

**Network on the Free Movement of Workers
within the European Union**

Lithuania

Report 2006

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CONTENT

Abbreviations

General remarks

Chapter I Entry, residence and departure

Chapter II Access to employment

Chapter III Equality of treatment on the basis of nationality

Chapter IV Employment in the public sector

Chapter V Members of the family

Chapter VI Relevance/Influence/Follow-up of recent Court of Justice Judgements

Chapter VII Policies, texts and/or practices of a general nature
with repercussions on the free movement of workers

Chapter VIII EU enlargement

Chapter IX Statistics

Chapter X Social security

Chapter XI Establishment, provision of services, students

Chapter XII Miscellaneous

Annexes

LITHUANIA

ABBREVIATIONS

Certificate	document confirming the right of EU national to permanent residence in Lithuania
EC	European Commission
ECJ	European Court of Justice
EC Residence Permit	document issued to EU national or his family member
EEA	European Economic Area
EU	European Union
EU Residence Permit	document issued to a third country national, who is EU national's family member
FIFA	Federation of International Football Associations
LBF	Lithuanian Basketball Federation
LFF	Lithuanian Football Federation
LVF	Lithuanian Volleyball Federation
MOI	Ministry of Interior
MS	Member State
MSs	Member States
MSSL	Ministry of Social Security and Labour
SODRA	Social Insurance Fund
UK	the United Kingdom

GENERAL REMARKS

The Aliens' Law remains the main legal act regulating the legal status of foreigners in the country, including EU nationals. The law sets forth a privileged treatment to the EU/EEA Member States nationals (hereafter – EU nationals) as compared to all other foreigners in the country. Though the provisions of the Aliens' Law 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.

The political and public debate on extensive emigration from Lithuania continued during 2006. Emigration from Lithuania continues to be seen as a huge problem affecting directly the labour market in the country and raising the issue of the need to “import” workers from the neighbouring states. Another important public and legal debate focusing on the issue of dual citizenship and equal treatment happened in the second half of the year and resulted in declaration by the Constitutional Court of Lithuania of a number of Citizenship Law provisions as unconstitutional as it allowed to retain Lithuanian nationality for citizens of Lithuanian origin while acquiring nationality of other state, but did not allow the same for Lithuanian citizens of a different national origin.

7,745 foreigners arrived for residence in Lithuania by the end of 2006 (395 of them were EU/EEA nationals). Slightly less (1,248) applications for EC residence permits (temporary stay) were submitted in 2006 by EU/EEA nationals and all were satisfied (in comparison with 1,292 received in 2005). 122 requests for issuance of EC permanent residence permit were submitted by EU/EEA nationals during the year, which represents a slight increase in comparison with 2005 (112). At the same time, 10,329 foreigners declared their departure from Lithuania for the period over 6 months in 2006 (583 of them EU/EEA nationals and 8,567 of them Lithuanian citizens). This represents a decrease in comparison with 14 084 foreigners in 2005. The official statistics still reflects very limited number of Lithuanians leaving for other Member States, 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. The number of workers arriving from abroad to Lithuania decreased from Russia by 7%, increased from Belarus by 8% and Romania by 4% during 2006 in comparison with 2005.

Lithuania did not change its position during the year as concerns the application of equivalent restrictions in response to transition arrangements by the old Member States. Concerning Romania and Bulgaria its' position remains the same. It does not apply restrictions on 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. Given the fact that a large number of Lithuanian workers have been seeking employment abroad and the labour force in Lithuania itself is lacking, it is unlikely that Lithuania would introduce any restrictions whatsoever as concerns access to the labour market.

During the year, important legislative developments related to the legal status of EU nationals and other foreigners have taken place, in order to transpose the EU Directive 2004/58/EC to the national legislation. This work has resulted in adoption of a package of Amendments and Supplements to the Law on Legal Status of Aliens No. IX-2206 of 29 April 2004 (hereafter – Aliens' Law)¹ and it represents the main development in the area of free movement in Lithuania throughout the year. Among the other directives mentioned in the Law on Amendments was the Directive 2003/86/EC on family reunification, Directive 2003/109/EC on long term residents, Directive 2004/81/EC on victims of trafficking, Direc-

1 Adopted by the Law No, X-924 of 28.11.2006 on Amendment to Articles 2, 6, 7, 8, 11, 17, 18, 21, 25, 26, 28, 33, 34, 35, 40, 43, 46, 50, 51, 53, 54, 55, 56, 64, 79, 88, 90, 93, 97, 99, 100, 101, 102, 104, 106, 113, 115, 127, 130, 131, 132, 136, 138, 140 of the Law on Legal Status of Foreigners, supplement by Articles 491, 1011, 1401, declaration of Articles 30 and 105 as invalid, amendment of the title of Section X and amendment and supplement to the Annex of the law, published in *State News* No. 137-5199, 16.12.2006, available in English at: http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=243642.

LITHUANIA

tive 2004/83/EC on refugee definition and complementary protection and Directive 2004/114/EC on exchange programmes for third country nationals. Among the new provisions was the introduction of a new residence permit for EU national family members who are third country nationals, shortening of EU national's stay in Lithuania without formalities to the period of 3 months, establishment of a "certificate" confirming EU national's right to permanent residence in Lithuania, introduction of grounds for retention of residence by family members, extension of time limits in case of expulsion of EU national, elimination of health concerns as a ground to revoke EU national residence permit and others.

Other important developments in eliminating the obstacles to the free movement of workers have been taking place with the legislative developments in the area of recognition of professional qualifications (new legal acts for social workers and restorers, as well as establishment of the working group on preparation of the Draft Law on Professional Qualifications to transpose the Directive 2005/36/EC); ensuring access to health care for EU nationals with temporary residence permits; abolishment of visa regime for school pupils who are third country nationals legally resident in the EU and others.

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, situation of EU nationals' family members, who are third country nationals, continues to remain rather unclear, as does the situation of job seekers after elimination of certain provisions in the Aliens' Law; as well as stay in Lithuania following the termination of employment relations or other lawful activities is no longer regulated; some of requirements for issuance of residence permits are of concern (e.g. requirement of proof of accommodation in addition to sufficient resources, the later also to be proved and fixed at one average monthly salary, which may be considered contrary to the Directive 2004/38/EC requiring to take into account the personal situation of the person concerned); regulation of access to Lithuanian public service for persons performing technical and other functions falling out of strict definition of public service remains unclear; EU nationals are legally little protected from expulsion and detention as their situation is not made different from all other foreigners; some taxation related issues remain discriminatory; language proficiency requirement continues to be applied in certain spheres of the private sector, including maritime sector; restrictions exist in the sports' sector.

In administrative practice, there is still a lack of experience within responsible government bodies and courts and it will take a few more years to start properly applying the EC rules. Legal or other literature on the subject matter continues to be lacking.

CHAPTER I. ENTRY, RESIDENCE, DEPARTURE**A. Entry***Text(s) in force*

The main provisions on conditions of entry, residence and departure of EU nationals are contained in the Aliens Law of 2004 as amended on 28 November 2006. According to the Aliens Law (Article 97(1)) EU national may be admitted to Lithuania and stay therein for a period of three months counting from the first day of entry into the country without any formalities. As concerns the entry of EU nationals the amendments to the Aliens Law made during the year introduced among the conditions for entry to Lithuania the possession of EC citizen residence card or EU residence card (Art. 7(2) of the Law). 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 or declare their place of residence, or declare about their departure from the country), there is no data as to how many of them entered/exited Lithuania in 2006. They appear in the official statistics only if they stay for longer period than 3 months, once a residence permit is issued and the obligation to declare the place of residence emerges (refer to Residence section below).

Refusal of entry of EU national to Lithuania is possible only on two grounds, which are related to lack of valid travel document and threat to public security, public policy or public health (Art. 98 of the Aliens Law).

With the view of implementing Council Decision 94/795/JHA, the Government of Lithuania approved a resolution on 11 September 2006 on abolishment of visa regime for school pupils who are third country nationals legally resident in the European Union.² According to the resolution, they can enter Lithuania and stay here up to 3 months within half a year, as well as transit Lithuania without a visa provided they fulfil certain requirements:

- participate in the excursion of a school legally operating in the EU MS;
- they are accompanied by the teacher working in such a school;
- the teacher has a list of all travellers participating in the excursion, where documents proving identity of pupils and the purpose/circumstances of travel are listed;
- they are in possession of valid travel documents.

The resolution also approved a compulsory form of a list mentioned above.

The Government Resolution No. 436 of 20 April 2005 concerning the approval of rules for the establishment and management of a list of foreigners who are prohibited to enter the Republic of Lithuania (hereafter – Rules on Prohibition of Entry)³ continues to apply to all foreigners with no specific reference to exclude EU nationals from the scope of its application. No amendments have been made to this document during 2006.

Miscellaneous (administrative practices, etc.)

Though the Aliens' Law provides for grounds to refuse the entry of EU nationals to Lithuania in certain cases, in practice the administrative bodies see it difficult to apply at the point of entry (except for the possession of entry document, which is checked upon by the border police). Thus these grounds could only be applied (if necessary) at the point when EU national applies to the authorities for declaration of the place of residence (after 3 months of stay). According to the statistics of the State Border Guard Service at the MOI, 123 EU nationals were refused entry to Lithuania in 2006. The table below provides a breakdown according to nationality and reasons for refusal.

² Government Resolution No. 858 of 11 September 2006, published in *State News* No. 97-3768, 2006.

³ Published in *State News* No. 52-1747, 2005.

LITHUANIA

Reasons for refusal	Total	CHE	CYP	DEU	DNK	EST	FIN	FRA	GBR	GRC	HUN	ISL	ITA	LVA	NLD	NOR	POL	PRT	SWE
A-No valid travel document	108	1	1	7	1	2	2	3	2	1		2	4	75	1	3	1	1	1
B-False passport	2						1							1					
H-Entered into national register	4													4					
I-National security, public order or health, international relations	9								1		1			5			2		
TOTAL	123	1	1	7	1	2	3	3	3	1	1	2	4	85	1	3	3	1	1

B. Residence*Text(s) in force*

Amendments and Supplements to the Aliens' Law adopted in 2006 contain several important amendments to the provisions concerning the stay of EU nationals in the territory of Lithuania and transposing the Directive 2004/38/EC.

1) Article 97(1) of the Aliens' Law provides only for a general provision that the EU nationals may stay in Lithuania for a period of three months. The earlier provision concerning the extension of stay without any formal procedures for workers or job seekers (additional 3 months) was deleted from the law. EU national who intends to reside in Lithuania for a period longer than 3 months within half a year must declare his/her place of residence (Art. 99(1) of the Law). While declaring the place of residence EU national has to submit documents confirming his right of residence in Lithuania. Previously, declaration should have been performed after six months. Additionally, the Law on Declaration of the Place of Residence No. VIII-840 of 2 July 1998 was amended on 7 December 2006 to specifically mention that "EU/EEA national residing in the Republic of Lithuania for a longer period than 3 months within a half a year and having acquired a right to residence in Lithuania is obliged to declare his place of residence, as well as when he changes his place of residence in Lithuania or leaves the country for a period of more than 6 months" (paragraph 2 of Article 4(1) of the Law). 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. The transposition of the Directive 2004/38/EC on this point is currently only partial, because the declaration order approved by the Order No. 563 on Declaration of the place of residence and maintenance of declaration data of 2 December 2002 of the Minister of Interior needs to be amended. Draft legislation was pending by the end of 2006, which once approved, will replace this Order. The new Order was approved on 5 February 2007 by Order No. 1V-48 of the Minister of Interior (analysis will be presented in the Report for 2007).

2) The grounds for residence (Article 101 of the Aliens' Law) are no longer related to intention, but rather to a factual situation and include only four grounds in comparison with previously recognised seven ones:

- a) worker or self-employed person;
- b) has sufficient resources for himself and for his family members to reside in Lithuania and has a valid health insurance;
- c) student, school pupil, probationer, participant of qualification or vocational training courses and has sufficient resources for himself and for his family members to reside in Lithuania and has a valid health insurance.
- d) family member of the EU national.

Furthermore, the provision on residence grounds also includes the situation of family members of Lithuanian citizens, who are not EU nationals, but are also entitled to EU residence permit.

3) A new residence permit was introduced – EU residence card for a family member of EU national, who is a third country national. This card entitles such family member to reside in Lithuania.

4) The period of EU residence permit validity was fixed at 5 years or shorter period if EU national intends to reside for less than 5 years. According to the Aliens' Law, application for EU residence permit must be processed within one month from the date of its receipt (Art. 100 of the Law) (in comparison with 6 months applied to all other foreigners). For students, EU 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.

