

REPUBLIC OF LITHUANIA

LAW ON THE STATE BORDER AND GUARDING OF THE STATE BORDER

9 May 2000 No VIII-1666

(As last amended on 5 June 2025 – No XV-250)

Vilnius

CHAPTER I

GENERAL PROVISIONS

Article 1. Purpose of the Law

1. This Law shall establish the legal regimes of the State border and the frontier of the Republic of Lithuania, the activities of border checkpoints, the organisation of the guarding of the State border, the structure of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter: the ‘State Border Guard Service’), the principles of its organisation, its financing and functions, the cooperation between the State Border Guard Service and other state and municipal institutions and agencies and the public, the rights and obligations of officers, as well as conditions for the lawfulness of the use of coercion and the legal basis for the activities of supporters of the State Border Guard Service.

2. The provisions of this Law have been harmonised with provisions of the legal acts of the European Union listed in the Annex to this Law.

3. This Law shall apply to peaceful crossing of the State border and transit of military cargo across the territory of the Republic of Lithuania by a contingent of the armed forces of the Republic of Lithuania or of a foreign state, and by the civilian staff serving in the military forces assigned to it, to the extent that it is directly provided for in this Law.

Article 2. Definitions

1. ‘Footprint control strip’ means a part of the frontier strip intended to record the traces of crossing of the State border of the Republic of Lithuania.

2. 'Contiguous zone of the Republic of Lithuania' (hereinafter: the 'contiguous zone') means a part of the exclusive economic zone of the Republic of Lithuania adjacent to the territorial sea of the Republic of Lithuania and located 24 nautical miles from the baseline of the territorial sea of the Republic of Lithuania.

3. 'Internal waters of the sea area and of the frontier zone of the Republic of Lithuania' (hereinafter: 'internal waters') means the waters of the Republic of Lithuania on the landward side of the baseline of the territorial sea of the Republic of Lithuania, and water bodies in the frontier zone of the Republic of Lithuania.

4. 'Frontier zone of the Republic of Lithuania' (hereinafter: the 'frontier zone') means a marked strip of land or inland waterway extending from the State border of the Republic of Lithuania to the depth of the territory of the Republic of Lithuania in which the legal regime of the frontier is valid.

5. 'Territorial sea of the Republic of Lithuania' (hereinafter: the 'territorial sea') means a belt of coastal waters of the Baltic Sea extending 12 nautical miles from the baseline within the territory of the Republic of Lithuania, the boundaries of which with adjacent states are established by international treaties of the Republic of Lithuania and universally recognised principles and provisions of international law.

6. 'Baseline of the territorial sea of the Republic of Lithuania' (hereinafter: the 'baseline') means the line connecting the coordinates in the sea established by the Government of the Republic of Lithuania from which the breadth of the territorial sea of the Republic of Lithuania is measured.

7. 'State border of the Republic of Lithuania' (hereinafter: the 'State border') means the line and the vertical surface extending along this line defining the boundaries of the territory of the Republic of Lithuania on land, in the subsurface, in air space, frontier waters, territorial sea and its depths.

8. 'Guarding of the State border of the Republic of Lithuania' (hereinafter: 'guarding of the State border') means activities aimed at the following:

- 1) avoiding unlawful changes in the marking of the State border;
- 2) ensuring that natural persons (hereinafter: 'persons'), legal persons (hereinafter natural persons and legal persons collectively: 'natural and legal persons'), branches and representative offices of legal persons and persons without legal personality comply with the legal regimes of the State border and of the frontier;
- 3) ensuring the interests of individuals, the public and the State at border checkpoints and at places where the legal regime of the frontier is valid.

9. 'State border guard zone of the Republic of Lithuania' (hereinafter: the 'State border guard zone') means the marked part of the frontier zone extending from the State border to the

depth of the territory of the Republic of Lithuania, within which technical, organisational and legal measures of the State Border Guard Service are implemented to ensure the guarding of the State border and the maintenance thereof.

10. 'State border crossing point of the Republic of Lithuania' (hereinafter: a 'State border crossing point') means a place for crossing the State border established in accordance with an international treaty of the Republic of Lithuania with an adjacent state, comprising a border checkpoint belonging to the Republic of Lithuania and a facility of the adjacent state intended for similar purposes.

11. 'Maintenance of the State border of the Republic of Lithuania' (hereinafter: 'maintenance of the State border') means ensuring, in accordance with the procedure laid down in international treaties of the Republic of Lithuania, that State border markers and State border guard objects and facilities are in proper condition and comply with the requirements.

12. 'Legal regime of the State border of the Republic of Lithuania' (hereinafter: the 'legal regime of the State border') means the rules of conduct covering the rights and obligations of natural and legal persons, branches and representative offices of legal persons and persons without legal personality, the procedure for the establishment, marking, and crossing of the State border, the enforcement of the legal regime of the frontier, and the maintenance of the State border.

13. 'Check' means the examination of persons, verification of documents, inspection of means of transport and objects with a view to establishing the legality of movement and stay of persons and means of transport in the frontier zone, territorial sea and frontier waters, transport of goods and cargo across the State border, and stay in the frontier zone, territorial sea and frontier waters.

14. 'Border incident' means an event at a frontier zone involving a violation of the interests of the State and/or those of an adjacent state.

15. 'Frontier strip' means the part of the frontier zone adjacent to the State border intended for the construction and maintenance of State border guard objects and facilities.

16. 'Border checkpoint' means the place established at an international airport/airfield, an open port for international navigation, a railway station or at the road border where authorised state institutions and agencies carry out checks.

17. 'Border patrol path' means the part of the frontier strip where the surveillance of the State border is carried out, violations related to the crossing of the State border are recorded and prevention thereof is carried out.

18. 'Legal regime of the frontier' means ensuring the guarding of the State border in the frontier zone and territorial sea, the rules for the presence, activities and conduct of persons as laid down in this Law, and the procedure for exercising the rights of these persons.

19. 'Frontier waters' means water bodies along the waters or shorelines whereof the State border runs.

20. 'Coercion' means a method of operation which is applied in the event of non-compliance with the demands or instructions of an officer of the State Border Guard Service or a supporter of the State Border Guard Service, or in order to avoid danger, and which is aimed at fulfilment of the functions assigned to the State Border Guard Service.

21. 'Radiation control' means inspection of persons, means of transport, goods and cargo crossing the State border intended for the detection and prevention of illegal transport of radioactive, nuclear fuel cycle and nuclear materials and fissile materials and violations of rules on the transport of these materials.

22. 'Special services' means services involved in response to natural disasters, catastrophes or major industrial accidents, where there is a threat to human life and health or to the environment, or where there is a risk of significant material damage.

22¹. 'Supporter of the State Border Guard Service' (hereinafter: a 'supporter') means a natural person who meets the requirements established in this Law and who voluntarily assists the State Border Guard Service in the performance of the functions assigned to it by this Law.

23. 'State border delegate' means an authorised state official appointed to handle border incidents and issues related to the legal regime of the State border.

24. 'Crossing of the State border' means the movement of persons and vehicles and transport of goods and cargo across the State border.

25. The concepts 'external border', 'internal border' and 'border checks' shall be interpreted as they are defined in Regulation (EU) 2016/399.

26. Other concepts used in this Law shall be interpreted as they are defined in the Law of the Republic of Lithuania on the Legal Protection of Personal Data Processed for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences, the Execution of Criminal Penalties, or National Security or Defence (hereinafter: the 'Law on Personal Data Processed for Law Enforcement or National Security Purposes'), the Civil Code of the Republic of Lithuania; the Law of the Republic of Lithuania on Waste Management, the Law of the Republic of Lithuania on Aviation, the Law of the Republic of Lithuania on Chemical Substances and Preparations, the Law of the Republic of Lithuania on the Diplomatic Service, the Law of the Republic of Lithuania on Crisis Management and Civil Protection, the Law of the Republic of Lithuania on Control of Weapons and Ammunition, the Law of the Republic of Lithuania on the Legal Status of Foreigners, the Law of the Republic of Lithuania on Protection of the Marine Environment, the Law of the Republic of Lithuania on the Organisation of the National Defence System and Military Service, the Law of the Republic of Lithuania on the Protection of Objects

Critical for National Security, the Law of the Republic of Lithuania on the Control of Narcotic Drugs and Psychotropic Substances, the Law of the Republic of Lithuania on Supervision of Poisonous Substances, the Law of the Republic of Lithuania on Police Activities, the Law of the Republic of Lithuania on the Control of Circulation of Explosives, the Law of the Republic of Lithuania on Maritime Safety, the Statute of the Internal Service of the Republic of Lithuania, the Law of the Republic of Lithuania on the Management, Use and Disposal of State and Municipal Assets, and Regulation (EU) 2016/399, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), the 1951 Convention relating to the Status of Refugees, and the 1982 United Nations Convention on the Law of the Sea.

CHAPTER II

LEGAL REGIME OF THE STATE BORDER

Article 3. Position of the State border and marking of the State border

1. Unless otherwise provided for in international treaties of the Republic of Lithuania with adjacent states, the State border shall run:

- 1) on land and in places where the State border crosses frontier waters, extending from one shore to another, along the lines connecting adjacent State border markers;
- 2) on a navigable river, along the centre of the main fairway/channel or a river delta, on a non-navigable river/stream, along its centre or the centre of its main bed;
- 3) on bridges or other structures running across frontier waters, along the centre of these construction works or their technological axis, regardless of the course that the State border takes along the frontier waters.

2. The State border on land and in frontier waters shall be marked with State border markers. The shape and size of the State border markers and the procedure for erecting them shall be established by the Government of the Republic of Lithuania (hereinafter: the ‘Government’). State border markers shall be installed and maintained by the State Border Guard Service.

Article 4. Procedure for crossing the State border

1. The procedure for crossing the State border shall be ensured by the state institutions and agencies authorised to carry out checks, as referred to in Article 17 of this Law (hereinafter: ‘checking authorities’).

