

Republic of Lithuania Law on the Adjustment of Public and Private Interests in the Public Service

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I N T H E P U B L I C S E R V I C E

Chapter I

GENERAL PROVISIONS

Article 1. Purpose and Objectives of the Law

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

Article 2. Definitions

1. **Persons in central or local public service** means politicians, public servants of all levels as defined by the Law on Public Servants, and other persons who, holding public offices in the institutions of central or local administration, or in judicial, law enforcement, State Control and supervision institutions, also in any comparable institutions, perform the functions of a representative of public authority or have administrative powers vested in them.

2. **Candidate** means a person who seeks his election/appointment to the office or post of the category specified in paragraph 1 hereof or the approval of his candidacy.

3. **Private interests** means private economic or non-economic interest of a person in central or local public service (or his close relative) which may effect his decision-making in the discharge of his official duties.

4. **Public interests** means the public's expectations with regard to impartial and just decision-making of the persons in central or local public service.

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

6. **Close relatives and family members** means persons specified in Article 305 of the Criminal Code.

7. **Personal considerations** means underlying motives of a person in central or local public service driven by which he seeks to make a decision advantageous to him or his close relatives and family members, or other persons related to him.

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

Article 3. Obligations of Persons in Central or Local Public Service

1. In order to ensure the supremacy of public interest, persons in central or local public service must:

- 1) discharge their official duties impartially, honestly and competently;
- 2) avoid conflict of interest pursuant to law and by legal means;
- 3) refrain from using official position for personal gains;
- 4) in the process of decision-making be guided by laws and the principle of equality of all persons;

5) refrain from using and prevent others from using, in a manner other than that laid down by law or to the extent not prescribed by law, official or other information acquired in the course of their official duties;

6) not use and prevent others from using directly or indirectly state-owned property, also any property leased by the state, for purposes other than those related to the exercise of their official duties.

2. On resignation, retirement or dismissal from office in central or local public service, persons may no longer make use of the benefits of employment in the office.

Chapter II

DECLARATION OF PRIVATE INTERESTS

Article 4. Declaration of Private Interests

Declarations of private interests, identical in form, must be filled in by:

1) persons employed in central or local public service on a permanent basis who shall present annual declaration for the previous calendar year and, in case of disclosure of new circumstances, an additional declaration;

2) candidates who shall declare their interests for the period from the beginning of the calendar year until the day of their election/appointment to a certain office in central or local public service or approval for the office, or shall fill in a declaration for the previous calendar year where less than one month has passed from the beginning of the calendar year.

Article 5. Filing of the Declaration

1. The annual private interests declaration of the person in central or local public service shall be filed every year by March 1.

2. The candidate's private interests declaration shall be filed not later than 15 days prior to the election/appointment to an appropriate office in central or local public service or the candidate's approval for the office.

3. The declaration required upon the disclosure of new circumstances shall be filed immediately after the disclosure.

4. The declarations specified in paragraphs 1-3 hereof shall be filed with the head or the authorised representative of the head of the central or local administration institution where the person is or wishes to be employed.

5. In certain institutions the above declarations may also be filed with other agencies if this is provided for by the law defining the manner of business of the institution in question.

6. The President of the Republic and the heads of central or local administration institutions specified by the Chief Official Ethics Commission shall file the annual and other private interests declarations with the Chief Official Ethics Commission.

