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SPECIALIŲ TYRIMŲ
TARNYBA

Guidelines for Creating an Anti-Corruption Environment in the Public Sector

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INTRODUCTION

‘Corruption is a complex phenomenon with economic, social, political and cultural aspects that cannot be easily eradicated. An effective policy response cannot be equated with a set of standard measures; there is no one-size-fits-all solution’¹, therefore there is no one-size-fits-all ‘recipe’ for creating an anti-corruption environment that can be applied to the entire public sector. The World Bank estimates that the world loses [2.6 trillion dollars](#)², European Union member states lose [900 billion euros](#)³, and Lithuania fails to replenish its gross domestic product by [4.4 billion euros](#)⁴ annually. This is the likely cost of corruption.

Recently, corruption has been perceived not only as one of the possible unfavorable phenomena for society, but also as a clear threat to national security. [The National Security Strategy](#) identifies resilience to corruption as one of the national security interests of the Republic of Lithuania. If measures ensuring transparency, resilience and accountability of the government are not implemented in a timely, systematic and active manner, it becomes easier for corruption to become a tool for weakening national security.

According to the Criminal Code of the Republic of Lithuania, the five main criminal acts of a corruptive nature are: Bribery ([Article 225](#)), Bribery of an Intermediary ([Article 226](#)), Graft ([Article 227](#)), Abuse of Office ([Article 228](#)) and Failure to Perform Official Duties ([Article 229](#)). According to the [Republic of Lithuania Law on Prevention of Corruption](#), corruption shall mean the abuse of powers for the benefit of oneself or another person in the public or private sector. Therefore corruption may be manifested not only by criminal acts of a corruptive nature, which are listed in the aforementioned law, but also by [other infringement of law of a corruptive nature](#), which 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.

1 EU Anti-Corruption Report, COM/2014/038 final. Web link: <https://eur-lex.europa.eu/legal-content/LT/TXT/HTML/?uri=CELEX:52014DC0038&from=SL>.

2 Online access: <https://blogs.worldbank.org/governance/what-are-costs-corruption>.

3 Online access: <https://www.greens-efa.eu/en/article/document/the-costs-of-corruption-across-the-european-union>.

4 Online access: <https://www.greens-efa.eu/files/doc/docs/e46449daadbfebc325a0b408bbf5ab1d.pdf>.

Corruption is a complex social, political and economic phenomenon that knows no boundaries and can affect every country in the world. Lithuania is a member of the Organisation for Economic Co-operation and Development (OECD) and is working to combat [foreign bribery](#), which occurs when a person, in order to obtain an undeserved business advantage or to preserve an advantage already obtained in the course of engaging in international business, offers, promises to give, or gives, any undue reward to a foreign official as payment for the official's acts or omissions in the performance of his official duties.

The most important document defining measures to reduce foreign bribery is the [EOCD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#), which establishes the obligation of member states to combat bribery of foreign officials, the imposition of a range of measures on natural and legal persons for the bribery of foreign officials, and the need for international cooperation in the combating corruption.

Public sector entities dealing with Lithuanian companies operating abroad can also actively contribute to the prevention and detection of foreign bribery by:

- disseminating information and raising awareness of the prohibition of foreign bribery;
- encouraging companies to develop transparent business practices and to implement corruption prevention measures;
- recognising signs of corruption, money laundering and fraudulent accounting;
- informing companies about the legal regulation and liability for corruption;
- providing information to the STT on observed cases of corruption.

The Guidelines for Creating an Ant-Corruption Environment in the Public Sector ('the Guidelines') are a document of a recommendatory nature aimed at helping public sector entities create an anti-corruption environment. In the context of the Guidelines, 'public sector' is understood as public sector entities as defined in the Law on Prevention of Corruption⁵. While this document is suitable for the whole public sector, as defined under the provisions

⁵ '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 enterprise, 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.

of the Law on Prevention of Corruption, state-owned and municipally-owned enterprises are also subject to the [Guide on Creating an Anti-Corruption Environment and Integrity in State-Owned and Municipally-Owned Enterprises](#), taking into account the specificities of the management and operation of these enterprises.

Objectives of the Guidelines:

- support the implementation of measures to create an anti-corruption environment in a public sector entity;
- support in identification corruption risk factors and eliminating them in a systematic and coordinated way, and reducing the risk of corruption in the public sector;
- raise anti-corruption awareness among employees, not to tolerate corruption or other dishonest conduct in the public sector, and to report infringements of law of a corruptive nature;
- organise more effectively the activities of the units, individuals or other staff responsible for creating an anti-corruption environment;
- disseminate good practices in creating an anti-corruption environment.

The Guidelines are of a recommendatory nature; therefore heads of public sector entities, units responsible for the creation of an anti-corruption environment, individuals or employees who are assigned such functions should assess, analyse and apply the information provided in the Guidelines taking into account the nature and specificity of the activities of the particular public sector entity, in order to ensure that the implemented corruption prevention measures contribute to the maximum extent to the building of an anti-corruption environment. It should be noted that there is no one-size-fits-all model. Public sector entities of different size and nature of their activities may be exposed to different corruption risks, and therefore individual corruption prevention measures may not be equally effective and/or relevant for them (e.g. a public sector entity that does not draft regulatory legal acts or is not subject to an ex-post assessment of the impact of the existing legal acts will not be involved in an anti-corruption assessment of legal acts or drafts thereof, etc.)

ABBREVIATIONS

Special Investigation Service of the Republic of Lithuania – STT
Chief Official Ethics Commission of the Republic of Lithuania – VTEK
Republic of Lithuania Law on Prevention of Corruption – KPJ

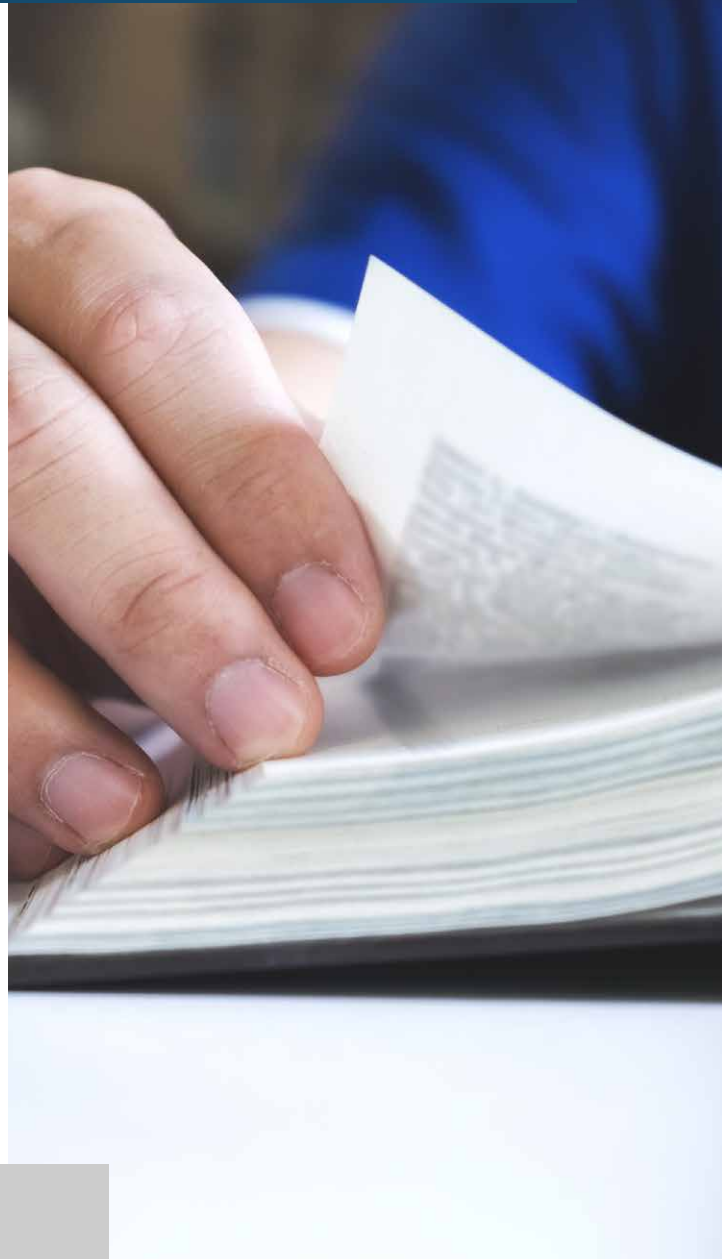
Republic of Lithuania Law on the Adjustment of Public and Private Interests in the Public Service – VPIDJ
Republic of Lithuania Law on Lobbying Activities – LVJ
Republic of Lithuania Law on the Protection of Whistleblowers – PAJ

1

Prevention of Corruption in International and National Legislation

The main legislation that are recommended to familiarize yourself with in order to create an anti-corruption environment in the public sector:

- [United Nations Convention against Corruption;](#)
- [Convention on Combating Bribery of Foreign Public Officials in International Business Transactions;](#)
- [National Security Strategy;](#)
- [The National Anti-Corruption Agenda for 2022-2033 and the Plan for Its Implementation;](#)
- [KPJ;](#)
- [VPIDJ;](#)
- [PAJ;](#)
- [LVJ.](#)



2

Creation of an Anti-Corruption Environment in the Public Sector



The KPJ establishes a system of measures to create an anti-corruption environment, which consists of:

- 1.** The main measures to prevent corruption:
 - corruption risk analysis;
 - corruption prevention planning documents;
 - anti-corruption assessment of legal acts or drafts thereof;
 - reporting of criminal acts of a corruptive nature;
 - determination of the probability of manifestation of corruption;
 - assessment of corruption risk management;
 - determination of the level of resilience to corruption;
 - implementation of anti-corruption standards of conduct.
- 2.** Raising anti-corruption awareness.
- 3.** Ensuring the reliability of staff.
- 4.** Activities or measures that create an anti-corruption environment or improve resilience to corruption, provided in other laws. In this context, the main relevant legislation is:
 - VPIDJ;
 - PAJ;
 - LVJ.

Principles of Prevention of Corruption

The implementation of corruption prevention is guided by the principles of prevention of corruption, by which corruption prevention activities are systematically implemented. The



new model for creating an anti-corruption environment is complemented in the KPJ with new principles of corruption prevention⁶ to be applied in public sector entities.

One of the key new principles reflecting the distribution of responsibilities and leadership in the public sector in implementation of corruption prevention is the ***principle of subsidiarity***, according to which public sector entities shall be primarily responsible for corruption risk management, and secondly, ***an independent body***⁷, to which the public sector entity is subordinated, accountable or assigned according to the field of management, shall propose measures to create an anti-corruption environment or shall implement them only to the extent necessary effectively to manage risks of corruption in this entity.

It should be noted that, in line with the principle of subsidiarity, the KPJ imposes ***an obligation on the independent body***⁸ to 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, 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.

According to the new model, independent bodies are encouraged to be responsible for the entire field of management. At the same time, this is also in line with the ***principle of proportionate anti-corruption activities*** enshrined in the Law, according to which anti-

⁶ Article 4 KPJ.

⁷ As defined in Article 2(12) KPJ.

⁸ Article 21 KPJ.

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 for building an anti-corruption environment seeking to minimise administrative burdens. Public sector entities with similar or analogous functions (system of entities) often operate in the field of activity of the same independent body, therefore the law enables an independent body to apply certain measures at sectoral level to build an anti-corruption environment and thus to assess the corruption risks at the level of its field of management, to avoid copying of similar internal procedures, and to centralise the coordination of the creation of an anti-corruption environment in its field of management.

According to the new model, in line with the principles discussed above, independent bodies are obliged by the KPJ to establish a unit or designate a person responsible for the creation of an anti-corruption environment, with this function as the main one, i.e. ensuring the necessary resources to carry out the scope of the functions, as:

1) in the fulfillment of their duties, independent bodies must take measures to ensure that they and the public sector entities subordinated to them and (or) assigned to their field of management, taking into account their size and/or administrative capacity, apply measures to create an anti-corruption environment, in accordance with the KPJ;

2) additionally, the KPJ allows an independent body to introduce or apply certain measures to prevent corruption in the public sector entities subordinate and (or) assigned to its field of management, taking into account the administrative capacity of those entities, or to self-assess an anti-corruption environment or the results of the implementation of measures in the public sector entities subordinate and (or) assigned to its field of management (e.g. to assess the probability of manifestation of corruption, the level of resilience to corruption; to adopt action plans for the prevention of corruption or standards of anti-corruption conduct applicable at the level of the field of management).

