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Delegations will find attached the declassified version of the above document.

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# RESTREINT UE



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 7 November 2006**

**14173/1/06**

**REV 1**

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## **REPORT**

from :	Police Cooperation Evaluation Committee
to:	Schengen Evaluation Working Party
Subject :	Schengen evaluation of the new Member States
	LITHUANIA: Report on Police Cooperation (October 2006)

The current draft is based on the replies of **Lithuania** to the questionnaire and includes the results of the visit, following the evaluation and the drafting session of the Evaluation Committee during the visit. It also includes the comments from delegations and the Lithuanian authorities on the first draft report.

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## REPORT ON POLICE COOPERATION

This report was made by the Evaluation Committee and is brought to the attention of the Sch-Eval Working Party which will ensure a report and the presentation of the follow-up there to the Council.

### 1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Group (SCH/com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), expert teams visited Vilnius, Trakai, Lazdijai and Siauliai, where experts of Lithuania presented police cooperation in their country.

*Participants:*

- |                                  |       |
|----------------------------------|-------|
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The Evaluation Committee visited the following sites:

- The Police Department (under the Ministry of Interior) in Vilnius
- The Lithuanian Police Training Centre in Trakai
- The Lazdijai District Police Unit in Lazdijai
- The Siauliai City Police Headquarters in Siauliai

### 2. MANAGEMENT SUMMARY

The evaluation took place on four sites (Vilnius, Trakai, Lazdijai and Siauliai) in order to show the various types of bilateral and multilateral cooperation with the neighbouring countries. For Lithuania the evaluation is therefore based on presentations by the Police Department on police cooperation from a management point of view, and on site visits to Lithuanian Police Training Centre in Trakai, to Lazdijai District Police Unit and to Siauliai City Police Headquarters to assess cooperation between the Lithuanian authorities and the authorities of neighbouring countries (mainly Poland and Latvia).

Experts from the Lithuanian Police Department were present during the whole evaluation and were able to provide any information requested.

The report is therefore based mainly on the replies to the questionnaire and includes information given during the presentation and during the visit. As the information given by the local authorities was very extensive, the Evaluation Committee did get a very good basis to make its assessment.

The Lithuanian Law Enforcement Authorities have adopted a good system for International Police Cooperation, especially by having a Joint Communication Centre (incoming messages via Interpol, Sirene and Europol channels) and for the exchange of information under Articles 39 and 46. This system guarantees efficiency and effectiveness in cooperation and should be seen as best practice.

The Evaluation Committee recognises the efforts of Lithuanian government to conclude and ratify bilateral agreements on cross-border police cooperation with the neighbouring countries Poland and Latvia and also joint exercises between the contracting countries pending ratification of these agreements.

The Evaluation Committee welcomes the idea of future Common Cooperation Centres with Poland and Latvia with the participation of Police and Customs in addition to the Border Guards of the two countries.

The Evaluation Committee has made a number of detailed recommendations throughout this report, but the main recommendations concern exchange of information and the development of a common intelligence-led policy approach.

### **3. LAW ENFORCEMENT AND POLICE ORGANISATION**

#### **3.1. National law enforcement structures**

The general management and control of the Lithuanian Police is the responsibility of the Police Commissioner General, who is appointed for a period of 5 years and dismissible by the President of the Republic of Lithuania at the suggestion of the Minister of the Interior and subject to the approval of the Government of the Republic of Lithuania. The Police Commissioner General is directly subordinated to the Minister of the Interior and accountable to the President.

The Lithuanian Police employs 12 692 officers, including 2 504 policewomen (20.3% of total staff).

The Lithuanian Police is a statutory organization, ensuring public order and safety, detecting and investigating criminal acts and other violations of law as well as rendering other social (humanitarian) aid for people.

The police system consist of the Police Department under the Ministry of the Interior; specialised police units, territorial police units and police professional training institutions.

## **1) Police Department under the Ministry of the Interior.**

It is an office which helps the Police Commissioner General to form the strategy of police activity and control its implementation, as well as to organise the management of territorial police units. The Police Department ensures the implementation of those police functions within its sphere of competence, controls and coordinates the activity of subordinate police units, gives them recommendations and instructions, shapes and implements personnel policy, ensures the implementation of state programmes in police units and organises and supervises the implementation of decisions of the Police Commissioner General.

## **2) Specialized police units.**

Specialized police units are police divisions established on a non-territorial principle, which carry out certain (special) police functions assigned to them by legal acts. There are 11 specialized police agencies:

*1) Lithuanian Criminal Police Bureau.* The main tasks of the Lithuanian Criminal Police Bureau are the prevention and uncovering of serious and major crimes, criminal activities which arouse public interest, activities connected to the functioning of criminal organisations, organised groups and their members, as well as the co-ordination of investigations. Officers of the Lithuanian Criminal Police Bureau conduct searches for missing people and fugitives from justice.

The International Liaison Office of the Lithuanian Criminal Police Bureau ensures and implements practical police cooperation at international level. This service consists of the Lithuanian National Interpol Unit (*In November 1991, at the General Session of Interpol in Uruguay, Lithuania was admitted to this international criminal police organisation. On 30th November 1991, the Lithuanian National Interpol Unit was officially established*), the Sirene National Unit and the Europol National Unit (*On the 1 May 2003, Lithuania became a full Europol member*). The Office represents the Lithuanian Police in its work within the *Task Force* project, which is aimed at fighting organised crime throughout the states of the Baltic Sea region

*2) The Lithuanian Police Operational Support Service* was established in 1991. In 2003, it became an independent specialized unit of the country's police. In accordance with the laws of the Republic of Lithuania, the service on its own or together with other divisions of the criminal police identifies and represses crime. The Lithuanian Police Operational Support Service undertakes various operative measures and collects, stores and analyses information on committed or intended crimes and suspected people. It also executes special operational support measures (e.g. surveillance, interception, etc).

*3) The Lithuanian Police Forensic Science Centre* provides integrated scientific and technical help to officers at pre-trial institutions in the investigation and prevention of criminal activities. Professionals of the Centre examine scenes of accidents and find, note, and take samples of criminal activities and traces of crimes as well as other objects of importance to the identification and investigation of crimes; perform laboratory research on traces of crimes and other objects by using scientific research equipment and modern research methods; collect and manage central criminal card files and collections and use them for the investigation of criminal activities.



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4) The Lithuanian Police Witnesses and Victims' Protection Service ensures the integrated protection of witnesses and victims from criminal pressure, the implementation of operative measures throughout the country and, on the basis of international treaties, outside Lithuania.

5) The Lithuanian Police Antiterrorist Operations Team (ARAS) operates in the territory of the Republic of Lithuania and conducts special operations which need the use of purposeful, armed and special techniques and force. The main tasks of the team is to carry out anti-terrorist operations, operations to release hostages and the detention of dangerous criminals which require specially trained forces as well as the use of special techniques and equipment. The ARAS team searches for and neutralises homemade and military explosives which could be used for terrorist purposes.

6) The Lithuanian Police Traffic Control Service conducts supervision of traffic on the roads of the Republic of Lithuania, escorts heads of foreign states, governments and other official delegations, and fulfils other special functions ascribed to it by legal acts on a country-wide scale and based on the non-territorial principle.

7) The Lithuanian Public Police Team (VYTIS) ensures public order in the vicinity of diplomatic offices of foreign countries and protected objects, patrols in the area surrounding protected objects within its competence, conducts the prevention of crime and other offences, as well as supervising the traffic and protecting lawful interests and assets of citizens, institutions and organizations.

