



## LAW AMENDING THE REPUBLIC OF LITHUANIA LAW ON CORRUPTION PREVENTION NO IX-904

No XIV-471 of 29 June 2021  
Vilnius

### **Article 1. New Wording of the Republic of Lithuania Law on Prevention of Corruption No IX-904**

To amend the Republic of Lithuania Law on Corruption Prevention No IX-904 and read as follows:

#### **“REPUBLIC OF LITHUANIA LAW ON PREVENTION OF CORRUPTION**

#### **CHAPTER ONE GENERAL PROVISIONS**

#### **Article 1. Purpose and Scope of Application of the Law**

This Law shall lay down the basic principles, objectives and tasks of the prevention of corruption and strengthening national security by reducing the threats posed by corruption in both the public and private sectors, the measures to create an anti-corruption environment and the legal basis of such measures, the corruption prevention bodies, their rights and duties in the field of corruption prevention.

#### **Article 2. The Main Definitions of the Law**

1. **“Level of resilience to corruption”** shall mean a size indicating the resilience to corruption of a public sector entity.

2. **“Corruption”** shall mean the abuse of powers for the benefit of oneself or another person in the public or private sector.

3. **“Determining the probability of manifestation of corruption”** shall mean the procedure of detection of corruption risk factors in the activity of a public sector entity.

4. **“Corruption prevention”** shall mean the systematic activities to improve the anti-corruption environment of public and private sectors entities, which includes detecting, eliminating and (or) reducing the corruption risk factors through the development and implementation of a system of measures to create an anti-corruption environment.

5. **“Corruption risk”** shall mean the probability that corruption may occur in the field of activity of a public or private sector entity.

6. **“Corruption risk analysis”** shall mean the detection and analysis of the corruption risk and its factors in a certain field or process of state or municipal activity, which includes the fields of activity of one or more public sector entities, from an anti-corruption point of view.

7. **“Corruption risk management”** shall mean a component of the internal control of a public sector entity, which includes the detection and assessment of corruption risk factors and the selection of measures to reduce the corruption risk, their implementation, and the assessment of the results achieved.

8. **“Corruption risk factors”** shall mean reasons, conditions, events, circumstances that may lead to corruption risk.

9. **“Criminal acts of a corruptive nature”** shall mean:

1) acceptance of a bribe, trade in influence, giving of a bribe, abuse of office;  
 2) criminal acts committed in the public sector or by providing administrative or public services with abuse of powers and directly or indirectly seeking the benefit of oneself or another person: unlawful registration of rights to an item, failure to perform official duties, disclosure of a state secret, illegal funding of political parties and political campaigns, swindling, misappropriation of property, squandering of property, disclosure of a commercial secret, money or property laundering, provision of inaccurate data on income, profit or assets, interference with the activities of a civil servant or a person performing the functions of public administration, disclosure of an official secret, forgery of a document or possession of a forged document.

3) other criminal acts aimed at seeking acceptance or giving of a bribe, or concealing or disguising acceptance or giving of a bribe, or bribery of an intermediary.

10. **“Infringement of law of a corruptive nature”** shall mean an administrative misdemeanour, violation of official duties or malfeasance committed with abuse of powers and directly or indirectly seeking the benefit of oneself or another person, as well as a criminal act of a corruptive nature.

11. **“Private sector entity”** shall mean a legal entity other than those referred to in Paragraph 14 of this Article.

12. **“Independent body”** shall mean the Office of the Seimas of the Republic of Lithuania, the Office of the President of the Republic of Lithuania, the Office of the Government of the Republic of Lithuania, the Ministry, the Bank of Lithuania, municipal administration or any other state or municipal body that is not subordinated to any other body or institution and (or) is not assigned to the field of management of another body or institution.

13. **“Anti-corruption assessment of legal acts or drafts thereof”** shall mean the assessment of the existing and (or) planned legal regulation from the anti-corruption point of view and the detection of shortcomings in the legal regulation that may create prerequisites for corruption.

14. For the purposes of this Law, **“public sector entities”** shall be understood as:

1) an independent body, another state or municipal body;  
 2) a public body, where one of its founders or stockholders is a state or municipal institution or body or a public sector entity referred to in Clause 3 or 4 of this Paragraph;

3) a state or municipal undertaking, as well as a public limited company and a private limited company, where all or part of the shares of which, when belonging to the State or one or more municipalities by the right of ownership, grant more than 1/2 of the votes at a general meeting of shareholders;

4) a parent (subsidiary) public limited company and a private limited company of the companies referred to in Clause 3 of this Paragraph, as well as all other parent companies (subsidiaries) related to these companies through subsequent parent companies (subsidiaries), except for entities established in another state and operating in accordance with that national law of this state.

15. **“Employee of a public sector entity”** shall mean a person who has an office or employment relationship with a public sector entity, except for a person holding a position that is not subject to education or professional qualification requirements.

16. **“Head of a public sector entity”** shall mean the sole governing body of the public sector entity.

17. Other definitions used in this Law shall be understood as defined by the Criminal Code of the Republic of Lithuania, the Law on Consolidated Financial Reporting by Groups of Undertakings of the Republic of Lithuania, the Law on Strategic Management of the Republic of Lithuania, the Law on Public Administration of the Republic of Lithuania and other legal acts.

### **Article 3. Objectives and Tasks of Corruption Prevention**

1. The prevention of corruption shall be targeted at strengthening national security, developing social welfare, increasing the quality of administrative, public and other public sector

services, and protecting the freedom of fair competition so that corruption interferes in the development of democracy and the economy as little as possible.

2. The key tasks of corruption prevention shall be as follows:

- 1) create an anti-corruption environment;
- 2) increase anti-corruption awareness;
- 3) systematically and in a coordinated manner eliminate the corruption risk factors and reduce the corruption risk;
- 4) ensure prerequisites for the harmonious and efficient operation of the system of corruption prevention entities;
- 5) reduce economic incentives for corruption;
- 6) ensure the active involvement of private sector entities and the public in the prevention of corruption;
- 7) promote transparent, fair and open provision of administrative, public and other services.

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

Prevention of corruption shall be implemented on the basis of the following principles:

1) legality – the measures to create an anti-corruption environment shall be implemented in compliance with the requirements of the Constitution, laws and other legal acts of the Republic of Lithuania, ensuring the protection of the fundamental human rights and freedoms; corruption prevention entities should ensure that their actions or omissions do not lead to infringement of law of a corruptive nature;

2) universal applicability – any person may be an entity of corruption prevention;

3) interaction – effectiveness of the measures to create an anti-corruption environment may be achieved through co-ordinated efforts of all the entities of corruption prevention, exchange of information necessary for the entities and provision of any other mutual assistance;

4) continuity – effectiveness of the measures to create an anti-corruption environment may be achieved through a continuing oversight and review of the results of implementation of the measures to create an anti-corruption environment, and making proposals about enhancing the effectiveness of the relevant measures to a competent entity authorised within its remit to implement such proposals.

5) proportionate anti-corruption activities – anti-corruption activities should be carried out taking into account the size and (or) administrative capacity of the public sector entity, and measures applied should be limited to the extent necessary to create an anti-corruption environment to minimise administrative burdens;

6) subsidiarity – entities of the public or private sector shall be primarily responsible for corruption risk management; an independent body to which the public sector entity is subordinated, accountable or assigned according to the field of management, and (or) the Special Investigation Service of the Republic of Lithuania shall propose measures to create an anti-corruption environment or shall implement them only to the extent necessary effectively to manage corruption risks in this entity;

7) transparency – anti-corruption activities should be public and understandable, open to the public;

8) protection of personal rights – anti-corruption activities should be carried out ensuring the certainty and stability of legal regulation, protecting the rights and legitimate interests of persons, in accordance with the requirements for legal protection of personal data;

9) involvement – involving civil society in the prevention of corruption; public sector entities takes and private sector entities may take measures to raise the anti-corruption awareness of their employees, to provide information to the public on the creation of an anti-corruption environment and to encourage them to contribute to its creation;

#### **Article 5. System of Measures to Create an Anti-corruption Environment**

1. The system of measures to create an anti-corruption environment shall consist of:

- 1) measures to prevent corruption;

2) raising anti-corruption awareness;  
 3) ensuring the reliability of staff;  
 4) other statutory activities or measures that create an anti-corruption environment or improves anti-corruption environment.

