

## Law on Public Administration

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Official translation

**REPUBLIC OF LITHUANIA**  
**LAW ON PUBLIC ADMINISTRATION**

17 June 1999 No. VIII-1234

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

**Article 1. Purpose of the Law**

The purpose of the Law is to create the necessary legal preconditions for the implementation of the clause of the Constitution of the Republic of Lithuania stipulating that the responsibility of governmental institutions is to serve the people, also to strengthen the administrative capacities of public administration institutions, enhance their effectiveness.

**Article 2. Scope of the Law**

1. This Law defines the public administration entities of the Republic of Lithuania and the principles of their activities, establishes the grounds of administrative regulation, provision of public services and internal institutional administration as well as defining the administrative procedures and duties in considering and making decisions with regard to individuals' applications and complaints (hereinafter - applications).

2. This Law guarantees the right of citizens and other persons to a fair and impartial consideration of their applications in institutions of public administration and adoption of justified decisions on the issue as well as the right to appeal against the decision and receive compensation for damage caused by unlawful administrative activities.

### **Article 3. Definitions**

As used in this Law, the term:

1. “**Public administration**” means the executive activities of state and local authorities, also the activities of other entities empowered by law, regulated by laws and other legal acts, intended for the implementation of laws, other legal acts and local government ordinances and for the administration of planned public services.

2. “**Administrative regulation**” means the adoption of statutes, rules, regulations and other legal acts for the purpose of implementation of laws.

3. “**Internal administration**” means administrative activities whereby independent operation of a specific central or local government institution, agency, service or organisation (structure management, personnel management, management and use of the available material-financial resources, clerical work) is ensured so as to enable it to adequately fulfil the tasks assigned to it in the sphere of public administration or other regulatory activities.

4. “**Entities of public administration**” means institutions, agencies, services and civil servants (officials) having public administration rights granted to them under laws and implementing in practice the executive power or separate functions thereof.

5. “**Official**” means a civil servant who has administrative powers in respect of persons who are his subordinates according to the positions held and those who are not.

6. “**Public administration institution**” means an entity of public administration performing the state or local government functions established by law.

7. “**Collegial body**” means an institution in which decisions are taken by a group of authorised persons by majority vote and by the head of the institution.

8. “**System of public administration**” means the system comprised of:

1) entities of state administration;

2) entities of municipal administration;

3) other entities of administration. All the above entities shall be granted powers of public administration by laws or other legal acts passed on the basis thereof.

9. “**Entities of state administration**” means state institutions, agencies, services as well as civil servants (officials) who are granted the rights of public administration under laws. There are central and territorial entities of state administration.

10. “**Central entities of state administration**” - (institutions, agencies, services, their employees (officials) - means entities which effect administration in the entire territory of the state.

11. “**Territorial entities of state administration**” (institutions, agencies, services, their employees (officials) - means entities which effect administration within the assigned territory.

12. “**Entities of municipal administration**” means the municipal council, municipality controller, mayor, municipal board, institutions, agencies, services, municipality employees (officials) subordinate to them, who are granted the rights of public administration in the municipality territory by laws or municipal council ordinances.

13. “**Other entities of public administration**” means public institutions and NGOs which have been granted public administration powers in accordance with the procedure established by law.

14. “**Public administration agency**” means a public administration institution operating on the basis of laws on specific institutions (institutions financed from the state budget, public institutions, etc.).

15. “**Administrative act**” means a legal act adopted in the performance of administrative functions by an entity of administration.

16. “**Individual administrative act**” means in most cases an act of single application of law directed to a specific person or a definite group of persons.

17. “**Administrative regulatory enactment**” means a legal act establishing the rules of conduct and intended for an individual indefinite group of persons.

18. “**Administrative decision**” means the will of an administrative institution expressed in an administrative act.

19. “**Person**” means a natural person (individual) or a group of natural persons, a legal person or a person without the rights of a legal person (council, board, commission, general members’ meeting, permanent session, etc.).

20. “**Public service**” means the activities of special institutions and organisations founded by state or local authorities and providing services in the social sphere, in the sphere of education, science, culture, sports and other services provided for by law. Private persons may also provide public services in the cases and manner provided for by law.

