

Adoption: 3 December 2021
Publication: 26 April 2022

Public
GrecoRC5(2020)1

FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

EVALUATION REPORT

LITHUANIA



Adopted by GRECO
at its 89th Plenary Meeting (Strasbourg, 29 November–3 December 2021)



Group of States against Corruption
Groupe d'États contre la corruption

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I. EXECUTIVE SUMMARY

1. This report evaluates the effectiveness of the framework in place in Lithuania to prevent corruption among persons entrusted with top executive functions (the President of the Republic, ministers and civil servants of political confidence), as well as members of the Lithuanian Police and the State Border Guard Service. It is intended to support the on-going reflection in the country as to how to strengthen transparency, integrity and accountability in public life.

2. The fight against corruption has been at the forefront of political priorities in Lithuania for many years, resulting in a comprehensive normative and institutional framework. However, implementation of the applicable rules, prevention of corruption and overall coordination still leave room for improvement. To address these issues, a new Law on the Prevention of Corruption will enter into force on 1 January 2022. It gives the primary responsibility to public sector institutions to prevent corruption among themselves and their staff. GRECO welcomes this move towards a system of corruption prevention which is based on the principle of subsidiarity. If each institution can and does effectively design, implement and oversee its own anti-corruption policy within the framework of the law and with the supporting role of the Special Investigation Service and the Chief Official Ethics Commission (COEC), it can lead to an efficient and mature system of anti-corruption prevention, but there are several conditions for such a system to work in practice.

3. The report stresses that the current ethical rules applicable both to persons entrusted with top executive functions and to law enforcement staff are too general. They need to be amended and complemented with practical guidance, especially in respect of conflicts of interests, including gifts and other benefits, third party contacts etc. Ministers and political advisers should be systematically briefed upon taking up their duties about integrity standards and the conduct expected of them. Given their pivotal role in a model of corruption prevention based on the principle of subsidiarity in the future, ministers should also be briefed on ways and means to ensure effective integrity and implementation of anti-corruption policies within their ministries.

4. It is acknowledged that a system is in place regarding transparency of access to public information, as well as a new law on lobbying. Timelines for public consultations on government draft legislative initiatives need to be adequate and the agendas of ministers and their advisers need to be public and detailed enough, to allow for more transparency, as well as to enable the COEC to better monitor contacts of top politicians with third parties, including lobbyists.

5. Lithuania has a very broad disclosure system in terms of purpose and scope, which covers issues from general transparency to combating corruption, monitoring of wealth and illicit enrichment, as well as overall prevention of conflicts of interests. It applies to all top political and law enforcement officials. Although the new electronic register of declarations of private interests is clearly a progress, which should facilitate a more in-depth scrutiny of declarations, GRECO notes that the COEC only performs such an in-depth control in the context of specific investigations and recommends that declarations of top political officials be subject to a thorough accuracy control in a routine manner. Moreover, the current enforcement arrangements need to be revisited by clarifying the respective roles of the heads of the institutions and the COEC, ensuring that investigations of possible violations by

ministers and their advisers are carried out by an independent institution and reviewing sanctions foreseen in the Law on the Adjustment of Public and Private Interests are effective in the case of top political officials.

6. Turning to law enforcement officials, it is to be welcomed that the law on the protection of whistleblowers is wide-ranging and comprehensive, but it still has to take root. GRECO therefore advocates for dedicated training and awareness-raising activities on this law. There are robust rules in place as regards recruitment, career and internal oversight in the Police and the State Border Guard Service, but additional measures are needed to ensure consistency of the policy and decisions relating to the integrity of staff (e.g., to authorise outside activities) and, in particular, as regards the Police various ethics commissions, under the 16 police authorities. Post-employment (revolving doors) is yet another area where more needs to be done, to avoid improper moves to the private sector which could generate situations of conflicts of interest.

II. INTRODUCTION AND METHODOLOGY

7. Lithuania joined GRECO in 1999 and has been evaluated in the framework of GRECO's First (in March 2002), Second (in May 2005), Third (in July 2009) and Fourth (in December 2014) Evaluation Rounds. The resulting Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's website (www.coe.int/greco). This Fifth Evaluation Round was launched on 1 January 2017.¹

8. The objective of this report is to evaluate the effectiveness of the measures adopted by the authorities of Lithuania to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement. In keeping with the practice of GRECO, the recommendations are addressed, via the Head of delegation in GRECO, to the authorities of Lithuania, which determine the national institutions/bodies that are to be 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 GRECO's recommendations.

9. To prepare this report, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Vilnius from 14 to 18 June 2021, and reference was made to the responses by Lithuania to the Evaluation Questionnaire (Greco(2016)19), as well as other information received, including from civil society. The GET was composed of Mr Juan CHECA DOMÍNGUEZ, Police Inspector, Head of Branch of Public Safety Brigade, General Direction of National Police, Ministry of Interior (Spain), Mr Elnur MUSAYEV, Director of the Department for Non-Criminal Proceedings, Prosecutor's Office (Azerbaijan), Ms Monika OLSSON, Director, Division for Criminal Law, Ministry of Justice (Sweden) and Mr Alvis VILKS, Head of Quality Assurance Department of State Joint Stock Company "Latvijas gaisa satiksme", former Deputy Director of the Corruption Prevention and Combating Bureau – KNAB (Latvia). The GET was supported by Ms Sophie MEUDAL LEENDERS from GRECO's Secretariat.

10. The GET held interviews with the Vice-Minister of Justice, members of Parliament, as well as representatives of the Office of the President of the Republic, the Office of the Government, the Ministry of Justice, the Ministry of Interior, the Ministry of Finance, the Lithuanian Police, the State Border Guard Service, the Seimas Ombudsmen's Office, the Chief Official Ethics Commission, the Special Investigation Service, the National Audit Office, the State Tax Inspectorate and the General Prosecutor's Office. The GET also had interviews with representatives of the media, NGOs, academia, law enforcement trade unions and representatives of business organisations.

¹ More information on the methodology is contained in the Evaluation Questionnaire which is available on GRECO's [website](http://www.coe.int/greco).

III. CONTEXT

11. Lithuania has been a member of GRECO since 1999 and has undergone four evaluation rounds focusing on different topics related to the prevention and fight against corruption². It has an excellent record in the implementation of GRECO recommendations issued in former rounds, with a compliance rate to date of 94% (47 out of 50 of the recommendations issued by GRECO in its four evaluation rounds have been implemented satisfactorily or dealt with in a satisfactory manner).

12. Perception of corruption in Lithuania shows a gradual improvement in recent years. Lithuania ranks 35th out of 180 countries in Transparency International's corruption perception index³ with a score of 60 points out of 100, compared to 48/100 in 2011. According to TI's 2021 Global Corruption Barometer⁴, 77% of respondents in Lithuania believe corruption in government is a big problem (EU average: 62%) and 61% that the government is run by a few big interests (EU average: 53%). By contrast, only 7% believe the Office of the President of the Republic is corrupt and 19% hold this perception for the Prime Minister's Office (EU average for the President/Prime Minister's Office: 23%). As regards the Police, 9% of respondents in Lithuania think it is corrupt (EU average: 11%). Among persons who had contact with the police in the 12 months preceding the study, 4% stated having used bribery (EU average: 3%) and 16% personal connections (EU average: 20%).

13. The yearly public survey "Lithuanian Map of Corruption"⁵ commissioned by the Special Investigation Service provides a similar picture. Lithuanian residents place corruption as the 5th most acute problem (of a list of 18 problems) and only 35% of them saw it as a very serious problem. This is the lowest percentage since 2007. Neither the government nor the police is perceived to be among the most corrupt institutions. During the 12 months period covered in the survey, 9% of the Lithuanian residents stated they had given a bribe. Again, this is the lowest level since 2007, when 28% of the residents stated having resorted to bribery. Several interlocutors met by the GET on-site confirmed a declining trend, especially as regards petty corruption but highlighted the use of personal connections as a concern.

14. As observed by GRECO in former evaluation rounds, the fight against corruption has been at the forefront of political priorities in Lithuania for many years, resulting in a comprehensive normative and institutional framework that is generally recognised as Lithuania's strongest anticorruption asset. However, the implementation of the pertinent legislation and rules, measures to prevent corruption and the overall coordination in this area still leave room for improvement.

² Evaluation round I: Independence, specialisation and means available to national bodies engaged in the prevention and fight against corruption / Extent and scope of immunities; Evaluation round II: Identification, seizure and confiscation of corruption proceeds / Public administration and corruption / Prevention of legal persons being used as shields for corruption / Tax and financial legislation to counter corruption / Links between corruption, organised crime and money laundering; Evaluation round III: Criminalisation of corruption / Transparency of party funding; Evaluation round IV: Prevention of corruption in respect of members of parliament, judges and prosecutors.

³ [2020 - CPI - Transparency.org](https://www.transparency.org/en/cpi)

⁴ https://transparency-se.s3.amazonaws.com/uploads/attachment/media/722/GCB_EU_2021_WEB.pdf

⁵ https://stt.lt/data/public/uploads/2021/06/lkz_2020_eng-003.pdf

15. To address these issues, a new Law on the Prevention of Corruption⁶ was adopted on 29 June 2021, to replace the former law, which had been in place for almost 20 years. The new law is to enter into force on 1 January 2022. It is aimed at providing a systemic prevention of corruption in public sector institutions, its key features being: 1) the primary responsibility of public sector institutions to prevent corruption among themselves and their staff; 2) providing adequate rights, duties and operational guarantees for in-house corruption prevention; 3) creating the conditions for measuring and comparing the level of resilience to corruption of public sector institutions, in order to foster greater incentives to implement anti-corruption measures; and 4) encouraging the involvement of private sector entities in corruption prevention.

⁶ https://www.stt.lt/data/public/uploads/2021/09/law-on-corruption-prevention-new_2021.pdf

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

System of government

16. Lithuania is an independent democratic republic ([Constitution](#), Article 1) with a dual executive power, which is exercised by the President of the Republic, who is the Head of State, and the government. They exercise their respective powers independently. However, some powers, which are specified expressly in the Constitution, are exercised jointly by the President of the Republic and the government. The legislative power is vested in the Lithuanian Parliament, the Seimas, which is unicameral and composed of 141 members elected for four years.

The President of the Republic

17. The President of the Republic⁷ holds primary powers in foreign policy: s/he represents the country in international relations (Constitution, articles 77 and 84), decides the basic issues of foreign policy and conducts foreign policy with the Government. S/he signs international treaties, which are then submitted to the Seimas for ratification, and s/he appoints diplomatic representatives of the Republic of Lithuania upon submission by the Government.

18. The President also performs significant functions in domestic policy: s/he calls elections to the Seimas and may dissolve it. With the Seimas' assent, s/he appoints the Prime Minister and charges him/her with forming the government. S/he formally appoints the ministers upon proposal of the Prime Minister. The President has the right of legislative initiative and promulgates laws. S/he can also veto them and may apply to the Constitutional Court. In exercising his/her powers, the President of the Republic issues decrees. S/he presents annual reports to the Seimas on domestic and foreign policy.

19. S/he is the commander in chief of the armed forces, heads the State Defence Council, confers the highest military ranks and appoints the Commander of Armed Forces and the Head of the Security Service upon assent of the Seimas. In the event of an armed attack, the President of the Republic may adopt decisions concerning defence and declare a state of emergency. All his/her related decisions are to be approved by the Seimas at its next sitting.

20. The President also has a role of appointment and proposal for the judicial power: s/he submits candidatures of the Supreme Court justices and a candidature for the President of the Supreme Court, as well as three Justices and the President of the Constitutional Court, to the Seimas. S/he appoints judges and the President of the Court of Appeal, as well as judges and presidents of regional and local courts.

21. Moreover, the President of the Republic grants citizenship, pardons convicted persons and confers state decorations.

⁷ Functions of the President of the Republic are laid down in Chapter 6 of the Constitution.

22. The President is only politically liable for the fulfilment of his/her duties in case s/he grossly violates the Constitution or breaks his/her oath. Some of his/her decrees have to be countersigned by the Prime Minister or the minister responsible, who holds responsibility for them. However, this is only the case for the appointment of diplomatic representatives, granting of the highest military ranks, declaring the state of emergency and granting citizenship.

23. The President is assisted by the [Presidential Office](#), headed by the Chancellor of the Office. It comprises several groups of advisers in various areas (Economic and Social Policy Group, Communication Group, Foreign Affairs Group, etc.) and the Cabinet of the President. At the time of writing this report, the Presidential Office had a total staff of 62 persons, including 42 civil servants of political (personal) confidence (see §36 below).

24. As agreed by GRECO, a Head of State would be covered in the 5th evaluation round under “central governments (top executive functions)” when s/he actively participates on a regular basis in the development and/or the execution of governmental functions or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure, taking decisions on the appointment of individuals to top executive functions.

25. The GET notes that Lithuania is described as a semi-presidential system with a dual model of executive power, as confirmed by the Constitutional Court. The President of the Republic is directly elected by popular vote and is a main character of political life in the country. S/he is not necessarily a member of the ruling coalition and depending on the President’s and the government’s respective affiliations, their relationship may be one of cooperation or of competition.

26. The President influences the appointment of some ministers, especially the Minister of Foreign Affairs and the Minister of Defence, for the appointment of which detailed discussions are held. The GET heard during the on-site visit that the President has never approved as a whole the composition of a government.

27. The President of the Republic has the right of legislative initiative and the current holder of the office has used it often, with 20 draft laws proposed in two years. He has also made frequent use of his veto right. In the past two years, he has tabled 13 vetoes and 11 were successful. The President may also apply to the Constitutional Court to control the action of the government, while the reverse is not possible. S/he may issue decrees to formulate tasks to be carried out by the government. This power is, however, not used in practice, according to the GET’s interlocutors, as there are other ways to reach this result.

28. The President also influences government policy through his/her annual report to the Seimas, in which s/he may criticise the action of the government or of the Seimas, and through his/her weekly meetings with the Prime Minister. S/he may also meet ministers as needed. During the Covid-19 pandemic, for example, he has held regular meetings with the Minister of Health. According to the President’s advisers, who help prepare such meetings, these are not only devoted to the exchange of information. The President uses them to help shape governmental policy and to present his intentions regarding legislative initiatives. According

to representatives of the media, advisers of the President may also play a role in the policy making process by communicating with ministers.

29. In view of the above, the GET can only conclude that the President of Lithuania is in a position to influence government policy on a regular basis and actually does exercise this influence in practice. It follows that the President of Lithuania and his/her advisers of political (personal) confidence do fall within the category of “persons entrusted with top executive functions” (PTEFs) as spelt out in §24.

The government

30. The government consists of the Prime Minister and 14 ministers (Constitution, Article 91; [Law on the Government](#) (LGov), Article 29). Currently, the government is composed of 7 female ministers, including the Prime Minister, and 8 male ministers. The GET welcomes that the current government is gender-balanced, in accordance with the [Recommendation Rec\(2003\)3 on balanced participation of women and men in political and public decision](#), according to which the representation of women or men in any decision-making body in political or public life should not fall below 40%.

31. Within 15 days of his/her appointment, the PM presents to the Seimas the government s/he has formed and which has been approved by the President of the Republic, as well as the programme of government. If the government programme is not approved by the Seimas, the PM has 15 days to present a new programme to the Seimas for consideration. The government is empowered to act after the Seimas has approved its programme by majority vote.

32. The [Prime Minister](#) (PM) represents the government and chairs its sessions. In matters of foreign policy where his/her powers are exercised jointly with the President of the Republic, the PM gives authority to sign and negotiate international agreements and forms government delegations for official visits to other countries and participation to international events.

33. The government manages national affairs and, together with the President of the Republic, carries out foreign policy. It executes laws, resolutions of the Seimas and decrees of the President of the Republic. Government resolutions are signed by the PM and the minister responsible for the respective area.

34. Ministers decide on issues coming within their ministry’s remit. The precise areas covered by each ministry are specified in the LGov, other laws and Government Resolution No. 330 of 24 March 2010 “on the areas of management delegated to ministers”. When charged by the government, ministers approve regulations and administrative structures of the agencies within their ministry’s remit. They co-ordinate and control the activities of these agencies. In the performance of their duties, ministers issue orders, either individually or jointly with other ministers. There are no precise criteria to determine when a decision is to be taken by the whole government as opposed to an individual minister. This is decided either by the Seimas when assigning the decision on a specific issue to a minister or by the government’s wish to use the statutory sub-delegation option. In financial matters, ministers manage the state budget appropriations allocated to them and can make individual decisions on the management, allocation and use of the budgetary funds depending on the intended purpose of the appropriations.

35. The government is collectively accountable to the Seimas. Each minister, in his/her respective remit, is accountable to the Seimas and the President of the Republic. Ministers are directly subordinate to the PM. The government presents at least once a year to the Seimas a report on its activities. MPs may put questions to the government and its ministers, which are answered orally during allotted parts of the weekly sittings of the Seimas. Questions may also be asked and answered in writing, for instance if, in the opinion of a minister or the Speaker of the Seimas, the issue raised requires a complete and detailed answer.

36. The PM and ministers are assisted in their work by civil servants of political (personal) confidence. The PM is assisted by the Chancellor of the Government, the First Deputy Chancellor of the Government, advisers, a spokesperson for the press and other civil servants of political (personal) confidence who assist him/her in laying down political provisions and priorities, making decisions and implementing them (Art. 44 LGov) and form part of the Office of the Government.

37. The Chancellor of the Government inter alia assists the PM in implementing the provisions of the government programme and participates in the development and implementation of political provisions and priorities, together with the First Deputy Chancellor and other civil servants of political (personal) confidence; s/he organises the analysis of draft legal acts submitted to the government and the PM; s/he organises the government sessions, ensuring the preparation of the minutes; assists the PM in coordinating the implementation of strategic EU policies; with the consent of the PM, the Chancellor approves the structure of the Office of the Government and the list of positions of civil servants and employees of the Office; recruits and dismisses from office career civil servants and employees of the Office of the Government working under employment contract; on the instruction of the PM, the Chancellor recruits and dismisses from office civil servants of political (personal) confidence (Art. 45 LGov).

