

1. RECOVER Project (GA no. 101091375)

2. WP5 – Asset Recovery Office’s Activities and Management of Frozen and Confiscated assets

3. Questionnaire for the partners

Section 1 – Asset Recovery Offices (AROs): Structure and Activities

1. Which agencies serve as the Asset Recovery Offices (AROs) in your country? Under which government department or agency do they operate?

Backgrounds of Lithuanian ARO is Council Decision 2007/845/JHA that obliges EU Member States to set up or designate national Asset Recovery Offices as national central contact points which facilitate, through enhanced cooperation, the fastest possible EU-wide tracing of assets derived from crime. The Decision allows the AROs to exchange information and best practices, both upon request and spontaneously. It requests AROs to exchange information under the conditions laid down in Council Framework Decision 2006/960/JHA2 (“the Swedish Initiative”) and in compliance with the applicable data protection provisions.

By the Governmental decision in 2009, Lithuania designated 2 assets recovery offices: **the Prosecutor General's Office** is the judicial ARO competent for international freezing and confiscation. The **Lithuanian Criminal Police Bureau** is the police ARO in charge of assets tracing at domestic and international level.

The police ARO function is carried out by the 2nd Unit of Serious and Organized Crime Investigation 4th Board of The Lithuanian Criminal Police Bureau.

2. Are there any instances in your country where the Reg. (EU) 2018/1805 (hereinafter, the REG) was applied with the involvement of the ARO? Please provide examples and data if available.

No data available.

3. What are the main activities undertaken by your ARO in applying the REG (e.g., asset tracing, investigative support, international coordination)?

Asset tracing, international coordination.

4. What are the biggest challenges your ARO faces in the application of the Regulation, and how are these addressed?

No particular challenges

5. What tools and databases does the ARO most commonly use when applying the REG, especially for asset tracing (e.g., accessing public records, utilizing professional services or software)?

Information/databases managed and directly accessible by law enforcement authorities:

- Register of wanted persons (missing persons, wanted suspects)
- Register of suspected, accused and convicted persons
- Integrated information system of criminal process
- Register of events recorded by the police
- Register of administrative violations
- Register of wanted motor vehicles
- Register of wanted weapons
- Register of wanted numeric objects
- Register of external border crossing
- Information system of criminal intelligence
- Information system of traffic violations
- Interpol ASF
- Europol EIS;

Information/databases managed by other authorities / private entities and directly accessible by law enforcement authorities:

- Register of residents of Lithuania
- Register of motor vehicles (including EUCARIS and PRUM)
- Register of driving licenses
- Register of vehicles' technical inspection
- Register of vehicles' insurance
- Register of immovable property
- Register of legal entities
- Register of Customs declarations
- Register of undesirable persons
- Social insurance database
- Bank accounts module;

6. How does your ARO collaborate with AROs from other EU member states in applying the REG? Please provide examples and data if available.

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Police ARO is functioning within criminal police structure therefore possesses all police powers regarding information gathering and direct access to necessary registers/data bases etc. Police ARO is directly using information exchange platform - Europol SIENA: The Secure Information Exchange Network Application for communication with ARO of EU MS. ARO PGO contact point facilitates communication between competent authorities and further steps and procedures are taken depending on the task (EIO, Freezing Order).

7. How many times has your office contacted the ARO for information or assistance in the past three years? What was the subject of your request?

No data available

8. In which areas does the ARO provide the most support to your authority? (e.g., asset tracking, legal support, international cooperation).

In asset tracing, international cooperation.

9. Which technologies or tools provided by the ARO do you find most useful in your activities/investigations?

Information which has been received.

10. Could you provide examples of successful cases or challenges encountered in collaborating with the ARO?

No particular information available.

11. What legal or administrative challenges prevent effective collaboration between your authority and the ARO? Are there regulatory or bureaucratic barriers that limit effective cooperation?

No

12. Do you have any proposals for the harmonization of EU MS legislation on the structure and the activities of AROs?

Most problems have been solved in the light of new directive (urgent freezing, unexplained wealth, obligation to partners have certain registers and so on)

13. Could you provide us with potential guidelines regarding the structure and the activities of AROs?

No

14. Do you have any further reform proposals, at a national or international level, concerning the structure and the activities of AROs?

