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Group of States against Corruption

Groupe d'États contre la corruption

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FOURTH EVALUATION ROUND

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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of parliament, judges and prosecutors

EVALUATION REPORT

LITHUANIA

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EXECUTIVE SUMMARY

1. Lithuania has developed a comprehensive normative and institutional framework to prevent and fight corruption. Key pieces of legislation apply indistinctively to all persons in the civil service, including members of parliament (MPs), judges and prosecutors, and an overarching anti-corruption strategy defines priorities and identifies institutions responsible for their implementation.

2. Many institutions hold responsibilities in this field: the Commission for Ethics and Procedure of the Seimas (parliament), the Judicial Ethics and Discipline Commission, the Judicial Court of Honour and the Commission on Ethics of Prosecutors have a specific mandate with regard to the conduct of MPs, judges and prosecutors respectively. Other institutions, namely the Special Investigation Service and the Chief Official Ethics Commission, have a more general competence. They all need to establish closer co-operation in raising awareness and enforcing anti-corruption rules, particularly as regards conflicts of interest.

3. Despite these efforts, the perceived levels of corruption in Lithuania are still above EU members' average. Levels of public trust in the parliament and the judiciary are particularly low, although some surveys show a certain improvement in recent years. To address this problem, the authorities need to shift their focus from adopting and amending legal norms to ensuring that the existing ones are well understood and properly enforced. The Law on the Adjustment of Public and Private Interests in Civil Service (LAPPICS) especially contains key provisions for the prevention of corruption. It defines conflicts of interest, provides for restrictions and rules to avoid them or manage them if they do occur. Furthermore, the law establishes the duty for persons in the civil service, MPs, judges and prosecutors to declare their private interests along with a mechanism for supervision and enforcement. The law is comprehensive and contains positive features, but to ensure the credibility of the system, more determined implementation action must be taken.

4. The Seimas in particular needs to demonstrate its commitment to addressing matters of ethics and integrity in a more proactive manner. In order to ensure that a culture of prevention and avoidance of conflicts of interest takes root among MPs, compliance with rules in this area as well as other rules on conduct must be properly monitored and enforcement action be taken when necessary. In-house channels must also be developed in order to promote and safeguard integrity, both on an institutional level and on an individual basis. In addition, access to information in the legislative process needs to be improved in selected areas, notably as regards the work of committee meetings and third parties' involvement (lobbying) in decision-making.

5. The judicial authorities have been trying to address the gap in public confidence in recent years, for instance by improving their communication. These welcome efforts have to be pursued and reinforced, with particular attention being paid to education in order to improve the drafting of court decisions. Institutional discussions among judges on conflicts of interest and ethical issues must be stimulated in order to develop a commonly agreed awareness of what is ethical; making this debate visible to the public may also help increase confidence in the judiciary. The procedure for the appointment of judges is another area of concern which must be addressed in order to increase judicial independence and public confidence.

6. The prosecution service (PPO) is facing similar challenges as the judiciary: it is also perceived as a closed institution and there is mistrust in the process of recruitment and promotion of prosecutors. The PPO must address this confidence gap by stepping up its communication with the public and increasing the transparency and objectivity of appointments. Finally, greater attention must be paid to integrity matters by developing more practical guidance, raising awareness and stimulating discussions among prosecutors on commonly shared ethical values.

I. INTRODUCTION AND METHODOLOGY

7. Lithuania joined GRECO in 1999. Since its accession, Lithuania has been subject to evaluation in the framework of GRECO's First (in March 2002), Second (in May 2005) and Third (in July 2009) Evaluation Rounds. The relevant Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's homepage (www.coe.int/greco).

8. GRECO's current Fourth Evaluation Round, launched on 1 January 2012, deals with "Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors". By choosing this topic, GRECO is breaking new ground and is underlining the multidisciplinary nature of its remit. At the same time, this theme has clear links with GRECO's previous work, notably its First Evaluation Round, which placed strong emphasis on the independence of the judiciary, the Second Evaluation Round, which examined, in particular, the public administration, and the Third Evaluation Round, which focused on corruption prevention in the context of political financing.

9. Within the Fourth Evaluation Round, the same priority issues are addressed in respect of all persons/functions under review, namely:

- ethical principles, rules of conduct and conflicts of interest;
- prohibition or restriction of certain activities;
- declaration of assets, income, liabilities and interests;
- enforcement of the applicable rules;
- awareness.

10. As regards parliamentary assemblies, the evaluation focuses on members of national Parliaments, including all chambers of Parliament and regardless of whether the Members of Parliament are appointed or elected. Concerning the judiciary and other actors in the pre-judicial and judicial process, the evaluation focuses on prosecutors and on judges, both professional and lay judges, regardless of the type of court in which they sit, who are subject to national laws and regulations. In preparation of the present report, GRECO used the responses to the Evaluation Questionnaire (Greco Eval IV (2014) 4E REPQUEST) by Lithuania, as well as other data, including information received from civil society. In addition, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Lithuania from 2 to 6 June 2014. The GET was composed of Mr Manuel ALBA NAVARRO, Clerk of Congress of Deputies, Congress of Deputies (Spain), Mr Flemming DENKER, Retired as Deputy State Prosecutor, State Prosecutor for Serious Economic Crime (Denmark), Mrs Ülle MADISE, Legal adviser to the President and Professor of Constitutional Law at Tartu University (Estonia) and Mr Johannes J.I. VERBURG, First Vice-President, Court of Appeal of the Hague (Netherlands). The GET was supported by Ms Sophie MEUDAL-LEENDERS from GRECO's Secretariat.

11. The GET interviewed representatives of the Special Investigative Service, the Chief Official Ethics Commission, the Parliamentary Commission on Ethics and Procedure and Anticorruption Commission, the Judicial Council, the Judicial Ethics and Discipline Commission and the Judicial Court of Honour, the Selection Commission of Candidates to Judicial Office, the Commission on Ethics of Prosecutors, the Commission on Selection of Prosecutors and the State Tax Inspectorate. The GET also held interviews with members and civil servants of the Seimas (Parliament), as well as judges and prosecutors representing all levels of courts and public prosecutor offices, including the Prosecutor General *ad interim*. Finally, the GET met representatives of the Association of Judges, the Union of Judges of District Courts, the Prosecutors' Trade Union, as well as Transparency International and media representatives.

12. The main objective of the present report is to evaluate the effectiveness of measures adopted by the authorities of Lithuania in order to prevent corruption in

respect of members of parliament, judges and prosecutors and to further their integrity in appearance and in reality. The report contains a critical analysis of the situation in the country, reflecting on the efforts made by the actors concerned and the results achieved, as well as identifying possible shortcomings and making recommendations for further improvement. In keeping with the practice of GRECO, the recommendations are addressed to the authorities of Lithuania, which are to determine the relevant institutions/bodies responsible for taking the requisite action. Within 18 months following the adoption of this report, Lithuania shall report back on the action taken in response to the recommendations contained herein.

II. CONTEXT

13. The fight against corruption has been at the forefront of political priorities in Lithuania for many years. A comprehensive normative and institutional framework has been developed and is generally recognised as Lithuania's strongest anticorruption asset. Lithuania also has an excellent track record in the implementation of GRECO recommendations issued in former rounds, with a compliance rate to date of about 95% (37 out of 39 of the recommendations issued by GRECO in its First, Second and Third Evaluation Rounds have been implemented satisfactorily or dealt with in a satisfactory manner).

14. In spite of these efforts, the perception of corruption in Lithuania remains high. The perceived levels of corruption in Lithuania are above the EU average, with 95% of respondents believing that corruption is widespread in their country in the 2014 special Eurobarometer survey on "Attitudes of Europeans towards Corruption[1] (the EU average being 76%). Lithuania also has one of the highest levels of people's personal experience with corruption, with 29% of respondents having been asked or expected to pay a bribe in the past year (the EU average is 4%), with cases concerning mostly petty bribes in the health sector. The population's view on the effectiveness of the government's efforts to curb corruption remains consistently low: 79% of respondents to Transparency International's 2013 Global Corruption Barometer believe that the government's action in this field is ineffective[2] and an overwhelming majority of Lithuanians (92%) do not believe that the level of corruption in the country is generally decreasing.

15. In terms of the focus of the current Evaluation Round, the parliament on the one hand (80% of respondents), and the judiciary on the other hand (79% of respondents) are among the sectors that are perceived to be most affected by corruption in Transparency International's Global Corruption Barometer. Against this general trend, the perception of corruption in politics has been steadily decreasing according to the special Eurobarometers, from 60% believing that corruption was widespread among politicians at national level in 2009 to 40% in 2014 (this number encompasses perception of corruption among politicians at national, regional and local levels). The EU average is 59%. The national yearly public survey "Corruption Map of Lithuania"[3] also noted an improvement in the public perception of the Seimas and the courts: respectively 34% and 35% of respondents to the 2014 survey found that these institutions were "very corrupt", compared to 68% and 64% respectively in 2011. In response to an open question about the institutions perceived as most corrupt in 2014, Lithuanian residents mentioned healthcare institutions (55%), courts (30%), the police (26%), the Seimas (26%) and municipal authorities (25%). Transparency International's corruption perception index has also shown an improvement in recent years, Lithuania being awarded 58 points out of 100 in 2014 compared to 48 in 2011.

16. In the GET's view, this situation reflects the fact that in Lithuania, too many problems are tackled by creating and amending legal acts and that not enough efforts are devoted to their implementation. As a result, anti-corruption rules are often considered just as additional bureaucracy that must be followed without giving their purpose a second thought, or as rules which can simply be circumvented. This gap between law and practice is apparent particularly in the judiciary (concerning resources, independence and transparency), the prosecution and law enforcement institutions (independence and integrity mechanisms)[4]. GRECO's First Evaluation Round Report already diagnosed that, while Lithuania had developed a strong legal framework and multifaceted institutions to fight corruption, there was still room for improvement with regard to prevention of corruption and overall co-ordination. This diagnosis remains applicable today.

[1] http://ec.europa.eu/public_opinion/archives/ebs/ebs_397_en.pdf
[2] http://www.transparency.org/gcb2013/country//?country=lithuania
[3] http://www.stt.lt/documents/soc_tyrimai/Gyventojai_BENDRAS.pdf (in Lithuanian only)
[4] http://www.transparency.org/whatwedo/nisarticle/lithuania_2011

III. CORRUPTION PREVENTION IN RESPECT OF ALL CATEGORIES UNDER REVIEW

17. Lithuania has an extensive and comprehensive legal framework in the field of the prevention and fight against corruption. Key pieces of legislation in the context of this evaluation, such as the Law on the Adjustment of Public and Private Interests in Civil Service (LAPPICS) and the Law on the Declaration of Assets of Residents, apply indistinctively to all persons in the civil service, members of parliament (MPs), judges and prosecutors. An overarching anti-corruption strategy, the national anti-corruption programme for 2011-2014, defines strategic priorities and identifies the institutions responsible for their implementation.

18. Many institutions hold responsibilities in this field. Some of them, namely the Parliamentary Commission for Ethics and Procedure, the Judicial Ethics and Discipline Commission, the Judicial Court of Honour and the Commission on Ethics of Prosecutors, have a specific mandate with regard to the conduct of MPs, judges and prosecutors respectively. Their role and action will be described later in this report.

19. Other institutions have a more general competence. The Special Investigation Service (STT) is an independent law enforcement body, accountable to the President of the Republic and the Seimas (parliament). It investigates corruption offences and develops corruption prevention measures. The Seimas anti-corruption commission studies corruption and related phenomena and submits proposals for the improvement of the anti-corruption legal framework. The Chief Official Ethics Commission (COEC) is the main independent institution in charge of prevention and compliance on ethical issues in public service. It is an independent collegial institution, consisting of five members appointed for a five-year term by the President of the Republic, the Prime Minister, the Speaker of the Seimas, the Judicial Council and the President of the Association of Municipalities respectively. They are assisted by 17 staff members.

20. The relevant laws provide for some channels of co-operation between these different institutions and in some areas, such as the analysis of legislation from an anti-corruption point of view and the screening of candidates to certain positions in the public service, co-operation appears to function quite well.

21. This is not, however, the case in the area of ethics and conflicts of interest: the GET was surprised to learn that few contacts, if any, existed between the COEC and the respective commissions in charge of overseeing the conduct of MPs, judges and prosecutors. As it emerged from the interviews on-site, each institution has a restrictive and legalistic conception of its powers which is detrimental in particular to the efficiency of the conflicts of interest regime. Its specific concerns in this regard will be explained below (see paragraphs 91-92). Yet, the representatives of several of these institutions expressed a wish to have regular contacts on issues of common concern. The case was mentioned, for instance, of an ethical issue involving both a judge and a prosecutor, in which discussions between the Judicial Ethics and Discipline Commission and the Commission on Ethics of Prosecutors would have been useful to devise a common approach. Both of these commissions also expressed the need for more guidance from the COEC on the implementation of the rules regarding conflicts of interest in concrete cases. Although the Parliamentary Commission on Ethics and Procedure did not express a similar need, the GET takes the view that establishing closer working ties between this body and the COEC could help improve awareness by MPs of the rules on conflicts of interest and enforcement in this area. The need for greater co-ordination between the different agencies involved in the enforcement of anti-corruption standards was also highlighted in the UNCAC review and in the EU Anti-Corruption Report[5]. Against this background, **GRECO recommends that, at the initiative of the Chief Official Ethics Commission, the co-operation on an operational level between the institutions responsible for overseeing the implementation, by members of the Seimas, judges and prosecutors, of rules on conduct, conflicts of interest and related matters be significantly strengthened.**

[5] See http://www.unodc.org/unodc/treaties/CAC/country-profile/profiles/LTU.html and http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_lithuania_chapter_en.pdf

IV. CORRUPTION PREVENTION IN RESPECT OF MEMBERS OF PARLIAMENT

Overview of the parliamentary system

22. The Parliament of the Republic of Lithuania (Seimas) is unicameral. Its 141 members are elected for a four-year term: 71 members are elected by absolute majority vote in single-member constituencies; a runoff round with the two leading candidates is held when none of the candidates gains an absolute majority of the votes in the first round; 70 members are elected by proportional representation through nationwide party lists; a 5% nationwide threshold is applied for party lists and a 7% threshold for a coalition of parties list.

23. All members of parliament are expected to represent the national public interest. Under Article 59 of the Constitution, when in office, members of the Seimas must follow the Constitution, the interests of the State as well as their own conscience, and may not be restricted by any mandates (principle of free mandate).

24. According to Article 63 of the Constitution, the mandate of an MP ceases 1) upon expiration of the Seimas' term of powers, or when the Seimas, elected in pre-term elections, convenes for the first sitting; 2) upon his/her death; 3) upon his/her resignation; 4) when s/he is recognised incapable by court; 5) when the Seimas revokes his/her mandate in impeachment proceedings; 6) when the election is recognised invalid, or if the law on election is grossly violated; 7) if s/he takes up or does not give up employment which is incompatible with the duties of a member of the Seimas; 8) if s/he loses citizenship of the Republic of Lithuania.

Transparency of the legislative process

25. Under the Statute (Rules of Procedure) of the Seimas (the Statute), all draft laws (bills) and proposals submitted to the Seimas have to be registered with the Secretariat of the Seimas Sittings. The registered bill is then included on the agenda of a particular plenary sitting, subject to a decision of the Conference of Chairs – a body comprised of all political groups on a proportional basis – which is authorised to approve draft agendas prepared by the Speaker together with the Board of the Seimas. Legislative initiatives registered by individual MPs are usually not among priorities when approving an agenda, but this may vary depending on the matter in question. MPs therefore usually seek to collect as many colleagues' signatures in support of the initiative as possible, as it increases the chances of having a bill included on the agenda. The Statute provides that "at the written request of a group of at least one-third of the Seimas members, inclusion of an issue in the session work program or in the agenda of the week or the next day shall be mandatory".

26. Upon inclusion of the bill onto the agenda of a plenary sitting, the legislative procedure in the Seimas is as follows: 1) first reading, during which the bill is introduced in plenary sitting; 2) committee stage: consideration of the bill in one or more committees, one of them being considered as primarily responsible for the bill; 3) second reading, in which the bill is considered in detail in plenary sitting; 4) adoption of the bill by the Seimas. Over the course of the deliberations, the bill can proceed further with or without amendments, be returned to its initiators for revision, be called for a recess in consideration, or be rejected.