38. Each minister may be assisted by vice-ministers, whose number – up to 4 – is set by the government at the proposal of the minister. They organise and control the enforcement of the assignments by the PM, the government and the minister; organise and control the drawing up of draft legal acts; upon instruction of the minister, they coordinate and control the activity of agencies under the ministry and represent him/her in the Seimas and in contacts with the public (art. 31 LGov).

39. Chancellors are the head of each ministry's administration. They are civil servants of political (personal) confidence recruited into office and dismissed by the respective ministers. They coordinate and control the activity of the ministry's administrative units. Upon the minister's instruction, they also coordinate and control the activity of the agencies under the ministry. Upon instruction of the minister, they appoint and dismiss civil servants and employees of the ministry working under employment contract.

40. The PM and ministers may also be assisted by public consultants who provide advice, proposals and any other information at their request. They are employed at the discretion of the ministers, do not appear in the structure of the ministry and do not receive a salary. However, the Special Investigation Service must be asked to provide information about them as foreseen in Chapter III of the Law on the Prevention of Corruption on "ensuring staff reliability" and the provisions of the Law on the Adjustment of Public and Private Interest apply to them. At the time of the on-site visit, there were six public consultants working for

five ministries. Information on their names is published on the websites of the ministries concerned.

41. For the purposes of this report, ministers, vice-ministers, chancellors and civil servants of political (personal) confidence assisting the PM and ministers are to be considered as PTEFs. However, this is not the case for public consultants, who are recruited on the basis of their technical expertise on specific subjects and do not appear to influence governmental policy on a regular basis.

Status and remuneration of persons with top executive functions

42. The President of the Republic is elected by direct universal suffrage for a five-year term, renewable once. S/he may be impeached by the Seimas by a 3/5 majority vote if s/he has grossly violated the Constitution, broken his/her oath or committed a crime.

43. The PM is appointed and removed from office by the President of the Republic, upon assent of the Seimas. Ministers proposed by the PM are formally appointed and removed from office by the President.

44. The government has to resign: 1) when the Seimas disapproves twice in a row the programme of the newly formed government; 2) in case of a no-confidence vote of the Seimas against the government or the PM; 3) if the PM resigns or dies; 4) after the Seimas elections, when a new government is formed; 5) if more than half of the ministers are replaced or after the election of the President of the Republic the Seimas does not confer powers to the government anew (Article 9 LGov). The government may also resign upon the proposal of the PM, which the President of the Republic must accept.

45. A minister has the right to resign and must resign following a no-confidence vote by the Seimas. A minister may also be dismissed by the President of the Republic upon the proposal of the PM (Article 10 LGov). Changes to the government's composition are made by the President within three days from the proposal of the PM.

46. Civil servants of political (personal) confidence are civil servants recruited into office, without competition, by a "state politician"⁸ (Art. 2 § 9 and 13 LCS). The status of these officials is regulated by the [Law on Civil Service](#) (LCS). They are subject to the same requirements as other civil servants, with the exception that they can be over the age of 65. Their position is linked to that of the state politician who recruited them and their duties end when the state politician who recruited them leaves office. The politician who employs them on the basis of confidence must guarantee that they fulfil the requirements for admission into office, including the good reputation that is one of those requirements (Art. 4 and 9 LCS).

47. According to art. 17 of the Law on the Prevention of Corruption (LPC), the Special Investigation Service (STT) must be requested in writing to provide information about all persons who, *inter alia*, are to be appointed by the President of the Republic, the *Seimas*, the Chairman of the *Seimas*, the Government or the Prime Minister, as well as about persons who are going to be appointed as vice ministers and chancellors of the ministries. This procedure

⁸ Art. 2 § 9 LCS: State politicians: persons elected or appointed to the post of President of the Republic of Lithuania, Speaker of the Seimas, member of the Seimas, Prime Minister, minister, municipal councillor, municipal councillor being a municipal mayor, deputy municipal mayor.

is also applied before appointing persons of political (personal) confidence. The list of information provided by the STT is strictly defined in the LPC and must be used by the appointing authority only for the purpose of evaluating the suitability for the post.

48. The STT collects the following information: the candidate's criminal record; convictions for or allegations of corruption-related offences; preventive measures taken against organised crime; dismissal or serious personal misconduct; violations of norms of professional ethics and conduct such as the Law on Adjustment of the Public and Private Interests, the Law on Lobbying or the Code of Conduct of State Politicians; corruption risks associated with him or her (this information includes intelligence, criminal intelligence, analytical anti-corruption intelligence on a criminal act which is being prepared, is being committed or has been committed by the person or corruption risk factors related to the person that may give rise to corruption risk in the field of state or municipal activity in which the person seeks to hold or holds the position); any information the candidate may have concealed which would prevent his/her appointment; violations of tax laws.

49. Moreover, art. 4 of the LCS establishes a mandatory requirement of impeccable reputation for civil servants. A civil servant or candidate to a civil servant's post will not be considered of impeccable reputation if s/he was convicted for an intentional crime or a crime that caused material damage to the state, an offence relating to the civil service and public interests or a corruption-related offence, if s/he was dismissed from the civil service following a serious infringement as defined in the LPC, a violation of the ethical norms, a breach of the oath or for being a member of an organisation banned by law. To verify that this requirement is fulfilled, persons recruiting civil servants may apply in writing to law enforcement, control and other authorities, agency, state and municipality-controlled enterprises for provision of information about the candidate. These authorities must provide information within 7 calendar days from the day of receipt of the request.

50. The grounds for dismissal of civil servants of political (personal) confidence are regulated by Article 51 LCS, which also applies to other civil servants. They include *inter alia* resignation; loss of confidence of the politician that chose him/her or expiry of that politician's term of office; dismissal as a disciplinary sanction; a court decision imposing a sentence for a serious or very serious crime, criminal activity against the civil service or public interest, corruption-related criminal activity or punishment preventing him/her from further holding office comes into effect; not meeting the impeccable reputation requirement.

51. As to the level of remuneration in Lithuania, the average monthly gross wage in in the fourth quarter of 2020 amounted to EUR 1 524.20 according to Statistics Lithuania⁹. According to the Civil Servants' Register, the average gross monthly salary in 2020 was EUR 1826. The monthly salary of the President is fixed by the Law on the President. It is equal to 55 base amounts of the basic salary of state politicians, judges, state officials and civil servants. The salary rates of government members are fixed by the Law on Remuneration of State Politicians and State Officials. It consists of an official salary and a premium for length of service. Official salaries are calculated by multiplying the basic amount – EUR 177 in 2021 – by the appropriate coefficient established in the law. The premium for the length of service accounts for 1% from the official salary for every year, with a maximum of 30% of the official salary.

⁹ Since April 2020, the average salary by gender of all employees is published on the open data website of the State Social Insurance Fund Board: <https://atvira.sodra.lt/en-eur/>.

52. The salary rate of civil servants of political (personal) confidence is determined by the LCS and is calculated in the same manner. Premiums are granted for length of service, when assuming another civil servant's duties or for completing additional tasks.

53. The salaries of the PM, ministers and civil servants of political (personal) confidence are published on the government's and the ministries' websites. The salaries of the President and his/her advisors are published on the President's website.

State politicians	The coefficient is established in Annex 1 to the Law on remuneration for work for state politicians and state officials and in the Law on the President of the Republic of Lithuania	Official salary amount (by multiplying by the basic amount), in EUR
President	55	9 735
Prime Minister	25.8	4 566.6
Minister	23.8	4 212.6

Position	The coefficient is established in Annex 1 to the VTĮ	Official salary amount (by multiplying by the basic amount), in EUR
Chancellor of the Government, Chancellor of the Office of the President	22	3 894
Vice-Minister	19.5 - 21.5	3 451.5 - 3 805.5
First Deputy of the Chancellor of the Government	19.5 - 21.5	3 451.5 - 3 805.5
Chief Advisor to the President	19.5 - 21	3 451.5 - 3 717
Deputy of the Chancellor of the Government	18.7 - 20.5	3 309.9 - 3 628.5
Head of the Prime Minister's Office	19.5 - 21.5	3 451.5 - 3 805.5
Chancellor of a Ministry	19.5 - 21.5	3 451.5 - 3 805.5
Prime Minister's Advisor, Advisor to the President	18.7 - 20	3 309.9 - 3 540
Government's representative	17.8 - 19	3 150.6 - 3 336.3
Deputy representative of the Government	11.5 - 18.5	2 035.5 - 3 274.5
Minister's Advisor	11 - 16	1 947 - 2 823

54. The PM is entitled to an official residence. By decision of the government, funds for representational expenses may be set up for the PM and ministers. The concrete amounts and procedure for using these funds is determined by the government, within the limits provided by the state budget.

55. Upon leaving office, ministers are entitled to compensation equal to one or two monthly salaries, depending on the ground for their departure. Civil servants of political (personal) confidence are to be paid a severance grant equal to one monthly average salary as a main rule.

Anticorruption and integrity policy, regulatory and institutional framework

Anticorruption and integrity policy

56. One of the cornerstones in the legal framework on the prevention of corruption in Lithuania is the Law on the Prevention of Corruption (LPC), which has been in force for almost 20 years. It lays down the basic principles, objectives and tasks of the prevention of corruption in both the public and private sectors, establishes anti-corruption measures and their legal basis, defines the corruption prevention bodies, their rights and duties. The main measures to prevent corruption according to the law are *inter alia* the corruption risk analysis, anti-corruption assessment of (draft) legal acts, reporting of corruption-related criminal acts, determination of the probability of manifestation of corruption, assessment of corruption risk management and vetting procedures. The law also sets out the corruption prevention rights and duties of public institutions and private entities. As explained above, a new LPC was adopted on 29 June 2021 and will enter into force on 1 January 2022.

57. The National Anti-Corruption Programme 2015-2025 of the Republic of Lithuania was approved by Resolution No. XII-1537 of the Seimas. It comprises six objectives, among which striving for greater management efficiency in the public sector, transparency and openness of decision making and procedures, higher resilience to corruption in the civil service; promoting zero tolerance to corruption; ensuring fair competition, transparent and rational purchases in public procurement. An Inter-Institutional Action Plan for 2020-2022¹⁰ was approved by the Government.

58. The Programme is implemented by the ministries, the STT, the Prosecutor General's Office, the Public Procurement's Office, the Chief Official Ethics Commission, the Central Electoral Commission and other state and municipal institutions and bodies within their respective remits. This implementation is organised and controlled by the government with the participation of the STT. As foreseen in the Law on Strategic Management adopted in 2020, the Programme is currently being revised and is planned to be replaced shortly by the National Agenda on Corruption Prevention for 2022-2023. The document is aimed at continuing best practices and measures from the Programme which have shown their efficiency. It also seeks to amend any discrepancies in the current Programme and creating a more effective anti-corruption system, including efficient monitoring tools.

Institutional framework

59. The Chief Official Ethics Commission (COEC) is the main independent institution in charge of prevention and compliance on ethical issues in the public service. It is an independent collegial institution, consisting of five members. The President of the Republic, the Prime Minister, the Speaker of the Seimas, the Lithuanian Lawyers' Association and the Council of NGOs propose one candidate each. They are appointed by the Seimas for a period of five years. On the advice of the Speaker, the Seimas appoints the chairperson of the COEC from the members of the Commission. The COEC is accountable to the Seimas. It has a total of 30 staff members, including the five commissioners. The COEC adopts its decisions by majority vote and the chairperson has the casting vote in situations of equal votes.

¹⁰ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/0ce5f484227f11eb8c97e01ffe050e1c?jfwid=32ocqs4pb>

60. The COEC supervises *inter alia* the implementation of the Law on the Adjustment of Public and Private Interests, the Law on Lobbying Activities and other legal acts regulating the norms of official ethics and conduct of persons working in the civil service; provides methodological assistance concerning the implementation of the provisions of the Code of Conduct for State Politicians; analyses problems related to official ethics and conduct of persons in the civil service; provides recommendations; prepares and implements measures preventing violations of the norms of official ethics and conduct; informs periodically the public, state and municipal institutions about the norms of official ethics and conduct of persons in the civil service and the legal acts regulating them.

61. The Special Investigation Service (STT) is an independent law enforcement body, accountable to the President of the Republic and the Seimas. It investigates corruption offences, carries out analytical anticorruption intelligence, develops corruption prevention measures and monitors their implementation. Data about corruption-related risks, including in relation to politicians and civil servants of political confidence, can be forwarded by the STT to the President of the Republic, the PM, the *Seimas*, state agencies or officials competent to take relevant decisions about those risks or agencies performing supervision and oversight functions. According to the new LPC adopted on 29 June 2021, the STT will be able to monitor the implementation of the anti-corruption framework as a whole.

62. Although the STT and the COEC have important tasks and competences at the central level as regards anti-corruption prevention and monitoring, the system is conceived as based on the principle of subsidiarity, each institution and top-level management being chiefly responsible for ensuring integrity and resilience to corruption in that institution. The new LPC reinforces these changes, with the introduction of a self-evaluation procedure which will allow each institution to measure its own integrity level. The results are to be public to allow comparison between institutions, including over time. The GET understood that, in response to various levels of attention and political will among institutions to implement corruption prevention measures, this new procedure is meant to encourage them to take corruption prevention seriously and to foster public pressure towards designing and implementing robust measures.

63. The GET takes the view that moving towards a system of corruption prevention based on the subsidiarity principle is commendable. If each institution can and does effectively design, implement and oversee its own anti-corruption policy within the framework of the law and with the supporting role of the STT and the COEC, it can lead to an efficient and mature system of anti-corruption prevention. However, there are several conditions for such a system to work in practice, which the GET intends to highlight throughout this report.

Ethical principles and rules of conduct

64. The PM and ministers must adhere to the [Code of State Politicians' Conduct](#), which was adopted by law on 19 September 2006 and amended in 2010, 2015 and 2019.

65. 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. These principles are listed in one article of the code (art. 4), each followed by a one-sentence description. The code also sets forth the

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

66. 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. The Commission is composed of 11 members representing all parties sitting in the Seimas on a proportional basis and assisted by two civil servants. It can open an investigation upon a complaint or *ex officio*. It has powers of investigation, namely the right to hear the investigated persons and other persons, to access necessary documents and premises and to use the services of specialists. The Commission takes decisions by majority. It may conclude that a state politician violated the requirements of the code, recommend that s/he conforms his/her conduct or activities with the principles of the code or recommend that s/he makes a public apology. The Commission's decisions are public. In 2019, the Commission carried out two investigations regarding alleged breaches of the Code by ministers but concluded that no breaches had taken place. The Law on the Chief Official Ethics Commission endows some of the powers concerning ethics policy and the Code of State Politicians' Conduct also to the COEC. Accordingly, the COEC is tasked to coordinate the formation of the official ethics policy in public sector entities – although it informed the GET that it had not been consulted on the Code of State Politicians' conduct -, to supervise the implementation of the Code of Conduct for State Politicians, to put forward proposals on the improvement and implementation of the provisions of this code and to take decisions and recommendations on the aforementioned issues.

67. The GET welcomes the existence of the Code of State Politicians' Conduct. It is an authoritative document, which is updated on a regular basis and the supervisory mechanism appears adequate. Even if the Seimas Commission for Ethics and Procedures cannot issue formal sanctions but only recommendations, the GET acknowledges that the fact that these recommendations are public and may include a request for a public apology can have very strong impact upon the career of state politicians, similar to other forms of sanctions.

68. However, the GET notes that the ethical principles themselves are very general. The GET recalls that GRECO has consistently taken the view that codes of conduct need to be complemented with explanations of the ethical principles, including illustrations and/or examples, in order to facilitate their understanding and application in practice.

69. The GET notes that the Code applies to PTEFs except the President of the Republic and civil servants of political confidence. The President of the Republic's ethical values are reflected in the oath s/he takes upon entering office; to be faithful to the Republic of Lithuania and the Constitution, to conscientiously fulfil the duties of the office, and to be equally just to all (Article 82.1 of the Constitution). The GET is convinced that the President's ethical values should be further developed and illustrated, while respecting his special constitutional status and his independence, in a guiding document such as a statement of ethical principles or an ethical charter. As regards political advisers, reference was made during the on-site visit to art. 3 of the LCS, which lists the main principles of civil servants' ethics and which applies to civil servants of political confidence. The GET takes the view that this article contains worthwhile principles, but they are too general and cannot offer an adequate substitute to a properly illustrated code of conduct.

70. The GET is aware that the heads of institutions are responsible for devising and monitoring the implementation of their own ethics policy and that codes of conduct and/or internal rules covering various ethical issues have been adopted by ministries. It is also aware that the new LPC foresees the obligation for the Office of the President of the Republic and ministries to adopt their own codes of conduct or anti-corruption rules before the entry into force of the law on 1 January 2022. This obligation could go some way towards addressing the lack of a code of conduct for civil servants of political confidence, but the specific functions of these officials and their role in influencing ministers need to be appropriately taken into account.

71. Consequently, **GRECO recommends (i) that the Code of State Politicians' Conduct be complemented with illustrative guidance for its implementation regarding conflicts of interest and other integrity-related matters (e.g., preventing and managing conflicts of interest, contacts with lobbyists and other third parties, post-employment restrictions, etc.) and (ii) that similar documents and guidance be established in respect of civil servants of political confidence and the President of the Republic.**

Awareness

72. Awareness activities are available to PTEFs through the COEC and the STT. The COEC provides training and organises awareness activities on the implementation of the laws under its remit, especially the Law on Adjustment of the Public and Private Interests. Training activities often deal with the management of conflicts of interest and filling in the private interest declarations. The STT also organises anti-corruption or corruption prevention training activities, mainly for civil servants, including those of political (personal) confidence. All these activities are organised upon request or proactively and can target PTEFs. Recently, the STT launched a free E-learning platform to which more topics will progressively be added. A majority of these topics may be used by PTEFs to voluntarily improve their anti-corruption awareness. In addition, an Integrity Academy was launched on 9 December 2020 at the initiative of the President of the Republic. It is a platform coordinated by the STT to exchange anti-corruption best practices, where leading experts share their experience, know-how and advice on how to create an effective anti-corruption environment in public sector entities. The GET learned that training activities were organised for the government and several ministries, for instance, the COEC had recently briefed the government and political advisers on the new law on lobbying. Several advisers whom the GET met also reported having been briefed by the COEC on integrity issues upon taking up their duties. Moreover, the COEC informed the GET that they are planning to develop electronic tests to assess the officials' knowledge of integrity issues. These tests would reportedly be routinely proposed to newly appointed PTEFs.

