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Lithuania

Constitution, government and administration

English language version

I. Constitution, government and administration

1. Constitutional System

1.1. General description and the key data of the constitutional system

The system of legal acts of the Republic of Lithuania is constituted by the supreme law of a country – the Constitution, laws also other legal acts (Government resolutions, decisions adopted by municipal councils and the like).

A presently applicable Constitution of the Republic of Lithuania adopted in 1992 is a comparatively short document. The Constitution of the Republic of Lithuania outlines the fundamental principles of the life of the State. The Constitution comprises a preamble, 14 Chapters and final provisions.

The First Chapter is called “The State of Lithuania”. It defines the system of government and the one who executes the powers of the State, designates the juridical powers of the Constitution and stresses the territorial integrity of the State of Lithuania and the like. The Second Chapter “The Human Being and the State” is related to human rights in the State. The provisions of the Third Chapter “Society and the State” are closely connected to family, religion, education, and culture. The Fourth Chapter “National Society and Labour” refers to the system of ownership, points out what belongs by the right of exclusive ownership to the Republic of Lithuania, describes the provisions of the State in respect of freely choosing a job or business and indicates the principles concerning employees’ health as well as the relationship

between the natural environment and society. The Fifth Chapter refers to the Seimas, the Sixth Chapter – to the President of the Republic, the Seventh Chapter – to the Government of the Republic of Lithuania, the Eighth Chapter – to the Constitutional Court, the Ninth Chapter consider the principles of the courts of the Republic of Lithuania. The provision of the State related to local self-government and governance is presented in the Tenth Chapter. The Eleventh Chapter is devoted to describe the principles of the system of finances and the state budget. The Twelfth Chapter outlines the basics of the State Control. The Thirteenth Chapter is related to describe the fundamentals of foreign policy and national defence of the State. The Fourteenth Chapter depicts the procedure of alteration to the Constitution of the Republic of Lithuania.

Here are the key features of the life of the State inscribed in the Constitution:

1) “The State of Lithuania shall be an independent democratic republic“(Article 1). The territory of the State of Lithuania shall be integral and shall not be divided into any State-like formations.

2) Strong principles of ownership provided in the Constitution of Lithuania: “Property is inviolable. The rights of ownership shall be protected by laws” (Article 23). However, “property may be taken over only for the needs of society according to the procedure established by law and shall be justly compensated for“(Article 23).

3) The Constitution of Lithuania clearly proclaims that Lithuania is the State of market. Article 46 the Constitution states that Lithuania’s economy shall be based on the right of private ownership, freedom of individual economic activity and initiative.

4) The key points are reflected in the Constitution of Lithuania. For instance, Article 46 of the Constitution indicates that “the State shall support economic efforts and initiative that are useful to society“, “the State shall regulate economic activity so that it serves the general welfare of the Nation“, “the law shall prohibit monopolisation of production and the market and shall protect freedom of fair competition“(Article 46). Article 48 of the Constitution maintains that “each human being may freely choose a job or business, and shall have the right to have proper, safe and healthy conditions at work“.

1.2. History of the constitutional system

Lithuanian lawyers state that the history of the State of Lithuania may be divided into the two important stages of development. Today the State of Lithuania is in its second important stage of development. The first consisted of a historic Lithuania. The Kingdom in 1250-1263, and the Grand Duchy of Lithuania in 1263-1795. The Great Duchy of Lithuania drew up the union with Poland (Pospolite) and began to live a common politic life. The Constitution of Pospolite adopted in the year 1791 was the first presumptive law which was valid both in Lithuania and Poland. In the end of the 18th century the Great Duchy of Lithuania was occupied by Russian Empire and Prussia, its ally. The history of Lithuania as an independent state was intermitted.

The second stage commenced on February 16, 1918, with the proclamation of the Act of Independence and restoration of statehood. The nation’s will was expressed through

its representatives at the Seimas (Parliament) when a republic was chosen as government form of the State. Both stages of the development have been interrupted by the occupation by neighbouring countries. In the end of the 18th century the Grand Duchy of Lithuania was occupied by the Russian Empire and Prussia, its ally. The second annihilation of the Lithuanian statehood started after the outbreak of the World War II when in 1939 Germany occupied Klaipėda region and on June 16, 1940, when the Soviet Union annexed and occupied the whole country. Soon afterwards the German assault on the Soviet Union, Lithuania revolted against the occupant and regained its statehood for a short period (on July 23, 1941); however, the statehood was immediately destroyed after the German Nazi troops entered the country (on July 17, 1941). The Soviet Union, having gained the victory over Germany, continued the occupation of Lithuania since 1944. Lithuania managed to put an end to that occupation only after 50 years – by the Act of March 11, 1990 proclaiming the restoration of its statehood and simultaneously creating legal and practical pre-conditions for the collapse of the Soviet Union.¹ Having restored the independence of Lithuania, the Interim Basic Law was adopted in 1990. The aforementioned law was replaced by the Constitution in 1992, which is in force up to now.

1.3 Main specifics of the constitutional system

According to Lithuanian experts in law, the Constitutional Law of the Republic of Lithuania may be defined in two different ways.

First, according to the way the document of sovereign legal powers is drawn and what forms of acts are provided for in the above-mentioned document. In this instance the sources of the Constitutional Law are the Constitution as well as the acts explicating its provisions:

- constitutional laws;
- general laws (e.g. Government laws, ... laws on elections, the statute of the Seimas which have the power of law);
- statutory acts (e.g. Government resolutions, decrees of the President of the Republic of Lithuania).²

“From a narrower point of view the present Constitutional Law of the Republic of Lithuania may be defined according to what document has the sovereign legal powers and what regulation embedded in the document is considered to be fundamental... In this respect the Constitutional Law is a unity of the exercise and protection of the innate rights, freedom and other values of the human being... actions embedded in the Constitution and decisions adopted to the Constitution by the Constitutional Law “³

¹ Trumpa Lietuvos teisinės sistemos istorija. (A brief history of legal system) The website of the Ministry of Justice of Lithuania <http://www.tm.lt/?item=teisist>

² According to: Lietuvos teisės pagrindai /G. Dambrauskienė, A. Marcijonas, E. Monkevičius...(et. Al) – Vilnius: Justitia, 2004., p. 66.

