

SEIMAS OF THE REPUBLIC OF LITHUANIA

RESOLUTION

ON THE APPROVAL OF THE NATIONAL ANTI-CORRUPTION PROGRAMME OF THE REPUBLIC OF LITHUANIA FOR 2015-2025

10 March 2015 No XII-1537

Vilnius

Acting in compliance with Article 5(1) and (4) of the Law of the Republic of Lithuania on the Basics of National Security, Article 7(5) of the Law of the Republic of Lithuania on the Prevention of Corruption, subparagraph 36 of the National Anti-corruption Programme of the Republic of Lithuania for 2011-2014 approved by Resolution No IX-711 of 17 January 2002 of the Seimas of the Republic of Lithuania on the Approval of the National Anti-corruption Programme of the Republic of Lithuania for 2011-2014, the provisions of the National Security Strategy approved by Resolution No IX-907 of 28 May 2002 of the Seimas of the Republic of Lithuania on the Approval of the National Security Strategy, the State Progress Strategy "Lithuania's Progress Strategy "Lithuania 2030"" approved by Resolution No XI-2015 of 15 May 2012 of the Seimas of the Republic of Lithuania 'on the Approval of the State Progress Strategy "Lithuania's Progress Strategy "Lithuania 2030""', the Plan for Drafting of Long-term State Programmes for the Strengthening of Security approved by Resolution No XII-724 of 19 December 2013 of the Seimas of the Republic of Lithuania on the Approval of the Plan for Drafting of Long-term State Programmes for the Strengthening of Security and considering corruption to be a threat to national security, while being aware of the necessity for state institutions to implement targeted, coordinated and effective anti-corruption actions, the Seimas of the Republic of Lithuania r e s o l v e s:

Article 1.

To approve the long-term state programme for the strengthening of security, i.e. the National Anti-corruption Programme of the Republic of Lithuania for 2015-2025 (annexed).

Article 2.

The National Anti-corruption Programme of the Republic of Lithuania for 2015-2025 shall be implemented by ministries, the Prosecutor General's Office of the Republic of Lithuania, the Special Investigation Service of the Republic of Lithuania, the Public Procurement Office of the Republic of Lithuania, the Central Electoral Commission of the Republic of Lithuania, the Competition Council of the Republic of Lithuania, the Chief Official Ethics Commission and other state and municipal institutions and bodies within their remit.

Article 3.

To propose to the Government of the Republic of Lithuania to develop, within three months of the entry into force of this resolution, an inter-institutional action plan for the implementation in 2015-2019 of the National Anti-corruption Programme of the Republic of Lithuania for 2015-2025, to coordinate it with the Seimas of the Republic of Lithuania Committee on National Security and Defence and approve it upon coordination.

SPEAKER OF THE SEIMAS

LORETA GRAUŽINIENĖ

APPROVED BY
Resolution No XII-1537 of
the Seimas of the Republic of
Lithuania
of 10 March 2015

NATIONAL ANTI-CORRUPTION PROGRAMME OF THE REPUBLIC OF LITHUANIA FOR 2015-2025

CHAPTER I INTRODUCTION

1. The objective of the National Anti-corruption Programme of the Republic of Lithuania for 2015-2025 (hereinafter: the 'Programme') shall be to ensure a long-term, effective and targeted anti-corruption and control system in the Republic of Lithuania in 2015-2025.

2. The Programme shall cover the most important provisions of the national anti-corruption policy in the public and private sectors. The Programme shall focus on reducing and eliminating the conditions and risks of corruption¹, as well as managing corruption risks and enforcing liability for corruption offences.

3. Definitions:

3.1. **Risk factors of corruption** means reasons, conditions, events and circumstances likely to cause a risk of corruption.

3.2. **Corruption offence** means an administrative offence, breach of labour discipline or misconduct in office committed by a civil servant or an equivalent person, directly or indirectly, seeking or demanding material or other personal gain (a gift, promise or privilege) for himself or another person, also accepting it while abusing his official position, exceeding his powers, failing to perform his duties and violating public interests as well as a criminal act of a corruptive nature.

4. Other definitions used in the Programme shall be in compliance with the definitions used in the Law of the Republic of Lithuania on Prevention of Corruption and other laws.

¹ Corruption, defined as abuse of power for personal gain in both public and private sectors, shall be interpreted in the Programme as it is interpreted in the Communication of 6 June 2011 from the Commission to the European Parliament, the Council and the European Economic and Social Committee Fighting Corruption in the EU.

5. Corruption is one of the national threats to the State and one of the most dangerous social phenomena threatening human rights, democracy and the rule of law, distorting social justice, fair competition, business conditions, slowing down economic growth, posing a threat to state governance, the stability of state or municipal bodies and public morality. Corruption is associated with excessive bureaucracy and regulation and the lack of balance between discretion in decision making and accountability. Corruption is a latent phenomenon and the impact of corruption offences on various economic and social fields usually transpires later on when facing the consequences of corruption.

6. The Programme has been developed taking account of the analysis of the environment, the National Security Strategy approved by Resolution No IX-907 of 28 May 2002 of the Seimas of the Republic of Lithuania on the Approval of the National Security Strategy, international anti-corruption legal acts, the European Commission's EU Anti-corruption Report 2014 and its recommendations, results of sociological surveys, and proposals submitted by public, state and municipal bodies.

Article 5(1) of the United Nations Convention against Corruption establishes that each State Party to the Convention shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper governance and management of public property, integrity, transparency and accountability.

The Council Conclusions of 19 May 2014 on the EU Anti-Corruption Report specify that particular attention should be given to the development of effective preventive policies and adequate control mechanisms, to manage corruption risks and conflicts of interest, as well as to the establishment of specific measures designed to address the political dimension of the corruption phenomenon.

7. The Programme lists the priority fields with the highest potential for corruption: political activities and legislation; activities of the judiciary and law enforcement institutions; public procurement; healthcare and social security; spatial planning, state supervision of construction and waste management; supervision of activities of economic entities; public administration, civil service and asset management. Furthermore, corruption-related problems of the private sector are singled out to be dealt with in the course of implementation of the Programme. Particular attention is paid to improving anti-corruption education and awareness.

8. With a view to comprehensive prevention and control of corruption, an inter-institutional action plan for the implementation of the Programme, sectorial and institutional anti-corruption programmes, as well as those of state or municipal bodies must be oriented towards the objectives and tasks specified in the Programme.

CHAPTER II

ANALYSIS OF THE ENVIRONMENT

SECTION ONE

DATA OF SOCIOLOGICAL SURVEYS

9. Sociological and expert assessment methods and surveys employed for the assessment of corruption not always reveal all of its possible aspects due to corruption being a latent phenomenon. Therefore, when assessing corruption, it is expedient to rely on the totality of various surveys and factual data on corruption offences committed.

10. The survey Lithuanian Map of Corruption 2014² carried out in 2014 offers an opportunity to assess whether corruption is properly reduced, whether the implemented measures of the Implementation Measures Plan of the National Anti-corruption Programme of the Republic of Lithuania for 2011-2014 approved by Resolution No IX-711 of 17 January 2002 of the Seimas of the Republic of Lithuania on the Approval of the National Anti-corruption Programme of the Republic of Lithuania for 2011-2014 (hereinafter: the 'National Anti-corruption Programme of the Republic of Lithuania for 2011-2014') were effective, what the shortcomings and advantages of Lithuania's anti-corruption policies are, and to identify Lithuanian citizens' attitude towards corruption, its forms and scope, as well as the effectiveness of prevention measures. Based on the data of the sociological survey 'Lithuanian Map of Corruption 2014, a conclusion may be drawn that the anti-corruption environment in Lithuania is improving. This survey partly proves the data of other surveys (the Global Corruption Barometer, Eurobarometer). It also reveals the existing divergence between corruption perception and corruption experience, i.e. the public often have a negative opinion about the corruption environment in the country or a certain institution, although they have not come into contact with corruption in person.³

² Available on the Internet at: <http://www.stt.lt/lt/menu/sociologiniai-tyrimai/>.

³ For example, 88 per cent of residents think the customs is highly corrupt or partly corrupt, however only 33 residents have visited the customs within five years and 35 per cent of them have paid a bribe. A conclusion can be drawn that the majority of residents learn about corruption at the customs only from the environment, they make presumptions about the existence of corruption therein or assess the current situation based on the previous situation. The same holds true for the judiciary: 80 per cent of residents believe the judiciary is highly corrupt or partly corrupt. However, only 95 residents have been involved in criminal and civil proceedings (i.e. 9.5 per cent of all the respondents), while only one fifth of them may have paid a bribe. The smallest disparity between the real and

Upon assessment of the public attitude towards corruption as a serious problem, it has been established that 48 per cent of residents, 29 per cent of civil servants and 30 per cent of businessmen consider corruption to be an extremely serious problem and this number is the lowest since 2005 (in 2011, corruption was considered to be an extremely serious problem by 67 per cent of residents, 39 per cent of businessmen and 42 per cent of civil servants).