73. PTEFs can request advice on the provisions of the Law on Adjustment of the Public and Private Interests to the COEC. The COEC's website has an online advice request form.

74. Furthermore, in 2018, the COEC started to build a network of "conformity officers" in public institutions and to train them. All ministries have a conformity officer, who is often placed in the personnel division, but not the Chancellery of the Government. Conformity officers are in charge of coordinating compliance with the rules on ethics and conflicts of interest in their respective institutions. They provide preliminary written recommendations on conflicts of interest, on compliance with the provisions of the Law on the Adjustment of

Public and Private Interests and advise staff on the declarations of private interests and other ethical issues. Such advice is not confidential, nor is the advice provided directly by the COEC.

75. The GET welcomes the range of awareness activities on integrity issues that are being organised or developed and that can target PTEFs. However, it notes that these activities have no systematic character and that ministers, in particular, do not at present receive a systematic briefing on integrity issues. The GET considers that all PTEFs should be systematically briefed upon taking their posts about integrity standards applying to them and the conduct expected of them in terms of conflicts of interests, declaration duties, contacts with third parties, gifts, etc. Given the model of corruption prevention based on the subsidiarity principle that Lithuania is moving towards, ministers should also be briefed on their role when it comes to ensuring effective integrity and implementation of anti-corruption policies within their respective ministries.

76. In addition, to provide for continuity in this respect, it would be necessary to designate someone at government level as confidential counsellor for PTEFs on integrity issues. The COEC and the conformity officers do provide advice on the implementation of the applicable rules which is of course valuable. However, it does not appear to be sufficient for certain more sensitive and ministry-specific situations, which would require that confidentiality be embedded in a counselling procedure.

77. In view of the above, **GRECO recommends (i) that systematic briefing on integrity issues be imparted to all persons with top executive functions upon taking up their positions and at regular intervals and; (ii) confidential counselling on ethical issues be accessible at government/ministry level and at the President's Office.**

Transparency and oversight of executive activities of central government

Access to information

78. Lithuania has clear regulations that provide for wide-ranging access to public information. Private persons' right to access public information is guaranteed by the Constitution (art. 25) and case-law of the Constitutional Court. Lithuania ratified the Council of Europe Convention on Access to Official Documents in 2012. At statutory level, the principles of publicity, transparency and openness are laid down in the Law on Public Information, the Law on the Right to Obtain Information from State and Municipal Institutions and Agencies, the Rules of Procedure of the Office of the Government and the Rules of Procedure of the Government.

79. The Public Relations Division of the Office of the Government is in charge of issuing information about the government's activities. The government's meetings and sittings are open and livestreamed on social networks and on the [government's website](#), except for matters related to state, service, commercial secret and personal data. Agendas of the government's sittings and meetings and all documents submitted to the government regarding a specific matter under discussion are published on the government's website. Audio records and minutes of government's sittings and discussions are published on the government's website and social networks. Replies to media inquiries are given following the procedure established by law. Press conference are held on crucial matters (often within one

hour of a meeting) and the PM, ministers, the Chancellor of the Government and his/her deputies comment on matters of journalists' concerns at the Press Centre of the Government.

80. According to the Law on the Right to Obtain Information, state agencies have to provide natural or legal persons with public information at their disposal when performing public functions, except in the cases provided for by law. Information to be provided is any that is recorded in the activity of an institution, irrespective of its presentation mode, form and medium, including register data, register information, documents and/or their copy provided to the register, data of the state information system.

81. State institutions have to publish information about their activities on their respective websites and mobile applications, if available, following accessibility requirements established by the government (Description on the general requirements for websites and mobile apps of the state and municipal institutions and agencies, approved by Regulation No. 1261 of the government of 12 December 2018). Websites have to contain the following information: 1) functions performed by every employee and special requirements for their offices; 2) information about the implementation of corruption measures binding for the agency; 3) violations of legal acts, *i.e.* anonymised reports of the Seimas Ombudsmen on conducted investigations on complaints, decisions of the Auditor General on the institution, effective court decisions stating violations in the institutions, information about disciplinary misconducts detected in the institution and effective disciplinary penalties imposed for them; 4) information about incentives and rewards received by civil servants of the institution; 5) established salaries of civil servants of the institution, state politicians, state officials and employees working under employment contract; 5) other information established by the government. Any information about an institution's activity is to be provided free of charge to applicants.

Transparency of the law-making process

82. All adopted legal acts are published in the [Register of Legal Acts](#). All draft legal acts and regulations are published in the information system of legal acts of the Chancellor's Office of the Seimas (TAIS). This information system enables the coordination of public consultations and allows any interested person to submit comments and proposals on the draft legal acts within the term established in the Rules of Procedure of the government.

83. In addition, several legal provisions and initiatives aim at fostering public consultation. Article 7 of the Law on the Legislative Framework states that the public must be consulted in time, on essential matters and to the extent needed. The Personal Service Unit of the Office of the Government coordinates open government initiatives, promotes cooperation between society and government and the practice of public consultation. The Office of the Government has developed methodological tools (Methodology of public consultations and guidelines for its application in practice) to help agencies carrying out public consultations. It has set a goal of at least 15 quality public consultations on priority matters of the government's activity on a yearly basis.

84. Furthermore, [E.citizen](#) is an electronic service for the involvement of the wider public in the decision-making process. It enables swift and user-friendly online access to take part in public consultations and surveys. Following the completion of a public consultation or survey, the portal publishes the outcome.

85. Draft legal acts submitted to the government must be accompanied, *inter alia*, with information about the purpose(s), mode(s) of public consultation, comments and proposals received from interested persons and the assessment of these comments and proposals. This information is published on the TAIS information system. They are also to be accompanied by an explanatory note indicating the persons other than PTEFs and public officials who initiated the preparation of the legal act and/or were involved in it. This explanatory note is published together with the draft legal act in the Legislative Acts Information System. The GET wishes to highlight this good practice, which may shed some light on the involvement of third parties and lobbyists (see also §94).

86. Although there is a robust system in place to allow for transparency and consultations on legislative initiatives, several interlocutors pointed out to the GET that the timelines for public consultations on government draft legislative initiatives were sometimes very short, making the exercise of the right to public participation difficult. This position was confirmed by a public audit report published in 2018 by the National Audit Office criticising the use of “urgent and extra-urgent consideration” which reduced the opportunities for timely public participation in the public consultation process. In view of the above, **GRECO recommends that complementary measures be taken to ensure that adequate timelines for public consultations on government draft legislative initiatives are foreseen and respected in practice.**

Third parties and lobbyists

87. An amended Law on lobbying activities entered into force on 1 January 2021. Its main purpose is to ensure publicity and transparency with respect to lobbying activities and to prevent illegal lobbying. The main new aspects of this law are the following:

- Lobbying must be declared not only by lobbyists but also by lobbied persons;
- The COEC may cross-check declarations and, if necessary, take action to address inconsistencies;
- Both natural and legal persons are included in the definition of lobbyists.

88. The law defines the concepts of lobbying activities, lobbyists, clients of lobbying activities and lobbied persons. A lobbyist is a natural person, legal person, another organisation or a division thereof engaged in lobbying activities, namely actions aimed at seeking to influence lobbied persons to have legal acts adopted or rejected in the interests of the client or the beneficiary of lobbying activities. Lobbied persons are defined as the President of the Republic, members of the Seimas, the Government, vice-ministers, heads of parliamentary political parties, mayors, members of municipal councils, directors and deputy directors of municipal administrations, other civil servants, state officials and other persons who, in accordance with the official functions assigned to them, take part in the preparation, consideration and adoption of draft legal acts. Hence the regulation of lobbying activities is directed at all public officials, including elected officials.

89. Lobbying may only be carried out by persons recorded in the Register of Lobbyists. To that end, an application to be entered in the Register must be sent to the COEC, which manages the Register. Lobbyists must report electronically to the [COEC](#) on their lobbying activities for every (draft) legal act within 7 days from the beginning of the lobbying activity.

The report must include *inter alia* the identity of the client and of the lobbied person. These reports are public.

90. Lobbied persons must also report lobbying activities for each draft legal act within 7 days. The President of the Republic, MPs, ministers, vice-ministers, chancellors of ministries and other political officials are to report electronically to the COEC. Public officials report to the head of the institutions where they work or their official representatives.

91. Persons/entities who are not covered by the law, e.g., NGOs, may voluntarily register in the list of persons influencing law-making. Registration enables them to receive information from public institutions about draft legal acts being drafted in the areas of interest indicated in their application. In return, they must declare their activities once a year. The person failing to submit a declaration and to respond to an invitation from the COEC is removed from the list.

92. The new law is a step forward in the regulation of lobbying and of contacts between lobbyists and PTEFs. The GET understood that the number of registered lobbyists had increased by a twofold since the entry into force of the law, with 250 lobbyists being currently registered. One of its stated objectives is to shift the negative perception of lobbying in Lithuania and it would appear that this has started happening. However, several of the GET's interlocutors pointed out that many lobbyists were still unregistered. The number of declarations of lobbying activities has also increased, although some activities allegedly remain undeclared. The COEC may impose fines ranging from EUR 1,000 to 4,500 for violation of the provisions of the law.

93. In that context, monitoring of the implementation of the law by the COEC is crucial. Cross-checks of declarations are a new tool that it intends to use and further develop. It is positive that the electronic system is so conceived that if one party (lobbyist or lobbied person) reports a lobbying activity, the other cannot omit to report it. The COEC is monitoring the agendas of ministers, vice-ministers and chancellors, which are public, to remind them and the persons they meet of their obligation to declare lobbying activities and/or register. An obstacle to this monitoring is that the agendas are not always detailed enough and that the agendas of political advisers are not public. The GET understood that the lobbying electronic information system is to be further developed towards the end of 2021, with direct links between lobbying reports, agendas of state politicians and the Legislative Acts Information System. This information will be used internally by the COEC for monitoring purposes.

94. The GET welcomes the new Law on Lobbying Activities, which contains several positive features to provide a more accurate picture of the reality of lobbying in Lithuania. Nevertheless, only practice will show if it is sufficient to ensure transparency in this field. The GET notes potential loopholes, such as the fact that some natural or legal persons, such as NGOs, who may exercise influence on PTEFs do not fall under the law's definition of lobbyists. On a similar note, meetings with lobbyists at the invitation of PTEFs do not have to be reported.

95. In view of the above, **GRECO recommends (i) making more information publicly available regarding meetings (formal and informal) held by ministers and civil servants of political confidence with third parties, including lobbyists, and that such entries contain a**

sufficient amount of detail on the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion and (ii) that an independent assessment of the implementation of the Law on Lobbying Activities be conducted and the law is amended as appropriate in view of the results of this assessment.

Control mechanisms

- Internal control

96. Internal control in public institutions is implemented in accordance with the Law on Internal Control and Internal Audit, the Procedures for the Implementation of Internal Control in a Public Legal Entity and the internal control policy established by the head of the institution. Internal control is designed to manage the institution's risk factors – including corruption risks – and to ensure that it complies with legal requirements; protects assets against fraud, embezzlement, mismanagement or any other unlawful activity; conducts its activity in accordance with the principle of sound financial management; and provides reliable, complete and correct information on financial and other activities.

- The National Audit Office (NAO)

97. The NAO is the supreme public audit institution, which performs public audit and carries out budget policy monitoring. It is accountable to the Seimas, to which it submits its reports and opinions. On 23 December 2020, the Seimas adopted laws significantly strengthening the NAO and its activities, which entered into force on 1 July 2021. The new regulations provide that the NAO carries out financial, compliance and performance audits. Compliance audits may be carried out in conjunction with financial or performance audits. They establish a system for monitoring the implementation of the NAO recommendations and parliamentary scrutiny, strengthen non-interference into the activities of the NAO and provides for the regular assessment of its performance efficiency by external evaluators.

98. The purpose of financial auditing is not to detect fraud and corruption as such, but these risks must be assessed and addressed during the auditors' work. It is also recommended that auditors should assess how managers and other employees of the audited institutions fulfil their rights and obligations in the field of corruption prevention and control according to the applicable laws.

99. If systematic, material violations or violations of public interests are revealed during an audit, the NAO informs the Seimas, the government and law enforcement authorities. The NAO has cooperation agreements with the Office of the Prosecutor General, the STT, the Financial Crime Investigation Service under the Ministry of Interior, the Public Procurement Office, the COEC and the Competition Council.

100. Audit reports are publicly available on the website of the [National Audit Office](#). Detailed information on the implementation of all public audit recommendations is provided on a dedicated section of the NAO website which contains constantly updated open data. The NAO submits twice a year to the *Seimas* reports on the implementation of its recommendations.

101. In 2013, the NAO conducted a public audit on the prevention of corruption by public institutions. It recommended that the government establish corruption risk assessment

measures in all ministries and their subordinate bodies. The STT received recommendations to develop a methodology for the preparation of anti-corruption programs in public institutions and include measures in the program for the management of all identified corruption risk factors; to establish clear, objective, and measurable evaluation criteria; and to establish procedures for assessing the effectiveness of the program. Some of these recommendations have been implemented, and the implementation of others is partially addressed in the new LPC.

- The Seimas

102. The Statute of the Seimas regulates the accountability of the government and other state officials to the Seimas. Every year (by March 31), the government must submit its annual activity report to the Seimas. It is presented by the PM who answers questions posed by members of the Seimas during the presentation. Ministers are present to answer questions upon request. Further to this annual reporting the government or individual ministers must report to the Seimas at its request and answer questions from members on their respective activities.

103. In addition, the Commission for Ethics and Procedure of the Seimas can investigate possible conflicts of interest of ministers who are also members of the Seimas. The Commission can act upon complaints of citizens or groups of parliamentarians or ex officio. The investigation may result in a finding that the LAPPI was violated or not and/or in a recommendation addressed to the person concerned.

- The Seimas Ombudsmen

104. The activities of the President of the Republic, the PM and the government (as a collegial institution) are outside the scope of the Ombudsmen powers of investigation. Nevertheless, the Seimas Ombudsmen may carry out a legal investigation of the activities of a minister or a political adviser acting on behalf of the ministry with regard to the protection of human rights and/or possible abuse of office, as long as these activities are related to the performance of public administration functions and no other institution – such as the STT or courts – are specifically authorised for that purpose.

105. The Seimas Ombudsmen investigate complaints or acts on their own initiative, make decisions, provide recommendations to institutions, follow-up on their implementation and take necessary measures to ensure effective implementation of recommendations.

Conflicts of interest

106. The main objective of the Law on the Adjustment of Public and Private Interests (LAPPI) is to prevent and manage conflicts of interest. It applies to state politicians, including the President of the Republic and ministers, and to all persons in the civil service, including civil servants of political confidence. 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.

107. As regards conflicts of interest of ministers specifically, the Code of Conduct for State Politicians is also relevant.

108. According to article 2 of the LAPPI, a “‘conflict of interest’ means a situation where a person in the civil service, when performing his/her duties or carrying out instructions, is obliged to make a decision or participate in decision-making or carry out instructions relating to his/her 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”.

109. 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, LAPPI).

110. The LAPPI sets out the obligation for persons in the civil service, among whom politicians and civil servants of political confidence to submit declarations of private interests (see below). Data on their private interests are published on the website of the COEC. PTEFs 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 Code of Conduct for State Politicians.

111. In case of the occurrence of an *ad-hoc* conflict of interest in relation to the preparation, consideration, influence or decision on a given issue, PTEFs have a duty of notification to the head of their respective institution and a duty of self-exclusion (art. 11 LAPPI). Ministers have to notify the PM and advisers have to notify their respective minister or the President of the Republic. The head of the institution may, by a written reasoned decision, refuse to accept the self-exclusion. Information about refusals is sent electronically via the register of private interests to the COEC within five working days.

112. On the basis of the declarations of private interests or at a PTEF’s request, the head of the institution may issue written preliminary recommendations specifying activities from which the PTEF must exclude him/herself. The head of the institution may also suspend a person from participating in, considering or taking a specific decision if there are ample grounds to believe that his/her participation would result in a conflict of interest.

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

113. The President of the Republic may not hold any other office or exercise any other activity. S/he may not receive any remuneration other than his/her salary and remuneration for creative activities. S/he must suspend his/her activities in political parties until the beginning of the next electoral campaign for the presidency (Constitution, art. 83).

114. The PM and ministers may not hold any other office, with the exception of remaining a member of the Seimas (Constitution, LGov). This stems from the constitutional doctrine of the free mandate of members of parliament, according to which a parliamentarian is not bound by the interests of the voters who elected him/her. At present, the PM and 6 ministers hold parliamentary mandates. The PM and ministers may not be employed in business, commercial and other private establishments and enterprises and may not receive any remuneration other than their salary and payments for creative activities.

115. Civil servants of political confidence may work in other private offices or enterprises, provided their activity does not result in a conflict of interest with the civil service and they have permission from the head of the institution (LCS art.18-19). A person cannot be appointed to an office if his/her spouse or a close relative would be related by direct subordination to him/her.

Contracts with state authorities

116. Art. 16 of the LAPPI foresees a one-year cooling-off period for former PTEFs who wish to conclude transactions with the body in which they exercised their functions.

Gifts

117. Under the LAPPI (art. 13), 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 150, which can be kept by the recipient. 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 apply to the PTEFs' close persons. In case of doubt regarding the value of a gift, PTEFs should declare it to their institution's conformity officer.