2. Crossing of an external border by land shall be subject to checks at a border checkpoint. Crossing of an external border in frontier waters shall only be permitted at places specified in international treaties or agreements of the Republic of Lithuania.

3. Persons crossing the State border must hold and present to officers of checking authorities valid identity documents entitling the holders to cross the State border, as well as documents of the vehicle, transported goods and cargo.

4. Persons staying in the territory of the border checkpoint shall be prohibited from:

1) bypassing/circumventing the areas where checks are carried out at the border checkpoints and attempting to avoid the checks;

2) leaving the territory of the border checkpoint before the completion of border checks and without the permission of officers of the checking authorities;

3) taking photographs and/or making video recordings within the territory of the border checkpoint without the permission of the officers of the checking authorities;

4) alighting from the means of transport, disembarking or embarking persons, unloading or loading animals, goods and cargo without the permission of officers of the checking authorities;

5) entering the official premises of officers of the checking authorities without their permission;

6) staying in the territory of border checkpoints without the permission of officers of the border check authorities and not being in possession of documents entitling the holders to cross the State border.

5. In addition to the requirements laid down in paragraph 3 of this Article, persons staying in the territory of a border checkpoint must:

1) inform officers of the checking authorities about the goods and cargo in their possession whose transport across the State border without authorisation is prohibited;

2) at the request of officers of the checking authorities, allow for checking of the vehicle being driven and the animals or other objects or goods being transported therein, and participate in the checking thereof;

3) where checks are carried out on a means of transport engaged in a regular international service, remain on board the means of transport at the time of the check;

4) at the request of officers of the checking authorities, alight from the vehicle;

5) comply with the requirements for lane indicating signs at State border crossing points, the models of which are provided in Annex III to Regulation (EU) 2016/399.

6. Paragraphs 2, 3, 4 and 5 of this Article shall apply:

1) at the time of checks at external borders;

2) following the temporary reintroduction of checks at internal borders in accordance with the procedure laid down by the Government with a view to ensuring public policy and national security of the Republic of Lithuania.

7. Persons who violate the procedure for crossing the State border and the legal regime of the frontier due to force majeure or due to immediate necessity or important unforeseeable circumstances, namely an accident, an emergency, towage of defective ships, and delivery of rescued persons, shall not be subject to administrative liability or shall be released from administrative liability in accordance with the procedure laid down in the Code of Administrative Offences of the Republic of Lithuania.

8. In the cases referred to in paragraph 7 of this Article, the master of a ship, the commander of a warship or the pilot in command must immediately, and not later than within 24 hours, notify the administration of the nearest seaport or airport of the Republic of Lithuania, and the latter must notify of the incident the State Border Guard Service, the Customs of the Republic of Lithuania (hereinafter: the 'Customs') and special services.

9. In cases where there are no grounds to open a pre-trial investigation or to initiate administrative proceedings against foreigners who have violated the procedure for crossing the State border, the State Border Guard Service shall, in accordance with the procedure laid down in international treaties of the Republic of Lithuania, transfer these foreigners to authorised representatives of the state from whose territory they have illegally crossed the State border.

10. Where the transfer of the foreigners referred to in paragraph 9 of this Article to foreign states is not provided for in international treaties of the Republic of Lithuania with those states, the issue of determining their legal status in the Republic of Lithuania shall be decided in accordance with the Law on the Legal Status of Foreigners.

11. The following shall be admitted into and checked without queuing at border checkpoints located near roads:

- 1) members of official delegations of the Republic of Lithuania and foreign states;
- 2) means of transport used for the carriage of persons holding diplomatic passports or for the carriage of diplomatic mail of the Republic of Lithuania;
- 3) means of transport used for the carriage of passengers on regular services at the times specified in the travel permits;
- 4) goods vehicles used for the carriage of deceased persons, perishable, dangerous goods and cargo of class 1 to 9, livestock, and goods and cargo intended for charity or donation (provided that the value and quantity (weight and size) of such goods and cargo accounts for at least half of the value and, respectively, quantity (weight and size) of all the goods and cargo, as well as goods vehicles returning after having imported goods and cargo intended for charity or donation, and

persons having the status of an authorised economic operator (AEO) and transporting goods and cargo. The list of perishable goods and cargo shall be approved by the Director General of the Customs Department under the Ministry of Finance of the Republic of Lithuania (hereinafter: the 'Customs Department');

5) means of transport used for the carriage of groups of passengers (other than accompanying persons) consisting of children under the age of 16 on non-regular services;

6) means of transport used by persons travelling to the funeral of their close relatives upon production of the supporting documents;

7) persons travelling to and from work or educational establishments. The procedure for admission of these persons to border checkpoints shall be determined by the Commander of the State Border Guard Service;

8) passenger cars driven by persons with disabilities with a working capacity of up to 30 per cent who are in possession of a vehicle registration certificate and a disability certificate, and passenger cars carrying persons with a working capacity between 0 per cent and 25 per cent, or persons with a high level of special needs, or children up to the age of 3 years, or children with disabilities who are in possession of a disability certificate or an invalidity certificate;

9) military units, service members and civilian staff assigned to military forces;

10) special services of foreign states and the Republic of Lithuania, their experts, means of transport carrying relief machinery, equipment and materials in cases of natural disasters, catastrophes or major accidents, when there is a threat to human life and health or to the environment or significant material damage, or when a state of emergency is introduced in all or part of the territory of the Republic of Lithuania.

12. All persons and means of transport referred to in paragraph 11 of this Article shall have equal rights to be admitted into and checked without queuing at border checkpoints located near roads.

13. In the event of a national emergency declared due to a mass influx of foreigners and with a view to ensuring public policy and national security of the Republic of Lithuania, the Government, on the proposal of the National Security Commission, may adopt a decision whereby foreigners who intend to cross, or who have crossed, the State border in places other than those designated for that purpose, or in places designated for that purpose but in violation of the procedure for the crossing of the State border, and who are in the frontier zone, shall be refused admission into the territory of the Republic of Lithuania. This provision shall apply to each of the above mentioned foreigners individually. Where it is established that the foreigner is fleeing from the armed conflicts referred to in the decision of the Government, as well as from persecution within the meaning of the Convention relating to the Status of Refugees, or is seeking to enter the

territory of the Republic of Lithuania for humanitarian purposes, the provision on refusing admission into the territory of the Republic of Lithuania for foreigners shall not apply. The stay in the frontier zone of foreigners who have crossed the State border in places other than those designated for that purpose, or in places designated for that purpose but in violation of the procedure for the crossing of the State border, shall not be considered as their stay in the territory of the Republic of Lithuania. Foreigners who are refused admission into the territory of the Republic of Lithuania shall be subject to an assessment of the need for assistance and, provided there is a need for assistance, shall be provided with the necessary emergency medical or humanitarian aid. The procedure for the execution of the decision by the Government referred to in this paragraph to refuse admission into the territory of the Republic of Lithuania to foreigners and for the assessment of the need for assistance shall be established by the Commander of the State Border Guard Service.

Article 5. Right of foreign vessels to innocent passage through the territorial sea

1. Foreign vessels shall enjoy the right of innocent passage through the territorial sea.
2. Passage shall be considered innocent if it is not prejudicial to peace, national security or public policy of the Republic of Lithuania. Such passage must take place in conformity with the generally accepted principles and rules of international law.
3. Passage must be continuous. In the course of innocent passage, vessels shall be prohibited from any other activity which is not directly related to passage. In the course of innocent passage, a vessel may stop and anchor only in the following cases:
 - 1) in so far as this is incidental to ordinary navigation;
 - 2) in so far as this is rendered necessary by force majeure or an imminent disaster;
 - 3) for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
4. Foreign submarines and other underwater vehicles enjoying innocent passage in the territorial sea shall be required to navigate on the surface of the water and flying the flag of their state.
5. A warship belonging to a foreign state or a vessel operated for non-commercial purposes, which is in the territorial sea and which violates the laws of the Republic of Lithuania governing the right of innocent passage, or ignores the obligation to comply with them, may be required to leave the territorial sea immediately, and not later than within 24 hours.

Article 6. Requirements and prohibitions for vessels navigating in the territorial sea and internal waters to or from sea and river ports of the Republic of Lithuania

1. Vessels crossing the State border, navigating to or from the sea and river ports of the Republic of Lithuania, open to international navigation, where there are border checkpoints, with the exception of the cases referred to in Article 4(7) of this Law, shall be prohibited from:

- 1) entering or leaving ports/roadsteads not intended for international navigation;
- 2) entering into territories wherein navigation is prohibited and which have been published on the website of the Lithuanian Maritime Safety Administration;
- 3) navigating in the territorial sea without flying the flag of the state of registration of the vessel;
- 4) leaving a port without having the vessel checked at a border checkpoint;
- 5) calling at, disembarking or embarking persons, unloading or loading objects or goods at places other than those designated for that purpose or in places designated for that purpose in the absence of the necessary authorisation, launching craft, allowing aircraft to take off or board;
- 6) damaging navigational signs, communications cables, objects and equipment belonging to the Republic of Lithuania located on the seabed, underwater or on the surface of the water, where this is done by crew members or passengers aboard the vessel.

2. Masters, skippers and navigators (hereinafter: 'masters') of the vessels referred to in paragraph 1 of this Article must, if so requested by the State Border Guard Service:

- 1) provide information regarding the purpose of the vessel's entry into the waters of the Republic of Lithuania;
- 2) change the course if the vessel is proceeding into a territory wherein navigation is prohibited or is proceeding on a course which may result in a violation of the navigation regime;
- 3) stop the vessel and allow checking authorities to carry out checks;
- 4) proceed to a designated port or allow the vessel to be towed.

3. The requirements and prohibitions referred to in point 4 of paragraph 1 and points 3 and 4 of paragraph 2 of this Article shall not apply to warships belonging to foreign states or vessels operated for non-commercial purposes.