The Lithuanian Map of Corruption reveals tendencies that the business sector considers the anti-corruption environment to be much more favourable and positive than residents and civil servants. The survey has shown that the number of the heads of undertakings who think that you need to 'pay up' to do business is decreasing (in 2011, there were 40 per cent of them, while in 2014 – 21 per cent). The number of those who think that bribes save time when dealing with administrative procedures has also decreased (from 50 per cent in 2011 down to 27 per cent in 2014).

It can be stated that huge progress has been made in assessing the *level of corruption*.

Firstly, in the course of the survey respondents were asked to assess how, in their opinion, the scope of corruption had changed within a period of 12 months and five years. Assessments of all respondent groups have been the best since 2005. Assessments of businessmen have been especially positive – only 4 per cent of respondents replied that the level of corruption had grown significantly within five years, 13 per cent of respondents believed that it had grown slightly, whereas according to as many as 23 per cent of them, corruption had decreased within a period of five years, while 40 per cent of respondents said that the level of corruption remained the same.

Secondly, 14 per cent of residents stated that corruption had grown significantly within five years, 21 per cent of residents believed that it had grown slightly, while 35 per cent of them believed that it had not changed. 15 per cent of residents thought that the level of corruption had decreased slightly within five years.

Thirdly, even better results were achieved when assessing a period of 12 months: only 3 per cent of the heads of undertakings, 9 per cent of residents and 15 per cent of civil servants stated that the scope of corruption had grown significantly. During the Eurobarometer survey in 2013, when answering the question: 'Has, in your opinion, the level of corruption in your country grown, remained the same or decreased within the last three years?', 53 per cent of respondents in Lithuania stated that the level of corruption had grown and the number of residents who thought so had increased by 6 per cent compared with 2011.

It is highly important to emphasise that, upon assessment of the *general mood whether corruption is likely to decrease*, a positive attitude towards future tendencies can be seen. All respondent groups – 22 per cent of residents, 34 per cent of businessmen and 41 per cent of civil servants believe that the scope of corruption is going to decrease within the next three years. This result is also the best since 2005. Another element that could be attributed to the positive mood is the fact that the number of both residents (26 per cent; in 2008 – 19 per cent) and the heads of undertakings (43 per cent; in 2008 – 35 per cent) who claim that they would not pay a bribe because it is contrary to their beliefs is increasing.

When assessing the *proneeness to corruption of institutions*, it has been established that the general indicator of residents' perception of the spread of corruption within institutions and the categorical tone in defining institutions as 'highly corrupt' has decreased compared to the results of previous surveys. Although the same institutions are still considered to be the most corrupt: healthcare institutions, the judiciary, police, as well as municipal institutions, an essential change is that according to the assessments of all respondent groups, the corruption level at the majority of institutions is the lowest since 2005 (e.g. in 2005, the Seimas of the Republic of Lithuania (hereinafter: the 'Seimas') was considered to be highly corrupt or partly corrupt by 95 per cent of residents, in 2007 – by 92 per cent, in 2011 – by 93 per cent, while in 2014 – by 80 per cent; in 2005, the judiciary was considered to be highly corrupt or partly corrupt by 90 per cent of the heads of undertakings, in 2007 – by 91 per cent, in 2011 – by 86 per cent, while in 2014 – by 63 per cent).

Upon assessment of the respondents' opinion regarding whether anti-corruption measures *help tackle issues at state institutions*, it has been established that 69 per cent of residents, 43 per cent of the heads of undertakings and 54 per cent of civil servants believe bribes help solve problems. Nevertheless, a positive change can be observed, the number of persons who think so has decreased in all the respondent groups. Attention has to be drawn to the fact that in Lithuania, 48 per cent of residents and 21 per cent of the heads of undertakings are willing to pay a bribe in order to solve their problem, however, the number of such persons has also decreased. An especially positive change can be seen among the heads of undertakings: in 2008, the number of such respondents in this group amounted to 51 per cent, whereas in 2014 – to only 21 per cent. In 2014, there were 48 per cent of residents willing to pay a bribe, whereas in 2008 – 64 per cent.

Upon assessment of the residents' opinion regarding *reporting corruption*, it has been established that every fourth resident (27 per cent) knows where he could report corruption, every fifth would report a case of corruption (18 per cent). It has to be noticed that the value of this indicator is also improving compared to the results of previous surveys. About 50 per cent of residents believe that a person who has reported a case of corruption will be affected the most

and do not believe that persons guilty of the offence will be brought to justice. On the other hand, residents tend to be positive about persons reporting corruption: the majority (83 per cent) define them as brave and politically active people. In this case, a situation is better among businessmen, every third one knows where to apply and would report a case of corruption known to him. Civil servants are best informed on this matter (61 per cent), however, only every third one of them tend to report corruption.

When assessing the respondents' *corruption experience*, the decreasing number of people who would accept a bribe if an opportunity arose could be identified as a positive trend. This number has decreased by half within the last four years: in 2011 – 30 per cent, whereas in 2014 – 15 per cent. Only 3 per cent of civil servants surveyed in 2014 would accept a bribe.

A percentage of persons in Lithuania still offer unlawful reward. Based on the poll data, 24 per cent of residents have paid a bribe within 12 months, and 45 per cent – within five years. Among the heads of undertakings, such persons constitute 6 per cent and 14 per cent respectively. 17 per cent of civil servants have paid bribes within 12 months, and 35 per cent – within five years. It has to be noted that since 2001 there has been observed a decrease in the number of the heads of undertakings who have paid a bribe, whereas the number of residents who have paid a bribe has not decreased since 2002. Both residents and civil servants name a wish to get around bureaucratic obstacles and settle the issues faster and more efficiently as the the most frequent reason for paying a bribe.

Having surveyed the opinion regarding those responsible for corruption and effectiveness of corruption prevention measures, the following conclusions can be made:

- the majority of respondents (residents, businessmen and civil servants alike) put the most blame for the widespread corruption in Lithuania on politicians, whereas only one third of the respondents consider residents themselves to be responsible for the spread of corruption;

- similarly to previous surveys, over half of the respondents (60-70 per cent) believe that those offering a bribe and those receiving it are both equally responsible. When comparing the responsibility of the person offering a bribe and the person receiving it, in the respondents' opinion, the one receiving it is to be blamed more. Upon assessment of the change in this indicator (2005-2014), it has to be noted that the number of people who believe that both persons involved in bribery are to be blamed equally is increasing, while the number of people who are willing to blame only those receiving bribes is decreasing;

- in the opinion of the majority of the respondents, paying a bribe has served the purpose, i.e. the resident has received the service required (the indicators are lower among businessmen and civil servants). Residents who have paid a bribe for getting a prescription for compensated

medicines, issue of medical certificates, hearing of criminal cases and tax administration services feel they have received less benefit than they have expected;

– the majority of residents surveyed (58 per cent) have named criminal penalties as the most effective measures for reducing corruption, while about half of civil servants (48 per cent) and businessmen (43 per cent) support the use of prevention measures.

11. The results of the Eurobarometer survey conducted by the European Commission, published in February 2014, show how residents of Lithuania assess corruption in Lithuania: 58 per cent of respondents state that corruption is widespread, 38 per cent of respondents believe so in Latvia, while 15 per cent – in Estonia (the EU's average is 27 per cent). 24 per cent of respondents in Lithuania believed that the level of corruption in the country has risen within the last three years; 14 per cent of respondents in Latvia and 10 per cent in Estonia are of the same opinion (the EU's average is 29 per cent).

12. According to the data of the Global Corruption Barometer from 2013, 77 per cent of Lithuanian residents believe that personal connections are essential for settling issues in the public sector. 68 per cent of residents believe so in Latvia, and 52 per cent – in Estonia (the EU's average is 66 per cent). Moreover, 63 per cent of respondents in Lithuania are of the opinion that the Government of the Republic of Lithuania (hereinafter: the 'Government') is influenced by large entities which act in their own interest. 71 per cent of respondents share the same view in Latvia, and 46 per cent – in Estonia (the EU's average is 57 per cent).

When assessing the corruption level of institutions and sectors, the Seimas is considered to be corrupt by 80 per cent of Lithuanian residents, the judiciary – by 79 per cent, political parties – by 78 per cent, healthcare institutions – by 73 per cent. 26 per cent of Lithuanian residents had to pay a bribe at educational, judicial, healthcare, police, registration and issue of authorisations, public utility, tax and land use planning institutions. When asked about the most frequent reason for having to pay a bribe, 40 per cent of respondents replied that they tried to speed up the issues, 30 per cent said it was a gift or gratitude, 26 per cent said it was the only way to receive the service and 4 per cent had hoped to receive a cheaper service.