5) A certificate confirming the right of permanent residence of the EU national in Lithuania was introduced (Art.104(4) of the Law), while the right of permanent residence of

the EU national family member who is not EU national is confirmed by the newly introduced EU permanent residence permit, which is being issued for a period of 10 years and afterwards extended (Art. 104(5) of the Law). The Order on issuance of the certificate will be approved by the Minister of Interior. No such order was pending adoption by the end of 2006.

6) The Law introduced the list of situations when a residence right in Lithuania can be retained by a family member of EU national (Art. 101¹ of the Law). It includes situations in case of:

- a) death of EU national or his departure from Lithuania when family member holds citizenship of EU member state and complies with requirements for residence right;
- b) death of EU national when family member does not hold citizenship of EU member state, but resided in Lithuania for a period of at least 1 year as family members before the death of EU national;
- c) annulment or termination of marriage or registered partnership agreement when family member holds citizenship of EU member state and complies with requirements for residence right;
- d) annulment or termination of marriage or registered partnership agreement when family member does not hold citizenship of EU member state, but the marriage/partnership lasted for no less than 3 years, out of which at least 1 year in Lithuania, or if a family member takes care of the children of the EU national, or the marriage was terminated due to fault of the EU national;
- e) death of EU national or his departure from Lithuania – residence right will be retained to his children irrespective of their citizenship and the other parent, who takes care of them, until the completion of started formal education programme.

7) Discretionary right for the Minister of Interior was introduced to allow granting permanent residence right to EU nationals or their family members, who resided in Lithuania legally for a period of less than 4 years in exceptional cases (Art. 104(3) of the Law).

8) Revocation of EU residence permit will no longer be possible on the basis of threat to the health of the population, as well as the competence for revoking the residence right will be with Vilnius District Administrative court (Art. 106 of the Law).

Following the amendments to the Aliens' Law, the situation of job-seekers became unclear. Previously, they were not required to register for 6 months. According to the new version of the Aliens' Law, job seekers are not mentioned at all, while job seeking is not included among the grounds of residence. However, it can be interpreted from the Law that job seekers are covered only in so far as they can stay without a residence permit in the country for a period of up to 3 months.

Therefore, according to current legislation, EU nationals can stay in Lithuania for three months without any formalities. Following this period they have to declare place of residence and submit documents for EU residence permit. Later on, they can be granted permanent residence in Lithuania. Article 104 of the Aliens' Law provides for the grounds of permanent residence of EU nationals in Lithuania. According to this Article, "EU national, who has been lawfully resident in the Republic of Lithuania for the last 5 years or, who retains the right to Lithuanian citizenship or, who is a person of Lithuanian origin, or arrived to the Republic of Lithuania as a family member of a Lithuanian citizen, is entitled to reside permanently in the Republic of Lithuania" (previous version of the Law mentioned 4 years of residence, which was more favourable rule than that stated in the Directive 2004/38/EEC). According to the Law, in exceptional cases to be determined by the Minister of Interior residence right may be granted earlier than after 5 years of residence. Permanent residence is confirmed by a certificate and no longer a formal permanent residence permit.

Worthwhile mentioning that, if the EU national is away from Lithuania for a period exceeding 6 months within one year, this may be a ground for refusing the permanent residence right (except when absence from Lithuania is related to serious reasons (previous version of the law mentioned only performance of military or alternative service, while after amendments, situations of pregnancy, childbirth, serious illness, studies, vocational training

or posting to a third country or in other cases determined by the Minister of Interior are now covered). The expansion of list of reasons was introduced as required by the Directive 2004/38/EEC. Also, the Law indicates that acquired right to permanent residence is lost in case of absence from the country for 2 consecutive years (Art. 104(7)).

The Aliens' Law no longer regulates the possibility for EU nationals and their family members to stay in Lithuania following the termination of employment relations or other lawful activities in Lithuania, which was before the amendments provided in Article 105 of the Law. This Article was repealed in 2006, but this is not reasonable, given that there is a need to provide for a possibility to remain following active employment in circumstances regulated by Article 17 of the Directive 2004/38/EC.

Family members of EU nationals can stay with them for the same period of 3 months without formalities and later on they have to obtain EU residence permit (in case they are not EU nationals). They are entitled to permanent residence if resided with EU national for the last 5 years or retain a right of residence (Art. 104(2) of the Law).

Residence rights may be terminated to EU nationals and their family members in case of threat to state security or public order (Art. 106(1) of the Law). These grounds were made in line with the Directive 2004/38/EC by repealing the ground of public health in the previous version of the Aliens' Law. If EU national's right to residence is terminated, his family members also lose this right, unless they are entitled to reside on other grounds. After losing the right to residence EU national and (or) his family member must depart from Lithuania or will be subject to expulsion.

More detailed regulation of the issuance of residence permits to foreigners, including EU nationals, is provided by the orders of the Minister of Interior, implementing the Aliens' Law, adopted in 2005:

- 1) The Order No.1V-329 on Approval of Rules for the Issuance of Temporary Residence Permits to Foreigners in the Republic of Lithuania and Assessment of Marriages of Convenience was adopted on 12 October 2005 (hereafter – Order on Temporary Residence Permits);
- 2) The Order No.1V-445 on Approval of Rules for the Issuance of Permanent Residence Permits to Foreigners in the Republic of Lithuania and Assessment of Marriages of Convenience was adopted on 21 December 2005 (hereafter – Order on Permanent Residence Permits).

Remaining concerns that have not been addressed in the orders during 2006 are mentioned below. Worthwhile mentioning that these orders have been adopted before the amendments to the Aliens' Law in 2006, thus are currently applied in so far as do not conflict with the current version of the Law. This Order was subsequently amended on 14 June 2007 (No. 1V-219) to include instead of “permanent residence permits”, “the permit of a long-term resident”. The title now reads as follows: “on Approval of the rules for issuance of long-term residents permits to foreigners in the European Community and the assessment of marriages, registered partnerships and guardianship of convenience”. According to the Order on Temporary Residence Permits the following documents are also required in addition to the application (paragraph 13 of the Order):

- a) valid travel document (its validity should be by three months longer than the residence permit requested);
- b) documents confirming foreigner's right to obtain/extend a residence permit;
- c) document confirming that the foreigner has sufficient resources to sustain his stay in Lithuania (the monthly amount that is considered sufficient for living within the context of residence permit is fixed at one minimal monthly salary, while for family members the requirement is fixed at 50% of one minimal monthly salary. The minimal salary in Lithuania constituted 600 Litas (approx. 174 euros) in December 2006);
- d) document confirming that the foreigner has a place to live under ownership or rent or use agreement, if the later is concluded for the period of not less than the period of validity of the residence permit and is registered in accordance with the laws; or the confirmed commitment of the natural or legal person to provide him with a place to stay for

the period of permit validity (the later requirement may be problematic because of the duration of the rent agreement requested and it contains unnecessary restriction given that the sufficient financial resources are already required)

- e) health insurance.

There is no distinction in the application of the rules stated for EU nationals as compared with other foreigners in the Order.

According to the Order on Permanent Residence Permits there is a requirement for the foreigner to indicate in the application for a residence permit if he is not ill with a disease posing a threat to the health of population (Section II, paragraph 6). The legal consequences of applying this provision in practice are not clear, but if applied in practice as a ground for discrimination, it would be in contradiction with the Directive 2004/38/EC. Furthermore, the same requirement as for the temporary residence permit – to submit a document confirming the possession of sufficient resources to sustain living in Lithuania (Section II, paragraph 11.3; Section VII, paragraph 70.5) – may create problems of implementation of the Directive 2004/38/EC, which requires not to subject the right of permanent residence to the conditions applied to temporary residence permits. Also, according to the Order the application for permanent residence permit shall be examined within 6 months (Section II, paragraph 23), while the Aliens' Law of 2004 provides for one month as a privilege to EU nationals in comparison with other foreigners; this inconsistency needs to be addressed. The Order on Permanent residence permits was amended on 21 August 2006 to establish a three month period for submission of application for issuance of permanent resident permit from the date of arrival to the Republic of Lithuania.⁴

Important by-law adopted on 29 May by the Commissar General of the Police concerns verification of data and making conclusions on the foreigner who requests a residence permit in Lithuania, EC family member residence permit or granting of asylum⁵ as concerns his/her threat to public order of Lithuania or conclusion of marriage of convenience. The Order sets the criteria for adoption of the conclusion on threat to public order, which include the following situations, when a foreigner:

- a) was sentenced for serious and particularly serious crime;
- b) was sentenced for a crime punishable with more than one year imprisonment;
- c) received official warning or court obligations in accordance with the Law on Organised Crime prevention;
- d) is reasonably suspected in commission of serious or particularly serious crime and there are evidences that he/she is intending to commit such crimes;
- e) is subject to compulsory medical measures envisaged in the Penal Code of Lithuania;
- f) is being searched by the foreign country for commission of a crime for which Lithuanian Penal Code provides a punishment of more than one year imprisonment;

The officer of the Police Information Board preparing the conclusion on the threat of the foreigner to Lithuania's public order may take into account additional criteria, like: behaviour of the person, administrative offences committed during the recent 2 years and other.

Draft legislation, circulars, etc.

New rules on declaration of the place of residence were pending by the end of 2006 and are expected to be approved by the Minister of Interior in the beginning of 2007 (approved on 5 February 2007). These rules will have specific references to EU nationals and their family members.

4 Order of the Minister of Interior of the Republic of Lithuania No. 1V-338 of 21.08.2006, published in *State News* No. 91-3596, 2006.

5 Order No. 5-V-330, published in *State News* No. 75-2899 of 05.07.2006.

Judicial practice

No cases concerning free movement of EU nationals as concerns residence in Lithuania have been submitted or decided in the administrative courts during 2006.

Miscellaneous (administrative practices, etc.)

According to the Government Resolution No. 1458 of 15 December 2000 on State Fees, EU nationals enjoy better conditions than all other foreigners in the country. For instance, for issuance of EC 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. According to the Government Resolutions No. 1135 of 16 November 1994 on the Consular Tariffs the visa fee for the family members of EU nationals is reduced by 100% (regular fee for visa of category D – long term visa is 60 euro). Therefore fees are aligned with provisions of Article 25 (2) of the Directive 2004/58/EC.

Out of a total of 20,803 foreigners residing in Lithuania as of end of 2006, 308 EU/EEA nationals were residing in Lithuania with EC permanent residence permits, while 1 371 - with EC residence permits (staying temporary). These numbers represents less foreigners and also EU nationals residing in Lithuania in comparison with 2005. Annex I to this Report provides breakdown of data according to citizenship. The table below illustrates the general proportion of foreigners residing with residence permits in the population statistics of Lithuania for the period of 2003-2007:

	2003	2004	2005	2006
Foreigners, ⁶ including those with residence permits	30,5	30,2	32,6	35,3
Number of population ⁷	3 462,6	3 445,9	3 425,5	3 403,2
Proportion of foreigners in the number of population, %	0,88	0,88	0,95	1,04

According to the data of the Migration Department,⁸ during the period of 1 January – 31 December 2006, 1248 applications for EC residence permits were received from EU/EEA nationals in Lithuania (slight decrease in comparison with 1292 in 2005). None of them was refused the issuance of residence permit. 1013 decisions were adopted to issue such permit. 122 requests for EC permanent residence permit were received in 2006 from the EU/EEA nationals (slight increase in comparison with 112 in 2005). Detailed statistics on the residence permits is provided in Chapter IX. Statistics of this Report.

C. Departure*Text(s) in force*

There are no special provisions in the aliens' legislation regulating departure of EU nationals. Under the Aliens' Law (Art. 125), departure of the foreigner (including EU national) may be ordered in case when:

6 Source: data of the Identification Documents Issuance Centre at the Ministry of Interior.

7 Data of the Department of Statistics at the Government of the Republic of Lithuania.

8 2006 m. Migracijos metraštis, available in Lithuanian only at: <http://www.migracija.lt/MD/metraštis2006.htm>.

LITHUANIA

- 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, but might affect the family members, who are third country nationals);
- 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 separately states grounds for expulsion (Art. 126), i.e. a foreigner can be expelled when:

- 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.

The Order of the Minister of Interior 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) of 24 December 2004, regulates expulsion of foreigners 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. The Rules on Prohibition of Entry of 20 April 2005 further state that the "data about the foreigner may be eliminated from the list on the basis of the decision of the Migration Department, if the later receives a motivated written request from the foreigner to eliminate his data from the list".

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.

On 20 March 2006 the Order on Expulsion of Foreigners was amended in order to align its' provisions with the EU Directive 2003/110/EC on Transit Assistance.

