

LITHUANIAN CONTRIBUTION TO THE EUROPEAN RULE OF LAW MECHANISM
8 March 2021

Lithuania welcomed the initiative of the European Commission to launch the Rule of Law Mechanism and looks forward to the second Rule of Law report. Protection of freedom, democracy, human rights and rule of law form an integral part of the Programme of the current Government of Lithuania. The Government is committed to improve the digitalisation and accessibility of justice system, the protection of journalists, the fight against corruption and the inclusiveness and transparency of the legislative process. New anti-corruption Inter-Institutional Action Plan for 2020-2022 has been approved. It will provide new impetus fighting corruption. Additionally, the new system of the media owners (“VIRSIŠ” - Information System of Producers and Disseminators of Public Information) will become available to public in 2021. It will significantly increase the transparency and at the same time prevent conflicts of interests.

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;
- Public Procurement Office;
- 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.

I. Justice System

A. Independence

1. Appointment and selection of judges, prosecutors and court presidents

In order to further increase the openness and transparency of the selection procedure of the candidates to judicial offices in the Supreme Court, the Law on Courts was amended on 14 January 2020. According to this amendment, the Selection Commission of Candidates to Judicial Offices will advise the President of the Republic on the candidates that are most suitable to be appointed as judges of the Supreme Court. This new provision replaced the old regulation according to which the President of the Supreme Court had the right to propose the candidates to judicial offices in the Supreme Court to the President of the Republic.

-Activities of the Examination Commission of Candidates to Judicial Office

On 1 January 2020, the Judiciary Council's Resolution "On the Approval of the Regulations of the Examination Commission of Candidates to Judicial Office" and "On the Approval of the Examination Program for Candidates to Judicial Office" (Resolution No. 13P-206- (7.1.2) and No. 13P-207- (7.1.2.) of 13 December 2019) have entered into force. Regulations are consistent with currently applicable laws, and establish clear, transparent and timely decision-making procedures: the possibility of holding Commission meetings not only on the day of the examination but also to address other issues, such as the preparation of examination tasks, addressing disqualification matters, discussing the need to update the examination program, etc.; to hold meetings through electronic means; using information technology tools to facilitate the exam; the procedure for deciphering the theoretical part (test) of the exam has been changed; plans are made to publish depersonalised information about the examination results (in relation to the persons who took the examination) on the website of the National Courts Administration (hereinafter referred to as the "NCA") (not later than on the next working day after the Commission signs its decision); such publication of information shall be deemed to be an appropriate publication of the decision of the Commission; simplified procedure for signing the minutes of the Commission - the minutes of the meeting no longer have to be signed by all members of the Commission present at the meeting, leaving the right to sign to the Commission Head and Secretary; the procedure for disqualification of an examinee who does not comply with the established examination procedure and the procedure for appealing against such disqualification have been changed (the decision on disqualification may be made by the Head of the Commission rather than the entire Commission); the decision to disqualify the examinee from the examination may be appealed to the Judicial Council, etc.

On 14 March 2020, following the announcement on the introduction of quarantine in the Republic of Lithuania, examination for candidates to judicial office scheduled for 4 April 2020 was cancelled, but subsequent adoption of the above-mentioned changes in the organisation and conduct of the examination for candidates to judicial office allowed for a successful completion of the examination even during the quarantine. The exam and assessments of the practical part (tasks) of the exam as well as final confirmations of the scores were performed using electronic communication technologies. On 20 November 2020 (following the announcement of the second quarantine in Lithuania), the examination was carried out in the usual way, taking into account all the recommendations of the Ministry of Health.

-Activities of the Selection Committee for Candidates to Judicial Office

In 2020, due to the fact of the pandemic and changes made to the Selection Commission for Candidates for Judges, a smaller number of selections was carried out compared to 2019 (in 2020 255 candidates were assessed in 36 selection sessions). In 2019 a total of 468 candidates were assessed in 49 selection sessions. In the face of the pandemic, remote hearings were launched.

Since 1 January 2020, following the changes to the Law on Courts, for the first time an alternate judge was appointed for a period of 2 years and the selection procedure for the position of a judge of the Supreme Court of Lithuania was carried out for the first time.

Resolution No. 13P-15-(7.1.2) of the Judicial Council adopted on 31 January 2020 approved the Rules for Compiling and Managing Personal Files of Candidates for Judges and Judges, which define the

requirements applicable to the compilation and processing of personal files of Candidates for Judges and Judges (hereinafter referred to as “personal files”), including the collection of documents comprising a personal file, the principles of formation of personal files, updating their documents, provision, and storage of personal files or their data, handling and destruction of closed personal files.

-On 15 June 2020, the project on the “Improvement of Quality, Services and Infrastructure in Lithuanian Courts” was launched. It was financed by the European Economic Area funds through the implementation of the 2014-2020 EEA and Norway Financial Mechanism Program “Justice and Home Affairs”. One of the objectives of this project is to develop a model of competencies for top and middle managers of the court, selection and evaluation criteria, methodology and to organise training to strengthen leadership and managerial competencies. During the implementation of this project, a model of competencies and a procedure for the assessment of personal competencies will be prepared.

2. Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

No significant changes.

3. Promotion of judges and prosecutors

No significant changes.

4. Allocation of cases in courts

No significant changes.

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)

1. The Judicial Council has become one of the participants of the independent state strategic management system, established on 25 June 2020 in the Law of the Republic of Lithuania on Strategic Management No. XIII-3096 (entered into force on 1 January 2021). On 25 June 2020, the Law No. I-480 amending Articles 120, 124 and 128 of the Lithuanian Law on Courts, was adopted and established the following functions of the Judicial Council: The Judicial Council considers and approves proposals for court investment projects and proposals for court budget projects, and submits them to the Government; in accordance with its competence it submits proposals to the Government regarding the establishment of strategic goals and progress targets in the National Progress Plan and regarding the inclusion of measures in the national development programs.

Article 128 of the Law on Courts has also been supplemented with provisions stipulating that the NCA is not only the manager of appropriations for investments in courts provided for in the State Investment Program, but also the manager of appropriations for national development programs implementing the National Progress Plan and their implementation projects organised by courts (entered into force on 1 January 2021).

2. NCA-managed real estate was included in the Government’s Resolution No. 798 of 16 July 2020, which approved the list of administrative and other state-owned real estate and land plots and long-term tangible assets required for the purposes of property management and use intended to be transferred to the state-owned company Turto bankas by the right of trust. It is envisaged that the state-owned company Turto bankas should sign the deeds of transfer and acceptance of the specified property with the users of the listed real estate by 31 December 2020 as well as centrally manage the lease agreements of the transferred property.

The NCA has not given its consent to the inclusion of the real estate in the Government Resolution, nor has it objected at the stage of negotiating the Resolution.

Paragraph 5 of Article 128 of the Law on Courts of the Republic of Lithuania stipulates that property transferred to the courts and the NCA may not be seized without the consent of the Judicial Council. Therefore, the issue of the transfer of assets under the trust of the NCA was addressed by the Budget and Investment Committee of the Judicial Council and the Judicial Council itself. In order to ensure the initiation of the construction of premises suitable for the performance of court and NCA functions and sufficient financing for the lease, the Judicial Council approved the transfer of property, stating that the approval of real estate transfer will take effect from the date of adoption of the Government Resolution approving Vilnius Regional Court's, District Court of Vilnius Region Vilnius District Chamber's and NCA's building renovation project.

3. In November 2020, the General Meeting of Judges (hereinafter referred to as the "VTS") was held, where a new Judicial Council (in accordance with the provisions of the Law on Courts amendments valid as of 1 January 2020) was elected. After assessing the threats posed by the epidemic situation, the VTS and the election of the Judicial Council, which took place during its session, for the first time in the history of Lithuanian courts were organised in a non-traditional way. It was done remotely using information communication technologies: draft amendments to the VTS Rules of Procedure providing for such possibilities have been prepared and agreed with the judiciary; an extraordinary VTS meeting was held to adopt the changes; the new format for the election of the members of the VTS and the Judicial Council has necessitated detailed planning and technical implementation of the election of members of the VTS and the Judicial Council, to plan the elections and organise their technical implementation in such a way that all requirements are met while judges are enabled to exercise all the rights of VTS participants. The new format of the election of the VTS and members of the Judicial Council has also led to the need for more active and not only traditional forms of communication with the judiciary then before during similar circumstances (active cooperation with judicial IT specialists, judicial communication representatives and representatives of the constituency centres of the courts - members of the Judicial Council), to organise meetings, pilot remote connections; Two (extraordinary and ordinary) VTS sessions were held; Election of the members of the Judicial Council took place over several days, focusing on the remote presentation of candidates to the judiciary. In the constituencies, elections were conducted by election commissions formed by the Judicial Council and these elections were observed for the first time by representatives of the public invited by the judiciary itself.

4. For the first time, the Judicial Council appointed three judges as members of the Selection Committee of Candidates to Judicial Office (until 2020, this was an exclusive competence of the President).

5. A discussion on "The Future of the Courts: Vision, Mission, Strategy" took place during the General Meeting of Judges held on 6 November last year, with the participation of representatives of the judiciary and academia, as well as political scientists. The discussion emphasized that the independence of the judiciary is a value, and that strengthening the independence of the judiciary requires judicial funding to be less dependent on the executive branch. In order to ensure this constitutional value, a dialogue with representatives of other state authorities is constantly maintained.

6. The Judicial Council condemned Russia's decision to bring charges against the judges of the Vilnius Regional Court, which heard the case of "January 13th", and appealed to the Lithuanian and European institutions and the Government to take effective measures to ensure the physical safety of judges involved in proceedings. They are also being asked to ensure that the conduct of the Russian authorities in violation of international legal values is condemned and prevented.

7. After the 29 April 2020 meeting of the Anti-Corruption Commission of the Seimas, when the Special Investigation Service's (hereinafter referred to as the "STT") 2019 Activity Report was presented on the corruption risks, the NCA have taken active steps to strengthen the anti-corruption environment in the judiciary and have adopted (and continue developing) appropriate measures.

