafts and provision of the information about a person seeking or holding office at a state or municipal agency or about a person who might represent Lithuania in European Union or other international institution.

During the corruption risk analysis STT observes from anti-corruption point of view different areas of activity of state and municipal bodies and provides them with proposals for institutional anti-corruption programmes and the actions which should be taken in order to reduce corruption risks. Recommendations are also provided concerning corruption prevention measures to state and municipal bodies that are responsible for their implementation (24 corruption risk analyses were performed in 2019<sup>4</sup>).

The anti-corruption assessment of legal acts and their drafts means assessment of the existing or proposed mechanism of legal regulation from the anti-corruption point of view as well as identification of shortcomings and preconditions of corruption risk and/or factors. When performing an anti-corruption assessment STT seeks to assess the impact of legal regulation on the scope of corruption, identify legal corruption risk factors (loopholes, collisions, insufficiency of procedures and measures, etc.) and ensure that ensuing possible consequences are taken into account. 388 legal acts or drafts were evaluated from the anti-corruption point of view in 2019 (54% of the recommendations in the conclusions of the corruption risk analysis were implemented, implementation continued for 33% recommendations, and 5% were partially implemented).<sup>5</sup>

STT within its competence collects and provides information about a person seeking or holding office at a state or municipal agency or about a person who might represent Lithuania in European Union or other international institution. Such information might be provided to a head of an institution which is appointing or has appointed the person in question, or a state politician. Information is collected and provided with a view to assess person's reliability and to reduce the probability of corruption.

The STT is also very active in anticorruption education and public awareness rising. Through the development of values and anti-corruption clauses, different approaches are used, which are tailored to each audience – lectures, workshops, promotions and initiatives, e-learning systems. Each of these forms has a meaning – to help realise the importance of a conscious and strong citizen in a democratic society. During 2020, 40 anti-corruption events, 164 anti-corruption lectures, workshops in state and municipal institutions and the private sector and 31 anti-corruption lessons and lectures in general education and higher education institutions were organised. The organised lectures and workshops were attended by over 5500 participants from the state and municipal institutions and over 650 persons from the private sector.<sup>6</sup>

For the anti-corruption analytical intelligence see Question 24.

While the STT is the main anti-corruption agency in Lithuania, there are other agencies that deal with corruption as well. For instance, all law enforcement agencies of the Republic of Lithuania (Police, State Border Guard Service, Customs etc.) have their own Immunity departments that deal with the corruption cases of their officials. Each prosecutor has a right to decide that he/she may initiate or undertake criminal investigation himself/herself, as well as to assign criminal investigation to another pre-trial institution, which is best placed for conducting criminal proceedings.

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<sup>4</sup> STT annual report 2019- <https://stt.lt/doclib/ofInfo1bhmfv3h73f1wenwnc22ssqzwk>, page 33.

<sup>5</sup> *ibid.*

<sup>6</sup> *Ibid.*, pages 37-38.

*The anti-corruption framework of the Republic of Lithuania (the list of all relevant authorities):*

- 1) President of the Republic of Lithuania;
- 2) Seimas of the Republic of Lithuania: Committee on National Security and Defence; the Commission for Ethics and Procedures; Anti-Corruption Commission of the Seimas;
- 3) Government of the Republic of Lithuania, including Governmental Commission on Coordination of the Fight against Corruption;
- 4) Ministry of Justice of the Republic of Lithuania;
- 5) Special Investigation Service of the Republic of Lithuania;
- 6) Department for Combating Corruption and Organized Crime of the Prosecutor General's Office;
- 7) Chief Commission on Service Ethics;
- 8) The Central Electoral Commission of the Republic of Lithuania;
- 9) The Seimas Ombudsmen office of the Republic of Lithuania;
- 10) The National Audit Office of Lithuania;
- 11) Public Procurement Office of the Republic of Lithuania;
- 12) Competition Council of the Republic of Lithuania;
- 13) State Tax Inspectorate Under the Ministry of Finance of the Republic of Lithuania;
- 14) anti-corruption commissions of municipalities;
- 15) Internal units and departments of public institutions and organizations created to prevent and disclose corruption;
- 16) Employees of state and municipal agencies, whose main task is to implement the prevention of corruption (employees of internal audit, security departments, **immunity boards**, etc.);
- 17) NGOs.

As far as the activities of the Prosecutor General's Office of the Republic of Lithuania (hereinafter referred to as the PGO) are concerned, PGO, following the Corruption Prevention Law, has approved (further to his Order No. I-78 dd. 26 March 2013) the Regulations of the Corruption Prevention Commission of the Prosecution Service of the Republic of Lithuania and set up, further to his Order No. I-90 dd. 4 April 2013, the Corruption Prevention Commission of the Republic of Lithuania which has been active until now. The main purpose of the activities of the said commission is to pursue the corruption prevention policy within the Prosecution Service, to put in place (with the help of relevant legal and organizational measures) and develop a proper and efficient system of corruption prevention measures, to monitor implementation thereof, and its major tasks cover the performance of corruption prevention and control within the Prosecution Service, to pursue the state policy regarding corruption prevention within the Prosecution Service, and to ensure actual and efficient legal regulation of corruption prevention within the Prosecution Service.

While discussing the list of agencies and institutions in charge for investigation and prosecution of corruption, it must be noted that within the system of legal acts of the Republic of Lithuania there is no single legal act which would provide a specific list of institutions held in charge for the investigation and prosecution of corruption in particular. The main legal act providing for liability imposed upon persons who have committed criminal offenses including corruption-related offenses is the Criminal Code of the Republic of Lithuania (hereinafter referred to as CC). The task of investigation of criminal offenses provided for in this legal act has been assigned to pre-trial investigation authorities listed under Article 165 of the Criminal Procedure Code of the Republic of Lithuania. The competence of every pre-trial investigation authority prescribed under this legal provision is subject both by relevant laws defining their activities and by internal legal acts.

Article 2(1) of the Law of the Special Investigations Service of the Republic of Lithuania states that the Special Investigation Service of the Republic of Lithuania shall detect and investigate the most serious and dangerous criminal offenses manifested by constituent elements of corruption or corruption-related criminal offenses committed by the persons occupying leading positions in the civil service. Other pre-trial investigation authorities such as police, State Border Guard Service, Financial Crime Investigation Service, Customs of the Republic of Lithuania conduct pre-trial investigations into corruption-related criminal offenses only in cases where the commission of the said criminal offenses involved the officers of these institutions. This competence of the said

authorities has been defined by internal legal acts of the aforementioned pre-trial investigation authorities on the grounds of which relevant Immunity Units have been set up in these authorities which are solely responsible for disclosure of internal corruption.

It must be highlighted that the sole institution responsible for the organization of pre-trial investigations related to corruption-related criminal offenses and leading them is the Prosecution Service. The prosecutors working within specialized units of this institution, namely, Department for Investigation of Organized Crime and Corruption of the Prosecutor General's Office of the Republic of Lithuania and Divisions of Investigation of Organized Crime and Corruption operating within the regional prosecutor's offices of the Prosecution Service, lead and organize pre-trial investigations related to corruption-related criminal offenses. There are in total 20 prosecutors and 15 persons in charge of provision of legal and technical assistance to them within the Department for Investigation of Organized Crime and Corruption of the PGO. As to Divisions of Investigation of Organized Crime and Corruption operating within the regional prosecutor's offices (of Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys) there are in total 40 prosecutors and 17 persons in charge of provision of legal and technical assistance to them working there. The said specialized units of the Prosecution Service do not get any separate financing; their activities are financed from the general budget allocated to the Prosecution Service.

## **B. Prevention**

### **20. Integrity framework: asset disclosure rules, lobbying, revolving doors and general transparency of public decision – making (including public access to information)** (Documents 11, 12, 13)

#### *Declaration of Assets and Income and Declaration of Private Interests*

Lithuania has a twofold mechanism in place ensuring the integrity and transparency of its public administration:

- declaration of assets and incomes of individuals (institution responsible for implementing - The State Tax Inspection) – submitting is annual.

- declaration of private interests (institution responsible for implementing - Chief Official Ethics Commission) – submitting is continuous or *ad hoc*.

Asset and income declarations of individuals were introduced in 1993 and transferred to electronic format in 2004. There have been a number of revisions since then. In the year 2007, the system was converted to partially pre-filled declarations, which already contain all information received from various competent institutions - such as banks, credit institutions, insurance companies, pension funds etc. - regarding the assets and incomes of each individual. The person is required to review the information contained and fill out missing parts. This instrument is intended to provide for financial control and wealth monitoring of the public officials.

Declarations of assets and incomes must be submitted annually no later than on 1 May of each year. According to the *Law on Income Tax of Individuals* about 1.2 million are obliged to declare income and by the *Law on Declaration of the Property of Residents* requirement applicable for (about 100.000 persons): public political appointees and their family members, candidates for state political offices and their family members, civil servants and their family members, bailiffs and their family members, notaries and their family members, judges and their family members, prosecutors and their family members, military training military service members and their families, heads of state higher education institutions and their family members, and other officials and their family members, as well as Cabinet members, members of local government councils and measures, members of the European Parliament and members of their families. For the purposes of these declarations, family members include spouses and children (including adopted children) under 18 years of age living together with the declaring parties; they must declare their property only if they are permanently residing in Lithuania.

Residents that declare property due to positions held or sought to be appointed to, persons donating to independent members of a political campaign, members of political parties, family members of these persons shall declare the following property that was owned at the end of the preceding year:

- 1) immovable property (buildings, apartments, land plots), including unfinished buildings;
- 2) movable property that must be legally registered (for instance, road vehicles, agricultural machinery, firearms);
- 3) funds exceeding EUR 1,500 kept in credit and other organization;
- 4) funds exceeding EUR 1,500 lent and unrecovered;
- 5) funds exceeding EUR 1,500 borrowed and unreturned;
- 6) works of art, precious stones, jewellery, precious metals, with a unit value of more than EUR 1,500;
- 7) securities if their total value exceeds EUR 1,500.

Residents of Lithuania have to declare income if they received the following types of income:

- 1) income received from an individual activity (performed with a note or a business license) including the income received from agricultural activities;
- 2) income taxable by income taxes for the sale or other type of transfer into ownership of assets, for instance, a car the ownership of which was not maintained for 3 years, a real property the ownership of which was not maintained for 10 years, the sale of financial instruments;
- 3) income received by owners of individual enterprises, members of partnerships or small partnerships from individual enterprises, partnerships, or small partnerships;
- 4) income related to employment relations and received from a foreign country;
- 5) income received from distributed profits (dividends) or other taxable income from a foreign country source;
- 6) income received due to gambling winnings;
- 7) interest on deposits, securities, loans attributable to taxable income;
- 8) gifts of a certain value received from relatives or other residents;
- 9) tax-exempt income received from residents or a foreign country that must be declared (i.e. income not included into the List of Non-taxable, Non-declarable Income defined by a tax authority).

The declaration of private interests is one of the most effective actions of prevention of conflicts of interest in the public sector that helps the servants to determine potential threats in their office and properly inform about them to direct leaders, colleagues, and society. There are no restrictions on property titles of private companies, but these companies have to be disclosed in the declaration of private interests and conflict of interest must be avoided.

According to the *Law on the adjustment of public and private interests in the civil service* about 130.000 persons are obliged to declare private interests (until 2020 half of them were public, from 2020 about 90% are public): state politicians (MP, members of local councils etc.), state officials, civil servants, judges, intelligence officers, officers of professional military service, heads and deputy heads of the public institutions at least one of the incorporators, ventures of which is the state or a municipality (municipalities) and structural units thereof, employees of the Bank of Lithuania who have administrative powers vested in them (who perform the functions of financial market supervision and out-of-court settlement of disputes between consumers and financial market participants as well as other functions of public administration), heads and deputy heads of public limited liability companies and private limited liability companies whose shares, carrying more than ½ of the votes at a general meeting of the shareholders, belong to the State or a local authority by the right of ownership, as well as other persons who have administrative powers vested in them. Provisions of the Law concerning the declaration of private interests shall also apply to leaders of political parties and deputies thereof, public affairs consultants, assistants and advisers of politicians, authorised experts of the committees of the Seimas of the Republic of Lithuania, members of ministerial panels, members of supervisory and management boards of public and private joint-stock companies wherein the state or a municipality owns shares which confer it more than 1 of the voting rights at general shareholder meetings, members of the management boards of public and municipal companies, members of the Compulsory Health Insurance Board and public affairs consultants thereto, members of the National Health Council, as well as physicians, dental practitioners and

pharmacy technicians employed at budgetary and public establishments owned by the state or a municipality, state and municipal companies and companies wherein the state or a municipality owns shares which confer it more than 1 of the voting rights at general shareholder meetings, which have been granted health care or pharmacy operating license, as well as member of public procurement committees, persons authorised by the head of a contracting authority to conduct simplified procurement, and experts taking part in public procurement procedures.

A declaration is to be submitted within one month after the election, appointment, or assignment to a position. If the information on private interests of a person submitting a declaration, their spouse, domestic partner, partner provided in the declaration has changed, the person submitting the declaration shall adjust the declaration within 30 calendar days from the day of data change. If new circumstances become known that may cause a conflict of interest (ad hoc conflicts of interest), the person submitting a declaration shall adjust it immediately but no later than 7 calendar days after the emergence of these circumstances.

