

# Rödl & Partner

NEWSLETTER LITHUANIA

SUCCESSFUL TOGETHER

Issue:  
2021

Tax changes of 2021 at a glance

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→ Major Tax Changes

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## → Major Tax Changes

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### VAT news

#### VAT refund became faster

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From 2021, VAT payers are able to claim for VAT refund once it becomes available (e.g. after reporting input VAT which is higher than output VAT) without waiting for the end of the calendar half year.

The following rules therefore apply from now on:

- the VAT difference initially incurred will be deducted to cover future tax arrears; but also
- the remaining amount can be recoverable within 30 days of the VAT payer's request or receipt of the required documents.

The VAT Law amendment can be found [here](#).

#### VAT relief on Covid-19 Vaccines and Test Kits

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On 7 December 2020, The European Commission (hereinafter – EC) agreed to the adoption of new measures which will enable Member States to relieve EU hospitals, medical practitioners and individuals of VAT when acquiring coronavirus vaccines and testing kits.



Moreover, EU countries may also apply lower VAT rates for tests and services closely associated with them.

Zero and reduced rates only apply to Covid-19 vaccines authorized by the Member States or by the European Commission and test kits that comply with EU legislation.

Accordingly, Paragraph 5 of Article 19 of the Law on VAT has been amended, which states that the 0 per cent VAT rate shall apply:

- supplied vaccines against Covid-19; and
- the supply of in vitro diagnostic medical devices for the diagnosis of Covid-19 disease.

This relief will be valid until 31 December 2022. An amendment to the VAT law can be found [here](#).

#### The 5 per cent VAT rate also applies to electronic books and publications

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From 2021, with the entry into force of Article 19 (4) (3) of the VAT Law, it is added that from now on the reduced rate of 5 per cent applies not only to paper but also to electronic periodicals, except for:

- databases of a technical, bibliographic or similar nature;
- publications of an erotic and/or violent nature or which do not comply with professional ethics and which have been recognized as such by a body authorized by law;
- publications in which paid advertising accounts for more than 4/5 of the total publication;
- publications consisting wholly or mainly of music or video content.

An amendment to the VAT law can be found [here](#).

#### No need to store paper invoices

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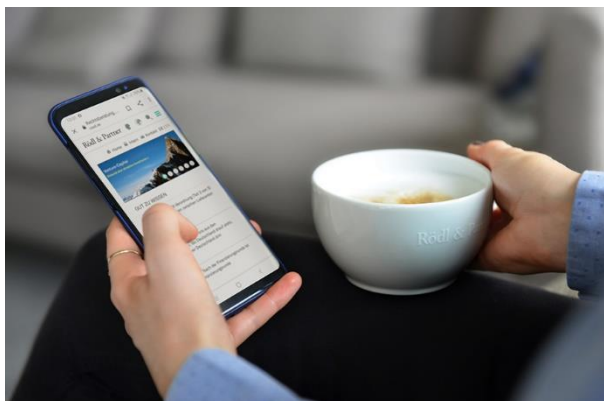
From 2021, written VAT invoices can only be stored in electronic form. Until now, documents have been required to be kept in the form (written or electronic) in which they were sent or submitted (except in the case of certain long-term services).

The VAT amendment can be found [here](#).

#### E-commerce package and major VAT changes

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In order to reduce the administrative burden in the field of VAT compliance, the amendments to the EU VAT Directive, as well as to the Law on VAT of the Republic of Lithuania (the VAT Law) will come into force from 1 July 2021. Amendments will change the existing VAT payment procedure for the distance sales of goods and, in some extent, services supplied by electronic means.



Although the changes discussed below will not take effect until 1 July 2021, it is necessary to do homework and prepare now.

Services supplied by electronic means are those that are provided over the Internet or an electronic network and are provided on an automated basis. For example, the following are considered to be electronically supplied services:

- mobile applications, mobile games;
- video (serials, films) and audio (music, webcasts) streaming services (Netflix, Spotify, etc.)
- search in various databases;
- online games, news subscriptions;
- providing advertising space on websites, etc.

Where the supplier of goods or services and the buyer communicate electronically but the goods themselves or the service are not provided electronically, such communication shall not be considered as electronically supplied services.