Undoubtedly, anti-corruption activities, in order to achieve their objectives, should be transparent and understandable, open to the public (implementation of the ***principle of transparency***), and appropriate anti-corruption awareness and participation of the civil society itself and the employees of both the public and the private sector in the creation of an anti-corruption environment in the country (implementation of the ***principle of involvement***) contribute to successful results in achieving transparency. Ensuring certainty and stability of legal regulation is important for the systematic and long-term prevention of corruption, which must protect personal data, rights and legitimate interests of persons in accordance with the procedure established by legislation (implementation of the ***principle of protection of personal rights***).

3

Entities Involved in Corruption Prevention Activities

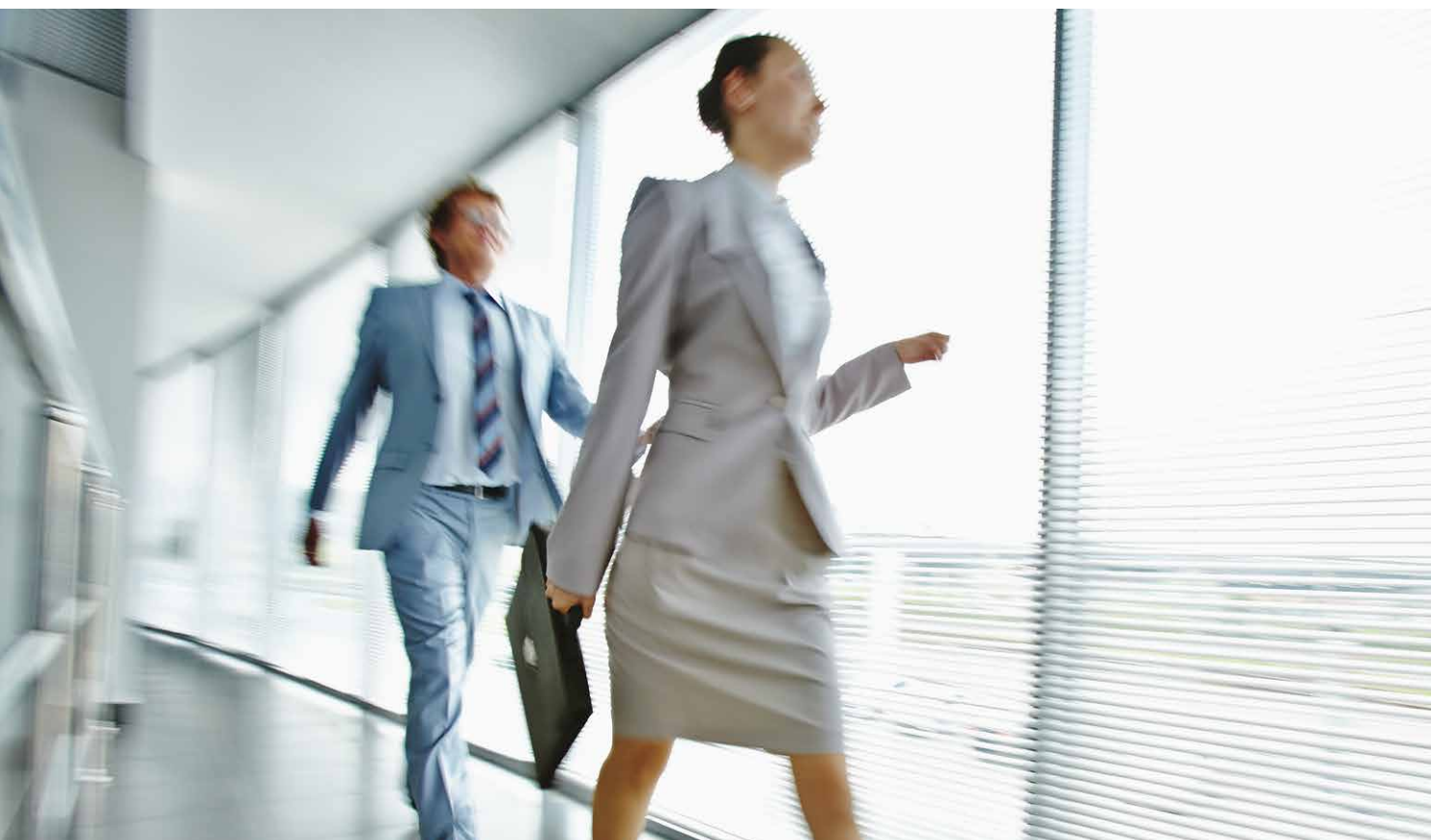


3.1. Entities Responsible for Creating an Anti-Corruption Environment, Their Designation and Activities

The senior management of a public sector entity is of particular importance in creating an anti-corruption environment, as its daily example, active involvement and commitment to not tolerate the slightest manifestations of corruption ensures the effective and consistent implementation of anti-corruption measures, as well as the operational and organisational independence of the entity responsible for creating an anti-corruption environment, the resources necessary for the activities, 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. The conduct of senior managers is important in shaping the attitudes of middle managers and, through them, of all other employees of a public sector entity in creating an anti-corruption environment. Managers should constantly promote the highest standards of conduct by personal example and make their anti-corruption position clear

to all employees. Managers should not limit themselves to a formal attitude to corruption prevention and be passive observers, and issues of corruption prevention should be part of the agenda of every head of the body.

In order to ensure that an anti-corruption environment is created efficiently, to specialize in the performance of this function and to accumulate information on identified corruption risks, the KPJ provides for the obligation of certain public sector entities to establish **entities responsible for the creation of an anti-corruption environment**: a unit or position. It is important to ensure that such entities are established in an independent body, as, in line with the principle of subsidiarity enshrined in the KPJ and the duties of independent bodies, such an entity in an independent body may also be responsible for the creation of an anti-corruption environment in the entities subordinated and (or) assigned to the field of management, thus ensuring transparency in the whole field and reducing the administrative burden on those public sector entities that lack administrative capacity. For this reason, it is important for independent bodies to manage information on the number of public sector entities operating in their field of management, their administrative capacity and the designated entities responsible for creating an anti-corruption environment, in order to successfully ensure the creation of an anti-corruption environment in those bodies where there is no designated entity.



To ensure the unhindered activity of the entity responsible for the creation of an anti-corruption environment, the KPJ provides for the direct subordination of this entity to the head of the public sector entity in order to ensure both the prompt and effective provision of information on corruption risks and their management in the decision-making process, as well as to ensure the independence of the entity. When delegating the functions of creating an anti-corruption environment to an established unit, position or other employee, it is important to ensure that such entities are assigned all the functions, applicable without exception, that are specified in the [Model Regulations or Job Description of the Entities Responsible for the Creation of an Anti-Corruption Environment](#) as approved by the Government of the Republic of Lithuania. The scope of the functions, applicable without exception, is designed to systematically concentrate the identification and, where appropriate, the management of corruption risks in the hands of the entity responsible for creating an anti-corruption environment.

In order to effectively create an anti-corruption environment, it is important to ensure that the duties in the entity responsible for creating an anti-corruption environment are carried by persons with the necessary knowledge and skills, therefore the continuous improvement of the qualifications of such responsible persons is particularly important.

RELEVANT LEGISLATION:

- [Chapter IV \(Articles 20 to 25\) 'Corruption Prevention Entities, Their Rights and Duties in the Field of Corruption Prevention' KPJ;](#)
- [Resolution No 1155 of the Government of the Republic of Lithuania of 29 December 2021 'On the Approval of the Model Regulations and Job Description of the Entities Responsible for Creating an Anti-Corruption Environment'.](#)

ADDITIONAL INFORMATION:

- [Answers provided on the STT website to the most frequently asked questions on the appointment of an entity responsible for creating an anti-corruption environment.](#)

3.2. Corruption Prevention Entities

The KPJ establishes the main corruption prevention entities⁹ which formulate corruption prevention policy in Lithuania, coordinate and control corruption prevention activities and otherwise contribute to the creation of an anti-corruption environment. The law identifies the President of the Republic, the Seimas, the Government and the STT as such entities, and sets out their main functions and the ways in which they can participate in the creation of an anti-corruption environment.

Other corruption prevention entities are also involved in corruption prevention activities, which, within the scope of their functions and competences, make a significant contribution to corruption prevention by helping to identify corruption risks in important fields of governance, providing methodological advice on the issues of creating an anti-corruption environment, formulating the practice of implementation of the law or investigating infringements of law of a corruptive nature. The KPJ classifies the Seimas Controllers, the Prosecutor's Office of the Republic of Lithuania, municipal council and anti-corruption commissions, VTEK, the Central Electoral Commission of the Republic of Lithuania, the Public Procurement Office, pre-trial investigation bodies, the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania, and Institution of the Government representatives as such entities.

It is important to distinguish these corruption prevention entities from the entities responsible for creating an anti-corruption environment, which are established within a specific public sector entity in the implementation of the KPJ and are responsible for the implementation of corruption prevention measures and other activities to create an anti-corruption environment within that entity, are directly subordinate to the head of that entity, and have their functions detailed in the [Model Regulations and Job Description of the Entities Responsible for Creating an Anti-Corruption Environment](#).

3.2.1. Municipal Anti-Corruption Commissions and Their Role in Creating Anti-Corruption Environment

The Municipal Council shall, for the duration of its mandate, establish an Anti-Corruption Commission (hereinafter – the Commission), which, in its capacity as a corruption prevention body, shall, in addition to other established powers, carry out the functions related to the implementation of the state policy in the municipality in the field of corruption prevention.

⁹ Article 20 KPJ.

The Commission is not the entity responsible for creating an anti-corruption environment in a specific public sector entity, as defined in Article 24 of the KPJ, but given the Commission's powers and capacity, it is recommended that the Commission be actively involved at the municipal level in the process of creating an anti-corruption environment in the municipality.



Powers conferred on the Commission¹⁰:

- 1.** participate in the anti-corruption assessment of draft legal acts drawn up by municipal bodies at the initiative of the Municipal Council or the Mayor, in accordance with the procedure laid down in the Regulation;
- 2.** participate in the drafting of anti-corruption action plans and submit opinions to the Municipal Council on the implementation of these plans;
- 3.** examine comments and proposals submitted by members of the municipal community, public authorities, representatives of local communities or community-based organisations in the municipality regarding the implementation of corruption prevention measures;
- 4.** inform the public about its activities, the corruption prevention measures implemented in the municipality and the results of the fight against corruption;
- 5.** for the purpose of prevention of corruption, analyse public procurement carried out by the municipal administration, budgetary and public bodies owned by the municipality, and undertakings managed by the municipality, and inform the municipal council and the competent institutions or bodies about possible cases of corruption;
- 6.** perform other functions set out in the legal acts related to the implementation of the state policy on prevention of corruption in the municipality.

Actions of the Commission which shall help to fulfill its powers to manage corruption risks in the municipality are recommended in the [Standard of Operation of the Anti-Corruption Commission of the Municipal Council](#), for example, the Commission:

- *in accordance with the procedure laid down in the Regulation, at the initiative of the Municipal Council or the Mayor, by participating in the anti-corruption assessment of draft legal acts, could: a) submit comments and proposal to the municipal body*

¹⁰ Article 24(3) of the Republic of Lithuania Law on Local Self-Government.

adopting the legal act on the elimination of legal regulations in the draft regulatory acts of municipal bodies that may create prerequisites for corruption; b) monitor the implementation of the Commission's comments and proposals; c) cooperate with and obtain information from other entities involved in the prevention of corruption necessary for the performance of this function;

- *by participating in the drafting of the municipality's anti-corruption action plan*, could: a) carry out an analysis of the assessment of the effectiveness and/or impact of measures to reduce the risk of corruption contained in previous anti-corruption action plans; b) analyse the corruption risk factors identified in the municipality as part of measures to create anti-corruption environment; c) get acquainted with the proposals contained in the conclusions of the STT's analyses of corruption risks in the municipal institution and municipal bodies, as well as in the conclusions of the anti-corruption assessments of legal acts, to consider them and to propose measures to eliminate the corruption risk factors identified by the STT; d) initiate the coordination of the draft anti-corruption action plan with the STT; e) cooperate with the Municipal Controller and/or the Municipal Control and Audit Office and obtain from them the documents and information necessary for the performance of this function;
- *by coordinating and monitoring the implementation of the municipality's anti-corruption action plan*, could: a) initiate its amendment or supplementation, if necessary; b) monitor the implementation of the corruption risk reduction measures set out in the municipality's anti-corruption action plan;
- *by submitting conclusions to the Municipal Council on the anti-corruption action plan and its implementation*, could analyse the necessity and effectiveness of the corruption risk reduction measures set out in the municipality's anti-corruption action plan, as well as their impact on the creation of an anti-corruption environment in the municipality;
- *in order to inform the public about its activities*, publish on the municipality's website relevant information on the actions the Commission has taken to contribute to the implementation of a specific measure to create an anti-corruption environment, as well as activity reports and other information related to the Commission's activities;
- aiming for the efficiency of its functions and being interested in relevant information, it can initiate trainings for the members of the Commission in the field of corruption prevention.