62 per cent of the surveyed Lithuanian residents think that ordinary people have no power in fighting corruption (the view is shared by 45 per cent of respondents in Latvia and 61 per cent – in Estonia) (the EU's average is 39 per cent, the global average – 33 per cent). 77 per cent of respondents in Lithuania claim that they would like to be involved in the fight against corruption (74 per cent – in Latvia, 69 per cent – in Estonia (the global average is 87 per cent). 58 per cent of the surveyed Lithuanian residents say they would report a case of corruption (48 per cent – in Latvia, 52 per cent – in Estonia).

SECTION TWO**RESULTS OF THE IMPLEMENTATION OF THE NATIONAL ANTI-CORRUPTION PROGRAMME OF THE REPUBLIC OF LITHUANIA FOR 2011-2014**

13. The results of the implementation of the National Anti-corruption Programme of the Republic of Lithuania for 2011-2014 approved by Resolution No IX-711 of 17 January 2002 of the Seimas of the Republic of Lithuania on the Approval of the National Anti-corruption Programme of the Republic of Lithuania for 2011-2014 should be assessed taking into account the values of the criteria for achieving the strategic objective specified in point 22 of this Programme.

13.1. *The target was to reduce the spread of corruption:*

13.1.1. Based on the Corruption Perceptions Index of Lithuania, the spread of corruption in Lithuania is rated at least 6 out of 10 (in 2010, it was 5 in Lithuania and 6.5 in Estonia).

The result achieved: In 2014, Lithuania managed to attain a higher corruption perceptions index, based on which a country is assigned to countries better tackling corruption and striving to be even more transparent. In 2014, the Corruption Perceptions Index of Lithuania was 58.⁴

13.1.2. At least one third of Lithuanian residents believe that the level of corruption in the country has decreased within three years (according to the data of the Global Corruption Barometer, in 2010 in Lithuania it was 8 per cent, in Poland – 26 per cent and in Georgia – 78 per cent).

The result achieved: According to the data of the survey Lithuanian Map of Corruption 2014 carried out in 2014, 16 per cent of Lithuanian residents believe that the scope of corruption in the country has decreased within five years.

13.2. *The target was to promote zero tolerance for corruption:* the number of persons who have paid a bribe related to public services within the last twelve months has decreased by at least half (according to the data of the Global Corruption Barometer, in 2010 the number of such persons in Lithuania amounted to 34 per cent, while in Latvia and Poland – 15 per cent each).

The result achieved: Based on the data of the Global Corruption Barometer,⁵ in 2013 the number of such persons in Lithuania was 26 per cent, hence the number of those who paid a bribe in 2011-2013 decreased by 8 per cent. The result achieved is supplemented with the survey Lithuanian Map of Corruption 2014. According to the data of this survey, the number of residents who have paid a bribe within twelve months is 24 per cent. Among the heads of

⁴ 100 points where a country is considered to be very clean, while 0 points – highly corrupt.

⁵ Available on the Internet at: <http://www.stt.lt/lt/menu/sociologiniai-tyrimai/>.

undertakings, such persons constitute 6 per cent and among civil servants – 17 per cent. The number of persons who have paid a bribe within the last five years has decreased significantly: in 2011, it constituted 34 per cent, in 2014 – 14 per cent; the number of persons who had paid a bribe within the last twelve months decreased from 17 per cent in 2011 to 6 per cent in 2014.

13.3. *The target was to increase confidence in public sector institutions* (the Seimas, police, civil service) so that the institutions' transparency index (1 point – very clean, 5 points – highly corrupt) would reach at least the EU's average: the Seimas – 3.5 points (according to the data of the Global Corruption Barometer, in 2010 it was 4.2 points); the police – 3.1 points (according to the data of the Global Corruption Barometer, in 2010 it was 3.7 points); the civil service – 3.5 points (according to the data of the Global Corruption Barometer, in 2010 it was 3.8 points); the judiciary – 3.4 points (according to the data of the Global Corruption Barometer, in 2010 it was 4 points).

The result achieved: Based on the data of the Global Corruption Barometer for 2013, the following transparency index results were obtained as compared to 2010: the Seimas – 4.3 points (down by 0.1 point), the police – 3.9 points (down by 0.8 point), the judiciary – 4.3 points (down by 0.3 point).

13.4. The results of the implementation of the National Anti-corruption Programme of the Republic of Lithuania for 2011-2014 point to Lithuania's improving situation in combating corruption and the implementation of the set target. The results have been influenced by a consistent implementation of the Implementation Measures Plan of the National Anti-corruption Programme of the Republic of Lithuania for 2011–2014.

SECTION THREE

ANALYSIS OF FIELDS OF THE PUBLIC AND PRIVATE SECTORS WITH THE HIGHEST RISK OF CORRUPTION

14. In 2012, 2013 and 2014, the Special Investigation Service of the Republic of Lithuania (hereinafter: the 'Special Investigation Service') prepared and published⁶ information about corruption-related problems identified in the relevant public sector fields as well as corruption risk factors. The problems and corruption risk factors in priority fields are as follows:

14.1. *Political activities and legislation.* The following corruption risk factors have been recorded: votes are collected by unlawful means, non-transparent additional funding is received, unlawful lobbying, when initiating amendments to legal acts, representatives of the legislative, executive and local authorities are sometimes influenced by various business groups which seek

⁶ Available on the Internet at: <http://www.stt.lt/lt/menu/korupcijos-prevencija/kovos-su-korupcija-programos/>.

amendment and adoption of legal acts beneficial to them. Cases of falsified election documents and buying votes still occur. At present, a person has no possibility to electronically check whether his donation to a political party or a participant of a political campaign has been indicated correctly. The transparency and openness of the accounting mechanism of party membership fees and non-cash support is not secured.

14.2. *Activities of the judiciary and law enforcement institutions.* Each year, both separate corruption cases in the activities of the judiciary, the prosecutor's office and lawyers as well as petty⁷ corruption cases in the police, the State Border Guard Service, the customs or imprisonment institutions are recorded, i.e. bribery, gifts or free services, the provision of operational information to the parties concerned, mediation with a view to evading or reducing imminent fines. The system of recording violations of road traffic rules and processing of related data creates preconditions for corruption, as in some cases there is no possibility to retain vehicle speed data or protect the data against falsification as well as to transmit the data via a secure network. Due to the number of acquitted persons and terminations of pre-trial investigations, it is presumed that pre-trial investigation bodies lack qualification and knowledge in detecting and investigating corruption offences. The public is not inclined to report unfair practices of other persons. Moreover, there are not enough legal provisions ensuring the protection of reporting persons, therefore, the protection mechanism of persons who have reported criminal acts of a corruptive nature and are involved in their detection should be improved. There are no possibilities to obtain comprehensive data on the assets and income owned by persons and to realistically assess the legitimacy of acquisition thereof, and therefore, persons who have been unjustly enriched are still able to conceal the unlawfully acquired assets.

14.3. *Public procurement.* There are several main reasons which determine a high level of corruption: significant influence of public procurement on the country's economy and economic entities, insufficiently effective control mechanism, insufficient liability for committed offences, politicians' influence, etc. In certain cases, the following still have an influence on the manifestations of corruption: informal prior agreements, application of qualification requirements to favoured undertakings, purchase of unnecessary supplies, services or additional works, improper execution of contracts and insufficient supervision of their execution, abuse by suppliers of the right to defend their own interests, insufficient competition of social enterprises, prohibited agreements of such enterprises and abuse of the status of a social enterprise, restrictive practices (cartel agreements). Suppliers involved in public procurement enter into

⁷ The conduct of civil servants or equivalent persons which slightly deviates from the existing rules and norms seeking benefit for themselves and friends is attributed to petty corruption. If solving a certain problem by corrupt transactions is a characteristic of an organisation as a whole, while several levels of the organisation are involved in the adoption of a corrupt decision (e.g. employees of several departments or units), such corruption should be called systemic.

prohibited agreements and, according to the legal regulation currently in place, it is complicated to eliminate such suppliers from public procurement. The provisions of the Law of the Republic of Lithuania on Public Procurement are violated when awarding, amending or executing a public contract. The aforementioned violations may be committed by persons not specified in Article 171³(1) of the Code of Administrative Offences of the Republic of Lithuania (e.g. deputy heads of a contracting authority, heads of structural units of a contracting authority, etc.). Thus, the persons who have violated the public procurement procedure but do not fall within the group of persons specified in Article 171³(1) of the Code of Administrative Offences of the Republic of Lithuania escape administrative liability and their unlawful activities remain unpunished. The provision of an ‘intra-group transaction’ laid down in the Law of the Republic of Lithuania on Public Procurement establishes a possibility for contracting authorities to award a contract without a call for tender directly (an internal contract/transaction) with an undertaking controlled by them for the provision or purchase of certain services or supplies, which may result in unreasonable rise in the price of the services or supplies.