On 27 June 2019, the Seimas adopted a new version of the Law on the Adjustment of Public and Private Interests (LAPPI), which entered into force on 1 January 2020. In accordance with this law, the data that must be declared have changed:

Until 2020 (now)	From 2020
<b>DECLARANT MUST ALWAYS DISCLOSE</b>	
<b>Information about the person concerned and his/her spouse, cohabitee or partner</b>	
<ul style="list-style-type: none"> <li>• place of employment (places of employment) and position;</li> <li>• a legal person whose participant he/she or his/her spouse, cohabitee or partner is;</li> <li>• individual activities as defined in the Law on Personal Income Tax;</li> <li>• membership in and duties to enterprises, bodies, associations or foundations, with the exception of membership in political parties and organisations;</li> <li>• gifts received during the past 12 calendar months (except the gifts received from close persons) if the value of such gifts exceeds 150 euros;</li> <li>• information about the transactions concluded or other transactions valid during the past 12 calendar months, if the value of such a transaction exceeds 3000 euros;</li> </ul>	<ul style="list-style-type: none"> <li>• place of employment (places of employment) and position;</li> <li>• a legal person whose participant he/she or his/her spouse, cohabitee or partner is, where it could be exercised a decisive influence.</li> </ul>
<b>DECLARANT MUST DISCLOSE IF THERE IS POTENTIAL CONFLICT OF INTEREST</b>	
<b>Information about the person concerned and his/her spouse, cohabitee or partner:</b>	
<ul style="list-style-type: none"> <li>• close persons or other persons he/she knows or the data who/which may be the cause of a conflict of interest</li> </ul>	<ul style="list-style-type: none"> <li>• information about the transactions concluded or other transactions (including transactions from individual activities) valid during the past 12 calendar months, if the value of such a transaction exceeds 3000 euros;</li> </ul> <p><b>His or close person:</b></p> <ul style="list-style-type: none"> <li>• a legal person whose participant he/she or his/her spouse, cohabitee or partner is; It should be included information whether this legal person participates in public procurement procedures in the workplace of declarant.</li> <li>• membership in and duties to enterprises, bodies, associations or foundations, with the exception of membership in political parties and organisations</li> </ul> <p><b>His or close person:</b> close persons or other persons he/she knows or the data who/which may be the cause of a conflict of interest</p>
<b>Exceptions</b>	
<ul style="list-style-type: none"> <li>• The person concerned may omit the data about his/her spouse, cohabitee or partner if the latter is not living together, is not sharing the household and therefore such data is not known to the person concerned.</li> </ul>	<ul style="list-style-type: none"> <li>• The person concerned may omit the data about his/her close persons, if these data is in no way objectively could be known.</li> </ul>

Currently, in a frame of the National Fight against Corruption Program, the COEC is working on establishment of the Register of Private Interests (PINREG), which will unite all necessary data from the other state registers and databases and enable verification process. PINREG, which aims to



provide for a more effective declaration process, is expected to become operational in 4th quarter 2020. PINREG will provide persons with pre-filled declarations, on the basis of information contained in different state registries, and will facilitate the identification of those persons obliged to declare private interests as well as potential risks of conflicts of interest.

#### LOBBYING

Chief Official Ethics Commission (COEC) as a controlling institution is tasked with supervising lobbying activities in the country. The Register of Lobbyists, managed by the COEC, can be accessed via the website [www.lobistai.lt](http://www.lobistai.lt) and provides information on all lobbyists that are officially registered in Lithuania, as well as lists reports on their lobbying activities. The information is publicly available, so that any attempt of a lobbyist to exercise influence on a state politician, a public official, etc. is made known to the members of the public.

Currently there are 106 registered lobbyists in the country. The number has seen a significant growth over the past year, which can be associated with the new version of Lithuanian Law on Lobbying Activities having entered into force on 1 September 2017.

The new version of Lithuanian Law on Lobbying Activities defines lobbying activities as actions taken by a natural person who, on behalf of the client of lobbying activities, seeks to influence lobbied persons so that legal acts or administrative decisions would be modified or repealed, or new legal acts or administrative decisions adopted or rejected. The Law also defines a lobbyist as a natural person who conducts lobbying activities, and the client of lobbying activities as a natural or legal person, or other organization or its division, who has concluded written contract with a lobbyist, or legal person, who assigned it's the participants, members of the management or employees to engage in lobbying. Provisions of this Law are not applied to non-governmental organisations as they are defined by the Law of the Republic of Lithuania on Development of Non-governmental organisations.

Lobbying activities shall be conducted only by a person recorded in the Register of Lobbyists. A person who wishes to engage in lobbying activities shall fill to the Chief Official Ethics Commission (COEC) an application for being recorded in the Register of Lobbyists. If lobbying activities were to conduct by a natural person as a participant, member of the administrative establishment or co-worker, instructed or assigned by a legal person, the application to the COEC should be submitted by the legal person. Currently the COEC is modernizing The Register of Lobbyists (LOBIS), which will be more effective for lobbyists to submit reports on their lobbying activities and will be easier to fill an application for being recorded in the Register of Lobbyists. LOBIS is expected to become operational in December of 2020.

A lobbyist must submit a report on lobbying activities by electronic means (online, via the website [www.lobistai.lt](http://www.lobistai.lt)) for every legal act or a draft of the legal act, following the procedure laid down by the COEC not later than within 7 calendar days from the day of the beginning of a certain lobbying activity – verbal or written communication with lobbied person (by electronic means too) regarding certain provisions concerning the legal acts or administrative decisions.

The following activities shall not be considered lobbying:

- 1) activities of organizers, publishers and employees of the mass media means or of journalists, related to collecting, preparing, publishing and spreading information in accordance to the Law on Provision of Information to the Public of the Republic of Lithuania;
- 2) activities of the persons who at the invitation and under the initiative of state and municipal institutions participate as experts or specialists for or without a compensation in meetings, conferences, consultations on the issues related to the drafting of legal acts in accordance to the Law on Legislative Framework of the Republic of Lithuania;
- 3) activities carried out by state politicians, state officials or civil servants with the aim of initiating, preparing, considering, adopting and explaining draft laws and other legal acts, when such activities are carried out in accordance with their official powers granted to them by legal acts;
- 4) suggestions and evaluations achieved by consultations with the public in accordance to the Law on Legislative Framework of the Republic of Lithuania;
- 5) implementation of the civil right for legislative initiative by petitions, referendum in compliance with the Law on Petitions of the Republic of Lithuania, the Law on Referendum of the Republic of Lithuania;

6) an opinion expressed by a natural person regarding to legislation;

7) other activities carried out in compliance with special laws or statutes that would pursue the public interests.

It is also to be noted that seeking to reduce negative perceptions about lobbying, COEC organizes training activities for state institutions, develop online resources and tools to raise public awareness and educate on lobbying activities. COEC had prepared practical guidelines for state politics, civil servants of political confidence, civil servants and all other persons who are involved in the process of preparing, considering, adopting legal acts or administrative decisions interaction with lobbyists. The practical guidelines are easily accessible on website [www.lobistai.lt](http://www.lobistai.lt) and will be hand out during the regular training activities.

#### *Restrictions after expiry of the term of office*

As was previously mentioned, on 27 June 2019, the Seimas adopted a new version of the Law on the adjustment of public and private interests (LAPPI), which entered into force on 1 January 2020. According LAPPI, regulation regarding restrictions after expiry of the term of office have changed. Until 2020, after leaving office in the civil service, a person had no right, within a period of one year, to take up employment of the head or deputy head of an enterprise or an enterprise controlled by it, a member of the council or the board of this enterprise, also to run other offices directly related to decision-making in enterprise management, property management, financial accounting and control sphere, provided that during the last year of work his duties were directly related to the supervision or control of operations of the said enterprise or the enterprise controlled by it or that the person took an active part in the preparation, consideration and taking decisions favourable for these companies to obtain state orders or to receive financial assistance under the tender or other procedures.

Since 2020, according LAPPI (Article 15), after leaving office in the civil service, a person have no right to take up employment in a legal person if during the period of one year immediately prior to the termination of his service in public office his duties were directly related to the supervision or control of the activities of the said undertakings or the person participated in drafting, consideration and making of decisions concerning the person for obtaining state orders or financial assistance by public contests or otherwise for the period of one year.

There are also limitations of representation (LAPPI, Article 17):

1. After leaving office in the civil service, a person may not for a period of one year represent natural persons (except for representation on the grounds provided for in subparagraph 1 of paragraph 3 of Article 12 of LAPPI) or legal persons in the institution or body in which he held office for the period of one year immediately prior to his leaving the service or if the institution in which he held office for the period of one year immediately prior to his leaving the service belongs to the system of institutions, in any institution of such system of institutions, for the period of one year.

2. After leaving office in the civil service, a person is not be entitled to represent natural or legal persons in institutions and bodies on the issues falling within his official duties for the period of one year.

More information about asset declaration in Lithuania is available in the OECD publication: [https://read.oecd-ilibrary.org/governance/asset-declarations-for-public-officials/asset-declaration-in-lithuania\\_9789264095281-13-en#page3](https://read.oecd-ilibrary.org/governance/asset-declarations-for-public-officials/asset-declaration-in-lithuania_9789264095281-13-en#page3).

#### *General transparency of public decision-making (including public access to information)*

The Law on the Provision of Information to the Public grants<sup>7</sup> every individual an access to information on the public sector, as well as records collected by the state about individual private persons. The information obtained may be re-used for commercial reasons or to criticise the state. Any refusal to grant information must be justified and the applicant can appeal to the court or the Seimas Ombudsmen. It should be noted, that in 2018 the Government made a decision to create conditions for journalists to get free of charge access to information from the Center of Registers.

Council of Europe in its study “*Civil Participation in Decision-Making Processes - An Overview of Standards and Practices in Council of Europe Member States*” highlighted that the legal framework

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<sup>7</sup> <https://www.e-tar.lt/portal/lt/legalAct/TAR.065AB8483E1E/asr>.

for public participation in decision-making processes in Lithuania provides guarantees for three levels of participation (for more information please see the pages 33-34 of the mentioned Study<sup>8</sup>).

## **21. Rules on preventing conflict of interests in the public sector** (Documents 11, 12, 13)

Definition of conflicts of interest and a typology of interests are contained in the Law on the Adjustment of Public and Private Interests in the Civil Service (LAPPI). LAPPI establishes definition of situations that may occur for persons working in the public sector and actions to avoid it, and to control if it has occurred. All persons working in the public sector must comply with mandatory regulations of this special Law. Direct official duties and performance of resolutions are not considered justifiable reason for exempting persons from the legal obligation to avoid conflict of interest.

According to Article 2 of the LAPPI, a “conflict of interest’ shall mean a situation where a person in the civil service, when discharging his duties or carrying out instructions, is obliged to make a decision or participate in decision-making or carry out instructions relating to his private interests”. The article also contains among others definitions of ‘private interests’ – “interest in private economic or non-economic benefit of a person concerned (or a person close to him), moral debt, moral obligation or another similar interest of a person concerned (or a person close to him) in discharge of the official duties of the person concerned” – and ‘close persons’, namely “the spouse, cohabitee, partner, when the partnership is registered in accordance with the procedure laid down by law (hereinafter referred to as the “partner”), the parents (adoptive parents), children (adopted children), brothers (adopted brothers), sisters (adopted sisters), grandparents, grandchildren and their spouses, cohabitees or partners, of a person in the civil service”.

Under Article 11, LAPPI, person working in public service is prohibited to participate in preparation, consideration and adoption of decision which may raise him a conflict of interest. In such situation that person is obliged to exclude himself from participation therein.

COEC supervises the implementation of the LAPPICS, other legal acts regulating the norms of official ethics and conduct of persons in the civil service assigned to the competence of the COEC, give recommendations on the improvement and implementation of the provisions of these legal acts, and take decisions and resolutions on these issues.

Anyone may report suspected breaches.

According to Article 11 of the LAPPICS:

1. A person in the civil service shall be prohibited from participating in the preparation, consideration or taking of decisions or from otherwise influencing decisions which may give rise to a conflict of interest situation.

2. A person in the civil service must notify, prior to the commencement of or during the procedure of the preparation, consideration or taking of the aforementioned decision, the head of his institution or a person authorised by the institution head or the collegial state or municipal institution whose member the person is, also the persons who take part in the above procedure of preparation, consideration or taking of the decision, of the existing conflict of interest, declare his self-exclusion and must not in any way participate in the subsequent preparation, consideration or taking of the decision.

3. The head of the institution or his authorised representative or any other collegial state or municipal institution may, pursuant to the criteria approved by the Chief Official Ethics Commission, refuse by a written reasoned decision to accept his declared self-exclusion and obligate the person to take part in the subsequent preparation, consideration or taking of the decision. Information about a decision to refuse to accept the declared self-exclusion shall, within five working days from the taking of the decision, be transmitted by electronic means to the Chief Official Ethics Commission in accordance with the procedure laid down by it.