Pursuant to the provisions of Paragraph 15 of Article 13 of the VAT Law, when the said services are provided electronically to a customer (natural person) residing in Lithuania, they are subject to VAT in Lithuania. Accordingly, if those services are supplied to a customer resident in another Member State, the place of supply of the service is determined by the place of residence of the customer and the VAT rate applicable in the country of the customer must be calculated.

These provisions have been successfully applied in the EU since 2015 enabling suppliers to use the MOSS (Mini One Stop Shop) system and to report the services provided to customers established in other Member States in a single return and to pay the calculated sales VAT at once.

Thus, if a Lithuanian company provides mobile games via an online marketplace (e.g. App Store) to a customer located in Germany, the Lithuanian company must apply the German VAT rate and declare it accordingly and pay this VAT to the State Tax Inspectorate (hereinafter – STI) account.

However, in certain cases the place of supply of services may be the country in which the supplier is established, for example: in cases where the total value of goods and services supplied by the supplier in the current or previous calendar year does not exceed 10,000 Euros. In such case the supplier is eligible to apply the VAT rate of the Member State of the country of establishment.

**Important:** Until 2021 only the taxable value of the services was taken into account when calculating the 10,000 Euros threshold. From July 2021, goods delivered to other Member States will also be taken into account when calculating 10,000 Euros threshold.

Until 2021 the MOSS system was applied to only to radio, telecommunication and electronically supplied services and therefore called the Mini One Stop Shop. From 1 July 2021 onwards, this system will apply to both goods and services, so the word “mini” has been taken out – the new name of the system is One Stop Shop or OSS.



## 1. Reporting distance sales over OSS

Until now, different EU Member States have set different VAT registration thresholds in those Member States, which stipulate when a foreign taxable person supplying goods in a Member State other than the Member State of establishment must register for VAT and calculate VAT in that State. For example, in France, as in Lithuania, this threshold is 35,000 Euros, so Lithuanian taxable persons who have sold goods to France (i.e. to buyers in France) for 35,000 Euros in the last twelve months must register for VAT in France and calculate, declare and pay VAT in France. Under such regulation, it is likely that businesses trading online and offering shipping to different Member States may be required to have multiple VAT registrations in different Member States.

In view of this disproportionate administrative burden for online businesses, the European Commission has adopted a package of

amendments to the VAT Directive, according to which distance sellers will be able to use the One Stop Shop (OSS) scheme to declare supplies to customers in another EU Member States to a single tax authority.

As mentioned above, the main principle of the OSS scheme is that when selling goods or services, the supplier applies the VAT rate applicable in the country of residence of the customer (natural person) and pays this VAT to the local tax administrator. The local tax administrator, having collected the said foreign VAT from the trader, transfers it to the tax administrator of the country where the buyer is located. In this context, persons using the OSS scheme will no longer be required to register for VAT in different Member States.

It is important to mention that if the sales of the supplier does not exceed 10,000 Euros a supplier would have a right to opt out from OSS.

## 2. New obligations for Lithuanian distance sellers

It is clear that the threshold of 10,000 Euros for all supplies is very low, so most traders will have to calculate cross-border VAT and use the OSS scheme. It is likely that distance sellers will have to calculate foreign VAT immediately from 1 July 2021. Therefore, online suppliers already need to prepare by adapting accounting systems to new requirements, e.g. to determine the place of delivery of the goods and to determine the VAT rate applicable in the country to which the goods are supplied at that time.

For example, a customer living in Germany (a natural person) visits an online candle store (a website owned by a Lithuanian taxable person that has a turnover of more than 10,000 Euros) and buys five candles for 100 Euros. Candles will be sent from Lithuania to Germany. Thus, Lithuanian traders who own an online store will have to apply the VAT rate applicable to candles in Germany at that time. For this tax period, the person will have to file a VAT return reporting the VAT on goods sold in Germany.

## 3. Amendments for non-EU traders

Consumers in the EU have been able to import goods not exceeding 22 Euros from third countries VAT free. From 1 July 2021, this VAT exemption, which applied to small consignments of goods, is abolished.

Therefore, the VAT will have to be paid either by the supplier or the consumer. For the consumer it would not only mean that the consumer will have to pay VAT, but also to

undertake import related costs (import declaration, storage fees, etc.).



If the non-EU suppliers decides to collect the VAT, it will be subject to use Import One Stop Shop (IOSS – a system similar to OSS) scheme for payment of VAT when supplying goods worth 150 Euros or less (excluding excise goods).

