

REPUBLIC OF LITHUANIA
LAW
ON THE ADJUSTMENT OF PUBLIC AND PRIVATE INTERESTS
IN THE CIVIL SERVICE

2 July 1997 No VIII-371

Vilnius

(As last amended on 11 June 2009 □ No XI-287)

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Purpose and Tasks of the Law

The purpose of this Law is adjustment of private interests of persons employed in the civil service and public interests of the community, ensuring that holders of public office make decisions solely in terms of the public interests, securing the impartiality of the decisions being taken and preventing the emergence and spread of corruption in the civil service.

Article 2. Definitions

1. **Persons in the civil service** means state politicians, state officials, civil servants, judges, servicemen of professional military service who carry out operational activities, officers of professional military service, persons who are employed at state and municipal undertakings, budgetary institutions and who have administrative powers vested in them, persons who are employed at public establishments, which are financed from the Lithuanian national or municipal budget and funds, and who have administrative powers vested in them, as well as other persons who have administrative powers vested in them.

2. **Private interests** mean private economic or non-economic interest of a person in the civil service (or a person close to him) which may effect his decision-making in the discharge of his official duties.

3. **Public interests** mean the public's expectations with regard to impartial and just decision-making of the persons in the civil service.

4. **Conflict of interest** means a situation where a person in the civil service, when discharging his duties or carrying out instructions, is obliged to make a decision or participate in decision-making or carry out instructions relating to his private interests.

5. **Close persons** means the parents (adoptive parents), children (adopted children), brothers (adopted brothers), sisters (adopted sisters), grandparents, grandchildren, spouse, cohabitee, partner, when the partnership is registered in accordance with the procedure laid down by law, of a person in the civil service, as well as children of the spouse, cohabitee, partner, when the partnership is registered in accordance with the procedure laid down by law, the spouses, cohabitees, partners, when the partnership is registered in accordance with the procedure laid down by law, of the children, brothers, sisters, grandchildren.

6. **Personal considerations** means a moral debt, moral obligation, pecuniary or non-pecuniary advantage, or any other similar interest of a person in the civil service (or a person close to him).

7. **Undertaking** means any type of business, commercial, credit or financial undertakings, companies, institutions, partnerships, associations, amalgamations or organisations.

Article 3. Obligations of persons in the civil service

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 conflict of interest in accordance with the procedure and measures laid down by legal acts, and act in such a way as to avoid suspicions about the existence of such a conflict;
- 3) refrain from using 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 information, pertaining to their official duties, in a manner and to the extent other than that laid down by laws or other legal acts;
- 6) not use and prevent others from using property owned by the state or municipalities, as well as any property leased by the state or municipalities in accordance with the procedure and to the extent other than those laid down by laws and other legal acts.

CHAPTER TWO

DECLARATION OF PRIVATE INTERESTS

Article 4. Declaration of private interests

1. A person in the civil service shall declare his private interests in accordance with the procedure laid down in this Law and other legal acts, by filing a declaration of private interests (hereinafter referred to as the declaration). The provisions of this Law concerning a declaration of private interests shall also apply to chairmen of political parties and their deputies.

2. The provisions of this Law regarding the declaration of private interests shall also apply to

the heads or deputy heads of the companies with share capital in which the state or a local authority possesses more than 50 per cent of the authorised capital or shares, as well as to candidates for Seimas member, President of the Republic, members of the Government, municipal councillors and mayors, members of the European Parliament. Candidates shall present declarations in accordance with the procedure laid down by election laws.

Article 5. Filing of the declaration

1. A person in the civil service shall, within one month of the date of being elected, employed or appointed to an office in the civil service, file the declaration with the head or an authorised representative of the head of the central or local administration institution in which the person is employed.

2. Persons holding offices specified in Article 10(1) of this Law shall file the declaration with the Chief Official Ethics Commission.