14.4. *Healthcare and social security.* Healthcare remains one of the most problematic fields. The main reasons causing corruption are vague administrative procedures and their insufficient openness, dishonesty of doctors and patients, unlawful lobbying, insufficient control mechanism, etc. The problem faced is that the public sometimes justifies paying a bribe, as in that case the required services are obtained faster. The risk of corruption is also increased by large appropriations for healthcare. The risk of corruption in the healthcare sector remains due to connections that the heads of healthcare institutions have with private companies, selling medical supplies, equipment and medicines, for which favourable conditions are created to be awarded public procurement contracts. Persons in charge of healthcare institutions are also employed by private personal healthcare institutions, are their owners or co-owners, which causes the risk of conflict of public and private interests. Pharmaceutical companies are sometimes involved in unfair competition, while their medicinal products marketing activities are not always transparent. Manifestations of corruption are also recorded in the following cases: relating to representatives of pharmaceutical companies who provide various informal services to doctors seeking that medicines and medicinal products produced and/or distributed by them, which are usually expensive, intended for treatment of oncological or cardiological diseases or other serious conditions, would be prescribed for patients; relating to the heads of healthcare institutions who, having made prior agreements with certain businesses, seek to favour them and apply to the National Health Insurance Fund under the Ministry of Health for the provision of centrally paid medicines indicating the need for a larger amount of the medicines or medicinal products distributed by a specific company; relating to the premises located at healthcare

institutions which are rented to private legal persons providing pharmaceutical services; relating to surcharges paid by patients for additional services received in a hospital which are not accounted for with a view to misappropriation; relating to the use of resources of state healthcare institutions for treating the patients of private healthcare institutions; relating to the issue of fake certificates of incapacity for work; relating to unjustified referrals to rehabilitation institutions, prescription of nursing care, establishing a level of capacity for work; relating to the unlawful activities of experts from the State Forensic Medicine Service. Unofficial payments for the services provided still occur in the field of healthcare. The survey Lithuanian Map of Corruption has established that residents have paid the most bribes in city and regional hospitals, national hospitals or clinics and out-patients clinics. No conditions have been created for the convenient provision of support to healthcare institutions, therefore, Lithuanian residents who wish to support the healthcare system often do so by simply paying unlawful rewards to doctors. When establishing the level of disability and/or capacity for work, the activities of competent institutions are not always transparent. The institutions are not always provided with the correct and comprehensive information necessary for the adoption of a fair and reasoned decision on the establishment of the level of disability and/or capacity for work.

14.5. *Spacial planning, state supervision of construction and waste management.* The building sector is non-transparent due to complex regulation and a complicated design coordination procedure. The risk of corruption in the fields of land use planning and building occurs in the following cases: when unlawful payments are made for speeding up the process of issuing conditions of detailed plans, when the concepts of detailed plans and the detailed plans are approved at municipalities; when permits are issued in violation of the legal acts regulating the procedure; when unlawful reward is paid for the change of the land use and increasing the height of development; for formalisation of unlawful construction, non-termination of construction carried out without permits or design documentation.

There are still quite a few possibilities for manifestations of corruption in administering pollution taxes, waste management, when issuing, renewing and withdrawing authorisations for integral prevention and control of pollution. The occurring corruption risk factors are the following: attribution of waste to other categories (seeking to reduce the costs of waste recycling, collection, etc., a business organisation's waste, the management of which is expensive, is attributed to another category, e.g. hazardous waste is attributed to non-hazardous thus avoiding the additional costs of its management); arbitrary increase of the amounts of municipal waste delivered to dumping grounds; setting of favourable rates for waste collection and removal for specific carriers; payment of unlawful reward to the responsible officials seeking to avoid penalties for the pollution of the environment.

14.6. *Supervision of activities of economic entities.* Inspections of the activities of economic entities are carried out by 58 institutions which inspect about 212 000 economic entities. Over 76 per cent of the inspections are carried out by the five largest bodies: the State Food and Veterinary Service, the State Plant Service under the Ministry of Agriculture, the State Tax Inspectorate under the Ministry of Finance, the State Social Insurance Fund Board under the Ministry of Social Security and Labour and the Fire and Rescue Department under the Ministry of the Interior. Although business organisations are increasingly inclined to positively assess the activities of inspectors carrying out the supervision of economic entities, in 2013 three pre-trial investigations were initiated regarding possible corruption while providing administrative services⁸ to economic entities and one pre-trial investigation regarding corruption while carrying out the inspection of activities of an economic entity. The current system of institutions carrying out supervision of business is not coordinated enough. Each independent institution that does not coordinate its actions and decisions with other state or municipal bodies constitutes an additional burden to the business sector, which contributes to the formation of a negative attitude towards the institutions carrying out supervision of business. The following corruption risk factors can be noted in carrying out supervision of business: the employees of bodies carrying out supervision of business take advantage of their official position and initiate inspections of undertakings in the course of which violations are identified. Businessmen are then contacted with a demand for an unlawful payment so that the violations identified in the course of the inspection would not be officially recorded.

When carrying out inspections, state fire supervision officers do not record possible violations if an undertaking is a sponsor of one of fire and rescue services or it has made financial contributions to organisation of the service's events, etc.

Employees in charge of registration of vehicles, upon receiving unlawful rewards, register vehicles in Lithuania despite the fact that the owners of the vehicles do not produce all the necessary documents. False data about a vehicle are usually entered in the vehicle examination documents.

Cases have also been recorded where officers of the State Road Transport Inspectorate under the Ministry of Transport and Communications, i.e. entities carrying out control functions, received unlawful rewards for non-recording in documents of violations of requirements for driving time and rest periods committed by truck drivers so that the drivers would not be subject to administrative liability for violations of rules for the transportation of goods.

⁸ The number does not include pre-trial investigations regarding possible corruption in providing administrative services to natural persons.

The auction sale of assets of an undertaking in bankruptcy, a bankrupt undertaking, or a natural person against whom bankruptcy proceedings have been initiated is not transparent enough.

14.7. *Public administration, civil service and asset management.* The distribution of EU support is also related to corruption risk, while criminal acts of a corruptive nature are recorded (apart from public procurement) at institutions administering EU support (ministries, the National Paying Agency under the Ministry of Agriculture, public establishment Lithuanian Business Support Agency, the European Social Fund Agency, the private limited liability company 'Investicijų ir verslo garantijos' (INVEGA), the Transport Investment Directorate, the public establishment Central Project Management Agency and the Environmental Projects Management Agency under the Ministry of Environment) when dealing with issues relating to granting or refusal to grant the support and exercise of control. Based on the identified risks of corruption and fraud, when adopting decisions on the financing of projects from the funds of EU structural assistance, there is no sufficient inter-institutional cooperation mechanism in place that would ensure the monitoring of implementation of decisions on the granting of funding and the analysis and assessment of the need or results of the project financing. What is missing is a clear explanation to the public as to why specific financing directions have been chosen and what result is sought.

There is not enough transparency and openness in relation to the management, use and disposal of assets of state and municipal bodies. The public does not receive, in a satisfactory manner, information on the revenue and expenditure of state or municipal bodies. Politicians or civil servants take advantage of their official position and enable business representatives to sell immovable property to the state or a municipality at a high price or purchase immovable property from the state or a municipality at a price lower than the market price. Influence can be used to appoint persons to profit-making undertakings and important public positions and to make personal use of the assets of state or municipal enterprises. The risk of corruption also exists in issuing residence permits in the Republic of Lithuania to third-country nationals. There is not enough transparency in issuing visas to aliens. The heads of state and municipal bodies and enterprises and the heads of private sector undertakings improperly implement or fail to implement corruption risk factor management and therefore there is no suitable anti-corruption environment in place. There is no single information system which would reflect corruption risk factors based on the fields of activities of state or municipal bodies, where the public would have access to information on the activities of state or municipal bodies in the field of corruption prevention. What is missing is a possibility to find, by means of electronic search tools, the relevant public information published by state or municipal bodies, as the majority of data are

presented in different formats that cannot be accessed via electronic search engines. Corruption prevention coordination and exchange of information on an inter-institutional level is insufficient. No clear methods and criteria of cooperation between the public and private sectors have been established, based on which public and private sector entities would choose a method of cooperation, and therefore, there occur cases of public and private sector entities choosing the methods which do not ensure the transparency of cooperation.

No effective control system of the adjustment of public and private interests in the civil service is in place. It is necessary to establish a register of private interests and extend the circle of persons who are under the obligation to declare private interests, amending the relevant provisions of the Law of the Republic of Lithuania on the Adjustment of Public and Private Interests in the Civil Service.

