

LAW
AMENDING AND SUPPLEMENTING ARTICLES 1, 2, 4, 5, 6, 7, 9, 10, 11 AND 13
OF THE LITHUANIAN LAW
ON INTERNATIONAL AGREEMENTS

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Vilnius

1 Article Amendment of Article 1

Article 1 is hereby amended to read as follows:

‘Article 1. International agreement of the Republic of Lithuania

1. An international agreement of the Republic of Lithuania means a convention governed by the principles and norms of international law concluded in writing by the Republic of Lithuania with other subjects of international law, irrespective of the title of the agreement and whether one, two or more mutually connected instruments are concluded in connection with the agreement.

2. The procedure for drawing up and concluding agreements of the Republic of Lithuania other than those referred to in Article 1(1) and agreements between Lithuanian ministries or government bodies and on behalf of other government bodies in accordance with their remit with the corresponding institutions of foreign governments or international organisations, insofar as these are not regulated by other laws, shall be determined by the Government of the Republic of Lithuania. Information on these agreements shall must be submitted to the Lithuanian Ministry of Foreign affairs, where it shall be stored and processed.’

2 Article Amendment of Article 2

In Article 2, delete the words ‘all’ and ‘regardless of which institution or which official concluded the international agreement of the Republic of Lithuania in accordance with the stipulated procedure’ so that the Article reads as follows:

‘Article 2. Application of the Law

This Law lays down the procedure for the conclusion and implementation of international agreements of the Republic of Lithuania.’

3 Article Amendment of and addition to Article 4

Article 4 is hereby amended and supplemented to read as follows:

‘Article 4. Taking of decisions about the expediency of the conclusion of international agreements of the Republic of Lithuania and about the contesting of reservations

1. Decisions about the expediency of the conclusion of international agreements of the Republic of Lithuania, in accordance with the requirements of the Lithuanian Constitution, this and other laws or international law, shall be taken by the President of the Republic of Lithuania, the Lithuanian Government or, on its behalf and in accordance with established procedure, by the Lithuanian Ministry of Foreign Affairs.

2. Decisions about the expediency of the conclusion of international agreements of the European Union and the Republic of Lithuania as a Member State of the European Union representing a party to an international agreement (‘mixed agreements’) shall be taken on the basis of the Constitutional Act of the Republic of Lithuania on the Republic of Lithuania's membership of the European Union and laws and other legal acts governing the preparation and coordination of the Republic of Lithuania's position on draft legal acts and documents being discussed in the European Union institutions.

3. For the purpose of taking decisions about the expediency of the conclusion of an

international agreement of the Republic of Lithuania, consideration must be given as to whether the draft provisions of the agreement are consistent with the Lithuanian Constitution and with the foundations and objectives of Lithuania's foreign policy and national security arrangements, the requirements of this Law and the principles and provisions of international law.

4. Decisions about the contesting of reservations lodged by other subjects of international law about international agreements of the Republic of Lithuania shall be taken in accordance with the procedure set out in paragraphs 1, 2 and 3 of this Article on receipt of the conclusion of the Foreign Affairs Committee of the Seimas and shall be published in 'Valstybės žinios' [the Government Gazette]. If the contesting of a reservation about a ratified international agreement of the Republic of Lithuania includes the contesting of the entry into force of such agreement between the Republic of Lithuania and the subject of international law that lodged the reservation, a decision about the contesting shall, in accordance with the procedure set out in Article 8(1) and (2) and in accordance with established procedure, be taken by the Seimas of the Republic of Lithuania.

4 Article Amendment of Article 5(2)

The second sentence of Article 5(2) is amended to read as follows:

'2. The head of a Lithuanian diplomatic mission or authorised representative of the Republic of Lithuania at an international conference or in an international organisation or one of its bodies shall be authorised to negotiate the conclusion of an international agreement of the Republic of Lithuania and approve its wording without special mandate with the State in which he is accredited or at an international conference, within an international organisation or within one of its bodies. Lithuania's Permanent Representative to the European Union shall be authorised to discharge all activities relating to the conclusion of international agreements without a special mandate.'

5 Article Amendment of Article 6

Article 6 is hereby amended and supplemented to read as follows:

'Article 6. Procedure for the granting of a mandate to conclude international agreements of the Republic of Lithuania

1. A mandate to discharge the activities relating to the conclusion of international agreements of the Republic of Lithuania as referred to in Article 7 of this Law shall be granted by the President of the Republic of Lithuania on the recommendation of the Lithuanian Government.

2. A mandate to discharge activities relating to international agreements of the Republic of Lithuania for which the Lithuanian Constitution, this Law or the international agreement itself does not foresee a ratification procedure but the conclusion of which pursuant to the procedure set out in Article 9 of this Law is contingent upon the approval of the Lithuanian Government, shall be granted by the Prime Minister on the recommendation of the ministry or government body competent to draw up the agreement, subject to the approval of the Ministry of Foreign Affairs of the Republic of Lithuania.