4. The vessels referred to in paragraph 1 of this Article, with the exception of warships belonging to foreign states and other ships operated for non-commercial purposes, may be stopped for the purpose of apprehending a person or for the purpose of conducting an investigation into criminal acts or administrative offences committed during the passage of the vessel in the following cases:

- 1) the consequences of criminal acts and/or administrative offences are related to the interests of the Republic of Lithuania, natural or legal persons, branches and representative offices of legal persons and persons without legal personality;

2) the criminal act committed or being committed disturbs public order or violates the procedure for innocent passage through the territorial sea;

3) it is necessary to prevent the illicit circulation of weapons, ammunition, explosives, narcotic drugs, psychotropic substances, radioactive, nuclear fuel cycle, nuclear and fissile materials, as well as dangerous and/or noxious substances;

4) at the request of the master of a vessel entering the territorial sea or of the diplomatic agent or consular officer of the state of registration of the vessel.

5. Vessels referred to in paragraph 1 of this Article, with the exception of warship belonging to foreign states or other ships operated for non-commercial purposes, may be stopped or detained in the following cases:

1) when passing through the territorial sea, the vessel has caused damage to the property, environment or living resources of the Republic of Lithuania, natural or legal persons, branches and representative offices of legal persons and persons without legal personality, and avoids compensating for it;

2) a court decision needs to be enforced or the vessel needs to be arrested after it has left internal waters;

3) a request has been made by the Harbour Master of the Port of Klaipėda, where the vessel fails to comply with the request of the Harbour Master to stop and/or change the course of the passage and/or where the reason for such a request is a real threat to innocent passage and port security.

6. The measures referred to in paragraph 4 of this Article may not be applied for the sole purpose of exercising civil jurisdiction over persons on board the vessels referred to in this Article.

7. The procedure for crossing the State border in frontier waters without entering the ports of the Republic of Lithuania shall be established in international treaties of the Republic of Lithuania with adjacent states.

Article 7. Control of vessels crossing the State border

1. In the event of failure to comply with the requirements laid down in Article 6 of this Law, the State Border Guard Service shall have the right to undertake the following:

1) to pursue, stop, inspect and detain a vessel (with the exception of warships belonging to foreign states or vessels belonging to foreign states operated for non-commercial purposes) within and outside the territorial sea until it has entered the territorial sea of its own state or the territorial sea of another state, provided that the State Border Guard Service has evidence that the vessel or any other ship or aircraft on board, as well as a crew member or passenger of the vessel, has violated the laws or other legal acts of the Republic of Lithuania governing the procedure for

crossing the State border or of the legal regime of the frontier, or provided that state and municipal institutions and agencies of another state, being in possession of such data and being unable to carry out these actions, have applied to the State Border Guard Service, and the attempts to stop the vessel started within the internal waters, the territorial sea or the contiguous zone, and the pursuit of the vessel outside the territorial sea or the contiguous zone has not been interrupted;

2) to use, on a case-by-case basis, light, sound, electronic communications, pyrotechnic signals or codes, devices, flags of the vessel, and coercion to stop the vessel, under the conditions laid down in this Law;

3) based on the findings of the inspection of the stopped vessel and the nature of the violation of law, to allow the vessel to proceed/stay in the territorial sea, to offer it to leave the territorial sea or detain the vessel.

2. Every time a foreign vessel is stopped or detained and inspected outside a border checkpoint, an inspection report shall be drawn up in the Lithuanian language and handed over to the master of the vessel. Where necessary, a translation of the inspection report shall be provided in the English language and, if possible, in another language understood by the master of the detained vessel. The master of the vessel may submit, in the English language or in another language understood by the officer of the State Border Guard Service signing the inspection report, his or her comments and explanations in the report or in a separate letter.

3. The State Border Guard Service shall immediately, and not later than within 24 hours, inform the Ministry of Foreign Affairs and the Customs of the Republic of Lithuania of the detained vessel registered in a foreign state.

Article 8. Requirements and prohibitions for aircraft crossing the State border and proceeding through the territory of the State

1. Aircraft proceeding over the controlled airspace may cross the State border on air routes designated for air flights in accordance with the procedure established by the Government. Aircraft may cross the State border on non-designated air routes, with the exception of flights over the non-controlled airspace between Schengen States or in the cases referred to in Article 4(7) of this Law, only in accordance with the procedure established by the Government.

2. The Government may, acting in the interests of the national security of the Republic of Lithuania or at the request of a foreign state, restrict or terminate flights across the State border, by notifying the adjacent state with which the flight is restricted.

3. Aircraft entering the territory of the Republic of Lithuania may land only at airports and aerodromes (hereinafter: 'airports') with border checkpoints. In such a case, aircraft crossing the State border and proceeding to airports with border checkpoints, as well as aircraft in transit

passage through the airspace of the Republic of Lithuania, with the exception of the cases referred to in Article 4(7) of this Law, shall be prohibited from landing at airports not designated for international flights by the Government. These requirements shall not apply to aircraft arriving from Schengen States, with the exception of cases when checks at the internal border are temporarily reintroduced.

4. Aircraft located at airports and departing from the Republic of Lithuania to third countries may take off only after they undergo a check at a border checkpoint. In such a case, aircraft flying from airports with border checkpoints to the State border, as well as in transit passage through the airspace of the Republic of Lithuania, with the exception of the cases referred to in Article 4(7) of this Law, shall be prohibited from landing at airports not designated for international flights by the Government. This requirement shall not apply to flights between the Republic of Lithuania and the Schengen States.

5. In the event of emergencies, aircraft performing international flights from or to the Republic of Lithuania may land at or take off from airports without border checkpoints only after obtaining the consent of the State Border Guard Service, the Customs and the Lithuanian Air Force of the Lithuanian Armed Forces in accordance with the procedure laid down by the Government or an institution authorised by it. This requirement shall not apply to flights between the Republic of Lithuania and the Schengen States.

Article 9. Crossing of the State border by foreign and national special services or their experts and machinery going to carry out rescue operations

1. In the event of natural disasters, catastrophes or major industrial accidents, where there is a threat to human life and health or to the environment, or where there is a risk of serious material damage, or where a state of emergency has been introduced in all or part of the territory of the Republic of Lithuania, foreign and national special services or their experts and machinery going to carry out rescue operations may cross the State border in accordance with procedures laid down by the Government, unless international treaties of the Republic of Lithuania provide otherwise.

2. Information on foreign and national special services, their experts, transported machinery and other equipment arriving in, departing from or transiting through the Republic of Lithuania to carry out rescue operations, as well as on the place and time of their crossing of/transport across the State border, shall be provided to the State Border Guard Service and the Customs through diplomatic channels via the Ministry of Foreign Affairs of the Republic of Lithuania.

3. Permits for the arrival in, departure from or transit through the Republic of Lithuania of foreign and national special services and their experts, as well as permits for the arrival, departure

or transit of machinery, equipment and disaster relief materials, shall be issued by institutions authorised by the Government.

4. Foreign and national special services, their experts and machinery going to carry out rescue operations may cross the State border by land, air and waterways through all border checkpoints that are in operation or open for that purpose.

5. Foreign and national special services or their experts going to carry out rescue operations shall have no right to carry any property other than equipment, disaster relief materials and personal effects/items.

Article 10. Temporary restriction or termination of crossing of the State border

While ensuring the national security of the Republic of Lithuania and public peace and seeking to protect the population and the environment against the introduction and spread of dangerous and highly dangerous communicable diseases or agents thereof, the Government may, in the event of a declared emergency, also at the request of an adjacent state, temporarily restrict or terminate the crossing of the State border or certain border checkpoints.

CHAPTER III

LEGAL REGIME OF THE FRONTIER

Article 11. Principles of the legal regime of the frontier and territorial boundaries of its validity

1. Control of the legal regime of the frontier shall be exercised by the State Border Guard Service.

2. Prohibitions and restrictions on natural and legal persons, branches and representative offices of legal persons and persons without legal personality in locations where the legal regime of the frontier is valid shall be established under this Law and international treaties of the Republic of Lithuania with adjacent states in relation to the legal regime of the State border.

3. The frontier zone shall be determined over land or in frontier waters extending up to five kilometres in width from the State border deep into the territory of the Republic of Lithuania. The boundaries of the frontier zone shall be approved by the Government upon the recommendation of the Minister of the Interior.

4. The boundaries of the frontier zone shall be marked on the roads with warning signs, the models and procedure of arrangement thereof shall be established by the Minister of the Interior.

5. The places of access to frontier waters shall be marked on the roads with warning signs, the models and procedure of arrangement whereof shall be established by the Minister of the Interior.

6. The boundaries of validity of the legal regime of the frontier in the territorial sea and internal waters shall be indicated on maps and/or charts.

7. In the territory where the legal regime of the frontier is valid, persons must be in possession of documents confirming their identity and nationality. This requirement shall not apply in the territory in which the legal regime of the frontier is valid, where it is located at the internal border, except in cases where checks at internal borders are temporarily reintroduced.

8. Organisers of sports competitions, hunting, religious and cultural events to be held in the frontier zone must notify a frontier district of the State Border Guard Service (hereinafter: a 'district') at least ten calendar days before the start of the event, indicating the time, duration and location of the event.

9. Persons staying in the frontier zone must, at the request of the State Border Guard Service and customs officers, stop vehicles, present identity documents, as well as documents of the vehicle, transported goods and cargo, allow for inspection of the vehicles, transported goods and cargo, and comply with other requests of the officers.

10. In the event of a national emergency declared due to a mass influx of foreigners, persons may enter the frontier zone only if they are in possession of a permit issued by the State Border Guard Service. This permit shall be issued in the cases determined by the Commander of the State Border Guard Service. The requirement to hold a permit issued by the State Border Guard Service shall not apply to the following persons:

1) those residing in the frontier zone and/or those who own or use immovable property located in the frontier zone;

2) those working or studying in the frontier zone;

3) those engaged in economic and commercial activities or maintenance of roads, communication lines and other objects of public interest in the frontier zone;

4) those travelling on highways, national or regional roads or by rail located in the frontier zone or crossing the frontier zone;

5) those crossing the State border at border checkpoints or going to a place of employment at the border checkpoints;

6) those engaged in the construction, installation and/or maintenance of State border guard objects and facilities.