2. The main measures to prevent corruption shall be as follows:

- 1) corruption risk analysis;
- 2) corruption prevention planning documents;
- 3) anti-corruption assessment of legal acts or drafts thereof;
- 4) reporting of criminal acts of a corruptive nature;
- 5) determination of the probability of manifestation of corruption;
- 6) assessment of corruption risk management;
- 7) determination of the level of resilience to corruption;
- 8) implementation of anti-corruption standards of conduct.

## **CHAPTER TWO MEASURES TO PREVENT CORRUPTION AND RAISE ANTI-CORRUPTION AWARENESS**

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

1. Corruption risk analysis shall be carried out by the Special Investigation Service in accordance with the procedure established by the Director of the Special Investigation Service, which is made public.

2. The Special Investigation Service, in determining the necessity to perform corruption risk analysis in a certain field or process of state or municipal activity involving the activities of one or more public sector entities, shall consider the conclusions of determining the probability of manifestation of corruption (if the probability of manifestation of corruption in the relevant field of activity or process has been determined), assessments of corruption risk management, information related thereto, other information available and accessible to the Special Investigation Service, taking into account the priorities in the prevention of corruption approved by the Director of the Special Investigation Service.

3. The field or process of state or municipal activity in which corruption risk analysis will be performed shall be selected taking into account the following criteria:

- 1) whether there have been attempts, in violation of the procedure established in law, to affect the employees of the public sector entity or decisions adopted by them;
- 2) whether criminal acts of a corruptive nature have been detected in another similar field or process of state or municipal activity and there are grounds to believe that the risk of such corruption may also exist in this field or process of state or municipal activity;
- 3) whether the decisions adopted relate to the material or other benefit of the person concerned, the granting or restriction of permits, concessions, allowances and other additional rights, the exercise of control or supervision;
- 4) whether control, supervisory or law enforcement authorities have detected any infringements of law of a corruptive nature in the field or process of state or municipal activity;
- 5) whether other substantiated information has been received regarding corruption risk factors existing in the field or process of state or municipal activity.

4. The decision to carry out corruption risk analysis shall be adopted by the Director of the Special Investigation Service or his or her authorised person, taking into account the data referred to in Paragraph 2 of this Article and criteria referred to in Paragraph 3 of this Article.

5. The Special Investigation Service shall inform in writing the public sector entity whose activities will be analysed about the decision to carry out corruption risk analysis.

6. After performing corruption risk analysis, the Special Investigation Service shall submit to the public sector entity a draft conclusion of the corruption risk analysis, which provides information on the detected corruption risk and (or) its factors, and proposals of a recommended nature to reduce the detected corruption risk and (or) eliminate its factors.

7. The public sector entity whose activities are analysed shall have the right to:
- 1) provide additional data and information on its own initiative;
  - 2) get acquainted with the draft conclusion of the corruption risk analysis and submit comments and motivated proposals regarding the corruption risk and (or) corruption risk factors detected during the corruption risk analysis, and proposals of a recommended nature to reduce the detected corruption risk and (or) eliminate corruption risk factors, as well as receive explanations;
  - 3) choose the most rational way of implementing the recommendations provided in the conclusion of the corruption risk analysis or alternative methods of corruption risk management that best meets the peculiarities of the activities of the public sector entity;
  - 4) reasonably disagree with the conclusions of the corruption risk analysis regarding the corruption risk and (or) its factors, or with the proposals to reduce the detected corruption risk and (or) eliminate its factors.
8. The final conclusion of the corruption risk analysis shall be made public and submitted to the entity whose activities have been analysed.
9. After receiving the conclusion of the corruption risk analysis from the Special Investigation Service, if it detects the corruption risk and (or) its factors, and proposals of a recommended nature to reduce the detected corruption risk and (or) eliminate its factors, within three months of the date of receipt of the conclusion, the public sector entity shall make public on its website information on how the proposals set out in this conclusion are or will be implemented, and shall provide the Special Investigation Service with a link to this information. In the event of the objection to the proposals established in the conclusion of the corruption risk analysis, the public sector entity shall make public the reasons and motives for the objection to the proposals, and (or) shall specify alternative measures to eliminate the corruption risk factors laid down in the conclusion of the corruption risk analysis, and shall provide the Special Investigation Service with a link to this information. Not more than one year from the date of receipt of the conclusion of the corruption risk analysis, the public sector entity shall make public on its website what actions have been taken and what results have been achieved in reducing the risk specified in the conclusion and (or) eliminating the risk factors, whether the proposals provided in the conclusion of the corruption risk analysis or alternative proposals have been implemented, or shall substantiate why no such action has been taken, and shall provide the Special Investigation Service with a link to this information. If the public sector entity reasonably needs more time to implement the proposals set out in the corruption risk analysis and take the actions necessary to reduce or eliminate the corruption risk due to the combination and complexity of the detected corruption risk, the public sector entity may provide the information referred to in this paragraph after more than one year in agreement with the Special Investigation Service.
10. The Special Investigation Service shall summarise and make public information on the actions of public sector entities in reducing the detected corruption risk and (or) eliminating the corruption risk factors.
11. The information gathered during the corruption risk analysis may be used to apply other measures to prevent corruption and implement other tasks of the Special Investigation Service specified in Article 7 of the Law on the Special Investigation Service of the Republic of Lithuania in the cases and in accordance with the procedure established in laws and other legal acts.
12. Methods and tools for gathering criminal intelligence may not be used for the purpose of corruption risk analysis.

#### **Article 7. Corruption Prevention Planning Documents**

1. Corruption prevention planning documents shall be as follows:
  - 1) National Agenda for the Prevention of Corruption;
  - 2) Plan of the National Agenda for the Prevention of Corruption;
  - 3) sectoral action plans for the prevention of corruption;
  - 4) municipal action plans for the prevention of corruption;
  - 5) action plans for the prevention of corruption of an independent body;
  - 6) action plans for the prevention of corruption of the public sector entity.

2. The National Agenda for the Prevention of Corruption and the Plan of the National Agenda for the Prevention of Corruption shall be drafted in accordance with the procedure established by the Law on Strategic Management, and their implementation shall be organised and controlled by the Government of the Republic of Lithuania with the participation of the Special Investigation Service.

3. Sectoral action plans for the prevention of corruption, covering the fields of activity of several independent bodies, shall be drafted by these independent bodies, if these plans are provided for by the National Agenda for the Prevention of Corruption or other normative legal acts. Sectoral action plans for the prevention of corruption may also be drafted by decision of the heads of these independent bodies, which field of activity includes sectoral action plans for the prevention of corruption, or municipal bodies.

4. Municipal action plans for the prevention of corruption, covering the fields of activity of one municipality and its subordinate entities, may be drafted by decision of the municipal council or the director of the municipal administration.

5. Action plans for the prevention of corruption of an independent body, covering the field of activity of one independent body, including the fields of activity of public sector entities subordinated to it, may be drafted by decision of the head of the independent body.

6. Action plans for the prevention of corruption of the public sector entity, covering the activity of one public sector entity, may be drafted by decision of the head of the public sector entity.

7. Sectoral, municipal, independent body and public sector entity action plans for the prevention of corruption shall be drafted in accordance with this Law, the National Agenda for the Prevention of Corruption, the Plan of the National Agenda for the Prevention of Corruption and other legal acts, taking into account the results of the assessment of corruption risk management, determination of the level of resilience to corruption and other information. Action plans for the prevention of corruption shall provide an analysis of corruption risk factors, shall specify measures to reduce corruption risk, their implementers and terms, and implementation assessment criteria.

8. The National Agenda for the Prevention of Corruption shall be approved by the Seimas of the Republic of Lithuania on the proposal of the Government, the Plan of the National Agenda for the Prevention of Corruption shall be approved by the Government, and action plans for the prevention of corruption – by the head or other body of the public sector entity that have drafted them. The head of the public sector entity shall be responsible for the implementation of the approved action plan for the prevention of corruption, as well as for the implementation of measures for which the public sector entity headed by him or her has been appointed as the responsible implementer in accordance with other corruption prevention planning documents.