118. There is no public register of gifts received by ministers or their advisers. Gifts received by the President of the Republic become state property and are registered. The gift register is accessible on the intranet site of the Office of the President of the Republic.

119. Under the Law on lobbying activities, lobbyists are prohibited from offering gifts or make promises of advantages to lobbied persons, who in turn are prohibited from accepting them.

120. The GET takes the view that the rules on gifts contained in the LAPPI are rather general. In practice there can be problems to establish for instance which gifts are offered on the basis of a personal relationship and which ones are related to the status of the official and indeed, interlocutors met on-site had different understandings of the applicable rules. Moreover, the LAPPI is rather limited, e.g., it does not refer to invitations, although the GET was told that

each organisation has internal rules governing this issue. In its view, it is necessary to provide further guidance on the issue of gifts, given that the distinction between acceptable and non-acceptable gifts is not very clear and compliance with these provisions is not easy to supervise. Finally, gifts and other benefits received by PTEFs should be subject to transparency requirements. Consequently, **GRECO recommends establishing a more robust set of rules together with appropriate practical guidance on gifts and other benefits for persons entrusted with top executive functions, including the obligation of reporting them and informing the public.**

Misuse of public resources, misuse of confidential information

121. According to art. 3 LAPPI, PTEFs must not use and must prevent others from using property owned by the state and municipalities for other purposes than their official duties.

122. The same article states that PTEFs must refrain from using information which pertains to their official duties and which is not publicly available.

Post-employment restrictions

123. Chapter 4 (articles 15-18) of the LAPPI provides for 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 PTEFs.

124. Article 15 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 they participated in decision-making to obtain state orders or financial assistance, during the year immediately prior to the end of their functions. Article 17 provides for a one-year limitation on representation of and official relations with natural or legal persons of their former employer.

125. 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 18, LAPPI).

126. The GET understood that although the LAPPI provides for clear cooling-off periods, revolving door cases are regularly reported in the media. The case of two vice-ministers who violated the cooling-off period was investigated by the COEC at the time of the on-site visit. The COEC also noted a lack of awareness about the issue of revolving doors and the applicable provisions in its training activities. The GET sees the need to step up awareness activities on post-employment restrictions and refers to recommendations i and ii. The GET also has concerns regarding the efficiency of the current enforcement arrangements foreseen in the LAPPI (see in this respect §§157-161 and recommendations vii and viii).

Declaration of assets, income, liabilities and interests

Declaration requirements

127. Lithuania has a very broad disclosure system in terms of purpose and scope. It covers issues from general transparency to combating corruption, monitoring of wealth and illicit

enrichment, as well as overall prevention of conflicts of interest. It applies to all PTEFs and includes three separate declarations:

- declaration of assets of individuals (institution responsible for implementation - The State Tax Inspectorate);
- income declaration (institution responsible for implementation – the State Tax Inspectorate);
- declaration of private interests (institution responsible for implementation – the COEC).

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

129. Declarations of assets and income must be submitted annually no later than on 1 May of each year.

130. Residents that declare their assets due to positions held or sought, including all PTEFs, persons donating to independent members of a political campaign, members of political parties, family members of these persons must declare the following property that was owned at the end of the preceding year:

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

131. This is in addition to the declaration of various forms of income that all residents of Lithuania must declare for tax purposes.

132. Data from PTEFs' asset declarations is [published](#) by the State Tax Inspectorate. Data from their income returns is not public.

133. Declarations of private interests, on the other hand, were introduced in 1996 to prevent conflicts between public and private interests of those entrusted with public functions. The system has undergone numerous changes since its inception – the last one was made in 2020, with the entry into force of the LAPPI. Declarations are now submitted electronically to an electronic register called [PINREG](#), maintained by the COEC. PTEFs' declarations of private interests have been public for several years but according to the new LAPPI, all declarations

of private interests are public as from 2020 (there are some exceptions, e.g., for persons who carry out intelligence, counterintelligence or criminal intelligence duties).

134. A declaration is to be submitted within one month after the election, appointment, or assignment to a position. If the information on the private interests of a declarant, their spouse, domestic partner, or partner indicated in the declaration has changed, the declarant must adjust the declaration within 30 calendar days. If new circumstances become known that may cause a conflict of interest, the declaration must be updated immediately as a rule, in no case later than within 30 days.

135. Some information must be disclosed obligatorily and other information only if there is a potential conflict of interest. There is greater emphasis on the latter in the new version of the LAPPI, as compared with the previous system.

136. The following information must always be disclosed about the person concerned and his/her spouse, cohabitee or partner:

- place(s) of employment and position;
- legal person in which the declaration, his/her spouse, cohabitee or partner can exercise a decisive influence.

137. The following information must be disclosed about the person concerned and his/her spouse, cohabitee or partner only if there is a potential conflict of interest:

- transactions concluded or other transactions (including transactions from individual activities) valid during the past 12 calendar months, if the value of such a transaction exceeds EUR 3000;
- legal person in which the declarant or his/her spouse, cohabitee or partner participate, including whether this legal person participates in public procurement procedures at the declarant's workplace;
- membership in and duties to enterprises, bodies, associations or foundations, with the exception of membership in political parties and organisations;
- close persons s/he knows or data who/which may cause a conflict of interest.

138. By exception to the above, the person concerned may omit data about his/her close persons if there is no way s/he objectively could know this data.

139. The following tables show the number of declarations of private interests received by the COEC.

Declaration of private interests	2014	2015	2016	2017	2018	2019	2020
Persons having declared their private interests	42 200	57 800	72 600	100 400	127 900	136 611	513 748
Filed declarations of private interests (including supplements thereto)	145 000	160 000	230 600	274 100	355 100	427 096	513 748
Persons whose declarations have been made public	18 300	28 700	39 900	40 700	48 500	46 395	139 964
Persons assuring control of declarations in institutions via the PINREG	620	1 000	1 313	1 529	2 128	2 300	2 500

Declaration of private interests of PTEFs	2014	2015	2016	2017	2018	2019	2020
Persons having declared their private interests	551	617	996	845	852	852	852
Persons whose declarations have been made public	551	617	996	845	852	852	852

140. The GET did not come across any particular issue regarding the understanding of the disclosure system, which has been in place for many years, or regarding compliance of PTEFs' with their disclosure duties. Nevertheless, it notes that the new LAPPI places a great emphasis on the notion of potential conflict of interest, which triggers declaration of some information that previously ought to be declared in all cases. This is left for the declarant him/herself to determine. This prioritisation may seem logical given the objective of declarations of private interests, which is to prevent conflicts of interests, but it presupposes a sound understanding of the notion and possible cases of conflicts of interest by the persons concerned. This highlights again the importance of sufficiently developed and explained rules of conduct and of awareness and counselling activities. The GET refers in this respect to recommendations i and ii.

Review mechanisms

141. As is the case for other provisions of the LAPPI, supervision of compliance with the legal requirements on declarations of private interests is shared between the COEC and the head of the institution through that institution's conformity officer. The latter performs a first verification of whether all persons subject to the law have filled in their declaration correctly, but the main review is carried out by the COEC, which has allocated two of its 30 employees for the supervision of declarations submitted by more than half a million officials in total.

142. The PINREG electronic register facilitates verification by automatically gathering all necessary data from other state registers and databases. COEC employees compare the data declared and the data in the registers and data bases to assess whether some data is missing. More thorough reviews are conducted in the context of specific investigations, either by the COEC or by the head of the relevant institution. In 2018, for instance, the COEC conducted 12 investigations (9 investigations of state politicians and 3 investigations of civil servants of political confidence) regarding provisions of LAPPI by PTEFs; 9 violations were identified. The COEC intends to introduce in the autumn 2021 a risk management system within PINREG to automatically check declarants against certain risks.

143. The GET wishes to stress that a proactive control of PTEFs' declarations of private interests is of particular importance given that in the new LAPPI, it is up to the declarant him/herself to decide whether some information may give rise to a conflict of interest and ought to be declared. The philosophy of the system, which is to trust and empower public officials and the institutions that employ them is commendable, but it makes it easy for declarants to fail to declare certain information that may give rise to a conflict of interest, intentionally or not. The lack of an effective control of declarations of private interests was already highlighted by GRECO in its Fourth Round Evaluation Report (see §§91-92) and it seems that the situation has not essentially improved since then. Although the PINREG electronic register is clearly a progress and should facilitate a more in-depth scrutiny of declarations, the COEC's still only performs such an in-depth control in the context of specific investigations, triggered by media reports or tips from the public or civil society. However, given the role of PTEFs in determining and implementing governmental policies, they are especially vulnerable to corruption and conflicts of interests. Therefore, the GET is convinced that their declarations should be subject to a thorough accuracy control in a routine manner and not only in the context of specific investigations. Consequently, **GRECO recommends that the declarations of private interests of persons entrusted with top executive functions be subject to regular substantive control and that the Chief Official Ethics Commission be provided with adequate resources for this task.** The risk assessment system to be soon rolled out by the COEC may well be an element of response to this recommendation, but it needs to be complemented by other activities, such as information gathering, contacts with the officials concerns, drafting of recommendations etc.

144. The State Tax Inspectorate under the Ministry of Finance reviews the declarations of income and assets, prioritising the potential underpayment of taxes by officials and assessing if their assets correlate their income. A structural control is carried out for all declarants to check whether the declarations were filled in correctly. Moreover, a selection of officials is targeted each year for a more thorough control using a risk assessment automated system. For these officials, declarations of assets and income are compared with declarations of private interests, information received from local institutions and, as from 2021, information received from foreign banks. At the time of the on-site visit, an agreement was being drafted between the COEC and the State Tax Inspectorate to allow the latter to access the whole PINREG electronic register for verification purposes, instead of only receiving data in the context of specific cases. The GET supports this as a good example of cooperation between institutions tasked with control and enforcement of the applicable rules.

Accountability and enforcement mechanisms

Criminal proceedings and immunities

145. The President of the Republic enjoys immunity from arrest and from criminal and administrative liability while in office (art. 86 of the Constitution and art. 8 of the Law on the Office of the President). S/he may be impeached by the Seimas by a three fifth majority vote of all members for gross violation of the Constitution, breach of the oath of office, or if it transpires that a crime has been committed. A former President of the Republic was successfully impeached in 2004 for gross violation of the Constitution and the oath of office¹¹. There have not been any attempts to impeach other Presidents of the Republic. In view of the fact that the procedure of impeachment has been successfully applied in practice, the GET does not see the current rules on immunity and impeachment of the President of the Republic as a cause for concern.

146. The PM and ministers may not be held criminally liable or arrested and may not be subjected to any restriction of personal freedom without the preliminary consent of the Seimas – or, if the Seimas is not in session, without the preliminary consent of the President of the Republic (art. 100 of the Constitution and art. 12 of the Law on Government). The PM and ministers do not enjoy immunity from civil and administrative liability.

147. According to Article 3² of the criminal procedure code, the PM and ministers' immunity entails that criminal prosecution can be initiated against them, but they cannot be questioned as suspects, cannot be detained and their freedom cannot be otherwise restricted. Other procedural coercive actions, such as search and seizure or secret surveillance, may be exercised. If, after completion of these authorised actions no permission is obtained from the *Seimas* or the President of the Republic, the criminal procedure must be stopped. However, this also stops the statute of limitation applicable to the offence until permission is obtained or the person does not enjoy immunity anymore. Representatives of the prosecution service indicated that a vast majority of requests for lifting the immunity of members of parliament were granted by the *Seimas*. There has been no request to lift the immunity of ministers in the past ten years.

148. Civil servants of political confidence do not enjoy any immunity from criminal, administrative or civil liability.

149. In the last five years, no criminal investigation was initiated in respect of ministers. Two cases were initiated in 2016 in respect of advisers to the PM, who were acquitted by court decisions in 2021.

Non-criminal enforcement mechanisms

150. Supervision of compliance with the Code of State Politicians' Conduct and investigations in case of suspected violations of its provisions are carried out by a commission set up within

¹¹ On 6 April 2004, the Seimas voted in favour of all charges stemming from a Constitutional Court decision of 31 March 2004, namely that the President of the Republic had rewarded one of his foreign financial sponsors by granting him the Lithuanian citizenship in violation with applicable laws, had broken state secret by informing his sponsor that he was under investigation and his phone was tapped and by illegally using his position and status as President of the Republic to influence business companies and their shareholders for the financial interests of persons close to him.

the politicians' respective institutions. For MPs and members of the government, this is the Seimas Commission for Ethics and Procedures. In 2019, the Commission carried out two investigations regarding alleged breaches of the Code by ministers, but no breaches were detected.

151. Supervision of compliance with the provisions of the LAPPI is shared between the COEC and the relevant head of institution – the President of the Republic for the staff in his/her Office, the PM for ministers and each minister for his/her advisers – or the person authorised by him/her, often the institution's conformity officer.

152. Both the head of institution and the COEC may start an investigation – the head of institution's decision to start an investigation may be appealed to the COEC – and issue a recommendation to the person concerned. The COEC may also instruct the head of the institution to conduct or may decide to conduct an investigation itself.

153. In case a violation is found, the COEC may apply to the court to impose an administrative sanction (a fine of EUR 600 to EUR 1600 or of EUR 1600 to EUR 2600 in case of a repeated violation), propose to the head of the institution to impose a disciplinary sanction, apply to the court to terminate a civil service relationship or an employment contract or adopt a recommendation containing its opinion or practice on a given issue. The person concerned also cannot be promoted or receive incentives for one year (or three years in case of a serious violation). The COEC issues about 500 recommendations per year.

154. As regards PTEFs specifically, a violation of the LAPPI or other rules of conduct results in the loss of impeccable reputation that is a necessary requirement for employment in the civil service. In that case, political advisers have to resign or be dismissed, and the loss of impeccable reputation would preclude any further employment as a civil servant of political confidence.

155. For ministers, the sanction is mostly political and results from the public announcement of a violation by the COEC. As a result, the GET heard that the policy was for ministers to resign. In the case of the person concerned seeking a position as a minister or another high-ranking position in the public sector (except for those who are directly elected by popular vote such as member of the Seimas or President of the Republic at a later stage, information about any violation of the applicable integrity rules would be provided by the STT to the institution responsible for the appointment.

156. As already noted in this report, Lithuania is transforming its system of management of corruption prevention towards a system based on the subsidiarity principle and the dual competence of the heads of institution and the COEC to enforce the provisions of the LAPPI and of other integrity rules is an illustration of this. This evolution is both commendable and understandable, since the COEC cannot on its own monitor and enforce compliance with the rules by more than half a million officials. However, the GET sees room for improvement in the current enforcement arrangements.

157. First, the GET witnessed some unclear points in the respective roles of the heads of the institutions and the COEC. The LAPPI does not clearly define their respective competences but rather gives them both the competence to start investigations or issue recommendations on

compliance. When conducting interviews on site, the GET heard from the COEC that the heads of institutions had the primary competence for supervising and enforcing the law. But the PTEFs it met were of the view that it was the COEC that had primary competence and that the heads of institutions had no clear instructions on how to proceed in this respect.

158. Second, the GET notes that conformity officers, who are in charge of coordinating compliance with integrity rules, are placed within the ministries' structural units – in the law and personnel division, the personnel management division or the prevention of corruption division, for instance – and are subordinated to the ministry's management. It has serious concerns, therefore, about the ability of these conformity officers to investigate possible violations by ministers and their political advisers. It also has serious doubts about the will of ministers or vice-ministers to investigate possible breaches of the law by their own political advisers. The GET is convinced that the investigation of possible misconduct by PTEFs must be carried out by persons who do not have a link of subordination with them. The COEC is clearly best placed to do it.

159. In view of the above, **GRECO recommends (i) that the respective roles of the Chief Official Ethics Commission and of the heads of institutions charged with ensuring compliance of persons entrusted with top executive functions with the provisions of the Law on the Adjustment of Public and Private Interests be clarified and (ii) that the investigation of possible violations of the provisions of the Law by persons entrusted with top executive functions be carried out by an independent authority following a clear procedure.**

160. Third, the GET has concerns about the effectiveness of the sanctions foreseen in the LAPPI in the case of PTEFs. As noted above and as acknowledged by the GET's interlocutors, none of the sanctions laid down in article 23 of the Law apply to the President of the Republic or to ministers. The only measure foreseen for them is the publicity of the COEC's decision establishing a violation. For civil servants of political confidence, there are pecuniary sanctions but the COEC can only recommend to the head of the relevant institution that a disciplinary sanction be applied. Art.23.9 of the LAPPI even states that "the restrictions set forth in this article shall not be applicable to the person in exercise of the right to be elected as the President of the Republic or a member of the Seimas".

161. Some of the GET's interlocutors took the view that a true environment of integrity could not be based solely on sanctions. The GET agrees but considers that sanctions are nevertheless necessary. In many cases, conflicts of interests can cause a serious harm to society in the form of damage to public administration, distrust, disrespect and provide undue material gain to the perpetrator and/or his relatives and business partners. However, such acts are not always sufficient to trigger a criminal investigation. Therefore, the fact that the LAPPI does not foresee sufficient consequences for violations of its provisions seriously undermines its authority, as was already highlighted by GRECO in its Fourth Round Evaluation Report (§92). The available sanctions under the law need to be broadened, ensuring that violations of the law have proper consequences in terms of sanctions and other measures (e.g., repayment etc.), while taking into account the special status of PTEFs. Consequently, **GRECO recommends that the sanctions for violations of the Law on the Adjustment of Public and Private Interests be reinforced in order to ensure that they are effective, proportionate and dissuasive.**

Statistics

	2016	2017	2018	2019	2020
Investigations carried out by the COEC regarding PTEFs	3	5	12	1	2
Violations found	1	5	9	1	1
No violations found	1	0	2	0	0
Terminated investigations	1	0	1	0	1

162. In the period 2017-2020, the COEC adopted decisions of violations of the LAPPI regarding 11 ministers and 6 civil servants of political confidence. None of them resigned or were dismissed in 2020.