8. In 2020, the Judicial Council called on members of the Seimas to assume responsibility for decisions related to the dismissal of a judge of the Supreme Court of Lithuania from the position of the Chairman of the Civil Cases Division of this court without a legal basis.

6. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges.

1. In February 2019, eight judges were arrested on suspicion of corruption, bribery, influence trafficking and abuse of power. Part of the investigation has been completed and submitted to the court for further review.

2. Activities of the Judicial Court of Honour

In 2020, due to the COVID-19 pandemic, part of the Judicial Court of Honour hearings took place remotely with the help of video conferencing equipment. This method of organising hearings was used for the first time in the history of the Judicial Court of Honour, but was welcomed by both its members and the judges present at the hearings. This practice is expected to be fully established and more widely used in the future as remote meetings make it easier to gather a quorum of members of the Judicial Court of Honour, since members can attend without leaving their place of residence or work, allowing disciplinary cases to be heard and decided by in a shorter time.

3. Activities of the Judicial Ethics and Discipline Commission

Based on the Resolution of the Judicial Council No. 13P-50-(7.1.2) of 29 April 2020, Regulations of the Judicial Ethics and Discipline Commission were amended. It was established that meetings of the Commission may be held using electronic communication technologies; meetings of the Commission dealing with the issue of instituting disciplinary proceedings against a judge when electronic communication technologies are used may be held only by the means of video conferencing.

On 24-27 February 2020, during the Global Judicial Integrity Network Forum, recommendations on the application of the Code of Conduct for Judges were adopted. It emphasized the importance for States to adopt a document setting out standards of conduct for judges and the institutional mechanisms for enforcing this instrument. The example of Lithuania was also mentioned during the forum, as the Lithuanian judicial system has such a code and its guide-commentary, which discusses each principle (for example, independence, impartiality, equality, etc.) and provides practical examples and recommendations based on the principles of conduct of the Judicial Ethics and Discipline Commission, the Judicial Court of Honour, the Supreme Court and the judges of Bangalore.

On 16 October 2020, in cooperation with the Chief Official Ethics Commission, a discussion was held on the topic of professional ethics of a Judge. In the discussion addressed to the presidents of Lithuanian courts and their deputies, issues related to the observance of professional ethics of judges in the context of ensuring the principles of independence and impartiality were examined.

7. Remuneration/bonuses for judges and prosecutors

No significant changes.

8. Independence/autonomy of the prosecution service

No significant changes.

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

No significant changes.

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

On 18 May 2020, a remote meeting between the members of the Judicial Council, the chairpersons of the courts, the leadership of the Lithuanian Union of Journalists and individual media representatives / journalists took place and focused on ensuring the publicity of the court proceedings during the administration of justice in pandemic conditions. Following the meeting, on 27 May 2020,

a document “On Communication with Media Representatives on Judicial Issues in Relaxed Quarantine Conditions” was developed and prepared in cooperation with the Lithuanian Union of Journalists.

In June 2020, a remote meeting with Lithuanian court communication specialists was organised, where 2019 and 2020 Media Monitoring Reports, internal and external judicial communication initiatives and directions were presented

In 2020, sixteen newly appointed district court judges took a public speaking course.

B. Quality of justice

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

Additional information regarding languages: according to Article 8 of the Law on Courts, court proceedings in Lithuania shall be held in the state language (Lithuanian). The right of persons, who do not know the state language, to participate in the proceedings shall be guaranteed through an interpreter.

Legal aid: a project aiming at ensuring a good quality of legal aid is specifically indicated as a priority in the Programme of the 18th Government of the Republic of Lithuania, which was approved by the Parliament on 11 December 2020¹ (§198-199). The project aims at reducing the workload of lawyers (barristers) who provide legal aid and tackling the problem of inadequately low remuneration for the legal aid services they provide. The plan is to differentiate the remuneration levels depending on the complexity of cases, to clarify the conditions for providing the so-called secondary legal aid (i.e., that involving representation at courts), to establish a system of the monitoring of effectiveness of legal aid, and to ensure the quality of physical working places provided for lawyers (barristers) by the Service of the State-Guaranteed Legal Aid.

12. Resources of the judiciary (human/financial/material)

Due to the COVID-19 crisis, no additional financial or human resources were allocated to the judiciary, nor was there any reduction in their amount.

In 2020, a project financed by the European Economic Area Financial Mechanism was launched. Within its framework additional technical security measures will be introduced (expansion of access control systems, video surveillance systems, etc.) in courts during the 2021-2024 period.

During the first half of the year, 51 volunteers provided assistance to more than 500 persons in the following courts: Vilnius District, Kaunas District, Šiauliai Regional and District Courts, Panevėžys Regional and District Courts and Klaipėda District Court. In order to encourage volunteering in the courts, on 30 September 2020, a communication campaign was launched and included motivational messages from court volunteers, which were posted on the courts’ website and Facebook profiles. Information promoting volunteering in the courts was sent to Mykolas Romeris and Vytautas Magnus Universities in Vilnius as well as Vilnius University of Applied Sciences.

By the end of 2020, there were 644 prosecutors in Lithuania.

13. Training of justice professionals (including judges, prosecutors, lawyers, court staff)

Due to the COVID-19 pandemic and restrictions on the organisation of non-formal adult education related to it, the training events for judges that were planned for spring 2020 were postponed. They were implemented as online training activities in autumn 2020, when the technical conditions allowed for it. The NCA has provided training on how to work with the ZOOM training platform to all interested lecturers. In total, 30 seminars were held as face-to-face activities and 17 seminars were held online (over 36% of all seminars) throughout 2020.

¹ Resolution of the Seimas No. XIV-72 of 11 December 2020:
<https://www.e-tar.lt/portal/lt/legalAct/ed22bb703bc311eb8d9fe110e148c770> .

The evaluation of the employees of the court system is improved by implementing changes in legal regulations and organising trainings for managers on the topics of leadership, human resource management and education. On 9 October 2020, training for court chancellors was held on the topic of “Non-monetary motivation and motivational interviews with employees in the public sector”. On 7 October 2020, training for court mentors was held.

The budget for the training of prosecutors in 2020 was 40 000 Eur. The prosecutors and the personnel of the Prosecutor’s Office participated in 118 training events. Due to the COVID-19 pandemic, part of the planned trainings were postponed or organized remotely. The Prosecutor’s Office is active member of the EJTN and cooperates in the field of training with the Academy of European Law (ERA), Europol.

14. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

In response to the pandemic, the order of the Minister of Justice was amended on 29 October 2020² in order to further boost and facilitate the use of video and tele conferences for organising remote court hearings in civil and administrative cases. These amendments allow for the use of the technologies not only on the request of the parties to the proceedings but also by court’s initiative (taking into account the circumstances of the case).

According to the Programme of the 18th Government of the Republic of Lithuania (§ 194-195), it is foreseen to further modernise the work of the courts, in particular: to ensure the possibility to observe public court hearings online; to reinforce the access of public society to the case-law; to reinforce the possibility of organising distant court hearing in all procedures.

Integrated Criminal Procedure Information System (IBPS) is a single centralized information system, which is used by the Prosecutor’s Office and all pre-trial investigation institutions during pre-trial investigation stage in criminal cases. The main pre-trial investigation actions are performed, the coercive procedural measures are imposed, the decisions are rendered within this system. Communication among the pre-trial investigation institutions is maintained using the system. The system is integrated with information systems of the police, Prosecutor’s Office, the courts and relevant official registers. Due to the effective IBPS system, the prosecutors were able to promptly organize their work remotely during the lockdown.

-Court activities

General requirements for the work of state institutions, including courts, taking into account the situation caused by the COVID-19 pandemic and the declared emergency situation in Lithuania, are established by the Government and the Head of the State Emergency Operations Centre.

In response to the growing threat of COVID-19 in Lithuania, the Judicial Council, in order to ensure the uninterrupted operation of the judiciary and to avoid adversely affecting the administration of justice, made recommendations to the courts to ensure a fair balance between the protection of personal and public health and the individual’s right to go to court. The recommendations emphasize the need to make use of the possibilities provided by the legislation, for example to ensure remote participation of the participants in the court hearings (centralised video conferencing equipment of the court system, video conferencing programs, telephone communication, etc.); to accept/ serve procedural documents in all cases, to allow access to them by e-mail, having conducted a responsible assessment of potential risks and consequences in each individual case; to flexibly assess the requests of persons to renew the missed deadline for the submission of a procedural document or to perform a procedural action, if these actions have been prevented from performing by the emergency situation declared in the country, etc.

² Order of the Minister of Justice of 29 October 2020 No. 1R-355, which came into force directly: <https://www.e-tar.lt/portal/lt/legalAct/dc61241019b911ebb0038a8cd8ff585f>.

Court Presidents are responsible for the implementation of the requirements set by the State and the recommendations of the Judicial Council, which the courts have used very actively, and have taken steps, where legislation allows, to hold remote court hearings using not only centralised video conferencing equipment of the judiciary system, but also other programs such as ZOOM, MS Teams and others.

Individuals may apply to courts through the Electronic Services Portal and submit claims, complaints and statements in civil and administrative cases. From 1 January 2020, criminal cases, which have been transferred to the court in response to requests from prosecutors for the adoption of a criminal order, are conducted in electronic format. In the case of state quarantine, the Judicial Council has also recommended that courts make it possible for individuals in all cases (civil, administrative, criminal and administrative offences) to receive/ serve procedural documents and allow access to them through e-mail, but on a case-by-case basis when a responsible assessment of the potential risks and consequences of accepting/ sending procedural documents through this channel must be carried out. In line with the principle of publicity of court proceedings, in particular in cases of high public interest, the Judicial Council recommended that oral proceedings be organised in such a way as to guarantee the right of members of the public and the media to observe (in exceptional cases, only hear) court hearings. It is recommended to forecast and regulate in advance the flows of persons wishing to watch/ listen to the court hearing (s) (to carry out pre-registration of the media and other members of the public by publishing information regarding the registration procedure on the court website). Due to the established restrictions on the minimum area allocated for 1 person in the courtroom, it is recommended to retransmit the image and / or sound of the court hearing to another room in the court building, which would be open to the public.

