

Lithuania

The information provided below refers to legal provisions adopted or modified pursuant to the implementation of the Services Directive as well as to legal provisions which Member States have indicated as being applicable to service providers in the areas covered by the directive. The information has been provided by Lithuania in the context of the implementation of the Services Directive and of the mutual evaluation process. It does not represent a legal analysis or a position of the European Commission in respect of compliance with EU law in general or with the Services Directive in particular. National legal provisions might have suffered amendments during the mutual evaluation process so interested parties are invited to check national legislation in force.

Main changes to Lithuanian legislation

On 15 December 2009 Lithuania adopted the Services Law¹ (*Official Gazette*, 2009, No 153-6901) which entered into force on 28 December 2009. This is a horizontal law implementing the Services Directive, i.e. a law implementing general principles set out in the Directive. As far as amendments to sector-specific legislation are concerned, during the screening process Lithuania identified a total of 40 laws, 137 pieces of implementing legislation and more than 120 pieces of municipal legislation which require amendments in order to bring them into line with the Directive. Lithuania has reported that a number of these amendments have been adopted and that it is in the process of introducing further ones.

Examples of authorisation schemes imposed on service providers established in Lithuania

Lithuania has reported authorisation schemes in several service sectors.

Authorisation (licence) is necessary, for example, for wholesale/retail trading in alcoholic beverages²; wholesale/retail trading in tobacco products³; activities involving sources of ionising radiation⁴; a wide range of activities in nuclear energy sector⁵; radioactive waste management⁶; higher education services⁷; vocational education and training⁸; burial,

¹ Law No XI-570 of 15 December 2009,

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=361342&p_query=&p_tr2=.

² Law No I-857 of 18 April 1995, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=362847. Resolution No 618 of the Government (2004), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=366305.

³ Law No I-1143 of 20 December 1995,

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=324089&p_query=&p_tr2=. Rules approved by Resolution No 383 of the Government (2004),

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=349821&p_query=&p_tr2=.

⁴ Law No VIII-1019 of 12 January, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=231885. Rules approved by Resolution No 653 of the Government (1999), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=227711.

⁵ Resolution No 103 of the Government (1998),

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=353626. Law No I-1613 of 14 November 1996, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=336327.

⁶ Law No VIII-1190 of 20 May 1999, Art. 9(1),

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=336179. Resolution No 103 of the Government (1998), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=353626.

⁷ No XI-242 of 30 April 2009, Art. 35(2) and 38,

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=343430. Resolution No 1423 of the Government (2009), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=367217.

cremation and embalming services⁹; managing and/or storing documents¹⁰; certain construction works¹¹; trade in plants listed in the Lithuanian "red list" of threatened species¹²; rural tourism, bed-and-breakfast and tourist camping services¹³; services provided by tour operators, travel agencies and travel agents¹⁴.

Examples of other types of requirements imposed on service providers established in Lithuania

Quantitative or territorial restrictions still exist in respect of, for example, heat and hot water supply (one licence per defined area)¹⁵; collective water management (one licence per municipality)¹⁶; supply, transmission and distribution of electricity (one licence per defined area)¹⁷.

As far as legal form requirements are concerned, the most common requirement found in Lithuanian law is the obligation to operate as a legal person. While a number of such requirements have been abolished¹⁸, for example with regard to retail services¹⁹, waste management services²⁰, there are still certain service activities which can be provided solely by legal persons, for example, certification services related to electronic signatures²¹;

⁸ Law No I-1489 of 25 June 1991, Art. 12(5), 43(6) and (7),

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=364830. Law on No VIII-450 of 14 October 1997, Art. 12(2), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=374973. Resolution No 822 (2004), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=324989.

⁹ Law No X-1404 of 20 December 2007, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=324890. Lithuania reports that there is a draft law according to which these authorisations are to be abolished.

¹⁰ Law No I-1115 of 5 December 1995, Art. 18,

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=319076&p_query=&p_tr2=. Resolution No 238 of the Government (2005), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=251278.

¹¹ Law on Construction No I-1240 of 19 November 2009,

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=360485. Order No D1-549 of the Minister of Environment (2004), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=243876&p_query=&p_tr2=.

