



LIETUVOS
TEISMAI

Judicial cooperation in criminal matters. Experience of Lithuania and practical issues

Laima Šeputienė,
Judge at Kaunas District Court, Kaunas Chamber
24/02/2021, Kaunas

EU MUTUAL RECOGNITION INSTRUMENTS



**COUNCIL
FRAMEWORK
DECISION
2008/909/JHA**

**COUNCIL
FRAMEWORK
DECISION
2008/947/JHA**



Implemented by a special law

The Law of the Republic of Lithuania of 13 November 2014 On the recognition and enforcement of judgements in criminal matters adopted by member states of the European Union

Entered into force on
1 April 2015

NOTIFICATIONS BY LITHUANIA



**REGARDING COUNCIL
FRAMEWORK DECISION
2008/909/JHA**

**REGARDING COUNCIL
FRAMEWORK DECISION
2008/947/JHA**

Competent authorities:

Ministry of Justice
(competent authority to
receive documents and
conduct consultations)
District courts
(competent to recognize
judgements and transmit
them for enforcement)

District courts
(competent to receive,
recognize and transmit
judgements for
enforcement)
Probation services
(competent to enforce
judgements)

Languages:

The Lithuanian language: certificate
May request translation of the decision or its essential parts into
Lithuanian

Actions by Lithuania following the implementation of Framework decision 2008/909/JHA

<i>As the executing state</i>	<i>As the issuing (receiving) state</i>
<p>1. Upon receipt of documents the Ministry of Justice:</p> <ul style="list-style-type: none"> - within 5 working days forwards them to a district court; - sends a notification to a sentenced person (if the person is within the Republic of Lithuania); - informs the competent authority within EU on the actions taken. 	<p>1. An authority enforcing the sentence contacts the court with a request.</p> <p>(before contacting consultations may be conducted via the Ministry of Justice).</p>
<p>2. The court hearing is organized under a written procedure. The court offers the possibility to submit replies before the procedure.</p>	<p>2. The court hearing is organized under an oral procedure.</p>
<p>3. A total length of judicial proceedings - 30 days. Ultimate time limit - 90 days.</p>	<p>3. Once the ruling has become final, the court transmits the certificate along with the decision to the competent authority of another EU members state within 3 working days.</p>
<p>4. Once the ruling has entered into force and became final:</p> <ul style="list-style-type: none"> - within 3 days at the latest forwards it for enforcement; - within 5 working days at the latest informs directly the competent authority of another member state of the EU. 	<p>4. After receiving the notification about recognition of a decision, it informs the sentenced person, the enforcement authority, the Ministry of Justice (and the Public Security service as well as the Lithuanian Criminal Police Bureau if the sentenced person is within the Republic of Lithuania)</p>
<p>5. A sentenced person is usually taken over not later than within 30 days from the date of entry into force of the ruling.</p>	<p>The handover of a sentenced person usually takes place within 30 days from the date of the final ruling at the latest.</p>

Actions by Lithuania upon implementation of Framework decision 2008/947/JHA

<i>As the executing state</i>	<i>As the issuing state</i>
<p>1. A district court receives documents (the decision and the certificate) directly.</p>	<p>1. The Probation Service contacts the court with a request. (The court may also decide to deliberate this issue upon its own initiative.)</p>
<p>2. The court deliberates on the issue under a written procedure, without holding a hearing.</p>	<p>2. The request is deliberated during an oral hearing procedure.</p>
<p>3. Before that the parties are given the possibility to submit their replies (replies are mandatory to the Probation Service).</p>	<p>3. Once the ruling becomes final, the court forwards the certificate along with the decision to the competent authority of another member state of the EU within 3 working days.</p>
<p>4. A total length of court proceedings – 45 days. The ultimate length of the proceedings – 60 days.</p>	<p>4. Upon receipt of a notification of recognition of a decision, it informs:</p> <ul style="list-style-type: none"> - The sentenced person (if this person is within the Republic of Lithuania); - The Probation Service.
<p>5. Once the ruling becomes final, the court notifies the competent authority within the EU within 5 working days at the latest.</p>	<p>5. The Probation Service immediately terminates enforcement of an alternative sanction or probation measure.</p>
<p>6. The decision is enforced in accordance with the laws of the Republic of Lithuania.</p>	

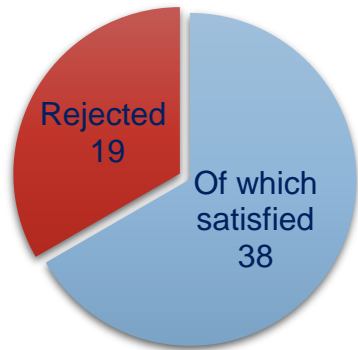
In 2019 in Lithuania:

RECEIVED AND EXAMINED FROM EU MEMBER STATES

EXAMINED REGARDING FORWARDING TO EU MEMBER STATES

UNDER COUNCIL FRAMEWORK DECISION 2008/909/JHA

57 IN TOTAL



■ Of which satisfied ■ Rejected

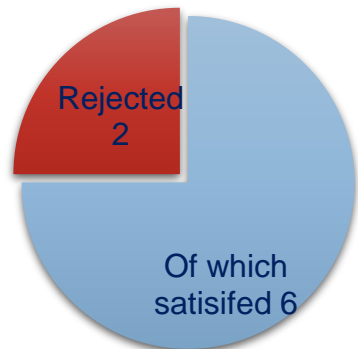
9 IN TOTAL



■ Of which satisfied ■ Rejected

UNDER COUNCIL FRAMEWORK DECISION 2008/947/TVR

8 IN TOTAL



■ Of which satisfied ■ Rejected

4 IN TOTAL



■ of which satisfied ■ Rejected

The most frequent reasons for rejecting recognition and enforcement of judgements in Lithuania:



- The remaining duration of a sentence or a non-custodial sentence is shorter than 6 months;
- The decision made is related to a crime not carrying criminal liability in Lithuania;
- If there are doubts as to whether the decision requested to be recognised is indeed final;
- If it transpires that a decision was made in absentia;
- If it has been determined that the conditions for enforcing the sentence are worse in Lithuania;
- Lack of additional information (for instance, about the deportation procedure);
- Missing information from another member state of the European Union;
- No translation of the judgement/decision provided;
- If the determined place of residence of a sentenced person is not within the Republic of Lithuania, but in another member state of the European Union.

Judicial cooperation in criminal matters



Thank you for your attention!!!



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