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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	5798/2/15 REV 2 COPEN 22 EUROJUST 19 EJN 8
Subject:	Council Framework Decision 2009/829/JHA on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention - Notification made by Lithuania

Delegations will find attached the notification made by Lithuania in relation to Framework Decision 2009/829/JHA on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.

This notification is also included in doc. 5798/2/15 REV 2, comprising several notifications by Lithuania, but is distributed in this individual format at the request and for the convenience of delegations.

Notification made by Lithuania

Council Framework Decision 2009/829/JHA on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

1) We hereby notify that when the Republic of Lithuania is an *executing* State, the **Prosecutor** is its competent authority under Article 6 of the Framework Decision.

It should be noted that a decision transmitted to the Republic of Lithuania on a supervision measure imposed on a person ordinarily resident in the Republic of Lithuania and who consents to return to the Republic of Lithuania is recognised by a prosecutor of the Regional Prosecutor's Office of the place of residence of the person in respect of whom the decision has been issued.

Moreover, a decision on a supervision measure imposed in respect of a person not ordinarily resident in the Republic of Lithuania, may also be recognised and executed in the Republic of Lithuania at the request of that person and if the prosecutor agrees to take over the execution of the decision on the supervision measure. In this case, the decision to recognise the supervision measure is issued by a prosecutor of the Prosecutor General's Office of the Republic of Lithuania.

When the Republic of Lithuania is an *issuing* State, **the Prosecutor** and the **court** are its competent authority under Article 6 of the Framework Decision.

It should be noted that at the pre-trial stage, the decision to transmit a supervision measure to another EU Member State is taken by a prosecutor, while at trial stage, that decision is taken by the trial court.

2) In accordance with Article 8(2) of the Framework Decision, we hereby notify that as well as the supervision measures set out in Article 8(1) of the Framework Decision, the Republic of Lithuania will also recognise and execute decisions on supervision measures issued in criminal proceedings in other Member States of the European Union, imposing, as an alternative to the detention of the suspect, defendant or sentenced person, one or more of the following obligations and prohibitions:

- a) a prohibition from engaging in certain activities related to the alleged offence;
- b) a driving ban;
- c) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once.

3) In accordance with Article 9(3) and (4) of the Framework Decision, we hereby notify that in the cases referred to in Article 9(2) of the Framework Decision, i.e. where a supervision measure is imposed on a person not ordinarily resident in the Republic of Lithuania, the Prosecutor General's Office of the Republic of Lithuania will generally agree to take over the decision on the execution of the supervision measures if the suspect, defendant or sentenced person is studying, working or has been granted an employment contract in the Republic of Lithuania or has a family member resident in the Republic of Lithuania or if there are other compelling reasons for taking over the execution of the supervision measure.

4) In accordance with Article 21(3) of the Framework Decision, we hereby notify that the Republic of Lithuania will apply Article 2(1) of Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States in deciding on the surrender of the person concerned to the issuing State.

5) In accordance with Article 24 of the Framework Decision, we hereby notify that the Republic of Lithuania will recognise a decision of another EU Member State on a supervision measure only where the certificate has been translated into Lithuanian.

We recall that, in adopting the Framework Decision, the Republic of Lithuania has submitted a declaration to the General Secretariat of the Council, stating that for constitutional reasons it will not apply Article 14(1) of the Framework Decision in respect of all of the offences referred to in that paragraph.

Contact information for the Lithuanian Prosecution Service and prosecutors can be found on the Prosecution Service website <http://www.prokuraturos.lt/>. Contact information for Lithuanian courts and their areas of jurisdiction can be found on the website of the Lithuanian National Courts Administration <http://www.teismai.lt/lt/teismai/teismai-teismu-kontaktai/> and <http://www.teismai.lt/lt/teismai/teismu-veiklos-teritorijos/>.
