

REPUBLIC OF LITHUANIA
LAW ON LOBBYING ACTIVITIES

27 June 2000 No VIII-1749

(As last amended on 20 June 2017 No XIII-453)

Vilnius

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Objective and purpose of the Law

1. The Law shall seek to ensure publicity and transparency of lobbying activities, and prevent illegal lobbying activities.

2. This Law shall regulate lobbying activities, their supervision and liability for infringements of this Law.

3. Provisions of this Law shall not apply to non-governmental organisations as they are defined by the Law of the Republic of Lithuania on Development of Non-governmental Organisations.

Article 2. Definitions

1. **‘Lobbied persons’** state politicians, state officials, civil servants and other persons who, according to the official functions assigned to them pursuant to the procedure laid down by legal acts, are involved in preparing, considering and adopting legal acts or administrative decisions.

2. **‘Lobbyist’** means a natural person conducting lobbying activities.

3. **‘Lobbying activities’** means actions taken by a natural person in an attempt to exert influence over the persons referred to in paragraph 1 of this Article to have, in the interests of the client of lobbying activities, legal acts or administrative decisions adopted or rejected.

4. **‘Client of lobbying activities’** means a natural or legal person or any other organisation or division thereof that have concluded a written lobbying contract with a lobbyist or a legal person that has assigned or instructed its participant, member of the management body or employee to conduct lobbying activities.

Article 3. Persons not entitled to be lobbyists

1. A natural person shall not be entitled to be a lobbyist if he:

- 1) is under the age of 18;
- 2) is a person referred to in Article 2(1) of this Law who is being lobbied;
- 3) has been convicted, in accordance with the procedure laid down by law, of a corruption crime and has an unspent or unexpunged conviction, or has been convicted of a corruption misdemeanour and less than one year has lapsed from the date when the judgment of conviction became effective;
- 4) was imposed an administrative penalty for an infringement of this Law and less than a year has lapsed from the execution thereof.

2. A person shall not be entitled to be a lobbyist if his lobbying activities were terminated in the cases specified in points 2, 3 and 4 of Article 11(3) of this Law and less than one year has lapsed from the taking of the decision to terminate the lobbying activities.

Article 4. Rights and duties of lobbyists

1. A lobbyist shall have the right:
 - 1) to be involved, in accordance with the procedure laid down by legal acts, in drafting legal acts as well as to draft them, submit proposals and explanations on the content and drafting of legal acts or administrative decisions;
 - 2) to carry out, on his own initiative, an evaluation of legal acts, draft legal acts, administrative decisions or drafts thereof, submit conclusions and comments on draft legal acts to clients of lobbying activities;
 - 3) to explain to the public, persuade lobbied persons that it is considered appropriate to adopt or reject a certain legal act or administrative decision;
 - 4) to attend, in agreement with a lobbied person, meetings, sittings, consultations on a draft legal act or a draft administrative decision;
 - 5) in order to conduct lobbying activities to obtain authorisation from state or municipal institutions and bodies to access their premises;
 - 6) to collect data and information about the legislative procedure and submit it to clients of lobbying activities;
 - 7) to propose to lobbied persons to meet the public, clients of lobbying activities or their representatives;
 - 8) to organise a public-opinion poll regarding the adoption or implementation of a draft legal act or a draft administrative decision;
 - 9) to obtain from state or municipal institutions and bodies copies of draft legal acts or draft administrative decisions as well as other information, provided that this is not contrary to

laws of the Republic of Lithuania and that the information requested by the lobbyist has not been made publicly available in cyberspace or the mass media;

2. A lobbyist must:

1) present himself to a lobbied person, to produce a lobbyist's certificate issued by the Chief Official Ethics Commission, indicate the client of lobbying activities and the draft legal act or the draft administrative decision to be adopted or rejected, and, if necessary, agree on the time and place of a meeting;

2) present a lobbying report in accordance with the procedure laid down by this Law;

3) not later than within one working day from the election or appointment of the lobbyist to the position specified in Article 2(1) of this Law, immediately notify the Chief Official Ethics Commission thereof in writing;

4) act in compliance with this Law, other legal acts of the Republic of Lithuania and the Lobbyists' Code of Conduct.