³ Lietuvos teisės pagrindai /G. Dambrauskienė, A. Marcijonas, E. Monkevičius...(et. Al) – Vilnius: Justitia, 2004., p. 67

1.4 Fundamental principles of the political and the administrative system

The Constitution states that (“The State of Lithuania shall be an independent democratic republic“ (Article 1). “In Lithuania, State power shall be executed by the Seimas, the President of the Republic and the Government, and the Judiciary”⁴ (Article 5). The aforementioned institutions have the sovereign national powers. According to Lithuanian lawyers the aforesaid statement of the Constitution may be interpreted in the following way: referring to the principle based on subdivision of the authorities, State power is exercised by several equal institutions and each whereof has its own fundamental power: to legislate laws (the process of legislation is implemented by the Seimas), to execute them and carry out administration (the function fulfilled by the Government), as well as to administer justice (the function performed by court). It shall be forbidden to transfer, disclaim or take over the aforesaid powers to other institutions.⁵ The Constitution states that justice shall be administered only by the courts in the Republic of Lithuania.

It may create the impression that in Lithuania the authorities are concentrated mainly at the supreme national level; however, it is not absolutely true. The Constitution speaks about the local self-government, as well. It says that the right to self-government shall be guaranteed to administrative units of the territory of the State, which are provided for by law (Article 119 of the Constitution). The position of municipalities in terms of government authorities is determined by the statement of the Constitution: “The State shall support municipalities“(Article 120 of the Constitution). Thereby, municipalities are not considered as the institutions of state administration in Lithuania; however, the State is set positively with regard to municipalities – it (the State) renders support to them (municipalities). While considering the concept of the State and municipalities as well as their relationship between each other, the Constitutional Court of the Republic of Lithuania maintains that it has established the principle of co-ordinating the interests of the State and municipalities.⁶

Such a principle provision in respect of municipalities determines the further legal specification of their position. The Constitution partly mentions the functions of municipalities⁷ (Article 121). The legal basis of concretising them (functions) is commissioned by the Constitution to lower institutions (Article 121).

⁴ A system of Lithuanian courts: the Supreme Court of Lithuania, the Court of Appeal of Lithuania, regional courts and local courts. For the consideration of administrative, labour, family and cases of other categories, specialized courts are established.

The Constitutional Law shall decide whether the laws or other acts of the Seimas are not in conflict with the Constitution and whether the acts of the President of the Republic of Lithuania and the Government are not in conflict with the Constitution or laws.

⁵ Lietuvos teisės pagrindai /G. Dambrauskienė, A. Marcijonas, E. Monkevičius...(et. Al) – Vilnius: Justitia, 2004., p. 103.

⁶ Lietuvos teisės pagrindai /G. Dambrauskienė, A. Marcijonas, E. Monkevičius...(et. Al) – Vilnius: Justitia. Vilnius. 2004.,p. 80.

⁷ 1) The Constitution mentions that the right to self-government shall be guaranteed to administrative units of the territory of the State, which are provided for by law (Article 119), 2) The Constitution says that municipalities shall establish local levies and (at the expense of their own budget) provide for tax concessions (Article 121). These are the rights of municipalities entrenched at the level of the Constitution. The rest is assigned to other laws.

To regulate the activities of municipalities the Law on Local Self-government has been passed. It states that municipalities implement the functions of local authorities, public administration and public service provision.⁸ The Seimas shall establish administrative division of the Republic and territorial division into municipalities, as well (Article 67 of the Constitution). The Seimas virtually establish the number and value of municipalities. The Constitution states that municipal councils shall implement the decisions of the Government (Article 119).⁹ In cases prescribed by the sub-laws which regulate the activities of municipalities, the Constitution shall allow the Seimas to introduce direct governance in the territory of municipalities (124 Article). On the other hand, central and territorial state administration entities, when considering issues related to the interests of a particular municipality or all municipalities, inform the mayor of the appropriate municipality or the Association of Local Authorities in Lithuania about this. Proposals submitted in writing by the municipal council or executive organs of the Association of Local Authorities in Lithuania shall be considered (evaluated) by state administration entities and answers shall be provided.

The Law on Local Self-government also states that drafts of decisions related to the change of administrative units of the state territory and its units shall be considered with municipalities in the manner prescribed by legal acts.¹⁰

The institutions of the Executive implement its decisions by setting regulatory acts: laws which are legislated by the Seimas and post-law statutory legal acts legislated by the Government, the ministries and other executive institutions, regional and local municipal councils, their board and the mayor.

1.5 Division and interlink age of the political and the administrative system

In Lithuania, State power shall be executed by the Seimas, the President of the Republic and the Government, and the Judiciary (Article 5 of the Constitution).

The Position of the President of the Republic is regarded be to an exclusive institution from the political point of view: A person elected President of the Republic must suspend his activities in political parties and political organisations until the beginning of a new campaign of the election of the President of the Republic.¹¹ The President of the Republic may not be a Member of the Seimas, may not hold any other office, and may not

⁸ The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Chapter 2, Article 5.2. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, antras skirsnis, 5 str.2.)

⁹ The Government resolution committing municipalities to fund the projects relating to the planning of land plots in cities - urban monuments can be the illustration of such relations (Dėl žemės sklypų respublikinės ir vietinės reikšmės urbanistikos paminklų teritorijose – Lietuvos Respublikos Vyriausybės nutarimas 1992 m. spalio 6 d. Nr. 735).

