

A stylized sun graphic with a central circle and rays, rendered in a dark blue color against the background. The sun is positioned behind the main title text.

Lithuanian legal system in the light of EU law

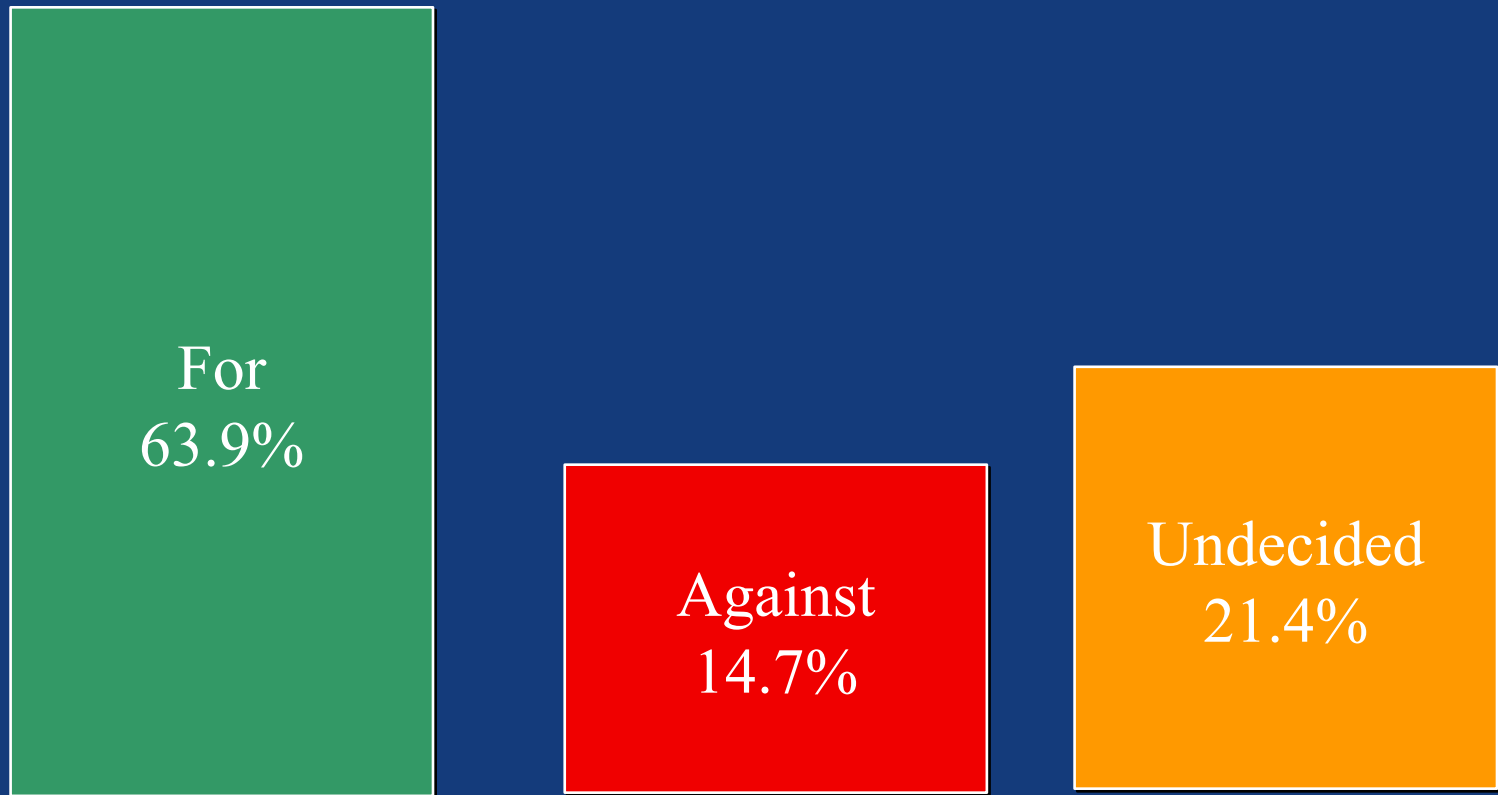
by Paulius Docka

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Public opinion survey

6-9 February 2003



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Dates and history

- On 27 August 1991 the European Communities have recognized the independence of Lithuania. Diplomatic relations were established with the all member states of the European Communities separately.
- On 8 December 1995 Lithuania has submitted the official application for the membership of the EU.
- On 15 February 2000 Lithuania has started the EU accession negotiations.



Legal foundation

- Agreement on Trade and Commercial and Economic Co-operation between Lithuania and the European Communities was signed on 11 May 1992, and came into force on 1 February 1993.
- Agreement on Free Trade and Trade - Related Matters between Lithuania and the European Communities was signed on 18 July 1994, and came into force on 1 January 1995.
- The Europe (Association) Agreement was signed on 12 June 1995, and came into force on 1 February 1998.



