

XI

Pactio Emendata inter Apostolicam Sedem et Rempublicam Lituaniae de agnitione qualitatum ad superiorem institutionem attinentium.

APOSTOLIC NUCIATURE IN LITHUANIA

N. 323/20

The Apostolic Nunciature in Lithuania presents its compliments to the Ministry of Foreign Affairs of the Republic of Lithuania and writes in reference to the *Agreement between the Holy See and the Republic of Lithuania* (henceforth *Agreement*) that was signed in Vilnius on 8 June 2012, asking kindly that the following information be transmitted to the competent office.

The Apostolic Nunciature in Lithuania communicates that it has been brought to the attention of the Holy See that a small but significant discrepancy exists in the first sentence of article 6 of the *Agreement* between the English and Lithuanian texts (enclosure 1). While the English text refers to “study programmes governed by the Congregation for Catholic Education of the Holy See”, the Lithuanian text contains an additional word “theological”, and thus reads “teologijos studijų programų”. In reviewing the documentation concerning the preparation of the *Agreement*, it is clear that the Holy See requested at the very beginning of the negotiations to have the word “theological” removed from the text because there are currently study programmes (and more may be established in the future) in Lithuania that are governed by the Congregation for Catholic Education of the Holy See but are not theological in nature. This request seems to have been accepted since all the subsequent English drafts, including the final version approved by the Holy See, do not contain the word in question.

The Apostolic Nunciature in Lithuania further communicates that since article 8 of the *Agreement* stipulates that both the English and Lithuanian texts are “equally authentic”, the Holy See maintains that it is necessary to remove the word “teologijos” from the Lithuanian text (enclosure 2). Since the preparatory documentation indicates that the discrepancy seems to be

a simple material error, the Holy See proposes to correct it through the application of article 79, paragraph 1, letter b, of the 1969 Vienna Convention on the Law of Treaties. As a result, the correction, which would be retroactive in nature and not require ratification by Parliament, could be registered through a simple exchange of Reversal Notes between the Ministry of Foreign Affairs and the Apostolic Nunciature.

The Apostolic Nunciature in Lithuania expresses its gratitude to the Ministry of Foreign Affairs of the Republic of Lithuania for its consideration of the Holy See's proposal and avails itself of this opportunity to renew the assurances of its highest consideration.

Vilnius, 12 October 2020

ENCLOSURES

Article 6

Evaluation of programmes of study governed by the Congregation for Catholic Education of the Holy See

With a view to ensuring the conformity of the **quality of study programmes** governed by the Congregation for Catholic Education of the Holy See and taught in higher education institutions of the Republic of Lithuania according to the requirements of the Holy See and the Republic of Lithuania as well as the recognition by and transparency of the acquired education and qualifications for other states, external evaluation and accreditation of these programmes of study shall be carried out by the Holy See's Agency for the Evaluation and Promotion of Quality in Ecclesiastical Universities and Faculties (AVEPRO) and the Congregation for Catholic Education accordingly. These institutions shall present the conclusions of the evaluation and accreditation to the Ministry of Education and Science of the Republic of Lithuania. Study programmes governed by the Congregation for Catholic Education of the Holy See and taught in higher education institutions of the Republic of Lithuania shall be accredited at least once every six years.

6 straipsnis
Šventojo Sosto katalikiškojo švietimo kongregacijos
reglamentuojamų studijų programų vertinimas

Siekiant, kad Šventojo Sosto katalikiškojo švietimo kongregacijos reglamentuojamų (**teologijos) studijų programų** kokybė Lietuvos Respublikos aukštosiose mokyklose atitiktų Lietuvos Respublikos ir Šventojo Sosto reikalavimus ir kad įgytas išsilavinimas bei kvalifikacijos būtų pripažįstamos ir suprantamos kitoms valstybėms, šių studijų programų išorinį vertinimą atlieka ir jas akredituoja Šventojo Sosto Bažnytinių universitetų ir fakultetų kokybės vertinimo ir skatinimo agentūra (AVEPRO) ir Katalikiškojo švietimo kongregacija. Savo vertinimo ir akreditavimo išvadas šios institucijos pateikia Lietuvos Respublikos švietimo ir mokslo ministerijai. Šventojo Sosto katalikiškojo švietimo kongregacijos reglamentuojamos studijų programos Lietuvos Respublikos aukštosiose mokyklose akredituojamos bent kartą per šešerius metus.