3. The declaration may be filed not only with the head or an authorised representative of the head of the central or local administration institution in which the person is employed but also with other structural units, where this is provided for by the legal act regulating the manner of business of the institution concerned.

4. Institutions having the right to demand, in the cases and in the manner provided for in legal acts, the delivery of declarations shall obtain them, through their own effort, from the workplace of the person concerned or from the Chief Official Ethics Commission.

Article 6. Contents of the declaration

1. The declaration shall contain the following information about the person concerned and his/her spouse (cohabitee, partner):

1) the name, surname, personal number, number of the social insurance certificate, place of employment (places of employment) and position;

2) a legal person whose participant he/she or his/her spouse (cohabitee, partner) is;

3) his/her individual activities or individual activities of the spouse (cohabitee, partner) as defined in the Law on Personal Income Tax;

4) membership in and duties to undertakings, establishments, associations or foundations, with the exception of membership in political parties or organisations;

5) gifts received from close persons during the past twelve calendar months if the value thereof exceeds 50 minimum living standards;

6) gifts received from other persons (except close persons) during the past twelve calendar months if the value thereof exceeds 5 minimum living standards;

7) services rendered by close persons to him/her or his/her spouse (cohabitee, partner) during the past twelve calendar months free of charge or expenses paid by close persons for the services or

needs of any other type obtained by him/her or his/her spouse (cohabitee, partner), if the value thereof exceeds 50 minimum living standards;

8) services rendered by other persons (except close persons) to him/her or his/her spouse (cohabitee, partner) during the past twelve calendar months free of charge or expenses paid by the said persons for the services or needs of any other type obtained by him/her or his/her spouse (cohabitee, partner), if the value thereof exceeds 5 minimum living standards;

9) information about the transactions concluded by him/her or his/her spouse (cohabitee, partner) during the past twelve calendar months, if the value thereof exceeds 20 minimum living standards;

10) close persons or other persons he/she knows who may be the cause of a conflict of interest in the opinion of the person concerned.

2. The person concerned shall also give other data or specify other circumstances which, in his opinion, may give rise to a conflict of interest.

3. The person concerned may omit the data about his/her spouse if the latter is not living together and is not sharing the household and therefore such data is not known to the person concerned.

Article 7. Confirmation and modification of the data in the declaration

1. If the data given in the declaration about private interests of the person concerned and his/her spouse (cohabitee, partner) have changed, the person concerned must revise the declaration within 30 calendar days from the day of change in the data.

2. If new circumstances that may give rise to a conflict of interest appear, the person concerned must modify the declaration immediately, but not later than within 7 days after the said circumstances come to his/her knowledge.

Article 8. The form and storage of declarations

1. The form and the instructions for the completion, modification and filing of declarations shall be prescribed by the Chief Official Ethics Commission.

2. Declarations shall be stored at the state or municipal institutions, establishments to which the declarations have been filed. Responsibility for the storage of declarations shall be borne by the heads of those institutions, establishments or their authorised representatives.

Article 9. Verification of the data in the declaration

The right to check the veracity of the data given in the declaration shall be vested in:

1) the head or authorised representatives of the head of the institution in which the person concerned is employed;

2) the Chief Official Ethics Commission;

- 3) the State Tax Inspectorate;
- 4) law enforcement institutions in the manner prescribed by laws.

Article 10. Publicity of data on private interests

1. The data on private interests of state politicians, judges, chairmen and deputy chairmen of parliamentary political parties, heads and deputy heads of state or municipal institutions, civil servants of political personal confidence who perform the duties of heads of structural divisions of institutions or establishments shall be public and published in the webpage of the Chief Official Ethics Commission.

2. Taking into consideration the data officially provided by the heads of state and municipal institutions and establishments, the Chief Official Ethics Commission shall approve a list of the positions of the persons referred to in paragraph 1 of this Article, whose data on private interests are public.

3. Data contained in the declarations of private interests of other persons in the civil service may be made public on a justified decision of the Chief Official Ethics Commission.