-Changes in the legal framework governing the use of video conferencing and teleconferencing technologies in civil and administrative cases

The Judicial Council, wishing to facilitate an easier administration of remote court hearings in the light of the growing need for remote hearings due to the pandemic and the practical problems identified, initiated amendments to the Description of the Procedure for the Use of Video Conferencing and Teleconferencing Technologies in Civil and Administrative Cases and the Description of the Requirements for Audio Recordings of Court Hearings Aimed to Record the Proceedings of a Court Hearing, approved by the Minister of Justice. The Ministry of Justice responded to the proposals and made changes to the legislation.

On 29 October 2020, Minister of Justice of the Republic of Lithuania by issuing Order No. 1R-355 approved a new version of the Description of the Procedure for the Use of Video conferencing and Teleconferencing Description of Video Conferencing Technologies in Civil and Administrative Cases (hereinafter referred to as the “Video and Teleconferencing Description”). Additionally, on 29 October 2020, the Minister of Justice of the Republic of Lithuania issued Order No. 1R-354 amending Description of the Requirements for Audio Recordings of Court Hearings Aimed to Record the Proceedings of a Court Hearing, approved by Order of the Minister of Justice of the Republic of Lithuania of 11 December 2012 (hereinafter referred to as the “Audio Recording Description”).

Video and Teleconferencing Description provides for the possibility for individuals to apply for participation in a court hearing using video conferencing technology not only during the court hearing, but also before the scheduled court hearing; the possibility for the court to initiate a remote court hearing has been established; it is established that the examination of a witness should in all cases be, and the participation of participants in the proceedings of the court hearing is usually organised using video conferencing technologies, i.e. prioritising the use of video-enabled equipment over other teleconferencing technologies; the court’s obligation to ensure the protection of personal data has been established; the procedure for transmitting signed oath texts or written pledges to the court has been clarified.

Audio Recording Description clarifies the technical requirements for audio recordings of court hearings, applying these requirements to the audio recordings of court hearings made with the computer and telephone equipment available to the court.

Organisation of teleconferences

The application of the Video and Teleconferencing Description using the fixed telephone equipment available in the court requires technical and organisational preparation. Consultations are held with the courts' fixed telephone service provider on the provision of teleconferencing call service (a unique telephone number is issued to the court for conference calls only), on temporary storage of recorded calls on the service provider's servers until they are transferred to the LITEKO system and others. These issues are addressed centrally by entrusting the NCA with the organisation of further technical implementation of teleconferencing.

-The Judicial Council has also been actively involved in initiatives to change the rules of criminal and administrative offence procedure by introducing the possibility of holding court hearings using electronic communication technologies (via video conferencing, teleconferencing, etc.).

At the present, the Code of Criminal Procedure (hereinafter referred to as the "CCP") does not allow all necessary pre-trial investigation actions to be performed remotely (only certain actions can be ensured through audio-visual means of remote transmission, for example, participation of the arrested in a court hearing when arrest issues are questioned) or all participants in the criminal case participate in the court hearing through the video and audio means. Draft Law No. XIIP-4754 on amending the Code of Criminal Procedure with Article 8², which proposes to legitimize the wider use of information technology in criminal proceedings, has been registered. According to amendments to the CCP, pre-trial investigation actions, court proceedings and participation in court hearings could be ensured by using electronic communication technologies (via video conferencing, teleconferencing, etc.). At the end of February 2021, the consideration of the project in the Seimas Committee on Law and Order was renewed.

Current health situation has an impact on the organisational changes in court activities - remote communication became inevitable. The widespread use of remote means has had a definite positive effect: it helps to ensure the functioning of the courts during the epidemic; the courts have not been completely closed and have not ceased their activities.

The courts are encouraged to use technological solutions not only for remote court hearings, but also any other communication (also within the court). The judges and court staff are provided with the opportunity to work remotely (also connecting to the Lithuanian Courts Information System. Even though courts use a centralised video conference system for remote court hearings, at this time they also use other, non-centralised solutions like ZOOM and MS Teams.

The use of remote means (video conferencing, teleconferencing) for the organisation of oral proceedings is undoubtedly innovative and should be developed in the future, and the development of other digital technologies in the judiciary should be encouraged in the future.

-In 2020, due to the pandemic, some of the judicial self-government institutions including the Judicial Council, the Judicial Court of Honour as well as formed commissions, carried out their activities remotely. The table below provides a summary of the remote meetings that took place:

Number of meetings	Judicial Council	Permanent Commission for the Assessment of Activities of Judges	Commission for the Assessment of Candidates to Judicial Office	Examination Commission of Candidates to Judicial Office	Judicial Court of Honour	Judicial Ethics and Discipline Commission
Total	24	13	31	9	5	5
Remote	9 (two of them the mixed)	10	12	8 (four of them the mixed)	3	2

-In view of the Special Investigation Service's recommendations on corruption risk analysis in the areas of allocation of judges and formation of judicial panels, which was performed in 2019, amendments to the Rules of Allocation of Cases to Judges and Forming of Judicial Panels were prepared and modernisation of the LITEKO Case Division module was started.

-In 2019, a new IT state investment project "Ensuring the speed and security of the court information system and modernisation and development of electronic court services" was prepared and coordinated with the Information Society Development Committee and from 2020 onward was included in the Public Investment Program. The aim of this project is to complete the last stages of the LITEKO modernisation and to fully complete the modernisation of the LITEKO in 2021 as well as to improve the functionalities of the LITEKO public electronic services subsystem.

-In 2020, the implementation of the project "Increasing the Efficiency of Judicial Activities", financed by the investment funds of the EU, was continued. The aim of the project is to increase the efficiency of court activities, to develop models for advanced management of court resources and case allocation, and to update case data management processes and transfer them into the electronic space. Results of modernisation of the LITEKO II in 2020: LITEKO II non-process document management module developed and put into use; LITEKO II project planning works have started; public procurements for the development of the case distribution module and the statistical subsystem have been completed (it is planned that the services for the development and implementation of the LITEKO Case Distribution Module will be performed by 31 December 2021);

-The NCA Activities

Until the middle of March 2020, when quarantine was activated in the territory of Lithuania, only a small part of the NCA's employees worked remotely. Since the aforementioned quarantine period, the NCA staff have adapted well to remote work settings and have ensured continuity of all activities. The full implementation of the remote work mode was done in a surprisingly short period of time, which allowed for a great transition to the second quarantine period. It is also important that when looking for employees, remote work can actually be described as an advantage and a non-monetary motivational measure. Due to the restrictions imposed by the COVID-19 pandemic, larger events or meetings were postponed or organised remotely (for example, the International Conference on the Success and Cost of Mediation, initially planned for April, was held remotely in autumn, yet attracted larger interest and participant numbers than originally planned).

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

On 6 December 2018, while implementing the EU structural assistance project "Increasing the efficiency of judicial activities", a service contract was signed with the service provider for the development of an advanced judicial resource management model. During the implementation of the agreement, analysis of the current situation of advanced management of judicial resources, analysis of foreign good practices, an advanced model of management of judicial resources and draft legislation/ amendments were proposed. The supplier's experts prepared their findings and presented them on 31 January 2020 during a meeting of the Judicial Council. Based on the suggestions of the experts, after assessing the position of the courts and legal possibilities, a final draft of the workload distribution model for the judge's team (assistant judges, court clerks) will be prepared.

On 17 September 2020, the NCA organised a virtual conference "Effective management of judicial resources: Challenges of the XXI century".

16. Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation

According to the Programme of the 18th Government of the Republic of Lithuania (§ 194-195), it is foreseen to continue and take new legislative actions in order to make court procedures more effective, to transfer the functions that are not intrinsic to the judiciary to other institutions, to further

boost out-of-court dispute resolution (including mediation), to equalize the workload of the courts and to increase the number of judges having specialisation.

The Judicial Council, having considered findings of the working group, which during the period of May - December 2019 assessed the perspectives of possible optimisation of district courts, and in order to increase the efficiency of the use of funds allocated for the maintenance of courts, to optimise the workload of courts (chambers) and judges and to increase the opportunities for specialisation of judges, decided (1) to initiate the optimisation of Alytus District and Plungė District Courts: from 1 January 2021, to abolish the Lazdijai Chamber of the Alytus District Court by transferring their activities to the Alytus Chamber, and abolish the Skuodas Chamber of the Plungė District Court by transferring their activities to the Plungė Chamber; (2) to approve the draft amending law No. I-2375 and its accompanying documents to the Law of the Republic of Lithuania on the District Court Establishment and Determination of Areas of Activity of the District Courts, which governs implementing the closure of the said chambers. On 17 March 2020, the Judicial Council applied to the Ministry of Justice by initiating legislative procedures and submitting the draft amending law No. I-2375 to the Law of the Republic of Lithuania on the District Court Establishment and Determination of Areas of Activity of the District Courts.

C. Efficiency of the justice system

17. Length of proceedings

According to the Programme of the 18th Government of the Republic of Lithuania (§ 194-195), it is foreseen to continue and take new legislative actions in order to make court procedures more effective, to transfer the functions that are not intrinsic to the judiciary to other institutions, to further boost out-of-court dispute resolution (including mediation), to equalize the workload of the courts and to increase the number of judges having specialisation.

Other – please specify

The Judicial Council, expressing its support for the state and society struggling with the COVID-19 pandemic, in order to contribute to ensuring the stability of the country's economy during this period, addressed the Seimas, the President and the Government by proposing the implementation of measures recommended during the European Conference on Restructuring and Insolvency and issued in the statement of 20 March 2020 regarding the adaptation of the legal framework of insolvency in the conditions of crisis in Lithuania.

The Judicial Council was actively involved in coordinating draft amendments to legal acts (Law on Administrative Procedure, Law on Pre-Trial Administrative Disputes, Law on the Civil Service, etc.), which propose to expand administrative dispute resolution in independent collegial pre-trial institutions and thus to resolve such disputes more expeditiously, at the same time reducing the workload of Lithuanian specialised courts and allowing them to concentrate on the examination of important disputes. The Judicial Council also welcomed initiatives to establish a court order institute within the administrative process; the rule of case allocation established in civil proceedings, providing for an increase in the amount of the claim from which civil cases are to be assigned to regional courts as courts of first instance.