8) The Lithuanian Police Logistics Centre is responsible for the material and technical supply of the police.

9) The Lithuanian Police Training Centre's mission is to develop the professional skills and fighting efficiency of police staff through training in all areas including the use and handling of police dogs. Its aims are to examine the professional skills and training needs of police officers; to develop the ability of police staff carry out police tasks in an efficient, professional and ethical manner; to employ the most progressive and effective training methods and to prepare police officers for the implementation of their duties in the environment of the European Union.

10) The Lithuanian Police dog training centre.

11) Lithuanian Police Journal "Police" Desk.

## **3) Territorial police units**

Territorial police units are police units which carry out the functions, attributed to them by legal acts, in the established territory. Territorial police units consist of 10 higher-level County Police Headquarters and 49 lower-level Local Police Units.

Higher-level County Police Headquarters are established in county centres and ensure the implementation of police tasks in the whole county territory. Their functions are to co-ordinate and, in the manner prescribed by their foundation and other legal documents, control activities of local lower-level police units functioning in the territory of an appropriate county; to submit to the Police Commissioner General draft budgets for all police bodies functioning in the territory of the county; to implement other tasks and functions provided for in their foundation and other legal documents, and report on their functions to the Police Commissioner General.

Lower-level Local Police Units are established in administrative centres of municipalities to operate at municipal territory level. Local Police Units ensure public safety and order; taking into account the needs of the local population and, together with local authorities, public organizations and residents, draw up and implement programmes intended for crime prevention, protection of lives, health and property of the population, as well as public order. Their functions also include preventing criminal acts and other violations of law, detecting and investigating criminal acts and other violations of law; submitting draft budgets to the heads of police headquarters at a higher level and carrying out other duties within their sphere of competence defined in their foundation and other legal documents.

## **4) Police professional training institutions**

Police Professional training institutions are training divisions established by the Police Commissioner General, which ensure constant professional improvement of police officers.

Lithuanian police priorities are:

1. To develop and to improve the prevention, detection and investigation of the major and serious crimes as well as criminal acts related to organized crime, high-tech/Internet crime and intellectual and industrial property crime;
2. To develop and to improve pre-trial investigation in the police institutions;
3. To develop and to improve Lithuanian police co-operation with police of EU member states and other states. To implement the requirements of the EU *acquis* in the field of Justice and Home Affairs.
4. To improve the image of the Lithuanian police and to promote good relations with the community by preparing and implementing preventative programs.

In order to implement the priorities, main actions for each of the above mentioned priorities are determined. The most important objective for the third priority is the implementation of the requirements of the Schengen *acquis* and all necessary preparatory actions to enter the Schengen area.

## **BORDER GUARD SERVICE**

Pursuant to Article 2 of the Law on the State Border Guard Service, the State Border Guard Service (hereinafter, the SBGS) is responsible for controlling borders (border surveillance and border checks) in Lithuania. The SBGS is under the authority of the Ministry of the Interior, which supervises and controls the implementation of border guard policy.

The SBGS possesses information concerning suspicious vehicles and persons. The SBGS Information System is used when carrying out border checks and border surveillance. This information system contains data on wanted persons and vehicles, aliens who are forbidden to enter Lithuania and invalid documents. The data is automatically received from the databases of the Ministry of the Interior, which are administered by the Information Technologies and Communication Department under the Ministry of the Interior. All the data is administered (entered, removed, etc.) by the Information Technologies and Communication Department under the Ministry of the Interior.



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In certain cases, data on suspicious persons and vehicles can be entered into the SBGS Information System by authorised officers of the SBGS.

In emergency cases, the data can be forwarded to the border guard units (frontier stations, border crossing points) via telephone, fax or the SBGS internal e-mail system.

The Customs Criminal Service has the intelligence database where information about suspected persons and vehicles is stored. This information is gathered through operative activities, during pre-trial investigations of smuggling and other customs related crimes, through the exchange of information with other law enforcement institutions and collaboration with foreign law enforcement authorities.

## INTERAGENCY COOPERATION

There are 4 agreements for interagency cooperation, including Police, Customs, Border Guard Service, Financial Crimes Investigation Service and others.

Their aim is to share the responsibilities and divide the functions to avoid any possible duplications.

The last of these agreements (signed in 2005) seeks to establish a Joint Criminal Information Analysis Centre for Police, Border Guard Service and Customs.

Concerning information resources, all the above institutions have different access to different registers. Intelligence data are not included.

The customs have investigating authorities, which are limited in comparison to the police.

In case of conflict, the prosecutor has the competence to decide which is the responsible authority.

## POLICE DATA BASE

There is a Police Information System (POLIS) with several police data bases, which need to be adjusted in order to comply with the SCHENGEN requirements.

This system is administered by police authorities and all police services have access to its databases.

Intelligence data are included in the Police Information System.

The police also have access to the following External Data Arrays to assist them in their duties:

- Register of Residents of the Republic of Lithuania
- Register of Legal Entities
- Register of Road Vehicles of the Republic of Lithuania
- SODRA (National Social Insurance Fund)
- Real Estate Register
- VSATIS (data on border controls)
- Register of Aliens

## 3.2. Structure for international cooperation

(central authorities, decentralised structures, ad hoc arrangements)

Two main units are responsible for international police cooperation in Lithuania:

### **a) International Cooperation Board of the Police Department**

With the following tasks:

- Coordination of international police cooperation
- Coordination and implementation of state policy in EU matters within police competence
- Developing international relations with foreign law enforcement authorities
- Liaison officers network: Europol (2), Poland, Spain, Permanent Representation of Lithuania to the EU (Brussels).

### **b) International Liaison Office of the Lithuanian Criminal Police Bureau:**

The International Liaison Office of the Lithuanian Criminal Police Bureau ensures and implements practical police cooperation at international level.

It consists of the Interpol Lithuanian National Unit, the Sirene National Unit and Europol Lithuanian National Unit and has the following tasks:

- Implementation and coordination of the cooperation of national law enforcement institutions with the General Secretariat of Interpol, Europol and other foreign law enforcement organisations and agencies.
- Transmission of the information to the specialised and territorial police agencies and other law enforcement institutions of the Republic of Lithuania and foreign countries 24 hours per day during the entire year.
- Within its competence, implementation of Articles 39-40,46,92,93-100,125 of the Schengen Convention.
- Within its competence, implementation of the decisions approved by Interpol, Europol or other international law enforcement organisations in the field of international police cooperation.

#### 1) Interpol Lithuanian National Unit (ILNU)

It consists of the following five sections:

- Organised Crime Investigation Section
- Financial Crime Investigation Section
- Stolen Property Investigation Section
- Fugitive Section
- Informational System Section

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The main functions of the ILNU are:

- Exchanging information with the National Law Enforcement Agencies and their foreign counterparts, including international organisations, regarding organised crime, drug control, illegal migration, other serious crimes, searched vehicles and other stolen property crimes, money laundering, smuggling, other economic crimes, search for individuals, personal identification matters.
- Providing Interpol services using the Interpol data base (ASF, fugitives, vehicles, stolen documents, works of art) via I-24/7 for remote users.
- Executing extradition orders for the Republic of Lithuania.

## 2) Europol Lithuanian National Unit (ELNU)

The main function of the ELNU is to lead the information cases and exchange information with competent agencies of the Republic of Lithuania and Europol on the following matters:

- organised crime
- drug control
- illegal migration
- terrorism
- searched vehicles
- money laundering
- other serious crimes

## 3) Sirene National Unit

Sirene has been appointed as the subdivision exercising the functions of the Central Authority of Lithuania for Articles 39 and 46 of the Schengen Convention. It consists of:

- Communication Centre (24/7 service)
- Wanted Persons Group
- Wanted Objects and Surveillance Group

The Communication Centre is run jointly with Europol and Interpol (incoming messages via Interpol, Sirene and Europol channels) and also exchanges Article 39 and 46 information.