27. All submitted draft laws and proposals are recorded in the register of draft laws and proposals received by the Secretariat of Plenary Sittings (article 136, Statute). This register also contains all documents accompanying the draft law or proposal and indicates its authors. From that moment, the texts of drafts and proposals are published

on the Seimas website[6]. In case the bill is proposed by the government, it must also be published in a special register, the Information System of Legal Acts, even if it is not yet registered with the Secretariat of Plenary Sittings of the Seimas. This register is publicly accessible on the internet[7].

28. During the visit, the GET was informed that the use of fast-track legislative procedures had significantly increased in recent years[8]. The authorities explained that this increase was due in part to the economic and financial crisis. Notwithstanding the legality and legitimacy of these procedures, which are foreseen by the Statute of the Seimas, the GET notes that excessively rapid procedures may damage the due publicity of the different steps of the legislative procedure and take a toll on the transparency of the process as a whole. The authorities may wish to keep the use of emergency procedures under review, to ensure that it does not entail a disproportionate weakening of publicity and transparency.

29. Public consultation on draft laws may be organised by relevant ministries prior to submission of the draft to the government and then to the Seimas, or may be decided by the Seimas at the beginning of the legislative procedure. In this case, consultation is organised by the lead committee in charge of the bill. The bill is then published on the Seimas' website, together with a time limit for the submission of proposals and comments by interested persons. It is also forwarded to interested state institutions and, where necessary, to public organisations, local authorities and political parties. All evaluations and comments on the bill are gathered and analysed by the lead committee. Hearings may be organised by this committee, to which all persons who submitted comments and proposals must be invited. It is possible not to hold hearings if the amendments and comments received in the consultation are few in number; however, in this case all the authors of amendments and comments must be invited to attend the committee meeting in which the bill is being considered. The GET learned that in practice, consultation mostly takes the form of public hearings on draft legislation dealing with essential matters, covering wider public interest.

30. As a rule, plenary sittings and committee meetings are open to the public and the media. Committees may meet in closed sitting in case information related to a state or commercial secret or other information, the use and furnishing thereof are restricted by law, is provided during the deliberation. A decision to hold a closed meeting must be adopted by a majority vote of the committee members (article 53.3, Statute). After each meeting, the Seimas' press service provides information on the most essential topics discussed. A closed plenary sitting may be held by decision of the Seimas, upon request of its Speaker, the President of the Republic or the Prime Minister. The Board of the Seimas, the government, political groups and committees also have the right to propose holding a closed meeting. Information regarding closed sittings may not be disseminated, unless otherwise decided by the Seimas (article 101, Statute). It appears from the information gathered by the GET that such closed plenary sittings are exceptional and that closed committee meetings are rare in practice.

31. Plenary sittings are broadcast on the Seimas' website and may also air on radio and television, further to agreements between media companies and the Board of the Seimas. Minutes and verbatim reports of the sittings are published, with the exception of those of closed sittings, which are produced but not published. The minutes of committee

[6] http://www.lrs.lt
[7] http://www3.lrs.lt/dokpaieska/forma_l.htm
[8] During the 2004-2008 term of the Seimas, 258 laws out of 1177 were adopted in fast-track procedures, of which 81 were for the ratification of international instruments; during the 2008-2012 term, 935 laws out of 1790 were adopted in emergency procedures, including 72 for the ratification of international instruments; from 2012 to August 2014, 268 laws out of 729 were adopted in fast-track procedures, including 34 for the ratification of international instruments.

and commission meetings, except those of closed meetings, are also published. Plenary sittings' voting records are published on the Seimas' website.

32. The GET was pleased to learn that article 138 of the Statute gives the possibility to the Speaker, the Board of the Seimas, the committee in charge of a bill, a parliamentary commission, a parliamentary group or a minister to request that the Special Investigation Service (STT) evaluates the draft bill with respect to potential risks from the point of view of corruption prevention. It was confirmed to the GET that this happens often[9], in particular on legislation relating to public procurement, projects involving European Union funds, transferring of state or municipal services to public or private entities, product safety requirements, land use and territorial planning, pharmacies, etc. The President of the Republic also sometimes sends an adopted law back to the Seimas for it to order an anti-corruption analysis, when it has not taken place before the adoption of the law. The analysis aims at identifying loopholes or gaps creating opportunities for biased action and at mapping the hidden interests and lobbies behind a draft law. The full analysis is communicated to the Seimas and part of it is made public.

33. The interlocutors met during the on-site visit confirmed to the GET that bills, related documents and voting records were easily accessible on the Seimas' website. Access to other information appears less straightforward though. The GET was told that it is not unusual that the agenda of committee meetings is established and published at the last minute. Consequently, draft amendments and other initiatives are tabled too late for the public, the media and even other MPs to acquire an informed opinion on them and even to decide whether they need to attend a given committee meeting. Finally, it was mentioned that, although the minutes of committee meetings were public according to law, some committees decided on an ad-hoc basis to only communicate them to the participants of the meetings. In view of these concerns, **GRECO recommends that the transparency of the legislative process be further improved by ensuring that agendas, working documents and minutes of committee meetings are made accessible in due time.**

Remuneration and economic benefits

34. The remuneration of members of the Seimas comprises a basic salary and a bonus for the length of service (3% of the basic salary for every three years of service for the state starting from 11 March 1990, when holding one of the offices specified in the Law on Civil Service). The amount of this bonus may not exceed 30% of the basic salary. The basic monthly salary of MPs [10]is determined by multiplying the appropriate basic salary coefficient (depending on the position held, set forth in the Appendix of the Law on the Remuneration for Work of State Politicians and State Officials) with the so called "basic amount" which is approved by the Seimas prior to the end of the spring session. The basic amount as from 1 January 2015 will be EUR 130.5. As from that date, the basic monthly salaries of members of the Seimas are:

Position	**Basic salary (in EUR)**
Speaker of the Seimas	3 367
First Deputy Speaker	3 028
Deputy speakers, leader of the opposition	2 923
Chairs of standing committees	2 832
Deputy chairs of standing committees	2 675
Chairs of subcommittees or standing commissions	2 636

[9] In 2013, the STT performed an anti-corruption assessment of 118 laws and draft laws, as well as 62 regulations and draft regulations. Each year, an average of 200 pieces of legislation is assessed (http://www.stt.lt/documents/eng/Eng_STT_2013_m_veiklos_ataskaita.pdf).
[10] The average gross annual salary in Lithuania is EUR 8 010.

Deputy chairs of standing commissions	2 558
Political group leaders 7-10 members: Leader Deputy leader 11-20 members: Leader Deputy leader 21-30 members: Leader Deputy leader 31-40 members: Leader Deputy leader More than 40 members: Leader Deputy leader Member of the Seimas	 2 610 2 558 2 636 2 597 2 701 2 623 2 793 2 701 2 858 2 767 2 532

35. MPs are entitled to four types of additional benefits:

- Reimbursement of expenses related to parliamentary activities, amounting to one average monthly earning (AME) each month. This amount will increase to 1.7 AME by 1 January 2015, in order to return to the pre-economic crisis amount. This is used to cover office and postal costs, telephone, transport and other expenses related to parliamentary activities, as well as international travel to which the Board of the Seimas has given its prior consent. Expenses related to parliamentary activities require justification and are subject to accounting rules. This sum is not subject to income tax. The AME is updated each quarter by the Lithuanian Department of Statistics. Currently, it amounts to EUR 667;

- While in office, MPs elected in constituencies other than the capital city are provided, upon request, with free of charge living quarters in the Seimas hotel for themselves and their family members. They are fully reimbursed for any expenses (water, electricity, gas, heating, public utilities) in relation to their residence in the hotel. There is no official calculation of the economic value of this benefit, but if compared with similar apartments for rent in Vilnius city, it amounts approximately to EUR 434 per month;

- An MP's mandate may cease on the grounds provided in articles 63 (1) and (4) of the Constitution: a) upon the expiration of the Seimas' term of power, or when the Seimas, elected in early elections, convenes for the first sitting, or b) if s/he is recognised incapable by court. S/he is then paid a severance pay (article 15-5 of the Statute). This amounts to as many average monthly salaries of that MP (according to his/her position) as the amount of years s/he has been continuously sitting in the Seimas, but not less than two nor more than six average monthly salaries. If the term of office of the MP is less than one year, then a period of more than six months is regarded as a full year of term of office. A severance pay is not due if the MP is re-elected. In case of his/her death, the respective amount will be paid to his/her family;

- Other benefits include for some MPs, in addition to the reimbursement of expenses related to parliamentary activities, compensation for the use of official telephones and allocations to political groups. The use of official telephones is compensated up to 0.4% of the average monthly salary (currently EUR 267) for the Seimas Speaker and deputy speakers, the chairs of the Committee on European Affairs and the Committee on Foreign Affairs and their deputies, the leader of the opposition,

the chairs of political groups and their deputies, and up to 0.2% (currently EUR 134) is reimbursed for the chairs of other committees and commissions and their deputies as well as the chairs of the subcommittees;

- As regards allocations to political groups, a sum in the amount of one average monthly salary, plus an additional sum of 0.4% of the average monthly salary (currently EUR 267 per member is allocated for a period of one year. The allocation is revised monthly based on changes in political groups' size. These funds are used to cover expenses related to expert advice on legislation, representation, postal, telephone and other work-related activities of the political group. MPs are entitled to the above-mentioned additional benefits only during their term of office, except for the severance pay.

36. Moreover, according to article 153.4 of the Statute of the Seimas, local authorities have to provide furnished premises free of charge with a telephone for an MP and his/her assistant (secretary) for continual use in the municipality of the MP's choice within his/her constituency, for the duration of that member's mandate. The local authority has to pay for water, electricity, heating and other public utilities, while the MP pays for the telephone bill. Another option, favoured only by a few MPs, is to cover the rental costs of an office within their constituency through the budget designated for the reimbursement of expenses related to parliamentary activities.

37. Following a decision of the Seimas Commission on Ethics and Procedures, data on the use of funds for the reimbursement of expenses related to individual MPs' parliamentary activities, as well as information on MPs' offices within their constituency, are published quarterly on the Seimas' website[11]. Information relating to the use of the Seimas hotel accommodation is not published, but can be provided upon request. Information concerning the severance pay and other benefits (telephone costs and allocations to political groups) is not published online.

38. The Commission for Ethics and Procedures exercises control over the use of funds to cover expenses related to parliamentary activities. MPs must present to the Finance Department bills justifying expenses related to their parliamentary activities incurred in the past month or quarter. In case of doubt, these bills are reviewed by the Commission for Ethics and Procedures. Accounts of the Seimas are subject to internal audit by the relevant Audit Unit of the Office of the Seimas and to external audit by the National Audit Office.

Ethical principles and rules of conduct

39. MPs are subject to the Code of Conduct for State Politicians[12]. This document was drafted by a working group established by the Board of the Seimas and composed of MPs representing different political groups, as well as experts from other institutions such as the Ministry of the Interior or the COEC. It was endorsed by the Seimas in the form of a law adopted on 19 September 2006. The code of conduct applies to politicians – elected and appointed representatives of the legislative and the executive powers, as well as registered candidates to elections – on all state levels. It also applies to chairs and deputy chairs of parliamentary parties.

40. The code contains nine principles: 1) respect for an individual person and the state; 2) justice; 3) honesty; 4) transparency and publicity; 5) decency; 6) exemplariness; 7) selflessness; 8) impartiality and 9) responsibility. It also sets forth the

[11] http://www3.lrs.lt/pls/inter/w5_show?p_r=9075&p_k=1 (in Lithuanian only)
[12] http://www3.lrs.lt/pls/inter/dokpaieska.showdoc_l?p_id=287040 (in English)

obligation for state politicians and candidates to declare their private interests in accordance with applicable legislation.

41. Supervision of compliance with the code and investigations in case of suspected violations of its provisions are carried out by a commission set up within the politicians' respective institutions. For MPs and members of the government, this is the Seimas Commission for Ethics and Procedures (see further below under enforcement).

42. The COEC has a residual competence regarding the ethics and conduct of MPs. It may provide methodological assistance on the implementation of the provisions of the Code, on its own initiative or at the request of the Commission for Ethics and Procedure and transfer any information or complaint on misconduct of politicians to the commission. It is also directly responsible for overseeing compliance with the code by chairs and deputy chairs of parliamentary parties who are neither members of the Seimas, a municipal council nor the government (article 6, code of conduct).

Conflicts of interest

43. The issue of conflicts of interest is dealt with in the Law on the Adjustment of Public and Private Interests in Civil Service (LAPPICS) in a comprehensive and detailed manner. This law applies to state politicians, including MPs, to judges and to all persons in the civil service, including prosecutors. This law defines conflicts of interest and provides for (i) prohibitions and restrictions on persons in the civil service; (ii) rules on the prevention of conflicts of interest and (iii) a duty to declare private interests along with a mechanism of supervision and enforcement. This mechanism is shared between the COEC and the head of the relevant state or municipal bodies. The main responsibility for overseeing compliance by MPs with the rules on conflicts of interest lies with the Seimas Commission on Ethics and Procedure.

44. As regards conflicts of interest of MPs specifically, articles 18 and 20 of the Statute, as well as the Code of Conduct for State Politicians described above, are also relevant.

45. According to article 2 of the LAPPICS, a "'conflict of interest' means a situation where a person in the civil service, when discharging his duties or carrying out instructions, is obliged to make a decision or participate in decision-making or carry out instructions relating to his private interests". The article also contains, among others, definitions of 'private interests' – "private economic or non-economic interest of a person in the civil service (or a person close to him) which may affect his decision-making in the discharge of his official duties" – and 'close persons', namely "the spouse, cohabitee, partner, when the partnership is registered in accordance with the procedure laid down by law (hereinafter referred to as the "partner"), the parents (adoptive parents), children (adopted children), brothers (adopted brothers), sisters (adopted sisters), grandparents, grandchildren and their spouses, cohabitees or partners, of a person in the civil service".

46. In order to ensure the supremacy of public interest, persons in the civil service must: 1) discharge their official duties impartially, honestly and competently; 2) avoid conflicts of interest in accordance with the procedure and measures laid down by law, and act in such a way as to avoid suspicions about the existence of such a conflict; 3) refrain from using their official position for personal gains; 4) in the process of decision-making, be guided by laws and the principle of equality of all persons; 5) refrain from using and prevent others from using official or other related information, in a manner and to the extent other than that laid down by law; 6) not use and prevent others from using property owned or leased by the state or municipalities, in a manner and to an extent other than laid down by law (article 3, LAPPICS).

47. The LAPPICS also contains rules restricting MPs' right of representation in case of personal or financial ties with natural, legal persons or undertakings and a prohibition to use their duties, authority and name in order to influence other persons' decisions, which would result in the emergence of a conflict of interest.

48. Finally, the LAPPICS sets out the obligation for persons in the civil service, among whom MPs, judges and prosecutors, to submit declarations of private interests (see below). Data on MPs' private interests are published on the website of the COEC. MPs and their family members also have to declare their assets, in accordance with the Law on the Declaration of Assets of Residents, and their income in accordance with the Law on Personal Income Tax (see below). All these duties are echoed in the Statute of the Seimas and in the Code of Conduct for State Politicians.

49. In case of the occurrence of a conflict of interest in relation to an issue being considered in the Seimas, MPs have a duty of notification and of self-exclusion. According to article 21 of the Statute, members who have private interests in the issue must inform the presiding member of the sitting and stay away from further consideration and voting. If the Commission of Ethics and Procedure finds that an MP has not complied with this obligation and has disregarded its recommendations, it has to inform the Seimas immediately. In this event, the Seimas may decide to consider the issue anew (article 18, Statute).

