

REPUBLIC OF LITHUANIA
LAW
ON THE PROSECUTION SERVICE

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Vilnius

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Purpose of the Law

The Law of the Republic of Lithuania on the Prosecution Service shall establish the status, functions, structure, framework of operation and control and principles of work organisation of the Prosecution Service of the Republic of Lithuania (hereinafter: ‘the Prosecution Service’), also the status, competence, rights and duties of prosecutors of the Republic of Lithuania (hereinafter: ‘prosecutors’), the course of their service, conditions for providing them with incentives and for their official liability, social benefits and conditions for handling and use of personal protective equipment.

CHAPTER TWO
STATUS, STRUCTURE, FUNCTIONS AND FRAMEWORK OF OPERATION OF THE
PROSECUTION SERVICE

Article 2. Prosecution Service, Status and Functions Thereof

1. The Prosecution Service shall be a state institution performing the functions established by the Constitution of the Republic of Lithuania, this Law or other laws. The Prosecution Service shall help to ensure lawfulness and assist courts in the administration of justice.

2. The Prosecution Service shall, on the grounds and in accordance with the procedure established by law:

- 1) organise and lead a pre-trial investigation;
- 2) conduct a pre-trial investigation or take individual actions in a pre-trial investigation;

- 3) control activities of pre-trial investigation officers in criminal proceedings;
 - 4) prosecute on behalf of the State in criminal proceedings;
 - 5) supervise the delivery of judgments for enforcement and the enforcement thereof;
 - 6) co-ordinate actions of pre-trial investigation bodies in the investigation of criminal acts;
 - 7) defend the public interest;
 - 8) examine, within its remit, petitions, statements and complaints submitted by individuals;
 - 9) take part in the preparation and implementation of national and international crime prevention programmes;
 - 10) take part in the legislative process;
 - 11) perform other functions established by law.
3. The Prosecution Service shall be headed by the Prosecutor General of the Republic of Lithuania (hereinafter: ‘the Prosecutor General’) and his deputies within the remit determined by the Prosecutor General.
4. The Prosecutor General (prosecutors or civil servants authorised thereby) shall be responsible for economic and financial operations of the Prosecution Service.

Article 3. Legal Framework of Operations of the Prosecution Service

1. In its operations, the Prosecution Service shall be governed by the Constitution of the Republic of Lithuania, this Law, other legal and international treaties to which the Republic of Lithuania is a party (hereinafter: ‘international treaties’).
2. A prosecutor shall make his decisions independently, at his own discretion, in compliance with laws and the principle of reasonableness, with respect for human rights and freedoms, the presumption of innocence, also the principle of equality of persons before the law, state institutions and officials irrespective of their social and family status, duties, occupation, convictions, views, origin, race, gender, nationality, language, religion and education.
3. Lawful demands and resolutions of a prosecutor shall be binding on all state and municipal institutions and agencies, their officials, civil servants and employees, natural and legal persons and must be complied with on the entire territory of the State of Lithuania. These entities shall be held liable under law for their failure to comply with demands and decisions of the prosecutor.
4. Actions and decisions of a prosecutor may be appealed against to a senior prosecutor and court in accordance with the procedure established by law.

5. Damage caused to individuals by unlawful actions or omissions of a prosecutor shall be compensated for in accordance with the procedure established by the Law on Compensation for the Damage Caused by Unlawful Actions of State Institutions or the Civil Code and the Code of Civil Procedure.

Article 4. Interaction between the Prosecution Service and Other State Institutions

1. Operational priorities of the Prosecution Service shall be set and parliamentary scrutiny of non-procedural actions of the Prosecution Service shall be exercised by the Seimas of the Republic of Lithuania (hereinafter: 'the Seimas') in accordance with the procedure laid down in the Statute of the Seimas.

2. Procedural actions of prosecutors shall be controlled by their senior prosecutor and the court. The senior prosecutor and the court shall establish violations of procedural laws committed by prosecutors and reverse unlawful decisions.

3. The Prosecutor General shall be accountable for activities of the Prosecution Service to the President of the Republic and the Seimas. He shall report to the Seimas by submitting an annual activity report, which shall also be published on the web site of the Prosecution Service.

4. In ensuring state security and public order, the Government of the Republic of Lithuania (hereinafter: 'the Government') shall coordinate its actions with the Prosecutor General.

5. The Prosecutor General shall provide information about non-procedural actions of the Prosecution Service to the Government.

6. The economic and financial activities of the Prosecutor General's Office and regional prosecutor's offices shall be controlled by the National Audit Office of Lithuania and other authorised state institutions.

Article 5. International Cooperation of the Prosecution Service

1. The Prosecution Service shall, on the grounds and in accordance with the procedure established by laws and international treaties, prepare and submit to foreign state bodies and international institutions requests for legal assistance and also respond to their requests for legal assistance.

2. The Prosecution Service shall receive requests from foreign state bodies and international institutions through the Prosecutor General's Office and, in the cases provided for in an international treaty to which the Republic of Lithuania is a party, regional prosecutor's offices.

3. The Prosecution Service shall cooperate with prosecutor's offices of foreign states, other state agencies or non-governmental organisations and take part in the activities of international institutions.

Article 6. Structure of the Prosecution Service

1. The Prosecution Service shall consist of the Prosecutor General's Office and territorial/regional prosecutor's offices.

2. A regional prosecutor's office shall consist of district prosecutor's offices and specialised divisions of the regional prosecutor's office.

Article 7. Prosecutor General's Office

1. The Prosecutor General's Office shall be comprised of departments and divisions. The structure of the Prosecutor General's Office shall be determined by the Prosecutor General. The Prosecutor General's Office shall be headed by the Prosecutor General and Deputy Prosecutors General acting within their remit.

2. A department of the Prosecutor General's Office shall be headed by the chief prosecutor of the department, the director of the department and their deputies, while a division or a division of any department shall be headed by the chief prosecutor of the division, the head of the division and their deputies.

3. The Prosecutor General's Office shall form an advisory body – the Collegiate Council of the Prosecution Service of the Republic of Lithuania (hereinafter: 'the Collegiate Council'). The Collegiate Council shall be chaired by the Prosecutor General, and its members shall be Deputy Prosecutors General and regional chief prosecutors. Other prosecutors may also be included in the Collegiate Council as its members by a decision of the Prosecutor General. Judges, heads of law enforcement and other state institutions or their authorised representatives may also be invited to attend meetings of the Collegiate Council.

4. The composition and rules of procedure of the Collegiate Council shall be approved by an order of the Prosecutor General.

5. The Prosecutor General's Office shall be a public legal entity. It shall have its settlement bank account, a seal bearing the coat of arms of the State of Lithuania and the inscription: 'Prosecutor General's Office of the Republic of Lithuania'.

6. The seat of the Prosecutor General's Office shall be in Vilnius, the capital of the Republic of Lithuania.

Article 8. Functions of the Prosecutor General's Office

The Prosecutor General's Office shall:

- 1) direct territorial prosecutor's offices and supervise their activities;
- 2) develop a common practice for the pre-trial investigation of criminal acts and the supervision of actions in criminal proceedings;
- 3) conduct, organise, control and lead pre-trial investigation and prosecute on behalf of the State in criminal cases of particular importance;
- 4) develop a common practice of public prosecution in criminal cases and take part in the hearing of cases subject to an appeal or an appeal on a point of law;
- 5) co-ordinate actions of pre-trial investigation bodies in the investigation of criminal acts;
- 6) defend the public interest in cases of particular importance and develop a common prosecutorial practice in this relation;
- 7) organise professional and in-service training of prosecutors and render them methodological assistance;
- 8) communicate with foreign state bodies and international institutions in accordance with the procedure established by international treaties, laws and other legal acts;
- 9) ensure financial provisions and technical supplies for the Prosecution Service and social benefits for prosecutors;
- 10) analyse the activities of the Prosecution Service and manage data on its activities;
- 11) perform other functions established by laws and international treaties.

Article 9. Territorial Prosecutor's Offices and Functions Thereof

1. Territorial prosecutor's offices shall be set up, reorganised and liquidated, their status, structure, remit and territories of jurisdiction, depending on the territories of jurisdiction of regional and district courts as established by law, shall be established by the Prosecutor General.

2. A territorial prosecutor's office shall be headed by the chief prosecutor/deputy chief prosecutors of the territorial prosecutor's office within their remit.

3. Territorial prosecutor's offices shall, within their remit:

- 1) organise and lead a pre-trial investigation;
- 2) conduct a pre-trial investigation;
- 3) control activities of pre-trial investigation officers in criminal proceedings;
- 4) prosecute on behalf of the State in criminal proceedings;
- 5) supervise the delivery of judgments for enforcement and the enforcement thereof;

6) co-ordinate actions of pre-trial investigation bodies in the investigation of criminal acts;

7) defend the public interest;

8) prepare, on the grounds and in accordance with the procedure established by laws and international treaties, prepare requests for legal assistance to be submitted to foreign state bodies and international institutions and respond to requests of such foreign state bodies and international institutions for legal assistance;

9) perform other functions of the Prosecution Service.