LITHUANIA

As a result of Amendments and Supplements to the Aliens' Law in 2006 the time limits for EU national's departure from the country was made in line with the Directive 2004/38/EC as it introduced a period of one month in comparison with earlier envisaged 15 days from receipt of decision in respect of order of departure for EU national or his family member. 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 mentions 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 (except when applied for asylum);
- 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 expulsion of the alien from the Republic of Lithuania has been taken;
- 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.

According to the information of the Migration Department (20 March 2007), 1 Latvian national was detained for more than 48 hours for illegal stay in the country.

Draft legislation, circulars, etc.

No special draft legislation on departure or expulsion was pending by the end of 2006.

Judicial practice

No cases concerning free movement of EU nationals as concerns departure/expulsion from Lithuania were submitted or decided by the courts during 2006.

Miscellaneous (administrative practices, etc.)

According to the data of the Migration Department, no decisions on expulsions were issued in respect of the EU nationals during 2006. The number of EU/EEA nationals who departed from Lithuania in order to take up residence in another country (for a period of more than 6 months) was 583 during 2006 (in comparison with 471 during 2005). Annex III to the Report provides a breakdown of data of persons who declared their departure from Lithuania in 2006 for the period over 6 months (according to the country and citizenship).

CHAPTER II. ACCESS TO EMPLOYMENT

A. Equal treatment in access to employment

The Labour Code of the Republic of Lithuania (hereafter – Labour Code)⁹ of 22 June 2004 contains a general principle of non-discrimination in paragraph 1(4) of Article 2: “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 contains a prohibition of refusing employment to a person on the grounds specified in Article 2, mentioned above.

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

“All citizens of the Republic of Lithuania shall have equal 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. Laws may establish cases of exception from the above provision.”

This Article has not been specifically amended since Lithuania's entry to the EU, however, the EC Regulations (e.g. Regulation 1408/71/EEC and Regulation 1612/68/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.

The definition of the employee is 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 is further 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 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 does 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.

No significant legislative developments occurred in this field during 2006. The author of this Report did not observe any particular obstacles to accessing employment by the EU nationals. One possible obstacle concerning the language requirement is dealt with in the following section below.

Concerning assistance by employment agencies, EURES network established in 2003 operates in eight regions in the country (Vilnius, Kaunas, Klaipeda, Siauliai, Panevezys, Alytus, Utena and Taurage cities) with the purpose of facilitating the implementation of free movement of persons in Lithuania and outside it. The network was expanded during 2006 to two more regions in Pasvalys and Lazdijai border regions. EURES specialists are also placed at all 46 territorial labour offices throughout the country. They provide information and consultations to interested persons on the free movement of workers, conditions of employment, residence and studies within the EU, as well as to Lithuanian employers searching for workers in other EU MSs. During 2006, EURES advisors provided counselling and information about free movement of persons to 22 479 persons. 176 persons were employed

9 Available in Lithuanian at: http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=169334.

through Lithuanian EURES network in UK, Ireland, Sweden and Norway, Denmark, Cyprus, Spain, Germany, Iceland, Greece, etc.

B. Language requirement

The Law on State Language of the Republic of Lithuania No. I-779 of 31 January 1995 establishes that apart from public officials, persons in the field of communications, transport, health care 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, 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) of 24 December 2003. 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 and other sectors, public, 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 companies and organisations, 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) and others. The list is not exhaustive, thus it is likely to be applied also in some other cases on discretionary basis, which may be of concern.

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. Also, Lithuanian language proficiency requirement is applied in the maritime sector (see below for details). This may pose additional obstacles for employment of other EU nationals, who may not be proficient enough in Lithuanian language. No amendments were made to the resolution during 2006. There have been specific exceptions made in the past for certain professions (e.g. advocates, doctors). For instance, as concerns advocates, a new version of the Law of the Bar No IX-2066 of 18 March 2004¹⁰ provides that advocates who are EU nationals are exempted from language proficiency requirement (Art. 64(8)). 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, 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

10 Available in Lithuanian at:
http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=260055&p_query=&p_tr2=

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, as amended on 15 March 2005. This Order in its' paragraph 13.1 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.

C. Recognition of diplomas

Text(s) in force

There are a number of legal acts that state rules applicable to recognition of diplomas and professional qualifications. These legal acts are largely in line with the EU general and sectoral directives for recognition of professional qualifications and diplomas. A list of Lithuanian legal acts transposing EC Directives of the General Recognition System and sectoral directives is provided below (only those adopted in 2006 are analysed below). A number of new legal acts were adopted during 2006 in this field and the adoption of new legislation/rules in the field of recognition of professional qualifications was the most dynamic of all sectors analysed in this Report during the year. It shows significant and constant attention devoted to this area by the Lithuanian authorities.

No	Acts transposing General System directives (89/48/EEC, 92/51/EEC, 99/42/EC, 2001/19/EC)	Acts transposing Sectorial directives
1	Order of the Minister of Social Security and Labour No. A1-90 of 28 March 2006 concerning the Approval of a <i>working group</i> for the preparation of the Law on Recognition of Professional Qualifications	Order of the Minister of Health Care No. V-43 of 2 February 2004 concerning the Approval of Instructions for Recognition in the Republic of Lithuania of diplomas, certificates and other official documents proving the professional qualification of a doctor acquired in the EU, EEA or Switzerland
2	Order of the Minister of Social Security and Labour No. A1-194 of 17 July 2006 concerning the Approval of Instructions for Recognition in the Republic of Lithuania Diplomas, certificates and other official documents proving the professional qualification acquired in the EU, EEA or Switzerland with the purpose of employment in Lithuania as <i>social worker</i> in the Republic of Lithuania	Order of the Minister of Health Care No. V-41 of 2 February 2004 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 <i>nurse</i> acquired in the EU, EEA or Switzerland
3	Order of the Minister of Education and Science No. ISAK-1695 of 22 August 2006 concerning the Approval of Instructions for Recognition in the Republic of Lithuania Diplomas, certificates and other official documents proving the professional qualification acquired in the EU, EEA or Switzerland with the purpose of employment in Lithuania under regulated profession, falling within the competence of the <i>Ministry of Education and Science</i>	Order No. V-42 of 2 February 2004 concerning the Approval of Instructions for Recognition in the Republic of Lithuania of Diplomas and other official documents proving the professional qualification of a <i>midwife</i> acquired in the EU, EEA or Switzerland
4	Order of the Minister of Culture No. IV-51 of 2 February 2006 concerning the Approval of Instructions for Recognition in the Republic of Lithuania Diplomas, certificates and other official documents proving the professional qualification acquired in the EU, EEA or Switzerland with the	Order of the Minister of Health Care No. V-40 of 2 February 2004 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 <i>odontologist</i> acquired

LITHUANIA

	purpose of employment in Lithuania as <i>restorer</i> or practising as restorer in the Republic of Lithuania	in the EU, EEA or Switzerland
5	Order of the Minister of Social Security and Labour No. A1-71 of 10 March 2005 concerning the form of application for recognition of professional qualification documents obtained in the EU/EEA Member States and Swiss Confederation	Order No. B1-417 of 30 April 2004 concerning the Approval of the Requirements on the Assessment and Recognition of professional qualifications of a <i>veterinary doctor</i> acquired in third countries

LITHUANIA

6	Order of the Director of the State Tourism Department to the Ministry of Economy No. V-99 of 29 December 2005 concerning the Approval of the Statute of Professional Qualifications Evaluation and Recognition Commission	Order of the Minister of Health Care No. V-39 of 2 February 2004 concerning the Amendment of the Order No. V-655 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 <i>Pharmacy</i> acquired in the EU, EEA or Switzerland
7	Order of the Director of the State Tourism Department to the Ministry of Economy No. V-95 of 23 December 2005 concerning the Approval of Instructions for Recognition in the Republic of Lithuania Diplomas, certificates and other official documents proving the professional qualification of a <i>guide</i> acquired in the EU, EEA or Switzerland	Order of the Minister of Environment No. D1-131 of 25 March 2004 concerning the Approval of Instructions for Recognition in the Republic of Lithuania Diplomas, certificates and other official documents proving the professional qualification of an <i>architect</i> acquired in the EU, EEA or Switzerland
8	Order of the Minister of Justice No. 1R-111 of 12 April 2005 concerning the Approval of Instructions for Recognition in the Republic of Lithuania of documents proving the professional qualification of a <i>lawyer</i> acquired in the EU, EEA or Switzerland	Order of the Director of the State Food and Veterinary Service No. B1-989 of 23 December 2003 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 <i>veterinary doctor</i>
9	Government Resolution No. 535 of 3 May 2004 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	
10	Order of the Minister of Health Care No. V-1003 of 21 December 2005 concerning the Approval of Instructions for Recognition in the Republic of Lithuania of diplomas, certificates and other official documents proving the professional qualification acquired in the EU, EEA or Switzerland with the purpose of employment in Lithuania under regulated profession, falling within the <i>competence of the Ministry of Health Care</i>	
11	Order of the Minister of Social Security and Labour No. A1-128 of 14 May 2004 concerning Coordination of recognition of documents confirming professional qualifications	
12	Order of the Minister of Social Security and Labour No. A1-186 of 16 July 2004 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	
13	Order of the Minister of Social Security and Labour No. A1-229 of 6 October 2004 concerning the Approval of order for examination of appeals, submitted by persons	

LITHUANIA

	disagreeing with the decisions of competent institutions responsible for recognition of documents certifying professional qualifications, and formation of the appeals' commission	
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In the area of diploma recognition the following legal acts are important:

- 1) Order of the Director of the Centre for Quality Assessment in Higher Education No. 1-74 of 3 May 2006 concerning the Approval of a List of other additional documents for assessment of higher education qualifications acquired abroad, and the order of its submission
- 2) Order of the Director of the Centre for Quality Assessment in Higher Education No. 1-24 of 3 February 2006 concerning the Approval of Instructions for assessment of qualifications acquired abroad, entitling to studies of higher education
- 3) Government Resolution No. 60 of 21 January 2005 concerning the Approval of the Order on Evaluation and Academic Recognition of Qualifications acquired abroad and providing access to higher education

Concerning the process of recognition of professional qualifications for regulated professions, the coordinating body is the Ministry of Social Security and Labour, while there is also a list of designated competent institutions responsible for recognition of qualifications and diplomas. The functions of an information centre (Art. 9(3) of Directive 89/48/EEC) are assigned to the Lithuanian Centre for Quality Assessment in Higher Education. Lithuanian Labour Market Education Council among other functions related to recognition of professional qualifications is responsible for issuance of certificates for EU/EEA nationals departing to other countries when they are willing to engage in employment under regulated profession or practice certain profession as required by the Directive No. 1999/42/EC. These certificates are submitted for approval to the coordinating body.

With regard to the main rules in this area, there are several recognition systems established in Lithuania:

- a) recognition system for university diplomas;
- b) recognition system for other diplomas;
- c) recognition system for diplomas when the applicant is already a holder of a certificate or has received corresponding education and training;
- d) recognition system for certificates;
- e) special recognition system for other qualification documents.

Decisions on recognition shall be adopted within 4 months from the date of receipt of all documents. Adaptation period for no longer than 3 years and an aptitude test is also envisaged. A derogation from the applicant's right to choose between an adaptation period and an aptitude test is possible 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 Lithuania is an essential and constant aspect of the professional activity. In this case an aptitude test shall be applied. All decisions concerning recognition of professional qualifications are motivated. There is a two-tier system of appeals envisaged in case of negative decision or the absence of decision:

- a) appeal to a specially assigned Commission of Appeals (shall adopt decision within 1 month); and
- b) administrative courts.

The qualifications acquired abroad are recognized as corresponding to the qualification provided in Lithuania, if the assessment of qualification shows no substantial differences with the requirements for acquisition of the same qualification in accordance with the laws of Lithuania. The assessment is carried out by the Lithuanian Centre for Quality Assessment in Higher Education, while academic recognition is carried out by the Ministry of Education and Science of Lithuania. Assessment process shall take not longer than 3 months from the date of submission of documents (may be extended in some cases for additional period of up to 3 months). Decision on recognition of qualification shall be taken within one month from the receipt of documents.

There are a few problematic issues in the legislation vis-à-vis the general system directives, which have not been addressed during 2006:

- a) as concerns conditions for recognition, there is a higher burden of proof on the applicant if compared with the required by the Directive 92/51/EEC (Art. 3) (the person is required both to hold the diploma and also to have practiced the profession full time for two years during the previous 10 years – two requirements are applied cumulatively and not interchangeably); the same applies to special recognition system for other qualification documents: attestation of competence and proof of qualifications are applied cumulatively and not interchangeably.
- b) as concerns recognition system for certificates it is in variance with procedural requirements for applying the derogations from the right to choose between the adaptation period and the aptitude test pursuant to the Directive 92/51/EEC (Art. 14) (in Lithuania, competent authority reserves the right to assign one or another, if the applicant fails to present appropriate document);
- c) the issue of recognition in a Member State of professional qualifications or diplomas obtained in a third country is not sufficiently regulated in Lithuanian legislation, as well as the procedures for examination of diplomas, certificates and other evidence of formal qualifications obtained outside the EU, 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.