21. “**Arrangements for the provision of the public service**” means provision, within set time periods and according to the established procedure, of paid or free services prescribed by law.

22. “**Administration of public services provision**” means the activities of entities of public administration in laying down the rules and arrangements of public services provision, setting up public institutions or issuing permits for the provision of public services to private persons as well as monitoring and control of public services provision. No fees or other charges may be collected for the administration of public services provision.

23. “**Institutional assistance**” means the duty of a public administration institution to provide another public administration institution with information and other assistance upon the latter’s request

#### **Article 4. Principles of Public Administration**

1. The activities of entities of public administration shall be based on the following principles of democratic state administration:

1) supremacy of the law, meaning that the competence of public administration institutions must be defined by this Law, while their activities must be in conformity with the legal principles laid down in this Law. Administrative acts relating to the implementation of rights and duties of individuals must in all instances be based on law;

2) objectivity, meaning that decision-making and other official actions of the entity of public administration must be unbiased and objective.

3) proportionality, meaning that the scope and severity of an administrative decision must be in proportion to the purpose of administration.

4) prohibition against abuse of authority, meaning that public administration institutions shall be prohibited from performing unauthorised actions or from making decisions within the scope of their competence for purposes other than those prescribed by law;

5) inter-institutional co-operation, meaning that when drafting administrative acts, public administration institutions shall, where appropriate, provide each other with the required information and other assistance.

2. The system of public administration shall be reformed pursuant to the principle of subsidiarity, i.e., the requirement that the functions which may be performed by the lower level institutions or other persons should not be assigned to higher level institutions

## **CHAPTER TWO PUBLIC ADMINISTRATION**

#### **Article 5. Main Spheres of Public Administration**

The main spheres of public administration shall be as follows:

1) administrative regulation;

2) internal regulation;

3) administration of provision of public services.

## **Article 6. Administrative Regulation**

1. Only entities of public administration shall have the right to adopt administrative regulations, required for the implementation of this Law or legal acts adopted on the basis thereof, for internal administration or administration of public services provision.

2. Only entities of public administration authorised by law within the limits of established competence shall have the right to adopt administrative regulatory enactments.

3. The right to adopt individual administrative regulations shall be vested not only in the entities of public administration but also in the persons authorised by them, acting within powers defined by law.

## **Article 7. Obligation to Seek Counsel on the Issues of Administrative Regulation**

1. On the issues relating to decisions of administrative regulation, which concern general legitimate community interests and affect a large section of the community, public administration institutions must consult organisations representing the interests of an appropriate section of the public (associations, trade unions, public organisations, representatives of other NGOs) and in cases provided for by law - with the population as well.

2. Unless the law provides otherwise, the methods of consultation (assembly of the interested persons, polls, other methods of opinion examination) shall be chosen by the public administration institution at its own discretion.

## **Article 8. Requirements for an Individual Administrative Decision**

1. The administrative decision must be based on the established facts and norms laid down in legal acts.

2. The administrative decision must contain a clear-cut formulation of the established or conferred rights and duties and specify the procedure for appeal.

3. The decision must be signed by the head of the decision-making institution or the authorised person and shall have the seal of the institution attached to it.

## **Article 9. Control over Implementation of Administrative Decisions**

1. There must be supervision and control of the implementation of administrative decisions.

2. The entity which is to exercise control shall be designated by the institution which makes the decision. This may be:

1) the institution which makes the decision;

2) the institution authorised according to subordination and acting under the supervision of the authorising institution.

#### **Article 10. Monitoring of Public Administration**

1. Monitoring of public administration is a system of supervision of the operation of public administration system prescribed by legal acts with a view to early detection of changes, their assessment and provision of measures for preventing development of unacceptable practices.

2. The monitoring of public administration shall be carried out in all institutions of public administration, irrespective of their subordination and legal status.

3. The monitoring of public administration shall be organised by the Government or the institution authorised by it.

#### **Article 11. Internal Administration**

1. The purpose of internal administration is to ensure timely preparation, adoption and implementation of administrative decisions.