3. A lobbyist shall be prohibited from making gifts or promising remuneration to a lobbied person for an adopted or rejected legal act or administrative decision.

Article 5. Duties of other persons

1. State and municipal institutions and bodies as well as lobbied persons must create the conditions for lobbyists to carry out lawful actions set out in Article 4(1) of this Law, must not constrain legal lobbying activities and allow them to pursue the legitimate interests of clients of lobbying activities; they must also create the conditions for the Chief Official Ethics Commission to implement the functions of supervision of lobbying activities as laid down by law.

2. A lobbied person shall be prohibited from taking gifts or any other remuneration from lobbyists.

Article 6. Illegal lobbying activities

Lobbying activities shall be considered illegal if:

1) they are conducted by a person who is not entered in the Register of Lobbyists;

2) a person has been conducting them after his lobbying activities were suspended in accordance with the procedure laid down by this Law and he was informed of the suspension;

3) a person has been conducting them after his lobbying activities were terminated in accordance with the procedure laid down by this Law and he was informed of the termination;

4) a lobbyist misleads or deceives a lobbied person by indicating the false facts or circumstances related to the adoption or rejection of a legal act or administrative decision;

5) the aim of such activities is to exert influence over the adoption or rejection of the legal act or the administrative decision which is directly related to the election of a lobbyist as a state politician or his appointment as a state politician, state official, civil servant or judge;

6) they are conducted without concluding a lobbying contract or assignment by a legal person, or on behalf of a non-existent client of lobbying activities;

7) a lobbyist concurrently represents clients of lobbying activities with opposing interests.

Article 7. Activities not considered as lobbying activities

The following activities shall not be considered as lobbying activities:

1) activities of producers, disseminators of public information, their participants or journalists when collecting, preparing, publishing and disseminating public information in accordance with the Law of the Republic of Lithuania on the Provision of Information to the Public;

2) activities of the persons who, at the invitation or on the initiative of state and municipal institutions or bodies, participate as experts or specialists for payment or without payment at meetings, sittings, consultations on the issues related to the drafting of legal acts in accordance with the Law of the Republic of Lithuania on Legislative Framework;

3) actions of state politicians, state officials or civil servants when initiating, preparing, considering draft legal acts and adopting legal acts carried out according to their official functions assigned to them pursuant to the procedure laid down by legal acts as well as activities of other persons are involved in the preparation, consideration and adoption of legal act or administrative decisions according to their official functions assigned to them pursuant to the procedure laid down by legal acts;

4) proposals and evaluations received in the course of consultations with the public in accordance with the Law of the Republic of Lithuania on Legislative Framework;

5) implementation of the right to petition, the right to referendum or the citizens' legislative initiative in accordance with the Law of the Republic of Lithuania on Petitions, the Law of the Republic of Lithuania on Referendum and the Law of the Republic of Lithuania on the Citizens' Legislative Initiative, respectively;

6) an opinion expressed by a natural person with regard to legislation;

7) other activities carried out in accordance with the procedure laid down by special laws or statutes and in line with the public interest.

Article 8. Persons who are prohibited from being clients of lobbying activities

The following shall be prohibited from being a client of lobbying activities:

- 1) state politicians, state officials, civil servants and other persons who are involved in the preparation, consideration and adoption of legal acts or administrative decisions according to their official functions assigned to them pursuant to the procedure laid down by legal acts;
- 2) entities of public administration as defined in the Law of the Republic of Lithuania on Public Administration.

Article 9. Other restrictions on lobbying activities

It shall be prohibited to finance lobbying activities from state or municipal budgets or monetary funds established by the State and municipalities.

CHAPTER TWO COMMENCEMENT, SUSPENSION, RESUMPTION, TERMINATION AND EXPIRY OF LOBBYING ACTIVITIES

Article 10. Entering a person in the Register of Lobbyists

1. Only a person who is entered in the Register of Lobbyists and who has produced the document confirming the payment of the state fee for entering in the Register of Lobbyists shall have the right to conduct lobbying activities. A person who wishes to be entered in the Register of Lobbyists shall lodge with the Chief Official Ethics Commission an application for entry in the Register of Lobbyists using the form prescribed by it. If a natural person intends to pursue lobbying activities because he is assigned or instructed to do so by a legal person as its participant, member of its management body or its employee, the application shall be lodged with the Chief Official Ethics Commission by that legal person.