V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of law enforcement/police authorities

Overview of various law enforcement authorities

163. According to Article 165 of the Code of Criminal Procedure of the Republic of Lithuania, the main pre-trial investigation authority is the police. Other pre-trial investigation authorities include the State Border Guard Service, Special Investigation Service, Military Police, Financial Crime Investigation Service, Customs of the Republic of Lithuania, Fire and Rescue Department, when crimes discovered in the performance of these authorities' direct functions are investigated.

Organisation and accountability of selected law enforcement authorities

164. This report focuses on the Police and the State Border Guard Service (SBGS) of the Republic of Lithuania. The Police is a civil organisation tasked with ensuring personal, public security and public order. The SBGS is also a civil organisation but in case of war, it joins the armed forces under the army commander. Its role is to ensure state border protection and cross-border control and in case of war, to defend the state. By carrying out criminal intelligence, pre-trial investigation and state control of migration processes, the SBGS operates on the whole territory of the country.

165. The Police and the SBGS perform their functions in accordance with the Constitution, laws of the Republic of Lithuania, resolutions of the government and orders of the Minister of the Interior. The main legal act regulating the activity of the police is the Police Law. The main legal act regulating the activity of the SBGS is the Law on State Border and its Protection.

166. The Police is headed by a Commissioner General and the SBGS by a Commander, both appointed for a term of 5 years. They may hold these positions for a maximum of two consecutive terms. They are dismissed by the government upon the proposal of the Minister of Interior. The Commissioner General of Police and the Commander of the SBGS are directly subordinate and accountable to the Minister of Interior, unless stipulated otherwise by specific laws (Internal Service Statute, art. 29(1)). Activities of the police and the SBGS are based on the principle of political neutrality. No instructions of a political nature can be given to police and SBGS officers. They may not be members of political parties or political associations or participate in their activities.

The Police

167. The Police is organised as follows:

- the Police Department under the Ministry of the Interior assists the Commissioner General in formulating police strategy and controlling its implementation, as well as in organising and implementing the management of territorial police agencies. The following bodies are subordinated to the Police Department:
- 10 territorial police commissariats located in Vilnius, Kaunas, Klaipėda, Šiauliai, Panevėžys, Alytus, Marijampolė, Utena, Telšiai and Tauragė counties;

- Specialised police institutions: Lithuanian Criminal Police Bureau, Lithuanian Road Police Service, Lithuanian Police Forensic Science Centre, Lithuanian Police Anti-Terrorist Operation Unit “Aras”;
- the Lithuanian Police School.

168. The chiefs of police bodies are appointed and dismissed by the Commissioner General.

Staffing levels Police (March 2021)

Category	Number of staff	Men	Women
High ranking officers	2 005	1 251	754
Middle ranking officers	3 961	1 992	1 969
First ranking officers	1 821	1 380	441
Career civil servants	466	113	353
Employees working under employment contracts	1 210	360	850
Total	9 463	5 096 (53.86%)	4 367 (46.14%)

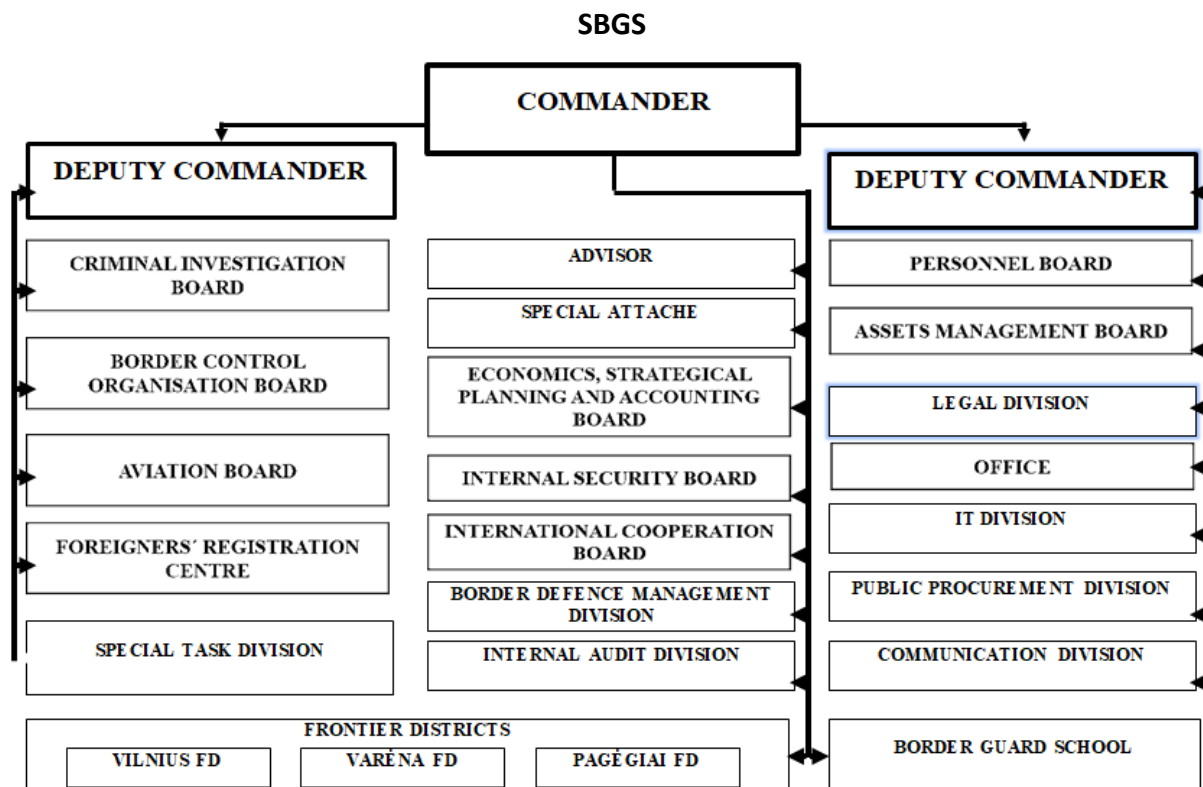
169. The total number of staff in the Lithuanian Police was 9463 (March 2021), the distribution in ranks and gender is described in the table above. As of July 2021, there were 1806 vacant positions (19%) – 1553 officers at all levels of the hierarchy, from specialists to heads of structural departments and statutory agencies, 122 career civil servants and 131 contractual employees. The GET is concerned by the high number of vacant posts, which calls for immediate action.

170. The Police is financed by the state budget and budget appropriations are managed by the Commissioner General. The total budget of the Police was EUR 227,6 million in 2018; EUR 232 million in 2019; EUR 241,6 million in 2020. Some joint programmes dealing with crime prevention, protection of civilians' lives, health and property, as well as public order, are financed by municipal budgets and are developed and implemented by agreement between police authorities and municipalities. Municipal institutions are free to allocate some of their financial resources to other programmes implemented by police authorities to ensure the security of their residents. Accordingly, the county police headquarters received and used the following funds from municipalities for the implementation of various preventive measures: EUR 390,500 in 2018; EUR 373,600 in 2019; EUR 354,700 in 2020.

171. According to the Law on Charity and Support, public institutions, including the Police and the SBGS, may also receive donations in cash or in kind from natural and legal persons. Police bodies received EUR 10 440,74 in 2018, EUR 9 822,27 in 2019 and EUR 7 208,54; the Police Department EUR 8 350 in 2018, 7 850 in 2019 and 7 850 in 2020 from a natural person. In 2020, the police also received donations in kind from different legal persons, mostly in the form of face masks and rubber gloves. The GET was informed that these donations are accepted by the head of police entities, after consultation of the immunity board. They are not made public but are declared to the State Tax Inspectorate.

The SGBS

172. Structures of the SBGS are approved by the Commander of the SBGS. The SBGS is organised as follows:



Staffing levels SBGS (March 2021)

Category	Number of staff	Men	Women
High ranking officers	250	205	45
Middle ranking officers	696	501	195
First ranking officers	1 877	1 264	613
Career civil servants	234	77	157
Employees working under employment contracts	465	233	232
Total	3 522	2 280	1 242

173. The total number of staff of the SBGS was 3522 (March 2021), the distribution in ranks and gender is described in the table above. As of July 2021, 342 posts (12.9%) were vacant.

174. The activities of the SBGS can be financed from the state budget and several other sources, namely the European Union, foreign states and international organisations, municipalities and donations from natural and legal persons, in accordance with the Law on charities and support. The budget of the SBGS financed from the state and EU funds was EUR 86,6 million in 2018; 90,7 million in 2019; 105,6 million in 2020. In the period 2018-2020, the SBGS received donations in kind from foreign and EU agencies and NGOs, but also from

national companies and NGOs for a total amount of EUR 9, 614 million. Some of these donations were publicised in the media and on the SBGS website, but support in the form of special measures for the protection of the state border was not publicised.

175. The GET understands that private donations represent welcome additional resources for the Police and the SBGS in a context of budgetary scarcity, but they raise numerous questions from the perspective of the prevention of corruption. Donors are not only public entities, such as foreign states or international organisations, but also private national companies. As these donations are apparently accepted the local level of the police, this inevitably raises suspicion or makes it appear that quid pro quos have occurred. The manager who accepted a donation may be expected in return to turn a blind eye to some activities or to use police resources to protect private premises. It may also be difficult to differentiate donations from gifts, which are prohibited in principle. The GET is critically concerned about the Police and the SBGS receiving donations and sponsorships at all. Allowing for this kind of funding is very risky and controversial from the point of view of maintaining independence and neutrality of the Police and the SBGS. If private donations are to be accepted in some form, the GET is of the strong view that these must be strictly regulated, controlled and transparent, in order to provide proper safeguards for independence against conflicts of interests and possible corruption. The use of such donations must cast no doubts about the objectivity of police and border guard activity.

176. In view of the above, **GRECO recommends (i) that a broad analysis be carried out on the legal framework and practice of private donations and sponsorship to the Police and the State Border Guard Service and that, in light of its findings, rules are adopted to abandon private donations/sponsorship to the Police and the State Border Guard Service or, as a minimum, limit the risks of corruption and conflicts of interest in this respect; and (ii) that donations and sponsorship received are published on a regular basis (including on-line), indicating the nature and value of each donation as well as the identity of the donor.**

Access to information

177. The main legal instruments guaranteeing access to information held by public authorities, namely the Constitution (art. 25) and case-law of the Constitutional Court, the Law on Public Information of the Republic of Lithuania and the Law on the Right to Obtain Information from State and Municipal Institutions and Agencies of the Republic of Lithuania, apply to the Police and the SBGS.

178. Information about police activity is published on the [website of the Lithuanian Police](#) and in the media. Access to information that is public, but not available on the police website, may be requested on the police telephone information line, by e-mail or by post. The answer must be provided within 20 working days of receipt of the request, a deadline that is respected in practice according to the Lithuanian authorities (Rules for the examination of applications and complaints and servicing of persons in public administration entities, approved by Government Regulation No. 875 of 22 August 2007).

179. The SBGS publishes the most relevant information about its activity on its [website](#). Information for persons travelling across the state border, information about the structure and contacts of the SBGS, (draft) legal acts, information about the budget (budget implementation reports and interim sets of financial statements) and other information are

accessible on this website. As is the case in the police, information that is public but not available on the website must be provided within 20 working days of the receipt of the request.

Public trust in law enforcement authorities

180. The Ministry of the Interior conducts a survey on “Public opinion about the Police and assessment of public security situation” on a yearly basis. Data of the surveys of 2011-2020 are available on the [website of the Lithuanian Police](#). Trust in the police has increased by 27 per cent in the course of fourteen years to reach 75% in 2018 and 2019. It decreased slightly in 2020 with a 73% trust rate. The authorities also point out that the percentage of citizens with a favourable opinion about the police response to reports strongly increased and the number of people believing that officers take bribes significantly decreased during the last ten years.

181. However, the 2019 [Eurobarometer on corruption](#) indicates that only 31% of those surveyed would turn to the police to complain about a corruption case (EU average: 58%) and 45% think that bribery and abuse of power in the police is widespread (EU average: 26%).

182. Regarding the SBGS, a yearly public survey shows a consistent growth of trust in the recent period, from 53% of the respondents in 2013 to 70% in 2019.

Trade unions and professional organisations

183. According to data held by the Police Department on 28 November 2020, 14.7% of police employees (including 17.2% of officers) were members of 21 different trade unions. The following trade unions had most members: trade union of Vilnius City police (317 members, including 306 officers), trade union of the Lithuanian police (281 members, including 275 officers), trade union of Vilnius County pre-trial investigation authorities (169 members, including 162 officers), trade union of Kaunas police (95 members, including 87 officers), and Lithuanian federation of law enforcement officers (94 members, including 90 officers).

184. According to the data held by the SBGS on 1 April 2021, 24% of SBGS employees were members of 10 different trade unions. The following trade unions had most members: trade union of the Lithuanian frontier officers has 446 members, the trade union of the National frontier officers 194 members, the trade union of Vilnius City police 67 members, the trade union of Kaunas police 51 members, the trade union of pre-trial investigation authorities of the Republic of Lithuania 40 members, the Lithuanian federation of law enforcement officers 21 members, the trade union of Vilnius County pre-trial investigation authorities 12 members, the trade union of Varena panel has 8 members, the trade union of the employees of the Ministry of Interior of Telšiai District has 4 members and the trade union of the Ministry of Interior of Klaipėda County has 1 member.

185. Head and deputy heads of the Police and SBGS (like other heads of statutory authorities) cannot be members of trade unions operating within a statutory authority.

Anti-corruption and integrity policy, regulatory and institutional framework

Anti-corruption and integrity policy

186. The Law on the prevention of corruption (LPC) foresees a series of measures aimed at reducing the threats of corruption in the public and private sectors. Measures implemented by the Police and SBGS include inter alia:

- Determination of the probability of corruption undertaken by the police and the SBGS in one of their activities per year (see further below);
- Programmes against corruption are developed in the police and SBGS for a term of three years and their corresponding action plans are developed and updated on a yearly basis;
- Anticorruption assessments of (draft) legal acts and draft legal acts;
- Awareness-raising activities towards the public on the websites of the police and the SBGS, with up-to-date information about their activities and the measures implemented to prevent corruption;
- Publication of established cases of corruption committed by employees of the police and the SBGS, together with information about the details of the case and the sanctions applied, in respect of employees of the police and the SBGS.

187. The Programme against corruption of the Ministry of Interior and its subordinate bodies (“the Programme”) is approved by order of the Minister of Interior for a period of three years. Each programme includes an assessment of the implementation of the preceding programme. The latest Programme covers the period 2018-2021. It is published on the [Ministry of Interior’s website](#). In accordance with the Law on Strategic Management, which entered into force this year, there is no obligation to prepare institutional anti-corruption programmes anymore. Instead, the new LPC, which will enter into force on 1 January 2022, provides for the development of new anti-corruption measures, as explained in the chapter on PTEFs. Anti-Corruption action plans will have to be drawn up by the responsible entities. The Police Department will prepare an Anti-Corruption Action plan for 2022 in accordance with the new legal framework.

188. Already under the current legal framework, an Action plan for the implementation of the Programme is updated every year. An analysis of its implementation is carried out every six months and annual analyses are published on the Ministry of Interior’s website¹². The results of the analyses and of the corruption risk analysis carried out by the STT (see below) are used to update the plan, including new measures related to the corruption risk factors identified. Implementation of the action plan in the police is supervised by the Immunity Board of the Police Department.

189. The [SBGS programme against corruption and its action plan 2020-2022](#) were approved by the Order No. 4-26 of the SBGS Commander of 17 January 2020. A majority of the SBGS

¹² Analysis for 2019:

https://vrm.lrv.lt/uploads/vrm/documents/files/LT_versija/Korupcijos_prevencija/BENDRA%20ataskaita_2019.pdf

Analysis for 2020:

https://vrm.lrv.lt/uploads/vrm/documents/files/LT_versija/Korupcijos_prevencija/BENDRA%20ataskaita_2020%20metai_Internetui.pdf

structural units are included into the implementation of the measures. Implementation of the action plan of the programme against corruption is controlled by the SBGS Immunity Board, which reports on the implementation of the action plan to the SBGS Commander every half year.

190. Examples of preventive measures included in the anti-corruption action plans and implemented in the Police and the SBGS are the control of public procurement procedures, control of the implementation of the LAPPI, verification of the legal use of databases, training activities, monitoring of the video cameras installed in service cars etc. As regards the SBGS, records of video surveillance systems mounted in the border control points and in service cars are reviewed and social accounts of employees are monitored. If any breaches of service discipline are detected, service inspections are initiated to assess SBGS employees' actions by disciplinary procedure and if any sign of criminality is detected, pre-trial investigations are initiated.

Risk management measures for corruption prone areas

191. State and municipal institutions carry out "determinations of the probability of corruption" ("KPTN") in the third quarter of every year. These analyses aim at identifying external, internal and/or individual risk factors affecting the activity of an entity vulnerable to corruption. The Ministry of Interior, the police and the SBGS are among the entities concerned. Risk areas are identified by police and SBGS units within their areas of competence through the internal control system, the implementation of corruption prevention measures, criminal intelligence data, the evaluation of performance indicators such as surveys and questionnaires, as well as by analysing information provided by other public authorities.

192. The Police Department conducted KPTNs in the following fields:

- 2020 – expertise and object research by police institutions (paid services);
- 2019 - management of information registers and databases used in the activity of the police and use of information contained therein;
- 2018 - Technical maintenance and repairs of service vehicles of the police;
- 2017 - Organisation of activity of pre-trial detention centres of the police authorities, of police officers working in them, control and legal regulation of performed functions;
- 2016 - control and legal regulation of activity of officers of prevention units of the public police of the police authorities in combat against illegal circulation of homemade alcohol, of the activity of the above-mentioned police;
- 2015 - Detection, prevention, investigation and elimination of any forms in the units of the police authorities, the activity of which is related to illicit disposal of excise goods.

