

AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND THE GOVERNMENT OF GEORGIA
ON COOPERATION IN THE FIGHT AGAINST CRIME

Preamble

The Government of the Republic of Lithuania and the Government of Georgia
(hereinafter referred to as the "Contracting Parties"),

expressing their concern over the increasing scale and trends of crime, especially the
forms of organised crime,

being aware, that any form of crime endangers law and order, public safety and
stability of their states, impedes economic development and establishment of investment
environment,

guided by the principles of reciprocity, equality and mutual benefit, and

fulfilling legislation and international obligations applicable in their state territories
in the fields of investigation and prevention of crime, criminal prosecution and
implementation of justice as well as in other areas of the fight against crime and protection
of human rights and freedoms,

recognising the importance of international cooperation in the fight against crime,

aiming at ensuring the protection of human beings under the jurisdiction of their
states against criminal threat to life, their rights and legitimate expectations, social and public
interests as well as developing and strengthening friendly relations and mutually beneficial
bilateral cooperation between the two countries,

have agreed as follows:

Article 1

Definitions

For the purpose of this Agreement:

- a) "competent authority" shall mean a public institution authorised, within its competence, to perform certain functions, directly or indirectly related to the detection, investigation and prevention of crimes;
- b) "personal data" shall mean any information about a natural person, whose identity is known or may be ascertained;
- c) "personal data processing" shall mean any action performed upon personal data or the sum of such actions.

Article 2

Fields of cooperation

1. The Contracting Parties shall, in accordance with this Agreement and for the purpose of fulfilling their international obligations, cooperate through the competent authorities of the Contracting Parties, referred to in Article 4 of this Agreement in the detection, investigation and prevention of criminal acts.
2. The Contracting Parties shall cooperate, in particular, in the fight against the following crimes:
 - a) crimes against life, health and human rights and freedoms;

- b) terrorism;
- c) organised crime;
- d) illicit trafficking in narcotic drugs, psychotropic substances and precursors;
- e) illicit production, trafficking and disposal of firearms, munitions, explosive, chemical, biological, radioactive and other hazardous materials;
- f) illegal migration and trafficking in human beings;
- g) smuggling;
- h) forgery of identity documents and distribution thereof;
- i) crimes against financial system, economy and business order (economic activity) as well as crimes related to legalisation of income resulting from criminal activities;
- j) corruption-related crimes;
- k) crimes against property, property rights and property interests;
- l) crimes related to violation of intellectual and industrial property rights;
- m) environmental crimes;
- n) cybercrime;
- o) other crimes.

3. For the purpose of implementing this Agreement and strengthening cooperation, the competent authorities of the Contracting Parties within their competence may conclude

implementing protocols of this Agreement. The cooperation of the competent authorities of the states of the Contracting Parties pursuant to this Agreement shall not cover the cooperation pursuant to agreements on legal assistance, entered into by the Republic of Lithuania and Georgia.

4. This Agreement shall exclude the provision of legal assistance in criminal proceedings and the issues of extradition. Any information received pursuant to this Agreement can be used as evidence in criminal proceedings only if a request for legal assistance is submitted according to the procedure established by international treaties.

Article 3

Forms of cooperation

1. Pursuant to legislation and international obligations in force in the state territory of the Contracting Party, forms of cooperation between competent authorities of the states of the Contracting Parties in the implementation of this Agreement shall be the following:

- a) exchange of data and information related to the detection, investigation and prevention of crimes referred to in Article 2 (2) of this Agreement;
- b) search for wanted and/or missing persons;
- c) assistance in conducting criminal intelligence activities, including the use of the method of “controlled delivery”;
- d) exchange of experience regarding the implementation of legislation in force in the territories of their states, prevention of crime and the use of forensic methods, special tools and techniques;
- e) exchange of experience in relevant areas of combating crime and organisation of expert meetings;

f) cooperation in the field of training and qualification of personnel;

g) exchange of analytical information regarding the causes, state and trends of crime, publications and research results, legislation in force in the territories of their states.