During after-office hours and weekends, responds to urgent messages received including actions regarding Article 40 requests.

During the rest of the time, competence for of coordination of the action in connection with Article 40 lies with the Wanted Objects and Surveillance Group.

### 3.3. Training and promotion

**(training at basic, advanced and management level; linguistic training; manuals)**

Education for primary-level police officers lasts 1 ½ years and takes place at the Police School in Klaipeda under the Ministry of the Interior. Until 2006, primary-level police officers were educated at the Police Faculty of the University of Mykolas Romeris in Kaunas. In 2006, the University stopped training primary-level police officers. Only middle-level police officers are currently educated at the University.

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The Lithuanian Police Training Centre in TRAKAI provides continuous training courses to police officers on different police subjects. These courses last from 2 days to 4 weeks.

Concerning the implementation of Schengen acquis firstly, trainers were trained in order to establish a training network for all territorial units. Police officers were trained in the following training courses: application of Schengen acquis, international police co-operation in the Schengen Area, police action in the framework of integration, improvement of qualification and English language skills. Police officers have obtained all the information recommended in the Schengen Recommendations Catalogue. In 2005, joint practical training for Polish and Lithuanian officers took place on the application of Articles 40 and 41 in practice. Lithuanian police officers attended a training course organised by the Polish border police authorities. In September 2005 and in November 2005, meetings with Latvian counterparts took place in order to discuss cooperation in organising training. The Lithuanian Training Centre and the Latvian Police School (now Police College) signed a Common Declaration on police officer training issues in January 2006. Joint practical training on applying Article 40 in practice took place for Lithuanian and Latvian officers in 2006.

The following training is foreseen:

1. From November 2005 to December 2007 – training of 6000 police officers in Schengen-relevant topics during implementation of the Special Kaliningrad Transit programme and training of 5000 police officers in territorial police units performed by instructors. In total – 11.000 police officers.
2. Continuous training of management. It is planned that by 2007 at least 300 officers will have been trained in Lithuania and abroad (CEPOL).
3. SIS-relevant training once SIS II becomes operational.
4. Foreign language skills.
5. Specific training taking into account specific needs.

The training curriculum for police officers contains the provisions of all the Schengen acquis. Police officers become acquainted with the provisions of the Handbook during the training courses on the EU and Schengen subjects. Officers are trained to use the Handbook and to apply its provisions in practice. In line with best practice, the Handbook is on the Lithuanian Police Intranet, where it is available in its latest version to all police officers. Moreover, a digest of vital Schengen documents was prepared and distributed to all police stations. Additionally, brochures with basic information were prepared to include the basics on Schengen rules, provisions and practical implementation thereof. Each and every police officer is given such a brochure.

There is a twinning programme in progress concerning the evaluation of the police training system in Lithuania. After the end of it significant changes are expected to take place.

## ***Comments and recommendations of the Evaluation Committee:***

*The police structure and system looks appropriate according to the Schengen standards.*

*The existence of Interagency Agreements is a sign of good will as regards cooperation between the different internal agencies in the field that could lead to better coordination and lack of competition between the agencies. The Evaluation Committee sees this development as a step in the right direction and recommends that those Agreements still pending implementation be implemented as soon as possible.*

*Although the Border Guard and Customs have investigative powers and there is an obvious effort of interagency cooperation, there is no Common Cooperation Centre for Police, Customs and Border Guard. The creation of such a Centre should be speeded up as a matter of priority, as is recommended in the Police Cooperation Best Practices Catalogue.*

*The POLIS police database has the advantage of accessibility by all police services and further access to some external arrays. However the limited number of computer users who have access to POLIS in the Lithuanian Police shows that capability among police officers may be lacking in this respect. This defect could be remedied with organizational changes and training of a reasonable number of police officers in IT technology so that future needs will be also covered.*

*Concerning International Police Cooperation, the integrated office (Communication Centre) which provides a 24/7 service for back offices where all the different police channels are present is positive and can be considered best practice.*

*It seems to the evaluation team that education was fragmented and that the responsibility for police education was split between several institutions. It is recommendable to create a training department (a police school) where all police training is centralised.*

*The training programmes on the transmission of knowledge of the Schengen acquis to police personnel are in the right direction. The high level of training on Schengen issues within the police should be stressed. However the evaluation team received no information on the training of customs officers on Schengen issues. Customs officers should be trained on Schengen issues.*

## ***Comments of Lithuania:***

*Concerning the reasons for the limited number of computer users in the Lithuanian Police. We would like to clarify that the number of computerized work places does not depend on the number of personnel trained in IT issues. The reason for that is that many police officers (especially in the field) performing their functions do not need computers because of the organisation of their activities. The changes in the organisation of police activities, introducing mobile computerized work places as well as more computerized functions would solve this problem. The Police Department has prepared the Action Plan for the introduction of NSIS, in the framework of which the current data bases will be upgraded, functions computerized and mobile computerized work places introduced.*

*Currently all data needed from POLIS can be received via the operational management units (duty unit) of the territorial police units.*

*Training on IT issues is provided during basic education and especially during continuous training at the Lithuanian Police Training Centre. In the Lithuanian Police more than 50 percent of personnel has access to POLIS and other databases and have knowledge and skills to use them.*



## 4. OPERATIONAL COOPERATION

### 4.1. Mutual assistance (Article 39)

**(via central or other authorities; in ordinary and urgent situations; responsiveness, evaluation and redress mechanism)**

Lithuania has a joint Communication Centre with Interpol/Sirene/Europol and a front desk to handle all incoming requests concerning Article 39.

The Ministry of Interior has designated the Police Department as the central authority for the purposes of Articles 39 and 46 of the Schengen Convention. The National Sirene Bureau of Criminal Police Bureau was designated as the executing unit in this regard.

Presently, there is no plan to delegate representatives of other police authorities to the National Sirene Bureau, but rather contact persons will be nominated to carry out the functions foreseen in Articles 39 and 46 of the Convention.

For the implementation of the aforementioned Articles, the central authority has access to the following databases:

1. Central database (CDB) administered by the Information Technologies and Communications Department under the MoI:

snapshot register of residents, register of suspects, accused and convicted persons, snapshot register of road vehicles, snapshot register of legal entities, snapshot national social insurance fund (Sodra), register of aliens, register of wanted persons, register of criminal acts;

2. Databases (POLIS) administered by the Police Department under the MoI: persons (police records), register of accidents recorded by the police, register of administrative offences recorded by the police, register of road traffic violations and traffic accidents, register of applied preventive means, register of searched vehicles, register of searched guns, register of numbered objects searched, register of guns held by civilians;

3. Database on border crossings, administered by the State Border Guard Service under the MoI;

4. Databases administered by the Forensic Centre of the Lithuanian Criminal Police: automated dactylographic identification system (ADIS), DNA samples.

5. Data bases administrated by other authorities: Real Estate Register

Within the framework of cross-border cooperation pursuant to Article 39(1-3) of the Schengen Convention, the International Liaison Office of the Lithuanian Criminal Police Bureau does not additionally turn to a judicial authority for the information referred to in the document adopted by the Executive Committee of Schengen on 28 April 1999 (SCH/Com-ex (99) 18; SCH/I (98) 75 rev. 5) on principles for police cooperation in the prevention and detection of offences.. The information provided by the International Liaison Office may be used as evidence in a criminal case being investigated by another Member State, after prior authorisation of the Lithuanian judicial authorities.



