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Groupe d'États contre la corruption

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## FOURTH EVALUATION ROUND

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

### ADDENDUM TO THE SECOND COMPLIANCE REPORT LITHUANIA

Adopted by GRECO at its 87th Plenary Meeting  
(Strasbourg, 22-25 March 2021)

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## **I. INTRODUCTION**

1. The Addendum to the Second Compliance Report assesses the measures taken by the authorities of Lithuania to implement the recommendations issued in the Fourth Round Evaluation Report on Lithuania (cf. paragraph 2) covering "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. The [Fourth Round Evaluation Report on Lithuania](#) was adopted at GRECO's 66<sup>st</sup> Plenary Meeting (12 December 2014) and made public on 11 February 2015, following authorisation by Lithuania ([Greco Eval IV Rep \(2014\) 5E](#)).
3. The [Compliance Report](#) was adopted at the 75<sup>th</sup> Plenary Meeting (24 Mars 2017) and made public on 24 April 2017, following authorisation by Lithuania ([GrecoRC4\(2017\)3](#)).
4. The [Second Compliance Report](#) ([GrecoRC4\(2019\)18](#)) was adopted at the 83rd Plenary meeting (21 June 2019) and made public on 26 August 2019, following authorisation by Lithuania. As required by GRECO's Rules of Procedure, the authorities of Lithuania submitted a Situation Report with additional information regarding actions taken to implement the pending recommendations. It was received on 5 October 2020 and served, together with information submitted subsequently, as a basis for the current Addendum to the Second Compliance Report.
5. GRECO had selected Ukraine (in respect of members of parliament) and the Czech Republic (in respect of judicial institutions) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Mykhaylo BUROMENSKIY, Member of the National Council for Anti-corruption Policy, Conseil national on behalf of Ukraine, and Ms Helena KLIMA LIŠUCHOVÁ, Junior Deputy Minister of Justice in charge of International Affairs, on behalf of the Czech Republic. They were assisted by GRECO's Secretariat in drawing up this Addendum to the Second Compliance Report.

## **II. ANALYSIS**

6. It is recalled that GRECO, in its Fourth Round Evaluation Report, addressed eleven recommendations to Lithuania. In the Compliance Report, GRECO concluded that recommendations vi, viii and ix had been implemented satisfactorily. Recommendations i-v and xi had been partly implemented. Recommendations vii and x had not been implemented. In the Second Compliance Report, GRECO concluded that recommendations ii, vi, viii, ix, x and xi had been implemented satisfactorily or dealt with in a satisfactory manner, and recommendations i, iii, iv, v and vii had been partly implemented. Compliance with the five pending recommendations is examined below.

### *Corruption prevention in respect of members of parliament*

#### **Recommendation i.**

7. *GRECO recommended that, at the initiative of the Chief Official Ethics Commission, the co-operation on an operational level between the institutions responsible for overseeing the implementation, by members of the Seimas, judges and prosecutors, of rules on conduct, conflicts of interest and related matters be significantly strengthened.*
8. It is recalled that this recommendation was considered as partly implemented in the Second Compliance Report. More precisely, GRECO noted that in some areas (analysis of legislation from an anti-corruption perspective, screening of candidates to certain positions in the public service) positive cooperation between the Chief Official Ethics Commission (COEC) and the institutions responsible for overseeing

integrity-related matters of parliamentarians, judges and prosecutors could be noted. However, it was not the case as regards ethics and conflicts of interests. Regular extended contacts of an operational level between the parties and more guidance from COEC were recommended in particular.

