

## Lithuania

### Republic of Lithuania Law (2002)

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The year indicated in brackets after the title of the law refers to the year of publication in the Official Gazette or, when this is not available, the year of adoption of the law.

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# Republic of Lithuania Law on the Protection of Objects Critical for National Security

10 October 2002 No IX-1132

(As last amended on 24 November 2022 – No. XIV-1599 )

Vilnius

## Article 1. Objective and scope of the Law

1. The objective of this Law shall be to ensure that the objects critical for national security of the State, including enterprises, facilities, property and economic sectors, and the property and territory within the protection zones of the enterprises, facilities and property critical for national security (hereinafter: 'the protection zones'), as well as transactions of managers of the critical information infrastructure are protected against all risk factors that may pose a threat to national security interests and to eliminate the causes of and conditions for the emergence of such factors.
2. When putting enterprises, facilities and property on the lists of enterprises critical for national security and the List of Facilities and Property Critical for National Security, threats, dangers and risk factors to national security interests shall be assessed within the meaning of the National Security Strategy approved by the Seimas of the Republic of Lithuania.
3. The bodies of enterprises critical for national security or of enterprises which manage, use or dispose of facilities and property critical for national security as well the bodies of other enterprises which operate in an economic sector of strategic importance to ensuring national security shall be prohibited from adopting any decisions which are in conflict with the objective of this Law.
4. Decisions of the Government of the Republic of Lithuania whereby transactions, investment or economic and commercial activities may be restricted, suspended or annulled under this Law shall be adopted without prejudice to the obligations of the Republic of Lithuania assumed under the provisions of Articles 52 and 65 of the Treaty on the Functioning of the European Union (OJ 2016 C 202, p. 47).
5. Laws regulating individual legal forms and activities of enterprises or legal persons critical for national security as well as other laws shall apply to the extent they do not contradict this Law.
6. The provisions of this Law have been harmonised with the legal acts of the European Union specified in Annex 5 to this Law.

## Article 2. Definitions

1. Category II enterprises critical for national security shall mean:
  - 1) public limited liability companies or private limited liability companies listed in Annex 2 to this Law which, due to their purpose or nature of activities, are of strategic importance to national security interests and whose shares carrying at least 2/3 of votes at the general meeting of shareholders are held by the State, a municipality or a state-owned company;
  - 2) state-owned companies which have been transferred the right of ownership of the shares held by the State in the enterprise specified in Article 2(1)(1) of this Law.
  - 3) Investor shall mean an investor from the Republic of Lithuania, a foreign investor or a third country

2. Investor shall mean an investor from the Republic of Lithuania, a foreign investor or a third-country investor that:

- 1) seeks to acquire or has acquired a portion of shares or convertible debentures specified in this Law in an enterprise critical for national security registered as a public limited liability company or a private limited liability company;
- 2) seeks to acquire or has acquired the right to exercise non-property rights attached to the portion of shares of the enterprise critical for national security specified in this Law by concluding an agreement on the transfer of the voting right;
- 3) has acquired or seeks to acquire the rights provided for in this Law to facilities and property critical for national security or to the property specified in the security plan of an enterprise critical for national security where such property may be transferred only subject to the Government's approval;
- 4) has acquired or seeks to acquire securities of a legal person operating or being established in the economic sector of strategic importance to ensuring national security, where such securities carry the voting right at the meeting of participants of the legal person operating or being established in the economic sector of strategic importance to ensuring national security or where such securities may be exchangeable/convertible into securities carrying the voting right at the meeting of participants of the legal person specified in this point;
- 5) by acquiring property or by other means, intends to carry out or carries out activities in the territory of the protection zone set out in Article 4 of this Law; or holds or seeks to acquire securities of a legal person operating or being established in the territory of the protection zone set out in Article 4 of this Law, where such securities carry the voting right at the meeting of participants of that legal person or are exchangeable/convertible into the securities carrying the voting right at the meeting of participants of the legal person specified in this point;
- 6) seeks to carry out or carries out activities in an economic sector of strategic importance to ensuring national security.

3. Investor from the Republic of Lithuania or a foreign investor shall mean a citizen of the Republic of Lithuania or another Member State of the European Union (EU), a citizen of a member country of the North Atlantic Treaty Organization (NATO), the European Free Trade Association (EFTA) and/or the Organisation for Economic Co-operation and Development (OECD), or a legal person or organisation established in these states, except for the cases where 1/4 or more of the voting rights at the meeting of participants of such a legal person or another organisation are held by a third country, legal persons under its control, or its citizens.

4. Economic sector of strategic importance to ensuring national security shall mean an area of activity of particular national and social importance to the Republic of Lithuania where its development, if interrupted, disrupted, restricted or abandoned, would prejudice national security interests.

5. Enterprises critical for national security shall mean Category I, Category II and Category III enterprises critical for national security.

6. Facilities and property critical for national security shall mean the facilities being designed, facilities under construction, and the existing facilities and property specified in Annex 4 to this Law, which, in compliance with the provisions of this Law, must be protected from all risk factors likely to pose a threat to national security interests.

7. National security interests shall mean the national security interests of vital and primary order within the meaning of the National Security Strategy, the development of the trans-European infrastructure, and the essential public interests enshrined in the laws of the Republic of Lithuania, including but not limited to the provision of the key services of common interest.

8. Category I enterprises critical for national security shall mean:

- 1) state enterprises, municipal enterprises, public limited liability companies and private limited liability companies listed in Annex 1 to this Law which, according to their purpose or nature of activities, are of strategic importance to national security interests and whose shares carrying all the votes at the general meeting of shareholders are held by the State, a municipality or a state-owned company;
- 2) state-owned companies which have been transferred the right of ownership of the shares of an enterprise specified in Article 2(8)(1).

9. Decision that an investor or transaction fails to meet the national security interests shall mean a decision adopted by the Government confirming that an investor or a transaction poses a threat to national security interests.

10. Third party shall mean a natural or legal person who, under the transactions specified in Article 13(4)(1)(a) of this Law, is granted the right to access or otherwise become acquainted with the communication and information systems or their parts significant for the activities of the enterprise and specified in the enterprise security plans or other internal documents; access or become acquainted with the technologies or databases of these communication and information systems or their parts, or data in the said databases; or is granted the right to support or otherwise become acquainted with such communication and information systems or their parts.

11. Third country shall mean a state other than any EU Member State and other than any member country of NATO, the EFTA and/or the OECD.

12. Category III enterprises critical for national security shall mean public limited liability companies or private limited liability companies specified in Annex 3 to this Law which, due to their purpose or nature of activities, are of strategic importance to national security interests and whose shares carrying less than 2/3 of votes at the general meeting of shareholders are held by the State, a municipality or a state-owned company or are not held by the legal persons specified in this paragraph.

13. Third-country investor shall mean a third-country national, a legal person, or an organisation established in a third country, or a legal person or an organisation established in any EU Member State or in a member country of NATO, the EFTA and/or the OECD, where 1/4 or more of the voting rights at the meeting of the participants of that entity are held by a third country, by legal persons under its control, or by its citizens.

14. State-owned company shall mean a public limited liability company or a private limited liability company whose shares carrying over 1/2 of votes at the general meeting of shareholders are held by the State.

15. For the purposes of this Law, the concept 'persons acting in concert' shall be interpreted as defined in the Law of the Republic of Lithuania on Securities; the concept 'controlling person' shall be interpreted as defined in the Law of the Republic of Lithuania on Competition; and the concept 'manager of the critical information infrastructure' shall be interpreted as defined in the Law of the Republic of Lithuania on Cyber Security.

Note from the Register of Legal Acts. Article 13(4)(1)(d) of the Law on the Protection of Objects Critical for National Security set out in Article 2(3) of this Law shall apply to applications for transaction screening for conformity to national security interests, where such applications have been received prior to the entry into force of this Law and where the Commission for Coordination of Protection of Objects Critical for National Security has not adopted, prior to the entry into force of this Law, any decision to initiate the transaction screening specified in Article 13(3) of the Law on the Protection of Objects Critical for National Security.

### **Article 3. Facilities and property critical for national security**

1. State-owned or municipality-owned facilities and property critical for national security may be transferred under the procedure set out by law, without transferring the right of ownership, to an investor conforming to national security interests. The said investor may not sell or otherwise transfer the transferred facilities and property to other persons, pledge or otherwise restrict the rights in rem in respect of the facilities and property, or use the said facilities or property as a guarantee, as a surety, or in any other way to secure the discharge of obligations assumed by the investor or by other persons.

2. Facilities and property critical for national security held by the right of ownership by enterprises critical for national security or investors may be transferred only to an investor conforming to national security interests. Alternatively, in order to secure the claims of such an investor, these facilities and property may be pledged or mortgaged, unless the rights set out in this paragraph are restricted by other laws.

3. The entities specified in Articles 3(1) and 3(2) that manage, use or dispose of facilities and property critical for national security must ensure compliance with the requirements specified in Articles 17 and 18 of this Law.

4. In compliance with the List of Facilities and Property Critical for National Security specified in Annex 4 to this Law, the Government shall set out which specific facilities and property constitute the facilities and property critical for national security.

### **Article 4. Protection zones of enterprises, facilities and property critical for national security**

Protection zones shall be established by the Government, subject to assessing the specific nature of enterprises, facilities and property critical for national security as well as the need for their protection based on risk factors. The Ministry of Environment of the Republic of Lithuania and municipal administrations must take the protection zones established by the Government into account while preparing or revising the territorial planning documents.

### **Article 5. Exercise of the rights of operators in charge of managing facilities and property critical for national security**

The Government and state institutions, of their part, in their decision-making and in conclusion of agreements, and share managers of state-owned public limited liability companies, of their part, in their decision-making, conclusion of agreements and exercise of non-property rights granted under the shares of an operator of the state-owned electricity transmission system, operator of the liquefied natural gas terminal, operator of the natural gas transmission system and/or operator of the designated storage system as provided for in the Law of the Republic of Lithuania on the Integration of the Electric Power System into the European Electric Power Systems (hereinafter: 'the designated storage system operator'), shall ensure that the following conditions are met:

1) the electricity transmission system operator, the liquefied natural gas terminal operator and the

natural gas transmission system operator, having assessed the functional purpose of the respective facilities and property critical for national security, contribute to the implementation of the principal task of the energy system of the Republic of Lithuania, namely, the task to provide Lithuanian consumers with electricity and/or heat and natural gas under the most favourable economic conditions for an unlimited period of time and in an independent, safe and reliable manner;

2) the power system of the Republic of Lithuania is capable of ensuring independent generation of electricity and is prepared for immediate connection to the electricity networks of continental Europe for synchronous operation as soon as electricity network interconnections are in place, technical measures are implemented, and the steps required for the Republic of Lithuania to join the electricity networks of continental Europe are made;

3) the natural gas transmission system operator in charge of safe and reliable operation and development of the gas transmission system of the Republic of Lithuania implements regional gas transmission system development projects which are significant for achieving the objectives of development of the gas sector of the European Union, diversifies the sources of gas supply, facilitates the maximum use of the potential of Klaipėda Liquefied Natural Gas Terminal and ensures safe and reliable operation of the natural gas system;

4) the appointed storage system operator in charge of installation, operation, maintenance and management of the electricity storage facilities provides, in a safe and reliable manner and on an exceptional basis, a service ensuring stand-alone operation reserve for the power system.