¹⁰ The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Chapter 10, Article 38, Parts 3,4. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, dešimtas skirsnis, 38 str.3.,4.)

¹¹ The Constitution of the Republic of Lithuania (Article 83). (Lietuvos Respublikos Konstitucija 83 str.)

receive any remuneration other than the remuneration established for the President of the Republic as well as remuneration for creative activities (Article 86).

The elected Seimas together with the President of the Republic (their time for elections does not coincide) form the Government of the State – appoint the Prime Minister and Ministers. The Government is regularly accountable to the Seimas.¹² The Government makes an annual report on its work to the Seimas not more than once a year.

According to the Constitution, the courts of the Republic shall administer justice. Political institutions (the Seimas and the President of the Republic) influence the framework of the courts, i.e. appoint and dismiss the justices. Various courts are formed in a slightly different manner.

The President of the Republic, upon the asset of the Seimas, shall appoint the Supreme Court justices as well as judges of the Court of Appeal, and from among them, the President of the Court of Appeal. The President of the Republic shall appoint judges and presidents of regional and local courts, and change their places of work.

The Constitutional Court shall consist of 9 justices, each appointed for a single nine-year term of office. Every three years, one-third of the Constitutional Court shall be reconstituted. The Seimas shall appoint candidates for justices of the Constitutional Court from the candidates, three each submitted by the President of the Republic, the President of the Seimas, and the President of the Supreme Court, and appoint them as justices. The Seimas shall appoint the President of the Constitutional Court from among its justices upon the submission by the President of the Republic.¹³

For a gross violation of the Constitution, breach of oath, or when it transpires that a crime has been committed, the President and justices of the Supreme Court as well as the President and judges of the Court of Appeal may be removed from office by the Seimas according to the procedure for impeachment proceedings.¹⁴

The Constitution states that justice shall be administered only by courts, while administering justice, the judge and courts shall be independent, when considering cases, judges shall obey only the law.¹⁵

Although the Constitution claims that State power shall be executed by the Seimas, the President of the Republic and the Government, and the Judiciary, so the political life in the aforementioned statement does not seem to be materialized at the local level; it is worth while touching upon (considering) it. Political life runs at the local level. Elective

¹² The Law of the Republic of Lithuania on the Government. 1994.05.19, No. I-464., Vilnius. Article 5, Parts 1, 2. (Lietuvos Respublikos Vyriausybės įstatymas. 1994m. gegužės 19 d. Nr. I-464., Vilnius. 5 str.,1., 2.)

¹³ The Constitution of the Republic of Lithuania (Article 102, Article 103). (Lietuvos Respublikos Konstitucija 102,103 str.str.)

¹⁴ The Constitution of the Republic of Lithuania (Article 116). (Lietuvos Respublikos Konstitucija 116str.)

¹⁵ The Constitution of the Republic of Lithuania (Article 109). (Lietuvos Respublikos Konstitucija 109 str.)

institutions - municipal councils exist at the local as well as national levels. Municipal councils elect the municipal mayor. The municipal administration is formed to carry out the decisions of the municipal councils. It is run by the municipal administrator appointed on the proposal of the mayor as well as the decision taken by the board.¹⁶

2. Political System

2.1 General description, history and key data of the political system

The Republic of Lithuania is a multidimensional parliamentary democracy. Elections are taken at two levels: national (the Seimas and the President of the Republic are elected) and local (municipal councils are elected). The Seimas and the President of the Republic shall form the Government of the State.

Local authorities – municipal councils are the institutions elected directly by the citizens. The electorate votes for the political parties. In proportion to the votes received, the parties are given seats in municipal councils.

Speaking about the political life at local level, it is importance to mention the principles according to which the work of the institutions of local authorities is carried out. Accountability to voters; participation of the population in the management of public affairs of a municipality; adjustment of local government and State interests while managing public affairs of municipalities; freedom and independence of the activities of local authorities when they, while implementing laws, other legal acts and obligations to the community, adopt decisions; transparency of activities; adjustment of interests of the community and individual residents of a municipality; publicity and response to residents' opinion; lawfulness of the activities of a municipality and decisions adopted by local authorities; ensuring and respect for human rights and freedoms¹⁷ are the basic principles the Law on Local Self-government prescribed to the institutions of local self-governance.

2.2 National level of the political system

2.2.1 Organ(s) at national level

The Seimas and the President of the Republic are the two institutions having the supreme political (elective) powers in Lithuania.

The Seimas is unicameral and presided over by the Speaker. The Seimas shall consist of representatives of the Nation—141 Members of the Seimas who shall be elected for a four-year term on the basis of universal, equal, and direct suffrage by secret ballot; 71 Members of the Seimas are elected directly and the rest according to a list of parties

¹⁶ The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Chapter 7, Article 29, Parts 1,2. (Lietuvos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, septintas skirsnis, 29 str.,1,2.)

¹⁷The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Chapter 2, Article 5. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, antras skirsnis, 5 str.)

(proportional electoral system). Gaining more than 5 per cent political parties receive seats at the Seimas. When in office, Members of the Seimas shall follow the Constitution of the Republic of Lithuania, the interests of the State as well as their own consciences, and may not be restricted by any mandates¹⁸.

2.2.2 Authority / function at national level

The Constitution states that the Seimas shall fulfil the function of passing laws (having the legislative power).

The position of the President of the Republic is defined abstractly by the Constitution: It claims that the President of the Republic shall be Head of the State. He shall represent the State of Lithuania and shall perform everything with which he is charged by the Constitution and laws (Article 77). Practically the President of the Republic performs two importance roles at national level.

1) The President of the Republic is a sort of instrument of balancing the influence over the Seimas. The President sign laws adopted by the Seimas. If the President does not, the law is referred back to the Seimas for consideration. The President of the Republic and the Seimas appoint Head of the Government and its members. The President of the Republic, in cases provided for in the Second Paragraph of Article 58 of the Constitution; announce pre-term elections to the Seimas. Furthermore, the Seimas, in cases provided for by law, may initiate the procedure for impeachment proceedings and remove the President from office for gross violation of the Constitution or breach of oath, also when also when it transpires that a crime has been committed.