50. If it appears that the rules on conflicts of interest have been violated during the adoption of a law, transmission of the adopted law for the signature of the President of the Republic may be blocked. This decision is taken by the Seimas, upon a motion of the Speaker, a committee or no less than one-fifth of the MPs and after the Commission for Ethics and Procedures has provided its conclusions and proposals. In the event that the Commission states that the legislative procedure or any other significant provisions of the Statute were grossly violated and this conditioned the decision of the Seimas, or if the Commission has not submitted any conclusions, the Seimas decides by vote whether to repeal the disputed law or to leave it in effect. If the Seimas repeals the disputed law, the debate on the draft will usually be repeated from the stage at which the violation was committed (article 160, Statute).

51. The GET welcomes the comprehensiveness of the conflicts of interest regime established by the LAPPICS. The law contains a number of positive features, such as the fact that the law applies to all persons in the civil service, including MPs, judges and prosecutors, without exceptions, and the duty of notification and self-exclusion, which was said to be occasionally used by MPs to abstain during parliamentary proceedings.

52. Concerns were expressed on site, however, about the LAPPICS being excessively formalistic. For many interlocutors, the law's purpose came down to the duty to declare private interests of persons in the civil service. Moreover, doubts were voiced by many of the GET's interlocutors about the usefulness of the system and the efficiency of supervision over declarations of interest. These doubts will be described in more detail below.

53. Despite some positive signs, such as the occasional abstention of MPs noted above, it seemed to the GET that the *rationale* behind the law was not sufficiently understood and that a culture of prevention and avoidance of conflicts of interest had not yet taken root among MPs. In the GET's view, more efforts need to be devoted to the implementation of the law, both as regards its preventive aspects and as regards supervision. Reference is made in this context to recommendation iv (see paragraph 92). The different bodies involved in the implementation of the law also need to increase their dialogue and co-operation, as per recommendation i (see paragraph 21).

Prohibition or restriction of certain activities

Gifts

54. Under the LAPPICS, politicians and civil servants may not accept or grant gifts or services if this may give rise to a conflict of interest in the meaning of the law. This restriction is not applicable to protocol gifts which are valued at less than EUR 29. Protocol gifts above this amount become state property and are evaluated and stored according to the respective regulations approved by the COEC. These rules also concern the spouse, cohabitee or partner of the MP.

55. Gifts or services that are acceptable because they do not give rise to a conflict of interest have to be reported in the declaration of private interests, if their value exceeds EUR 145 (article 14, LAPPICS), except gifts or services received from close persons, which have to be declared if their value exceeds EUR 2 896. Transactions of any kind (purchase of goods or services, credit contracts, rent, etc.) exceeding EUR 2 896 in value also have to be declared (article 6, LAPPICS).

56. MPs met during the on-site visit seemed well aware of the rules regarding the acceptance and declaration of gifts and services. They told the GET that the determination of the value of a gift other than a protocol one was left to their own appreciation. In the view of the GET, some guidance in determining the value of a gift could usefully be disseminated among MPs and other persons in the civil service, for instance by drawing inspiration from the official evaluation of protocol gifts.

Incompatibilities, accessory activities, contracts with state authorities, financial interests

57. The duties of a member of the Seimas are incompatible with any other positions and duties in the public or private sector (article 60 of the Constitution and article 6 of the Statute). During his/her term of office, s/he is also exempt from the duty to perform national military service. An MP may be appointed only as the Prime Minister or a minister. S/he may not receive any other remuneration than from the state budget for his/her parliamentary work, with the exception of remuneration for creative activities. The only allowed accessory activities are those that do not entail obligations or commitments of MPs in respect to third persons. For instance, farming is not prohibited. However, in any case, accessory activities may not be pursued on a contractual basis or as a regular business. In this respect, MPs may seek advice from the Commission on Ethics and Procedures. All accessory activities must be declared. As a consequence of this general incompatibility, MPs may not enter into contracts with state authorities.

58. MPs may hold financial interests, but they are obliged to declare them (see below under declaration of assets, income, liability and interests).

Post-employment restrictions

59. Chapter V (articles 18-21) of the LAPPICS provides limitations of one year on employment, entering into contracts with institutions, representation of natural or legal persons after expiration of office. These limitations are applicable to all persons in the civil service, including MPs.

60. Article 18 contains a one-year cool-off period regarding the conclusion of employment contracts for the management of entities over which former civil servants, including politicians, had power of supervision or control or in favour of which s/he participated in decision-making to obtain state orders or financial assistance, during the year immediately prior to the end of his/her functions. Article 19 provides for a one-year limitation on entering into contracts with the official's former employer and article 20, for a one-year limitation on representation of and official relations with natural or legal

persons of their former employer. Persons in the civil service must promptly notify their head of office of such relations.

61. Exemptions to the above-mentioned restrictions may be decided by the COEC in specific cases, when the application of limitations may be detrimental to the interests of the community or the state (article 21, LAPPICS).

62. The authorities also indicate that according to case-law[13], a systematic analysis of the provisions of Articles 6, 18, 19 and 20 of the LAPPICS suggests that a conflict of interest arises not only when a person leaves the civil service for the private sector, but also if s/he moves from the private to the public sector. Accordingly, in the event of any changes in a person's functions, s/he is considered to be linked to his/her previous workplace for 12 months.

Third party contacts

63. Contacts between MPs and lobbyists or other persons trying to influence their decisions remain unregulated. A Law on Lobbying Activities was adopted in 2000, but it focuses on lobbyists and the control of their activities. The law provides for compulsory registration of lobbyists and regulates the participation of lobbyists in the legislative procedure. Registered lobbyists have the right to a) participate in the drafting of legal acts and submit proposals and explanations on related issues; b) propose to the legislator to initiate amendments of legal acts; c) organise meetings of legislators with representatives of their clients; d) organise public-opinion polls regarding the adoption or the implementation of a legal act. They have to report yearly to the COEC on their activities and in turn, the COEC informs the public about lobbying[14] and reports yearly to the Seimas about the control of lobbying activities.

64. The GET is of the opinion that the mere existence of a law on lobbying and of a public register of lobbyists is a good sign of transparency in matters of public governance, as GRECO has often pointed out. However, several interlocutors of the GET mentioned that the implementation of the law was far from successful. Many powerful groups of interest who seek to influence the legislative process fall outside the scope of the law, such as business associations and other NGOs, law firms, as well as persons lobbying, not on behalf of clients, but for their own interests. Enforcement of the law by the COEC was also seen as weak, both due to a lack of resources – only 0.25 person in full-time equivalent was said to be affected to the control of lobbying activities – and because the COEC does not have the power to control the activities of unregistered lobbyists. The COEC has been alerting the legislator on the flaws of the current lobbying legal framework for several years[15], but these problems to date remain unaddressed. While recognising that lobbying is a legitimate component of the policy-making process, the GET takes the view that the law fails at present to achieve its stated purpose of "ensuring publicity and transparency of lobbying activities and preventing illegal lobbying activities" (article 1, Law on Lobbying Activities) and urges the authorities to address this matter. At the same time, in part taking into account the current lack of rules and transparency on MPs' contacts with third parties in connection with on-going legislative work outside the meetings of the Seimas and its commissions, **GRECO recommends introducing rules on how members of parliament engage with lobbyists and other third parties who seek to influence the legislative process.**

[13] 9 October 2008 ruling of the Supreme Administrative Court of Lithuania in the case No A756-1945/2008.
[14] A list of the 35 registered lobbyists is available on the COEC's website:
http://www.vtek.lt/vtek/index.php?option=com_content&view=article&id=371&Itemid=41
[15] See the COEC's 2011 annual report, p.32:
http://www.vtek.lt/vtek/images/vtek/Dokumentai/EN/about_us/VTEK_2011_veiklos_ataskaita_en.pdf

Misuse of confidential information

65. Handling of classified information is regulated by the Law on State Secrets and Official Secrets. Handling of other sensitive information within the Seimas (which is not classified but is restricted because it contains commercial secrets or personal data, etc.) is regulated by the Decision of the Board of the Seimas on the Organisation of Closed Meetings in the Seimas and in the Office of the Seimas.

66. According to the Law on State Secrets and Official Secrets, all MPs – except the Speaker who is granted access to classified information by virtue of his/her office – are required to pass a security clearance for access to classified information of top secret, secret and confidential levels. Clearance is granted by a decision of the State Security Department. In all cases, the need-to-know principle must be observed. Pursuant to article 44 of the Statute, only those MPs who have permission for access to classified information may be members of the Committee on National Security and Defence. Access to the lowest classification level (restricted) is granted to all MPs by decision of the Board of the Seimas for the duration of their term of office, subject to them signing a confidentiality pledge and without them having to pass security clearance.

67. As already mentioned, MPs are required to refrain from using official or other information pertaining to their duties in a manner and to an extent other than that laid down by laws or other legal acts (article 3, LAPPICS).

Misuse of public resources

68. The Commission on Ethics and Procedures is responsible for supervising whether the funds allocated from the state budget to cover the expenses of MPs related to their parliamentary activities are used for their intended purpose. Individual MPs are not entitled to use or conclude contracts involving any other public resources than their allocations to cover expenses related to their parliamentary activities.

Declaration of assets, income, liabilities and interests

69. In addition to the declaration of income that MPs, like all citizens, have to submit, MPs also have to declare their assets in accordance with the Law on the Declaration of Assets of Residents (LDAR) and their private interests according to the LAPPICS. The income and asset declarations aim at preventing unjustified enrichment and tax evasion, whereas declarations of private interests aim at avoiding conflicts of interests in the public service. The content of the different declarations overlaps to some extent and the declarations of assets and of private interests are public. The same obligations apply to judges and prosecutors and the system, as described below, also applies to them.

70. The declaration obligations arise from the moment the person stands for parliamentary elections. Extracts containing basic data from his/her income tax return and asset declarations, as submitted to the State Tax Inspectorate and approved by that body, as well as a declaration of private interests are among the documents to be submitted to the Central Electoral Commission as part of the application to stand for elections (article 38, Law on Elections to the Seimas).

Declaration of income, declaration of assets and liabilities

71. Like any other citizen, MPs must submit their annual income tax return according to the Law on Personal Income Tax. They must declare income obtained from various sources including salary, remuneration for rights transferred or granted, assets or monetary funds sold, otherwise transferred or invested and any other benefit in cash or

in kind with certain exceptions. They must also substantiate the sources of acquisition of declared property.

72. Moreover, MPs are subject to an obligation to fill in a declaration of assets in their capacity as state politicians[16]. Assets to be declared include immovable property, movable property subject to legal registration, monetary funds kept in credit institutions or elsewhere, as well as borrowed and lent monetary funds, when the total amount of such funds exceeds EUR 1 448, works of art and valuables when the value of one such item exceeds EUR 1 448 and securities, when the total amount of such securities exceeds EUR 1448 (article 3 LDAR).

73. MPs' family members also have a duty to submit declarations of assets and declarations of income, containing the same information as the declaration of the MP. In this context, "family members" would cover spouses and (adopted) children under 18 years of age living with the MP. The assets and income of under-age family members must be declared by one of the (adoptive) parents (article 2 LDAR).

74. Declarations of assets and declarations of income cover the period of one calendar year and must be filed electronically, annually by the 2nd of May. They must be submitted to the State Tax Inspectorate under the Ministry of Finance. Printed forms are seldom used anymore, but are still valid and are accepted and entered into the electronic database by the State Tax Inspectorate.

75. The declarations of assets submitted by MPs and their family members are public, with the exception of personal information which is withheld for privacy reasons. As from 2014, this data is published electronically on the State Tax Inspectorate's website.

Declaration of private interests

76. Under the LAPPICS, MPs have to submit a declaration of private interests covering their own interests and those of their spouse (or cohabitee/partner). The declaration must include (article 6):

- Legal persons in which the person or his/her spouse participates;
- His/her individual activities or individual activities of his/her spouse, as defined in the Law on Personal Income Tax;
- Membership in and duties to undertakings, establishments, associations or foundations, with the exception of membership in political parties or organisations;
- Gifts received from other persons (except close persons) during the past twelve calendar months, if their value exceeds EUR 145;
- Information about the transactions concluded by him/her or his/her spouse during the past twelve calendar months, if their value exceeds EUR 2 896;
- Close persons or other persons s/he knows who may, in his/her opinion, be the cause of a conflict of interests. Any facts that could give rise to a potential conflict of interests must likewise be declared.

77. Data about the MP's spouse may be omitted if they are not living together and such data is unknown to him/her. Children are not directly concerned by declarations of private interests, but may be relevant as close persons or other persons who may be the cause of a conflict of interests.

[16] The term "state politician" is defined by article 2 of the Law on Civil Service and means persons who are elected or appointed, in accordance with the procedure prescribed by laws, as President of the Republic, Speaker of the Seimas, Member of the Seimas, Prime Minister, minister, member of a municipal council, mayor of a municipality or a deputy mayor of a municipality.

78. Persons in the civil service must notify the head of their institution of all new job proposals, as well as any acceptance of such offers, when they may cause a conflict of interests. The head of the institution or his/her authorised representative must promptly take measures to address the potential conflict of interest (articles 16 and 17, LAPPICS). Although the parliamentary duties are constitutionally incompatible with any other duties in state institutions and organisations (with the exception of appointment as the Prime Minister or a minister), as well as with work in business, commercial and other private establishments or enterprises, these articles may be relevant in case an MP does not intend to stand for re-election.

79. When elected, MPs have one month to submit their declaration of private interests, which must include information concerning gifts and transactions concluded during the past twelve calendar months. The declaration must then be updated as necessary, i.e., when the information given has changed or new circumstances appear. In that case, the declaration has to be modified immediately, but no later than within 7 days after the said circumstances come to the knowledge of the declaring person.

80. Since the middle of 2012, declarations of private interests are filed electronically only through the Interest Declaration Information System (IDIS) of the State Tax Inspectorate, the software of which was improved in 2014. Relevant institutions in charge of publication and supervision of declarations, namely the COEC and the Commission for Ethics and Procedure, have access to the declarations contained in the IDIS system.

81. MPs' declarations of private interests are published by the COEC, with the exception of personal information which is withheld for privacy reasons, and may be consulted on its website[17]. According to the LAPPICS, a register of private interests of persons in the civil service was to be established, but this provision of the law has not been implemented yet.

82. All interlocutors met during the on-site visit agreed that MPs, as well as judges and prosecutors, complied with their disclosure obligations. The GET did not come across any particular problems as regards the scope of these obligations or the understanding of items to be declared.

Supervision and enforcement

Declaration of income, declaration of assets and liabilities

83. The State Tax Inspectorate is tasked with the verification of the accuracy of the data provided in the declarations of assets and income (article 8, LDAR). Control can take place on the declarations of the five preceding calendar years. The control procedure includes three steps: 1) a general check of the correctness of declarations by means of a dedicated software; 2) a risk-assessment analysis, in order to identify persons deemed particularly at risk from a tax evasion perspective. These may be persons working in areas with higher levels of non-compliance, or persons that have been targeted following tips received on a whistleblowing hotline or of information received from other institutions. The focus of the risk assessment is always on specific persons and not on professional categories; 3) a reinforced control on the income and assets of persons identified in stages 1) and 2). During this reinforced control, cross-checks are made with the declarations of private interests and other sources of information, such as the cadastre, banks, insurance companies etc: 700 such reinforced controls were carried out

[17] http://www.vtek.lt/vtek/index.php?Itemid=57; http://www.vtek.lt/vtek/index.php?option=com_content&view=article&id=1022%3Apateikt-per-eds-deklaracij-paieka&catid=21&Itemid=35

in 2013. If evidence of possible illegal enrichment emerges in the course of verification, the file is sent to law enforcement authorities.

84. Inobservance by an MP – or a judge or a prosecutor – of the rules regarding the submission of asset declarations can entail his/her administrative or criminal liability. Administrative fines of EUR 290 to EUR 1 448 may be imposed by the State Tax Inspectorate for late submission of or failure to submit a declaration of assets (Article 172-10, Code of Administrative Offences). Persons may also be held criminally liable for failure to submit a declaration of assets or income if they were reminded of their duties by the State Tax Inspectorate and nevertheless failed to comply with them. Possible sanctions are community service, a fine or arrest. If the person fails to comply thereby seeking to avoid payment of taxes, possible sanctions are a fine or imprisonment of up to three years (article 221, Criminal Code). Intentional provision of inaccurate information regarding one's assets, profit or income is a criminal offence, punishable by a fine, restriction of liberty or imprisonment of up to three years (article 220, Criminal Code). In the case of MPs, this is subject to their immunity being waived.