9. The implementation of action plans for the prevention of corruption shall be coordinated and controlled by the heads of public sector entities or their authorised persons and (or) anti-corruption commissions.

10. In accordance with the procedure established by the Director of the Special Investigation Service, the Special Investigation Service shall assess sectoral, municipal, independent body and public sector entity action plans for the prevention of corruption, drafts thereof and implementation of the plans, and shall submit proposals of a recommended nature on these plans and (or) their implementation to the entities that have adopted them.

#### **Article 8. Anti-corruption Assessment of Legal Acts and Drafts Thereof**

1. A public administration entity drafting a normative legal act shall carry out anti-corruption assessment of this draft legal act in accordance with the procedure established by the Government, if that legal act envisages regulation of public relations in the field of:

- 1) possession, use or disposal of state or municipal property;
- 2) payment of subsidies, grants, compensations, rents, allowances, premiums and other benefits from state or municipal budgets;
- 3) provision and use of financial support, including financial support from the European Union or other funds;

- 4) provision of charity, support;
- 5) funding of political parties or political campaigns;
- 6) public procurement, procurement or the award of concessions by contracting authorities in the fields of water management, energy, transport and postal services;
- 7) organisation of competitions to hold a position in a public sector entity, establishment, repeal of or change in requirements as to good repute, qualification, performance evaluation and rotation for persons holding a position in a public sector entity;
- 8) provision of goods or services under procurement contracts;
- 9) issuance or granting of licenses, permits, establishment, repeal of or change in requirements as to qualifications and professional repute of entities of licensed economic commercial activities or economic commercial activities requiring authorisation of state or municipal bodies;
- 10) manufacturing, storage, use, acquisition, control of and trade in excise goods;
- 11) investigation into infringements of law, conditions for liability for infringements of law;
- 12) land use, territorial planning, construction;
- 13) establishment, repeal of or change in product safety requirements;
- 14) health protection;
- 15) environmental protection;
- 16) energy;
- 17) migration, granting and loss of citizenship;
- 18) tax administration;
- 19) provision of administrative and public services;
- 20) development of infrastructure of national or regional significance.

2. A public administration entity may perform anti-corruption assessment of its drafted normative legal act if the legal act does not provide for the regulation of public relations referred to in Paragraph 1 of this Article, but in the opinion of the drafting legislator, the legal regulation envisaged by the drafted legal act may pose a corruption risk.

3. Anti-corruption assessment of a legal act drafted by a public administration entity shall be carried out by an employee of the public administration entity to whom the head of the public administration entity or his or her authorised person is entrusted with performing anti-corruption assessments of draft legal acts. When performing anti-corruption assessment, the employee of the public administration entity shall issue a certificate of the anti-corruption assessment of the draft legal act; this certificate shall be submitted to the drafting legislator and published in the information system of legal acts of the Seimas of the Republic of Lithuania.

4. Anti-corruption assessment of effective normative legal acts may be carried out by the entities of ex post evaluation of the impact of the existing legal regulation in accordance with the procedure established by the Law on the Legislative Framework of the Republic of Lithuania following the methodology of ex post evaluation of the impact of the applicable legal regulation, which is approved by the Government or its authorised institution in the implementation of the Law on the Legislative Framework.

5. Anti-corruption assessment of draft legal acts regulating public relations and other normative legal acts or effective normative legal acts specified in Paragraph 1 of this Article shall be performed by the Special Investigation Service at the request of the President of the Republic, the Speaker of the Seimas, the Board of the Seimas, the Prime Minister of the Republic of Lithuania, a parliamentary committee, commission or political faction. If there is no such a request, the Special Investigation Service may carry out the anti-corruption assessment of the draft normative legal act or effective normative legal act, regardless of whether the anti-corruption assessment of the legal act or draft thereof has been performed previously. The Special Investigation Service shall adopt a decision to perform the anti-corruption assessment of the legal act or draft thereof taking into account:

1) requests or information provided by entities other than those referred to in the first subparagraph of this paragraph regarding corruption risk factors related to the applicable normative legal acts or drafts thereof;

2) importance of public relations regulated by the act or draft thereof;

3) extent and nature of amendments that have been made by the legal act or being made by the draft legal act;

4) corruption risk factors existing in the relevant field;

5) priorities in the activities of the Special Investigation Service.

6. Anti-corruption assessment of draft normative legal act or effective normative legal act referred to in Paragraph 5 of this Article shall be performed in accordance with the procedure established by the Director of the Special Investigation Service.

7. The conclusion of the anti-corruption assessment of legal acts or drafts thereof drawn up by the Special Investigation Service shall be published in the information system of legal acts of the Seimas of the Republic of Lithuania and immediately submitted to the entity that was a drafter or adopted them, or on whose initiative they were adopted, that shall decide whether it is appropriate to improve the legal act or draft thereof.

8. After receiving the conclusion of the anti-corruption assessment from the Special Investigation Service, within two months of the date of receipt of this conclusion, the entity that was a drafter of or adopted the legal act, or on whose initiative it was adopted, shall make public how the comments and proposals submitted have been (are planned) taken into account, or if the comments and proposals submitted have not been taken into account, shall state the reasons and motives therefor. The entity that was a drafter of or adopted the legal act, or on whose initiative it was adopted, shall publish this information in the information system of legal acts of the Seimas of the Republic of Lithuania and shall provide the Special Investigation Service with a link to this information.

9. If the addressee of the conclusion of the anti-corruption assessment is a structural subdivision of the Seimas specified by the Statute of the Seimas of the Republic of Lithuania, the procedure established in Paragraph 8 of this Article shall not apply, information regarding the conclusion of the anti-corruption assessment and taking it into account shall be submitted in accordance with the procedure established by the Statute of the Seimas.

### **Article 9. Reporting of Criminal Acts of a Corruptive Nature**

1. An employee of a public sector entity must report the Prosecutor's Office of the Republic of Lithuania, the Special Investigation Service or another pre-trial investigation institution of a criminal act of a corruptive nature known to him or her, except for an act which his or her close relatives or family members (the concepts of close relatives and family members shall be understood as they are defined in Chapter Two of the Code of Criminal Procedure of the Republic of Lithuania) may have committed, is committing or intends to commit, if he or she has received information that allows him or her reasonably to believe that the act has been committed, is being committed or is intended to be committed, and if there are no legal restrictions on the disclosure of the information to be reported.

2. A report of an employee of a public sector entity of a criminal act of a corruptive nature known to him or her shall be submitted to the entities referred to in Paragraph 1 of this Article as soon as possible from the moment of becoming aware of the act of a corruptive nature.

3. The entities referred to in Paragraph 1 of this Article must ensure the confidentiality or anonymity of the personal data of the person who has reported of the criminal act of a corruptive nature in accordance with the procedure established in laws and other legal acts.

4. The persons who have reported of criminal acts of a corruptive nature may be subject to assistance, protection and promotion measures in accordance with the procedure established by the Law on the Protection of Whistleblowers of the Republic of Lithuania and other legal acts.

### **Article 10. Determination of the Probability of Manifestation of Corruption**



1. When managing the corruption risk, a public sector entity may, at its discretion, determine the probability of manifestation of corruption in a specific field of its activity. The determination of the probability of corruption may be performed on the initiative of the public sector entity or on the proposal of an independent body or other public sector entity to which the public sector entity is subordinated and (or) to which field of management it is assigned.

2. An independent body has the right, at its own discretion, to determine the probability of manifestation of corruption in a public sector entity that is subordinated to it and (or) assigned to its field of management. The public sector entities specified in Article 2 (14) (3) of this Law shall also have this right in respect of the public sector entities specified in Article 2 (14) (2, 4) of this Law.

3. After determining the probability of manifestation of corruption, conclusion shall be drawn up stating:

- 1) description of the field of activity analysed;
- 2) detected corruption risk factors, data and (or) information supporting them;
- 3) determined measures to reduce or eliminate the corruption risk and (or) risk factors.