A number of legal acts on recognition of professional qualifications entered into force in the beginning of 2006, including the Order on recognition of qualifications for regulated professions in the field of *health care* (No. V-1003), which implements the Directives 89/48/EEC and 92/51/EEC; the Order on recognition of qualifications of a *guide* (No. V-95); the Order on Approval of Statute of Professional Qualifications Evaluation and Recognition Commission (No. V-99). The year was also productive with regard to adoption of new legal norms. It includes:

1. *Order of the Minister of Education and Science No. ISAK-1695 of 22 August 2006* concerning the Approval of Instructions for Recognition in the Republic of Lithuania Diplomas, certificates and other official documents proving the professional qualification acquired in the EU, EEA or Switzerland with the purpose of employment in Lithuania under *regulated profession, falling within the competence of the Ministry of Education and Science* (entered into force on 30 August 2006).¹¹ According to this Order the Ministry of Education and Science conducts assessment and recognition of professional qualification documents with the aim of employment as teacher, vocational teacher, educator, special teacher, school psychologist, speech therapist, surdo-pedagogue, typhlo-pedagogue and a few others. There is a special Commission on Assessment and Recognition of Professional Qualifications of Pedagogues and other educational staff, formed by the Minister, which is responsible for the process and submission of recommended decisions to the Ministry. In case of significant differences, adaptation period or an aptitude test may be assigned.
2. *Order of the Minister of Social Security and Labour No. A1-194 of 17 July 2006* concerning the Approval of Instructions for Recognition in the Republic of Lithuania Diplomas, certificates and other official documents proving the professional qualification acquired in the EU, EEA or Switzerland with the purpose of employment in Lithuania as *social worker* in the Republic of Lithuania (entered into force on 28 July 2006).¹² The MSSL is responsible for recognition of professional qualifications of social workers. The Order also provides that persons who attended special social work course may perform social work in Lithuania until 1 July 2011.
3. *Order of the Minister of Culture No. IV-51 of 7 February 2006* concerning the Approval of Instructions for Recognition in the Republic of Lithuania Diplomas, certificates and other official documents proving the professional qualification acquired in the EU, EEA or Switzerland with the purpose of employment in Lithuania as *restorer* or practising as

¹¹ Published in *State News* No. 92-3641, 29.08.2006.

¹² Published in *State News* No. 82-3281, 27.07.2006.

restorer in the Republic of Lithuania (entered into force on 23 February 2006).¹³ The Ministry of Culture is responsible for recognition of professional qualifications of restorers. The assessment is carried out by the Attestation Commission for restorers of cultural heritage, which makes a recommendation to the Ministry for the decision.

4. *Order of the Director of the Centre for Quality Assessment in Higher Education No. 1-24 of 3 February 2006* concerning Approval of Instructions for assessment of qualifications acquired abroad, entitling to studies of higher education (entered into force on 10 February 2006).¹⁴
5. *Order of the Director of the Centre for Quality Assessment in Higher Education No. 1-74 of 3 May 2006* concerning the approval of a list of other additional documents for assessment of higher education qualifications acquired abroad, and the order of its submission (entered into force on 12 May 2006)¹⁵. This Order approves the list of additional documents, which includes, for instance study records book, exams register, certificate from the institution that granted qualification, agreements with educational institution, etc. If the required additional documents are not supplied within 6 months from receipt of request for such documents and no written explanation is provided, qualification will not be further assessed.
6. *Order of the Minister of Social Security and Labour No. A1-90 of 28 March 2006* concerning the Approval of a working group for the preparation of the Law on Recognition of Professional Qualifications.

The process of drafting the Law on Recognition of Professional Qualifications, which will transpose the provisions of the new Directive 2005/36/EC, was not finalised during the year. But the Minister of Social Security and Labour formed a working group with a responsibility of drafting this law with a view of transposing the Directive. The draft law is already prepared, but has not yet been made public, thus not accessible to the author of this Report.

During the year, no particular problems were experienced with regard to recognitions and the numbers of persons applying for recognition are very low not only for EU nationals, but also for third country nationals.

Statistics below represents the volume of recognitions of professional qualifications during 2006. As could be seen from the data, from 25 applications submitted for recognition in 2006, only 4 were from EU nationals, all others were submitted by third country nationals.

No.	Professional qualification	Number of applicants	Citizenship of the applicant	Country of acquisition of professional qualification	Decision
1	Veterinary doctor	1	EU	EU	Qualification recognised
2	Veterinary doctor	1	EU (Lithuanian)	third country	Qualification recognised after qualification exam
3	Pharmacists	8	Non-EU	-	Recognised for 4 of applicants, postponed for the other 4
4	Architects	1	EU	-	Recognised
5	Doctors	14	1 EU, 13 non-EU	-	Recognised for EU national and 7 non-EU nationals, recognition postponed

13 Published in *State News* No. 22-713, 22.02.2006.

14 Published in *State News* No. 16-578, 09.02.2006.

15 Published in *State News* No. 51-1912, 11.05.2006.

LITHUANIA

					for 4 applicants, 2 refused
Total		25	4 EU, 21 non-EU	-	15 recognised, 2 refused, 8 postponed

Data of the Ministry of Social Security and Labour, 7 March 2007.

During the year, no appeals were submitted by EU nationals and only one appeal concerning recognition of professional qualifications was submitted by third country national to the Appeals' Commission at the MSSL (concerning recognition of doctor's qualification acquired in third country). The appeal was rejected. No appeals were submitted to the administrative courts in 2006, thus there is no judicial practice in this area.

Concerning the fees for evaluation of professional qualifications acquired abroad, there is privileged treatment of ethnic Lithuanians. Regular fee is 70 litas (approx. 20 euros) for this service, while fee for foreigners of Lithuanian origin and persons who retain right to Lithuanian citizenship is reduced by 100% (this provision was introduced on 19 June 2006 by Government Resolution No. 605).

Draft legislation, circulars, etc.

Draft Law on Recognition of Professional Qualifications was pending by the end of the year and was not yet publicly available.

Judicial practice

Nothing to report.

Miscellaneous (administrative practices, etc.)

Nothing to report.

Recent legal literature

Jonas Bartlingas, Gediminas Budreika, Gražina Dovydenienė, Odeta Gurskienė, Birutė Kindurienė, Sandra Macelytė, Algirdas Tamulevičius, Darius Tamošiūnas, Rima Živatkauškaite, 2006 – Reglamentuojamos profesinės kvalifikacijos pripažinimo vadovas. Vilnius. Lietuvos darbo rinkos mokymo tarnyba.

Useful internet addresses (Lithuanian only): <http://www.darborinka.lt/profesijos/>; <http://www.skvc.lt>

During 2007, a study will be carried out concerning awareness of the society and employers about the recognition of professional qualifications, results will be known in 2007.

CHAPTER III. EQUALITY OF TREATMENT ON THE BASIS OF NATIONALITY

A. Working conditions, social and tax advantages

Concerning the payment for work, the legislative guarantee is Article 186(3) of the Labour Code stating 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”.

The Labour Code provides 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.

In compliance with the Regulation 1612/68/EEC, EU nationals have equal access to professional unions with Lithuanian nationals according to the Law on Professional Unions No. I-2018 of 21 November 1991, as 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. Notwithstanding, the Civil Code of the Republic of Lithuania of 18 July 2000 (approved by the Law No. VIII-1864), as amended in 2004, retains 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). EU nationals 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 of 26 October 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.

No significant legislative developments occurred in this field during 2006.

B. Other obstacles to free movement of workers

Nothing to report apart from what is already covered by the other sections of the Report.

C. Specific issue: frontier workers

Text(s) in force

Definition of a frontier worker is stipulated in the Order of the Minister of Social Security and Labour No. A1-288 of 27 December 2004 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. Pursuant to 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 a 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.

LITHUANIA

Draft legislation, circulars, etc.

Nothing to report.

Judicial practice

Nothing to report.

Miscellaneous (administrative practices, etc.)

Frontier workers are usually coming from border regions in Poland with which Lithuania has a common internal border and where a number of Lithuanian minorities is living in the border regions (e.g. in Seinai, Suvalkai, Punks regions, where they form even almost 80% of the population). There is no available statistics of how many of such persons are working across both sides of the border, as they are not registered and frequently the only possible trace of these persons is through the labour contract concluded in Lithuania. Such persons do not generally face any problems in crossing the internal border, they are not required to re-register their vehicles, they are included in the social system through employment contract and paying of mandatory social taxes, they are not required to pay income tax if they prefer to pay it in their own country. However, according to the new amendments to the Aliens' Law of 2006, they may be required to declare their place of residence with the migration authorities after three months of stay in the country.

(e) Recent legal literature

Nothing to report.

CHAPTER IV. EMPLOYMENT IN THE PUBLIC SECTOR

1. Access to public sector

1.1 Nationality condition for access to positions in the public sector

The employment in the public service in Lithuania remains restricted to Lithuanian citizens except a few jobs that are available to foreigners under labour contracts without performing the function of public administration. The Constitution of the Republic of Lithuania of 25 October 1992 (as last amended on 13 July 2004 No. IX-2343, No. IX-2344)¹⁶ 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).

Employment in the public sector is regulated by the Law on the Public Service No. VIII-1316 of 8 July 1999 (new version adopted on 1 July 2002) (hereafter – Law on Public Service).¹⁷ It determines in its Article 9(1) that a person, entering the public service, must have a citizenship of Lithuania. The public servant is defined as a person performing the function of public administration, while the

“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 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” (Art. 2(1)).

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

16 Available in English at: <http://www3.lrs.lt/home/Konstitucija/Constitution.htm>.

17 Available in Lithuanian at: <http://www.lrs.lt>.

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.¹⁸

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 commissar - Deputy Commissar 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 bodyguard, deputy chief of cordon, chief instructor, head of fire-prevention post, chief border guard, police officer, fireman.¹⁹ It may be questionable though if positions of secretaries, pilots, body guards fall within the narrow understanding of the public service by the ECJ.

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 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.

In conclusion, public servants can only be Lithuanian nationals, which means that public service remains reserved for nationals only. The provisions of the Law on Public Service do not apply to persons providing public services and performing technical functions. Thus, as concerns engagement of foreigners, including EU nationals, in jobs in the government/municipal bodies under labour contracts (without performing public administration function), there are no restrictions provided in the laws.

No significant legislative developments took place in this field in 2006 and there have been no public debate or political discussion concerning possible opening of the public service to EU nationals.

As concerns nationality condition for captains of ships, maritime issues are mainly regulated by the Law on Trade Navigation No. I-1513, adopted on 12 September 1996²⁰. By virtue of an amendment to the Law of 3 July 2003, a new provision concerning the composition of the crew was introduced. 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". However, according to Article 11(2) of the Law the post of the master of the ship and his chief assistant remain reserved to the citizens of Lithuania. No changes were introduced in this field during 2006.

18 Full list of positions available at: <http://www.vtd.lt/index.php?731429193>.

19 Full list of positions available at: <http://www.vtd.lt/index.php?731429193>.

20 Available in Lithuanian at: http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=252188&p_query=&p_tr2=

1.2. Language requirement

There is an explicit Lithuanian language requirement following from paragraph 2 of Article 9(1) of the Law on Public Service, which mentions requirements for admission to public service. As concerns the language requirement in the maritime field, the Law on Safety of Navigation No. X-116 of 15 February 2005 (new version of the law)²¹ requires that pilots of ships sailing by regular passage to ports of Lithuania shall know the Lithuanian language, if the captains have permission to sail without a locman. But this requirement would not be applied if the ship is lead by a locman (Art. 12(2)). No changes were introduced during 2006.

*1.3. Recruitment procedures: follow-up of *Burbaud* case*

Since the access to public service is restricted to Lithuanian nationals only, the *Burbaud* judgement of the ECJ had no impact in Lithuania so far.

1.4. Recognition of diplomas

Given that Lithuanian public service remains restricted to Lithuanian nationals only, the recruitment issue of EU nationals is not relevant in this respect.

1.5. Recognition of professional experience for access to the public sector

Given that Lithuanian public service remains restricted to Lithuanian nationals only, the recruitment issue of EU nationals is not relevant in this respect.

2. Equality of treatment

2.1. Recognition of professional experience for the purpose of determining the professional advantages

In 2006, the Law on Public Service was amended in respect of length of service to include also time of transfer to service in international institutions or institutions of foreign states, time of participation in the projects in the institution of a foreign state, funded EU or international organisation. This serves for determination of extra pays and annual additional vacations (Article 42(1)).

