



**MINISTER FOR THE ECONOMY AND INNOVATION OF THE REPUBLIC OF
LITHUANIA**

**ORDER
REGARDING APPROVAL OF THE DESCRIPTION OF THE PROCEDURE FOR THE
ISSUE OF A DOCUMENT CONFIRMING THE ADEQUATE INCOME OF AN
EMPLOYER**

30 August 2019 No. 4-503
Vilnius

In accordance with Paragraph 4 of Article 44¹(1) of the Republic of Lithuania Law “On the Legal Status of Aliens”, I hereby:

1. **A p p r o v e** the enclosed Description of the Procedure for the Issue of a Document Confirming the adequate income of an employer (hereinafter referred to as the “Description”).
2. **A u t h o r i s e** the public organisation “Invest Lithuania” to perform the functions of an authorised institution specified in the Description.
3. **E s t a b l i s h** that this order shall come into effect as of 1 September 2019.

Minister for the Economy and Innovation
Virginijus Sinkevičius

APPROVED
By Order No. 4-503
of 30 August 2019 of the
Minister for the Economy and Innovation of
the Republic of Lithuania

DESCRIPTION OF THE PROCEDURE FOR THE ISSUE OF A DOCUMENT CONFIRMING THE ADEQUATE INCOME OF AN EMPLOYER

CHAPTER I GENERAL PROVISIONS

1. The Description of the Procedure for the Issue of a Document Confirming the Adequate Income of an Employer (hereinafter referred to as the “Description”) establishes the procedure for the issue of a document which confirms that an employer, which/who intends to employ a foreigner to work at a certain professional level, such as the manager of a company, (hereinafter referred to as the “Employer”), is a company set up in the Republic of Lithuania, the annual income (an enterprise or a group set up in a foreign country) of which in the last three financial years (in cases where a company has been operating for a period shorter than three years – from the date of its incorporation) up to the date of submission of an application for the issue of a temporary residence permit on the basis of Paragraph 4 of Article 44¹(1) of the Republic of Lithuania Law “On the Legal Status of Aliens” (hereinafter referred to as the “Law”) was at least EUR 1,000,000 (one million euros) for at least one financial year (hereinafter referred to as the “Confirmation Document”).

2. Terms used in the Description:

2.1. **Set of annual financial statements** shall mean documents which present financial data on the financial condition, performance and cash flows of an employer.

2.2. Other terms used in the Description shall be understood as defined in the Labour Code of the Republic of Lithuania and in the Law.

CHAPTER II SUBMISSION OF DOCUMENTS

3. The Employer shall submit to the authorised institution the following by email:

3.1. a completed application for the issue of a Confirmation Document (hereinafter referred to as the “Application”) in Lithuanian or in English. An application form coordinated with the Ministry of the Economy and Innovation of the Republic of Lithuania shall be approved by the head of the authorised institution;

3.2. sets of annual financial statements for the last three financial years approved by the Employer; if an Employer has been operating for less than three years, sets of financial documents shall be submitted for the period of operation to the date of submission of the Application to the authorised institution;

3.3. a certificate completed by an auditor (on the employer’s annual income for the last three financial years (where an Employer has been operating for less than three years, sets of financial years shall be submitted for the period of operation to the date of submission of the Application to the authorised institution) which shall present the employer’s income of a financial year as specified in the profit and loss statement approved by the employer in euros (hereinafter referred to as the “Certificate”). The form of Certificate coordinated with the Ministry of the Economy and Innovation of the Republic of Lithuania shall be approved by the head of the authorised institution;

3.4. a document attesting the auditor according to the requirements imposed by the respective auditor’s country and confirming the right of the auditor, who provided the Certificate, to provide auditing services in accordance with the procedure established by legal acts of the country in which the auditor conducts his professional activities, except for cases, where the Certificate is provided by an auditor included in in the List of Auditors of the Republic of Lithuania.

4. Documents listed in Paragraph 3.2 of the Description shall be submitted to the authorised institution in the language in which they are drawn up.

5. Documents specified in Paragraphs 3.3 and 3.4 of the Description shall be provided to the authorised institution in Lithuanian or in English. Should the documents specified in Paragraphs 3.3 and 3.4 of the Description be drawn up in a language other than Lithuanian or English, a translation undersigned by the translator shall be provided into the Lithuanian or the English language.

