



## **PREVENTION OF CORRUPTION LAW OF THE REPUBLIC OF LITHUANIA**

**No. IX-904 as of 28<sup>th</sup> May 2002**

**Vilnius**

### **CHAPTER ONE GENERAL PROVISIONS**

#### **Article 1. Purpose of the Law**

The present Law shall lay the main principles, aims and tasks of corruption prevention in the civil service and the private sector, corruption prevention measures and a legal framework therefor, and corruption prevention bodies as well as their rights and duties in the field of corruption prevention.

#### **Article 2. Principal Definitions**

1. **Prevention of corruption** shall mean detection and elimination of the causes of and conditions for corruption through development and implementation of a system of appropriate measures, as well as deterrence against corruption-related criminal acts.
2. **Corruption-related criminal acts** shall mean taking bribes, receiving bribes via an intermediary, offering bribes, and other criminal acts committed in the pursuit of private or other persons' advantage in the public administration sector or by providing public services, namely the abuse of office or exceeding one's authority, abuse of one's authority, tampering with official records and measuring devices, fraud, misappropriation or embezzlement of property, disclosure of an official secret, disclosure of a commercial secret, misrepresentation of

information about income, profit or property, legitimization of the proceeds of crime, interference with the activities of a public servant or a person discharging public administration functions, or other criminal acts, if these acts are committed with the aim of seeking or demanding a bribe, offering a bribe, or concealing or covering up the act of taking or offering a bribe.

3. **The state or municipal agency** shall mean a state or municipal institution or agency, as well as a public agency, one of the founding parties of which is a state or municipal institution or agency.
4. **The head of an agency** shall mean a civil servant, who has been appointed by way of contest or on the basis of political (personal) confidence to manage the agency, and the head of a public agency, one of the founding parties of which is a state or municipal institution or agency.
5. **The non-governmental agency** shall mean legal entities of the Republic of Lithuania, with the exception of those indicated in Section 3 Article 2 hereof.

### **Article 3. Aims and Tasks of the Prevention of Corruption**

1. The prevention of corruption shall be aimed at ensuring that corruption interferes as little as possible with development of the economy and democracy, creation of welfare, strengthening of national security, and enhancement of the quality of public services.
2. The main tasks of the prevention of corruption shall be the following:
  - 1) to disclose and to eliminate the causes of and conditions for corruption;
  - 2) to deter people against commission of corruption-related criminal acts;
  - 3) to ensure a workable and effective legal regulation of the prevention of corruption;
  - 4) to create a proper and effective mechanism for organisation, implementation, oversight and control of corruption prevention, by legal, organisational, economic and social means;
  - 5) to involve the public and public organisations in the prevention of corruption;
  - 6) to promote a transparent and open provision of public services

#### **Article 4. Principles of the Prevention of Corruption**

The implementation of the prevention of corruption shall be governed by the following principles:

- 1) legality – the corruption prevention measures shall be implemented in compliance with the requirements of the Constitution, laws and other statutes of the Republic of Lithuania, and in a manner safeguarding the basic human rights and freedoms;
- 2) universal applicability – anyone can be a subject of corruption prevention;
- 3) interaction – the effectiveness of the corruption prevention measures shall be ensured through coordination of the activities of all the bodies of corruption prevention, exchange of relevant information among them and provision of other assistance to one another;
- 4) consistency – ensuring the effectiveness of the corruption prevention measures through continuous oversight and review of the performance of the corruption prevention measures and by making regular proposals as to the enhancement of the effectiveness of these measures to the institution which has the authority to carry out such proposals.

### **CHAPTER TWO**

#### **CORRUPTION PREVENTION MEASURES**

#### **Article 5. Corruption Prevention Measures**

The corruption prevention measures shall be the following:

- 1) analysis of the risk of corruption;
- 2) anti-corruption programmes;
- 3) anti-corruption assessment of the legislation and drafts thereof;
- 4) provision of information in relation to a person applying for or holding a position in the state or municipal agency;
- 5) provision of information to the Registers of Civil Servants and Legal Entities;
- 6) education and information of the public;
- 7) publicising the detected acts of corruption;

8) other corruption prevention measures provided for by the law.