4. In order to ensure the publicity of the data on private interests of persons in the civil service a register of private interests shall be set up in accordance with the procedure laid down by the Law on State Registers.

CHAPTER THREE REQUIREMENTS FOR PERSONS IN THE CIVIL SERVICE

Article 11. Duty of self-exclusion

1. A person in the civil service shall be prohibited from participating in the preparation, consideration or passing of decisions or from otherwise influencing decisions, which may give rise to a conflict of interest situation.

2. A person in the civil service must notify, prior to the commencement of or during the procedure of the preparation, consideration or passing of the decision, his direct chief or the person authorised by the institution head, also persons who take part in the above procedure of preparation, consideration or passing of the decision, of the existing conflict of interest and must exclude himself from participation therein. The head of the institution or his authorised representative may refuse to accept the declared his self-exclusion and obligate the person to take part in the subsequent procedure.

3. A person in the civil service must fulfil written preliminary recommendations of the institution head or his authorised representative specifying the decisions from the preparation, consideration or passing whereof he must exclude himself. Said recommendations are made for a specific situation on the basis of annual declarations or the person's request. The person in the civil service may make the preliminary recommendations public at his own discretion.

4. A person in the civil service is not allowed to contribute to the work of commissions of supervision, investigation or other institutions of the type if this results in the conflict of interest.

5. The institution head or his authorised representative may suspend a person who is in the civil service from participation in the preparation, consideration or passing of a specific decision if there are ample grounds to believe that his participation would result in conflict of interest.

6. The provisions of this Article shall not be applicable to the President of the Republic, members of the Seimas, judges, prosecutors, investigators, persons conducting the inquiry, as well as other officers for whom the methods of safeguarding supremacy of public interests are defined by the laws regulating their activity.

Article 12. Restriction of the right of representation

1. A person in the civil service may not represent the state or municipality, or state, municipal institutions:

1) when he is dealing with natural or legal persons from whom he or persons close to him receive any kind of income;

2) when he is dealing with all types of undertakings in which he or persons close to him own over 10% of the authorised capital or shares;

2. A person in the civil service may not represent private groups or persons and defend their interests in state or municipal institutions except where they act as legal representatives. Examination, investigation and consideration of complaints shall not be considered as representation of private groups or persons.

3. Exceptions to which the restrictions set forth in paragraphs 1 and 2 hereof may in each specific case be prescribed by the head of an appropriate institution or his authorised representative. The decision regarding the application of exception must be announced publicly.

Article 13. Restrictions related to official duties

1. A person in the civil service may not use his duties, authority and name in order to influence other persons' decision, which would result in the emergence of a conflict of interest situation.

2. A person in the civil service may not use or permit to use for his own private gain or for that of his close relatives or related persons information obtained in the course of official duties, otherwise than in the manner and in the scope laid down by law.

Article 14. Restrictions on the acceptance of gifts or services

1. A person in the civil service may not accept or grant gifts or services if this may give rise to private and public interests conflict named in the Article 2 thereof.

2. The above restriction shall not be applicable to gifts or services accepted pursuant to the international protocol or customs usually connected with the official duties of the person in the civil service.

3. Repealed

4. In case the gift specified in paragraph 2 hereof is valued in excess of 5 minimum living standards, the gift shall be considered the property of the state or municipality. Such gifts shall be evaluated and kept in the manner laid down by the Chief Official Ethics Commission.

Article 15. Other restrictions and prohibitions

Persons in the civil service who are recognised in accordance with the procedure laid down by legal acts as violators of the requirements of this Law may not be given incentives, promoted for a year following the day the violation has come to light, and in case of expiration of official duties on any grounds may not be accepted to the civil service for three years following the day the violation has come to light.

CHAPTER FOUR

OBLIGATIONS IN SEEKING OTHER EMPLOYMENT

Article 16. Obligation to notify of the received proposals

A person in the civil service must notify the institution head or his authorised representative of all new job proposals, where such proposals may cause for the person a conflict of interest situation.