6. Should a currency other than the euro be indicated in the sets of annual financial statements approved by the Employer, in order to draw up the Certificate, the Employer's income of a financial year shall be converted into euros using the InforEuro calculator of the European Commission and based on the currency exchange rate applied on the last month of the corresponding year of the annual financial statement.

7. The Employer shall provide the authorised institution or send to the registered address of the authorised institution original copies of the Application and Certificate.

CHAPTER III EXAMINATION OF APPLICATIONS

8. In response to the Employer's email, the authorised institution shall no later than the next working day following the date of submission of the Application and other documents specified in Paragraph 3 of the Description confirm the receipt of the Application and other documents specified in Paragraph 3 of the Description and shall start examining them.

9. The authorised institution shall verify whether the Application has been submitted with all the documents specified in Paragraph 3 of the Description. Should the authorised institution identify that not all documents specified in Paragraph 3 of the Description have been submitted, the authorised institution shall suspend the examination of the Application until all documents required for the examination of the Application are provided. The authorised institution shall notify the Employer of the suspension of examination of the application and shall suggest that it provide the missing documents.

10. During the examination of the Application, the authorised institution shall have the right to request that the Employer provide answers to its questions, to correct any shortcomings in the Application and/or provide additional documents and information directly related to the examination of the Application within a reasonable period of time which shall be no shorter than five working days. The latter period shall not be included in the period of examination of the Application specified in Paragraph 20 of the Description.

11. The authorised institution shall complete the examination of the Application and issue or refuse to issue a Confirmation Document no later than within 20 (twenty) working days (except for the cases established in Paragraphs 9 and 10 of the Description) from the date of the email sent to the Employer as specified in Paragraph 8 herein.

CHAPTER IV ISSUE OF OR REFUSAL TO ISSUE THE CONFIRMATION DOCUMENT AND NOTIFICATION OF THE EMPLOYER

12. The authorised institution shall not issue a Confirmation Document when it identifies that:

12.1. the annual income of the Employer in the last three financial years (in cases where a company has been in operation for a period shorter than three years – from the date of its incorporation) up to the date of submission of an application for issuing a temporary residence permit on the basis of Paragraph 4 of Article 44¹(1) of the Law is less than EUR 1,000,000 (one million euros) for all financial years;

12.2. the Employer fails to correct the shortcomings of the Application and/or fails to provide the missing documents and/or information within the period established by the authorised institution;

12.3. documents submitted by the Employer contain false data and/or the information provided is incorrect.

13. The authorised institution shall issue a Confirmation Document when in addition to the Application the Employer provides all documents specified in Paragraph 3 of the Description which prove that the Employer complies with all the requirements set forth in Paragraph 4 of Article 44¹(1) of the Law. In this case, the authorised institution shall not issue a Confirmation Document until all the original copies required for the Application and the Certificate are provided.

14. The authorised institution shall notify the Employer of the issue of the Confirmation Document or refusal to issue it by email(s) to the address specified in the Application. When a Confirmation Document is not issued, the authorised institution shall indicate the reasons for the refusal to issue the Confirmation Document to the Employer in writing.

CHAPTER V FINAL PROVISIONS

15. The authorised institution shall provide the Migration Department under the Ministry of the Interior of the Republic of Lithuania with the Confirmation Document or shall notify the latter of the non-issue of the Confirmation Document within five working days from the date the email specified in Paragraph 14 herein is sent out. If required, the authorised institution shall notify other state authorities or agencies of the non-issue of the Confirmation Document.

16. The authorised institution must ensure that documents and information provided by the Employer will not be disclosed, lost or transferred to any other persons, except for the cases laid down in the laws of the Republic of Lithuania.

17. Decisions adopted or failure to adopt them by the authorised institution as indicated in the Description within the periods of time specified herein, also actions (omission) may be appealed against in accordance with the procedure and following the deadlines established in the Law of the Republic of Lithuania on Administrative Proceedings.

18. Personal data shall be processed in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1) and the Republic of Lithuania Law on Legal Protection of Personal Data. The purpose of processing of personal data specified in Paragraph 3.1 of the Description is to issue a Confirmation Document in accordance with the procedure established in the Description. Documents specified in the Description shall be stored in accordance with the procedure and following the deadlines established by the Chief Archivist of Lithuania. Information on the processing of personal data in the authorised institution shall be provided on the website of the authorised institution.