9. The Lithuanian authorities now indicate that the working group of the Judicial Council, including representatives of COEC aimed at strengthening anti-corruption initiatives among judicial authorities and develop cooperation with relevant institutions has met four times since March 2019 to discuss about compliance officers in the judicial sector, process for monitoring declarations and management of conflicts of interest. Two training sessions of court presidents took place in 2020 on disclosure of private interests and effective management of conflicts of interest have been planned.
10. Furthermore, they indicate that from 4 January 2021, according to the Law on the Adjustment of Public and Private Interests in the Civil Service and the National Anti-Corruption Programme, COEC has launched a register of private interests (PINREG) to ensure more effective and quicker declarations of private interests, prevent emergence and spread of corruption and ensure transparency in the public sector. The data entry procedure has been simplified. The system generates declarations using data from national databases, and pre-filled forms are to be completed. PINREG automatically sends reminders when data needs to be declared or corrected. COEC can control and analyse data quality. This system also provides for COEC assistance. An agreement was concluded between COEC and the National Court Administration to link information systems so as to improve the management of possible conflicts of interest in courts. More than 150 000 persons are now obliged to declare interests.
11. The Lithuanian authorities also stress that in January 2020 COEC representatives met with the Parliamentary Commission for Ethics and Procedure to discuss cooperation, the new provisions of the Law on the Adjustment of Public and Private Interests, the Law on Lobbying and the training of the parliamentarians and Parliament's staff on these laws, as well as the implementation of GRECO's recommendations. Moreover, practical guidelines have been issued by COEC for State elected persons, civil servants and other persons involved in the drafting process of legal acts and administrative decisions regarding interaction with lobbyists.
12. GRECO takes note of COEC's new initiatives aimed at strengthening cooperation between COEC and the judicial authorities, on the one hand, and COEC and Parliament, on the other hand, as regards integrity-related measures, declarations of private interests and their monitoring. This includes pre-filled declarations based on various other registries, practical guidelines issued by COEC aimed at parliamentarians and civil servants as regards interaction with lobbyists, subsequent training activities. Regular contacts on issues of common concern allow for a common approach. These initiatives contribute to addressing GRECO's concerns expressed in the recommendation as regards the management of possible conflicts of interest and relationships with lobbyists. GRECO encourages the Lithuanian authorities to pursue this cooperation between the COEC and the institutions responsible for overseeing the implementation of the integrity-related rules by parliamentarians, judges and prosecutors, while bearing in mind the fundamental importance of separation of powers and respect for the independence of the judiciary from other state authorities.
13. GRECO concludes that recommendation i has been dealt with in a satisfactory manner.

### **Recommendation iii.**

14. *GRECO recommended introducing rules on how members of the parliament engage with lobbyists and other third parties who seek to influence the legislative process.*

15. It is recalled that this recommendation was considered partly implemented in the Second Compliance Report. GRECO welcomed the forthcoming entry into force of the new Law on Lobbying Activities, but it recalled its recommendation for introducing practical rules on how to organise relationships between parliamentarians and third parties seeking to influence the legislative process.
16. The Lithuanian authorities now confirm that the new Law on Lobbying Activities, which entered into force on 1 January 2021, provides for the obligation on parliamentarians to declare electronically to the COEC, through the Information System of Transparent Legislative Processes, lobbying activities carried out in the legislative process (including on budgetary issues) no later than seven days from the beginning of the specific lobbying activity. This law also obliges parliamentarians to make their agendas public on their websites. The authorities also stress that the COEC have organised more than 10 training sessions for State institutions (ministries and members of Parliament) and the private sector on lobbying activities and set up online resources (SKAIDRIS system)<sup>1</sup> for declaring lobbying activities. Moreover, guidelines on lobbying activities and influence on legislative process were adopted in December 2020 and made accessible by COEC through its website<sup>2</sup>. They are aimed both at parliamentarians and persons performing lobbying activities.
17. GRECO welcomes the entry into force of the Law on Lobbying Activities and the COEC's specific activities carried out to facilitate its implementation. GRECO is also pleased that guidelines on interactions between parliamentarians and lobbyists have been adopted. This is in line with the intention of the current recommendation.
18. GRECO concludes that recommendation iii has been implemented satisfactorily.