Draft legislation, circulars, etc.

No draft legislation on employment in public sector was pending by the end of 2006.

Legislative trends following procedures of infringement set in motion by the Commission

Nothing to report.

Judicial practice

Nothing to report.

Miscellaneous

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

21 Available in English at: http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=275300

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.

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.

Persons in the public service are divided into two groups: civil (public) servants and public employees. The Law on Public Service 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 government/municipal bodies explicitly mention whether the post advertised is for the public servant or for so called "public employee". 24 790 public servants (not including statutory ones) were registered in the Register of Public Servants by 31 December 2006.

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 later 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.

Recent legal literature

Nothing to report.

CHAPTER V. MEMBERS OF THE FAMILY

1. *Residence rights*

The Aliens' Law of 2004 provides 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 definition of EU national family member was slightly amended in 2006 and now covers (Art. 2(4) of the Aliens' Law):

- a) spouse or his unmarried partner with whom a registered partnership agreement is concluded;
- b) direct descendants below the age of 21 or dependent, including those of the spouse or a person with whom partnership agreement is concluded;
- c) dependent relatives according to direct ascending line of the national of the EU Member State, his spouse or a person with whom partnership agreement is concluded.

The draft amendments to the Aliens' Law provided also that other persons can be recognised as family members if:

- a) at the time of departure they are dependent on the EU national or live in the same household or due to serious health reasons require personal care of the EU national;
- b) they are partners who have not concluded the partnership agreement, but are in a stable relationship.

However, this proposal to expand the definition of EU family member has not been adopted. The amendments to the Law introduced in 2006 a new residence permit of EU national family member that is issued for EU national family members who are third country nationals. They have to obtain this residence permit if they stay in Lithuania for a period of more than 3 months within half a year. According to the legislation, in case of EU national who is student, school pupil, intern or participant of vocational training, the only family members who are third country nationals that would be entitled to EC residence permit are spouse or registered partner, dependent children and relatives according to direct ascending line (Art. 101(3)). In case of permanent residence permit, family members of EU national who are third country nationals are issued EU residence permit for 10 years and extended once this period is over (Art. 104(5)). This differs from permanent residence for EU nationals, who are not issued a residence permit, but instead a special certificate confirming their right to permanent residence. The Minister of Interior has to approve the format of such certificate, but this has not yet been done by the end of 2006. 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.

The right of residence of the family member of EU national may be repealed on the ground of national security or public order, or if the right of residence of EU national is repealed, unless he has independent right of residence on other grounds. Previously, there was also a ground of public health, but it was eliminated from the law with amendments of 2006. Decisions on repealing the right of residence are taken by the Vilnius District Administrative Court.

Due to amendments in the Aliens Law in 2006, former Article 105(5) was repealed. It stated 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. Instead, other provisions were introduced in order to align the legislation with the Directive 2004/38/EC. This includes provisions concerning maintaining of the right to residence in Lithuania for family members of the EU national. Right of residence is retained in the following circumstances (Art. 101¹):

- when EU national dies or departs from Lithuania and his family member is a EU citizen and complies with conditions of residence (is a worker, self-employed or a student)

LITHUANIA

- (this is not fully in line with the Directive 2004/38/EC because it requires compliance with conditions in case of permanent residence only);
- when EU national dies and his family members are not EU citizens, if they have been residing in Lithuania for at least one year before the death of his family member (in this case they have to submit with the request for permanent residence permit, documents proving their right to reside in Lithuania);
 - when marriage is invalidated, terminated or registered partnership is terminated, if the family member is EU citizen and complies with conditions of residence;
 - when marriage is invalidated, terminated or registered partnership agreement is terminated and the family member is not EU citizen, if marriage or registered partnership lasted for not less than 3 years, including one year in Lithuania, or if the family member has custody of the children of EU national or termination of marriage occurred due to fault of the other spouse (EU national) (in this case they have to submit with the request for permanent residence permit, documents proving their right to reside in Lithuania); this situation is more limited than that allowed by the Directive (Paragraphs c-d of Art. 13(2)).
 - when EU national dies or departs from Lithuania, the right is retained to his children irrespective of citizenship and one of the parents taking care of them until completion of started formal education programme.

This supplement to the Law addressed the gap in transposition of Directive 2004/38/EC. The Aliens' Law 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 as concerns entry to the territory or e.g. as concerns work permits. 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. Currently, family members of EU nationals, who are third country nationals, are issued multiple visa (D). In order to obtain it, they shall submit to the visa services additional documents, confirming his family relationship with the EU national, as well as documents, certifying that EU national is intending to seek employment or engage in any other lawful activity in Lithuania, also request of his family member – EU national to issue a visa, copy of his travel document. During 2006, amendments to the legislation have been made, in effect of which the condition of entry now explicitly mentions the possession of EU residence permit (which is issued to third country nationals family members of EU citizens). This is already an improvement, however does not address the situation of family members who do not yet have the permanent residence permit and are arriving for the first time with the EU national to the country.

Moreover, the amendment of the Law also addressed the issue of the right of residence 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 completion of their studies.

The Order on Temporary Residence Permits of 2005 regulates the assessments of the marriages of convenience. It may also apply to the EU nationals. The Order establishes the rule that the marriages concluded within the last five years before applying for the residence permit might be verified if there are serious grounds to believe that the marriage was concluded out of convenience. The Order establishes the situations that may raise serious grounds as concerns the marriage. If the foreigner is refused issuance/extension of the residence permit, repeated application can be submitted not earlier than after one year (paragraph 41 of the Order). The provisions of the Order stating among the factors to determine the convenience of the marriage the fact that the spouses have never met before the marriage

(Section IV, paragraph 28.4), might be problematic in view of cultural traditions in some nations and contemporary ways of communication (via internet). If there are serious grounds to believe that the marriage is of convenience, the residence permit would be refused or annulled. The supplements to the Aliens' Law adopted in 2006 introduced the definitions of fictitious adoption and registered partnership of convenience (Art. 2(6¹) and 2(6²) respectively). Fictitious adoption is described as adoption procedure completed between a Lithuanian citizen or legally staying foreigner and a foreigner who is non-EU national, when it is performed with the objective of obtaining a residence permit in Lithuania without the aim to create the legal effect of adoption. Registered partnership of convenience is described as registered partnership between a Lithuanian citizen or legally staying foreigner and a foreigner who is non-EU national, when it is concluded with the objective of obtaining a residence permit in Lithuania without the aim to create the legal effect of registered partnership. Definition of the marriage of convenience was already earlier established by the law.

Concerning the applicability of Akrich judgement, there are no explicit requirements in the legislation requiring third country national who is EU citizen family member to have been residing in the EU MSs. However, if the third country national was previously expelled from Lithuania according to immigration rules, his entry to the country as a family member of EU national may be problematic. Also, as concerns family members of Lithuanian nationals who are third country nationals, they have a right to EU residence permit when arrive to Lithuania together with the Lithuanian citizen having exercised his right to freedom of movement in the EU or to him from another EU Member State's territory (Art. 101(2)). This indirectly implies the requirement of previous stay in another EU country.

Miscellaneous (administrative practices, etc.)

According to the data of the Migration Department, from 1 January - 31 December 2005, 113 applications from EU and EEA nationals were received for family reunification reason. In 112 cases positive decisions were adopted. In comparison, 184 applications were received in 2005.

2. Access to work

Similarly, as the worker, his family members who intend to engage in employment are exempted from the work permit. Situation of family members who are third country nationals is not clear, as there is no specific reference to them in the rules for exemption from the work permit.

3. Access to education (study grants)

Law on Higher Education of 21 March 2000 states that the order of studies of foreigners shall be established by the educational institution in accordance with Government resolutions (Art. 3(2)). Article 47(3) further provides that students shall be accepted, by way of an open competition, to higher education establishments financed by the State in accordance with subject areas, stages and forms. The grounds of undergraduate study selection competition must consist of the results of secondary school graduation examinations of not more than four subjects taught. Not more than two examinations or tests may be organised by higher education establishments for identification of special abilities. If an institution authorised by the Ministry organises and administrates an examination of a subject taught, a higher education establishment shall not organise an examination or test of such subject. According to the Law, the Ministry of Education and Science may establish higher education establishment enrolment quotas and procedure for foreign citizens and persons without citizenship whose studies are fully or partly compensated from the State budget. In addition, upon the recommendation of the Ministry, the Government shall approve, the minimum cost of studies for foreign nationals and persons without citizenship at Lithuanian State higher education establishments (Art. 59(3)). The access of foreign students to studies of

LITHUANIA

higher education is further detailed by the Government Resolution No. 235 of 28 February 2001 (new version of resolution of 1 May 2004). Pursuant to the resolution, foreigners may be accepted to places funded by the state if they are:

- 1) persons of Lithuanian origin;
- 2) citizens of the country where Lithuanian citizens are studying on the same conditions as applied to nationals of that state (reciprocity clause);
- 3) students with permanent residence permit in Lithuania.

In addition, there are established quotas for admission of foreigners to state-funded places. The amendments to the resolution in 2004 introduced the provision that these rules do not apply to EU/EEA nationals from the entry to the EU. However, it does not say anything about their family members who are third country nationals. Thus EU national family members who are third country nationals may not get access to state funded study place automatically. Moreover, there may be obstacles for their studies until they obtain residence permit in the country (e.g. within 3 months of their stay), because only persons who already have residence permits are admitted for studies according to the resolution. By the end of the year a new order of the Minister was pending concerning the studies of foreigners, including EU nationals in state-funded places. However, when adopted, it will still not address the study grants issue for EU nationals family members who are third country nationals.

Draft legislation, circulars, etc.

Draft order of the Minister of Science and Education was pending by the end of 2006 concerning the Order on Admission of persons who acquired education abroad to fully or partially funded by the Lithuanian budget studies in higher establishments of Lithuania (approved on 15 January 2007).

4. Other issues concerning equal treatment (social and tax advantages)

Family members of EU nationals are treated in the same way as EU nationals as concerns social and tax issues. Concerning third country national family members, e.g. the Law on Consular Fees of 23 June 1994 (as amended in 2005) provides in its Article 6(4) for an exception from the fee to the EU nationals as concerns the issue of visas to the family members of the EU/EEA nationals.

CHAPTER VI. RELEVANCE/INFLUENCE/FOLLOW-UP OF RECENT COURT OF JUSTICE JUDGEMENTS

The practice of applying the European Court of Justice judgements in the courts of the Republic of Lithuania is still very underdeveloped. There have been no cases submitted by EU nationals or decided concerning the freedom of movement of workers during 2006, as reported by the administrative courts. None of the administrative courts in Vilnius, Kaunas, Klaipeda, Siauliai and Panevezys cities or the Supreme Administrative Court has applied to the ECJ for a preliminary ruling during the year. Resolution of the Council of Courts No. 12 of 17 June 2002 concerning a long-term training programme for judges envisages that training for judges of the first instance who are working for less than five years, also for judges of appeals' instance and the Supreme Court, as well as judges of administrative courts will cover among other EU related issues, the free movement of persons and the right of establishment.

In the area of sports, the impact of the *Bosman*, *Kolpak* and *Simutenkov* rulings is limited in Lithuania. In *football*, the Regulations for 2006 Competitions approved by the Lithuanian Football Federation on 17 March 2006 embody certain restrictions concerning foreigners. Paragraph 36 of the Regulations states that "the number of foreigners in the applications by teams is not limited, but not more than 6 foreign citizens can play at the same time within the composition of one team during the match". Further restriction is financial, stating that when a player who is a foreign citizen is being registered for competition, a registration fee of 6,000 Litas (approx. 1,740 euro) shall be paid (except when registration is for participation in "A" league championship and Lithuanian Football Federation Cup competition). Fee collected according to the Regulations shall be used for development of youth football in Lithuania. Even though the purpose of using the funds may be good, such financial obligation limits the possibility of engaging foreign players and is discriminatory with regard to Lithuanian players. Moreover, special restrictions apply to youth players: players below 18 years of age from a foreign country may be registered only if his arrival to Lithuania was related to family reasons, not connected with football playing and upon the agreement by the Lithuanian Football Federation (paragraph 135 of the Regulations). Also, players below 18 years of age registered in Lithuania cannot transfer to a club of another country and be registered in a national football association of that country without the consent of the Lithuanian Football Federation (unless the player leaves Lithuania for family reasons unrelated to playing football). This provision is valid for professional as well as for amateur football players. On the other hand, there are other restrictions also for Lithuanian players who wish to engage in a foreign club. Pursuant to Regulations, a player may be registered in a foreign club only if he obtained International Transfer Registration Certificate (IRTC). According to international system related to IRTC there are fixed transfer fees to be paid.