85. During the on-site visit, the GET did not gather evidence of any noteworthy shortcomings regarding the control performed by the State Tax Inspectorate or the resources and powers of that body. Interlocutors generally agreed on the usefulness and reliability of the asset declaration regime. That said, the National Audit Office pointed out some deficiencies in the system and a working group was established to improve it[18]. As a result, draft amendments to the Law on Tax Administration were submitted in April 2014 to the Seimas and are currently under discussion. They foresee regular provision of relevant information to the State Tax Inspectorate on financial assets, income and transactions of residents.

Declaration of private interests and other rules of conduct

86. The main body in charge of overseeing compliance of MPs with the rules on conflicts of interest and other rules of conduct is the Commission for Ethics and Procedures of the Seimas, whose powers and responsibilities are regulated by article 78 of the Statute. It is composed of 15 members, representing all political party groups of the Seimas proportionally, and assisted by two civil servants. Decisions are taken by simple majority of the members present, with the Chair having a decisive vote in case of a tie. The commission is accountable only to the Seimas.

87. Besides being responsible for enforcing the rules regarding MPs' conduct, conflicts of interest and declarations of private interests, the commission also controls compliance by MPs with the rules on salaries and additional benefits (article 18, Statute). It can start an investigation into the activities of an MP on its own initiative, on the instruction of the COEC, further to a complaint by any person (citizens, other MPs, whistleblowers) or to a media report. If over the course of the investigation suspicions emerge that the MP might have committed a criminal offence, the commission has to immediately inform the Seimas and the Prosecutor General, to whom it submits the investigative material it has gathered.

88. The commission can issue written recommendations to an MP to comply with the code of conduct, to avoid a conflict of interests or to make a public apology. These recommendations and the commission's decisions are published on the Seimas' website and given a large echo in the media. If an MP does not follow the commission's recommendation, s/he may be temporarily excluded from the plenary chamber, upon recommendation of the commission, by a decision of the Seimas, taken by simple majority and without discussion (article 21, Statute).

[18] http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_lithuania_chapter_en.pdf

89. Administrative fines of up to EUR 290 or up to EUR 580 in case of a repeated violation are also incurred by MPs who disregard their obligations under the LAPPICS. These fines are imposed by the court in accordance with the protocol on the violation of administrative law issued by the COEC (article 202-1, Code of Administrative Offences).

90. In case of breach of the rules on incompatibilities, the commission may propose to the Seimas to dismiss the MP concerned. A vote of dismissal is taken by the Seimas, by a simple majority vote, only in case of incompatibility. For all other serious violations, if the commission suspects that an MP might have grossly violated the Constitution and/or breached the oath, it may, by a majority vote of four-fifths of its members, propose to the Seimas to initiate impeachment proceedings against that MP. Impeachment proceedings involve a Special Commission of Enquiry and the Constitutional Court, with a final decision taken by a majority vote of three-fifths of all members of the Seimas.

91. The Commission for Ethics and Procedures has a wide mandate and many tasks, as well as adequate powers to carry them out. That said, the GET is of the view that the commission approaches the supervision and enforcement of the rules regarding MPs' integrity and conduct in a reactive, rather than a proactive manner. This is particularly visible in the area of declaration of interests, where the two civil servants assisting the commission spend the bulk of their time checking the timely submission of declarations and sending reminders as needed. The content of the declarations is not reviewed, except in reaction to a media report or a tip by a citizen, an NGO or the COEC. The commission also admitted that it had no way of assessing whether changes in the declarations were accurately reported. In the period ranging from 10 September 2010 to 4 July 2013 – a period covering six sessions of the Seimas –10 cases of possible conflicts of interests were investigated by the commission and a sanction of public announcement was taken in one case, in which the commission found that an MP had protected the interests of persons close to him. In three further cases, the commission found that MPs had failed to comply with the legal requirements on declarations of interests, but no sanction was pronounced. The commission seems to adopt a similar, merely reactive approach as regards supervision of MPs' compliance with other rules of conduct.

92. This lack of effective supervision undermines the credibility of the whole conflicts of interest regime. Declarations of private interests are widely perceived – both by those subject to disclosure requirements and by external observers[19], including the media – as a paper tiger that has yet to demonstrate its usefulness. The GET heard that the declarations' main interest was their publicity. Yet, representatives of the media did not seem to rely on these declarations – unlike on asset declarations – to carry out their investigations. More generally, the development of the self-regulation mechanism within the Seimas could help improve public perceptions about MPs' integrity. As GRECO underlined on numerous occasions, it is important in order to increase public confidence to show that MPs are willing to take integrity matters into their own hands. Against this background, **GRECO recommends that appropriate measures be taken to ensure effective supervision and enforcement of the rules regarding declarations of private interests and other rules of conduct of members of the Seimas.** The GET recalls in this context the need for strengthened co-operation with the other bodies that hold responsibilities in this area, in particular the COEC, as per recommendation i (see paragraph 21).

Immunity

93. MPs enjoy immunity from criminal liability, arrest or any other restriction of their personal freedom, except in case of *flagrante delicto*. This immunity may be lifted, totally or partially (without detention of the MP concerned) by a majority vote of the Seimas,

[19] Among international observers, the EU anti-corruption report called for closer supervision of declarations of interest.

upon request of the Prosecutor General (article 62 of the Constitution, article 22 of the Statute). An amendment was introduced into the Criminal Code in May 2014 according to which the statute of limitation for criminal offences is suspended when the competent body refuses to lift the immunity of the suspect. The Commission for Ethics and Procedures indicated that 98% of the requests for lifting the immunity of MPs are granted by the Seimas. The remaining cases were said to correspond to minor offences.

94. In grave cases – suspicion of violation of the Constitution, commission of a crime or breach of oath – the Seimas may also decide to initiate impeachment proceedings in order to revoke an MP's mandate. In this case, criminal proceedings can commence upon revocation of mandate of the MP concerned, for which a three-fifths majority is needed (article 74 of the Constitution and article 242 of the Statute).

Training and awareness

95. At the beginning of their term of office, MPs are informed of their rights and duties by the staff of the Office of the Seimas. They are provided with the freshmen orientation guide containing, *inter alia*, a description of the rules of conduct. This guide is also accessible on the Seimas' Intranet. Besides, the Commission for Ethics and Procedures prepares written recommendations for MPs on issues related to their duties and told the GET that MPs also sometimes consult it informally.

96. It is obvious that little emphasis is placed at present on awareness activities directed towards MPs. This is unfortunate and the GET believes it is one of the main reasons why many MPs perceive rules relating to the prevention of corruption and conflicts of interest as formalistic and bureaucratic. As mentioned earlier in this report, the *rationale* behind the LAPPICS in particular is not sufficiently understood and a culture of prevention and avoidance of conflicts of interest has not yet taken root among MPs. Putting values into effect needs communication of core standards, as well as education and regular training to raise awareness and to develop skills which will assist in confronting and then solving ethical dilemmas. The GET also encourages the establishment of adequate avenues to engage in individual and institutional discussions – such as a system of mentors for new members, on-going dialogues – on integrity and ethical issues related to parliamentary conduct. Finally, GRECO has often pointed out that the provision of dedicated counselling (including of a confidential nature) may be of value in making MPs more comfortable to prevent conflicts of interest and to address integrity dilemmas. In the GET's view, the Seimas needs to take genuine responsibility for better promoting a culture of ethics among its members. Therefore, **GRECO recommends that efficient internal mechanisms be developed to promote, raise awareness of, and thereby safeguard, integrity in the Seimas, both at institutional level (training, institutional discussions on ethical issues related to parliamentary conduct, etc.) and on an individual basis (confidential counselling).** Co-ordination of efforts with institutions having a particular mandate and expertise on the prevention of corruption, such as the COEC, as per recommendation i, is also relevant to the implementation of this recommendation.

V. CORRUPTION PREVENTION IN RESPECT OF JUDGES

Overview of the judicial system

97. There are three systems of courts in Lithuania: 1) the Constitutional Court, which exercises constitutional judicial control; 2) the Supreme Court, the Court of Appeal, regional courts and district courts, which constitute the system of courts of general jurisdiction; and 3) the Supreme Administrative Court and regional administrative courts, which are specialised courts for the consideration of administrative cases.

98. Courts of general jurisdiction hear civil, criminal and administrative offence cases. There are 49 district courts, which adjudicate in first instance. Five regional courts are the appellate instance for the judgments of the district courts and the first instance for cases assigned to their jurisdiction. The Court of Appeal is the appellate instance for the judgments of regional courts and cassation is performed by the Supreme Court of Lithuania. A judicial reform, which was approved by the Judicial Council in 2013, will eventually reduce the number of district courts to 12 and the number of regional courts to two. Activities of the general and the specialised courts are regulated by the Law on Courts.

99. The Constitutional Court is composed of nine justices, each appointed for a single nine-year term of office by the Seimas. Three candidates each are submitted by the President of the Republic, the President of the Seimas and the President of the Supreme Court. The President of the Constitutional Court is appointed by the Seimas from among its justices, upon the proposal of the President of the Republic (article 103, Constitution). The status and the activities of the Constitutional Court are regulated by the Law on the Constitutional Court.

100. There are 768 professional judges (315 men, 453 women) in Lithuania (2012 data from the CEPEJ report). There are no lay judges, nor jurors.

101. The Judicial Council is an independent body, composed of 23 members. The President of the Supreme Court, the President of the Court of Appeal and the President of the Supreme Administrative Court are members by virtue of their office. The other members are elected for a four year term by the General Meeting of Judges: three from the Supreme Court, three from the Court of Appeal, three from the Supreme Administrative Court, one from each regional court, one from all regional administrative courts and one from all district courts in the territories covered by each regional court. The candidates are nominated and elected during the General Meeting of Judges, which is the highest institution of judicial self-governance, in which all judges participate. Judges who have been sitting for less than five years or on whom a disciplinary penalty has been imposed may not be candidates. The Judicial Council elects a president, deputy president and a secretary for two years from among its members. The Judicial Council is competent in all matters relating to the judiciary, including training, budget, court buildings and IT issues.

102. The courts and bodies of judicial self-governance are assisted by the National Courts Administration (NCA), an independent body which was established on 1 May 2002. Among its competences are the provision of material and technical support to the courts, the efficient functioning of the court system and the training of judges.

103. The principle of independence of judges is enshrined in several articles of the Constitution: article 31 proclaims the right to a public and fair hearing by an independent and impartial court; article 109 states that while administering justice, the judge and courts shall be independent; article 114 prohibits interference by other state powers, as well as political parties and organisations, or citizens, in the work of a judge or a court; it also provides for the immunity of judges.

104. The principle of independence of the judiciary is further developed in the Law on the Constitutional Court (articles 5-1 and 17) and the Law on Courts (articles 2 and 3), in the procedural laws (article 21 of the Code of Civil Procedure, article 44 of the Code of Criminal Procedure, article 7 of the Law on Administrative Proceedings), as well as in the jurisprudence of the Constitutional Court. In particular, the Constitutional Court ruled that all judges have equal status in their adjudicative capacity[20]. It also ruled on a number of occasions that the full functionality and the independence of the judicial power presuppose its self-regulation and self-governance, including *inter alia* as regards the organisation of the court work and the activities of the judicial self-governing bodies.

105. The Lithuanian judiciary suffers from a marked lack of public confidence. According to Transparency International's 2013 Global Corruption Barometer, the judiciary is one of the least trusted national institutions, together with the parliament and the political parties: 79% of respondents deem the judiciary to be corrupt and other surveys yield similar results. That said, the national yearly public survey "Corruption map in Lithuania" noted an improvement, with 35% of respondents finding that courts were "very corrupt" in 2014, compared to 64% in 2011 (see the section on context for more details). It is the GET's impression that there is a rather wide gap between the perception and the reality of corruption in the judiciary. The number and seriousness of the incidents reported are limited and are comparable to those in other countries. The GET discussed the negative image outlined by the media and the general public with many interlocutors. Several reasons were evoked to explain it, from a reference to the country's past within the Soviet Union, which left a legacy of distrust in public institutions, to a tendency by some media and lawyers to shift the blame towards judges to conceal for instance the weakness of some cases. The GET did not find these explanations entirely convincing and notes that neighbouring countries that share a similar history register higher levels of public confidence in the judiciary.

106. Another reason given by many interlocutors was a certain lack of transparency of the judiciary. A complaint generally heard was that judicial decisions are often difficult to understand and do not seem to be tailored to the facts significant to the case for which the decision is given. As a result, the parties to the proceedings and the general public get the impression that the decision is arbitrary and does not reflect an independent and unbiased assessment which gives a clear insight into a judge's reasoning and the legal argumentation used. Reference was also made to the manner in which court decisions are published which, according to some interlocutors, is not user-friendly. Knowing the date of a judicial decision is apparently not sufficient to access it, as the system requires precise keywords.

107. The Judicial Council is aware of this criticism and has been trying to address it in recent years: it has a public relations committee, spokespersons have been appointed in courts, rules on the provision of information on court cases and activities to public information providers have been approved by the Judicial Council, training courses on communication have been organised and judges have been encouraged to publicly comment and explain their decisions. As a result, the public image of the judiciary has

[20] Constitutional Court, decision of 28 March 2006: "the system of instances of courts of general competence, which originates from the Constitution, cannot be treated as hierarchical, as no general competence court of a lower instance is administratively or organisationally or otherwise subordinate to any court of a higher instance […]; though […] according to the Constitution general competence courts of a lower instance, when they take decisions in cases of relevant categories, are in general bound by precedent decisions of general competence courts of a higher instance in cases of those categories, general competence courts of a higher instance (and judges of those courts) cannot interfere with cases heard by general competence courts of a lower instance, give them any mandatory or recommendatory instructions how relevant cases should be settled, etc.; such instructions (no matter whether mandatory or recommendatory) would be regarded as acting of relevant courts (judges) ultra vires with regard to the Constitution. According to the Constitution, case law is formed only when courts settle cases themselves".

been improving somewhat in recent years, especially among court users[21]. The GET welcomes these efforts but, in view of the still very high confidence gap in the judiciary, it thinks that they need to be reinforced. Attention needs to be paid in particular to the structure and wording of judicial decisions. Communication with the public also needs to be enhanced and improved. In this context, the GET welcomes the pilot project currently implemented by the Judicial Council to appoint and train press judges. Judges are namely better equipped than lay persons to explain judicial decisions and they can also discuss with their colleagues about the need to release certain information about a case to the public, while respecting the principle of confidentiality. In view of the above, **GRECO recommends that the judicial authorities continue in their endeavours to ensure (i) appropriate education to strengthen the professional skills for drafting judicial decisions and (ii) better communication with the public.**

Recruitment, career and conditions of service

Recruitment and promotion

108. Judges are appointed to their office until the age of retirement, namely 65. Judges of district, regional and specialised courts are appointed, promoted, transferred and dismissed by the President of the Republic, upon advice of the Judicial Council. Judges of the Court of Appeal are appointed by the President of the Republic, upon advice of the Judicial Council and the assent of the Seimas. Judges of the Supreme Court are appointed and dismissed by the Seimas, upon the submission of the President of the Republic (article 112 of the Constitution). The President of the Supreme Court selects the candidates and submits them to the President of the Republic who seeks the motivated opinion of the Judicial Council before submitting the candidatures to the Seimas for appointment (article 73 of the Law on Courts).

109. Candidates to a judicial office have to fulfil the following requirements: Lithuanian nationality, good repute, good health, and they have to meet the requirements established by law for security clearance or equivalent requirements. Different requirements regarding their university degree and past work experience also apply, depending on the office they are seeking:

- Candidates to district courts must have a law degree, a record of at least five years of work in the legal profession and have passed the examination for candidates to judges. Doctors or Doctors habilis in law, as well as persons with at least five years of experience as a judge, if not more than five years have passed since they held that position, are exempt from sitting the candidate examination (article 51, Law on Courts);

- Candidates to regional courts or regional administrative courts must be entered in the register of persons seeking judicial office or have a Doctor in Law degree and have at least four years' experience as a judge and/or university teaching experience in law (article 66, Law on Courts);

- Candidates to the Court of Appeal or the Supreme Administrative Court must be entered in the register of persons seeking judicial office or have a Doctor in Law degree and at least eight years' experience as a judge and/or a university teaching experience in law (article 67, Law on Courts);

- Candidates to the Supreme Court must have a Doctor in Law degree and at least ten years' experience as a judge and/or a university teaching experience in law (article 68, Law on Courts).