In the light of the new directive on ARO and Confiscation there will be many changes. These ideas have to be perceived properly and then applied in the national level. There were several trans-institutional meetings in Lithuania and we are considering a way of implementing this directive. The decisions has not been taken yet.

15. Do you have any further policy recommendations, at a national or international level, concerning the structure and the activities of AROs?

What is clear, we think, that there will be the need for more resources, since there are new functions set out (freezing powers, urgency, deadlines, etc.)

16. In light of the new [Directive \(EU\) 2024/1260](#) on “asset recovery and confiscation”, do you consider the changes proposed for the functioning and composition of AROs to be effective? Please explain your reasoning and any anticipated impacts on your operations.

I believe that functioning of the ARO will be much better because of the obligation to have access to concrete registers (Lithuania has all required registers, but sometimes faces the problem to get information from other countries). Short deadlines and freezing powers, I believe, will make the ARO more effective.

What regards Lithuania, we do not have special office - the AMO (the functions are divided between institutions), and this is not effective. From my personal point of view, there should be one AMO institution in Lithuania.

17. Does your organization collect data on the gender of individuals affected by asset freezing and confiscation orders? How is this information used to inform the functioning and policies of the ARO?

No

Section 2 – The Management and the Social Reuse of Frozen and Confiscated Assets

1. Which entities or agencies are responsible for managing frozen and confiscated assets in your country? Please provide a brief description of the activities performed by each entity or agency.

There is no a specific agency in charge of managing seized and confiscated assets in Lithuania. When confiscation is applied, the court sends a copy of the judgment and copies of other relevant documents to the authority which carried out the pre-trial investigation. The authority resolves the question whether the property is to be disposed or destructed. When it comes to disposing, there are three institutions, which are in charge depending on the type of confiscated assets:

1. Centrally managed state property manager (state owned enterprise „Turto bankas“) - immovable property - buildings or parts thereof, including the land allocated to them and shares in joint-stock companies and closed joint-stock companies.

2. Territorial units of the National Land Service under the Ministry of Environment - a land plot (parts thereof) on which there are no structures or other immovable property objects to which this land plot (parts thereof) would be assigned, a land plot (part thereof) on which there are structures or other immovable property objects and which is not sold in accordance with the procedure established by law, as well as a land plot (part thereof) where the owner of the land plot (part thereof) is not the owner of the structures or other immovable property objects located thereon.

3. The State Tax Inspectorate under the Ministry of Finance - the property which is not administered by the institutions that are mentioned above.

Frozen assets are managed in LEA and in the financial institutions.

2. Can you provide statistics on the types and values of assets currently managed by authorities responsible for frozen and confiscated assets? How many of these assets result from the application of the REG?

No

3. How do competent authorities maintain the value of confiscated and frozen assets, especially for items requiring specific measures to prevent degradation?

No competence to answer

4. Are there any international or interagency collaborations aimed at improving the management of assets frozen or confiscated under the REG?

No competence to answer this and further questions, since PGO is not competent in relation to AMO.

5. How do competent authorities ensure transparency in the management and disposal of frozen or confiscated assets in your country? How are risks of corruption or mismanagement addressed?
6. What are the main challenges that competent authorities in your country face in managing confiscated and frozen assets, and how do they tackle them? If possible, make specific reference to goods frozen and confiscated under the REG.
7. What procedures are followed for the sale or disposal of frozen and confiscated assets? What criteria are used to decide whether to sell or reuse an asset?
8. Describe the process of selling confiscated assets. What sales methods are used (public auctions, private sales, online sales, etc.)? How is the selling price of confiscated assets determined?
9. What is the average time between the confiscation of an asset and its sale?
10. How are the proceeds from the sale of confiscated assets managed? If possible, make specific reference to goods frozen and confiscated under the REG.
11. Have there been cases where assets frozen or confiscated under the REG have been used for the benefit of the community? Could you provide some examples?
12. Are there specific procedures for transferring confiscated assets to public bodies or non-profit organizations?
13. What are the main challenges in reusing confiscated assets, and how are they addressed?
14. What types of confiscated assets are commonly allocated for social reuse (e.g., real estate, vehicles, technological goods)?
15. Which entities or organizations are involved in deciding and implementing the social reuse of confiscated assets?

