

## OPAL Country Reports

# The Lithuanian Parliament and EU Affairs

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# OPAL Country Report on the Lithuanian Parliament<sup>1</sup>

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<b>I. General Position of Parliament in the Constitutional Balance of the Member State: Constitutional and institutional factors</b>	
This section looks at the role of Parliament in the political system, to help us understand the relative power position of the legislature.	
1.1	What is the type of government in the political system of your member state? (i.e. parliamentary or)
	Semi-presidential system
1.2	Is it a uni- or bicameral Parliament? If bicameral, is one house dominant or are both equally strong? Please briefly explain.
	Unicameral parliament consisting of one chamber called Seimas.
1.3	Is the state federal, decentralized or If applicable, is it a form of asymmetrical federalism?
	Lithuania is an unitary state.
1.4	Briefly describe the electoral system, if applicable, for each chamber.
	The 141 members of the Seimas are elected for a four-year term on the basis of universal and equal suffrage, by secret ballot in direct, mixed-system election: 71 members are elected in single-member constituencies. A further 70 are elected in the multi-member constituency by party lists. Voters are enabled to reverse party candidates location on the party lists ('voters' rating').
1.5	What (f)actors can prevent the parliament agreeing on EU legislation and/or treaty reform? (e.g. a constitutional court, or public referenda on questions of EU integration)
	According to chapter 2 of the Constitutional Act of the Republic of Lithuania on membership of the Republic of Lithuania in the European Union 2004, the norms of the European Union law shall be a constituent part of the legal system of the Republic of Lithuania. Where it concerns the founding Treaties of the European Union, the norms of the European Union law shall be applied directly, while in the event of collision of legal norms, <b>they shall have supremacy</b> over the laws and other legal acts of the Republic of Lithuania. <sup>2</sup> The only way to prevent the parliament agreeing on EU legislation and/or treaty reform is a mandatory referendum. A referendum shall be announced, if no less than 300,000 citizens with electoral right request it, and in cases established by law, the Seimas shall announce a referendum. <sup>3</sup>
	The Constitutional Court shall present conclusions whether international treaties of the

<sup>1</sup> This country report provides some basic data that has been collected in the context of the research for a chapter to be published in C. Heffler, C. Neuhold, O. Rozenberg, J. Smith & W. Wessels (Eds.). (forthcoming in 2014). *The Palgrave Handbook of National Parliaments and the European Union*. London: Palgrave, Macmillan.

<sup>2</sup> <http://www3.lrs.lt/home/Konstitucija/Constitution.htm> (retrieved 23 June, 2012)

<sup>3</sup> *Ibid.* (retrieved 23 June, 2012); Law on Referendum [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=326189](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=326189) (retrieved 23 June, 2012)

	Republic of Lithuania are in conflict with the Constitution or not (Ch. VIII, At. 105, 3). This means, that the final decision on international treaties needs political assessment and is made by the Seimas. <sup>4</sup>
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## 2. General Position of Parliament in the Constitutional Balance of the Member State: Political Factors

This section is about the basic political factors which might influence parliament's strength in relation to the government.

2.1	What is the type of government after the most recent elections e.g. single party, minority, coalition, oversized coalition government?		
	<p>The current government is a three (at the beginning four) -party centre-right minority coalition led by Prime Minister Andrius Kubilius who had also served as Prime Minister from 1999-2000. The coalition consists of Homeland Union, Lithuanian Christian Democrat Party (45), Lithuanian Liberal Union (11), Liberal and Centre Union (and National Revival Party) (11)<sup>5</sup></p> <p>After the election on 12 October 2012 (1st round) and 14 November (2nd round), the Lithuanian Social Democratic Party, Labour Party, Party "Order and Justice" and Lithuanian Poles' Electoral Action informed about the Coalition Agreement on the Joint Work in the Name of Lithuania. However, only the Prime Minister was appointed but not a Cabinet of Ministers.</p>		
2.2	When were the most recent general elections and what were the results? Could you please give a short list of the parliamentary groups, their no. of seats in parliament and ideological position?		
	Latest election:	prior election 26 October 2008 / latest election 14 October 2012 <sup>6</sup>	
	Name of the party	No. and percentage of seats in parliament	Ideological position (e.g. Communist, left liberal, socialist, liberal, right liberal, conservative, Christian democrat, extreme right, ethnic minority or regionalist party)
	Homeland Union – Lithuanian Christian Democrats	45 (31,91%) / 33 (24,40%)	Conservative, nationalist, Christian democrat
	Lithuanian Social Democratic Party	25 (17,73%) / 37 (26,24%)	Socialist
	National Revival Party	16 ( 11,35%) / dissolved	Liberal
	'Order and Justice' Party	15 (10,64%) / 11 (7,8%)	Extreme right but treated as a right
	Lithuanian Liberals Movement	11 (7,8%) / 10 (7,09%)	Right liberal
	Labour Party + Youth coalition	10 ( 7,1%) / 29 (20,57%)	Catch-all with socialist orientation

<sup>4</sup> <http://www3.lrs.lt/home/Konstitucija/Constitution.htm> (retrieved 23 June, 2012)