2) The President of the Republic takes part in the activities of the executive, especially in the sphere of foreign policy.

The President of the Republic decrees within the framework of his powers, e.g. the President shall appoint diplomatic representatives of the Republic of Lithuania to foreign states and international organisations, confer the highest military ranks, declare a state of emergency according to the procedure and in cases established by law, grant citizenship of the Republic of Lithuania. Decrees of the President assume legal power when they are written by the Prime Minister or the corresponding Minister. The decisions related to certain cases are executed (established) by the decrees of the President, but not the rules of general character.

2.2.3 Tasks / Responsibilities at national level

Twenty functions are provided for the Seimas by the Constitution. Lithuanian analysts specialized in law divide them into 4 groups¹⁹:

1) The powers related to legislation. In this respect the Seimas shall establish State taxes and other compulsory payments, approve the State Budget and supervise its execution, establish and abolish ministries of the Republic of Lithuania, declare acts of

¹⁸ The Constitution of the Republic of Lithuania (Article 59). (Lietuvos Respublikos Konstitucija, 59 str.)

¹⁹ Lietuvos teisės pagrindai /G. Dambrauskienė, A. Marcijonas, E. Monkevičius...(et. Al) – Vilnius: Justitia, 2004., p. 104.

amnesty, ratify international treaties of the Republic of Lithuania and establish administrative division of the Republic, i.e. division into municipalities and higher administrative units.

2) The powers related to governance. Here the Seimas shall appoint and dismiss the State Controller and the Chairman of the Board of the Bank of Lithuania, form the Central Electoral Commission, call elections of municipal councils as well as for the President of the Republic of Lithuania, establish the date of referendums and execute parliamentary control.

3) The powers related to specific constitutional ties of the Seimas to the President of the Republic, the Government and the Judiciary. The Seimas shall appeal to the Constitutional Court due to the evaluation of correspondence of administrative acts to the Constitution, appoint justices of the Supreme Court and judges of the Court of Appeal as well as of the Constitutional Court, consider issues of foreign policy, shall or shall not give assent to the candidature of the Prime Minister submitted by the President of the Republic; consider the programme of the Government (the Seimas approves the General Plan of the Territory of the Republic of Lithuania in compliance with the Law on Territorial Planning of the Republic of Lithuania which is valid up to the present²⁰).

4) The functions dealing with protection of the State. The Seimas shall impose martial law and a state of emergency, declare mobilisation, and adopt a decision to use the armed forces.

Members of the Seimas shall follow the Constitution of the Republic of Lithuania, the interests of the State as well as their own consciences, and may not be restricted by any mandates²¹.

The President of the Republic of Lithuania shall perform twenty functions provided for in the Constitution, which can generally divide into five categories²².

1) Functions related to foreign policy. The President of the Republic shall sign international treaties of the republic of Lithuania and submit them to the Seimas for ratification, appoint and dismiss, upon the submission of the Government, diplomatic representative of the Republic of Lithuania, “decide other issues of foreign policy”²³

2) Functions related to the Seimas as well as the formation of the Government. The President of the Republic shall appoint and dismiss, upon the assent of the Seimas, the Prime Minister, appoint and dismiss Ministers upon the submission by the Prime Minister, accept the resignation of the Government and, as necessary, charge to continue exercising its duties.

²⁰ The Law on Amendments to the Law of the Republic of Lithuania on Territorial Planning. 15th January, 2004, IX-1962. Vilnius. Chapter 2, Article 11, Part 3. (Lietuvos Respublikos Teritorijų planavimo įstatymo pakeitimo įstatymas. 2004 m. sausio 15 d. IX-1962. Vilnius. Antrasis skirsnis, 11 str., 3.)

²¹ The Constitution of the Republic of Lithuania (Article 59).(Lietuvos Respublikos Konstitucija, 59 str.)

²² Lietuvos teisės pagrindai /G. Dambrauskienė, A. Marcijonas, E. Monkevičius...(et. Al) – Vilnius: Justitia, 2004., p. 115.

²³ The Constitution of the Republic of Lithuania (Article 97).(Lietuvos Respublikos Konstitucija, 97 str.)

3) Functions connected to the appointment of officials. The President of the Republic shall appoint, upon the assent of the Seimas, the Commander of the Armed Forces and the Head of the Security Service submit to the Seimas the candidatures for the State Controller and the Chairman of the Board of the Bank of Lithuania.

4) Functions related to the State defence. The President of the Republic shall be Head of the State Council of Defence which consider as well as co-ordinate important issues of State defence.

5) Other powers the President of the Republic is charged by the Constitution. The President of the Republic shall convene, in cases provided for in the Constitution, an extraordinary session of the Seimas, announce regular elections to the Seimas and, in cases provided for in the Constitution, announce pre-term elections to the Seimas²⁴, sign and promulgate laws adopted by the Seimas or refer them back to the Seimas, confer State awards and grant citizenship of the Republic of Lithuania according to the procedure established by the law.

The President of the Republic shall not be inviolable: may neither be arrested nor held criminally or administratively liable. The President of the Republic may be removed from office ahead of time only for gross violation of the Constitution or breach of oath, also when it transpires that a crime has been committed. The issue of removal of the President of the Republic from office shall be decided by the Seimas according to the procedure for impeachment proceedings (Article 86).

2.3 Regional level of the political system

2.3.1 Organ(s) at regional level

At mid level territorial administrative units in Lithuania are known as counties. There are no elective institutions of authority at the said level. The authorities of counties are distributed (the functions of the authorities are presented in chapter "Administrative system")

2.4 Sub-regional / local level of the political system

In Lithuania territorial administrative units are known as municipalities at local level (Figure Nr.1). Municipality Law on Local Self-government adopted in 1994 is charged to govern "institutions of public administration", but not state ones.

