

REPORT
on the Free Movement of Workers
in Lithuania in 2004

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General Remarks

The Republic of Lithuania has been preparing for application of the European Union (hereafter – EU) requirements in the area of free movement of workers long before accession to the EU. On legislative basis this was particularly noticeable with regard to introduction of special sections in certain laws (e.g. legislation on legal status of foreigners), establishing more favourable provisions for the nationals of the EU and/or European Economic Area (hereafter – EEA) Member States, in comparison with other foreigners. Many of these norms were related to the implementation of the Europe (Association) Agreement of 12 June 1995. At the same time, still a number of constrains to the free movement of workers existed during the pre-accession period (e.g. in the area of recognition of professional qualifications and diplomas, possibilities to obtain residence permits for providing services in Lithuania, regulation of family definition and status of family members of students, equal treatment in employment relations under labour contracts, restrictions of access to certain professions (advocates), permanent residence based social security systems and other constrains).

Having become a member of the European Union on 1 May 2004, Lithuania, through its government institutions intensified the work related to harmonisation of Lithuanian legislation, administrative practice and institutional setup with the EU norms and regulations in the area of free movement of workers. The Law on Legal Status of Aliens, the main legal act regulating the legal status of foreigners in the country, including the nationals of the EU/EEA Member States (hereafter – EU nationals), underwent substantial reforms. A completely new version of the Law on Legal Status of Aliens No. IX-2206 was adopted on the eve of accession to the EU, on 29 April 2004 and entered into force on 30 April 2004 (hereafter – Aliens Law of 2004). This law set forth a privileged treatment to the EU nationals as compared to all other foreigners in the country. It is estimated, that in the process of preparing this law, its' provisions were coordinated with some 25 EU legal acts on visas, 30 on migration, 25 on asylum and 10 on free movement of persons. The Aliens Law of 2004 introduced for the first time a Residence Permit for a Citizen of the European Community Member State, to be issued to EU nationals and their family members, who enjoy the free movement of persons. By 15 November 2004, technical preparations were completed for this new type of residence permits to be issued to the EU nationals-workers or job seekers intending to stay in Lithuania for more than 6 months. Though the provisions of the Aliens Law of 2004 mention only the EU nationals, its final provisions envisage the application of the principle of free movement of persons also to nationals of the EEA and Switzerland and their family members.

In comparison with 2003, the number of EU nationals permanently resident in the Republic of Lithuania out of all foreigners in the country (total number 25,597 foreigners by the end of 2004) increased in 2004 from 0.6% to 2.6%. A different tendency is observed with regard to temporarily staying EU nationals out of all foreigners temporary in the country (total number 7,016 foreigners by the end of 2004) – a decrease from 19.2% in 2003 to 18.5% in 2004. However this tendency may not reflect the actual situation, because those arriving and staying in the country for three months (workers and job seekers – for six months) without residence permits are not counted/registered and thus do not appear in the statistics. As regards the movements of Lithuanian citizens-workers to other Member States, the tendency was of increasing numbers (437 in 2003; 459 in 2004, officially registered by Lithuanian Labour Exchange). The official statistics still reflect a very limited number of Lithuanian workers in other Member States, while it is believed that a much higher number

exists in reality. This is because many Lithuanian citizens do not declare to the authorities the reason for departure from the country and many still continue to work illegally abroad. Different from some of the old Member States, Lithuania does not at the moment and is not planning to apply transition arrangements limiting the access of EU nationals to its labour market. Generally, the labour migration to Lithuania for a number of years has been rather low and the annual quota established for labour permits has been hardly filled. But a much larger number of Lithuanian workers have been seeking employment abroad.

Very progressive developments in eliminating the obstacles to the free movement of workers have been taking place in the areas of residence permits, recognition of professional qualifications and coordination of social security systems to facilitate the access to certain social benefits. New type of residence permit for EU nationals was introduced in 2004, deadlines for issuance of residence permits significantly shortened in comparison with all other foreigners, restrictions to membership and participation in the activities of professional unions and labour councils eliminated, as well as restrictions to access certain professions, various coordination/facilitation bodies established or/and strengthened (e.g. EURES network). Some of these developments were advanced largely due to pre-accession assistance and still continuing projects with old Member States under various European Community (hereafter – the EC) programs.

However, there are also remaining problems that pose or may create specific problems for EU nationals exercising their freedom of movement in the Republic of Lithuania. In particular, regulation of access to Lithuanian public service for persons performing technical and other functions falling out of strict definition of public service remains unclear and there is lack of transparency in making up the lists of posts in government and municipal institutions, which distinguish between various functions in these agencies; no rules, specific for EU nationals, as concerns departure/expulsion and detention exist, while time limits for departure are too short in comparison with the EC requirements; situation of family members who are third country nationals not sufficiently clear, as well as the status of family members in case of separation; the notion of frontier workers still not widely known and regulated by a low level act only; some taxation related issues still remain discriminatory.

In administrative practice, the situation could generally be characterized by the fact that in many areas covered by the free movement of workers, there is still a lack of awareness, experience and knowledge within the responsible government bodies, administrative capacities still lacking and it will take time during the first years of the membership to start properly applying the EC rules. Furthermore, the awareness on the European Court of Justice (hereafter – ECJ) jurisprudence on these issues in the judicial system is also rather low, which probably had contributed to the fact that none of the administrative courts in Lithuania invoked or applied any of the EC rules or the jurisprudence of the ECJ in this area so far. Legal or other literature on the subject matter is lacking and the interests of academicians are only starting to emerge.

As regards the Commission's comments on the Lithuanian report:

Mention of internet sites where national legislations and national court's judgements would be useful already for 2004 report.

Reply: Official internet site for legislation is <http://www.lrs.lt> (Parliament of the Republic of Lithuania) and for jurisprudence are the following:

- Lithuanian Supreme Court - <http://www.lat.litlex.lt>
- Lithuanian Supreme Administrative Court - <http://www.lvat.lt>

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In Chapter II, part on sport will have to be developed for 2005 report (especially concerning rules applied by football, volley ball, basket ball and ice hockey federations). Some rules detailed in 2004 report seem to be already problematic. To be followed carefully.

Reply: this area will be closely followed up and developed in 2005 report as suggested.

As concerns general remarks:

- 1) note taken;
- 2) not relevant for Lithuanian report;
- 3) already dealt with in the report as much as relates to EU citizens and their family members. New regulations which are pending in this respect will be dealt with in 2005 report;
- 4) note taken;
- 5) will be addressed in 2005 report;
- 6) replied above under specific comments.

Chapter I Entry, Residence and Departure

Entry

Texts in force

The entry of all foreigners to the Republic of Lithuania before Lithuania's accession to the EU, including the legal status of EU nationals and their family members, was regulated by the Law on Legal Status of Aliens of 1998 (hereafter – Aliens Law of 1998). There were no specific provisions related to EU citizens, thus the same rules as applied to all other foreigners entering Lithuania were used. However, with amendments introduced to the Aliens Law of 1998 in 2001 (entered into force on 1 January 2002), a special section on Legal status of aliens coming to Lithuania under the Europe Agreement (Chapter IX¹) was introduced. These amendments ensured a more favourable treatment of EU nationals, if compared with the rest of foreigners in the country.

Article 48¹(1) of the Aliens Law of 1998, as amended in 2001, seems to have provided for a freedom of entering into employment in Lithuania:

“An alien who is a national of one of the Member States of the EU may be admitted into the Republic of Lithuania and stay therein for a period not exceeding three months in any half-year from the date of first entry. Such an alien seeking employment or intending to engage in any other lawful activity in the Republic of Lithuania may stay in the country for another three months”.

Furthermore, Article 48⁵ of the Aliens Law of 1998 exempted EU nationals and their family members from the duty to obtain a work permit. However, other labour related restrictions, envisaged to foreigners by the law, could still be applied to EU nationals. For instance, the residence permit would have been issued only for a period of the validity of a labour contract, but no longer than 5 years (paragraph 1 of Art. 48⁷(1)), while labour contracts would enter into force only after completing registration procedure at Lithuanian Labour Exchange.

Following the accession of the Republic of Lithuania to the EU, the main provisions on conditions of entry, residence and departure of EU nationals are regulated by the Aliens Law of 2004. Chapter V of the Aliens Law of 2004 is devoted to the “Legal status of nationals of EU member states in the Republic of Lithuania”. Article 97 of the Aliens' Law of 2004 provides that:

“An alien who is a national of one of the Member States of the EU may be admitted to the Republic of Lithuania and stay therein for a period not exceeding three months in any calendar half-year from the first day of entry into the Republic of Lithuania. Such an alien seeking employment or intending to engage in any other lawful activity in the Republic of Lithuania may stay in the Republic of Lithuania for another three months.”

There are two grounds for refusing entry of EU citizens to Lithuania in accordance with the Aliens Law of 2004:

- first, if he is not in possession of a valid travel document, unless otherwise established by the international treaty of the Republic of Lithuania, legal act of the European Union or the Government of the Republic of Lithuania;

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- second, his stay in the Republic of Lithuania would constitute a threat to public security, public policy or public health.

There are no other visible restrictions to the free entry of the EU nationals to the territory of the Republic of Lithuania.

Given that EU nationals entering or exiting Lithuania do not require any specific entry or exit authorisation and are not registered by the authorities while in the territory of Lithuania (unless they apply for a residence permit), there is no data as to how many of them entered/exited Lithuania in 2004, unless they declare about their departure from the country. They appear in the official statistics only if they stay for longer period than 3 months, once a residence permit is issued (refer to Residence section below).

Draft legislation

No draft legislation on entry of EU nationals was pending by the end of 2004.

Judicial practice

There was no judicial practice on entry of EU nationals to Lithuania during 2004, as reported by the administrative courts.

Miscellaneous

Though the Aliens Law of 2004 provides for grounds to refuse the entry of EU nationals to the Republic of Lithuania in certain cases, in practice the administrative bodies see it difficult to apply at the point of entry. Thus these grounds could only be applied (if necessary) at the point when EU national applies to the authorities for the issuance of a residence permit (after 3 months or 6 months for workers/job seekers respectively).

Though not confirmed officially, but observed in practice, is that foreigners of Asian or African origin who look differently from Europeans are frequently stopped at the border control point of Vilnius airport and their entry documents are checked with more scrutiny than others. This practice may naturally affect also EU nationals of non-European origin and may amount to discrimination on account of ethnic origin.

Recent literature

Žaltauskaitė-Žalimienė S., *Asmenu judejimo laisve pagal Europos Bendrijos teise*, Europos Sąjunga ir Lietuva. – Vilnius: Justitia, 2002, p. 290-316.

Residence

Texts in force

The residence of all foreigners in the Republic of Lithuania before Lithuania's accession to the EU, including the legal status of EU nationals and their family members, was regulated by the Aliens Law of 1998. There were no specific provisions related to EU nationals before

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the specific amendments in 2001, enforced in 2002. Article 48² of the Aliens Law provided that

“a national of an EU member State intending to be employed or engaged in any other lawful activity or reside in the Republic of Lithuania for a period longer than the one specified in paragraph 1 of Article 48¹ must obtain a temporary residence permit”.

Therefore residence permits were required only after a certain period of time. The grounds for issuing such residence permits were:

- employment under labour contract;
- engagement in economic-commercial activity;
- provision/receipt of services;
- staying in Lithuania on the basis of legal source of income;
- education in a registered educational establishment in Lithuania.

Family members of EU nationals receiving residence permits on these grounds were entitled to stay with them or join them at a later stage (Art. 48⁴ (2)).

Under this law, residence permits would have been issued within one month from the date of filing the application for permit. However, the validity of the residence permit would be fixed at the term of validity of the labour contract, on the basis of which it was issued. The longest duration of a residence permit under the Law of Aliens of 1998 was 5 years.

EU national, having resided legally in Lithuania for the past five years was entitled to receive a permanent residence permit in the Republic of Lithuania (Art. 48⁹ of the Aliens Law of 1998). There were also additional conditions to be fulfilled, including: a place of residence and lawful source of subsistence in the Republic of Lithuania, which might have created certain practical obstacles to some foreigners. Absence from the country for a period not exceeding six consecutive months, could not serve as a reason for refusal to issue a permanent residence permit in the Republic of Lithuania (Art. 48⁹).

The Aliens Law of 1998, as amended in 2001, also provided for a right to stay in the Republic of Lithuania following the termination of employment or any other lawful activity:

“After termination of employment or any other lawful activity, nationals of the Member States of the European Union shall be issued a residence permit in the Republic of Lithuania provided they have reached the retirement age under the laws of the Republic of Lithuania, and are entitled to pension in the Republic of Lithuania” (Art. 48⁶).

Family members were entitled to the same treatment.

Residence permits could be withdrawn on the basis of at least one of the following reasons (Art. 48⁸):

- 1) where the permit was obtained by fraud;
- 2) where the alien who, after committing a crime and sentenced to imprisonment, served his sentence or was released on parole in the Republic of Lithuania;
- 3) where residence of the alien in the Republic of Lithuania poses a threat to national security, public order, health and morals of the population;
- 4) where the alien departed from the Republic of Lithuania to take up residence in another state.

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Family members would also be losing the right to reside in the Republic of Lithuania. Withdrawal of a temporary residence permit would be carried out by the Ministry of Interior of Lithuania or a body authorised by it.

