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NOTE

From: Mr Gediminas Navickas Counsellor, acting Permanent Representative of Lithuania to the European Union

On: 11 July 2019

To: General Secretariat of the Council

Subject: Notification of the appointments of the National Member for Lithuania at Eurojust and of the Deputy National Member for Lithuania at Eurojust

Dear Sir,

The Permanent Representation of Lithuania to the EU hereby transmits the attached letter of Mr. Evaldas Pasilis, Prosecutor General of the Republic of Lithuania, regarding the appointment of the Eurojust national member for Lithuania and her deputy.

(Complimentary close)

(s.) Gediminas Nevickas

IM 007824 2019
11.07.2019



**LIETUVOS NUOLATINĖ ATSTOVYBĖ EUROPOS SĄJUNGOJE
PERMANENT REPRESENTATION OF LITHUANIA TO THE EUROPEAN UNION**

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Secretariat-General of the
Council of the European Union
B-1049 Brussels

at July 2019 No. (76.3.16) S76-600

**RE: APPOINTMENT OF EUROJUST NATIONAL MEMBER FOR LITHUANIA AND
HER DEPUTY**

Please find attached the letter of Mr. Evaldas Pašilis, Prosecutor General of the Republic of Lithuania, regarding the appointment of Eurojust national member for Lithuania and her deputy.

ENCLOSED. 4 pages.

Counsellor,
acting Permanent Representative of Lithuania to
the EU

Gediminas Navickas

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LIETUVOS RESPUBLIKOS GENERALINĖ PROKURATŪRA
PROSECUTOR GENERAL'S OFFICE OF THE REPUBLIC OF LITHUANIA

To: General Secretariat of the Council

20 June 2019 Our ref.: H.d. - 2950

RE: APPOINTMENT OF EUROJUST NATIONAL MEMBER FOR LITHUANIA AND
HER DEPUTY

The Prosecutor General's Office of the Republic of Lithuania pays its respect to you and in accordance with Art. (9)(a)(3) and Art. 41(1) of the Council Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, as amended by Council Decision 2003/659/JHA of 18 June 2003, and Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust hereby informs you of the following:

- on 12 April 2019 by the Order No. P-325 of the Prosecutor General of the Republic of Lithuania, Ms Margarita Šniutytė-Daugėlienė, a Deputy Prosecutor General of the Republic of Lithuania, was appointed as a *National Member for Lithuania* for the term of 4 years, from 20th of August 2019 to 19th of August 2023;
- on 12 April 2019 by the Order No. P-329 of the Prosecutor General of the Republic of Lithuania, Mr Tomas Krušna, a Chief Prosecutor of the Department for Criminal Prosecution of the Prosecutor General's Office of the Republic of Lithuania, was appointed as a *Deputy National Member for Lithuania* for the term of 4 years, from 20th of August 2019 to 19th of August 2023, working place – Lithuania.
- The powers granted to the Eurojust National Member for Lithuania and her Deputy are established in the Order No. I-217 of 18 August 2015 of the Prosecutor General of Republic of Lithuania (enclosed).

ENCLOSED: 3 pages.

Yours faithfully,

Prosecutor General

Mr Evaldas Pašilis

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**PROSECUTOR GENERAL
OF THE REPUBLIC OF LITHUANIA**

**ORDER
ON THE ESTABLISHMENT OF FUNCTIONS
OF THE NATIONAL MEMBER OF EUROJUST FOR LITHUANIA AND HIS DEPUTY**

18 August 2015 No. I-217
Vilnius

Pursuant to Article 14 paragraph 1 and Article 37⁴ paragraph 2 of the Law on Prosecutor's Office of the Republic of Lithuania:

1. I establish that while exercising his/her functions, the National Member of Eurojust for Lithuania and his/her Deputy shall have the following powers provided for in the European Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/JHA/187/JHA setting up Eurojust with a view of reinforcing the fight against serious crime, which became effective on 4 June 2009 (hereinafter referred to as the "Decision"):