Article 6. Contents of Private Interests Declarations

1. A person who holds an office in central or local public service, also a candidate to the office must present in the annual declaration of private interests his own and his spouse's:

1) summary data as to the property, cash, securities, liabilities, income and amount of tax as declared in the tax return for the Tax Inspectorate pursuant to the Law on the Declaration of Property and Income of Residents;

2) itemised data of the property and income return filed with the Tax Inspectorate:

a) funds held with the banks, other credit institutions and other persons, specifying the name and registered address of the banks, credit institutions, legal persons, also full names of the natural persons and their place of residence;

b) the number and value of shares and securities held and contributions made, specifying the name of the undertaking whose shares he holds or into which he has made contributions, and the type of securities he holds;

c) liabilities (loans granted, obligations which secure the discharge of liabilities, etc.);

d) gifts received during the last calendar year if the value thereof exceeds 100 Litas, except for the gifts from close relatives;

e) air, sea and overland passages arranged and paid for by other natural or legal persons during the last calendar year, if the value thereof exceeds 1000 Litas, also entertainment or services provided if the value thereof exceeds 100 Litas, except for cases where the air, sea and overland passages, entertainment or services are arranged, paid for, provided or organised by close relatives;

3) the name of the undertaking, its registered address, type of business, if the person who is declaring his interests or his spouse is a sole proprietor;

4) duties and links with undertakings or international organisations, membership and duties in international movements or organisations, except political party membership;

5) close relatives and family members, other persons known to the person filing the declaration who, in his opinion, may be the cause of conflict of interest in his official position, also specifying the grounds of the possible conflict.

2. Should any changes occur in the declared data after the filling out of the declaration, the person in central or local public service must declare the changes not later than within two weeks from the day the changes in the data occurred. The latter declaration shall be appended to the annual declaration and shall be its supplement.

3. The person who fills out the declaration may omit the data related to his spouse if the latter is not living together and is not sharing the household.

Article 7. Declaration upon the Coming to Light of New Circumstances

In the event of coming to light of new circumstances not indicated in the filed declaration, the person in central or local public service, upon ascertaining that he, his close relatives or other persons related to him have personal considerations with respect to the issue under discussion which may result in a conflict of interest, must promptly notify his direct chief or the authorised representative of the institution head thereof in writing and must file a separate declaration.

Article 8. The Forms of Declarations and their Keeping

1. The form and regulations of filling out the declarations listed in Article 4 of this Law, identical for all central and local administration institutions, shall be prescribed by the Chief Official Ethics Commission.

2. The declarations shall be kept by the officers with whom they were filed.

Article 9. Verification of the Declaration Data

In case it is necessary to check the veracity of the data given in the declaration, the check shall be made:

1) of the data specified in subparagraphs 1-3 of Article 6 (1) of this Law - by the Tax Inspectorate on the proposal of the head of the institution or of the Chief Official Ethics Commission;

2) of the data specified in subparagraphs 4 and 5 of Article 6(1) of this Law - by the head of the institution, his authorised representative or the Chief Official Ethics Commission.

Article 10. Public Exposure of Annual Private Interests Declarations

1. The annual private interests declarations of the President of the Republic, members of the Seimas, the Prime Minister, ministers, deputy ministers, ministry secretaries, Chairman and justices of the Constitutional Court, chairmen of the Supreme Court, Court of Appeals and county courts, division chairmen and judges, chairmen of the Economic Court and district courts, deputies of court chairmen and judges, the prosecutor general and deputy prosecutor general, heads of structural divisions of the Office of the Prosecutor General, also heads of county and district prosecutor's offices, chief officials of the State Control, county governors, deputies of county governors, heads of Government institutions (departments, agencies, services, inspectorates), heads of the departments, services, inspectorates set up at the ministries, also heads of other institutions of state administration (general directors, directors, chiefs), deputy chiefs, Bank of Lithuania Board Chairman and his Deputies, chief officers of the Customs Department at the Ministry of Finance and of territorial customs offices, chief officers of the State Tax Inspectorate at the Ministry of Finance and of territorial tax inspectorates, chief officers of the Economic Crime Investigation Board at the Ministry of the Interior and chief officers of economic crime investigation divisions (subdivisions) of city and district commissariats, the General Commissar of the Police, chief commissars and senior commissars of the police, municipality mayors, vice-mayors, administrators, chairmen of municipality council committees, Seimas Ombudsmen shall each year be published at the expense of the State in the publication "*Valstybės žinios*" (*Official Gazette*) not later than by May 1. Certified copies of the declarations shall be each year by 31 March delivered to the editorial office of "*Valstybės žinios*" by the heads of institutions, their authorised representatives or other persons with whom the declarations were filed in the manner prescribed by this Law. The Chief Official Ethics Commission shall each year by January 31 specify the nominal list of offices set out herein.