4. The head of the public sector entity or his or her authorised person shall confirm conclusion on the determination of the probability of manifestation of corruption, shall adopt decisions on eliminating or reducing the corruption risk and its factors (if any), shall publish it on the website of the public sector entity and shall inform thereof the independent body to which the public sector entity is subordinated or to which field of management it is assigned.

5. No later than one year after the adoption of the decisions referred to in Paragraph 4 of this Article, the head of the public sector entity or his or her authorised person shall publish on the website of the public sector entity what actions have been taken and what results have been achieved in reducing and (or) eliminating the corruption risks.

6. Recommendations on the determination of the probability of manifestation of corruption and its procedure shall be approved by the Director of the Special Investigation Service.

### **Article 11. Assessment of Corruption Risk Management**

1. In public legal entities as defined by the Law on Internal Control and Internal Audit of the Republic of Lithuania, assessment of corruption risk management shall be planned and performed in accordance with the Law on Internal Control and Internal Audit, and in other public sector entities it may be performed in accordance with the procedure established by the legal acts regulating their internal audit.

2. In public sector entities where internal audit service is not established, assessment of corruption risk management or similar procedure shall be performed by another unit or employee responsible for the internal control of the activities of the public sector entity and the compliance with legal requirements in accordance with the legal acts regulating its activities.

3. The head of the public sector entity shall consider the assessment of corruption risk management submitted to him or her, other relevant documents, if necessary, shall adopt decisions on the improvement of corruption risk management and shall publish the adopted decisions on the website of the public sector entity.

### **Article 12. Determination of the Level of Resilience to Corruption**

1. Determining the level of resilience to corruption, the number and type of measures to create an anti-corruption environment in the public sector entity, the quality of implementation of these measures and their practical applicability, and the results achieved by their application shall be assessed. These elements of the implementation of measures to create an anti-corruption environment shall be used to calculate the level of resilience to corruption of the public sector entity, which can range from very low to very high according to a pre-defined scale.

2. The level of resilience to corruption of independent bodies shall be determined by the bodies themselves.

3. The level of resilience to corruption in public sector entities other than those referred to in Paragraph 2 of this Article shall be determined by themselves or by an independent body to

which the public sector entity is subordinated and (or) assigned according to the field of management, depending on the size and administrative capacity of the public sector entity. The public sector entities specified in Article 2 (14) (3) of this Law shall also have the right to determine the level of resilience to corruption in respect of the public sector entities specified in Article 2 (14) (2, 4) of this Law.

4. The results of the determination of the level of resilience to corruption shall be published on the website of the public sector entity and (or) the independent body to which this entity is subordinated and (or) assigned according to the fields of management.

5. The Special Investigation Service shall:

1) analyse and summarise the results of determining the level of resilience to corruption in public sector entities;

2) inform the public of the results of determining the level of resilience to corruption in public sector entities;

3) have the right to determine the level of resilience to corruption in public sector entities, including independent bodies, on its own initiative or at the request of a public sector entity.

6. The methodology for determining the level of resilience to corruption shall be approved by the Government.

### **Article 13. Implementation of Anti-corruption Standards of Conduct**

1. An independent body must have an anti-corruption code or rules of conduct which set out in detail the basic standards of transparent activity and anti-corruption conduct of employees taking into account the specificities of its activities to ensure honesty, responsibility and intolerance of corruption, and the description of examples of possible cases of potential corruption risk and the actions of employees in dealing with them.

2. A public sector entity other than those referred to in Paragraph 1 and its employees shall, on an optional basis, follow anti-corruption standards of conduct adopted by themselves or by the independent body to which the public sector entity is directly or indirectly subordinated and (or) assigned according to the field of management. The public sector entities referred to in Article 2 (14) (2, 4) of this Law may also follow the anti-corruption standards of conduct approved by the public sector entities referred to in Article 2 (14) (3) of this Law.

3. In a public sector entity, the entity responsible for creating an anti-corruption environment shall control the compliance of employees of the public sector entity with anti-corruption standards of conduct, shall advise them on issues of anti-corruption conduct arising in the field of the activity of the institution, if necessary, shall apply to them measures to create an anti-corruption environment and other preventive and (or) impact measures provided for in legal acts, as needed within their competence.

4. The Special Investigation Service shall provide methodological assistance to public sector entities, including independent bodies, in the development and application of anti-corruption standards of conduct, in accordance with the need.

### **Article 14. Raising Anti-corruption Awareness**

1. Raising anti-corruption awareness shall be carried out as an integral part of education and training to foster the concept of individual rights and obligations to society, the Lithuanian state, and increase social, public and private sector awareness to act transparently and honestly, not to tolerate corruption or other dishonesty, to report of infringements of law of a corruptive nature.

2. The Minister of Education, Science and Sports of the Republic of Lithuania, in implementing this Law, shall ensure that topics related to raising anti-corruption awareness are included in the general curricula of basic and secondary education.

3. Raising anti-corruption awareness shall be carried out by education providers in accordance with the procedure established by the Minister of Education, Science and Sports in accordance with the educational programmes drawn up in accordance with the procedure established in legal acts.

4. The Special Investigation Service shall carry out activities aimed at raising public anti-corruption awareness, shall organise trainings, seminars, methodological assistance events, discussions related to creating an anti-corruption environment, shall coordinate educational programmes at the request of educational programme developers or shall submit proposals for these programs or preparation and (or) improvement of their drafts.

### **CHAPTER THREE ENSURING STAFF RELIABILITY**

#### **Article 15. Provision of Information about a Person Seeking or Holding a Position and Purposes of its Use**

1. Information about a person seeking or holding a position in a public sector entity or seeking to hold a position in European Union or international judicial and other bodies (hereinafter – person) shall be gathered and provided to the head of the public sector entity who is appointing, nominating or has appointed the person to the position, the head of the collegial management body or state politician (hereinafter – entity who is appointing, nominating or has appointed the person to the position), and shall be used to achieve the objectives and tasks of corruption prevention specified in Article 3 of this Law.

2. In order to achieve the objectives and tasks of corruption prevention specified in Article 3 of this Law, information about a person may be used for the following purposes:

1) assess the corruption risk factors that arise and (or) would arise in the course of holding a position in a public sector entity;

2) apply purposefully selected and proportionate measures to create an anti-corruption environment, and (or) adopt decisions related to the rules and organisation of work, which in whole would allow managing and (or) reducing the corruption risk factors referred to in Clause 1 of this Paragraph;

3) adopt reasoned and motivated decisions on the appointment of persons to positions, transfer to another position, determination of the remit, refusal to appoint to a position, dismissal or other decisions related to the formation of the staff of a public sector entity;

4) contribute to the management of conflicts of public and private interests;

5) contribute to ensuring that positions in public sector entities are held by persons who meet the requirements of good repute or other special requirements laid down by the law governing their service or work;

6) decide on disciplinary or official liability of the person when there is a sufficient legal and factual basis for this.

#### **Article 16. Scope of Information about a Person Seeking or Holding a Position**

The Special Investigation Service shall gather and provide to the entity who is appointing, nominating or has appointed a person to a position the information about:

1) previous convictions of the person (regardless of whether or not the conviction has expired or has been expunged);

2) verdicts passed in respect of the person for a criminal act of a corruptive nature or a criminal act related to the person's functions in the public sector entity or the institution in which he or she seeks to hold the position or holds the position, by which the person was recognised as having committed the misdemeanour;

3) verdicts passed in respect of the person for a criminal act of a corruptive nature or a criminal act related to the person's functions in the public sector entity or the institution in which he or she seeks to hold the position or holds the position, by which the criminal proceedings have been terminated, or rulings, by which the criminal proceedings have been terminated or the person has been released from criminal liability or punishment;

4) the person being suspected of having committed a criminal act of a corruptive nature or a criminal act related to the person's functions in the public sector entity or the institution in which

he or she seeks to hold the position or holds the position, as well as the adopted procedural decisions in these criminal proceedings;

5) measures aimed at preventing organised crime which are being or have been applied to the person in accordance with the Law of the Republic of Lithuania on Organised Crime Prevention (the information shall be provided for the last ten years from the date of receipt of the written request for information about the person in the Special Investigation Service);