Article 12. Boundaries of the State border guard zone

1. Within the frontier zone, the Government shall, upon the recommendation of the Minister of the Interior, determine the State border guard zone and approve its boundaries.

2. The State border guard zone shall not include the territory of border checkpoints, roads and railways crossing the State border.

3. The boundaries of the State border guard zone shall be marked with prohibition signs, the models and procedure of arrangement whereof shall be established by the Minister of the Interior.

Article 13. Boundaries of the frontier strip

1. The frontier strip must extend at least five metres deep into the territory of the Republic of Lithuania:

1) from the State border, when it runs on land, the Curonian Lagoon or a river, crossing from one bank of the river to the other;

2) from the bank of the river, when the State border runs on a navigable river;

3) from the bank of a river/stream or from the State border, including the part of the river/stream bed belonging to the frontier strip and the strip of land on the bank, when the State border runs on a non-navigable river/non-navigable stream;

4) from the State border, when it runs on a lake or a pond. In addition, the frontier strip may be determined from the shore of a lake or a pond to the State border.

2. The boundaries of the frontier strip shall be approved by the Government upon the recommendation of the Minister of the Interior. The land and waters on which the frontier strip runs shall be the exclusive property of the State. The land and waters on which the frontier strip runs shall be transferred for use by the right of trust to the State Border Guard Service.

Article 14. Legal regime of the frontier in the State border guard zone, frontier strip, territorial sea, the Curonian Lagoon and other internal and frontier waters

1. Permission to stay or engage in economic and commercial activities in the State border guard zone, frontier strip, and frontier waters on whose waters or shores runs the external border shall be granted to persons included in the list of persons entitled to stay in the State border guard zone, frontier strip, and frontier waters on whose waters or shores runs the external border (hereinafter: the 'list'), drawn up by the State Border Guard Service.

2. The list shall be drawn up in accordance with the procedure established by the Commander of the State Border Guard Service. Natural and legal persons, branches and representative offices of legal persons and persons without legal personality who have submitted

a reasoned request may be included in the list. The entities referred to in this paragraph may not be included in the list if:

1) the natural person, the head of the legal person, the branch and representative office of the legal person or of the person without legal personality, or another responsible person has an unexpired or unexpunged conviction for a premeditated crime;

2) less than one year has elapsed since the imposition of an administrative penalty or administrative sanction on the natural person, the head of the legal person, the branch and representative office of the legal person or of the person without legal personality, or on another responsible person for violation of the legal acts regulating the crossing of and checks at the State border or the legal regime of the frontier, smuggling or acquisition, holding, transport, use of or dealing in excise goods in violation of the established procedure, illegal crossing of the State border due to negligence;

3) a judgment of conviction has come into effect against the legal person for a premeditated crime and at least one of the following conditions exists:

a) less than three years have elapsed from the serving of the sentence, where the committed crime, under the Criminal Code of the Republic of Lithuania, is qualified as minor or less serious crimes;

b) less than five years have elapsed from the serving of the sentence, where the committed crime, under the Criminal Code, is qualified as serious crimes;

c) less than eight years have elapsed from the serving of the sentence, where the committed crime, under the Criminal Code, is qualified as grave crimes.

3. A decision to refuse to include natural and legal persons, branches and representative offices of legal persons and persons without legal personality on the list may be taken where:

1) a natural or legal person, a branch or representative office of a legal person, or a person without legal personality, when submitting a request, intentionally indicates false data in the request or in the documents submitted together with the request;

2) a natural or legal person, a branch or representative office of a legal person, or a person without legal personality has submitted not all the required documents specified in the description of the procedure for drawing up the list;

3) a natural or legal person, a branch or representative office of a legal person, or a person without legal personality has submitted invalid documents together with the request;

4) the circumstances referred to in paragraph 2 of this Article are established due to which a natural or legal person, a branch or representative office of a legal person, or a person without legal personality may not be included in the list;

5) a person's stay in the State border guard zone, frontier strip, and frontier waters on whose waters or shores runs the external border may represent a threat to public policy or public security;

6) activities carried out by a natural or legal person, a branch or representative office of a legal person, or a person without legal personality in the part of the frontier strip which is on land are not related to the construction, installation and/or maintenance of State border guard objects and facilities.

4. The restrictions specified in paragraph 2, and points 4 and 5 of paragraph 3 of this Article shall not apply to natural and legal persons, branches and representative offices of legal persons and persons without legal personality who reside or work in the State border guard zone or who are the owners or users of immovable property located therein.

5. Natural and legal persons, branches and representative offices of legal persons and persons without legal personality shall be removed from the list where:

1) the circumstances referred to in points 1, 3, 4 and 5 of paragraph 3 of this Article transpire or it transpires that the natural and legal person, a branch and representative office of the legal person, and the person without legal personality has submitted counterfeit documents together with the request;

2) the legal person, the branch and representative office of the legal person, and the person without legal personality ceases to exist or the permit to engage in economic and commercial activities is revoked;

3) employment or residence in the State border guard zone, or ownership or use of immovable property therein has ceased;

4) employment or membership in the legal person, the branch and representative office of the legal person, and the person without legal personality which are entered on the list has terminated;

5) the identity document is no longer valid;

6) it transpires that activities in the part of the frontier strip which is on land related to the construction, installation and/or maintenance of State border guard objects and facilities are no longer carried out.

6. Persons who are not included in the list shall be permitted to stay in the State border guard zone, frontier strip, the waters of the Curonian Lagoon located within the frontier zone and frontier waters:

1) when there a threat to public policy, human life and health in the State border guard zone, frontier strip, the waters of the Curonian Lagoon located within the frontier zone and frontier waters;

2) when officials of state institutions or agencies authorised to carry out public administration in accordance with the procedure laid down by the Law of the Republic of Lithuania on Public Administration arrive in the State border guard zone, the waters of the Curonian Lagoon located within the frontier zone and frontier waters;

3) in the frontier strip when it runs along the shorelines of frontier waters, except where a border patrol path and/or a footprint control strip is in place, or at the internal border;

4) when entering internal and frontier waters, in the case of crossing the external border by way of navigation;

5) when the external border is crossed in accordance with the procedure laid down by this Law.

7. Masters of ships, when leaving for the territorial sea, internal and frontier waters without the intention of departing from the territory of the Republic of Lithuania, must notify the State Border Guard Service of the place and time of leaving, the number of persons on board and their nationalities, the intended area of navigation, the anticipated time of return, and upon return, of the return to the port, berth or shore. Persons who wish to enter the waters of the Curonian Lagoon located within the frontier zone and frontier waters must notify the State Border Guard Service of their departure and return.

8. The owner or operator of a vessel operated for economic and commercial activities in the territorial sea, internal and frontier waters must, within 24 hours, notify the State Border Guard Service of the first departure to the territorial sea, internal and frontier waters, the intended number of departures, the area of navigation, the places of mooring upon return, the number of crew members, the anticipated time and place of last return.

9. The institutions or agencies of shipping oversight, customs, environmental protection and fisheries control must submit to the State Border Guard Service preliminary lists of the vessels belonging to them and the persons on board.

10. The requirements set forth in paragraphs 7, 8 and 19 of this Article shall not apply to warships of the Republic of Lithuania.

11. Natural and legal persons, branches and representative offices of legal persons and persons without legal personality engaged in the business of renting vessels when several departures are made per day to the territorial sea, internal and frontier waters shall immediately, and not later than within 24 hours, notify the State Border Guard Service only of the time of the first departure of the rented craft from the place of their permanent station and the time of the last anticipated return, the area of navigation and the mooring points.

12. Masters of ships in the territorial sea, internal and frontier waters shall be prohibited from disembarking or embarking persons, permitting an aircraft engaged in an international flight

to take off or land, loading goods and cargo to/from vessel(s) navigating on international routes from the State border to the sea or river ports of the Republic of Lithuania or back, or to/from vessel(s) navigating in the territorial sea, as well as from berthing or mooring alongside these vessels or towing them, except in the following cases:

- 1) in the event of an accident, emergency or natural disaster;
- 2) where it is necessary to disembark or embark a patient/injured person or to provide emergency medical aid;
- 3) in the event of towing a defective vessel;
- 4) in the event of delivery of rescued persons;
- 5) where it is necessary to ensure the safety of the vessel or due to force majeure;
- 6) where a port pilot must be embarked on board the vessel.

13. In the cases referred to in paragraph 12 of this Article, the master of the ship must immediately, and not later than within 24 hours, notify the State Border Guard Service or the harbour master of the inland port of the Republic of Lithuania about the incident, who shall immediately, and not later than within 24 hours, notify the Customs and special services thereof.

14. Where, in the cases specified in paragraph 12 of this Article, the vessel has had contacts in the territorial sea with vessels navigating on international routes, aircraft engaged in international flights, or persons have been rescued at sea or goods have been found during navigation, the master of the ship must, prior to entering the port, berth or other place of permanent station in the Republic of Lithuania, notify the State Border Guard Service and the Customs thereof in advance (not later than two hours before entering the port, berth or other place of permanent station) and deliver the vessel to the checking authorities.

15. The mooring of service ships from the port and the embarkation or disembarkation of people, loading of goods and cargo to/from ships in roadsteads shall be permitted provided that the harbour master has been informed in advance and an authorisation has been obtained from the State Border Guard Service and the Customs.

16. A vessel of the Republic of Lithuania or another state, which does not have an automatic identification system (AIS) or a fishing vessel monitoring system (FVMS), wishing to enter the territorial sea and stop at the roadstead, enter the port or frontier waters, must immediately, and not later than within 24 hours, notify thereof the State Border Guard Service and submit the information requested by it about the vessel (name, type, flag or port of registry, port of destination, number and nationalities of crew members).