2. Upon presenting a document confirming his identity, any person may be granted access, following the procedure laid down by the Chief Official Ethics Commission, to the annual and other private interests declarations of persons listed in paragraph 1 hereof which are kept in the manner specified in Article 8 of this Law.

3. Declarations of private interests of other persons in central or local public service may be made public on a justified decision of the Chief Official Ethics Commission.

Chapter III

REQUIREMENTS TO PERSONS IN CENTRAL

OR LOCAL PUBLIC SERVICE

Article 11. Duty of Self-exclusion

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

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

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

4. A person in central or local public service is not allowed to contribute to the work of commissions of supervision/investigation or other institutions of the type if this results in the conflict of interest situation.

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

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

Article 12. Restriction of the Right of Representation

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

- 1) if this gives rise to a conflict of interest;
- 2) when he is dealing with natural or legal persons from whom he, his close relatives, other persons related to him receive any kind of income;
- 3) when he is dealing with all types of undertakings, in which he, his close relatives, or persons related to him own over 10% of the authorised capital or shares.

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

3. Exceptions to which the restrictions set forth in paragraphs 1 and 2 hereof shall not apply may in each specific case be prescribed by the head of an appropriate institution or his authorised representative. The decision regarding the application of exception must be announced publicly.

Article 13. Restrictions Related to Official Duties

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

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

Article 14. Restrictions on the Acceptance of Gifts or Services

1. A person in central or local public service may not directly or indirectly accept gifts or services the provision whereof was directly or indirectly connected with the performance of his official duties.

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

3. In case the gifts or services specified in paragraph 2 hereof are valued in excess of 100 Litass, or the value of gifts or services received in a year's time from a single source exceeds 500 Litass, the person in central or local public service must declare that within the calendar month. The declaration shall be appended to the annual declaration and shall be its appendix.

4. In case the gift specified in paragraph 2 hereof is valued in excess of 500 Litas, the gift shall be considered the property of the state or municipality. Such gifts shall be evaluated and kept in the manner laid down by the Chief Official Ethics Commission.

Article 15. Other Restrictions and Prohibitions

Restrictions and prohibitions established by the Law on Public Servants shall apply to persons in central or local public service.

Chapter IV

OBLIGATIONS IN SEEKING OTHER EMPLOYMENT

Article 16. Obligation to Notify of the Received Proposals

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

Article 17. Obligation to Notify in Writing of the Accepted Proposal

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

Chapter V

LIMITATIONS AFTER OFFICIAL SEPARATION FROM PUBLIC OFFICE

Article 18. Limitations when Concluding Employment Contracts

After leaving office in central or local public service a person shall have no right, within a period of one year, to take up employment in management or audit institutions of undertakings, provided that during the period of one year immediately prior to the termination of his service in public office his duties were directly related to the supervision or control of the business of said undertakings.

Article 19. Limitations on Entering into Contracts or Enjoying Individual Privileges

1. After official separation from office in central or local public service, a person or an undertaking in which he or his close relatives or family members hold over 10% of the authorised capital or material contribution or are employed in the management or audit institutions, shall have no right for a period of one year to enter into contracts with the institution or seek individual privileges provided by the institution in which the person held office for a period of one year immediately prior to his leaving the service.

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

Article 20. Limitations of Representation

1. After official separation from office in central or local public service, a person may not for a period of one year represent natural or legal persons in the institution in which he held office for a period of one year immediately prior to his leaving the service, also he may not represent natural or legal persons in other central or local institutions on the issues which had been assigned to his official functions. The provision shall not apply to attorneys.