4. Repealed as of 1 January 2012.

Article 10. Commissions Formed by the Prosecutor General

1. The Prosecutor General shall form the Prosecutor Selection Commission, the Chief Prosecutor Selection Commission, the Prosecutor Performance Evaluation Commission, the Prosecutors' Ethics Commission and the Candidate Examination Commission.

2. The Prosecutor Selection Commission shall be formed for the purpose of selection of candidates for any vacant prosecutor's post or a prosecutor's post to be vacated, except for the post indicated in paragraph 3 of this Article.

3. The Chief Prosecutor Selection Commission shall be formed for the purpose of selection of candidates for the post of a chief prosecutor/deputy chief prosecutor.

4. The Prosecutor Performance Evaluation Commission (hereinafter: 'the Performance Evaluation Commission') shall be formed to evaluate the service, qualification and suitability of prosecutors for the office.

5. The Prosecutors' Ethics Commission (hereinafter: 'the Ethics Commission') shall be formed to consider infringements of laws or disciplinary offences committed by prosecutors or their conduct demeaning the prosecutor's name and other infringements of the Code of Ethics for Prosecutors.

6. The Prosecutor Selection Commission, the Chief Prosecutor Selection Commission, the Ethics Commission and the Performance Evaluation Commission shall be formed of seven members for a three-year term. Two member prosecutors shall be nominated for each of these Commissions by the Collegiate Council, two member prosecutors shall be nominated by the Prosecutor General, including one member who must be proposed by prosecutors' trade unions, and one member of good repute shall be nominated by each the President of the Republic, the Speaker of the Seimas and the Prime Minister.

7. The Candidate Examination Commission (hereinafter: 'the Examination Commission') shall be formed to assess the professional qualification of candidates for a prosecutor's post.

8. The Examination Commission shall be formed of seven members for a three-year term. Two prosecutors shall be nominated by each the Prosecutor General and the Collegiate Council. One member of good repute holding a degree in social sciences (law) shall be nominated by each the President of the Republic, the Speaker of the Seimas and the Prime Minister.

9. A person may only serve on one of the Commissions referred to in this Article.

10. The composition and rules of procedure of the Prosecutor Selection Commission, the Chief Prosecutor Selection Commission, the Examination Commission, the Ethics Commission and the Performance Evaluation Commission shall be approved by an order of the Prosecutor General.

11. The procedure for payment for the work of the members of the Commissions referred to in this Article, except for prosecutors, judges and civil servants, shall be set by the Government.

CHAPTER THREE

STATUS AND REMIT OF PROSECUTORS

Article 11. Status and Independence of Prosecutors

1. A prosecutor shall be a person appointed to a prosecutor's post in accordance with the procedure established by this Law. The status of a prosecutor as a state officer shall be determined by the Constitution and laws of the Republic of Lithuania and international treaties to which the Republic of Lithuania is a party.

2. In performing his functions, a prosecutor shall be independent of other state institutions, officers, political parties, political and non-governmental organisations and other persons and shall obey only the Constitution and laws of the Republic of Lithuania.

3. No political, economic, psychological or social pressure or any other unlawful influence that might have effect on prosecutors' decisions shall be exerted on prosecutors, and no person shall be allowed to assign any tasks to or impose any obligations on the Prosecution Service, where these are not prescribed by law, or in any other way interfere with the activities of prosecutors.

4. Any attempt to induce a prosecutor to take an unlawful decision shall be treated as interference with the prosecutor's activities and shall make the person liable under law.

5. Rallies, pickets or any other actions taking place in the premises or outside the building of a prosecutor's office closer than specified in the Law on Meetings shall be prohibited.

6. Persons other than prosecutors and personnel of a prosecutor's office shall be allowed to film, photograph and make audio or video recordings in the premises of the prosecutor's office only subject to the authorisation of the head of the Prosecutor General's Office or of a territorial prosecutor's office.

Article 12. Immunity of Prosecutors

1. An investigation of a criminal act committed by the Prosecutor General may be initiated only by the President of the Republic subject to his removal from office with the approval of the Seimas.

2. A pre-trial investigation of a criminal act committed by a Deputy Prosecutor General may be launched only by the Prosecutor General subject to a notice thereof to the President of the Republic.

3. A pre-trial investigation of a criminal act committed by a prosecutor may be launched only by the Prosecutor General.

4. Access to the residential premises, office or any other facilities of a prosecutor, examination, search or seizure therein or in his personal or official car or any other personal vehicle, also his personal examination or body search, examination or seizure of his personal belongings and documents shall be allowed only with the prosecutor's consent or if the Prosecutor General has launched a pre-trial investigation of a criminal act committed by the prosecutor. This provision shall not apply where the prosecutor is caught committing a criminal act or immediately thereafter.

5. A prosecutor may, in accordance with the procedure established by the Code of Administrative Offences, be subjected to administrative liability.

6. A prosecutor detained without a prosecutor's certificate must be immediately released as soon as his status is identified. This provision shall not apply where a prosecutor is caught committing a criminal act or administrative offence or immediately thereafter or where a pre-trial investigation has been launched in relation to any criminal act committed thereby.

Article 13. Powers of Prosecutors on the Territory of the Republic of Lithuania

1. In performing their functions, prosecutors shall have powers to act on the entire territory of the Republic of Lithuania.

2. Prosecutors of the Prosecutor General's Office shall have the prosecutor's powers to act in all courts.

3. Prosecutors of a territorial prosecutor's office shall have the prosecutor's powers to act in courts within the remit defined by the Prosecutor General or the Deputy Prosecutor General.

Article 14. Subordination of Prosecutors

1. The subordination of prosecutors shall be established by this Law and the Regulations of Remit of the Prosecution Service and Prosecutors (hereinafter: 'the Regulations of Remit'). Orders, ordinances, instructions and other regulations issued by the Prosecutor General/Deputy Prosecutor General, the chief prosecutor/deputy chief prosecutor of any department/division of the Prosecutor General's Office or of a territorial prosecutor's office and establishing the procedure for organising procedural actions and service shall be binding on prosecutors.

2. Prosecutors must notify the Prosecutor General/Deputy Prosecutor General of any order, other regulation or decision of the chief prosecutor/deputy chief prosecutor of any department/division of the Prosecutor General's Office or of a territorial prosecutor's office, which is contrary to law.

3. Prosecutors disagreeing with an order, any other regulation or decision of the chief prosecutor/deputy chief prosecutor of any department/division of the Prosecutor General's Office or of a territorial prosecutor's office shall have the right to appeal against it to the Prosecutor General/Deputy Prosecutor General, and, in the case of an order or any other regulation issued by the Prosecutor General/Deputy Prosecutor General, to court in accordance with the procedure established by law.

Article 15. Senior Prosecutor

1. The status and procedural actions of a senior prosecutor shall be established by procedural laws, this Law and the Regulations of Remit.

2. In implementing procedural laws, a prosecutor's senior shall be:

1) in the case of a prosecutor of a district prosecutor's office – the chief prosecutor/deputy chief prosecutor of any division of the district prosecutor's office, the chief prosecutor/deputy chief prosecutor of the district prosecutor's office, the chief prosecutor/deputy chief prosecutor of a regional prosecutor's office, a prosecutor of the Prosecutor General's Office, the chief prosecutor/deputy chief prosecutor of any division of a department of the Prosecutor General's Office or the chief prosecutor/deputy chief prosecutor of any department/division of the Prosecutor General's Office;

2) in the case of a prosecutor of a specialised division of a regional prosecutor's office – the chief prosecutor/deputy chief prosecutor of the specialised division of the regional prosecutor's office, the chief prosecutor/deputy chief prosecutor of the regional prosecutor's office, a prosecutor of the Prosecutor General's Office, the chief prosecutor/deputy chief prosecutor of any division of a department of the Prosecutor General's Office or the chief prosecutor/deputy chief prosecutor of any department/division of the Prosecutor General's Office;

3) in the case of the chief prosecutor/deputy chief prosecutor of any division of a district prosecutor's office, the chief prosecutor/deputy chief prosecutor of a district prosecutor's office or the chief prosecutor/deputy chief prosecutor of the specialised division of a regional prosecutor's office – the chief prosecutor/deputy chief prosecutor of the regional prosecutor's office, a prosecutor of the Prosecutor General's Office, the chief prosecutor/deputy chief prosecutor of any division of a department of the Prosecutor General's Office or the chief prosecutor/deputy chief prosecutor of any department/division of the Prosecutor General's Office;

4) in the case of the chief prosecutor/deputy chief prosecutor of a regional prosecutor's office or a prosecutor of the Prosecutor General's Office – the chief prosecutor/deputy chief prosecutor of any division of a department of the Prosecutor General's Office or the chief prosecutor/deputy chief prosecutor of any department/division of the Prosecutor General's Office;

5) the Prosecutor General/Deputy Prosecutor General shall be senior to all prosecutors.

3. A senior prosecutor may not give orders to a prosecutor as to any procedural decision to be made. The prosecutor shall have the right to request that the senior prosecutor give written instructions in relation to procedural actions and decisions which are not executed as resolutions.