In 2020, topics relevant to the judicial system were proposed for the radio program "Radio Case"; regular proposition of topics / articles / broadcasts with comments from court representatives. Information about the activities of the courts reached the public through radio programs, the most popular news portals, comments sections, etc. On 23 October 2020, in order to strengthen legal education of the public, Lithuanian courts hosted a free legal advice day titled "You ask - we answer". Lithuanian bailiffs and lawyers, who are partners of the court system, also joined the event. Also in 2020, Lithuanian courts participated in the Open House and Culture Night events.

II. Anti-corruption framework

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

18. List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant), e.g. in table format.

The Programme of the 18th Government of the Republic of Lithuania envisages leadership of the Ministry of Justice (§ 196) in strengthening inter-institutional cooperation, transparency, introducing value-based, ethical and moral standards and trying to improve the trust of the society in the justice system.

Currently 276 officers and staff work in the Special Investigations Service of the Republic of Lithuania (hereinafter - STT). The Board of the Parliament (the Seimas) determines the largest permissible number of the officers and staff.

According to Article 14 of the Law³, the STT is financed from the state budget of Lithuania. For the year of 2021, it was allocated over 13 million Euros of state budget funding. The STT may use 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.

B. Prevention

19. Integrity framework including incompatibility rules (e.g.: revolving doors)

No significant changes.

20. General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

On 26 June 2020, the Seimas adopted the amendment to the Law on Lobbying of the Republic of Lithuania No. VIII-1749⁴. The amendment established the so-called “cross-declaration” that requires both lobbyists, and politicians and public servants who have contact with lobbyists to report lobbying activities. Institutions, which are responsible for implementation of this Law, are organizing seminars, discussions and trainings in order to raise awareness. The STT during the deliberations of the above-mentioned draft legal act at the Seimas committee hearings carried out its anti-corruption assessment and submitted its comments and suggestions on the improvement of legal regulation⁵. The STT's substantive proposals concerning the "cross-declaration" of lobbying activities (so that the fact of lobbying activities is declared not only by the lobbyist, but also by the person sought to be influenced; to improve the legal framework for the liability of lobbyists in order to prevent illegal lobbying) were taken into account.

Amendments to the Local Self-government Law⁶ established mechanisms for municipalities to inform local residents about their activities, draft decisions, decisions; the amendments created conditions for residents to participate directly in the planning and implementation of municipal decisions.

On 4 March 2020, the Prime Minister issued a Decree No. 47 “On setting up a working group”⁷ for suggesting proposals for strengthening the protection of human rights aspects in the activities of intelligence and criminal intelligence institutions while enhancing the effectiveness of the internal and external control mechanism of intelligence and criminal intelligence institutions. The working

³ <https://www.e-tar.lt/portal/lt/legalAct/TAR.9C9FA25983BC/asr>

⁴ By the Resolution No. XIII-3170, <https://www.e-tar.lt/portal/lt/legalAct/da0fef90c26e11ea9815f635b9c0dcef>.

⁵ <https://e-seimas.lrs.lt/portal/legalAct/en/TAK/09215f80afcd11ea9a12d0dad43ca61b?positionInSearchResults=1&searchModelUUID=8680caaaID=8680caa-2913-446a-a>

⁶ <https://www.e-tar.lt/portal/lt/legalAct/997f6bd0280e11eb932eb1ed7f923910>.

⁷ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/98efa592d8fc11e782d4fd2c44cc67af?ifwid=9o5pdrw26> (English translation as of 2017 October 12)

⁷ <https://www.e-tar.lt/portal/lt/legalAct/0a1874f05e2411ea931dbf3357b5b1c0>

group, taking into account the recommendations of the Seimas Ombudsman, assessed the shortcomings of the current regulations and analysed the current practices and the standards formed by the European Court of Human Rights. The working group proposed to improve the control mechanism of the activities of intelligence and criminal intelligence institutions. The Government agreed with proposals and obliged the competent authorities to amend: the Law on Corruption Prevention⁸, on Seimas Ombudsmen⁹; on Criminal Intelligence¹⁰ and on the Intelligence¹¹.

In order to strengthen the rule of law and to ensure the quality of legislation, the Programme of the new Government¹² emphasizes that the society should be more involved into the process of legislation.

The Minister of Economy and Innovation approved Recommendations for Public Sector on Data Opening¹³. The purpose of the Recommendations is to facilitate the efficient reuse of data and to assist the Institutions in opening data (except for prohibited data, as specified in Section 5.3.2 of the Recommendations). Recommendations include principles of organization, coordination, implementation, monitoring and provision of public sector documents, data and information available for public.

21. Rules on preventing conflict of interests in the public sector

No significant changes.

22. Measures in place to ensure whistleblower protection and encourage reporting of corruption

According to statistical data of the STT, 7 persons who submitted the information to the STT were recognised as whistle-blowers and received the whistle-blower protection in 2020.

The reporting person can apply for legal aid and will be granted with secondary legal assistance, guaranteed by the state, regardless of the established threshold of assets and income to obtain legal aid. In 2020, secondary legal assistance guaranteed by the state to the persons having the status of whistle-blower was provided in 5 cases to 3 persons.

A remuneration may be paid to the whistle-blower for useful information or compensation for the adverse effects incurred may be paid. In 2020, one whistle-blower has been paid the maximum amount of the compensation laid down in the law (EUR 1,950) and by the Prosecutor General's decision, 2 whistle-blowers have been granted remuneration for the provision of valuable information – EUR 4,000 and EUR 15,000.

Based on the Directive 2019/1937, a “Hotline for Whistle-blowers” was established at the prosecution service in August 2020. Every working day, from 8 a.m. until 5 p.m., having dialled the telephone number specified on the website of the prosecution service, persons are advised by competent employees on how the report form has to be filled and what documents and information need to be provided. The hotline may also be used by persons who already have the status of whistle-blower, but adverse actions have been taken against them or they wish to receive secondary legal assistance guaranteed by the state. 198 consultations have been provided to natural persons and legal entities over the period of four months in 2020. In 2020, there were 86 decisions regarding the status of a whistle-blower made. 49 persons were recognised as whistle-blowers, and 37 persons were not. 4 persons applied several times. The information contained in the reports was investigated by divisions of Prosecution Service or other competent authorities (ministries etc.): there were 16 pre-trial investigations started; on 15 occasions it was refused to start a pre-trial investigation; there were 11 internal audits and investigations carried out which revealed no breaches; there were 11 internal audits

⁸ <https://www.e-tar.lt/portal/lt/legalAct/TAR.4DBDE27621A2/asr>

⁹ <https://www.e-tar.lt/portal/lt/legalAct/TAR.EC01522BCE65/asr>

¹⁰ <https://www.e-tar.lt/portal/lt/legalAct/TAR.3B8E4F16C815/asr>

¹¹ <https://www.e-tar.lt/portal/lt/legalAct/TAR.1881C195D0E2/asr>

¹² <https://www.e-tar.lt/portal/lt/legalAct/ed22bb703bc311eb8d9fe110e148c770>, Chapter 10

¹³ 2020 December 28 Order of Minister of Economy and Innovation of the Republic of Lithuania On Approval of Recommendations for public data opening, <https://www.e-tar.lt/portal/lt/legalAct/2bf2218048d311eb8d9fe110e148c770>

and investigations carried out which revealed certain breaches; on 3 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, misappropriation of property, failure to perform official duties, violation of occupational safety and health requirements, violation of the rules for combating epidemics or communicable diseases (related to COVID-19), corruption in public procurement procedures, crimes against environment, avoidance of criminal sanctions, 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 and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

The National Anti-Corruption Programme for 2015-2025¹⁴ (hereinafter – the Programme) is the current anti-corruption strategy in Lithuania and was approved by the Seimas.¹⁵ On 4 November 2020, the Government of Lithuania approved the Action Plan for 2020-2022¹⁶ (hereinafter – the Action Plan), which replaced the Inter-institutional Action Plan for 2015-2019¹⁷. The current Action Plan, as the previous plan, is dedicated to implement goals and objectives of the Programme. The Programme lists the priority eight sectors¹⁸ 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.*

There are 46 measures in the Action Plan for 2020-2022 (non-implemented measures of the previous period Action plan are also included) to be implemented. One measure was accomplished already in 2020 and two more should be implemented in the nearest future. In order to mitigate corruption risks, these actions are planned to be implemented in 2020-2022:

- In *political activities and legislation*: open more elections related data and provide it in open source format by modernising Central Electoral Commission information system; activate anti-corruption activities in municipal level; make lobbyism more transparent.
- In *activities of the judiciary and law enforcement institutions*: improve and develop mechanism of whistle-blowers protection; increase competences of prosecutors and pre-trial investigation officers in detecting and investigating criminal activities; increase transparency and corruption prevention of judicial system by preparing and implementing corruption prevention programme for judicial system; improve conflict of interest management system of judges and their assistants; improve the process of cases allocation in courts.
- In *public procurement*: speed up centralisation and digitalisation of public procurement; modernise public procurement information system; strengthen competences of the purchasing organizations; manage more efficiently conflict of interests in public procurement.
- In *health and social security*: create and implement common system for monitoring and assessing corruption manifestations in health sector; increase society knowledge on health system and raise health care institutions employees' and patients' intolerance for corruption; implement more e-services in personal health care system; as much as possible standardise and centralise public

¹⁴ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/e42b7360100211e5b0d3e1beb7dd5516?jfwid=-fxdp8swm>.

¹⁵ by Resolution No. XII-1537 on 10th of March 2015

¹⁶ <https://www.e-tar.lt/portal/lt/legalAct/1f7c4180227f11eb932eb1ed7f923910>. Action Plan provides for concrete measures and appoints a competent authority for each measure to ensure implementation of the Programme.

¹⁷ In 2015-2019 Action Plan there were provided 45 measures, from which 36 – are already implemented, 6 measures implementation are delayed, 1 is partly accomplished and 1 measure was refused to implement.

¹⁸ 2015-2025 national programme for fight against corruption, 14.1 – 14.8

procurement in health care sector.

