



COUNTRY REPORT: LITHUANIA

Andrii Nekoliak¹

I. How has parliamentary law-making practice changed during the pandemic in the state you are studying?

- **Briefly describe the new practices.**
- **Evaluate these practices. In your opinion, do these practices empower, disempower or not change anything regarding parliamentary law-making powers and practice?**

The main change in the parliamentary law-making in the COVID-19 pandemic era concerned the introduction of remote plenary sittings of the Seimas in late 2020 (Seimas, 2020). In December 2020, having convened after the autumn elections, the Seimas introduced the necessary changes to the Statute of the parliament (Eriksonas, 2021). Compared to other Baltic states, where formal (Estonia) or de facto (Latvia) changes to the parliamentary procedure were done in spring 2020, Lithuania's changes were the latest and came in the midst of the autumn heat of the COVID-19 disease.

While the changes to the parliamentary procedure came late, they were the most extensive and detailed in terms of used legal techniques compared to two other Baltic countries. Most notably, the 2020 amendments to the Statute set the parameters for technical specifications of parliamentary sittings conducted remotely with the usage of digital means (e.g., the requirements for the authentication of a parliamentarian; digital fixation of casting a vote by a parliamentarian, etc.). Moreover, the amendments to the Statute relied on EU law in setting the technical parameters of remote plenary sittings, having referred to EU Regulation No. 910/2014 on identification and trust services for electronic transactions (EU, 2014). As an additional safeguard of the integrity of parliamentary law-making, the Ethics Committee of the parliament was

¹ Doctoral candidate, Johan Skytte institute of Political Studies, University of Tartu, Estonia. Contact: andrii.nekoliak@ut.ee

granted a right to review any information concerning the technical work of the digital systems (Seimas, 2020).

The introduction of the remote plenary sittings into parliamentary procedure overlapped with the new legislative cycle. It is hard to judge the impact of the changes to the procedure on legislative performance so far. In other words, the legislative data for 2021 represents the performance of the COVID-19 era parliament after the introduction of changes. The same data also represents the first year of the work of the parliament in its new legislative cycle. Therefore, the assessment could be made only about the overall trend of parliamentary law-making rather than the impact of parliamentary procedure changes on legislative performance in the COVID-19 pandemic era.

Consequently, as for formal indicators of legislative performance, the legislative data for Lithuania confirms the crucial role of regular parliamentary elections on legislative performance. The Seimas demonstrated a lower level of performance in the 2021 year (following the autumn 2020 elections) compared to its performance in 2019 and 2020. The re-elected Seimas voted for 91 laws and 93 non-legislative measures in its first session. In comparison, in two sessions preceding the parliamentary elections, the Seimas voted for 140 and 416 laws and 58 and 22 non-legislative measures, respectively. The drop in legislation making-output for the first session of the re-elected Seimas can be seen as quite natural given that the new parliament was coming to grips with the legislative process in a new legislative cycle. Therefore, the decline in formal legislative performance should be interpreted as the consequence of the regularity of a 'life' cycle of the parliament, given that parliamentarians were coming to grips with the legislative process in a new legislative cycle.

As for the quality of legislative practice, there is no evidence for the deteriorating trend in parliamentary politics. The two types of shortened procedures for the adoption of legislation outlined in Seimas's Statute were used in adherence to the rules of the legislative process. The percentage of legislation coming through the shortened procedures in the legislative process is also relatively low for each of surveyed years (2019: 7%; 2020: 14,2%; 2021: 28%). The legislative data for 2021 suggests that the share of such legislation grew in comparison to preceding legislative cycles. A more in-depth analysis should be done to explain this peculiarity of Seimas's performance in 2021 to attribute it to the new circumstances of the legislative process.

As for political or legal (judicial) contestation of the parliamentary procedure changes, technical issues occurring in the work of digital systems were cited as the reason to be critical of the remote plenaries of the parliament. On 18 March 2021, the Seimas postponed the plenary sitting for the next week after a technical issue occurred in the workings of the digital system. The Latvian opposition MPs used this opportunity to criticize the measure to convene remotely. The concern that remote plenary sittings shortened the usual time for deliberating and passing laws was also raised (Ufartas, 2021).