4. A person in the civil service must fulfil written preliminary recommendations of the institution head or his authorised representative specifying the decisions from the preparation, consideration or taking where of he must exclude himself. Said recommendations shall be made for

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<sup>8</sup> <https://rm.coe.int/civil-participation-in-decision-making-processes-an-overview-of-standa/1680701801>) pages 33-34.

a specific situation on the basis of declarations or the person's request. A person in the civil service may make the preliminary recommendations public at his own discretion.

5. The institution head or his authorised representative may, by a written reasoned decision, suspend a person who is in the civil service from participation in the preparation, consideration or taking of a specific decision if there are ample grounds to believe that his participation would result in conflict of interest.

The COEC has supervised over the adjustment of interests in several ways:

- examining the received reports on possible violations of provisions of the LAPPI;
- supervising over the implementation of provisions of the LAPPI by entities operating in different areas of activity;
- tracking information published in mass media on the conduct of civil servants and other persons subject to provisions of the Law on the adjustment of public and private interests in the civil service, and having identified reasonable data on a potential violation, making a decision to initiate an investigation on its own initiative and to carry it out by itself or delegating its performance to other competent entities engaged in the control of the compliance with provisions of the Law on the adjustment of public and private interests;
- evaluating the findings of investigations carried out on the initiative of other authorities and institutions.

## **22. Measures in place to ensure Whistle-blower protection and encourage reporting of corruption**

In Lithuania the Law on the Protection of Whistle-blowers was adopted in November 2017 and entered into force on the first day of January 2019.

The law provides that Prosecution Service is the competent authority which examines itself or forwards to other authorities the reports on breaches and which coordinates the process of whistle-blower protection. The scheme of examination of reports is provided for in the Description of submission of reports on breaches in offices to the Prosecution Service, as approved by the order of the Prosecutor General. In particular, all reports are handed over to the Chief Prosecutor of the Internal Investigation Division. He then directs the received report to the prosecutor of his Division for consideration. Within 5 working days, the examining prosecutor shall decide either to recognise or not recognise the reporting person as a whistle-blower, or refuses to examine the report on the basis of the Law on the Protection of Whistle-blowers. When a decision is taken to recognise a person as a whistle-blower, and if it is established that the Prosecution Service is authorised to investigate the data mentioned in the report, a division of PGO or a division of regional or district level Prosecutor's Office is assigned to verify the reported information. Also, such division is ordered to ensure protection of whistle-blower as provided for in the Law on the Protection of Whistle-blowers and inform about the progress and results of investigation. At the same time, the decision to recognise the person as a whistle-blower is forwarded to the competent division of Prosecution Service.

It may be that a prosecutor will not recognise a reporting person as a whistle-blower. In such a case, there are two options available: the report is simply sent back to the reporting person with explaining the procedure for appealing such a decision, or if there is reason to believe that another offence, which is not covered by the Law on the Protection of Whistle-blowers has been committed, an investigation shall be started and the report will be handed over to relevant division of Prosecution Service or other competent authority.

### **What can the applicant expect?**

**Firstly**, we ensure secure channels for submitting reports. According to the Lithuanian legislation, the reporting channel must be available in all public authorities and other bodies having more than 50 employees.

**Secondly**, we ensure full confidentiality of the reporting person. However, confidentiality should not be confused with anonymity. In some countries, the reporting person can report anonymously but it is not possible according to our laws. The person filing a report must also provide with his details. Such data is required when the decision to recognise or not to recognise a person as a whistle-blower is drawn up, and that decision is formalised in a specific form similar to that of a decree. The law

provides that the decision on not to recognise a person as a whistle-blower can be appealed against to the court, and the courts do not examine appeals made by anonymous persons.

**Thirdly**, it is prohibited to make any negative impact on the person who submitted the information, even if his status of a whistle-blower is still pending. Such a person cannot be dismissed from work or service or transferred to a lower position or another work place, and no intimidation, harassment, discrimination, threats can be used against such person; also, his career prospects cannot be limited, his salary cannot be reduced, or the working time changed, or it cannot be doubted as to his competence, or a negative information about him cannot be given to the third parties, or he cannot be deprived of the right to work with state and service secrets, or any other adverse effects cannot be made.

Reports on adverse impact are presented directly to the Internal Investigation Division of the PGO, where they are placed with Chief Prosecutor who then commissions investigation into adverse impact to be carried out. If the prosecutor determines there is a potential adverse impact, the head of the institution concerned is obliged to eliminate the negative consequences, for example, to terminate the undergoing internal audit of work. If such obligation is not complied with, a fine may be imposed as provided for in Article 5551 of the Code of Administrative Offences. The fine ranges from EUR 1 000 to EUR 2 000, and in case of a repeat offence, it amounts from EUR 2 000 to EUR 4 000.

**Fourthly**, there is legal aid. The reporting person can apply for legal aid and he will be granted with secondary legal assistance guaranteed by the state, regardless of the established threshold of assets and income to obtain legal aid. Such a measure is also provided for in the Directive.

**Furthermore**, there is a discharge from liability. The reporting person may be exempted from liability, if he has participated in the commission of the breach himself, but has reported about it in accordance with the procedure laid down by law. However, this is not an unconditional exemption in all cases, the provisions are set in the CC (Criminal Code) and the Code of Administrative Offences.

**And lastly**, a remuneration may be paid to the whistle-blower for useful information or compensation for the adverse effects incurred may be paid. This incentive measure is not included in the Directive, but we believe it is an effective measure encouraging people to report about breaches of the law. While implementing the Law on the Protection of Whistle-blowers, the Government of the Republic of Lithuania passed the decree on approving the procedure for paying remuneration to the whistle-blowers for valuable information and procedure for compensating the whistle-blowers for any adverse impact or possible consequences due to the presented report. On the basis of this described procedure, PGO has set up two commissions dealing with the issues of remuneration and compensation to the whistle-blowers. They decide on whether or not to reimburse or compensate the whistle-blower, and if so, how much money should be paid. Both commissions assess the applications of whistle-blowers regarding the payment on the basis of the provisions set out in the Government's decree. Thus, the commissions are bound by clear criteria and only persons who fulfil the provisions of decree are eligible to the benefits. The commissions submit a reasoned opinion to the Prosecutor General and then Prosecutor General takes the decision regarding the payment. The maximum amount of remuneration is not set in laws, but the amount of compensation may not exceed EUR 1 950.

### **How does the law work?**

In 2019 there were 75 decisions regarding the status of a whistle-blower made. 36 persons were recognised as whistle-blowers, and 39 persons were not. 7 persons have applied several times, and there was one case when a request for recognition of a person as a whistle-blower was submitted on behalf of other person, and such an option is not provided for in the Law on Protection of Whistle-blowers.

### **Investigation or organization of investigation of information presented in the reports**

There were 75 decisions made in total, and 17 decisions on not recognising a person as a whistle-blower were not submitted for further assessment, because the reported information has already been examined before adoption of the law, or there were other investigations going on, for example, into allegedly unlawful actions of authorities. 6 decisions on recognising a person as a whistle-blower were not further assessed because pre-trial investigations were already started when an application for the status of a whistle-blower was submitted.

The information contained in the reports was investigated by divisions of Prosecution Service or other competent authorities (ministries etc.): there were 7 pre-trial investigations started; on 19 occasions it was refused to start a pre-trial investigation; there were 10 internal audits and investigations carried out which revealed no breaches; there were 7 internal audits and investigations carried out which revealed certain breaches; on 6 occasions information was submitted for assessment (no decisions made)

The most common kinds of violations of law include the unofficial accounting in private companies, abuse of official powers, usage of service cars in violation of regulations, corruption in public procurement procedures, potential concealment of criminal offences, forgery of documents, crimes against environment, violations in monitoring of construction works, violations of labour laws etc.

**23. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for preventing corruption in these sectors. (e.g. public procurement, healthcare, other).**

Lithuania has adopted four national anti-corruption programmes since 2002. The National Anti-Corruption Programme for 2015-2025<sup>9</sup> (hereinafter – the Programme) is the current anti-corruption strategy in Lithuania and was approved by the Seimas by Resolution No. XII-1537 of 10 March 2015. Lithuania has also adopted the Interinstitutional Action Plan for 2015-2019<sup>10</sup> (hereinafter – the Action Plan) which provides for concrete measures and appoints a competent authority for each measure to ensure implementation of the Programme. The Programme lists the priority sectors with the highest potential for corruption (or spheres most prone to corruption):

- 1) *political activities and legislation;*
- 2) *activities of the judiciary and law enforcement institutions;*
- 3) *public procurement;*
- 4) *healthcare and social security;*
- 5) *spatial planning, state supervision of construction and waste management;*
- 6) *supervision of activities of economic entities;*
- 7) *public administration, civil service and asset management;*
- 8) *private sector.*

Abovementioned sectors are taken into account whilst carrying out corruption prevention measures both in state and local governments.

The following measures were established in the Action Plan (at the time of its adoption in 2015) to mitigate corruption risks in the priority sectors which are foreseen in the Programme:

1. Political activities and legislation:
  - 1.1. Develop legal, organisation and technical instruments to facilitate convenient receipt of comprehensive information about elections and voting procedure, one's participation in the elections and a donation to a political campaign participant.
  - 1.2. Establish the methods and the principles of transparent cooperation between the public and private sectors.
2. Activities of the judiciary and law enforcement institutions:
  - 2.1. Develop the measures designed to reduce the scope and eliminate unofficial payments in the public sector (healthcare, police, municipal institutions and enterprises).
  - 2.2. Upgrade the vehicle speed measuring devices according to the specifications preventing illegal data amendment.
  - 2.3. Improve the protection mechanisms of the persons participating in disclosing crimes of corruption nature.
  - 2.4. Organise training for pre-trial investigation officers and prosecutors regarding investigation of criminal acts of corruption nature and enforcing public prosecution in this category of cases.
  - 2.5. Remunerate whistle-blowers for valuable information on criminal activities.

<sup>9</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/e42b7360100211e5b0d3e1beb7dd5516?jfwid=-fxdp8swm>.

<sup>10</sup> [https://www.stt.lt/data/public/uploads/2019/12/nkkp\\_tvp\\_vertimui\\_en.doc](https://www.stt.lt/data/public/uploads/2019/12/nkkp_tvp_vertimui_en.doc).



### 3. Public procurement:

3.1. Develop legal regulation ensuring more transparent and fair performance of members of public procurement commission, and or other persons participating in the public procurement process, and a fair implementation of public procurement contracts.

3.2. Enhancement of the efficiency in public procurement procedures by methodological tools.

3.3. Development of the management system of centralised public procurement implemented through the electronic catalogue of the public entity CPO LT.

3.4. Evaluate the impact of regulation of internal transactions, and, if necessary, restrict the possibility to conclude internal transactions.

3.5. Improve the Central public procurement information system – provide for methods and possibilities to accumulate and publish the information about the entities precluded from participating in public procurement, ensure other means required for ensuring transparency and publicity.

3.6. Assess the efficiency of the public procurement dispute adjudication system, and, if necessary, submit proposals regarding its improvement.

3.7. Development of a new Central Public Procurement Information System.

3.8. Development, expansion, improvement and installation of the information system of risk management in public procurement.

3.9. Promote public procurement of new type (innovative and pre-commercial) by developing the competence of the contracting authority.

### 4. Healthcare and social security:

4.1. Develop the measures designed to reduce the scope and eliminate unofficial payments in the healthcare sector.

4.2. Draw up amendments to the Law on the Healthcare System and other related laws, in order to obligate the Ministry of Health to coordinate not only the tertiary, but also healthcare institutions of primary and secondary levels.

4.3. Draw up amendments to legal acts prescribing for a procedure of compensation of employees of healthcare institutions according to specific criteria.

4.4. Draw up amendments to legal acts in order to obligate pharmaceutical companies to declare their expenses for marketing purposes, the recipients of the funds, and obligate the State Medicines Control Agency under the Ministry of Health of the Republic of Lithuania to publish, on its internet website, the information on the expense of pharmaceutical companies, and the recipients of such funds.

4.5. Ensure that heads of healthcare institutions, healthcare specialists working in budgetary or public institutions declare their private interests.

4.6. Develop and control by means of legal acts a periodic control mechanism ensuring a possibility to periodically review the decisions on the level of disability, the level of working capacity or special needs passed by the Disability and Working Capacity Assessment Office under the Ministry of Social Security and Labour.

4.7. Development of an integrated system for monitoring and assessment of manifestation of corruption in the healthcare system.

4.8. Develop resilience (intolerance) to corruption of employees of healthcare institutions.

4.9. Produce and communicate social commercial with a targeted subject matter – prevention of corruption in healthcare system.

4.10. Create the conditions for supporting, in a convenient form, specific healthcare institutions and support recipients.

### 5. Spatial planning, state supervision of construction and waste management

5.1. Develop the functionality of the Information system of the state supervision of drawing up of territorial planning documents and the territorial planning process, of the operation of the registry of territorial planning documents, the information system of the state supervision of construction operations and construction permits.

### 6. Supervision of activities of economic entities

6.1. Ensuring that all auction sales at which, in the cases established by laws the assets of an undertaking in bankruptcy, a bankrupt undertaking, or a natural person against whom bankruptcy proceedings have been initiated must be sold, could be conducted electronically.