As concerns *basketball*, national federation is entitled to restrict the number of foreigners playing in national competitions. For instance, not more than two foreign citizens are allowed to register for each team for Lithuanian Basketball Federation Cup competition of I, II and III stage and not more than 5 foreigners in IV and V stage competitions (Paragraph 4-5 of the Regulations for Lithuanian Basketball Federation Cup competition) (in total 12 players can be registered for competition, thus not less than 7 should be of Lithuanian nationality). Previously, Latvians and Estonians did not fall under the definition of foreigner in this context, but now the rules clearly specify persons of non-Lithuanian citizenship. The Regulations of Lithuanian Women Basketball "A" League Championship, approved by the President of the League on 7 September 2006 also state that only two foreign players may be registered within a team and only when discharge certificate from the basketball federation of the foreign country is obtained and certain fees and 500 Litas are paid (approx. 145 euro) to the LBF (Paragraph 3.7. of the Regulations). No further specification as to what "certain fees" mean is provided in the document. However, according to the information provided by the LBF, up to 4 players of foreign citizenship could be registered for Lithuania's Women basketball league. All these decisions are adopted by common agreement between teams in

the league. However, the restrictions applied in basketball and football competitions concerning foreign players are not compatible with the Community law and the above mentioned judgements of the European Court of Justice (*Bosman, Simutenkov*). The Basketball Federation is motivating the restrictions by the rules of FIBA Europe, which allows national federations to apply such restrictions for foreigners, including the EU nationals, in the national championships.

Also, possible constrains to the freedom of movement in the sports' sector as concerns particularly basketball, can occur due to the requirement that the player must obtain a so called Letter of Clearance in order to move from one club to another. This rule is embodied in the Rules Regulating the Transfer of Players of 3 April 2003 (approved by the Conference of Lithuanian Basketball Federation). According to the rules, if the player wants to move from one club to another he should obtain a Letter of Clearance from his club. Before this Letter is obtained the player is not entitled to play in the other team by the end of the current season. The only reason for refusing the issuance of such a Letter is a valid contract between the club and the player. The Letter provides the confirmation that the player has fully repaid the organisation and has no valid contract. The scope of these payments is not clear because the author of this Report does not have access to the contracts concluded between the clubs and the players. However it may constitute a hindrance to the free movement of players. Furthermore, when the player moves from sports' school/club to the basketball club, the club has an obligation to compensate the school for the preparation of the player. This rule remains valid for up to four years from the graduation from sports' school. The same rule concerning the transfer of players applies in football sport. Even though this may be considered to represent an obstacle to the free movement of sportsman in the EU, the mentioned rules derive from the provisions of FIFA rules, thus unlikely to be changed in Lithuania.

No specific explicit restrictions follow from the Regulations for the volleyball competitions, but according to the information of Lithuanian Volleyball Federation foreign citizens willing to participate in the official competitions organised by the LVF must have Transfer Certificate of the International Volleyball Federation (this certificate involves fixed transfer fee to be paid by the foreign club). By the end of the year, no foreigners have been participating in the competitions.

CHAPTER VII. POLICIES, TEXTS AND/OR PRACTICES OF A GENERAL NATURE WITH REPERCUSSIONS ON FREE MOVEMENT OF WORKERS

Third country nationals' immigration for employment

3,342 requests to employ foreigners were received by Lithuanian Labour Office in 2006, out of those 183 requests were for temporary employment of foreigners in Lithuania for 2007. 2,944 work permits were issued and 38 extended during 2006. The gender breakdown is 2,927 males and 55 females. Most of the foreigners were working in manufacturing (36%), transport (34%), construction (20%) and service (9%) sectors. Foreigners arrived to Lithuania from 29 countries, mostly from Belarus (37%), Ukraine (32%), Romania (14%), Russia (4%), China (4%), USA (1%) and other countries (9%). Based on needs for qualified labour force, 2,982 foreigners were employed in Lithuania, out of whom 718 (24%) were sent on mission.²² However, this statistics does not cover labour migration of EU citizens, because as of 2002 they are no longer required to obtain work permits.

Community citizens' priority

Nothing to report.

Changes in general immigration law affecting also Community workers

Nothing to report.

Emigration from Lithuania

Lithuania continued to experience a decrease in population, though on smaller scale during the year. According to the Department of Statistics the number of persons who left for foreign countries to live there permanently or for a period longer than 6 months decreased from 15,571 in 2005 to 10,329 in 2006. During 2006, little less Lithuanian nationals departed from Lithuania (8,567), mostly to the European countries. The number of persons who arrived to Lithuania from other countries during the year was 7,745 in comparison with 6 700 in 2005. The majority arrived from the UK (1,528), Russian Federation (956), Belarus (945), Ireland (766). Most of them are returning Lithuanian citizens. Breakdown of statistics on departures and arrivals to Lithuania during 2006 is presented in Annexes II and III to the Report.

The emigration situation resulted in the lack of workers (in particular in constructions, hospitals, retail chains and educational establishments). A Parliamentary conference on the problems of emigration "Emigration from Lithuania: situation, problems, possible solutions" took place on 17 March 2006 and it seems that the issue attracts more and more attention.

The Emigration Law of the Republic of Lithuania is abolished as of 6 June 2000, thus there is no longer a requirement to ask for permission to emigrate. Due to this reason, the authorities do not 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 longer period than 6 months).

22 Information of Lithuanian Labour Exchange Office, 6 April 2007.

Relevant literature

Gruževskis, B., *Lietuvos darbo migracijos iššūkiai// Emigracija iš Lietuvos: padėtis, problemos, galimi sprendimo būdai: konferencijos medžiaga*, LR Seimas, Valstybės žinios, Vilnius 2006, p. 49-52. (“Challenges of Lithuanian labour migration”).

Citizenship related issues

On 13 November 2006 the Constitutional Court of Lithuania announced its decision whereby 23 provisions of the Citizenship Law and the Law on the Implementation of the Citizenship Law were declared unconstitutional. One of the issues analysed by the Court was Article 18 of the Citizenship Law, which allows each Lithuanian national who acquires the citizenship of another country, to retain his/her Lithuanian citizenship. However this privilege cannot be enjoyed by the Lithuanian citizens of a different nationality (e.g. Russians, Jewish, Polish and others), thus it was claimed to be in conflict with the principle of equal treatment. Lithuanian Constitution as a rule does not recognise dual citizenship and allows it only in very limited exceptional cases. However, according to the Court, the Citizenship Law over the time expanded the scope of exception so widely that it is no longer in line with the Constitution, where dual nationality is a strict exception. The Court further recognised that the provisions of the laws treat differently the right to retention of Lithuanian citizenship for persons of Lithuanian origin and others; while provisions about retention of citizenship that relate retention with person’s ethnic origin, is in conflict with the Constitution.²³

Statistics for 2006 on citizenship granted will be available only in early May 2007, thus the Report will be supplemented.

In 2006, 467 foreigners were granted the citizenship of Lithuania by the Presidential decree (in comparison with 435 persons in 2005). As concerns EU Member States’ nationals, 1 EU national (from Poland) only obtained Lithuanian citizenship during 2006. The table below provides a breakdown of numbers according to citizenship at the time of requesting Lithuanian citizenship, covering the period of 2001-2006.

Citizenship of applicants at the time of requesting Lithuanian citizenship	Number of persons						
	2001	2002	2003	2004	2005	2006	Total
Armenia	8	5	10	18	5	3	49
Azerbaijan	-	-	-	2	1	-	3
Belarus	25	20	8	39	24	28	144
Stateless	385	363	252	314	214	238	1,766
Bolivia	-	-	-	-	-	1	1
Bosnia and Herzegovina	-	-	1	-	-	-	1
Bulgaria	-	1	-	-	-	-	1
Egypt	-	-	-	-	1	-	1
Georgia	2	1	1	1	3	2	10
Iran	-	1	-	-	-	-	1
Israel	2	1	2	3	3	-	11
Kazakhstan	2	3	-	9	1	6	21
Kyrgyzstan	-	1	-	-	2	-	3
Latvia	-	3	1	1	1	-	6

23 Full text of the Constitutional Court decision is available at: www.lrkt.lt (in Lithuanian only).

LITHUANIA

Poland	1	-	1	1	1	1	5
Lebanon	3	2	-	1	3	2	11
Moldova	2	1	4	-	4	5	16
Pakistan	-	-	-	1	-	-	1
South African Republic	-	-	1	-	-	-	1
Romania	-	1	-	-	-	-	1
Russian Federation	66	75	87	179	151	151	709
Syria	-	1	-	-	-	-	1
Tajikistan	-	-	1	-	-	-	1
Turkey	-	1	-	2	-	-	3
Turkmenistan	1	-	-	-	-	-	1
Ukraine	9	24	19	37	21	30	140
Uzbekistan	1	-	1	2	-	-	4
Total	507	504	389	610	435	467	2,912

Source: Data of the President Office.

Other issues

Furthermore, the Seimas (Parliament) of Lithuania adopted on 24 October 2006 a Resolution on visa policy for citizens of neighbouring countries. This resolution refers to the Decision of EU JHA Council concerning Schengen visas for third country nationals, which sets higher fees for issuance of such visas (the decision entered into force on 1 January 2007). Following the decision, Lithuania will have to denounce its bilateral agreements, providing for particularly favourable visa regimes between Lithuania and neighbouring countries outside the EU. According to Seimas, new agreement with Russian Federation will worsen the conditions of travel between Lithuania and Kaliningrad region, the increased fees for visas will worsen the opportunities of travel for citizens of Belarus, South Caucasus to Schengen states given that the new fees do not correspond to the standard of living of the nationals of these countries, as well as the increase of fees may negatively affect the democratisation processes in these countries, image of the EU and does not correspond to the objectives of European Neighbourhood policy. It therefore calls the EU MSs, the European Parliament and the European Commission to actively implement European Neighbourhood policy, approve the mandate of the Commission for negotiations concerning simplification of visa regime for Moldova and urgently start discussions on simplification of visa regime for Armenia, Azerbaijan and Georgia and seek means and measures, including unilateral, how to facilitate visa regime for Belarus nationals and residents of Kaliningrad region of the Russian Federation.

CHAPTER VIII. EU ENLARGEMENT

1. Information on transitional arrangements regarding EU 8

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 equivalent restrictions for those EU Member States that apply 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 equivalent 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 equivalent restrictions for entry into its labour market either for old or new Member States of the European Union in response to transitional arrangements applied by them. 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 the situation in the labour market during 2006 due to massive emigration of workers has even raised the discussions about the need to bring over the workers from the neighbouring countries. Discussions also focus on introduction of positive measures encouraging the return of Lithuanian workers from abroad. In this situation, it is unlikely that Lithuania changes its position as concerns equivalent restrictions because it itself lacks labour force. 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.

Looking at the statistical data of Lithuanian nationals working in the EU Member States (employed through mediation of Lithuanian labour exchange offices) 250 persons were employed through labour offices in 2006. This includes employment in Spain (39%), Germany (29%), Sweden (11%), the United Kingdom (7%), Norway (5%), Denmark (3%), Cyprus (2%), Italy (2%) and other countries (2%). The majority of Lithuanian nationals were employed in the agricultural sector (53%), as well as service (32%), construction (11%), health care (2%) and manufacturing (2%) sectors.²⁴ 2,264 Lithuanian nationals were employed abroad through the private labour mediation offices in 2006 (1,326 or 59% males and 938 or 41% females), out of whom 1,711 (76%) were unemployed, while 553 (24%) had a job in Lithuania. In comparison with 2005, the employment of persons abroad reduced by 2.5%. 1,915 (84%) of persons employed abroad were coming from cities and 349 (16%) – from rural areas. The majority of Lithuanian nationals were employed in the United Kingdom – 1,783 (79%) and Norway – 184 (8%). In comparison with 2005, the distribution between workers coming from urban or rural settlements has not changed. The number of persons who were employed in the United Kingdom reduced by 6% and in Ireland by 2%, while increase was noted for Norway by 7%.²⁵

746 (33%) persons employed had a secondary education, 431(19%) – higher education, 364 (16%) – high education and 519 were students. The majority of persons employed were

²⁴ Information of Lithuanian Labour Exchange Office, 6 April 2007.

²⁵ Information of Lithuanian Labour Exchange Office, Report on Employment Mediation Activity for 2006, 26.01.2007, available in Lithuanian at: http://www.ldb.lt/LDB_Site/index.htm

LITHUANIA

in the group of below 24 years of age - 966 (43%) and 25-34 years of age – 608 (27%). Most mobile persons in 2005-2006 were youth below the age of 24 years with secondary education.