1.1. to submit reasoned requests to the Prosecutor General of the Republic of Lithuania (Deputy Prosecutor General), Chief Prosecutor (Deputy Chief Prosecutor) of the Department (Division), Chief Prosecutor (Deputy Chief Prosecutor) of the Regional Prosecutor's Office, based on their competence, by asking the following:

1.1.1. to undertake a pre-trial investigation or criminal prosecution of specific acts;

1.1.2. to accept that a certain EU Member State may be in a better position to initiate transfer or taking over of a pre-trial investigation or criminal prosecution (international jurisdiction);

1.1.3. to coordinate between the activities of the Prosecutor's Office and the agencies of pre-trial investigation;

1.1.4. to set up an international investigation team and to participate in its activities;

1.1.5. to apply procedural measures of coercion;

1.1.6. to perform any other acts necessary for the purposes of ensuring judicial cooperation in specific cases;

1.2. to act as the competent national liaison officer with foreign authorities, EU institutions and international organizations while exercising the following powers attributed to the Prosecutor General's Office of the Republic of Lithuania under the legal acts of the Republic of Lithuania and international treaties:

1.2.1. when receiving, passing requests or providing additional information on legal assistance and decisions on judicial cooperation (including the measures related with the implementation of the principle of mutual recognition) with regard to the cases registered at Eurojust by forwarding them to the competent authorities of the Republic of Lithuania and acting as an intermediary for the purpose of providing better conditions for their execution, and by ensuring the proper performance of procedural acts related to them;

1.2.2. when forwarding invitations to coordination meetings to the Prosecutor's Office and the agencies of pre-trial investigation, which are in charge of execution of foreign requests for legal assistance and decisions on judicial cooperation (including the measures related with the implementation of the principle of mutual recognition) with regard to the cases registered at Eurojust, and when arranging such meetings;

1.2.3. when submitting grounded requests to execute a request in full, when a request for legal assistance or a decision on judicial cooperation (including the measures related with the implementation of the principle of mutual recognition) submitted by another Member State to Lithuania and registered at Eurojust is not executed in full or in the proper manner;

1.2.4. when personally drafting and forwarding, also executing the requests for legal assistance and decisions on judicial cooperation (including the measures related with the implementation of the principle of mutual recognition) in specific cases – only if there is a request or consent of the Prosecutor General's Office, territorial Prosecutor's Office, agency of pre-trial investigation or any other competent authority of the Republic of Lithuania;

1.2.5. when personally arranging performance of the acts of pre-trial investigation considered necessary during the coordination meetings of Eurojust in specific cases and when assisting the competent authorities of the Republic of Lithuania to perform them, also during the coordination of controlled deliveries - only if there is a request or consent of the Prosecutor General's Office, territorial Prosecutor's Office, agency of pre-trial investigation or any other competent authority of the Republic of Lithuania;

1.2.6. when coordinating the controlled deliveries or when personally performing the procedural acts during the execution of requests for legal assistance and decisions on judicial cooperation (including the measures related with the implementation of the principle of mutual recognition) with regard to the cases registered at Eurojust – only in cases of urgency and when it is impossible to commission the execution of a request for legal assistance to the competent Prosecutor's Office or the agency of pre-trial investigation of the Republic of Lithuania in due time;

1.2.7. the National Member of Eurojust for Lithuania and Deputy National Member shall inform the Prosecutor General of the Republic of Lithuania (Deputy Prosecutor General), Chief Prosecutor of the Regional Prosecutor's Office (Deputy Chief Prosecutor of the Regional Prosecutor's Office) about the performance of the acts specified in subparagraphs 1.2.4, 1.2.5 and 1.2.6 within the shortest possible period of time;

1.3. to exchange the information necessary for the proper performance of his/her functions, without prior authorization, with other National Members of Eurojust, Prosecutors and officers of the agencies of pre-trial investigation of the Republic of Lithuania;

1.4. to ensure the exchange of data between the competent authorities of the respective states in relation to the pre-trial investigation or criminal prosecution of cases registered at Eurojust;

1.5. to submit proposals on the improvement of coordination of the cooperation between the agencies of pre-trial investigation and the Prosecutor's Office of the Republic of Lithuania during the investigation of transnational criminal acts;