#### **Article 6. Economic sectors of strategic importance to ensuring national security**

1. Economic sectors of strategic importance to ensuring national security shall consist of the following sectors:

- 1) energy;
- 2) transport;
- 3) information technologies, telecommunications and other high technologies;
- 4) finance and credit;
- 5) military equipment.

2. The Government shall determine and specify the areas of economic activity to be considered a part of the economic sectors of strategic importance to ensuring national security specified in Article 6(1) of this Law.

#### **Article 7. Category I enterprises critical for national security**

1. The transfer of any portion of shares of a Category I enterprise critical for national security registered as either a private or a public limited liability company shall be subject to approval by the Seimas. The right of ownership of shares of state-owned Category I enterprises critical for national security registered as either private or public limited liability companies may be transferred under the procedure set out by laws.

2. The reorganisation, conversion, restructuring or liquidation of Category I enterprises critical for national security may be carried out only subject to approval by the Commission for Coordination of Protection of Objects Critical for National Security (hereinafter: 'the Commission'), which, in determining whether these steps meet the national security interests, shall assess the necessity of ensuring the operation of these enterprises as well as facilities critical for national security owned or managed by these enterprises or the feasibility of their transfer to another enterprise critical for national security.

3. Where the reorganisation, conversion or increase of the authorised capital, by way of distributing a new issue of shares or issuing convertible debentures, of a Category I enterprise critical for national security registered as a private limited liability company or a public limited liability company would result in the decrease in the portion of shares of the Category I enterprise critical for national security held by the State, a municipality, or a state-owned company in the authorised capital of the Category I enterprise, such reorganisation, conversion or increase of the authorised capital by way of distributing a new issue of shares or issuing convertible debentures must be approved by the Seimas.

4. Only an investor who meets the national security interests, acting independently or jointly with other persons acting in concert, may acquire shares which, together with the shareholding held by the investor alone or together with the shareholding held by other persons acting in concert, carry 1/4 or more of votes at the general meeting of shareholders of a Category I enterprise critical for national security registered as a private limited liability company or a public limited liability company or, by concluding an agreement on the transfer of the voting right, acquire the right to exercise non-property shareholder rights which, together with the shareholding held by the investor alone or together with the shareholding held by other persons acting in concert, carry 1/4 or more of the shares of the Category I enterprise critical for national security specified in this paragraph.

5. Only an investor who meets the national security interests, acting independently or jointly with other persons acting in concert, may acquire convertible debentures of a Category I enterprise critical for national security registered as a private limited liability company or a public limited liability company where the said debentures, upon converting them into shares, together with the shareholding held by

where the said debentures, upon converting them into shares, together with the shareholding held by the investor alone or together with the shareholding held by other persons acting in concert, carry 1/4 or more of votes at the general meeting of shareholders of the Category I enterprise critical for national security specified in this paragraph.

6. When granting the right to exercise the voting right or granting a proxy to vote at the general meeting of shareholders, the holders or owners of shares, which constitute the property of the State, a municipality or a state-owned company in Category I enterprises critical for national security registered as a private limited liability company or a public limited liability company, must ensure that the persons granted the right to exercise the voting right or granted a proxy to vote at the general meeting of shareholders comply with the same requirements and duties as are applicable to the holders or owners of shares specified in this paragraph.

#### **Article 8. Category II enterprises critical for national security**

1. The reorganisation, conversion, restructuring or liquidation of Category II enterprises critical for national security may be carried out only upon approval by the Commission, which, in determining whether these measures are consistent with the national security interests, shall assess the need of ensuring the operation of these enterprises as well as facilities critical for national security owned or managed by these enterprises or the feasibility of their transfer to another enterprise critical for national security.

2. Where the reorganisation, transfer of shares, or increase of the authorised capital, by way of distributing a new issue of shares or issuing convertible debentures, of a Category II enterprise critical for national security would result in such a decrease in the portion of shares held by the State in the Category II enterprise critical for national security that, after making these steps, the shares held by the State would carry less than 2/3 of votes at the general meeting of shareholders of the Category II enterprise critical for national security, such reorganisation, transfer of shares or increase of the authorised capital, by way of distributing a new issue of shares or issuing convertible debentures, shall be subject to approval by the Seimas.

3. Where the reorganisation, transfer of shares or increase of the authorised capital, by way of distributing a new issue of shares or issuing convertible debentures, of a Category II enterprise critical for national security would result in such a decrease in the portion of shares held by a state-owned company in the Category II enterprise that, after making these steps, the shares held by the state-owned company would carry less than 2/3 of votes at the general meeting of shareholders of the Category II enterprise, such reorganisation, transfer of shares or increase of the authorised capital, by way of distributing a new issue of shares or issuing convertible debentures, shall be subject to approval by the Government.

4. Only an investor who meets national security interests, may, acting independently or jointly with other persons acting in concert, acquire shares which, together with the shareholding held by the investor, alone or together with the shareholding held by other persons acting in concert, carry 1/4 or more of votes at the general meeting of shareholders of a Category II enterprise critical for national security. Alternatively, the said investor may, by concluding an agreement on the transfer of the voting right, acquire the right to exercise non-property shareholder rights which, together with the shareholding held by the investor, alone or together with the shareholding held by other persons acting in concert, carry 1/4 or more of the shares of the Category II enterprise critical for national security specified in this paragraph.

5. Only an investor who meets national security interests may, acting independently or jointly with other persons acting in concert, acquire convertible debentures of a Category II enterprise critical for national security, where converting of these debentures into shares would result in them, together with the shareholding held by the investor, alone or together with the shareholding held by other persons acting in concert, carrying 1/4 or more of votes at the general meeting of shareholders of the Category II enterprise critical for national security specified in this paragraph.

6. Holders or owners of shares in Category II enterprises critical for national security, where such shares constitute the property of the State, municipality or a state-owned company, in granting the right to exercise the voting right or granting a proxy to vote at the general meeting of shareholders, must ensure that the persons granted the right to exercise the voting right or granted a proxy to vote at the general meeting of shareholders comply with the same requirements and duties as are applicable to the holders or owners of shares specified in this paragraph.

#### **Article 9. Category III enterprises critical for national security**

1. Only an investor who meets national security interests may, acting independently or jointly with other persons acting in concert, acquire shares which, together with the shareholding held by the investor alone or together with the shareholding held by other persons acting in concert, carry 1/3 or more of votes at the general meeting of shareholders of a Category III enterprise critical for national security. Alternatively, the said investor may, by concluding an agreement on the transfer of the voting right, acquire the right to exercise non-property shareholder rights which, together with the shareholding held

by the investor, alone or together with the shareholding held by other persons acting in concert, carry 1/3 or more of the votes of the Category III enterprise critical for national security.

2. Only an investor who meets national security interests may, acting independently or jointly with other persons acting in concert, acquire convertible debentures of a Category II enterprise critical for national security, where converting of these debentures into shares would result in them, together with the shareholding held by the investor, alone or together with the shareholding held by other persons acting in concert, carrying 1/3 or more of votes at the general meeting of shareholders of the Category III enterprise critical for national security.

#### **Article 10. General provisions on investors**

1. Natural persons, private and public legal persons and other organisations not posing a threat to national security interests may constitute investors.

2. Investor screening for conformity to national security interests (hereinafter: 'the screening' or 'screening for conformity to national security interests') shall be carried out and decisions thereon shall be adopted under the criteria set out in Article 11 of this Law and following the procedure set out in Article 12 of this Law.

3. Other laws may provide for cases where, for safeguarding public security and public order or due to application of counter-measures in respect of third countries, an investor from a specific third country may not constitute an investor or specific activities recognised as posing a threat to the national security of the Republic of Lithuania may not be performed.

4. Enterprises, state enterprises, municipal enterprises and state-owned companies critical for national security as well as their subsidiaries shall be considered to conform to national security interests and shall be free from screening for conformity to national security interests.

5. Legal persons of limited liability and entities comparable in legal form to public or private limited liability companies of any EU Member State or any member country of NATO, the OECD or the EFTA, provided the national, regional and/or local authorities of that country hold the securities or shares, representing the capital, carrying over 1/2 of votes in these legal persons; international financial organisations of which the Republic of Lithuania is a member; and other international financial institutions or organisations whose objectives, investment policies and activities pose no threat to the national security of the Republic of Lithuania shall be considered to conform to national security interests and shall be free from screening for conformity to national security interests in the cases set out in Articles 12(1) and 12(3) of this Law.

6. Investors from the Republic of Lithuania or foreign investors who carry out long-term activities in an EU Member State, or in a member country of NATO, the OECD or the EFTA and who have experience in the relevant field shall be considered to conform to national security interests and shall be free from screening in the cases set out in Articles 12(1) and 12(3) of this Law, except where an investor from the Republic of Lithuania or a foreign investor, the country in which the investor is established or by which the investor is controlled, or a third country with which such an investor is associated, acts in a way that produces risk factors, endangers or threatens national security interests and also except for the cases where the screening is carried out on the initiative of the entities specified in Article 12(4) of this Law, where the circumstances specified in Article 11 of this Law become apparent, where such entities have evidence that the activities planned or carried out by such investor, or decisions taken by the bodies of the established legal person, are likely to threaten national security interests, or where the investor poses a risk or fails to meet the national security interests.

7. Where a legal person or another organisation constitutes an investor, the investor shall be considered to conform to national security interests provided that the investor and persons controlling the investor conform to them.

8. Investor's transactions that are in conflict with national security interests shall be unlawful and invalid from the moment of conclusion thereof, except for the transactions specified in Article 14 of this Law, which shall bring along the consequences provided for in Article 14 of this Law.