- In *territorial planning, state supervision of construction and waste management*: modernise and develop preparation of territorial planning documents and process of state supervision of territorial planning, information systems of construction permissions and construction state supervision register and digitalise more services; optimise permissions issuance requirements and processes for pollution and pollution prevention, automate them.

- In *supervision of activities of economic entities*: continue optimisation of responsible institutions in charge of supervision processes of economic entities.

- In *public administration, civil service and asset management*: develop state and municipalities data on incomes and expenditures publicity in open format; open more data on state and municipalities real estate transactions; improve current state and municipalities procedures on real estate sale process and procedures, which are related to acquisition of a right to state land-plot release; prepare guide for anti-corruption and integrity in state and municipalities owned enterprises; create a network of public authorities employees, who are responsible for anti-corruption in their represented organisations, increase their qualification; improve management and data control of private interests declarations of the public servants; broaden knowledge of public servants on professional ethics and management on conflict of interests.

- In *private sector*: decrease systemic corruption risks in sports; prepare and publicise recommendations for Lithuanian business organisations that operate in foreign countries on how to identify and manage corruption risks abroad, including possible situations of bribery of foreign public officials.

24. Measures taken to address corruption risks in the context of the COVID-19 pandemic.

In order to tackle COVID-19 effects and boost economic recovery, the Government of Lithuania introduced 5 billion Euros Plan of Measures to Stimulate the Economy and Mitigate the Spread of Coronavirus (COVID-19) (hereinafter – Plan). With regard to it, the STT has prepared the Recommendations on how to ensure transparency, avoid ambiguous interpretations, reduce potential risks of corruption and conflicts of interests when implementing the above-mentioned Plan. Moreover, the STT implemented the following measures to reduce corruption risks regarding state and municipal institutions actions, related to the pandemic management:

1) On 28 April 2020, a booklet on transparency was published. It was dedicated to state institutions¹⁹ which had functions related to the implementation of measures of the Plan. In the booklet, recommendations were presented on transparent legislation process, working practices, as well as on how to make servants less tolerant to corruption.

2) On 27 July 2020, after the analysis of municipalities' actions related to the implementation of measures of the Plan, recommendations were made for municipalities and other responsible state institutions on measures to ensure greater transparency and work efficiency²⁰.

3) On 27 October 2020, after one of corruption risk analysis²¹ (related to state financial support for businesses that experienced negative pandemic consequences), the STT provided to responsible state institutions the information about identified corruption risks factors and possible measures to manage and (or) eliminate these factors.

The STT recommended creation of a single and functional publicity platform, which would publicly disclose all information about the implementation of the Plan and the adopted decisions. This would allow stakeholders to be active participants in the ongoing monitoring, which could help identifying insufficiently transparent decisions or cases of abuse. The publicity platform should disclose all information related to the implementation of the Plan:

1) Information on all entities that have received support and the amount of support allocated to these entities in accordance with the individual measures of the Plan shall be made public;

¹⁹<https://www.stt.lt/naujienos/7464/stt-rekomendacijos-ekonominiu-ir-finansiniu-priemoniu-plano-del-covid-19-igyvendinimui:2912>

²⁰<https://www.stt.lt/korupcijos-prevencija/korupcijos-rizikos-analizes/7470>. Document title: „STT rekomendacijos dėl Ekonomikos skatinimo ir koronaviruso (COVID-19) platinimo sukeltų pasekmių mažinimo priemonių plano priemonių įgyvendinimo savivaldybėse“.

²¹<https://www.stt.lt/data/public/uploads/2020/11/covid-19-kra-ivada.pdf>.

- 2) If the receipt of support requires a minimum compliance of the beneficiary with the established criteria, then the results of such evaluation shall be made public, together with the public disclosure of the documents substantiating the evaluation;
- 3) Financial statements and reports submitted by the beneficiaries on the expediency of the use of support funds and the assessment by the responsible state institutions shall be made public.

Although publicity platform with the information recommended by the STT has not been established, the institutions have started to publicize enough information in a decentralized manner as far as their activities are concerned²².

During the last year and the beginning of 2021, the STT conducted several anti-corruption assessments of legal acts or bills related to COVID-19 pandemic management. The main findings of few of them we provide below:

1) *2021-01-15 Conclusion of the anti-corruption assessment regarding the vaccination procedures against COVID-19 No. 4-01-295*²³

It has been found that the vaccination process lacks centralised control over the distribution of vaccines to medical institutions, traceability of vaccine use is not ensured, vaccines are not listed in accordance with established priorities, vaccines can be vaccinated without queues, and there is no electronic information system with comprehensive vaccination information. The Ministry of Health has indicated that it will implement all recommendations.

2) *The conclusion of the anti-corruption assessment "On the draft regulation of the measure "Business Support Fund" due to Covid-19" (23/07/2020, No. 4-01-5781)*²⁴.

It has been established that: 1) there is no data substantiating the reasons for the choice of the proposed methods of state aid, the projected impact on the state financial system, economic situation and competition among economic entities, the expected circle of potential beneficiaries by economic activity sectors. In addition, it should be considered whether the implementation of the measure under analysis, which has a direct impact on the competitiveness of certain economic operators, the creation of additional rights and opportunities to ensure and maintain their economic viability and financial stability, should not be regulated. 2) The draft regulation does not specify, which entity would be responsible for collecting, summarizing and submitting data on the socio-economic consequences of the closure of a medium-sized or large enterprise; the possibility of applying alternative measures to ensure the economic viability of the company; 3) The draft regulation does not detail the specific requirements for funding applications of potential beneficiaries (content, scope, etc.), the procedure for their examination, the decision-making procedure and procedures of the Fund's investment committee, the procedure for forming the said committee, the Fund's investment strategy or other relevant aspects directly related to the decision on the provision of assistance to the business entity. The recommendations were taken into account by the Ministry of Economy and Innovation.

3) *Conclusion of the anti-corruption assessment "Regarding Priority 3 of the European Union Funds Investment Operational Program for 2014–2020 "Promotion of Small and Medium Business Competitiveness", Measure No. 03.3.1-LVPA-T-859 "Regulation of financing conditions for COVID-19 products LT" projects" (2020-11-18, Nr. 4-01-9466)*²⁵

The regulation does not sufficiently disclose the categories of production of products to be financed to combat COVID-19 (for example, data collection and /or processing measures referred); some of the terms used in the draft legislation are not precise. Project selection is carried out in a continuous order, and the selection is stopped, when the money for the measure runs out. Sampling was found to

²² Examples: <https://www.vmi.lt/evmi/informacija-verslui>; <https://invega.lt/lt/covid-19/invegos-panaudotos-lesos/>;
<https://eimin.lrv.lt/lt/naudinga-informacija-1/informacija-verslui-del-covid-19/pagalba-verslui-patirianciam-sunkumu-del-covid-19/subsidiju-skyrimo-isakymai>; https://eimin.lrv.lt/uploads/eimin/documents/files/COVID/subsidiju_isakymai/20201218_%C4%AEsakymas_Nr_4-1128.pdf

²³ https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/35dac980571611eba1f8b445a2cb2bc7?positionInSearchResults=1&searchModelUUID=fbd9f98f1-850a-4775-81e0-f884c25288b2&fbclid=IwAR30XqhsHsIVXi7OPQcabScAij4jRMcfj7aZCdxpfh_rDNFGzIuk9sZBAY

²⁴ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/646d7a02cd7711ea8f4ce1816a470b26?positionInSearchResults=0&searchModelUUID=65d1eeab-0594-4b59-8b1f-f5e285bcec5f>

²⁵ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/1cc7ff5229c411eb8c97e01ffe050e1c?positionInSearchResults=2&searchModelUUID=65d1eeab-0594-4b59-8b1f-f5e285bcec5f>

be suspended within 1 day, with the largest number of applications received for the production of disinfectant and masks, which were not in short supply on the market. The responsible Ministry of Economy and Innovation has promised to monitor the implementation of this measure, as the final list of beneficiaries has not yet been approved.

Important steps were taken by the Public Procurement Office in order to make COVID-19 related procurement as transparent as possible: open data tool on Covid-19 contracts²⁶ and the Review of Covid-19 Contracts (second one is being prepared at the moment, in order to evaluate whether there are changes in comparison to the first one²⁷ were created.

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

On 4 November 2020, the Government approved the Inter-Institutional Action Plan for 2020-2022 Implementing the National Anti-Corruption Programme for 2015-2025.²⁸ Concrete actions are foreseen in (1) political activities and law-making, (2) activities of courts and law enforcement authorities, (3) public procurement, (4) health protection and social security systems, (5) territory planning, monitoring of construction, waste management activities, (6) monitoring of commercial entities, (7) public administration, civil service and asset management, (8) the private sector. Notably, modernisation of the central public procurement information system, development of a specialised anti-corruption programme for courts as well as measures for increasing the transparency of the health protection system (including of public procurement of medical equipment) are foreseen.

In December of 2020, the President Lithuania opened the Transparency Academy. The Academy, (the activities are coordinated by the STT) is created to unite national anti-corruption experts and responsible institutions in order to share best practices and knowledge in the field of corruption prevention. The Transparency Academy is open to all public sector organizations, which want to improve their anti-corruption environment. The Academy provides participants with required anti-corruption training on various corruption prevention measures²⁹. The team of academic experts will help participants to evaluate their institutions' anti-corruption environment and to implement new or strengthen existing corruption prevention measures. The strategic goal of Transparency Academy is to create corruption intolerant national public sector that would be more efficient and highly trusted by the society.

Due to corruption risks identified in the analysis of Covid-19 public procurements, the legislative changes for strengthening procurement integrity were initiated. Therefore, on 30 June 2020, the amendment to the Law on Public Procurement came into force. The amendment of Article 72 imposes an obligation on the contracting authority to apply to the competent authorities for obtaining available negative information about the supplier when procuring with unannounced negotiations method. The amendment seeks to prevent the participation of unscrupulous suppliers, including those, who seek to abuse the emergency procedures, when participating in procurements with an aim of illegally profiting from state institutions. If the information provided by the authorities raises doubts regarding the reliability of the supplier, the contracting authority should terminate the procurement procedures. It is stipulated that in case of international procurement using unannounced negotiated procedures, the contracting authority must contact a number of authorities, including the STT³⁰, with a request to provide information on the supplier that may affect the performance of the procurement contract.