14.8. *Private sector.* The survey Corruption in the private sector⁹ carried out by the Law Institute of Lithuania analyses the risk factors of corruption in the private sector, its spread and damage caused. Corruption risks have been identified in the following fields:

14.8.1. In the media: non-transparent (surreptitious) advertising (political or business, in more rare cases, self-publicity not related to politics or business); withholding (non-publication) or adjustment of certain information that is not beneficial to a non-transparent entity or a business connected to the media (e.g. in the cases where the owners of the business and the media are the same); libel and other form of crackdown on or actions detrimental to the interests of persons who have fallen into disfavour with representatives of the media (journalists, publishers, editors, producers, etc.) as well as rivals or other contractors (both in business and politics); extortion or blackmailing of representatives of the media (journalists, publishers, editors, producers, etc.).

14.8.2. In sports: systemic corruption (violations of voting at sports organisations and federations, bribery, gifts and other forms of reward, organised crime); betting-related corruption (manipulation of the course of a sports competition or its results); competition-related corruption (illegal use of drugs, fraud).

14.8.3. In education and science: selling examination tasks, good grades, data on examinations for entering higher education institutions and schools, diplomas; where a limited number of pupils are admitted, persons who have paid the most are admitted to school; buying good ratings for an educational or research establishment, exerting other kind of influence with a view to obtaining a good rating.

14.8.4. In providing legal services: characteristic of all persons providing legal services – acceptance of inadmissible gifts and means of payment; failure to comply with conflict of

⁹ Available on the Internet at: http://www.stt.lt/documents/soc_tyrimai/Korupcija_privaciame_sektoriuje_LTI.pdf.

interest requirements, for example, representing different parties to the transaction at the same time. Characteristic of lawyers – abuse of procedural status, for example, upon agreement with the client, judicial proceedings are intentionally delayed; leaking of client-related information on the ongoing judicial proceedings; acting as intermediaries in various criminal acts of a corruptive nature, most often in paying a bribe to the judiciary and law enforcement institutions; upon agreement with the client, establishing fake undertakings, drawing up fictitious transaction documents with a view to cashing unlawfully obtained money. Characteristic of bailiffs – currently there is a legitimate possibility for bailiffs to adopt orders regarding the claimant and debtor and receive from them, along the envisaged reward, money for private consultations and other services, therefore a bailiff may request money from the debtor for basic explanations. The claimant may be affected as a result of the bailiff's actions because the latter's valuation of the assets sold at auction may be low, making it impossible to obtain more funds for the debtor's assets and to award them to the claimant. Characteristic of notaries – upon agreement with the client, establishing fake undertakings, attesting to fictitious transactions; upon agreement with one party to the transaction, the other party is not informed about the consequences of the transaction. Characteristic of law firms – seeking the largest possible profit for the client, objective information about legal risks is not disclosed, for example, clients are involved in unviable legal actions in which the successful outcome is unlikely; carrying out of unfair commercial activities, for example, with a promise of performing certain legal actions within an unreasonably short period of time, clients are induced to conclude legal services contracts.

14.8.5. In providing personal healthcare services: payment seeking to receive a specific procedure or treatment skipping queues; payment seeking to receive quality personal healthcare services; selling to patients sample medicinal products that should be distributed free of charge; offering more expensive treatment seeking to favour the use of specific medicinal products or a special healthcare services provider; falsifying various health certificates at the request of the patient; assigning inappropriate treatment method, prescribing inappropriate, ineffective and more expensive medicines; favouring the use of specific medicinal products, their unethical advertising, which does not comply with the requirements of legal acts, is pursued; unlawful use of devices and instruments belonging to the public sector when treating private patients; upon paying for certain services, the patient is intentionally provided with services of inferior quality and lower level seeking to save the resources of a private undertaking.

14.8.6. In pharmaceuticals: 'gratuity' payments when carrying out centralised purchase of medicinal products; direct and indirect influence on a doctor getting him to prescribe only certain medicinal products. Providing sponsorship to healthcare and pharmaceutical professionals not in accordance with the requirements of legal acts and codes of ethics; unlawful distribution of

medicinal products – a part of medicines is stolen from warehouses and other sales premises and is sold on the black market – as a result, medicine stock sheets are falsified, medicines are sold to non-existent patients, money paid by patients for medicines is not accounted for; when paying doctors for carrying out clinical research or participation in special commissions supervising clinical research, the same doctors may be involved in the activities of the management bodies of the undertakings carrying out the research or have other financial interests in these undertakings.

14.8.7. In providing business services: the offering, promise, acceptance or request of an advantage seeking illegal or unethical actions, breach of trust or refraining from certain actions; unlawful payments aimed at speeding up the provision of a lawful service; charity, sponsorship, travels and similar inducements – are often a form of corruption where reward is provided for illegal activities; collusion is a secretive agreement on prices and other conditions between parties which, under normal circumstances, should compete with each other.

According to the data of the survey, it has to be noted that problems with the application of criminal liability arise when an act involving elements of corruptive nature is committed in the private sector. Therefore, it is expedient to ensure the consistency of criminalising corruption in the public and private sectors with the international and EU obligations assumed by Lithuania regarding corruption in the public and private sectors and draft the necessary legal acts and recommendations on the practical application of the norms.

SECTION FOUR

POLITICAL AND LEGAL FACTORS, INTERNATIONAL COOPERATION

15. Chapter XVII of the Programme of the sixteenth Government for 2012-2016 approved by Resolution No XII-51 of the Seimas of 13 December 2012 on the Programme of the Government of the Republic of Lithuania is dedicated to the fight against corruption and establishes the main objectives and principles of the fight against corruption.

16. Seeking to meet international anti-corruption standards, to improve international exchange of information and administrative capacity of law enforcement institutions fighting against corruption, Lithuania is involved in:

16.1. the activities of the Working Group on Bribery in International Business Transactions of the Organisation for Economic Co-operation and Development, seeking full membership in this Working Group and accession to the Organisation's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (a precondition for Lithuania's membership in this Organisation).

16.2. the activities of the Group of States against Corruption (GRECO). Lithuania has properly implemented all the Third Evaluation Round recommendations intended for it. The GRECO evaluation report specifies that in terms of recommendations relating to incrimination of criminal acts of a corruptive nature Lithuania has made significant progress and completed a comprehensive reform process adopting important amendments to the Criminal Code of the Republic of Lithuania. It also has to be noted that in 2004 the Law of the Republic of Lithuania on Funding of, and Control over Funding of, Political Parties and Political Campaigns established a legal system which laid down comprehensive rules and definitions, a detailed list of political campaign entities and their liability, provisions aiming at financial transparency, ceilings for campaign expenditure, control mechanism and sanctions;

16.3. the activities of the International Anti-Corruption Academy. When on 21 May 2013 Lithuania became a full-fledged member of this Organisation, additional possibilities emerged for the country's law enforcement institutions fighting against corruption to acquire new knowledge in the field and to get access to the most recent scientific research in other democratic countries;

16.4. cooperation with the following international organisations in accordance with international obligations: the European Partners against Corruption (EPAC), the European contact-point network against corruption (EACN), the United Nations (UN), the Organisation for Economic Co-operation and Development (OECD) and the European Anti-Fraud Office (OLAF).

SECTION FIVE

ECONOMIC AND TECHNOLOGICAL FACTORS

17. Some of the surveys¹⁰ state that the level of corruption has a direct effect on investment in the public and private sectors and on the gross domestic product. Corruption creates preconditions for the development of the shadow economy and appearance of monopolistic formations, has a negative effect on tax revenue into the state budget and tarnishes the country's image. The negative effect of corruption on the market leads to the decrease in the country's economic efficiency, distortion of competition, decline in the quality of goods and services, including public sector services, and a loss of confidence in state and municipal bodies. Surveys confirm that the more economically free a certain country is, the lower the corruption.

¹⁰ <http://www.statisticsjournal.lt/index.php/statisticsjournal/article/viewFile/110/pdf>. See page 98 of the article.

18. According to the Index¹¹ of Economic Freedom, published in 2014 by the US Economic Research Organisation Heritage Foundation, Lithuania's economic freedom score is 73 points out of 100, while the world average score is 60.3. Based on the overall Index of Economic Freedom, Lithuania falls slightly behind Sweden (73.1) and Germany (73.4) and is ahead of Norway (70.9), Belgium (69.9), Latvia (68.7) and Poland (67). In the 2014 survey, Lithuania is ranked 21st in the world (compared with the previous evaluation, the indicator has advanced by 0.9 point). The survey has been conducted by evaluation based on ten factors. Lithuania received the best scores based on fiscal freedom – 92.9 points, trade freedom – 87.8 points and business freedom – 85.7 points. The worst scores were for labour freedom – 59 points, government spending – 55.9 points and freedom from corruption – 49.9 points.