### **Article 6. Analysis of the Risk of Corruption**

1. The analysis of the risk of corruption shall mean the anti-corruption analysis of the activities of the state or municipal agency, carried out in compliance with the procedure prescribed by the Government, and the presentation of a grounded report on anti-corruption programmes as well as putting forward proposals concerning contents thereof, and making recommendations for additional corruption prevention measures to the state or municipal agency with the corresponding authority.
2. The head of the state or municipal agency, structural subdivisions thereof or persons therein who are authorised by the head of the corresponding state or municipal agency to carry out corruption prevention and control shall, in compliance with Section 3 Article 6 hereof, identify the areas of the activities of the state or municipal agency, particularly prone to corruption.
3. An area of the activities of the state or municipal agency shall be considered to be particularly prone to corruption if it meets one or several of the following criteria:
  - 1) there has been a corruption-related criminal act committed in that area of activities;
  - 2) its principal functions are control and oversight;
  - 3) there is no detailed regulation of the functions and tasks, as well as no operational and decision-making procedures of separate civil servants;
  - 4) the activities are related to the issue or restriction of permits, concessions, privileges and other additional rights;
  - 5) most of the decisions do not require approval by another state or municipal agency;
  - 6) there is access to the information classified as a state or professional secret;

- 7) instances of improper conduct have been established by the previous analyses of corruption risk.
4. The areas of the activities of the state or municipal agency, particularly prone to corruption, can be subjected to the analysis of corruption risk.
5. Determining the need for the corruption risk analysis of the areas of activities of the state or municipal agencies, the Special Investigation Service shall assess whether the activities of the state or municipal agency in question meet one or several of the following criteria:
  - 1) there have been attempts made to influence the officials of the state or municipal agency or the decisions made thereby, in the manner violating the procedures prescribed by law;
  - 2) there have been corruption-related criminal acts detected in the other state or municipal agencies, whose functions are similar to those of the agency in question;
  - 3) the supervision system of the activities of the state or municipal agency in question has been improved;
  - 4) decision-making is related to material or other benefit of the person served by the agency in question;
  - 5) there have been violations of the prescribed procedure detected (for example, when allocating the budget funds, placing orders and making other decisions);
  - 6) the state or municipal agency is an independent administrator of the budgetary allocations;
  - 7) violations have been found in the activities of the state or municipal agency in question by the State Control, Ombudsman or another control or supervisory institution;
  - 8) there is other information pointing to the signs of corruption in the activities of the state or municipal agency in question (intelligence, complaints and reports by the public, information provided by the media or available otherwise).
6. The analysis of corruption risk shall cover the areas of the activities of the

state or municipal agency that are particularly prone to corruption as well as the supervisory systems of those areas.

7. The analysis of corruption risk shall be carried out by the Special Investigation Service in compliance with the procedure set by the Government.
8. The procedure for the analysis of corruption risk shall be put forward by the Special Investigation Service and shall be approved by the Government.

#### **Article 7. Anti-corruption Programmes**

1. Anti-corruption programmes can be of the national, sectoral, departmental or other scope.
2. The National Anti-corruption Programme shall be developed and its implementation shall be organised and overseen by the Government with involvement of the Special Investigation Service.
3. The anti-corruption programmes of sectoral (embracing the areas of the activities of several state or municipal agencies), departmental and other scope shall be developed by the state and municipal and non-governmental agencies, who have been charged with the development of such programmes by the National Anti-corruption Programme and other statutes. The departmental anti-corruption programmes can also be developed by the state and municipal agencies, where the analysis of corruption risk has been performed resulting in proposals to develop such a programme.
4. The development of anti-corruption programmes shall be governed by the present Law, the National Anti-corruption Programme and other statutes, with regard given to the proposals made by the Special Investigation Service and other information available thereto.
5. The National Anti-corruption Programme shall be submitted by the Government and approved by the Seimas of the Republic of Lithuania. Other anti-corruption programmes shall require approval by the head of the state or municipal or non-governmental agency which developed the programme concerned. The head of the agency shall bear personal responsibility for the implementation of the

programme approved by them.

6. The coordination and oversight of the implementation of the programmes shall be carried out by the heads of the agencies or the structural subdivision thereof or persons therein who have been authorised by the head of the corresponding agency to conduct corruption prevention and control in the agency. The Special Investigation Service monitors the implementation of the proposals made by it.

#### **Article 8. Anti-corruption Assessment of the Existing or Draft Legislation**

1. The state or municipal agency drafting or passing a piece of legislation regulating the public relations particularly prone to corruption shall perform the anti-corruption assessment of the draft and examine the anti-corruption assessment of the same draft performed by other state or municipal agencies.
2. The anti-corruption assessment of the existing legislation shall be carried out taking into consideration its application practice, and shall be made known to the state or municipal agency, which adopted it or on whose initiative it was adopted. This agency shall determine whether it would be expedient to amend the piece of legislation in question.
3. The Special Investigation Service can perform the anti-corruption assessment of the existing or draft legislation on its own initiative or on the proposal by the Lithuanian President, Chairman of the Seimas, Prime Minister, Parliamentary Committee, Commission, parliamentary group or minister.