2. An application for entry in the Register of Lobbyists shall contain:

- 1) the name and surname, personal number, place of residence, place of employment and duties within the last one year if the application is lodged by a natural person;
- 2) the name and the registration number if the application is lodged by a legal person;
- 3) the name, surname, personal number, place of employment and duties within the last one year, period of authorisation to conduct lobbying activities of the participants, members of the management body and employees of a legal person if the application is lodged by the legal person.

3. The Chief Official Ethics Commission may require that the persons who have lodged an application for entry in the Register of Lobbyists as well as state and municipal institutions or

bodies submit additional information or documents substantiating the absence of the grounds specified in Article 3 of this Law for refusing entry in the Register of Lobbyists.

4. The Chief Official Ethics Commission shall, within five working days from the date of the application specified in paragraph 1 of this Article, examine it and take a decision regarding the entry of the person in the Register of Lobbyists. If additional information or documents are required, the time limit for examining the application shall be calculated from the receipt of all the necessary information or documents.

5. The Chief Official Ethics Commission shall refuse to enter a person in the Register of Lobbyists only if the person who lodged the application:

- 1) is not entitled to be a lobbyist in accordance with Article 3 of this Law;
- 2) has submitted incorrect or incomplete data and additional information specified in this Article.

6. The Chief Official Ethics Commission shall notify in writing the person concerned of the adopted decision to enter or to refuse to enter the person in the Register of Lobbyists within three working days of that decision.

7. A person who has received a notification about the decision to enter him in the Register of Lobbyists must, within one month from the said notification, pay the state fee and produce the document proving the payment thereof to the Chief Official Ethics Commission. If an application to enter a natural person in the Register of Lobbyists is lodged by a legal person, it must also pay the state fee. A person who produces in due time a document proving the payment of the state fee shall be issued a lobbyist's certificate.

8. The form of a lobbyist's certificate shall be prescribed by the Chief Official Ethics Commission.

9. If a person fails to produce in due time a document proving the payment of the state fee, the Chief Official Ethics Commission shall revoke the decision to enter the person in the Register of Lobbyists.

Article 11. Suspension, termination, resumption and expiry of lobbying activities

1. At the decision of the Chief Official Ethics Commission, lobbying activities shall be suspended if:

- 1) a lobbyist himself or a legal person who assigned or instructed him to conduct lobbying activities has applied in writing to the Chief Official Ethics Commission with respect to suspending lobbying activities;
- 2) a lobbyist has not presented in due time a lobbying report;
- 3) a lobbyist is suspected or is accused of the commission of a corruption offence.

2. In the case referred to in point 1 of paragraph 1 of this Article, lobbying activities shall be suspended for a period indicated in the application filed to the Chief Official Ethics Commission by the lobbyist or the legal person who assigned or instructed him to conduct lobbying activities. In the case referred to in point 2 of paragraph 1 of this Article, lobbying activities shall be suspended for a period not exceeding one month during which a lobbying report must be presented. In the case referred to in point 3 of paragraph 1 of this Article, lobbying activities shall be suspended until pre-trial investigation is terminated, criminal proceedings are terminated or a judgment of acquittal is passed.

3. At the decision of the Chief Official Ethics Commission, lobbying activities shall be terminated if:

1) a lobbyist himself or a legal person who assigned or instructed him to conduct lobbying activities has applied in writing to the Chief Official Ethics Commission with respect to terminating lobbying activities;

2) a lobbyist continues conducting lobbying activities after their suspension in compliance with the provisions of paragraph 1 of this Article;

3) the Chief Official Ethics Commission establishes that a lobbyist conducts illegal lobbying activities specified in Article 6 of this Law;

4) a lobbying report is not presented within one month from the suspension of the lobbying activities;

5) a judgment of conviction for the corruption crime becomes effective.