Starting from 1 July 2021, a trader located outside the EU will have to register for VAT in one of the EU Member States and sell goods at the VAT rate of the Member State to which the goods are sold.

For example, unlike now, a trader based in the USA, when selling goods to a natural person established in Lithuania, will have to calculate “Lithuanian” VAT at the time of sale, and the goods will travel directly to the person who purchased them without additional customs checks.

If the goods of a non-EU supplier will be sold to an EU customer not through their online store, but through someone else’s online marketplace (e.g. Amazon), then the marketplace will be obliged to collect VAT from the EU buyer and pay accordingly using the OSS system.

If the value of the goods exceeds the threshold of 150 Euros provided for in the VAT law, the regular import procedure will apply.

## BREXIT

On 24 December 2020, the European Union and the United Kingdom (hereinafter – UK) managed to agree on a trade and cooperation agreement between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland, and which was signed on 30 December 2020 (for now the agreement is provisional).

The trade and cooperation agreement states that the EU and the UK have a system of zero quotas and zero tariffs. Zero tariffs and zero quotas will apply to all goods that meet the established rules of preferential origin.

In accordance with the provisions of the agreement on the origin of goods, imports of products originating in the UK may benefit from a reduced rate of import duty on the basis of an importer's request, which may be based on an exporter's declaration of origin or knowledge of the importer.

Goods imported from the UK will in all cases require an import declaration, which will lead to additional inconveniences and costs.

Goods transported to the UK will be subject to the rules set out in section 41 of the VAT Act (exports).

More information on the declaration of origin can be found [here](#).



→ Major Tax Changes

## Personal income tax news

### PIT relief for higher education and vocational training

As of 18 December 2020, the personal income tax (hereinafter – PIT) relief approved by the Seimas came into force, which allows residents to recover part of their incurred expenses for vocational training and higher education, regardless of the students age and number of qualifications.

Upon the entry into force of the amendments to Article 21 (1) (3) of the PIT Law, a permanent resident of Lithuania may reduce the payable PIT amount by deducting the incurred expenses for higher education or vocational training from the received annual income. However, there is a limit to the annual amount: the annual expenses incurred by a resident (including life insurance premiums, payments for the repair of a car or premises) may not exceed 25 per cent of taxable income.



In such cases, when the studying resident does not have the opportunity to use this benefit, the PIT for the incurred education expenses may be recovered by the parents (adoptive parents), guardian, caregivers, spouse.

The relief will be available for declaring income for 2020 and subsequent years.

The original legislation can be found [here](#).

### Change of salaries

As of 1 January 2020, the minimum monthly salary (hereinafter – MMS) is 642 Euros (increased by 35 Euros) and the minimum hourly wage (hereinafter – MHW) is 3.93 Euros (increased by 0.21 Euros).

The net salary of the minimum wage workers will increase by 21.18 Euros due to the changed MMS and non-taxable income formula.

The government resolution can be found [here](#).

### Employment related income

Income derived from employment of an individual in 2021 (excluding sickness, maternity, paternity, childcare and long-term employment benefits) is subject to a Personal Income Tax rate of 20 per cent or 32 per cent, depending on the amount of employment-related income received during a single year.

| Income   | PIT rate |
|--|----------|
| Employment related income, that is lower than 60 AMS (2021 m.) | 20%      |
| Employment related income, exceeding 60 AMS (2021 m.)          | 32%      |

The average monthly salary (AMS) for insured persons in 2021 is set at 1,352.70 Euros. This amount is important both for calculating the ceiling for state social insurance contributions and for the progressive PIT rate. In 2021, 60 AMS are equal to 81,162 Euros.

For more information please refer [here](#).

## Amount of non-taxable income

From 2021, with the change of MMS, the procedure for calculating the amount of non-taxable income also changed.



The maximum monthly non-taxable income (400 Euros) applies to a resident whose monthly employment-related income does not exceed 642 Euros (MMS).

The personal non-taxable income for all other employees (except residents with limited working capacity, for whom non-taxable income of 600 Euros and 645 Euros has been set) will be calculated according to the new formula:

| Non-taxable income for 2021   |
|---|
| 2021 monthly non-taxable income = $400 - 0.18 \times (\text{per capita monthly employment-related income} - 642 \text{ Euros})$ |
| 2021 annual non-taxable income = $4,800 - 0.18 \times (\text{annual per capita income} - 7,704 \text{ Euros})$                  |

It should also be noted that on 23 June 2020, the Seimas approved the change of the non-taxable income applicable in 2020 – increasing it to 400 Euros (by 50 Euros).