193. The SBGS conducted KPTNs in the following fields:

- 2020 – Legitimacy control of usage of data bases by the officers of the SBGS;
- 2019 – Organisation and accountability of selection procedures of SBGS officers for participation in international operations;
- 2018 - Technical maintenance and repairs of service vehicles;
- 2017 - Organisation and implementation of admission of applicants to the Border Guard School;
- 2016 - Permits issued by the SBGS and their control;

- 2015 - Public procurements.

194. Once a KPTN is completed, an assessment is drafted, and a plan of preventive measures is developed and submitted via the hierarchical route to the Ministry of Interior and the STT. Measures stipulated are included into the anti-corruption action plans, together with specific deadlines. The Corruption Prevention and Internal Investigation Division of the Ministry of Interior monitors the implementation of these measures. Areas previously covered by KPTNs may be re-assessed at a later stage and it is recommended to reassess them every five years.

Handling undercover operations and contacts with informants and witnesses

195. The conditions for undercover operations are carried out in accordance with the Law on Criminal Intelligence. Contacts with witnesses are regulated by the Code of Criminal Procedure.

Ethical principles and rules of conduct

196. The first Code of Ethics of the Lithuanian Police was established in 2004. It has been regularly amended since to take into account new issues, such as the interaction of police officers with members of the public. The Code currently in force was approved by Order No. 5-V-706 of the Police Commissioner General of 2 August 2018. It is published on the Police's website. It is mandatory for all police officers, other civil servants and employees working under employment contract, both during their service and in their private life when their actions can affect the reputation of the Police or one of its employees.

197. Section 2 of the Code is called "Procedural Ethics of Police Personnel" and contains a list of general rules of conduct based on the principles of respect for human persons and the state, justice, responsibility, loyalty, selflessness, integrity, impartiality, decency, political neutrality, exemplarity, publicity and transparency. According to Section 3 of the Code, supervision of compliance with its rules is carried out by the Ethics Commission of the Police Department, as well as the ethics commissions established in the individual police institutions, namely the cantonal police commissariats and the specialised police institutions. There are in total 16 ethics commissions in the Lithuanian Police.

198. The activities and competences of the ethics commissions are laid down by regulations approved by an Order of the Police Commissioner General No 5-V-707 of 3 August 2018 (reworded by the Order No 5-V-457 of 10 June 2021). They operate under the authority of the head of the respective police institution and are composed of a chair, deputy chair, secretary and between 7 and 9 other members including representatives of trade unions operating in the institution – except for the Ethics Commission of the Police Department, whose members may include representatives from trade unions of other police institutions – members of the Lithuanian Police Veterans Association, representatives of the labour council of the police institution and representatives of the public. Members of the commissions may not be heads of police institutions and their deputies - except for the Ethics Commission of the Police Department, whose members may be heads of other police institutions and their deputies.

199. The commissions are tasked with assessing the provisions of the Code of Ethics, investigating violations and making recommendations to the management of the police institutions on investigated cases or on the implementation of the code. Commissions start an investigation into possible unethical conduct by a staff member upon instruction of the head

of the institution or his/her representative. Although they cannot start an investigation *ex officio*, they can propose to the management that an investigation be initiated. They can also propose that information, additional explanations and documents be obtained and that persons be invited and heard. All materials are shared with the staff member under investigation, who has the right to be heard in writing and orally.

200. The commissions may declare that the staff member has violated the provisions of the code or not. This does not in itself equate to misconduct giving rise to disciplinary or criminal liability. Rather, the procedure and its outcome are meant to have an educational value for the staff member concerned. Therefore, the commissions may disclose details of the unethical conduct within the Police, but without disclosing personal data of the staff member concerned. The outcome of the procedure is also kept in the staff member's file and may be used in the context of performance evaluation or promotion. If, however, the commission finds that the violation has the characteristics of a misconduct in office, a violation of employment obligations or a criminal offence, it closes the file and transfers it to the head of the police institution, who is responsible for triggering the appropriate disciplinary or criminal proceedings.

201. A new Code of Ethics of SBGS officers was approved by Order No. 4-245 of the SBGS Commander of 20 July 2020. It follows up on rules of conduct adopted first in 2006 and subsequently amended in 2015 and 2018 in view of legislative changes and previous cases of misconduct. It regulates the conduct of SBGS officers during and outside service. It is published on the website of the SBGS and brought to the knowledge of every employee during initial training. The Code is based on the principles of respect for the human person and the state, justice, good faith, objectivity, selflessness, responsibility, adjustment of publicity, confidentiality and exemplarity. It contains a section on general principles, one on relations between officers and one on requirements for managing officers.

202. Supervision of compliance with the Code is carried out by a single Ethics Commission composed of a chair appointed by the Commander of the SBGS and six members (a chief specialist of the legal division, the head of the Immunity Board, the heads of the training and the psychological divisions of the Personnel Board, a representative of the Lithuanian Border Officers' Trade Union and a representative of the Lithuanian Law Enforcement Officials' Federation). The chair and members must not have been subject to any disciplinary sanctions in the past 5 years and have a good reputation, as defined in art. 9 of the Internal Service Statute. They are subject to prior screening by the Immunity Board to ensure that this is the case. Similarly to the ethics commissions in the Police, the SBGS ethics commission investigates cases of possible ethical violations and proposes sanctions to the SBGS Commander. In case the ethical violation may constitute a disciplinary or criminal offence, it is up to the Commander to start the relevant proceedings. Information on ethical violations and sanctions is not made public. However, it is kept in the officer's file and may be considered during performance appraisals or upon promotion.

203. The GET welcomes that the Police and the SBGS each have a dedicated code of ethics, that these documents are public and regularly updated and that an enforcement mechanism is in place. That said, the GET notes that the principles and rules they contain are of a general nature, especially as regards integrity matters. The Code of Ethics of the Police only contains two articles (6.7 and 7.1) dealing with the need to take decisions objectively and to protect one's integrity. There is no mention of conflicts of interest, gifts or contacts with third parties.

The SBGS Code of Ethics is slightly more detailed and contains rules pertaining to impartiality and conflicts of interest. However, the above-mentioned rules would certainly benefit from further details and explanations, e.g., there are no specific rules on gifts. The authorities made reference to the LAPPI and various other specific police and SBGS guidelines on gifts and contacts with third parties. However, in the GET's view, this guidance, which is currently scattered across several documents, could best be consolidated to increase its visibility and ease of access. Therefore, the codes of ethics of the Police and the SBGS need to be amended and supplemented by a practical document setting out in clear and instructive language what the principles mean when applied in day-to-day situations of the staff concerned. The integrity-related provisions of the Code of Ethics of the Police in particular should be significantly expanded in order to provide more details on essential aspects of integrity (conflicts of interest, contacts with third parties, gifts, accessory activities).

204. Consequently, **GRECO recommends that (i) the codes of ethics of the Lithuanian Police and the State Border Guard Service be amended in respect of integrity and situations of conflicts of interest (e.g., gifts, contacts with third parties, accessory activities etc.) and (ii) the codes be accompanied by a complementary annex with guidance and examples.**

205. With regard to the enforcement mechanism foreseen in the codes of ethics, the GET notes that the ethics commissions of the Police and the SBGS have a clear mandate to monitor the implementation of the codes and that an appropriate procedure is in place. The ethics commissions do not issue sanctions as such but the GET acknowledges that they can recommend to the management that a disciplinary or criminal procedure be initiated. Contrary to the SBGS, the Police has sixteen distinct ethics commissions and according to information gathered by the GET, no consistency is ensured between their respective decisions. This is clearly problematic, as a similar case of ethical violation may be assessed differently, especially taking into account the overly general nature of the codes of ethics and may trigger inconsistent decisions between the different commissions. Therefore, **GRECO recommends that a system of co-ordination be established in order to provide for more consistency between the policies and decisions of the various ethics commissions of the Lithuanian Police.**

Advice, training and awareness

206. There are three paths of access to a career in law enforcement, with different requirements and initial training periods (see under recruitment requirements for more details). Initial vocational training at the end of secondary education level lasts for 10 months, initial training for university graduates lasts for 9 weeks and initial training for specialist profiles varies in length. Topics on ethics, integrity and corruption prevention are integrated into the main subjects, which are mandatory.

207. Continuous training activities last one or two days and are optional for working officers. They are organised according to the needs of the units and priority groups, which are reviewed on an on-going basis. The content of the training activities is focused on practical problems encountered by police staff and border guards in the exercise of their functions, using both theoretical knowledge, specific cases and simulations. The GET was provided with the training curricula and with examples of the topics covered in both initial and continuous training. For example, initial training in the police covers topics such as "ethics and corruption prevention" or "rights, duties and responsibilities of a police officer". Continuous training in the SBGS

includes topics on “prevention of corruption” or “code of ethics – personal data breaches”. In 2021, the police has started implementing a programme on “prevention of corruption and professional ethics” remotely in order to reach more participants. Law enforcement officers also attend training activities organised by the COEC, for example on declarations of private interests.

208. Employees of the Police and the SBGS can obtain advice on ethical issues and rules of conduct from the employees of immunity and internal investigation units, compliance officers and their immediate superiors. However, the GET notes that there is currently no advice procedure for staff to obtain confidential counselling on integrity matters. In its view, it is important that easily accessible and specially trained persons of trust be appointed to whom any staff member can turn in confidence in order to obtain information on integrity issues. This would be important, for instance, where staff want to report what they perceive as misconduct, for example involving their direct superiors, and want confirmation before blowing the whistle and seeking protection. In order to avoid discrepancies in the interpretation of the rules of conduct among the different police entities, it would clearly be preferable to have one single mechanism competent for the whole of the Police. Therefore, **GRECO recommends that a centralised mechanism be introduced for providing confidential advice to members of the Police and the State Border Guard Service on ethical and integrity matters.**

Recruitment, career and conditions of service

Initial selection and recruitment

209. Admission to the Police and the SBGS is regulated by the Internal Service Statute and orders of the Minister of Interior. Requirements include Lithuanian citizenship, age, health and physical fitness conditions, a minimum secondary education background, loyalty to the State of Lithuania and a condition of good reputation. The selection process for the police and the SBGS is similar.

210. As indicated above, there are three distinct entry paths to the police and the SBGS for different profiles: 1) Persons with a secondary education having completed vocational training at the Police Academy, the Border Guard School or another training institution managed by the Ministry of Interior; 2) Persons with a university degree having completed an introductory training course; 3) Persons with a specialist profile (pilots, information technology specialists, electromechanics etc.) having completed an introductory specialist training course.

211. Admission to training is selective and based on the needs of the Police and SBGS. Candidates to the Police must apply online on the police selection website, while candidates to the SBGS apply to the border stations of their place of residence either by e-mail, post or online. Upon receipt of applications, responsible staff in the personnel units verify whether the requirements laid down in the Internal Service Statute are met. Selection boards are set up by the respective institution (Police/SBGS) and the selection procedure is set up by the Minister of the Interior. Selection boards are comprised of staff of the training institution and representatives of the police/SBGS. Candidates are ranked by the selection boards on the basis of their abilities and motivation and those who rank higher are selected for training. In the event of a tie between several successful candidates, the selection board takes a final reasoned decision on the successful candidate. Unsuccessful candidates have a right to appeal to the administrative court in accordance with the Law on Administrative Proceedings.

212. Before the end of the training period for the first two career paths, the wishes of future officers regarding their place of service are collected. In parallel, quotas are established by the police institutions and the SBGS based on vacancies and financial capacity. In the event there are more applicants than positions in an institution, graduates with the highest grades are given priority. Specialists are directly selected to specific vacant positions prior to training. Officers are appointed by the head of the police institution or of the SBGS.

Vetting

213. Candidates are vetted against integrity risks prior to their admission into a training institution and again prior to selection to a position in the police or SBGS, to verify that they fulfil the conditions of good reputation and of loyalty to the State of Lithuania (art. 9-10 of the Internal Service Statute). The condition of good reputation entails the absence of conviction for a criminal offence, of release from criminal liability, of dismissal for misconduct or other ethical violation and not being a member of a forbidden organisation.

214. Subsequently, all police and SGBS officers are vetted throughout their career on different occasions: when the authorisation to have access to classified information is granted or renewed (the authorisation to have access to “top secret information” is subject to review every 5 years, that to “secret” and “confidential” information every 10 years; the authorisation to have access to “restricted” information is not subject to renewal), upon their transfer or promotion, or when they are proposed for an award or other staff incentive. Vetting is carried out by the immunity boards, except for the authorisation to have access to classified information which is granted by the Ministry of Interior.

215. The GET has concerns about the lack of identification of specific posts with a higher corruption risk in the vetting process. If a staff member is not promoted or transferred and if his/her authorisation to access classified information does not need to be reviewed, s/he will not be vetted at regular intervals although his/her specific position may be at risk. Moreover, the current vetting process does not capture all possible integrity risks, e.g., concentration of authority or excess of power, concentration of information on certain activities or processes in one person, police activity related to economic activity, delays in the process of investigation or sanction to reach the statute of limitation etc. Consequently, **GRECO recommends carrying out integrity checks of employees in the Police and the State Border Guard Service at regular intervals depending on their exposure to corruption risks and on the required security levels.**

Appointment to a higher rank

216. Officers can be promoted as a result of a positive performance appraisal or through a selection process to a vacant position. Managerial posts are filled only through a selection process.

217. The performance of officers is assessed yearly by their line managers. There are also extraordinary evaluations (see below). Following a “very good” performance assessment, the line manager may propose that the officer be transferred to a higher position. This proposal and the officer’s activity are reviewed by an evaluation commission (see below under performance evaluation). The final decision is taken by the appointing authority, that is, the head of the police institution or of the SBGS.

218. The Police Department organises selections for the positions of head or deputy head of the police institutions, as well as for positions in the Police Department. Candidates to these positions are subject to a broader vetting process which includes the gambling authority, the STT and the State Tax Inspectorate. All other selections are carried out by the police institution in which there is a vacant position.

219. Selection to a vacant post is open to all officials of the same or another statutory institution who meet the general requirements of the Internal Service Statute and the special requirements laid down in the job description. Vacancies are published on the websites of the relevant central institution (the Police or the SBGS) and of the Ministry of Interior. Selection is carried out by a dedicated selection board composed of at least 5 members appointed by the head of the institution, including the applicant's future line manager or deputy and a trade union representative. Persons related to the candidates (partners, close relatives or persons subject to any other circumstance which may cast doubt on their impartiality) may not be appointed as members of the selection board. The head of the institution may also order that experts in the relevant field be invited to the selection board in an advisory capacity.

220. During the selection procedure, the candidates' professionalism, service record, suitability for the post applied for, length of internal service in the post in question and qualifications required for the new post are assessed. The procedure includes an oral interview, during which each member of the selection board must put the same questions to all candidates. By decision of the selection board, candidates may also be given a uniform oral or written practical exercise to complete. At the end of the selection process, the members of the board give a reasoned assessment of the suitability of each candidate and a score. The candidate with the highest score is awarded the selection. The interviews and the discussions on assessment of the candidates are subject to audio recording. The head of the institution may not amend the selection board's decision.

221. Candidates have access to the recording and have a right to appeal the decision of the selection board within one month to the Staff Disputes Board, which is the internal body competent for all individual service disputes. It is appointed by the head of the institution for a maximum period of two years and is composed of an equal number of representatives of the institution and of the staff. The decision of the Staff Disputes Board may be appealed to the administrative court in accordance with the Law on Administrative Proceedings.

222. According to information gathered by the GET, a similar percentage of officers are promoted by selection and by performance appraisal. In the Police for instance, from June 2020 to June 2021, 3.82% of officers were promoted after a selection process and 3.9% of officers were promoted in 2020 following a "very good" annual performance appraisal.

Performance evaluation

223. All police and SBGS staff members undergo an annual evaluation of their qualification, performance and suitability for their current level of duties or a higher one, according to a procedure approved by Order of the Minister of the Interior of 12 February 2019 No. 1V-142. This evaluation is carried out by the staff member's line manager. Depending on the evaluation results, the manager can propose that the staff member be promoted or downgraded, that an incentive be given or that his/her salary coefficient be increased or reduced. These proposals are approved or rejected by the line manager's superior or by the

head of the institution – except when the line manager is the head of the institution. If the line manager disagrees with the decision of his/her superior, s/he submits the conclusion of the evaluation to the evaluation commission for review.

224. Evaluation commissions, composed of at least five members, are appointed by the head of the institution for a period of two years. When a member of a trade union is being evaluated, one member of the evaluation board must be a member of that trade union. In other cases, a representative of the works council attends the meetings of the evaluation commission as an observer.

225. A staff member who disagrees with the evaluation results may also apply to the evaluation commission for a review of his/her evaluation and may be present at the meeting of the evaluation commission to discuss it. Appeal of the evaluation commission's assessment is possible to the Staff Disputes Board and ultimately, to the administrative court.

226. The heads and deputy heads of the territorial and specialised police institutions, as well as the members of the evaluation commissions set up in these institutions, are evaluated by an evaluation commission set up by the Police Commissioner General. The heads and deputy heads of the Police Department and of the SBGS, as well as the members of the evaluation commissions set up at central level, are evaluated by an evaluation commission set up by the Minister of Interior.

227. An extraordinary evaluation of a staff member may also be carried out by decision of the head of the institution, in case there are doubts as to his/her ability to perform his/her functions, if his/her line manager proposes to promote him/her or to increase or reduce his salary coefficient.

228. Moreover, covert tests on the performance of police duties may be carried out, as an internal control measure in the course of an officer's or a group of officers' service (art. 15 of the Police Law). Covert tests are carried out by a unit of the Police Department, at the request of the head of the institution, in the following cases: 1) following the assessment of deficiencies or risks identified during a previous inspection, monitoring or review of the performance of the institution or unit; 2) following complaints, reports or other information received concerning possible misconduct or inadequate performance of his/her task by a police officer; and 3) when there is a motivated reason to assess the loyalty of police officers, to ensure compliance with the principles of policing and to ensure the efficient use of human and material resources. The SBGS has a similar covert procedure for checking the performance of staff by their immediate superior or by officials of the Immunity Board.