Article 8
Validity, entry into force,
amendment and termination of the Agreement

1. The present Agreement shall be concluded for an indefinite period of time.

2. The present Agreement shall enter into force on the day when both Parties inform each other via diplomatic notes that each Party has fulfilled the internal legal procedures necessary for the entry into force of this Agreement. The day of entry into force shall be the day of the receipt of the last note.

3. The present Agreement may be supplemented and/or amended on mutual agreement of the Parties. Amendments and supplements shall be executed as protocols, which shall form an integral part of the present Agreement, and enter into force in accordance with the procedure set out in paragraph 2 of this Article.

4. One of the Parties may terminate the present Agreement by written notification to the other Party through diplomatic channels. The present Agreement shall cease to be in force six months after the day on which the other Party receives a notice of its termination.

Signed in Vilnius on 8th June 2012, in two original copies, in the English and Lithuanian languages, both texts being equally authentic.

For the Holy See

For the Republic of Lithuania

Luigi Bonazzi

Audronius Ažubalis

Apostolic Nuncio

Minister for Foreign Affairs

MINISTRY OF FOREIGN AFFAIRS REPUBLIC OF LITHUANIA

No. 5-529/2020

The Ministry of Foreign Affairs the Republic of Lithuania presents its compliments to the Apostolic Nunciature in Lithuania and, in reply to the note No. 323/20 of 12 October 2020 referring to the Agreement between the Republic of Lithuania and the Holy See on the Recognition of Qualifications Concerning Higher Education, signed in Vilnius on 8 June 2012 (hereinafter – the Agreement), has the honour to inform that the Holy See’s proposal to adjust, by removing the word “teologijos”, the Lithuanian text of the Article 6 of the Agreement would be in general acceptable to the Lithuanian side.

However, before the final decision to be taken regarding the abovementioned Holy See’s proposal, the competent Lithuanian authorities kindly ask for clarification regarding which study programmes shall be considered governed by the Congregation for Catholic Education of the Holy See, i.e. what criteria shall be used when deciding whether a particular study programme shall belong to the study programmes governed by the Congregation for Catholic Education of the Holy See.

The Ministry of Foreign Affairs of the Republic of Lithuania avails itself of this opportunity to renew to the Apostolic Nunciature in Lithuania the assurances of its highest consideration.

Vilnius, 18 November 2020

APOSTOLIC NUCIATURE IN LITHUANIA

N. 374/20

The Apostolic Nunciature in Lithuania presents its compliments to the Ministry of Foreign Affairs of the Republic of Lithuania and writes in reference to its Verbal Note No. 5-529/2020 of 18 November 2020, transmitting its response to the proposal of the Holy See to remove the word “teologijos” from the Lithuanian text of article 6 of the *Agreement between the Holy See and the Republic of Lithuania* (henceforth *Agreement*).

The Apostolic Nunciature is very grateful that the removal of the word in question is generally acceptable to the Lithuanian side since this simple but important material error limits the authority of the Congregation for Catholic Education of the Holy See (henceforth Congregation) in governing study programmes rightfully under its competency that are currently established in Lithuania but are not strictly theological in nature (i.e. Religious Studies) and those covering other subjects that may be established in the future (i.e. Philosophy).