RELEVANT LEGISLATION:

- [Republic of Lithuania Law on Local Self-Government](#).

METHODOLOGICAL INFORMATION:

- [Standard of Operation of the Anti-Corruption Commission of the Municipal Council](#);
- [Materials of the 'Transparency Academy' event 'The role of the Anti-Corruption Commission in the Implementation of Corruption Prevention in the Municipality'](#).

4

Measures to Be Taken in a Public Sector Entity to Create an Anti-Corruption Environment



4.1. The Main Measures to Prevent Corruption

4.1.1. Anti-Corruption Assessment of Legal Acts or Drafts Thereof

In order to eliminate corruption risk factors at the initial stage of lawmaking, all public administration entities must carry out an anti-corruption assessment of their own draft regulatory acts¹¹, the rules of which shall be established by the Government of the Republic of Lithuania, provided that these drafts are intended to regulate social relations, the list of which is provided in the KPJ¹². A public sector entity may also, on its own initiative, carry out an anti-corruption assessment of other draft regulatory acts, if it considers that these legal acts would regulate relations that pose a risk of corruption. In order to assess the impact of existing legislation on the level of corruption, the entities of the ex post assessment of the impact of the existing legal regulation may carry out an anti-corruption assessment of existing legislation.

¹¹ The definition of a regulatory act can be found in the Law on Public Administration and further clarification can be found in [case law](#).

¹² Article 8(1) KPJ.

Anti-corruption assessment of not only regulatory acts, but also of other (e.g. certain internal administration) draft legal acts in areas where corruption risks are possible or identified by the public sector entity (e.g. rules for the organisation of public procurements, granting certain powers, decision-making procedures in significant areas of activity, etc.) can be highlighted as a good practice of the public sector entities.

The following stages of the anti-corruption assessment of a draft legal act are distinguished:

- 1.** Determination of the need for an anti-corruption assessment of a draft legal act – assessment by the public administration entity drafting a regulatory legal act of whether the project is intended to regulate the public relations established by the KPJ, whether the legal regulation envisaged by the draft may pose a risk of corruption.
- 2.** Anti-corruption assessment of a draft legal act and completion of the anti-corruption assessment form¹³ ([form](#)) – analysis of the content of a draft legal act in the light of the criteria set out in the anti-corruption assessment form (before analysing the content of a draft legal act, it is recommended to get acquainted oneself with the [Good Practice Examples of Assessing the Criteria of the Anti-Corruption Assessment Form for Draft Legal Acts](#)), analysis of documents related to the draft legal acts, determination of the objectives of the draft legal acts, identification of the specified and objective problems, identification of deficiencies in the legal regulation and submission of comments, completion of the anti-corruption assessment form and its submission to the drafter of the draft legal act. If deficiencies in the legal regulation are identified, the form shall be forwarded to the drafter of the draft legal act for possible corrections and, together with the drafter's decision, shall be forwarded to the assessor for a decision on the adequacy of the actions taken to reduce the risks of corruption.
- 3.** Signing, handing over, publishing the anti-corruption assessment form¹⁴. It is important to note that the legislation provides for the submission of the form to the head of the public administration entity or his/her authorised person, who takes a decision on the development, adoption, referral for coordination or submission of a draft legal act to another entity adopting the legal act. The submission of the form to the head is particularly relevant in cases where the assessor and the drafter of the draft legal act are unable to reach a common decision on whether to take account of the comments made by the assessor (according to the provisions of the KPJ, the head of a public sector entity is responsible for creating an anti-corruption environment). In municipalities, the Anti-Corruption Commissions, which are involved in the anti-corruption assessment of draft legal acts drafted by municipal bodies, could be involved in such a process and could

¹³ In accordance with the procedure recommended in Sub-Clause 3.2 of the [Methodological Guidelines for the Anti-Corruption Assessment of Draft Regulatory Acts](#).

¹⁴ In accordance with the procedure laid down in Clauses 13 to 15 of the [Rules on Anti-Corruption Assessment of Draft Legal Acts](#).



provide their insights on potential corruption risks based on the information they have gathered during their activities.

4. Anti-corruption re-assessment of the draft legal act (if necessary) – submission of the draft legal act, supplemented or amended after coordination with relevant bodies, to the assessor, who shall provide the head of the public administration entity or his/her authorised person with a written reasoned conclusion on the advisability of conducting the anti-corruption reassessment of the draft legal act.

It is important to ensure that the assessor conducting the anti-corruption assessment of a draft legal act is not the drafter of this act. This corruption prevention measure may be carried out either by the entity responsible for creating an anti-corruption environment or by another unit or employee of the public sector entity designated by the head of the entity, provided that the function is carried out in the most rational manner.

RELEVANT LEGISLATION:

- [Article 135\(3\)\(6\) of the Statute of the Seimas of the Republic of Lithuania;](#)
- [Chapter 4, Article 16\(1\) of the Republic of Lithuania Law on Legislative Framework;](#)
- [Article 8 'Anti-Corruption Assessment of Legal Acts and Drafts Thereof' KPI;](#)
- [Rules on Anti-Corruption Assessment of Draft Legal Acts, approved by Resolution No 243 of the Government of the Republic of Lithuania of 12 March 2014;](#)
- [Methodology for Ex-Post Assessment of the Impact of Existing Legal Regulation, approved by Resolution No 308 of the Government of the Republic of Lithuania of 5 May 2021.](#)

METHODOLOGICAL INFORMATION:

- [Methodological Guidelines for the Anti-Corruption Assessment of Draft Regulatory Acts;](#)
- [Good Practice Examples of Assessing the Criteria of the Anti-Corruption Assessment Certificate for Draft Legal Acts;](#)
- [Theoretical and Practical Aspects of Anti-Corruption Assessment of Legal Acts or Drafts Thereof;](#)
- [Report on the Ex Post Assessment of the Impact of the Existing Legal Regulation.](#)

4.1.2. Reporting of Criminal Acts of a Corruptive Nature

The KPJ obliges an employee of a public sector entity to report [a criminal act of a corruptive nature](#), known to him or her, except for an act which his or her close relatives or family members¹⁵ 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.

Such a report shall be submitted within the shortest possible time from the moment of becoming aware of the criminal act of a corruptive nature to the [Prosecutor's Office of the Republic of Lithuania](#), the [STT](#) or a pre-trial investigation body¹⁶, which 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.

An employee of a public sector entity who has provided the STT with valuable information on criminal acts of a corruptive nature may be remunerated in accordance with the procedure set out in the [Description of the Procedure for Remunerating Persons who Have Provided the Special Investigation Service of the Republic of Lithuania with Valuable Information on Criminal Acts of a Corruptive Nature](#).

In order to ensure effective reporting of criminal acts of a corruptive nature in the public sector, it is important:

- raise anti-corruption awareness among employees, properly and regularly, through internal communication, advising, internal rules and instructions, to inform them on how to recognise criminal acts of a corruptive nature and to encourage them to report thereof;
- ensure through various channels that all employees know how and to whom to report criminal acts of a corruptive;
- have a well-functioning system for reporting (internally and externally) on the implementation of anti-corruption conduct standards;

¹⁵ 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](#).

¹⁶ Article 167 'Pre-trial Investigation Bodies' of the [Code of Criminal Procedure of the Republic of Lithuania](#).

- establish a system for advising on anti-corruption conduct issues that arise in the field of the body's activities in order to provide advice and to ensure that there is a coherent explanation of exemplary cases of potential corruption risks and of the actions to be taken by employees in the event that they occur;
- maintain a proper system for detecting and investigating infringements of law of a corruptive nature and, where appropriate, take disciplinary action.

The obligation to report infringements of law of a corruptive nature also applies to public sector employees working abroad (e.g. representatives of diplomatic missions). This is particularly relevant in the case of foreign bribery, where information is provided on cases of corruption involving Lithuanian businesses that have come to light abroad. Such cases may also come to light in Lithuania (e.g. when working with businesses providing state guarantees, financial instruments, performing tax inspections). It is also important to note that the person who reports a known criminal act of a corruptive nature does not necessarily have to be the person against whom the act (e.g. bribery) was intended to be committed.

RELEVANT LEGISLATION:

- [Article 9 KPJ 9 'Reporting of Criminal Acts of a Corruptive Natures'](#);
- [Description of the Procedure for Remunerating Persons who Have Provided the Special Investigation Service of the Republic of Lithuania with Valuable Information on Criminal Acts of a Corruptive Nature, approved by Order No 2-38 of the Director of the Special Investigation Service of the Republic of Lithuania of 20 January 2015](#);
- [Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#).

OTHER INFORMATION:

- [Form for Reporting an Infringement of Law of a Corruptive Nature to the STT](#);
- [Section of Frequently Asked Questions](#);
- [STT Anti-Corruption Education E-Learning Platform on 'Foreign Bribery'](#);
- [Information on foreign bribery](#);
- [Information Leaflet on the OECD Guidelines for the Public and Private Sector on Bribery of Foreign Officials](#).



4.1.3. Assessment of Corruption Risk Management

Assessment of corruption risk management is carried out in order to determine whether a public sector entity complies with the requirements of the legal acts regulating the creation of an anti-corruption environment in its activities, whether the measures for the prevention of corruption in a public legal entity are functioning in the way they are intended, and whether the functioning of these measures contributes to the creation of an anti-corruption environment in a public legal entity. This assessment helps to identify gaps in the operation of a public sector entity that could adversely affect its activities and create prerequisites to occur the risk of corruption. In public legal entities, as defined in the Republic of Lithuania Law on Internal Control and Internal Audit, the assessment of corruption risk management shall be planned and carried out in accordance with the procedures laid down in the Law on Internal Control and Internal Audit, while in other public sector entities it may be carried out in accordance with the procedures laid down in the legal acts regulating their internal audits.

In the public sector, assessment of corruption risk management plays an important role in ensuring the continued effectiveness of a public sector entity and in creating an anti-corruption environment. Although this corruption prevention measure is not new, it is particularly relevant to be carried out after the entry into force of the new edition of the KPJ in order to assess whether the current practices of the public sector entity comply with the requirements of the new law, and to make the necessary adjustments in time manner.

It should be noted that only internal auditors can carry out this corruption prevention measure, and they can be assisted by the entities responsible for the creation of an anti-corruption environment or employees, to whom these functions are assigned, by providing information on the implementation of the measures established in the KPJ. The questionnaires recommended by the Ministry of Finance of the Republic of Lithuania for the assessment of corruption risk management in internal audits can also help internal auditors to carry out this measure properly. Depending on the objectives and scope of the internal audit, the questionnaires can be supplemented by the internal auditors, and the selected questions can be examined in more detail or eliminated. It is therefore important to get acquainted with the full scope of the requirements set out in the KPJ before the commencement of this internal audit.

It is important to note that persons performing internal control and internal audit functions cannot perform other functions of an entity responsible for creating an anti-corruption environment as set out in the KPJ, whereas, when carrying out the assessment of corruption risk management in accordance with the procedures laid down in the Law on Internal Control and Internal Audit, they seek to determine whether a public sector entity complies with the requirements of the legal acts regulating the creation of an anti-corruption environment in its own activities and, in that case, they should assess their own functions in creating an anti-corruption environment.

RELEVANT LEGISLATION:

- [Article 11 'Assessment of Corruption Risk Management', Article 21\(2\)\(2\) 'Independent Bodies' KPJ;](#)
- [Republic of Lithuania Law on Internal Control and Internal Audit;](#)
- [Model Regulations of the Internal Audit Service;](#)
- [Model Internal Audit Methodology and Description of Principles of Professional Ethics for Internal Auditors.](#)

METHODOLOGICAL INFORMATION:

- [Questionnaires for Assessing Corruption Risk Management in Internal Audit;](#)
- [Materials of the methodological support event 'New Corruption Prevention Measure – Assessment of Corruption Risk Management'.](#)

EXAMPLES OF ASSESSMENTS OF CORRUPTION RISK MANAGEMENT OF PUBLIC SECTOR ENTITIES:

- [Internal Audit Report of the Centralised Internal Audit Unit of Biržai District Municipality Administration of 2022 on the Assessment of Corruption Risk Management;](#)
- [Action Plan for the Implementation of the Recommendations made by the Ministry of Transport and Communications in the Internal Audit Report on the Assessment of Corruption Risk Management.](#)

4.1.4. Determination of the Level of Resilience to Corruption

The new KPJ established a system of measures for creating an anti-corruption environment, essentially giving public sector entities the possibility to apply different tools to create an anti-corruption environment in a body, depending on the specificities of its activities and administrative capacities. In order to enable public sector entities to assess the state of the anti-corruption environment and the progress made, to compare the results in creating an anti-corruption environment, and to determine the directions for improvement, a new corruption prevention measure – the LRC – was introduced in the KPJ.