229. A situation close to reality is created and/or false data and/or documents are provided for the examined officer (or group of officers). Their actions are observed and their legitimacy, effectiveness, rationality and integrity with the operating principles of the police or SBGS are assessed, as well as the preparedness of the officers or their structural units to perform their functions.

Rotation

230. Decisions on rotation and transfer are taken by the head of the institution and officers' movements are common in both the Police and the SBGS.

231. Rotation applies to heads and deputy heads of institutions, except central statutory authorities. The term of office of officers subject to rotation is five years, unless otherwise established by law. Officers cannot be transferred to a statutory authority in which they would be in a direct subordination position with their spouse, partner, blood relative or relative by marriage.

Termination of service and dismissal from office

232. Police and SBGS officers may be dismissed for one of the reasons laid down in art. 72 of the Internal Service Statute, which include among others reaching the retirement age, a decision following a proposal of the evaluation board, disgracing the reputation of the service by their action, a final court judgment convicting the officer of a deliberate crime or criminal offence or as a disciplinary sanction. Decisions on dismissal are taken by the head of the entity employing the official.

Salaries and benefits

233. Police and SBGS staff remuneration consist of a salary, rank premium, premium for the length of service, other premiums, pay for work on days-off, public holidays, at night, overtime and time on duty.

234. The salary for an officer appointed to a senior position following a performance evaluation or a process of selection is established according to the interval of salary coefficients established by law for the specific position. The premium for the length of service is 1% of salary for every year. The average monthly salary of employees is published on the police and the SBGS' websites¹³. Additional allowances are foreseen for increased workload, overtime, night work, transport, accommodation and food. The legitimate granting and receipt of allowances is subject to control.

235. Police officers at the beginning of their career earn a monthly salary of at least EUR 700 net. The Commissioner General's monthly salary is around EUR 3,802 net.

236. In the SBGS, in the first quarter of 2021, the average monthly salaries before tax were as follows:

- officer after graduation from the Border Guard School: EUR 1,237;
- junior specialist: EUR 1,696;
- specialist: EUR 2,145;
- chief specialist: EUR 2,011;
- head of unit and border control station commander: EUR 2,730;
- head of the board: EUR 3,390;
- deputy commander: EUR 4,682;
- commander: EUR 5,573.

¹³ <http://policija.lrv.lt/lt/administracine-informacija/darbo-uzmokestis> and <http://www.pasienis.lt/index.php?31224742226>

Conflicts of interest

237. As explained in the chapter on PTEFs, the issue of conflicts of interest is dealt with in the Law on the Adjustment of Public and Private Interests (LAPPI). This law applies to all officers and career civil servants in the Police and the SBGS. It also applies to persons working under employment contracts, depending on the nature of their functions, notably when they participate in public procurements. It defines conflicts of interest as a situation where a person in the civil service, when performing his/her duties or carrying out instructions, is obliged to make a decision or participate in decision-making or carry out instructions relating to his/her private interests.

238. Within 30 calendar days from their employment or appointment to a position, staff members must fill in a declaration of private interests via the PINREG electronic register, in which their relations with legal entities, transactions, relations with natural persons, individual activity and other data that may cause a conflict of interest must be declared. The list of staff members who must declare private interests is approved by the head of the institution. As from January 2020, all declarations filed in the PINREG register are public.

239. Immunity officers of the police and SBGS oversee if staff members submitted their declarations of private interests and, if needed, provide the managers with access to data of their subordinates' declarations. Based on the declarations of private interests, staff members' requests or other information, immunity officers draft written recommendations addressed to staff members regarding measures to be taken to prevent any conflict of public and private interest at work.

240. In case of a potential conflict of interest in the drafting, discussion or adoption of a decision, the staff member must inform orally other persons involved in the decision, notify his/her line manager or an authorised person immediately or at the latest the next working day and withdraw from any participation in the decision. Procedures for withdrawal are described in orders adopted by the Police Commissioner General and the Commander of the SBGS. The staff member must also adjust or supplement his/her declaration of private interest within 30 calendar days.

241. Declarations of private interests also contain data about staff members' spouses or partners. If a potential conflict of interest arises because of the interest of their spouse or partner, the same information and withdrawal procedure as described above applies.

Prohibition or restriction of certain activities

Incompatibilities, outside activities, financial interests

242. Article 24 of the Internal Service Statute foresees the incompatible activities that apply to Police and SBGS officers. Accordingly, it is forbidden for officers: (1) to be elected or appointed to an organ, except under the authority of the head of the institution; (2) to enter into transactions on behalf of the institution with enterprises owned by him or a close relative or in which they are a partner; (3) to represent Lithuanian or foreign enterprises, as well as foreign institutions or bodies, except when officially posted abroad; (4) to carry out any activity that gives rise to a conflict of interests; (5) to hold more than one post; (6) to be a member or participate in political parties and organisations. Similar restrictions apply to civil servants according to the Law on Civil Service and to all public official according to the LAPPI

(art. 12).

243. According to Article 23 of the Internal Service Statute – which applies to officers - and Article 18 of the Law on Civil Service, officers and civil servants may have other employment and receive remuneration, provided it does not cause a conflict of interests, does not give rise to any incentive to exploit the service for personal interests, does not bring the service into disrepute, does not hinder the proper performance of the staff member's functions, does not involve work in companies or organisations in respect of which the staff member has authority, control or supervision or in respect of which s/he takes any other decision and if there are no other circumstances preventing the staff member for performing other non-remunerated work.

244. Employees working under employment contracts may also engage in outside activities, but their total working time may not exceed 60 hours per week.

245. Requests to exercise outside activities are examined by a commission composed of three to five members, appointed by the head of the institution. If one or several trade unions are active in the institution, one of the commission's members has to be a trade union representative. The commission takes decisions by a majority of its members present, with the chair having a casting vote in case of a tie. It addresses a motivated recommendation to the head of the institution to authorise the outside activity or not or to revoke or uphold an authorisation. Upon receipt of the recommendation, the head of the institution takes a reasoned decision on the exercise of the outside activity. This decision is subject to appeal to the administrative court. The commission or the head of the entity may apply to the COEC in case of doubt as to whether the exercise of a given activity may constitute a conflict of interest in the sense of the LAPPI.

246. Upon receipt of the permission and the commencement of the outside activity, staff members must supplement within 30 days their declaration of private interests by declaring their other employment and position held in it. Authorisations are valid as long as the staff member holds the same position.

247. Statistics show a gradual reduction in the number of staff members having outside activities:

- 2020: 397 police staff members had outside employment (4.08%)
- 2019: 483 staff members (5%);
- 2018: 515 staff members (6.2%);
- 2017: 467 staff members (4.5%);
- 2016: 607 staff members (7.3%);
- 2015: 1010 staff members (9.56%).

Statistics for outside activities of SBGS staff members:

- 2020: 109 staff members had outside employment;
- 2019: 137 staff members;
- 2018: 177 staff members;
- 2017: 210 staff members.

248. The GET welcomes that there are rules and a clear procedure for the authorisation of outside activities. It is also positive that the head of the institution is assisted in considering the matter by a commission that issues a collegial recommendation – even if s/he is not bound by this recommendation. The main reasons for refusing to grant an authorisation are the possibility of a conflict of interest, the adverse impact the outside activity could have on the exercise of police or border guard duties and the risk of the activity for the reputation of the officer or the service. These are all appropriate reasons, but they are subject to interpretation.

249. When inquiring about the existence of a list of forbidden or authorised activities to guide the commissions and the heads of the institution in their recommendation/decision, the GET was told that the courts had ruled that each case ought to be examined on its own merits and that no list could therefore be drawn up. The GET wishes to point out, however, that in the absence of more concrete guidelines as to which specific activities constitute a conflict of interest or a reputational risk for the officer or the institution, it is possible that similar situations will be decided differently across institutions and/or over time. This risk is especially relevant in the Police, where decisions to authorise outside activities are taken at the level of the 16 different police institutions. Consequently, **GRECO recommends that measures be taken to ensure consistency between the police institutions in respect of the policy and decisions to authorise outside activities.**

Gifts

250. According to the LAPPI (art. 13), public officials may not accept or grant gifts or hospitality if this may give rise to a conflict of interest in the meaning of the law. This restriction does not apply to persons who received gifts or hospitality according to the international protocol or traditions for a maximum value of EUR 150. If the value of the gift is over EUR 150, it is considered the property of the state.

251. According to the Description of the Procedure of the Adjustment of Public and Private Interests in the SBGS, if a staff member accepted a gift or hospitality which may cause a conflict of interest, s/he must immediately inform his/her superior orally, fill in a notice form which must be sent to the Immunity unit by email not later than on the next working day and update his/her a declaration of private interests. Immunity officers will issue a written recommendation to the staff member according to which s/he will not be allowed to participate in drafting, discussing or adopting decisions or to perform other official duties in respect of the natural or legal person who gave the gift or hospitality for a one-year period. The Police has a similar guideline and is currently planning to approve a new gift policy.

252. The Code of Ethics of the SBGS does not explicitly mention gifts, but article 6.9 prescribes that staff members must avoid conduct that may be construed as requiring a bribe or other non-official duties, informing the immediate supervisor of any unlawful interference. The Code of Ethics of the Police does not refer to gifts.

253. The GET already noted that the rules on gifts in the LAPPI are rather general and that the codes of ethics of the police and the SBGS make no specific mention of gifts. As highlighted in respect of PTEFs, there can be problems to establish for instance which gifts are offered on the basis of a personal relationship and which ones are related to the status of the official or in what situation accepting a gift may constitute a conflict of interest. Moreover, the LAPPI does not refer to invitations. It is therefore necessary to provide further guidance on the issue

of gifts and other benefits, to help law enforcement officers draw the line between acceptable and non-acceptable gifts. The GET also believes that more formalised procedures for situations where gifts have been offered/accepted should be introduced and that the police and SBGS should provide for registers of gifts. Consequently, **GRECO recommends establishing a more robust set of rules and guidelines on gifts and other benefits for staff of the Police and the State Border Guard Service, including an obligation to report and, as appropriate, to register gifts.**

Misuse of public resources

254. Article 3 of the LAPPI establishes a duty for persons working in the civil service, having previously worked in civil service or applying to such work, not to use and to prevent the use of any property managed by the state or municipalities for anything other than professional activity.

Misuse of confidential information, third party contacts

255. Article 3 of the LAPPI also states that public officials must refrain from using information which pertains to their official duties and which is not publicly available.

256. Article 21 of the Law on State and Professional Secrets prescribes that persons handling confidential information must not disclose, lose or transfer secret information to unauthorised persons, must safeguard confidential information and must inform without any delay the person responsible for the protection of confidential information of any loss, disclosure or breach of the protection requirements for that information.

257. Article 296 of the Criminal Code foresees criminal liability for stealing or illicitly acquiring professional secrets, while Article 297 stipulates criminal liability for disclosure of professional secrets.

258. As regards third party contacts, internal rules approved by order of the Police Commissioner General and the SBGS Commander prescribe that staff members must officially notify their line manager about any meeting, phone conversation, correspondence and any other communication with persons who show direct interest in information held by the police or SBGS, as well as any attempt to affect decision-making and jeopardise the institution or the security of its staff.

Post-employment restrictions

259. The Internal Service Statute does not contain any specific restrictions applicable to police or SBGS officers after they leave the institution to work in the private sector. Chapter 4 (articles 15-18) of the LAPPI does provide limitations of one year on employment, entering into contracts with institutions, representation of natural or legal persons after expiration of office.

260. During the on-site visit, the GET was informed that police and border guard officers often go to work for private security or detective companies after they retire. Although there is a duty to report future job offers (article 14 of the LAPPI), there is no prior control of possible risks of conflicts of interest with the officer's former functions and neither the police nor the SBGS supervise whether the rules of the LAPPI are complied with in practice, because they

have no more authority over their former officers. Action is only taken in case of a report that these rules were not respected.

261. It is the GET's view that retired officers should be monitored in terms of their post-retirement jobs, for instance by means of systematic so-called "exit interviews", in order to avoid improper moves to the private sector which could generate situations of conflicts of interest (offers of jobs as rewards, use of communication channels with former colleagues for the benefit of new employers, etc.). This is not without links with the duty to respect the confidentiality of police information and contacts with third parties (see above). Specifically for certain police functions, it would be advisable to put stricter post-employment regulations in place (for example, when certain persons in the financial intelligence unit would move to a financial institution to work as a compliance officer). In addition to the general rules contained in the LAPPI, the GET sees the need for the police and the SBGS to develop a specific post-public employment policy. **GRECO recommends developing specific policy mechanisms for preventing and managing conflicts of interest after officers leave the Police and the State Border Guard Service to work in the private sector.**

Declaration of assets, income, liabilities and interests

Declaration requirements

262. Officers and civil servants employed in the Police and the SBGS have to declare their assets, income and interests according to the Law on Declaration of Assets, the LAPPI and relevant by-laws. The details of this system and the items to be declared are described in the chapter on PTEFs and apply accordingly to police and SBGS staff.

263. As described in the chapter on PTEFs, new requirements for persons declaring private interests under the LAPPI came into force on 1 January 2020. Declarations of private interests have to be filed through the electronic Register of Private Interests (PINREG) established by the COEC and all declarations are public.

264. Data contained in income declarations are not public.

265. As highlighted in the chapter on PTEFs, the GET notes that the new LAPPI places a great emphasis on the notion of potential conflict of interest, which triggers declaration of some information that previously ought to be declared in all cases. This is left for the declarant him/herself to determine. In view thereof, a sound understanding of the notion and possible cases of conflicts of interest by the persons concerned is crucial. This highlights again the importance of sufficiently illustrated rules of conduct and of awareness and counselling activities. The GET refers in this respect to the recommendation contained in §204.

Review mechanisms

266. Supervision of compliance with the rules on declarations of private interests is shared between the COEC and the head of the relevant institution. In the case of the police and the SBGS, the submission of declarations of private interests and the accuracy of data are first checked by immunity officers.

Oversight and enforcement

Internal oversight

267. Internal oversight with respect to staff of the Police and the SBGS is first of all the responsibility of the line manager of the staff member concerned. The procedures for internal control are described in internal orders issued by the Police Commissioner General and the SBGS Commander. Internal control is linked to the risk management process, with plans of implementation of internal control measures being drawn up yearly to reduce or eliminate the main risk factors. Since 2019, unlike in previous years where only risk areas identified by police institutions and internal control measures were left at their discretion, the internal control measures in the areas of activity with the highest and medium risks have to be planned and commissioned in the service report. Through the hierarchical system, it is ultimately the Police Commissioner General and the SBGS Commander who are responsible for the functioning of the internal control system and for ensuring that identified weaknesses are addressed.

268. The main role of the Immunity Board of the Police department is prevention and investigation of misconduct and criminal offences of staff, protecting police officers against adverse impact, internal anti-corruption education and methodological support.

269. The Immunity Board of the Police Department comprises the head of the Board, a division of corruption prevention and analysis, a division of corruption investigation, a criminal intelligence division, an internal investigation division, a control division and district units of Vilnius, Kaunas, Panevėžys, Klaipėda and Šiauliai. There are 92 employees in the Immunity Board. Officers of immunity units and especially those carrying out criminal intelligence, are subject to additional recruitment requirements compared to other police officers. Their competence in the anti-corruption field is improved on a continuous basis.

270. The GET was informed that as of 1 October 2021, the Immunity Board and the immunity units are centralised and placed directly under the authority of the Commissioner General, in order to avoid that the head of local police institutions have any influence on the investigations and decisions taken. The GET welcomes this development as a way to strengthen the independence of the immunity units from the operational police services and of ensuring a greater consistency in their decisions.

271. The SBGS has an Immunity Board composed of 23 employees. It has a similar role as the immunity units of the Police and is responsible for the prevention and investigation of corruption and other misconduct. Like their counterparts in the Police, employees are subject to additional recruitment requirements and receive yearly training on corruption prevention and investigation of criminal offences of corruption. The Immunity Board is independent from the rest of the SBGS and is accountable to the SBGS Commander.

External oversight

272. The activity of the Police and the SGBS is subject to general oversight by the following institutions:

- Prosecutors from the General Prosecutor's Office and county prosecutor's offices carry out control of criminal intelligence actions;
- Regional courts are tasked with sanctioning criminal intelligence investigations;

- Ministry of Interior: various reports on the activity of the institutions, the use of funds etc. are submitted to the Ministry of Interior. The Division of corruption prevention and internal investigation specifically receives reports from the Immunity Boards of the Police and SBGS;
- Parliament: a special commission of the Seimas is tasked with parliamentary oversight of criminal intelligence. It organises visits every year to the Police and the SBGS;
- National Audit Office: in 2019, one of the fields of inspection assigned to the NAO was the use of funds allocated to criminal intelligence;
- The Seimas Ombudsmen: complaints about pre-trial investigation officials which violate human rights and freedoms.

Complaints system

273. Complaints from the public about police employees may be submitted free of charge by e-mail, by phone, in person or [online](#). Information about the complaint system is also provided [online](#) and in the media.

274. Members of the public who think that their rights or interests have been infringed upon by a police officer may also lodge a complaint with the Seimas Ombudsmen.

275. Complaints about misconduct or corruption of a SBGS officer may be submitted in any form, via any channel – post, e-mail, through a hotline, anonymous mailbox or directly to immunity officers, either anonymously or by disclosing contact details. All complaints may be submitted free of charge. Complaints received are registered and forwarded to the SBGS Commander or his/her deputy who decides who will be assigned to check the information. If the complaint concerns ethics violations by officers, they are examined by the competent SBGS Legal Division and an official inspection is lodged. If the complainant left his/her contact details, s/he is informed about the outcome of the complaint and the possible sanctions imposed on offenders. Decisions may be appealed to the administrative dispute commission or to the administrative court.

276. The SBGS website contains information about the possibility to receive remuneration for reporting offences. This information is also conveyed via the media to encourage persons to report corruption and economic crimes.