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In accordance with national law, Lithuanian police institutions are authorised to provide all the types of information listed in the document adopted by the Executive Committee of Schengen on 28 April 1999 (SCH/Com-ex (99) 18; SCH/I (98) 75 rev. 5) on principles for police cooperation in the prevention and detection of offences without the involvement of the judicial authorities. These types include identification of vehicle owners and drivers, driver license enquiries, tracing whereabouts and residence, identification of telecommunications subscribers (telephone, fax and Internet) provided this information is publicly available, obtaining information from the persons concerned by the police on a voluntary basis, identification of persons, transmission of police intelligence from police databases or files, subject to compliance with the relevant legal provisions governing data protection, preparation of plans and coordination of search measures and the initiation of emergency searches (independently of SIS searches), tracing the origins of goods, particularly weapons and vehicles (tracing sales channels), examination of evidence (such as vehicle damage after hit and run accidents, erasures in documents, etc.). In addition, the police may provide fingerprint information, DNA samples and information on previous convictions. According to the national legislation and relevant bilateral, trilateral, multilateral and universal international instruments concerning the procedure for international legal assistance to foreign law enforcement and judicial authorities as well as to international organisations, the Ministry of Justice and the General Prosecutor's Office have been nominated as contact points.

If the central police authority receives a request for legal assistance from foreign judicial authorities which does not fall within the remits of that authority, then it is forwarded to the Ministry of Justice and the General Prosecutor's Office (depending on the contents of the request). Then the relevant authority considers the request and takes any further necessary decisions. The decision then is forwarded to the central police authority, which forwards it to the requesting state.

Article 15(5) of the European Convention on Mutual Assistance in Criminal Matters of 20 April, 1959 provides that requests for authorisation may be directly forwarded via the International Criminal Police Organisation (Interpol). Therefore, certain requests by foreign judicial authorities were already being handled before Article 39 of the Schengen Convention came into force.

If there is an urgent request, foreign judicial authorities send it by fax to the Interpol Lithuanian National Unit of the International Liaison Office of the Lithuanian Criminal Police Bureau, which in turn forwards it to the Ministry of Justice or to the General Prosecutor's Office. The country that has sent the request by fax must send the original as well, in which case it is sent to the relevant competent authority.

Requests from foreign judicial authorities by e-mail are not accepted nor processed.

Pursuant to Article 20(4) of the Criminal Process Code, evidence can be no other than data obtained by lawful means and if such data can be verified by procedural actions provided for in the Code. Therefore, data obtained pursuant to bilateral co-operation agreements may be used as evidence in criminal proceedings only if they comply with the above requirement.

Pursuant to the Interpol and Europol Conventions and to Article 28(4) of the Law on Legal Protection of Personal Data, data contained in the databases available to the International Liaison Office of the Lithuanian Criminal Police Bureau may be forwarded to Member States of Interpol or Europol, regardless of whether that Member State is part of the Schengen Area.

Regarding the obligation to inform the national central body if in an urgent case the direct channel pursuant to Article 39(3), sentence 2 of the Schengen Convention is used:

Currently, the exchange of information passes through the International Liaison Office of the Lithuanian Criminal Police Bureau. If the Lithuanian police units receive a request from a foreign competent authority directly, they prepare a reply and forward it with the original request to the International Liaison Office of the Lithuanian Criminal Police Bureau, which in turn sends it to a relevant national Interpol bureau.

*After the appointment of the central Schengen authority responsible for Article 39 (Sirene National Unit) provisions for cooperation between Sirene and police units were also approved (rules of transmitting the information via the central authority as well as directly from the territorial level to the requesting party in urgent cases) .*

## **4.2. Exchange of information (Article 46)**

**(via central or other authorities; between concerned authorities)**

Information exchange pursuant to Articles 39 and 46 is facilitated by the SIRENE National Unit of the International Liaison Office of the Lithuanian Criminal Police Bureau .

Cooperation between the respective authorities exchanging the information is based on the interdepartmental cooperation agreements. In order to ensure fluent interdepartmental cooperation in exchanging the information pursuant to Articles 39 and 46 via the central authority, detailed instructions for provision of information to the central authority were approved by the Minister of the Interior. The above mentioned instructions define the order, the methods and terms of received, sent or transferred requests, according to best Schengen practice.

## **4.3. Cross-border operations (Articles 40 and 41)**

**(conditions, constraints, procedures, practical regulations, bilateral arrangements, joint patrols, controlled deliveries)**

Articles 40 and 41 of the Convention implementing the Schengen Agreement are binding but still not applicable in Lithuania under the arrangements of the Treaty on Accession. Therefore, the Evaluation Committee could only assess the capacity of the Lithuanian authorities to implement these Articles in due course, based on existing legal provisions and experience of cross-border surveillance and hot pursuit undertaken under existing bilateral agreements.

At present, there are detailed provisions on cross-border surveillance and hot pursuit in the two as yet unratified agreements with the neighbouring countries (Poland and Latvia).

Had these agreements been in force, the Evaluation Committee could have assessed the capacity based on actual practice, but unfortunately these agreements have not yet entered into force.

A decision is still pending at national level concerning the responsibility for surveillance cases (Criminal Police Bureau or Judicial authorities).

# RESTREINT UE

Pursuant to the Lithuanian law (Criminal Code and Criminal Process Code) an attempt to commit a crime is punishable and is therefore a sufficient ground for taking the measures of cross-border surveillance provided for in Article 40(1) and (2) of the Schengen Convention.

Agreements with Poland and Latvia concerning co-operation combating organised crime and other crimes and joint action in the border region provides that officers of competent authorities of one Contracting Party who carry out official duties in the territory of the other Contracting Party which are related to implementation of the Agreement may carry their service weapons (although these can only be used to counter unlawful and direct attempt on their lives or health) and other equipment as defined by the legislation of the contracting state where surveillance is taking place.

Detailed regulation for Articles 40 and 41 shall be contained in the Special Parts of the Manuals on cross-border police cooperation with Poland and Latvia. The General Parts of these Manuals have been already issued and handed out.

The issue of information on the type and number of service weapons (what information should be provided and when) in the context of Article 40 of the Schengen Convention and any possible restrictions on observation teams from other Schengen States is not addressed in the Agreements with Poland and Latvia concerning co-operation in combating organised crime and other crimes and joint action in the border region. This question is supposed to be discussed during the bilateral interdepartmental negotiations on the Agreements for cross-border cooperation to be signed between the heads of police forces of Lithuania and Poland as well as Lithuania and Latvia. Copies of these future agreements would be included in the Special Parts of the Manuals on cross-border police cooperation with Poland and Latvia.

Although the intergovernmental agreements with Poland and Latvia have not yet entered into force, the Lithuanian and Polish authorities have provided training in matters relating to Articles 40 and 41 of the Schengen Convention. The Lithuanian and Latvian authorities have provided training in matters relating to Article 40 of the Schengen Convention and plan to have bilateral training in matters relating to Article 41 of the Schengen Convention in October 2006.

Other areas covered by these agreements are e.g. joint contact points, joint patrols and setting up a digital radio link.

## **Mixed patrols in the border area in the framework of direct cooperation**

The agreements with Poland and Latvia concerning co-operation in combating organised crime and other crimes and joint action in the border region provide that mixed patrols can be set up for a pre-defined period of time and for pre-defined objectives.