II. Looking at formal changes and the practice of law-making in the state you are studying, has respect for the rule of law increased, decreased or not changed at all during the pandemic? Please elaborate on the question.

In Lithuania, the respect for the rule of law increased during the COVID pandemic period. This is evidenced by the fact that the changes to the parliamentary Statute enabling remote work of the Seimas and its committees were well developed. In terms of legal technique, the changes to the Seimas's Statute were the most elaborate and well-written among the three Baltic nations. The timing of introducing the measure was relatively late (compared to Latvia and Estonia). Politically, however, this was one of the first decisions of freshly re-elected parliament enjoying a high degree of public confidence after the parliamentary elections. As for the legislative performance overall, provisional conclusions can be drawn only so far. A point of concern is the growth in the share of legislation voted through the shortened procedures in the parliamentary process. A future more in-depth analysis could address this issue.

Table 1: Formal changes

Country_Name	Legal act	Chamber	Short description	Year
LITHUANIA	Dėl Lietuvos Respublikos Seimo statuto Nr. I-399 11, 33, 34 straipsnių, dvidešimt devintojo-2 skirsnio pakeitimo ir Statuto papildymo nauju 186-9 straipsniu https://e-seimas.lrs.lt/portal/legalAct/lt/TAID/6231d5c03aef11eb8c97e01ffe050e1c	Lietuvos Respublikos Seimas	The Amending Law edited chapter 29 of the Statute by: -allowing for remote plenary sittings of the Seimas as well as of the Council of the Seimas and the parliamentary committees; -providing requirements for the technical specification of the remote sittings; -granting the right to convene a remote plenary to the Council of the Seimas; specifying the requirements for such decision; -granting the oversight powers over the work of the digital systems to the Ethics and Procedure Committee of the Seimas. In particular, the Committee can retrieve any information and materials on the digital systems from Seimas's Chancellery.	2020

Source: Own

Table 2: Law-making practice

Country_Name	Chamber	Year*	Number of ALL legislative bills	Number of resolutions/decisions/state ments (various non-legislative measures)	Number of fast-tracked legislation	Most common forms of fast-track measures	Number of decree laws/gov decisions (no parliamentary consent)	Number of working days (parliamentary plenary sessions)	Number of oral questions to the government	Number of written questions
LITHUANIA	Lietuvos Respublikos Seimas	2019	624	200	44	shortened legislative procedure	N/A	63	No information	2
		2020	556	80	79	shortened legislative procedure	N/A	41	No information	2
		2021	324	184	92	shortened legislative procedure	N/A	45	No information	8
		*The Seimas does not provide information on laws and non-leg measures voted in calendar years, but according to the sessions of a legislative cycle. Therefore, the precise time-periods for this study are as follows: 2019 – sessions 6-7 of Seimas 12 (10.03.2019-9.03.2020) 2020 – sessions 8-9 of Seimas 12 (10.03.2020-12.11.2020) 2021 – sessions 1-2 of Seimas 13 (13.11.2020-9.09.2021)								

Source: Own

References

- Ufartas, Andrius. 2021. "Dėl techninių trukdžių Seimas ketvirtadienio popietę nutraukė nuotolinį plenarinį posėdį," Delfi.lt, 18.03.2021. available at: <https://www.delfi.lt/news/daily/lithuania/del-techniniu-trukdziu-seimas-nutrauke-nuotolini-posedi.d?id=86730663>
- Erikson, Linas. 2021. "Lithuania political briefing: The parliament gives a try to holding plenary sessions remotely," *China-CEE Institute* 38: 1 (March 2021), pp. 1-6
- European Union (EU). 2014. Regulation No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/9. available at: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32014R0910>
- Lietuvos Respublikos Seimas. 2020. Dėl Lietuvos Respublikos Seimo statuto Nr. I-399 11, 33, 34 straipsnių, dvidešimt devintojo-2 skirsnio pakeitimo ir Statuto papildymo nauju 186-9 straipsniu. available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/6231d5c03aef11eb8c97e01ffe050e1c>