2.4.1 Organ(s) at sub-regional / local level

²⁴ The President of the Republic of Lithuania may announce pre-term elections to the Seimas:

1) if the Seimas has not, within 30 days of the day of the submission, adopted the decision on the new programme of the Government or if the Seimas has disapproved the Government programme two times successively within 60 days of the day of the first submission of the Government programme;

2) on the proposal of the Government, if the Seimas expresses direct no-confidence in the Government (The Constitution of the Republic of Lithuania (Article 58).

The Law on Local Self-government states that a municipal council is an institution which implements the right to self-governance²⁵. The councils of municipalities are elected for a four-year term (Article 55 of the Constitution). The Law on Local Self-government maintains that members of a municipal council are responsible and accountable to voters for their activities²⁶, local authorities shall provide conditions for the population to directly participate in drafting decisions, organising polls, meetings, assemblies, public consideration of petitions, as well as promote other forms of civic initiatives in the management of public affairs of a municipality²⁷. The population or their representatives shall be entitled to get access to decisions adopted by local authorities, to receive public and justified answers to expressed opinion on work done by local authorities and other entities of public administration of a municipality, as well as individual employees. Activities of entities of public administration of a municipality may be secret or confidential only in cases specified by the law.²⁸ The municipal council elects the Head of a municipality – the mayor and, upon the proposal of the mayor, appoint the head of the executive of a municipality or administration.

2.4.2 Authority / function at sub-regional / local level

The objective of the Law on Local Self-government shall be to freely and independently act according to the Constitution of the Republic of Lithuania and other laws. Municipalities have their own autonomy. Municipalities may go to law, provided their rights are violated. Decisions adopted by the municipal council as well as the mayor's decrees which are not beyond the scope of powers of the afore-mentioned institutions are compulsory to the municipal administration and residents, as well as to all institutions and enterprises lying within the territory of a municipality.

The activities of the governing of municipalities are supervised by the representatives of the Government within a county. The representatives of the Government are responsible for verifying whether local authorities act according to the Constitution and other laws, and how the local authorities exercise resolutions adopted by the Government.

Functions of municipalities shall, according to discretion to adopt decisions, be divided as follows: - independent;

- assigned (of limited independence);
- State (delegated to municipalities);
- contractual.

²⁵ The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Chapter 4, Article 17. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, ketvirtas skirsnis, 17 str.)

²⁶ The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Chapter 1, Article 3, Part 3. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, pirmas skirsnis, 3 str.,3.)

²⁷ The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Chapter 1, Article 4, Part 2. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, pirmas skirsnis, 4 str.,2.)

²⁸ The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Chapter 1, Article 4. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, pirmas skirsnis, 4 str.)



Figure Nr. 1. Counties and municipalities of the Republic of Lithuania

The Law on Local Self-government prescribes fourteen independent functions to municipalities of the republic of Lithuania:

- 1) formation and approval of the State budget;
- 2) pre-school education;
- 3) additional education, and vocational training of children and youth;
- 4) informal education of adults;
- 5) provision of meals at institutions of pre-school and general education;
- 6) establishment, maintenance of agencies of social services, and cooperation with public organizations;
- 7) support of health care of the local population from the municipal budget;
- 8) organisation of people's employment, acquiring of qualification and re-qualifying, public and seasonal works;
- 9) participation in ensuring public order and peace;
- 10) development of physical training and sports;
- 11) organisation of tourism and recreation;
- 12) establishment of territories protected by a municipality, declaring objects of nature and cultural heritage of local significance the objects protected by the municipality;

- 13) creation of conditions for the development of business and promotion of such activities;
- 14) other functions which are not assigned to state institutions.

Assigned functions of municipalities shall be as follows: organization of general education of children, youth and adults; organisation of transportation to schools and to places of residence of pupils of rural schools of general education, who live far from schools; ensuring of education of children under 16 years of age who live in the territory of a municipality, at schools of general education or other schools within the education system; provision of social services and other social support; creation of conditions of social integration into the community of the disabled (invalids, persons with total disability); preparation and implementation of health programmes of municipalities; primary personal and public health care; control of compliance with the prohibition or restriction of alcohol and tobacco on exterior means of advertising; territory planning, implementation of solutions of a general plan and detailed plans of the territory of a municipality; promotion of general culture and ethno culture of the population (establishment of museums, theatres and other cultural institutions and supervision of their activities), establishment, reorganization of public municipal libraries and supervision of their activities; establishing, in the manner prescribed by the law, of urban planning requirements for architecture of a construction works and putting of a construction plot in order in the set of construction works designing conditions; maintenance and protection of the landscape, immovable cultural values and protected areas established by a municipality; supervision of the use of construction works, issuance of a set of construction works designing conditions and permits to build in the manner prescribed by the law; planning of the infrastructure, social and economic development, preparation of programmes related to the development of tourism, housing, small and medium enterprises; management, use and disposal of the land and other property which belong to a municipality by the right of ownership; organisation of heating and drinking water supply, as well as waste water collecting and treatment; management of State aid to acquire housing, provision of social housing; improvement and protection of environment quality; approval of sanitary and hygiene rules and organisation of the control of compliance with the said rules, ensuring of cleanliness and tidiness in public places; development of municipal waste management, organisation of secondary raw materials collecting and processing, as well as establishment and exploitation of waste dumps; maintenance, repairing, surfacing of roads and streets of local significance, as well as ensuring of traffic safety conditions; organisation of transportation of passengers by local routes, calculation and payment of compensations of the preferred transportation of passengers; provision of addresses (names of streets, buildings, construction works and other objects located in the territory of a municipality and belonging to it by the right of ownership, numbers of buildings and residential houses as well as flats) and change thereof; ensuring of rendering of burial services and organisation of maintenance of cemeteries; participation in the formation and implementation of regional development programmes; establishment of the procedure of rendering of trade and other services in marketplaces and public places; issuance of

permits (licences) in cases and manner prescribed by the law; implementation of public noise management and its prevention attributed to municipalities.²⁹