9. Acting independently or in concert with other persons, an investor who seeks to acquire shares which, together with the shareholding held by the investor alone or together with the shareholding held by other persons acting in concert, carry 1/4 or more of the votes at the general meeting of shareholders of a legal person who operates or is being established in the economic sector of strategic importance to ensuring national security or on the territory of a protection zone; also an investor who seeks, by concluding an agreement on the transfer of the voting right, to acquire the right to exercise non-property shareholder rights which, together with the shareholding held by the said investor or together with the shareholding held by other persons acting in concert, carry 1/4 or more of the shares of the legal person specified in this paragraph, must notify the Commission, under the procedure set out in the Rules of Procedure of the Commission, of the intended transactions or intended actions.

10. Investors and members of the management bodies of enterprises critical for national security must comply with compulsory requirements or conditions set on the basis of this Law for enterprises or investment critical for national security as well as requirements for the physical, operational and/or

cyber security or any other requirements set by this Law for investors or enterprises critical for national security and ensure proper compliance therewith.

11. Calculation of the votes held by an investor and persons acting in concert shall follow the procedure for calculating votes held by the person, as set out in the Law on Securities.

**Article 11. Criteria applicable to investor screening for conformity to national security interests**

1. An investor shall be considered to pose a risk to national security interests or fail to meet national security interests under the following conditions:

1) the investor is, at the moment of application to the Commission and within the meaning of the Law of the Republic of Lithuania on the Basics of National Security, a dominant importer of any kind of fossil fuels to the Republic of Lithuania, a person controlled by such an importer, or related thereto by cooperation or partnership links, given the Commission adopts a Conclusion pursuant to which the Government takes a decision that the dominance, control and links specified in this point are considered to be a threat to national security;

2) the investor maintains, at the moment of application to the Commission, or has, in the past, maintained any relations with institutions of foreign states or natural or legal persons from those states, where such relations increase the risk or pose a threat to national security;

3) the investor maintains, at the moment of application to the Commission, or has, in the past, maintained any links with organised groups, foreign special services or groupings that are associated with international terrorist organisations or maintain relations with persons suspected of membership thereof, where such links increase the risk or pose a threat to national security;

4) the investor has, by an effective court judgment, been found guilty of a grave, serious or less serious crime under the Criminal Code of the Republic of Lithuania or of a crime under the criminal laws of foreign states which corresponds to the elements of a grave, serious or less serious crime specified in the Special Part of the Criminal Code of the Republic of Lithuania and the investor's conviction for the committed crime has neither expired nor been expunged, or the investor is subject to criminal prosecution for commission of the said crime;

5) the investor has, by an effective court judgment, been found guilty of crime(s) against the independence, territorial integrity and constitutional order of the State of Lithuania and/or has, over the last 24 months, violated the provisions of this Law and other legal acts regulating the activities of objects critical for national security;

6) the investor is found to have failed to apply the recommendations of the Commission submitted under Article 12(10)(2) of this Law, the application whereof would eliminate the threat to national security posed by the investor's intended transactions or activities;

7) the Commission notifies the investor of the envisaged screening, where the screening is launched on the initiative of the entities specified in Article 12(4)) of this Law, and the investor fails to submit to the Commission, within 10 working days, or within the additional time limit specified by the Commission, which may not exceed 10 working days, the documents and information specified in the Rules of Procedure of the Commission and, due to failure on the part of the investor to submit such documents or information, the Commission's conclusion or the Government's decision on the investor's conformity to national security interests are not adopted;

8) the investor of a specific third country may not constitute an investor or specific activities recognised by law as posing a threat to the national security of the Republic of Lithuania may not be carried out under other laws, as set out in Article 10(3) of this Law;

9) based on the comments of other Member States of the European Union, the opinion of the European Commission, or information provided by them, the Commission adopts the Conclusion based on which the Government adopts the decision that, under Regulation (EU) 2019/452, the investor's foreign direct investment is likely to affect the public order or security of another Member State of the European Union or is likely to affect, on the grounds of security or public order, any projects or programmes of Union interest.

10) there is other confirmed data on the risks posed by the investor or investor's non-conformity to national security interests.

2. Where, based on the criteria specified in Articles 11(1)(2 - 4) and Article 11(1)(10), an investor is established to pose a risk to national security, this shall form sufficient grounds for recognising the investor to be posing a risk to national security; whereas where, based on the criteria specified in Article 11(1) of this Law, an investor is established to pose a threat to national security, this shall form sufficient grounds for recognising the investor to be in non-conformity to national security interests.

**Article 12. Investor screening for conformity to national security interests and adoption of decisions on the reorganisation, conversion, or liquidation of an enterprise critical for national security or the property specified in the security plan of an enterprise critical for national security**

1. Save for the exceptions specified in Article 10 of this Law, investor screening must be carried out in the following cases:

1) when the investor transfers, under the procedure set out by laws, facilities or property critical for



- 1) when the investor transfers, under the procedure set out by laws, facilities or property critical for national security or these facilities or property are pledged or mortgaged, as specified in Articles 3(1) and 3(2) of this Law, to secure the investor claims;
  - 2) when the investor acquires the respective portions of shares in enterprises critical for national security or when the investor concludes agreements on the transfer of the voting right and acquires the right to exercise non-property rights of an investor attached to the respective portion of shares, as specified in Articles 7(4), 8(4) and 9(1) of this Law;
  - 3) when the investor acquires the respective portions of convertible debentures in enterprises critical for national security, as specified in Articles 7(5), 8(5) and 9(2) of this Law;
  - 4) when the investor transfers, under the procedure set out by laws, the property specified in the security plan of an enterprise critical for national security, as specified in Article 15(4) of this Law;
  - 5) when the property specified in the security plan of an enterprise critical for national security is pledged or mortgaged, as set out in Article 15(5) of this Law, to secure the investor claims.
2. Before concluding agreements or performing the steps specified in Article 12(1) of this Law, an investor or owners of the shares and convertible debentures specified in Articles 12(1)(2) and 12(1)(3), or owners of the property specified in Article 12(1)(1) and 12(1)(4) (hereinafter each of them separately: 'an applicant') must apply to the Commission for screening and accompany the application with the documents and information specified in the Rules of Procedure of the Commission. Respectively, under these circumstances, they may not conclude any transactions or perform any steps specified in Article 12(1) and the controlling person of the shareholder may not be replaced, as defined in Article 12(21), until the adoption of a decision that the investor meets the national security interests.
3. Where an investor seeks to acquire or has, after 1 November 2014, acquired the securities, specified in Articles 2(2)(4) and 2(2)(5) of this Law, of a legal person operating or being established in an economic sector of strategic importance to ensuring national security or in the territory of the protection zone; where the investor intends to operate or operates in the economic sector of strategic importance to ensuring national security or in the territory of a protection zone; or where an investor has acquired the securities and/or rights specified in Article 2(2)(1-3) of this Law; or seeks to acquire property in the territory of a protection zone, screening shall be carried out on the initiative of the entities specified in Article 12(4) of this Law, provided the circumstances specified in Article 11 of this Law transpire or provided these entities have data confirming that the operations planned or carried out by such an investor or the decisions adopted by the bodies of the established legal person may pose a risk or a threat to national security interests.
4. The screening may be initiated by:
- 1) the Government;
  - 2) a minister;
  - 3) the Commission;
  - 4) institutions in charge of ensuring national security, as defined in the Law on Basics of National Security;
  - 5) the Bank of Lithuania;
  - 6) the Radio and Television Commission of Lithuania may, while exercising the rights and duties specified in the Law of the Republic of Lithuania on the Provision of Information to the Public, initiate the screening with regard to the persons who intend to acquire or have acquired a broadcasting licence and/or re-broadcast content licence;
  - 7) the National Energy Regulatory Council;
  - 8) a national or municipal executive body in charge of managing the state-owned or municipality-owned shares of a public or private limited liability company, where the right of trust of share management has been placed with the national or municipal body or where the said body exercises the rights and duties of the owner of a state or municipal enterprise;
  - 9) an executive body of the municipality to the protection zone where the investor acquires or intends to acquire property and carries out or is about to carry out the activities;
  - 10) an enterprise critical for national security.
5. The Commission shall launch the screening by applying to the institutions specified in Article 12(7) of this Law not later than on the next working day following the receipt, from the investor or the applicant, of the application complemented with all the documents and information specified in the Commission's Rules of Procedure. Where the entities specified in Article 12(4) of this Law apply to the Commission for launching an investor screening, the Commission shall notify the investor about the envisaged screening, shall specify that the investor must, within ten days from the receipt of such notification, submit to the Commission the documents and information specified in the Commission's Rules of Procedure, and shall launch an investor screening not later than on the next working day following the receipt from the investor of all the documents and information specified in the Commission's Rules of Procedure.
6. The Commission shall inform the investor, the applicant, and also the Government, where screening

of foreign direct investment to the European Union is carried out, as well as the institution designated by the Government to act as a Contact Point specified in Regulation (EU) 2019/452 and this Law (hereinafter: 'the Contact Point'), and the initiator of the screening about the start of the screening not later than on the next working day. When submitting the information and documents specified in the Commission's Rules of Procedure, the investor, the applicant or the entity specified in Article 12(4) of this Law may specify in writing that this information constitutes a commercial/industrial secret or is confidential and that the Government and/or the Commission must ensure the confidentiality of this information.

7. In the course of the screening under Article 19 of this Law and also in the course of implementation of the functions provided for in Article 19 of this Law, conclusions on the investor's conformity to national security interests shall be submitted to the Commission by the State Security Department of the Republic of Lithuania, the Ministry of Foreign Affairs of the Republic of Lithuania, the Ministry of the Interior of the Republic of Lithuania, the Police Department under the Ministry of the Interior of the Republic of Lithuania, the Prosecutor General's Office of the Republic of Lithuania and, subject to decision of the Commission, by other institutions, acting within their remit. Under Regulation (EU) 2019/452, the Contact Point shall transfer to the Commission any comments, opinions or requests from the European Commission or EU Member States for additional information concerning the screening.

8. The institutions specified in Article 12(7) of this Law shall submit their conclusions on an investor's conformity to national security interests not later than within 15 working days from the receipt of the request to submit the said conclusions to the Commission. Where the institutions fail to submit the conclusions within the time limit specified in this paragraph, the institutions shall be deemed to possess no information on the investor's conformity to the criteria set out in Articles 11(1) (1-5), 11(1)(9) and 11(1)(10) of this Law.