6) dismissal of the person from office or position because of the breach of the oath or the degrading of the name of the officer (judge) (the information shall be provided for the last ten years from the date of receipt of the written request for information about the person in the Special Investigation Service);

7) misconduct in office (violations of the official duties) committed by the person and decisions adopted thereon, where less than three years have elapsed from the date of entry into force of the decision by which the person has been recognised as having committed the misconduct in office or violation of official duties;

8) violations of legal acts regulating the adjustment of public and private interests in the civil service committed by the person, where less than five years have elapsed from the date of entry into force of the decision recognising the person as having committed such a violation;

9) violations of legal acts regulating lobbying activities committed by the person, where less than five years have elapsed from the date of entry into force of the decision recognising the person as having committed such a violation;

10) violations of legal acts regulating the norms of official ethics and conduct committed by the person, where less than five years have elapsed from the date of entry into force of the decision recognising the person as having committed such a violation;

11) the fact that a person appointed to the civil service has concealed or provided untrue data, due to which the person could not be appointed to the position in the civil service (the information shall be provided for the last ten years from the date of receipt of the written request for information about the person in the Special Investigation Service);

12) 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 (the information shall be provided for the last ten years from the date of receipt of the written request for information about the person in the Special Investigation Service);

13) administrative penalties imposed on or administrative sanctions applied to the person, where less than one year has lapsed from the date of execution of the administrative order or entry into force of the resolution by which the person was recognised as having committed the administrative offence;

14) tax examinations and investigations carried out in respect of the person during which the infringements of tax laws have been detected (the information shall be provided for the last ten years from the date of receipt of the written request for information about the person in the Special Investigation Service).

### **Article 17. Procedure of Provision of Information about a Person Seeking or Holding a Position**

1. The Special Investigation Service shall receive from criminal intelligence entities or the main institutions of criminal intelligence, intelligence institutions, other institutions, bodies and undertakings the information available on the person specified in Article 16 of this Law, as well as data from state registers and other information systems, and shall provide this information, together with the information available on the person, to the entity who is appointing, nominating or has appointed the person to the position. The Special Investigation Service shall not assess the information specified in Article 16 of this Law and shall not provide conclusion on the suitability of the person for the sought or held position.

2. Methods and means of gathering criminal intelligence may not be used for the purpose of providing information on a person in accordance with the procedure established by this Article.

3. The Special Investigation Service shall provide the information on a person referred to in Article 16 of this Law no later than within 10 working days from the date of receipt of the written request for information on the person, unless the verification of the validity of the information referred to in Paragraph 14 of this Article has been initiated. The institutions, bodies and undertakings referred to in Paragraph 1 of this Article must provide the information and (or) data available to the Special Investigation Service no later than within 5 working days from the date of receipt of the request for information and (or) data from the Special Investigation Service, and, if necessary and possible, immediately.

4. Submission of a written request for information to the Special Investigation Service shall be mandatory when:

1) a person is appointed to a position by the President of the Republic, the Seimas, the Speaker of the Seimas, the Government or the Prime Minister;

2) a person is appointed to a position in the European Union or international judicial and other institutions;

3) a person is appointed to the deputy minister, the chancellor of ministry, the director of municipal administration and his or her deputy, the prosecutor, the head of state or municipal institutions and his or her deputy, the head of subdivisions of state or municipal institutions and his or her deputy;

4) a person is appointed to the position of the head and deputy head of a state or municipal undertakings, of a public limited company and a private limited company, whose all or part of the shares of which, when belonging to the State or one or more municipalities by the right of ownership, grant more than 1/2 of the votes at a general meeting of shareholders, of these companies parent (subsidiary) public limited company and private limited company, of any other parent company (subsidiary) related to these companies through subsequent parent companies (subsidiaries), as well as to the position of the head and deputy head of the member of the collegial supervisory and management bodies, units not located in another structural unit, except for undertakings, meeting the characteristics referred to in this Paragraph, established in another state and operating in accordance with that national law of this state;

5) a person is temporarily appointed to the position referred to in Clauses 1 to 4 of this Paragraph, if no permanent person has been appointed to this position;

5. The entity who is appointing or nominating to a position shall approve the list of positions for which information is requested from the Special Investigation Service and shall publish it on its website. This list shall include all positions meeting at least one of the characteristics set out in Paragraph 4 of this Article, as well as other positions of employees of a public sector entity in accordance with the decision of the entity who is appointing or nominating to a position.

6. A request for information about persons who are being appointed or nominated to the positions included in the list referred to in Paragraph 5 of this Article shall be submitted to the Special Investigation Service in all cases. A request for information about persons who are being appointed or nominated to the positions not included in the list referred to in Paragraph 5 of this Article may not be submitted to the Special Investigation Service.

7. A request for information submitted to the Special Investigation Service shall be signed by the entity who is appointing, nominating or has appointed a person to a position or his or her authorised person. A request submitted to the Special Investigation Service for information about a person appointed to a position by the Seimas shall be signed by the Speaker of the Seimas or his or her authorised person or by the entity who is nominating to the position or his or her authorised person; about a person being appointed or nominated to a position by the Government – the Prime Minister or his or her authorised person, or the entity who is nominating to the position or his or her authorised person; about a person being appointed to a position by municipal council – the Mayor or his or her authorised person; about a person being appointed by another collegial management body – its head or his or her authorised person.

8. A request for information submitted to the Special Investigation Service may also be signed by the President of the Republic, Speaker of the Seimas, Prime Minister or Mayor elected or appointed but not yet holding the position. In such a case, a written consent of the person, about whom the information will be gathered, to gather information about him or her in accordance with the procedure established by this Law shall be submitted to the Special Investigation Service together with the request for information. Information about the person shall be provided to the entity who is appointing or nominating him or her to the position only after the entity has started to hold the position. If the entity who is appointing or nominating the person to the position does not start to hold the position, information about the person gathered by the Special Investigation Service shall be destroyed immediately, but no later than within three working days from the date of discovery of these circumstances.

9. The main institutions of criminal intelligence, entities of criminal intelligence and intelligence institutions shall independently gather the information specified in Article 16 of this Law about the persons they appoint to positions.

10. The written requests referred to in Paragraph 7 of this Article must be submitted to the Special Investigation Service before a person is appointed to a position. The person may be appointed to the position only after receiving information from the Special Investigation Service. If the main institutions of criminal intelligence and intelligence institutions gather information about the person independently, such a person may be appointed to the position only after gathering the information specified in Article 16 of this Law.

11. The entity who is appointing, nominating or has appointed a person to a position may request information from the Special Investigation Service only for one person who has won a competition, recruitment, evaluation, attestation, rotation in office or other similar procedures or the person of his or her choice, except for cases when the two best candidates evaluated in the centralised competition are submitted to the person appointing to the position in the cases specified in Article 11 (2) of the Law on Civil Service of the Republic of Lithuania – in such cases, the entity appointing the person to the position may request information from the Special Investigation Service concerning both candidates.

12. Information about a person shall be provided to the entity who is appointing, nominating or has appointed the person to a position. If part of the information is classified, it shall be provided only if the entity who is appointing, nominating or has appointed the person to the position is authorised to work or have access to the classified information, which is marked with the appropriate classification mark. If the entity who is appointing, nominating or has appointed the person to the position is a collegial management body and information about the person is provided to the head of such a collegial management body, all members of the collegial management body shall have the right to access the information about the person, and if part of the information about the person is classified – the members of this collegial management body who have permission to work or have access to the classified information, which is marked with the appropriate classification mark.

13. The entity who is appointing, nominating or has appointed a person to a position shall be responsible in accordance with the procedure established in law for the appointment to the positions included in the list referred to in Paragraph 5 of this Article only persons for whom information about the person has been received from the Special Investigation Service and evaluated in accordance with the procedure established by this Article.

14. If there are any doubts about the validity of information gathered or provided about a person, the Special Investigation Service, on its own initiative or at the request of the entity who is appointing, nominating or has appointed the person to a position, must verify the validity of such information. The verification of the validity of the information shall be carried out within 20 working days from the date of receipt of the request or decision to verify such information. The institutions, bodies and undertakings referred to in Paragraph 1 of this Article must verify and submit the information and (or) data available to the Special Investigation Service no later than within 10 working days from the date of receipt of the request of Special Investigation Service for verification and, if necessary and possible, immediately.