The Law on Local Self-government prescribes 33 State (delegated to municipalities) functions, which shall be as follows: registration of acts of civil status; management of registers assigned by the law and furnishing of data to State registers; organisation of civil protection; organisation of fire-prevention services of a municipality; participation in the management of national parks; calculation and payment of compensations (heating expenses, cold and hot water expenses, government-supported passenger services and others); organisation of free-of-charge meal provision for children from low-income families at all types of general education schools; calculation and payment of social benefits; management, use and hold in trust the State land and other State property assigned to a municipality; consideration of citizens' requests to restore ownership rights to dwelling houses, their parts, flats, buildings used for economic and commercial purposes, as well as adoption of decisions on the restoration of ownership rights; execution of State guarantees for tenants moving out from dwelling houses or their parts and flats which are returned to owners; control of use and accuracy of the State language; management of archival documents assigned to municipalities in accordance with legal acts; participation in selecting draftees for military service; participation in preparing mobilization; provision of statistical data; participation in preparing and implementing labour market policy measures and employment programmes; participation in the organisation of elections of the President of the Republic, elections to the Seimas and to municipal councils; participation in the preparation of plebiscites and referendums; participation in the carrying-out of population and dwelling census and other total census; protection of children and young people's rights; allocation of quotas for State purchase of agricultural products; registration of farmers' farms; declaration of crop; establishment of damage made to the agriculture by ungulates; exploitation of reclamation and hydro technical equipment, organisation of soil liming; registration and technical maintenance of tractors, self-propelled and agricultural machines and their trailers; co-ordination of agricultural issues, organisation and implementation of rural development and support for agriculture and rural development; provision of the initial legal support guaranteed by the State; organization of the data on declaration of permanent places of residence and the report on the citizens without permanent place of residence; ensuring of rendering of social care to people with strong disabilities.³⁰

Municipalities of Lithuania may have property by the right of ownership. They have very little right of ownership of land – the land on which buildings of municipalities stand may belong to them.

Financial resources of municipalities. Financial resources of municipalities shall consist of: 1) municipal budget revenue received from taxes in accordance with laws and

²⁹ The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Chapter 2, Article 7. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, antras skirsnis, 7 str.)

³⁰ The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Chapter 2, Article 8. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, antras skirsnis, 8 str.)

other legal acts; 2) income from municipal property (ownership); 3) fines received in a prescribed manner; 4) local fees and charges; 5) income of municipal budgetary agencies for provided services; 6) income for balance of municipal funds in current accounts; 7) income received in the manner prescribed by the Government after the distribution of funds for plots of state land sold and rented for non-agricultural purposes; 8) state budget subsidies; 9) other income established by the law; 10) grants (monetary resources); 11) loans.³¹

2.4.3 Tasks / Responsibilities at sub-regional / local level

The highest institution of governing a municipality is Municipal Council. The said council shall:

- approve municipal council's business regulations;
- elect the mayor and dismiss him prior to the expiry of the term of office;
- on the recommendation of the mayor, appoint deputy (deputies) of the mayor and dismiss him (them) prior to the expiry of the term of office;
- form committees and commissions of the municipal council which are necessary to organize the activities of the municipal council;
- approve, on the recommendation of the mayor, the structure of the municipal administration;
- approve the municipal budget and the report on its implementation;
- distribute budgetary assignments to budgetary institutions;
- adopt decisions on the social and economic development of a municipality, as well as the development of the municipal territory;
- prepare projects on general sustained social, cultural, agricultural, demographic, ecological, health programmes, and the programmes related to investment, control and prevention of crime, designing and construction of objects of social and industrial infrastructure;
- fix prices and rates for the payable services rendered by municipal enterprises, special-purpose companies, municipal budgetary and public agencies, as well as the transportation of passengers by local routes, and, in the manner prescribed by the law, fix prices of centralised supply of heating, cold and hot water, establish local charges and fees and other payments;
- adopt decisions on the use of bank credits, taking and making of loans, provision of guarantees and warranty to creditors for loans taken by enterprises controlled by a municipality;
- adopt decisions on the provision of tax, charges and fees privileges and other privileges provided for by laws, at the expense of the municipal budget;
- adopt decisions on the disposal of the property belonging to a municipality by the right of ownership;

³¹ The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Chapter 9, Article 36. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, devintas skirsnis, 36 str.)

- adopt decisions on the management, use and disposal by trust of the State land and other State property assigned to a municipality;
- establish municipal budgetary agencies, municipal enterprises, households, public agencies, joint-stock companies, as well as territories protected by a municipality;
- announce nature and cultural heritage monuments of local significance which are protected by a municipality, adopt decisions on the improvement of the condition of environmental protection;
- approve the rules concerning the protection of green plantations, of maintaining order in cities and other residential areas, sanitary and hygiene, waste management, keeping of pets, trade in market places, et cetera.

There are forty nine functions prescribed to the municipal council by the Law on Local Self-government.³²

Not more than once time a year, the municipal council shall, in the manner prescribed by the regulation on the activities of the council, be accountable to the population of a municipality on the work they have done.

The mayor shall be accountable to the municipal council and the community for the activities of a municipality. The mayor shall convene municipal council settings and preside over them, propose to the council candidatures for the head of municipal administration, head secretariat work, present drafts of decisions on issues concerning the life of municipalities.³³

The mayor's decisions shall be executed by decrees.

The mayor shall, only one time a year, be accountable to the municipal council for his activities and the electorate for the activities of a municipality.