4. The Chief Official Ethics Commission must notify in writing a lobbyist about the adopted decision to suspend or terminate lobbying activities within three working days of that decision.

5. The Chief Official Ethics Commission shall take a decision to resume the suspended lobbying activities not later than within five working days from the day:

1) a lobbying report is presented;

2) a written application of the lobbyist or the legal person who assigned him to conduct lobbying activities is received indicating that he wishes to resume lobbying activities suspended at his own request;

3) pre-trial investigation is terminated, criminal proceedings are terminated or a judgment of acquittal becomes effective.

6. Lobbying activities shall expire when a lobbyist dies.

7. Upon the termination or expiry of lobbying activities, the lobbyist's entry shall be removed from the Register of Lobbyists.

Article 12. Lobbying report

1. A lobbyist must, in accordance with the procedure laid down by the Chief Official Ethics Commission, present a lobbying report electronically for every draft legal act or an administrative decision not later than within seven days from the commencement of lobbying activities with respect to a specific draft legal act or an administrative decision (any oral, written or electronic communication with a lobbied person regarding the provisions of the draft legal act or the administrative decision).

2. A lobbyist must indicate the following in the lobbying report referred to in paragraph 1 of this Article:

- 1) his name, surname, number of the lobbyist's certificate;
 - 2) the name, surname or a business name of the client of lobbying activities, his personal or its registration number. If lobbying activities are conducted not on behalf of a client of lobbying activities, but in the interests of a third party, the lobbyist must indicate that natural or legal person;
 - 3) the title of a legal act, a draft legal act or an administrative decision with respect to which he acts as a lobbyist;
 - 4) a brief description of the subject matter to be amended in the legal act, the draft legal act or the administrative decision with respect to which he acts as a lobbyist;
 - 5) the name of the institution or body (the division, if there is one) in which the person on whom influence was exerted over the adoption or rejection of legal acts or administrative decisions performs his duties;
 - 6) the name, surname, duties of a lobbied person.
3. The form of the lobbying report shall be prescribed by the Chief Official Ethics Commission.

CHAPTER THREE SUPERVISION OF LOBBYING ACTIVITIES

Article 13. Supervision of lobbying activities

1. Lobbying activities shall be supervised by the Chief Official Ethics Commission in accordance with the procedure laid down by law.

2. The Chief Official Ethics Commission shall:

- 1) analyse and summarise the practice of application of this Law;
- 2) apply to court for the termination or repeal of the decisions or transactions adopted or concluded in conflict with this Law;

3) conduct an investigation if it comes to its knowledge that persons do not comply with the requirements of this Law;

4) provide lobbyists with methodological support and recommendations related to lobbying activities.

3. The Chief Official Ethics Commission shall have the right to:

1) inspect activities of lobbyists;

2) obtain from persons any necessary information, explanations, orders, decisions and other documents related to the implementation of this Law;

3) examine reports on lobbying activities.

4. The person concerned shall have the right to appeal against the decisions of the Chief Official Ethics Commission in accordance with the procedure laid down by the Law of the Republic of Lithuania on Administrative Proceedings within one month from the publication of the decision or its service on the said person.

Article 14. Information about lobbying activities

Information about the lobbyists entered in the Register of Lobbyists, suspension, termination, resumption or expiry of lobbying activities as well as data of reports on lobbying activities shall be published in accordance with the procedure established by the Chief Official Ethics Commission.

CHAPTER FOUR LIABILITY

Article 15. Liability for infringements of this Law

1. Persons who have infringed the requirements of this Law shall be liable in accordance with the procedure established by laws of the Republic of Lithuania.

2. Persons who have caused damage to other persons by illegal lobbying activities shall compensate for the damage caused in accordance with the procedure established by laws of the Republic of Lithuania.

Article 2. Entry into force and implementation of the Law

1. This Law, except for paragraph 2 of this Article, shall enter into force as of 1 September 2017.

2. The Government of the Republic of Lithuania, the Chief Official Ethics Commission and other state and municipal institutions shall, by 31 August 2017, adopt legal acts implementing this Law.

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

PRESIDENT OF THE REPUBLIC

DALIA GRYBAUSKAITĖ