

**No. 53382\***

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**Lithuania  
and  
United States of America**

**Protocol on the application of the Agreement on mutual legal assistance between the United States of America and the European Union to the Treaty between the Government of the Republic of Lithuania and the Government of the United States of America on mutual assistance in criminal matters (with annex). Brussels, 15 June 2005**

**Entry into force:** *1 February 2010, in accordance with its provisions*

**Authentic texts:** *English and Lithuanian*

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**Lituanie  
et  
États-Unis d'Amérique**

**Protocole d'application de l'Accord entre les États-Unis d'Amérique et l'Union européenne en matière d'entraide judiciaire au Traité entre le Gouvernement de la République de Lituanie et le Gouvernement des États-Unis d'Amérique relatif à l'entraide judiciaire en matière pénale (avec annexe). Bruxelles, 15 juin 2005**

**Entrée en vigueur :** *1<sup>er</sup> février 2010, conformément à ses dispositions*

**Textes authentiques :** *anglais et lituanien*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Lituanie, 6 janvier 2016*

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**Protocol on the application of the Agreement on Mutual Legal Assistance between the United States of America and the European Union to the Treaty between the Government of the Republic of Lithuania and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters**

1. As contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed 25 June 2003 (hereafter "the U.S.-EU Mutual Legal Assistance Agreement"), the Governments of the Republic of Lithuania and the United States of America acknowledge that, in accordance with the provisions of this Protocol, the U.S.-EU Mutual Legal Assistance Agreement is applied in relation to the bilateral Treaty between the Government of the Republic of Lithuania and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters, signed 16 January 1998 (hereafter "the 1998 Mutual Legal Assistance Treaty") under the following terms:

- (a) Article 4 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 16 *bis* of the Annex to this Protocol shall govern the identification of financial accounts and transactions, in addition to any authority already provided under the 1998 Mutual Legal Assistance Treaty;
- (b) Article 5 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 16 *ter* of the Annex to this Protocol shall govern the formation and activities of joint investigative teams, in addition to any authority already provided under the 1998 Mutual Legal Assistance Treaty;
- (c) Article 6 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Articles 6 and 16 *quater* of the Annex to this Protocol shall govern the taking of testimony of a person located in the Requested State by use of video transmission technology between the Requesting and Requested States, in addition to any authority already provided under the 1998 Mutual Legal Assistance Treaty;
- (d) Article 7 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 4(1) of the Annex to this Protocol shall govern the use of expedited means of communication, in addition to any authority already provided under the 1998 Mutual Legal Assistance Treaty;
- (e) Article 8(2) of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 2(2) of the Annex to this Protocol shall govern the transmission of requests for mutual legal assistance to administrative authorities, in addition to any authority already provided under the 1998 Mutual Legal Assistance Treaty; and
- (f) Article 9 of the U.S.-EU Mutual Legal Assistance Agreement as set forth in Article 7 of the Annex to this Protocol shall govern the limitation on use of information or evidence provided to the Requesting State, and the conditioning or refusal of assistance on data protection grounds.

2. The Annex reflects the integrated text of the provisions of the 1998 Mutual Legal Assistance Treaty and the U.S.-EU Mutual Legal Assistance Agreement that shall apply upon entry into force of this Protocol.

3. In accordance with Article 12 of the U.S.-EU Mutual Legal Assistance Agreement, this Protocol shall apply to offenses committed before as well as after it enters into force.
4. This Protocol shall not apply to requests made prior to its entry into force; except that, in accordance with Article 12 of the U.S.-EU Mutual Legal Assistance Agreement, Articles 4(1), 6 and 16 *quater* of the Annex shall be applicable to requests made prior to such entry into force.
5. (a) This Protocol shall be subject to the completion by the Republic of Lithuania and the United States of America of their respective applicable internal procedures for entry into force. The Governments of the Republic of Lithuania and the United States of America shall thereupon exchange instruments indicating that such measures have been completed. This Protocol shall enter into force on the date of entry into force of the U.S.-EU Mutual Legal Assistance Agreement.  
  
(b) In the event of termination of the U.S.-EU Mutual Legal Assistance Agreement, this Protocol shall be terminated and the 1998 Mutual Legal Assistance Treaty shall be applied. The Governments of the Republic of Lithuania and the United States of America nevertheless may agree to continue to apply some or all of the provisions of this Protocol.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Brussels, in duplicate, this 15 day of June, 2005, in Lithuanian and the English languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE  
REPUBLIC OF LITHUANIA:



FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:



ANNEX

TREATY BETWEEN THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA  
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON  
MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

CONTENTS

|                          |   |
|--------------------------|---|
| Article 1                | Scope of Assistance                                 |
| Article 2                | Central Authorities                                 |
| Article 3                | Limitations on Assistance                           |
| Article 4                | Form and Contents of Requests                       |
| Article 5                | Execution of Requests                               |
| Article 6                | Costs   |
| Article 7                | Limitations on Use                                  |
| Article 8                | Taking Testimony or Evidence in the Requested State |
| Article 9                | Official Records                                    |
| Article 10               | Appearance Outside the Requested State              |
| Article 11               | Transfer of Persons in Custody                      |
| Article 12               | Location or Identification of Persons or Items      |
| Article 13               | Service of Documents                                |
| Article 14               | Search and Seizure                                  |
| Article 15               | Return of Items                                     |
| Article 16               | Assistance in Forfeiture Proceedings                |
| Article 16 <i>bis</i>    | Identification of Bank Information                  |
| Article 16 <i>ter</i>    | Joint Investigative Teams                           |
| Article 16 <i>quater</i> | Video Conferencing                                  |
| Article 17               | Compatibility with Other Treaties                   |
| Article 18               | Consultation  |
| Article 19               | Termination   |

Article 1  
Scope of Assistance

1. The Contracting Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the investigation, prosecution, and prevention of offenses, and in proceedings related to criminal matters.

2. Assistance shall include:

- (a) taking the testimony or statements of persons;
- (b) providing documents, records, and other articles of evidence;
- (c) locating or identifying persons or items;
- (d) serving documents;
- (e) transferring persons in custody for testimony or other purposes;
- (f) executing requests for searches and seizures;
- (g) assisting in proceedings related to immobilization and forfeiture of assets; restitution; collection of fines; and
- (h) any other form of assistance not prohibited by the laws of the Requested State.

3. Assistance shall be provided without regard to whether the conduct that is the subject of the investigation, prosecution, or proceeding in the Requesting State would constitute an offense under the laws of the Requested State.

4. This Treaty is intended solely for mutual legal assistance between the Parties. The provisions of this Treaty shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

Article 2  
Central Authorities

1. Except as otherwise provided in this Treaty, the authorities of the Contracting Parties shall seek and obtain assistance through their respective Central Authorities. The Central Authority for the United States shall be the Attorney General or such persons in the Department of Justice as the Attorney General designates. The Central Authority for the Republic of Lithuania shall be the Office of the Prosecutor General and the Ministry of Justice.

2. (a) The Central Authority for the United States will make requests on behalf of prosecutors, investigators with criminal law enforcement jurisdiction, and agencies and entities with specific statutory or regulatory authority to refer matters for criminal prosecution. The Central Authority for the Republic of Lithuania will make requests on behalf of prosecutors and courts.