In order to determine the resilience of a public sector entity to corruption and, at the same time, to know in which direction anti-corruption policy should be developed, it is necessary to assess:

- how many and what measures are implemented to create an anti-corruption environment;
- the quality and practicability of the implementation of the measures;
- the results achieved by the application of the measures.

This multifaceted assessment is essential for the effective, rather than formal, creation of an anti-corruption environment, not only in terms of the adoption of legislation, but also in terms of the quality of that legislation, and the appropriate focus on raising the anti-corruption awareness of employees, so that anti-corruption provisions are known, understood and implemented in their day-to-day activities, in order to ensure the efficient functioning of the public sector entity and reduction of corruption risks.

RELEVANT LEGISLATION:

- [Article 12 'Determination of the LRC' KPJ](#);
- *The methodology for the determination of the ACL approved by the Resolution of the Government of the Republic of Lithuania.*

4.1.5. Implementation of Anti-Corruption Standards of Conduct

It is important that every public sector entity has basic standards of transparent activity and anti-corruption conduct of employees, which aim to ensure integrity, accountability and intolerance of corruption, and describe exemplary cases of possible risks of a corrupt nature and the actions to be taken by employees in the event of such risks being faced with. These standards may be established in various types of internal legislation, such as codes of ethics, anti-corruption policies, guidelines, other rules, or they may be approved by a separate document, or may be part of other documents (e.g. part of a code of conduct).

First of all, after the approval of such standards, the anti-corruption position of the public sector entity is presented to each employee, both transparent and intolerable conduct is defined in order to clarify the values of the public sector entity, which must be respected and followed by its employees. Secondly, these standards, with exemplary cases of possible risks of a corrupt nature and the actions to be taken by employees in the event of such risks being faced with, clarify to employees general anti-corruption provisions in the performance of the functions specified in their job descriptions in their day-to-day activities, help employees to recognize the situations in which they are exposed to the risk of corruption, and protect employees from committing infringements, at the same time raising employees' anti-corruption awareness, by specifying the conduct required. Providing employees with such exemplary risk cases and the necessary actions to be taken is not a mere formality, as it is often forgotten that the employees are focused on the performance of their direct duties and the legislation regulating them, and that they usually only get acquainted with the other rules in force in the public sector entity at the time of recruitment, however their conduct in the event of a situation that poses a risk of corruption should also be known and clear to them, as these situations usually require an immediate response. Taking this into account, it is of particular importance that the exemplary cases of risk of corruptive nature contained in the standards are tailored to the specific nature of the activities of the public sector entity, after assessing its specifics, i.e. they cover not only the general risks specific to any public sector entity (e.g. those related to public procurement, etc.), but also the risks of corruption depending on the nature of the activities of the public sector entity (e.g. situations and risks arising in the field of licensing and control activities, etc.) and are updated and supplemented as necessary. It is recommended to involve employees in the process of developing exemplary cases of risk of corruptive nature.

It is worth noting that the list of exemplary cases above may be relevant for employees when a public sector entity takes measures to identify corruption risks and their factors (e.g. by determining the probability of the occurrence of corruption), in order to present and, after periodic identification of corruption risks and their factors, to supplement situations that are important to manage properly.

At the same time, it is important to ensure that employees know where they can refer for help in clarifying the rules of anti-corruption conduct and periodically remind employees of these rules to ensure consistency in the conduct required. Therefore the KPJ provides that in a public sector entity, the entity responsible for creating an anti-corruption environment shall control the compliance of employees 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. Also, given the value essence of these standards of anti-corruption conduct, it is necessary to ensure that they are followed and to react in the event of infringement, so that the anti-corruption position expressed is not merely formal.

It should be noted that the KPJ, by providing for the obligation to have standards of anti-corruption conduct to be followed by the employees of a public sector entity, allows to choose, implement and apply such standards at the central level in the system of subordinate bodies and/or bodies assigned to the field of management, i.e., following the adoption of the standards of anti-corruption conduct by an independent body for itself and for the bodies assigned to the field of management, or by the adoption of separate standards for each of the public sector entities of this system. Bodies are allowed to choose their own model of conduct, taking into account the size of such a system of entities, the specificity of their functions, their administrative capacity, etc., it is important to ensure that the employees of the public sector entity are able to comply with the standards of anticorruption conduct set out in the KPJ. It is recommended to implement the standards of anti-corruption conduct at the level of an independent body in cases where there are a large number of public sector entities performing the same functions in the field of management of the same independent



body, with the same risks of corruption, and with a low administrative capacity, thus ensuring the implementation of the principle of proportionate anti-corruption activities.

After the approval of the standards of anti-corruption conduct, it is recommended that these standards are made publicly available on the website of the public sector entity, thus making them permanently accessible not only to the employees, but also to representatives of the general public and the private sector who come into contact with the public sector entity through its public services, supervision activities, etc.

RELEVANT LEGISLATION:

- [Article 13 'Implementation of Anti-Corruption Standards of Conduct' KPJ.](#)

METHODOLOGICAL INFORMATION:

- [Materials of the 'Transparency Academy' event 'New Law on Prevention of Corruption: Standards of Anti-Corruption Conduct'.](#)

EXAMPLES OF THE STANDARDS OF ANTI-CORRUPTION CONDUCT OF PUBLIC SECTOR ENTITIES:

- [Rules of Anti-Corruption Conduct of the Ministry of the Environment of the Republic of Lithuania; Rules of Anti-Corruption Conduct of the Ministry of the Environment of the Republic of Lithuania \(memo\);](#)
- [Rules of Anti-Corruption \(Ethical\) Conduct of the Ministry of the Interior of the Republic of Lithuania;](#)
- [Code of Anti-Corruption Conduct of the Kaunas District Court;](#)
- [Conduct Adviser of the State Tax Inspectorate;](#)
- [Rules of Ethics and Anti-Corruption Conduct of the State Data Protection Inspectorate;](#)
- [Code of Anti-Corruption Conduct of the Lithuanian Probation Service;](#)
- [Code of Ethics of the Klaipėda Tourism School;](#)
- [Code of Anti-Corruption Conduct of the Panevėžys Training Centre;](#)
- [Code of Ethics of the Drug, Tobacco and Alcohol Control Department.](#)



4.2. Raising Anti-corruption Awareness

In order to ensure the raising of anti-corruption awareness of public sector employees and the development of a culture of transparency, it is recommended:

- assign the function of organising the raising of anti-corruption awareness of the employees of a public sector entity to the entity responsible for creating an anti-corruption environment in that public sector entity, or cooperate with this entity in the organisation of such activities, in order to identify the need for the relevant topics. This entity, while performing the functions assigned to it (advises on issues of anti-corruption conduct, determines the LRC, participates in the investigation of infringements of law of a corruptive nature, controls and monitors the practice of declaration of the public and private interests of employees and adjustment of the public and private interests, etc.), has the opportunity to notice areas, in which employees have the most questions, cases where employees lack certain knowledge or understanding in compliance with anti-corruption provisions, therefore the involvement of this entity in the organisation of anti-corruption awareness raising activities helps to ensure a more targeted selection of training topics and, accordingly, a more efficient process, as well as a more interesting and necessary competence development for employees;
- plan anti-corruption awareness activities (training, events, competence development for employees, self-education, etc.) (e.g. to develop an anti-corruption awareness raising programme, to include these activities in corruption prevention or other planning documents, etc.), to carry out them in a consistent manner, to tailor them to the targeted groups of employees, taking into account the specifics of units or certain positions and the risks of corruption to which the employees are exposed, to carry out regularly, to seek a positive effect on employees' anti-corruption attitudes;

- measure the anti-corruption awareness of the employees of a public sector entity (using surveys, focus groups, etc.). Measurement will help to identify potential strengths or weaknesses in an organisation's anti-corruption awareness and appropriately to select the necessary activities to achieve sustainable change;
- use the measures and methodological information developed by the STT (e-learning platform, video lectures).

When raising anti-corruption awareness of employees, it is recommended not only to apply such traditional forms of activities such as training, events, self-education, etc., but also to apply other awareness raising methods ensuring a continuous process, for example:

- dissemination of information on corruption prevention, reminders, advices by employees' e-mails and/or the internal intranet site, and other means of dissemination;
- discussing of practical situations of corruption and examples of appropriate conduct with unit managers and employees of a public sector entity;
- producing of newsletters, memos, tests on corruption prevention for employees and memos for customers;
- periodic reminders to employees of their duties and opportunities provide for in legal acts regulating issues on creating an anti-corruption environment;
- preventive talks and memos with key information on corruption prevention for new recruits;
- other activities of a similar nature.

RELEVANT LEGISLATION:

- [Article 14 'Raising Anti-Corruption Awareness' KPJ](#);
- [Article 21\(2\)\(7\) 'Independent Bodies' KPJ](#);
- [Article 23\(2\)\(5\) 'Rights and Duties of Public and Private Sector Entities' KPJ](#).

METHODOLOGICAL INFORMATION:

- [Anti-corruption education e-learning platform](#);
- [Video lectures on anti-corruption education](#);
- [Materials of the 'Transparency Academy' event 'How to Raise Anti-Corruption Awareness of Employees'](#);
- [Information on raising anti-corruption awareness in the public sector provided on the STT website](#);
- [Information on corruption prevention provided on the STT website](#);
- [STT Infocentras](#);
- [The 'Transparency Academy' forum](#).

4.3. Ensuring Staff Reliability

Ensuring staff reliability helps the head of the public sector entity, the head of the collegial management body or state politician (hereinafter referred to as ‘the entity who is appointing, nominating or has appointed the person to the position’) to assess the suitability of a person seeking or holding the specific position. This measure is not identical to the determination of compliance with the requirements of good repute, which is carried out in accordance with the procedures laid down in other legislation, in view of the range of information collected. Ensuring staff reliability is applied for other purposes set out in the KPJ for this measure, namely: assess the corruption risk factors that arise and (or) would arise in the course of holding a position in a public sector entity; timely 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; 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; contribute to the management of conflicts of public and private interests; 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; decide on disciplinary or official liability of the person when there is a sufficient legal and factual basis for this.

In order to ensure staff reliability, it is important:

- for the entity who is appointing or nominating to the position to approve the list of positions for which a request for information about the person is submitted to the STT (hereinafter referred to as ‘the list of positions’) and to publish it on the website of the public sector entity. The request for information about the persons included in the list of positions shall be submitted to the STT in all cases, but request may not be submitted in respect of positions not included in the list. When compiling this list, it should be noted that it must include positions which inclusion in the list is compulsory (which correspond to those required for inclusion in the KPJ), and may also include, at the discretion of the entity who is appointing or nominating to the position, other positions held by employees of the public sector entity, after having assessed the risks of corruption they pose;
- submit the request for information about the person to the STT before the time limit so that the entity who is appointing, nominating or has appointed the person to the position, having received the information collected by the STT, is able to get acquainted with the information and make a decision on the person’s reliability and suitability for the position to be sought by the time limit set by the law;

- the request shall be considered to be in the correct format if it contains all the information specified in the request form ([forms of requests for information about a person](#));
- for the entity (head) who is appointing, nominating or has appointed the person to the position, taking into account the requirements for the specific position, the risk factors involved, the information provided by the STT and other circumstances known to him/her, as well as the assessment of all the information available and received, to decide on the appointment of the person to the position. The STT does not assess the suitability of the appointed person for the position sought, does not provide conclusions, opinions or recommendations to appoint the person to the position or not. The decision whether or not to appoint the person to the position can only be made by the above-mentioned entity (head).

The KPJ allows for the possibility to apply to the STT for the information not only before the appointment of a person to the position, when the employee of the public sector entity concerned has not yet held the position, but also in cases when the employee has already held the position assigned to him/her, in the event of a reasoned and substantiated doubt as to the reliability and suitability of such a person to hold the position. In this case, the request can also only be submitted in respect of a person whose position is included in the above-mentioned list of positions.

The entity who is appointing, nominating or has appointed the person to the position may not transfer any information on the person obtained in the course of this measure to third parties, but an exception shall be made for the entity responsible for creating an-anti corruption environment, or for any other employee of the unit of the public sector entity designated by the head, provided that in such a case, the function will be carried out in the most efficient way. This entity or other designated person shall have the right to use this information in accordance with competence when participating and providing opinion in staff formation procedures.