[21] http://www.teismai.lt/

110. Vacant positions are announced by the Office of the President of the Republic and the NCA and the selection procedure is organised with the assent of the Judicial Council. Current and former judges/justices in Lithuanian courts, as well as justices of European and international courts, have a priority right to judicial vacancies in courts of the same or a lower level (articles 60 and 61, Law on Courts). If there are no such candidates, other judges seeking a promotion or new candidates to judicial office take part in the selection procedure. The procedure is comprised of the examination of written documents submitted by candidates and of an interview, following assessment criteria established by the Judicial Council.

111. Candidates to judicial positions are chosen by the Selection Commission of Candidates to Judicial Offices (hereafter the Commission), which decides by majority. It is composed of seven members, of whom three are judges and four are lay members[22]. They are appointed by the President of the Republic for a term of office of three years. Members of the Judicial Council may not be appointed members of the Commission (article 55^1, Law on Courts).

112. Following the selection procedure, the Commission indicates to the President of the Republic which candidate(s) is/are the most suitable for the position(s), indicating the reasons for its conclusions. These conclusions are not binding on the President. Candidates who disagree with the conclusions may inform the President of the Republic about it in writing within ten days after the meeting of the commission, indicating the reasons for their disagreement. The STT also provides the President of the Republic with its conclusions on the integrity of the selected candidates.

113. The Judicial Council must advise the President of the Republic on the appointment of judges. Meetings of the Judicial Council, which are public, are held generally once a month, on the premises of the Supreme Court or the NCA. Decisions on appointment, as well as all decisions regarding the promotion, transfer and dismissal of judges, are adopted by an open majority vote of its members and have to be motivated (article 121, Law on Courts). Decisions of the Judicial Council are published on the website of the NCA, at the latest within three days of their adoption.

114. According to the jurisprudence of the Constitutional Court, the Judicial Council serves as a counterbalance for the President of the Republic. It cannot advise the President on its own initiative, but it must advise him/her on all matters pertaining to the appointment, career and dismissal of judges. Without the motivated advice of the Judicial Council, the President of the Republic cannot take a decision on an appointment, promotion, transfer or dismissal. However, the legal consequences of the Judicial Council's advice vary: proposals on appointment, promotion or transfer of a judge are not binding on the President of the Republic, while negative advice, namely opinions not to appoint, promote or transfer a judge are binding. Proposals to dismiss a judge are also binding on the President of the Republic, unless the grounds for dismissal have disappeared.

115. The GET has several misgivings about the process for the recruitment and promotion of judges. Although the law aims at establishing a selection process with checks and balances, the balance seems to be skewed in favour of the President of the Republic, who appoints the members of the Selection Commission and is not legally bound by the conclusions of the Commission on the merits of candidates. S/he may choose to appoint a candidate who is not seen as most suitable, without giving reasons

[22] The integrity of lay members of the Commission is also verified, according to the provisions of the Law on the Prevention of Corruption, which foresee the right of the President of the Republic to make enquiries about a person to the STT.

and it does occur that s/he disagrees with the conclusions of the Commission[23]. The candidates chosen by the President of the Republic are submitted to the Judicial Council, which may give a binding negative opinion. However, the process has never escalated to this point. Finally, the only possibility for unsuccessful candidates seeking a review of the process is to apply to the President of the Republic regarding the conclusions of the Selection Commission. During the interviews on site, the GET encountered a widespread dissatisfaction with the process for the recruitment and promotion of judges, the lack of transparency of which generates mistrust and perceptions of undue influence among the judiciary and the public at large. Even though the Selection Commission works on the basis of specific criteria to ensure that the best candidates are selected, the impression among many interlocutors was that a candidate's merits are not necessarily the decisive criteria for his/her appointment. This is yet another element that could affect public trust in the judiciary and fuel a certain lack of motivation among judges themselves.

116. The GET recalls that according to CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, the authority taking decisions on the selection and career of judges should be independent from the executive and legislative powers (principle 46). When the head of state takes decisions in these matters, an independent authority composed in substantial part of judges should be authorised to make recommendations or express opinions which the appointing authority follows in practice (principle 47). Procedures should be transparent, with reasons for decisions being made available on request. An unsuccessful candidate should have the right to challenge the decision, or at least the procedure under which the decision was made (principle 48). In order to guarantee these principles, it needs to be ensured that not all members of the Selection Commission are appointed by the President of the Republic; and it is necessary to reinforce the role of the Judicial Council in the process, by having it review the candidates selected by the Commission, in order to propose the most suitable one(s) to the President of the Republic for appointment. The Judicial Council could also act as an appeal body against decisions of the Selection Commission in order to strengthen the appeal procedure. In light of the foregoing, **GRECO recommends (i) that the method for appointing the members of the Selection Commission of Candidates to Judicial Offices be reviewed in order to strengthen their independence and that the procedure for appealing against the Commission's decisions be consolidated, and (ii) that the Judicial Council be given a more important role in the procedure for selecting judges.**

Dismissal

117. According to article 115 of the Constitution, judges are dismissed only in the following cases: 1) of their own will; 2) upon expiration of their mandate or upon reaching retirement age; 3) for health reasons; 4) when elected to another office or transferred, with their consent, to another place of work; 5) when by their behaviour they discredit the name of the judge; 6) upon the coming into effect of court judgements convicting them. Justices of the Supreme Court are dismissed by the Seimas, justices of the Court of Appeal by the President of the Republic subject to the approval of the Seimas and other judges by the President of the Republic. The President has to be advised in all matters pertaining to dismissal by the Judicial Council, except when the judge is appointed justice of the Constitutional Court or member of the government. The advice of the Judicial Council is binding on the President. A judge contesting his/her dismissal has a right of appeal, within a month, to the Vilnius Regional Court (article 90, Law on Courts). The decision by the Vilnius Regional Court can be appealed, within a month, to the Court of Appeal (article 301.4 and article 307.1, Code of Civil Procedure).

[23] In 2013, 60 vacancies were filled and the President of the Republic disagreed with the conclusions of the Commission in five cases: in one case, she appointed another candidate than the first one from the list of suitable candidates and in the four other cases, she decided not to appoint any of the candidates proposed and to repeat the selection procedure. In 2014 (up to 9 September), 26 vacancies were filled and the President of the Republic decided in two cases to appoint another candidate than the one first listed.

118. According to information from the NCA, in 2011-2013, the Lithuanian courts heard seven civil cases regarding dismissal of a judge. Decisions in six cases are effective, the courts having found that the Judicial Council had validly advised to dismiss the judges from office. These cases are currently pending before the Supreme Court under the cassation procedure. The seventh case is pending before a court of first instance.

Salaries and benefits

119. The gross annual salary of a first instance court judge at the beginning of his/her career is EUR 18 087. The gross annual salary of a Supreme Court judge with the minimum work record is EUR 29 608. The amount of a judge's salary is determined by several factors, namely the system and level of court to which the judge belongs and his/her work record for the years served in state service.

120. The monthly salaries of judges of the Constitutional Court of Lithuania as from 1 January 2015 will be as follows:

Positions	**Basic salary (in EUR)**
President of the Constitutional Court of the Republic of Lithuania (or the judge acting as his/her deputy)	4 215
Judge of the Constitutional Court of the Republic of Lithuania	3 830

121. Basic monthly salaries of the judges of ordinary and specialised courts as from 1 January 2015 will be as follows:

Name of the institution	**Basic salary (in Euros)**			
	Chair or the person acting as his/her deputy (where there is a full time deputy chair)	**Deputy chair**	**Chair of a division**	**Judge**
Supreme Court of Lithuania	2 832	-	2 636	2 506
Supreme Administrative Court of Lithuania	2 727	2 571	-	2 440
Court of Appeal of Lithuania	2 636	-	2 506	2 375
Regional courts	2 506	-	2 375	2 245
Regional administrative courts	2 506	2 375	-	2 245
District courts:				
With 15 or more judges	2 310	2 088	-	1 853
With 14 or less judges	2 179	1 997	-	1 853

122. Judges are entitled to additional vacation time calculated upon their length of service, additional leave and paid training, state pension, compensation of expenses related to relocation in cases of official necessity and, upon dismissal from service for health reasons, retirement or expiry of their term of office, they are entitled to receive a

severance pay. According to law, these are considered as activity guarantees related to the constitutional status of a judge, rather than as additional benefits.

123. During the on-site visit, many interlocutors expressed their concern about the low remuneration of court support staff, both administrative and legal. This issue needs, in the GET's view, to be addressed as low salaries are a well-known corruption incentive. The role of court clerks is essential for the smooth running of cases and the organisation of the court system, but the current pay level does not appear to be sufficient to attract and retain qualified people and this causes organisational problems in courts. Besides, as this is an important venue for young lawyers hoping to become judges in Lithuania, it is important that the breeding ground for future judges remains well-stocked so that adequate selection is possible.

Case management and court procedure

Assignment of cases

124. Cases are assigned randomly and automatically through the case allocation module of the courts information system (LITEKO). The following criteria are taken into account:

- specialisation of judges (if it is established in a court),
- legal deadlines for hearing certain categories of cases,
- prohibitions provided in law to proceed in a specific case,
- even distribution of workload,
- complexity of cases,
- rotation of judicial panels, set according to the maximum duration of activities for a given judicial panel,
- closest possible date of the court hearing,
- circumstances provided in law for the dismissal of judges, their self-withdrawal or their participation in selection procedures,
- temporary sick leave,
- vacation,
- qualification training,
- missions or participation in other events that prevent him/her from hearing a case.

125. The case allocation module gives a possibility not to use the automated procedure in exceptional cases and to allocate the case to a specific judge instead, for example, if it is more expedient to allocate the same type of cases to a certain judge or at a certain time. In this case, the specific legal grounds must be indicated in the module. In 2013, 0.03% of cases were allocated without using the automated system (1.35% in 2011, 0.73% in 2012).

126. The Constitutional Court follows different rules. Cases are allocated by its president, who evenly distributes work according to the justices' surnames, usually in alphabetical order. In particular circumstances, a justice may be assigned a case under a different procedure as well (article 102, Rules of the Constitutional Court).

The principle of hearing cases without undue delay

127. According to the Regulations of Administration in Courts ("the Regulations") adopted by the Judicial Council, the NCA has to ensure the quality of justice and the efficiency of the proceedings, by analysing jurisprudence and unreasonably lengthy proceedings and investigating reasons for undue delays. The courts information system LITEKO also offers means of control of procedural time-limits. At least once a year, the NCA presents summarised data, established shortcomings and best practices to the Judicial Council. Discussions regarding courts' administrative activities, that include issues of quality and efficiency of justice, are organised at least once a year.

The principle of public hearing

128. Court hearings and decisions are public according to all relevant laws (article 18, Law on the Constitutional Court; article 7, Law on Courts; article 9, Code of Civil Procedure; article 9, Code of Criminal Procedure; article 8, the Law on Administrative Proceedings). The publicity of case material is also provided by the Code of Civil Procedure (article 10) and the Law on Administrative Proceedings (article 12).

129. The court may order that a hearing be held in whole or in part *in camera* in certain matters, such as family matters or for certain reasons, such as the interests of the state or the protection of official or commercial secrets.

130. The GET recalls that concerns were expressed on-site about the ease of use of the electronic system for publishing court decisions (see paragraph 106). This problem needs to be addressed in order to increase public awareness on the key role of the judiciary and to foster trust in the judicial system and the GET refers back in this respect to recommendation vi.

Ethical principles and rules of conduct

131. According to article 117 of the Law on Courts, rules on judicial conduct have to be approved by the General Meeting of Judges, which as already mentioned is the highest institution of judicial self-governance in the country.

132. The General Meeting of Judges of 28 June 2006 approved the Code of Ethics of Judges of the Republic of Lithuania, which entered into force on the same day. The Code had been prepared by a working group consisting of judges, set up by the Judicial Council. The draft Code had been sent to all courts for consultation and approved by the Judicial Council prior to its approval by the General Meeting of Judges. The current Code succeeded a prior text, the Rules of Judicial Conduct of the Republic of Lithuania, which had been approved in 1998 by the General Meeting of Judges.

133. The Code of Ethics applies to all judges without any reservations, both within and outside their duties (articles 1-3 of the code). It contains twelve principles: 1) respect for human; 2) respect and loyalty for the state; 3) justice and impartiality; 4) independence; 5) confidentiality; 6) transparency and publicity; 7) honesty and disinterest; 8) decency; 9) exemplarity; 10) dutifulness; 11) solidarity; 12) the improvement of qualification. Violation of the provisions of the Code constitutes grounds for disciplinary liability, in accordance with the provisions of the Law on Courts (see below under enforcement).

134. The GET welcomes the Judicial Council having approved, on 28 June 2013, a practical guide appended to the code of ethics. This guide discusses each principle and gives practical examples and recommendations based on decisions of the Judicial Ethics and Discipline Commission, the Judicial Court of Honour, the Supreme Court and the Bangalore Principles of Judicial Conduct. As GRECO highlighted on numerous occasions, a code of ethics is most valuable when it provides practical guidance on how principles apply in daily practice and helps solve concrete dilemmas. It also needs to be conceived as a living document, updated as necessary in view of evolving values and challenges. GRECO invites the judicial authorities to ensure that this is the case.

Conflicts of interest

135. The legal framework for the prevention and resolution of conflicts of interest for judges is provided by the relevant provisions of (1) the procedural laws, which contain rules on recusal and self-withdrawal in individual cases; (2) the Law on Courts, as regards issues such as incompatibilities and accessory activities; (3) the Law on the

Adjustment of Public and Private Interests of the Civil Service (LAPPICS), as judges are subject to this law and (4) the Code of Ethics of Judges.

136. As explained in the section of this report on MPs, the LAPPICS defines a conflict of interest as "a situation where a person in the civil service, when discharging his duties or carrying out instructions, is obliged to make a decision or participate in decision-making or carry out instructions relating to his private interests". Judges and candidates to judicial positions have to submit declarations of private interests, which are published on the website of the COEC. The LAPPICS also contains rules on notification, disqualification and self-exclusion, which are other important means of avoidance of conflicts of interest. For further details regarding the provisions of this law and their assessment by the GET, reference is made to paragraphs 43-53 above.

137. Article 43 of the Law on Courts also provides that a judge must notify in writing the chair of his/her court about judicial proceedings to which s/he or his/her spouse, children/adopted children, parents/adoptive parents, brothers, sisters/adoptive brothers, sisters also the children/adopted children, parents/adoptive parents, brothers, sister/adoptive brother, sisters are a party, if the court has jurisdiction over the case.

138. Two articles of the Code of Ethics of Judges, namely article 8 on justice and impartiality, and article 9 on independence, contain several rules aimed at preventing conflicts of interest, including rules on disqualification.

139. In the GET's view and as already noted under the section on MPs, more efforts need to be devoted to the implementation of the LAPPICS. As regards judges, reference is made in this context to recommendation viii on awareness (see paragraph 171). The different bodies involved in the implementation of the law also need to increase their dialogue and co-operation, as per recommendation i (see paragraph 21).

Prohibition or restriction of certain activities

Gifts

140. Article 12.5 of the Code of Ethics of Judges sets forth that, according to the principles of honesty and disinterest, a judge must be incorruptible and must not accept gifts, money, gratuitous services or other preferential benefits, special privileges and discounts or other services from natural and legal persons, if this can raise a conflict of interests or have an impact on the progress of a pending case.

141. As explained in the section of this report on MPs, a similar prohibition is established in the LAPPICS. Article 14.2 provides exceptions to this prohibition for gifts or services accepted pursuant to the international protocol or customs usually connected with the official duties of the person, as well as for gifts meant for representation (symbols of the State, the institution and other symbols, calendars, books and other printed information), the value of which does not exceed EUR 29. Gifts above this value become property of the state. If a person in the civil service accepted a gift and this gives rise to a conflict of interests, s/he cannot participate in decision-making or fulfil any official duties in respect of the giver for a period of one year.

