

*Letter dated:* 13 June 2017

*From:* Donatas Matuiza, Deputy Minister for Justice, Lithuanian Ministry of Justice

*Reference:* (1.13.)7R-4885

*To:* European Commission

*Subject:* **SUBMISSION OF INFORMATION IN ACCORDANCE WITH DIRECTIVE 2014/41/EU**

We wish to inform you that on 15 June 2017 the following legal acts will enter into force in Lithuania, implementing the provisions of Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters ('the Directive'):

1. Law No XIII-397 amending Law No XII-1322 on the mutual recognition and enforcement of judgments in criminal matters by Member States of the European Union;
2. Law No XIII-398 amending Articles 66, 67 and 77 of and the Annex to the Lithuanian Code of Criminal Procedure and repealing Articles 41-1 and 77-2;
3. Law No XIII-399 amending Articles 7 and 8 of Law No I-1175 on pre-trial detention;
4. Law No XIII-400 amending Article 5-2 of and the Annex to Law No IX-895 on compensation for damage caused by the illegal actions of public authorities and the representation of the State and the Lithuanian Government;
5. Order No 1R-148 of the Minister for Justice of 6 June 2017 amending Order No 1R-89 of the Minister for Justice of 30 March 2015 on the approval of model forms;
6. Order No I-199/1R-153 of the Prosecutor General and the Minister for Justice of 9 June 2017 repealing Order No I-150/1R-444 of the Prosecutor General and the Minister for Justice of 31 October 2007 approving the rules for preparing the certificate of an order freezing property or evidence and for sending procedural documents relating to the temporary protection of items, documents and other assets to the judicial authorities of EU Member States.

We hereby also provide the information required under Article 33(1) and (2) of the Directive.

Pursuant to Article 33(1)(b), we wish to inform you that Lithuania will accept European Investigation Orders or notifications referred to in Article 31 of the Directive which are drawn up in or translated into **Lithuanian or English**.

In accordance with Article 33(1)(a), we wish to inform you that the issuing authorities in Lithuania are the following judicial authorities:

- during court proceedings, the **court** hearing the case;
- during pre-trial investigations, the **regional prosecutor's office**, if a European Investigation Order is issued while the regional prosecutor's office is conducting a pre-trial investigation or on receipt of a request from a pre-trial investigation body whose pre-trial investigations are being led by the regional prosecutor's office;

- the **Prosecutor General's Office**, if a European Investigation Order is issued while the Prosecutor General's Office is conducting a pre-trial investigation or on receipt of a request from a pre-trial investigation body whose pre-trial investigation is being led by the Prosecutor General's Office, or on receipt of a request from the prosecutor or court leading the pre-trial investigation if it is necessary to transfer temporarily to or from Lithuania a person held in custody or a person serving a sentence involving deprivation of liberty.

The executing authorities in Lithuania are as follows:

- the **district court**, where the European Investigation Order is issued during court proceedings;

- the **regional prosecutor's office**, where the European Investigation Order is issued during a pre-trial investigation;

- the **Prosecutor General**:

1) where it is necessary, in accordance with Article 22 or 23 of the Directive, to transfer temporarily to or from Lithuania a person held in custody or a person serving a sentence involving deprivation of liberty;

2) where the European Investigation Order is issued during a pre-trial investigation, and;

a) it is not possible to establish the specific territory in Lithuania where the European Investigation Order is to be enforced, or

b) there are several territories in which the European Investigation Order is to be enforced and coordination of the enforcement is required.

Pursuant to Article 33(1)(c) of the Directive, we wish to inform you that the designated central authorities that are required to provide assistance to the competent authorities are the **Ministry of Justice** (address: Gedimino pr. 30, LT-01104 Vilnius, Lithuania; tel.: +37052662984; fax: +37052625940; email: [rastine@tm.lt](mailto:rastine@tm.lt)) at the stage of court proceedings and the **Prosecutor General's Office** (address: Rinktinės g. 5A, LT-01515 Vilnius, Lithuania; tel.: +37052662305; fax: +37052662317; email: [generaline.prokuratura@prokuraturos.lt](mailto:generaline.prokuratura@prokuraturos.lt)) at the stage of the pre-trial investigation. The Lithuanian executing authority will send a European Investigation Order directly to the competent authority of another Member State. A European Investigation Order issued by the competent authority of another EU Member State should be sent directly to the executing authority referred to in this letter. The Lithuanian central authorities are prepared to help should there be any uncertainty in establishing the competent executing authority.

Pursuant to Article 33(2) of the Directive, we wish to inform you that any decision about the authorisation allowing the transit through Lithuania of a person held in custody or a person serving a sentence involving deprivation of liberty for the completion of procedural formalities is taken by the **Prosecutor General's Office** on receipt of a request from a competent authority of an EU Member State and a copy of a European Investigation Order and a translation of these into Lithuanian or English.

We also wish to inform you that the body in Lithuania competent to receive notifications referred to in Article 31 of the Directive (notification of the Member State where the subject of the interception is located from which no technical assistance is needed) is the **Police Department under the Ministry of the Interior** (Saltoniškių g. 19, LT-08105 Vilnius, Lithuania; tel.: +37052719731, fax: +37052719978; email: [info@policija.lt](mailto:info@policija.lt)).