RELEVANT LEGISLATION:

- [Chapter III, Article 15 to 19 ‘Ensuring Staff Reliability’ KPJ](#);
- [Description of the Procedure for Submitting Information by the STT on Persons Seeking or Holding a Position in a Public Sector Entity, the European Union or international institutions nominated by the Republic of Lithuania.](#)

METHODOLOGICAL INFORMATION:

- [Materials of the ‘Transparency Academy’ event ‘New Law on Prevention of Corruption: Ensuring Staff Reliability’](#);
- [Answers to the most frequently asked questions on ensuring staff reliability provided on the STT website.](#)



4.4. Activities or Measures Specified in Other Laws that Create an Anti-Corruption Environment or Enhance Resilience to Corruption

4.4.1. Implementation of the Law on the Adjustment of Public and Private Interests

Declaration of the Public and Private Interests, Control and Supervising of the Practice of Declaration and Adjustment of Public and Private Interests

In order to ensure proper disclosure of private interests of persons employed in the public service and of other persons who are obliged to submit a declaration under the VPIDJ (declarants), the primacy of public interests in decision-making, as well as to prevent conflicts of interest and the spread of corruption, it is important:

- approve a list of positions in public sector entities that require declaration of private interests;
- inform persons elected, admitted and appointed to a position and persons who are otherwise required to declare their private interests (declarants) at the time of their appointment or at the time of acquiring declarant status about the obligation to submit a declaration;
- disclose in the declaration of private interests the data and the existing or potential private interests, as set out in the VPIDJ;
- in the event of new data or private interests, or changes referred to in the submitted declaration, the declarant shall, no later than within the time-limit specified in the VPIDJ, correct or supplement the declaration;

- for the heads of public sector entities to ensure the process of declaration of private interests of persons who are included in the list of persons who must declare private interests;
- when controlling the process of adjustment of public and private interests, to make prior written recommendations by the heads of public sector entities or their authorised representatives, the heads of procuring entities or their authorised representatives, on the basis of the data provided in the declaration of private interests, as to which of the official duties the declarant is obliged to refrain;
- comply with other provisions of the VPIDJ, to get acquainted themselves with the methodological information drafted by the VTEK.

It should be noted that the KPJ and the Model Regulations and/or Job Descriptions of the Entities Responsible for Creating an Anti-Corruption Environment, approved by the Government, as one of the mandatory functions of the entity responsible for creating an anti-corruption environment, state the control and supervising of the of the practice of declaration and adjustment of public and private interests by employees of a public sector entity. In creating an anti-corruption environment, it is important not only for employees to declare public and private interests, but also the control of this process and the evaluation of data in order to identify potential risks in time and apply appropriate measures to manage them. On the one hand, it is relevant for identifying specific risks, and on the other hand, for helping declarants avoid mistakes.

RELEVANT LEGISLATION:

- [VPIDJ](#);
- [Article 24\(5\)\(7\) 'Entities Responsible for Creating an Anti-corruption Environment' KPJ](#);
- [Resolution No 1155 of the Government of the Republic of Lithuania of 29 December 2021 'On the Approval of the Model Regulations and Job Description of the Entities Responsible for Creating an Anti-Corruption Environment'](#) Clause 6.3 of the Model Regulations of the Unit Responsible for Creating an Anti-Corruption Environment and Clause 2.4 of the Model Job Description of the Person Responsible for Creating an Anti-Corruption Environment.

METHODOLOGICAL INFORMATION:

- [Memo of Declaration of Private Interests compiled by the VTEK](#);
- [Rules for Filling out, Revising, Supplementing and Submitting Declarations of Private Interests approved by the VTEK](#);
- [Recommendations on the Control and Supervision of Compliance with the VPIDJ approved by the VTEK](#);
- [Clarifications of the VTEK on the Adjustment of Interests in the Public Sector](#);
- [Materials of the 'Transparency Academy' event 'Public and private interests – how to understand and manage them?'](#);
- [Materials of the 'Transparency Academy' event 'How to create an effective interest management system in organizations?'](#).

Restrictions on Accepting Gifts and Services, Gift Policy

The VPIDJ prohibits declarants or their close relatives from accepting gifts or services¹⁷ in connection with the declarant's official position or official duties, with the exception of gifts up to a value of EUR 150 received in accordance with an international protocol and/or tradition, gifts intended for representation with state, institution and other symbols, or services for the purposes of the office.

It is important to note that a public sector entity must adopt a procedure for the valuation and storage of gifts received in accordance with an international protocol or tradition, gifts intended for representation with state, institution and other symbol, and which exceed the value of EUR 150, and introduce these documents to all declaring persons.

A public sector entity seeking to determine the its position on the gifts given and received, their types and value, may establish a gift policy acceptable to the entity to, for instance, a 'zero' gift policy, which states that gifts legitimately received are not retained by the recipient or by the public sector entity, for example: no gifts are accepted at all; or all gifts accepted, that are permissible under the VPIDJ, are recorded and returned or given to charity or for other similar purposes. A public sector entity can also choose other policies depending on the nature of its activities, for example, where gifts permissible under the VPIDJ are recorded up to a certain amount (only smaller gifts, e.g. up to EUR 50, are not recorded), and where gifts exceeding EUR 150 are included in the public sector entity's accounts.

In order to avoid violation of the restrictions on the acceptance of gifts or services set out in the VPIDJ, it is important to provide advise if an employee is in doubt as to whether he/she can accept a gift (the obligation to refrain from accepting a gift is transfered to the recipient), and periodically raise anticorruption awareness and competence of employees in the field of the distinction between gifts and bribes.

RELEVANT LEGISLATION:

- [Article 3\(1\)\(3\) and Article 13 of the VPIDJ.](#)

METHODOLOGICAL INFORMATION:

- [VTEK's Recommendation Guidelines on Restrictions on the Acceptance of Gifts and Services;](#)
- [VTEK's answers on restrictions on the acceptance of gifts and services;](#)
- [VTEK's video footage;](#)

¹⁷ The concept of gifts and services is set out in the [VTEK's Recommendation Guidelines on Restrictions on the Acceptance of Gifts and Services.](#)

- [STT's lecture series. #2 Gift Policy;](#)
- [STT's anti-corruption education e-learning platform;](#)
- [Materials of the 'Transparency Academy' remote discussion 'Gift Policy: Practical Aspects of Application';](#)
- [Description of the Procedure for the Transfer, Valuation, Registration, Storage and Display of Gifts of the Institution, Including Gifts for Representation;](#)
- [Description of the Procedure for Action to be Taken by the Institution in the Event of Receipt of Illegal Remuneration.](#)

EXAMPLES OF PROCEDURES FOR THE VALUATION AND STORAGE OF GIFTS OF PUBLIC SECTOR ENTITIES:

- [Description of the Procedure for the Administration of Gifts Received by the Ministry of Agriculture in accordance with an International Protocol;](#)
- [Description of the Procedure for the Transfer, Valuation, Registration, Storage and Display of Gifts Received by the District Court of Vilnius City in accordance with an International Protocol or Tradition, and Gifts for Representation;](#)
- [Description of the Procedure for the Transfer, Valuation, Accounting and Storage of Gifts Received by Employees of the Vilnius City Municipality Administration in Accordance with International Protocol or Traditions, and Gifts for Representation;](#)
- [Description of the Procedure for the Transfer, Valuation, Registration, Storage and Display of Gifts Received by the Kaunas University of Technology in accordance with an International Protocol or Tradition, and Gifts for Representation.](#)

EXAMPLES OF GIFT POLICIES OF PUBLIC SECTOR ENTITIES:

- [Gift Policy of the Competition Council of the Republic of Lithuania;](#)
- [Gift Policy of the Ministry of Transport and Communications of the Republic of Lithuania and its Regulated Enterprises, Institutions and Companies;](#)
- [Zero-Gift Policy of the State Tax Inspectorate;](#)
- [Guidelines for the Klaipėda City Municipality's Zero Tolerance to Corruption Policy.](#)

4.4.2. Internal Whistleblowing Channels and Whistleblower Protection

In order to identify possible infringements in a public sector entity, it is important to enable persons who, by due to their relationship with the public sector entity, are able to detect such infringements (who have or had a relationship of service, employment or contractual¹⁸ relationship, or employment or other pre-contractual relationship, as well as a person who is self-employed, a shareholder, or a person belonging to the administrative, management or supervisory body of an enterprise (including non-executive members, as well as volunteers, and paid or unpaid trainees), or any natural person working under the supervision and direction of contractors, subcontractors and/or suppliers), to report them. This is ensured by the provisions of the PAJ, which oblige the establishment of internal channels for the

¹⁸ Consultancy, contracting, subcontracting, internships, traineeships, volunteering, etc.

reporting of infringements (hereinafter referred to as ‘the internal channel’) in a public sector entity.

When implementing internal channels, it is important to ensure that:

- 1.** the head of the body designates a competent entity (person¹⁹, group of persons or special unit) to manage the internal channel and to examine the information on infringements received through the internal channel, to ensure the confidentiality of the person who has provided information on infringements, to collect and compile the depersonalized statistical data on the number of reports received and to systematise the results of the examination of these data;
- 2.** the body takes the necessary steps (technical, organisational, etc.) to implement an internal channel where information can be provided in one or more ways (in person to the competent entity, by post or email, via online platforms, by telephone, etc.);
- 3.** the body establishes internal administrative procedures to ensure the confidentiality of the content of the information received through the internal channel and of any other data that may identify the person who has provided information on the infringement;
- 4.** the competent entity complies with the requirements of the Description of the Procedure for the Implementation of the Internal Channels for the Provision of Information on Infringements and Ensuring their Functioning, approved by the Resolution No 1133 of the Government of the Republic of Lithuania of 14 November 2018 ‘On the Implementation of the Law on the Protection of Whistleblowers of the Republic of Lithuania’;
- 5.** the person who has provided information on the infringement is given the opportunity to consult with a competent entity on ways or means of redress, including the possibility to apply to the Public Prosecutor’s Office of the Republic of Lithuania to be recognised as a whistleblower because of the potential or actual adverse impact on him/her of the fact of having provided information on the infringement;
- 6.** the confidentiality of the person who provided the information on the infringement is guaranteed.

An internal channel must be implemented ensuring its proper functioning in all state or municipal bodies, and in bodies assigned to the field of management of another institution. In cases where an internal channel implemented by an institution is available to the employees of the body assigned to the field of management of or subordinate to that institution, internal

¹⁹ For example, [Resolution No 1155 of the Government of the Republic of Lithuania of 29 December 2021 ‘On the Approval of the Model Regulations and Job Description of the Entities Responsible for Creating an Anti-Corruption Environment’](#) Clause 6.1 of the Model Regulations of the Unit Responsible for Creating an Anti-Corruption Environment and Clause 2.3 of the Model Job Description of the Person Responsible for Creating an Anti-Corruption Environment.

channels may not be implemented in the latter bodies. In this case, it is important to note that the regulations of the parent institution which internal channel is used would stipulate that the internal channel is also intended for its subordinate bodies and/or bodies assigned to its field of management, and that the information on the internal channel (in this case, of the other body) would be made publicly available on the website of the subordinate bodies and/or bodies assigned to the field of management anyway.

It is important to note that the body must ensure that the whistleblower has the opportunity to report the infringement through the body's internal channel, and therefore information on the internal channel must be published both on the external and intranet websites.

Whistleblowers are important in detecting and preventing infringements of law in a public sector entity and in protecting the public welfare, therefore the employees of the body should receive periodic training on how to identify infringements of the law (including of a corruptive nature) and be reminded (e.g. by email, verbally, through updates on the company's intranet and websites) of the possibility to report infringements through internal channels.

RELEVANT LEGISLATION:

- [Directive on the protection of persons who report breaches of Union law](#);
- [PAJ](#);
- [Order No I-207 of the Prosecutor General of the Republic of Lithuania of 25 June 2018 'On the Approval of the Description of the Procedure for the Submission of Reports on Infringements in Institutions to the Prosecutor's Office of the Republic of Lithuania'](#);
- [Resolution No 1133 of the Government of the Republic of Lithuania of 14 November 2018 'On the Implementation of the Law on the Protection of Whistleblowers of the Republic of Lithuania'](#);
- [Resolution No 1155 of the Government of the Republic of Lithuania of 29 December 2021 'On the Approval of the Model Regulations and Job Description of the Entities Responsible for Creating an Anti-Corruption Environment'](#).

METHODOLOGICAL INFORMATION:

- [Relevant information for whistleblowers published by the Prosecutor's Office of the Republic of Lithuania](#);
- [Relevant information on reports of corruption published by the STT](#);
- [STT's anti-corruption education e-learning platform](#);
- [Methodological Guide to the Practical Application and Implementation of the Law on the Protection of Whistleblowers of the Republic of Lithuania](#);
- [Materials of the 'Transparency Academy' event on ensuring the protection of whistleblowers](#);
- Web page for whistleblowers <http://www.pranesktiesa.lt>.