142. Gifts of a value exceeding EUR 145, except if they have been received from a close person, have to be declared in the declaration of private interests. Gifts received from close persons have to be declared if their value exceeds EUR 2 896 (article 6, LAPPICS).

Incompatibilities and accessory activities

143. Article 113 of the Constitution and article 48 of the Law on Courts contain strict provisions on incompatibilities, according to which a judge may not hold any other elected or appointed office, may not work in any business, commercial or other private establishments or enterprises. S/he may not receive any remuneration other than for teaching and creative activities. A judge may also not be a member of a political party or organisation, nor participate in the activities of such bodies.

144. A judge may participate in the activity of the institutions of judicial self-governance, in which case his/her workload will be reduced accordingly. A judge may be a member of committees drafting laws, international agreements or other legal acts, if such activities do not interfere with his/her judicial duties. The exercise of the above-mentioned authorised accessory activities is subject to declaration by the judge in his/her declaration of private interests and to notification of the chair of the court.

Recusal and routine withdrawal

145. The Law on the Constitutional Court (articles 31 and 48), the Code of Civil Procedure (articles 64-66, 69 and 71), the Code of Criminal Procedure (articles 57-60) and the Law on Administrative Proceedings (articles 46-47) provide similar grounds and procedures for challenging judges and for judges' self-disqualification. A judge must withdraw from a case and his/her handling of a case can be challenged at the request of participants in the proceedings, on the basis of facts and circumstances that could prejudice his/her impartiality. These grounds also apply to other participants in court proceedings, such as clerks, experts and interpreters. Disqualification is decided by the chair, vice-chair or judges of the relevant court or section. Self-disqualification must always occur in accordance with the legal procedures and cannot be done informally, for instance by exchanging a case with a colleague.

Post-employment restrictions

146. Articles 18-21 of the LAPPICS contain general restrictions that apply to judges, like other persons in the civil service, in case they leave judicial office. Article 18 contains a one-year cool-off period regarding the conclusion of employment contracts for the management of entities over which the former civil servant had a power of supervision or control or in favour of which s/he participated in decision-making for obtaining state orders or financial assistance, during the year immediately prior to the end of his/her functions. Article 19 provides for a one-year limitation to enter into contracts with the judge's former employer and article 20, for a one-year limitation of representation of and official relations with natural or legal persons of their former court. The civil servant's former colleagues must promptly notify their superior of such official relations. Exemptions to the above-mentioned restrictions may be decided by the COEC in specific cases, when the application of limitations may be detrimental to the interests of the community or the state (article 21, LAPPICS).

147. As explained in relation to MPs, case-law provides that the cool-off period also applies if a person moves from the private sector to the civil service. Accordingly, in the event of any changes in a person's functions, s/he is considered to be linked to his/her previous workplace for 12 months.

148. A related restriction is contained in article 25.3 of the Law on the Bar, according to which an attorney-at-law may not be a representative or a defence counsel in proceedings in which he formerly took part as a judge, arbitrator, prosecutor or pre-trial investigation officer.

Third party contacts

149. The code of ethics contains several provisions regarding contacts between judges and third parties: judges must not be guided by personal prejudice in their decisions and must not express preconceptions on the issues of the pending case (article 8.2); must not consult any persons on legal issues in cases provided for in law (article 8.7); must avoid public addresses which give indications on the outcome of a pending case and must not discuss the case with participants in the proceedings outside the court (article 8.8); must avoid any unlawful outside influence which may have an impact on decision-making, must not tolerate any unlawful interference with the administration of justice and must take all necessary measures to put an end to such activities (article 9.2).

Misuse of confidential information

150. Confidentiality is one of the principles of the code of ethics. Accordingly, a judge 1) must strictly observe the requirements of protection of secret or other sensitive information and must not disclose confidential information that was obtained in the course of a hearing; and 2) must not use information which came to his/her knowledge during a case hearing in his public activities and private life. Inobservance of the principle of confidentiality entails the judge's disciplinary liability.

Declaration of assets, income, liabilities and interests

151. Like MPs, judges have to submit three declarations, in accordance with the Law on the Declaration of Assets of Residents (LDAR), the Law on Personal Income Tax and the LAPPICS. Assets and income declarations are related to preventing unjustified enrichment and tax evasion, whereas declarations of interests aim at avoiding conflicts of interests. A detailed description of this system is contained in the section of this report on MPs (see paragraphs 69-82).

152. Judges may hold financial interests (company shares, bonds, debentures or other financial liabilities, for example, to banks or credit institutions). When the total value of these interests exceeds EUR 1 448, they must be declared in asset declarations (article 3, LDAR).

153. Declarations of assets and declarations of income have to be filled in annually in electronic form. The duty to declare assets and income also applies to judges' family members – his/her spouse and (adopted) children under 18 living in the judge's household. Asset declarations of judges and their family members are public.

154. Declarations of private interests have to be filled in electronically within one month of entry into office and updated as necessary when changes occur. They cover the judge's interests and those of his/her spouse or partner, except if they are not cohabiting. Judges' declarations of private interests are published by the COEC and may be consulted on its website[24].

155. All interlocutors met during the on-site visit agreed that judges complied with their disclosure obligations. No problems were identified by the GET as regards the scope of these obligations, or the understanding of items to be declared.

[24] http://www.vtek.lt/vtek/index.php?Itemid=57; http://www.vtek.lt/vtek/index.php?option=com_content&view=article&id=1022%3Apateikt-per-eds-deklaracij-paieka&catid=21&Itemid=35

Supervision and enforcement

Declaration of income, declaration of assets and liabilities

156. As explained in the section of this report on MPs, the State Tax Inspectorate is tasked with the verification of the data provided in the declarations of assets and income (article 8, LDAR). Reference is made to paragraphs 83-85 of this report for a detailed description of the verification procedure, sanctions incurred for violation of the legal requirements regarding these declarations, as well as the GET's assessment thereof.

Declaration of private interests and other rules of conduct

157. Compliance with the rules on declarations of private interests and the other provisions of the LAPPICS by judges is controlled by the COEC and the chair of the court at which the judge works or his/her authorised representative. Court chairs also supervise compliance by judges with the requirements of the code of ethics (article 103, Law on Courts).

158. Court chairs may launch an investigation into the activities of a judge in their court on their own initiative or at the request of the COEC, further to a complaint received from any person, or any other indication that the judge may disregard the requirements of the LAPPICS. The results and conclusions of this investigation are notified to the COEC, which may assess them. If the COEC does not agree with the conclusion of the investigation, it can ask the court to repeat it or take over the investigation and decide upon the case. The period of limitation for such an investigation is three years from the date of the suspected violation of the LAPPICS.

159. The GET was informed that judges were among the target groups of the COEC's supervision over compliance with the LAPPICS in 2010 and then again in 2012-2013. In 2010, more than 1 000 declarations, submitted by 770 judges and covering an 18-month period, were analysed. The COEC found that 17 judges had failed to fill in a declaration by the legal deadline; 21 judges submitted inaccurate data; and only 201 judges reported changes in their declarations. The COEC sent reminders to the courts concerned and as a result, about 50 judges amended the content of their declarations. In 2012-2013, the COEC issued three decisions with respect to suspected violations by judges of the LAPPICS' provisions: in one case, the COEC issued a recommendation to the judge on how to comply with the provisions of the law; in the second case, the COEC found no violation and in the third case, it found several violations of the LAPPICS by a court chair and notified the Judicial Ethics and Discipline Commission of the case, which referred it to the Judicial Council for consideration.

160. During its discussions with judges on the conflicts of interest regime, the GET encountered the same perception as among MPs that filling in declarations of private interests is mostly a formality. The *rationale* behind the law still appears to be largely disregarded. Some court chairs also voiced uncertainties about how to carry out their task of overseeing compliance with the provisions of the LAPPICS. That said, some interesting uses of the declarations were also reported in some courts, in the context of case allocation or promotion applications. These are good practices that ought to be publicised and generalised, in order for the LAPPICS to take root and demonstrate that its merits go beyond mere formal requirements. Reference is made in this context to recommendation viii below (paragraph 171)

161. As regards sanctions, persons who violated provisions of the LAPPICS may not be given incentives or be promoted for a year following the day the violation was established (article 15, LAPPICS). They are also subject to a fine of EUR 145 to 290 and

to disciplinary liability. Disciplinary sanctions are a fine of EUR 290 to 580 or removal from office (article 202-1, Code of Administrative Offences).

162. More generally, violation by judges of the rules of conduct contained in the code of ethics, as well as actions demeaning the judicial office and non-compliance with the rules on incompatibilities, constitute grounds for their disciplinary liability in accordance with the provisions of the Law on Courts. Reasoned motions for instituting a disciplinary action may be made to the Judicial Ethics and Discipline Commission by the Judicial Council, the chair of the court where the judge is employed, the chair of any court of a higher level or any person who has knowledge of a judge's misconduct. The Judicial Ethics and Discipline Commission may also institute an action *ex officio* (article 83, Law on Courts). If a motion is made by a member of the commission, s/he cannot participate in the discussion and decision on this motion.

163. The Judicial Ethics and Discipline Commission is composed of seven members, appointed for four years. Two members are appointed by the President of the Republic, one by the Speaker of the Seimas and four by the Judicial Council; the members appointed by the President of the Republic and the Speaker of the Seimas are lay members, while the members appointed by the Judicial Council are judges. Members of the Judicial Ethics and Discipline Commission may not be members of the Judicial Council, the Judicial Court of Honour, officials having the right to institute disciplinary actions or judges who are serving a valid disciplinary penalty. The commission reviews motions for disciplinary actions and complaints submitted by natural persons about the conduct of judges. Its meetings are open to the public and media representatives underlined the good communication of the commission. Meeting agendas are made public in due time, which facilitates access of media representatives to meetings of interest. The commission decides by a majority of its members whether or not to institute a disciplinary action against a judge. If a disciplinary action is instituted, the case is heard by the Judicial Court of Honour. In less serious cases, the commission may also give a motivated warning to a judge. Its decisions are published on the NCA's website[25].

164. The Judicial Court of Honour comprises nine members, chosen for a term of office of four years. Two lay members each are appointed by the Supreme Court, the Court of Appeal and the Supreme Administrative Court. The remaining three members are elected by the Judicial Council among judges from all regional administrative courts, regional courts and district courts. As from 1 July 2014, the composition of the Judicial Court of Honour has changed to comprise a majority of judges: it is now composed of five judges and four lay members. Members of the Judicial Council or of entities having the right of initiative in disciplinary matters, as well as judges who are serving a valid disciplinary penalty, may not be members of the Judicial Court of Honour (article 122, Law on Courts).

165. The Judicial Court of Honour may dismiss the case, limit itself to the review of the disciplinary action or impose a disciplinary sanction, namely censure, reprimand or severe reprimand. In case of violation of the rules on incompatibilities, the Judicial Court of Honour may propose to the President of the Republic to apply to the Seimas to institute impeachment proceedings against the judge (articles 86.1, 86.2 and 87.1, Law on Courts).

[25] www.teismai.lt/lt/teismu-savivalda/teismu-savivalda-teiseju-etikos-ir-drausmes-komisija/tedk-sprendimai

Statistics

166. Judicial Ethics and Discipline Commission:

	2011	2012	2013
Complaints received	373	435	332
Cases referred to Judicial Court of Honour	11	9	7
Warnings	21	9	6

167. Judicial Court of Honour:

	2011	2012	2013
Decisions adopted	13	9	7
Action dismissed	5	2	3
Action reviewed, no sanction	2	3	1
Censure	-	3	1
Reprimand	1	-	-
Severe reprimand	4	-	2
Action renewed	-	1	-
Proposed dismissal of the judge	1	-	-

Immunity

168. Immunity of judges is foreseen in article 114 of the Constitution and article 47 of the Law on Courts. According to these articles, a judge may not be prosecuted, arrested and his/her freedom cannot be restricted without the consent of the Seimas – or between sessions of the Seimas, the consent of the President of the Republic. Immunity extends to search and seizure of the judge's residence, office, vehicle and belongings. Investigations have to be authorised by the Prosecutor General. As indicated in relation to MPs, the statute of limitation for criminal offences is suspended when the competent body refuses to lift the immunity of the suspect.

Training and awareness

169. Judicial training programmes are approved by the Judicial Council and organised by the Training and International Cooperation Division of the NCA. Several training events are organised each year by the NCA on some of the topics covered in this report. For instance, the mandatory training programme for new district court judges in 2013 dealt with the independence of judges, judicial ethics and conflicts of interest. Optional in-service training, available for all judges, offered a 20-hour programme on corruptive criminal acts, dealing *inter alia* with the practical distinction between criminal acts against civil service and public interest and misconduct in office and the gathering and evaluation of evidence. A 4-hour optional programme for court chairs on management and administration of the court dealt with supervision methods over compliance by judges with the code of ethics, disciplinary liability, disqualification and self-disqualification.

170. Judges may also obtain advice on issues relating to conflicts of interest, prohibition or restriction of certain activities, declarations of assets, income and interests from the State Tax Inspectorate and the COEC. Since 2013, the Judicial Ethics and Discipline Commission also has a consultative role and can provide official or informal advice on ethical issues. It told the GET that the number of advice requests is currently rising.

171. The existing training and awareness activities available to judges are worthwhile, but the GET takes the view that more attention needs to be devoted to raising awareness on conflicts of interest. It already noted earlier in this report that the LAPPICS is widely perceived as formalistic and bureaucratic and that its *rationale* is misunderstood or disregarded. In order for its system to take root in the judiciary, judges need to be made better aware of possible undue influence in their daily practice, for not everything can be captured in rules. A joint and widely supported awareness of what is ethical and proper is crucial. To that end, a structural and continuous debate must be organised by the judiciary itself, based on real-life examples of ethical dilemmas and possible undue influencing and awareness of what situations deserve extra attention. It is the GET's belief that visibility of this debate among the general public will also increase confidence in the independence and impartiality of judges. **Therefore, GRECO recommends that judicial authorities (i) take further measures to raise judges' awareness on ethical issues and conflicts of interest, notably by stimulating institutional discussions and that (ii) these measures be communicated to the public.**

VI. CORRUPTION PREVENTION IN RESPECT OF PROSECUTORS

Overview of the prosecution service

172. The Lithuanian Public Prosecution Office (PPO) is an autonomous institution. It is neither part of the executive nor of the judicial branch, although it has links with both. The prosecution service has the sole responsibility of organising and directing pre-trial investigation. As regards non-procedural activities, the Prosecutor General (PG) who heads the PPO, reports to the President of the Republic and the Seimas. There are 795 prosecutors of whom 449 are men and 346 are women.

173. According to article 118 of the Constitution, the prosecutor is independent in performing his/her functions. The Constitutional Court, in a ruling of 16 January 2006, confirmed the constitutional value of this principle, stating that it is not permitted to restrict the prosecutor's independence in organising and directing pre-trial investigation and in upholding charges on behalf of the state. However, in exercising their office, prosecutors have to follow the law and/or the instructions of the court. Any political, psychological, social pressure or any other unlawful influence on prosecutors is prohibited and the person exercising such influence is liable under law (article 11, Law on the Public Prosecutor's Office).

174. The PPO is organised in two levels: the Prosecutor General's Office (PGO) and regional prosecutors' offices. There are sub-divisions in the PGO – departments and divisions. Regional prosecutors' offices consist of district prosecutors' offices and specialised divisions of the regional prosecutor's office (article 6, Law on the Public Prosecutor's Office). The PPO follows a hierarchical structure, both within each office and between the different levels. Even though a prosecutor is independent in conducting investigations, his/her activity is controlled by a superior prosecutor, who can determine violations of procedural laws, rescind unlawful or unfounded decisions, discontinue an appeal or appeal in cassation and give him/her mandatory directions, except on what procedural decisions to pass. The prosecutor may also request instructions in writing from his/her superior regarding procedural actions and decisions that are not executed by orders.

175. The main texts governing the activities of the PPO are the Code of Criminal Procedure, the Law of the Republic of Lithuania on the Public Prosecutor's Office (LPPO) and the Regulations of Competence of the Public Prosecutor's Office and of Prosecutors of the Republic of Lithuania, approved by the PG (Regulations of Competence).

