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from:	Paulius Griciūnas, State Secretary, Ministry of Justice of the Republic of Lithuania
to:	General Secretariat of the Council
Subject:	Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties - Notification letter

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Delegations will find attached a notification letter from the Republic of Lithuania.

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Mr Ivan Bizjak  
 Director General  
 DG H - Justice and home affairs  
 General Secretariat of the Council of the European Union  
 Rue de la Loi 175  
 B-1048 Bruxelles  
 Belgium

**REPORT ON THE TRANSPOSITION INTO NATIONAL LAW OF FRAMEWORK  
 DECISION 2005/214/JHA ON THE APPLICATION OF THE PRINCIPLE OF MUTUAL  
 RECOGNITION TO FINANCIAL PENALTIES**

Dear Sir,

Please find attached the text of the provisions transposing into Lithuanian national law the obligations imposed on the Member States under the Framework Decision.

The provisions of the Framework Decision are mainly implemented under the Code of Criminal Procedure of the Republic of Lithuania, which entered into force on 1 May 2003. The Code was last amended on 13 December 2007 and entered into force on 1 March 2008, including the amendments and additions to Article 342 and the Annex to the Code and the insertion of the current version of Articles 17-2, 365-1 and 365-2. These provisions mainly concern the rules on recognition and enforcement of financial penalties transmitted to the Republic of Lithuania by other Member States of the European Union.

In addition, in the process of implementing the provisions of Framework Decision 2005/214/JAI on the application of the principle of mutual recognition to financial penalties, on 5 March 2008 the Government of the Republic of Lithuania adopted Resolution No. 219 "On the Adoption of Rules on the Transmission of Financial Penalties Imposed by Courts of the Republic of Lithuania to Other Member States of the European Union for the Purpose of Enforcement". These provisions concern the financial penalties transmitted by the Republic of Lithuania to other Member States of the European Union for the purpose of enforcement.

**District courts** are the authorities of the Republic of Lithuania as *executing state* competent to recognise and arrange the enforcement of financial penalties transmitted by the competent authorities of other Member States of the European Union in accordance with Article 2 (1) of the Framework Decision. District courts are competent to receive financial penalties transmitted by other Member States of the European Union both directly and through the central authority.

Pursuant to Article 365-1 (1) of the Code of Criminal Procedure of the Republic of Lithuania, a financial penalty imposed by the competent authority of a Member State of the European Union is recognised as a financial penalty by the district court of *the place where the natural or legal person on whom a financial penalty has been imposed is resident or has its registered seat*. Where the natural person on whom a financial penalty has been imposed has no residence in the Republic of Lithuania or the legal person has no registered seat in the Republic of Lithuania, the financial penalty is recognised by the district court of the *place where the property or the principal part thereof from which recovery may be sought is located*.

**Courts of general competence** (district courts, county courts, the Court of Appeals of Lithuania and the Supreme Court of Lithuania) are the authorities of the Republic of Lithuania as *issuing state* competent to impose a financial penalty and transmit it for the purposes of enforcement to the competent authorities of other Member States of the European Union pursuant to Article 2 (1) of the Framework Decision. Courts of general competence are competent to transmit the financial penalties imposed by them to other Member States of the European Union for enforcement both directly and through the central authority.

Contact information for Lithuanian courts and their geographical areas of responsibility can be found on the website of the National Courts Administration: <http://www.teismai.lt/teismai/adresai/teismai.asp>.

**The Ministry of Justice of the Republic of Lithuania** (Gedimino pr. 30/1, LT-01104, Vilnius, Lithuania. tel. (370) 5266 2933, fax (370) 5262 5940) is the *central authority* responsible for the administrative transmission and reception of decisions and for providing assistance to competent authorities.

(Complimentary close)

State Secretary, Ministry of Justice

Paulius Griciūnas

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