¹² No VIII-1226 of 17 February 2004, Art. 16(1),

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=227810. Orders of the Minister of Environment No D1-260 (2006), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=277088&p_query=&p_tr2= and No D1-377 (2009), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=348748&p_query=&p_tr2=

¹³ Law on Tourism No VIII-667 of 19 March 1998, Art. 16; Lithuania reports that there is a draft law according to which these authorisations are to be abolished.

¹⁴ Law on Tourism No VIII-667 of 19 March 1998; Lithuania reports that there is a draft law No XIP-1509 (submitted to the Seimas) according to which these authorisations are to be replaced by an obligation to make a declaration.

¹⁵ Law No IX-1565 of 20 November 2007, Art. 30,

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=374364. Rules approved by Resolution No 982 on 25 July 2003 of the Government, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=373671.

¹⁶ Law No X-764 of 13 July 2006, Art. 16(1),

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=280587&p_query=&p_tr2=.

¹⁷ Order No 4-350 of 7 October 2005, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=263568.

¹⁸ Lithuania reports also plans to abolish further ones.

¹⁹ Resolution No 151 of 17 February 2010 amending Resolution No 697 of 11 June 2001,

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=365689.

²⁰ Law No VIII-787 of 22 December 2009, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363337 as amended by the Law No XI-624 of 22 December 2009, Art. 2,

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=362026&p_query=&p_tr2=.

²¹ Law No VIII-1822 of 11 July 2000, Art. 2(16),

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=169880. Resolution No 2108 of 31 December 2002, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=365690.

retail/wholesale of tobacco products²²; retail/wholesale of alcoholic beverages²³; laundry and dry-cleaning services²⁴; burial of human remains²⁵; preparation of forest management schemes²⁶; drafting construction design documentation and carrying out construction works of exceptional significance²⁷; transmission of natural gas, distribution of natural gas, storage of natural gas, liquefying of natural gas²⁸.

In principle these restrictions on the legal form apply also to cross-border service providers (see below) though there are certain exceptions, e.g. cross-border providers of services consisting in drafting construction design documentation and carrying out construction works of exceptional significance are exempt from the legal form requirement.

Requirements related to shareholding of a company are applicable to lawyers/advocates²⁹.

Lithuania has decided to maintain the requirement of a minimum number of employees with regard to pest control services³⁰. The existing requirements concerning the number of employees who must possess certain qualifications are planned to be made less stringent with regard to corporate restructuring and corporate receivership services³¹ (after the planned changes it will be sufficient that one employee holds the required qualifications).

Maximum tariffs are applicable, for example, to services of heat and hot water supply, supervision of heating and hot water systems of apartment blocs³²; transmission, distribution, storage, liquefying and supply of natural gas³³ as well as to transmission, distribution, and supply of electricity³⁴.

²² Law No I-1143 of 20 December 1995, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=324089, planned to be amended by draft Law on Tobacco Control.

²³ Law No I-857 of 18 April 1995, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=329373, planned to be amended by draft Law on Alcohol Control.

²⁴ Order No 4-287 of 9 July 2008 of the Minister of Economy, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=324433. Lithuania reports also plans to abolish such requirement.

²⁵ Law No X-1404 of 20 December 2007, Art. 20(2), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=324890, planned to be amended by Law of human remains burial.

²⁶ Order No D1-406 of 1 September 2006 of the Minister of Environment, Item 12, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=282270&p_query=&p_tr2=.

²⁷ Law No I-1240 of 19 November 2009, Art. 14(1)(1-2), Art. 15, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=360485. Order No D1-549 of 21 October 2004 of the Minister of Environment, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=243876&p_query=&p_tr2=.

²⁸ Law No VIII-1973 of 20 March 2007, Art.3(3), 3(40), 10(1), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=350355. Rules approved by Resolution No 1304 of 5 December 2007, Item 4, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=310967.

²⁹ Law on the Bar No IX-2066 of 18 March 2004, Art. 28(2), Art. 31(2), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=319071.

³⁰ Law No XI-792, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=371475&p_query=&p_tr2=.

³¹ Order No 4-376 (2006) to be amended by draft Law on Corporate Restructuring.

³² Law No IX-1565 of 20 November 2007, Art. 32, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=374364. Order No 4-289 of 10 July 2003 of the Minister of Economy, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=215360. Order No 4-260 of 30 June 2003 of the Minister of Economy, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=215354.