15. A written request submitted by the entity who has appointed the person to a position or his or her authorised person to the Special Investigation Service for information about the person holding the position must be motivated and based on data which raise doubts on the reliability and suitability of the person about whom the information is requested. If there are any doubts about the reliability and suitability of the person holding the position in criminal intelligence entities, main institutions of criminal intelligence or intelligence institutions, the main institutions of criminal intelligence, entities of criminal intelligence or intelligence institutions shall independently gather the information specified in Article 16 of this Law about the person holding the position. The request for information about the person holding the position may be submitted to the Special Investigation Service only concerning the person holding the position included in the list referred to in Paragraph 5 of this Article.

16. The detailed procedure of provision of information about a person shall be established and the form of a request for information about a person shall be approved by the Director of the Special Investigation Service.

17. The actions of the Special Investigation Service specified in this Article may be appealed in accordance with the procedure established by the Law on Administrative Proceedings of the Republic of Lithuania.

### **Article 18. Procedure of Use of Information about a Person Seeking or Holding a Position**

1. The entity who is appointing, nominating or has appointed a person to a position may use the information submitted in accordance with the procedure established in Article 17 of this Law only for the implementation of the purposes and tasks specified in Article 3 of this Law and only for the purposes specified in Article 15 (2) of this Law.

2. The entity who is appointing, nominating or has appointed a person to a position shall not transfer information about the person received in accordance with the procedure established by this Article to third persons, except for the entity responsible for creating an anti-corruption environment, who uses this information exclusively to perform the functions specified in Article 24 (5) (6) of this Law, and for other cases established by the law of the Republic of Lithuania.

3. In order to achieve the objectives and tasks specified in Article 3 of this Law, the methods of using information about a person restricting the person's rights as little as possible (including the right to equal access to civil service and the right to a career) and the means of creating an anti-corruption environment must be chosen. Priority shall be given to the measures provided for by this and other laws to create an anti-corruption environment and to prevent conflicts of public and private interests, not related to refusal of appointment or dismissal of a person.

4. Minor, accidental facts or circumstances may not be the grounds for adoption of decision not to appoint or dismiss a person.

5. If the information referred to in Article 16 of this Law reveals that a person does not meet the requirements of good repute or other special requirements established by the laws regulating his or her service or work, for which the person may not hold the relevant position, the person shall be refused to be nominated or appointed to the position or shall be dismissed on the grounds and in accordance with the procedure established by the legal acts regulating his or her service or work.

6. If the whole information specified in Article 16 of this Law does not constitute the grounds for stating that the person does not comply with the requirements of good repute or other special requirements established by the legal acts regulating his or her work or service, however, a reasoned and motivated conclusion can be drawn from all this information that the appointment of the person to the position will pose the corruption risk and that its determinants may not be reduced or eliminated by less restrictive measures, decision to refuse the nomination or appointment of the person to the position may be adopted. In such a case, this provision of this Law shall constitute an independent ground for refusing to nominate or appoint a person by a

reasoned decision of the entity who is appointing, nominating or has appointed the person, which shall specify the legal and factual grounds for such decision.

7. If the whole information specified in Article 16 of this Law and other information known to the entity who has appointed the person to the position gives the grounds to believe that malfeasance or misconduct may have been committed, the investigation of such malfeasance or misconduct shall be carried out in accordance with the procedure established by the legal acts regulating the work or service of the person, maintaining the guarantees of protection of personal rights provided for by these legal acts.

8. If a person is appointed to a position without complying with the requirement established in Article 17 (10) of this Law to appoint a person only after receiving information from the Special Investigation Service, the right to apply to the public administration entity that has adopted such a decision or a higher public administration entity under subordination for the annulment of such a decision in accordance with the procedure established in Article 16 of the Law on Public Administration shall have the institution exercising the rights and duties of the owner of the body where such a decision was adopted, the representative of the Government in the county (if the decision adopted in a local government institution) or the Special Investigation Service. If a public administration entity refuses to annul such a decision or if a public sector entity as defined in Article 2 (14) of this Law is not subject to the Law on Public Administration, the institution exercising the rights and duties of the owner of the body where such a decision was adopted, the representative of the Government in the county or the Special Investigation Service shall have the right to apply to a court for the annulment of this decision.

9. The entity who is nominating or appointing the person to the position, having assessed the whole information submitted in accordance with the procedure established by this Article and having adopted decision not to nominate or appoint the person to the position, must acquaint the person with the information submitted about him or her within 3 working days against acknowledgment of receipt.

10. At the request of the person appointed to the relevant position, the entity who has nominated or appointed him or her must acquaint the person with the information submitted about him or her within 3 working days against acknowledgment of receipt.

11. A person may appeal against decision not to appoint him or her to a position or to dismiss him or her in accordance with the procedure established by the law of the Republic of Lithuania.

### **Article 19. Processing of Personal Data and Protection of Information in the Collection, Provision and Use of Information about a Person Seeking or Holding a Position**

1. The Special Investigation Service, main institutions of criminal intelligence, entities of criminal intelligence, intelligence institutions, entities who are appointing or have appointed a person to a position, other persons, undertakings, institutions or organisations to which information about the person seeking or holding the position has become known as a result of the collection, submission or use of information provided for in this Chapter, must ensure the processing of personal data received in accordance with the procedure established in this Chapter in accordance with the procedure established by the legal acts regulating the processing of personal data specified in Article 27 of this Law.

2. The Special Investigation Service shall process personal data for the purposes of crime prevention and national security in the course of the collection and submission of information about the person or performance of other actions related to the functions set out in this Article.

3. The Special Investigation Service, main institutions of criminal intelligence, entities of criminal intelligence, intelligence institutions, entities who are appointing or have appointed a person to a position, other persons, undertakings, institutions or organisations to which information about the person seeking or holding the position has become known as a result of the collection, submission or use of information provided for in this Chapter, must ensure the protection of information about the person (including the fact of the collection of information about the person



and the position intended to held by the person) from disclosure to third persons, except for cases provided by law.

4. The Special Investigation Service, the entity who is appointing, nominating or has appointed a person to a position, or other natural or legal persons performing information administration actions provided for in this Article (including acquaintance of the person with the information provided about him or her in the cases specified in Article 18 (9, 10) of this Law) must comply with the requirements for the administration of separate categories of information established by the Law on State Secrets and Official Secrets of the Republic of Lithuania and other laws.

## **CHAPTER FOUR CORRUPTION PREVENTION ENTITIES, THEIR RIGHTS AND DUTIES IN THE FIELD OF CORRUPTION PREVENTION**

### **Article 20. Corruption Prevention Entities**

1. The President of the Republic, the Seimas and the Government shall formulate anti-corruption policy in accordance with the procedure established by the Law on the Office of President of the Republic of Lithuania, the Statute of the Seimas, the Law on the Government of the Republic of Lithuania and other legal acts.

2. When implementing this Law, the Government:

1) shall draft with the participation of the Special Investigation Service and shall submit to the Seimas for deliberation the National Agenda for the Prevention of Corruption, as well as shall submit proposals for its supplementation or amendment;

2) shall approve the Plan of the National Agenda for the Prevention of Corruption;

3) shall control and ensure the implementation of measures to create an anti-corruption environment in public sector entities accountable to the Government, ministries and public sector entities subordinated to them and (or) assigned to their field of management;

4) shall provide the necessary resources for the effective implementation of corruption prevention;

5) shall submit proposals to the Seimas regarding the adoption, amendment and supplementation of laws and other legal acts necessary for the implementation of corruption prevention.