#### **Recommendation iv.**

19. *GRECO recommended that appropriate measures be taken to ensure effective supervision and enforcement of the rules regarding declarations of private interests and other rules of conduct of members of the Seimas.*
20. It is recalled that this recommendation was considered partly implemented in the Second Compliance Report as the information given by the parliamentary Commission for Ethics and Procedure and the COEC was not sufficient to ensure effective supervision.
21. The Lithuanian authorities now report that the new Law on Adjustment of Public and Private Interests, which entered into force on 1 January 2021, obliges parliamentarians to submit a declaration of private interest within one month after their election and appointment. Such declarations are focused on specific private interests and are made public on the COEC's website. The internal control of parliamentarians' declarations of private interests is exercised by the Commission for Ethics and Procedure whose members are granted access to the Information System on Processing of Declarations of Private Interest by the COEC, according to the new legislation. According to the Code of Conduct for State Politicians, this Commission can take administrative actions when the rules are violated – e.g. it can request parliamentarians to correct wrongdoing or to publicly apologise. Administrative fines can be imposed according to the Code of Administrative Offences in case of serious violations of the law on the Adjustment of Public and Private Interests (including when parliamentarians have already been given preliminary written

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<sup>1</sup> <http://skaidris.vtek.lt>

<sup>2</sup> [www.lobistai.lt](http://www.lobistai.lt)

recommendations, when the law has been repeatedly violated, or in situation of conflicts of interest). Moreover, the COEC has set up the Register of Private Interest which became operational on 1 January 2021 (see paragraph 10 above). It should increase the efficiency of the monitoring of the declarations by enabling cross-checked information from various registers. The new Register can also identify automatically those persons who are obliged to declare their private interests, remind them to do so if need be, and identify potential conflicts of interest. The COEC and the parliamentary Commission for Ethics and Procedure have agreed to cooperate and two online training sessions aimed at parliamentarians and relevant staff on the implementation of the new legislation have been organised since January 2021.

22. GRECO notes that the new legislation organises the submission and disclosure of parliamentarians' declarations of private interests, as well as enforcement rules, and that the setting up of a specific register will increase the efficiency of the monitoring of such declarations and lead to a more effective supervision and enforcement of the relevant rules on declaration of private interests. GRECO also notes that specific trainings are being implemented for parliamentarians and the relevant staff on the new declaration system. Moreover, the new system provides for potential in-depth checks on the declarations as a result of cross checking of various registers and the involvement of the COEC.

23. GRECO concludes that recommendation iv has been implemented satisfactorily.

**Recommendation v.**

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

25. It is recalled that this recommendation was considered partly implemented in the Second Compliance Report. The draft law on amending the Statute of the Seimas had not been adopted at the time and no internal mechanisms to promote integrity etc. had been established,

26. The Lithuanian authorities now report that the draft amendments to the Statute of the Seimas, proposed by the Commission of Ethics and Procedure have not been considered by Parliament yet. They also stress that the Commission provides regularly individual counsels to parliamentarians, as well as counsels to the parliamentary commissions, as regards declarations of private interests, the use of funds allocated to parliamentarians and other issues related the parliamentary activities. The Commission informs Parliament of its main decisions and recommendations.

27. GRECO acknowledges the active role played by the parliamentary Commission of Ethics and Procedure to guide individually and collectively parliamentarians as regards integrity-related matters, and report on this activity. However, it notes that Parliament has not revised its Statute yet to establish clear rules for promoting, raising awareness of, and then safeguarding parliamentarians' integrity at institutional level and on an individual basis.

