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Lithuania and Germany


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Lituanie et Allemagne

Accord entre le Gouvernement de la République de Lituanie et le Gouvernement de la République fédérale d'Allemagne sur la coopération dans la lutte contre le crime organisé, le terrorisme et d'autres infractions pénales graves. Vilnius, 23 février 2001

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AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY ON COOPERATION IN COMBATING ORGANIZED CRIME, TERRORISM AND OTHER SERIOUS CRIMINAL OFFENCES

The Government of the Republic of Lithuania and the Government of the Federal Republic of Germany,

Intending, on the basis of the Joint Declaration on the basis of relations between the Republic of Lithuania and the Federal Republic of Germany of 21 July 1993, to contribute to the development of those relations,

Being convinced that cooperation is of paramount importance for the effective prevention and combating of serious criminal offences, in particular organized crime, drug-related crime, the smuggling of persons and terrorism,

Being guided by the desire effectively to protect the citizens of their States and other persons in their territory from criminal acts,

Recognizing the great significance of international cooperation when combating crime and wishing to provide each other with the most comprehensive support possible and to enhance the effectiveness of cooperation in this sphere,

Bearing in mind the aims and principles of international agreements to which both States are party, as well as the resolutions of the United Nations and its specialized agencies in the area of crime prevention,

Seeking to foster the development of mutual relations,

Have agreed as follows:

Article 1

(1) The Government of the Republic of Lithuania and the Government of the Federal Republic of Germany, hereinafter referred to as the “Contracting Parties”, acting in accordance with their domestic law, shall cooperate in countering organized crime, terrorism and other serious criminal offences that require joint measures by the competent authorities of both States, in particular crimes committed with the involvement of criminal networks.

(2) Where it is apparent that criminal networks are implicated in the planning or commission of a crime, irrespective of the gravity thereof, the Contracting Parties shall cooperate in particular in order to combat:

- Crimes against life, health and personal freedom
- Illegal traffic in narcotics and psychotropic substances and precursor chemicals
- Terrorism
- Smuggling of aliens, human trafficking and the exploitation of prostitution by third persons
- Extortion
- Illegal trafficking of weapons, munition, explosives, explosives and radioactive material
- Property crime
- Production, possession and distribution of counterfeit currency, forgery of non-cash means of payment or securities, and use of forged non-cash means of payment or securities
- Forgery or falsification of official documents or instruments
- Money laundering.

(3) The present Agreement shall not affect extradition and the provision of judicial assistance in criminal matters, or support and judicial assistance in fiscal matters.

Article 2

(1) For the purpose of implementing the present Agreement, cooperation between the Contracting Parties shall be effected directly by the following competent authorities:

In Lithuania:
- Ministry of the Interior
- Police department within the Ministry of the Interior
- Border police department within the Ministry of the Interior
- Tax police department within the Ministry of the Interior
- Customs department within the Ministry of Finance

In Germany:
- Federal Ministry of the Interior
- Federal Ministry of Health
- Federal Criminal Police Office
- Border Guard Directorate
- Customs Criminal Investigation Office.

(2) The Contracting Parties shall inform each other by the diplomatic channel of any changes in the designation of the authorities referred to in paragraph 1.

Article 3

For the purposes of cooperation, the Contracting Parties shall:

- Within the limits of their domestic law, exchange information about offences that have been committed or are planned, criminal groups, their structures, connections and methods of operation, to the extent that this is necessary in order to prevent, investigate, frustrate and clear up serious criminal offences;

- Conduct, when so requested, measures permissible under the law of the requested Contracting Party and concerted operative measures to prevent, investigate, frustrate and clear up offences. Within the limits of their domestic law and subject to article 1 (3), they may permit the presence of representatives of the other Contracting Party’s competent authorities while operative measures are being carried out;

- Carry out joint measures to combat the illegal trafficking and in particular the illegal production of narcotics, psychotropic substances and precursor chemicals;
- Exchange experiences with regard to the supervision of the legal trade in narcotics, psychotropic substances and precursor chemicals and take measures to prevent abuse
- If necessary, second liaison officers;
- Provide each other with samples of objects and substances which have been obtained through offences, or which have been used, or could be used to perpetrate them;
- Where possible, second experts for further training and the exchange of experience;
- Exchange the findings of forensic and criminological research;
- Within the limits of their domestic law, take other measures in keeping with the aims of the present Agreement and obligations deriving from international treaties that are binding on both Contracting Parties.