16. What is the process for oversight and control to ensure that assets are used appropriately and effectively once assigned for social reuse?
17. How is the maintenance and insurance of confiscated assets managed during their use for social purposes?
18. Have there been any successful or unsuccessful cases of social reuse of confiscated assets that could provide lessons for improving future practices?
19. Considering the specific vulnerabilities of female victims in cross-border crimes, what measures are in place to ensure that women's rights to compensation and restitution are prioritized in the management of frozen and confiscated assets?
20. Do you have any proposals for the harmonization of EU MS legislation on the management and social reuse of frozen and confiscated assets?
21. Could you provide us with potential guidelines regarding the management and social reuse of frozen and confiscated assets?
22. Do you have any further reform proposals, at a national or international level, concerning the management and social reuse of frozen and confiscated assets?
23. Do you have any further policy recommendations, at a national or international level, concerning the the management and social reuse of frozen and confiscated assets?
24. Considering the provisions of the new Directive (EU) 2024/1260 on "asset recovery and confiscation", how effective do you find the new measures regarding the management and social reuse of confiscated assets? Are there aspects of the directive that could be improved or implemented differently?

Section 3 – Victims’ rights to compensation and restitution in cross-border confiscation and third parties’ rights

1. What national laws or regulations govern the rights of victims to compensation and restitution in cross-border confiscations?
2. Are there bilateral/multilateral agreements that your country utilizes to facilitate compensation and restitution for victims in cases of cross-border confiscation?
3. How is the eligibility of victims determined to receive compensation or restitution? What criteria are used?
4. What is the process for victims to request compensation or restitution?
5. What are the main challenges that victims face in receiving compensation or restitution in cases of cross-border confiscation?
6. Which entities or organizations are responsible for assessing and processing victims' claims for compensation or restitution?
7. How are conflicts of law or legal complications that may arise during the process of cross-border compensation or restitution managed?
8. Have there been cases where victims have struggled to obtain justice due to linguistic, cultural, or legal barriers? How were these handled?
9. What measures are in place to ensure that victims are informed of their rights and the process for claiming compensation or restitution in cross-border confiscation?
10. What is the success rate of cross-border compensation or restitution claims for victims in your country?

11. Are there any initiatives or future plans to enhance the rights of victims to compensation and restitution in cross-border contexts?
12. What procedures are in place to identify and protect the rights of third parties before the seizure or confiscation of an asset?
13. How is the claims process handled by third parties who believe they have legitimate rights to seized or confiscated assets?
14. Are there specific mechanisms to ensure that third parties are promptly informed of the seizure or confiscation of assets that may concern them?
15. What appeal rights are available to third parties who are dissatisfied with decisions regarding seized or confiscated assets?
16. Have there been cases where the rights of third parties have been recognized after the confiscation of the asset? What was the procedure followed to return the asset or compensate the third party?
17. Do authorities in your country promote the social reuse of confiscated assets to support services and programs specifically aimed at women affected by crime? Can you provide examples of such initiatives?
18. Do you have any proposals for the harmonization of EU MS legislation on the victims' rights to compensation and restitution and third parties' rights?
19. Could you provide us with potential guidelines regarding the victims' rights to compensation and restitution and third parties' rights?
20. Do you have any further reform proposals, at a national or international level, concerning the victims' rights to compensation and restitution and third parties' rights?

21. Do you have any further policy recommendations, at a national or international level, concerning the victims' rights to compensation and restitution and third parties' rights?

22. Does the approach outlined in the new [Directive \(EU\) 2024/1260](#) on “asset recovery and confiscation” effectively address the rights of victims, particularly regarding compensation and restitution? If not, what gaps or challenges do you foresee, and how could they be addressed?