Article 17. Obligation to notify in writing of the accepted proposal

A person in the civil service must forthwith notify the head of the institution or his authorised representative of his acceptance of new employment offer. Upon ascertaining the person's close official relation to the future employer, the head of the institution or his authorised representative must promptly take measures to avert the threat of a conflict of interest.

CHAPTER FIVE

LIMITATIONS AFTER EXPIRATION OF THE TERM OF OFFICE

Article 18. Limitations when concluding employment contracts

After leaving office in the civil service a person shall have no right, within a period of one year, to take up employment of company head, deputy head, company board or management board member and run other offices directly related to decision-making in company management, property management, financial accounting and control sphere, provided that during the period of one year

immediately prior to the termination of his service in public office his duties were directly related to the supervision or control of the business of said undertakings or the person participated in consideration and making of favourable for these companies decisions for obtaining state orders or financial assistance in the course of public contests or otherwise.

Article 19. Limitations on entering into contracts or enjoying individual privileges

1. A person, following the expiration of the term of office in the civil service, or an undertaking in which he or his close relatives or family members hold over 10% of the authorised capital or material contribution, or are employed in the management or audit institutions, shall have no right for a period of one year to enter into contracts with the institution or seek individual privileges provided by the institution in which the person held office for the last year.

2. Limitations prescribed by paragraph 1 hereof shall not apply where the contract has been concluded prior to the person's entry into office in the civil service, or when the contract is extended, also with respect to a contract which is awarded by public tender and to contracts the value whereof does not exceed LTL 10 000 per year.

Article 20. Limitations of representation

1. After official separation from office in the civil service, a person may not for a period of one year represent natural or legal persons in the institution in which he held office for a period of one year immediately prior to his leaving the service.

2. After official separation from office in the civil service, a person may not for a period of one year represent natural or legal persons in other central or local institutions on the issues which had been assigned to his official functions.

3. A person in the civil service shall be prohibited from keeping official relations with former office holders in the civil service in respect of whom the limitations specified in paragraph 1 hereof apply. A person in the civil service must promptly notify the head of the institution where he holds an office or his authorised representative of such official relations.

Article 21. Exemptions from limitations

Exemptions from limitations laid down in Articles 18-20 shall be established by the Chief Official Ethics Commission in each specific case where the application of limitations may be detrimental to the interests of the community or the state.

CHAPTER SIX

LAW IMPLEMENTATION CONTROL

Article 22. Control institutions and officers

1. Compliance of persons in the civil service with the provisions of this Law shall be controlled by:

- 1) the Chief Official Ethics Commission;
- 2) heads of appropriate state or municipal institutions, establishments or their authorised representatives;
- 3) other state institutions in accordance with the procedure laid down by legal acts.

2. Heads of state or municipal institutions or representatives authorised by them shall provide recommendations on implementation of the provisions of this Law for the persons subordinate to them, who are in the civil service.

3. Upon receipt of a justified information regarding the non-compliance with the requirements of this Law by the person, heads of state or municipal institutions, establishments shall, on their own initiative or on the instruction of the Chief Official Ethics Commission, carry out investigation official activities of the subordinate person who is in the civil service. Results of the investigation shall be communicated to the Chief Official Ethics Commission which shall enjoy the right to evaluate the findings of the conducted investigations. If the Chief Official Ethics Commission does not agree with the findings of the investigation conducted at a state or municipal institution or establishment, it shall enjoy the right to instruct to conduct a repeat investigation or conduct it itself and to take a decision.

Article 23. Chief Official Ethics Commission

The Chief Official Ethics Commission shall supervise the fulfilment by persons the provisions of this Law in accordance with the procedure laid down by the Law on the Chief Official Ethics Commission, this Law and other legal acts.

Article 24. Liability

For the violations of this Law persons in the civil service shall be held liable under the laws.