9. At the written request of the institutions specified in Article 12(7) of this Law and submitted to the Commission not later than three working days before the expiry of the time limit specified in Article 12(8) of this Law, the time limit of 15 working days specified in Article 12(8) of this Law may be extended by up to five working days, provided the Head of the Commission, having regard to the circumstance that the institutions need additional time for collecting data or information on the respective investor, agrees, by a reasoned decision, to extend this time limit.

10. Having assessed the investor's conformity to the criteria set out in Articles 11(1) (1-5), 11(1)(9) and 11(1)(10) of this Law, the conclusions submitted by the institutions specified in Article 12(7) of this Law, and the information provided by the Contact Point, the Commission shall, not later than within 20 working days from the launch of the screening, adopt a conclusion on the investor's conformity to national security interests (hereinafter: 'the Conclusion') establishing that the investor:

- 1) meets the national security interests;
- 2) poses a risk to national security interests, in which case the Conclusion shall set out recommendations which, once applied, will leave the intended actions or transactions devoid of risk to national security;
- 3) fails to meet the national security interests.

11. Should the institutions specified in Article 12(7) of this Law submit the conclusions that are excessively voluminous or should the time limit for the submission of the conclusions by the institutions be extended in the cases specified in Article 12(9) of this Law, the time limit for adopting the Commission's Conclusion may be extended by a reasoned decision of the Head of the Commission, but this may be done no more than once and for a period not exceeding three working days. The applicant, the investor and the initiator of the investor screening shall be notified of the adoption of the Conclusion or of extension of the time limit for the screening no later than on the next working day.

12. The screening shall be suspended by a decision of the Commission where:

1) it transpires that, in order to adopt the Conclusion, additional information (hereinafter: 'additional information') must be examined or obtained from an investor, an applicant, state or municipal institutions, or other persons. The Commission shall, not later than on the next working day, request the persons specified in this point for additional information and specify in the request that the information requested by the Commission must be submitted to the Commission within 10 working days from the day of the receipt of the request.

2) under Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investment into the Union, the European Commission or a Member State of the European Union shall, under the procedure set out in Regulation (EU) 2019/452, communicate its intention to submit comments or an opinion on the screening in progress (hereinafter: 'comments or an opinion under Regulation (EU) 2019/452'). In that case, the screening shall be suspended until comments or an opinion under Regulation (EU) 2019/452 have been submitted within the time limits specified in Regulation (EU) 2019/452.

13. The Commission must, not later than on the next working day following the adoption of a decision on suspending the screening, notify the applicant, the investor, and the initiator of the investor

screening about the suspension of the screening and indicate the reason for the suspension.

14. The Commission shall, not later than within 10 working days after the expiry of the time limit for submission of additional information, comments or an opinion under Regulation (EU) 2019/452, adopt a Conclusion on the basis of the available information.

15. Where the Commission fails to adopt the Conclusion on investor conformity to national security interests within the time limits specified in this Article, or where the Commission adopts a Conclusion recognising that the investor conforms to national security interests or poses a risk to national security interests, the said Conclusion shall, except for the case specified in Article 12(20) of this Law, be deemed to constitute the final decision on investor conformity to national security interests; while the transaction or other steps that had given rise to the request for investor screening for conformity to national security interests may be concluded and carried out under the established recommendations, if any. The content requirements for the Conclusion shall be set out in the Commission's Rules of Procedure.

16. The Commission shall submit the Conclusion that the investor fails to meet the national security interests to the Government not later than within two working days from its adoption. The Conclusion specified in this paragraph shall be accompanied with the conclusions of the institutions specified in Article 12(7) of this Law (if any have been submitted by the institutions), the applications submitted by the applicant, the investor, or the initiator of the screening, and other documents and information specified in the Rules of Procedure of the Commission. The applicant, the investor, and the initiator of the screening shall be notified of the submission to the Government of the Conclusion on the investor's failure to meet the national security interests.

17. On the basis of the Conclusion that an investor fails to meet the national security interests, the Government shall take the final legally and factually substantiated decision concerning investor conformity to national security interests within 15 working days from the receipt of the Conclusion. The decision specified in this paragraph shall take the form of a Government Resolution which may also contain recommendations to the investor concerning the investor's intended transactions or steps. The Commission shall notify the investor, the applicant, or the initiator the screening about the decision specified in this paragraph not later than on the next working day after the adoption of the said decision and concurrently forward the Government Resolution and the Commission's Conclusion to the said recipients. Where the Government fails to adopt the decision concerning investor conformity to national security interests within the time limits specified in this paragraph, the investor shall be deemed to meet the national security interests and allowed to undertake the transaction or other steps, the conclusion or performance of which has been the subject of an application for investor screening for conformity to national security interests. Government resolutions that contain information constituting a commercial secret shall not be published in the Register of Legal Acts.

18. The Government's decision that an investor fails to meet the national security interests shall mean that the investor's transactions or steps specified in Articles 12(1) and 12(3) of this Law conflict with the national security interests and, therefore, the investor may not conclude the transactions and/or make the steps specified in Articles 12(1) and 12(3) of this Law until the causes that pose a threat to national security interests specified in the Government's decision are removed, provided that such causes can be removed, and until the Government, based on a new Conclusion, adopts a decision that the investor meets the national security interests.

19. Prior to adoption of the final decision on conformity to national security interests, the investor may submit a notification to the Commission regarding the investor's withdrawal from the intended transactions or steps. The Commission shall, not later than within five working days from the receipt of such notification, adopt the decision to terminate the screening and communicate this decision to the Government, the applicant, and the initiator of the screening.

20. The causes specified in Articles 11(1)(2) and 11(1)(3) of this Law as posing a risk and a threat to national security interests shall be considered to be irremovable.

21. The provisions of this Law concerning screening shall apply mutatis mutandis to shareholders of an enterprise critical for national security where the shareholders are legal persons who hold shares carrying over 1/3 of votes in the enterprise critical for national security and where the replacement of the controlling person of the said shareholders is envisaged. The shareholders specified in this paragraph shall be considered to be investors who must be screened for conformity to national security interests under this Article, except for the cases where such shareholders meet the conditions set out in this Law that relieve the investors from investor screening.

22. Where need arises to destroy the property specified in the security plan of an enterprise critical for national security, the enterprise critical for national security in charge of managing, using or disposing of the said property must submit to the Commission an application for approval for the destruction, accompanied with information on the property to be destroyed and the reasons for its destruction. The Commission shall, within 20 working days from the receipt of the application, prepare a conclusion on the destruction of the property specified in this paragraph. The conclusions of the Commission may

the destruction of the property specified in this paragraph. The conclusion of the Commission may lead to the following consequences:

- 1) should the Commission decide against the destruction of the relevant property specified in the security plan of the enterprise critical for national security, such a conclusion shall be regarded as a final decision regarding the property in question, which shall mean that such property may not be destroyed;
- 2) should the Commission agree to the destruction of the relevant property specified in the security plan of the enterprise critical for national security, the relevant conclusion shall, not later than within three working days, be submitted to the Government and to the enterprise critical for national security which owns the property to be destroyed specified in this paragraph. Alongside the conclusion specified in this point, the Commission shall also submit to the Government all the relevant information, included but not limited to the application of the enterprise critical for national security for approval for the destruction of the property specified in this paragraph, information on the property to be destroyed, and the reasons for the destruction. The Government shall, within 15 working days from the day of receipt of the Commission's conclusion, adopt a decision to either approve or disapprove of the destruction of the property specified in this paragraph and shall, not later than on the next working day from the adoption of the decision, notify thereof the enterprise critical for national security which owns the property to be destroyed specified in this paragraph. Where the Government fails, within the time limits specified in this paragraph, to adopt the decision to approve or disapprove of the destruction of the property specified in this paragraph, the Government shall be deemed to approve of the destruction of the property specified in this paragraph, which shall mean that such property may be destroyed.

23. Should need arise to reorganise, convert or restructure a Category I or Category II enterprise critical for national security, the institution exercising the rights and duties of the owner of the enterprise or the holder of its shares must submit to the Commission an application for approval of the reorganisation, conversion or restructuring of the said enterprise, accompanied by the documents and information, specified in the Rules of Procedure of the Commission, concerning the envisaged reorganisation, conversion or restructuring and the underlying reasons for these steps.

24. The Commission shall, within 10 working days from the receipt of the application specified in Article 12(23) of this Law, adopt its decision approving or disapproving the reorganisation, conversion or restructuring of a Category I or Category II enterprise critical for national security and shall, not later than on the next working day, communicate it to the applicant, namely, the said enterprise, the institution exercising the rights and duties of the owner of the enterprise, or the holder of its shares. Where the Commission fails, within the time limits specified in this paragraph, to adopt the decision approving or disapproving the reorganisation, conversion or restructuring of the Category I or Category II enterprise critical for national security specified in this paragraph, the Commission shall be deemed to approve of these steps and the reorganisation, conversion or restructuring of the Category I or Category II enterprise critical for national security may be carried out, unless the approval specified in Article 7(3) or Article 8(2) of this Law is required.

25. Upon the Commission's request, Category I or Category II enterprises critical for national security must, not later than within five working days from the Commission's request, submit to the Commission all the information concerning the reorganisation, conversion or restructuring of the said enterprises that is needed for the adoption of the decision specified in Article 12(24) of this Law. In this case, the calculation of the time limit for the adoption of the decision specified in Article 12(24) of this Law shall begin on the day all the necessary information related to the reorganisation, conversion or restructuring of the enterprises is submitted. Should the amount of the information specified in this paragraph be excessively large, the time limit specified in Article 12(24) of this Law may be extended by a reasoned decision of the Head of the Commission, no more than once, for a period not exceeding five working days. The extension of the time limit shall be communicated to the applicant specified in Article 12(24) not later than on the next working day.

#### **Article 12.1. Screening for conformity to national security interests of persons intending to or operating in an economic sector of strategic importance to ensuring national security, where such operation is recognised by law as posing a threat to national security**

Persons who intend to or already operate in an economic sector of strategic importance to ensuring national security, where such operation is recognised by law as posing a threat to national security, shall, mutatis mutandis, be subject to investor screening under Article 12 of this Law.