17. Vessels may temporarily, for a period not exceeding 24 hours, stay at the roadstead without a border check, waiting for their turn to enter the port. This time limit may be extended where it is necessary to ensure the safety of the vessel or due to force majeure.

18. At the request of officers of the State Border Guard Service, masters of coastal fishing vessels must, when leaving and returning to the port, take the vessel to the designated place for checks. During the checks, the officers of the State Border Guard Service shall be presented with lists of crew members and passengers.

19. At the request of officers of the State Border Guard Service, the Customs and other checking authorities, masters of ships, except for masters of warships belonging to a foreign state or operated for non-commercial purposes, located in inland and frontier waters, ports, berths or other places of permanent station of vessels, must stop and allow these officers to board, present the documents of the vessel, crew, transported goods and cargo, allow for the inspection of the vessel's premises, the transported goods and cargo, and comply with other requests of the officers.

Article 15. Maintenance of the frontier strip

1. If the State border runs on forest or shrubland, a clearing shall be cut in the frontier strip. It shall be maintained in such a way as to ensure the visibility of State border markers and State border guard objects and facilities adjacent to the State border. Clearing and other State border maintenance works shall be organised by the State Border Guard Service.

2. The State Border Guard Service shall have the right to construct State border guard objects and facilities and carry out other activities related to the guarding of the State border. State border guard objects and facilities may, in accordance with the procedure laid down by this Law and international treaties of the Republic of Lithuania, also be constructed outside the frontier strip.

3. It shall be prohibited to damage or destroy State border markers and other State border guard objects and facilities or otherwise cause damage to the frontier strip. Protection zones of State border guard objects and facilities and special land use conditions applied therein shall be established by the Law of the Republic of Lithuania on Special Land Use Conditions.

CHAPTER FOUR ACTIVITIES OF BORDER CHECKPOINTS

Article 16. Establishment, construction, installation and organisation of work of border checkpoints and State border crossing points

1. State border crossing points shall be established in compliance with an international treaty of the Republic of Lithuania with an adjacent state.

2. Border checkpoints shall be established by the Government upon the recommendation of the Minister of Transport and Communications of the Republic of Lithuania (hereinafter: the 'Minister of Transport and Communications').

3. Border checkpoints shall be constructed, installed and supplied from the funds of state and municipal budgets, as well as funds of the European Union, international organisations, legal persons, branches and representative offices of legal persons or persons without legal personality in the territory whereof these checkpoints are established.

4. Legal persons, branches and representative offices of legal persons or persons without legal personality in the territory whereof a border checkpoint is being established or has been established must make available to checking authorities the infrastructure necessary for carrying out checks. The use of the infrastructure owned by legal persons, branches and representative offices of legal persons or persons without legal personality, with the exception of the infrastructure referred to in paragraph 4¹ of this Article, shall be remunerated under the conditions and in accordance with the procedure laid down by the Government.

4¹. Where the state infrastructure or part thereof managed, used and disposed of by the right of trust by state and municipal institutions and agencies, state- and municipality-owned enterprises, public and private limited liability companies being subsidiaries of state- and municipality-owned companies, within the meaning of the Law of the Republic of Lithuania on Companies, in the territory whereof a border checkpoint is being established or has been established, is necessary for checking authorities to carry out checks, such state infrastructure or part thereof shall, at the request of the relevant checking authorities and in accordance with the Law on the Management, Use and Disposal of State and Municipal Assets, be transferred on the basis of loan for use, free of charge, for management and use by checking authorities for the purpose of carrying out checks.

5. Checks at border checkpoints shall commence after the infrastructure complying with the requirements laid down in the legal acts regulating the activities of the State Border Guard Service, the Customs and other checking authorities has been installed and the rules of procedure of border checkpoints, the scheme of the territory and the boundaries of the territory have been approved.

6. The scheme of the territory of the border checkpoint and the rules of procedure of the border checkpoint shall be approved by the Commander of the State Border Guard Service and the Director General of the Customs Department. The scheme of the territory and the rules of procedure of the border checkpoint which does not have a customs office shall be approved by the Commander of the State Border Guard Service.

7. Ships arriving through the external border at the border checkpoints located at the international seaport shall be admitted by the Klaipėda State Seaport Authority for the purpose of carrying out checks by checking authorities. Ships departing through the external border from the

border checkpoints located at the international seaport shall be released by the Klaipėda State Seaport Authority after the checks carried out by checking authorities.

8. The boundaries of the territory of the border checkpoint and the check zone, marking requirements and the procedure for maintenance thereof shall be approved by the Minister of Transport and Communications.

9. Within the territory of the border checkpoint, persons must follow the procedure for crossing the State border.

10. The Minister of Transport and Communications shall establish the opening hours of border checkpoints and the permitted means of transport of persons and vehicles through them, taking into account international treaties of the Republic of Lithuania.

Article 17. State institutions and agencies authorised to carry out checks at border checkpoints

Checks at border checkpoints shall be carried out, within their remit, by the State Border Guard Service, the Customs, the Military Police of the Lithuanian Armed Forces, the State Food and Veterinary Service, the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania, the National Public Health Centre under the Ministry of Health of the Republic of Lithuania.

CHAPTER V

ORGANISATION OF THE GUARDING OF THE STATE BORDER

Article 18. Entities of the State border guard, involvement of other entities, guarding of the State border in the event of an armed attack, war, state of emergency or an emergency

1. The guarding of the State border shall be carried out by the State Border Guard Service.

2. The guarding of the State border shall be strengthened in accordance with a State border guard cover plan, which shall be approved by the Government.

3. In order to strengthen the guarding of the State border, the following shall be involved to assist the State Border Guard Service:

1) officers of the internal service system and statutory bodies within the area of management of the Minister of the Interior, in accordance with the procedure laid down by the Minister of the Interior;

2) the Lithuanian Armed Forces, in accordance with the procedure laid down by the Law on the Organisation of the National Defence System and Military Service;

3) the Lithuanian Riflemen's Union, in accordance with the procedure laid down by the Law of the Republic of Lithuania on the Lithuanian Riflemen's Union;

4) checking authorities, the Environmental Protection Department under the Ministry of Environment and other entities, in accordance with the procedure laid down in the State border guard cover plan.

4. In the event of an armed attack, war or a state of emergency, the State border shall be guarded in accordance with the procedure laid down by this Law, the Law of the Republic of Lithuania on Martial Law, the Law of the Republic of Lithuania on Armed Defence and Resistance to Aggression and the Law of the Republic of Lithuania Law on a State of Emergency.

Article 19. Activities of State border delegates

1. Officers of the State Border Guard Service shall be appointed as State border delegates for a part/section of the State border in accordance with the procedure laid down in the international treaty of the Republic of Lithuania with an adjacent state.

2. State border delegates together with representatives of institutions of the adjacent state shall investigate border incidents and issues related to the legal regime of the State border guard in accordance with the procedure laid down in the international treaty of the Republic of Lithuania with the adjacent state.

CHAPTER VI

State Border Guard Service

Article 20. State Border Guard Service

1. The State Border Guard Service shall be a budgetary institution under the Ministry of the Interior of the Republic of Lithuania, financed from the state budget of the Republic of Lithuania, having a bank settlement account, a seal with the coat of arms, a flag and a badge.

2. The purpose of the State Border Guard Service shall be to implement the guarding of the State border and control of its crossing, and in the event of war, to defend the State as part of the Armed Forces.

3. In carrying out criminal intelligence activities, pre-trial investigation and state control of migration processes, the State Border Guard Service shall operate throughout the territory of the State.

4. The regulations of the State Border Guard Service shall be approved by the Government. The Government may delegate the approval of the regulations of the State Border Guard Service to the Minister of the Interior.

5. The State Border Guard Service shall be headed by a single-person management body, namely the Commander of the State Border Guard Service.

Article 21. Structural units of the State Border Guard Service

1. Structural units of the State Border Guard Service, namely districts, shall be established in the designated territories to fulfil the functions of the State Border Guard Service.

2. The number of districts and the territories of their activities shall be laid down in the regulations of the State Border Guard Service.

3. Districts shall be established and their regulations shall be approved by the Commander of the State Border Guard Service.

4. Districts shall be headed by the commander directly or through his or her deputy(ies). The commander of a district and his or her deputy(ies) shall be appointed for a period of five years and released by the Commander of the State Border Guard Service in accordance with the procedure laid down by the Statute of the Internal Service.

5. The functions of the State Border Guard Service shall be exercised within the territory assigned by the Commander of the State Border Guard Service by a structural unit of the district, namely a frontier station (hereinafter referred to as a 'frontier station'), headed by a commander.

6. The commander of a frontier station shall be appointed for a period of five years and released by the Commander of the State Border Guard Service in accordance with the procedure laid down by the Statute of the Internal Service.

7. Other structural units may also be established to perform the functions of the State Border Guard Service, the regulations and organisational structure of management whereof shall be approved by the Commander of the State Border Guard Service.

8. The structural units of the State Border Guard Service shall be marked with information signs, the models and procedure of arrangement whereof shall be established by the Minister of the Interior.

Article 22. Data processing at the State Border Guard Service

1. In implementing the guarding of the State border and control of its crossing, ensuring public policy and compliance with the legal regime of the State border, carrying out criminal intelligence activities, pre-trial investigation and state control of migration processes, implementing the prevention, investigation and detection of criminal offences, the State Border Guard Service shall process personal data (including personal data of special categories) for the purposes of prevention, investigation and detection of criminal acts, protection against and prevention of threats to public security, as well as for the purposes of national security and defence,

in accordance with the Law on Personal Data Processed for Law Enforcement or National Security Purposes and this Law. Where personal data (including personal data of special categories) are processed for national security and defence purposes, the Law on Personal Data Processed for Law Enforcement or National Security Purposes shall apply to the extent this Law and other laws do not provide otherwise.