Under this procedure, the employer could, but was not obliged to recalculate the amount of non-taxable income from the beginning of 2020, which required an agreement between both parties (employee and employer). If the non-taxable income was not recalculated, then the resident will be able to close this income gap (from the beginning of the 2020 until the law entered into force) by submitting the annual 2020 PIT declaration.

The formula for calculating the amount of non-taxable income applicable to a resident for 2020:

| Non-taxable income for 2020   |
|---|
| 2020 monthly non-taxable income = $400 - 0.19 \times (\text{per capita monthly employment-related income} - 607 \text{ Euros})$ |
| 2020 annual non-taxable income = $4,800 - 0.19 \times (\text{annual per capita income} - 7,284 \text{ Euros})$                  |

The amendment to the PIT Law for 2021 can be found [here](#).

The amendment to the PIT Law for 2020 can be found [here](#).

## → Major Tax Changes

### Corporate income tax news

#### 20 years tax holidays for large scale investments

On 30 June 2020, the Parliament of the Republic of Lithuania has adopted a package of investment and corporate tax laws (hereinafter – CIT), which offers incentive aimed at attracting large investments of local and foreign capital in Lithuania.

As from 2021 investors can benefit from 20 years corporate income tax exemption provided that the following conditions are met:

- The legal entity has concluded the agreement of a large investment project;
- Investments of the company operating in Vilnius and Vilnius district amount to 30 million Euros

and its average number of employees exceeds 200, while in other areas of the country the requirement is reduced to 20 million Euros and 150 employees.

- 75 per cent of the revenue of the Company come from data processing, web hosting and related activities or manufacturing activities.

The tax incentive would become applicable in the tax period in which the amount of investment and the average number of employees are reached.

Until now, the corporate income tax incentive was available only to companies established in the FEZ (ten years – 0 per cent corporate income tax rate, following six years – 7.5 per cent). The new incentive will certainly extend the raise the attractiveness for investment outside of FEZ.

In the case of private investments, it is important to ensure that the incentives applied for investors are compatible with European Union laws on the granting of State aid.

Along the amendment to the Law on Corporate Income Tax, amendments to the Law on Investment, the Law on the Legal Status of Aliens, the Law on Territorial Planning, the Law on Employment, the Law on Land, the Law on the Legal Status of Foreigners and the Law on Environmental Impact Assessment of Proposed Economic Activities were adopted with an aim to attract large investment in Lithuania.

The STI publication can be found [here](#) and Corporate income tax law amendment can be found [here](#).

## Taxation of Transferred Lithuanian company property

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On 11 November 2020, the State Tax Inspectorate published an explanation regarding the application of Article 40-2 of the CIT Law, which establishes the taxation of the transfer of assets.

A taxpayer is subject to CIT when:

- the assets are transferred from an entity located in Lithuania to a permanent establishment (hereinafter – PE) established in another country (without changes in the ownership of the assets);
- the assets of a foreign company, which carries on its activities through a PE in Lithuania, are transferred to another company or PE located outside Lithuania;
- the Lithuanian company transfers its activities to another country, except in cases when the assets intended for this purpose are actually related to the PE in Lithuania; or

- a foreign company that carries out its activities in Lithuania through a PE transfers its activities to another country.



CIT will be levied on the difference between the market price of the property and its acquisition value. If the difference is negative, it reduces the taxable profit of the Lithuanian company.

The full explanation of the STI can be found [here](#).

## Provisions of the Corporate Income Tax Law regarding losses on transfers of shares

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As of 1 January 2021, an amendment to Article 30 (2) of the Corporate Income Tax Law came into force, which establishes the rules for the transfer of tax losses on the transfer of securities or derivative financial instruments.

If a company transfers shares that it has held for more than two years, held more than 10 per cent of them and incurs losses, these losses will henceforth not be allowed as deductions. This means that it is no longer possible to reduce taxable profit with losses that have been received from other shares, securities or derivatives.

Also, when a company transfers another company shares that it has held for more than two years and more than 10 per cent, such losses are recognized as not allowed deductions. This provision shall also apply in cases where, pursuant to the reorganization or transfer referred to in Article 41 (2) of the CIT Law, the transferring company has held more than 10 per cent of the voting shares of this unit for at least three years (without interruption).