176. The PPO underwent a wide reform in 2011 aiming at modernising it and increasing its efficiency. Prosecutors' offices were reorganised and merged and their number was consequently reduced. The 51 district offices became territorial units of the five regional offices, which also comprise specialised units. The Department of Organised Crime and Corruption Investigation was reorganised, a Department of Criminal Prosecution and an Internal Investigation Unit were established. A selection commission and an ethics commission were created and work appraisal and rotation were introduced. One of the goals of the reform was to reduce the ratio of prosecutors to the general population, which used to be the highest in Europe. A moratorium on new recruitments has therefore been in place in recent years and the number of leading prosecutors has been reduced by half. These wide-ranging changes still need to take root within the PPO and it is therefore understandable that dissatisfaction at the results of the reform was voiced by prosecutors during the on-site visit. Criticism focused in particular on the dwindling career prospects and the lack of sufficient support staff. The Ministry of the Interior is currently carrying out an opinion survey among PPO staff and judges on working conditions within the PPO. The results of this study are expected by December 2014.

177. Like the judiciary, the PPO suffers from a general lack of public confidence. It is widely perceived as a closed institution that does not communicate enough with the public. The reasons for some decisions taken by prosecutors, especially case dismissals, are not understood by the public, who believe them to be the result of undue influence or corrupt dealings. In view of the number and seriousness of integrity incidents reported, which are comparable to those observed in other countries, there is a sizeable gap between the perception and the reality of corruption in the PPO. The PGO has taken some steps to address this mistrust, notably by appointing spokespersons and by adopting binding "Guidelines on the publication of data of a pre-trial investigation" (Order No. I-48 of 10 February 2011), as well as a "Description of the procedure for the provision of information to public information producers" (Order No. I-49 of 10 February 2011). As a result, some improvement in public perception has been noted in recent national polls. These are positive measures, but the GET is convinced that more attention needs to be devoted to enhancing the transparency of the PPO. The recent reform, with its stated aims of modernisation and increased efficiency, offers clear opportunities to build a more positive image, provided prosecutors take a more active part in explaining their decisions to the public. However, as communication with the media is a complex area for untrained professionals and as transparency needs to be balanced with the confidentiality of criminal procedure, adequate guidance needs to be developed. Accordingly, **GRECO recommends that the prosecutorial authorities continue in their endeavours to improve communication between the prosecution service and the public, notably by ensuring proper implementation of the adopted standards, complementing them where necessary, and by providing relevant training.**

Recruitment, career and conditions of service

178. Prosecutors are appointed by the PG for an indefinite period of time until the time they reach the retirement age of 65. The above-mentioned reform has introduced in 2011 compulsory rotation of chief prosecutors and their deputies, who are appointed to their position for a term of five years, renewable once.

Recruitment and promotion

179. A person may be recruited as a prosecutor if s/he is of good repute, a citizen of the Republic of Lithuania, has proficiency in the Lithuanian language, has acquired higher university legal education and holds a bachelor's and master's degrees in law or a lawyer's professional qualification degree, has a record of three years of work in a legal profession and has passed the qualifying examination for candidates to the PPO. It is considered that the person is of good repute if s/he does not abuse alcohol, does not use narcotic, psychotropic or toxic substances, has not been found guilty of a criminal act by an effective court judgment, has not been dismissed from service or work for a serious breach of work discipline or five years have lapsed since his/her dismissal and his/her conduct conforms to the provisions of the Code of Ethics of Prosecutors (article 26, LPPO).

180. In addition to the elements of good repute exposed above, the integrity of candidates must be checked, according to criteria and a procedure regulated in the Law on the Prevention of Corruption. At the request of the PG, the Special Investigation Service (STT) provides him/her with the person's criminal and disciplinary record (even if the conviction has expired or been removed); any information relating to the (suspected) commission of criminal acts including bribery and organised crime; any information relating to the violation of the provisions of the LAPPICS, Law on Lobbying Activities, Code of Conduct of State Politicians or any other legal act regulating service-related ethics and conduct as well as any indication that the person may have concealed or provided misleading information in order to be admitted to the civil service.

181. The PG may also ask the STT to perform an integrity check on prosecutors who are already in office. Such a request must be reasoned and based on reasonable doubts regarding the suitability of the person to perform his/her duties. The information obtained may only be used in the framework of an appointment or disciplinary procedure. If this information is used as a basis for a decision to refuse an appointment, the PG must transmit it to the person concerned.

182. Additional requirements as regards past work experience apply for candidates to higher positions within the PPO:

- Candidates to a position of prosecutor in a regional office must have a record of at least three years of service as a prosecutor and/or a judge, or, for persons holding a degree of doctor in social sciences (law), a record of at least three years of teaching law;

- Candidates to a position of prosecutor in the PGO or a position of chief prosecutor and deputy chief prosecutor of a structural subdivision of a regional office must have a record of at least five years of service as a prosecutor and/or a judge, or, for persons holding a degree of doctor in social sciences (law), a record of at least five years of teaching law;

- Candidates to a position of chief or deputy chief prosecutor of a structural subdivision of the PGO, as well as candidates to a position of chief prosecutor or deputy chief prosecutor of a regional office must have a record of at least seven years of service as a prosecutor and/or a judge or a record of two years of sitting as a judge at a regional court, regional administrative court, the Constitutional Court, the Supreme Court, the Court of Appeals or the Supreme Administrative Court, or, for persons holding a degree of doctor or doctor *habilis* in social sciences (law), a record of at least seven years of teaching law;

- Candidates to the position of PG or Deputy PG have to be at least 35 years old, of high moral character, have a Bachelor of Arts and Master of Arts in law or a professional lawyer qualification degree and have a record of at least ten years of work as a prosecutor and/or as a judge or an equivalent record of any other work in the legal profession.

183. Candidates to vacant positions in the PPO are selected from a career register, which consists of two lists: one list of candidates to any vacant position of prosecutor, except positions of chief prosecutor and deputy chief prosecutor, and one list of candidates to the two latter positions. A person who wants to be included in the career register must apply to the relevant subdivision of the PGO, which checks that the requirements mentioned above are met and enters the person in the career register. Selection procedures for vacant positions are advertised on the website of the PPO. Prosecutors or former prosecutors who have left the service at their own request for less than five years may be appointed to a post at the same level or a lower level than the one they used to occupy (article 341 LPPO). However, if several former prosecutors apply to the same vacant position, a selection procedure does take place.

184. Candidates are selected by the relevant selection commission, the Prosecutor Selection Commission or the Chief Prosecutor Selection Commission. Both commissions are formed in the same manner and follow the same procedure. Each commission is composed of seven members appointed for a term of office of three years. Two members are elected by the college of prosecutors, two are appointed by the PG, one of whom is delegated by the prosecutors' trade union and one member each is appointed by the President of the Republic, the Chairman of the Seimas and the Prime Minister (article 10, LPPO).

185. The candidates' competence, skills, professional qualifications and personal qualities are assessed, in accordance with established criteria, by the relevant commission during an interview. A ranked list of candidates is drawn up, on the basis of the points obtained for each criterion by each candidate and it is published on the PPO's website. The PG then selects a candidate to the position of prosecutor or chief prosecutor from this list. The conclusions of the commission are not binding on the PG, nor does s/he have to motivate his/her choice. Decisions and conclusions of the Commission and the PG may be appealed before the relevant administrative court. Such an appeal by an unsuccessful candidate was pending before the court at the time of the on-site visit.

186. The same procedure, comprising an entry in the career register and a selection by the relevant selection commission, applies to promotion within the PPO. Prosecutors who have valid service-related penalties, or whose performance during the latest appraisal procedure was evaluated as only satisfactory or as unsatisfactory, may not be appointed to higher positions.

187. The procedure of appointment to the posts of PG and his deputies differs from that exposed above, in that there is no intervention of a selection commission. The PG is appointed for a term of five years and dismissed from office by the President of the Republic with the approval of the Seimas. The PG may be appointed to his/her office for no more than two consecutive terms (article 22, LPPO). Deputies to the PG are appointed and dismissed from office by the President of the Republic upon the proposal of the PG. Their term of office is linked to the PG's.

188. Although the creation in 2011 of selection commissions is a commendable step in increasing transparency and objectivity in the selection of candidates to positions within the PPO, the GET noted that the commissions have not yet been able to demonstrate their credibility and usefulness. The process of appointment and promotion at all levels of the PPO is generally perceived to be entirely at the discretion of the PG, who does not have to follow the recommendations of the selection commissions, nor to give explanations if s/he decides to appoint another candidate than the one listed first. This lack of transparency and reliability of the selection process generates a widespread dissatisfaction and a lack of motivation among prosecutors, along with perceptions of subjectivity and undue influence. The current procedure is unable to generate the essential trust that the person appointed to a position is the best candidate. Therefore, **GRECO recommends, in order to increase the transparency and objectivity of the recruitment and promotion in the prosecution service, strengthening the decisive influence of the selection commissions, by providing that their recommendations be followed as a rule and that written motivation be given if they are not.**

Transfer

189. Transfers generally occur at the request or with the consent of the prosecutor concerned or, for higher positions, following the end of the term of office. Transfers without a prosecutor's consent may only occur in case of official necessity for a maximum period of one year. Transfer to a lower position may also occur on disciplinary grounds or following a recommendation of the commission in charge of the evaluation of work performance.

Dismissal

190. The LPPO provides for an exhaustive list of grounds for a prosecutor's termination of office and distinguishes between compulsory and optional termination. Compulsory termination of a prosecutor's office occurs inter alia upon resignation, reaching of retirement age, medical incapacity, dismissal on disciplinary grounds, conviction for a criminal offence, failure to withdraw from incompatible activities and refusal of transfer.

A prosecutor's office may be terminated in case of misconduct, violation of the LAPPICS, unexplained or prolonged absence and failure to obtain security clearance to work for classified information. Termination of office occurs by an order of the PG, to which appeal is possible within one month.

Salaries and benefits

191. The gross annual salary of a prosecutor at the beginning of his career is EUR 14 857). The annual salary of the PG is EUR 40 483. In between these levels, the salary varies with the actual function occupied, which determines a coefficient of the basic salary, seniority – a premium of 3% of the basic salary is given for each three years of service, with a maximum total premium of 30% of the basic salary – as well as with the qualification rank of the prosecutor. Qualification ranks are awarded to prosecutors by an order of the PG, on the basis of the conclusions of the Performance Evaluation Commission or as an incentive measure. The basic monthly salary of prosecutors as from 1 January 2015 will be:

Position held	**Basic salary (in EUR)**
Prosecutor General's Office	
Prosecutor General	2 179
Deputy Prosecutor General	1 984
Chief prosecutor of a department	1 918
Chief prosecutor of a division	1 892
Deputy chief prosecutor of a department, chief prosecutor of a department division	1 866
Deputy chief prosecutor of a division	1 840
Deputy chief prosecutor of a department division	1 827
OCCI prosecutor	1 801
Prosecutor of a department, prosecutor of a department division, prosecutor of a division, prosecutor	1 710
Regional prosecutor's offices	
Chief prosecutor	1 918
Deputy chief prosecutor	1 866
Chief prosecutor of the specialized division	1 357
Deputy chief prosecutor of the specialized division	1 318
Prosecutor of a specialised division	1 305
District prosecutor's offices	
Chief prosecutor	1 562
Deputy chief prosecutor	1 519
Chief prosecutor of a division	1 268
Deputy chief prosecutor of a specialised division	1 255
Prosecutor	1 240

192. Prosecutors are entitled to accommodation in official residential premises, compensation of expenses related to relocation in cases of official necessity, additional vacation time, a state pension of officers and servicemen and state social insurance pension, and, upon termination of office, they are entitled to receive a severance pay made in a lump sum. According to law, these are considered as activity guarantees related to the status of a prosecutor and specifics of the functions carried out, rather than as additional benefits.

Case management and procedure

193. According to the Recommendations on the Specialisation of Prosecutors in Criminal Procedure and Allocation of Pre-Trial Investigations to Prosecutors (the

Recommendations), which represent the formal basis for case allocations, a prosecutor who led pre-trial investigation in a case prosecutes this case before court. Accordingly, the rules on the organisation of pre-trial investigation have to be taken into account.

194. The allocation of cases for pre-trial investigation within a prosecutor's office or a division of a prosecutor's office is based on specialisations assigned to the prosecutors of that office/division. Chief prosecutors determine the specialisation of prosecutors in their office or division at least once a year, according to the principles established in the Recommendations. The Prosecutor's Office Information System (IPS) is currently being upgraded, after which all specialisations within an office or division will be entered. This will allow easier tracking of which prosecutor is responsible for the investigation or prosecution of a given case.

195. Re-allocation of a case to another prosecutor may occur by decision of the prosecutor administering a division or office when there are grounds for disqualification, in case of poor work performance, complaints of the parties to the case or unavailability of the prosecutor initially in charge of the case.

196. In order to ensure that a case is processed without undue delay, pre-trial investigation deadlines of 3, 6 or 9 months, depending on the complexity of the case, are set out in the Code of Criminal Procedure. The IPS system enables prosecutors to keep track of current cases' deadlines. If an investigation is not completed within one year, the prosecutor in charge has to enter an investigation action plan into the system, so that his/her hierarchical superior can assess whether the investigation is carried out purposefully and intensively.

Ethical principles and rules of conduct

197. The Code of Ethics of Prosecutors of the Republic of Lithuania was approved by the Order No. I-68 of the PG of 30 April 2004 and updated in 2012 (version of the Order No. I-15 of the PG of 9 January 2012). The code had been prepared by a working group, consisting of prosecutors, set up by the PG and sent to prosecutors for written consultations.

198. The code of ethics applies to all prosecutors during and after service hours. It contains nine principles: 1) justice; 2) integrity; 3) impartiality; 4) discretion; 5) independence; 6) confidentiality; 7) solidarity; 8) respect for the law; 9) responsibility. Violation of the provisions of the code may constitute grounds for disciplinary liability before the Prosecutors Ethics Commission (see below under enforcement measures).

199. The code is a succinct document containing a list of prescriptions under each of the principles. It is not accompanied by any examples or guidance on how to apply the prescriptions in daily practice. GRECO underlined on many occasions that a code of ethics is most valuable when it provides practical guidance and helps solve concrete dilemmas and that it needs to be regularly updated in view of emerging issues and challenges. The Prosecutors Ethics Commission indeed told the GET that they would welcome a document similar to the practical guide on ethics developed by judges. This document may help raise awareness of prosecutors on issues of ethics and conduct and guide the commission in its pronouncements. The issue of awareness is specifically addressed in paragraphs 233-235 and a recommendation follows thereafter.

Conflicts of interest

200. The legal framework for the prevention and resolution of prosecutors' conflicts of interest is provided by the relevant provisions of (1) the procedural laws, which contain rules on recusal and self-withdrawal in individual cases; (2) the LPPO, as regards issues such as incompatibilities and accessory activities; (3) the Law on the Adjustment of

Public and Private Interests of the Civil Service (LAPPICS), as prosecutors are deemed as 'persons employed in the civil service' for the purposes of this law and (4) the Code of Ethics of Prosecutors.

201. As explained in the section of this report on MPs, the LAPPICS defines a conflict of interest as "a situation where a person in the civil service, when discharging his duties or carrying out instructions, is obliged to make a decision or participate in decision-making or carry out instructions relating to his private interests". Under this law, prosecutors and candidates to prosecutorial positions have to submit declarations of private interests. The LAPPICS also contains rules on notification, disqualification and self-exclusion, which are other important means of avoidance of conflicts of interest. For further details regarding the provisions of this law and their assessment by the GET, reference is made to paragraphs 43-53 above. Violation of the provisions of this law by a prosecutor may be a ground for dismissal, under article 44 of the LPPO.

202. According to the LPPO, the existence of a conflict of interest is one of the grounds for refusing the employment of a person in the PPO. Similarly, a person cannot work with his/her spouse, close relative, or a person related to him/her by marriage, in a relation of direct subordination in the PPO. Moreover, prosecutors must notify their superior of existing and potential conflicts of interests.