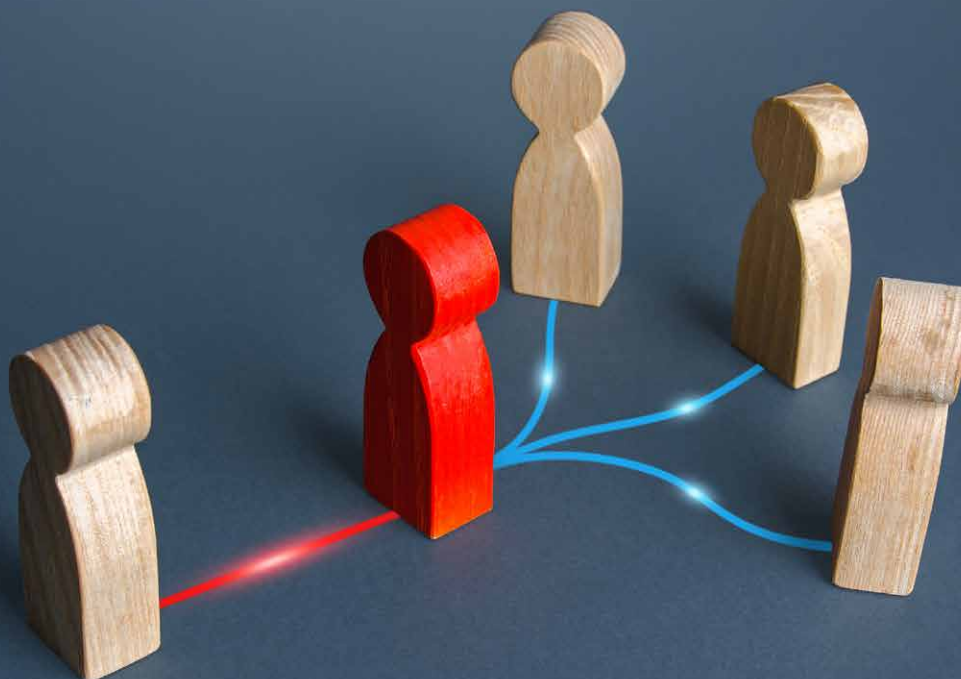
4.4.3. Implementation of the Law on Lobbying Activities

Transparency in lobbying activities is important to reduce the risks of corruption related to illegal influence by lobbyists. In order to ensure transparency in lobbying activities, it is important:

- establish, in line with the requirements of the LVJ, a procedures in public sector entities according to which persons working in the body²⁰ must declare the lobbying activities carried out in relation to them;
- for the heads of public sector entities or their authorised representatives to supervise lobbying activities in accordance with the procedures established by the heads of the public sector entities;
- for persons defined in the LVJ²¹ to declare the lobbying activities carried out in relation to them regarding each draft legal act;
- for the President of the Republic, members of the Seimas, the Government, deputy ministers, chancellors of the Seimas, the Government, ministries, leaders of parliamentary political parties, mayors, members of municipal councils, directors of municipal administrations and their deputies, to make their agendas publicly available on the websites of the legal entities in which they hold position;

²⁰ Article 5(4) of the LVJ.

²¹ Article 5(3) of the LVJ.



- for persons who are sought to be influenced by lobbying activities not to accept gifts or other remuneration from lobbyists.

It should be noted that the duties related to the actions required to ensure the implementation of the LVJ in a public sector entity can be assigned to the entity responsible for creating an anti-corruption environment²², which could, on the basis of the information available, monitor the timely and appropriate completion of the declarations, get acquainted with the data contained in the declaration, and remind the employee of the obligation to complete the declaration if there is reasonable information that the employee is not complying with the procedures laid down by the public sector entity or the requirements of the LVJ.

RELEVANT LEGISLATION:

- [LVJ](#);
- [Resolution No 1155 of the Government of the Republic of Lithuania of 29 December 2021 'On the Approval of the Model Regulations and Job Description of the Entities Responsible for Creating an Anti-Corruption Environment'](#).

METHODOLOGICAL INFORMATION:

- [VTEK's memo for the public sector '5 Steps to Transparent Lobbying'](#);
- [VTEK's recommendations 'How to communicate with lobbyists'](#).

4.4.4. Prevention and Investigation of Infringements of Law (of Employment Duties) (Including of a Corruptive Nature)

For avoiding violations of the law, the prevention of infringements is carried out in a public sector entity, however, in order to ensure compliance with the rules laid down by the entity, it is also necessary for the head of the public sector entity to react to infringements that may have been committed in the body, which are investigated in accordance with the procedures laid down in other laws and legal acts.

Prevention of infringements can be carried out in a variety of ways, the list of which cannot be exhaustive (various forms of anti-corruption awareness raising, the establishment and application of appropriate control mechanisms, the identification of risks and the application of

²² [Resolution No 1155 of the Government of the Republic of Lithuania of 29 December 2021 'On the Approval of the Model Regulations and Job Description of the Entities Responsible for Creating an Anti-Corruption Environment'](#) Clause 6.4 of the Model Regulations of the Unit Responsible for Creating an Anti-Corruption Environment and Clause 3.6 of the Model Job Description of the Person Responsible for Creating an Anti-Corruption Environment.

measures to eliminate them, the review and improvement of processes where infringements have been detected, discussion of situations that have occurred, etc.).

Infringements that may have been committed in the body are investigated within the competence. Taking this into account, the following actions are taken in public sector entities:

- if case of possible criminal offence, the information is transferred to the pre-trial investigation body;
- if there is a violation of employment duties, the act is investigated in accordance with the legal acts regulating the activities of employees of the public-sector entity, e.g. for employees, in accordance with the [Labour Code of the Republic of Lithuania](#), for statutory officers, in accordance with the statutes regulating their activities, for civil servants, in accordance with the [Republic of Lithuania Law on the Civil Service](#), and for public officials, in accordance with the laws regulating their activities, which lay down the procedures and deadlines for investigating violations;
- the entity responsible for creating an anti-corruption environment investigates or participates in the investigation of infringements²³.

RELEVANT LEGISLATION:

- [Article 21\(2\) 'Independent Bodies' KPJ, Article 24\(5\)\(1\) 'Entities Responsible for Creating an Anti-Corruption Environment' KPJ](#);
- [Resolution No 1155 of the Government of the Republic of Lithuania of 29 December 2021 'On the Approval of the Model Regulations and Job Description of the Entities Responsible for Creating an Anti-Corruption Environment'](#);
- [Description of the Procedure for Imposing Disciplinary Penalties on Civil Servants](#);
- [Description of the Procedure for Conducting an Investigation of Breaches of Employment Duties by Employees of the Public Security Service under the Ministry of the Interior Employed under Employment Contracts](#);
- [Description of the Procedure for Conducting Internal Investigations and for Imposing and Revoking Disciplinary Penalties on Officials of the Internal Service System](#).

²³ [Article 24\(5\)\(1\) KPJ](#); [Resolution No 1155 of the Government of the Republic of Lithuania of 29 December 2021 'On the Approval of the Model Regulations and Job Description of the Entities Responsible for Creating an Anti-Corruption Environment'](#) Clauses 5.4 and 9 of the Model Regulations of the Unit Responsible for Creating an Anti-Corruption Environment and Clause 2.1 of the Model Job Description of the Person Responsible for Creating an Anti-Corruption Environment.

5

Corruption Prevention Measures of a Recommendatory Nature



5.1. Determination of the Probability of Manifestation of Corruption

Creation of anti-corruption environment in any public sector entity requires identification of corruption risks and their factors, because only when these risks and their specific factors are known, it becomes possible to choose targeted measures to reduce or eliminate them, to achieve effective corruption prevention. The identification of corruption risks and their factors is also closely linked to the implementation of other corruption prevention measures, such as the drafting of anti-corruption action plans and standards of anti-corruption conduct, which include exemplary cases of corruption risks and the actions to be taken by employees in the event of exposure to them. Otherwise, it is often possible to encounter declarative documents that do not reflect the relevant issues and the objective pursued.

One of the possible ways to identify corruption risks is the determination of the probability of manifestation of corruption (hereinafter referred to as 'the PMC') proposed in the KPJ, which is aimed to assess the activities of a public sector entity from an anti-corruption point of view, to identify risks that may occur in the fields of activity of the public sector entity and

may give rise to prerequisites for employees or other persons to commit infringements of law of a corruptive nature, to calculate the level of these risks, to classify them according to their importance, to identify the risk factors that create the prerequisites for corruption risks to arise, and to develop measures to mitigate the risks identified and/ or eliminating the factors that may give rise to such risks. This measure is intended to be carried out by the public sector entity itself, and may also be proposed by an independent body or other public sector entity to which the entity is subordinate and/or assigned to the field of management. It should be noted that an independent body has the discretion to carry out the determination of the PMC in a public sector entity which is subordinate and/or assigned to its field of management²⁴.

In order to carry out the effective determination of the PMC, it is important to note that:

- 1.** the role and approach of the head to the transparency of the body's activities is one of the key elements in creating an anti-corruption environment. When determining the PMC, senior management is required to show leadership and involvement, to explain the value and benefits of this procedure, to involve the team in the process, and to ensure the availability of information necessary for the determination of the PMC;
- 2.** when identifying corruption risks, it is appropriate to assess the activities of a body as a whole, and only in cases where it is not objectively possible due to the large number of activity fields and/or insufficient resources, it is suggested to assess certain (primarily problematic) fields of the body's activities²⁵ or units;
- 3.** it is worthwhile for independent bodies to assess the possibility and need to determine the PMC in the public sector entities assigned to their field of management, e.g. by 'horizontal' assessment of a specific field of activity;
- 4.** it is important to ensure the involvement of employees working in the fields analysed;
- 5.** integrity of risk management is appropriate – it is recommended that risks of a corruptive nature are identified and assessed in accordance with the recommendations approved by the STT, but by integrating this process into the overall risk management process applied in the body;
- 6.** risk identification is not an end goal, it is necessary to ensure the timely identification and implementation of measures to reduce or eliminate corruption risks and/or risk factors, the appointment of a person responsible for risk management, and the establishment of clear criteria for assessing the result expected after the implementation of the measure.

24 This right is also conferred to the public sector entities referred to in Article 2(14)(3) of the KPJ in respect of the public sector entities referred to in Article 2(14)(2) and (4) of this Law.

25 For public sector entities with multiple fields of activity, it is recommended that a list of all activities be compiled before the determination of the PMC.

The following basic steps are recommended for determining the PMC:

- 1.** Taking decision to determine the PMC – the head of a public sector entity (or an independent body, if the PMC will also be determined in respect of subordinate bodies and/or bodies assigned to its field of management) takes decision to determine the PMC.
- 2.** Determination of context – gathering as much information as possible about the risks of corruption that may be relevant to a public sector entity to properly and objectively determine the PMC.
- 3.** Risk identification – based on the information gathered, potential corruption risks related to the activities of a public sector entity are identified. To identify the risks, it is recommended to take into account the Annex 1 to the [Recommendations on the Procedure for Determining the Probability of Manifestation of Corruption and its Implementation](#) (hereinafter referred to as ‘the Recommendations on the PMC’), which identifies the typical risks of corruption in various fields of activity and their factors.
- 4.** Risk prioritisation – identified risks are assessed and classified according to impact and probability criteria (matrix approach – green, yellow and red risks corresponding to low, medium and highest risk levels).
- 5.** Risk factor identification – for the risks at the highest (red) riskiness level, corruption risk factors are identified (Annex 3 to the Recommendations on the PMC is filled in).
- 6.** Establishment of control measures – 1) it is not appropriate to establish individual measures to reduce risks at low (green) riskiness level; 2) to reduce the risks identified at the medium (yellow) riskiness level, it is recommended to carry out anti-corruption assessment of the internal legal acts and their drafts regulating the field(s) concerned, to supplement the code or the rules of anti-corruption conduct with situations on how employees should conduct when faced with these risks, to apply measures for raising employees’ awareness; corruption risk factors may also be identified in the fields of activity where these risks are likely to occur and presented in the conclusion on the determination of the PMC; 3) to eliminate (reduce) the risks at the highest (red) riskiness level, measures are selected according to the identified corruption risk factors, the code or the rules of anti-corruption conduct may also be supplemented with situations on how employees should conduct when faced with these risks, training courses may be organised.
- 7.** Drawing up the conclusion on the determination of the PMC (Annex 2 to the Recommendations on the PMC).
- 8.** The head of a public sector entity that took the decision on the determination of the PMC or his/her authorised person, shall confirm the conclusion and take decisions on the application of measures to reduce the risk and/or eliminate its factors.