2. Where personal data are processed for internal administrative purposes or for purposes other than those referred to in paragraph 1 of this Article, personal data shall be processed in accordance with Regulation (EU) 2016/679 and the Law of the Republic of Lithuania on Legal Protection of Personal Data.

3. The rights of data subjects whose personal data are processed for the purposes specified in paragraph 1 of this Article, with a view to achieving the purposes specified in Article 11(3), Article 13(1), and Article 14(5) of the Law on Personal Data Processed for Law Enforcement or National Security Purposes, may be subject to the following restrictions:

1) deferment of provision, restriction or non-provision of the information specified in Article 11(2) of the Law on Personal Data Processed for Law Enforcement or National Security Purposes;

2) restriction, in whole or in part, of the right of data subjects to access personal data provided for in Article 12 of the Law on Personal Data Processed for Law Enforcement or National Security Purposes;

3) restriction, in whole or in part, of provision of the information specified in Article 14(5) of the Law on Personal Data Processed for Law Enforcement or National Security Purposes;

4) deferment of provision, restriction or non-provision of the notification specified in Article 30(1) of the Law on Personal Data Processed for Law Enforcement or National Security Purposes.

4. The State Border Guard Service may apply the restrictions set forth in paragraph 3 of this Article to the extent that, and for as long as, it is necessary and proportionate in a democratic society, taking into account the fundamental rights and legitimate interests of a person, in the context of personal data processing operations in the following cases:

1) when conducting pre-trial investigations;

2) when ensuring the guarding of the State border and control of its crossing, maintaining public policy, controlling compliance with the legal regime of the State border (including cases when video surveillance is carried out in performing these functions);

3) when implementing the control of migration processes;

4) when carrying out criminal intelligence activities;

5) when carrying out the prevention of criminal offences, including the protection against and prevention of threats to public security;

6) where the exercise of the rights of data subjects referred to in paragraph 3 of this Article could disclose the methods and means of activities of the State Border Guard Service and its operational tactics and/or could cause damage to the activities of the State Border Guard Service.

5. In accordance with the procedure laid down by the Commander of the State Border Guard Service, it must be assessed on a case-by-case basis whether the rights of data subjects referred to in paragraph 3 of this Article must be restricted in whole or in part. The State Border Guard Service shall immediately involve its data protection officer in the decision on the restriction of rights and shall ensure that the assessment and opinion of the data protection officer is obtained on the application of the restriction in a specific case. The reasons for the restriction, including an assessment of the necessity, proportionality and duration of the restriction, the legal basis, the risks to the rights and freedoms of data subjects, any assessments and opinions submitted by the data protection officer regarding the application of the restriction in a specific case shall be recorded in writing. If necessary, this information shall be provided to the State Data Protection Inspectorate at its request, or to any other entity which, in accordance with the laws of the Republic of Lithuania, deals with complaints about violations of human rights and freedoms, at the request of that entity. The data protection officer must periodically monitor whether the reasons for the restriction still exist and, if they cease to exist, initiate a review of the restrictions in place. The data protection officer must be informed of the results of the review and the lifting of the restrictions. The data protection officer shall be granted access to the records and all documents substantiating the factual and legal reasons for restrictions of the rights of data subjects.

6. The restrictions shall be lifted immediately as soon as the reasons for applying them cease to exist. If the reasons for the restriction no longer apply, the State Border Guard Service shall provide information to the data subject about the reasons for the restriction and inform the data subject of the right to lodge a complaint at any time with the State Data Protection Inspectorate, a court or any other entity which, in accordance with the laws of the Republic of Lithuania, handles complaints regarding violations of human rights and freedoms.

7. The data necessary for the performance of the functions of the State Border Guard Service shall be processed in the Information System of the State Border Guard Service (VSATIS), other departmental registers and information systems or, in the cases provided for by laws, in state registers.

8. The State Border Guard Service shall provide the processed data to law enforcement institutions of foreign states, institutions of the European Union, international organisations, state and municipal institutions, agencies and enterprises in accordance with the procedure laid down

by the legal acts of the European Union, international treaties of the Republic of Lithuania, the laws and other legal acts of the Republic of Lithuania, or in accordance with the agreements on the provision of data or cooperation, provided that this does not interfere with the performance of official or legal examinations, investigations or procedures, does not harm the prevention, investigation, detection or prosecution of criminal offences, the national security and defence, the safeguarding of public security, and the protection of the rights and freedoms of persons.

9. Data processed pursuant to Article 40(1) of Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 shall not be communicated and access thereto shall not be granted to third countries, international organisations or private entities, unless the conditions laid down in Articles 41 and 42 of Regulation (EU) 2017/2226 are fulfilled.

Article 22¹. Provision of data, information and documents to the State Border Guard Service

State and municipal institutions, agencies and enterprises and other legal persons must, at the reasoned request of the State Border Guard Service or under agreements on the provision of data, provide the State Border Guard Service, free of charge, with the data, information, documents or transcripts and/or copies of documents, necessary for the performance of the functions specified in Article 23 of this Law, of state registers/cadastrs and departmental registers, classifications, state information systems and other information systems and datasets.

Article 23. Functions of the State Border Guard Service

1. The State Border Guard Service shall:

- 1) guard the State border on land, in the territorial sea, and in frontier waters;
- 2) carry out checks on persons and vehicles crossing the State border. Checks on compliance with the Regulations for the Application of Value Added Tax and Excise Duty Exemptions with respect to Goods imported by passengers approved by the Government shall be carried out at border checkpoints without customs offices;
- 3) ensure the legal regime of the frontier and the procedure for crossing the State border;
- 4) participate in implementing the state control of migration processes;
- 5) participate in ensuring public policy and ensure compliance with the legal regime of the State border;

6) implement the prevention, detection and investigation of criminal offences;

7) carry out criminal intelligence activities;

8) prepare, in accordance with the requirements established by orders of the Chief of Defence of the Lithuanian Armed Forces, in the manner and by the means established by him or her, for defence of the State in peacetime and, upon imposition of martial law or in the event of armed defence against aggression/war, defend the State by joining the armed forces;

9) participate in the activities of international organisations and their missions or international operations;

10) maintain constant readiness to temporarily reintroduce checks at the internal border;

11) carry out search and rescue operations in the Curonian Lagoon, participate in search and rescue operations in other parts of the search and rescue area, assist, where necessary, the Fire and Rescue Department under the Ministry of the Interior in carrying out pollution incident response operations in the Curonian Lagoon;

12) initiate administrative proceedings, conduct an investigation of administrative offences and draw up records of administrative offences, apply administrative sanctions;

13) *no longer effective from 1 October 2019;*

14) organise and operate flights of aircraft of the State Border Guard Service, in accordance with the procedure laid down by the Government and at the request of state and municipal institutions and agencies, under the concluded cooperation agreements, use the aircraft of the State Border Guard Service in carrying out search and rescue operations, providing medical assistance, transporting donor organs and tissues, ensuring physical security of enterprises, facilities and property critical for national security of the Republic of Lithuania or their territories, performing state geodetic and cartographic works, assisting state and municipal institutions and agencies in the fulfilment of the assigned functions;

15) train officers of the State Border Guard Service according to vocational training programmes approved by the Government or an institution authorised by it and organise and continuously develop the qualifications of officers of the State Border Guard Service.

2. When guarding the State border, the State Border Guard Service shall:

1) coordinate the activities of checking authorities, ensuring the legal regime of the State border;

2) prevent and investigate border incidents;

3) install and maintain the frontier strip and other State border guard objects and facilities;

4) ensure the regime of environmental protection in the State border guard objects;

5) in the cases provided for in international treaties of the Republic of Lithuania, exchange information with law enforcement institutions of other states.

3. When carrying out checks on persons and vehicles crossing the State border, the State Border Guard Service shall:

- 1) carry out radiation control;
- 2) ensure, together with other state and municipal institutions and agencies, the uninterrupted operation of border checkpoints;
- 3) control the presence of persons and the order of vehicle traffic in the territory of the border checkpoint;
- 4) prevent the illegal transport of goods and cargo through border checkpoints where there are no customs offices and transmit all information to the Customs;
- 5) maintain public order and ensure traffic safety at border checkpoints.

4. When ensuring the legal regime of the frontier and the procedure for crossing the State border, the State Border Guard Service shall:

- 1) control compliance with the established procedure for travelling to and staying in the frontier zone;
- 2) maintain public order and ensure traffic safety in the frontier zone;
- 3) prevent illegal crossing of the State border and illegal transport of goods and cargo outside the border checkpoints and immediately inform the Customs about cases of illegal transport of goods and cargo;
- 4) control compliance with the established procedure for ships departing into the territorial sea, internal and frontier waters and for navigating and staying therein;
- 5) participate in the control of the use of natural resources in the frontier zone;
- 6) control innocent passage of ships through the territorial sea, stop, pursue, inspect and detain ships which have violated the established legal regime in the territorial sea.

5. No longer effective from 3 May 2023.

6. At the request of the heads of the central statutory bodies within the area of management of the Minister of the Interior, the State Border Guard Service shall assist in performing the functions assigned to the statutory bodies within the area of management of the Minister of the Interior. The procedure for involving officers of the State Border Guard Service and their specific tasks shall be determined by the Minister of the Interior.

Article 23¹. Cooperation of the State Border Guard Service with other state and municipal institutions and agencies and the public

1. In implementing the functions specified in Article 23 of this Law, the State Border Guard Service shall cooperate with other state and municipal institutions and agencies, associations, as well as other persons.

2. The State Border Guard Service shall cooperate with producers and disseminators of public information. The State Border Guard Service may prepare and publish mass media which provide information on measures intended to ensure the guarding of the State border, the implementation of measures to prevent criminal offences and administrative offences, the functions of the State Border Guard Service and publish other information related to the activities of the State Border Guard Service.

3. The State Border Guard Service shall support and initiate preventive and legal education programmes, disseminate legal, expert and professional knowledge in educational establishments and the mass media.

