

Dear Sir,

Please find attached the amendments to the provisions of legislation of the Republic of Lithuania, transferring the provisions of the Council Framework Decision 2009/948/JHA.

(Complimentary close)

(s.) Raimundas Karoblis

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ANNEX

**LAW ADDING ARTICLE 681**

**TO THE CODE OF CRIMINAL PROCEDURE OF THE REPUBLIC OF LITHUANIA AND AMENDING THE ANNEX TO THE CODE**

6 November 2014, No XII-1295

Vilnius

**Article 1. Addition of Article 681 to the Code**

Article 681 is hereby added to the Code:

**"Article 681. Exchange of information and direct consultations with a view to avoiding parallel criminal proceedings in EU Member States**

1. If there is reason to believe that criminal proceedings concerning the same person and the same criminal offence are being conducted in another EU Member State, the prosecutor shall, on his or her own initiative if the case is at the pre-trial stage or, by means of a letter rogatory from the court seized if the case has been brought to court, contact the competent authority of the other EU Member State to confirm the existence of parallel proceedings. The competent authority of the other EU Member State may be consulted via the Prosecutor General's Office of the Republic of Lithuania or a prosecutor of the Prosecutor General's Office of the Republic of Lithuania (the national member of Eurojust for Lithuania or the deputy national member of Eurojust for Lithuania).

2. Requests for information from the competent authorities of other EU Member States as to whether criminal proceedings are being conducted in Lithuania concerning the same person and the same criminal offence shall be received via the Prosecutor General's Office of the Republic of Lithuania or a prosecutor of the Prosecutor General's Office of the Republic of Lithuania (the national member of Eurojust for Lithuania or the deputy national member of Eurojust for Lithuania).

3. If it is established that criminal proceedings concerning the same person and the same criminal offence are being conducted in the Republic of Lithuania and in another EU Member State, the prosecutor shall enter into direct consultations with the competent authority of the other EU Member State in order to find an effective solution aimed at avoiding the adverse consequences arising from such parallel proceedings and, if possible, at concentrating the criminal proceedings in one Member State. If the case has been brought to court, the prosecutor shall inform the court of the

progress of the consultations and the proposed solutions, if need be submitting the necessary requests in accordance with this Code. If there are grounds to do so, the prosecutor or trial court may propose that the Prosecutor General's Office of the Republic of Lithuania submit a request to the other EU Member State to take over the criminal prosecution, or may propose that the competent authority of the other EU Member State submit a request to the Prosecutor General's Office of the Republic of Lithuania to take over the criminal prosecution.

4. If an effective solution is not found in the course of the direct consultations, the prosecutor may contact a prosecutor of the Prosecutor General's Office of the Republic of Lithuania (the national member of Eurojust for Lithuania or the deputy national member of Eurojust for Lithuania) for assistance in resolving the conflict of exercise of jurisdiction.

5. The Prosecutor General of the Republic of Lithuania shall establish the arrangements for the exchange of information and for direct consultations with the competent authorities of other EU Member States."

**Article 2. Amendment of the Annex to the Code**

1. A new point 9 is added to the Annex to the Code:

"9. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42)."

2. The former points 9, 10, 11 and 12 of the Annex to the Code are renumbered 10, 11, 12 and 13 respectively.

**Article 3. Entry into force**

With the exception of Article 4, this Law shall enter into force on 1 December 2014.

**Article 4. Proposal to the Prosecutor General of the Republic of Lithuania**

The Prosecutor General of the Republic of Lithuania shall adopt implementing acts for this Law before it enters into force.

*I hereby promulgate this Law adopted by the Seimas (Parliament) of the Republic of Lithuania.*

(Complimentary close)

(s.) Dalia Grybauskaitė

President of the Republic