



Council of the
European Union

Brussels, 8 October 2015
(OR. en)

12827/15

COPEN 262
EUROJUST 172
EJN 81

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 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions - Notification made by Lithuania

Delegations will find attached the notification made by Lithuania in relation to Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions.

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 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions

Declaration by the Republic of Lithuania on Article 10:

In accordance with Article 10(4) of Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions, the Republic of Lithuania hereby declares that its competent authorities will not apply Article 10(1) of the Framework Decision in respect of all of the offences referred to in that paragraph.

Notifications provided by the Republic of Lithuania:

1) We hereby notify that when the Republic of Lithuania is an *executing* State, the **district courts** are its competent authorities to recognise judgments imposing a penalty not involving deprivation of liberty, and probation decisions transmitted by the competent authorities of other EU Member States, under Article 3(1) of the Framework Decision. District courts are competent to directly receive judgments imposing a penalty not involving deprivation of liberty, and probation decisions transmitted by other EU Member States.

When the Republic of Lithuania is an *executing* State, the **Probation Services** are its competent authorities to enforce judgments imposing a penalty not involving deprivation of liberty, or probation decisions transmitted by the competent authorities of other EU Member States.

A judgment imposing a penalty not involving deprivation of liberty, or a probation decision issued in an EU Member State is recognised in the Republic of Lithuania by the district court of the place of residence of the sentenced person or, if the sentenced person has no residence in the Republic of Lithuania, the decision is recognised by Vilnius City District Court.

When the Republic of Lithuania is an *issuing* State, the **district courts** are its competent authorities to transmit judgments imposing a penalty not involving deprivation of liberty, or probation decisions to other EU Member States.

It should be noted that the question of transmission to another EU Member State of a judgment imposing a penalty not involving deprivation of liberty, or of a probation decision is dealt with and decided on by the district court of the place in which the probation service is located.

2) In accordance with Article 4(2) of the Framework Decision, we hereby notify that the Republic of Lithuania will recognise and execute the probation measures and alternative sanctions referred to in Article 4(1) only.

3) In accordance with Article 5(3) and (4) of the Framework Decision, we hereby notify that in the cases referred to in Article 5(2) of the Framework Decision, i.e. where an alternative sanction or probation measure has been imposed on a person not resident in the Republic of Lithuania, the court of the Republic of Lithuania will generally agree to take over the execution of this measure if the sentenced person is studying, working or has been granted an employment contract in the Republic of Lithuania or if a family member of the sentenced person is resident in the Republic of Lithuania or if there are other compelling reasons for taking over the execution of the alternative sanction or probation measure.

4) In accordance with Article 10(4) of the Framework Decision, we hereby notify that the Republic of Lithuania will not apply Article 10(1) of the Framework Decision in respect of all of the offences referred to in that paragraph (see Annex 2).

5) In accordance with Article 21 of the Framework Decision, we hereby notify that the Republic of Lithuania will recognise a judgment imposing a penalty not involving deprivation of liberty, or a probation decision issued by the competent authority of another EU Member State only where the certificate has been translated into Lithuanian.

Contact information for Lithuanian courts and their areas of jurisdiction can be found on the website of the National Courts Administration:

<http://www.teismai.lt/lt/teismai/teismu-kontaktai/> and

<http://www.teismai.lt/lt/teismai/teismu-veiklos-teritorijos/>. The jurisdiction of the regional probation services is established by the Order No 1R-134 of the Minister for Justice of 9 May 2014 adopting the regulations of Kaunas, Klaipėda, Panevėžys, Šiauliai and Vilnius regional probation services (http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=424351&p_tr2=2).