CHAPTER VII

LEGAL STATUS OF AN OFFICER OF THE STATE BORDER GUARD SERVICE

Article 24. Officer of the State Border Guard Service

1. An officer of the State Border Guard Service shall be an officer of the internal service system who has been recruited to the State Border Guard Service.

2. An officer of the State Border Guard Service who wears an official uniform and insignia of a model approved in accordance with the procedure laid down by the Minister of the Interior, also upon presentation of an official badge or an official identification card, shall have the right to issue mandatory demands and instructions to natural and legal persons, branches and representative offices of legal persons and persons without legal personality.

3. An officer of the State Border Guard Service must comply with the demands or instructions of the commanders. If it is known that the demand or instruction received is unlawful, it is necessary to immediately, and not later than within 24 hours, notify thereof a higher ranking officer of the State Border Guard Service than the officer who issued the unlawful order, demand or instruction.

4. In fulfilling the international obligations of the Republic of Lithuania, officers of the State Border Guard Service may be deployed to foreign states, their institutions, agencies and international organisations to represent the State Border Guard Service and to perform other tasks related to the implementation of the functions of the State Border Guard Service, be deployed to take part in official missions to the European Border and Coast Guard Agency (Frontex) and in international law enforcement operations by law enforcement officers of the European Union and associated Schengen Member States. The rights, duties, responsibility and social guarantees of

these officers shall be established in the Statute of the Internal Service, legal acts of the European Union and international treaties of the Republic of Lithuania.

5. Law enforcement officers of the European Union and associated Schengen Member States assigned to take part in international operations in the territory of the Republic of Lithuania shall acquire the rights and duties of an officer of the State Border Guard Service specified in Article 26 of this Law. They shall exercise these rights and duties only under the command and in the presence of officers of the Republic of Lithuania.

Article 25. Rotation of officers of the State Border Guard Service

The commander of a district of the State Border Guard Service and his or her deputy(ies), as well as the commander of a frontier station and his or her deputy(ies) shall be subject to rotation of officers laid down by the Statute of the Internal Service.

Article 26. Rights and duties of officers of the State Border Guard Service

1. When implementing the functions of the State Border Guard Service, officers of the State Border Guard Service shall have the right:

1) to check the documents of natural and legal persons, branches and representative offices of legal persons and persons without legal personality and vehicles, to inspect vehicles and, in places where there are no customs offices, to check the documents of goods and cargo;

2) to carry out a personal search and inspection of goods and cargo, to detain persons suspected of violating the procedure for crossing the State border, and the legal regime of the customs and of the frontier, foreigners illegally staying or residing in the country, to draw up an administrative offence report where it cannot be drawn up at the place where the offence was committed, the officer investigating the administrative offence may deliver a person subject to administrative liability, with the consent of the latter, to the official premises of the State Border Guard Service, police or ward in rural areas;

3) to summon persons to the official premises of the State Border Guard Service, police or other law enforcement institutions and to obtain explanations from them related to the establishment of the legal status of foreigners, as well as regarding the cases of illegal crossing of the State border known to them, and if the summoned persons do not arrive without a valid reason, to apply to the police for their bringing-in in accordance with the procedure laid down by the Code of Administrative Offences of the Republic of Lithuania;

4) to prosecute persons suspected of having committed crimes or misdemeanours or convicted of crimes and hiding from law enforcement institutions, and in order to prevent the commission of crimes, when pursuing and apprehending offenders as well as countering an armed

incursion into the territory of the country, to enter at any time of the day residential and non-residential premises and territories belonging to natural and legal persons, branches and representative offices of legal persons and persons without legal personality, to use the means of communication and transport belonging to them, to stop vehicles and to enter them;

5) to enter residential or other premises where it is suspected that foreigners who are illegally staying in the Republic of Lithuania may be kept or reside therein, or where it is suspected that a marriage or registered partnership contracted by a foreigner may be a marriage or a registered partnership of convenience, the adoption effected may be a fake adoption, or a shell entity has been established in those premises;

6) to issue Schengen visas, to make border crossing marks in travel documents entitling persons to cross the State border, to temporarily seize identity or travel documents if they are issued in the Republic of Lithuania to other persons or if they are counterfeit;

7) for the purposes of guarding of the State border or for reasons of national security of the Republic of Lithuania, to temporarily restrict the movement of persons in the locations and territories controlled by the State Border Guard Service, restrict access to, or entry into, a certain part of the territory of the border checkpoint;

8) to escort ships and vehicles and stay in them;

9) for the purposes of guarding of the State border, to take photos and make audio and/or video recordings without violating a person's right to privacy;

10) to obtain, free of charge, from state and municipal institutions and agencies, other legal persons, branches and representative offices of legal persons and persons without legal personality the information necessary for carrying out the guarding of the State border;

11) in establishing the identity of detained foreigners and their legal status in the Republic of Lithuania, officers of the State Border Guard Service may use, free of charge, information from state and municipal institutions and agencies of the Republic of Lithuania, other natural and legal persons, branches and representative offices of legal persons and persons without legal personality, state and departmental registers and the state information system;

12) to convoy detained and remanded persons in accordance with the procedure laid down by the Minister of the Interior;

13) to carry out radiation control;

14) when alleging that a person suspected of committing a criminal offences or an administrative offence is intoxicated with alcohol or under the influence of narcotic, psychotropic or other psychoactive substances, to check, in accordance with the procedure laid down by the Government, whether he or she is intoxicated with alcohol or under the influence of narcotic, psychotropic or other psychoactive substances, as well as to prevent a person who is intoxicated

with alcohol or under the influence of narcotic, psychotropic or other psychoactive substances or a person who does not have the right to drive or poses a risk to traffic safety due to his or her state of health from driving a vehicle;

15) to use coercion in accordance with the procedure laid down in this Law;

16) to take decisions on the issuance, refusal to issue, revocation or annulment of travel authorisations in accordance with the provisions of Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226.

2. While performing their duties, officers of the State Border Guard Service must ensure the rights and legitimate interests of a person who has been injured, detained or delivered to the State Border Guard Service, provide emergency medical aid or other necessary assistance to a person who has been injured as a result of a criminal offence or an administrative offence, a person in a helpless state, as well as a person who has been injured in detention, perform the general duties laid down in the Statute of the Internal Service.

Article 27. Rights of officers of the State Border Guard Service in the territorial sea, internal and frontier waters

1. Officers of the State Border Guard Service shall have the right to request the following in the territorial sea, internal and frontier waters:

1) to hoist the flag of the state of registration of the vessel, if it has not been hoisted;

2) to change the course if the vessel is proceeding into an area wherein navigation is prohibited or is proceeding on a course which will lead to a violation of the established navigation regime;

3) the master of the ship to stop the vessel if the master of the ship fails to comply with the lawful demands of officers of the State Border Guard Service.

2. Officers of the State Border Guard Service shall have the right to stop a vessel and check it in the territorial sea, internal and frontier waters where:

1) the vessel navigates without flying the flag of the state of registration of the vessel or has no other identification marks, or does not respond to calling signals of officers of the State Border Guard Service, or refuses to provide data about itself;

2) the demand to change course is not complied with or the requirements of international law applicable to innocent passage through the territorial sea are violated;

3) the vessel is in an area in which navigation is prohibited;

4) the vessel is engaged in illegal fishing, economic, commercial or other activities;

5) disembarkation or embarkation of persons, unloading or loading of goods and cargo is performed in places not designated for that purpose or in designated places but in an unauthorised manner, or craft is launched or aircraft take off or board a vessel in the absence of an authorisation;

6) crew members or passengers aboard the vessel damage navigational signs, communications cables, assets and equipment belonging to the Republic of Lithuania located on the seabed, underwater or on the surface of the water;

7) the vessel pollutes the environment with waste and hazardous substances;

8) the vessel violates the requirements for innocent passage, navigation through or stay in the territorial sea;

9) persons infringe the provisions of Article 14(1), (12), (15), (17) and (18) of this Law.

3. Officers of the State Border Guard Service in the territorial sea, internal and frontier waters shall have the right to escort or to tow a detained vessel if the master of the ship fails to comply with the provisions of paragraphs 1 and 2 of this Article and there is no possibility to inspect the stopped vessel.

4. Officers of the State Border Guard Service shall have the right to organise the stopping of a vessel in order to detain a person or to carry out an investigation into criminal offences or administrative offences committed during the navigation of the vessel in the cases specified in Article 6(4) and (6) of this Law.

5. Officers of the State Border Guard Service shall have the right to stop or detain a vessel in the cases specified in Article 6(5) of this Law.

6. The measures referred to in point 3 of paragraph 1 and paragraphs 2 and 3 of this Article may not be applied to warships owned by foreign states or vessels operated for non-commercial purposes.

CHAPTER VIII

USE OF COERCION

Article 28. Conditions for the use of coercion

1. When performing their duties, officers of the State Border Guard Service may use coercion in the cases and in accordance with the procedure laid down by this Law. Officers of the State Border Guard Service shall have the right to use coercion only in the event of official necessity and only to the extent necessary for the performance of their official duty. The use of coercion by officers of the State Border Guard Service must be appropriate to the existing circumstances and proportionate to the risk involved, taking into account the specific situation, the nature and intensity of the infringement of law, individual characteristics of the offender and/or

the characteristics of the object posing the risk. Physical coercion shall be used only where mental coercion was ineffective or impracticable or where any delay poses a threat to the life, health or property of an officer of the State Border Guard Service or another person or to aviation security, guarding of the State border, enterprises critical for national security of the Republic of Lithuania, facilities and property critical for national security of the Republic of Lithuania or other objects guarded by the officer of the State Border Guard Service.

2. Officers of the State Border Guard Service shall have the right to use mental coercion in the cases listed in paragraphs 3 and 4 of this Article or paragraphs 2 and 3 of Article 29 of this Law.