3. When implementing this Law, the Special Investigation Service:

1) shall participate in drafting the National Agenda for the Prevention of Corruption by the Government and shall submit proposals for its supplementation or amendment;

2) shall participate in drafting the Plan of the National Agenda for the Prevention of Corruption;

3) shall supervise the implementation of the National Agenda for the Prevention of Corruption and its plan;

4) shall supervise, assess and analyse activities of public sector entities in creating an anti-corruption environment and trends in creating an anti-corruption environment in the private sector;

5) shall methodically guide and provide assistance to other public and private sector entities in creating an anti-corruption environment or in applying specific measures to prevent corruption;

6) shall coordinate the activities in creation of an anti-corruption environment in the public and private sectors;

7) shall submit proposals to the President of the Republic, the Seimas, the Government regarding the adoption, amendment or supplementation of laws and other legal acts necessary for the implementation of corruption prevention;

8) shall implement measures to prevent corruption assigned to it together with other state or municipal institutions or bodies;

9) shall perform other functions assigned to it by this Law or other laws.

4. Other corruption prevention entities shall be:

1) the Seimas Controllers;

- 2) the Prosecutor's Office of the Republic of Lithuania;
- 3) commissions of the municipal council and anti-corruption commissions;
- 4) the Chief Official Ethics Commission;
- 5) the Central Electoral Commission of the Republic of Lithuania;
- 6) the Public Procurement Office;
- 7) police offices and other pre-trial investigation bodies;
- 8) the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania;
- 9) representatives of the Government;
- 10) natural or legal persons who voluntarily or in accordance with this Law and (or) other legal acts carries out activities or implements measures for creating an anti-corruption environment or improves one or more corruption prevention measures.

### **Article 21. Independent Bodies**

1. When implementing this Law, independent bodies:
  - 1) shall approve and implement the action plans for the prevention of corruption in the cases and in accordance with the procedure established by this Law,
  - 2) shall implement other measures assigned to them by legal acts to create an anti-corruption environment and shall ensure the implementation of these measures to the necessary extent in the public sector entities that are subordinated to them and (or) assigned to their field of management within their competence;
  - 3) shall promote, coordinate and control the creation of an anti-corruption environment in the public sector entities that are subordinated to them and (or) assigned to their field of management;
  - 4) shall determine the level of resilience to corruption in the public sector entities that are subordinated to them and (or) assigned to their field of management and shall submit proposals on the implementation of the necessary measures;
  - 5) shall inform the public about the progress in creating an anti-corruption environment in their body and the public sector entities that are subordinated to them and (or) assigned to their field of management;
  - 6) shall take active legal, organisational and other measures to prevent infringements of law of a corruptive nature within their competence in their body and the public sector entities that are subordinated to them and (or) assigned to their field of management, and, if such infringements have been committed, shall disclose and apply legal or other measures, other than those related to the conduct of pre-trial investigation.
2. Independent bodies shall take measures to ensure the application of the following measures to create an anti-corruption environment in their body and the public sector entities that are subordinated to them and (or) assigned to their field of management, taking into account their size and (or) administrative capacity:
  - 1) shall carry out the prevention and investigation of infringements of law (including those of a corruptive nature);
  - 2) shall carry out the assessment of corruption risk management in the cases and in accordance with the procedure established by this Law;
  - 3) shall carry out anti-corruption assessment of draft legal acts in the cases and in accordance with the procedure established by this Law;
  - 4) shall gather and assess information about a person in the cases and in accordance with the procedure established by Chapter Three of this Law;
  - 5) shall determine the level of resilience to corruption in the cases and in accordance with the procedure established by this Law;
  - 6) shall control and supervise the practice of declaration of public and private interests of employees and adjustment of public and private interests;
  - 7) shall increase anti-corruption awareness of employees;
  - 8) shall draft the action plan for the prevention of corruption and shall supervise the implementation of this plan;

9) other measures to create an anti-corruption environment, which are obliged to implement by this Law or other legal acts.

3. Independent bodies may take measures to ensure the application of other measures than those referred to in Paragraph 2 of this Article to create an anti-corruption environment in their body and the public sector entities that are subordinated to them and (or) assigned to their field of management.

#### **Article 22. Private Sector Entities**

1. The participation of private sector entities in creating an anti-corruption environment shall be based on their voluntariness and cooperation between the public and private sectors.

2. The State shall encourage the involvement of private sector entities in creating an anti-corruption environment in the public sector, as well as the activities of private sector entities in creating an anti-corruption environment in the private sector.

#### **Article 23. Rights and Duties of Public and Private Sector Entities**

1. Public and private sector entities shall have the right to:

1) submit proposals to state or municipal institutions or bodies on the issues of creating an anti-corruption environment;

2) set out measures to promote the creation of an anti-corruption environment;

3) receive methodological information on the issues of creating an anti-corruption environment from the Special Investigation Service or other corruption prevention entities specified in Article 20 (4) of this Law.

2. Public sector entities shall:

1) implement the state policy in the field of creating an anti-corruption environment within their competence;

2) ensure the implementation of the provisions of this Law and other legal acts regulating the creation of an anti-corruption environment;

3) eliminate infringements of the requirements of legal acts;

4) provide information to entities involved in the prevention of corruption or the creation of an anti-corruption environment that is necessary for creating an anti-corruption environment;

5) provide training to employees on the issues of creating an anti-corruption environment;

6) publish on their website depersonalised information on the infringements of law of a corruptive nature detected during the last three years, their nature and number, actions taken to investigate them and legal or other measures taken to eliminate the consequences of such infringements and prevent such infringements in the future;

7) provide opportunities for persons to provide opinions and proposals on creating an anti-corruption environment;

8) seek to ensure the implementation of the principles of creating an anti-corruption environment and the basic requirements of this Law in entities established by a public sector entity in a foreign state and operating in the foreign state to the extent these requirements are not in conflict with the law of the foreign state in which such entity has been established and operates;

9) perform other duties specified by this Law.

3. In a public sector entity, the head shall be responsible for creating an anti-corruption environment. When performing this duty, the head must take the measures necessary to implement this Law.

#### **Article 24. Entities Responsible for Creating an Anti-corruption Environment**

1. Independent bodies shall establish units responsible for creating an anti-corruption environment or shall appoint persons responsible for creating an anti-corruption environment. These persons shall be responsible for creating an anti-corruption environment in the independent body, as well as by decision of the head of the independent body or another management body – in the public sector entities subordinated to the independent body and (or) assigned to its field of management.

2. A public sector entity that is not an independent body must establish units responsible for creating an anti-corruption environment, appoint persons responsible for creating an anti-corruption environment or delegate the functions assigned to them to certain employees, when 200 or more employees are employed or hold a position in this public sector entity, and when an independent body or other public sector entity to which this public sector entity is subordinated and (or) to which field of management is assigned does not have an established or designated entity responsible for creating an anti-corruption environment in the public sector entities that are subordinated to it and (or) assigned to its field of management.

3. Public sector entities other than those referred to in Paragraphs 1 and 2 of this Article may establish units responsible for creating an anti-corruption environment, appoint persons responsible for creating an anti-corruption environment or delegate the functions assigned to them to other employees.

4. If a public sector entity does not have an established unit responsible for creating an anti-corruption environment, a designated person responsible for creating an anti-corruption environment or these functions have not been delegated to other employees, the creation of an anti-corruption environment in such a public sector entity shall be ensured by independent bodies or the entity responsible for creating an anti-corruption environment of other public sector entity to which the public sector entity is subordinated and (or) to which field of management is assigned, within its competence.

5. The entities responsible for creating an anti-corruption environment referred to in Paragraphs 1 to 4 of this Article shall perform the following functions:

1) carry out or participate in the investigation of infringements of law within their competence and the procedure established by the Law on Civil Service, the Labour Code of the Republic of Lithuania and other legal acts, unless other procedure of investigation of infringements is established in special laws or their implementing legal acts;

2) determine the probability of manifestation of corruption in the cases and in accordance with the procedure established by this Law;

3) perform anti-corruption assessment of draft legal acts in the cases and in accordance with the procedure established by this Law;

4) determine the level of resilience to corruption in the cases and in accordance with the procedure established by this Law;

5) ensure or participate as needed in ensuring the implementation of the Law on Protection of Whistleblowers in the public sector entity within their competence;

6) participate and provide opinion in procedures of formation of staff within their competence assessing the information about a person received in accordance with the procedure established in Chapter Three of this Law;

7) control and supervise the practice of declaration of the public and private interests of employees of the public sector entity and adjustment of public and private interests;

8) organise the increase of anti-corruption awareness of employees of the public sector entity;

9) draft the action plan for the prevention of corruption in the cases and in accordance with the procedure established by this Law and supervise its implementation within their competence;

10) submit proposals to the head of the public sector entity regarding the introduction and implementation of measures to create an anti-corruption environment;

11) perform other functions that improve an anti-corruption environment as needed within their competence.