19. The Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ 2004 special edition, Chapter 19, Volume 6, p. 182) emphasises that corruption in the private sector poses a threat to the society as well as distorts fair competition and impedes economic development.

20. The aforementioned survey Corruption in the private sector¹², carried out by the Law Institute of Lithuania, specifies that there is neither a consolidated, standard definition of corruption in the private sector nor direct, official statistics on the phenomenon, with no systematic data accumulated on the issue. Presumably, corruption in the private sector correlates with manifestations of corruption in the public sector. Ineffective activities of the private sector, expensive and low-quality services, inaccessibility of the administrative apparatus, evasion of transparency, especially when providing monopolistic services, etc. are attributed to the public sector which, without the initiative from the private sector, has no possibilities to change the situation. Taking into consideration the current circumstances, the target should be improving cooperation between the public and private sectors, directing it towards anti-corruption practices. By combating corruption in the public and private sectors and coordinating actions, both the internal market and economy as well as the country's security would be consolidated.

21. Modernising the public sector and involving citizens in governance processes ensure the efficiency of state and municipal bodies, boost their transparency and openness, with the increasing transfer of public sector services into the electronic domain. Developing e-democracy increases interaction between the public and state and municipal bodies, promotes an active civil society by means of information and communications technologies, influences political decisions of the authorities.

¹¹ Available on the Internet at: <http://www.heritage.org/index/heatmap>.

¹² Available on the Internet at: http://www.stt.lt/documents/soc_tyrimai/Korupcija_privaciame_sektoriuje_LTI.pdf.

22. The following e-services delivered in Lithuania have the highest level of online sophistication maturity: personal income and property declaration, tax declaration, search for job vacancies, issue of driving licences, filing of police reports, declaration of the place of residence, declaration of social insurance contributions for employees, establishment of legal persons, filing of customs declarations and public procurement.

23. Lithuania along with 19 other EU Member States is involved in a large-scale pilot project STORK2 – *Secure idenTity acrOss boRders linKed* (www.eid-stork2.eu). The main objective of the STORK2 project is to create and test solutions intended for the identification of legal persons in cross-border e-banking, e-health, public services for business and e-learning and academic qualifications. Upon implementation of the project “Creation of electronic services in the Information System of Social Support for Families” (SPIS), as of the autumn of 2013, residents may submit electronic applications for 26 types of social services.

24. The development of e-governance is one of the tools aiming at transparency, openness and involvement of citizens in governance and democratic processes as well as improving public policy. However, e-governance is still insufficient in the fields of state governance affected by corruption, among them the issue of construction permits, change of the land use and restoration of ownership rights. It has to be noted that Lithuania is one of the leading EU Member States in terms of the scope of public electronic procurement. Public electronic procurement is an example of success in developing also other electronic services provided by the public sector. Success in providing electronic services would expand possibilities for dissemination of anti-corruption information, increase the speed of data exchange and promote a more active involvement of citizens in the governance process.¹³

CHAPTER III

OBJECTIVES (STRATEGIC OBJECTIVE) AND TASKS OF THE PROGRAMME, ITS ASSESSMENT CRITERIA AND THEIR VALUES

25. The strategic objective of the Programme is to reduce the scope of corruption, increase transparency and openness in the public and private sectors and ensure that:

25.1. in 2025, the Corruption Perceptions Index of Lithuania would be at least 70 (in 2014, the Corruption Perceptions Index of Lithuania was 58);

25.2. in 2025, there would be not more than 33 per cent of Lithuanian respondents (residents, businessmen, civil servants) stating that a bribe helps solve issues (the result of 2014

¹³ Available on the Internet at:

http://www.lrv.lt/bylos/veikla/viesosios%20konsultacijos/Lietuvos_OGP_veiksmu%20planas_konsultacijos.pdf.

– 55 per cent, 69 per cent of which are residents, 43 per cent – heads of undertakings, and 54 per cent – civil servants);

25.3. in 2025, there would be not more than 10 per cent of Lithuanian respondents (residents, businessmen, civil servants) stating that they have paid a bribe within the last five years (the result of 2014 – 31 per cent, 45 per cent of which are residents, 14 per cent – heads of undertakings and 35 per cent – civil servants).

26. First objective of the Programme – striving for greater management efficiency in the public sector, transparency and openness of decision making and procedures, accountability to the public and higher resilience to corruption in the civil service.

27. Tasks aimed at achieving the first objective of the Programme:

27.1. *First task of the first objective* – improving the quality of administrative and public service provision, increasing the transparency and openness of decision making and procedures, accountability to the public and making the civil service more resilient to corruption. This task shall be implemented:

27.1.1. by increasing the transparency and accountability of state governance system, public administration, state and municipal bodies and the civil service by way of creating a system for publicising state and municipal bodies' expenditure and revenue thus providing better opportunities for public scrutiny;

27.1.2. by increasing the transparency of funding of political parties and political campaigns and their activities, creating a system for online voting, facilitating better public access to activities and funding of political parties and political campaigns;

27.1.3. by improving the processing of private interests' declarations of persons in the civil service, control of data legitimacy and liability;

27.1.4. by encouraging the private sector and non-governmental organisations to contribute to the implementation of the Programme and its measures and action plan, to develop and implement other anti-corruption measures;

27.1.5. by improving legal regulation of performance review of the heads of public sector undertakings;

27.1.6. by publishing information about business trips of employees of state and municipal bodies;

27.1.7. by publishing information about the use of official vehicles by state and municipal bodies;

27.1.8. by creating an information system of the electronic auction sale of state and municipal assets;

27.1.9. by creating and implementing measures for the reduction and elimination of unofficial payments in the public sector (healthcare, police, local authorities);

27.1.10. by upgrading vehicle speed measuring devices according to specifications which would prevent unlawful data change;

27.1.11. by increasing transparency while issuing visas thus improving the quality of provision of this service;

27.1.12. by implementing other measures and actions improving the quality of provision of administrative and public services, increasing the transparency of decision making and procedures, reinforcing openness and accountability to the public and boosting resilience to corruption in the civil service.

27.2. *Second task of the first objective* – reducing the appearance of preconditions for corruption by increasing the transparency of spacial planning and state supervision of construction and reducing the administrative burden on service recipients. This task shall be implemented by making spacial planning processes more transparent and reducing the administrative burden on the service recipients.

27.3. *Third task of the first objective* – reducing the appearance of preconditions for corruption in the fields of accounting for and management of goods and packaging waste by increasing the transparency of state control of environmental protection and reducing the administrative burden on economic entities.

28. **Second objective of the Programme** – ensuring the application of the principle of unavoidable liability.

29. **Tasks aimed at achieving the second objective of the Programme:**

29.1. *First task of the second objective* – expanding and shaping zero tolerance for corruption and promoting active citizenship. This task shall be implemented:

29.1.1. by improving the protection system of whistle-blowers, especially with regard to the protection of employees and other persons against unlawful influence, where the employees or other persons report offences, and ensuring of confidentiality of personal data and information of the whistle-blower; by providing for measures and possibilities for remuneration of persons who have provided valuable information on criminal acts;

29.1.2. by drawing up a guide on the creation of the anti-corruption environment in both the public and private sector; there shall be prepared and published sets of documents facilitating and promoting the creation of the anti-corruption environment and ethical behaviour in the public and private sectors;

29.1.3. by motivating the public to not accept or pay a bribe, report corruption and behave with integrity;

29.1.4. by increasing the reliability, loyalty, awareness and integrity of employees, by motivating them to not accept or pay a bribe and report corruption;

29.1.5. by implementing other measures and actions promoting zero tolerance for corruption and active citizenship.

29.2. *Second task of the second objective* – strengthening law enforcement capacity to detect criminal acts of a corruptive nature. This task shall be implemented:

29.2.1. by providing training to pre-trial investigation officers and prosecutors regarding the investigation of criminal acts of a corruptive nature and public prosecution in this category of cases;

29.2.2. by establishing an obligation to declare assets whereon the tax administrator has no possibility to obtain information from other sources;

29.2.3. by implementing corruption and fraud prevention measures and actions in the field of using EU funds;

29.2.4. by implementing other measures and actions strengthening law enforcement capacity to detect criminal acts of a corruptive nature.

29.3. *Third task of the second objective* – ensuring adequate criminalisation of criminal acts of a corruptive nature. This task shall be implemented:

29.3.1. by carrying out scientific and practical research on the consistency of criminalisation of corruption in the public and private sectors with the international and EU obligations assumed by Lithuania regarding corruption in the public and private sectors;

29.3.2. by drawing up draft legal acts on criminalisation of corruption in the public and private sectors and recommendations on the practical application of the norms.

30. Third objective of the Programme – reducing the supervisory and administrative burden on economic entities by transforming the system of institutions carrying out the supervision of economic entities.