7. Public administration, civil service and asset management

7.1. Publicise information on the income of public and municipal institutions and enterprises, expenses in cyberspace through the dedicated information system.

7.2. Improve the management of declarations of private interests of persons working in civil service control over validity of data and enforcement of liability.

7.3. Develop the measures designed to reduce the scope and eliminate unofficial payments in the public sector (healthcare, police, municipal institutions and enterprises).

7.4. Establish the methods and the principles of transparent cooperation between the public and private sectors.

7.5. Improve the legal regulation of evaluation of performance of heads of budgetary institutions with a view to improving enhanced publicity.

7.6. Publish the information about official trips of employees of public and municipal institutions, indicating the purpose of the business trip, the related expenses and the result.

7.7. Publishing of information on the use of official vehicles at public and municipal authorities.

7.8. Develop and implement the information system of the electronic auction for the sale of public and municipal assets.

7.9. Enhancement of transparency in visa issue, and improvement of the quality in the provision of the service.

7.10. Draw up the Manual on the development and implementation of anti-corruption environment in the public sector<sup>11</sup>.

7.11. Establish an obligation to declare assets whereon the tax administrator has no possibility to obtain information from other sources, for Lithuanian residents exempt from the obligation to declare assets.

7.12. Execute corruption and fraud prevention measures and actions in the area of using European Union Fund resources.

8. Private sector:

8.1. Publicly and at no charge publish the data about information producers and multipliers, shareholders of legal persons, their managers, income and sources of income expenses and beneficiaries while promoting publicity and transparency of public media.

8.2. Draw up the Manual on the development and implementation of anti-corruption environment in the private sector.<sup>12</sup>

8.3. Assess whether legal acts provide for criminalisation of corruption in the private and the public sector compliant with the international obligations assumed by the Republic of Lithuania, and those by the European Union.

It is noteworthy that the STT has assessed the implementation of the Inter-institutional Action Plan for 2015-2019, evaluated actions taken by competent authorities and the effectiveness of corruption prevention measures.<sup>13</sup> The outcomes of the assessment will be used during preparation process of the new Inter-institutional action plan for 2020-2022, which is currently being prepared by the Ministry of Justice and the STT.

## **24. Any other relevant measures to prevent corruption in the public and private sector**

1) A novel approach to the measures of corruption prevention was introduced in 2018 with the addition of analytical anti-corruption intelligence to the objectives of the STT. Analytical anti-corruption intelligence operates by means of collecting, processing, integrating, and analysing

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<sup>11</sup> [https://www.stt.lt/data/public/uploads/2019/11/aav\\_viesajam\\_2018\\_09\\_05\\_viesinimui\\_pdf\\_en\\_2.pdf](https://www.stt.lt/data/public/uploads/2019/11/aav_viesajam_2018_09_05_viesinimui_pdf_en_2.pdf).

<sup>12</sup> <https://www.stt.lt/en/doclib/wnl41crg3tmvszezuchrvrtz9ehuam8f>.

<sup>13</sup> Annual evaluation reports by the STT are publicly available here (in Lithuanian): <https://www.stt.lt/korupcijos-prevcija/nacionaline-kovos-su-korupcija-programa/igyvendinimo-dokumentai/7485>.



information on corruption and related phenomena along with other public or classified information (e.g., governmental registers, databases, etc.) available to the STT are authorized to make decisions concerning the reduction of the prevalence of corruption.

The main purpose of the analytical anti-corruption intelligence measure is to neutralize threats and risks caused by corruption before they develop into corruption-related crimes. In addition, the analytical information may be used for other lawful aims of information collection in line with the objectives of the STT, such as to support ongoing criminal investigations of corruption crimes, to provide insights for the development of corruption prevention measures or anti-corruption education programmes, as well as to make suggestions for the improvement of anti-corruption related legal regulations, and anti-corruption policy at large.

In line with the objective of corruption prevention, analytical anti-corruption intelligence information is provided to the decision-makers at governmental and municipal agencies, and used for background checks in appointments of high-ranked public officials. The analytical information can be also used for the screening of trade deals that are important for the protection of objects of importance to ensuring national security. The analytical anti-corruption intelligence information may also be provided to the President of the Republic, the Speaker of the Seimas, the Prime Minister, and the Committee on National Security and Defence of the Seimas if such information is necessary to carry out their lawful functions in the area of anti-corruption policy-making.

Analytical anti-corruption intelligence covers areas that are most vulnerable to corruption, such as public procurement, the use of European Union financial instruments, unlawful lobbying and political corruption, health care, construction, and others. The extent of the analysis can vary according to the set objective – strategic, tactical or operative, and employ the variety of relevant big data, geospatial, financial, and open-source intelligence analytical tools.

For example, the investigation may aim to assess the nepotism risk in the whole municipal governance structure or, in contrast, it may focus on specific persons and companies involved in corruption-related activities in a certain sector of the economy.

Analytical anti-corruption intelligence measures have also proven to have a substantial impact on corruption prevention policymaking. For instance, an investigation into the relationship between public procurement contracts and sponsorship in Lithuanian hospitals exposed a variety of corruption risks, which prompted legislative amendments to increase transparency in the areas of public procurement procedures, framework for providing and receiving charity and sponsorship, as well as its accounting and control, and strengthen the pro-activeness of public sector in managing the conflict of interest.

At its corruption prevention branch, the STT regularly organises best-practice exchange meetings with ministries' compliance officers on building anti-corruption environment in the field of governance of each ministry. The topics presented included a role of the hierarchy, anticorruption policy, corruption risk assessment and management of risks, conflicts of interests, internal reporting channels, as well as, practical examples and best-practices. During the meetings, compliance officers are encouraged to share their views, practice and issues on conducting corruption prevention measures in order to ensure the exchange of expertise or information. It also should be pointed out, that the STT organises analogous meetings for the SOEs compliance officers. As a result, an informal network of corruption prevention specialists is being created.

164 anti-corruption lectures, workshops in state and municipal institutions and the private sector organized during 2019. 68% of organized lectures and seminars were focused on the riskiest sectors – the judiciary, municipalities, health care and other areas.<sup>14</sup>

2) As one of the STT function in administration area is the examination of applications and reports from citizens on infringements of a corruption character. STT also examines the reports and applications received anonymously. For instance 2077 reports were received in 2019 (5% increase compared with 2018), 550 of them – received anonymously (one third of all applications received).<sup>15</sup>

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<sup>14</sup> STT annual report 2019- <https://stt.lt/en/doclib/ofInfo1bhmfv3h73f1wenwnc22ssqzkw>, page 37.

<sup>15</sup> Ibid, page 41.

On 1 January 2019, the Republic of Lithuania Law on Protection of whistle-blowers entered into force. During the year, 12 reports, submitted by persons who were recognized as whistle-blowers by the Prosecutor General's Service of the Republic of Lithuania, were evaluated and analysed. This figure was the highest among all state institutions that in aggregate recognized 35 persons as whistle-blowers and 2019. Also under the Law on Corruption Prevention, 74 out of 2077 reports were submitted by those responsible to report, and evaluated by the STT in 2019.<sup>16</sup> 32 persons were paid 22.6 thousand euro for valuable information on corruption-related offenses.<sup>17</sup>

## C. Repressive measures

### 25. Criminalisation of corruption and related offenses

CC (Criminal Code) currently in legal force has a separate XXXIII Chapter wherein corruption-related criminal offenses have been criminalized. The legislator stipulates that criminal liability shall be imposed upon any person who committed bribery (CC, Article 225), trading in influence (CC, Article 226), graft (CC, Article 227), abuse of office (CC, Article 228), unlawful registration of rights to an item (CC, Article 228<sup>1</sup>), and failure to perform service duties (CC, Article 229). Both natural persons and legal entities may be held criminally liable for the said criminal offenses. The offenses criminalized under this Chapter are attributable to different crime categories as Articles 225 (4), 226 (5) and 227 (4) provide for constituent elements of a misdemeanour which is not subject to a custodial sentence whereas other sections of Articles 225, 226, 227 and Articles 228, 228<sup>1</sup>, 229 stipulate such compositions of criminal offenses which are punishable, according to the wording of the legislator, by, *inter alia*, custodial sentence. Moreover, it must be noted that the criminal offenses included in Chapter XXXIII of CC are attributable to the categories of negligent, medium (of medium gravity) and serious crimes. Apart from custodial sentences ranging from 3 months up to 8 years (depending on the degree of threat imposed by the committed criminal offense), the legislator also provides for alternative penalties such as pecuniary fine, restriction of liberty or detention. One must also bear in mind that relevant legal provisions of CC criminalizing trading in influence and graft also provide for the possibility of releasing a person from criminal liability (Article 226 (6) and 227 (6)). A person may be released from criminal liability in case where he has been demanded or provoked to give a bribe and he, upon offering or promising to give or giving the bribe voluntarily notifies a law enforcement institution thereof within the shortest possible time but in any case before the delivery of a notice of suspicion raised against him, and also in cases where he offers, promises to give or gives the bribe either himself or via an intermediary or with the law enforcement institution being aware thereof. On the other hand, the said institute of release from criminal liability may not be applied with regard to persons who have committed corruption-related criminal actions involving an officer of a foreign country or international organization.

The official text of the Criminal Code in Lithuanian is provided here: <https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/asr>

The most recent translation into English (as of 2017 November 21) is provided here: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/28b18041843311e89188e16a6495e98c?jfwid=11dyhewo7x>

The legal provisions of the Criminal Code are in line with the UNCAC, Council of Europe's Criminal Law Convention against Corruption, OECD Convention against Bribery of Foreign Public Officials in International Business Transactions, as well as with the EU legislation, such as, PIF Convention and its protocols, Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector. The Criminal Code provisions have been positively assessed in a number of reviews by the international bodies, such as GRECO, OECD Working Group on Bribery, UNCAC Implementation Review Group.

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<sup>16</sup> Ibid, page 42.

<sup>17</sup> Ibid, page 33.

## **26. Overview of application of sanctions (criminal and non-criminal) for corruption offenses (including for legal persons)**

Even though the legislator has provided not only pecuniary fine, detention or restriction of liberty as possible penalties for the criminal offenses specified under Chapter XXXIII of CC but also introduced the sanction of actual imprisonment, yet the courts, when imposing sentences for persons found guilty for the commission of the said criminal offenses, most often tend to impose non-custodial sentences. The formation of this case-law within the judiciary might have been determined by the fact that since 6 October 2017 significantly larger amounts of pecuniary fines have been introduced by CC. According to the legislator, the commission of misdemeanour including corruption-related criminal offenses set out under Article 225 (4), 226 (5), and 227 (4) shall be punishable by pecuniary fines ranging from 15 to 500 MSLs (Minimum Subsistence Level, 1 MSL equals EUR 39), the commission of a negligent crime including criminal offense specified under Article 229 of CC shall be punishable by pecuniary fine ranging from 20 to 750 MSLs, the commission of a medium crime including crimes specified under Article 225 (1), 226 (1-2), 227 (1-2), 228 (1) shall be punishable by pecuniary fines ranging from 100 until 4,000 of MSLs, and the commission of serious crimes including criminal offenses specified under Article 225 (2-3), 226 (3- 4), 227 (3) and 228 (2) shall be punishable by pecuniary fines ranging from 150 to 6,000 of MSLs. The pecuniary fines for legal entities range from 200 until 100,000 of MSLs. It must also be emphasized that upon introducing larger amounts of pecuniary fines in CC since 6 October 2017, the legislator has also provided that the pecuniary sanctions applicable to corruption-related criminal offenses may not be less than the amount of the determined subject matter of the criminal offense, material damage caused by the offender or the amount of the material benefit obtained or sought by the offender, either for himself or for other persons.

During the period from 2018 until 2019 the average of the pecuniary fines imposed by the courts for the commission of medium corruption-related offenses was 160 of MSLs, and the average of the pecuniary fines imposed for the commission of serious corruption-related offenses was 316 of MSLs. It must be noted that the courts tend to impose pecuniary fines for the commission of corruption-related criminal offenses not only because of larger extent thereof as introduced by CC but also due to the facts that the person who is held criminally liable for these acts is most often tried before the court for the first time, circumstances mitigating his criminal liability are also frequently present and the offender is most usually characterized in a positive manner, therefore, the act of imposing a custodial sentence is actually not in conformity with the purpose of the penalty and with the principle of fairness as such. Even in cases where a custodial sentence is imposed upon a person, most often the actual enforcement thereof is adjourned and supplementary penal measures ordered for the period during which the actual enforcement of custodial sentence has been adjourned. During the period from 2018 until 2019 only 3 persons were subject to custodial sentences without resorting to the application of this legal institute of adjournment of sentence enforcement.

While discussing the limits of criminal liability of a legal entity for the commission of corruption related criminal offenses, it must be noted that the courts not only impose pecuniary fines as the type of penalty specified in relevant sanction clause of the provisions in the Special Part of CC but also other penalties which may be imposed upon legal entities such as restriction of activities of a legal entity or liquidation thereof. During the period from 2018 until 2019 two legal entities were made subject to the penalties of liquidation of a legal entity and another legal entity was made subject to the pecuniary fine amounting to 5,000 of MSLs.