Reporting obligations and whistleblower protection

Reporting obligations

277. Article 101 of the LPC obliges all civil servants and assimilated persons to report any corruption-related criminal offence they are aware of to the STT, the prosecutor's office or another pre-trial investigation entity. A similar obligation is contained in article 9 of the new LPC. The codes of ethics of the Police and the SBGS also foresee a duty for police and SBGS staff to report to their line manager any misconduct or ethical violation by fellow staff members.

278. Failure to report may result in disciplinary, administrative or criminal responsibility, depending on the nature of the failure. No statistics are kept on such reports, but the GET was told that they are received very rarely.

Whistleblower protection

279. The [Law on the protection of whistleblowers](#) was adopted on 28 November 2017 and last amended on 20 December 2018, applies to all public and private sector institutions. Reports of suspected violations may be submitted through an internal channel, to the Prosecutor's Office which is the competent external reporting channel or publicly. Suspected violations must be made in the public interest and concern one of the following motives: 1) danger to public safety and health, a person's life or health; 2) danger to the environment; 3) hindrance to or illegal impact on investigations carried out by law enforcement officers or courts; 4) financing of illegal activities; 5) illegal or non-transparent use of public funds or assets; 6) illegally acquired assets; 7) concealment of consequences of a committed violation, hindrance to determine the scale of consequences; 8) other violations.

280. Every person or entity receiving information about a suspected violation must ensure the anonymity of the whistleblower. The application of negative measures, such as dismissal, transfer, harassment, discrimination, restricted career opportunities etc. against the whistleblower are forbidden. Negative measures against family members of whistleblowers are prohibited too. The internal investigation division of the Prosecutor General's Office is competent to grant the status of whistleblower, coordinate whistleblowers' protection and offer them assistance.

281. According to the law, all state institutions, including the Police and the SBGS (as well as municipalities and private sector companies of more than 50 employees), had to establish internal channels¹⁴ for reporting by the end of 2018. The SBGS' internal channel is managed by the Immunity Board and the information received by any means is registered in a dedicated register of the SBGS document management system. The Head of the Immunity Board assesses whether the requirements laid down in the law are complied with, takes a decision on further investigation and forwards the information to the Prosecutor General's Office for a decision on granting the status of whistleblower. The Police has a similar procedure, and the internal channels are managed by the Head of the Control Division of the Immunity Board and Deputy Chief of the Control Division of the Immunity Board.

282. The GET was informed that the police received only three reports through the internal reporting channel in 2019-2020. These contained elements of possible misconduct, ethical or disciplinary breaches by staff. Information received through the internal information channel is automatically transferred to the police officer administering it, who registers the information in a dedicated register of the police document management system, assesses the compliance of the information received with the requirements established by the law and takes a decision on further investigation. The information is also forwarded to the Prosecutor General's Office for a decision on granting the status of whistleblower.

283. The SGBS reported that it had so far received no report under the law on the protection of whistleblowers but that several reports (7 reports in 2017, 10 in 2018, 9 in 2019 and none in 2020 because the mailbox was hit by a cyber-attack) had been received on the SBGS anonymous electronic mailbox, which has been in operation for over 10 years. Reports are forwarded to a deputy of the SBGS Commander, who takes a decision on possible further

¹⁴ Internal channel of the police: <https://policija.lrv.lt/lt/korupcijos-prevencija/praneseju-apsauga>; internal channel of the SBGS at <http://pasienis.lt/lit/img/7>.

investigation.

284. The GET welcomes the law on the protection of whistleblowers as a wide-ranging and comprehensive text. However, it has only recently entered into force and, as several of its interlocutors pointed out, it still has to take root in law enforcement authorities, as evidenced by the very low number of reports received by the internal channels established. Against this background, the GET believes that it is crucial that police and SBGS staff are widely made aware of the reporting mechanisms, that they know how to use them, trust them and are encouraged to report. This would also have added value as a preventive tool against wrongdoing and to maintain a healthy working culture and an effective and efficient organisation. It would also contribute towards breaking a “culture of silence” that is still present according to some of the interlocutors met by the GET on site, by promoting a culture of openness and transparency and by giving the signal that fighting corruption and other misconduct is taken seriously. The information provided by whistleblowers should also be analysed in the context of the annual risk analysis carried out by the Police and the SBGS. Therefore, **GRECO recommends conducting dedicated training and awareness-raising activities on whistleblowing and the protection of whistleblowers for all levels of hierarchy and chains of command in the Police and State Border Guard Service.**

Enforcement procedure and sanctions

Disciplinary and other administrative proceedings

285. Disciplinary liability of Police and SBGS staff is regulated by the Internal Service Statute (art. 38-42) and the Description of the Procedure for Conducting Service Inspections, Imposition and Revocation of Service Penalties for Officials of the Internal Service System approved by [Order of the Minister of Interior No 1V-142](#) of 12 February 2019.

286. Officials who have infringed the provisions of the statute are liable to disciplinary, administrative, civil or criminal prosecution, depending on the nature of the infringement. Misconduct or acts detrimental to the title of official are subject to disciplinary liability, irrespective of the application of criminal or civil liability (art. 38). Violations of the Code of Ethics of the Police do not in themselves constitute disciplinary offences. However, if they indicate operational misconduct or a violation of work duties, they may give rise to disciplinary or criminal liability. In contrast, violations of the Code of Ethics of the SBGS do incur disciplinary liability

287. Upon receipt of a complaint from the public, a service report, a prosecutor’s decision to institute disciplinary proceedings, information from the media or other information indicating a possible misconduct or disgrace of the official’s title, the official’s employer or the person authorised by him/her must initiate a disciplinary investigation, which is carried out by the immunity units or the Immunity Board at central level of the Police, and the SBGS Legal Division respectively. The investigation is to be concluded within 30 days as a rule but may be extended for a further 30 days. The officer under investigation has the right to be assisted by a lawyer, has access to all the unclassified data related to the alleged misconduct, to provide explanations, requests, evidence or other information in writing, to participate to on-the-spot investigations of factual data, to challenge the impartiality of the investigators and to appeal against any of their acts or omissions. The investigation is concluded by a report proposing that the officer be held disciplinary liable or not.

288. Upon receipt of the report, the head of the institution of the person authorised by him/her may decide to impose one of the following disciplinary sanctions: 1) warning; 2) reprimand; 3) strict reprimand; 4) transfer to a lower position; 5) dismissal. This decision is subject to appeal within one month to the Staff Disputes Board of the police or the SGBS or to the administrative court.

289. In case the investigation report establishes that the provisions of the LAPPI have been violated, the information is forwarded to the COEC for its own investigation and decision. Violations of the LAPPI and/or violations of the declarations of assets and/or income are subject to administrative proceedings and sanctions according to the Administrative Offence Code. Appeals can be lodged to the Staff Disputes Boards or the administrative court. If the investigation indicates elements of a criminal offence, the file is sent to the prosecutor's office and if there are elements of an administrative offence, it is sent to the police unit in whose service area the possible offence occurred.

290. The GET understood that, following a disciplinary investigation and a finding that the provisions of the Code of Ethics of the SGBS were violated, the anonymised information about the infraction and the sanction is disseminated within the SGBS for educational purposes. This a good practice, which in the view of the GET should be followed also in the Police.

Criminal proceedings and immunities

291. Police and SGBS staff do not enjoy immunities or other procedural privileges. They are subject to ordinary criminal proceedings.

Statistics

Police

292. Activity of the ethics commissions:

- In 2020, the ethics commissions of the police authorities considered cases in respect of 62 officers, including 18 female officers;
- 2019: the ethics commissions of the police authorities considered cases in respect of 28 officers (including 8 female officers) and stated that 18 of them breached the norms of ethics;
- 2018: 64 officers (including 17 female officers) considered, 51 found guilty of breaches;
- 2017: 32 officers (including 10 female officers) considered, 22 found guilty of breaches;
- 2016: 26 officers (including 7 female officers) considered, 21 found guilty of breaches;
- 2015: 30 officers (including 6 female officers) considered, 17 found guilty of breaches.

293. Reports, statements and complaints received by immunity and investigation units and action taken:

	Reports received	Pre-trial investigations	Decisions not to open a pre-trial investigation ¹⁵	Administrative proceedings	Decisions not to open administrative proceedings
2020	2,421	42	247	55	-
2019	2,180	42	290	16	-
2018	1,630	32	261	8	-
2017	951	25	291	8	-
2016	832	43	281	6	-

294. Disciplinary investigations carried out by the immunity and investigation units:

- 2020: 288
- 2019: 364
- 2018: 462
- 2017: 728
- 2016: 613

295. Preventive discussions carried out in immunity and internal investigation units:

- 2020: 70 preventive discussions were held with staff and warnings given to 37 employees;
- 2019: 96 preventive discussions, warnings given to 49 employees;
- 2018: 77 preventive discussions, warnings given to 43 employees;
- 2017: 96 preventive discussions, warnings given to 65 employees;
- 2016: 111 preventive discussions, warnings given to 66 police employees;
- 2015: 71 preventive discussions, warnings given to 48 police employees.

296. Pre-trial investigations and outcome, dismissals for negative grounds and repeated investigations regarding suitability to work with secret information:

Year	Police officers dismissed for negative grounds	Pre-trial investigations initiated by immunity and internal investigation units	Court decisions on convictions in criminal cases	Court decisions on acquittals in criminal cases	Repeated investigations regarding suitability to work with secret information
2020	19	84	30	2	2
2019	31	82	29	4	3
2018	30	110	41	2	7
2017	43	83	15	0	6
2016	65	82	26	2	11
2015	69	118	7	1	17

¹⁵ In the period 2016-2020, 35 decisions by immunity units to refuse to open pre-trial investigations were overturned by prosecutors.

297. Indictments by immunity units:

- 2020: 29 police officers, and 4 police employees – 12 court convictions against police officers;
- 2019: 37 police officers and 9 police employees – 5 court convictions;
- 2018: 25 police officers and 2 police employees – 9 court convictions;
- 2017: 35 police officers and 2 police employees – 1 court conviction;
- 2016: 62 police officers and 2 police employees – 13 court convictions;

298. Review of declarations of public and private interests in the police:

- 2020: compliance officers in the immunity units checked 2,450 private interest declarations and identified 42 breaches;
- 2019: 1,702 declarations were checked and 58 breaches identified;
- 2018: 2,587 declarations were checked and 53 breaches identified;
- 2017: 806 declarations were checked and 20 breaches identified;
- 2016: 1,725 declarations were checked and 92 breaches identified.

SBGS

299. Complaints received and follow-up given:

- 2020: 78 complaints were received, 19 of which were related to alleged smuggling, 46 to alleged misconduct and 5 to alleged criminal acts. In 1 case, a disciplinary investigation was launched and in 6 cases, the information was forwarded to other law enforcement authorities. No irregularities were detected in the other cases;
- 2019: 102 complaints were received, 22 of which were related to alleged smuggling, 42 to alleged misconduct and 9 to alleged corruption. In 2 cases, a disciplinary investigation was launched, in 5 cases the information was forwarded to criminal intelligence units and in 7 cases, the information was forwarded to other law enforcement authorities. No irregularities were detected in the other cases;
- 2018: 106 complaints were received, 30 of which were related to alleged smuggling, 45 to alleged misconduct, 8 to alleged unethical behaviour and 4 to alleged corruption. In 11 cases, a disciplinary investigation was launched, in 24 cases the information was forwarded to criminal intelligence units and in 19 cases, the information was forwarded to other law enforcement authorities. No irregularities were detected in the other cases;
- 2017: 109 complaints were received, 14 of which were related to alleged smuggling, 50 to alleged misconduct, 6 to alleged unethical behaviour and 2 to alleged corruption. In 3 cases, a disciplinary investigation was launched, pre-trial investigations were launched in 2 cases, administrative proceedings in 1 case, the information was forwarded to criminal intelligence units in 9 cases and in 6 cases, the information was forwarded to other law enforcement authorities. No irregularities were detected in the other cases;
- 2016: 125 complaints were received, 25 of which were related to alleged smuggling, 48 to alleged misconduct, 23 to alleged unethical behaviour and 6 to alleged corruption. In 6 cases, a disciplinary investigation was launched, pre-trial investigations were launched in 1 case, the information was forwarded to criminal intelligence units in 6 cases and in 6 cases, the information was

forwarded to other law enforcement authorities. No irregularities were detected in the other cases.

300. Disciplinary investigations:

- 2020: 114, of which 24 were initiated by the Immunity Board¹⁶
- 2019: 158, of which 24 were initiated by the Immunity Board
- 2018: 145, of which 14 were initiated by the Immunity Board
- 2017: 190, of which 25 were initiated by the Immunity Board
- 2016: 226, of which 25 were initiated by the Immunity Board

301. Pre-trial investigations initiated by the SBGS for corruption-related criminal offences¹⁷:

- 2020: 7 investigations were opened against 10 SBGS officers;
- 2019: 6 investigations were opened against 10 SBGS officers;
- 2018: 1 investigation was opened against 1 SBGS officer;
- 2017: 4 investigations were opened against 5 SBGS officers;
- 2016: 7 investigations were opened against 10 SBGS officers;

302. Review of declarations of public and private interests in the SBGS:

- 2020: compliance officers in the immunity board checked 1,064 private interest declarations. Following disciplinary investigations, it was found that 8 employees had committed various disciplinary breaches and breaches of the LAPPI and disciplinary measures were imposed;
- 2019: compliance officers checked 1,247 private interest declarations. Following disciplinary investigations, 3 employees were subject to disciplinary measures;
- 2018: compliance officers checked 1,093 private interest declarations. Following disciplinary investigations, 3 employees were subject to disciplinary measures.

¹⁶ The SBGS Immunity Board only initiates disciplinary investigations, which are then carried out by the legal department of the SBGS.

¹⁷ In the period 2016-2020, no decision to refuse to open pre-trial investigations was overturned by prosecutors.

VI. RECOMMENDATIONS AND FOLLOW-UP

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

Regarding central governments (top executive functions)

- i. that the Code of State Politicians' Conduct be complemented with illustrative guidance for its implementation regarding conflicts of interest and other integrity-related matters (e.g., preventing and managing conflicts of interest, contacts with lobbyists and other third parties, post-employment restrictions, etc.) and (ii) that similar documents and guidance be established in respect of civil servants of political confidence and the President of the Republic (paragraph 71);**
- ii. (i) that systematic briefing on integrity issues be imparted to all persons with top executive functions upon taking up their positions and at regular intervals and; (ii) confidential counselling on ethical issues be accessible at government/ministry level and at the President's Office (paragraph 77);**
- iii. that complementary measures be taken to ensure that adequate timelines for public consultations on government draft legislative initiatives are foreseen and respected in practice (paragraph 86);**
- iv. (i) making more information publicly available regarding meetings (formal and informal) held by ministers and civil servants of political confidence with third parties, including lobbyists, and that such entries contain a sufficient amount of detail on the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion and (ii) that an independent assessment of the implementation of the Law on Lobbying Activities be conducted and the law is amended as appropriate in view of the results of this assessment (paragraph 95);**
- v. establishing a more robust set of rules together with appropriate practical guidance on gifts and other benefits for persons entrusted with top executive functions, including the obligation of reporting them and informing the public (paragraph 120);**
- vi. that the declarations of private interests of persons entrusted with top executive functions be subject to regular substantive control and that the Chief Official Ethics Commission be provided with adequate resources for this task (paragraph 143);**
- vii. (i) that the respective roles of the Chief Official Ethics Commission and of the heads of institutions charged with ensuring compliance of persons entrusted with top executive functions with the provisions of the Law on the Adjustment of Public and Private Interests be clarified and (ii) that the investigation of possible violations of the provisions of the Law by persons entrusted with top executive functions be carried out by an independent authority following a clear procedure (paragraph 159);**

- viii. **that the sanctions for violations of the Law on the Adjustment of Public and Private Interests be reinforced in order to ensure that they are effective, proportionate and dissuasive (paragraph 161);**

Regarding law enforcement agencies (Police and SGBS)

- ix. **(i) that a broad analysis be carried out on the legal framework and practice of private donations and sponsorship to the Police and the State Border Guard Service and that, in light of its findings, rules are adopted to abandon private donations/sponsorship to the Police and the State Border Guard Service or, as a minimum, limit the risks of corruption and conflicts of interest in this respect; and (ii) that donations and sponsorship received are published on a regular basis (including on-line), indicating the nature and value of each donation as well as the identity of the donor (paragraph 176);**
- x. **(i) the codes of ethics of the Lithuanian Police and the State Border Guard Service be amended in respect of integrity and situations of conflicts of interest (e.g., gifts, contacts with third parties, accessory activities etc.) and (ii) the codes be accompanied by a complementary annex with guidance and examples (paragraph 204);**
- xi. **that a system of co-ordination be established in order to provide for more consistency between the policies and decisions of the various ethics commissions of the Lithuanian Police (paragraph 205);**
- xii. **that a centralised mechanism be introduced for providing confidential advice to members of the Police and the State Border Guard Service on ethical and integrity matters (paragraph 208);**
- xiii. **carrying out integrity checks of employees in the Police and the State Border Guard Service at regular intervals depending on their exposure to corruption risks and on the required security levels (paragraph 215);**
- xiv. **that measures be taken to ensure consistency between the police institutions in respect of the policy and decisions to authorise outside activities (paragraph 249);**
- xv. **establishing a more robust set of rules and guidelines on gifts and other benefits for staff of the Police and the State Border Guard Service, including an obligation to report and, as appropriate, to register gifts (paragraph 253);**
- xvi. **developing specific policy mechanisms for preventing and managing conflicts of interest after officers leave the Police and the State Border Guard Service to work in the private sector (paragraph 261);**
- xvii. **conducting dedicated training and awareness-raising activities on whistleblowing and the protection of whistleblowers for all levels of hierarchy and chains of command in the Police and State Border Guard Service (paragraph 284).**

304. 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 2023. The measures will be assessed by GRECO through its specific compliance procedure.

305. GRECO invites the authorities of Lithuania to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.

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.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.