2. Internal administration shall comprise administration, based on strategic and current-year plans, of operations of the administrative institution and allocations assigned to it.

#### **Article 12. Legal Grounds of Internal Administration**

Internal institutional administrations shall be regulated by laws or regulatory documents adopted based on laws (regulations, statutes, rules of procedure, rules governing the service, internal regulations).

#### **Article 13. Control over Internal Administration**

1. Unless otherwise provided by this Law or other legal act adopted on its basis, the choice of the form and procedure of internal administration control shall be at the discretion of the administrative institution. These may be:

1) control of internal administration, carried out in accordance with administrative duties and all documents of internal regulation;

2) internal audit, carried out by the auditor of the administrative institution or auditing institution according to the procedure set forth in their regulations with the aim of ascertaining whether things are as provided for; whether there are sufficient guarantees of asset protection and control; whether transactions are effected by duly authorised persons; whether the resources are managed prudently and financial and organisational operations are effective; also for the

purpose of submitting to the executive personnel recommendations for the improvement of administration;

3) external audit, carried out by independent auditors or auditing firms in order to assess the quality and efficiency of administrative activities as well as the reliability of the internal audit system and to submit recommendations for the improvement thereof.

#### **Article 14. Requirements of Public Services Provision Administration**

1. Entities of public administration shall be responsible for the legality of provision of services administered by them (the activities must be regulated by legal acts, registered in the established manner, be in possession of special permits, licences, etc.)

2. The institution of public administration which administers the provision of a certain public service in accordance with the sphere of management established by this Law may not itself provide the service.

#### **Article 15. Regulation of Public Services Provision**

1. At the national level the provision of public services stipulated by law shall be regulated by central institutions of state administration, each one of them according to the sphere of public administration (management) assigned to it under laws or regulations.

2. At the territorial level the provision of public services stipulated by law shall be regulated by municipal or territorial institutions of state administration according to their respective competence.

3. Territorial institutions of state administration may not duplicate or change the regulation of public services provision effected by central institutions, they may, however, submit proposals to the latter on the improvement of public services provision procedure as well as organise the provision of additional services.

4. Unless provided for by law, central institutions of public administration shall not be in the position to demand that territorial institutions and municipalities set up institutions providing public services.

### **CHAPTER THREE**

#### **ADMINISTRATIVE PROCEDURES AND OBLIGATIONS**

#### **Article 16. Administrative Procedure and Parties to it**

1. Administrative procedure shall comprise mandatory actions performed pursuant to this Law and other laws by the entities of public administration while considering the individuals' application (petition, information presented in the mass media or the official notification by the state or local government civil servant) and making a decision thereon.

2. Parties to an administrative procedure are entities taking part in the public administration procedure: the individual (applicant) who addresses a public administration institution or the person whose infringed rights have given grounds for initiating the procedure, representing one of the parties and the public administration institution representing the other party. In the course of the public administration procedure the applicant or his representative must be guaranteed the possibility to unrestrictedly exercise his rights.

### **Article 17. Grounds for Starting an Administrative Procedure**

1. Grounds for starting an administrative procedure:

- 1) a written application by an individual (applicant);
- 2) facts disclosed in the in-service report of the state or local government civil servant;
- 3) information presented in the media regarding the infringement of rights of the citizens and other persons in a state or municipal institution;
- 4) other cases of infringement of the rights of citizens or other persons which have come to public notice.

### **Article 18. Initiation of Administrative Procedures**

1. An administrative procedure shall be initiated by the head of a public administration institution, his deputy or a state civil servant or municipality employee authorised by them for the purpose, if there are grounds as stipulated in Article 17 but the procedure laid down in the internal administration documents is insufficient in order to grant the individual's application, whereas the facts presented in the information regarding the infringement of citizens' and other persons' rights in the institution are beyond a reasonable doubt.

2. The information necessary for the initiation of an administrative procedure which is available at other public administration institutions, State Registers and other State information systems shall be gathered by the public administration institution itself.