4. A senior prosecutor may, upon the receipt of a complaint or a notice of a procedural violation, examine such a complaint or a notice himself or refer it to another senior prosecutor in accordance with the Regulations of Remit. A procedural decision made by the prosecutor may be examined only by one senior prosecutor, who shall adopt a reasoned resolution.

5. A prosecutor must notify the Prosecutor General/Deputy Prosecutor General of any procedural decision of a senior prosecutor which is contrary to law.

6. In the event of disagreement with the procedural decision of a senior prosecutor, participants of the proceedings may appeal against it to court in accordance with the procedure established by law.

Article 16. Pre-trial Investigation, Public Prosecution and Supervision of Enforcement of Judgments

1. Prosecutors shall, within their remit, conduct, organise and lead pre-trial investigation, supervise procedural activities of pre-trial investigation officers, prosecute on behalf of the State in criminal proceedings, supervise the submission of judgments for enforcement and the enforcement thereof in accordance with the procedure established by the Criminal Code, the Code of Criminal Procedure, the Penal Code and this Law.

2. Recommendations and other regulations approved by the Prosecutor General, as part of the practice of supervision of pre-trial investigation, public prosecution, and enforcement of judgments, shall be binding on prosecutors and pre-trial investigation officers.

Article 17. Co-ordination of Pre-trial Investigation Actions

1. The Prosecutor General/Deputy Prosecutors General and the chief prosecutors/deputy chief prosecutors of territorial prosecutor's offices shall, within their remit, coordinate actions of pre-trial investigation institutions in the investigation of criminal acts.

2. The Prosecutor General/Deputy Prosecutors General may give binding instructions to the heads of pre-trial investigation institutions in relation to the coordination of actions of the pre-trial investigation institutions in the investigation of criminal acts.

Article 18. Prevention of Criminal Acts

Prosecutors shall have the right to take part in the preparation and implementation of national and international crime prevention programmes and submit related information and proposals to state institutions concerned.

Article 19. Defence of the Public Interest

1. Upon establishing a breach of any legal act infringing the rights and legitimate interests of a person, society or the State, which is considered an infringement of the public interest, prosecutors shall defend the public interest in the case of the failure of state or municipal institutions having jurisdiction in the area in which the infringement has been made to take any measures to rectify the infringement or in the absence of such a competent authority.

2. Upon filing with a court a claim, petition or statement and having grounds to believe that state or municipal institutions have not duly performed their duties, a prosecutor shall inform thereof the founder of the relevant institution and/or take any other measures provided for by this Law.

3. Having grounds to believe that the requirements of legal acts have been violated, prosecutors shall, in defence of the public interest, have powers to:

1) file a claim, statement or petition with the court for a joinder to bring individual claims on the subject of a dispute;

2) require documents and information from state or municipal institutions, agencies or enterprises, other legal and natural persons;

3) require that state or municipal institutions, within their remit, take decisions concerning taking of measures for rectification of infringements of law and inform the prosecutor's office of their decision within 20 working days of the receipt of the requirement;

4) require that state or municipal institutions and agencies carry out inspections, audits and to present findings;

5) request persons to appear and give their clarifications;

6) take part in civil or administrative proceedings in court based on a claim, statement or petition of a prosecutor, a civil claim filed by a prosecutor in criminal proceedings, also appeal against court judgments, rulings and decisions delivered in this relation;

7) issue resolutions on the eviction of natural persons from residential premises;

8) issue a resolution warning a state official, civil servant or equivalent persons against committing offences;

9) issue a resolution requiring an official inspection of the activities of a state official, civil servant or equivalent person and recommend instituting disciplinary or service-related proceedings against that person;

10) issue a resolution transferring investigation material for its examination in accordance with the administrative procedure, in the case of termination of a pre-trial investigation where evidence is available in relation to an administrative offence committed by the person concerned;

11) receive from the court a resolved case;

12) require that heads of state or municipal institutions and agencies appoint experts to assist the prosecutor in identifying possible infringements of and defending the public interest.

4. Where no infringement of the public interest is established, a prosecutor shall issue a resolution not to take any measures for a public interest defence. An appeal against the prosecutor's resolutions to refuse taking measures for a public interest defence shall be submitted to a senior prosecutor within 30 days of the receipt of a copy of the relevant resolution.

5. In the cases specified in the Code of Criminal Procedure, prosecutors may issue a resolution requiring criminal proceedings to be instituted.

6. Acting in defence of the public interest, prosecutors who prosecute on behalf of the State in criminal proceedings must file a civil claim, unless already filed, where damage has been caused by a criminal act to the State or to a person who, because of his minority, illness, dependence on the accused or for other reasons, is unable to defend his rights or legitimate interests in court.

Article 20. Other Duties and Rights of Prosecutors

1. Prosecutors must:

1) be faithful to the State of Lithuania and the constitutional order of the Republic of Lithuania;

2) respect and protect human rights and freedoms;

3) be impartial in the performance of their functions;

4) perform their tasks or assignments in a due and timely manner;

5) notify a senior prosecutor about unlawful requests or assignments, existing or potential conflicts of public and private interests;

6) observe the Code of Ethics for Prosecutors;

7) preserve classified information, refrain from using official and other confidential information otherwise than as prescribed by law and likewise refuse access to it for other persons;

8) improve their qualifications.

2. Prosecutors shall have the right to:

1) issue a resolution instituting disciplinary proceedings against a pre-trial investigation officer;

2) notify persons supervising administrative activities of courts in accordance with the Law on Court of any failure of a court to take necessary measures for proper examination of a case.

3. Chief prosecutors of territorial prosecutor's offices or prosecutors delegated thereby shall have the right to attend meetings of municipal institutions.

4. The Prosecutor General/Deputy Prosecutors General shall have the right to attend sittings of the Seimas and meetings of the President of the Republic or of the Government.

5. Procedural rights and duties of prosecutors shall be established by procedural laws and this Law.

6. Other rights and duties, also the remit of prosecutors in performing the functions of the Prosecution Service assigned to them shall be defined in regulations issued by the Prosecutor General/Deputy Prosecutors General and the Regulations of Remit.

Article 21. Public Activities of Prosecutors

1. Prosecutors may join trade unions and associations in order to satisfy their professional, cultural and social needs.

2. The activities of political parties and political organisations shall be prohibited in the prosecutor's office. Prosecutors may not be members or supporters of political parties, political organisations or engage in their activities or violate the principle of political neutrality in any other manner.

3. Prosecutors shall be prohibited from going on strike or staging pickets.

CHAPTER FOUR

ADMINISTRATION OF THE PROSECUTION SERVICE

Article 22. Procedure for the Appointment and Dismissal of the Prosecutor General and Deputy Prosecutors General

1. A person may be appointed as the Prosecutor General or Deputy Prosecutor General, provided he is at least 35 years of age, is of good repute, is proficient in the state language, is a citizen of the Republic of Lithuania, has acquired higher university-based legal education and holds a bachelor's and master's degree in law or a lawyer's professional qualification degree; has a record of at least ten years of service as a prosecutor and/or judge or of any other practice of law.

2. The Prosecutor General shall be appointed for a term of five years and dismissed from office by the President of the Republic with the approval of the Seimas. The Prosecutor General may be appointed to the same office for not more than two successive terms.

3. Deputy Prosecutors General shall be appointed and dismissed by the President of the Republic on the recommendation of the Prosecutor General. The term of office of Deputy Prosecutors General shall be linked to the term of office of the Prosecutor General. In the case of termination of powers of the Prosecutor General or his dismissal from office, Deputy Prosecutors General shall remain in office until the appointment of another Prosecutor General in accordance with the procedure established by law.

4. Prior to assuming office, the Prosecutor General and Deputy Prosecutors General shall swear an oath of allegiance to the State of Lithuania by reading the text given in Article 30(1) of this Law. The oath of the Prosecutor General and Deputy Prosecutors General shall be administered by the President of the Republic.

5. The powers of the Prosecutor General shall terminate in the following cases:

- 1) expiry of the term of office or the Prosecutor General's attaining the age of 65 years;
- 2) death of the Prosecutor General;
- 3) election of the Prosecutor General to another office or his transfer to another job subject to his consent.

6. The Prosecutor General may be dismissed by the proposal of the Seimas.

7. The powers of a Deputy Prosecutor General shall terminate in the following cases:

- 1) termination of powers of the Prosecutor General or appointment, upon his dismissal from office, of another Prosecutor General in accordance with the procedure established by law;
- 2) Deputy Prosecutor General's attaining the age of 65 years;
- 3) death of the Deputy Prosecutor General;
- 4) election of the Deputy Prosecutor General to another office or his transfer to another job subject to his consent.

8. The Prosecutor General and Deputy Prosecutor General shall be dismissed from office in the following cases:

- 1) their resignation;
- 2) their being incapable of discharging their duties for health reasons;
- 3) loss of the citizenship of the Republic of Lithuania;
- 4) breach of oath by their conduct;
- 5) becoming of a court judgment or their conviction effective.

Article 23. Specific Aspects of Service of the Prosecutor General and Deputy Prosecutors General

1. The Prosecutor General shall determine the remit of the Prosecutor General's Office, territorial prosecutor's offices, the Prosecutor General, Deputy Prosecutors General and prosecutors by issuing an order approving the Regulations of Remit.

