



Council of the  
European Union

Brussels, 8 October 2015  
(OR. en)

12824/15

COPEN 260  
EUROJUST 170  
EJN 79

**NOTE**

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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 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union - Notification made by Lithuania

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Delegations will find attached the notification made by Lithuania in relation to Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

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 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union**

**Declaration by the Republic of Lithuania on Article 7:**

In accordance with Article 7(4) of Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, the Republic of Lithuania hereby declares that its competent authorities will not apply Article 7(1) of the Framework Decision.

**Notifications by the Republic of Lithuania:**

1) We hereby inform you that when the Republic of Lithuania is an *executing* State, the **district courts** are its competent authorities to recognise judgments imposing custodial sentences transmitted by the competent authorities of other EU Member States, under Article 2(1) of the Framework Decision.

The Ministry of Justice of the Republic of Lithuania is the competent authority to receive judgments imposing custodial sentences, transmitted by the competent authorities of other EU Member States. The Ministry of Justice forwards those judgments to the appropriate competent district courts.

Contact information for the Ministry of Justice can be found on the following website:

<http://www.tm.lt/tm/kontaktai/>. When the Republic of Lithuania is the *executing* State, any further correspondence between the court of the Republic of Lithuania and the competent authorities of another Member State of the European Union is direct.

It should be noted that a judgment imposing a custodial sentence, adopted in another Member State of the European Union and transmitted to the Republic of Lithuania for execution, is recognised in the Republic of Lithuania by the district court of the place of residence of the sentenced person. If a sentenced person is serving a sentence in a Lithuanian prison the judgment is recognised by the district court of the place in which the sentence is being served. If the available data do not allow the specific competent court to be identified, the judgment 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 custodial sentences to another EU Member State.

The decision of the court of the Republic of Lithuania on the transmission of a custodial sentence to another EU Member State is taken: 1) by the district court of the place in which the sentence is being served or the district court of the place in which coercive medical measures or educational measures are being imposed, when the sentenced person is in the territory of the Republic of Lithuania and 2) by the criminal trial court, when the sentenced person is not in the territory of the Republic of Lithuania.

2) In accordance with Article 4(1)(c) and 4(3) and (4) of the Framework Decision, the Ministry of Justice is appointed as the competent authority to carry out consultations with the other EU Member State's competent authority.

3) In accordance with Article 7(4) of the Framework Decision, the Republic of Lithuania hereby declares that its competent authorities will not apply Article 7(1) of the Framework Decision (see Annex 1).

4) In accordance with Article 21 of the Framework Decision, the district courts and authorities enforcing the sentence inform the competent authorities of the other EU Member States directly about decisions taken. Where the Republic of Lithuania is the *issuing State*, any further correspondence between the court of the Republic of Lithuania and the competent authorities of a Member State of the European Union, is also direct, except for consultations on the decision on the transmission of a custodial sentence to another EU Member State, which go through the Ministry of Justice.

5) In accordance with Article 23(1) of the Framework Decision, we hereby inform you that the Republic of Lithuania will recognise judgments imposing a custodial sentence and issued by another EU Member State only where the certificate has been translated into Lithuanian.

6) In accordance with Article 23(3) of the Framework Decision, we hereby inform you that when the Republic of Lithuania is an *executing State* it will, after receiving a judgment and a certificate, request that the judgment or essential parts of it be accompanied by a translation into Lithuanian, where it finds the content of the certificate insufficient to decide on the enforcement of the sentence.

7) In accordance with Article 28(2) of the Framework Decision, the Republic of Lithuania will recognise and execute final judgments imposing a custodial sentence issued from 5 December 2011. Where a judgment imposing a custodial sentence has been issued before 5 December 2011, the Republic of Lithuania will continue to apply Article 365 of its Code of Criminal Procedure and the relevant provisions of international agreements (See Declaration by Lithuania in Council document 15413/1/08 REV 1 of 18 November 2008).

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