#### **Article 13. Transaction screening for conformity to national security interests**

1. Enterprises critical for national security must, under the procedure set out in the Rules of Procedure of the Commission, notify the Commission of their intention to conclude transactions or make any changes to the transactions already concluded (except for purely technical or editorial changes), where the value of the transaction exceeds 10 % of the enterprise's annual revenue in the preceding financial year, except for the transactions specified in Article 13(8) of this Law. The transaction value specified in this paragraph shall be calculated net of VAT. Where the tender requirements include requirements for

conformity of suppliers, subcontractors, goods, services or works to national security interests, the conclusion of a transaction, irrespective of its value, must also be notified by managers of the critical information infrastructure under the Law on Public Procurement or under the Law on Procurement by Contracting Entities Operating in the Water, Energy, Transport or Postal Services Sectors. As regards the transactions specified in Article 4(4) of the Law of the Republic of Lithuania on Necessary Measures of Protection against the Threats Posed by Unsafe Nuclear Power Plants in Third Countries, enterprises critical for national security must, under the procedure set out in the Rules of Procedure of the Commission and irrespective of the value of the transaction, notify the Commission of any such intended transactions or of any changes (except for purely technical or editorial changes) to such transactions that have been already concluded.

2. Where a transaction grants the rights specified in Article 13(4)(1) of this Law to the contracting party and grants the rights specified in Article 13(4)(1)(a) to a third party, Category I and Category II enterprises critical for national security must also inform the Commission of all such intended transactions, except for the transactions specified in Article 13(8) of this Law. Applications to the Commission by Category I and Category II enterprises critical for national security regarding the intended transactions specified in this paragraph, apart from containing the information specified in the Commission's Rules of Procedure, must be accompanied with an assessment evidencing that the intended transaction grants the rights specified in Article 13(4)(1) of this Law to the contracting party and grants the rights specified in Article 13(4)(1)(a) of this Law to a third party.

3. Within not more than 10 working days from the receipt of the notification specified in Articles 13(1), 13(2), or 13(7) of this Law, the Commission shall consider the notification and inform the enterprise critical for national security, the manager of the critical information infrastructure, or the entity specified in Article 12(4) of this Law, as appropriate, whether the Commission intends to launch a transaction screening. Where the Commission establishes that additional information must be examined or obtained from an enterprise critical for national security, state or municipal institutions or other persons in order to take the decision specified in this paragraph, the Commission shall, not later than on the next working day, request these entities for additional information and indicate that the requested information must be submitted by the entities in question to the Commission within 10 working days from the day of receipt of the request. Upon receipt of the information specified in this paragraph, the Commission must, not later than within eight working days, decide whether it intends to launch a transaction screening. If the Commission decides to launch a transaction screening, the intended transaction may not be concluded before the Commission's final decision on the conformity of the transaction to national security interests and the transaction already concluded shall be suspended unless the Commission states otherwise in its decision on launching the screening. If the Commission decides against launching the transaction screening, the transaction that was the subject of the application shall be deemed to be fit for being concluded.

4. The transaction screening carried out by the Commission shall consist of the following elements:

1) assessment of the following criteria:

a) establishment whether the transaction grants the contracting party the right to support or gain full or partial direct or indirect access to the communication and information systems, technologies, databases, and database data of the IT systems specified in the security plans or other internal documents of the manager of the critical information infrastructure or the enterprise of critical information infrastructure and critically important for the operations of the said manager or enterprise; or establishment whether there is any risk that third parties may gain full or partial access or be granted rights to support or otherwise gain full or partial access to such communication and information systems;

b) establishment whether the transaction entitles the contracting party to participate in the implementation of a project of particular national importance or a project of national importance;

c) establishment whether the transaction entitles the contracting party to operate or manage facilities and property critical for national security or to perform other significant steps that may pose a risk or a threat to national security and may affect any facilities or property critical for national security;

d) establishment whether the contracting party is given any other type of access to facilities and property critical for national security, where such access poses a risk or a threat to national security.

2) contracting party screening or third party screening, performed under the criteria specified in Article 11 of this Law and, mutatis mutandis, in line with the procedure for investor screening for conformity to national security interests set out in Article 12 of this Law; also application, mutatis mutandis, of the exemptions to the contracting party or the third party, as specified Articles 10(4), 10(5), and 10(6) of this Law, where investor screening is not applicable.

5. The conclusion on the assessment specified in Article 13(4)(1) of this Law shall be submitted to the Commission by the following bodies:

1) an institution in charge of drawing up the requirements, specified in Article 18(1) of this Law, for the physical and operational security of the enterprise critical for national security whose intended or

concluded transactions are being assessed;

2) other institutions, subject to the Commission's decision.

6. Where it is established that a transaction grants or would grant the rights specified in Article 13(4)(1) of this Law to a contracting party and the rights specified in Article 13(4)(1)(a) of this Law to a third party and where the said contracting party or third party poses a risk to national security interests or fails to meet the national security interests, such transaction shall be, respectively, deemed to pose a risk to national security interests or to fail to meet them. The decisions specified in this paragraph shall be adopted *mutatis mutandis* under the procedure set out in Article 12 of this Law.

7. The entities specified in Article 12(4) of this Law shall have the right to notify the Commission of the following:

1) transactions intended or already concluded by an enterprise critical for national security, given the entities receive information that the said enterprise has failed to notify the Commission of such transactions, in breach of the obligation to notify the Commission that binds the enterprise under Article 13(1) and 13(2) of this Law;

2) transactions intended or already concluded by Category I and Category II enterprises critical for national security, where the entities receive information that:

a) the contracting party of the intended transaction meets at least one of the criteria set forth in Article 11 of this Law;

b) following the conclusion of a transaction with a contracting party, a third party will meet at least one of the criteria set forth in Article 11 of this Law;

c) a party concluding the transaction or a third party meets at least one of the criteria set forth in Article 11 of this Law;

d) the transaction may meet the criteria specified in Article 13(4)(1) of this Law.

8. Where a decision, adopted under the procedure set out by this Law, states that a transaction meets the national security interests, other transactions with the same contracting party that are equivalent in terms of their subject shall be considered to meet the national security interests, except for the cases where new information transpires on the conformity of the transaction, the contracting party, or a third party to national security interests.

9. The Government's decision confirming that an intended transaction fails to meet the national security interests shall imply that such transaction may not be concluded until the causes posing a threat to national security interests specified in the Government's decision are removed, provided that such causes can be removed, and until the Government, having received a new Conclusion from the Commission, adopts a new decision confirming the transaction's conformity to national security interests. The Government's decision on non-conformity of the transaction to national security interests shall imply that such transaction conflicts with national security interests and is unlawful and invalid from the moment of entry into effect of the Government's decision on the transaction's non-conformity with the national security interests. Transactions concluded in breach of the obligation under Articles 13(1) and 13(2) of this Law and transactions concluded during the conformity screening shall be deemed to conflict with national security interests and to be unlawful and invalid from the moment of their conclusion.

10. Enterprises critical for national security and managers of the critical information infrastructure may not enter into transactions granting the rights specified in Article 13(4)(1) of this Law to a contracting party or granting the rights specified in Article 13(4)(1)(a) of this Law to a third party where the said contracting party or third party is recognised to be in non-conformity to national security interests, unless the contracting party or the third party submits information that the circumstances on account of which the party had been recognised to be in non-conformity to national security interests have ceased to exist or have been eliminated.

11. In the course procurement, for transactions whose value or object is in line with Article 13(1) or 13(2) of this Law, enterprises critical for national security and managers of the critical information infrastructure must specify in the procurement documents that the enterprise critical for national security and the manager of the critical information infrastructure will apply to the Commission for transaction screening for conformity to national security interests and that, should the Commission request any additional documents from the counterparty concerning the intended transaction, the counterparty will be obliged to submit such additional documents.

12. Article 12(1) of this Law shall not apply to Ignalina Nuclear Power Plant, the state enterprise.

#### **Article 13.1. Screening of other investors under Regulation (EU) 2019/452**

1. The Commission may also screen any investor other than defined Article 2(2) of this Law where, under Regulation (EU) 2019/452, a Member State of the European Union or the European Commission provides information on whether the foreign direct investment, planned or made in Lithuania by the said Member State or the European Commission, is likely to affect public order or security within the meaning of the provisions of Regulation (EU) 2019/452 or whether the said investment is likely to affect projects or programmes of Union interest on grounds of security or public order.

2. In the cases specified in paragraph 1 of this Article, the Commission shall run the investor screening for conformity to national security interests in compliance with, mutatis mutandis, the criteria set out in Article 11 of this Law and the procedure set out in Article 12 of this Law.

3. On the initiative of the entities specified in Article 12(5) of this Law, the Commission shall have the right to assess the foreign direct investment, within the meaning of Regulation (EU) 2019/452, planned or made in another Member State of the European Union, with the view to finding out whether it is likely to affect national security or public order as well as projects and programmes of Union interest on grounds of security or public order, regardless of whether that investment is subject to screening under the laws of that state. After the assessment, the Commission may decide to submit, under the procedure set out in Regulation (EU) 2019/452, comments or any other information to the European Commission and to the European Union Member State in which such a foreign direct investment is planned or has been made.

4. Where, under the procedure set out in Regulation (EU) 2019/452, the Commission receives information from the European Commission or a Member State of the European Union that foreign direct investment under the Commission's investor screening for conformity to national security interests is likely to affect the security or public order of another Member State of the European Union and projects and programmes of Union interest on grounds of security or public order, the Commission shall take due account of the comments of other Member States of the European Union and the opinion of the European Commission.

5. Where the Commission has reason to believe that foreign direct investment under the Commission's investor screening for conformity to national security interests is likely to affect security or public order, the Commission may ask for an opinion from the European Commission or for comments from other Member States of the European Union under the procedure set out in Regulation (EU) 2019/452.

**Article 13.2 . Screening for conformity to national security interests of the assignment and/or use of radio frequencies (channels) intended for electronic communications networks and/or provision of electronic communication services**

1. The Communications Regulatory Authority of the Republic of Lithuania shall apply to the Commission, in the cases provided for in the Law on Electronic Communications, for running a screening for conformity to national security interests in respect of persons who directly request the allocation of radio frequencies/channels needed for the operation of electronic communications networks and/or provision of electronic communication services (hereinafter: 'certain radio frequencies/channels'), bidders in public tenders and/or participants of auctions intended for assigning certain radio frequencies/channels; entities who have the right to use certain radio frequencies/channels; and the manufacturers, suppliers and/or providers of maintenance and/or support services for the equipment, devices and/or software that is listed in Article 69(2) of the Law of the Republic of Lithuania on Electronic Communications and that the said entities use or intend to use.