#### **Article 9. Provision of Information about a Person Applying for or Holding a Position in the State or Municipal Agency**

1. The provision of information about a person applying for or holding a position in the state or municipal agency shall mean the provision of the objective information about a person applying or holding a position in the state or municipal agency, which has been legally collected and held by the law enforcement and control institutions, to the head of the agency or a state politician, who has appointed or is appointing the civil servant in question, which shall be carried out in compliance with the procedure prescribed by law on the

request of the head of the agency concerned or a state politician (with the exception of the candidates for the positions specified in Section 2 Article 9 hereof), or on the initiative of the law enforcement or control institutions, in order to ensure that only persons of impeccable reputation hold office in the state or municipal agency.

2. The provision of such information shall be obligatory with regard to the applicants for a position in the state or municipal agency, requiring the appointment by the Seimas, President, Chairman of the Seimas, the Government or Prime Minister, or for the office of the head and deputy head of the state or municipal agency, vice-minister, under-secretary of state, under-secretary, deputy mayor if appointed by the municipality, the head or deputy head of the agency accountable to a ministry.
3. The decision to file a request with the Special Investigation Service for the information about the person in question shall be made by the head of the state or municipal institution who is appointing or has appointed that person, or a state politician. In making the decision, regard should be given to the office, character of the duties and the information available with regard to the person applying for or holding a position in the state or municipal agency. The expediency of and justification for such a decision shall also be assessed.
4. The written request filed with the Special Investigation Service regarding the information about the person holding office in the state or municipal agency shall be grounded and substantiated by the information that raises serious doubts as to the reliability of the person in question.
5. The information about the person applying for or holding a position in the state or municipal agency shall be provided by the Special Investigation Service on receipt of the written request by the head of the agency which is appointing or has appointed the person in question, or a state politician. The Special Investigation Service shall collect and submit in writing the information available to itself, the Police Department under the Ministry of the Interior, the Register of Civil Servants and, if necessary, the information held by the other law enforcement and control institutions. The law enforcement and control institutions can also present



the information available to them to the head of the agency or a state politician on their own initiative.

6. The head of the agency or a state politician shall notify the person, with regard to whom information has been presented or requested, of the decision to request the information or of the receipt of the information from the law enforcement or control institutions no later than 3 days after the corresponding event.
7. The information, with the exception of the part thereof that contains classified information, shall be made known to the person, with regard to whom it has been presented.
8. The person, with regard to whom the decision to request information was made, can contest in court the decision in question and (or) the information presented.
9. The information thus presented shall be one of the grounds for judging about the reliability of the person applying for or holding a position in the state or municipal agency. The person, who has lost the confidence, can be refused appointment in the state or municipal agency or can be dismissed from their office in accordance with the procedure set out in the Law on the Civil Service and other legislation.
10. The head of the agency or a state politician can use the information presented only for the purposes of judging about the reliability of the person applying for or holding a position in the state or municipal agency. The head of the agency or a state politician shall not pass the information presented to them by the law enforcement and control institutions to third parties, except in circumstances required by law.
11. The Special Investigation Service, in compliance with the laws and on the basis of the information provided on the corresponding request and presented by the other law enforcement and control institutions, can initiate investigation under the procedure established by legislation.
12. The procedure for the provision of information about a person applying for or holding a position in the state or municipal agency, shall be established by the Government.

## **Article 10. Education and Information of the Public**

1. Anti-corruption education is an integral part of raising public awareness with a view to instilling dignity and civic motivation, fostering the person's awareness of their social rights and duties, and the concept of the Lithuanian state, as well as to ensuring the implementation of the aims of corruption prevention.
2. Anti-corruption education of the public shall be carried out at the educational institutions of all types and levels in accordance with the corresponding educational programmes, through the media and other means.
3. The state and municipal agencies shall inform the public through the media or other means about their activities undertaken in the fight against corruption.

**Article 11. Provision of Information to the Registers of Civil Servants and Legal Entities.**

1. The Register of Civil Servants shall be supplied with the information about civil servants who have been found guilty of corruption-related criminal acts by the final and valid court ruling, or who have faced administrative or disciplinary proceedings for serious misconduct of office, related to the violation of the provisions of the Law on Approximation of the Public and Private Interests in Civil Service and committed in pursuit of illegal gains or privileges for themselves or other persons.
2. The Register of Legal Entities shall be supplied with the information about legal entities who have been found guilty of corruption-related criminal acts by a valid court ruling, or whose employee or authorised representative has, by a valid court judgment, been found guilty of corruption-related criminal acts while acting for the benefit or in the interests of the legal entity concerned.
3. The state or municipal agency, which has made or revoked the decision that the acts specified in Sections 1 and 2 Article 11 hereof have been committed shall notify thereof the administrators of the Registers of Civil Servants and (or) Legal Entities within 14 days from the date of the decision's entry into force.
4. The information specified in Sections 1 and 2 Article 11 hereof is one of the grounds for judging about the reliability of the natural or legal person. The persons who have lost confidence can be subject to the restrictions provided for in

this and other laws.