Bearing in mind the fact that the Lithuanian-Polish border region has a number of resorts, it is planned to carry out mixed patrols during peak tourist times and during mass events. Likewise, heavy road traffic calls for mixed road patrolling.

# RESTREINT UE

## *Rights of foreign officers on Lithuanian territory.*

The conditions under which the operations of surveillance and pursuit may be conducted are determined in the intergovernmental agreements with Poland and Latvia. The foreign officers who continue a pursuit in the territory of the Republic of Lithuania have an obligation to carry documents certifying that they are acting in an official capacity and produce them every time at the request of officers of Lithuania, wear uniforms, use marked vehicles, and carry official communication means. If officers of the competent authorities of the Republic of Lithuania are unable to intervene quickly enough, the officers continuing the pursuit may detain the person pursued, who will then be immediately transferred to the officers of the competent authorities of the Republic of Lithuania. The officers continuing the pursuit may not enter into private homes and places not accessible to the public or perform any other actions that are contrary to the Convention implementing the Schengen Agreement and that may constrain the freedom of movement of the person pursued.

### **Border language knowledge of officers participating in joint missions.**

Currently Lithuania does not have a legal basis for joint actions such as patrolling. Such legal basis will be established once the Agreements with Poland and Latvia concerning co-operation in combating organised crime and other crimes and joint action in the border region come into force. These Agreements do not contain a requirement to know the official language of the other Contracting Party. However in the border region of both Lithuania and Poland, police officers are invited to take Polish/Lithuanian language courses in order to establish better daily co-operation in border region. During the spring of 2006, the Lithuanian Police Training Centre organised Polish language training courses for police officers of the city and region of Alytus. Also, from the summer of 2006 in the Lithuanian – Latvian border region Latvian language courses for Lithuanian police officers are provided.

### **Police and customs cooperation centres or joint police stations.**

Provisions for Joint Contact Points between the competent and border authorities of both sides are included in the Agreements on cooperation in combating organized crime and other crimes and joint action in the border region with Poland and Latvia.

Lithuania has a joint border guard centre with Poland. There are plans to have police and customs co-operation in the same centre.

The State Border Guard Services of Lithuania and Latvia have signed an agreement on the establishment of contact points at the following joint state border crossing points:

Smėlynė (Republic of Lithuania) - Medumi (Republic of Latvia);  
Saločiai (Republic of Lithuania) - Grenctāle (Republic of Latvia);  
Kalviai (Republic of Lithuania) - Meitene (Republic of Latvia);  
Būtingė (Republic of Lithuania) - Rucava (Republic of Latvia).

It is planned that police from both countries will participate in the activity of the above-mentioned contact points in conformity with requirements.

# RESTREINT UE

Regarding the police co-operation centre with Poland, Lithuanians are considering two cooperation options until the abolition of border control:

Option No. 1. Contact persons would meet on a pre-defined day at a pre-defined time each week at the border crossing point of Kalvarija-Budzinsko (in the contact centre for border guards) and would exchange fresh information and requests.

Option No. 2. Contact persons would be passive and would be summoned only if needed.

After the abolition of border control the activity of the Joint Contact Point will be expanded to include not only information exchange on daily bases but also tactical and operational coordination and logistic support of cross border operations.

In accordance with the provisions of the National Schengen Action Plan, the Police Department has to conclude bilateral agreement with Poland concerning the activities of police forces of both countries in the Joint Contact Point.

## **Relations between joint centres and the central Schengen body.**

Having established co-operation centres, their internal regulations would be agreed upon by relevant competent authorities. Such regulations would contain provisions concerning relations between the joint centres and the central Schengen body, as foreseen in the Police Cooperation part of the Catalogue of recommendations for the correct application of the Schengen *acquis* and best practices.

## **Other forms of cooperation (waterways, sea, air, etc)**

The agreements with Poland and Latvia concerning co-operation in combating organised crime and other crimes and joint action in the border region do not refer to any particular (land, air or water) border.

### **4.4. Additional cross-border provisions (Article 44)**

#### **(current situation; planned communication structures)**

Measures and provisions regarding the use of technical means in cross-border surveillance.

Agreements with Poland and Latvia concerning co-operation in combating organised crime and other crimes and joint action in the border region provide that officers who carry out cross-border surveillance or pursuit must possess service means of communication.

In order to communicate with officers of the neighbouring country, it is planned that means of communication and stations will be exchanged. Manuals for bilateral border co-operation contain a list of contact persons with relevant contact details: telephone and fax numbers, postal and e-mail addresses.

Initiatives taken or planned to be taken pursuant to Article 44 (1) and the options set out in Article 44 (2) to ensure cross-border interoperability of radio telecommunication systems.



## **A short-term measure:**

In order to facilitate communication at the border with Poland, a joint contact point in Budzisko was set up. This contact point is currently used only by state border guard forces of Lithuania and Poland. However discussions have been started in order to include the representatives of the police and customs in the work of this contact point. Analogous discussions will be started with Latvia in due course.

It is planned to exchange the telephone numbers and contact point details of the officers in the border regions. Consideration is currently being given to the technical and legal aspects as well as to the possibility of exchanging radio communication equipment between the respective institutions of the neighbouring countries.

Article 8(3) of the agreements between Poland and Lithuania, Latvia and Lithuania concerning co-operation in combating organised crime and other crimes and joint action in the border region provides that competent authorities shall take action in order to:

1. Install compatible electronic communication devices;
2. Set separate radio frequencies for common usage;
3. Exchange means of communication;
4. Install special international lines of communication.

Taking these provisions into account it is planned that detailed technical characteristics and their compatibility will be discussed in bilateral negotiations on an interdepartmental agreement with the Chief Police Superintendent of Poland.

## **A long-term measure:**

The Ministry of Interior prepares measures to introduce a digital communication system based on the TETRA standard.

### **4.5. Liaison officers**

**(in/from other Schengen States, cooperation in third countries)**

#### **Agreements on exchange of liaison officers with Schengen and non Schengen States (Articles 7 and 47 of the Convention)**

In the framework of implementing the National Action Plan for the Adoption of the Schengen Acquis Adoption, in 2003 the Police Commissioner General approved the establishment of three liaison officer positions in Poland, Spain, the Netherlands and Europol. Another liaison officer position was established in the Netherlands and Europol in 2004. Liaison officer positions in the European Union were established in 2006. These liaison officers are in charge of co-ordinating police co-operation with Poland, Spain, the Netherlands, Europol and the Permanent Representation of Lithuania to the European Union.

The possibility of exchanging liaison officers is foreseen in the Agreement on Police Cooperation between the Government of the Republic of Lithuania and the Government of the Kingdom of Belgium.



# RESTREINT UE

All prepared draft agreements with Schengen States on cooperation in combating organized crime contain provisions on exchange of liaison officers and on secondments of liaison officers to third countries.

Information on the secondment of Lithuanian liaison officers shall be presented to Member States in the Police Cooperation Working Party and submitted to the Council of the European Union for updating the Handbook on cross-border police cooperation.

## 4.6. Statistics

**(requests pursuant to Article 39, operations pursuant to Articles 40 and 41, exchanges pursuant to Article 46)**

Statistics on the information exchange specifically on Article 46 of the Schengen Convention are not recorded. The International Liaison Office **of the Lithuanian Criminal Police Bureau** registers the total number of request made via the international channels of their service.

### **Use of the registration forms mentioned in Article 45 by the competent authorities**

Foreigners living in accommodation facilities are registered by the same procedure as that used for Lithuanian citizens. When necessary, police authorities send queries to hotels, which are obliged to respond within a given period. The purpose and frequency of such queries are not recorded.