28. GRECO concludes that recommendation v remains partly implemented.

**Recommendation vii.**

29. *GRECO recommended (i) that the method for appointing the members of the Selection Commission of Candidates to Judicial Offices be reviewed in order to strengthen their independence and that the procedure for appealing against the Commission's decisions be consolidated, and (ii) that the Judicial Council be given a more important role in the procedure for selecting judges.*
30. It is recalled that this recommendation was considered partly implemented in the Second Compliance report. As regards the first part of the recommendation, GRECO accepted the proposed new composition of the Selection Commission (seven members, including three appointed by the Judicial Council and four representatives of society as being in line with Recommendation CM/Rec(2010)12. It also accepted that the possibility to appeal a decision by a Selection Commission could be done only on procedural grounds. As regards the second part of the recommendation, it welcomed that the draft amendments envisaging a more important role for the Judicial Council for selecting judges by be given the role to appointing three judge members of the Selection Commission, approving the criteria for the selection of candidates, agreeing with the President on the rules of procedure of the Commission and having to be asked by the President for advice on the candidate to be appointed. However, it was not clear to what extent the authorities had considered GRECO's concern about the fact that the President may appoint a candidate without giving reasons. In addition, the draft amendments were still under consideration.
31. The Lithuanian authorities now report that the amendments to the Law on Courts were adopted on 16 July 2019, including the new composition of the Selection Commission and the increased role of the Judicial Council in the procedure for appointing judges, as mentioned in paragraph 30 above. They stress that these new provisions have entered into force and already been used in practice for appointing new judges. They provide also additional provisions (from the Law on Courts, the Regulation of Work of the Judicial Council, the Description of the Rules of Procedure of the Commission for the Selection of Candidates to Judicial Office) confirming that the President of the Republic cannot appoint a candidate without giving reasons or without discussions on this issue with the Judicial Council.
32. GRECO welcomes the entry into force of the amendments to the Law on Courts which provide the Selection Commission with a new composition and Judicial Council with a more important role as regards the appointment of judges. It notes, in particular, that the President of the Republic does not have the power of taking a decision regarding appointments, promotions, transfers or dismissals of judges without giving reasons and without the consent of the Judicial Council
33. GRECO concludes that recommendation vii has been implemented satisfactorily.

**III. CONCLUSIONS**

34. **In view of the above, GRECO concludes that Lithuania has now implemented satisfactorily or dealt with in a satisfactory manner ten out of eleven recommendations contained in the Fourth Round Evaluation Report.** The remaining recommendation has been partly implemented.
35. More specifically, recommendations i-iv and vi-xi have now been implemented satisfactorily or dealt with in a satisfactory manner. Recommendation v has been partly implemented.

36. As regards all categories under review, structured co-operation at operational level between the Chief Official Ethics Commission and the oversight institutions responsible for prevention of corruption among parliamentarians, judges and prosecutors has been significantly strengthened as regards integrity-related measures, declarations of private interests and their monitoring. GRECO wishes to stress the importance of such co-operation with a view to respect for judicial independence.
37. With respect to members of Parliament, progress has been made with the live streaming of meetings of committees of the Seimas and the publication of their agendas, working documents and conclusions. Welcome steps have also been taken to improve regulations on lobbying with the adoption of a new law on lobbying and appropriate rules and guidelines on interactions of parliamentarians with lobbyists. A new legislation organises the submission and disclosure of parliamentarians' declarations of private interest and a specific register has been set up that increases the efficiency of the monitoring of such declarations. Specific trainings are being organised for parliamentarians and the relevant staff on the new declaration system. Internal mechanisms to promote, raise awareness of and train parliamentarians in respect of declarations of private interests have been developed. More determined measures should be extended to other rules of conduct of parliamentarians.
38. As regards judges, amendments to the Law on Courts have entered into force for appointing the members of the Selection Commission of Candidates to Judicial Offices, revising the procedure for appealing against the Commission's decisions on procedural grounds and strengthening the role of the Judicial Council in the procedure for appointing judges. As regards prosecutors, with amendments to the regulations on the appointment of prosecutors, the decisive influence of the selection commissions for prosecutors has been strengthened in a suitable manner. Furthermore, with the provision of regular training on conflicts of interest and ethical issues, complemented with possibilities for the Commission of Ethics of Prosecutors to provide advice upon request, appropriate measures have been taken to raise prosecutors' awareness of integrity issues.
39. Lithuania has made significant progress in implementing the recommendations contained in the Fourth Round Evaluation Report. The adoption of this Second Compliance Report terminates the Fourth Round compliance procedure in respect of Lithuania. The authorities of Lithuania may, however, wish to inform GRECO of further developments with regard to the implementation of the pending recommendation v.
40. Finally, GRECO invites the Lithuanian authorities to authorise, as soon as possible, the publication of the present Addendum, to translate it into the national language and to make this translation public.