6. The head of a public sector entity may delegate the functions referred to in Paragraph 5 of this Article to other units or employees of the public sector entity, if the relevant function will be performed in the most rational way in that case.

## **Article 25. Independence and Operational Guarantees of Those Responsible for Creating an Anti-corruption Environment**

1. The entity responsible for creating an anti-corruption environment shall be directly subordinated and accountable to the head of the public sector entity. The head of the public sector entity shall ensure the operational and organisational independence of the entity responsible for creating an anti-corruption environment, the resources necessary for the activities in creating an anti-corruption environment, the rights of those responsible for those activities and operational guarantees, including measures to protect those responsible for creating an anti-corruption environment and (or) their employees against possible adverse effects due to the functions they perform.

2. The activities of the entities responsible for creating an anti-corruption environment shall be regulated by the regulations and (or) job descriptions of the entities responsible for creating an anti-corruption environment approved by the public sector entity. They shall be drawn up in accordance with the model regulations and (or) job descriptions of the entities responsible for creating an anti-corruption environment approved by the Government, which shall specify which provisions of these model documents apply without exception, and from which deviation shall be possible if it is sufficiently motivated, recoding the circumstances substantiating the deviation in decision of the head of the public sector entity approving the regulations and (or) job descriptions of the entities responsible for creating an anti-corruption environment, or in another way ensuring the sufficient traceability of the reasons and motives for the decisions adopted.

3. The employees of the unit responsible for creating an anti-corruption environment, the persons responsible for creating an anti-corruption environment or other employees assigned to these functions must have:

1) abilities and qualifications sufficient to perform the functions specified in Article 24 (5) of this Law;

2) possibility continuously to improve qualifications in the field of creating an anti-corruption environment;

3) possibility to provide data on detected infringements, corruption risk factors, proposals for the creation of an anti-corruption environment and other relevant information directly to the head of the public sector entity;

4) sufficient operational guarantees and guarantees of independence to be able to perform the functions specified in Article 24 (5) of this Law objectively and impartially.

4. The entities responsible for creating an anti-corruption environment shall, in the performance of their functions, have the right to:

1) receive from state and municipal institutions or bodies, as well as registers, state information systems the information they possess or process and which is necessary for the investigation of infringements of law of a corruptive nature and for the creation of an anti-corruption environment;

2) receive explanations from the employees of the public sector entity in which he or she is employed or for which he or she performs the functions in creating an anti-corruption environment regarding possible infringements of law of a corruptive nature;

3) process personal data when necessary and only those personal data that are necessary to create an anti-corruption environment, ensuring the prevention of corruption, detecting and investigating infringements of law of a corruptive nature, in accordance with the legal acts regulating the protection of personal data.

## **CHAPTER FIVE FINAL PROVISIONS**

### **Article 26. Control over the Implementation of the Measures Established by this Law**

1. If a public sector entity does not take sufficient measures to create an anti-corruption environment as defined in Article 21 (2) of this Law, does not implement or does not properly implement measures to create an anti-corruption environment and does not ensure proper corruption risk management, the Special Investigation Service shall have the right with regard to this public sector entity:

1) publicly disclose information about the insufficient or inappropriate actions of the public sector entity in creating an anti-corruption environment;

2) inform the independent body to which the public sector entity is subordinated or assigned according to the field of management and submit proposals for the application of measures to create an anti-corruption environment, except for cases where the public sector entity is an independent body;

3) propose the issue of insufficient or inappropriate actions of the public sector entity in creating an anti-corruption environment for deliberation in committees or commissions of the Government or working groups formed by the Prime Minister, if the public sector entity is accountable to the Government or ministries, or in committees, commissions or working groups of the Seimas;

4) inform the representative of the Government and (or) the Government about insufficient or inappropriate actions of the public sector entity in creating an anti-corruption environment when the public sector entity is a municipality.

2. Before carrying out the actions referred to in Clauses 1 to 4 of Paragraph 1 of this Article, the Special Investigation Service shall inform the public sector entity for which the actions are envisaged about the intended actions. The public sector entity shall have the right to provide the Special Investigation Service with explanations and other information related to non-implemented or improperly implemented measures to create an anti-corruption environment.

3. If data on a possible infringement of the law are obtained when applying measures to create an anti-corruption environment or measures to prevent corruption, this data shall be transferred, within competence, to the entities responsible for creating an anti-corruption environment or other competent entities that continue actions related to the investigation of the infringement.

4. The actions of the Special Investigation Service referred to in Clauses 1 to 4 of Paragraph 1 of this Article may be appealed in accordance with the procedure established by legal acts.

5. Officials of the Special Investigation Service shall be responsible for infringements of this Law in accordance with the procedure established by the Law on the Special Investigation Service.

### **Article 27. Processing of Personal Data**

1. When implementing this Law by the Special Investigation Service, personal data shall be processed in accordance with the Republic of Lithuania Law on the Legal Protection of Personal Data Processed for the Prevention, Investigation, Disclosure or Prosecution of Criminal Acts, Execution of Sentences or National Security or Defence and the Law on the Special Investigation Service.

2. When implementing this Law by other competent institutions of the Republic of Lithuania as defined by the Law on the Legal Protection of Personal Data Processed for the Prevention, Investigation, Disclosure or Prosecution of Criminal Acts, Execution of Sentences or National Security or Defence, personal data shall be processed in accordance with the Republic of Lithuania Law on the Legal Protection of Personal Data Processed for the Prevention, Investigation, Disclosure or Prosecution of Criminal Acts, Execution of Sentences or National Security or Defence and special laws regulating their activities.

3. When implementing this Law by other entities, personal data shall be processed in accordance with the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), the Law on the Legal Protection of Personal Data of the Republic of Lithuania and this Law.”

### **Article 2. Entry into Force, Implementation and Application of the Law**

1. This Law, with the exception of Paragraphs 2, 3 and 4 of this Article, shall enter into force on 1 January 2022.

2. The Government of the Republic of Lithuania shall approve model regulations and (or) job descriptions of those responsible for creating an anti-corruption environment until 30 September 2021.

3. The Government and (or) its authorised institution, the Director of the Special Investigation Service of the Republic of Lithuania shall review and issue legal acts implementing this Law until 31 December 2021.

4. Independent bodies shall adopt their anti-corruption code or rules of conduct until 31 December 2021.

5. Corruption risk analyses or anti-corruption assessments of legal acts or their drafts initiated before the entry into force of this Law shall be carried out in accordance with the procedure applicable before the entry into force of this Law.

6. Procedures of provision of information about a person seeking or holding a position started before the entry into force of this Law shall be carried out in accordance with the procedure applicable before the entry into force of this Law.

7. The entry into force of the National Agenda for the Prevention of Corruption and the Plan of the National Agenda for the Prevention of Corruption and legal relations before the entry into force thereof shall be regulated as provided for in Article 25 (5) of the Law on Strategic Management of the Republic of Lithuania.

8. Other corruption prevention planning documents drafted before the entry into force of this Law shall be valid until the expiry of the terms specified therein; upon the expiry of the terms provided for therein, corruption prevention planning documents shall be drafted in accordance with Article 7 of the Law on Prevention of Corruption of the Republic of Lithuania specified in Article 1 of this Law.

### **Article 3. Supervision of the Implementation of the Law and Evaluation of the Results**

1. The Ministry of Justice of the Republic of Lithuania shall carry out ex post evaluation of the impact of the existing legal regulation established by this Law until 1 March 2025 for the period from 1 January 2022 until 31 December 2024 and shall draw up report of ex post evaluation of the impact of the existing legal regulation.

2. The report referred to in Paragraph 1 of this Article shall include the positive and negative consequences of the legal regulation established by this Law and proposals for the improvement of this Law and other laws related to its implementation.

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

President of the Republic

Gitanas Nausėda