2. The Contracting Parties may also cooperate in other forms that correspond to the objectives of this Agreement.

Article 4

Competent authorities

1. This Agreement shall be implemented by the following competent authorities:

a) For the Republic of Lithuania:

- The Ministry of the Interior of the Republic of Lithuania;
- The Special Investigation Service of the Republic of Lithuania;
- The Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania;
- The Police Department under the Ministry of the Interior of the Republic of Lithuania;
- The State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania;
- The Customs Department under the Ministry of Finance of the Republic of Lithuania.

b) For Georgia:

- The Ministry of Internal Affairs of Georgia;
- The Ministry of Justice of Georgia;
- The Prosecutor's Office of Georgia, the state agency subordinate to the Ministry of Justice of Georgia;
- The Ministry of Finance of Georgia;
- Legal Entity of Public Law of the Ministry of Finance of Georgia - Revenue Service;
- The Investigation Service of the Ministry of Finance of Georgia.

2. The Contracting Parties shall, as soon as possible through diplomatic channels, provide each other with the contact information of their competent authorities and the changes in the said information or the functions of competent authorities.

Article 5

Implementation of requests

1. Under this Agreement the competent authorities of the Contracting Parties shall cooperate with each other in the provision of written requests. The competent authorities of the Contracting Parties may additionally use technical means of text transmission, as necessary.

2. In the case of urgency, the request may be transmitted orally, provided that it is confirmed in writing as soon as possible, but not later than within three (3) working days. If the request is transmitted by fax, e-mail or other means of electronic communication, the original copy of the request must be sent via mail. The request shall include the date on which it was written. The request shall be signed by the head of the competent authority of

the Contracting Party or his/her deputy. In addition, if necessary, the Contracting Parties may inform each other through diplomatic channels of other officials of their competent authorities that have been conferred appropriate powers.

3. The request shall include:

- a) name of the competent authority of the requesting Contracting Party;
- b) name of the competent authority of the requested Contracting Party;
- c) as detailed as possible information on the proceedings for which the request is provided, the person or persons involved in or related to the proceedings, the facts, items and documents on which information is requested;
- d) causes of the application and a detailed description of a specific requested procedure;
- e) desirable time limits within which the request shall be executed, if necessary;
- f) any other information which may be necessary with regard to the request, the documents relating to the request shall be appended thereto.

4. The competent authority of the Contracting Party shall implement the requests within the shortest possible time. The requested competent authority of the Contracting Party may request additional information if necessary for the implementation of the request.

5. If the implementation of the request is impossible within the specified deadlines, the requested competent authority of the Contracting Party shall notify the requesting competent authority of the Contracting Party thereof stating the reasons for the delay of the request implementation.

6. If the implementation of the request is not in the jurisdiction of the requested competent authority of the Contracting Party, the said authority shall immediately, upon a written consent of the requesting competent authority of the Contracting Party, submit the request to another competent authority of the requested Contracting Party.

7. The implementation of the request may be refused, in whole or in part, if its implementation may violate human rights, pose threat to the sovereignty or security of the state or contradict the legislation or international obligations in force in the territory of the state of the requested Contracting Party. The competent authorities of the requested Contracting Party shall inform in writing the competent authorities of the requesting Contracting Party of the refusal stating the reasons thereof.

Article 6

Transmission and use of personal data

1. Personal data shall be transmitted and used pursuant to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and the provisions of this Agreement.

2. The personal data transmitted shall be used solely for purposes that they are intended for, and on the circumstances that were established by the competent authority of the Contracting Party that has transmitted such data. Upon its request the competent authority of the Contracting Party that has transmitted personal data shall be informed of the use of the transmitted data and the achieved results.

3. The transmitted personal data must be precise and include only the data that is necessary for the intended purpose. If it appears that the transmitted personal data is incorrect or that its transmission was not allowed, the competent authority of one of the Contracting Parties that has received such data shall be immediately informed thereof and correct or destroy the data immediately.