An overview is based on numbers, which arise from the activities of the STT (Special Investigation Service), which specializes in investigating major and complex corruption cases.<sup>18</sup>

The main insights on application of sanctions (criminal and non-criminal) for corruption offences could be:

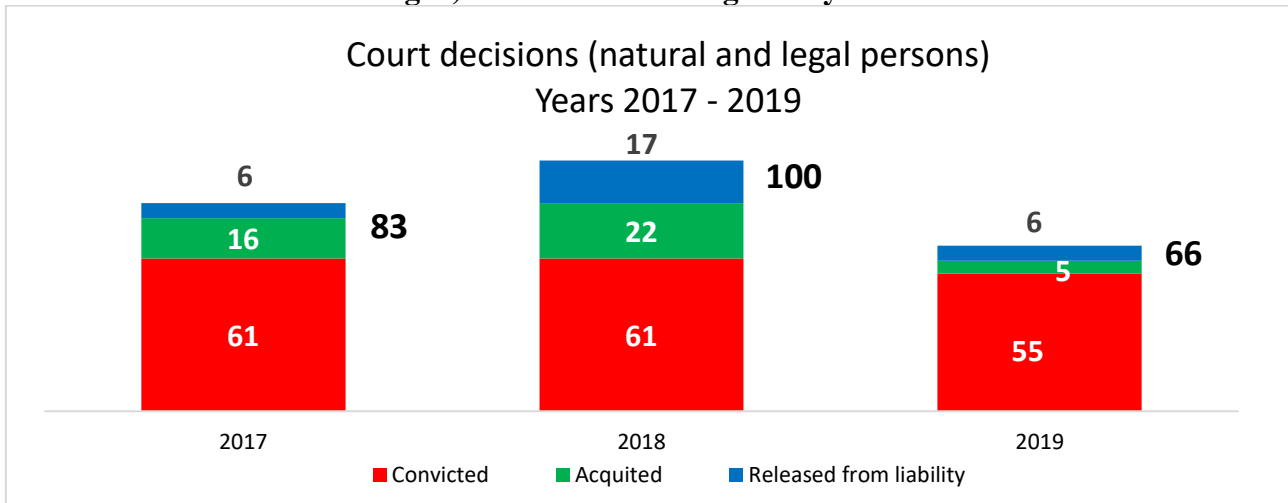
1. The most common sanction for corruption related crimes is a fine (78% of total sanctions imposed by courts in 2019).

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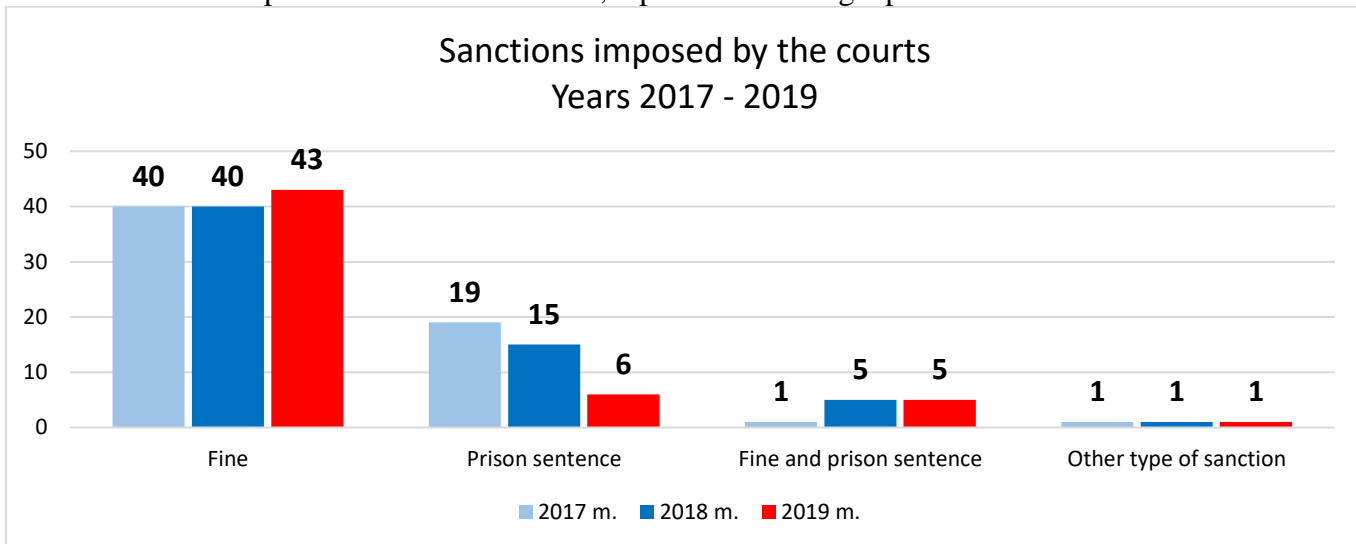
<sup>18</sup> For instance, police is dealing with a number of corruption (mainly – small corruption) cases as well.

2. During the recent years (2017-2019) the amounts of fines imposed by the courts have increased.
3. During the recent years (2017-2019) the number of combined sanctions has increased, but the percentage of prison sentences for corruption related crimes has declined.

**The overview of the dynamic of the decisions of the first instance courts (including decisions of the courts of the second instance if decision of the court of first instance was changed) in the cases investigated by the STT**

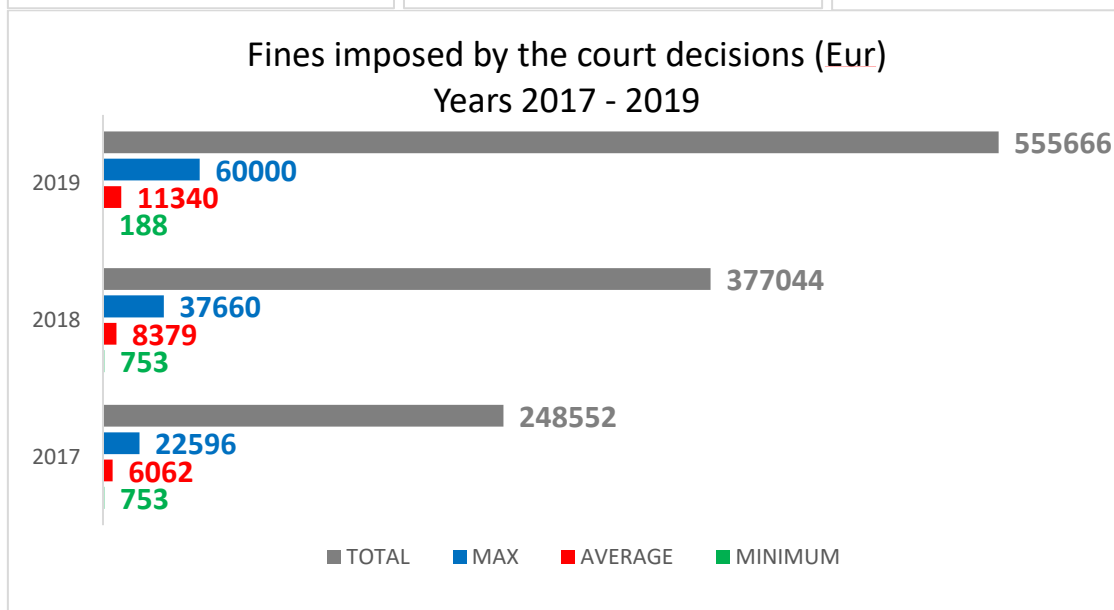
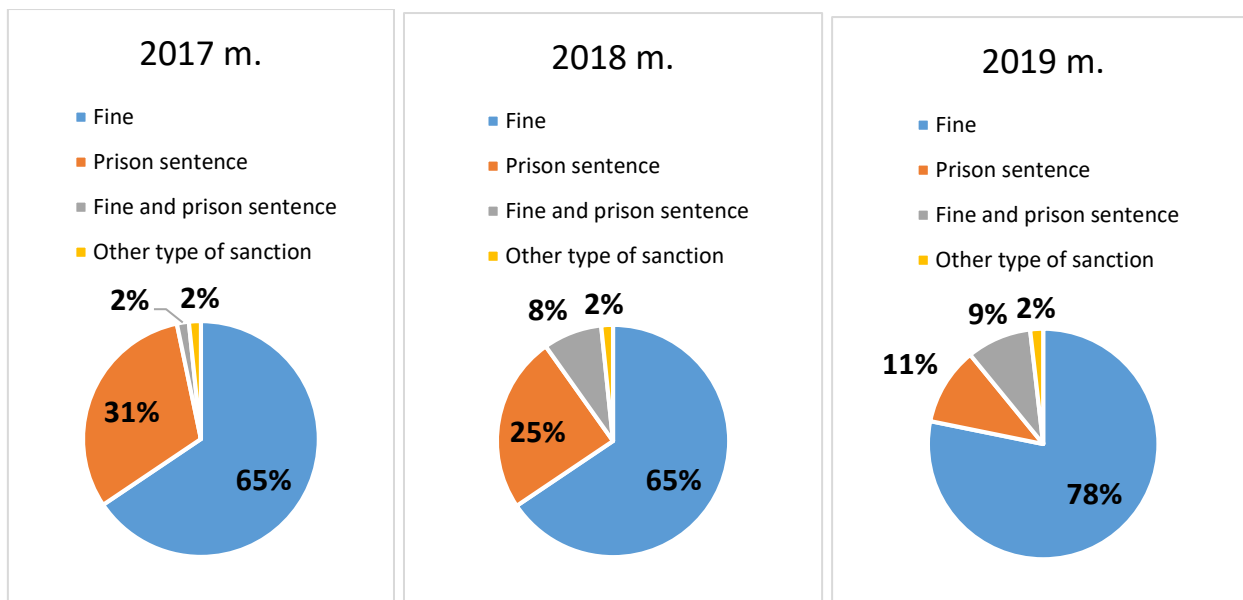


**Remark.** Out of 55 persons convicted in 2019, 2 persons were legal persons.



**Remark.** Execution of all prison sentences imposed in years 2017 and 2019 and 16 out of 20 prison sentences imposed in year 2018 were suspended.

**Court decisions (sanctions) of years 2017-2019 expressed in percentage**



## 27. Potential obstacles to investigation and prosecution of high-level and complex corruption cases

The major obstacles encountered by law enforcement authorities when investigating complicated corruption-related criminal offenses cannot be dissociated from the very nature of these criminal offenses. The said criminal offenses are characterized by both conspiracy of particularly high degree which in turn presupposes the degree of their latency and sufficiently strict internal structures of persons carrying out these criminal offenses which results in rare instances of co-operation between suspects and law enforcement authorities. This means that in most cases law enforcement authorities seeking to obtain information which is being concealed with the help of conspiracy methods have to resort to measures which restrict human rights to the largest degree as well as such measures of influence specified under legal acts performance whereof may often endanger both the law enforcement authorities themselves and sources of information being sought. It is the more so as the persons committing corruption-related offenses often occupy high-rank positions in state institutions, frequently maintain close contacts with the representatives of organized crime, therefore, the collection of data relevant for pre-trial investigation is a complicated procedure resulting in great costs of human resources and time. Given the context of corruption-related criminal offenses it is necessary to point out that a great number of representatives of law enforcement authorities must be involved in the disclosure of criminal offenses of this nature. This criterion is influenced by

particularly complex schemes used by criminals for the purposes of realizing constituent elements of this type of offenses disclosure thereof often requires involvement of persons with special expertise of certain fields of business, economy or finances.

Quite often the persons suspected of having committed corruption-related criminal offenses are subject to immunity from criminal jurisdiction, therefore, law enforcement authorities have to perform supplementary procedural actions on the grounds of which the investigation of allegedly committed criminal offenses and criminal prosecution of offenders can be made possible. The performance of such actions is often possible only upon obtaining the consent of the Parliament of the Republic of Lithuania (Seimas) and – in between sessions thereof – consent by the President of the Republic of Lithuania or that of a foreign country. In case of absence of these procedural decisions the list of procedural actions which may be performed with regard to the person who allegedly committed a criminal offense is quite limited, therefore, sometimes the launched pre-trial investigation is suspended and after some time terminated unless the required consent is obtained.

It is equally important to note that during the pre-trial investigations against the persons organizing and committing corruption-related criminal offenses there is usually a rapid growth of risk of probable influence of such persons upon law enforcement, judiciary and state authorities in order to avoid the imminent criminal liability.

There are some issues related to the length of legal processes in general. The whole process of investigation, prosecution and court hearings of the *complex criminal cases* in some of particular cases has been unjustifiably long. This led to acquittal of the defendants or unreasonably low punishments on the grounds of the length of the process.

The regulation of *political immunity* in Lithuania allows to conduct investigations and prosecution of politicians, who are suspected in corruption-related offences, quite efficiently. There was only very small number of cases when decisions not to lift immunity of Member of Parliament raised discussions about soundness of decision.