2. In the absence of the Prosecutor General, his duties shall be performed by a Deputy Prosecutor General delegated by the Prosecutor General or, if none delegated, a Deputy Prosecutor General with the longer term of service with the Prosecutor General's Office.

3. The provisions of Articles 25(1), 26, 30(3), 31-34, 36, 37, 39(3), 40-44, 45(1)-(6), 46, 48 and 53(2) of this Law shall not apply in respect of the Prosecutor General and Deputy Prosecutors General.

4. Protection of the Prosecutor General and Deputies Prosecutor General, their family members or property shall be ensured in accordance with the procedure and under the conditions established by the Government or an institution authorised thereby.

5. A former Prosecutor General and a Deputy Prosecutor General may be appointed to any vacant post of a prosecutor without passing any examination or selection.

CHAPTER FIVE

ADMISSION TO THE PROSECUTION SERVICE

Article 24. Prosecutors and the Personnel of the Prosecution Service

1. The conditions and procedure of the service of prosecutors shall be established by this Law and other laws. The Law on Civil Service shall not apply to prosecutors.

2. The personnel of the Prosecution Service shall consist of:

- 1) civil servants of the Prosecution Service;
- 2) employees.

3. The list of positions of the personnel of the Prosecution Service shall be approved and their subordination shall be determined by the Prosecutor General.

4. The conditions and procedure of the service of civil servants of the Prosecution Service shall be established by the Law on Civil Service.

5. The employment conditions and working procedure of employees of the Prosecution Service shall be established by the Labour Code and other legal acts regulating employment relationships.

Article 25. Requirements for Admission to the Prosecution Service and for Appointment to a Prosecutor's Post

1. A person shall be admitted to the Prosecution Service and appointed to a prosecutor's post, provided that he is a citizen of the Republic of Lithuania of good repute, is proficient in the state language, has higher university-based legal education and holds a bachelor's and master's degree in law or a lawyer's professional qualification degree, has three years' professional experience in law and has passed the qualification examination of candidates for the prosecutor's post.

2. Education acquired in foreign education institutions shall be recognised in accordance with the procedure established by the Government.

3. A person shall be held to be of good repute if he does not abuse alcohol, does not use narcotic, psychotropic or toxic substances, has not been found guilty of a criminal act by an effective court judgment, has not been dismissed from service or work for a gross breach of discipline or five years have elapsed from his dismissal and his conduct conforms to the provisions of the Code of Ethics for Prosecutors.

4. A person may not be admitted to the Prosecution Service and hold a prosecutor's post in the case of:

- 1) his non-compliance with the requirements for admission to the Prosecution Service;
- 2) conflict of public and private interests arising from his service as a prosecutor;
- 3) direct subordination between him and his spouse, close relative or person related to him by marriage who serves on the Prosecution Service;
- 4) if so prohibited by law.

Article 26. Procedure for Admission to the Prosecution Service and for Appointment to a Prosecutor's Post

1. Persons shall be admitted to the Prosecution Service on a voluntary and selective basis. A person shall be appointed to a post which is on the List of Prosecutor Positions by an order of the Prosecutor General.

2. The List of Prosecutor Positions shall be approved by the Prosecutor General.

3. Upon submitting an application for admission to the Prosecution Service, a person must:

1) submit information and documents confirming his compliance with the requirements for admission to the Prosecution Service;

2) have a medical examination and submit the conclusion of the medical commission concerning his suitability to serve as a prosecutor. The procedure of the medical examination and medical requirements shall be established by the Minister of Health in consultation with the Prosecutor General;

3) submit his property declaration and personal income tax return;

4) pass the qualification examination of candidates for a prosecutor's post.

4. A person shall be exempted from the qualification examination of candidates for a prosecutor's post subject to:

1) his passing of the judicial qualification examination, if less than three years have passed from the passing of the examination;

2) his record of at least three years of service as a prosecutor or a judge, if less than five years have passed after he last held that post;

3) his holding of a doctorate or doctor habilis in social sciences (law).

5. A person disagreeing with the decision of the Examination Commission may appeal against it to court in accordance with the procedure established by the Law on Administrative Proceedings.

6. Persons shall be selected for a prosecutor's post from the Career Register (hereinafter: 'the Register'), which is managed in accordance with the procedure established by the Prosecutor General.

7. Having assessed professional and personal characteristics and organisational skills of each candidate, the Prosecutor Selection Commission or the Chief Prosecutor Selection Commission (hereinafter: 'the Selection Commission') shall produce a list of candidates on the basis of the assessment criteria set by the Prosecutor General.

8. A person shall be appointed by an order of the Prosecutor General issued on the basis of the conclusions of the Selection Commission, which are not binding to the Prosecutor General.

9. Before assuming his duties as a prosecutor, a person shall become familiar, against signature, with the Regulations of Remit.

10. If circumstances precluding the performance of prosecutorial duties by the person appointed as a prosecutor become known before taking the office, the order to appoint him as a prosecutor shall be cancelled.

Article 27. Personal Data

1. The Prosecutor General's Office shall have the right to process, in accordance with the procedure established by the Law on the Legal Protection of Personal Data, personal data and special personal data of applicants for a prosecutor's post and of prosecutors.

2. Data relating to a person who has applied for a prosecutor's post and data relating to the prosecutor's admission, his oath, appointment and dismissal, removal from office, provision of incentives, imposition of service-related penalties, issue of personal protective equipment and other data shall be recorded in his personal file kept at the Prosecutor General's Office in accordance with the Rules for Keeping Personal Files approved by the Prosecutor General.

Article 28. Length of a Prosecutor's Service

1. The length of a prosecutor's service shall be calculated from the day of his appointment as a prosecutor. If a person was appointed as a prosecutor before 11 March 1990, the length of his service shall be calculated from the day of his appointment as a prosecutor.

2. For the purpose of establishing the traineeship and career development procedure, the length of a prosecutor's service determined at the moment of admission of a person to the Prosecution Service shall cover the following:

1) length of service as a judge and as a justice of the Constitutional Court of the Republic of Lithuania;

2) included length of service as a law teacher holding a doctorate or doctor habilis degree in social sciences (law);

3) included period of service as a prosecutor or of employment as a judge in a foreign state or international institutions.

3. For the purpose of determining the duration of leave for prosecutors, the length of a prosecutor's service shall cover the following:

1) length of service specified in paragraph 2 of this Article;

2) other periods of service included as part of the legal profession.

4. The length of service at a prosecutor's office of a person appointed as a prosecutor of the Republic/deputy prosecutor of the Republic, a prosecutor of a town, district, interregional or transport prosecutor's office/deputy prosecutor/assistant prosecutor, a trainee at a prosecutor's office or an investigator of a prosecutor's office/assistant investigator prior to the entry into force of this Law shall be included in the length of the person's service as a prosecutor.

5. The period of a person's employment/service specified in paragraphs 2 and 3 of this Article shall be included in the length of a prosecutor's service by an order of the Prosecutor General.

6. A person disagreeing with the order of the Prosecutor General concerning the inclusion of the length of service, may appeal against it to court in accordance with the procedure established by the Law on Administrative Proceedings.

Article 29. Restrictions Applied in Respect of Prosecutors

1. A prosecutor may not hold any other elective or appointive position in or be employed with other institutions, enterprises or organisations, except for research, teaching and creative activities or cases where he is seconded to international and EU institutions or foreign institutions in accordance with the established procedure.

2. A prosecutor may not receive any remuneration other than a prosecutor's salary, payment for creative activities, research or teaching at higher education institutions and for work in groups and commissions for drafting legal acts, unless this is part of the prosecutor's direct duties.

3. A prosecutor may be engaged in research or teaching at higher educational institutions, participate in groups and commissions for drafting legal acts, or be seconded to international and EU institutions or foreign institutions in accordance with the established procedure only subject to the consent of the Prosecutor General.

Article 30. Prosecutor's Oath

1. Prior to assuming a prosecutor's post, a person shall swear an oath of allegiance to the State of Lithuania. The person swearing the oath shall be entitled to choose one of the following texts of the oath:

1) "I, prosecutor of the Republic of Lithuania (name, surname), swear my allegiance to the State of Lithuania, to observe its Constitution and laws, to perform my duties in good faith, to protect human rights, freedoms and legitimate interests, always to be impartial and honest, to keep the secrets entrusted to me and to conduct myself as befits the prosecutor.

So help me God.";

2) "I, prosecutor of the Republic of Lithuania (name, surname) swear my allegiance to the State of Lithuania, to observe its Constitution and laws, to perform my duties in good faith, to protect human rights, freedoms and legitimate interests, always to be impartial and honest, to keep the secrets entrusted to me and to conduct myself as befits the prosecutor."

2. The person who has taken the oath shall sign the text of the oath.

3. A prosecutor's oath shall be administered by the Prosecutor General.

4. A prosecutor shall swear the oath only once, unless he has been dismissed from the prosecutor's post.

5. The text of the oath bearing the name and signature of a prosecutor shall be kept in his personal file.

6. A prosecutor shall be held liable for breach of the oath as for misconduct in office or an act demeaning the name of the prosecutor.