Since the entry of the Republic of Lithuania to the EU, all EU citizens who intend to live in Lithuania for a period longer than 3 months must obtain fixed-term residence permits under Chapter V of the Aliens Law of 2004. However, persons employed under the labour contract or intending to engage in lawful activities or to receive services in the Lithuania are exempted from this obligation for additional period of 3 months during any calendar half-year from the first day of entry into the Republic of Lithuania. During these 6 months the EU national-worker is not required to register. There is an intention of the authorities to apply the registration requirement; however no specific legislation/rules have been adopted so far. For the time being, only those foreigners, including EU citizens, who have residence permits already issued, are obliged to declare their place of residence while in Lithuania in accordance with the Law on Declaration of the Place of Residence, No. VIII-840 of 2 July 1998. Pursuant to paragraph 2 of Article 4(1) of the Law the obligation to declare the place of residence extends to foreigners who have residence permits in Lithuania and arrive to live in Lithuania/depart from Lithuania for a period of more than 6 months, or change their place of residence in Lithuania. Declaration shall take place within 7 working days from emergence of a duty to declare or 7 days prior to departure from the country. Declaration is performed at a local migration service.

Article 99 of the Aliens Law introduced a residence permit of a national of the European Community Member State (hereinafter EC residence permit). Once the EU citizen and his family member submit an application for issuing or extension of the EC residence permit, such application must be processed within one month from the date of its receipt (in comparison with 6 months applied to all other foreigners). Worthwhile mentioning is that the EC residence permits are issued only if the intentions to stay in Lithuania by the EU citizen are based on any of the following grounds:

- 1) employment in the Republic of Lithuania;
- 2) engagement in lawful activities in the Republic of Lithuania;
- 3) provision of services in the Republic of Lithuania;
- 4) receiving services in the Republic of Lithuania;
- 5) residing in the Republic of Lithuania, having a legal source of subsistence;
- 6) obtaining education, studying at an educational establishment, taking part in an internship programme, undergoing in-service training, taking part in vocational training;
- 7) living with the family.

Job seekers are covered in so far as they can stay without a residence permit in the country for a period of up to 6 months. Family members of EU citizens have the right to be issued the EC residence permit when they enter Lithuania accompanying EU citizen or for staying under his roof. EU nationals can submit applications for issuance or extension of the EC residence permit either to the diplomatic/consular authority abroad or directly to the migration service at territorial police authority in Lithuania (differently from other foreigners). EC residence permits are issued by the Migration Department to the Ministry of Interior of Lithuania (hereafter – Migration Department).

An EC residence permit is valid for up to five years if the EU citizen is staying in Lithuania for employment, engagement in lawful activities, having a legal source of subsistence or living with the family. In case of provision of services, the validity of the EC resi-

dence permit would be fixed at a period of service provision, but for no longer than 5 years. A similar rule is applied also in case of receipt of services – only for a period of receipt of services, but for no longer than 5 years. For students, EC residence permits are issued only for a period of one schooling year. Family members of EU citizens obtain residence permits for the same period as EU citizens.

Article 104 of the Aliens Law of 2004 provides for the issue of Permanent Residence Permit to the EU national. According to this Article, “an alien who is an EU Member State national and his family members, if he has been lawfully resident in the Republic of Lithuania for the last 4 years, shall be issued the EC permanent residence permit”. This rule is more favourable than that stated in the Directive 2004/58/EEC (five years of residence before permanent residence permit is granted), thus no specific rules are provided for workers or self-employed persons who have reached the age for entitlement to an old age pension or early retired persons. Such a residence permit is valid for 10 years and is extended upon the expiry of the period. Notwithstanding, if the EU citizen is away from Lithuania for a period exceeding 6 consecutive months, this may be a ground for refusing the EC permanent residence permit (except when absence from Lithuania is related to performance of military or alternative service). However, there is no exception allowing one absence of a maximum of 12 consecutive months for important reasons, such as pregnancy and childbirth, serious illness, study or vocational training, or a posting in another Member State or a third country, as required by the Directive 2004/58/EEC. This may create problems for EU nationals in these situations resulting in refusal to issue a permanent residence permit. 136 permanent residence permits were issued in 2004 (since 30 April 2004), no one was refused. Chapter VIII below provides the breakdown according to nationality.

There is a possibility for EU citizens and their family members to stay in Lithuania following the termination of employment relations or other lawful activities in Lithuania. EU citizens may exercise the right to stay for residence in Lithuania within 2 years from the emergence of the right. EC permanent residence permit would be issued to such a citizen if he has reached pensionable age (60 years for females and 62 years and 6 months for males) and if he has lawfully resided in Lithuania for the last 2 years and has been employed for the last 12 months. The Aliens Law of 2004 in its Article 105 further specifies other rules related to the right of stay following the termination of employment relations or other lawful activities:

- a) if such termination is due to incapacity to work, EU citizen shall be issued the EC permanent residence permit if he has resided in Lithuania for the last 2 years;
- b) EU citizens, who terminated employment relations or other lawful activities in Lithuania due to incapacity to work by reason of an accident at work or a recognised occupational disease shall be issued the EC permanent residence permit without requiring to meet the conditions of residence for the last 2 years and previous employment for the last 12 months.

Once EU citizen acquires the right to stay, his family members acquire this right together with him. In situations of family members of EU citizen, who died without having acquired the right to stay in Lithuania, they shall be issued the EC permanent residence permit if the diseased EU citizen had lived in Lithuania for the last 2 years or if he died in an accident at work or from a recognised occupational disease.

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The Aliens Law of 2004 mentions several grounds for refusing to issue/extend and for revoking the EC residence permit to EU citizen or his family member. These include the situations when:

1. his stay (also of his family member) in Lithuania constitutes a threat to public security, public policy or public health (the grounds relating to public health shall not apply if after the issue of the first EC residence permit to EU citizen and his family member the person fell ill or became incapable of work);
2. EU citizen has been refused issue of the EC residence permit, his family members who intend to join him in Lithuania shall also be refused the issue of the EC residence permit, except in cases when they are entitled to enter Lithuania on other grounds;
3. EC residence permit issued to EU citizen is revoked; the EC residence permit issued to his family members residing together shall also be revoked, except in cases when they are entitled to stay in Lithuania on any other ground.

It is not sufficiently clear from the law, if a general rule concerning withdrawal of a permanent residence permit would apply to EU nationals also. If indeed so, then constraints for EU nationals may arise if they stay outside Lithuania for a period exceeding 6 months, as this could be a ground to terminate a permanent residence permit (Paragraph 1(4) of Art. 54). If indeed applied in practice, it would be in contradiction with the Directive 2004/58/EEC rules, providing for a period exceeding two consecutive years.

More detailed regulation on the issuance of residence permits to foreigners, including EU nationals, are expected to be provided by the Order of the Minister of Interior, implementing the Aliens' Law of 2004. No such order was adopted by the end of 2004, thus residence permits were issued on the basis of provisions of the Aliens Law of 2004 only.

Draft legislation

The Order of the Minister of Interior on Issuance, Termination and Withdrawal of Residence Permits, mentioned above, was in the process of drafting by the end of 2004. This Order, once adopted, would replace an old Order of the Minister on the Issuance of Residence Permits, as well as the Resolution of the Government No. 486 on Approval of Order on Issuance, Change and Termination of Residence Permits of 1 May 2000, which was adopted prior to the enforcement of the new Aliens' Law of 2004. It is intended that the new Order will contain a special section on issuance of residence permits to the EU nationals.

Judicial practice

No cases concerning free movement of EU nationals as concerns residence in Lithuania have been submitted to administrative courts during 2004.

Miscellaneous

By the end of 2004, a total of 25 597 foreigners were residing in Lithuania with permanent residence permits and 7016 – with temporary residence permits. The table below provides the breakdown of these foreigners according to nationality.

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Country of origin	Foreigners holding permanent residence permits	Foreigners holding temporary residence permits
European countries, including:	17,415	5,190
EU Member States, including:	666	1,299
- Denmark	10	109
- Latvia	162	193
- Poland	315	176
- France	11	100
- Germany	90	224
EEA Member States, including:	10	90
- Norway	8	61
Other European countries, including:	16,739	3,801
- Armenia	166	118
- Belarus	2,153	872
- Russian Federation	12,728	1,765
- Ukraine	1,469	686
North American countries, including:	53	367
- USA	51	338
Central and South American countries	8	44
Asian countries, including:	564	991
- Israel	122	204
- Kazakhstan	219	69
- China	9	244
- Lebanon	28	167
African countries	12	35
Australian and Oceanian countries	5	15
Stateless	7,540	374
Total:	25,597	7,016

Comment: nationals of 98 foreign countries were residing in Lithuania with residence permits by the end of 2004.

Source: Data of the Centre for Issuance of Personal Documents at the Ministry of Interior of Lithuania.

Before Lithuania's accession to the EU, the Migration Department received 261 applications from EU nationals to issue temporary residence permits (during 01.01.2004-29.04.2004). Following accession to the EU (during the period of 01.05.2004-31.12.2004), 950 applications for EC residence permits were received from EU and EEA nationals in Lithuania. 890 decisions to issue/extend residence permits were adopted in 2004. No negative decisions were adopted by the Migration Department after accession to the EU by the end of 2004. Detailed statistics according to nationality is provided in Annex III to this Report.

Problems exist with regard to statistical data because residence permits do not state the reason/ground of issue, thus not clear how many stay for employment reasons. However, some statistics is available on the basis of decisions to issue residence permits. E.g. 209 EC

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residence permits were issued to EU/EEA nationals engaged in employment in Lithuania during 2004. For details refer to Annex III to this Report.

Concerning the fees for issuance of residence permits, EU nationals enjoy better conditions than all other foreigners in the country. For instance, for issuance of temporary residence permit the fee to EU nationals is 10 litas (approx. 3 Euro), in comparison – issuance of ID card to Lithuanian national costs the same. However, all other foreigners have to pay 250-450 Litass (approx. 73-130 Euro, depending on the ground on which the permit is issued) for issuance of temporary residence permit. For permanent residence permits, EU national needs to pay a fee of 50 Litass (approx. 15 Euro), while all other foreigners – 250 Litass (approx. 73 Euro). In comparison, national passports to the citizens of Lithuania are issued for a fee of 60 Litass (approx. 17.5 Euro). Thus fees applied to EU nationals for issuance of residence documents may be considered proportional to those applied to the nationals.

Departure

Texts in force

Neither prior to Lithuania's accession to the EU, nor following the accession, there were specific provisions in the aliens legislation regulating departure of EU nationals. Aliens Law of 1998 provided for general rules concerning expulsion of foreigners from the Republic of Lithuania without specific provisions applicable to persons arriving under the Europe Agreement. Therefore, EU nationals could be ordered departure from Lithuania on the same grounds as any other foreigner under the Law, i.e. when his visa or residence permit in the Republic of Lithuania was withdrawn or when he continued to reside in the Republic of Lithuania with an invalid visa or temporary residence permit (Art. 32(1)). If he failed to comply with the requirement to depart from the Republic of Lithuania within a specified time (within 10 days), he could be expelled (if he had entered into the Republic of Lithuania unlawfully or unlawfully resides therein) (Art. 34).

Under the Aliens Law of 2004 (Art. 125), departure of the foreigner (including EU nationals) may be ordered in case when:

- 1) his visa was cancelled (comment: as EU nationals are not required to obtain visas, this ground seems not to be applicable in their case);
- 2) his temporary residence permit or permanent residence permit was revoked;
- 3) he is staying in the Republic of Lithuania after the expiry of validity of the visa (same comment applies as for point 1);
- 4) he is staying in the Republic of Lithuania after the expiry of the temporary residence permit;
- 5) he entered into the Republic of Lithuania lawfully, but is staying without possessing a temporary or a permanent residence permit where he is obliged to possess one;
- 6) he has been staying in the Republic of Lithuania for a period exceeding the period of visa-free stay in a state set by an international treaty of the Republic of Lithuania, an EU legal act or the Government of the Republic of Lithuania (same comment applies as for point 1).

Aliens' Law of 2004 separately states grounds for expulsion (Art. 126), i.e. a foreigner can be expelled when:

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- 1) he failed to comply with the requirement obliging him to depart from the Republic of Lithuania within a set time period;
- 2) he entered into or is staying in the Republic of Lithuania unlawfully;
- 3) his stay in the Republic of Lithuania constitutes a threat to public security or public policy.

The Law further provides that while taking a decision on expulsion of the foreigner, certain circumstances should be taken into account, including (Art. 128):

- 1) the period of his lawful stay in the Republic of Lithuania;
- 2) his family relationship with persons resident in the Republic of Lithuania;
- 3) his social, economic and other connections in the Republic of Lithuania;
- 4) type and extent of dangerousness of the committed violation of law.