2.5. Further / intermediate level(s) of the political system

2.5.1 Organ(s)

As a rule, territories of municipalities in Lithuania shall be divided into smaller territorial subdivisions – wards. The municipal council shall form the administration of the wards, hereof will be discussed in chapter “Administrative system.”

2.6 Further information on the political system

³² The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Chapter 4, Article 17. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, ketvirtas skirsnis, 17 str.)

³³ The issues can be: 1) the public order; 2) primary public and individual health care, organization of care for the sick, disabled and elderly; 3) organization of preschool education, the general education and additional training of children and youth and the general training of adults; 4) looking after the cultural education of the population and the promotion of general and ethnic culture; 5) organization of the processes of migration, employment of the population, qualification courses and retraining as well as public jobs. – The Law on Local self-Government of the Republic Lithuania. 1994.07.07, No. I-533, Chapter 4, Article 21. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, ketvirtas skirsnis, 21 str.)

Residents of the community of a residential locality or several residential localities (a village or several villages, a city or a town) may elect a representative (representatives) of the community. The principal task of a representative of the local community - to take care of the interests of the community and to represent the community in the ward, when necessary - in local authorities and state agencies functioning in the municipal territory, as well as to familiarise the warden of the ward to which the territory of the community is assigned, with public matters of the community. If such matters are related to the activities of the warden, a representative of the local community may inform the mayor about them. A representative of the local community shall carry out his duties on a voluntary basis.

3. Administrative System

3.1 General description, history, and key data of the administrative system

There exist central and territorial entities of governance in the State administration agencies of the Republic of Lithuania. The establishments of central Government shall be the Government and ministries, which are formed to govern separate spheres of the State life. Territorial entities of public administration are constituted to govern separate territories of the State. The highest territorial unit of the State governing in Lithuania shall be county. At present there are ten counties in Lithuania.

3.2 National level of the administrative system

3.2.1 Institution(s) at national level

The Government of the Republic of Lithuania shall consist of the Prime Minister and Ministers.³⁴ At present there are thirteen ministries: Ministry of Environment of Lithuania, Ministry of Finance of the Republic of Lithuania, Ministry of National Defense of the Republic of Lithuania, Ministry of Culture of the Republic of Lithuania, Ministry of Social Security and Labour, Ministry of Transport and Communications of the Republic of Lithuania, Ministry of Health of the Republic of Lithuania, Ministry of Education and Science of the Republic of Lithuania, Ministry of Justice of the Republic of Lithuania, Ministry of Foreign Affairs of the Republic of Lithuania, Ministry of the Interior of the Republic of Lithuania, and Ministry of Agriculture of the Republic of Lithuania.

There are other State institutions under the Government of Lithuania: Information Society Development Committee, Department of Physical Education and Sports, Lithuanian Archives Department, Weaponry Fund of the Republic of Lithuania, Drug Control Department, Department of Statistics, Department of National Minorities and Lithuanians Living Abroad, State Data Protection Inspectorate, State Nuclear Power Safety Inspectorate, the Supreme Administrative Disputes Commission, et cetera.

³⁴ The Constitution of the Republic of Lithuania (Article 91). (Lietuvos Respublikos Konstitucija, 91 str.)

3.2.2 Authority / function at national level

The Government of the Republic of Lithuania, presided over by the Prime Minister, shall be the highest collegial institution of the State, implementing the executive power in Lithuania. The formation and legal basis of the Government are described in Chapter 7 of the Constitution and in the Law on Government.

3.3.3 Tasks / responsibilities at national level

The Government shall, as it stated in the Law on the Government of the Republic of Lithuania, “implement the executive power in Lithuania”.³⁵ The Constitution states that the Government shall:

- administer the affairs of the country, protect the inviolability of the territory of the Republic of Lithuania, guarantee State security and public order;
- execute laws and resolutions of the Seimas on the implementation of the laws as well as the decrees of the President of the Republic;
- co-ordinate the activities of the ministries and other establishments of the Government;
- prepare a draft State Budget and submit it to the Seimas; execute the State Budget and submit to the Seimas a report on the execution of the budget;
- prepare draft laws and present them to the Seimas for consideration;
- establish diplomatic ties and maintain relations with foreign states and international organisations;
- discharge other duties prescribed to the Government by the Constitution and other laws.

The Constitution of Lithuania declares that the Government of the Republic of Lithuania shall be jointly and severally responsible to the Seimas for the general activities of the Government.³⁶ Upon the request of the Seimas, the Government or individual Ministers must give an account of their activities to the Seimas.³⁷

3.3 Regional level of the administrative system

3.3.1 Institution(s) at regional level

According to the area the territory occupied, the territorial administrative unit in Lithuania is known as a county at central level (Scheme Nr. 2).

The Administration of the county governor control counties. The governing of a county is regulated by the Law on the Governing of the County.

3.3.2 Authority / function at regional level

³⁵ The Law of the Republic of Lithuania on the Government. 1994.12.19, No. I-464., Vilnius, Article 2. (Lietuvos Respublikos Vyriausybės įstatymas. 1994m. gegužės 19 d. Nr. I-464., Vilnius. 2 str.)

³⁶ The Constitution of the Republic of Lithuania (Article 96). (Lietuvos Respublikos Konstitucija. 96 str.)

³⁷ The Constitution of the Republic of Lithuania (Article 101). (Lietuvos Respublikos Konstitucija. 101 str.)

The Government shall appoint the office of counties (the governor and his deputy). The Government shall establish the structure of the Administration of the county governor, fund the activities of the Administration (The county governor shall submit to the Government the draft revenue and expenditure plan of the county).