1.6. to assist, when necessary, in the arrangement of a pre-trial investigation and criminal prosecution conducted only by the competent authorities of Lithuania;

1.7. to receive the data necessary for the performance of his/her functions from the subdivisions of the Prosecutor General's Office, territorial Prosecutor's Offices, agencies of pre-trial investigation and other competent authorities, data registers and information systems;

1.8. to maintain cooperation with the European Judicial Network (hereinafter referred to as the "EJN"), to use its database and to advise the National Coordinator or the contact points of the EJN about the cases where the EJN may be in a better position with regard to their investigation;

1.9. to maintain cooperation and exchange the data necessary for the performance of his/her functions with the following:

1.9.1. European Police Bureau Europol;

- 1.9.2. officers of the Lithuanian National Subdivision of Europol;
- 1.9.3. European Anti-Fraud Office (OLAF);
- 1.9.4. other authorities, offices and agencies established by or on the basis of the Treaty Establishing the European Community and the Treaty on European Union, also with the third States and international organizations with which Eurojust maintains cooperation relations;
- 1.10. to collect and analyze the data on the practice of international judicial cooperation;
- 1.11. to submit proposals on the elimination of shortcomings and improvement of the pre-trial investigation to the heads of the Prosecutor General's Office of the Republic of Lithuania;
- 1.12. to be responsible for the Eurojust on-call coordination subdivision for telephone calls from competent law enforcement authorities of Lithuania.

2. I establish that while exercising their functions the National Member of Eurojust for Lithuania and Deputy National Member shall follow the Constitution of the Republic of Lithuania, International Treaties, laws and other legal acts of the Republic of Lithuania, Regulations of the Competence of Prosecutors and the Prosecutor's Office of the Republic of Lithuania approved by the Order of the Prosecutor General of the Republic of Lithuania No. I-108 of 7 October 2003 (wording of the Order of the Prosecutor General of the Republic of Lithuania No. I-290 of 30 December 2014).

3. I do not grant the National Member of Eurojust for Lithuania and Deputy National Member with the powers specified in Article 9c paragraph d) (the right to personally authorize controlled deliveries) and Article 9d paragraph a) (the right to personally authorize controlled deliveries) since they contradict the essential principles of criminal procedure as provided for in the laws of the Republic of Lithuania.

4. I commission the Department of Criminal Prosecutions of the Prosecutor General's Office of the Republic of Lithuania to notify the the General Secretariat of the Council of the European Union and the Chairman of the College of Eurojust about the powers granted to the National Member of Eurojust for Lithuania and Deputy National Member in paragraph 1 of the present Order.

5. I invalidate the Order of the Prosecutor General of the Republic of Lithuania No. I-182 of 31 December 2009 "On the Appointment and Empowerment of the National Member of Eurojust for Lithuania, Deputy National Member of Eurojust and Assistant to the National Member of Eurojust, National Correspondent, National Correspondent for Terrorism Matters, National Correspondent of the European Judicial Network, Contact Points for the European Judicial Network, Contact Points for the Network of Joint Investigation Teams, Contact Point for the Network of Genocide, Crimes Against Humanity and War Crimes, Contact Point for the Network of Cooperation Between the Asset Recovery Offices and Contact Point for the Network of Fight against Corruption at Eurojust".

6. I delegate:

6.1. the Division of Personnel and Law of the Prosecutor General's Office of the Republic of Lithuania to announce the present Order to the National Member of Eurojust for Lithuania and Deputy National Member against their signature;

6.2. to announce the present Order in the established procedure to the prosecutors, civil servants and employees of the Republic of Lithuania.

Deputy Prosecutor General
Acting Prosecutor General

/signature/

Darius Raulušaitis

Translated from the Lithuanian language by Viktorija Šeštokiėnė, a translator of the Prosecutor General's Office of the Republic of Lithuania, who has been warned about criminal liability for making a false translation or a translation known to be incorrect as provided for in Article 235 of the Criminal Code of the Republic of Lithuania.