CHAPTER SIX

SPECIFIC ASPECTS OF PROSECUTORS' SERVICE

Article 31. Traineeship of Prosecutors

1. A person who has been admitted to the Prosecution Service and has passed the qualification examination for candidates for the prosecutor's office shall be posted, according to prosecutors' traineeship regulations, on an individual two year traineeship programme approved by an order of the Prosecutor General, while the person exempt from the examination shall do a traineeship of up to six months. A supervisor shall be assigned for the prosecutor's traineeship.

2. Prosecutors' traineeship regulations shall be approved by an order of the Prosecutor General.

3. During his traineeship, a prosecutor shall fulfil prosecutorial duties and must obtain his traineeship supervisor's approval for draft procedural decisions and resolutions.

4. Upon the expiry of the traineeship period, a prosecutor's performance shall be evaluated by the Performance Evaluation Commission. It shall submit its conclusion to the Prosecutor General proposing:

1) to evaluate the prosecutor's performance as good, to recommend that he continue in office and to award him a qualification rank;

2) to evaluate the prosecutor's performance as unsatisfactory and to dismiss him from service;

3) to postpone the evaluation of the prosecutor's performance and to grant a single six-month extension of the traineeship period.

5. In the case of its proposal to postpone the performance evaluation and to extend the traineeship, the Performance Evaluation Commission may offer an individual traineeship programme for a prosecutor.

6. The prosecutor's traineeship period shall be included in the length of the prosecutor's service indicated in Article 28(2) and (3) of this Law.

Article 32. Training of Prosecutors

1. The forms of prosecutors' training are as follows:

1) prosecutors' traineeship training – development of professional skills;

2) in-service training – improvement of professional knowledge and skills.

2. The prosecutors' traineeship training shall be organised by the Prosecutor General's Office, while in-service training shall be organised by the Prosecutor General's Office and the Ministry of Justice.

3. A prosecutor's office must allow prosecutors to pursue independent in-service training.

4. A prosecutor may, subject to his consent, be seconded for in-service training for no more than one year. This period shall be included in the length of the prosecutor's service, the prosecutor shall be paid his salary fixed before the training period and guaranteed the post held by him.

5. A prosecutor who was seconded by a prosecutor's office for training for more than three months and was dismissed from service at the prosecutor's office in accordance with Article 44(1)(1)-(1)(6), (1)(9), (1)(10), (2)(1)-(2)(4), (2)(6) and (2)(7) within a year from the end of his training must reimburse the prosecutor's office for the expenses incurred during the last two years in relation to his training.

6. The procedure for secondment of prosecutors for training and reimbursement of their training expenses shall be established by the Prosecutor General.

7. Training of prosecutors shall be financed by the State. Funds amounting to no less than one per cent and no more than three per cent of appropriations for the remuneration of prosecutors must be earmarked in the expenditure estimate of the prosecutor's office for training.

Article 33. Performance Evaluation of Prosecutors

1. The service of prosecutors, their qualifications and suitability for the office shall be evaluated by the Performance Evaluation Commission in accordance with the procedure established by the Prosecutor General.

2. A prosecutor whose performance after traineeship has been evaluated as good shall subsequently be subject to regular performance evaluation every five years.

3. Extraordinary performance evaluation shall be carried out by an order of the Prosecutor General as follows:

1) at the request of the prosecutor concerned, provided that at least six months have elapsed after his last performance evaluation;

2) where the prosecutor seeks promotion or, or in the case of the expiry of the term of his appointment, appointment to the same post, provided that three years have elapsed after his last performance evaluation;

3) where repeated shortcomings of the prosecutor's activities are established and raise reasonable doubts as to his suitability for the office.

4. In the case of a pregnant female prosecutor, performance evaluation shall be carried out only subject to her consent.

5. After a regular or extraordinary performance evaluation, the Performance Evaluation Commission shall submit its conclusions to the Prosecutor General proposing:

1) to evaluate a prosecutor's performance as very good and to recommend providing incentives to him in accordance with the procedure laid down in Article 39 of this Law;

2) to evaluate the prosecutor's performance as good;

3) to evaluate the prosecutor's performance as satisfactory and recommend improvement of his qualifications;

4) to evaluate the prosecutor's performance as unsatisfactory and to recommend his demotion;

5) to evaluate the prosecutor's performance as unsatisfactory and to recommend his dismissal.

6. The Performance Evaluation Commission shall propose to the Prosecutor General to promote a prosecutor to a higher qualification rank, to retain his rank or to demote him to a lower qualification rank.

7. A prosecutor may appeal against the conclusion of the Performance Evaluation Commission to the Prosecutor General, while the decision of the Prosecutor General concerning the conclusion may be appealed against to court in accordance with the procedure established by the Law on Administrative Proceedings.

Article 34. Career Development of Prosecutors

1. A person seeking appointment to the posts referred to in paragraphs 5, 6 and 7 of this Article shall submit an application for his registration with the Register and participate in the selection for the relevant post in accordance with the procedure established by Article 26 of this Law.

2. A person shall be appointed to the post of the chief prosecutor/deputy chief prosecutor for a term of five years.

3. Upon the expiry of the five-year term of appointment, the chief prosecutor/deputy chief prosecutor seeking re-appointment to the same, equivalent or higher post shall be registered with the Register and participate in the selection in accordance with the procedure established by Article 26 of this Law. The chief prosecutor/deputy chief prosecutor may not hold office at the same prosecutor's office for more than ten successive years.

4. Upon the expiry of the term of appointment, a prosecutor, subject to his consent, shall be transferred, without any selection, to a prosecutor's post at a prosecutor's office where he fulfilled the duties of the chief prosecutor or deputy chief prosecutor or, subject to his consent, at another prosecutor's office. On these grounds, the prosecutor may not be appointed to the chief prosecutor's or deputy chief prosecutor's post.

5. A person appointed to the post of the chief prosecutor/deputy chief prosecutor of a department/division of the Prosecutor General's Office and the chief prosecutor/deputy chief prosecutor of a regional prosecutor's office shall have a record of at least seven years of service as a prosecutor and/or judge or at least two years of service as a judge of a regional court, regional administrative court, the Constitutional Court of the Republic of Lithuania, the Supreme Court of Lithuania, the Court of Appeals of Lithuania or the Supreme Administrative Court of Lithuania or, for persons holding a doctorate or doctor habilis degree in social sciences (law), a record of at least seven years of teaching law.

6. A person appointed to the post of a prosecutor of the Prosecutor General's Office or the chief prosecutor/deputy chief prosecutor of a structural unit of a district prosecutor's office shall have a record of at least five years of service as a prosecutor and/or judge or, for persons holding a doctorate in social sciences (law), a record of at least five years of teaching law.

7. A person appointed to the post of a prosecutor of a specialised division of a regional prosecutor's office shall have a record of at least three years of service as a prosecutor and/or judge or, for persons holding a doctorate in social sciences (law), a record of at least three years of teaching law.

8. Prosecutors who are subject to effective service-related penalties, also prosecutors whose performance during performance evaluation was evaluated as satisfactory or unsatisfactory shall not be eligible for promotion.

Article 34¹. Specific Aspects of Appointment of a Former Prosecutor to a Prosecutor's Post

1. A former prosecutor dismissed from his office at his own request, elected to another post or, subject to his consent, transferred to another job may be appointed to the same or lower level prosecutor's post without selection in accordance with the procedure for a prosecutor's appointment and dismissal laid down in this Law, provided that less than five years have lapsed from the end of his service as a prosecutor. If several former prosecutors seek to be appointed to the same vacant prosecutor's post, the matter of appointment shall be resolved in accordance with the selection procedure laid down in Article 26 of this Law. Only former prosecutors seeking re-appointment to the Prosecution Service in accordance with the procedure established by this Article shall participate in the selection procedure.

2. A former prosecutor may not be appointed to the post of the chief prosecutor/deputy chief prosecutor according to the procedure laid down in paragraph 1 of this Article.

Article 35. Prosecutors' Qualification Ranks

1. Prosecutors shall be awarded the following qualification ranks denoting their qualification or post:

- 1) junior justice adviser;
- 2) justice adviser;
- 3) senior justice adviser;
- 4) chief justice adviser;
- 5) state justice adviser;
- 6) chief state justice adviser.

2. At the time of their appointment, the Prosecutor General and a Deputy Prosecutor General shall be awarded by the President of the Republic the qualification rank of the chief state justice adviser and of the state justice adviser respectively.

3. A prosecutor shall be awarded a rank which is no higher than the qualification rank of the chief justice adviser by an order of the Prosecutor General issued on the basis of the conclusions of the Performance Evaluation Commission following the evaluation of the prosecutor's qualification or as an incentive.

4. A prosecutor who has taken the examination for candidates to a prosecutor's post and whose performance after traineeship has been evaluated as good shall be appointed to a prosecutor's post and awarded the qualification rank of a junior justice advisor.

5. A prosecutor who is subject to an effective service-related penalty shall not be awarded any higher qualification rank.