31. Tasks aimed at achieving the third objective of the Programme:

31.1. *First task of the third objective* – transforming the coordination system of institutions carrying out the supervision of economic entities so that inspections would be carried out in a coordinated manner based on the identified risks, while inspectors would be subject to the highest transparency standards. This task shall be implemented by drawing up and implementing supervisory institutions' activity transformation and/or improvement plans.

31.2. *Second task of the third objective* – increasing the transparency of the bankruptcy procedure. This task shall be implemented by establishing that all auction sales at which, in the cases established by laws the assets of an undertaking in bankruptcy, a bankrupt undertaking, or

a natural person against whom bankruptcy proceedings have been initiated must be sold, shall be conducted electronically.

32. Fourth objective of the Programme – ensuring fair competition and transparent and rational purchase of supplies, works or services in public procurement.

33. Task of the fourth objective of the Programme – strengthening the supervision of public procurement, reducing and eliminating the identified corruption risk factors, drawing up and implementing additional prevention measures at contracting authorities so that cases of corruption could be identified at various stages of public procurement. This task shall be implemented:

33.1. by expanding the Central Contracting Authority's (CPO LT) electronic catalogue and improving the electronic catalogue's existing modules of supplies, services and works;

33.2. by establishing a possibility for a contracting authority to reject tenders submitted by suppliers who have entered into reciprocal agreements distorting fair competition in public procurement;

33.3. by encouraging the development of electronic public procurement and updating the Central Portal of Public Procurement;

33.4. by establishing an obligation to publish data on the suppliers who have failed to perform or inappropriately performed a contract and providing for a possibility for the contracting authority to reject the tenders of such suppliers;

33.5. by restricting possibilities to conclude intra-group transactions which may distort competition;

33.6. by implementing other measures and actions strengthening the supervision of public procurement and reducing and eliminating corruption risk factors.

34. Fifth objective of the Programme – increasing transparency, reducing and eliminating possibilities of manifestations of corruption in the field of healthcare.

35. Tasks of the fifth objective of the Programme:

35.1. *First task of the fifth objective* – transforming the coordination system of healthcare institutions, increasing the transparency of activities of healthcare institutions. This task shall be implemented:

35.1.1. by increasing openness in the field of healthcare;

35.1.2. by entrusting to the Ministry of Health of the Republic of Lithuania the coordination of activities of healthcare institutions of both the tertiary level as well as the primary and secondary levels;

35.1.3. by improving the system of payment for in-patient healthcare services;

35.1.4. by improving the conditions for the change and competition of the heads of healthcare institutions;

35.1.5. by drafting and adopting amendments to legal acts which would provide for the procedure of remuneration for work of employees of healthcare institutions based on specific criteria;

35.1.6. by drafting and adopting amendments to legal acts under which pharmaceutical companies would be under the obligation to publicly declare their advertising expenditure and beneficiaries of these funds;

35.1.7. by implementing other measures and actions increasing the transparency of healthcare institutions' activities.

35.2. *Second task of the fifth objective* – creating a support system mechanism for healthcare institutions. This task shall be implemented:

35.2.1. by making pharmaceutical companies' advertising expenditure and beneficiaries public;

35.2.2. by developing public and transparent methods of provision, receipt and use of support in the field of healthcare.

36. Sixth objective of the Programme – promoting zero tolerance for corruption and encouraging the involvement of the public in anti-corruption activities.

37. Task of the sixth objective – developing anti-corruption education in the public and private sectors. This task shall be implemented:

37.1. by carrying out public anti-corruption education as an integral part of education of the public;

37.2. by encouraging the private sector and non-governmental organisations to contribute to the implementation of the Programme and drawing up and implementation of educational corruption prevention measures;

37.3. by carrying out anti-corruption education of target groups of society and the fields of the public and private sectors at risk;

37.4. by reviewing, updating and carrying out anti-corruption education programmes at schools; anti-corruption education in cooperation with the Special Investigation Service, by carrying out formal education programmes, prepared in accordance with the procedure laid down in laws, at all schools;

37.5. by drawing up and carrying out (in cooperation with the Special Investigation Service and the Chief Institutional Ethics Commission) recommendations on anti-corruption education in the fields of the public and private sectors at risk;

37.6. by drawing up and carrying out (in cooperation with the Special Investigation Service) informal adult anti-corruption education programmes;

37.7. by creating and disseminating anti-corruption social advertising and anti-corruption social information;

37.8. by involving the Special Investigation Service and the Chief Institutional Ethics Commission in the provision of assistance and consultations in the field of public anti-corruption education, as well as in the drawing up and carrying out of informal anti-corruption education programmes and target projects for adults, civil servants, equivalent persons and other employees;

37.9. by state and municipal bodies providing information on the reasons underlying corruption, damage done by corruption and their activities in tackling corruption to civil servants, equivalent persons, other employees and the public through the media and by other means and in accordance with the procedure established by the heads of those bodies;

37.10. by implementing other anti-corruption education development measures in the public and private sectors.

38. In order to fight corruption as a whole, the following sectorial anti-corruption programmes (hereinafter: 'corruption prevention programmes') commensurate with the objectives and tasks of the Programme must be drawn up:

38.1. corruption prevention programme for public procurement, which shall be approved by the head/Director of the Public Procurement Office;

38.2. corruption prevention programme for elections, political parties' activities and political campaign funding, which shall be approved by the Chairman of the Central Electoral Commission of the Republic of Lithuania;

38.3. corruption prevention programme in the field of environmental protection, which shall be approved by the Minister of Environment of the Republic of Lithuania;

38.4. corruption prevention programme in the field of healthcare, which shall be approved by the Minister of Health of the Republic of Lithuania;

38.5. corruption prevention programme in the field of sport, which shall be approved by the Director General of the Department of Physical Education and Sports under the Government of the Republic of Lithuania.

39. Taking account of the provisions of the Programme, municipal councils shall approve and update municipal anti-corruption programmes.

40. Taking account of the provisions of the Programme, sectorial anti-corruption programmes and the identified corruption risk factors, the heads of state and municipal institutions and bodies shall decide on the necessity to draw up and approve institutional or their

bodies' anti-corruption programmes. State and municipal bodies' corruption prevention measures may be provided for in strategic planning documents (without drawing up a separate anti-corruption programme), however the envisaged and implemented corruption prevention measures must be made public.

41. Sectorial, institutional and state and municipal bodies' anti-corruption programmes must provide for measures focusing on solving corruption-related problems and aimed at reducing and eliminating the conditions and risks of corruption as well as corruption risk management measures. Taking account of the identified corruption-related problems and corruption risk factors, the measures must be provided for to increase publicity and openness in providing public and administrative services and decision-making; to increase the transparency and clarity of operational procedures; to ensure the reliability, loyalty and integrity of employees; to motivate the public to behave with integrity and report corruption; to improve the quality of management; to reduce the burden on business; to increase the publicity of revenue and expenditure; to increase the transparency of asset management; to introduce other corruption prevention measures based on the identified corruption risk factors.

42. Sectorial anti-corruption programmes shall be drawn up while the existing ones shall be updated, approved and started to be implemented not later than within six months from the entry into force of the Programme. The monitoring of implementation of these programmes throughout the entire period of implementation shall be carried out by the Special Investigation Service.

43. Sectorial, institutional and state and municipal bodies' draft anti-corruption programmes, approved programmes and reports on their implementation must be published in the Legislative Information System of the Seimas and on the websites of institutions implementing the programmes.

44. When approving sectorial, institutional and state and municipal bodies' anti-corruption programmes, appropriation managers must also provide for the sources of their funding.

45. The achievement of the objectives of the Programme shall be measured based on the assessment criteria for the implementation of the Programme and their values set out in the Annex to the Programme.

CHAPTER IV

IMPLEMENTATION OF THE PROGRAMME

46. The implementation of the Programme shall be organised and controlled by the Government with the participation of the Special Investigation Service.

47. The Programme shall be implemented by the ministries, the Special Investigation Service, the Prosecutor General's Office of the Republic of Lithuania, the Public Procurement Office, the Chief Official Ethics Commission, the Central Electoral Commission of the Republic of Lithuania and other state and municipal institutions and bodies within their remit. Non-governmental organisations, the groups of society concerned and private sector entities may contribute to the implementation of the Programme and achievement of its objectives and tasks.

48. To implement the objectives and tasks of the Programme, the Government shall approve an inter-institutional action plan providing for the implementing measures of the Programme and funds for their implementation. The drawing up of this plan shall be organised by the Ministry of Justice of the Republic of Lithuania with the participation of the Special Investigation Service. The inter-institutional action plan shall be approved and amended upon coordination with the Seimas Committee on National Security and Defence. The drafters of projects implementing the Programme and/or the inter-institutional action plan shall inform the Seimas Committee on National Security and Defence about the drawing up of the projects.