9. The conclusion on the determination of the PMC shall be published on the website of a public sector entity.
10. Implementation of control measures and supervision of their implementation – it is recommended to include measures to reduce the identified risks and/or eliminate corruption risk factors in the anti-corruption action plan or the annual activity plan of a public sector entity.
11. One year after the approval of the conclusion on the determination of the PMC, a report shall be published on the website on the actions taken and the results achieved in reducing risks and/or eliminating their factors.

RELEVANT LEGISLATION:

- [Article 10 ‘Determination of the Probability of Manifestation of Corruption’ KPI, Article 24\(5\)\(2\) ‘Entities Responsible for Creating an Anti-Corruption Environment’ KPI;](#)
- [Recommendations on the Procedure for Determining the Probability of Manifestation of Corruption and its Implementation \(approved by Order No 2-246 of the Director of the Special Investigation Service of the Republic of Lithuania of 30 November 2021\);](#)
- [Resolution No 1155 of the Government of the Republic of Lithuania of 29 December 2021 ‘On the Approval of the Model Regulations and Job Description of the Entities Responsible for Creating an Anti-Corruption Environment’.](#)

METHODOLOGICAL INFORMATION:

- [Materials of the ‘Transparency Academy’ event ‘Risk Management: Opportunities for Creating an Anti-Corruption Environment’;](#)
- [Materials of the methodological support event ‘Practical Aspects of the Determination of the PMC’.](#)

EXAMPLES OF PUBLIC SECTOR ENTITIES:

- [Risk and Quality Management Policy of the State Tax Inspectorate;](#)
- [Sector Risk Management Policy of the Ministry of Environment;](#)
- [Risk Management Policy of the Lithuanian Transport Safety Administration.](#)

5.2. Drafting of Anti-corruption Action Plan and Supervising of its Implementation

The purpose of an anti-corruption action plan (hereinafter referred to as 'the Plan') is to ensure a long-term, effective and targeted system for the creation and control of an anti-corruption environment in a public sector entity. It is relevant to draft the Plan when more than one corruption risk is identified and/or more than one measure is needed to reduce or eliminate the risks of corruption, when there are different implementers, deadlines, etc. In this case, the Plan helps to maintain a systematic and structured approach. After the head of a public sector entity takes decision to draft the Plan, the entity responsible for creating an anti-corruption environment shall draft the Plan and supervise its implementation.

In drafting the Plan, it is important:

- 1.** assess the effectiveness of previous plans (including measures that have or have not worked, the reasons for this, the appropriateness of the measures), and to ensure the coherence, integrity and logic of the Plan;
- 2.** focus the Plan on reducing corruption risks and eliminating corruption risk factors, which is achieved when the measures in the Plan relate to the environmental analysis and corruption risks they aim to manage;
- 3.** draft the Plan not for too short period of time in order to provide time for the implementation of the established measures to create an anti-corruption environment and not for too long in order to provide time for the assessment of the effectiveness of the measures, the change of the situation, the newly identified risks, and to adjust or select new measures to create an anti-corruption environment (e.g. a period of 1 to 3 years);
- 4.** be guided by the provisions of the KPJ, the [National Anti-Corruption Agenda](#) and its Plan, and the measures set out therein, to take into account the results of the assessment of corruption risk management, the determination of the level of resilience to corruption, and other information obtained from the implementation of other corruption prevention measures, such as the determination of the PMC, the corruption risk analysis, or the anti-corruption assessment of legal acts or drafts thereof, during which the corruption risk factors have been identified and the proposals for reducing or eliminating the critical corruption risk factors have been made;
- 5.** provide in the Plan the analysis of corruption risk factors, to establish measures for the reduction of the risk of corruption, their implementers, deadlines for implementation, and clear criteria for assessing their implementation;
- 6.** set out in the Plan the procedures for the assessment of effectiveness and/or impact.

In order consistently to assess progress achieved, to identify obstacles and problems in the implementation of the Plan in a timely manner, it is proposed to:

- 1.** regularly supervise and assess the implementation of the Plan, taking into account changing circumstances and factors that affect or may affect the implementation of the Plan;
- 2.** periodically, at least once a year (e.g. at the end of the calendar year), provide summary information on the progress and effectiveness of the implementation of the Plan for the persons coordinating and controlling the implementation of the Plan, and make it public;
- 3.** for the persons coordinating and controlling the implementation of the Plan assess the information provided on the progress and effectiveness of the implementation of the Plan and, if necessary, take immediate measures to eliminate the identified obstacles and problems that may lead to the failure to achieve the objectives and tasks of the Plan and to the failure to implement the measures of the Plan on time.

The STT, when assessing the Plans, their drafts and the implementation of the Plans in accordance with the procedure laid down in the KPJ, as well as when submitting proposals of a recommendatory nature to the public sector entities on the improvement of the Plans and/or their implementation, often observes the following aspects of the Plans' drafting and implementation that need improvement:

- environmental analysis, identification of corruption risks and their factors is not performed or is inconsistently and/or superficially performed, often only general prerequisites for the emergence of corruption are listed or sociological research data are presented, which are often not analyzed in more detail and often not even used in the further stages of the drafting of the Plan. This leads to other common shortcomings: a) the general objective of the Plan is unclear, and in the absence of a clear and specific objective, the Plans often tend to be more of a template, with little differentiation from each other, with individual provisions copied from the Plans of the various public sector entities; b) the objectives of the Plan are too abstract and declarative, for which hard-to-measure measures are provided for; c) the measures in the Plan are not targeted, i.e. are not aimed at reducing or eliminating specific corruption risk factors, as these factors have not been identified before drafting the Plan;
- before drafting the Plan, the effectiveness of the Plan of the previous expired period is often not assessed, it is not ascertained which of the implemented measures to reduce the risk of corruption were effective and which did not produce the desired results and why, or whether (and to what extent) the risk of corruption has been reduced in the public sector entity as a consequence of the implementation of the previous measures envisaged in the Plan;

- the criteria for assessing the implementation of the tasks set and the measures taken to reduce the risk of corruption often do not have a tangible, numerical or percentage expression, which makes it difficult to assess the effectiveness and efficiency of the implementation of the measures, which is why the reports are also limited to providing general information and do not draw conclusions as to whether or not a specific measure taken to reduce the risk of corruption was implemented or not;
- excessively abstract deadlines for the implementation of measures to reduce the risk of corruption are set (e.g. ‘on an ongoing basis’, ‘annually’, ‘in 2022’) or are not set at all, which makes it difficult to assess whether a measure to reduce the risk of corruption has been implemented in a timely manner, and whether it has been implemented at all;
- there is no description of the processes for supervising, assessing and controlling the Plan, no determination of accountability of those implementing the Plan, no procedures for updating the Plan, and as a result, the Plans are often not adjusted to newly emerging problems, and rarely the Plan is supplemented to solve them;
- during supervising, information only on measures implemented to reduce the risk of corruption is provided, but information on those not implemented is omitted;
- during supervising, the reasons for non-implementation of specific measures to reduce the risk of corruption are not analysed, and proposals for more effective implementation of the Plan, or for its adjustment and/or amendment are not provided;
- reports on the results of the implementation of the Plan are often not published on the websites of public sector bodies.

RELEVANT LEGISLATION:

- [Article 7 ‘Corruption Prevention Planning Documents’ KPJ, Article 24\(5\)\(9\) ‘Entities Responsible for Creating an Anti-Corruption Environment’ KPJ](#);
- [Guidelines for Drafting of Anti-Corruption Action Plans for Sectors, Municipalities, Independent Bodies and Public Sector Entities, approved by Order No 2-246 of the Director of the Special Investigation Service of the Republic of Lithuania of 30 November 2021 ‘On the Approval of the Description of the Procedure for the Assessment of the Implementation of Anti-Corruption Action Plans, Drafts Thereof and Implementation of the Plans’](#);
- [Resolution No 1155 of the Government of the Republic of Lithuania of 29 December 2021 ‘On the Approval of the Model Regulations and Job Description of the Entities Responsible for Creating an Anti-Corruption Environment’](#).

METHODOLOGICAL INFORMATION:

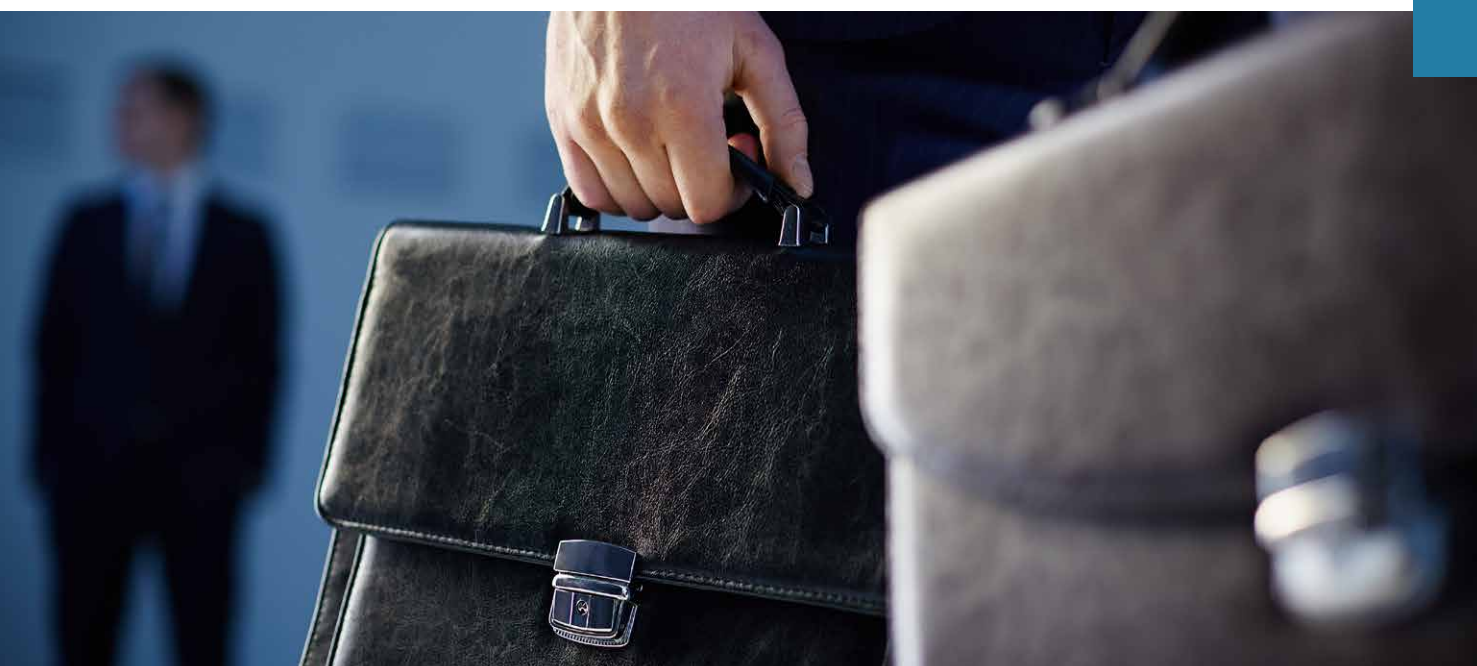
- [Information on the ‘Corruption Prevention Planning Documents’ provided in the tab ‘Corruption Prevention’ on the STT’s website](#);
- [Materials of the methodological support event ‘Theoretical and Practical Aspects of the Drafting of Anti-Corruption Action Plans’](#).