These amendments apply to the calculation and declaration of CIT for 2021 and subsequent years.

It should be noted that in accordance with Article 12 (15) of the CIT Law, if the transfer of such shares generates a profit, it will continue to be classified as non-taxable income.

The original legislation can be found [here](#).



## Transfer pricing

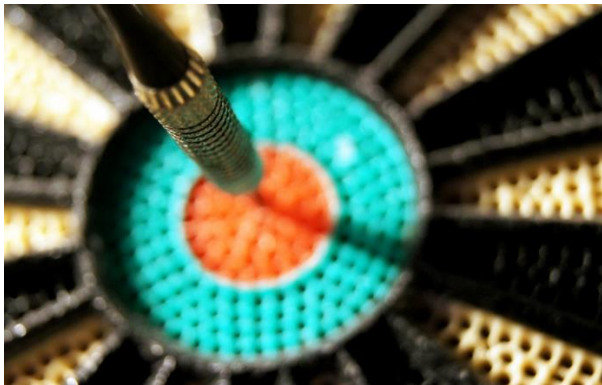
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In October 2020, the Ministry of Finance signed order No 1k-338 to provide additional guidance to Order No 1k-123 of the Ministry of Finance Rules for the implementation of Article 40 (2) of the Law on Corporate Income Tax and Article 15 (2) of the Law on Personal Income Tax of the Republic of Lithuania.

The most important changes in transfer pricing documentation methodology:

- 5 per cent mark-up is allowed for “low value-added” services.

The amendment to the rules legitimizes the possibility of applying a simplified transfer pricing analysis to low value-added transactions. Under this method, analysis of the transaction does not necessarily have to be based on a benchmarking analysis and a mark-up of 5 per cent may be applied without additional proof.



However, this mark-up cannot be applied when the company carries out the same transactions with non-associated persons.

This provision of the rules for the preparation of transfer pricing documentation shall apply to the calculation of income tax for 2020 and subsequent years.

- Removed obligation to prepare transfer pricing documentation if transactions are performed only with other Lithuanian tax payers.

The amendment to the rules removes the obligation to prepare transfer pricing documentation if the transaction is concluded with another Lithuanian entity. Although documentation will no longer be required, the requirement that the company's pricing of goods and services sold be in line with the market price remains. This provision of the rules for the preparation of pricing documentation shall apply to the calculation of income tax for 2020 and subsequent years. The requirement to document transactions between Lithuanian companies for previous periods remains (limitation period of five years).

- Addition of “hard-to-value intangible assets” concept.

New guidance aimed to facilitate the administration of hard-to-value intangible assets or rights transfers to or acquisition from associated persons. This provision of the rules for the preparation of pricing documentation shall enter into force on 23 October 2020.

- Clarification of the application of the profit split method.

For more information about the changes in transfer pricing regulations, please follow the link [here](#).

## → Major Tax Changes

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### Excise duty

Excise duties on cigarettes and other manufactured tobacco are rising

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From 1 March 2021, the rates of excise duty on cigarettes, cigars and cigarillos, smoking tobacco and unmanufactured tobacco shall change:

- the specific element for cigarettes will be 69.40 Euros (increased by 4.30 Euros);

- the combined excise duty rate will have to be at least 115.50 Euros per 1 thousand cigarettes (increased by 7 Euros);
- excise duty on cigars and cigarillos will be 55 Euros per kilogram (increased by 7 Euros);
- smoking tobacco will be taxed at 90 Euros per kilogram (an increase of 11.50 Euros);
- unmanufactured tobacco will be taxed at 90 Euros per kilogram (an increase of 11.50 Euros).

For more information please refer [here](#).

→ Major Tax Changes

## Other tax news

### Fines for non-compliance with packaging management requirements

From 2021, in order to reduce environmental pollution, the rates of the tax on environmental pollution by packaging waste are increased. Also, from 2022, different tax rates will be set for recyclable and non-recyclable types of packaging.