On 24 December 2004, the Minister of Interior approved a new Order No. IV-429 on Adoption of Decisions concerning Ordering Departure, Expulsion, Return or Transit through the Territory of Lithuania of a Foreigner and the Rules of Implementation of Such Decisions (hereafter – Order on Expulsion of Foreigners). This Order regulates expulsion in detail and is also applied to EU nationals on the same conditions as to all other foreigners to be expelled from the country. The Order provides that a specific mark is stamped on the foreigners' document about the order to leave the country, while the foreigner should leave the country within 15 days from the handover of the decision to him (paragraphs 26 and 27.2). In case of expulsion, a mark is inserted on a travel document with or without a ban to enter (paragraph 52.2). If this would be applied in practice to the EU nationals, it would be in variance with the Directive 2004/58/EEC, which prohibits imposing bans on entry in the context of expulsion decisions. Decision on expulsion shall be executed immediately, unless the reasons for suspending expulsion exist. Lack of specific rules regulating departure and expulsion of EU nationals makes them vulnerable to expulsion under broader grounds than provided in the Directive 2004/58/EEC, which allows expulsion of EU nationals and their family members who have a right to permanent residence only on account of serious grounds of public policy or public security. Furthermore, the period given to the alien for departure under the Aliens Law of 2004 (15 days from receipt of decision) does not comply with the rules of the Directive, which requires not less than 1 month to be given to leave the territory. As there was no practice of expelling EU nationals in accordance with these new rules during 2004, it is difficult to foresee at this stage, if practice of its application would be different from the legal regulation, so as to assess practical compliance with the Directive.

Also problematic could be the issue of detention of EU nationals, as no specific rules are provided and they would be detained under the same grounds/conditions as all other foreigners in the country. Article 113 of the Aliens Law of 2004 states the following grounds for detention of foreigners (without any exceptions to EU nationals):

- 1) in order to prevent the alien from entering into the Republic of Lithuania without a permit;
- 2) if the alien has illegally entered into or stays in the Republic of Lithuania;
- 3) when it is attempted to return the alien to the country from where he has come if the alien has been refused entry into the Republic of Lithuania;
- 4) when the alien is suspected of using forged documents;
- 5) if a decision on the expulsion of the alien from the Republic of Lithuania has been taken;

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- 6) in order to stop the spread of dangerous and especially dangerous communicable diseases;
- 7) when the alien's stay in the Republic of Lithuania constitutes a threat to public security, public policy or public health.

Draft legislation

No draft legislation on departure or expulsion was pending by the end of 2004. However there were plans to draft amendments to the Aliens Law of 2004 to address the issues that might raise incompliance with the EC law as concerns departure/expulsion of EU nationals.

Judicial practice

No cases concerning free movement of EU nationals as concerns departure/expulsion from Lithuania were submitted to the courts during 2004.

Miscellaneous

The number of EU nationals who departed from Lithuania in order to take up residence in another country was 149 during 2004 (in comparison, 100 – during 2003). The table below provides a breakdown of data according to the country to which departure took place.

Country of destination	Number of persons	
	2003	2004
EU Member States, including:	95	139
- Denmark	16	19
- Latvia	-	23
- Finland	27	14
- Germany	28	32
EEA Member States	5	10
Total:	100	149

Source: Data of migration services.

According to the data of the Migration Department (01 03 2005), no expulsion was carried out against the EU nationals prior to Lithuania's entry to the EU (during 01.01.2004-29.04.2004). However, four persons of third countries (these countries later became the new Member States of the EU) were expelled during the same period (2 citizens of Estonia and 2 citizens of Latvia). Following Lithuania's accession to the EU, no expulsions of EU nationals was carried out (during the period of 01.05.2004-31.12.2004).

Chapter II Equality of Treatment

Texts in force

Prior to Lithuania's accession to the EU, the Labour Code of the Republic of Lithuania (hereafter – Labour Code), approved by the Law of the Republic of Lithuania No. IX-926 on Approval, Entry into Force and Implementation of the Labour Code (adopted on 4 June 2002 and entered into force on 1 January 2003), regulated all relations related to employment in the country. General principle of anti-discrimination was stated in paragraph 1(4) of Article 2 of the Code, among the principles applying to the regulation of relations under the Code:

“equality of subjects of labour law irrespective of their gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, factors unrelated to the employee's professional qualities”.

Furthermore, paragraph 1(1) of Article 96 contained the prohibition of refusing employment to a person on the grounds specified in Article 2, mentioned above. Concerning the payment for work, Article 186(3) of the Labour Code stated that

“the wage of an employee shall depend upon the amount and quality of work, the results of the activities by the enterprise, agency or organisation as well as the labour demand and supply on the labour market. Men and women shall get an equal pay for equal or equivalent work”.

Article 13 of the Labour Code provided for legal capacity to engage in employment only to the citizens and permanent residents of Lithuania:

“All citizens of the Republic of Lithuania shall be recognised to have legal ability to exercise labour rights and undertake labour obligations (legal capacity in labour relations). Foreign nationals and stateless persons, who are permanently residing in the Republic of Lithuania, shall have the same legal capacity in labour relations in the Republic of Lithuania as its' citizen.”

This provision was a clear obstacle for EU nationals to enter Lithuania in order to engage in labour activity on the same grounds as Lithuanian nationals, and could have been considered in conflict with the European Community law.

The definition of the employee was set forth in Article 15 of the Labour Code:

“a natural person possessing legal capacity in labour relations and employed under labour contract for remuneration”.

The concept of a labour contract was contained in Article 93 of the Labour Code:

“employee undertakes to perform work of a certain profession, speciality, qualification or to perform specific duties in accordance with the work regulations established at the workplace, whereas the employer undertakes to provide the employee with the work specified in

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the contract, to pay him the agreed wage and to ensure working conditions as set in labour laws, other regulatory acts, the collective agreement and by agreement between the parties". Though the Code did not link the definition of those employed with the citizenship or permanent residence in Lithuania, it is likely that this definition covered only those mentioned.

The Labour Code provided for a right to information and consultation for the employees of EU enterprises or groups of enterprises. According to Article 47 (6) they could receive information and consultations through the European Labour Councils. As an exception to the general date of entry of the Code into force, the enforcement of this Article was envisaged only after Lithuania's accession to the EU. Considering that the Labour Code did not regulate employment of EU nationals (unless they were permanently resident in Lithuania), only the provisions of the Aliens Law of 1998, as amended in 2001 (effective as of 1 January 2002), could be applied to labour relations involving EU citizens. According to the Aliens Law of 1998, all foreigners had to register their labour contracts in Lithuanian Labour Exchange within 3 days of signature and the contract could become effective only following its registration (Art. 30 (4) of the Aliens Law of 1998). There was also an obligation to state in the labour contract the job (post) and the period of employment for the foreigner, as well as the obligation of the alien to be employed only for the job stated in the contract, and to depart from the Republic Lithuania after the termination of the period set forth in the labour contract. A labour contract with a foreigner could not be concluded for a period longer than the period of validity of the work permit obtained by the foreigner. Furthermore, according to the Labour Code (paragraph 1(2) of Art. 98) work of citizens of foreign countries and stateless persons without complying with the requirements and order for employment, could be considered illegal work.

There were also other inequalities in respect of treatment of EU nationals. For instance, EU nationals could not join professional unions, because the Law on Professional Unions No. I-2018 of 21 November 1991, limited such a possibility exclusively to the citizens and permanent residents of Lithuania (Art. 1 of the Law). However, this provision of the Law was amended on 3 November 2003 to enable "all persons, legally working in the territory of the Republic of Lithuania under labour contract and on other grounds established by the laws to freely join professional unions and participate in their activities". This brought the provisions in compliance with the requirements of Regulation No. 1612/68/EEC. Notwithstanding the Civil Code of the Republic of Lithuania of 18 July 2000 (approved by the Law No. VIII-1864), as amended in 2004, still contains a provision that founders of a professional union may be Lithuanian citizens or permanent residents of Lithuania only (Art. 2.38(3) of the Code).

Analysing the period after accession of Lithuania to the EU, employment relations are regulated by the new version of the Labour Code (version of 22 June 2004). Article 13 of the Labour Code providing for the legal capacity in labour relations only to Lithuanian citizens are permanent residents has not been specifically amended since Lithuania's entry to the EU, however, the EC Regulations (e.g. Regulation 1408/71/EEC) are directly applicable in Lithuanian legal system and the labour laws of the Republic of Lithuania are thus applied only in as much as they do not conflict with the Regulations. This allows ensuring the equal treatment of EU nationals with regard to concluding labour contracts and conditions of work. As already mentioned above, EU nationals may join and participate in the activities of professional unions. Moreover, they can also join the labour councils (bodies, representing employees and defending their professional, labour, economic and social rights, as well as representing their interest), as the Law on Labour Councils No. IX-2500, adopted on 26 October

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2004, does not place any restrictions on that. However, there is no statistics on how many EU nationals or other foreigners, if any, are members of professional unions or labour councils. EU nationals may enter into labour relations on the same conditions as Lithuanian nationals and would be entitled to the same unemployment benefits, provided they comply with requirements for receiving such benefits. As concerns taxation, EU nationals working under labour contract are paying the same social insurance taxes, as Lithuanian citizens. In addition to that, there is an exemption under the Aliens Law of 2004 from obtaining a work permit for EU nationals and their family members who intend to work under a labour contract in Lithuania.

Draft legislation

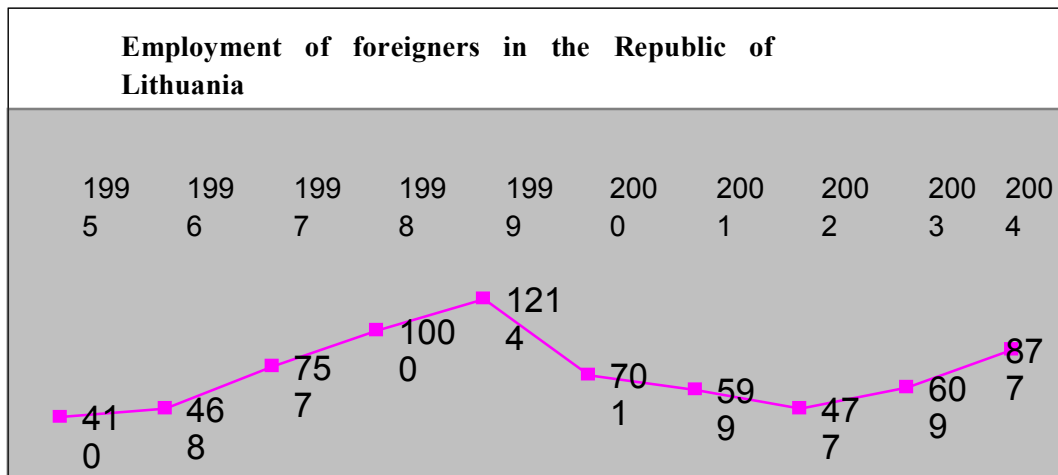
No draft legislation was pending by the end of 2004.

Judicial practice

No cases concerning employment or equal treatment of EU nationals were submitted to the courts during 2004.

Miscellaneous

Lithuanian Labour Exchange received 1,013 requests to issue work permits for foreigners during 2004 and issued 877 permits (758 to male and 119 to female workers). This statistics, including the table below indicates the general tendencies of official labour migration in the country, however it does not cover labour migration of EU citizens, because they are no longer required work permits as of 2002.



Source: Report on Issuance of Work Permits to Foreigners for 2004, Lithuanian Labour Exchange at the Ministry of Social Security and Labour, International Relations' Section (2004 metų ataskaita apie leidimų dirbti užsieniečiams išdavimą. Lietuvos Darbo birža prie Socialinės apsaugos ir darbo ministerijos, Užsienio ryšių skyrius).

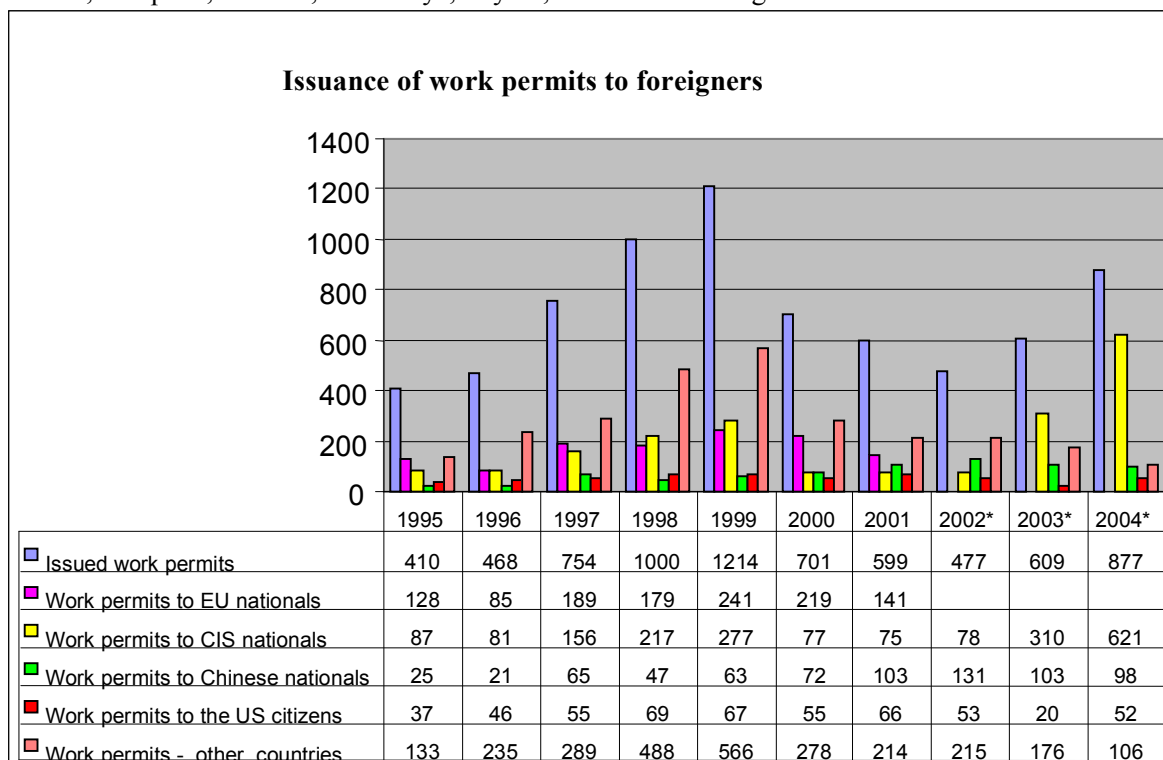
In comparison with 2003, the number of foreigners arriving to Lithuania from Ukraine, Belarus and USA increased, but decreased for those arriving from China and the Russian Federa-

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tion. The table below provides detailed statistics of work permits issued according to the year, in order to illustrate labour migration tendencies in Lithuania during 1995-2004. As for the table above, EU nationals are no longer part of this statistics as of the year 2002.