3. A mandate to conclude international agreements of the Republic of Lithuania which enter into force on the day of signature or exchange of letters or which apply provisionally, where no ratification procedure is provided for these under the Lithuanian Constitution, this Law or the international agreement itself, shall be granted by the Lithuanian Government on the recommendation of the ministry or government body competent to draw up the agreement, subject to the approval of the Ministry of Foreign Affairs of the Republic of Lithuania.

4. The conclusion of international agreements of the Republic of Lithuania by the exchange of diplomatic notes, where these enter into force on the day of the exchange of diplomatic notes, shall be delegated by decision of the Lithuanian Government to the Lithuanian Ministry of Foreign Affairs.

5. Once the mandates referred to in paragraphs 1, 2, 3 and 4 of this Article have been granted, the letters conferring these mandates shall be issued by the Lithuanian Ministry of Foreign Affairs.

6. Information on the letters conferring the mandates shall be stored and processed at the Lithuanian Ministry of Foreign Affairs.’

6 Article Amendment of Article 7(1)

1. In Article 7(1)(1), replace the word ‘išimtinės’ [exceptional] with the word ‘išskirtinės’ [exclusive], to read:

‘(1) regarding the determination and modification of the Lithuanian State borders and delimitation of the exclusive economic area and the continental shelf’.

2. In Article 7(1)(6), delete the words ‘or long-term economic [agreements] concluded for a period of more than five years’, so that this paragraph reads as follows:

‘(6) multilateral agreements;’.

3. Supplement Article 7(1)(9) as follows:

‘(9) long-term economic agreements concluded for a period of more than five years, where these do not provide for the possibility of unilateral termination or where the minimum length of notice for such termination is more than one year;’

4. Supplement Article 7(1)(10) as follows:

‘(10) international mixed agreements;’.

5. Supplement Article 7(1)(11) as follows:

‘(11) Amendments to the Treaty on the Functioning of the European Union adopted pursuant to the procedure in Article 48(6) of the Treaty on European Union.’

7 Article Amendment of Article 9(1)

In Article 9(1), replace the figures and word ‘4 and 5’ with the figures and word ‘3 and 4’, so that this paragraph reads as follows:

‘1. International agreements of the Republic of Lithuania for which the Lithuanian Constitution, this Law or the international agreement itself does not foresee a ratification procedure shall be approved by the Lithuanian Government. This requirement shall not apply to the international agreements of the Republic of Lithuania referred to in Article 6(3) and (4).’

Article 8. Amendment of Article 10

In Article 10 after the word ‘nutraukimą’ [‘termination’], add the words ‘submission of an objection to an amendment of or reservations about an agreement’ so that this Article reads as follows:

‘Article 10. Competence of the Lithuanian Ministry of Foreign Affairs in proceedings relating to the entry into force of international agreements of the Republic of Lithuania

International operations relating to the entry into force, validity or execution of an international agreement of the Republic of Lithuania (drafting and deposition of documents needed for the entry into force of an international agreement, consignment of an international agreement for safe deposit, notification of suspension or termination of validity, submission of an objection to an amendment of or reservations about an agreement, etc.) shall be undertaken by the Ministry of Foreign Affairs of the Republic of Lithuania.’

Article 9. Amendment of Article 11(1)

In Article 11(1) after the words ‘which have entered into force’, add the words ‘along with temporarily applicable’, so that this paragraph reads as follows:

‘1. International agreements of the Republic of Lithuania which have entered into force, along with temporarily applicable international agreements, shall be binding on the Republic of Lithuania.’

10 Article 13(2)

Supplement Article 13(2) and word the entire Article as follows:

‘Article 13. Amending or supplementing international agreements of the Republic of Lithuania

1. An international agreement of the Republic of Lithuania may be amended or supplemented on the basis of the norms of international law or the procedure set out in Chapter II of this Law, unless the international agreement in question makes provision to the contrary.

2. Where, pursuant to the provisions of an international agreement of the Republic of Lithuania, the approval of the signatories is not essential to its being amended or supplemented (tacit entry into force), the decision about the expediency of such amendments or supplements shall be taken in accordance with the procedure laid down in Article 4 of this Law.

11 Article Recommendation to the Government of the Republic of Lithuania

The Government of the Republic of Lithuania shall, by the date of entry into force of this Law, adopt the legal acts necessary for its implementation.

12 Article Entry into force

This Law, with the exception of Article 11, shall enter into force on 1 July 2012.

I hereby promulgate this Law, which has been adopted by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

DALIA GRYBAUSKAITĖ