You can find the tax rates that apply to different types of packaging below:

| Type of packaging                          | Packing rate, EUR/ ton | Tariff for reusable packaging and recyclable disposable packaging, EUR/ton | Tariff for non-recyclable disposable packaging, EUR/ton |
|--|------------------------|--|---|
|  | 2021                   | From 2022  |   |
| Glass packaging                            | 225                    | 279  | 395   |
| Plastic packaging                          | 618                    | 618  | 875   |
| PET (polyethylene terephthalate) packaging | 618                    | 618  | 875   |
| Combined packaging                         | 900                    | 900  | 1200  |
| Metal (including aluminum) packaging       | 186                    | 186  | 263   |
| Paper and cardboard packaging              | 125                    | 133  | 188   |
| Wooden packaging                           | 159                    | 189  | 225   |
| Other packaging                            | 299                    | 299  | 423   |

It has also been established that for taxpayers who do not manage the obligatory accounting of packaging and products, the tax for the undeclared (hidden) quantity would be calculated by applying a rate of 2 per cent of the turnover of goods and the established minimum fine is 10,000 Euros.

This change may have very significant consequences for foreign traders who supply goods to Lithuania and their place of supply is considered to be Lithuania, but they do not keep records of packaging.

An amendment to the Pollution Tax Law can be found [here](#).



### Amended environmental pollution tax law

As of 1 January 2021, the updated Environmental Pollution Tax Law came into force, during which the scope of tax and tax relief were changed.

From now on, the scope of tax also includes non-road mobile machinery used for agricultural activities, which is registered for the first time in Lithuania or if the operator of such machinery changes in the register of tractors, self-propelled and agricultural machinery and their trailers.

The amendments abolished the existing reliefs for:

- natural persons who are self-employed and use personal vehicles in their activities;
- vehicles equipped and operated with emission control systems;
- natural and legal persons who pollute from vehicles used for agricultural activities, if their income from these activities represents more than 50 per cent of the total income.

The list of reliefs also states that light vehicles (M1 and N1 class) manufactured no more than four years ago, powered by petrol and/or gas, and heavy-duty vehicles manufactured no more than three years ago are exempted from the tax on environmental pollution from mobile pollution sources.

An amendment to the legislation can be found [here](#).

## From 2021, it is easier to offset overpayments and arrears of taxes and Sodra contributions

From 1 January 2021, it can be possible to offset the debt to State Social Insurance Fund Board (hereinafter – Sodra) with the overpaid tax amounts of the STI or to cover the debt to the STI with overpayments of the State Social Insurance (hereinafter – VSD) and Compulsory Health Insurance (hereinafter – PSD).



This means that a company with an overpayment of taxes will not have to submit a request to the STI for a refund in order to transfer the recovered money to Sodra. In another case, when the company has overpaid Sodra, but owes it to the state budget, the company will not have to pay interest to the STI, as the overpayment to Sodra will cover the debt.

The amendment to the Law on Tax Administration can be found [here](#), The amendment to the Law on State Social Insurance can be found [here](#), The amendment to the Law on Health Insurance can be found [here](#).



## New real estate values have been set for the period 2021 - 2025

On 1 January 2021, new tax values of real estate (buildings) valued on a mass basis have been determined, which will be used to calculate the tax for five years (2021, 2022, 2023, 2024, 2025). They can be found on the Register Center website with a unique number of the real estate object. You can find the search link [here](#).

## A member of a small partnership may agree a service agreement with its company

From 19 November 2020, a member of a small partnership (hereinafter – SP) has the right to enter into a service contract with his company not only for management, but also for the provision of services and/or performance of works. It is forbidden to conclude only an employment contract.

However, a member of a SP may provide services to the small partnership up to a value of 100,000 Euros. The amount exceeding the set limit is considered as a distribution of SP profits or funds for the personal needs of SP members.

The ban on concluding service or works contracts with a small partnership has been in place since 2012.

The original legislation can be found [here](#).

## Regarding the treaty on avoidance of Double Taxation with the Principality of Liechtenstein

The Agreement between the Republic of Lithuania and the Principality of Liechtenstein for the elimination of the double taxation with respect to taxes on income and on the capital and prevention of tax evasion and avoidance (hereinafter – DTT).

This treaty is similar to other DTTs concluded with other foreign countries but has distinctions, such as the tax of royalties have to be paid by the beneficiary state. This means that the royalties paid in Lithuania to a permanent resident of the Principality of Liechtenstein will be taxed only in a foreign state.

Also, due to the entry into force of this treaty, the tax administrators of Lithuania and the Principality of Liechtenstein will be able to exchange information about the countries' taxpayers.

Moreover, this treaty became the 56th DTT applicable in Lithuania.

The original legislation can be found [here](#).

## Contact for further information

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