3.3.3 Tasks / responsibilities at regional level

The tasks of the Administration of the county governor shall be³⁸:

1) to implement state policy in the spheres of social maintenance, education, culture, health care, territorial planning, monument protection, land use and protection, as well as agriculture, environmental protection, and other spheres, to implement state and inter-regional programmes;

2) to co-ordinate the activities of the ministries and other structural divisions of Government institutions lying within the limits of the county, as well as to co-ordinate the activities of executive institutions of the local authorities in implementing regional programmes (The Administration of the county governor shall supervise the activities of the institutions of local authorities and State lying within the limits of the county: it may submit to the Seimas or the Government the decisions adopted by the said institutions, if the decisions do not correspond to laws, Government resolutions or violate the rights of citizens and organizations);

3) to provide for the priority trends of the county development and prepare its programmes.

This is only a brief description of the tasks of the Administration of the county governor. The Law on the Governing of the County develops a very comprehensive and versatile spectrum of the functions of the county. It is of great importance to the territorial planning that the governor of the county shall:

- manage free state land stock, with the exception of land transferred into the possession of the institutions of local authorities;

- implement land reform;

- in the manner prescribed by law, establish state regulation of land servitudes and land use, as well as state control of land use;

- co-ordinate, organize and implement regional programmes of agricultural development;

- sell or transfer State demesne to proprietorship, with the exception of land plots attributed to the privatized entities of immoveable property, represent the State in transferring private land to government property and the state in accordance with laws and testament in inheriting land;

- deal with a problem of taking of land for public needs and changing the purposes of land use³⁹;

³⁸ The Law of the Republic of Lithuania on the Governing of the County. 1994.12.15, No. I-707, Vilnius, Article 5. (Lietuvos Respublikos apskrities valdymo įstatymas. 1994m. gruodžio 15 d. Nr. I-707, Vilnius., 5 str.)

³⁹ The Law of the Republic of Lithuania on the Governing of the County. 1994.12.15, No. I-707, Vilnius, Article 10. (Lietuvos Respublikos apskrities valdymo įstatymas. 1994m. gruodžio 15 d. Nr. I-707, Vilnius., 10 str.)

- organize the preparation of territorial planning documents of the county, as well as participate in the procedure of co-ordinating them;
- assemble and manage data bank of territorial planning, and the register of territorial planning data, furnish information to data banks of other levels;
- furnish information, findings and recommendations for the preparation of general and special plans of the territory of the Republic of Lithuania;
- in the prescribed manner, establish conditions for the preparation of territorial planning documents for the county and municipalities;
- in the prescribed manner, perform state supervision of municipal territorial planning, the design of construction works, acknowledgement of construction works suitable for exploitation, as well as their destruction; in the prescribed manner, issue permits to build (with the exception of those which issuance assigned to the head of the municipal administration in the manner established by laws);
- in the manner prescribed by law, organize the supervision of territorial planning;
- co-ordinate the activities of the institutions of local authorities and the state in executing the work of geodesy, topography, cartography and geoinformatics, in the prescribed manner, perform state supervision of the said work;
- protect cultural values and monuments, keep record of them, and organise supervision of monument conservation;
- act as the client for the construction of structures attributed to the county.⁴⁰

3.4 Sub-regional / local level of the administrative system

3.4.1 Institution(s) at sub-regional / local level

The Law on Local Self-government states that the executive power of a municipality shall be the head of the municipal administration, who is responsible and accountable to the municipal council and the mayor. The head is appointed on the proposal of the mayor by the decision adopted by the council.⁴¹

3.4.2 Authority / function at sub-regional / local level, tasks / responsibilities at sub-regional / local level

Municipal administration shall organize and control the implementation of decisions of local authorities or implement them itself; implement laws and resolutions of the Government which do not require decisions of local authorities; organize the management of accounting of municipal budget income and expenditure and other monetary resources; organize and control the disposal and use of municipal property; draw up drafts of decisions and ordinances of local authorities, and implement other functions established by law.

⁴⁰ The Law of the Republic of Lithuania on the Governing of the County. 1994.12.15, No. I-707, Vilnius, Article 9. (Lietuvos Respublikos apskrities valdymo įstatymas. 1994m. gruodžio 15 d. Nr. I-707, Vilnius., 9 str.)

⁴¹ The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533I, Vilnius, Article 29, Parts 1,2. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, septintas skirsnis, 29 str.,1,2.)

3.5 Further / intermediate level(s) of the administrative system

3.5.1 Institution(s)

In Lithuania territories of municipalities are divided into smaller territorial units known as wards. The ward shall be a structural territorial unit of the municipal administrative, functioning in a certain part of the municipal territory. The number of wards, their name, as well as the boundaries of the territory of a ward shall be established by the municipal council. The functions of a legal entity assigned to the ward shall be set by the municipal council by its decision. The ward shall be headed by the warden. He shall, by competition (favourable opinion of the residents is regarded as an advantage) be appointed and dismissed by the mayor, in compliance with the Law on Public Service. In the ward an advisory ward council may be formed from the representatives of the local community, which functions as a voluntary body. Its regulations shall be approved by the mayor in accordance with modal regulations approved by the Minister of the Interior.⁴²

3.5.2 Authority / function

The activities of the ward shall be regulated by the Law on Local Self-government and provisions of the activities of the ward approved by the mayor.

3.5.3 Tasks / responsibilities

The wards shall keep residential property data books in rural localities; furnish to municipal administration subdivisions the data necessary for the records of school-age children (up to 16 years of age); furnish to municipal administration the data on the youth of military age whose residence lies within the territory of the ward; participate in organizing civil protection; organize the supervision and maintenance of roads, streets of general use; organise the maintenance of territories and cemeteries assigned to the ward; issue to the residents of the territory assigned to the ward, certificates confirming family composition, place of residence; issue permits to bury, register deaths; in the manner prescribed by the law execute notarial and other acts; consider cases of violation of administrative legal acts.

When necessary, the municipal council in the territory assigned to the ward establish public agencies and enterprises of a municipality. The municipal council may transfer to the warden half of the functions assigned to the incorporator of the said agencies and enterprises.

⁴² The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, Vilnius, Chapter 7, Article 30. (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533, septintasis skirsnis, 30 str.)