### ***Comments and recommendations of the Evaluation Committee:***

*A decision is still pending on the responsibility for surveillance (Article 40) cases (Criminal Police Bureau or justice authorities). This decision has to be taken as soon as possible and in accordance with the Schengen requirements, which do not favour justice involvement in police surveillance.*

*The future Common Cooperation Centre with Latvia is a good idea which should be promoted. The proposal to involve police and customs in the existing joint border guard centre with Poland is also welcome and should likewise be followed up.*

*Bilateral agreements with Poland and Latvia include some provisions for surveillance and hot pursuit, but they are still pending ratification. It would be a good idea for these agreements to be applied before abolition of internal border control in order to gain from the experience of the meantime.*

*In this respect joint patrols and other forms of cross-border cooperation have to be encouraged (Article 39(4)).*

*The Evaluation Committee noted that joint cooperation between Lithuania and the neighbouring countries is still at a relatively high-level. The Evaluation Committee sees joint exercises as a good starting point and recommends that this form of cooperation be taken to operational level.*

# RESTREINT UE

*The Evaluation Committee is of the opinion that the Lithuanian authorities should develop reliable and comparable statistics, in order to be able to follow the evaluation of cross-border cooperation and compare these findings with other Member States. It is felt that the compiling of statistics would at a strategic level help determine the threat assessment and assist in the prioritisation of resources. Such lack of information at the central level can lead to overlaps and even conflicts between different operations and agencies. In the longer term this can influence the threat assessments and the solutions defined in response to them.*

*The Manuals on cross-border cooperation with Poland and Latvia is a good practice.*

## **Comments of Lithuania**

*Responding to the recommendation in paragraph 5, we would like to explain that currently the International Liaison Office of the Lithuanian Criminal Police Bureau is using a self-developed register program for all incoming and outgoing requests via Interpol and Europol channels. During implementation of the twinning project, the SIRENE workflow system (SiBIS) has been created, which produces various reliable and comparable statistics including Articles 39, 40 and 46 of the Schengen Convention. As the SIRENE National Unit has been appointed central authority for Articles 39 and 46 of the Schengen Convention, it will compile all statistics regarding incoming or received requests in Lithuania from all Member States. Articles 40 and 41 will also be covered statistically by the SIRENE National Unit as the authority which, under national provisions, has to be informed for Article 40 and Article 41 purposes.*

*The Ministry of the Interior is undertaking preparatory measures to introduce a digital radio system (exp.: TETRA or APCO25). This digital radio system will have 99% coverage at the border area and 95% coverage in the remaining territory (by portable terminals), as well as functions of data transmission, location detection and will ensure links with the Polish and Latvian radio systems.*

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## **5. REPORTS ON INDIVIDUAL SITES VISITED/CASE STUDIES**

### **POLICE TRAINING CENTRE (TRAKAI)**

The evaluation Committee visited the Lithuanian Police Training Centre in TRAKAI, where the Head of the Training Centre gave a detailed presentation on the operation of the Centre and the courses that this Centre provides to police personnel.

There was also a detailed presentation on training programmes, which are planned and executed with a view to transferring knowledge of the SCHENGEN acquis to all police officers.

## LAZDIJAI DISTRICT POLICE UNIT (SOUTH LITHUANIA)

The Evaluation Committee visited also the LAZDIJAI District Police Unit, where there were detailed presentations on the following subjects:

### **1) The border region of southern Lithuania and its particularities**

In the southern region of Lithuania (LAZDIJAI, VILKAVISKIS and KALVARIJA) there are a total of 287 active police officers serving at the relevant District Police Units (90, 152, 45 respectively). In the same area there are also 3 border crossing points (LAZDIJAI, KALVARIJA and MOCKAVA) and 4 State Border Guard Service Units.

Furthermore there is one Common Contact Point (KALVARIJA-BUDZISKO) established for the State Border Guard Services of Lithuania and Poland. This joint point is physically on the Polish side and currently is staffed only by border guard officers. They have their own data bases and exchange information in writing. According to the Lithuanians, the police and prosecution services can also use this Contact Point.

### **2) Lithuanian Police activity in ensuring Kaliningrad transit control**

In the legal background there are agreements between the European Union and Russia to simplify transit documentation for citizens of the area of Kaliningrad.

Police activities include controls on the railway and arterial roads.

Concerning the train controls, police pay special attention to the control of illegal immigrants (not to leave the train), while the Lithuanian Police is not present on the train, only officers from the Ministry of Foreign Affairs.

Criminality in this area is limited and has to do only with minor offences, according to the Lithuanian authorities.

At the presentation it was not clear how Lithuanian police officers and border guards communicate (radio frequencies) in the region.

### **3) Police activity and cooperation with other law enforcement authorities in the district of LAZDIJAI.**

The police district of LAZDIJAI employs 90 police officers. The area has a population of 27100 inhabitants.

In this district, Kaliningrad transit controls are carried out on roads only.

Criminality has remained stable during the last two years (2005 and 2006), while at the same time the flow of tourists has increased by 50% each year since entry to the EU.

## 4) Police cross-border cooperation with Poland

This cooperation is based on three agreements between the two countries, although only one (the agreement on *combating organised crime and other major crimes* ') is valid at the moment.

At the moment there is a bilateral training programme between the two countries on cross-border police activities, including surveillance and hot pursuit.

There is a pilot project on joint patrols for autumn 2006, while it is expected that the Joint Contact Point will also be used for practical police cooperation.

## SIAULIAI POLICE DISTRICT (NORTH LITHUANIA)

The Evaluation Committee visited SIAULIAI in Northern Lithuania, where there were detailed presentations on the following subjects:

### 1) The border region in northern Lithuania and its features

This border region comprises 5 counties which have borders with Latvia. It has 21 main roads and 5 railway lines.

The border guard service of SIAULIAI (SBGS) has 6 frontier stations and is deployed at 24 Lithuania/Latvia border-crossing points .

### 2) Police activity and cooperation with other law enforcement authorities in the SIAULIAI region

Police activities are run by the SIAULIAI Police Headquarters and its subdivisions.

Police personnel are being trained to apply the Schengen acquis in the framework of the development of their professional skills. The Schengen training material includes a Brochure on Police Cooperation in the Schengen Area and also a Lithuanian-Latvian Manual on Cross-border Police Cooperation. Furthermore the Police Cooperation Handbook is available on the Police Intranet, while the SIAULIAI Police Headquarters has its own intranet website.

The number of the employees that have already been trained is very high (85-90%) for the SIAULIAI region and 100% at the SIAULIAI City Police Headquarters).

However staff at the SIAULIAI City Police Headquarters had a limited knowledge of foreign languages with the exception of Russian (English: 7%; Latvian: less than 1%).

Cooperation with the other Law Enforcement Authorities takes place in practice (e.g. joint operation of the SIAULIAI City Police and the Customs Criminal Service in a case (August 2005) of illegal cigarettes.

### 3) Police cross-border cooperation with Latvia and practical aspects.

Besides the agreement on cooperation for combating organised crime between Lithuania and Latvia, which is pending ratification, there is also a Trilateral Protocol for cooperation between the three countries (signed in October 2000 by Estonia, Latvia and Lithuania) and the Letter of Intent between the border regions of two countries (SIAULIAI for Lithuania and JELGAVA for Latvia) signed in August 2006.

In 2005 and 2006, the relevant police units exchanged operative information on various police issues 18 times.

# RESTREINT UE

On the basis of the Trilateral Protocol of 2000 (Lithuanian, Latvian and Estonian Police), the police officers of the two border areas of the two countries have cooperated effectively for 5 years or more. This Protocol provides for cooperation at local, regional and central level.