As concerns Lithuanian citizens who seek employment in other Member States of the EU, they can freely enter labour markets of Ireland, the United Kingdom and Sweden, because these countries do not apply transitional arrangements restricting access to employment for citizens of new Member States of the EU. Lithuania does not apply transitional arrangements to nationals of any of EU Member State in the field of employment.

To facilitate the implementation of free movement of persons in Lithuania and outside it, the service of EURES coordinator was established within the Lithuanian Labour Exchange in 2003. Currently, eight EURES bureaus operate in labour exchanges of Vilnius, Kaunas, Klaipeda, Siauliai, Panevezys, Alytus, Utena and Taurage cities.



Source: Report on Issuance of Work Permits to Foreigners for 2004, Lithuanian Labour Exchange at the Ministry of Social Security and Labour, International Relations' Section (2004 metų ataskaita apie leidimų dirbti užsieniečiams išdavimą. Lietuvos Darbo birža prie Socialinės apsaugos ir darbo ministerijos, Užsienio ryšių skyrius).

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Undžėnas B., Užsieniečių įsidarbinimo Lietuvoje reglamentavimo raida ir perspektyvos, *Jurisprudencija*, Nr. 25(17), 2002, p. 148-156;

Davulis T., *Darbo teisė: Europos Sąjunga ir Lietuva*, Vilnius: Teisinės informacijos centras, 2004, p. 76-92, 176-237.

Chapter III

Employment in the Public Sector

Texts in force

The Constitution of the Republic of Lithuania of 25 October 1992 (as last amended on 13 July 2004 No. IX-2343, No. IX-2344) provides that:

“All citizens shall have the right to take part in the conduct of public affairs, both directly and through democratically elected representatives, and the right to seek employment, on general terms of equality, in the public service of the Republic of Lithuania” (Art. 33).

It further states that the requirement of Lithuanian citizenship is applied for becoming a member of the Parliament (Art. 56), the President of the Republic of Lithuania (Art. 78), judge of the Constitutional Court (Art. 103) or any other court (Art. 112). As concerns the members of municipal councils, not only Lithuanian citizen, but also permanent residents of Lithuania are eligible (Art. 119).

Prior to and after Lithuania’s entry to the European Union, employment in the public sector has been regulated by the Law on Public Service No. VIII-1316 of 8 July 1999 (hereafter – Law on Public Service of 1999). In its Article 9(1) it determined that a person, entering the public service, must have the citizenship of Lithuania. Article 9(4) of the Law however provided that the requirement to have the citizenship of Lithuania does not apply on the basis of reciprocity to state employees providing services and who are residents of Lithuania or nationals of the EU member state, state parties to the Europe Agreement or NATO. It was not clear whether the exemption applied to permanently staying only or also to those temporarily in Lithuania. Elimination from the law of this exception to the citizenship requirement is believed to have been based on political decision of the ruling power. Worthwhile noting that the new version of the Law on the Public Service of 1 July 2002 (hereafter – Law on Public Service of 2002) no longer contained this exception.

The Law on Public Service of 1999 defined a public servant as

“a natural person who has acquired the status of a public servant pursuant to this Law and other legislation, and who in state (central and municipal) institutions or agencies performs the functions of public administration, economic or technical functions, or provides public services to the public” (Art. 2(2)).

There could be some incompliance with the EC law at that time not because in principle the citizenship requirement was established, but because not all aspects of the public service corresponded to the characteristics of the public service, as understood by the EC law and the ECJ jurisprudence. The public service in Lithuania was understood rather broadly, e.g. including also the performance of economic and technical functions and provision of public services. With the adoption of a new version of the Law in 2002, the public servant was defined as a person performing the function of public administration, while the public service was also defined much more narrowly (Art. 2(1)):

“Public service means a sum total of legal relations arising after the acquisition of the status of a public servant, the change or loss thereof, as well as those resulting from the public administrative activities of a public servant in a state or municipal institution or agency

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when implementing the policy of a particular sphere of state governance or ensuring the co-ordination of the implementation thereof, co-ordinating the activities of institutions of a particular sphere of state governance, managing and allocating financial resources and controlling their use, carrying out audits, adopting and implementing legal acts, decisions of state and municipal institutions or agencies in the sphere of public administration, preparing or co-ordinating draft legal acts, agreements or programmes and giving opinions on them, managing personnel, or having public administrative powers with respect to persons, who are not subordinate.”

This definition in itself should not raise any issues of incompliance with Article 39 of the EC Treaty. However, it should be read in conjunction with uniform lists of positions of public servants, approved by the Parliament and the Government of Lithuania. These lists were approved with the intention to avoid institutional subjectivity and to determine appropriate number of state institutions and public servants. Resolution of the Parliament of the Republic of Lithuania No. IX-992 of 27 June 2002 establishes a list of positions of public servants in the Parliament, Chancery of the Parliament, institutions accountable to the Parliament, the President’s Office and institutions accountable to the President, National Court Administration, courts, Prosecutor’s Office and municipal institutions. Among others, the list includes as public servants: head of Parliament Chairman’s Secretariat and chief advisor, advisor, consultant and secretary to the President of the Republic, representative of the President for special assignments, public relations officers of the Parliament and of the President, secretary of the municipal council, advisor and assistant to the mayor, director and deputy director of department or section, director of commission or council administration, deputy inspector of municipality, chancellor of the Parliament Ombudsmen institution, chief state auditor, chief internal auditor and chief specialist, assistant to the prosecutor of Prosecutor’s General Office or regional or county prosecutor, advisor and assistant to the chairman of the courts, assistant to the judge, court consultant, secretary of court sessions, secretary of the administration, chief and junior investigator or specialist.

Another legal act, Resolution of the Government No. 684 of 20 May 2002, establishes a similar list of positions of public servants in the Prime Minister’s Office, Chancery of the Government, ministries, government institutions and institutions at the ministries. Among others, the list includes as public servants: chief advisor, advisor and assistant of the Prime Minister, head of the Prime Minister’s Secretariat, spokesperson for the Prime Minister and ministers, vice-minister, advisor and assistant to the minister, chief and deputy chief of the county, head and deputy head of government institution, state secretary, undersecretary, Government agent in the European Court of Human Rights, director and deputy director of department, commission, council administration or section, head of section, chief auditor of government institution, advisor in the Chancery of the Government, special attaché and his deputy, chief specialist and specialist in the government institution, diplomats: ambassadors, consul general and consul, vice-consul, advisor of the department/section, first/second/third secretary, attaché; chief of headquarters, chief commissioner - Deputy Commissioner General of the Police, head and deputy head of battalion/squadron/company/platoon, investigator of particularly important cases and chief investigator, master of the ship, pilot, chief body-guard, deputy chief of cordon, chief instructor, head of fire-prevention post, chief border guard, police officer, fireman.

Each government/municipal institution approves its own list of public service posts on the basis of the mentioned uniform lists. However these lists, approved by the head of institution/body are internal and thus not open to the public. The criteria for approving the lists

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are indeed functional, taking into account the nature of the tasks and responsibilities inherent in the post, thus in this respect such practice should be in line with the ECJ jurisprudence on the matter.

The provisions of the Law on Public Service of 2002 do not apply to persons providing public services and performing technical functions. Thus apart from public servants, who can only be Lithuanian nationals, there are no restrictions in the laws that would prevent foreigners, including EU nationals, to be employed in the government/municipal bodies under labour contracts. In practice, as concerns employment of nationals under labour contracts, e.g. in the ministries, usually these contracts are concluded for persons performing technical functions. In this context, Lithuania applies the concept of restricted public service when public servants are only those persons who have been granted powers by public authorities or directly participate in the process of policy enforcement, drafting of legislation or implementation of other legal acts. In fact, it seems that Lithuanian legislation does not debar the nationals of other EU Member States from the totality of posts in the public service, but only from those posts that are mentioned in the uniform lists. Such practice seems to be in line with the ECJ jurisprudence.

Thus even though there is no explicit restriction in the laws for the EU nationals to work under labour contracts in e.g. ministries, the public service in its narrow understanding as defined in Public Service Law of 2002, remains reserved to Lithuanian nationals only. However, a possibility for EU national to work under labour contract in functions other than the exercise of public administration is not separately and explicitly regulated, which makes it difficult to monitor the practical implementation. Some ministries are establishing special sections to deal with European Union affairs and are intending to employ persons under labour contracts there (e.g. European Social Fund section will be established in the Ministry of Social Security and Labour in autumn 2005 and it is expected that at least for some of 11 newly established working positions, applicants from other Member States with extensive experience of EU social affairs might be sought).

Concerning the work conditions and social guarantees, there are some differences between public servants and persons employed under labour contracts in the public service. First of all, the salaries of public servants are higher by virtue of qualification grade (the latter is not granted to persons working under labour contracts) and length of service. Public servants are entitled to additions to their salaries, additional holiday days. Also, they may receive supplements for performing additional functions (not enlisted in the description of the post) for a period of one year.

Draft legislation

No draft legislation on employment in public sector was pending by the end of 2004.

Miscellaneous

In practice, persons in public service are divided into two groups: civil (public) servants and public employees. The Law on Public Service of 2002 applies to some 60,000 public servants (of which to some 30,000 statutory public servants) in about 800 government and municipal institutions and bodies. The positions (posts) of the civil servants are grouped into categories (A, B, C) and divided into 20 grades. Usually, the advertisements for the posts in

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government/municipal bodies explicitly mention whether the post advertised is for the public servant or for so called “public employee”.

Recent literature

Šarmavičius, Osvaldas, The Development of Civil Service System in Lithuania, Lithuanian weekly, 2003.

Chapter IV

Members of the Family

Texts in force

Prior to Lithuania's accession to the EU, the Aliens Law of 1998, regulating also the position of family members of the worker, if compared with the EC law at that time, was not fully in compliance with the later. For instance, the understanding of the family members under the Aliens Law of 1998 was slightly different from that under the Regulation 1612/68/EEC. The Aliens Law recognised as family members only a spouse, children and foster children below the age of 18 if they were unmarried, as well as dependants. The Regulation 1612/68/EEC on the other hand, recognised as family members also children below the age of 21 and dependent children. The situation has changed after Lithuania's entry to the EU, as the Aliens' Law of 2004 contains the following definition in Article 2(4):

“Family members of a national of an EU Member State mean the person's spouse or his unmarried partner in a stable relationship, children and adopted children under 21 years of age, including the children and adopted children under 21 years of age of the spouse or of the unmarried partner in a stable relationship, the dependent relatives according to direct ascending line of the national of the EU Member State, his spouse or unmarried partner”.

This definition is in line with that provided in the Directive 2004/58/EEC of 29 April 2004.

The Aliens Law of 1998 provided that the family members could be admitted together with EU national or join him and stay in the Republic of Lithuania for the same period. The same rule is set in the Aliens Law of 2004, as concerns entry and stay for the same period. Similarly, as the worker, his family members who intend to engage in employment are exempted from the work permit. All other conditions concerning the duration of the residence permits apply to the family members of the worker on the same conditions as for the worker himself. Article 105(5) of the Aliens Law of 2004 states that family members of EU national who died without having acquired the right to stay in the Republic of Lithuania shall be issued the EC permanent residence permit if the EU national had lived in the Republic of Lithuania for the last 2 years or if he died in an accident at work or from a recognised occupational disease.

The Aliens Law of 2004 seems to provide for no specific distinction to the situation of family members of EU national who are EU nationals and those, who are nationals of third countries. However, from the legislation and in practice it is difficult to see how third country nationals (even though family members of EU national) could be exempted from the general requirements applied to other foreigners under aliens legislation (e.g. as concerns entry visas and in particular the situations when the third country national is a national of the country, included on the so called “black list”). It would be advisable to include a special reference to third country nationals who are family members of EU nationals in the aliens legislation, to ensure that they face no problems while accompanying or joining the EU national in the Republic of Lithuania.