²⁶ <https://vpt.lrv.lt/kovai-su-covid-19-sudarytos-sutartys>

²⁷ https://vpt.lrv.lt/uploads/vpt/documents/files/Viesuju_pirkimu_kovai_su_COVID-19_apzvalga.pdf

²⁸ Government Resolution of 4 November 2020 No. 1232,

<https://www.e-tar.lt/portal/lt/legalAct/1f7e4180227f11eb932eb1ed7f923910> .

²⁹ Several trainings have already been held: <https://skaidrumoakademija.lt/>. Several hundred participants from public sector organizations, who are responsible for corruption prevention, joined these trainings. More, than 90% of polled participants said, that they gained valuable anti-corruption knowledge, skills during the trainings.

³⁰ State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania, the Financial Crime Investigation Service under the Ministry of the Interior, the Special Investigation Service.

Paragraph 4 of Article 72 of the Law states what information must be provided to the contracting authority within 3 working days from the date of receipt of the request:

- 1) Whether there are grounds for exclusion of the supplier,
- 2) Whether there are other administrative convictions and administrative decisions of the supplier and its manager,
- 3) Whether the supplier or its manager has been suspected of having committed a criminal offence of a corrupt nature or a criminal offence against the financial system. Information on the procedural decisions taken in these cases is also provided,
- 4) Whether the supplier or its manager has been recognized as having violated the provisions of Law on the Adjustment of Public and Private Interests and the Law on Lobbying Activities.
- 5) Classified information about the prepared or committed criminal act, if the submission of this information is not in conflict with the Law on Criminal Intelligence. Classified information shall be provided only to contracting authorities that are subjects of secrets.

New draft amendments of the Law on Public Procurement³¹ have been submitted to the Seimas for further review. The amendments include significant aspects, such as certification of public procurement professionals, non-judicial dispute resolution (an extra link in the chain of dispute resolution mechanism set by the Remedies Directive), wider application of centralization mechanisms, decreasing regulation for below the thresholds (low value) procurement.

26. Criminalisation of corruption and related offences

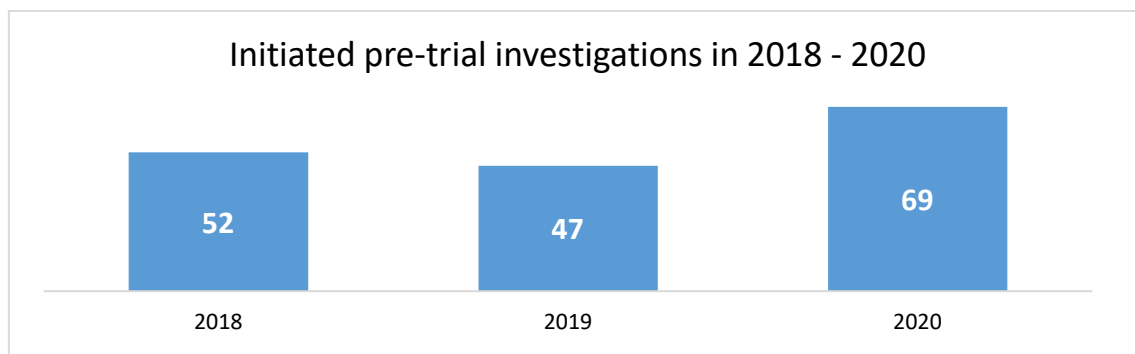
No changes. The information provided for the 2020 report is still relevant.

27. Data on investigation and application of sanctions for corruption offences (including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

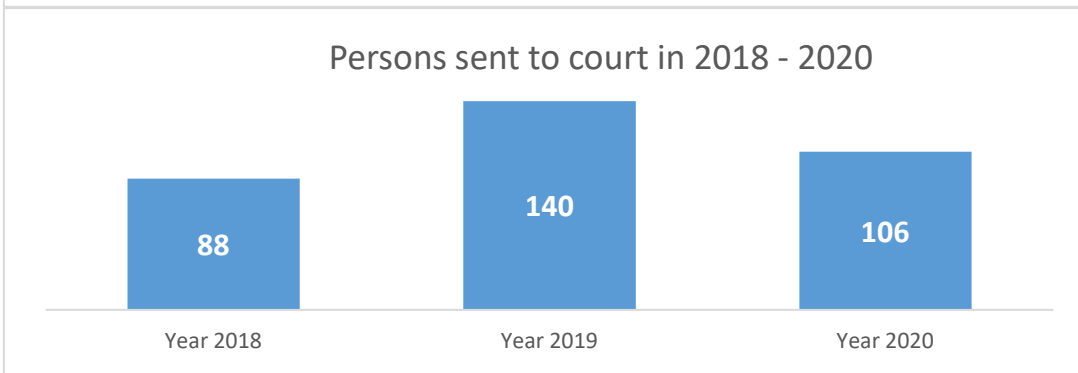
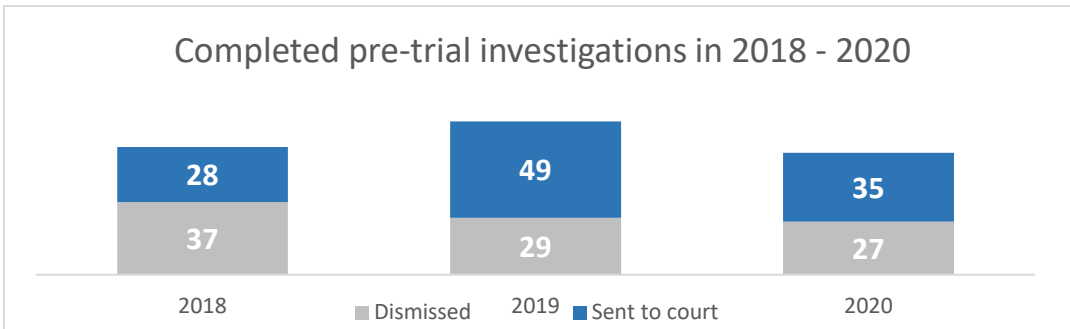
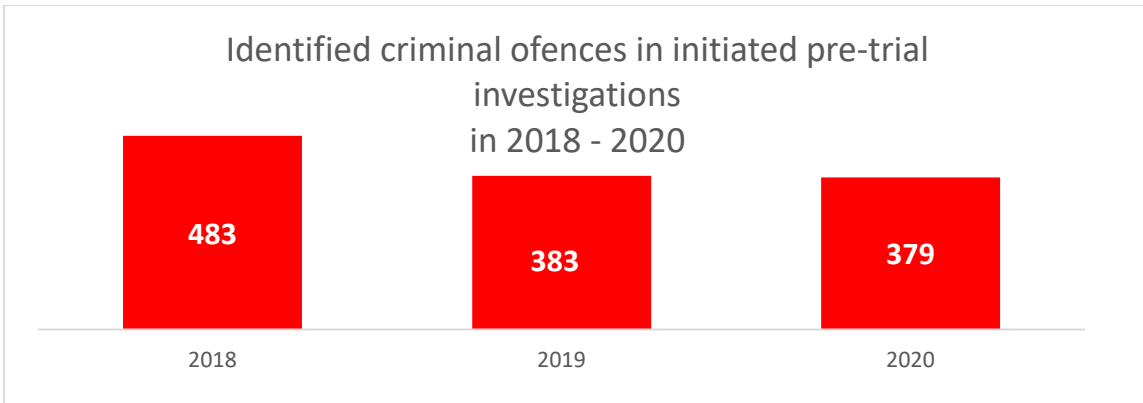
The information provided for the 2020 report is still relevant with some changes below.

27.1. Data on investigation

All data below in 27.1 and 27.2 are from the activities of the STT, which specializes in investigating major and complex corruption cases. As mentioned in the Rule of Law 2020 report, the STT is the main law enforcement body for investigating corruption crimes, but there are also other law enforcement agencies (such as Police, Financial Crime Investigation Service, etc.) with competence to investigate corruption crimes in their sphere of activities. The data is not aggregated for all institutions.



³¹ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/7e0ece909b5011eaa51db668f0092944?positionInSearchResults=1&searchModelUUID=7dbe70b7-44ad-45b5-a180-8e018a10222e>



Remark- out of 88 persons sent to court in 2018, 7 persons were legal persons, out of 140 persons sent to court in 2019, 6 persons were legal persons and out of 106 persons sent to court in 2020, 4 persons were legal persons.

27.2. Data on application of sanctions

No changes. The information provided for the 2020 report is still relevant.

During the period from 2018 to 2020, the average of the pecuniary fines imposed by the courts for the commission of corruption-related offences was 259 of MSLs³². During the period from 2018 to 2020, only 5 persons were subject to custodial sentences. During the period from 2018 to 2020, only one legal entity was made subject to the penalty of liquidation of a legal entity and another four legal entities were made subject to the pecuniary fines which amounted up to 800 of MSLs³³. The main insights on application of sanctions (criminal and non-criminal) for corruption offences could be:

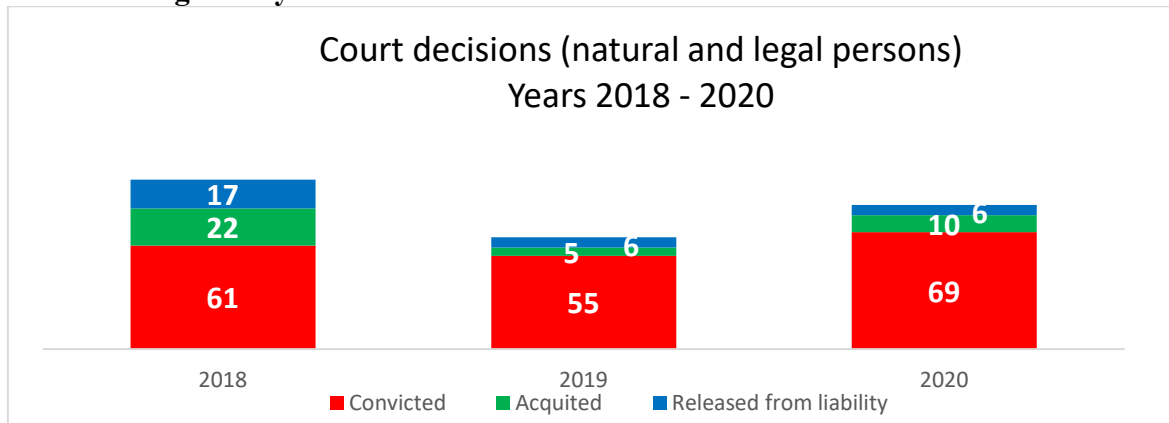
- 1) The most common sanction for corruption related crimes is a fine (87% of total sanctions imposed by courts in 2020).
- 2) During the recent years (2018-2020), the level of fines imposed by the courts has increased.
- 3) The number of aggregated sanctions and the number of imprisonment for corruption related crimes has decreased during the recent years (2018-2020)³⁴.