Article 4

(1) When necessary, the Contracting Parties shall hold consultations to assess the implementation of the present Agreement and the advisability of supplementing or amending it.

(2) The Contracting Parties’ competent authorities may set up working groups, hold expert meetings and conclude arrangements for the implementation of the present Agreement.

Article 5

(1) If a Contracting Party is of the opinion that compliance with a request or the performance of other cooperative measures may prejudice State sovereignty or security, or is contrary to the principles of its own law, its international obligations or other essential interests of the State, compliance with the request or the performance of other measures may be refused wholly or in part, or made dependent on conditions or requirements.

(2) Support may likewise be refused if the act to which the request referred is not a punishable act under the law of the State of the requested Contracting Party.

(3) The requesting Contracting Party shall be informed of the refusal and, as a rule, for the reasons therefor.

Article 6

With due regard for the domestic laws of each Contracting Party, personal data, hereinafter referred to as “data”, shall be transmitted and used under this Agreement by the Contracting Parties’ authorities listed in article 2, subject to the following provisions:

(1) Upon request, the receiving authority of one Contracting Party shall inform the transmitting authority of the other Contracting Party of the use made of the data transmitted and of the results obtained thereby;

(2) The use of the data by the receiving party shall be permitted only for the purposes stated in this Agreement and on the conditions specified by the transmitting authority. In addition, its use shall be permitted for the prevention and prosecution of serious criminal offences and for the purpose of averting significant dangers to public security.
(3) The transmitting authority shall be responsible for ensuring the accuracy of the data to be transmitted and shall satisfy itself that the transmission is necessary and commensurate with the purpose to be served. In so doing, prohibitions on transmittal set forth in the respective applicable domestic laws shall be observed. Data shall not be transmitted if the transmitting authority has reason to believe that doing so would infringe the purpose of a domestic law or harm interests of the persons concerned that warrant protection. The receiver shall be immediately informed of any transmission of inaccurate data or of data that should not have been transmitted. It shall be obliged to correct or destroy such data without delay.

(4) The person concerned shall be provided, upon request, with information on the data concerning him or her and on the purpose for which they are to be used. The right of the person concerned to obtain information shall be governed by the domestic law of the Contracting Party in whose territory the information is requested. The information may be withheld if the interest of the State in not providing the information outweighs the interest of the applicant.

(5) The transmitting authority shall, when transmitting data, indicate the time limits stipulated in its domestic law for the storage of such data, after which the data shall be deleted. Regardless of those time limits, the data transmitted shall be deleted as soon as they are no longer needed for the purpose for which they were transmitted.

(6) The transmitting and receiving authorities shall ensure that a record is kept of the transmission and receipt of the data.

(7) The transmitting and receiving authorities shall protect the transmitted data effectively against unauthorized access, unauthorized changes and unauthorized disclosure.

Article 7

Inquiries, information and documents received in accordance with the present Agreement shall be treated confidentially at the request of the transmitting authority of the other Contracting Party. The reason for the request must be stated.

Article 8

(1) Cooperation within the framework of the present Agreement shall be carried out in the German, Lithuanian or English languages.

(2) Requests for information or the performance of measures under the present Agreement shall be made directly in writing by the competent authorities referred to in article 2. In urgent cases, the request may be made orally but it must be confirmed immediately in writing.

(3) Save where otherwise agreed by the Contracting Parties, the requested Party shall bear the costs related to the handling of the request, with the exception of the travel costs of representatives of the requesting Party.

Article 9

This Agreement shall not affect the rights or obligations of the Contracting Parties under bilateral or multilateral agreements.
Article 10

(1) The present Agreement shall enter into force 30 days after the date on which the Contracting Parties have notified each other that the domestic requirements for its entry into force have been fulfilled. The applicable date therefor shall be the date of receipt of the last notification.

(2) The present Agreement shall be concluded for an indefinite period. It may be terminated in writing by either Contracting party through the diplomatic channel. Such termination shall be effective six months after the day on which the notice of termination has been received by the other Contracting Party.

DONE at Vilnius on 23 February 2001 in duplicate, each copy in the Lithuanian and German languages, both texts being equally authentic.

For the Government of the Republic of Lithuania:

[SIGNED]

For the Government of the Federal Republic of Germany:

[SIGNED]