6

Other Measures and Activities to Create an Anti-Corruption Environment

In order to find out the approaches of employees towards corruption, its tolerance in the body, the risks of corruption, and to encourage transparent conduct of both the body's employees and the clients applying to the public sector, the public sector entities implement other measures and activities not stipulated in the KPJ, the implementation of which contributes to the transparency of the body's activities to a considerable extent, for example:

- surveys to determine employees' tolerance to corruption (e.g. [surveys on the tolerance to corruption of civil servants/employees of the Klaipėda City Municipal Administration](#), [corruption tolerance index survey of the State Tax Inspectorate](#));
- surveys of persons involved in public procurement procedures carried out by the body (e.g. [surveys of entities that have participated in public procurement procedures carried out by the customs authorities of the Republic of Lithuania](#)), and other feedback surveys on the quality of services provided;
- involvement in the 'Transparency Academy' project as a participant ([membership form](#));
- a public statement by the head of the body (video or letter) expressing intolerance of corruption on the body's website, public information outlets, social networks (e.g. [public statement of the Director of VŠJ National Blood Center](#), [the head of VŠJ Telšiai district primary health care center](#), [the Director of VŠJ Palanga Children's Rehabilitation Sanatorium „Palangos gintaras“](#), [the head of VŠJ Joniškis hospital](#));



- periodic meetings between the independent body and entities responsible for creating an anti-corruption environment in public sector entities subordinate and/or assigned to its field of management, discussing topical issues related to corruption prevention and/or inviting experts in the field of corruption prevention from other bodies and exchanging good practice (e.g. ‘Transparency Afternoon’ meetings organised by the Ministry of Transport and Communications);
- determining the index of resilience to corruption and awarding the title of a transparent body (e.g. [awarding the title of a transparent healthcare facility](#));
- establishment of additional reporting channels (e.g. a helpline), other than those regulated by the PAJ, through which persons (citizens, users of public services, economic operators, etc.) can report on potentially unlawful acts, omissions, improper performance of duties, abuse of powers and actions related to possible corruption by employees of the body, in order to enable persons other than the current or former employees of the body to report on the unlawful acts of employees and to prevent them (e.g. [Helpline](#) of the State Territorial Planning and Construction Inspectorate; reporting channel [‘Report Infringements’](#) of the Military Police; reporting channel for residents [‘Report an Infringement’](#) of the Šiauliai City Municipality Administration);
- publicising information on supporters and the public procurement they have won (for example [VšĮ Regional Telšiai hospital](#), [VšĮ Ukmergė hospital](#));
- analysing of various sociological and scientific studies that measure the level or prevalence of corruption in a given country and the impact of corruption on society and business to assess the anti-corruption environment (for example [‘Corruption Map of Lithuania’](#), [Corruption Perception Index](#), [Eurobarometer survey](#) and other studies);
- searching for and analysing up-to-date information relevant to the body’s activities in order to identify potential risks (analysis of complaints, reports, statements concerning actions and/or decisions taken by a public sector body, analysis of negative information about the body’s activities or its employees published in the public media, analysis of [corruption risk factors identified by the STT, gaps in the legal framework in various fields of activity](#), analysis of studies carried out by other bodies (e.g. [Activity Reports of the State Audit Office](#)));
- other activities contributing to the creation of an anti-corruption environment.

It should be noted that other measures and activities shall be chosen for implementation in a public sector entity taking into account the nature of its activities and the usefulness of the measure or activity in creating an anti-corruption environment. It should also be recalled that after the implementation of one or another of the mentioned measures or activities, it is necessary to analyse the results obtained and the effectiveness of the measure or activity in creating an anti-corruption environment in the public sector entity. It is also recommended to publicise these ongoing measures or activities on the website of the public sector entity in the tab ‘Prevention of Corruption’.

Publicising the Implementation of Measures to Create an Anti-Corruption Environment



For a public sector entity seeking to promote transparency and ensure public accountability, opportunity to make proposals on its activities, it is important to make public information on activities that contribute to these objectives. On the website of a public sector entity, general information related to the creation of an anti-corruption environment should be published in the tab 'Prevention of Corruption' and information related to the internal channel should be published in the tab 'Whistleblower Protection'.

Information published in the tab 'Prevention of Corruption':

- 1.** on the implementation of measures to create an anti-corruption environment:
 - 1.1.** about the actions to improve corruption risk management (e.g. [Actions to Improve the Assessment of Corruption Risk Management of the State Accreditation Service for Health Care Activities](#); [Action Plan for the Implementation of the Recommendations Submitted by the Kaunas City Municipality Administration in the Internal Audit Report on the Assessment of Corruption Risk Management in the Kaunas City Municipality Administration](#));
 - 1.2.** about the result of the identified level of resilience to corruption;
 - 1.3.** about the list of positions for which a request for information about a person is submitted to the STT (e.g. [List of Positions of the Ministry of Social Security and Labour and of the Institutions and Bodies Assigned to its Field of Management, for Which a Written Request to the Special Investigation Service for Information on a Person Seeking or Holding a Position Shall be Submitted](#); [List of Positions of](#)

[the Molėtai District Municipal Administration for which a Request to the Special Investigation Service for Information on a Person Seeking a Position Shall be Submitted](#));

- 1.4.** about the performed anti-corruption assessment of draft legal acts (e.g. [anti-corruption assessments of draft legal acts carried out by the Gambling Supervision Service under the Ministry of Finance of the Republic of Lithuania](#); [anti-corruption assessments of draft legal acts carried out by the State Accreditation Service for Health Care Activities](#); [anti-corruption assessments of draft legal acts carried out by the Joniškis District Municipality Administration](#));
- 1.5.** about the anti-corruption action plan approved by the head of the body and the results of its implementation (e.g. [Order No A1-869 of the Minister of Social Security and Labour of the Republic of Lithuania of 21 December 2022 'On the Approval of the Anti-Corruption Action Plan of the Ministry of Social Security and Labour of the Republic of Lithuania and its Subordinate Bodies for 2023 to 2025'](#) and [Report on the Implementation of the Action Plan for 2020 to 2022 of the Programme of the Ministry of Social Security and Labour of the Republic of Lithuania for the Management of Corruption Risks and Enhancement of Transparency for 2020 to 2025](#));
- 1.6.** about the conclusion on the determination of probability of manifestation of corruption and the actions envisaged and carried out to eliminate or reduce the identified corruption risk factors and the results achieved (e.g. [Conclusion of the State Territorial Planning and Construction Inspectorate under the Ministry of Environment of the Republic of Lithuania on the Determination of Probability of Manifestation of Corruption](#));
- 4.** on the infringements of the law of a corruptive nature detected in the previous 3 years, their nature and number (e.g. [Information published by the Customs Department under the Ministry of Finance of the Republic of Lithuania on Detected Infringements of Law of a Corruptive Nature, Actions Carried out, Legal and Remedial Measures](#));
- 5.** on the implementation of the proposals set out in the corruption risk analysis carried out by the STT, the reasons and motives for disagreeing with the proposals, and/or alternative measures to eliminate the corruption risk factors identified in the corruption risk analysis, in accordance with the deadlines set out in Article 6 of the KPJ (e.g. [implementation of the proposals set out in the corruption risk analysis conducted by the STT in the Environmental Protection Agency](#); [implementation of the proposals set out in the corruption risk analysis conducted by the STT in the Jonava District Municipality Administration](#); [implementation](#)

[of the proposals set out in the corruption risk analysis conducted by the STT in the Plungė District Municipality Administration](#));

6. on where and how to report corruption (e.g. [Information provided by the Ministry of Economy and Innovation of the Republic of Lithuania in the tab ‘Where and How to Report Corruption’](#));
7. on the entity responsible for creating an anti-corruption environment in the body (e.g. [Information of the Ministry of the Environment of the Republic of Lithuania on the Entity Responsible for Creating an Anti-Corruption Environment](#); [Information of the Elektrėnai Municipality Administration on the Entity Responsible for Creating an Anti-Corruption Environment](#); [Information of the Competition Council of the Republic of Lithuania on the Entity Responsible for Creating an Anti-Corruption Environment](#));
8. on the progress in creating an anti-corruption environment in its own body and in its subordinate bodies and/or bodies assigned to its field of management;
9. other information on the body’s initiative on corruption and its prevention, such as anti-corruption education lectures or seminars, other training on creating an anti-corruption environment for employees, surveys carried out by the body, the standard of anti-corruption conduct, the gifts policy, etc. (e.g. [Other Information on Corruption Prevention of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour](#); [Other Information on Corruption Prevention of the Mažeikiai District Municipality Administration](#)).

Information published in the tab ‘Whistleblower Protection’:

- about persons who can provide information on infringements;
- about the infringement report form set out in the Annex to the [Description of the Procedures for Implementing and Ensuring the Functioning of Internal Whistleblowing Channels](#);
- about the possible ways of providing information on infringements (in person to the competent entity, by post or email, via online platforms (internet or intranet), telephone hotline, etc.);
- about the rights and guarantees of the person providing information on infringements and the exemption from liability for disclosure;
- about the legal remedies available to the person who has provided information on an infringement, which protect against adverse effect measures;
- about the methods of confidential advice that may be provided to persons who are considering submitting and have submitted information on an infringement;
- about the designated competent entity managing the internal channel and its contacts;

- about the procedure for reporting and examining infringements through the internal channel of the body;
- about the statistics on the effectiveness of the internal channel (the number of information on infringements provided through the internal channel in the body, the number of examined information, the number of information referred to the competent body for examination);
- about the number of resources allocated each year to support the internal channel;
- about the a reference to the current version of the PAJ and its implementing legal acts;
- other relevant information relating to the reporting and examining of information on infringements in the body.

It should be noted that the ‘Prevention of Corruption’ and ‘Whistleblower Protection’ tabs of the website of a public sector entity must be published in a prominent place accessible to the public, separated from each other, and the information they contain must be up-to-date and legally valid, and must be updated in accordance with the frequency of the updates (but not less than every 3 months).

RELEVANT LEGISLATION:

- [Article 6 ‘Corruption Risk Analysis’, Article 10\(4\) and \(5\) ‘Determination of the PMC’, Article 11\(3\) ‘Assessment of Corruption Risk Management’, Article 12\(4\) ‘Determination of the Level of Resilience to Corruption’, Article 17\(5\) ‘Procedure of Provision of Information about a Person Seeking or Holding a Position’, Article 21\(1\)\(5\) ‘Independent Bodies’, and Article 23\(2\)\(6\) ‘Rights and Duties of Public and Private Sector Entities’ KPJ](#);
- [Description of General Requirements for Websites and Mobile Applications of state and municipal institutions and bodies, approved by Resolution No 480 of the Government of the Republic of Lithuania of 18 April 2003.](#)

EXAMPLES OF PUBLICISING THE IMPLEMENTATION OF MEASURES TO CREATE AN ANTI-CORRUPTION ENVIRONMENT:

- Competition Council of the Republic of Lithuania – tab [‘Prevention of Corruption’](#);
- Ministry of the Interior of the Republic of Lithuania – tab [‘Prevention of Corruption’](#);
- State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour: tab [‘Prevention of Corruption’](#), tab [‘Whistleblower Protection’](#);
- Ukmergė Hospital – tab [‘Prevention of Corruption’](#);
- Kaišiadorys District Municipality: tab [‘Prevention of Corruption’](#), tab [‘Whistleblower Protection’](#);
- Akmenė District Municipality: tab [‘Prevention of Corruption’](#), tab [‘Whistleblower Protection’](#);
- Molėtai District Municipality – tab [‘Whistleblower Protection’](#);
- Seimas of the Republic of Lithuania – tab [‘Whistleblower Protection’](#).

Methodological Assistance by the STT on the Creation of an Anti-Corruption Environment

To assist public sector entities in creating an anti-corruption environment, the STT, in accordance with the provisions of the KPJ, provides methodological guidance and assistance on the creation of an anti-corruption environment and on the application of specific measures:

1. on ensuring the staff reliability: <https://www.stt.lt/asmenu-patikrinimas/informacijos-apie-asmeni-pateikimas/papildoma-informacija-ir-konsultacija/7509>;
2. on anti-corruption awareness raising activities (anti-corruption education lectures or seminars)²⁶: <https://www.stt.lt/antikorupcinio-samoningumo-didinimas/kontaktai/7495>;
3. on the implementation of anti-corruption measures:

3.1. officials of the Anti-Corruption Assessment Unit of the Corruption Prevention Board of the STT provide advice on anti-corruption assessment of legal acts or drafts thereof (except of the completion of the assessment form). The STT may also decide to carry out an anti-corruption assessment of a legal act or a draft thereof, taking into account a request of a public sector entity or information provided by a public sector entity on the corruption risk factors related to the existing regulatory acts or drafts thereof;

3.2. officials of the Corruption Risk Unit of the Corruption Prevention Board of the STT provide advice on drafting of anti-corruption action plans and determination of the probability of manifestation of corruption;

3.3. officials of the Coordination and Supervision Unit of the Corruption Prevention Board of the STT provide advice on creating an anti-corruption environment in public sector.

It should be noted that entities responsible for creating an anti-corruption environment can improve their knowledge and competences in the field of corruption prevention by, among other things, learning about:

- materials of methodological assistance events on the STT website in the tab 'Prevention of Corruption': <https://www.stt.lt/korupcijos-prevencija/mokomoji-ir-metodine-medziaga/metodine-pagalba/7617>;

²⁶ For more information, please refer to the [Description of the Procedure for Organising Anti-Corruption Awareness Raising Activities of the Lithuanian Special Investigation Service](#).

- Results of the STT's corruption risk analyses: <https://www.stt.lt/korupcijos-prevencija/korupcijos-rizikos-analizes/atliktos-korupcijos-rizikos-analizes/7471> and with deficiencies of the legal regulation identified in legal acts or drafts thereof – in the LRS TAIS search form, specifying the type 'Anti-Corruption Assessment Report', the body 'Special Investigation Service' and the words in the text, e.g. "municipality": <https://e-seimas.lrs.lt/portal/documentSearch/lt>;
- recordings and materials from 'Transparency Academy' events: <https://skaidrumoakademija.lt/gerosios-praktikos/>.