Moreover, there are no specific rules in the Aliens Law of 2004 regulating the right of residence in the host Member State for children or the parent who has actual custody of the children, irrespective of nationality, if the children reside in the host Member State and are enrolled at an educational establishment, for the purpose of studying there, until the comple-

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tion of their studies. Furthermore, there are no specific rules in the Aliens Law of 2004 concerning the situation of family members following departure of the EU national from the host Member State or in the event of divorce, annulment of marriage or termination of a registered partnership. Introduction of these rules would be recommendable, as it would make the situation of family members in these cases more predictable.

Miscellaneous

The following statistics is available with regard to issuance of residence permits to EU nationals on the basis of grounds for issuance such a permit:

- 1) Since 1 January 2004, the Migration Department received 25 applications from EU nationals for temporary residence permits in accordance with paragraph 1(4) of Article 19 of the Aliens Law of 1998 (on the ground that a family member resides in the Republic of Lithuania, who is Lithuanian citizen or has a permanent residence permit in Lithuania).
- 2) From 30 April to 31 December 2004, the Migration Department received 177 applications from EU and EEA nationals for EC residence permits in accordance with paragraph 1(7) of Article 101 of the Aliens Law of 2004 (EU national is entitled to reside in the Republic of Lithuania if he intends to stay with the family). In 2004, the Migration Department adopted 158 decisions to issue EC residence permits with regard to these applications submitted. No decisions to refuse issuance of EC residence permits were adopted in 2004.

Chapter V

Relevance, Influence, Follow-up of Recent European Court of Justice Decisions

The practice of applying the European Court of Justice decisions in the courts of the Republic of Lithuania is still very underdeveloped. This is in a way natural, because there have been no cases submitted by EU nationals concerning the freedom of movement of workers during 2004, as reported by the administrative courts. To increase the awareness of the ECJ decisions, the judges of five district administrative courts (in Vilnius, Kaunas, Klaipeda, Siauliai and Panevezys cities) and the Supreme Administrative Court, having the jurisdiction in the field of free movement of workers, are undergoing trainings both in Lithuania and abroad. In addition, the Department of Jurisprudence at the Supreme Administrative Court is periodically supplying this court with overviews of ECJ judgements. None of these administrative courts have applied to the ECJ for a preliminary ruling during 2004.

Chapter VI

Policies, Texts and Practices of General Nature with Repercussions on Free Movement of Workers

Language proficiency requirement

The Law on State Language of the Republic of Lithuania No. I-779 of 31 January 1995 establishes that heads, civil servants and officials of the state and municipal institutions, police, law enforcement services, communications, transport, health care, social security and other institutions providing services to the residents must be proficient in state language in accordance with the categories of state language proficiency, established by the Government (Art. 6). Furthermore, these heads, civil servants and officials, as well as heads of commercial services must ensure that services to the residents are provided in state language (Art. 7).

Language proficiency requirement is further regulated by the Government Resolution No. 1688 on Approval and Implementation of State Language Proficiency Categories (further – Language Proficiency Resolution), adopted on 24 December 2003 (entered into force on 1 March 2004). Language Proficiency Resolution establishes three categories of language proficiency and the list of positions to which each category applies:

- 1) First category (e.g. proficiency to fill in standard document forms, communication in short sentences, preparation of short non-official texts, etc.) is applied to persons employed in service provision, production, commercial and transport services, if they have to communicate with persons while executing their functions and/or fill in simple document forms (e.g. drivers, cloakroom attendants, sellers, waiters and other commercial employees or employees performing economy or technical functions);
- 2) Second category (characterised by for instance, ability to communicate and prepare documents on topics of daily life and work, describe events, experience and reasons, etc.) is applied to persons employed in education, culture, health care, social security and other sectors, public servants in categories B and C, if they constantly communicate with persons and/or fill in the forms of documents while performing their functions (e.g. employees of educational and cultural establishments, teachers and others);
- 3) Third category (e.g. ability to formulate long and complex sentences and understand concrete and abstract texts, prepare official documents, explain positions, fluently communicate on various topics, etc.) is applied to the heads of state and municipal institutions, companies and organisations, public servants of category A, lecturers, aviation specialists and specialists controlling flight security, specialists of maritime and internal waters' transport responsible for transportation of cargo and passengers (captain of the ship, port captain), etc.

The lists provided above and other provisions of the Language Proficiency Resolution indicate that state language proficiency requirement is applied not only to persons employed at public service, but also in certain spheres of the private sector. This may pose additional obstacles for employment of other EU nationals, who may not be proficient enough in Lithuanian language. However, application of exceptions to this requirement in some examples of concrete professions are worthwhile mentioning in this context. For instance, as concerns advocates, there is a Lithuanian language proficiency requirement to practice advocate profession in Lithuania embodied in Article 7(5) of the Law on the Bar. Notwithstanding, a new version of the Law of 18 March 2004 introduced two special sections concerning advo-

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cates from other EU Member States (Section XII-XIII). These sections provide that advocates who are EU nationals are exempted from language proficiency requirement (Art. 64(8)).

The second example concerns language proficiency requirement in practicing doctor's profession. The Law on Medical Practice of Doctor, No. I-1555 of 25 September 1996 (new version of the Law from 1 May 2004) established Lithuanian language proficiency requirement for doctors. Article 5(2) of the Law provided that "while issuing the licence for practicing as a doctor the Ministry of Health Care must make sure that [...] the person is proficient in Lithuanian language [...]". The new version of the Law, as amended on 18 December 2003 (entered into force on 1 May 2004) and following this amendment called the Law on Medical Practice, includes a special article concerning doctors – EU, EEA and Swiss nationals. Article 5 of the Law establishes that doctors who are EU, EEA and Swiss nationals may provide temporary services in Lithuania even if they do not have a licence. Thus language requirement is no longer, at least explicitly, provided. It would be worthwhile though to include a special exemption concerning language proficiency requirement for doctors who are EU, EEA and Swiss nationals in the Order of the Minister of Health Care No. 396 on Approval of Rules on Licensing of Medical Practice of 27 May 2004. This Order in its paragraph 18.1 states that the State Service for Accreditation of Health Care Supervision at the Ministry of Health Care (responsible institution for issuing the licences) may request the applicant for a licence to provide documents, attesting Lithuanian language proficiency in accordance with the order established by the legal acts. If doctors, who are EU nationals will indeed apply for a licence, they may also fall under this requirement.

Other

As of 1 May 2004, the Government of the Republic of Lithuania abolished unilaterally by its Resolution the visa regime to citizens of countries who were entitled to travel to other EU Member States without visas in accordance with the legal acts of the EU.

In order to provide for more favourable conditions to the free movement of workers in the EU Member States, a Law on Guarantees for Workers Sent on Missions was drafted and was pending approval by the end of 2004. The Draft Law sets the conditions for temporary workers in other states and provides that the laws of the Republic of Lithuania would apply to persons sent to work in the territory of the Republic of Lithuania. The law would also apply when Lithuanian employer is sending his employees to temporarily work in the EU or EEA Member State or when employers of other countries send their workers to temporarily work in Lithuania.

Chapter VII

EU Enlargement

On 8 December 1995 the Government of the Republic of Lithuania submitted an official membership application to the EU. The Europe (Association) Agreement with Lithuania was signed on 12 June 1995 and came into force on 1 February 1998. The Europe Agreement recognised Lithuania's aspiration to become a member of the European Union and created conditions for Lithuania's participation in the Pre-accession Strategy for Candidate Countries. It also provided for regulations, according to which movement of goods, services, capital and persons is being liberalised, as well as regulations on co-operation in law harmonisation, finance, environmental protection, culture and other areas.

Chapter I of the Europe Agreement, regulating the movement of workers provided for the principle of non-discrimination as regards Lithuanian workers in the EU Member States, as well as concerning EU nationals in Lithuania. Article 37(1) of the agreement stated that:

“Subject to the conditions and modalities applicable in each Member State [...] the legally resident spouse and children of a worker legally employed in the territory of a Member State, with the exception of seasonal workers and of workers coming under bilateral agreements [...], unless otherwise provided by such agreements, shall have access to the labour market of that Member State, during the period of that worker's authorized stay of employment”.

Lithuania, on the other hand, was obliged, subject to the conditions and modalities applicable in it, accord the same treatment to workers who are nationals of a Member State and are legally employed in its territory as well as their spouse and children who are legally resident in its territory. Article 40 of the agreement mentioned that any decisions of the Association Council shall not affect any rights or obligations arising from bilateral agreements linking Lithuania and the Member States where those agreements provide for more favourable treatment of nationals of Lithuania or of the Member States. Furthermore, Article 41 of the agreement stated:

- “1. Taking into account the labour market situation in the Member State, subject to its legislation and to the respect of rules in force in that Member State in the area of mobility of workers,
 - existing facilities for access to employment for Lithuanian workers accorded by Member States under bilateral agreements ought to be preserved and if possible improved,
 - other Member States shall consider favourably the possibility of concluding similar agreements.
2. The Association Council shall examine granting other improvements including facilities of access for professional training, in conformity with rules and procedures in force in the Member States, and taking account of the labour market situation in the Member States and in the Community”.

Similarly, as concerns the provision of services, Article 53 of the agreement provided that no measures or actions will be taken which render the conditions for the supply of services by Community and Lithuanian nationals or companies which are established in a Party other than that of the person for whom the services are intended significantly more restrictive as compared with the situation existing on the day preceding the day of entry into force of the

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Europe Agreement (the so-called “standstill clause”). If indeed one Party is of the view that measures introduced by the other Party since the signature of the Agreement result in a situation which is significantly more restrictive in respect of supply of services as compared with the situation existing at the date of signature of the Agreement, such first Party may request the other Party to enter into consultations.

On 16 April 2003 Lithuania, together with other acceding states signed the Accession Treaty with the EU. Article 2 of Annex IX to the Accession Agreement provides that transitional arrangements apply only to the right to enter into employment. Lithuania can apply restrictions for those EU Member States that apply also restrictions to Lithuanian citizens. However, it is unlikely that Lithuania would face an influx of workers from other Member States, which would necessitate the application of restrictive measures. Thus in practice, restrictions, if applied, would likely be a political reciprocal measure. There might be some legal issues though. As Lithuania granted the right to employment and opened its labour market to EU nationals already before signature of the Accession Treaty, it might be problematic to apply Article 2(10) of Annex IX to the Accession Treaty, providing for a right to apply restrictions to nationals of old Member States, who restrict the right of employment of Lithuanian citizens. It might be questionable therefore if Lithuania could reintroduce the labour quota and work permits to EU nationals, because it did not already exist at the moment of signing the Accession Treaty. The provision of Article 2(10) of Annex IX to the Accession Treaty mentions the phrase “may maintain in force equivalent measures”, but not to “reintroduce or apply national measures”.

In practice, Lithuania applies no restrictions for entry into its labour market either for old or new Member States of the European Union. This to a certain extent may be explained by the fact that labour migration to Lithuania has been rather low throughout the years, labour quota was frequently unfilled, while at the moment there are even discussions of lacking working force in certain sectors in the country, to which labour migration might even be encouraged in the near future. Refer to general labour migration situation in Lithuania for the recent years under Chapter II. Equality of Treatment/Miscellaneous of this Report.

Lithuanian citizens have access to the labour markets without restrictions in Sweden, the United Kingdom and Ireland. According to the data of Lithuanian Labour Exchange, the number of Lithuanian nationals working in these countries increased after Lithuania’s entry to the EU. Detailed statistics for 2004 and comparative statistics for 2000-2003 on Lithuanian nationals working in the EU Member States is provided in Annex I to this Report. However, this statistics reflects only those Lithuanian nationals who departed for employment in other EU countries through mediation of Lithuanian labour exchanges. Significantly much higher numbers are working in other EU countries, but there is no official statistics on that.

Chapter VIII

Statistics on Movement of EU Nationals

Period before Lithuania's accession to the European Union

I. Permanent residence permits issued to EU nationals (01.01.2004. –30.04. 2004)

Nationality	Issued
Czech Republic	1
Germany	6
Denmark	2
Estonia	2
Finland	1
France	1
Great Britain	1
Italy	1
Lithuania	52 ¹
Latvia	29
Netherlands	1
Poland	29
Total	126

Source: Migration Department to the Ministry of Interior of Lithuania, 1 March 2005.

II. Temporary residence permits issued to EU nationals (01.01.2004. –30.04. 2004)

Nationality	Issued
Austria	4
Belgium	9
Czech Republic	3
Germany	65
Denmark	27
Spain	11
Estonia	14
Finland	24
France	26
Great Britain	29
Greece	6
Ireland	2
Italy	27
Latvia	52
Netherlands	15
Poland	29
Portugal	7
Slovenia	1
Sweden	18
Total	391

Source: Migration Department to the Ministry of Interior of Lithuania, 1 March 2005

Comment: Considering that EU nationals are exempted from obtaining the work permits in Lithuania, the Lithuanian Labour Exchange is not registering them and therefore there is no statistics to indicate how many EU nationals worked in Lithuania during 2004.

¹ This number refers to persons who received residence permits during the mentioned period and who at the same year acquired Lithuanian citizenship.

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III. Emigration from the Republic of Lithuania during 1997-2000

Year	Total number of emigrants
1997	2146
1998	1946
1999	1268
2000	818

Source: Migration Department to the Ministry of Interior of Lithuania, 1 March 2005.

