

LITHUANIA			
COMPETITION FRAMEWORK			
Competition Law	The Law on Competition no. VIII-1099, enacted on March 23, 1999, entered into force on April 2, 1999. A new version of the Law on Competition entered into force on May 1, 2012.		
Competition Authority	The Competition Council ("CC"), responsible for enforcement of the Law on Competition and other laws assigned to it, started functioning in 1999. Website: http://kt.gov.lt/en/index.php		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		√	The Competition Authority has to report on an annual basis to the executive.
		Other obligations/comments: The chairman of the CC (or in his absence the deputy chairman) has the right to participate in the meetings of the Cabinet of Ministers in advisory capacity (without the right to vote) and must comment should the decisions of the Cabinet of Ministers proposed for adoption contradict the Law on Competition. <i>See</i> Law on Competition, Chapter IV, article 20.	
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities. <i>See</i> Law on Competition, Chapter IV, article 20.1.4.
		√	Obligation to stand before Parliament and to respond to congressmen on an annual basis. <i>See</i> Statute, Part III, Chapter X, article 56.
		√	Its activities are monitored by an independent auditor or by oversight committees. <i>See</i> Law on Competition, Chapter XI, article 60.7 and 60.8.
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: Decisions of the CC can be challenged before the Vilnius Regional Administrative Court, while the judgments of the latter can be appealed to Supreme Administrative Court of Lithuania. <i>See</i> Law on Competition, Chapter V, Section 3, article 33.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Law on Competition, Chapter IV, article 19.	
Does the executive have powers to decide on specific cases based on public interest?	No		
Does the executive retain decision-making powers over the Competition Authority?	No		
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	The CC publishes its decisions and resolutions on its website.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	Fiscal year budget for 2012: EUR 1,290,546.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No		
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman	The CC consists of the chairman and four members, all appointed by the president of the Republic on the nomination of the prime minister. <i>See</i> Law on Competition, Chapter IV, article 19.1.	
Does a minister appoint the heads?	Yes	<i>See</i> the answer above.	
Do representatives of more than one government branch appoint the heads?	No	<i>See</i> the answer above.	
Is there a fixed period during which removal is prohibited?	Yes	The chairman and the members of the CC are appointed for a term of six years. <i>See</i> Law on Competition, Chapter IV, article 19.1.	
Is the tenure of the heads renewable?	Yes	The same person may be appointed the Chairman or a member of the Competition Council for no more than two consecutive terms of office. <i>See</i> Law on Competition, Chapter IV, article 19.1.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> Law on Competition, Chapter IV, article 19.2.	

ARCHITECTURE		
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a minister?	Stand-alone agency	Jogailos g. 14, LT-01116 Vilnius.
POLICY-MAKING AGENTS -DIVERSIFICATION-		
How many agencies are responsible for competition enforcement?	One agency.	
Do sector regulators have competition policy enforcement mandate?	No	
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	Telecommunications regulator	No
	Energy regulator	No
	Transport regulator	No
	Other	Nonr
POLICY DUTIES		
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	X Concurrent consumer protection mandate. Enforcement of prohibition of misleading and comparative advertising under the law on Advertising and the Law on the Prohibition of Unfair Business-to-Consumer Commercial Practices.
		X Concurrent IP mandate.
		Other mandates: state aid coordination under the Law on Competition; enforcement of prohibition of unfair practices of retailers under the Law on the Prohibition of Unfair practices of Retailers; investigation of complaints regarding the actions of the Lithuania railway operator under the Code on Railway Transport; approval of tariffs set by other regulators under the Law on Prices.
PORTFOLIO INSTRUMENTS		
Law Enforcement		
Does the Competition Authority have powers to investigate cartels?	Yes	See Law on Competition, Chapter V, Section 1, article 22.1.2.
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	Subject to a court warrant, the CC can conduct unannounced dawn raids of both business and private premises. See Law on Competition, Chapter V, Section 1, article 25.
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	See Law on Competition, Chapter V, Section 1, article 23.2.
Does the Competition Authority have powers to accept leniency applications?	Yes	See Law on Competition, Chapter VI, article 38.
Does the Competition Authority have powers to seek criminal punishment?	No	
Advocacy		
Can the Competition Authority issue opinions on draft legislation?	Yes	The CC within its competence examines the laws and other legal acts and provides the Parliament and the Cabinet of Ministers with conclusions on the effects that such legal acts may have on competition. See Law on Competition, Chapter IV, articles 18.1.7., 18.1.8. and 18.1.9.
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	
Rulemaking		
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	√ Guidelines on the calculation of fines.
		√ Guidelines on merger control.
		√ Guidelines on the economic analysis of abuse of dominance cases.
		Other: <i>De minimis</i> rules; Rules on applying individual exemption; Rules on leniency application.
Research & Reporting		
Can the Competition Authority carry out market studies?	Yes	See Law on Competition, Chapter IV, article 18.9.
Can the Competition Authority report to the legislature on the results of market studies?	Yes	See Law on Competition, Chapter IV, article 18.9.
DECISION-MAKING FUNCTIONS		
Aggregated Functions		
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes	

Does the Competition Authority make guilty findings?	Yes	
Does the Competition Authority impose punishments?	Yes	
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	Law on Competition, Chapter V, Section 1, Art. 22.2.
Can the Competition Authority's decisions be appealed to a court?	Yes	
Disaggregated Functions—Prosecutorial Model		
Are there different authorities that make the decision to investigate and to prosecute cases?	No	
Are disputes presented for decision to a separate entity/tribunal?	No	