³³ Law No VIII-1973 of 20 March 2007, Art. 22(5), Art. 23(1), Art. 23(2), Art. 23 (7), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=350355. Rules approved by Government Resolution No 1304 of 5 December 2007, Item 54, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=310967.

³⁴ Law No VIII-1881 of 20 July 2000, Art. 42, 43 and 44, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363193. Law No IX-884 of 16 May 2002, Art. 5(1)(5), Art. 15 and 17, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=374997. Rules approved by Resolution No 1474 of 5 December 2001, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=371318.

Examples of requirements on multidisciplinary activities of the regulated professions or in the area of certification, accreditation, technical monitoring and testing services

In Lithuania lawyers/advocates are under an obligation to restrict their activity to legal services only and, in case the services are provided in the form of a partnership or legal entity, to provide such services solely in cooperation (as partners) with other advocates³⁵. Also, providers of collective water management services may not engage in any other activity³⁶.

Examples of requirements which apply to service providers established in other Member States and providing services in Lithuania

The Services Law³⁷ includes a general clause pursuant to which service providers from EEA countries may be made subject to a duty to comply with requirements regarding access to and exercise of a service activity only in case sector-specific regulations impose such an obligation for reasons of public policy, public safety, public health or the protection of the environment.

In accordance with sector-specific regulations authorisations are required for the provision of certain categories of cross-border services. These include, for example: document management and/or keeping services³⁸; design, construction and management of construction works of exceptional significance³⁹; managing technical activity in relation to construction works⁴⁰; commercial activity and provision of services in public places⁴¹; purchasing, keeping, breeding of and trading in aggressive dogs⁴²; maintenance of potentially hazardous equipment⁴³; various services provided with regard to nuclear facilities⁴⁴.

³⁵ Law No IX-2066 of 18 March 2004, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=319071.

³⁶ Law No X-764 of 13 July 2006, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=280587.

³⁷ Law No XI-570 of 15 December 2009, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=361342&p_query=&p_tr2=.

³⁸ Law No I-1115 of 5 December 1995, Art. 18, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=319076&p_query=&p_tr2=. Resolution No 238 of 1 March 2005, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=251278.

³⁹ Law on Construction No I-1240 of 19 November 2009, Art. 14, 15, 16, and 17, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=360485. Order No D1-549 of 21 October 2004 of the Minister of Environment, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=243876&p_query=&p_tr2=. Amendments: Order No D1-124 of 2 March 2005; Order No D1-320 of 23 June 2005; Order No D1-78 of 14 February 2006; Order No D1-325 of 3 July 2006; Order No D1-613 of 22 December 2006; Order No D1-134 of 2 April 2009, http://www3.lrs.lt/pls/inter3/dokpaieska.susije_l?p_id=243876&p_rys_id=1%2C1.

⁴⁰ Law No I-1240 of 19 November 2009, Art. 10(2) and (4), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=360485. Order No D1-601 of 10 November 2007 of the Minister of Environment, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=309382&p_query=&p_tr2=. Amendments: Order No D1-553 of 22 October 2008; Order No D1-716 of 27 November 2009, Chapter V, http://www3.lrs.lt/pls/inter3/dokpaieska.susije_l?p_id=309382&p_rys_id=1.

⁴¹ Law No VIII-1725 of 28 June 2000, Art. 11, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=331437.

⁴² Law No VIII-1725 of 28 June 2000, Art. 11, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=331437. Law No VIII-500 of 6 November 1997, Art. 6-1(2), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=227203.

⁴³ Law No I-1324 of 3 October 2000, Art. 10(1), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363647.

⁴⁴ Resolution No 103 of 27 January 1998, Item 8.1, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=353626.

In certain cases Lithuanian law excludes cross-border provision of services and requires providers to set up an establishment in Lithuania, for example for provision of vocational education services⁴⁵; wholesale and retail of alcoholic products⁴⁶; wholesale and retail of tobacco products⁴⁷.

See also in section "Examples of other types of requirements imposed on service providers established in Lithuania" above information on legal form requirements that apply also to cross-border service providers.

⁴⁵ Law No VIII-450 of 14 October 1997, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=350525.

⁴⁶ Law No I-857 of 18 April 1995, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=362847.

⁴⁷ Law No I-1143 of 20 December 1995, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=324089.