Comment: The Emigration Law of the Republic of Lithuania is no longer valid as of 6 June 2000, when it was abolished, therefore there is no longer a requirement to ask for permission to emigrate. Due to this reason, the authorities do not since then have proper statistics on the number of persons who emigrate from Lithuania, unless they declare such intention to the authorities (according to the above-mentioned Law on Declaration of the Place of Residence, citizens are under obligation to declare to the authorities if they intend to depart from Lithuania for a period of longer than 6 months). 10,725 Lithuanian citizens declared such intention in 2003, while a slightly larger number – 13,249 – in 2004. Detailed breakdown of these numbers according to the country of destination is provided in Annex IV to this Report.

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IV. Emigration of Lithuanian citizens according to the country of destination (1991-2000)
(Emigration to the EU Member States as of 2000 marked in different colour)

Country	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	Total
Algeria		1									1
Armenia						1	1				2
Australia		10	9	11	7	10	3	3	2		55
Austria				1			1	5		7	14
Azerbaijan				2	9	1		2	4		18
Belarus		5	91	142	178	86	134	189	132	60	1017
Bulgaria						1					1
Czech Republic			1				1				2
Great Britain		2	3			1	3	5	9		23
Denmark		1			1			4		1	7
Estonia		1	2	1	3	5	3	4	1	2	22
Greece		1	3							4	8
Grenada											0
Georgia						6			1	1	8
Spain										1	1
Italy				1	1		7	18	11	4	42
Israel		99	291	247	283	307	248	198	151	102	1926
USA		71	201	285	209	326	276	326	225	38	1957
Yugoslavia		1									1
Canada		12	20	25	27	20	32	16	27	4	183
Kazakhstan			1	6	0	7	0	4	5	0	23
Kyrgyzstan								2			2
Latvia		3	19	27	24	38	9	15	9	5	149
Poland	2	24	42	50	36	42	53	39	10	4	302
Lebanon											0
Moldova			3	2	2	2	3	6	0	4	22
Unknown											0
Netherlands					2	4	4	5	3	0	18
Norway								2			2
South Africa rep.											0
Portugal						2					2
France			3	6	3	10	7	16	12	2	59
Russia		8	191	444	646	474	368	337	180	56	2704
Slovakia					1						1
Finland		5			2	11		2	2		22
Sweden			3	4	1	11	5	4	3	2	33
Switzerland			1		1	1	1	1			5
Tajikistan							2				2
Turkmenistan				1			1				2
Ukraine		1	24	41	59	65	75	50	46	21	382
Uruguay			1								1
Uzbekistan			1		3	1	2				7
Hungary			1			1					2
Germany		47	111	133	203	214	159	119	122	39	1147
TOTAL	2	292	1022	1429	1701	1647	1398	1372	955	357	10175

Source: Migration Department to the Ministry of Interior of Lithuania, 1 March 2005

Comment: more statistics on emigration is provided in Annexes II and IV to this Report.

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Period after Lithuania's accession to the European Union

I. Permanent residence permits issued to EU nationals in Lithuania (01.05.2004.–31.12.2004)

Nationality	Number of permits issued	Nationality	Number of permits issued
Austria	1	Italy	4
Belgium	1	Lithuania ²	28
Czech Republic	2	Latvia	25
Germany	11	Netherlands	1
Estonia	7	Poland	46
Finland	2	Sweden	5
France	2		2
Hungary	1	Total	136

Source: Migration Department to the Ministry of Interior of Lithuania, 1 March 2005.

II. Temporary residence permits issued to EU/EEA nationals in Lithuania (01.05.2004. – 31.12.2004.)

Nationality	Number of permits issued	Nationality	Number of permits issued
Austria	22	Italy	34
Belgium	18	Latvia	126
Czech Republic	15	Luxembourg	1
Denmark	48	Malta	2
Estonia	29	Netherlands	16
Finland	40	Norway	41
France	53	Poland	130
Germany	166	Portugal	8
Great Britain	40	Slovak Republic	5
Greece	6	Slovenia	2
Hungary	2	Sweden	38
Ireland	6	Switzerland	14
		Total	890

Source: Migration Chronicle 2004, Migration Department at the Ministry of Interior of Lithuania (Migracijos metraštis 2004, Migracijos departamentas prie Vidaus reikalų ministerijos).

Comment: The table above does not include family members of EU/EEA citizens, who are third-country nationals. More statistics on residence permits is provided in Annex III to this Report.

2 This number refers to persons who received residence permits during the mentioned period and who at the same year acquired Lithuanian citizenship.

Chapter IX Social Security

Texts in force

Prior to Lithuania's accession to the EU, the legislation in force evidenced that social security system was largely based on permanent residence requirement and enabled temporary staying EU nationals to access certain benefits largely in accordance with bilateral agreements only. Certain problems arose in relations with Latvia and Estonia concerning the periods accumulated during the Soviet time. Even though these problems have been resolved in bilateral agreements, following Lithuania's entry to the EU, the solutions provided by the treaties are no longer appropriate.

Since Lithuania's accession to the EU social security has been regulated by previously adopted legal acts with a few amendments, thus except a few exceptions social security remains based on permanent residence requirement. Therefore, in most of the cases, only persons, who live in Lithuania permanently are entitled to social security benefits in accordance with national legislation. For instance, the *Government Resolution No. 346 concerning the Approval of Order on Granting and Payment of State Allowances*, adopted on 29 March 2004, provides for entitlements only to the permanent residents of Lithuania, unless international agreements establish different rules. If such agreements provide, allowances may be paid to temporary residents on the basis of temporary residence permit (paragraph 28). Six bilateral agreements with a few EU Member States were in force by the end of 2004. These include:

1. Agreement between the Republic of Lithuania and the Republic of Estonia on Social Security of 28 May 1996 (entered into force on 10 February 1997);
2. Agreement between the Republic of Lithuania and the Czech Republic on Social Security of 27 May 1999 (entered into force on 1 August 2000);
3. Agreement between the Republic of Lithuania and the Republic of Latvia on Cooperation in the field of Social Maintenance of 17 December 1993 (entered into force on 31 January 1995);
4. Agreement between the Republic of Lithuania and the Kingdom of the Netherlands on the Export and Enforcement of Social Security Benefits of 12 December 2002 (entered into force on 1 August 2004);
5. Agreement between the Republic of Lithuania and the Republic of Finland on Social Security of 12 September 2000 (entered into force on 1 August 2001);
6. Agreement between the Republic of Lithuania and the Government of the Kingdom of Sweden on Medical Care for Temporary Visitors of 7 October 1997 (entered into force on 1 April 1998).

These agreements are not denounced, but are also not applied in practice, as their provisions were largely replaced by the Regulation 1408/71/EEC. Lithuania did not include any agreements to the Annex of this Regulation. Worthwhile mentioning that the mentioned bilateral agreements (except with Latvia and Estonia) have been concluded with the provisions of the Regulation in mind already at that time. However, there are presently discussions concerning conclusion of new agreements with Latvia and Estonia concerning the periods accumulated during the Soviet times. Most probably, these agreements will be included in the Annex to the Regulation.

Lithuanian legislation regulates all types of social security benefits, which are provided in the Regulations 1408/71/EEC, 574/72/EEC, 3096/95/EC and others. Regulations are applied directly in Lithuanian legal system since 1 May 2004 and national legal acts providing for different rules are applied to EU nationals only in as much as they do not conflict with the EC Regulations. Thus it is considered that the EU nationals should not experience significant obstacles in obtaining social security benefits. What may nevertheless pose problems in the first years of membership in the EU, is the lack of experience and awareness among the relevant government bodies in applying non-national legislation directly when at the same time national laws provide slightly different norms.

A new version of the *Law on State Social Insurance No. 17-447* was adopted on 11 November 2004 (entry into force on 1 January 2005). The law provides that compulsory social insurance applies among others, to persons employed under labour contracts by natural or legal persons (paragraph 1(1) of Art. 4). While self-employed persons (except those who engage in individual employment activity under business licences) are compulsorily insured only in respect of pension social insurance for the main and additional part of the pension (Art. 4(3)). Article 4(6) of the Law states that permanent residents of the Republic of Lithuania or EU Member States, not younger than 16 years of age, may insure themselves by a voluntary pension social insurance for the main and additional part of the pension, as well as by social insurance in case of sickness or maternity for sickness and maternity benefits during the time when they are not insured by compulsory social insurance in these cases or when they are compulsorily insured only for the main part of the pension social insurance.

A separate law regulates unemployment benefits. The *Law on Unemployment Social Insurance No. IX-1904* was adopted on 16 December 2003. The law provides that among others, persons employed under labour contracts by natural or legal persons are compulsorily insured from unemployment. There is a condition in the law that entitlement to unemployment benefit shall be acquired only by those, who are insured and registered in the labour exchange and if the length of their insurance before registering in the labour exchange was not less than 18 months within the last 36 months (paragraph 1(1) of Art. 5). This condition may theoretically pose obstacles for EU nationals to obtain the unemployment benefits, as they may not have stayed in Lithuania for such a period and thus may not have the required insurance period. However in practice, the insurance periods acquired in another Member State would be counted. In order to make such calculations, the Lithuanian Labour Exchange would use so called form E 301, which is specifically designed for calculation of work and insurance periods. Lithuania has sent a number of such forms to various EU Member States and exchanges of this information are rather intensive between Lithuanian Labour Exchange and competent bodies in other Member States. However, given that information is initially received from Lithuanian Social Insurance Fund and employers, there are sometimes delays in filling in the form E 301 locally.

Pension benefits are regulated by the *Law on State Social Insurance Pensions No. I-549*, adopted on 18 July 1994. This law provides that the right to social insurance pension benefits may be applied only to permanent residents of the Republic of Lithuania, who have been insured for a certain period under this law or have been voluntarily insuring themselves by the state social pension insurance (Art. 1). Furthermore, the Law mentions that foreign citizens and stateless persons permanently residing in Lithuania, have equal rights to the benefit of state social insurance pension under this law, if the other laws of Lithuania or interstate agreements do not provide for other conditions concerning pension security. While entitlement to state social insurance pension by foreign nationals and stateless persons permanently

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residing abroad, who had been insured compulsorily or voluntarily by this insurance, could be obtained only if this was provided in the international treaties of the Republic of Lithuania. Other persons under the law may voluntarily insure for the state social insurance pension in administrative bodies of the State Social Insurance Fund, in accordance with the order established by the Government of Lithuania.

A few legal acts adopted in 2004 were particularly related to the alignment of Lithuanian legislation with the EU requirements. For example, the Order of the Minister of Social Security and Labour No. A1-288 concerning the Order on Implementation of Council Regulation No. 1408/71/EEC and Regulation No. 574/72/EEC provisions relating to family benefits and benefits in case of death was adopted on 27 December 2004. The Order applies to Lithuanian citizens who work and live in other Member States of the EU and EEA, as well as to EU/EEA nationals (citizens and stateless persons) who live and work in the Republic of Lithuania or third country nationals, legally present in the EU (except Denmark and EEA Member States), who comply with migration criteria (work and live in different states, also to their family members (paragraph 2)). This Order also provides for a definition of a frontier worker, which is not provided in the Aliens' Law of 2004 or any other law of the Republic of Lithuania. Under paragraph 4 of the Order, frontier workers are defined as persons employed under labour contracts or self-employed persons, who work in one state and live in another state, whereto they usually return every day or at least once per week. A frontier worker, who is sent to the same or another state by a company where he usually works or provides services in the territory of the same or another state, retains the status of frontier worker, but no longer than for 4 months even if during that period he is unable to return home every day or at least once per week. Entitlement to mentioned benefits under the Order apply to persons who are:

- a) employed and insured by compulsory state social insurance and those, whose activity is also considered to be equal to employment;
- b) unemployed and receiving unemployment benefits;
- c) receiving pensions;
- d) students.

The competent state in case of family benefits is the country of employment, irrespective that the members of the family may be living in another state (paragraph 6(1)).

This Order was adopted in respect of two types of benefits (family benefits and benefits in case of death) because there are two independent institutions participating in implementation of the EC Regulations as regards these benefits: municipalities and Social Insurance Fund (SODRA). The Order aims to provide a legal basis for cooperation between these two institutions in order to facilitate the implementation of the EC Regulations.

Draft legislation

No draft legislation on coordination of social security systems was pending by the end of 2004.

Miscellaneous

According to the data of Lithuanian Labour Exchange, during 2004, one citizen of Belgium was registered as unemployed in the labour exchange of Mazeikiai region, who arrived to

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Lithuania as job seeker while receiving benefit from Belgium. Benefit has been paid by Mazeikiai labour exchange in accordance with EC Regulation No. 1408/71. Another case concerned a citizen of Germany, who was registered and paid unemployment benefit by Kaunas labour exchange. In practice, if EU national was granted unemployment benefit by his country of nationality, such benefit would be paid for a period of up to three months in Lithuania and amounts would be later reimbursed by the country of nationality. Information between Lithuania and other Member States is exchanged on the basis of so called form E 303.

Worthwhile mentioning is that Lithuania will not apply any restrictions concerning the free movement of persons, in particular as concerns access to social security benefits (e.g. it does not apply any restrictions on access to social security system for students – EU nationals in Lithuania).