49. The Programme shall be financed from the general appropriations approved for the respective institutions implementing the Programme as laid down in the Law of the Republic of Lithuania on the Approval of Financial Indicators of the State Budget and Municipal Budgets for the corresponding year and the funds received in accordance with the procedure laid down in other legal acts. The bodies responsible for the implementation of the Programme shall, within their remit, be held responsible for the planning of the necessary financial resources.

50. The monitoring of the results of implementation of the Programme shall be carried out by the Special Investigation Service.

51. Once a year after the close of the year but not later than by 1 February of the following year, promoters of the Programme shall provide information to the Special Investigation Service on progress in and effectiveness of implementation of the Programme and supporting data. Upon request of the Special Investigation Service, the promoters of the Programme must also provide other information necessary for the monitoring of the results of implementation of the Programme.

52. The Special Investigation Service shall, within one month of receipt of the information referred to in point 51 of the Programme, summarise the received information and data on progress and effectiveness of implementation of the Programme and shall submit the systematised data on the implementation of the Programme (annual assessment) to the Interdepartmental Commission for the Coordination of Fight against Corruption (hereinafter: the

‘Commission’) the composition whereof is approved by Government Resolution No 179 of 3 February 2003 on the Establishment of the Interdepartmental Commission for the Coordination of Fight against Corruption and the Approval of Its Regulations.

53. The Government shall annually provide information on the implementation of the Programme to the Seimas when submitting its annual Report on the Status and Development of National Security.

54. The progress achieved by promoters of the Programme and other state and municipal bodies in a specific field shall be assessed according to the performance targets and their indicators specified in the Programme.

55. With a view to consistently assessing the progress achieved, identifying obstacles and problems in implementing the Programme as well as aiming to identify the fundamental and most relevant corruption-related problems in specific fields of the public and private sectors, the Special Investigation Service shall carry out analysis and, at least once a year after the close of the year but not later than by 1 February of the following year, submit to the Commission summarised information on the identified fundamental and most relevant corruption-related problems in the separate fields of the public sector and corruption risk factors. This information may be accompanied by proposals on the revision of the Programme and/or its implementing documents. The Special Investigation Service shall publish this information and forward it to the state or municipal bodies concerned and the latter shall take note of it when drawing up and implementing corruption prevention measures.

56. Half a year before the established end of the period of implementation of the Programme, the Special Investigation Service shall draw up and submit to the Commission the final (*ex post*) assessment of the implementation of the Programme.

57. Upon consideration and assessment of the final (*ex post*) assessment of the implementation of the Programme at the next meeting, the Commission shall, within ten working day of the meeting held, submit information on the implementation of the Programme to the Seimas, the President of the Republic and the Government.

58. All the information related to the implementation of the Programme (annual and final assessment) shall, upon approval of the Commission, be published on the website of the Special Investigation Service.

59. A draft Programme for a new period shall be drawn up by the Government with the participation of the Special Investigation Service. All the entities concerned may submit proposals on the updating of regulations of the Programme throughout the entire period of its implementation.

60. When drawing up a draft Programme for a new period, account shall be taken of the results of the final assessment of the implementation of the Programme.

61. A draft Programme for a new period shall be submitted to the Commission. Upon its approval, the institution providing maintenance and technical services to the Commission shall submit the draft Programme to the Government.

ASSESSMENT CRITERIA OF THE IMPLEMENTATION OF THE PROGRAMME AND THEIR VALUES

| Serial No | Name of the assessment criterion | Value of the assessment criterion | | | Institution or body carrying out the monitoring of achievement of the assessment criterion (source of data) |
|---|--|-----------------------------------|------|------|---|
| | | Initial value | 2019 | 2025 | |
| Strategic objective of the Programme – reducing the scope of corruption, increasing transparency and openness in the public and private sectors. | | | | | |
| 1. | Results of the Corruption Perceptions Index survey carried out by Transparency International (on a scale out of 100); at least the indicated number of points. | 58 (Result for 2014) | 65 | 70 | Special Investigation Service, Ministry of Justice |
| 2. | Decrease in the average (in per cent) of Lithuanian residents, businessmen, civil servants who have indicated that a bribe helps tackle issues. | 55 (Results for | 45 | 33 | Special Investigation Service (data of the survey Lithuanian Map of |

| Serial No | Name of the assessment criterion | Value of the assessment criterion | | | Institution or body carrying out the monitoring of achievement of the assessment criterion (source of data) |
|--|--|-----------------------------------|------|------|---|
| | | Initial value | 2019 | 2025 | |
| | | 2014) | | | Corruption) |
| 3. | Decrease in the average (in per cent) of Lithuanian residents, heads of undertakings, civil servants who have paid a bribe within the last five years. | 31 (Results for 2014) | 20 | 10 | Special Investigation Service (data of the survey Lithuanian Map of Corruption) |
| First objective of the Programme – striving for greater management efficiency in the public sector, transparency and openness of decision making and procedures, accountability to the public and higher resilience to corruption in the civil service. | | | | | |
| 4. | Share (in per cent) of respondents who believe that corruption in Lithuania is widespread. | 95 (Results for 2013) | 75 | 50 | Special Investigation Service (data of the Eurobarometer) |
| Second objective of the Programme – ensuring the application of the principle of unavoidable liability. | | | | | |
| | | | | | |

| Serial No | Name of the assessment criterion | Value of the assessment criterion | | | Institution or body carrying out the monitoring of achievement of the assessment criterion (source of data) |
|---|--|-----------------------------------|------|------|---|
| | | Initial value | 2019 | 2025 | |
| 5. | Share of respondents who believe that the Government efforts in tackling corruption are effective; at least the indicated percentage. | 17 (Results for 2013) | 32 | 50 | Special Investigation Service (data of the Eurobarometer) |
| 6. | Share of respondents who believe that there are enough successful cases of prosecution in Lithuania dissuading people from corrupt practices; at least the indicated percentage. | 26 (Results for 2013) | 39 | 60 | Special Investigation Service (data of the Eurobarometer) |
| Third objective of the Programme – reducing the supervisory and administrative burden on economic entities by transforming the system of institutions carrying out the supervision of economic entities. | | | | | |
| 7. | Share of respondents who believe that corruption poses a problem for them to develop business; not more than the indicated percentage. | 36 (Results for 2013) | 30 | 20 | Special Investigation Service (data of the Eurobarometer) |

| Serial No | Name of the assessment criterion | Value of the assessment criterion | | | Institution or body carrying out the monitoring of achievement of the assessment criterion (source of data) |
|--|---|-----------------------------------|------|------|---|
| | | Initial value | 2019 | 2025 | |
| 8. | Share of respondents who believe that a bribe was expected of them as economic entities; not more than the indicated percentage. | 8 (Results for 2013) | 5 | 3 | Special Investigation Service (data of the Eurobarometer) |
| 9. | Share of respondents who believe that political influence and nepotism pose a problem to business in Lithuania; not more than the indicated percentage. | 24 (Results for 2013) | 19 | 10 | Special Investigation Service (data of the Eurobarometer) |
| Fourth objective of the Programme – ensuring fair competition and transparent and rational purchase of supplies, works or services in public procurement. | | | | | |
| 10. | Share of the value of electronic contracts (as compared to the value of all the completed electronic procurement procedures) based on the data published by the Public Procurement Office; at least the indicated | 90 (Results for | 94 | 97 | Public Procurement Office |

| Serial No | Name of the assessment criterion | Value of the assessment criterion | | | Institution or body carrying out the monitoring of achievement of the assessment criterion (source of data) |
|---|--|-----------------------------------|------|------|---|
| | | Initial value | 2019 | 2025 | |
| | percentage. | 2013) | | | |
| Fifth objective of the Programme – increasing transparency, reducing and eliminating possibilities of manifestations of corruption in the field of healthcare. | | | | | |
| 11. | Share of respondents who believe that a bribe is requested or expected from them when receiving a service; not more than the indicated percentage. | 29 (Results for 2013) | 24 | 15 | Special Investigation Service (data of the Eurobarometer) |
| Sixth objective of the Programme – promoting zero tolerance for corruption and encouraging the involvement of the public in anti-corruption activities. | | | | | |
| 12. | Share of respondents who have paid a bribe related to public services within the last twelve months; not more than the indicated percentage. | 26 (Results for 2013) | 21 | 10 | Special Investigation Service (data of the Global Corruption Barometer) |

| Serial No | Name of the assessment criterion | Value of the assessment criterion | | | Institution or body carrying out the monitoring of achievement of the assessment criterion (source of data) |
|-----------|---|-----------------------------------|------|------|---|
| | | Initial value | 2019 | 2025 | |
| 13. | Share of respondents who tolerate corruption; not more than the indicated percentage. | 62 (Results for 2013) | 47 | 30 | Special Investigation Service (data of the Eurobarometer) |