5. The procedure for the issue of the register information shall be established by the regulations of the corresponding register.

### **CHAPTER THREE**

#### **CORRUPTION PREVENTION BODIES, RIGHTS AND DUTIES THEREOF IN THE FIELD OF CORRUPTION PREVENTION**

##### **Article 12. Corruption Prevention Bodies**

The corruption prevention as provided for herein shall be implemented by the following bodies:

- 1) The Government;
- 2) The Chief Institutional Ethics Commission;
- 3) The Special Investigation Service;
- 4) Other state and municipal and non-governmental agencies.

##### **Article 13. The Government**

In implementation of the present Law, the Government:

- 1) shall ensure that the corruption prevention measures are implemented by the ministries and its subordinate agencies;
- 2) shall allocate the funds necessary for the effective implementation of the corruption prevention measures;
- 3) shall develop the National Anticorruption Programme together with the Special Investigation Service and submit it to the Seimas for approval, as well as make recommendations as to the amendment of the said programme;
- 4) shall make recommendations to the Seimas as to the introduction and amendment of the laws and other legislation, necessary for the implementation of the prevention of corruption.

##### **Article 14. The Chief Institutional Ethics Commission**

In implementation of the present Law, the Chief Institutional Ethics Commission:

- 1) shall analyse the ethical problems faced by civil servants, and shall make proposals concerning anti-corruption programmes and the introduction and improvement of legislation, seeking to eliminate preconditions for possible conflicts of the private and public interests in civil service;
- 2) shall make recommendations to the Seimas, other state and municipal agencies as to the implementation of the provisions of this Law;
- 3) shall summarise the application of the legal rules setting out the institutional ethics requirements in different areas, and shall participate in the drafting and codification of such rules;
- 4) shall implement the corruption prevention measures delegated to it, together with the other state and municipal agencies.

#### **Article 15. The Special Investigation Service**

In implementation of the present Law, the Special Investigations Service:

- 1) shall participate in the Government's developing the National Anticorruption Programme, and shall make recommendations as to the amendments thereto;
- 2) shall put forward proposals to President, the Seimas and the Government as to the introduction and improvement of the new legislation necessary for the implementation of corruption prevention;
- 3) shall take part in the Government's discharge of its functions of coordination and supervision of the activities of the state and municipal agencies in the field of corruption prevention;
- 4) shall, together with the other state and municipal agencies, implement corruption prevention measures;
- 5) shall, together with the other state and municipal agencies, implement the National Anti-corruption Programme.

#### **Article 16. The Other State and Municipal Agencies, and Non-Governmental Agencies**

1. In implementation of the present Law, the state and municipal agencies, and non-governmental agencies in the Republic of Lithuania shall have the right:

- 1) to establish, in compliance with the procedure prescribed by law, internal units for corruption prevention and control in the area of the activities of the corresponding state or municipal agency, or non-governmental agency, or to appoint persons to discharge this function;
  - 2) to make proposals concerning the issues of corruption prevention to the state and municipal agencies;
  - 3) to introduce measures encouraging the enforcement of corruption prevention in the state and municipal agencies, and non-governmental agencies;
  - 4) to receive methodological information from the state or municipal agencies, implementing the prevention of corruption, on the issues of corruption prevention.
2. In implementation of the present Law, the state and municipal agencies, and non-governmental agencies:
- 1) shall, within the margins of their authority, implement the national policy in the field of corruption prevention;
  - 2) shall ensure compliance with the requirements of the legislation on corruption prevention in the state and municipal and non-governmental agencies;
  - 3) shall, within the margins of their authority, develop and approve anti-corruption programmes;
  - 4) shall promptly eliminate the violations of the provisions of the corruption prevention legislation;
  - 5) shall, under the procedure established by the Government, supply the officers of the Special Investigation Service with the information necessary for the corruption risk analysis;
  - 6) shall not, by action or inaction, create conditions for the corruption-related criminal acts;
  - 7) shall raise the awareness of the issues of corruption prevention among their staff.

3. The liability for the prevention of corruption in the state and municipal and non-governmental agency shall rest with its head. In their discharge of this function, the head shall take measures necessary for the implementation of this Law.
4. The measures necessary for the implementation of corruption prevention in the state and municipal and non-governmental agencies shall be financed from their own financial resources.

## **CHAPTER FOUR**

### **FINAL PROVISIONS**

#### **Article 17. Proposal to the Government and Other Agencies Mentioned Herein**

The Government and other agencies mentioned herein shall adopt the statutory documents necessary for the implementation of this Law by 1<sup>st</sup> September 2002.

*I promulgate this Law passed by the Seimas of the Republic of Lithuania.*

PRESIDENT

VALDAS ADAMKUS