Main problems in administrative practice of Lithuania's coordinating institutions in this field relate to the fact that this area is rather new in Lithuania and experience/knowledge is lacking. The institutions had to establish new working regulations in order to ensure smooth coordination and implementation of EC Regulations firstly among the various Lithuanian bodies. Considering that the area is also new to other new EU Member States that Lithuania cooperates with (e.g. Latvia and Estonia), this problem of lacking experience is even more acute. One of the very specific problems experienced in Lithuania was the regulation of social security and labour issues of Lithuanian sailors working in the ships of other EU Member States. Before accession to the EU, these issues have not been sufficiently strictly regulated, while the EC Regulation following accession imposed rather strict rules on insurance of sailors.

Chapter X

The Right of Establishment, Provision of Services and Students

Recognition of Professional Qualifications and Diplomas

Texts in force

Prior to accession to the European Union, recognition of professional qualifications and diplomas was regulated by the Government Resolution No. 624 concerning Approval of Order for assessment and recognition of professional qualifications and approval of a list of institutions responsible for assessment and recognition of professional qualifications and regulated professions (adopted on 1 June 2000). The document set forth the order for evaluation and recognition of professional qualifications. The system of evaluation of professional qualifications was based exclusively on the presentation of documents certifying education/training and its recognition. Evaluation of professional qualifications was carried out by special Commissions for Evaluation of Professional Qualifications created within a certain competent body (usually within a line ministry, e.g. Ministry of Health Care in case of doctors, midwives, etc.). If professional qualification was considered insufficient, the applicant was offered to choose between a qualification test or an adaptation period. The whole system of correspondence between the applicant and the Commission for Evaluation of Professional Qualifications could generally be characterized as rather bureaucratic and lengthy. Adaptation period was set at a maximum period of 6 months following the decision of a competent authority. There was a possibility to appeal against the refusal to recognize professional qualification or postponing the recognition to a coordinating body within one month period, and if necessary, further appeal could be to the court.

This Government Resolution was amended on 3 May 2004 in connection with Lithuania's entry to the EU and since then is applied only to the nationals of other states than the EU, EEA or Switzerland, pursuing labour activity in the Republic of Lithuania on the basis of qualification acquired abroad.

As concerns recognition of professional qualifications for specific professions, no proper legislation existed before 2004 that would correspond with the provisions set forth in the EU legislation. A substantial work in drafting new legislation in this field was undertaken by the Government bodies with the assistance of PHARE Twinning Project (EU- institution building twinning programme in Lithuania, Employment and Social Policy, Free Movement of Workers, No. LT 2002.06.01) experts. As a result of this work, the legislation was made compatible with the EU legislation on this issue.

Since Lithuania's entry to the EU, several new legal acts were adopted in Lithuania in 2004 with a view of harmonizing Lithuanian legislation with the EC Directives of the General Recognition System. These include:

1. Government Resolution No. 535 concerning the Approval of rules on mutual recognition of University diplomas, other diplomas, certificates and similar documents confirming the acquired qualification and issued in the EU, EEA or Switzerland, pursuing to work under the regulated profession or practice a regulated profession in the Republic of Lithuania and the approval of a list of courses of a certain structure (adopted on 3 May 2004). The order generally complies with the General System Directives 89/48/EEC, 92/51/EEC, 1999/42/EC and 2001/19/EC. The Ministry of Social Security and Labour is assigned as a coordinating body for recognition of regulated professions,

while a list of designated competent institutions responsible for recognition of qualifications and diplomas is also provided, in line with the requirements of Article 9(1) of the Directive 89/48/EEC. The functions of an information centre, referred to in Article 9(3) of Directive 89/48/EEC, are assigned to the Centre for Evaluation of Quality of Studies. The order approved by the Resolution sets forth the requirements for submission of applications for recognition of qualifications and supporting documents. Several recognition systems are established by the Order: (a) recognition system for university diplomas; (b) recognition system for other diplomas (worthwhile mentioning, that in respect of conditions for recognition, if compared with the Directive 92/51/EEC (Art. 3), the Order requires both that the applicant holds the diploma and also has practiced the profession in question full time for two years during the previous 10 years – this creates an additional burden of proof on the applicant); (c) recognition system for diplomas and the applicant is already a holder of a certificate or has received corresponding education and training (the same remark applies to this system, as for recognition of diplomas – two requirements are applied cumulatively and not interchangeably); (d) recognition system for certificates (firstly, the same remark applies as to the other two previously mentioned systems; secondly, there is a derogation introduced from the right to choose between the adaptation period and aptitude test, i.e. the competent authority reserves the right to assign one or another, if the applicant fails to present diploma, certificate or other document certifying his education or training; this is in variance with the Directive 92/51/EEC in as much as it does not comply with the procedure stated in its Article 14); (e) special recognition system for other qualification documents (two requirements: attestation of competence and proof of qualifications are applied cumulatively and not interchangeably).

Decisions on recognition shall be adopted within 4 months from the date of receipt of all documents, as required by the EC legislation (it should be clarified however, that after submission of application, the competent authority may inform the applicant if all necessary documents have been submitted, within one month; while the counting of 4 months for decision making starts from submission of all necessary documents). The Order also regulates the adaptation period (not longer than 3 years) and aptitude test, as well as the rights of applicants. Annexed to the order is a list of certain structure courses. As concerns compulsory supporting documents, the competent institution responsible for recognition of qualification, may in addition to those listed in Article 6 of the Directive 89/48/EEC, request submission by the applicant of documents certifying absence of prohibition to engage in certain profession or professional activity. However, these documents may be required only when similar requirements are imposed on the citizens of Lithuania. Though allowing the applicant to choose between an adaptation period and an aptitude test, the Order provides for derogation with regard to professions whose practice requires precise knowledge of national legal system, where the provision of advice and/or assistance concerning the law of the Republic of Lithuania is an essential and constant aspect of the professional activity. In this case an aptitude test shall be applied (Paragraph 6.3. of the Order). All decisions concerning recognition of professional qualifications are motivated. With regard to a remedy against a negative decision or the absence of decision, the Order sets a two-tier system of appeals: (a) submission of appeal to a specially assigned Commission of Appeals and further, (b) to the administrative courts. The order of creation of such a Commission and examination of appeals is regulated in detail by another implementing legal act (refer to item 4 below).

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As regards the situations of recognition in a Member State of professional qualifications or diplomas obtained in a third country, this is not sufficiently regulated in Lithuanian legislation. The only provision found in the Order analysed above is the requirement to present together with the application documents of recognition, issued by a Member State and certifying qualifications gained in a third country (if available). The order does not regulate the procedures concerning the examination of diplomas, certificates and other evidence of formal qualifications obtained outside the European Union, as required by the Directive 2001/19/EC. Nor it regulates the situations where diplomas, certificates and other evidences of formal qualification do not correspond to the names listed in this Directive.

2. Order of the Minister of Social Security and Labour Nr. A1-128 concerning Coordination of recognition of documents confirming professional qualifications (adopted on 14 May 2004). The order assigned a coordinator within the Ministry of Social Security and Labour of Lithuania (from the Division for Development of Human Resources), vested with the competence of coordinating the recognition of mentioned documents, as well as certain functions to the Lithuanian Labour Market Education Council in the area of recognition of documents confirming professional qualifications. The document transposes the requirements of the Directive 89/48/EEC.
3. Order of the Minister of Social Security and Labour Nr. A1-186 concerning the Approval of order for issuance of certificates about the professional experience and duration, as defined by the European Parliament and Council Directive No. 1999/42/EEB of 7 June 1999 (adopted on 16 July 2004). The order assigns the function for issuing such certificates to the Ministry of Social Security and Labour of the Republic of Lithuania. It also regulates the requirements for submission of application and supporting documents for issuance of the certificate, as well as deadlines for issuance of such documents.
4. Order of the Minister of Social Security and Labour Nr. A1-229 concerning the Approval of order for examination of appeals, submitted by persons disagreeing with the decisions of competent institutions responsible for recognition of documents certifying professional qualifications, and formation of the appeals' commission (adopted on 6 October 2004). The document sets the composition of the Appeals' commission, its functions and rights, organisation of its work and the order for examination of appeals and decision making. Decisions on appeals are adopted by the State Secretary of the Ministry of Social Security and Labour on the basis of conclusion from the Commission. Decisions on appeals shall be adopted within 30 days from the date of receipt of appeal. Decisions of the State Secretary may be further appealed to the administrative courts within 1 month from the receipt of the decision.

As concerns the Sectoral Recognition System, mainly due to assistance provided to Lithuania under the above mentioned PHARE Twinning Project, Lithuanian legislation has been made largely in compliance with the Sectoral directives of the EU (including directives 93/16/EC, 77/452/EEC, 80/154/EEC, 78/68/EEC, 78/1026/EEC, 85/433/EEC, 85/3844/EEC, 77/249/EEC, 98/5/EC, 89/48/EEC) during 2004. Specific legal acts were adopted with a view of implementing these directives, including:

- a) Doctors - Order of the Minister of Health Care No. V-43 concerning the Approval of Instructions for Recognition in the Republic of Lithuania of diplomas, certificates and

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- other official documents proving the professional qualification of a Doctor acquired in the EU, EEA or Switzerland (adopted on 2 February 2004);
- b) Nurses and midwives - Order of the Minister of Health Care No. V-41 concerning the Approval of Instructions for Recognition in the Republic of Lithuania of Diplomas and other official documents proving the professional qualification of a general practice nurse acquired in the EU, EEA or Switzerland (adopted on 2 February 2004); as well as Order of the Minister of Health Care No. V-42 concerning the Approval of Instructions for Recognition in the Republic of Lithuania of Diplomas and other official documents proving the professional qualification of a midwife acquired in the EU, EEA or Switzerland (adopted on 2 February 2004);
 - c) Dentists - Order of the Minister of Health Care No. V-40 concerning the Approval of Instructions for Recognition in the Republic of Lithuania of Diplomas and other official documents proving the professional qualification of a doctor odontologist acquired in the EU, EEA or Switzerland (adopted on 2 February 2004);
 - d) Veterinary surgeons - Order of the Director of the State Food and Veterinary Service No. B1-989 concerning the Approval of Instructions for the Requirements in Training of Veterinary Doctors and the Recognition in the Republic of Lithuania of Diplomas and other official documents proving the professional qualification of a Veterinary doctor (adopted on 23 December 2003); as well as Order of the Director of the State Food and Veterinary Service No. B1-417 concerning the Approval of the Requirements on the Assessment and Recognition of professional qualifications of a Veterinary doctor acquired in third countries (adopted on 30 April 2004);
 - e) Pharmacists - Order of the Minister of Health Care No. V-39 concerning the Amendment of the Order No. V-655 of the Minister of Health Care of 5 November 2003 concerning the Approval of Instructions for Recognition in the Republic of Lithuania Diplomas, certificates and other documents certifying professional qualification in Pharmacy acquired in the EU, EEA or Switzerland (adopted on 2 February 2004);
 - f) Architects - Order of the Minister of Environment No. D1-131 concerning the Approval of Instructions for Recognition in the Republic of Lithuania Diplomas, certificates and other official documents proving the professional qualification of an architect acquired in the EU, EEA or Switzerland (adopted on 25 March 2004);
 - g) Lawyers – prior to Lithuania’s accession to the EU, the Law on the Bar No. 64-1840, adopted in 1998, provided that only the citizens of Lithuania may be advocates. The Law was amended with a view of ensuring that nationals of the EU are able to practice advocate profession in Lithuania. A new version of the Law on the Bar No. IX-2066 was adopted on 18 March 2004. It includes two separate sections on EU nationals: one - regulating the provision of services in accordance with Article 50 of the EC Treaty and the other one - the right of establishment for advocates (Section XII and XIII respectively). According to the Law, a lawyer, intending to provide services in Lithuania, must submit to the Lithuanian Bar the document certifying his qualification as a lawyer issued by a competent body of the EU Member State. Lithuanian Bar may request additional documents, if the documents supplied by the lawyer are not sufficient to take a decision on his qualification (Art. 63(7) of the Law). It is not clear from this provision, which other documents might be required. Lawyers who intend to provide the services on a permanent basis (exercising their right of establishment), are registered at the Lithuanian Bar.

The Right of Establishment and Provision of Services

Prior to Lithuania's accession to the EU, the right of establishment by EU nationals was regulated by the Aliens Law of 1998, which provided no specific regulations concerning EU nationals if compared with all other foreigners in the country. Temporary residence permits could be issued to persons who have registered a foreign capital company, which primary capital or value of shares was not less than 250 000 Lit (approx. 73 000 Euro) (paragraph 2(2) of Art. 19). This amount was a clear limitation for small and medium enterprises to be established by the EU nationals. While the provision of services was not even a ground to issue residence permits in the Republic of Lithuania.

Since the amendments to the Aliens Law of 1998 in 2001, EU nationals became entitled to receive temporary residence permits (paragraph 1(2-4) of Art. 48⁴), if they intended to:

- engage in commercial activity in the Republic of Lithuania;
- provide services in the Republic of Lithuania;
- receive services in the Republic of Lithuania.

Their family members were also entitled to receive temporary residence permits. Residence permits could be issued for a period of up to 5 years.