2. The persons specified in paragraph 1 of this Article and manufacturers, suppliers and/or providers of maintenance and/or support services for the equipment, devices and/or software used for electronic communications shall mutatis mutandis be subject to investor screening under Articles 12(5), 12(7), 12(8), 12(9), 12(10)(1), 12(10)(3), 12(11-17), 12(19) and 12(20) of this Law. The Commission shall conclude that the person specified in paragraph 1 of this Article, or the manufacturer, supplier and/or provider of maintenance and/or support services for the equipment, devices and/or software used for electronic communications fails to meet national security interests where the Commission establishes that they meet at least one of the criteria set out in Article 11(1) of this Law and/or where the person specified in paragraph 1 of this Article, or the manufacturer, supplier and/or provider of maintenance and/or support services for the equipment, devices and/or software used for electronic communications and/or their controlling person is registered in a third country. The manufacturers, suppliers and/or providers of maintenance and/or support services for the equipment, devices and/or software used for electronic communications specified in paragraph 1 of this Article shall not be informed about the decisions of the Commission or the Government provided for in Article 12 of this Law.

**Article 14. Restrictions on the voting right and other rights of an investor**

1. Where an investor has, in breach of the requirements of this Law, acquired shares in an enterprise critical for national security or, by concluding an agreement on the transfer of the voting right, has, in breach of this law, acquired the right to exercise non-property rights attached to the shares of that enterprise, or where the Government's adopted decision concerning the investor who has acquired shares of an enterprise critical for national security confirms that the investor fails to conform to national security interests, such an investor shall not have the right to attend and vote at the general meeting of shareholders of the enterprise critical for national security whose shares that investor has acquired and shall not be entitled to exercise other non-property rights of the investor which would be attached to the portion of shares acquired in violation of this Law or granted by the agreement on the transfer of the voting right concluded in violation of this Law.

2. The consequences specified in Article 14(1) of this Law shall also apply in the cases where the

2. The consequences specified in Article 14(1) of this Law shall also apply in the cases where the controlling person of the shareholder specified in Article 12(21) of this Law has been replaced in violation of the requirements of this Law or where the controlling person of the shareholder specified in Article 12(21) of this Law has been replaced irrespective of the Government's adopted decision that the replacement of the controlling person of the shareholder specified in Article 12(21) of this Law shall mean that the shareholder/investor specified in Article 12(21) of this Law fails to conform to national security interests.

3. The voting right and other non-property rights shall be deemed restored on the day when, following the disappearance of the circumstances leading to the recognition of the investor to be in non-conformity to national security interests, the Government adopts, under the procedure set out in this Law, a decision that the investor meets national security interests. In order to prove that the circumstances specified in this paragraph have ceased to exist, the investor shall re-apply to the Commission concerning conformity to national security interests.

4. An investor or any other participant of an enterprise critical for national security may transfer the voting right at the general meeting of shareholders of an enterprise critical for national security, where the enterprise has such a body, only to a person who conforms to national security interests.

#### **Article 15. Management, compulsory requirements and compliance control of enterprises critical for national security**

1. Enterprises critical for national security shall draw up their security plans providing for measures for physical, cyber and staff security and confidentiality of information. The security plans of the enterprises critical for national security shall also specify the property that constitutes property of critical importance for national security in the course of carrying out important activities.

2. The Government shall approve the requirements for security plans of enterprises critical for national security and the description of the procedure for drawing up the said security plans. Having drawn up its security plan, an enterprise critical for national security shall coordinate the plan with the competent authorities specified in the Government-approved description of the procedure for the preparation of the security plan of an enterprise critical for national security and shall submit the plan for approval to an institution authorised by the Government. The security plans of enterprises critical for national security shall not be made public.

3. The Government-authorised institutions or the Commission may adopt a decision to run a compliance control of enterprises critical for national security in order to inspect whether the said enterprises comply with their security plans. Should compliance control establish that activities critical for national security are organised and carried out in a way that poses a threat to national security interests, the Government-authorised institution shall obligate the management bodies of the relevant enterprise critical for national security to draw up a new security plan of the enterprise, to adjust the existing security plan of the enterprise and/or to take appropriate measures to ensure proper implementation of the new, existing or adjusted security plan of the enterprise critical for national security. The new or adjusted security plan of the enterprise critical for national security must be coordinated and approved under the procedure set out in Article 15(2) of this Law.

4. The property specified in the security plan of an enterprise critical for national security may be transferred, under the procedures set out by law, to an investor who conforms to national security interests.

5. The property specified in the security plan of an enterprise critical for national security may be pledged or mortgaged only to secure the claims of an investor who conforms to national security interests.

6. Members of the management bodies of enterprises critical for national security shall not be entitled to adopt any decisions on the destruction of the property specified in the security plans of enterprises critical for national security or destroy such property without applying for and receiving approval from the Government. Reconstruction, repair, maintenance and renovation/modernisation of the property specified in the security plan of an enterprise critical for national security shall not be deemed to constitute destruction of such property.

7. At least one civil servant must sit on the collegial supervisory or management body elected by the general meeting of shareholders of Category I and Category II enterprises critical for national security. Note from the Register of Legal Acts. The requirements set out in Article 15(7) shall apply to collegial supervisory or management bodies elected by the general meeting of shareholders of Category I and Category II enterprises critical for national security after the entry into force of Law No XIII-3284 of 1 November 2020. Such collegial bodies set up before the entry into force of this Law shall perform their functions until the expiry of the term of office for which they were set up or until new appropriate supervisory or management bodies are set up.

Article 4 supplemented with Article 4(2) as follows:

No XIII-3284 of 17/09/2020, published in the RLA on 18/09/2020, identification code 2020-19502.

#### **Article 16. Liquidation, bankruptcy proceedings and realising of the assets of enterprises critical for**



## **national security**

1. Any decisions on the liquidation of enterprises critical for national security may be adopted only after the State of Lithuania, represented by the Government, declines pre-emptive acquisition of the enterprise critical for national security under a sales contract, and declines pre-emptive acquisition of shares of that enterprise carrying 2/3 or more of votes at the general meeting of shareholders, its immovable property and/or facilities and property critical for national security the enterprise owns.
2. The immovable property of enterprises critical for national security and/or any facilities and property critical for national security owned by the said enterprises may be realised in the course of the bankruptcy proceedings pursuant to the description of the procedure approved by the Government specified in Article 16(7) of this Law, only provided the entity specified in that description submits a proposal to the State of Lithuania, represented by the Government, regarding pre-emptive acquisition of the property specified in this paragraph and provided the State of Lithuania, represented by the Government, declines the acquisition of the property specified in this paragraph under the conditions specified in that proposal.
3. The Government may assign the holder of state-owned shares of a public or private limited liability company, or the institution exercising the rights and duties of the owner of a state enterprise, to ensure that, in the case specified in Article 16(1) of this Law, the enterprise managed by the said holder or institution acquire the enterprise critical for national security under a sales contract, acquire shares of that enterprise carrying 2/3 or more of votes at the general meeting of shareholders, its immovable property and/or the enterprise-owned facilities and property critical for national security, or acquire, in the case specified Article 16(2) of this Law, the immovable property and/or facilities and property critical for national security.
4. The proposal to the State represented by the Government to acquire, in the cases specified in Articles 16(1) and 16(2) of this Law, an enterprise critical for national security under a sales contract; also to acquire the shares of that enterprise carrying 2/3 or more of votes at the general meeting of shareholders; its immovable property; and/or the enterprise-owned facilities and property critical for national security (hereinafter: 'the Proposal') shall be submitted to the Office of the Government. The latter, within 5 days from the receipt of the Proposal, shall forward the Proposal for the Commission's assessment and conclusion and accompany the Proposal, where necessary, by the documents specified in the description of the procedure approved by the Government specified in Article 16(7) of this Law.
5. In its assessment of the Proposal, the Commission shall assess the need for ensuring the operation of enterprises critical for national security as well as facilities critical for national security owned or managed by these enterprises and the feasibility of their transfer to another enterprise critical for national security as well as the potential threats to national security interests that may arise in the event of non-performance of these steps. The Commission shall adopt its Conclusion on the Proposal and submit it to the Government not later than within 15 working days from the receipt of the application and the Proposal from the Government.
6. The Government shall additionally assess the need for ensuring the operation of the enterprises critical for national security specified in the Proposal as well as the need for ensuring the operation of the facilities critical for national security owned or managed by these enterprises; the feasibility of their transfer to another enterprise critical for national security; the potential threats to national security interests in the event of non-performance of these steps, and the Commission's Conclusion specified in Article 16(5) of this Law, and on this basis shall adopt, not later than within 20 working days from the receipt of the Commission's Conclusion specified in Article 16(4) of this Law, the Government's decision regarding the acquisition of the enterprise critical for national security under a sales contract; acquisition of the shares of that enterprise carrying 2/3 or more of votes at the general meeting of shareholders; acquisition of its immovable property; and/or acquisition of the enterprise-owned facilities and property critical for national security. For the purpose of determining the value of the property that is about to be acquired, the time limit specified in this paragraph may be extended by 10 working days by a decision of the Government.
7. In the cases specified in Articles 16(1) and 16(2) of this Law and insofar as these matters are not regulated by the Law of the Republic of Lithuania on the Bases of Property and Business Valuation, the Government shall establish the procedure for exercising the right of priority; the procedure for submission of the Proposal; and the accompanying documents to be submitted together with the Proposal, providing clarity on which documents are to be submitted; the circumstances and grounds for performance/non-performance of valuation of the property offered for acquisition under the Proposal; the procedure for the acquisition/ refusal to acquire an enterprise critical for national security under a sales contract; and the procedure for the acquisition/refusal to acquire the shares of the enterprise critical for national security carrying 2/3 or more of votes at the general meeting of shareholders, its immovable property or the enterprise-owned facilities and property critical for national security, regulating the cases where such acquisition/refusal is possible.

8. The provisions under Articles 16(1) and 16(2) of this Law shall not apply to liquidation, bankruptcy, and realisation of assets of Category I enterprises critical for national security registered as state enterprises or municipal enterprises.

**Article 17. Conformity requirements for applicants and employees of enterprises critical for national security**

1. The Government or its authorised institution shall draw up a list of positions held by persons, including members of collegial supervisory bodies, members of management bodies and single-person management bodies of enterprises critical for national security, employed in enterprises critical for national security and/or working with facilities critical for national security and by persons who, by virtue of the functions or duties assigned to them, would be authorised to get unaccompanied access to the enterprises, facilities and property specified in this paragraph or would be entitled to make decisions concerning the operation of these facilities and property (hereinafter: 'the List of Positions'), specifying which positions require applicants/employees to conform to the criteria specified in Article 17(2) of this Law.