203. Article 5.3.3 of the Code of Ethics of Prosecutors, under the principle of impartiality, requires that prosecutors stand down from executing a duty or from decision-making when their interests or those of members of their family or other close relatives are at stake.

Prohibition or restriction of certain activities

Gifts

204. According to the principle of responsibility, a prosecutor may not accept "any services, indulgences, presents or other amiabilities", if this is done in breach of the requirements of the code or other legal acts and with the aim of seeking to influence a prosecutor or avoiding responsibility for a criminal offence (article 5.9.2, code of ethics).

205. As explained in the other sections, a similar provision is contained in article 14 of the LAPPICS, which prohibits the giving or the acceptance of gifts or services, if this may give rise to a conflict of interest as defined by the law. This article also provides exceptions to the prohibition for gifts or services accepted pursuant to the international protocol or customs usually connected with the official duties of the person in the civil service as well as the gifts meant for representation (symbols of the state, the institution and other symbols, calendars, books and other printed information), the value of which does not exceed EUR 29. Gifts above this value become property of the state. If a person in the civil service accepted a gift and this gives rise to a conflict of interests, s/he cannot participate in decision-making or fulfil any official duties in respect of the giver for a period of one year.

206. According to article 6 of the LAPPICS, gifts of a value exceeding EUR 145, except if they have been received from a close person, have to be declared in the declaration of private interests. Gifts received from close persons have to be declared if their value exceeds EUR 2 896.

Incompatibilities and accessory activities

207. A prosecutor may not hold any other elected or appointed position or work in other institutions, companies or organisations, except for research, teaching work and creative activities or cases in which s/he is seconded to international, EU or foreign

institutions. The exercise of such activities is subject to the consent of the PG. A prosecutor may not receive any remuneration other than for teaching and creative activities or for work in groups and commissions drafting legal acts, unless this is part of his/her direct duties (article 29, LPPO).

208. A prosecutor may join trade unions and associations, subject to the principle of political neutrality. Hence, s/he cannot be a member or supporter of political parties and organisations, nor participate in any activity violating political neutrality. Participation in strikes and demonstrations is also prohibited (article 21, LPPO).

Recusal and routine withdrawal

209. The grounds for disqualification that apply to prosecutors are the same as those applicable to judges and other parties in criminal proceedings. They are foreseen in article 58 of the Code of Criminal Procedure, according to which a person cannot participate in the proceedings if:
1) s/he is a victim, private prosecutor, civil plaintiff, civil defendant, a family member or relative of any of these persons, or a relative of a suspected, accused or convicted person or a legal representative, judge, pre-trial investigation judge/officer, prosecutor or counsel in the case;
2) s/he took part in the case as a witness, legal representative of a suspected, accused or convicted person, representative of a victim, private prosecutor, civil plaintiff or civil defendant;
3) s/he himself or his/her relatives are interested in the outcome of the case;
4) participants in the proceedings indicate other circumstances giving rise to well-grounded doubts with regard to the impartiality of that person.

210. A prosecutor must withdraw on his/her own initiative if one of the circumstances listed above arises. Other parties to the case can also file for the disqualification of a prosecutor from a case, both during the pre-trial investigation and in court (article 59, Code of Criminal Procedure). The procedure varies, depending on the moment it occurs. During the pre-trial investigation stage, the pre-trial investigation judge decides on the matter. In court, it is the relevant sitting judge who decides. Informal self-disqualification happens, but is not frequent.

Post-employment restrictions

211. Articles 18-21 of the LAPPICS contain general restrictions that apply to prosecutors, like other persons in the civil service, in case they leave the PPO. According to recent data provided by the authorities, this happens to approximately 3.5% of prosecutors. Article 18 contains a one-year cool-off period regarding the conclusion of employment contracts for the management of entities over which the former civil servant had a power of supervision or control or in favour of which s/he participated in decision-making for obtaining state orders or financial assistance, during the year immediately prior to the end of his/her functions. Article 19 provides for a one-year limitation to enter into contracts with the prosecutor's former employer and article 20, for a one-year limitation of representation of and official relations with natural or legal persons of their former office. The civil servant's former colleagues must promptly notify their head of office of such official relations. Exemptions to the above-mentioned restrictions may be decided by the COEC in specific cases, when the application of limitations may be detrimental to the interests of the community or the state (article 21, LAPPICS).

212. As explained in relation to MPs, case-law provides that the cool-off period also applies if a person moves from the private sector to the civil service. Accordingly, in the event of any changes in a person's functions, s/he is considered to be linked to his/her previous workplace for 12 months.

Third party contacts, confidential information

213. Confidentiality is one of the principles of the Code of Ethics of Prosecutors. According to this principle, a prosecutor 1) must make no comments on confidential information or off-the-record data held by his/her office; must refrain from announcing or spreading unverified official information or information held by other prosecutors, without them being aware of it; 2) having no legal or moral basis, must not announce to the public or interested persons data on court proceedings, pre-trial investigation or prosecutorial examination; 3) must not provide data received in the execution of official duties to any entities in the external environment or for the satisfaction of illegal interests of other people.

214. The duty to preserve confidential information is also set out in article 20 of the LPPO. While on duty, prosecutors must comply with the requirements of the Rules on the Administration of Secret Information. Prosecutors must receive a security clearance to work with classified information marked as secret or top secret.

215. Furthermore, rules containing contacts with third persons are contained in the Recommendation on the Publication of Pre-Trial Investigation Data and the Description of the Procedure for the Provision of Information to Public Information Compilers, both approved by orders of the PG. The authorities are invited to review and where necessary to update these rules in the context of the implementation of recommendation ix (paragraph 177).

Declaration of assets, income, liabilities and interests

216. Like MPs, prosecutors have to submit three declarations, in accordance with the Law on the Declaration of Assets of Residents (LDAR), the Law on Personal Income Tax and the LAPPICS. Declarations under the first two mentioned laws are related to prevention of unjustified enrichment and tax evasion, whereas declarations of interests aim at avoiding conflicts of interests. A detailed description of this system is contained in the section of this report on MPs (see paragraphs 69-82).

217. Prosecutors may hold financial interests (company shares, bonds, debentures or other financial liabilities, for example, to banks or credit institutions). When the total value of these interests is in excess of EUR 1 448, they must be declared in asset declarations (article 3, LDAR).

218. Declarations of assets and declarations of income have to be filled in annually in electronic form. The duty to declare assets and income also applies to prosecutors' family members – his/her spouse and (adopted) children under 18 living in the prosecutor's household.

219. In principle, data from an asset declaration can be published with the declarant's written consent. However, asset declarations of the PG, Deputy PG, heads of structural units of the PGO, as well as heads of regional and district prosecutor's offices and their family members are published online by the State Tax Inspectorate, as described in the section on MPs.

220. Declarations of private interests have to be filled in electronically within one month of the entry into office and updated as necessary when changes occur. They cover the prosecutor's interests and those of his/her spouse or partner, except if they are not cohabiting. The annual declarations of the PG, deputy PG, heads of structural units of the PGO, as well as heads of regional and district prosecutor's offices are published annually

on the COEC's website[26]. Annual declarations of private interests of other prosecutors can be published upon a reasoned decision of the COEC.

221. All interlocutors met during the on-site visit agreed that prosecutors complied with their disclosure obligations. The GET did not come across any problems as regards the scope of these obligations, or the understanding of items to be declared.

Supervision and enforcement

Declaration of income, declaration of assets and liabilities

222. As explained in the section of this report on MPs, the State Tax Inspectorate is tasked with the verification of the data provided in the declarations of assets and income (article 8, LDAR). Reference is made to paragraphs 83-85 of this report for a detailed description of the verification procedure, sanctions incurred for violation of the legal requirements regarding these declarations, as well as the GET's assessment thereof.

Declaration of private interests and other rules of conduct

223. Compliance by prosecutors with the rules on declarations of private interests and the other provisions of the LAPPICS is controlled by the COEC and their hierarchical superior. The latter and the Prosecutors' Ethics Commission supervise compliance with other rules of conduct.

224. Persons who violated provisions of the LAPPICS may not be given incentives or be promoted for a year following the day the violation was established (article 15, LAPPICS). They are also subject to a fine of EUR 145 to 290 and to disciplinary liability. Should a disciplinary sanction be imposed on them for such a violation, they are subject to a fine of EUR 290 to 580 or removal of office (article 202-1, Code of Administrative Offences).

225. Violations by prosecutors of the law, official misconduct, acts disgracing the reputation of the PPO as well as other violations of the code of ethics, constitute grounds for an investigation by the Prosecutors' Ethics Commission. The commission may not act on its own initiative, but only in reaction to a motion by the PG, Deputy PG or (deputy) chief prosecutor of any territorial unit or division, for the prosecutors under their hierarchical supervision. A motion may also be initiated by participants in the proceedings – and this is the most frequent case in practice – or any other person who has knowledge of possible misconduct. A prosecutor him/herself may also contact the commission if s/he wants to have the compliance of his/her actions with the code of ethics assessed. The commission may not investigate potential misconduct by the PG of his/her deputies, as this falls into the remit of the COEC. It may look into the conduct of one of its members, but only after having suspended or removed him/her from his/her position.

226. The Prosecutors' Ethics Commission is an independent body composed of seven members appointed for three years. Four members are prosecutors, two of whom are appointed by the Collegiate Council and two by the PG, one of whom upon recommendation of the prosecutors' trade unions. The three other members of the Commission have to be lay persons of impeccable reputation. One is appointed by the President of the Republic, one by the Speaker of the Seimas and one by the Prime Minister (article 10.6, LPPO). The Commission is assisted by one person and receives administrative support from the PGO.

[26] http://www.vtek.lt/vtek/index.php?Itemid=57; http://www.vtek.lt/vtek/index.php?option=com_content&view=article&id=1022%3Apateikt-per-eds-deklaracij-paieka&catid=21&Itemid=35

227. The commission may request the relevant head of office to produce the materials necessary for its investigation. If it needs additional information, it may address the Internal Investigation Division of the PGO to conduct the necessary investigations. The Commission decides by a majority of its members. If the commission decides that a prosecutor has committed a violation of the law, official misconduct, an act disgracing the reputation of the PPO or another violation of the code of ethics, it may propose to the PG to impose the following disciplinary sanctions: 1) censure; 2) reprimand; 3) reduction of the qualification rank; 4) demotion; 5) dismissal from service (Article 40, LPPO).

228. The statute of limitations for disciplinary action against prosecutors is three years from the day of the potential violation and six months from the day the violation came to light and a court judgment thereon took effect (article 24.3.6, Regulations of the Prosecutors' Commission of Ethics).

229. The GET was provided with information on several cases of enforcement of the rules on conflicts of interest and of other rules of conduct.

Immunity

230. A pre-trial investigation into a criminal act committed by a prosecutor may be launched only by the PG. After the launch of the investigation, prosecutors are subject to the general rules and procedures of the Code of Criminal Procedure. Immunity extends to search and seizure of the prosecutor's residence, office, vehicle and belongings, but does not apply when the prosecutor is caught in flagrante delicto (article 12, LPPO). As indicated in relation to MPs, the statute of limitation for criminal offences is suspended if and for as long as the competent body refuses to lift the immunity of the suspect.

231. A pre-trial investigation into a criminal act committed by the PG may be initiated by the President of the Republic, upon removing him/her from office with the consent of the Seimas.

232. A prosecutor can be subject to administrative liability following the procedure set forth by the Code of Administrative Offences.

Advice, training and awareness

233. There is no training institution for prosecutors in Lithuania. Prosecutors are invited to join training events organised for judges. Periodic and mandatory training is offered, lasting for an average of 18 academic hours in a calendar year. Some of these training activities deal with issues related to the prevention of corruption, such as: evaluation of draft laws on aspects of state corruption, social, economic, financial and other issues, as well as issues relating to the investigation of corruption activities and corruption-related criminal offences.

234. The GET was pleased to learn that the PG had appointed three senior specialists, working in the personnel and legal department of the PGO, to provide information and advice to prosecutors on declarations of private interests. Consultation takes place confidentially, by telephone or e-mail. Prosecutors may also address the COEC on ethical issues.

235. Such initiatives are worthwhile, but the GET is of the strong opinion that more emphasis needs to be placed by the PPO itself on raising awareness of matters of conduct and ethics. The cases reported by the authorities show that enforcement action is taken when there are cases or allegations of misconduct and this is of course welcome. But the focus needs to shift to a more balanced approach combining enforcement and prevention. There is currently no dedicated awareness policy on ethical issues, nor any intention to introduce such a policy. The GET heard on occasion that senior prosecutors

are presumed to "know the drill". Such a position reflects a poor understanding of the value of communication, education and regular training in putting rules into practice and developing a joint and widely accepted awareness of what is proper and ethical. The GET also recalls the need highlighted earlier in this report for complementing the code of ethics with practical guidance. Therefore, **GRECO recommends that (i) the Code of Ethics of Prosecutors be complemented in such a way as to offer practical guidance by way of explanatory comments and/or practical examples on conflicts of interest and ethical issues and (ii) that further measures be taken to raise prosecutors' awareness of these issues, notably by stimulating institutional discussions.** Co-ordination with institutions having a particular mandate and expertise in this area, such as the COEC, as per recommendation i, is also relevant to the implementation of this recommendation. Finally, visibility of these measures among the general public could help increase public confidence and improve the image of the PPO.

VI. RECOMMENDATIONS AND FOLLOW-UP

236. In view of the findings of the present report, GRECO addresses the following recommendations to Lithuania:

General

i. **that, at the initiative of the Chief Official Ethics Commission, the co-operation on an operational level between the institutions responsible for overseeing the implementation, by members of the Seimas, judges and prosecutors, of rules on conduct, conflicts of interest and related matters be significantly strengthened** (paragraph 21);

Regarding members of parliament

ii. **that the transparency of the legislative process be further improved by ensuring that agendas, working documents and minutes of committee meetings are made accessible in due time** (paragraph 33);

iii. **introducing rules on how members of parliament engage with lobbyists and other third parties who seek to influence the legislative process** (paragraph 64);

iv. **that appropriate measures be taken to ensure effective supervision and enforcement of the rules regarding declarations of private interests and other rules of conduct of members of the Seimas** (paragraph 92);

v. **that efficient internal mechanisms be developed to promote, raise awareness of, and thereby safeguard, integrity in the Seimas, both at institutional level (training, institutional discussions on ethical issues related to parliamentary conduct, etc.) and on an individual basis (confidential counselling)** (paragraph 96);

Regarding judges

vi. **that the judicial authorities continue in their endeavours to ensure (i) appropriate education to strengthen the professional skills for drafting judicial decisions and (ii) better communication with the public** (paragraph 107);

vii. **(i) that the method for appointing the members of the Selection Commission of Candidates to Judicial Offices be reviewed in order to strengthen their independence and that the procedure for appealing against the Commission's decisions be consolidated, and (ii) that the Judicial Council be given a more important role in the procedure for selecting judges** (paragraph 116);

viii. **that judicial authorities (i) take further measures to raise judges' awareness on ethical issues and conflicts of interest, notably by stimulating institutional discussions and that (ii) these measures be communicated to the public** (paragraph 171);

Regarding prosecutors

ix. **that the prosecutorial authorities continue in their endeavours to improve communication between the prosecution service and the public, notably by ensuring proper implementation of the adopted standards,**

complementing them where necessary, and by providing relevant training (paragraph 177);

x. **in order to increase the transparency and objectivity of the recruitment and promotion in the prosecution service, strengthening the decisive influence of the selection commissions, by providing that their recommendations be followed as a rule and that written motivation be given if they are not** (paragraph 188);

xi. **that (i) the Code of Ethics of Prosecutors be complemented in such a way as to offer practical guidance by way of explanatory comments and/or practical examples on conflicts of interest and ethical issues and (ii) that further measures be taken to raise prosecutors' awareness of these issues, notably by stimulating institutional discussions** (paragraph 235).

237. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Lithuania to submit a report on the measures taken to implement the above-mentioned recommendations by 30 June 2016. These measures will be assessed by GRECO through its specific compliance procedure.

238. GRECO invites the authorities of Lithuania to authorise, at their earliest convenience, the publication of this report, to translate the report into the national language and to make the translation publicly available.

About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its 49 member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

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