The Apostolic Nunciature communicates the following in response to the Ministry of Foreign Affairs’ request for clarification on certain points:

1. Study programmes that are governed by the Congregation are either established directly by or with the authorization of said Congregation which includes the approval of their statutes and plan of studies. In this regard, the statutes and plan of studies must be in conformity with the Apostolic Constitution *Veritatis Gaudium*, which regulates all study programmes of Catholic higher education in the world. The Lithuanian Conference of Bishops plays an important role in helping the Congregation arrive at its decision.
2. An updated and approved list of the study programmes in Lithuania that are governed by the Congregation has been enclosed. This list can also be found on the Congregation’s website: www.educatio.va (cf. Article 2 of the *Agreement*).
3. Study programmes governed by the Congregation that are taught in non-ecclesiastical higher education institutions (for example, those

programmes taught at the Vytautas Magnus University of Kaunas), must observe the prescriptions of the Apostolic Constitution *Veritatis Gaudium* as well as any multilateral or bilateral accords, conventions or agreements signed by the Holy See with other nations.

4. Article 6 of the *Agreement* establishes the method (through the auspices of AVEPRO and the Congregation) for assuring that the norms of the preceding number are properly implemented. The Apostolic Nunciature kindly asks the Ministry of Foreign Affairs to communicate failures, if any, on the part of the Holy See to follow the mutually agreed upon method.

The Apostolic Nunciature hopes that its response provides the necessary clarifications and that the Ministry of Foreign Affairs will now be able to determine in a definitive way that the word “teologijos” should be removed from the Lithuanian text of article 6 of the *Agreement*.

The Apostolic Nunciature in Lithuania expresses its sincere gratitude to the Ministry of Foreign Affairs of the Republic of Lithuania for its collaboration on this important matter and avails itself of this opportunity to renew the assurances of its highest consideration.

Vilnius, 27 November 2020

ENCLOSURE

List of Study Programmes in Lithuania under the governance of the Congregation for Catholic Education of the Holy See

- Faculty of Catholic Theology at the Vytautas Magnus University in Kaunas offers theological programs at three levels: Catholic Theology (6121NX046), Pastoral Theology (6211NX039), Doctorate in Theological Studies.
- Faculty of Catholic Theology at the Vytautas Magnus University in Kaunas also offers the following programs in Catholic Education: Religious Pedagogy (6121MX036) and Religious Education (6211NX041).
- The Major Seminary of St. Joseph in Vilnius offers an extended study program in Religious Studies (601V80001).

MINISTRY OF FOREIGN AFFAIRS REPUBLIC OF LITHUANIA

N. 5-618/2020

The Ministry of Foreign Affairs of the Republic of Lithuania presents its compliments to the Apostolic Nunciature in Lithuania and, in reply to its Note No. 323/20 of 12 October 2020 and after having considered additional information provided by the Apostolic Nunciature in the Note No. 374 of 27 November 2020, has the honour to confirm that the Lithuanian side concurs with the Holy See's proposal to correct an error in the Agreement between the Republic of Lithuania and the Holy See on the Recognition of Qualifications Concerning Higher Education, signed in Vilnius on 8 June 2012 (hereinafter – the Agreement), by removing the word “teologijos” in the Lithuanian text of the first sentence of Article 6 of the Agreement.

Now therefore, the Ministry of Foreign Affairs of the Republic of Lithuania states that the initial Note of the Apostolic Nunciature of 12 October 2020 and this present Note of the Ministry of Foreign Affairs of the Republic of Lithuania shall constitute the correction of the abovementioned error in the Lithuanian text of Article 6 of the Agreement, in accordance with Article 79, paragraph 1, subparagraph b and paragraph 4 of the 1969 Vienna Convention on the Law of Treaties.

The Ministry of Foreign Affairs of the Republic of Lithuania avails itself of this opportunity to renew to the Apostolic Nunciature in Lithuania the assurances of its highest consideration.

Vilnius, 11 December 2020

*Ad normam articuli 79, commatis 4 Conventionis Vindobonensis de pac-
tionum iure, textus emendatus ab initio textui errato sufficit.*