### **Article 19. Acceptance and Consideration of Applications**

1. Every public administration institution must accept applications from individuals and consider them according to its competence. The fact of acceptance of an application shall be acknowledged by an appropriate document indicating the date of its acceptance, name, surname

and telephone number of the civil servant charged to consider the application and the application registration number. The acknowledged document shall be handed or mailed to the applicant.

2. If the institution is not authorised to make a decision on the issue under consideration, it shall, within 5 business days, forward the application to a competent institution, duly informing the applicant thereof. If the application is considered in court, the application shall be returned to the applicant with the required information attached.

3. The time period for the consideration of applications shall start from the date of receipt of the application by the competent institution.

4. Verbal applications shall be accepted only when they allow for an expeditious investigation without their registration in written documents and provided they do not affect either the applicant's interests or on those of the state or municipality.

#### **Article 20. Hours for Acceptance of Applications**

1. Every public administration institution must organise its work in such a way that individuals wishing or obliged to submit an application in person could do so at all office hours.

2. For the applications which, in accordance with legal acts, must be submitted in person, the institution must make arrangements for at least 4 reception hours a week after the office hours.

#### **Article 21. Disqualification of a State Civil Servant or Municipality Employee**

1. A state civil servant or municipality employee shall disqualify himself or must be disqualified from participation in an administrative procedure if:

1) a participant in an administrative procedure is his close relative, a family member (within the meaning of definitions given in criminal and civil laws), a relative by marriage (relative of the spouse), or decisions made may entail personal advantage or when in the case at issue he acts as a representative of the party to the procedure;

2) he is employed in the same institution as one of the parties to the administrative procedure;

3) his impartiality is open to doubt because of some other circumstances which may result in a conflict of interests.

2. A person with whom the state or local government civil servant lives in a common-law marriage or to whom he is betrothed, also his former spouse shall be deemed a spouse. Foster children and foster parents, also former foster children and foster parents shall be considered as children and parents.

3. A decision concerning disqualification of a state civil servant or municipality employee from taking part in an administrative procedure shall be adopted by the head of an institution. A decision on the disqualification of the head of an institution from taking part in an administrative procedure shall be adopted by the head himself or by a higher-level institution of public administration in accordance with the procedure prescribed by the Law on the Adjustment of Private and Public Interests in the Public Service.

#### **Article 22. Request for Additional Information for Decision-making**

1. The request that the applicant present additional information or commentaries must be justified and well-grounded.

2. A reasonable time period must be set for the provision of additional information. Repeated request for additional information shall be permissible only in exceptional cases, upon an appropriate explanation of why no requests for the information were made from the outset. Public administration institution may request only that additional information which is not available in other public administration institutions, State Registers or other state information systems.

#### **Article 23. Suspension of the Procedure**

1. If the administrative decision on the issue under consideration could change the legal status of the persons who are not taking part in the administrative procedure, the administrative procedure shall be suspended notifying the said persons of their right to participate in the procedure.

2. The procedure shall be resumed after the said persons express their wish to take part in the procedure or send their written refusal to participate or if no notice is received from them within 10 calendar days in response to the offer to take part in the procedure.

#### **Article 24. Questioning of the Applicant and the Interested Persons**

1. Before taking a decision, the applicant and the interested persons must be questioned seeking to disclose the substance of the matter and the related circumstances.

2. A decision may be made without questioning if:

1) the application is granted at once and the decision does not violate the lawful interests of other persons;

2) when the circumstances that have evolved call for an immediate decision.

#### **Article 25. The Rights of Person of Diminished Capacity**

1. A person who has been recognised as being of diminished capacity shall be entitled to be heard upon his own or his guardian's request. The guardian must also be heard in order to protect the interests of the person of diminished capacity.

2. A person of diminished capacity must be heard on the issues relating to the income or property which he has the right to use or manage.

#### **Article 26. Verification of Factual Data**

1. Public administration institution, which carries out the administrative procedure may, as necessary, perform an on-site verification of the factual data. The applicant and the interested persons must be notified of the time of verification so that they could, if desirous, take part in the verification procedure. In case information which should not be made public under law, comes to the knowledge of the persons engaged in the verification procedure, the applicant and the interested persons shall be provided access only to the verification results. During the verification of factual data persons in possession of the required information regarding the factual data under verification may be requested to give explanations.