2. The persons appointed or about to be appointed to the positions listed in the List of Positions shall be screened for conformity to the criteria specified in this paragraph. The said persons may not hold the positions specified in the List of Positions in the presence of the following circumstances:

- 1) the person has, by an effective court judgment, been found guilty of a serious or grave crime, irrespective of whether the conviction has expired or has been expunged;
- 2) the person has, by an effective court judgment, been found guilty of a less serious crime and the conviction has neither expired nor been expunged;
- 3) the person has been adjudicated to have no legal capacity or to have limited legal capacity in any area; or the person is subject to mandatory medical treatment;
- 4) the person, driven by interests hostile to the Republic of Lithuania, collaborates/has collaborated, or maintains/has maintained relations with a foreign intelligence or security service or with persons collaborating or maintaining relations with a foreign intelligence or security service;
- 5) the person participates/has participated in the activities of a terrorist organisation/group or maintains/has maintained relations with a member of a terrorist organisation/ group;
- 6) the person is subject to crime prevention measures under the Law of the Republic of Lithuania on Organised Crime Prevention;
- 7) the person has, within the past three years, been put on record in a healthcare establishment owing to alcohol or drug addiction;
- 8) the person has, within the past three years, been convicted more than once of an administrative offence associated with the use of alcohol or narcotic, psychotropic or other psychoactive substances; Note from the Register of Legal Acts. The of Article 17(2)(8) shall also apply in cases of administrative offences provided for in the Code of Administrative Offences of the Republic of Lithuania, as approved by Law No X-4449 of 1984.
- 9) the person suffers from mental disorders likely to pose a threat to the safety of the infrastructure of strategic importance to ensuring national security specified in point 1 of Annex 4 to this Law. The Government or its authorised institution shall approve the list of mental disorders likely to pose a threat to the safety of the infrastructure of strategic importance to ensuring national security specified in point 1 of Annex 4 to this Law;
- 10) the person refuses to grant consent to the head or the collegial body of the enterprise critical for national security or the institution exercising the rights and duties of the owner of the enterprise or to any other entity in charge of appointing staff to the listed positions (hereinafter: the 'Appointing Entity') for screening to be performed by the institutions specified in Article 17(5) of this Law;
- 11) the institutions specified in Article 17(3) of this Law conclude that there are other circumstances due to which the person poses a threat to national security interests and may not hold the positions specified in the List of Positions.

3. The information specified in Articles 17(2)(1), 17(2)(2), 17(2)(4-6), 17(2)(8) and 17(2)(11) of this Law shall be submitted by the institutions authorised by the Government at the request of the Appointing Entity (prior to appointment) or at their own initiative (whenever the respective circumstances transpire). The information specified in Articles 17(2)(3), 7(2)(7) and 17(2)(9) of this Law, accompanied by the supporting documents issued by the competent authorities, shall be supplied by the applicants for the positions specified in the List of Positions.

4. Repealed as of 1 August 2020.

5. The information specified in Article 17(2) of this Law about the persons appointed or about to be appointed to the positions specified in the List of Positions shall be submitted by the institution authorised by the Government not later than within 20 calendar days from the receipt of the written application specified in Article 17(3) of this Law for information about the person appointed or about to be appointed to the position specified in the List of Positions. This time limit may be extended by a reasoned decision of the Government by not longer than 20 calendar days where the person about to

reasoned decision of the Government by not longer than 30 calendar days where the person about to be appointed to the position specified in the List of Positions is a foreign citizen or a stateless person residing outside the Republic of Lithuania. The extension of the time limit shall be communicated to the Appointing Entity that has submitted the written application for information about the person who is about to be appointed to a position specified in the List of Positions. Where the information is not submitted within the time limit specified in this paragraph, the person shall be considered to be eligible for appointment to the position or for holding the position specified in the List of Positions.

6. The Appointing Entity may use the information submitted under the procedure set out in this Article exclusively for the purpose of making a decision on the suitability of the applicant or holder of the position specified in the List of Positions. The Appointing Entity may not transfer or otherwise disclose to third parties any information, obtained under the procedure set out in this Article, on any applicant or holder of a position specified in the List of Positions.

7. Having assessed the entire information submitted under the procedure set out in this Article and having decided against appointing the person to the position specified in the List of Positions, the Appointing Entity must, within three days, notify the person of its decision and familiarise the person against signature with the information submitted by the institution authorised by the Government, except for the part that contains classified information.

8. Category I and Category II enterprises critical for national security must draw up and approve lists of employees of contractors and/or subcontractors where such employees, due to their functions or work assigned to them, would be entitled to unaccompanied access to facilities or property critical for national security managed by Category I and Category II enterprises critical for national security; the said enterprises must also screen the listed applicants or holders of these positions, *mutatis mutandis*, under the criteria and procedure specified in this Article.

9. Repealed as of 1 August 2020.

10. The conformity requirements applicable under the provisions of this Article to holders of the positions under the List of Positions shall apply to the extent they are not regulated by dedicated laws.

#### **Article 17.1. Processing of personal data for the purposes of this Law**

1. Investor and transaction screening for conformity to national security interests as well as screening of applicants to posts in enterprises critical for national security by state institutions and the Commission shall also involve processing by state institutions and the Commission of personal data collected for the purposes of national security or defence under the procedure set out by this Law and the Law of the Republic of Lithuania on Legal Protection of Personal Data Processed for the Purposes of Prevention, Investigation, Disclosure or Prosecution of Criminal Acts or the Execution of Criminal Penalties, or the National Security or Defence.

2. For the purposes specified in Article 17.1(1) of this Law, state institutions and the Commission shall also have the right to process personal data that falls under special categories.

3. The provision to data subjects of the data specified in Article 11(2), Article 14(5), and Article 30(1) of the Law on Legal Protection of Personal Data Processed for the Purposes of Prevention, Investigation, Disclosure or Prosecution of Criminal Acts or the Execution of Criminal Penalties, or the National Security or Defence may be postponed, limited or refused. The rights of data subjects, provided for in Article 12 and Article 14(1–3) of this Law, to access, request to rectify or delete personal data or restrict their processing may be restricted, in whole or in part, to the extent and for as long as necessary and proportionate, in cases where the provision of information to a data subject or the exercise of rights by the data subject may create preconditions for breaching or may breach the security of objects critical for national security.

#### **Article 18. Safety of enterprises, facilities and property critical for national security**

1. The Government or its authorised institution, having assessed the nature of activities of legal persons and the purpose and use of facilities, shall establish requirements for the physical, operational and/or cyber security of enterprises critical for national security and of facilities and property critical for national security to the extent these requirements are not regulated by the Law of the Republic of Lithuania on Cyber Security.

2. Nuclear facilities shall be subject to the safety requirements established in the Law of the Republic of Lithuania on Nuclear Energy, the Law of the Republic of Lithuania on Nuclear Safety, the Law of the Republic of Lithuania on the Management of Radioactive Waste and the Law of the Republic of Lithuania on Radiation Protection.

3. Where enterprises or legal persons critical for national security either manage facilities and property critical for national security by the right of ownership or by the right of trust, or use such facilities and property under a lease contract or a loan for use contract, the heads of such enterprises or legal persons shall be responsible for implementation of the protection and safety requirements under Article 18(1) of this Law and the employee conformity requirements under Article 17 of this Law.

4. The Government shall approve the list of Category I and Category II enterprises critical for national security alongside with the facilities and property critical for national security owned or managed by the

said enterprises, where their physical security is ensured by institutions within the remit of the Minister of the Interior of the Republic of Lithuania. Where enterprises critical for national security and facilities and property critical for national security are not included in the list specified in this paragraph, organisational measures to ensure their physical security shall be the responsibility of the heads of these enterprises critical for national security.

#### **Article 19. Commission**

1. The Government shall set up the Commission and approve the description of its Rules of Procedure. The Government may assign the Prime Minister to approve the composition of the Commission.

Members of the Commission must be of good repute. The criteria for assessing good repute of civil servants, as set out in the Law of the Republic of Lithuania on Civil Service, shall also apply to members of the Commission. The appointed members of the Commission shall sign a declaration of impartiality to investors and a statement of confidentiality. The content of both documents shall be specified in the Commission's Rules of Procedure. National politicians may not sit on the Commission.

2. The Commission shall, at the request of an interested party or at its own initiative, perform the following functions:

- 1) carry out screening for conformity to national security interests of investors, transactions, contracting parties/third parties and persons who intend to acquire or have acquired a broadcasting licence and/or a re-broadcast content licence; adopt a decision or submit its Conclusion or recommendations to the Government and/or the investor or the contracting party/third party;
- 2) at the request of the Government or the Seimas, submit recommendations on any changes to the List of Facilities and Property Critical for National Security specified in Annex 4 to this Law;
- 3) at the request of the Government, submit recommendations on objects critical for national security, their protection and establishment of protection zones;
- 4) at the request of the Government or the Seimas, submit recommendations on any changes to the List of Category I Enterprises Critical for National Security specified in Annex 1 to this Law;
- 5) officially recognise conformity of the objectives, investment policies and activities of international financial institutions or organisations to national security interests and recognise that the international financial institutions or organisations pose no threat to national security and are free from screening for conformity to national security interests;
- 6) in the cases provided for by this Law, adopt decisions for/against the reorganisation or conversion of a Category I and Category II enterprise critical for national security into a legal person of any other legal form or their liquidation;
- 7) at the request of a privatisation institution, the Privatisation Commission, or the Government, submit recommendations on the privatisation of shares of enterprises critical for national security;
- 8) submit conclusions concerning destruction of the property of an enterprise critical for national security specified in the security plan of the said enterprise;
- 9) recommend positions to be listed in the List of Positions and the list of employees of the contractors and/or subcontractors approved by Category I and Category II enterprises critical for national security; and submit recommendations on the requirements for physical and operational security of enterprises critical for national security, or facilities and property critical for national security;
- 10) submit information, opinions, conclusions and recommendations and enforce obligations on investors, enterprises critical for national security, contracting parties or third parties regarding other measures necessary for ensuring national security interests in relation to the protection of objects critical for national security;
- 11) submit recommendations to an institution authorised by the Government on the drawing up of a new security plan or adjustment or implementation of the existing security plan of an enterprise critical for national security;
- 12) carry out screening for conformity to national security interests of applicants who directly request the allocation of certain radio frequencies/channels, bidders in public tenders or participants of auctions intended for assigning certain radio frequencies/channels and/or to persons who have the right to use certain radio frequencies/channels, and the manufacturers, suppliers and/or providers of maintenance and/or support services for the equipment, devices and/or software used or intended for use and listed in Article 69(2) of the Law of the Republic of Lithuania on Electronic Communications; and adopt the decision or submit its conclusion to the Government, or directly to the screened applicants for assigning certain assign radio frequencies/channels, bidders in public tenders, participants of auctions intended for assigning certain radio frequencies/channels and/or to persons who have the right to use certain radio frequencies/channels.