It is worth to mention, that the initiatives on the question of scope of the immunity of judges and politicians took place recently. The process regarding possible widening of the scope of the immunity of the judges ended in the Constitutional Court of Republic of Lithuania. The Court in its decision stated that the particular articles of the Law on Courts of the Republic of Lithuania regarding restrictions to entry into the residential or office premises of judges are not in line with the Constitution. The Court explained that the immunity of judges is not an objective in itself and is functional in nature: its purpose is to guarantee the independence of judges, so that the administration of justice is ensured. Only such a concept of the immunity of judges is compatible with the obligation, stemming from the Constitution, for a democratic state governed by the rule of law to ensure the security of each person and all society against criminal attempts, including with the duty of the legislature to create, by means of legal regulation, the preconditions for the speedy disclosure and thorough investigation of criminal acts and other violations of law, as well as the preconditions for the fair solving of the question concerning the legal responsibility of persons having committed these criminal acts or other violations of law. Thus, the immunity of judges provided by the Constitution is not entrenched for the purpose of creating the preconditions for judges to avoid criminal or other legal responsibility for criminal acts or other violations of law.<sup>19</sup>

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<sup>19</sup> <https://www.lrkt.lt/en/about-the-court/news/1342/the-constitutional-court-judges-may-not-be-unreasonably-singled-out-from-society-and-have-a-privilege-prohibited-under-the-constitution:209>.

### **III. Media pluralism**

#### **A. Media regulatory authorities and bodies**

##### **28. Independence, enforcement powers and adequacy of resources of media authorities and bodies**

On 1 April 2019, [amendments to Article 78 of the Law on Copyright and Related Rights](#) entered into force and the Commission was granted competences in the field of copyright. The Commission has a right to give compulsory orders to internet service providers to withdraw access to the content protected by copyrights that has been made public illegally, by blocking the name of internet domain that identifies the website until the infringement of the content protected by copyrights is eliminated. On 8 May 2019, [amendments to Article 34<sup>1</sup> of the Law on the Provision of Information to the Public](#) entered into force where free reception in the Republic of Lithuania of television programmes and/or individual programmes (when only an individual programme is transmitted) or catalogues broadcast or re-broadcast or disseminated via the Internet from the countries other than the Member States of the European Union, states of the European Economic Area and other European states which have ratified the Council of Europe Convention on Transfrontier Television may be suspended upon a decision of the Commission for a period exceeding 72 hours only with the sanction of Vilnius Regional Administrative Court, if such television programmes and/or individual programmes and/or catalogues of the countries violate the requirements related to protection of minors or information not to be published (e. g. information which incites to violate the sovereignty of the Republic of Lithuania, to infringe its territorial integrity, incites or provokes terrorist offences, spread as war propaganda, etc.).

##### **29. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media authorities and bodies**

The activities of Lithuanian public information producers and disseminators are supervised by 2 state institutions accountable to the Seimas - the Lithuanian Radio and Television Commission (LRTC) and the Office of the Inspector of Journalistic Ethics (OIJE) and the self-regulatory institution - the Public Information Ethics Association (PIEA).

The LRTC is an independent institution accountable to the Seimas, supervising the activities of audio-visual media service providers under the jurisdiction of the Republic of Lithuania. It is involved in shaping the state's audio-visual policy.

The LRTC consists of 11 members:

2 members are appointed by the President of the Republic,

3 members (one from the opposition factions) - by the Parliament on the recommendation of the Culture Committee,

3 by the Lithuanian Artists 'Association,

1 by the Lithuanian Catholic Church Bishops' Conference,

1 by the Lithuanian Journalists' Union and

1 by the Journalists' Association.

The Seimas appoints the chairperson and deputy chairperson of the LRTC - state officials - for a 4-year term.

The main LRTC functions are:

- announces and conducts tenders for broadcasting licenses and / or licenses for retransmitted content, sets the conditions of these tenders and licenses, issues licenses, supervises compliance with their conditions;
- monitors the compliance of audiovisual media service providers with the law (i.e. the Law on Provision of Information to the Public, the Law on Protection of Minors from the Detrimental Effect on Minors), commitments, license conditions, LRTC decisions and other legal provisions regarding the selection of radio and / or television programs to be retransmitted, distributed on the Internet or individual programs; provision for dissemination and dissemination, requirements of other legal acts regarding the content of public information and its dissemination;



- monitors audio-visual works, radio and / or television programs retransmitted via electronic communications networks;
- examines consumer complaints about the activities of audio-visual media service providers and collects relevant information about service providers, analyses their activities and publishes information about their participants, prepares information and methodological material on these issues;
- establishes the procedure for the implementation of the requirements of laws and legal acts of the European Union regarding the structure and content of radio and / or television programs, audio-visual commercial communications and advertising broadcasting, audio-visual media services, radio programs and individual programs in radio and / or television programs ;
- in accordance with the procedure established by law, impede the provision of services prepared by audio-visual media service providers in the territory of the Republic of Lithuania;
- every 2 years prepares and submits to the Seimas an analytical review on the implementation of Lithuanian audiovisual policy, the development of audio-visual media services, provides statistical data on the activities of all audiovisual media service providers operating in the territory of the Republic of Lithuania;
- establishes the coding procedure for broadcast, retransmitted radio and / or television programs, television programs and / or individual programs distributed on the Internet, on-demand audio-visual media for information to the public, etc.

Appeal: LRTC decisions can be appealed to a court.

Financing: LRTC maintained from the contributions of service providers, the amount of which is 0.8 per cent of the income received from commercial audio-visual messages, advertising, subscription fee and other activities related to broadcasting, retransmission, television programs and (or) ) on-line distribution of individual programs and / or on-demand audio-visual media services.

Annual (2020) budget is EUR 0.9 million.

## **B. Transparency of media ownership and government interference**

### **30. The transparent allocation of state advertising (including any rules regulating the matter)**

No changes since January 2019 other than those described in the answer to the question No. 32, i.e. information about the revenue from political advertising also the funds received on the basis of a transaction or administrative act, the source of which is a state or municipal budget or other foundation established by the state or a municipality, shall be provided by the producers and disseminators of public information in the Information System of Producers and Disseminators of Public Information when it will be launched (expected in November 2020).

### **31. Public information campaigns on rule of law issues (e.g. on judges and prosecutors, journalists, civil society)**

The relevant institutions have not provided any relevant information about the information campaigns.

However, conferences dedicated to the rule of law have been organised in 2019 by the Supreme Court of Lithuania and during 6<sup>th</sup> World Congress of Lithuanian Lawyers in the Parliament of Lithuania (Seimas).

<https://www.lat.lt/naujienos/auksciausiasis-teismas-ir-europos-komisija-teisine-valstybe-reikia-ginti-visur-ir-visada/849>

[https://www.lrs.lt/sip/getFile3?p\\_fid=13060](https://www.lrs.lt/sip/getFile3?p_fid=13060)

### **32. Rules governing transparency of media ownership**

To ensure greater transparency of public information processes and objectivity of public information, in 2019, [the Information System of Producers and Disseminators of Public Information \(hereinafter – the System\) was adopted](#) by the Parliament (Seimas) of the Republic of Lithuania. The System will



be launched in the end of 2020 and will disclose this additional information about the *producers and disseminators of public information*:

- name (names) of producers and disseminators of public information (legal persons), type (types) and category (categories) of the media being managed;
- name(s) and surname(s) of person(s) responsible for the content of media being managed;
- list of *all participants* indicating the name(s) and surname(s), the stake held in the assets in percentage or the number of shares and the percentage of votes;
- information about a serious professional misconduct committed;
- information about the producers and/or disseminators of public information, declared non-compliant with professional ethics;
- revenue from political advertising;
- funds received on the basis of a transaction or administrative act, the source of which is a state or municipal budget or other foundation established by the state or a municipality, etc.

The System will become an effective transparency tool and will operate without creating an unreasonable administrative burden for public information producers and disseminators, and the data provided in the System will be free of charge, also provided in an open data format.

### **C. Framework for journalists' protection**

#### **33. Rules and practices guaranteeing journalist's independence and safety and protecting journalistic and other media activity from interference by state authorities**

Encouraged by the Council of the Lithuanian Union of Journalists, an amendment to the Law on the Provision of Information to the Public was initiated by several members of the Parliament. According to the explanatory memorandum of this draft law the amendments would prevent violation of the basic principles of informing the public, ensure journalists' independence from political or government pressure and illegal persecution for criticism. In case the amendment will be adopted, the Chief Official Ethics Commission, the Municipal Ethics Commission or the Seimas Ethics and Procedures Commission within their competence, in accordance with the Law on Approval, Entry into Force and Implementation of the Code of Conduct, the Law on Coordination of Public and Private Interests in the Civil Service and other legal acts, shall supervise whether persons employed in the public service violate these laws and does not persecute the producer, disseminator, participant or journalist of public information for private interests. According to the work program of the Seimas, the draft law will be considered in the spring session of 2020.

#### **34. Law enforcement capacity to ensure journalists' safety and to investigate attacks on Journalists**

The information has not be provided by relevant institutions.

#### **35. Access to information and public documents**

Following the abolition of the long-term practice of providing journalists with the data of the Centre of Registers free of charge in September 2018, [the necessary amendments to the laws](#) have not been adopted so far. According to the work program of the Seimas it will consider the draft laws in the spring session (first half) of 2020.

#### **36. Other – please specify**

In February 2019 the Ministry of Culture of the Republic of Lithuania has adopted *Strategic Directions of the Public Information Policy 2019–2022* (hereinafter – the Directions). The Directions are aimed at shaping and coordinating public information policy based on clear national priorities, promoting the dissemination and availability of high quality and reliable public information, public media and information literacy, the functioning of a transparent independent public information environment resistant to external threats, and ensuring non-discriminatory, balanced and consistent state support and tax policy:

- 1) Harmonised and coordinated public information policy
- 2) Available and reliable public information that reflects the content quality and diversity
- 3) Transparent and independent public information environment
- 4) Sustainable State support and tax policy that stimulate creativity
- 5) Highly literate society resistant to information threats

Along with the Directions the Ministry of Culture adopted *Action Plan for the Implementation of Directions*, which was approved by the order [No. IV-91](#) of the Minister of Culture. Before the adoption the Directions were widely discussed and approved by the Media Council<sup>20</sup>.

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<sup>20</sup> The Media Council is an advisory body to the Ministry of Culture that performs expert and advisory functions in analyzing, evaluating and solving issues related to the formation and implementation of public information policy. The Media Council was established in November 2017.

## **IV. Other institutional issues related to checks and balances**

### **A. The process for preparing and enacting laws**

**37. Stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), transparency of the legislative process, 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).** (Document 7)

#### *Stakeholders'/public consultations*

According to Article 7 of the Law on the Legislative Framework, the purpose of public consultation shall be assurance of transparency, openness of legislation; awareness of public opinion about legal regulation issues and their solutions; provision of society with a possibility to impact the content of draft legal act; better assessment of positive and negative consequences of planned legal regulation, its implementation costs; provision of proposals on legislative initiatives and draft legal projects published in the Legislative information system, and on legal regulation monitored.

The right to submit to the Government draft laws, draft resolutions of the Government, and other draft legal acts shall be enjoyed by the entities established in Paragraph 1, Article 38 of the Law on the Government (The right to submit to the Government drafts of laws, resolutions of the Government and other legal acts shall be enjoyed by the Prime Minister, ministers, municipal councils and other entities to whom such a right is granted by the law. Drafts of legal acts submitted by the Prime Minister must be signed by the Prime Minister, drafts of legal acts submitted by the minister must be signed by the minister. Drafts of legal acts submitted by municipal councils, other entities to whom such a right is granted by the law must be signed by the minister of an appropriate sphere of administration). Draft legal acts shall be prepared in accordance with the Law on the Legislative Framework and the Rules of procedure of the Government. Prepared draft legal acts (except for draft legal acts containing state or service secret, and draft law implementation acts containing commercial secret) shall be submitted to the institutions specified in the Rules of procedure of the Government for coordination via the information system of legal acts of the Chancellor's Office of the Seimas of the Republic of Lithuania (hereinafter referred to as the TAIS). Any interested persons can submit comments and proposals to the draft legal acts published on TAIS within the term established in the Rules of procedure of the Government. Draft legal acts containing state or service secret and draft law application acts containing commercial secret shall be submitted to interested institutions for coordination by the mode ensuring protection of appropriate information (draft legal acts containing state or service secret shall be submitted to institutions concerned following the procedure established by legal acts regulating protection of secret information; draft law application acts containing commercial secret and/or accompanying documents of draft legal acts containing commercial secret or personal data, publication of which would breach the requirements of the Law on the Legal Protection of Personal Data of the Republic of Lithuania and of the Regulation (EU) 2016/679 (hereinafter referred to as - confidential personal data) shall be submitted to institutions concerned by registered mail, if needed delivered by couriers, via e-delivery system or to the electronic mail address specified by the document recipient (hereinafter referred to as the mode ensuring protection of appropriate information).

Article 7 of the Law on the Legislative Framework states that public must be consulted in time and on essential matters (effectiveness of consultation) and to the extent needed (proportions of consultation). Modes of public consultation and ways of results documentation shall be chosen by the entities initiating public consultation. Information about the results of public consultation shall be provided to the entity adopting a legal act.