6. A prosecutor who is readmitted to service at the Prosecution Service shall be awarded the previous qualification rank, which, however, shall not be higher than the one prescribed for his post.

Article 36. Transfer to Another Post

1. A prosecutor may, by an order of the Prosecutor General, be transferred to an equivalent or lower post.

2. A prosecutor who is not the chief prosecutor/deputy chief prosecutor may be transferred to an equivalent post:

- 1) at his request or subject to his consent, where there are no other candidates among prosecutors for this post;
- 2) in the event of cancellation of his post due to changes in the organisation of work of the Prosecution Service.

3. A prosecutor may be transferred to a lower post:

1) at his request or subject to his consent, except for transfer to the post of the chief prosecutor or deputy chief prosecutor;

2) in the event of cancellation of his post due to changes in the organisation of work of the Prosecution Service, where the transfer to an equivalent post is impossible;

3) on the basis of the recommendation of the Performance Evaluation Commission to demote him;

4) when he is subject to a service-related penalty in the form of demotion;

5) upon the expiry of his appointment.

4. Transfer of a pregnant female prosecutor to another post without her consent shall be prohibited, except in the cases specified in points 3 and 4 of paragraph 3 of this Article.

5. Transfer of a prosecutor who is alone raising a child under three years of age to another post without his consent shall be prohibited, except for the cases specified in points 3 and 4 of paragraph 3 of this Article.

6. An order of the Prosecutor General concerning the transfer of a prosecutor to another post must specify grounds for the transfer.

Article 37. Temporary Transfer of a Prosecutor to Another Prosecutor's Office, Another Division of the Same Prosecutor's Office or to Another Prosecutor's Post

1. The Prosecutor General/Deputy Prosecutor General may, for exigencies of the service, transfer a prosecutor temporarily without his consent to any prosecutor's office, another division of the same prosecutor's office or to another prosecutor's post. The matter of the prosecutor's transfer shall be handled taking into account his qualification, length of service, specialisation, distance from his current workplace to the location of the prosecutor's office or its division with a vacant prosecutor's post, the prosecutor's opinion and his arguments in relation to the possible transfer and other major conditions. The prosecutor's transfer according to the procedure laid down in this paragraph may not last more than a year within three years of his service at the Prosecution Service.

2. The Prosecutor General/Deputy Prosecutor General may temporarily transfer a prosecutor, subject to his consent, to the post of another prosecutor who is unable to perform his duties for solid reasons (disease or another solid reason) until the return of that prosecutor.

3. A prosecutor transferred in accordance with this Article shall be paid a salary which is no less than the salary set before his transfer and also receive compensation for expenses related to the transfer in accordance with the procedure established by the Government.

Article 37¹. Secondment of Prosecutors to International and EU Institutions or Foreign Institutions

1. A prosecutor may, subject to his consent, be seconded to international and EU institutions or foreign institutions or any other post provided for in international treaties to which the Republic of Lithuania is a party, usually for a period not exceeding three years, unless a relevant international treaty or EU legal acts provide otherwise.

2. The period of secondment of a prosecutor to international and EU institutions or foreign institutions shall be included in the length of the prosecutor's service, he shall be paid fixed remuneration and compensated for other statutory expenses related to his secondment. During the period of secondment, the prosecutor shall be guaranteed the post held by him.

Article 38. Repealed as of 1 January 2012.

CHAPTER SEVEN

INCENTIVES TO PROSECUTORS, MISCONDUCT IN OFFICE AND LIABILITY

Article 39. Incentives to Prosecutors

1. For exemplary performance of official duties or distinction in service, a prosecutor may be offered the following incentives:

- 1) note of appreciation;
- 2) personal gift (in the amount of up to five minimum standards of living);
- 3) payment of a lump sum (in the amount of the average monthly salary of an officer);
- 4) the prosecutor's badge of honour or another badge of distinction;
- 5) award of a higher qualification rank.

2. For outstanding merits to the State of Lithuania, a prosecutor may be nominated for a state award and/or granting of a personal weapon.

3. A prosecutor shall be offered incentives in accordance with the procedure established by this Law and by the Prosecutor General.

4. A prosecutor who is subject to an effective service-related penalty shall not be eligible for incentives and for nomination for a state award and/or granting of a personal weapon.

Article 39¹. Official Liability of Prosecutors

1. While on duty and during off-duty hours, prosecutors must observe the Constitution of the Republic of Lithuania, laws, other legal acts and the Code of Ethics for Prosecutors, which is approved by the Prosecutor General on the recommendation of the panel.

2. Prosecutors shall be subject to official liability for infringements of law, misconduct in office, actions demeaning a prosecutor's name and other breaches of the Code of Ethics for Prosecutors.

3. Unjustifiably negligent performance or non-performance of duties, behaviour undermining the authority of and public trust in the Prosecution Service or any other gross breach of the Code of Ethics for Prosecutors shall be recognised as an act demeaning a prosecutor's name.

Article 40. Service-related Penalties

The following penalties may be imposed on a prosecutor for infringements of law, misconduct in office, actions demeaning a prosecutor's name or other breaches of the Code of Ethics for Prosecutors:

- 1) warning;
- 2) reprimand;
- 3) demotion to a lower qualification rank;
- 4) demotion to a lower post;
- 5) dismissal.

Article 41. Procedure for Imposing Service-related Penalties

1. Infringements of law, misconduct in office, actions demeaning a prosecutor's name or other breaches of the Code of Ethics for Prosecutors committed by prosecutors shall be considered by the Ethics Commission in accordance with the procedure established by this Law and by the Prosecutor General.

2. With regard to the investigation of any act committed by a prosecutor and referred to in paragraph 1, the Ethics Commission may be addressed by the following persons:

1) the Prosecutor General or Deputy Prosecutor General – in respect of the chief prosecutor of a department/division of the Prosecutor General's Office or of a territorial prosecutor's office;

2) the Prosecutor General, Deputy Prosecutor General or the chief prosecutor of a department/division of the Prosecutor General's Office or of a territorial prosecutor's office – in

respect of the deputy chief prosecutor of the department/division of the Prosecutor General's Office or of the territorial prosecutor's office;

3) the Prosecutor General, Deputy Prosecutor General, the chief prosecutor or deputy chief prosecutor of a department/division of the Prosecutor General's Office or of a territorial prosecutor's office where the prosecutor serves – in respect of the prosecutor of the department/division of the Prosecutor General's Office or of the territorial prosecutor's office;

4) participants of the proceedings or other persons, where a breach committed by the prosecutor is established by an effective court decision – in respect of procedural actions of the prosecutor;

5) any person who is aware of such an act – in respect of an act demeaning a prosecutor's name or any other breach of the Code of Ethics for Prosecutors which is not related to procedural actions of the prosecutor.

3. Having considered requests of the persons referred to in paragraph 2 of this Article, the Ethics Commission shall draw its conclusion and, where any infringement of law, misconduct in office, action demeaning a prosecutor's name or any other breach of the Code of Ethics for Prosecutors is established, shall submit to the Prosecutor General its conclusion in relation to the imposition of a service-related penalty.

4. Any infringement of law, misconduct in office, action demeaning a prosecutor's name or any other breach of the Code of Ethics for Prosecutors may also be established by the Prosecutor General on a justified recommendation of the Deputy Prosecutor General, chief prosecutor or deputy chief prosecutor of a department/division of the Prosecutor General's Office or of a territorial prosecutor's office drawn on the basis of the findings of the internal investigation conducted according to the procedure defined by an order of the Prosecutor General.

5. A service-related penalty shall be imposed by an order of the Prosecutor General on the basis of the conclusion of the Ethics Commission or a justified recommendation of an entity referred to in paragraph 4 of this Article, however, these proposals and recommendations shall not be binding to the Prosecutor General.

6. A service-related penalty may be imposed within six months of the day an infringement of law, misconduct in service, act demeaning a prosecutor's name or any other breach of the Code of Ethics for Prosecutors is established, however, no later than within thirty-six months of the day on which the infringement was committed. In cases referred to in point 4 of paragraph 2 of this Article, a service-related penalty may be imposed within six months of the day of an effective court decision.

7. Where the actions of a prosecutor, in respect of whom hearing of a case concerning an administrative offence is closed, launching of a pre-trial investigation was refused, criminal procedure or criminal proceedings are terminated or a judgment of acquittal is directed, have the elements of infringement of law, misconduct in office, act demeaning a prosecutor's name or any other breach of the Code of Ethics for Prosecutors, a service-related penalty may be imposed no later than within six months of a decision closing hearing of the case concerning the administrative offence, of the decision to refuse launching of the pre-trial investigation, of the decision to terminate the criminal procedure or criminal proceedings or of the effect day of the judgment of acquittal.

8. The period of a prosecutor's absence from service due to his temporary incapacity for work or leave shall not be included in the period of a service-related penalty.

9. If a prosecutor commits an infringement of law, a service-related penalty may be imposed regardless of any other liability of the prosecutor.

Article 42. Validity of and Appeal Against a Service-related Penalty

1. A service-related penalty imposed on a prosecutor shall be valid for twelve months.

2. A service-related penalty may be lifted by an order of the Prosecutor General after the lapse of at least eight months of validity of the penalty, provided that during the entire period a prosecutor was exemplary in the performance of his duties or distinguished himself in service.