<sup>5</sup> Due the split of the National Revival Party some its MEPs moved to The Christian Party Group (2009), the rest MEPs of the National Revival Party joined Liberal Centre Union (22 September 2011) and disappeared as the separate political group in the Seimas and a national party

<sup>6</sup> Distribution of seats is presented by the Seimas election 2008 and 2012 because a new government is on the stage of formation

	Liberals and Centre Union	8 ( 5,67%) / -	Social liberal
	Union of Farmers and People's Parties	3 ( 2,13%) / 1 (0,7%)	Single-issue parties, left centre' Farmers Party -agrarian issue, People Party – broader national policies orientation with dominant gender issue
	Electoral Action of Poles in Lithuania	3 (2,13'%) / 8 (5,67%)	Regional, Nationalist, represents Polish minority, left centre
	New Union (Social Liberals).	1 ( 0,71%) / dissolved	Social liberal
	Party "Courage Way"	- / 7 (4,98%)	Single issue not classified
	Non-affiliated candidates	4 (2,83%) / 4 (2,83%)	-
2.3	How polarized was parliamentary debate over ratification of the Lisbon Treaty? Which parliamentary party groups supported and which opposed ratification?		
	Ratification of the Lisbon Treaty was supported by 83 MP's, 5 MP's voted against and 23 MP's abstained (8 May 2008). Split voting has been displayed by a group of the Labour Party – 3 "for", 3 "against", 10 abstained, "Order and Justice" – 4, 1, 5, respectively, Group of the Lithuanian Peasants and Peoples – 5, 1, 5, respectively, 2 MP of Liberal Union Group. The President of the Republic of Lithuania signed the bill into law, 14 May 2008.		

### 3. New Provisions of the Lisbon Treaty on Direct Contact with EU Institutions

The Lisbon Treaty provides national parliaments with new opportunities for direct contact with the EU institutions. This section addresses the incorporation of the new Lisbon provisions into national law and concrete procedures. Questions 3.3 to 3.5 investigate in how far these procedures have been used.

3-1	<p>Have there been any regulations adopted by your member state to incorporate the new powers that are entrusted to the national parliaments by the Treaty of Lisbon? If so, please list the regulations in their appropriate categories:</p> <p>a. Constitutional provisions</p> <p>b. Legal provisions - Statutory provisions</p> <p>c. Parliamentary Standing Orders</p> <p>d. Other (please specify)</p> <p>Is this process complete or ongoing?</p>
	<p>Lithuania before the Lisbon Treaty, with the words of MP Petras Auštrevičius, introduced a broad horizontal democratic mechanism of parliamentary control. Lithuania in this sense is close to Finland, Sweden, and the UK. Thus, the Lisbon Treaty provisions confirmed that Lithuania was on the right way even long before the Lisbon.<sup>7</sup> There were amendments made in the Statute of the Seimas (Parliamentary Standing Orders) in Chapter XXVII <i>Debate And Resolution Of European Union Matters</i> in 2011 and on 15 March 2012. They increased the power of the EAC as well as the FAC. However, regulations and practice of the Seimas and the government interrelations have been introduced before, thus the Lisbon Treaty doesn't change procedures of the parliamentary scrutiny.</p>

<sup>7</sup> Interview with MP P. Auštrevičius.

3.2	What exactly are the rules (i.e. parliamentary bodies involved, procedure, regional parliament's involvement, cooperation in bicameral systems) for...
3.2 i	The "Political Dialogue" with the Commission
	Resolutions have to be adopted with a 1/5 majority in the plenary as well in the EAC and FAC.
3.2 ii	The Early Warning Mechanism (EWM)
	The 8 weeks principle is applied in the EAC and/or FAC. In case of refusal of the proposal in the EU document the Seimas has to adopt a resolution.
3.2 iii	The "Passarelle clause"
3.2 iv	The action of annulment before ECJ on breach with the subsidiarity principle (What quota of MPs is needed to enforce the action of annulment?)
	The right of initiative of the Seimas to appeal to the ECJ for disputing the legality of a legislative act of the EU infringing the principle of subsidiarity shall be enjoyed by a group of no less than 1/5 of the Seimas Members, the committees and the parliamentary groups. <sup>8</sup>
3.2 v	Accession of new member states to the EU
	The Seimas has to accept the accession of a new member state.
3.3	How actively does the parliament engage in the political dialogue and "early warning mechanism" with the Commission?
	This mechanism is frequently used. After receiving information on some changes of EU legal acts the Seimas has 8 weeks for internal procedures to express willingness to change something. Lithuania presented reasoned opinions in 2010 – 4 (2 on 2 protocols), 2011 – 4.
3.4	Has parliament ever threatened to bring a legislative act to the ECJ because of subsidiarity concerns?
	No.
3.5	If applicable to your member state, how does parliament proceed on the ratification of: a. Treaty Establishing the European Stability Mechanism, signed 2 Feb 2012 b. Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, signed 2 March 2012
	a. 12 June 2012, 81 MPs supported ratification of the Treaty, 8 abstained. b. TSCG was ratified in June 2012, 80 MPs supported ratification, 11 voted against, 21 abstained. There were a few projects prepared on amendments of budget structure and formation by some MPs in order to integrate provisions in Lithuania to relevant legal acts as the national budget

<sup>8</sup> Article 180<sup>th</sup> Statute.

	construction procedures.
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