

TC-CP(2024)06
3 October 2024

Consultation of the Parties

Council of Europe Convention on Access to Official Documents (CETS No. 205)

Conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents by Lithuania

The Consultation of the Parties to the Council of Europe Convention on Access to Official Documents (CETS No. 205) (hereinafter referred to as “the Convention”), acting under the terms of Article 12, paragraph 2, sub-paragraphs a and b, of the Convention;

Bearing in mind the provisions of Article 11, paragraph 1, of the Convention concerning the role of the Council of Europe Access Info Group (AIG) in monitoring the implementation of the Convention;

Bearing in mind the overarching obligation under Article 2, paragraph 2, of the Convention on each Party to take the necessary measures in its domestic law to give effect to the provisions for access to official documents set out in this Convention;

Having regard to the Rules of Procedure of the Consultation of the Parties;

Having examined the baseline evaluation report concerning the implementation of the Convention by Lithuania adopted by the AIG at its 6th meeting (29-31 May 2024) which focuses on the Law on the Right to Receive Information;

1. Welcomes the following elements of the Law on the Right to Receive Information:

- 1.1. its application to the widest range of public authorities covered by the Convention in compliance with Article 1, paragraph 2, of the Convention;
- 1.2. guaranteeing the right of access to official documents held by public authorities to everyone, on request, without discrimination in compliance with Article 2, paragraph 1, of the Convention;
- 1.3. the implementation of the requirements of Article 4, paragraph 3, of the Convention regarding requests for access to official documents;
- 1.4. its compliance with the obligations of Article 5 of the Convention regarding the processing of requests for access to official documents;
- 1.5. the general implementation of the requirements of Article 6 of the Convention regarding forms of access to official documents;
- 1.6. the implementation of the requirements of Article 7 of the Convention on charges for access to official documents;
- 1.7. the implementation of the principles of Article 8 of the Convention regarding review procedures;
- 1.8. its measures to implement Article 9 and Article 10 of the Convention;

2. Recommends that Lithuania take the following measures identified on the basis of the AIG's report:

- 2.1. revise Article 2(2) of the Law on the Right to Receive Information with a view to ensuring compliance with the requirements of Article 1, paragraph 2, sub-paragraph b, of the Convention (paragraphs 11-16 and 56 of the AIG report);
- 2.2. revise the Law on the Right to Receive Information with a view to implementing the requirements of Article 3 of the Convention to limitations on the right of access to official documents (paragraphs 19-24 and 58 of the AIG report);
- 2.3. ensure full compliance of Article 2(2), sub-paragraph 4, of the Law on the Right to

Receive Information with Article 4, paragraph 1, of the Convention (see paragraphs 25 and 59 of the AIG report);

- 2.4. ensure, in accordance with Article 6, paragraphs 1 and 2, of the Convention, the implementation of the right of the applicant to choose between inspection of official documents on the premises of the public authority and the principle that omissions should be indicated where restrictions apply to parts of the requested information (see paragraphs 36-37 and 61 of the AIG report);
3. Requests the government of Lithuania to report to the Consultation of the Parties on the measures taken to improve the implementation of the Convention pursuant to point 2 of the present conclusions by 6 October 2025.