2. Verbal statements or given evidence as well as the factual data established during the verification procedure must be recorded in the verification report (conclusion) and signed by the persons carrying out the verification. Written explanations shall be attached to the verification report.

#### **Article 27. Right of Access to the Documents Collected during the Administrative Procedure**

Unless the law provides otherwise, the applicant or his representative shall have the right of access to the available documents and other collected information, also the right to voice his opinion and present additional documents.

#### **Article 28. Duration of Consideration**

1. Unless the law provides otherwise, the consideration of a complaint may not last longer than 30 days.

2. The time period may be extended by agreement between the parties. In the event of disagreement disputes shall be resolved in the Administrative Disputes Commission. The hearing of a dispute shall be initiated by the interested party.

#### **Article 29. Language of Administrative Procedures**

1. Administrative procedures shall be conducted in the official language - the Lithuanian language.

2. When the applicant or other interested persons do not speak or understand Lithuanian or are unable to make themselves understood because of a sensory or speech disorder, the interpreter must take part in the administrative procedure.

3. The interpreter shall be called by the institution which carries out the administrative procedure.

### **Article 30. Recommendation for Taking Administrative Decisions**

Upon completing an administrative procedure, civil servants or municipality employees shall draft a written recommendation and refer it to the head of the institution for decision-making. The recommendation must indicate all factual circumstances related to the matter at issue, legal acts regulating the matter, draft of the proposed solution and the date of its submission.

### **Article 31. Decision-making**

1. A decision meeting the requirements of this Law must be taken within 10 days after the day of receipt of the recommendation regarding the administrative decision.

2. If the decision is not made within the time period set in this Law, it shall be considered that an unfavourable decision has been made which the person (the applicant) shall have the right to appeal against in the Administrative Disputes Commission.

3. The administrative procedure shall be completed after the making of a decision to grant or to reject the application and after the notification of the applicant or another interested person thereof.

### **Article 32. Error Rectification Procedure**

1. Upon receiving from the applicant or another interested person a reasoned request or a notice of incorrect assessment of the factual data in the administrative decision or the presence of errors of law in the decision, the institution which made the decision shall suspend the validity thereof and shall initiate the procedure for error rectification. Before the decision regarding the rectification of error is taken the applicant or other interested persons must be heard and their arguments relating to the issue of error rectification must be evaluated.

2. Upon suspending the validity of the decision, the public administration institution must take necessary measures to achieve actual implementation of the decision on the error rectification and notify all the interested persons thereof.

3. In case the decision contains printers' errors, the decision-making institution must correct them without initiating the procedure for error rectification and notify the applicant thereof.

4. The errors of factual data assessment and error of law may not be rectified without the consent of the person with regard to whom the decision has been made. In the event of his disagreement, disputes over rectification of the above-mentioned errors shall be settled, at the person's choice, by the Administrative Disputes Commission or the court.

5. Errors must also be corrected in the transcript of the administrative decision, kept in the appropriate institution. The person (applicant) shall receive a new or corrected document (decision).

6. Rectification procedure shall not be applied with respect to the errors of law, rectification whereof would signify deprivation or restriction of the right which has been granted to the citizen or other persons and has become effective in accordance with the established procedure. Errors of the kind may only be rectified by court order.

### **Article 33. Duty of the Institutions to Grant Access to Public Administration Documents**

At the person's request the entities of public administration must grant him access, in accordance with the procedure laid down in this and other laws, to the documents of public administration adopted by them.

## **CHAPTER FOUR**

### **TERMS AND CONDITIONS OF INSTITUTIONAL ASSISTANCE**

#### **Article 34. Instances when Institutional Assistance is Requested**

An institution of public administration may request the assistance of another institution of public administration for the making of an administrative decision if:

- 1) the decision-making requires information it is not in possession of;
- 2) documents are required which the institution that is addressed is in possession of;
- 3) in other cases of absolute necessity.