4. Upon request of natural person, whose data has been transmitted pursuant to the provisions of this Agreement to the competent authority of one of the Contracting Parties, the natural person should be provided with the information of what data has been transmitted, of the purpose for which they are used or intended to be used, whom they are transmitted to as well as whether the data has been processed automatically and for what purpose. The right of the person concerned to receive information of such nature is enshrined in the legislation of the state of the Contracting Party, in the territory of which such request is submitted. A natural person, whose data has been transmitted pursuant to the provisions of this Agreement, shall be entitled to request to have these data corrected or destroyed, if the data were transmitted or used breaching the provisions of this Agreement. The request of the natural person may be rejected if such rejection is necessary to ensure the state's security, defence, public order, prevention, investigation, detection of crimes or prosecution, key economic and financial interests of the state, prevention, investigation and detection of violation of official or professional ethics and seeking to protect rights and freedoms of the data subject or third parties of the Contracting Party. Grounds for and procedure of such limitations of rights shall be provided for in legislation in force in the territories of the states of the Contracting Parties.

5. The transmission of personal data shall require the specification of time limits for the storage of the data as provided in legislation in force in the territory of the state of the appropriate Contracting Party, upon expiry of which the transmitted personal data shall be destroyed. Regardless of these time limits, the personal data transmitted shall be destroyed when it becomes unnecessary for the purposes it has been provided for, or in case of termination of this Agreement. The competent authority of the Contracting Party that has transmitted personal data shall be notified in writing about the destruction of the data.

6. The transmission, receipt and destruction of personal data, as well as the refusal to transmit personal data shall be registered.

7. The competent authorities of the Contracting Parties must implement proper organisational and technical measures for the protection of the personal data from accidental or unlawful destruction, modification, disclosure, and from its any other illicit processing.

Article 7
Secrecy of information

The Contracting Parties shall process and store the classified information obtained under this Agreement in accordance with the Agreement between the Government of the Republic of Lithuania and the Government of Georgia on Exchange and Mutual Protection of Classified Information of 11 June 2009, as well as legislation, in force in the state territories of the Contracting Parties.

Article 8
Relation to other treaties

This Agreement shall not impact the rights and obligations of the Contracting Parties arising from other international treaties, the parties thereto are the Republic of Lithuania and Georgia.

Article 9
Expenses and obligations

1. The Contracting Party shall cover all of its own expenses arising from the implementation of this Agreement to an extent necessary for the fulfilment of its obligations, unless the Contracting Parties agree otherwise on a case by case basis.

2. When necessary, the Contracting Parties may provide each other with gratuitous assistance in equipment and materials that are required for the implementation of specific measures of fight against crimes, as indicated in Article 2 of this Agreement.

Article 10
Language of cooperation

For the implementation of this Agreement, the Contracting Parties shall use the English language. Should other languages be used, the Contracting Parties shall provide translation into English.

Article 11
Joint Commission

In order to evaluate and improve the cooperation established by the provisions of this Agreement, the Contracting Parties may form a Joint Commission composed of executive officers of competent authorities of the Contracting Parties. The Contracting Parties shall inform each other directly through the ministries of internal affairs of their states about the composition of the Joint Commission. If necessary, the Joint Commission may be assisted by experts to be specially appointed for this purpose by the Joint Commission. The meetings of the Joint Commission shall be held as necessary.

Article 12
Settlement of disputes

1. Disputes arising from the implementation and interpretation of this Agreement shall be settled through consultations between the competent authorities of the Contracting Parties.

2. If in the course of the consultations mentioned in paragraph 1 of this Article no agreement is reached, the matter shall be resolved through diplomatic channels.

Article 13
Amendments and supplements

This Agreement may be amended and supplemented in writing by mutual consent of the Contracting Parties. The amendments or supplements shall be drawn up as a separate document and shall enter into force in accordance with the Article 14 (1) of this Agreement. Documents formed thereby, shall constitute an integral part of this Agreement.

Article 14
Entry into force, duration and termination

1. This Agreement shall enter into force on the date of receiving the last written notification by which the Contracting Parties inform each other about the fulfilment of all the internal legal procedures required for its entry into force.

2. This Agreement shall be concluded for an indefinite period of time. Either Contracting Party may terminate this Agreement by giving the other Contracting Party a written notification through diplomatic channels. The Agreement shall cease to be effective after six (6) months from the date of a written notification by which one Contracting Party informs the other Contracting Party on its intention to terminate this Agreement.

Done at Vilnius on 26th of September 2013, in two original copies, each in the Lithuanian, Georgian and English languages, all texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.

**For the Government
of the Republic of Lithuania**



**For the Government
of Georgia**