³² New data of 2020. The Minimum Standard of Living, (MSL) is EUR 50. The Article 4 part 2 of the Criminal Code³² establishes that a fine shall be calculated in the amounts of minimum standard of living (MSL).

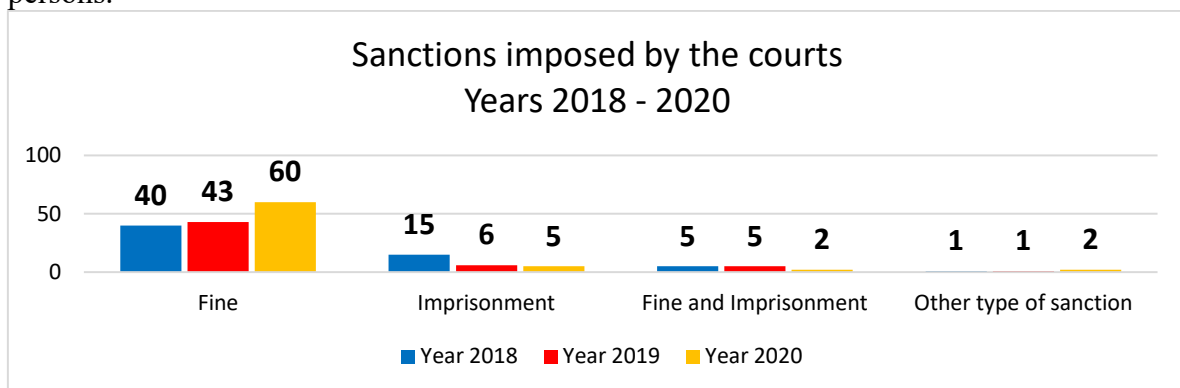
³³ New data of 2020.

³⁴ New data of 2020.

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

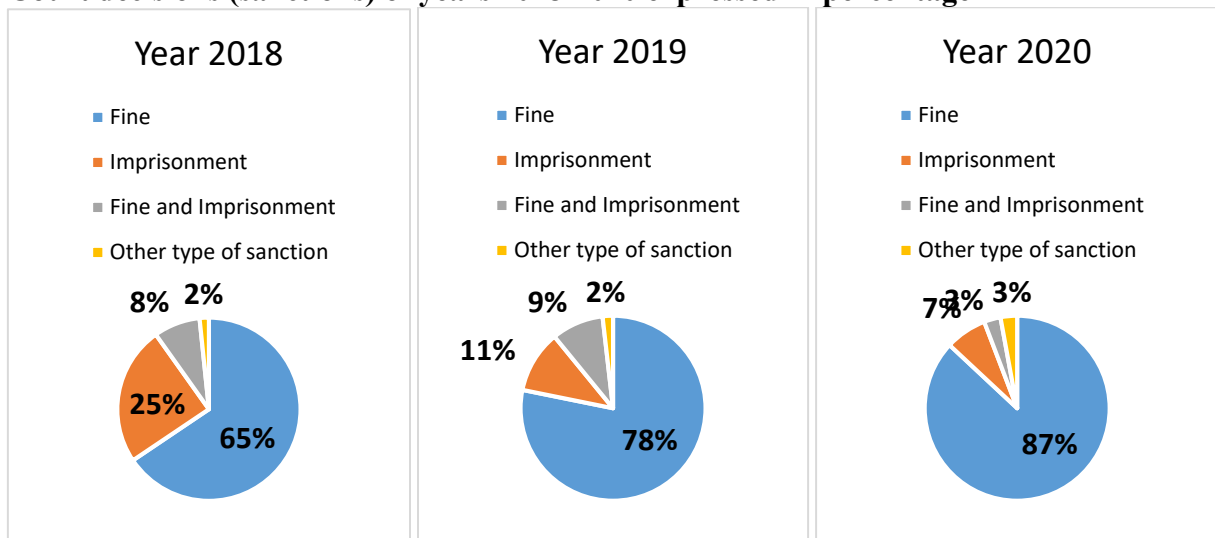


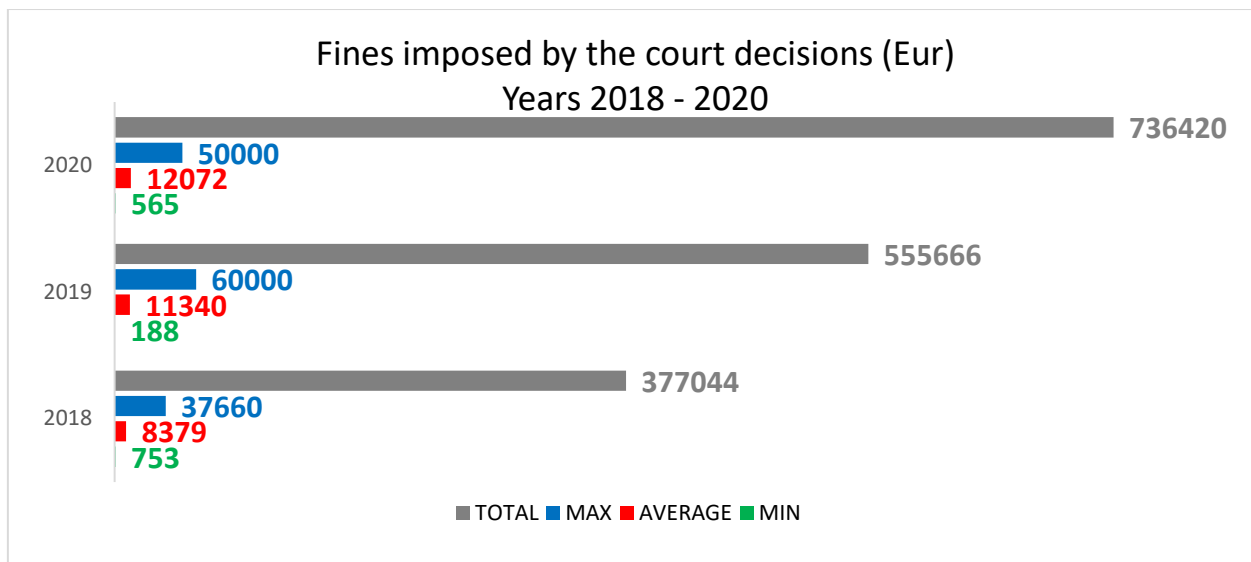
Remark. Out of 61 persons convicted in 2018, 1 person was legal person, out of 55 persons convicted in 2019, 0 persons were legal persons, and out of 69 persons convicted in 2020, 4 persons were legal persons.



Remark- the execution of all prison sentences imposed in year 2019, 16 out of 20 prison sentences imposed in year 2018, and 6 out of 7 prison sentences imposed in year 2020, were suspended.

Court decisions (sanctions) of years 2018-2020 expressed in percentage





In the 2020 Corruption Perceptions Index Report, released by the Transparency International, Lithuania ranks 35th in the World and 14th in the EU. This is the highest position taken by Lithuania. A consistent downward trend in corruption-related crime is noted since 2014. The number of corruption-related offences registered annually has decreased from 1,538 (in 2014) to 476 (in 2019). On the other hand, despite active preventive activities (social advertising campaigns, anticorruption education) a 3-percent increase in corruption-related offences was recorded in 2020. This may have been perpetuated by the epidemiological situation resulting in the insecurity of individuals in both social and economic sphere.

487 criminal offences against civil service and public interest, classified under Articles 225-228 (Bribery, Trading in Influence, Graft and Abuse of Office) of the Criminal Code, were registered in 2020. This means that the number of corruption-related offences registered in 2020 was by 3 percent higher (476 criminal offences registered in 2019). In 2020, as regards corruption-related offences, the courts of first instance convicted and sentenced 194 persons (299 persons in 2019), acquitted 13 persons (19 persons in 2019), and discontinued criminal proceedings against 14 defendants (16 defendants in 2019).

In 2020, as regards corruption-related offences, the Prosecutor General's Office issued the Analysis of the position of prosecutors on sentences imposed and the case law in the area of imposition of sentences for criminal offences against civil service and public interest. It analyses the positions of prosecutors when imposing sentences and coercive measures against the persons charged with the corruption-related offences, and the case law currently developed in the said area. Having summarised the data of 2020, it has been recognised that the policy of imposition of sentences currently developed with regard to corruption-related offences and the persons who have committed them has not changed substantially over the period of several years. It needs to be noted that despite the fact that significantly higher fines are applied since 6 October 2017, both the prosecutors who pursue a public charge and the courts which impose sentences apply the fines of the amounts that most frequently do not reach the average amounts of the fines laid down in Article 47(3) of the Criminal Code.