LITHUANIA

Breakdown by countries of employment of Lithuanian nationals (total number in 2006 – 2264)

United Kingdom	1783 (79%)
Norway	184 (8%)
Ireland	88 (4%)
Greece	67
Cyprus	33
Spain	23
Sweden	22
Italy	21
Estonia	5
USA	4
France	2
Switzerland	1
Other countries	31

Breakdown by education of employed Lithuanian nationals abroad

High education	364
Higher education	431
Vocational education	120
Secondary	746
Main	55
Students	519
Special secondary	9
Primary	20

Breakdown by age of employed Lithuanian nationals abroad

Below 24	966
Between 25 - 34	608
Between 35 - 44	354
Between 45 - 49	210
50 and above	126

Tables based on information of Lithuanian Labour Exchange Office,
Report on Employment Mediation Activity for 2006, 26.01.2007.

However, this statistics reflects only those Lithuanian nationals who departed for employment in other EU countries through mediation of Lithuanian labour exchange offices or private labour offices (63 such organisations were operating in Lithuania in 2006). Significantly much higher numbers are working in other EU countries, but there is no official statistics on that.

The issue of restrictions to access labour markets in other Member States has not dominated the public debate in Lithuania in 2006.

Changes in national law and practice in all EU Member States since previous national reports

No significant changes have occurred during the year.

LITHUANIA

Changes in position with regard to the second phase of the transitional arrangements

Lithuania does not apply transitional arrangements for other citizens of the EU and no changes in this policy have taken place during 2006.

Details of the legal regime, including relevant legislation, applicable for the second phase

Not applicable, as Lithuania does not apply transitional arrangements.

Practical problems, individual cases and national case law pertaining to the transitional arrangements (e.g. concerning the application of 12-months rule)

Not applicable, as Lithuania does not apply transitional arrangements. However, one case of Lithuanian national in Belgium is worth mentioning. In March 2006 the Lithuanian national was prepared to come to Belgium, Brussels, for a traineeship at the European Commission. The Traineeship office informed her that she had to either apply for temporary residence permit or, if the embassy did not issue it, a visa, in order to be able to come to Brussels and stay there for a period of traineeship. The Belgian embassy in Lithuania insisted that in accordance with Belgian legislation Lithuanians were obliged to obtain Belgian visa (while visas for Lithuanian nationals have been abolished long ago). In order to obtain the visa, the Lithuanian national had to present extensive documentation, including medical tests, which was money and time consuming. The experience of the applicant in question at the Belgian “commune” after she arrived was also not pleasant, as she had to deal with unfriendly and bureaucratic procedures. The case has been reported by the European Citizens Action organisation in Belgium.

Information on discussion in 2006 on possible transitional measures for workers from Bulgaria and Romania

Lithuania’s position concerning workers from Bulgaria and Romania will not differ from the one applied to all other EU nationals – no transitional arrangements will be applied. No discussion on this issue has taken place during the year, but according to information of Lithuanian Labour Exchange Office, Lithuania does not plan to apply restrictions to citizens of Bulgaria and Romania.²⁶

²⁶ Information of Lithuanian Labour Exchange Office, 6 April 2007.

CHAPTER IX. STATISTICS²⁷**1. Temporary residence permits***Table 1. Requests of EU/EEA nationals to issue/extend EC residence permit, submitted in 2006 (according to citizenship)*

Citizenship	Requests submitted
Ireland	6
Austria	14
Belgium	17
Czech Republic	28
Denmark	58
Great Britain	57
Estonia	16
Greece	9
Iceland	17
Spain	74
Italy	83
Latvia	154
Poland	185
Luxemburg	-
Malta	1
Netherlands	36
Norway	35
Portugal	44
France	113
Slovakia	15
Slovenia	13
Finland	25
Sweden	32
Switzerland	4
Hungary	3
Germany	209
Total	1 248

Comment: The table does not include family members of EU/EEA nationals who are third country nationals.

²⁷ Data from „2006 m. Migracijos metraštis“, available in Lithuanian only at: http://www.migracija.lt/MD/metrastis_2006.htm

LITHUANIA

Table 2. Decisions to issue/extend EC residence permit adopted in 2006 (according to citizenship)

Citizenship	Permits Issued
Ireland	5
Austria	10
Belgium	17
Czech Republic	20
Denmark	61
Great Britain	57
Estonia	13
Greece	9
Iceland	11
Spain	46
Italy	51
Latvia	155
Poland	139
Luxemburg	-
Malta	1
Netherlands	27
Norway	33
Portugal	15
France	78
Slovakia	6
Slovenia	9
Finland	32
Sweden	35
Switzerland	4
Hungary	4
Germany	175
Total	1,013

Comment: The table does not include family members of EU/EEA nationals who are third country nationals.

Table 3. Applications to issue/extend EC residence permits adopted in 2006 (according to grounds)

Ground of arrival	Applications submitted	
	To issue/extend	Refuse is- sue/extension
Employment in Lithuania	323	-
Engagement in lawful activity in Lithuania	53	-
Provision of services in Lithuania	105	-
Receiving services in Lithuania	1	-
Residing in Lithuania with a legal source of subsistence	79	-
Obtaining education, studying at an educational establishment, taking in an internship programme, undergoing in-service training, taking part in vocational training	502	-
Living with a family	113	-
Family member of the EU/EEA citizen	72	-
Total	1,248	-

LITHUANIA

LITHUANIA

Table 4. Decisions to issue/extend EC residence permits adopted in 2006 (according to grounds)

Ground of arrival	Decisions adopted concerning EC residence permit	
	To issue/extend	Refuse is-sue/extension
Employment in Lithuania	328	-
Engagement in lawful activity in Lithuania	51	-
Provision of services in Lithuania	98	-
Receiving services in Lithuania	1	-
Residing in Lithuania with a legal source of subsistence	73	-
Obtaining education, studying at an educational establishment, taking in an internship programme, undergoing in-service training, taking part in vocational training	503	-
Living with a family	112	-
Family member of the EU/EEA citizen	69	-
Total	1,235	-

2. Permanent residence permits

Table 5. Requests of EU/EEA nationals to issue EC permanent residence in Lithuania, submitted in 2006 (according to citizenship)

Citizenship	Requests submitted
Denmark	3
Great Britain	3
Estonia	4
Iceland	1
Spain	3
Italy	4
Latvia	24
Poland	47
France	7
Finland	2
Sweden	1
Germany	23
Total	122

LITHUANIA

Table 6. Decisions to issue EC permanent residence permit to EU/EEA nationals, adopted in 2006 (according to citizenship)

Citizenship	Adopted decisions on EC permanent residence permit	
	To issue/extend	Refuse issuance/extension
Denmark	3	-
Great Britain	3	-
Estonia	4	-
Iceland	1	-
Spain	3	-
Italy	4	-
Latvia	24	-
Poland	47	-
France	7	-
Finland	2	-
Sweden	1	-
Germany	23	-
Total	122	-

3. Other statistics

Table 7. Decisions to issue/extend EC residence permits to EU/EEA family members, who are third country nationals, adopted in 2006 (according to citizenship)

Citizenship	Decisions adopted concerning EC residence permit	
	To issue/extend	Refuse issue/extension
Belarus	3	-
New Zealand	1	-
Pakistan	3	-
Russia	6	-
Thailand	2	-
Ukraine	2	-
Stateless	2	-
Total	19	-

Table 8. Immigrants according to citizenship in 2006

Citizenship	Total
Total	7,745
EU Member States	5,880
Ireland	1
Austria	6
Belgium	2
Czech Republic	3
Denmark	14
Estonia	8
Greece	3
Spain	27
Italy	19
United Kingdom	20
Latvia	69
Poland	57
Lithuania	5508
Netherlands	13
Portugal	4
France	18
Slovakia	3
Slovenia	3
Finland	8
Sweden	10
Germany	84
EEA countries (Iceland, Norway, Lichtenstein)	21
EFTA countries	24
Iceland	6
Norway	15
Switzerland	3
Citizens of other countries	1827
Stateless	14

The following statistics is provided under other Chapters of this Report:

- 1) Information on EU nationals who were refused entry to Lithuania in 2006 (according to nationality and reasons for refusal) within Chapter I. Entry, Residence, Departure (sub-chapter A. Entry);
- 2) Recognitions of professional qualifications during 2006 (within Chapter II. Access to Employment; sub-chapter C. Recognition of Diplomas);
- 3) Numbers of persons granted Lithuanian citizenship during the period of 2001-2006, according to citizenship at the time of requesting Lithuanian citizenship (within Chapter VII. Policies, Texts and/or Practices of General Nature with Repercussions on Free Movement of Workers; sub-chapter E. Citizenship related issues);
- 4) Information on foreign nationals studying in Lithuania's high educational establishments (according to the country of citizenship and type of educational establishment) within Chapter XI. Establishment, provision of services, students (sub-chapter C. Students).

CHAPTER X: SOCIAL SECURITY***Relationship between 1408/71 and 1612/68****Text(s) in force*

Apart from a few exceptions, social security system in Lithuania remains largely based on permanent residence requirement and enables temporary staying foreigners to access certain benefits largely in accordance with bilateral agreements only. Therefore, in most of the cases, only persons, who live in Lithuania permanently are entitled to social security benefits in accordance with national legislation. 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, thus 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.

The State Patient Fund under the Ministry of Health of Lithuania is competent institution responsible for benefits in kind of sickness and maternity. Compulsory health insurance in Lithuania is implemented by State Patient Fund and 5 local Territorial Patient Funds. EU nationals travelling to Lithuania, shall hold with them one of these documents confirming the entitlement to reimbursement of health care services:

- European Health Insurance Card (EHIC)
- Provisional Replacement Certificate (PRC)
- Certificate E 106
- Certificate E 109.

Family members of EU nationals have to hold their EHIC or the certificate E 106 or E 109. If EU nationals have EHIC, they are entitled to necessary medical care services which are free of charge in the health care institutions belonging to the Lithuanian National Health System. They do not need to register at territorial patient fund office if they or their family members hold EHIC. In case of holding E106 the foreigner must register at territorial patient fund office as soon as possible after arrival to Lithuania. Then he will be issued the Lithuanian health insurance certificate. The holders of such certificate can get free of charge all kind of medical care (not only the necessary medical care) at health care institutions belonging to Lithuanian National Health System. Those EU nationals that seek medical care at the institutions that do not belong to the Lithuanian National Health System, have to cover all the expenses of medical services and these expenses are not reimbursed. Lithuania issues EHIC for a period of not less than 3 months and not longer than 6 months. It is issued by the State Patient Fund.

Lithuanian nationals who hold special compensatory medicine books may be prescribed compensatory medicine, however such books are not issued for foreigners. Such compensatory medicine may be still prescribed on the basis of certain exceptional form of prescription, but such forms can only be used for treatment duration of maximum 7 days. While purchasing such medicine, EU nationals have to submit personal identification document, European Health Insurance Card or E-form certificate. According to the information of the State Patients Fund under the Ministry of Health, 48 952 EHIC were issued by the territorial patients funds in Lithuania during 2006 while implementing EU legislation on coordination of social security systems.

The following legal acts regulate social security in Lithuania:

- *Law on State Social Insurance No. 17-447* of 11 November 2004 (entered into force on 1 January 2005) 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). 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)). Thus, EU nation-

als and their family members legally working under labour contracts or self-employed are insured on the same grounds as Lithuanian nationals. Also, EU nationals working under labour contracts are insured for pension, sickness and maternity, unemployment and accidents at work. Furthermore, 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.

- *The Law on Unemployment Social Insurance No. IX-1904* of 16 December 2003 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. There are however sometimes delays in filling in the form E 301 locally.
- A new version of the *Law on State Social Insurance Pensions No. I-549* of 19 May 2005 (entered into force on 1 July 2005) regulates pension benefits. The law provides that the right to social insurance pension benefits may be applied to all 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(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 for Lithuanian nationals permanently residing abroad, could be obtained when this is provided in the international treaties of the Republic of Lithuania or by the order of the Government of Lithuania (Art. 1(3)). 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.
- New version of the *Law on Health Insurance No. I-1343* of 1 January 2003 provides that in addition to permanent residents, also persons who are temporary residing in Lithuania are insured by compulsory health insurance, if they are legally employed in Lithuania. Family members who are minors are also insured along with them (Art. 6(1)(2) of the Law). Thus EU nationals and their family members legally working under labour contracts or self-employed are covered by health insurance on the same grounds as Lithuanian nationals.

On the ministerial level there are a few legal acts relevant for implementation of EU legislation in this field. E.g. the *Order of the Minister of Social Security and Labour No. A1-288* of 27 December 2004 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 applies to Lithuanian citizens who work and live in other Member States of the EU/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)). Entitlement to mentioned benefits under the Order apply to persons who are employed and insured by compulsory state social insurance and those, whose activity is also considered to be equal to employment; unemployed persons and receiving unemployment benefits; persons receiving pensions; and 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.