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

Article 21. Exemptions from Limitations

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

Chapter VI

LAW IMPLEMENTATION CONTROL

Article 22. Control Institutions and Officers

1. Compliance of persons in central or local public service with the provisions of this Law shall be controlled by:

- 1) heads of appropriate central government or municipal institutions or their authorised representatives;
- 2) the independent Chief Official Ethics Commission;
- 3) other agencies if this is provided for by the law regulating the functioning of the institution.

2. When controlling compliance with this Law, heads of appropriate central government or municipal institutions or their authorised representatives shall:

1) supervise whether persons in central or local public service timely and in due manner file declarations of private interests;

2) based on the annual private interests declarations or an application of a person in central or local public service, prepare written recommendations for the person specifying the measures he should undertake to ensure that his activities should be in conformity with the requirements of this Law;

3) be entitled to inspect a person's official activity either on their own initiative or on the instruction of the Chief Official Ethics Commission or upon receipt of a notification regarding the non-compliance with the requirements of this Law by the person holding public office in any central or municipal service subordinate to them. An Official Ethics Commission may be set up at the institution for the purpose of carrying out such inspection. The person who filed the notification, also the person whose activity was subjected to inspection, and the Chief Official Ethics Commission shall be informed of the inspection results. The Chief Official Ethics Commission shall also be briefed about all the incoming reports containing information about the violations of this Law.

Article 23. The Chief Official Ethics Commission

1. The independent Chief Official Ethics Commission shall be comprised of 5 persons.

2. The President of the Republic, the Seimas Speaker and the Prime Minister shall each appoint one person of impeccable reputation with a 10-year period of professional service as member of the Chief Official Ethics Commission for a term of 4 years, whereas the two lawyers shall be appointed by the Minister of Justice. The above persons may serve on the Commission for not longer than two terms in succession.

3. The Seimas shall appoint the Commission Chairman from among the Chief Official Ethics Commission members.

4. The regulations and structure of the Chief Official Ethics Commission shall be approved by the Government. The wages of the Commission staff shall be made commensurate with the wages of the Government institutions employees.

5. The Chief Official Ethics Commission is a legal person accountable to the Seimas. Funds for the Commission shall be provided for in the National Budget.

6. The Chief Official Ethics Commission shall:

- 1) analyse the problems related to the application of this Law;
- 2) bring an action in court for the termination or invalidation of employment contracts and transactions concluded in violation of the requirements of this Law;

3) submit recommendations concerning the procedure of implementation of the Law to the heads of appropriate state or municipal institutions or their authorised representatives;

4) may instruct the head of the institution or his authorised representative to carry out investigation or conduct same on its own in the event of receipt of substantiated information pertaining to the non-compliance with the requirements of this Law by a person in central or local public service;

5) on a written application of a person in central or local public service may investigate whether or not the head of the institution duly applies with regard to him the provisions of this Law.

7. Decisions of the Chief Official Ethics Commission may be appealed in court.

Article 24. Responsibility

For the violations of this Law persons in central or local public service shall be held liable under law.

Article 25. Coming into Force and Implementation of the Law

1. This Law shall come into force as of 1 October 1997.
2. The Chief Official Ethics Commission shall be formed by 1 November 1997.
3. The State Tax Inspectorate shall by 1 December 1997 deliver to the heads of appropriate institutions or their authorised representatives copies of property and income declarations for 1996 of persons in central or local public service who are listed in Annex 1 to the Law on the Declaration of Property and Income of Residents, which shall be considered equivalent to private interests declarations of said persons for 1996.
4. Beginning from 1 December 1997 candidates specified in Article 2 of this Law must fill in declarations of private interests.
5. The Government shall prepare and submit to the Seimas by 1 September 1997 draft laws establishing the responsibility of the persons in central or local public service for the violations of this Law.

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

ALGIRDAS BRAZAUSKAS
President of the Republic

2 July 1997
No. VIII-371

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