3. A service-related penalty shall expire after the expiration of its validity period or after it has been lifted.

4. After the expiration of the period of validity of a service-related penalty – demotion to a lower post or to a lower qualification rank – a prosecutor shall be promoted or awarded a higher qualification rank according to the general procedure laid down in this Law.

5. A prosecutor may appeal to court against an order imposing a service-related penalty in accordance with the procedure established by the Law on Administrative Proceedings within one month from the day he was communicated the order.

Article 43. Procedure for Removing Prosecutors from Office

1. A prosecutor may be removed from office if he appears at his service under the influence of alcohol, narcotic, psychotropic or toxic substances or refuses to have a medical examination or if there is ground to believe that he committed an act having elements of misconduct in office or of a criminal act.

2. A prosecutor shall be removed from office by an order of the Prosecutor General/Deputy Prosecutor General or, on their instruction, of the chief prosecutor of a territorial prosecutor's office/deputy chief prosecutor for up to 45 days or, where there are grounds to suspect the prosecutor of having committed a criminal act and the Prosecutor General has launched a pre-trial investigation, while pending the final judgment in criminal proceedings.

3. A service weapon, ammunition, a prosecutor's certificate, badge and procedural documents shall be forthwith taken from a prosecutor who has been removed from office.

4. A prosecutor shall not be paid his salary during the period of his removal from office.

5. In the event of the dismissal of a prosecutor removed from office, the day of dismissal shall be his last day in office before removal.

6. A prosecutor removed from office without a solid reason shall be reinstated in the previous post and be paid the salary due for the period of unfounded removal from office and this period shall be included in the length of his service as a prosecutor.

CHAPTER EIGHT

DISMISSAL OF A PROSECUTOR

Article 44. Grounds for Dismissal

1. A prosecutor shall be dismissed from service in the following cases:

- 1) voluntary resignation;
- 2) imposition of a service-related penalty in the form of dismissal;
- 3) taking effect of a court judgment of conviction;
- 4) loss of the citizenship of the Republic of Lithuania;
- 5) his failure to withdraw from the activities of political parties or political organisations or other breaches of Article 21(2) of this Law;
- 6) his objection to being transferred to a lower post due to the imposition of a service-related penalty;
- 7) cancellation of his post due to changes in the organisation of work of the Prosecution Service and his objection to the transfer to another post offered to him or absence of a post that could be offered to him;
- 8) his unsuitability to serve as a prosecutor (based on a conclusion of a medical commission);
- 9) his unsuitability for the prosecutor's post according to a conclusion of the Performance Evaluation Commission;

10) establishing of any circumstance due to which the person could not have been admitted to the Prosecution Service and appointed to a prosecutor's post;

11) his resignation after becoming entitled to a state pension of officers and servicemen;

12) his reaching 65 years of age;

13) his objection to being transferred to another post after the expiry of the appointment.

2. A prosecutor may be dismissed from service in the following cases:

1) breach of oath by their conduct;

2) imposition of a new service-related penalty before the expiry of a previous service-related penalty;

3) absence from service twice a year for a full working day without a solid reason or absence from service without a solid reason for two days in succession;

4) absence from two meetings of the Performance Evaluation Commission without a solid reason;

5) absence from service by reason of temporary incapacity for work for over 120 calendar days in succession or over 140 calendar days during the last twelve months, except in cases where it is established by law that he shall retain his office for a longer period due to certain illnesses or health impairment in service;

6) breach of the Law on the Adjustment of Public and Private Interests in the Civil Service;

7) failure to obtain an authorisation to handle classified information, where such authorisation is required by the Regulations of Remit;

8) reaching the age entitling to a state pension of officers and servicemen.

3. Dismissal of a prosecutor on the grounds other than those specified in this Law shall be prohibited.

Article 45. Requirements in the Event of Dismissal and the Procedure of Dismissal

1. A prosecutor shall be dismissed by an order of the Prosecutor General in accordance with the procedure established by this Law.

2. Dismissal of a prosecutor during the period of his temporary incapacity for work or during his leave shall be prohibited, except in the cases specified in Article 44(1)(1)-(1)(4), (1)(11) and (2)(8) of this Law. If the prosecutor is dismissed in violation of the above provision, the day following the termination of his leave or temporary incapacity for work shall be considered as the day of his dismissal.

3. Dismissal of a pregnant female prosecutor shall be prohibited, except in the cases specified in Article 44(1)(1)-(1)(6), (1)(9)-(1)(12), (2)(1), (2)(3), (2)(6) and (2)(8) of this Law.

4. Dismissal of a prosecutor who is alone raising a child under three years of age shall be prohibited, except in the cases specified in Article 44(1)(1)-(1)(6), (1)(8)-(1)(12), (2)(1)-(1)(6) and (2)(8) of this Law.

5. Dismissal of a prosecutor in the cases established in 44(1)(7), (1)(12) and (2)(8) of this Law shall be authorised only upon a two month prior written notice. A prosecutor who is alone raising a child under 14 years of age as well as a prosecutor who has not more than five years left until the age of entitlement to a state pension of officers and servicemen or who is disabled must be given a four month prior written notice of dismissal. In case of the prosecutor's dismissal before the expiry of the period of notice, the date of his dismissal shall be postponed until the termination of the period of notice.

6. Prosecutors who are dead, declared dead in accordance with the procedure established by law, or declared missing shall be struck off the List of Prosecutorial Positions by an order of the Prosecutor General.

7. When a prosecutor is dismissed or struck off the List of Prosecutorial Positions, his service weapon, ammunition, personal protective means, the prosecutor's certificate, the prosecutor's badge, procedural documents and the assets of a prosecutor's office entrusted to him shall be taken from him.

Article 46. Dismissal of a Prosecutor in the Case of Resignation

1. A prosecutor shall have the right to resign by submitting to the Prosecutor General an application for dismissal 14 calendar days before his resignation.

2. Subject to the Prosecutor General's approval, the prosecutor may be dismissed after the lapse of three calendar days of the submission of an application for dismissal.

3. The prosecutor shall have the right to withdraw his resignation no later than within three calendar days of the submission of an application for dismissal.

4. The prosecutor who resigns by reason of health impairment preventing him from properly discharging the prosecutorial duties shall be dismissed as of the day indicated in an application, but not later than 14 calendar days after the day indicated in the application.

Article 47. Severance Pay

1. When a prosecutor is dismissed in the cases established in Article 44(1)(7), (8), (13) and (2)(5) of this Law or when the Prosecutor General/Deputy Prosecutor General is dismissed in

the cases established in Article 22(5)(1), (6)(1), (2) and (7)(2) of this Law, he shall be paid a severance pay in the amount of two average monthly salaries of the prosecutor.

2. The severance pay established in paragraph 1 of this Article shall be increased 1.5 times for a prosecutor with a record of over five years of the prosecutor's service, 2 times for a prosecutor with a record of over ten years of the prosecutor's service, 2.5 times for a prosecutor with a record of over fifteen years of the prosecutor's service, 3 times for a prosecutor with a record of over twenty years of the prosecutor's service.

Article 48. Reinstatement in Office

1. A person who has been communicated the Prosecutor's General order regarding dismissal from service may appeal against the order to court within one month from the day of dismissal. Disputes concerning dismissals of prosecutors shall be resolved in accordance with the procedure established by the Law on Administrative Proceedings.

2. If the court recognises a prosecutor's dismissal unlawful and reinstates the prosecutor in his former office, the prosecutor shall be paid his average monthly salary for the period of forced absence from service from the day of his unlawful dismissal until the day of enforcement of the court decision.

3. If the court recognises a prosecutor's dismissal unlawful and establishes that the prosecutor may not be reinstated in his former office due to changes in the organisation of work of the prosecutor's office or for other valid reasons, the prosecutor shall be awarded a severance pay in the amount specified in Article 47 of this Law and the average monthly salary for the period of his forced absence from service from the day of his dismissal until the effective date of the court decision. In this case, the prosecutor shall be considered dismissed from service in accordance with Article 44(1)(1) of this Law as having resigned on the basis of his application as of the effective date of the court decision.

4. The Prosecutor General must, based on the court decisions specified in paragraphs 2 and 3 of this Article, cancel the unlawful order concerning a prosecutor's dismissal and remove the existing grounds for the order.

CHAPTER NINE

SOCIAL SECURITY OF PROSECUTORS

Article 49. Remuneration of Prosecutors

The remuneration of prosecutors shall be determined by the Law on the Remuneration of State Politicians and State Officials.