It is established in Paragraph 12<sup>1</sup> of the Rules of procedure of the Government, usually public is consulted in the stage of declaration of legislation initiative, providing persons concerned (natural persons, associations, non-governmental organisations, trade unions, state and municipal institutions and agencies, other entities), which will be directly or indirectly affected or may be affected by the

planned regulation, to give their comments and proposals. Public consultation may be published and/or carried out also on the website E-citizen of the My Government portal.

Draft legal act submitted to the Government must be accompanied, inter alia, with information about the purpose(s), mode(s) of public consultation and received comments and proposals from interested persons, assessment of the latter comments and proposals, if public consultation took place and the assessment of comments and proposals from parties concerned is not provided in the coordination note (coordination note shall be submitted when the author of the draft legal act disagrees with the comments and proposals of the entities issuing conclusions and such disagreement is not settled through interinstitutional discussions).

#### *Transparency of legislative process*

Pursuant to Article 8 of the Law on the Prevention of Corruption, drafter of the legislation shall carry out anticorruption assessment of the draft legal act if it is intended to regulate public relations related to the following:

- 1) transfer of the right of trust, ownership or management rights to the state or municipal property to private individuals;
- 2) increase or reduction of revenues or expenditures of the state or municipal budgets due to the transfer of performance of functions of the state or municipalities to the state or municipal agencies, public institutions or private persons or entities;
- 3) payment of subsidies, grants, compensations, rents, allowances, bonuses and other benefits from the State budget or municipal budgets;
- 4) providing assistance via the European Union structural funds;
- 5) public procurement of goods or services, or granting of concession;
- 6) granting citizenship by way of exception;
- 7) organization of tenders for office at the state agency; establishment, revocation or amendment of requirements for reputation, qualification, certification and rotation of persons working in the public service;
- 8) registration of persons or things in public registers;
- 9) establishing and publishing the technological protection measures for securities, document forms, wrappers and official markings; production of securities, document forms, wrappers and official markings assigned to the technological protection level and group;
- 10) production, storage and sale of withdrawn or restricted items;
- 11) supplying goods or providing services under public contracts;
- 12) identification, forfeiture or modification of product safety requirements;
- 13) establishment, revocation or amendment of the requirements for qualification and business reputation of subjects of the licensed economic commercial activities or economic commercial activities, which require authorization of the state or municipal authorities;
- 14) production, storage, use, purchase and sale of excise goods;
- 15) investigation of offences against the law under the conditions of liability for such offences;
- 16) land-use, territorial planning, construction;
- 17) pharmacy and medicine;
- 18) in other cases, where, in the opinion of the legislation drafter, legal regulation under the legislation drafted may affect the scope of corruption.

Institutions that prepared draft legal acts shall carry out their anticorruption assessment following the rules approved by the Government. Anticorruption assessment of draft legal acts shall be carried out to establish deficiencies of legal regulation stipulated by them, which may provide conditions for corruption to emerge. Exclusively draft normative legal acts are subject to the above-mentioned rules. Upon completion of the above-mentioned analysis in the institution, assessment note in the established form shall be filled in and together with all accompanying materials shall be submitted to the decision-making entity.

The anti-corruption assessment of the valid legislation or drafts thereof, which are expected to regulate public relations referred to in paragraph 1 hereof, shall be carried out by the Special Investigations Service on its own initiative or at the request of the President of the Republic, the

Chairman of the Seimas, the Prime Minister, the Committee, the Commission or the fraction of the Seimas.

The assistance of the state authorities and (or) academic institutions can be applied for anti-corruption assessment of legislation or drafted legislation.

Upon completion of the above-mentioned assessment by the Special Investigation Service, the anti-corruption assessment of the existing or draft legislation (conclusions of the anti-corruption assessment) shall be made known to the state or municipal agency, which adopted it or on whose initiative it was adopted, or to the state or municipal agency that drafted such legislation. This agency shall determine whether it would be expedient to amend the piece of legislation in question.

During assessment at the Office of the Government of the draft legal acts submitted to the Government, the pursued purpose shall be to ensure completion of anticorruption assessment of the draft legal act submitted to the Government in accordance with the requirements laid down in Article 8 of the Law on the Prevention of Corruption. Attempts shall be made to assess if any ground stipulated in Paragraph 1, Article 8 of the Law on the Prevention of Corruption is present regarding public relations planned to be regulated in the draft legal act, when the drafter of the legislation has the duty to carry out anticorruption assessment, the pursued purpose shall be to assess the completed anticorruption assessment for sufficient comprehensiveness, i.e. if all relevant (that may affect the scale of corruption) provisions of the draft legal act submitted were assessed. Another purpose of draft assessment shall be to establish if they do not contain any cases specified in Subparagraph 18, Paragraph 1, Article 8 of the Law on the Prevention of Corruption that are not expressly named in the above-mentioned law, because of which legal regulation stipulated in the draft could affect the scale of corruption and because of which the draft author could (should) carry out anticorruption assessment. Any shortcomings detected or any doubts arising, because of which the draft legal act should be sent back to drafter of the legislation for completion of anticorruption assessment, shall be written down in notes or conclusions, discussed by preparing draft agendas of future meetings of representatives of ministries or discussed at the above-mentioned meetings of representatives of ministries. Attempts shall be exerted to ensure that exclusively draft legal acts effect of which on the scale of corruption does not cause any serious doubts shall be submitted to the Government's sitting or discussion.

### **38. Regime for constitutional review of laws**

The information about the competences of the Constitutional Court of the Republic of Lithuania can be found on the following website: <https://www.lrkt.lt/en/about-the-court/activity/competence/182> .

#### *Regime for constitutional review of laws*

The Constitutional Court of the Republic of Lithuania ensures the supremacy of the Constitution within the legal system as well as constitutional justice by deciding whether the laws and other legal acts adopted by the Seimas are in conformity with the Constitution, and whether the acts adopted by the President of the Republic or the Government are in compliance with the Constitution and laws.

The Constitutional Court does not perform any preliminary judicial review of laws. The Constitutional Court decides the constitutionality issues of enacted laws and other legal acts (a posteriori control). The Constitutional Court examines a case only when the subjects prescribed by the Constitution address the Constitutional Court with a petition requesting for the determination of the conformity of a law or a legal act with the Constitution.

The right to file a petition with the Constitutional Court for an investigation into the constitutionality of a legal act is vested in: (1) the Government, a group of not less than 1/5 of all the members of the Seimas, and courts concerning a law or another act adopted by the Seimas; (2) a group of not less than 1/5 of all the members of the Seimas and courts concerning an act of the President of the Republic; and (3) a group of not less than 1/5 of all the members of the Seimas, courts, and the President of the Republic concerning an act of the Government.

The right to file a petition with the Constitutional Court concerning the constitutionality of all above-mentioned legal acts is also granted to every person if he or she believes that a decision adopted on the basis of such a legal act has violated his or her constitutional rights or freedoms, and the person has exhausted all legal remedies. Such a person may apply to the Constitutional Court only when, in

the case concerning the decision violating his or her constitutional rights or freedoms, the final and non-appealable decision on the merits of the case or on rejecting the complaint is adopted by a court of general competence or administrative court, i.e. such a decision of a court is adopted that precludes any further defence of the violated rights or freedoms of the person before the courts of general competence or administrative courts. A petition concerning the violated constitutional rights or freedoms may be filed with the Constitutional Court not later than within 4 (four) months of the day that the final and non-appealable decision of the court came into force.

The Constitutional Court gives rulings in cases concerning the compliance of laws and acts of the Seimas, the President of the Republic, and the Government.

The case for a hearing of the Constitutional Court is prepared by the justice-rapporteur appointed by the President of the Court. At the beginning of Constitutional Court's hearing the Court announces which of the summoned persons are present, informs parties to the case of their rights and duties, hears and settles requests of parties to the case. The justice-rapporteur delivers their report in which the substance of the case is presented. After this, the statements of the parties to the case are heard, the evidence is examined and court pleadings take place. The ruling must be made within one month after the end of the investigation of the case. After the Court's hearing the Constitutional Court retires to the deliberation room to make a ruling.

Rulings of the Constitutional Court are pronounced in the name of the Republic of Lithuania. The Constitutional Court's decisions defined by the Constitution as falling within the Constitutional Court's competence are final and not subject to appeal. Rulings of the Constitutional Court have the power of law and are obligatory for all institutions of authority, courts, all enterprises, establishments and organisations, officials and citizens (*erga omnes*).

Under the Constitution, laws of the Republic of Lithuania (or a part thereof) or other Seimas acts (or a part thereof), acts of the President of the Republic, or acts of the Government (or a part thereof) shall not be applicable from the day that a ruling of the Constitutional Court stating that the appropriate act (or a part thereof) conflicts with the Constitution of the Republic of Lithuania is officially published (*ex nunc*).

The force of a ruling of the Constitutional Court recognising a legal act (or a part thereof) unconstitutional may not be overcome by repeated enactment of an equivalent legal act (or a part thereof).

The Constitutional Court also gives the following conclusions: (1) whether there were violations of election laws during elections of the President of the Republic or elections of members of the Seimas; (2) whether the state of health of the President of the Republic allows him to continue to hold office; (3) whether international treaties of the Republic of Lithuania are not in conflict with the Constitution; (4) whether concrete actions of members of the Seimas and State officials against whom an impeachment case has been instituted are in conflict with the Constitution.

The Seimas may request that the Constitutional Court give a conclusion. The President of the Republic may address the Constitutional Court for a conclusion concerning the election of members of the Seimas and regarding international treaties. The conclusion concerning international treaties may be requested already prior to its ratification in the Seimas. The Seimas, conforming to conclusions of the Constitutional Court, adopts the final decision.

The Constitutional Court investigates and decides only legal issues and refuses to consider petitions for the examination of the constitutionality of a legal act if the petition is grounded upon non-legal reasoning.

### **39. Independence, capacity and powers of national human rights institutions, ombudsman institutions and equality bodies**

The information is provided on the websites of The Seimas Ombudsmen's Office of the Republic of Lithuania <http://lrski.lt/en/> and the Office of the Equal Opportunities Ombudsperson <https://www.lygybe.lt/en/>

## **C. Accessibility and judicial review of administrative decisions**



#### **40. Modalities of publication of administrative decisions and scope of judicial review**

##### *Modalities of publication of administrative decisions*

Public shall be informed following the principles of publicity, transparency and openness laid down in the following legal acts: The Law on Public Information of the Republic of Lithuania, Law on the Right to Obtain Information from State and Municipal Institutions and Agencies of the Republic of Lithuania, the Rules of procedure of the Office of the Government, the Rules of Procedure of the Government. Public shall be informed by the Public Relations Division of the Office of the Government. Main decisions of the Government, Prime Minister's activities shall be communicated to the media (via 80 addresses) in the form of press releases, which shall be published within one hour from the end of a sitting, meeting; the Government's sittings and meetings shall be open, livestreamed (in social networks, on the Government's website [www.lrv.lt](http://www.lrv.lt)). Agendas of the Government's sittings and meetings and all documents submitted to the Government regarding a specific matter discussed shall be published on the Government's website. Replies to media's inquiries shall be given following the procedure established by legal acts. The Prime Minister, ministers, Government's chancellor, his/her deputies shall comment on the matters of journalists' concern at the Press Centre of the Government. Press conferences shall be held to inform public on crucial matters. Personal Service Unit of the Office of the Government shall coordinate open government initiatives, promote cooperation between society and Government, practice of public consultation. Provision of information, consultation possibilities, various practice of public involvement strengthen effectiveness and efficiency of agent's activities, increase transparency and accountability. Accessibility of information about the Government's activity promotes public interest and involvement, while public consultations create prerequisites for quality, sustainable Government's decisions meeting public needs.

The Office of the Government at the Government's level developed methodical tools (Methodology of public consultations and guidelines for its application in practice) for agencies helping them to consult public properly; enhanced the capacities of the agencies (including the Office of the Government) to apply openness principles in daily activities – transparency, involvement, accountability. The set goal is implementation of at least 15 quality public consultations on priority matters of the Government's activity on yearly basis.

Open Government network formed and supervised by the Office of the Government is in operation. This informal network uniting interested representatives from various sectors (NGOs, business, education, public sector) was formed to disseminate good practice of open government and implement openness initiatives. Members of the network contribute to development of the national action plans of the Open Government Partnership and implementation of their actions. Representatives of the network are invited to participate in various legislation initiatives, open government initiatives, discussions.

For more information about the network: <http://epilietis.lrv.lt/lt/dalyvauk-priimant-ir-keiciant-sprendimus/isitrauk-i-atviros-vyriausybes-veiklas/atviros-vyriausybes-tinklas>.

E-citizen is an electronic service for the involvement of residents in the decision-making process. It enables swift and user-friendly on-line access to the bodies that fall within the Government's area of administration; allows the applicant to follow the progress of application processing; to receive responses electronically in a centralised fashion; to take part in public consultations and surveys; and to submit petitions. Citizens may take an active part in public consultations and public opinion surveys initiated by the Government. Following the completion of a public consultation or survey, the portal publishes their outcomes and people can see whether their suggestions had any influence on specific decisions.