According to the Company Law No. 14-395 of 1990 and other laws, regulating various specific types of companies, foreign nationals had a right to establish companies in Lithuania. On 18 July 2000 a new Civil Code of the Republic of Lithuania was adopted. The Civil Code did not provide for any evident obstacles for foreigners, including EU nationals, to establish companies in Lithuania. Worthwhile mentioning that the process of harmonising the Lithuanian legislation with EU requirements in the area of company law (including, e.g. Council Directives 83/349/EEC, 78/660/EEC, 89/667/EEC, 89/666/EEC, 78/855/EEC, 82/891/EEC, 68/151/EEC, 77/91/EEC, 92/101/EEC) has started long time before accession to the EU and resulted in many amendments to the legislation, administrative practice and institutional setup in the country.

Since Lithuania's accession to the EU, the free movement of EU nationals as concerns the right of establishment and the right to provide services has been regulated by the Aliens' Law of 2004, which entitles to temporary residence permit those EU nationals who are intending to engage in lawful activity in Lithuania or are intending to provide/receive services in Lithuania (paragraph 1(2-4) of Art. 101). Lawful activity is in those situations, when the foreigner (Art. 45):

- 1) registers an enterprise, agency or organisation in the Republic of Lithuania as the owner or co-owner who owns at least 10% of the statutory capital or voting rights and his stay in the Republic of Lithuania is necessary seeking to attain the aims of the enterprise, agency, organisation and carrying out other activities;
- 2) is the head or the authorised representative of the enterprise, agency or organisation registered in the Republic of Lithuania, if the principal goal of his entry is work at the enterprise, agency or organisation;
- 3) intends to engage in lawful activities in the Republic of Lithuania, for which no work permit or permit to engage in certain activities is required.

Differently from other foreigners, to whom residence permits in such situations are issued for one year, EU nationals may be issued residence permits for a period of up to 5 years. Family members are also entitled to the same residence permit.

Detailed conditions for establishing companies are regulated by the Civil Code of the Republic of Lithuania and national laws regulating various forms of companies. These legal acts do not contain clear obstacles to EU nationals in exercising their right to provide services or establish companies, however information is lacking as to whether certain indirect obstacles might exist or be faced in practice. There is a clear differentiation between the treatment of Lithuanian nationals and foreigners (including EU nationals, as no exceptions are provided to them) as concerns registration requirements for taxation purposes. The Law on Value Added Tax No. IX-751 (hereafter – VAT Law) of 5 March 2002 provides in its Article 71(2) that Lithuanian nationals do not need to register as VAT payers if the amount of income from economic activity did not exceed 100 000 Litas (approx. 29 000 euro) during the past 12 months. Foreigners, on the other hand need to register as tax payers in any event. This may pose certain additional bureaucracy on the right of establishment exercised by EU nationals.

In order to align the legislation with the Regulation 85/2137/EEC, the Law on European Economic interests groups No. IX-1939 was adopted on 22 December 2003 (entered into force on 1 May 2004).

Students

Prior to Lithuania's accession to the EU, movement of EU nationals-students was regulated by the Aliens Law of 1998, which provided no specific regulations concerning EU nationals if compared with all other foreigners in the country. Students and persons involved in professional training were entitled to temporary residence permits of one year duration in Lithuania (paragraph 2(4,6) of Art. 19), but their family members were not entitled to such permits. With the amendments introduced to the Law in 2001 concerning the status of EU nationals, those persons who were intending to get education at an educational establishment registered in the Republic of Lithuania, as well as their family members, were entitled to temporary residence permits (paragraph 1(6) and 2 of Art. 48⁴). Such residence permits were issued for one year.

Since Lithuania's accession to the EU, the Aliens Law of 2004 has regulated the status of students – EU nationals in the Republic of Lithuania. The provisions applicable to students are generally in compliance with the Directive 2004/58/EC, repealing the Directive 93/96/EEC on the right of residence for students. The Law provides that students who intend to stay for a period longer than 3 months in Lithuania, need to obtain the EC residence permit. Engagement in studies, internships, vocational or professional training is recognised as a ground to issue such a permit to EU national (paragraph 1(6) of Art. 101). For issuance of the residence permit, health insurance, sufficient living means and accommodation in Lithuania is required (paragraph 1(2, 3, 4) of Art. 26). The later requirement to prove the availability of accommodation might create certain obstacles for students who are not provided with accommodation at educational establishments where they are enrolled. On 25 August 2004 the Minister of Social Security and Labour (Order No. A1-203) approved the amount, considered to be sufficient for the purpose of living in Lithuania for foreigners who are applying for residence permits. The level of sufficient living means was set at one minimal monthly wage, which was 500 Litas (approx. 145 Euro) by the end of 2004. 50% of this amount applies to family members of the foreigner below the age of 18 years, according to the Order of the Minister. For issuance of the residence permit sufficient living means for students are counted on the basis of a rate of one minimal monthly wage. Residence permits

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to students are issued for one year. Upon completion of studies or withdrawal from it, the student must leave from the country and the period of residence in the Republic of Lithuania does not entitle him to permanent residence permit. Also, students do not have a right to work in the Republic of Lithuania while they are engaged in studies. However, once their studies finish, they may apply for residence permit on other grounds (e.g. employment) or seek employment.

Judicial practice

Recognition of Professional Qualifications and Diplomas

No appeals concerning recognition of professional qualifications were submitted by EU nationals to the administrative courts in 2004, thus there is no judicial practice in this area.

Miscellaneous

Recognition of Professional Qualifications and Diplomas

Prior to Lithuania's entry to the European Union, applications for recognition of professional qualifications were largely submitted by nationals of third countries. No applications for recognition of professional qualifications were submitted by the EU nationals before accession in 2004. After 1 May 2004, 1 professional qualification of a doctor was recognized for the applicant from Germany, 4 doctors (Lithuanians, acquired profession in Russian Federation) and 4 nurses (Lithuanians, acquired profession in Russian Federation). One decision concerning an architect profession of a national of the United Kingdom was pending by the end of 2004. This statistics shows that there is no sufficient practice yet on implementing the above mentioned new legal acts as concerns recognition of qualification of EU nationals. Concerning the assessment of qualifications, the following statistics was provided by the Centre for Evaluation of Quality of Studies (31 March 2005) for the year 2004:

- 61% of university education was evaluated for the purpose of engaging in employment under regulated or non-regulated profession;
- 25% for the purpose of studying;
- 13% for the purpose of studying and working under the regulated or non-regulated profession;
- 1% for other purposes (e.g. obtaining driving licence, participation in various courses, etc.).

One of the main practical problems in this field indicated by the Coordinator of the System for Recognition of Professional Qualifications seems to be still lacking competence and experience of responsible Lithuanian government officials. These lacking capacities are currently being addressed by the PHARE Twinning Project on Employment and Social Policy, Free Movement of Workers. Furthermore, administrative capacities in this area are still lacking and the position of the coordinator itself needs to be further strengthened. The smooth operation of the system requires complex coordination among various institutions/bodies involved, there is high rotation of staff, no information systems that would enable to see a full picture of the situation throughout the country exist. Lithuanian institutions submitted a project proposal in this respect for funding under the EU structural funds, which, if approved, is believed to assist in addressing coordination issues. However, positive about the

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procedures is that they became more transparent following the changes introduced on the basis of the EC Directives.

The lists of regulated professions are available at: www.profesijos.lt and <http://webgate.cec.eu.int/regprof/index>.

Applications for recognition of university qualifications (2002-2004)

Country	University qualification		
	2002	2003	2004
Russian Federation	128	245	317
Poland	102	72	71
Belarus	25	61	117
Latvia	23	48	37
Ukraine	12	22	37
Estonia	9	19	35
Germany	4	5	14
Denmark	1	4	7
Sweden	2	2	5
France	1	5	3
United Kingdom		4	4
Vatican	2	1	4
Czech Republic	1	2	1
Moldova	2	3	2
Netherlands	1	3	
Norway		1	2
Finland			2
Ireland		1	
Belgium		2	1
Slovak Republic	1	2	
Bosnia and Herzegovina	1		
Italy		1	
Iceland		1	
Hungary		2	
Switzerland			1
Austria			1

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Chapter XI Miscellaneous

Free movement in the maritime sector

Prior to Lithuania's accession to the EU, maritime issues were mainly regulated by the Law on Trade Navigation No. I-1513, adopted on 12 September 1996. The Law provided in Section III. "Crew of the Ship", that not less than 75% of the crew of the ship (including the master of the ship and chief mechanic) should be composed of Lithuanian nationals. While only Lithuanian citizens were entitled to occupy the positions of the master and chief mechanic (Art. 11(2)). These provisions were in force until the entry of Lithuania to the EU. By virtue of an amendment to the Law of 3 July 2003, a new provision replaced the above-mentioned one since 1 May 2004. It states that:

"not less than 2/3 of the crew of the ship (including the master of the ship and chief assistant to the master) should be composed of nationals of the EU Member States or permanent residents of the Republic of Lithuania. The post of the master of the ship and his chief assistant may be occupied only by the citizens of the Republic of Lithuania" (Art. 11(2)).

Sports sector

Prior to the accession to the EU, no specific provisions concerning possibilities of EU nationals to become members of national football clubs and participate in national championships existed. The Rules on Organisation of Football Matches, adopted by the Football Federation in April 2004 set a quota of three foreigners. The issue of making more favourable conditions to EU nationals in comparison with other foreigners was discussed following the entry to the EU in 2004. Amendments to the above mentioned Rules of 2004, allowing three EU nationals and three other foreigners to take part in national championships were pending by the end of 2004. While there were no restrictions for registration for national championship.

Considering the UEFA proposals to introduce a rule on locally-trained players, there should be no significant obstacles to implement these proposals in the Republic of Lithuania, given that mainly due to financial reasons, Lithuanian football clubs are already now largely composed of locally trained players and foreigners are rather an exception, unlike in the basketball teams.

Citizenship related issues

The Constitution of the Republic of Lithuania provides that the citizenship of the Republic of Lithuania shall be acquired by birth or on any other grounds established by law (Art. 12). Lithuania does not as a rule recognise the dual citizenship, with the exception of individual cases established by law. The Law on Citizenship of the Republic of Lithuania No. IX-1078 of 17 September 2002 (further Citizenship Law) regulates exceptional situations when dual citizenship is allowed – the President of Lithuania may grant Lithuanian citizenship to persons for special merits for the sake of Lithuania (Art. 16 of the Citizenship Law). In this case the person would not need to renounce his former citizenship. Foreign nationals who have

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lived in Lithuania for the past ten years may apply for naturalisation, provided they fulfil also other requirements stated by the Citizenship Law (e.g. language proficiency, has a legal source of income, etc.). Among the naturalisation requirements there is a requirement to renounce in written form the former citizenship when obtaining Lithuanian citizenship (Art. 12). Residence requirement for foreigners, who are married on Lithuanian citizen, is reduced to 7 years of permanent residence in Lithuania. If Lithuanian citizen acquires citizenship of another state, he loses Lithuanian citizenship automatically. Among other grounds for losing Lithuanian citizenship is a situation when a person is serving in the military forces or public service of a foreign state without having acquired a special permit for such service from competent Lithuanian institutions (Art. 18(3)).

In 2004, a total number of 3403 foreigners obtained the citizenship of Lithuania (in comparison with 2451 foreigners in 2003), while 701 person lost Lithuanian citizenship in 2004 (611 in 2003). Out of this number, citizenship was granted to 610 foreigners by the Presidential decree in 2004 (389 persons in 2003). As concerns EU Member States' nationals, one citizen of Latvia and one of Poland obtained Lithuanian citizenship during 2004. The table below provides a breakdown of numbers according to citizenship at the time of requesting Lithuanian citizenship, covering the period of 2001-2004.

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Citizenship of applicants at the time of requesting Lithuanian citizenship	Number of persons				
	2001	2002	2003	2004	Total
Armenia	8	5	10	18	41
Azerbaijan	-	-	-	2	2
Belarus	25	20	8	39	92
Stateless	385	363	252	314	1 314
Bosnia and Hercegovina	-	-	1	-	1
Bulgaria	-	1	-	-	1
Georgia	2	1	1	1	5
Iran	-	1	-	-	1
Israel	2	1	2	3	8
Kazachstan	2	3	-	9	14
Kirgistan	-	1	-	-	1
Latvia	-	3	1	1	5
Poland	1	-	1	1	3
Lebanon	3	2	-	1	6
Moldova	2	1	4	-	7
Pakistan	-	-	-	1	1
South African Republic	-	-	1	-	1
Romania	-	1	-	-	1
Russian Federation	66	75	87	179	407
Syria	-	1	-	-	1
Tajikistan	-	-	1	-	1
Turkey	-	1	-	2	3
Turkmenistan	1	-	-	-	1
Ukraine	9	24	19	37	89
Uzbekistan	1	-	1	2	4
Total:	507	504	389	610	2 010

Source: Data of Lithuanian President's Office.

Annexes to the report:

- Annex I Lithuanian nationals working in the European Union Member States (2000-2004);
- Annex II Persons who were issued permits to emigrate from the Republic of Lithuania (1997-2000);
- Annex III Residence permits for EU/EEA nationals in Lithuania during 2004;
- Annex IV Lithuanian citizens who departed to take up residence abroad according to countries of destination (2003-2004).