Article 50. Leave of Prosecutors

1. Prosecutors shall be entitled to 28 calendar days of paid annual leave.
2. Prosecutors whose length of service as a prosecutor is over five years shall be granted an additional calendar day for each subsequent year of service; however, the total duration of paid annual leave may not exceed 42 calendar days.
3. Prosecutors shall be granted annual leave in accordance with the procedure established by this Law and the Labour Code.
4. For irregular working hours and the performance on rest days and public holidays of prosecutorial duties provided for in the Code of Criminal Procedure and other laws and assigned by an order of the Prosecutor General or a Deputy Prosecutor General, prosecutors shall be compensated for by granting them up to 14 additional calendar days of paid annual leave. Additional annual leave shall be granted in accordance with the procedure established by the Prosecutor General.
5. A prosecutor may be recalled by the Prosecutor General/Deputy Prosecutor General from his annual leave for exigencies of the service. The unused annual leave shall be granted to the prosecutor at another time.
6. Prosecutors may be granted the following special-purpose leave:
 - 1) unpaid leave;
 - 2) maternity leave;
 - 3) paternity leave;
 - 4) parental leave;
 - 5) educational leave;
 - 6) in-service training leave;
 - 7) relocation leave.
7. A prosecutor may, at his request, for family or other valid reasons, be granted annual unpaid leave for up to one month. The duration of unpaid leave shall be included in the length of the prosecutor's service.
8. Maternity leave, paternity leave, parental leave until the child reaches three years of age and educational leave shall be granted in accordance with the procedure established by the Labour Code.

9. A prosecutor who has served for two years after the first satisfactory performance evaluation may be granted by the Prosecutor General, once in five years, an in-service training leave for the duration of up to one year. The prosecutor shall retain his post during the in-service training leave, without being paid his salary, whereas the period of this leave shall be included in his length of service as a prosecutor.

10. A prosecutor who is changing his place of residence due to his transfer to another post in another location shall be granted up to five calendar days of relocation leave and shall be paid his salary for this period. If the prosecutor is transferred to another post for exigencies of the service, the relocation expenses incurred by him and his family shall be compensated in accordance with the procedure established by the Government.

Article 51. Prosecutors' Entitlement to Pensions

Prosecutors shall have the right to receive a state pension of officers and servicemen and a state social insurance pension in accordance with the procedure and conditions established by the Law of the Republic of Lithuania on State Pensions of Officers and Servicemen and the Law of the Republic of Lithuania on State Social Insurance Pensions.

Article 52. Other Social Safeguards for Prosecutors

1. If a prosecutor was intentionally killed in the line of duty, the State shall within a year pay a compensation in the amount of 120 monthly salaries in equal shares to his family – his children (adopted children) under 18 years of age or children born after his death, his spouse, father or mother and dependants who are incapable of working.

2. A prosecutor who perished in the line of duty shall be buried at the state expense.

3. A prosecutor whose health was intentionally impaired in the line of duty shall be paid compensation by the State, which shall depend on the degree of incapacity for work or the severity of health impairment:

1) having lost 75-100% of capacity for work due to health impairment – in the amount of 60 monthly salaries;

2) having lost 60-70% of capacity for work due to health impairment – in the amount of 48 monthly salaries;

3) having lost 45-55% of capacity for work due to health impairment – in the amount of 36 monthly salaries;

4) in case of severe health impairment – in the amount of 24 monthly salaries;

5) in case of minor health impairment – in the amount of up to 12 monthly salaries.

4. The factual circumstances of a prosecutor's death, intentional murder or health impairment in the line of duty shall be established by a court decision or in accordance with the procedure established by the Prosecutor General.

5. A prosecutor who received a compensation for health impairment which later resulted in the loss of working capacity shall be paid the difference between the compensation due in proportion to the lost working capacity and the amount of compensation paid out to him.

6. A prosecutor's medical expenses incurred as a result of health impairment in the line of duty as well as expenses related to psychological consultations after the use of a firearm shall be compensated by the State in accordance with the procedure established by the Government.

7. Prosecutors shall be covered by state social insurance and compulsory health insurance in accordance with the procedure established by law.

8. A prosecutor who has no accommodation at the place of his service may be offered official accommodation in accordance with the procedure established by the Prosecutor General.

9. A prosecutor shall be reimbursed for his business trip expenses in accordance with the procedure established by the Government.

10. A prosecutor experiencing financial difficulties because of his illness or the illness or death of his family member, a natural disaster or loss of property and in other exceptional cases may be granted an allowance in the amount of up to five minimum monthly salaries.

11. Prosecutors shall not be drafted into the mandatory military service.

Article 53. Medical Examination of Prosecutors

1. Prosecutors must, every five years, have a free medical examination by a medical commission in accordance with the procedure jointly established by the Prosecutor General, the Minister of Health and the Minister of the Interior.

2. Based on the conclusions of the official inspection, the Performance Evaluation Commission or the Ethics Commission, the Prosecutor General may order a prosecutor to have a medical examination and to present the conclusion of the medical commission concerning his suitability for the office.

Article 54. Protection of a Prosecutor and of His Property

1. Physical protection of a prosecutor and members of his family, in the case of imminent threat to their life, health or their property connected with the discharge of prosecutorial duties, shall be guaranteed in accordance with the procedure established by the Government or an institution authorised thereby.

2. Damage caused by stealing, damaging or destroying of the property belonging to a prosecutor or members of his family, if connected with the discharge of prosecutorial duties, shall be compensated for by the State in accordance with the procedure established by the Government.

CHAPTER TEN

PERSONAL PROTECTION MEANS OF PROSECUTORS

Article 55. Special Personal Protection Means of Prosecutors

1. Service firearms, ammunition and special personal protection means shall be handled, kept and issued at a prosecutor's office in accordance with the procedure established by an order of the Prosecutor General.

2. A prosecutor shall have the right to keep and carry a service firearm, ammunition and special personal protection means under an authorisation granted by the Prosecutor General. During his in-service training period, the prosecutor shall not be provided with a service firearm and ammunition.

3. When using a firearm, ammunition and special personal protection means, a prosecutor must endeavour to avoid serious consequences for human life and health or for personal property. Having used a firearm, ammunition and special personal protection means, the prosecutor must:

- 1) take measures to ensure the provision of immediate medical aid to the injured person;
- 2) organise protection of the scene and of articles material to the investigation of the act;
- 3) give a notice thereof to the local police authority and the head of the territorial prosecutor's office.

4. A prosecutor shall be prohibited from:

- 1) carrying a firearm, ammunition and special personal protection means when intoxicated with alcohol, narcotic, psychotropic or toxic substances;
- 2) leaving them for storage in places not specifically designed for that purpose;
- 3) transferring them to other persons or enabling other persons to use them;
- 4) modifying them.

5. In the case of unlawful use or loss of a firearm, ammunition or special personal protection means, a prosecutor shall be liable under law.

Article 56. Procedure for Using Firearms

1. A prosecutor may use a firearm only in the cases where all other possible evident methods and means have been exhausted or where their use is not possible due to the character of the assault:

1) in self-defence or when defending another person from an ongoing or imminent life or health threatening assault;

2) when apprehending a person suspected of a criminal act and actively resisting detention;

3) when apprehending an arrested/detained person who attempts to escape or has escaped when escorted under guard;

4) when defending a human attacked by an animal.

2. A prosecutor shall have the right to draw a firearm from the holster, get it ready for firing and fire into the air if he has a good reason to believe that he will be forced to use the firearm against a human or an animal or in case he has to give an alarm signal.

CHAPTER ELEVEN

FINAL PROVISIONS

Article 57. Financing of the Prosecution Service

1. The Prosecution Service shall be financed from the state budget. The Prosecution Service shall have an expenditure estimate, and the Prosecutor General shall manage appropriations for the Prosecution Service. The Prosecutor General's Office may make separate expenditure estimates for territorial prosecutor's offices.

2. The Prosecutor General/Deputy Prosecutor General shall represent the Prosecution Service during deliberations by the Seimas, the Government and other state institutions of the state budget or appropriations for the Prosecution Service.

3. The state shall ensure by financial, organisational and technical measures appropriate working conditions for prosecutors' service, the guarantees of prosecutors' independence and social security established by law.

Article 58. Technical Supply for a Prosecutor's Office

1. A prosecutor's office shall manage, use and dispose of state property by the right of trust.

2. A prosecutor's office shall have the right to rent premises and use the official residential premises transferred to it in accordance with the procedure established by the Government.

Article 59. In-service Training Institutions and Publications

The Prosecution Service shall have the right to set up institutions for the in-service training of prosecutors and to issue special publications in accordance with the procedure established by law.

Article 60. Prosecutors' Insignia

1. Prosecutors' insignia shall include a prosecutor's gown marked with the state coat of arms of Lithuania, a prosecutor's certificate, a prosecutor's badge, the badge of honour or other badges of distinction. The procedure for their issue and use shall be established by the Prosecutor General.

2. A prosecutor's certificate and a prosecutor's badge shall confirm a prosecutor's identity and grant the right to act according to law.

3. At a court hearing, a prosecutor shall wear a prosecutor's gown marked with the state coat of arms of Lithuania.

4. Samples of a prosecutor's gown marked with the state coat of arms of Lithuania, a prosecutor's badge, the badge of honour or other badges of distinction shall be approved by the President of the Republic.

5. The procedure for hoisting state flags and their use by a prosecutor's office shall be established by the Prosecutor General in compliance with the effective legal acts.

Article 61. Prosecution Service Day

The professional holiday of prosecutors – the Prosecution Service Day – shall be 30 March.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

ALGIRDAS BRAZAUSKAS