In this framework, the General Commissioners meet each other every 6 months (quite high level) to exchange experience and knowledge.

The border area police authorities of Lithuania and Latvia apply bilateral training activities in relation to Articles 40 and 41 (including joint simulation training).

Lithuania carried out cross-border surveillance with the Latvian authorities on a common training exercise (29-30 June 2006 at Joniski-Dobele).

Following the signing of the Letter of Intent between the two countries in August 2006, Joint Patrols are expected to start until the end of 2006.

Afterwards the Evaluation Committee made an unannounced visit to Police Station number 1 of the SIAULIAI Police District in order to verify the knowledge of the police officers there concerning Schengen issues.

## Comments and recommendations of the Evaluation Committee

### **SOUTHERN LITHUANIA**

*The Committee saw the Manual on Cross-border Cooperation with Poland, which is certainly of good quality and fulfils its intended purpose.*

*There is a lack of systematic and comparable statistics in the region. Agreement must be reached on concrete measures to improve and standardise the collection of crime statistics in the border area between Lithuania and Poland in order to better direct the strategy for combating criminality in the context of effective police cooperation.*

*The Lithuanian authorities should organise more joint patrols between themselves in the district of LAZDIJAI in order to gain experience in this field in readiness for joint patrols with Poland.*

*There was a detailed presentation on the traffic from Kaliningrad, as well as on the existing regulations and the dimension of the problem.*

*The Evaluation Committee noted that the transit traffic is not under continuous control of the police while on the Lithuanian territory and that there are no interagency patrols controlling transit traffic.*

*The experts got the impression that a systematic, timeless and regulated exchange of information on vehicles crossing the border (from/to Kaliningrad) between border guards and the police would facilitate cooperation, ensure better control and reduce the threat risk.*

*The Committee asked for figures on the Kaliningrad issue and these were delivered at the same day, which, of course, is positive.*

*According to the presentation given there was no radio-communication between police and border guards in the area of southern Lithuania.*

*Concerning Joint Patrols, the plan to implement Pilot Programmes between Lithuanian and Poland in autumn 2006 is regarded as a sign of goodwill and positive attitude.*



# RESTREINT UE

## **NORTHERN LITHUANIA**

*An Article 40 joint exercise between Lithuania and Latvia took place in 2006, despite the fact that the bilateral agreement is still pending. This shows the will to acquire experience before applying Schengen fully.*

*Simulation training with Latvia even for hot pursuit is positive. It should be extended in a multi-agency approach, including customs.*

*Statistics (2005-2006) on the Article 39 2000 Trilateral Operational Protocol (Lithuania, Latvia, Estonia) were given.*

*The number of the police officers in relation to the crime rate is more than sufficient. Resources are available for Schengen purposes.*

*Intercommunication/radio communication between the Law Enforcement Agencies has to be improved.*

*The training on Schengen issues is carried out well in practice, as the Committee had an opportunity to see during an unannounced visit to Police Station number 1 of SIAULIAI city. For example the Police Handbook and all relevant Schengen material were available on the Intranet, to which all police officers had access. The chief of the police station has been trained (multiplier) and transmits his Schengen knowledge to his staff. It was encouraging and positive to see how a police station works at operational level. However, the Evaluation Committee recommends that more training in particular in English and other languages used in international police cooperation be provided.*

### **Comments of Lithuania:**

*According to the 18<sup>th</sup> clause of the Instruction on the Response to the Incidents in Order to Ensure the Kaliningrad Transit via the Territory of the Republic of Lithuania and to Ensure the Prevention of the Illegal Migration into the EU adopted by the Order No 5-V-501 of the Police Commissioner General on 18 August 2006, the police officers, performing the function of traffic control, shall stop and check all suspicious cars registered in the Russian Federation, and their passengers. Also, the 23<sup>rd</sup> clause of the above-mentioned Instruction provides that public police prevention subdivision investigators (district inspectors) are required to ensure the prevention of illegal migration into the European Union). This requirement comprises: control of natural and legal persons, who are providing a dwelling, monitoring of tourists staying at campsites, tents and trailers, and checking of abodes, dwelling-houses and other buildings.*

*Police and border guard units currently use an analog radio system. The mobile radio terminals of police and border guard units have a dedicated radio frequency, which is used if organization between links is needed.*

*Responding to the recommendation of the Evaluation Team "Northern Lithuania, paragraph 1, it has to be clarified that the Intergovernmental Agreement between Latvia and Lithuania concerning co-operation in combating organised crime and other crimes and joint action in the border region does not empower the customs to perform cross-border pursuit operations. In accordance with the provisions of this agreement, only the police are authorized to pursue a person crossing the border.*



*Responding to the last recommendation of the experts concerning “Northern Lithuania”, we would like to clarify that training in other languages (Latvian, Polish) is provided mainly to officers of police units operating in the close-border regions since they have most to do with cross border cooperation issues.*

## 6. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW UP

The Evaluation Committee has gained a comprehensive picture of the current situation in Lithuania regarding international police cooperation. It is obvious that most of the preparatory work for the full implementation of the Schengen acquis has already been accomplished as regards institutional and operational structures, whereas the practical execution of cross-border activities under Articles 40 and 41 of the Schengen Convention is still hampered by the lack of bilateral agreements in force with neighbouring countries and by the arrangements of the Treaty on Accession.

All the information concerning exchange of information (including under Schengen Articles 39 and 46) at international level is channelled via the International Liaison Office of the Lithuanian Criminal Police Bureau, which consists of three Units (Europol, Interpol, Sirene). The channel chosen depends on the type of information. This guarantees effective and efficient cooperation and should be seen as best practice.

The existence of Interagency Agreements is a sign of good will in respect of cooperation between the various internal agencies in the field which could lead to better coordination and eliminate competition. In this respect, the creation of a Common Cooperation Centre for Police Customs and Border Guard is a matter of priority.

The future Common Cooperation Centre with Latvia is a good idea which has to be taken forward soon. Involving police and customs in the existing joint border guard centre with Poland is also a step in the right direction.

Bilateral agreements with Poland and Latvia include some provisions for surveillance and hot pursuit but are still pending ratification. The Evaluation Committee is of the opinion that if the contracting parties apply these agreements before abolition of internal border controls they could only gain from the experience in the meantime. Therefore the Committee encourages Lithuania to take initiatives in this direction.

In this respect joint patrols and other forms of cross-border cooperation should be prioritised (Article 39(4)).

There are a few other areas that require further improvement:

Organisational activities should be changed in order to allow every police officer access to police IT systems.

The police education system has to be reformed so that departmental training for all police officers can be provided under a single police umbrella. Training of a reasonable number of police officers in IT technology is also an essential requirement that has to be covered in view of the future needs. English training courses should be a priority bearing in mind the international nature of cooperation within the framework of Schengen.

# RESTREINT UE

Lithuania has to speed up its decision concerning responsibility for surveillance cases. In taking this decision, the Lithuanian authorities must bear in mind that Schengen is not in favour of judicial involvement in police surveillance.

The Evaluation Committee is of the opinion that the Lithuanian authorities should develop reliable and comparable statistics in order to assess cross-border cooperation and compare these findings with other Member States. It is felt that the compiling of statistics would at a strategic level help to determine the threat assessment and assist in the prioritisation of resources. A lack of information of this kind at central level can lead to overlaps and even conflicts between different operations and agencies. In the longer term it may influence threat assessments and the solutions defined in response to them.

