



September 2010

LITHUANIA

- 1. Which are the procedures for the incorporation of Security Council resolutions imposing sanctions into the internal legal order of your State? Are they incorporated through legislation, regulations or in any other way? Has the implementation given rise to any constitutional or other legal problems at national level? Is there any relevant case-law?**

According to the Law of the Republic of Lithuania on the Implementation of Economic and Other International Sanctions (in force since May 2004), the regulations of the European Union concerning international sanctions and exceptions on the implementation thereof, adopted on the basis of the Treaty on the Functioning of the European Union, is directly applicable in the Republic of Lithuania from the date of their entry into force. Where necessary, the Government of the Republic of Lithuania may adopt a resolution containing the provisions necessary for the implementation of the regulation in the Republic of Lithuania.

In all other cases, the implementation of international sanctions falls within the national competence and is laid down and changed by resolutions of the Government of the Republic of Lithuania. Resolutions of the Government of the Republic of Lithuania shall prescribe which international sanctions are implemented, time limits for implementing such sanctions, conditions, possible exceptions and entities with respect to which international sanctions are imposed. An expiry date of international sanctions shall be set taking into account the expiry date indicated in decisions of international organisations imposing international sanctions or in legal instruments of the European Union. Time limits for implementing international sanctions in the Republic of Lithuania shall not be set out, if an international organisation or the European Union, which has set out such time limits, provides for a possibility to renew the implementation of international sanctions after the review which is carried out upon the expiry of the time limits for implementing the said sanctions.

So far the implementation has not given rise to any constitutional or other legal problems at national level in the Republic of Lithuania, and there has not been any relevant case-law.

- 2. Does the choice depend on the content and the legal nature of the Security Council resolution?**

As stated above, it only depends on whether the measures fall under the European Union or national competence.

- 3. When sanctions are imposed for a fixed period of time which is not renewed, are they tacitly repealed within your domestic legal order or is any normative action required?**

If decisions of the international organisations imposing international sanctions or legal instruments of the European Union lay down that international sanctions become repealed or their implementation is not prolonged (see also answer to question 1), the implementation of international sanctions in the Republic of Lithuania shall be terminated by resolutions of the Government of the Republic of Lithuania.

4. When a Security Council resolution imposing an export embargo provides for exceptions while not establishing a committee to authorise such exceptions, does the incorporating act appoint a national authority which is competent to authorise export?

If decisions of the international organisations imposing international sanctions and (or) legal instruments of the European Union, with the exception of regulations, provide for the exceptions on their implementation for humanitarian purposes, purposes pertaining to provision for peace keeping missions or in other particular cases, the implementation of exceptions from sanctions in the Republic of Lithuania is set out by resolutions of the Government of the Republic of Lithuania.

The Ministry of Foreign Affairs of the Republic of Lithuania is responsible for the implementation of the specified exceptions. The entities with respect to which international sanctions are imposed or natural or legal persons of the Republic of Lithuania (except financial institutions), seeking to avail themselves of the exceptions, shall apply to an institution carrying out supervision of the implementation of international sanctions, which is indicated in the Law, and the said institution or a financial institution shall apply to the Ministry of Foreign Affairs of the Republic of Lithuania regarding the implementation of an exception on a case by case basis. In those cases when the Ministry of Foreign Affairs of the Republic of Lithuania is an institution carrying out supervision of international sanctions, entities with respect to which international sanctions are imposed or natural or legal persons of the Republic of Lithuania shall apply directly to the Ministry of Foreign Affairs of the Republic of Lithuania.

5. Are Sanctions Committee decisions specifying Security Council sanctions or setting conditions for their activation incorporated into domestic law?

As stated above, national legislation provides for the necessary flexibility to implement decisions by the UN Sanctions Committee.

6. Have there been cases where the act incorporating sanctions in the domestic legal order was challenged in court for being in violation of human rights?

So far there have not been any cases where the act incorporating sanctions in the domestic legal order was challenged in court for being in violation of human rights.

7. Are there decisions of national courts or state practice concerning the relationship between sanctions directed towards individuals and the human rights of these individuals?

So far there have not been any decisions of national courts or state practice concerning the relationship between sanctions directed towards individuals and the human rights of these individuals.