Pre-trial investigation institutions and the prosecution service are successfully bringing high ranking politicians to criminal liability for the corruption-related offences:

1. During the pre-trial investigation which was launched in 2016, it was established that a Member of the Parliament allegedly sought and received property gain from a private limited liability company while acting in the interests of the said company and by exerting unauthorised interference with the activities of other civil servants in Lithuania and Russia, also by offering to give money to Russian officials, by requesting to act unlawfully in the interests of the said company. Based on the assessment of the prosecution service, by such acts the Member of the Seimas systematically and for a long period of time abused the status held and the influence exerted by him as a high-level government official, undermined the prestige of the official position held by him, the authority of the Seimas and the Members of the Seimas, violated the principles laid down in the Constitution and thus broke the oath

of the Member of the Seimas as a result of which the State suffered major non-material damage. On 4 June 2019, the Prosecutor General addressed the Seimas with a request to waive the legal immunity of the Member of the Seimas and to give the permission to bring him to criminal liability. However, the request was rejected by the Seimas as a result of which in September 2019, the pre-trial investigation regarding the abuse of office was discontinued. After the election of the Seimas for the new parliamentary term in autumn 2020, the Prosecutor General addressed the Seimas repeatedly with a request to give permission to bring the Member of the Seimas to criminal liability. The permission of the Seimas was granted in December 2020, therefore, the pre-trial investigation was reopened and in the nearest future, after the performance of the necessary investigative actions, it will be referred to court.

2. The Mayor of the Kelmė Region Municipality who had demanded a bribe in the amount of 10 thousand Euros from a person in return for the favours while implementing the project of arrangement of public spaces in one of the towns within the said municipality, and had accepted a part of the bribe demanded by him, i.e. 5 thousand Euros, was provisionally detained on 19 May 2020. By the Judgment of 11 February 2021, the court convicted the Mayor for bribery (Article 225(1) of the Criminal Code) and punished him with a fine in the amount of 25 thousand Euros and deprivation of the right to work in the civil service for a term of 5 years.

28. Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation)

No changes. The information provided for the 2020 report is still relevant.

III. Media pluralism

A. Media authorities and bodies

29. Independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies

With the transposition of the Audio-visual Media Service Directive, Lithuanian Radio and Television Commission (hereafter referred as the Commission) acquired a new power – to regulate video-sharing platform providers (Article 48³⁵).

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

The Commission proposed to the Parliament to extend the duration of the mandate of its members from 4 to 5 years. A draft law prepared by the Commission was sent to the Parliament, but it is not currently registered.

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

Lithuania's public broadcaster "Lietuvos nacionalinis radijas ir televizija" (LRT) proposed an amendment to the Law on the Provision of Information by which LRT would be excluded from the supervision of the Public Information Ethics Commission (a decision-making body of the Public Information Ethics Association). This resulted in discussions about the effectiveness and impartiality of the Public Information Ethics Commission and the composition of the Public Information Ethics Association.

The Media Council was enshrined in the Law on the Provision of Information. Its main task – to provide expertise and recommendations to the Ministry of Culture on media policy (Article 45³⁶).

B. Transparency of media ownership and government interference

³⁵<https://www.e-tar.lt/portal/lt/legalAct/56ceb2d05fdd11eb9dc7b575f08e8bea>

³⁶<https://www.e-tar.lt/portal/lt/legalAct/56ceb2d05fdd11eb9dc7b575f08e8bea>

32. The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference

The public sector will have to provide information about all the funds (including state advertising) allocated to the producers and disseminators of public information (including media, PR agencies) to the “VIRSIS” (the Information System of Producers and Disseminators of Public Information). This information will be public and for free (Article 24³⁷). VIRSIS should be launched in the second quarter of 2021.

33. Rules governing transparency of media ownership and public availability of media ownership information

“VIRSIS” (the Information System of Producers and Disseminators of Public Information) will contain public and freely accessible information about media ownership structure, including the beneficial owners. The launch of the VIRSIS was postponed to the second quarter of 2021 (currently VIRSIS is undergoing a testing stage). A few rules governing VIRSIS were clarified by amending Article 24 of the Law on the Provision of Information³⁸. To provide citizens with a more reliable and up to date information in VIRSIS, the system will be synchronized with other state information systems and registers in order to incorporate relevant real-time data.

C. Framework for journalists' protection

34. Rules and practices guaranteeing journalist's independence and safety

Newly formed Government in its Programme set a goal to increase media pluralism and independence. The Government envisages updating the media support model, creating media concentration rules.

35. Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

No significant changes.

36. Access to information and public documents

The Parliament established a working group with the mandate (until 10 March 2021) to prepare new draft laws which would guarantee that the data of the Centre of Registers will be provided to the journalists for free.³⁹

37. Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

Newly formed Government in the Programme set a goal to strengthen the protection of journalists against the persecution for criticism⁴⁰.

IV. Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

³⁷ <https://www.e-tar.lt/portal/lt/legalAct/56ceb2d05fdd11eb9dc7b575f08e8bea>

³⁸ <https://www.e-tar.lt/portal/lt/legalAct/56ceb2d05fdd11eb9dc7b575f08e8bea>

³⁹ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/632f96d0544211eba1f8b445a2cb2bc7?positionInSearchResults=1&searchModelUUID=835bb635-2244-403a-84a9-a89d1fde09e1>

⁴⁰ <https://www.e-tar.lt/portal/lt/legalAct/ed22bb703bc311eb8d9fe110e148c770>

38. Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process

A project aiming at the quality of law-making is specifically indicated as a priority in the Programme of the 18th Government of the Republic of Lithuania (§ 190-191). Strengthening the impact assessment as well as public consultation procedure is foreseen.

39. 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)

No significant developments.

40. Regime for constitutional review of laws

No significant developments.

41. COVID-19: provide update on significant developments with regard to emergency regimes in the context of the COVID-19 pandemic

- **judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic**
- **oversight by Parliament of emergency regimes and measures in the context of COVID-19 pandemic**
- **measures taken to ensure the continued activity of Parliament (including possible best practices)**

The Government has declared the emergency (*ekstremalioji situacija*) in Lithuania under the Law on Civil Protection⁴¹ and quarantine (*karantinas*) was introduced by the Government under the Law on Prevention and Control of Communicable Diseases in Humans.⁴² Both regimes are more lenient than the public emergency (*nepaprastoji padėtis*) foreseen under the Law on Public Emergency in which case it would have been declared by the Parliament and could provide for further-reaching restrictions. There is a debate in legal circles on whether public emergency should have been declared by the Parliament or whether the formally more lenient legal regimes are sufficient in current conditions.⁴³

Vilnius Regional Administrative Court examined a complaint by a dental clinic, which claimed that quarantine measures, introduced in March 2020, resulted in unproportionate restrictions of its commercial activities. The applicant also claimed that the Government lacked competence to introduce such restrictions. The court, relying on the Law on Prevention and Control of Communicable Diseases in Humans and the Law on Civil Protection, held on 4 February 2021 that the Government could introduce restrictions, including those of the right to property, and the restrictions (suspension of commercial activities for 2 months) were proportionate taking into account the fact that the applicant received state support. The Government acted in the situation of unprecedented risk to public health and applied such restrictive measures (isolation and limits of contacts, especially indoors) that then were known and widely applied in the world. The decision can be appealed within 30 days to the Supreme Administrative Court.⁴⁴

⁴¹ Government Resolution of 26 February 2020 No. 152, <https://www.e-tar.lt/portal/lt/legalAct/df60f5901ea611ebb0038a8cd8ff585f>.

⁴² Government Resolution of 4 November 2020 No. 1226, <https://www.e-tar.lt/portal/lt/legalAct/d85943f0713b11eb9601893677bfd7d8>.

⁴³ Vilnius University Faculty of Law conference, 04/02/2021, <http://www.teise.pro/index.php/2021/02/05/covid-19-pandemija-issukiai-zmogaus-teisems-demokratijai-ir-teisines-valstybes-principams/>

⁴⁴ Vilnius Regional Administrative Court, <https://vaat.teismas.lt/naujienos/aktualijos/teismas-atmete-skunda-del-zalos-priteisimo-pernai-vyriausybei-paskelbus-karantina/1129>.

B. Independent authorities

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

No significant developments.

C. Accessibility and judicial review of administrative decisions

43. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and judicial review (incl. scope, suspensive effect)

No significant developments.

44. Implementation by the public administration and State institutions of final court decisions

No significant developments.

D. The enabling framework for civil society

45. Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

In June, the Ministry of Social Security and Labour established a division responsible for the development of NGOs. New division's main purpose is to create enabling environment for NGOs; it aims to enable organizations to become stronger partners for government institutions also to strengthen the capabilities to provide services.

Reacting to COVID-19 challenges, Ministry of Social Security and Labour dedicated 2 million EUR in subsidies to NGOs that provide social services to society during quarantine. 520 NGOs were granted subsidies in range from 500 to 10 000 EUR. Subsidies enabled NGOs to purchase necessary personal protection measures (masks, disinfectants, etc.), train and organize volunteers, establish remote work places for service provision and pay salaries and bonuses to workers who had to work longer hours or work under dangerous circumstances (due to the virus).

Due to the COVID-19 related challenges, coordination and collaboration with NGOs that coordinate the work of volunteers increased. Round table discussions to identify main challenges were organized together with NGO partners, recommendations on how to organize volunteer activities during extreme situations were prepared (with best national and international practices) and disseminated to general society and other institutions, stressing the importance of collaboration between government and civil society organizations.

The new Law on NGO development, which was adopted in December 2019 and took effect on 1 March 2020, stipulates that information on legal entities, which are NGOs, shall be collected in the Register of Legal Entities and made publicly available. The new law provides a possibility for non-profit organizations to register as NGOs at the Register of Legal Entities. The procedure is notification based and does not require authorization. It is free of charge. New measure provides clarity to institutions and the society whether particular legal entity complies with definition of NGO stated in the Law. It is also a base for future developments regarding collecting data on NGOs, which is necessary for government informed policymaking. Such open data also improves greater societal trust in NGOs as more information becomes available to the public.

E. Initiatives to foster a rule of law culture

46. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, etc.)

The Programme of the 18th Government of the Republic of Lithuania indicates (§ 184) that justice is an essential precondition for the rule of law while an independent and effective justice system is its element. The Programme foresees a number of measures to strengthen the justice system indicating as its primary goal restoring the trust of the society in the justice system (§ 186). Legal education together with anti-corruption education is to be included in general education programmes while informal education and civic initiatives in this field are to be encouraged (§ 197.1).