Institutional framework

- **Government:**

- Government's European Integration Commission
- Department of European Law
- European Committee

- **Seimas (the Parliament):**

- Standing Committee of European Affairs
- Standing Committee of Foreign Affairs



Copenhagen criteria (1993)

- **Functioning democracy and the rule of law as the basis for society**
- **Functioning market economy capable in the medium term to sustain the competitive pressure from and in Single Market and the Economics and MU**
- **100% correct implementation of the acquis, unless otherwise agreed with the EU**
- **Public administration that efficiently, correctly, and without corruption applies and enforces legislation**
- **“The track record”**



Dynamics in negotiations

Trouble-free sectors

- Statistics
- Industrial Policy
- Small and Medium-sized Undertakings
- Science and Research
- Education and Training
- External Relations
- CFSP



Dynamics in negotiations (continued)

Problematic sectors:

- Energy
- Regional Policy and Structural Instruments
- Agriculture
- Financial and Budgetary Provisions



Where were we in 2002?

Reasonable level of alignment:

- 4 Freedoms
- Company law
- Intellectual property
- Competition
- Taxation
- Custom Union
- Fisheries



Where were we in 2002?

Identified problems:

- Training and retaining qualified staff and ensuring effective inter-agency co-ordination.
- Strengthening Administrative structures in the area of freedom to provide services.
- The Competition Council should focus on a more deterrent sanctions policy in the field of anti-trust and pay close attention to rescue and restructuring aid
- Implementation of Environmental acquis was not fully satisfactory

Information from the Report of the European Commission on the progress towards accession by each of the candidate countries



Civil Code

- Adopted 18 July 2000.
- In force since 1 July 2001.
- Exceptions to several provisions.
- New registers:
 - Company register,
 - Register of marital contracts,
 - Register of wills.



Civil Code (continued)

- Liberalization of the contracts' forms and legal persons.
- E-contracts.
- *Ultra vires* doctrine and private legal persons.
- Pre-contractual relations.
- Additional guarantees for protection of creditors' rights.
- New types of contracts (distribution, leasing, factoring etc.)
- Consumers protection.



Enterprises

- Individual (personal) enterprise
- General partnership
- Limited partnership
- Public or private companies
- Agricultural company
- Co-operative company



Individual enterprises

- An **individual (personal) enterprise** is owned by one natural person or several natural persons by the right of joint ownership. Organisations with the rights of a legal person, which do not engage in production, may also own an individual (personal) enterprise. The individual (personal) enterprise is a legal person of unlimited liability

Partnerships

- A **general partnership** is an unlimited liability enterprise, established on the basis of a partnership agreement by several natural or legal persons by combining their property under a plan of co-ownership with the aim of conducting joint commercial-economic activities under the common name of the firm. A general economic partnership is of unlimited liability
- A **limited partnership** consists of general partners and limited partners acting under the common name of the firm who own the property of the enterprise by the right of joint ownership.



Public and private companies

- **Public or private companies** are companies, in which the authorised capital is formed by issuing shares. Public and private stock companies are limited liability enterprises having the rights of a legal person. Natural or legal persons or the state (municipality), represented by a corresponding state institution, may be shareholders



Agricultural companies

- An **agricultural company** is an enterprise, in which the part of income from agricultural production and from services for agricultural production composes more than 50 percent of all the income realised by the enterprise. It is formed from assets contributed by individual persons into joint property in order to perform commercial activities in agriculture. An agricultural company must consist of no less than 2 members



Co-operative company

- A **co-operative company** is a legal person founded by natural and (or) legal persons, the basic purpose of which is to satisfy the production, economic, and social needs of the co-operative company members, operating at the initiative and risk of the members.



Results of negotiations

4 Freedoms:

- Transitional period to the registration of the pharmaceutical products (01/01/2007).
- Transitional period upon the request by EU from 2 to 7 years – restrictions of free movement of persons on reciprocal basis.
- Transitional period for full implementation of the Directive 94/19/EC concerning deposit insurance (31/12/2007).
- Transitional period for full alignment of national legislation with Directive 97/9/EC concerning investment compensation system with the EU (31/12/2007).
- Transitional period of 7 years for selling land plots of agricultural purpose to the foreign persons.



Results of negotiations (continued)

Taxation:

- Transitional period for alignment of the tobacco excise duty with EU directives (01/01/2010).
- Transitional period for registration of VAT payers (01/01/2010).
- Exemption from VAT payment to local carriers (passenger transport).

Energy:

- Transitional period for implementation of EU directives on compulsory 90-days oil stores (01/01/2010).
- Closure of Ignalina Nuclear Plant (01/01/2006).



Results of negotiations (continued)

Environment

- Transitional period for utilization of packages and packaging waste (01/01/2004).
- Transitional period for cleaning of wastewater of the urban areas (31/12/2005).

THE END



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