3. The Commission must, within 20 working days from the end of each quarter of the year, submit to the Seimas Committee on National Security and Defence the quarterly performance results achieved in performing the functions specified Article 19(2) of this Law.

#### **Article 19.1. Contact Point**

1. The Government shall assign an institution for performing the functions of a Contact Point specified

in Regulation (EU) 2019/452 and this Law.

2. The Contact Point shall be in charge of notifying the Commission, the Lithuanian institutions concerned, other Member States of the European Union and the European Commission under Regulation (EU) 2019/452 and this Law of the received information on foreign direct investment planned or made in Lithuania and other Member States of the European Union.

3. State institutions and agencies, in particular those specified in Article 12(4)(2–10) of this Law, shall provide the Contact Point with the information on foreign direct investment planned or made in Lithuania and decisions related to its screening, as required for the purposes of application of Regulation (EU) 2019/452.

#### **Article 20. Judicial review of decisions adopted in the course of application of this Law**

Decisions adopted pursuant to this Law by the Commission or public administration entities may be appealed against to the administrative court of first instance under the procedure set out in the Law of the Republic of Lithuania on Administrative Proceedings. The appeal must be considered not later than within 45 days from the date of the appeal. Appeals against a judgment of the administrative court of first instance must be considered not later than within 30 days from the date of the appeal.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC VALDAS ADAMKUS

## **Annex 1**

to the Republic of Lithuania Law  
on the Protection of Objects  
Critical for National Security

### **LIST OF CATEGORY I ENTERPRISES CRITICAL FOR NATIONAL SECURITY**

1. An enterprise in charge of construction, operation and decommissioning of a nuclear facility(s), other than Maišiagala Radioactive Waste Storage Facility, and maintenance of a closed radioactive waste disposal facility(s);
2. An enterprise in charge of managing Klaipėda State Seaport;
3. Repealed as of 1 January 2019.
4. An enterprise in charge of provision of air traffic management, communication, navigation and surveillance services, aeronautical information and search and rescue coordination services;
5. An enterprise in charge of management, maintenance and operation of inland waterways of national importance;
6. An enterprise in charge of management of Vilnius, Kaunas and Palanga international airports;
7. An enterprise in charge of administration of the main registers of the Republic of Lithuania (the Register of Legal Entities and the Real Property Register and Cadastre);
2. Repealed as of 1 August 2020.
9. An enterprise in charge of provision of civil air transport services at Šiauliai military airfield;
10. Public drinking water suppliers and wastewater managers assigned under the procedure set out in the Law of the Republic of Lithuania on Drinking Water Supply and Waste Water Management;
11. An enterprise in charge of managing Lithuanian state forests by the right of trust;
12. An enterprise in charge of managing roads of national importance by the right of trust.

## **Annex 2**

to the Republic of Lithuania Law  
on the Protection of Objects  
Critical for National Security

### **LIST OF CATEGORY II ENTERPRISES CRITICAL FOR NATIONAL SECURITY**

1. Private limited liability company EPSO-G (UAB “EPSO-G”);
2. Private limited liability company “Ignitis grupė” (UAB “Ignitis grupė”);
3. Public limited liability company “Ignitis gamyba” (AB “Ignitis gamyba”);
4. Public limited liability company LITGRID (AB “LITGRID”);
5. Public limited liability company Energijos skirstymo operatorius (AB “Energijos skirstymo operatorius”);
6. The national investor provided for in the Law of the Republic of Lithuania on the Nuclear Power Plant

Article 4,

7. Public limited liability company Amber Grid (AB “Amber Grid”);
8. The designated supplier provided for in the Law of the Republic of Lithuania on Liquefied Natural Gas Terminal;
9. Private limited liability company “Ignitis” (UAB “Ignitis”);
10. Operator of the liquefied natural gas terminal;
11. Public limited liability company “Klaipėdos nafta” (AB “Klaipėdos nafta”);
12. Public limited liability company “Lietuvos geležinkeliai” (AB “Lietuvos geležinkeliai”);
13. The public railway infrastructure manager specified in the Railway Transport Code of the Republic of Lithuania;
14. Railway undertakings (operators) specified in the Railway Transport Code of the Republic of Lithuania and granted the exclusive right to obtain the minimum package of access to the public railway infrastructure in the provision of transit services by rail;
15. Public limited liability company “Giraitės ginkluotės gamykla” (AB “Giraitės ginkluotės gamykla”);
16. Public limited liability company “Jonavos grūdai” (AB “Jonavos grūdai”);
17. Public limited liability company “Lietuvos radijo ir televizijos centras” (AB “Lietuvos radijo ir televizijos centras”);
18. Public limited liability company “Lietuvos paštas” (AB “Lietuvos paštas”);
19. Private limited liability company “Geoterma” (UAB “Geoterma”);
20. Public limited liability company “Detonas” (AB “Detonas”);
21. Public limited liability company “Problematika” (AB “Problematika”);
22. Public limited liability company “Kelių priežiūra” (AB “Kelių priežiūra”).

Article 4 supplemented with Article 4(2) as follows:

No XIII-2529 of 14/11/2019, published in the RLA on 15/11/2019, identification code 2019-18359.

23. The assigned storage system operator provided for in the Law of the Republic of Lithuania on the Integration of the Electric Power System into the European Electric Power Systems.

## Annex 3

to the Republic of Lithuania Law  
on the Protection of Objects  
Critical for National Security

### LIST OF CATEGORY III ENTERPRISES CRITICAL FOR NATIONAL SECURITY

1. Public limited liability company “ORLEN Lietuva” (AB “ORLEN Lietuva”);
2. Public limited liability company “Achema” (AB “Achema”);
3. The project implementing company provided for in the Law of the Republic of Lithuania on the Nuclear Power Plant;
4. Public limited liability company “Telia Lietuva” (AB “Telia Lietuva”);
5. An undertaking in charge of providing fifth generation mobile communications (5G) services or managing the associated infrastructure. The Government or its authorised institution shall establish the criteria qualifying an undertaking as providing fifth generation mobile communication (5G) services or managing the associated infrastructure.

## Annex 4

to the Republic of Lithuania Law  
on the Protection of Objects  
Critical for National Security

### LIST OF FACILITIES AND PROPERTY CRITICAL FOR NATIONAL SECURITY

1. Infrastructure of strategic importance to ensuring national security:
  - a) nuclear energy facilities, except for Maišiagala Radioactive Waste Storage Facility;
  - b) aerodromes located at international airports in Vilnius, Kaunas and Palanga and at Šiauliai International Airport/military airfield, Jonava aerodrome in Rukla, Kazlų Ruda aerodrome, Pajuosčio aerodrome, Steponas Darius and Stasys Girėnas aerodrome and Šilutė aerodrome;
  - c) roads of national importance;
  - d) public railway infrastructure, railway service facilities owned by the State, and other facilities and property needed for ensuring smooth railway transport;
  - e) hydrotechnical facilities, quays, navigation tracks and channels, navigation equipment and other

- e) hydrotechnical facilities, quays, navigation tracks and channels, navigation equipment and other infrastructure of Klaipėda State Seaport;
  - f) airspace management systems, air traffic management systems, air traffic services systems, communication systems, navigation systems, surveillance system devices, aeronautical information services systems;
  - g) IT hardware and software of the state enterprise the Centre of Registers, software platforms and data of the main state registers and state information systems in which critical information is processed;
  - h) Secure State Data Transmission Network;
  - li) digital mobile radio communications network of the national public security and emergency services;
  - j) protective dams, transverse dikes, and ship locks on inland waterways of national significance.
2. Infrastructure of significant importance to ensuring national security:
- a) drinking water supply and/or waste water management infrastructure owned or otherwise managed and/or used by public drinking water suppliers and waste water managers;
  - b) polders and related structures in Klaipėda and Šilutė District municipalities and Pagėgiai municipality;
  - c) infrastructure of the liquefied natural gas terminal, as defined in the Law of the Republic of Lithuania on Liquefied Natural Gas Terminal;
  - d) the Lithuanian power system control centre managed by the Lithuanian power transmission system operator (including IT hardware and software for electricity transmission system and data management and for power system management as well as real-time software platforms) and the reserve management centre;
  - e) the dispatching management centre of the Lithuanian natural gas transmission system managed by the Lithuanian natural gas transmission system operator;
  - f) electricity transmission lines with a voltage of at least 330 kV and electricity transmission interconnections with power systems of foreign states (electricity transmission lines, switchyards and converter stations) necessary for transmission of electricity;
  - g) the Lithuanian Power Plant;
  - h) Kruonis Pumped Storage Hydroelectric Plant (Kruonio hidroakumuliacinė elektrinė);
  - i) Kaunas Algirdas Brazauskas' Hydropower Plant (Kauno Algirdo Brazausko hidroelektrinė);
  - j) the pipeline network of the natural gas transmission system managed by the Lithuanian natural gas transmission system operator (except for the part of pipeline primarily used for local distribution of natural gas for customer supply), main technical equipment of gas compressor stations and cross-border gas metering stations (natural gas transmission pipeline networks, compressors and turbines) necessary for natural gas transmission;
  - k) the state-controlled oil terminal located in the territory of Klaipėda State Seaport and appurtenances thereof necessary for the activities of the oil terminal;
  - l) the state-controlled oil terminal located in the town of Subačius and appurtenances thereof necessary for the activities of the oil terminal;
  - m) Būtingė Oil Terminal and appurtenances thereof;
  - n) aerodromes listed in the list approved by the Government resolution;
  - o) electricity storage facilities installed in implementation of the Law of the Republic of Lithuania on the Integration of the Electric Power System into the European Electric Power Systems.

## **Annex 5**

to the Republic of Lithuania Law  
on the Protection of Objects  
Critical for National Security

# **LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW**

1. Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union.