Furthermore, at the constitutional level the individual's right to obtain information is established in Article 25 of the Constitution of the Republic of Lithuania. Pursuant to the above-mentioned Article, individuals must not be hindered from seeking, obtaining, or disseminating information or ideas (Paragraph 2).

Freedom to express convictions, as well as to obtain and disseminate information, may not be restricted in any way other than as established by law, when it is necessary for the safeguard of the

health, honour and dignity, private life, or of a person, or for the protection of constitutional order (Paragraph 3).

Citizens shall have the right to obtain any available information which concerns them from State agencies in the manner established by law (Paragraph 5).

These clauses are integral with the general principle established in the Constitution stipulating that the institutions of power serve the people (Paragraph 3, Article 5).

The Constitutional Court of the Republic of Lithuania construing the above-mentioned constitutional provisions consistently states that the constitutional right not to be hindered from seeking, obtaining and disseminating information is one of the fundamentals of the open, fair, harmonious civil society, democratic state; the Constitution guarantees and protects the public interest to be informed (e.g. rulings of the Constitutional Court of 23 October 2002, 4 March 2003, 26 January 2004, 8 July 2005, 19 September 2005, 29 September 2005, 21 December 2006, 17 November 2011). The Constitutional right to obtain information is an important prerequisite for exercising various human rights and freedoms laid down in the Constitution (ruling of the Constitutional Court of 21 December 2006). The Constitutional Court noted that exercise of the human rights and freedoms, assurance of other constitutional values strongly depend on the possibilities to obtain information from various sources and to use it (Ruling of 29 September 2005). For example, the Constitution Court stated in its ruling of 20 April 1995 that the human right to have own beliefs must be based on actual possibility to form them freely on the basis of various information, including the right not to be hindered from obtaining information. The Constitutional Court stated in its acts on numerous occasions that the freedom of information is not absolute, that the Constitution does not allow establishing any legal regulation, guarantees of information freedom implementation established by laws following which would create conditions for infringement of other constitutional values, their balance (e.g. the ruling of the Constitutional Court of 15 May 2007). The Constitution stipulates the possibility to restrict information freedom, when it is necessary for the safeguard of the health, honour and dignity, private life, or morals of a person, or for the protection of constitutional order, i.e. if restriction of information freedom is imposed to protect, safeguard the values set forth in Paragraph 3, Article 25 of the Constitution, the list of which (provided in Paragraph 3, Article 25 of the Constitution), as stated by the Constitutional Court in its rulings of 19 September 2005 and 29 September 2005), may not be considered exhaustive, final, therefore does not allow restricting the freedom of obtaining and disseminating information, when other constitutional values, not mentioned expressis verbis in Paragraph 3, Article 25 of the Constitution, must be safeguarded. The Constitutional Court interpreting the provisions of inter alia Paragraph 3, Article 25 of the Constitution; Paragraph 1, Article 30 of the Constitution in the context that any person whose constitutional rights or freedoms are violated has the right to appeal to court stated that the individual's constitutional right to appeal to court if he thinks his information freedom is restricted means that the individual has the right to contest any decision of public power (its institution, official) in court, which he believes restricts his right to search, obtain or disseminate information. According to the Constitution, the legislator has the duty by law to establish such legal regulation, which would ensure effective judicial defence of the above-mentioned right (see the ruling of the Constitutional Court of 19 September 2005).

Legal issues regarding the individual's right to obtain information from state and municipal institutions and agencies are thoroughly regulated in the Law on the Right to Obtain Information from State and Municipal Institutions and Agencies of the Republic of Lithuania (hereinafter referred to as the Law on the Right to Obtain Information). Paragraph 1, Article 1 of the above-mentioned law establishes that this Law guarantees to the individuals the right to obtain information from state and municipal institutions and agencies, sets down the procedure of implementation of the right and regulates actions of state and municipal institutions in providing information to the individuals. The Law on the Right to Obtain Information implements the right to obtain any available information which concerns individuals from the state agencies related to implementation of public administration functions established in Paragraph 5, Article 25 of the Constitution; and aims to create favourable conditions for individuals to obtain available information from the state and municipal institutions and agencies and to use it for commercial and non-commercial purposes. Paragraph 1, Article 3 of the Law on the Right to Obtain Information states that agencies must provide information to



applicants. Provision of information can be denied following the procedure established by the above-mentioned law.

Pursuant to Subparagraph 5, Paragraph 1, Article 15 of the Law on the Public Administration of the Republic of Lithuania, one of the administrative services is provision of information established by laws by public administration entity to persons.

The right to obtain information is established also in other legal acts of the Republic of Lithuania. For example, Article 6 of the Law on the Public Information of the Republic of Lithuania regulates the right to obtain information from the state and municipal institutions and agencies. It is established in Paragraphs 1-3 of the above-mentioned Article that any individual has the right to obtain public information from the state and municipal institutions and agencies, other budgetary agencies about their activities, their official documents (copies), and information concerning the individual held by the agency concerned. State and municipal institutions and agencies shall inform society about their activities. State and municipal institutions and agencies shall provide public information and available private information, unless in the cases established by laws, when private information may not be provided, following the procedure established by the Law on the Right to Obtain Information from State and Municipal Agencies and other laws.

Considering relevant documents of the Council of Europe, it must be noted that Lithuania ratified the Convention of the Council of Europe of 18 June 2009 on Access to Official Documents in 2012.

Considering the fact that the Law on the Right to Obtain Information guarantees the right to obtain information from state and municipal institutions and agencies, it must be noted that according to the definition contained in Article 3 of these Law – information shall be knowledge at the disposal of the institution when performing public functions. According to the Law on the Right to Obtain Information, an applicant shall mean a natural person, legal entity, entity without legal entity's status and/or its affiliate or representative office of the Republic of Lithuania, other European Union Member States, European Economic Area Member States. State and municipal institutions and agencies, enterprises and public agencies financed from the state or municipal budgets and state monetary funds and authorised by the procedure established by the Law on the Public Administration of the Republic of Lithuania to carry out public administration or providing public or administrative services to individuals or performing other public functions shall provide documents (document shall mean information or its part recorded in the activity of an institution, irrespective of its presentation mode, form and medium, including register data, register information, documents and/or their copies submitted to the register, data of the state information system), except for the cases established by the above-mentioned law and other laws, to applicants or their representatives. The above-mentioned law shall not apply to: 1) documents handling of which shall not represent the public function established to the institution by laws or other normative legal acts, except information about employees' salary; 2) documents to which third parties hold industrial ownership rights, copyrights, related rights or rights of database producers (*sui generis*) (hereinafter referred to as the intellectual property rights); 3) documents provision of which is prohibited by laws or other normative acts enacted on their basis, including documents that are not accessible because of national or public security, defence interests of the state, secrecy of statistics, commercial confidentiality or that are the state, service, bank, commercial, professional secret; 4) documents provision of which is restricted by laws and other normative acts enacted on their basis, and when applicants must reason the purpose of the use of requested documents; 5) documents that consist of logos, ornaments and/or emblems only; 6) part of the documents provision of which is not prohibited, which contains personal data, repeated use of which is incompatible with normative legal acts related to personal data processing; 7) documents at the disposal of the Lithuanian national radio and television, other radio and television broadcasters financed from the state or municipal budget; 8) documents at the disposal of the state and municipal educational establishments, state higher education schools, except for libraries of higher education schools, and state scientific research institutes; 9) documents at the disposal of theatres, concert establishments, other agencies operating in accordance with the laws regulating the activities of cultural establishments, with the exception of libraries, museums. If handling, provision and publication of documents are regulated by other laws, the above-mentioned law shall apply unless other laws provide otherwise.

Personal data shall be processed in accordance with the Regulation of the European Parliament and of Council (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter referred to as the GDPR) and the Law on the Legal Protection of Personal Data of the Republic of Lithuania.

Pursuant to Article 5 of the Law on the Right to Obtain Information, information about activity of an institution shall be public and published on the institution's website, and mobile app, if available, following the procedure established by the Government of the Republic of Lithuania. Institution's website and mobile app shall comply with the accessibility requirements established by the Government, except for the cases established by the Government when automated or effective and easily realisable modes to ensure accessibility to certain information are unavailable or when institution factually does not control the content of the websites and mobile apps or compliance with the accessibility requirements would incur disproportional burden to the institution. Website of an institution shall contain the following in accordance with the requirements for protection of secrets safeguarded by the laws on personal data protection, state, service, commercial, professional secrets, and other laws: 1) anonymised reports of the Seimas ombudsmen of the Republic of Lithuania on conducted investigation of a complaint and information on the results of examination of proposal (recommendations) of the Seimas ombudsmen in the institution; 2) anonymised information about the decisions of the Auditor General of the Republic of Lithuania and his/her deputies on the institution according to the state audit reports, and about elimination of violations of legal acts specified in the decisions, implementation of instructions, suggestions and proposals; 3) effective anonymised court decisions stating violations in the institution, information about the measures taken to eliminate the violations of legal acts; 4) anonymised information about disciplinary misconducts detected in the institution and effective disciplinary penalties imposed for them; if the decision on disciplinary penalties was appealed against following the order established by laws, information about it shall be published once the decision of the court or of any other institution that deals with disciplinary dispute enters into effect; 5) anonymised information about incentives and rewards received by civil servants of the institution; 6) the average established (assigned) salary of civil servants of an institution, state politicians, judges, state officials and employees working under employment contracts by their offices held (the average established (assigned) salary of an employee who is the only one holding appropriate office in the institution may be published with his/her consent only); 7) other information established by the Government (see information under question 2.7). All and any information about institution's activity shall be provided to applicants free of charge.

#### **41. Implementation by the public administration and State institutions of final court decisions**

The Council of Europe provides the overview with regard to the implementation of the decisions of the European Court of Human Rights in Lithuania: <https://rm.coe.int/1680709752>, as well as the implementation of the decisions against Lithuania: <https://www.coe.int/en/web/execution/submissions-lithuania>; <https://hudoc.exec.coe.int/ENG> (Document 7)

### **D. The enabling framework for civil society**

#### **42. Measures regarding the framework for civil society organisations**

In Lithuania, the main framework law regulating civil society organizations is The Law on Development of Non-governmental Organizations. Three different types of NGOs are recognised in Lithuania (charity foundations, associations and public establishments) if they meet the criteria stated in the Law (representing mainly civil society, not business or government structures).

Some associations (if they unite persons living in a specific area) are recognised as communities and are also governed by Law on Communities Development. All community based associations are by default recognised as NGOs.

The main structure in a role of advisory body is National NGO Council (from 2013 to 2019 at the Ministry of Social Affairs, from 2020 at the Prime Minister's office) which is comprised of 10 representatives of national umbrella NGOs delegated by mutual agreement of national NGO associations as well as 9 representatives of ministries and 1 representative of Association of Local Authorities. There is also National Council of Communities (at the Ministry of Internal Affairs).

Since 2019, National NGO council delegates one member to the Chief Official Ethics Commission:

[https://e-](https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.324488/asr?positionInSearchResults=9&searchModelUUID=2f07404f-4762-4ab3-90ce-395321a19204)

[seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.324488/asr?positionInSearchResults=9&searchModelUUID=2f07404f-4762-4ab3-90ce-395321a19204](https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.324488/asr?positionInSearchResults=9&searchModelUUID=2f07404f-4762-4ab3-90ce-395321a19204)

Each municipality also has a municipal NGO Council and municipal Communities Council (in smaller municipalities they act jointly) which serve as an advisory body to the local administrations. In 2019, when the new Law on Development of Non-governmental organizations was adopted, a legal basis was set for creation of National NGO fund, which is set to become a sustainable mechanism of strengthening institutional capacities of NGOs in 2020.

Ministry of Social and Labour is the main ministry responsible for developing civil society in Lithuania. Annually ministry announces over 30 different programs for civil society organizations to apply for funding (some of them implemented through municipal level). Other ministries and institutions also provide funding for civil society organizations (more information in Lithuanian only: <https://socmin.lrv.lt/lt/veiklos-sritys/nevyriausybinu-organizaciju-politika/nvo-teikiamas-finansavimas>).

Non-governmental organizations are widely involved in election procedures as independent observers: [Law on Elections to Municipal Councils](#), [Law on Elections to the Parliament](#), [Law on Presidential Elections](#), [Law on Elections to the European Parliament](#), [Law on Referendums](#).

Lithuania is a member of Open Government Partnership initiative: <http://epilietis.lrv.lt/en/open-government-partnership> Open Government Network comprised of government and NGOs representatives has already prepared 4 action plans in order to make government more open to society: <http://epilietis.lrv.lt/en/open-government-partnership/action-plans>

Since 2016, there is a temporary group established at The Parliament “[Group for development of civil society](#)”, which serves as an arena for civil society organizations to discuss legislative matters with Members of The Parliament.

In 2007, [National Coalition of NGOs](#) started operating as an advocacy organization, at the moment coalition has 14 members (national level umbrella NGOs, representing thousands of national and regional NGOs). Members of National Coalition of NGOs and other representatives of NGOs are actively involved in working groups, committees and various commissions at national and regional level.

Comparative information on SCOs in Lithuania and the region may be found here: <https://www.fhi360.org/sites/default/files/media/documents/resource-csosi-2018-report-europe-eurasia.pdf>