## *Comments of Lithuania:*

As the Evaluation Committee had the opportunity to see during the presentations at the Police Department and at Siauliai, the Manual on Cross-Border Co-operation with Latvia has already been issued and handed out to officers in the border regions.

According to the 18<sup>th</sup> clause of the Instruction on the Response to the Incidents in Order to Ensure the Kaliningrad Transit via the Territory of the Republic of Lithuania and to Ensure the Prevention of Illegal Migration into the EU adopted by the Order No 5-V-501 of the Police Commissioner General on 18 August 2006, the police officers, performing the function of traffic control, shall stop and check all suspicious cars registered in the Russian Federation, and their passengers. Also, the 23<sup>rd</sup> clause of the above-mentioned Instruction provides that public police prevention subdivision investigators (district inspectors) are required to prevent illegal migration into the European Union . This requirement comprise: control of natural and legal persons who are providing a dwelling, monitoring of tourists staying in campsites, tents or trailers, and checking of abodes, dwelling-houses and other buildings.

Police and Border guard units currently use an analog radio system. The mobile radio terminals of police and border guard units have a dedicated frequency, which is used if organization between links is required.

Responding to the recommendation of the Evaluation Team concerning “Northern Lithuania”, paragraph 1, it has to be clarified that the Intergovernmental Agreement between Latvia and Lithuania concerning co-operation in combating organised crime and other crimes and joint action in the border region does not empower customs to perform cross-border pursuit operations. In accordance with the provisions of this agreement, only the police are authorized to pursue a person crossing the border.

The problem of the lack of English language skills is known and measures are being taken. English language training is organised at the Lithuanian Police Training Centre on a continual basis. A large number of police units are using EU funds to provide English language training for staff. For example all staff (100%) of the SIAULIAI City Police Headquarters will receive English language training between September 2006 and February 2008.

## RESTREINT UE

Responding to the last recommendation of the experts concerning “Northern Lithuania”, we would like to clarify that training in other languages (Latvian, Polish) is provided mainly to the officers of the police units operating in the close-border region since they have most to do with cross border cooperation issues.

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## List of bilateral agreements

### 1) Arrangements concluded in matters of police cooperation in general

#### **With Schengen and non-Schengen States (including arrangements or declarations referred to in Article 40(6), 41(9), 41(10) of the Convention)**

Lithuanian practice shows that international police cooperation is mostly regulated by agreements on cooperation in combating crime. The scope of police cooperation is regulated by treaties and agreements listed below.

#### Agreements in force with Schengen States:

- Agreement between the Government of the Republic of Lithuania and the Government of the **Kingdom of Belgium** on Police Co-operation // White Paper, 2004, No. 79-2792.
- Agreement between the Government of the Republic of Lithuania and the Government of the **Republic of Poland** on Co-operation in the Fight Against Organized Crime and Other Major Crimes // White Paper, 2001, No.75.
- Agreement between the Government of the Republic of Lithuania and the Government of the **Republic of Finland** on Co-operation in Crime Prevention // White Paper, 1997, No. 96.
- Agreement between the Government of the Republic of Lithuania and the Government of the **Federal Republic of Germany** on Co-operation in Combating Organised Crime, Terrorism and other Major Crimes // White Paper, 2002, No.57.
- Agreement between the Government of the Republic of Lithuania and the Government of the **Republic of Hungary** on Cooperation in Combating Terrorism, Illicit Drug Trafficking, Organized Crime and other Major Crimes // White Paper, 2002, No.104.
- Agreement between the Government of the Republic of Lithuania and the Government of the **Hellenic Republic** concerning the cooperation between the Ministry of the Internal Affairs of the Republic of Lithuania and the Ministry of the Public Order of the Hellenic Republic, on matters of their competence.

#### Agreements with non-Schengen States:

- Agreement between the Government of the Republic of Lithuania and the Government of the **Republic of Kazakhstan** on Co-operation in Combat Organised Crime, Illegal Drug and Psychotropic Substances Trafficking, Terrorism and other Crimes // White Paper, 2001, No.75.
- Agreement between the Government of the Republic of Lithuania and the Government of the **Republic of Turkey** on Co-operation in the Fight Against Terrorism, Organised Crime, Illegal Trafficking in Drugs and Circulation of Narcotic and Psychotropic Substances and other Major Crimes // White Paper, 2004, No.122.
- Agreement between the Government of the Republic of Lithuania and the Government of the **Republic of Uzbekistan** on Co-operation in Combating Crime // White Paper, 2002, No.70.

## **Draft agreements are being negotiated with the following non-Schengen States and Schengen States:**

- **Republic of Italy** on cooperation in combating organized crime.
- **Republic of France** on cooperation in combating organized crime.
- **Kingdom of Spain** on cooperation in combating organized crime.
- **Republic of Slovakia** on cooperation in combating organized crime.
- **Russian Federation** on cooperation in combating organized crime

Standard provisions of the abovementioned agreements specify mostly competent authorities responsible for their implementation; areas of the cooperation covering in particular combating most serious categories of crime, including but not limited to crimes against life, drug crimes, terrorism related crimes, illicit trafficking in nuclear and radioactive materials, illicit trafficking in weapons, ammunition and explosives, crimes against natural environment, crimes against property, corruption of public officials, laundering of the proceeds of crime, unauthorized crossing of borders and trafficking in human beings; and certain co-operation methods and forms of cooperation as well as exchange of the personal data and protection issues. Some of these agreements provide for the cooperation in the field of research and training as well.

There are no bilateral agreements in force referred to Article 40(6), 41(9), 41(10) of the Convention yet.

The Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Poland on co-operation in combating organised crime and other crimes and joint action in the border region was signed on 14<sup>th</sup> March, 2006. This Agreement will enter into the force after the ratification. According to the Article 30 of the above-mentioned Agreement, the exception is made only for Article 11 (pursuit), which provides for the implementation of Article 41 of the Schengen Convention and which will enter into the force after the abolition of Lithuanian-Polish state border controls.

The analogous agreement with another neighbouring state – Latvia – was signed on 7<sup>th</sup> June 2006. The Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Latvia on co-operation in combating organised crime and other crimes and joint action in the border region will enter into the force after the ratification. According to Article 32 of the above-mentioned Agreement, the exception is made only for Article 11 (pursuit), 12 (surveillance) which provide for the implementation of Articles 41 and 40 of the Schengen Convention and which will enter into the force after the abolition of Lithuanian-Latvian State border controls.

## **2) Arrangements with Schengen and non Schengen States concluded, or in preparation or under study in matters of police cooperation in border zones referred to in the provisions of Article 39(4) of the Convention (see also Executive Committee Decision SCH/Com-ex (98) 51 Rev. 3 of 16.12.1998).**

Draft Agreement between Poland and Lithuania as well as Latvia and Lithuania concerning co-operation in combating organised crime and other crimes and joint action in the border region foresees the possibility to conclude agreements on the implementation of this agreement to specify conditions and procedures of the cooperation, establish joint contact points and, where necessary, hold consultations.

# RESTREINT UE

The mentioned Agreements contains the provisions of the cooperation in the exchange of the following information:

- organised criminal groups, criminal syndicates and their members;
- instigators and organisers of crimes;
- time, place, manner, features, objects, liability pertaining to crimes;
- crimes that are being planned;
- IDs of road, sea and air vehicles, their owners and users, licences;
- place of current residence and residence, legal status for stay;
- personal data of user of telecommunication network;
- personal data of current and previous owners of weapons;
- legal persons and their owners;
- actions planned in border region;
- objects relating to crimes;
- measures used to combat crimes;
- other information upon request.

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