On 22 February 2005 the Minister of Social Security and Labour approved the *Order No. A1-53 on the Rules on Registration of Unemployed Persons in Labour Exchanges and Creation of Individual Employment Plans*. Noteworthy that the Order applies also to foreigners legally staying in Lithuania (without referring any longer to permanent residence). Some practical difficulties may occur for EU citizens applying for registration as unemployed, as among the documents to be submitted for registration the Order requires the submission of a State Social Insurance Certificate (paragraph 5.5.) and the Certificate from the last place of employment about the work in the organisation or company. If the person has not been employed in Lithuania before, there will be no possibilities to register as failure to submit these documents result in refusal of registration (paragraph 8). No exceptions to EU nationals are provided.

Otherwise, 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.

On 19 January 2006 the Law on Social Services No. X-493²⁸ was adopted (entered into force on 1 July 2006). The Law envisages its' application also to foreigners, including stateless persons, with either permanent or temporary residence permit in Lithuania. It thus provides explicit access to social services for EU/EEA citizens who stay in Lithuania only temporary. In addition, it provides for recognition of permits, licences and documents certifying qualifications, issued in the EU Member States for engagement in provision of social services. The same applies to the academic diplomas, certificates and other documents issued in the EU/EEA Member States to enable persons holding these documents to work as social workers in Lithuania. No other significant legislative developments have taken place in the field of social security during 2006.

Draft legislation

Nothing to report.

Judicial practice

Nothing to report.

Miscellaneous

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

28 Published in *State News* No. 17-589, 11.02.2006; Available in English at: http://www.3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=277880

cooperates with, this problem of lacking experience is even more acute. In order to address all issues arising from the application of the EC Regulations in this field, an interagency working group was formed on the basis of Order of the Minister of Social Security and Labour No. A1-33 of 7 February 2005. This group is mandated to analyse the application of the EC Regulations and provide explanations (recommendations) as concerns its' application.

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.

Two specific issues as concerns social security system deserve particular attention:

1. Application of Regulations: 1408/71/EEC and 574/72/EEC between Lithuania and Estonia/Latvia as concerns the calculation of working time, which was accumulated on the territory of former SSSR.

The Regulations 1408/71/EEC and 574/72/EEC do not regulate the issue of counting the work record when it was acquired in the territory of former SSSR. As Article 12(9)(11) of Regulation 1408/71/EEC prohibits granting several insurance benefits for the same period of insurance, there is a legal issue how to avoid double or even triple work record, acquired in the territory of former SSSR (e.g. in Kazakhstan) when it is calculated in Lithuania, Latvia and Estonia. During 2006 negotiations concerning conclusion of agreements on calculation of insurance record acquired in the territory of the former SSSR have been continuing between Lithuania and Estonia/Latvia. The draft texts of agreements have been coordinated between the countries during the year and it is expected that it will be signed in mid-2007.

2. Social security of sailors working in ships of EU/EEA countries.

Currently, Lithuanian sailors working in EU MSs' ships may be insured with social insurance in the following ways:

- a) according to the provisions of Article 13(c) of Regulation 1408/71/EEC – laws of the vessel's flag state are applied to the persons working in the ship;
- b) according to the provisions of Article 14(b1) of Regulation 1408/71/EEC – laws of the state where the company for which the sailor works is established (in this case – Lithuania) or, if the company is sending a person to work in the ship carrying a flag of another MS – the laws of the sending state apply. Worthwhile mentioning that companies currently employing sailors are using second method of insuring sailors.

In addition to that, Lithuania completed a notification to the European Commission back in 2005 concerning reduction of social insurance contributions for sailors working in ships with Lithuanian flags. Upon receipt of Commission's consent to state support in this case draft amendments have been prepared to the laws, but not finally adopted because in mid-2007 the President has vetoed the amendments as being in conflict with the principle of equality under the Constitution.

In 2006 Lithuania submitted a notification to the European Commission concerning planned state support measures for sailors, working in Lithuanian employment companies and sent for working in EU ships. Commission's response was received in October 2006 stating that planned measures would be in conflict with the internal market, i.e. *de facto* discrimination of EU nationals. Therefore Lithuania refrained from amending the Law on State Social Insurance as planned.

One more specific problem that arose in Lithuania in the field of social security similarly as in the other EU MSs is the definition of "residence" for the purpose of issuing family benefits of the benefits in the case of death. According to the Regulation 1408/71 and in coordination of social security systems, the "residence" is defined as a place of usual stay. However, Lithuanian legislation relates it to the place of declared place of residence. In practice problems occur, because frequently persons departing from Lithuania do not declare departure.

From the statistical perspective, there were 35 EU nationals registered as unemployed in Lithuania in 2006. Among them: Latvians – 17, Poles – 11, Spanish – 3, Estonians – 1, French – 1, Swedish – 1 and Germans – 1.²⁹

Supplementary pension schemes

The system for accumulation of supplementary pension was introduced in Lithuania back in January 2004. Second stage of pension system, established by the laws, is of voluntary nature. However, once a person becomes a participant of the system cancellation of registration is not envisaged. In order to participate in the system, certain requirements have to be met: to be insured under the state social insurance pension system and be of a younger age than envisaged for pension in the laws. Currently, almost 54% of persons fulfilling the requirements are participating in the supplementary pension schemes. The schemes are based on fixed contributions, financed by part of social insurance contribution (this contribution by the end of 2006 increased from 2,5 to 5,5% of common salary). Supplementary pension can be accumulated in pension insurance or special voluntary pension accumulation funds (the later started to operate in the country only in 2004, though the laws were adopted back in 1999). Supplementary pensions can be accumulated in two different ways:

a) by fixed contributions (if additional contributions are being invested into pension funds or life insurance); or

b) by fixed contributions paying for regular life insurance.

Contributions can be made by the person or the employer, if the contribution does not exceed 25% of person's annual salary. There are possibilities for tax advantages.

For the time being there is no professional pension system in Lithuania.

²⁹ Information of Lithuanian Labour Exchange Office, 6 April 2007.

CHAPTER XI. ESTABLISHMENT, PROVISION OF SERVICES, STUDENTS***Establishment and Provision of services***

Before November 2006, the free movement of EU nationals as concerns the right of establishment and the right to provide services was regulated by the Aliens' Law of 2004, which entitled to temporary residence permit those EU nationals who are intending to engage in lawful activity in Lithuania or to provide/receive services in Lithuania (paragraph 1(2-4) of Art. 101). The following situations were considered a lawful activity (Art. 45):

- 1) when the foreigner 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) when the foreigner 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) when the foreigner 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.

When the Aliens Law was amended in November 2006, Article 101 (mentioned above) was amended to simply include workers and self-employed persons as a ground to obtain a residence permit in Lithuania. Therefore no special regulation is provided for the exercise of the right to establishment by the EU nationals in the aliens' legislation. Detailed conditions for establishing companies are regulated by the Civil Code of the Republic of Lithuania of 18 July 2000. The Civil Code does not provide for any evident obstacles for foreigners, including EU nationals, to establish companies in Lithuania. A number of national laws regulate 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)³⁰ 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. No amendments have been made in this respect during 2006.

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). Also, a number of other positive developments could be observed, in particular with the adoption of a few legislative provisions concerning possibility to practice certain professions without requesting a licence to be issued in Lithuania. For instance, the new version of the Law on the Practice of Dentist Doctors of 2004 provides that the dentist doctor, who is a national of the Member State, is entitled to provide services on a temporary basis in Lithuania without a licence issued by Lithuania. The only requirement is to inform the institution responsible for licences about provision of services. Such a dentist doctor would be registered in the register and would be exempted from the registration fee. In 2005, Lithuania has undertaken the impact assessment of the EU Services' Directive. The assessment concluded that the implementation of the Directive will require a huge administrative work to be undertaken in order to review approximately 150 licences.

³⁰ Available in Lithuanian at:
http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=269228&p_query=&p_tr2=

There is SOLVIT centre operating within the Ministry of Economy of Lithuania, which is responsible for resolution of problems arising from the discrepancies between Lithuanian legal acts and the EU legislation or from the administrative practice in applying these acts. The centre examines complains concerning differential treatment of EU citizens willing to provide services or establish companies. Every year the Centre receives more and more requests from citizens and companies to clarify the application of EU internal market rules. During the year 2006, the Centre reviewed 12 complaints (2 complains by other EU MSs to Lithuania and 10 complains from Lithuania for other EU countries). One of the complaints involved the issue of visa issuance for third country nationals legally working in the EU MSs (complaint from Portugal) and the other concerning return of VAT for Spanish company that performed contract in Lithuania. The later complaint recognised as unfounded. Lithuanian complains concerned the issues of visa and residence permit issuance for family member of Lithuanian citizen, who is third country national; social benefits for Lithuanian citizen injured abroad; barriers encountered by Lithuanian citizens in establishing companies in other EU MSs; as well as concerning the actions of officials delaying the goods' crossing the borders. SOLVIT centre also examines complaints by Lithuanian citizens and businessmen concerning violations of EU law in Lithuania. During the year, the Centre received 4 such complaints and examined 16 requests concerning possible violations of EU law.

The Draft Law Amending the Law on Sport and Sport Culture was pending by the end of 2006. In providing comments to the draft law, the European Law Department to the Government was of the opinion that certain provisions of the law may raise concerns with regard to compliance with Article 43 of the EC Treaty. Articles 12 and 36 of the Law provide that legal persons may engage in Professional sport club activity and representation of players. This provision may fail to guarantee the possibility of foreign company established abroad subsidiary in Lithuania to engage in such activity.

Students

The status of students – EU nationals in the Republic of Lithuania is regulated by the Aliens' Law of 2004. The provisions applicable to students are generally in compliance with the Directive 2004/38/EC. 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. In accordance with the Order of the Minister of Social Security and Labour No. A1-203 of 25 August 2004 the amount, considered to be sufficient for the purpose of living in Lithuania for foreigners who are applying for residence permits is set at one minimal monthly wage, which was 600 Litas (approx. 174 euro) by the end of 2006. 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. This is not fully in line with the Directive 2004/38/EEC that requires only declaration of income and the judgement on each individual case rather than fixing a commonly applicable amount of sufficient resources. Residence permits 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. Before the amendments to the Aliens' Law in 2006 students had no right to work while they are engaged in studies in the Republic of Lithuania. Due to amendments, foreign students were allowed to work with special permit. However, the duration of employment can not exceed 20 hours per week and engagement in employment is permitted only from the second year of studies (Art. 46(4)). Following the end of studies he must depart from Lithuania. The student would also need to obtain a work

LITHUANIA

permit if he wants to get employed during the period of studies, which would make his situation different from other EU nationals who are not requested to obtain work permits. The definition of third country nationals family members of EU national-student, who would be entitled to EC residence permit, is more restrictive than of other EU nationals. It includes only spouse or registered partner, dependent children and relatives under the direct ascending line.

In total, 811 EU nationals were studying in Lithuania (high educational establishments) by 1 October 2006. The table below provides a breakdown according to the country of citizenship and type of educational establishment.³¹

Country	Studies at universities		Studies in colleges	
	Entire programme of studies	Part of programme of studies	Entire programme of studies	Part of programme of studies
Ireland	1			
Austria	2	7		
Belgium	1	6		
Bulgaria	4	4		
Germany	46	59		
Czech Republic	8	31		
Denmark		3		
Estonia	1	5		1
Greece		3		
Spain	26	39		
Italy	19	31		
United Kingdom	4	4		
Latvia	59	15	1	4
Poland	102	86		3
Netherlands	3	14		
Portugal	37	32		4
France	14	79		
Romania	2	1		
Slovenia	4	8		
Slovakia		9		
Sweden	3	6		
Finland	3	12		2
Hungary		3		
Total	339	457	1	14

³¹ Information of the Department of Statistics of the Republic of Lithuania, 22 February 2007.

CHAPTER XII. MISCELLANEOUS

- 1) Conference at the Parliament of Lithuania “Emigration from Lithuania: situation, problems, possible solutions” of 17 March 2006. Conference materials. Konferencija “Emigracija iš Lietuvos: padėtis, problemos, galimi sprendimo būdai”. Darbinė medžiaga. LR Seimas, 2006 m. kovo 17 d. Available in Lithuanian only at: <http://www3.lrs.lt/docs2/ZRCZDTGA.DOC>

LITHUANIA

ANNEXES TO THE REPORT

- Annex I. Foreigners residing in Lithuania as of beginning of 2007 (according to citizenship)
- Annex II. Persons who arrived to take up residence in Lithuania in 2006 (according to country and citizenship)
- Annex III. Persons who departed from Lithuania for residence abroad in 2006 (according to country and citizenship)