3. Officers of the State Border Guard Service shall have the right to use physical coercion in the following cases:

- 1) to protect themselves and other persons from imminent threat to life, health or property;
- 2) to compel persons to obey when they avoid complying with demands or instructions of officers, as well as to apprehend persons if they resist;
- 3) to repel an attempt on a firearm, explosives, special means and means of communication and to recover these items;
- 4) to repel attacks against construction works (including premises), vehicles or other property and territories or to liberate these occupied objects;
- 5) to enter territories, premises or vehicles during a search or seizure, as well as where, according to the available data, hostages may be kept or persons who allegedly committed criminal offences or administrative offences may be hiding;
- 6) to stop a vehicle, ship, aircraft, autonomously or remotely controlled object moving through air, on land, on water surfaces or under water;
- 7) to prevent criminal offences or administrative offences;
- 8) where it is necessary to eliminate the threat posed by an aircraft, autonomously or remotely controlled object moving through air, on land, on water surfaces or under water to aviation security, the guarding of the State border, enterprises critical for national security of the Republic of Lithuania, facilities and property critical for national security of the Republic of Lithuania or other objects guarded by them.

4. Officers of the State Border Guard Service shall have the right to use handcuffs and restraining devices:

- 1) against persons who are aggressive or prone to self-harm;
- 2) to deliver to a police station, other institution or agency persons who have committed/allegedly committed criminal offences or administrative offences and are prone to fleeing, to carry out an inspection of the said persons, as well as to carry out the expulsion of

persons prone to escape from the Republic of Lithuania or to carry out the return of these persons to the Republic of Lithuania.

5. Officers of the State Border Guard Service shall have the right to stop another vehicle by blocking it. Where a vehicle being stopped or its occupants engage in conduct that imminently endangers the life or health of an officer of the State Border Guard Service or any other person, the officer of the State Border Guard Service shall have the right to ram the vehicle with another vehicle or a special device intended for that purpose. Where an officer of the State Border Guard Service driving a vehicle blocks or rams another vehicle, thereby endangering the life or health of other persons, after carrying out such actions, he or she must take measures to eliminate the consequences of these actions.

6. Officers of the State Border Guard Service shall have the right to use a firearm as a special means by firing the projectiles included in the specifications of special means, the effect of which is designed to pose no immediate danger to the person against whom the firearm is used or to the life of other persons.

7. Where there is no imminent threat to the life or health of officers of the State Border Guard Service or other persons, the use of special means (with the exception of handcuffs and restraining devices) shall be prohibited:

1) against persons, where it is evident or an officer of the State Border Guard Service is aware that these persons are disabled;

2) against persons, where an officer of the State Border Guard Service is aware that these persons possess immunity rights;

3) against women, where it is evident or an officer of the State Border Guard Service is aware that they are pregnant;

4) against minors, where an officer of the State Border Guard Service is aware of their age or their appearance corresponds to their age.

8. Officers of the State Border Guard Service who have used mental or physical coercion and have thereby endangered the life or health of another person must provide the person with the necessary emergency medical aid or other necessary assistance and take other required measures to eliminate the dangerous consequences of their actions. A prosecutor shall be immediately notified of the use of mental or physical coercion by an officer of the State Border Guard Service, where this has resulted in the death of a person or a life-threatening impairment of the person's health.

9. Officers of the State Border Guard Service must undergo specialised training and regular check-ups to determine whether they are capable of acting in situations involving the use of mental

or physical coercion. The procedure for training and check-up of officers of the State Border Guard Service shall be laid down by the Government.

10. The Government shall lay down the specifications and procedure for the use of special means.

Article 29. Use of firearms and explosives

1. Firearms and explosives may be used only in exceptional cases where this is strictly necessary and where mental or physical coercion has proved ineffective or where there is an imminent threat to a person's life or health or to aviation security, the guarding of the State border, enterprises critical for national security of the Republic of Lithuania, facilities and property critical for national security of the Republic of Lithuania and other objects guarded by officers of the State Border Guard Service or for the prevention of criminal offences.

2. Officers of the State Border Guard Service shall have the right to use a firearm against persons:

- 1) to repel an armed incursion into the territory of the Republic of Lithuania;
- 2) to repel armed attacks against the diplomatic missions of foreign states and delegations to international organisations and territories thereof, the consular posts of foreign states and territories thereof, as well as the residences of the heads of these institutions and territories thereof, state or municipal institutions or agencies of the Republic of Lithuania or territories thereof, enterprises critical for national security of the Republic of Lithuania or territories thereof, and facilities and property critical for national security of the Republic of Lithuania or territories thereof, to liberate these occupied objects;
- 3) to defend themselves or other persons against a criminal attempt initiated or posing an immediate danger to life or health;
- 4) to free hostages, prevent the kidnapping of hostages or an act of terrorism;
- 5) to apprehend a person who has allegedly committed a criminal offence, where there is an imminent threat to the life or health of officers of the State Border Guard Service or any other persons;
- 6) to apprehend a person driving a vehicle, where the driver's actions pose an imminent threat to the life of officers of the State Border Guard Service or any other persons.

3. Officers of the State Border Guard Service shall have the right, without posing immediate danger to a person's life, to use a firearm against an animal, vessel or vehicle, when there is an imminent threat to the life or health of officers of the State Border Guard Service or any other persons. Officers of the State Border Guard Service shall also have the right, without posing immediate danger to a person's life, to use a firearm against an aircraft, autonomously or

remotely controlled object moving through air, on land, on water surfaces or under water in the following cases:

1) when there is an imminent threat to the life or health of officers of the State Border Guard Service or any other persons;

2) to prevent criminal offences, also when it is necessary to eliminate the threat posed by an aircraft, autonomously or remotely controlled object moving through air, on land, on water surfaces or under water to aviation security, the guarding of the State border, enterprises critical for national security of the Republic of Lithuania, facilities and property critical for national security of the Republic of Lithuania or other objects guarded by them.

4. When intending to use a firearm or explosives, officers of the State Border Guard Service must give warning of such intent, giving a person the opportunity to comply with the demands, with the exception of cases when a delay poses an imminent threat to the life or health of officers of the State Border Guard Service or any other person, or where giving such a warning is impracticable.

5. Officers of the State Border Guard Service shall have the right to discharge a firearm, without endangering the valuables protected by law, when it is necessary to give an alarm signal or to summon assistance.

6. In the cases specified in points 1, 2 and 4 of paragraph 2 of this Article, officers of the State Border Guard Service shall have the right to use explosives against persons, also without posing immediate danger to a person's life; officers of the State Border Guard Service shall have the right to use explosives to destroy explosive devices, to enter the premises/location where hostages are held or other criminal actions endangering a person's life or health are being carried out.

7. Where there is no imminent threat to the life or health of officers of the State Border Guard Service or other persons, the use of a firearm and explosives shall be prohibited:

1) in public gathering places, where this may result in harm to bystanders, except in the cases referred to in points 1 and 2 of paragraph 2 of this Article;

2) in the premises containing explosives or highly flammable substances, which may pose a danger to human life and health or public security.

8. Officers of the State Border Guard Service who have used a firearm or explosives and have thereby endangered a person's life or health must provide the person with the necessary emergency medical aid or other necessary assistance and take other required measures to eliminate the dangerous consequences of their actions. A prosecutor shall be immediately notified of the use of a firearm or explosives by an officer of the State Border Guard Service, where this has resulted in the death of a person or an impairment of the person's health.

9. Officers of the State Border Guard Service must undergo specialised training and regular check-ups to determine whether they are capable of acting in situations involving the use of a firearm or explosives. The procedure for training and check-up of officers of the State Border Guard Service shall be laid down by the Government.

10. Paragraphs 1, 2 and 3 and point 1 of paragraph 7 of this Article shall not apply in the cases where a firearm is used as a special means.

Article 30. Use of the armament of a ship of the State Border Guard Service

1. The State Border Guard Service may use the armament of the ship against the pursued ship after all other possible measures have been used and they have not been sufficient to force the ship's crew to obey and/or stop the ship.

2. When using the ship's armament against the pursued ship, it shall not be permissible to seek to sink it.

3. Officers of the State Border Guard Service may use the armament of the ship against the pursued ship without complying with the requirements set forth in paragraphs 1 and 2 of this Article where the pursued ship is the first to use the weapons or attacks the ship of the State Border Guard Service, or where the delay in using the armament of the ship poses an imminent threat to the ship of the State Border Guard Service or its crew or to the life or health of other persons, or where a warning of the intention to use the armament of the ship is impracticable.

CHAPTER IX

LEGAL FRAMEWORK OF ACTIVITIES OF SUPPORTERS

Article 31. Organisation of activities of supporters

1. Activities of supporters shall be organised in accordance with this Law and the regulations of supporters of the State Border Guard Service approved by the Commander of the State Border Guard Service.

2. Supporters shall be issued with a certificate, a badge and a vest bearing the inscription 'Supporter of the State Border Guard Service'. The procedure for issuing, carrying/wearing and returning them, the specimen of the certificate and badge, as well as the form of the vest bearing the inscription 'Supporter of the State Border Guard Service' shall be established by the Commander of the State Border Guard Service.

3. The activities of supporters shall be financed from the funds allocated to the State Border Guard Service in the state budget of the Republic of Lithuania.

Article 32. Admission to supporters

1. A citizen of the Republic of Lithuania or a citizen of another Member State of the European Union permanently residing in the Republic of Lithuania who is at least 18 years of age, has a command of the Lithuanian language, is not serving in the State Border Guard Service and not performing active military service, and who has a level of education which is not lower than secondary education or equivalent, may become a supporter. A citizen of a Member State of the European Union shall be considered to be permanently residing in the Republic of Lithuania if he or she has declared his or her place of residence in the Republic of Lithuania and whose data on the place of residence in the Republic of Lithuania have been entered in the Population Register of the Republic of Lithuania.

2. Persons wishing to become supporters shall submit an application to the State Border Guard Service. The heads of the Lithuanian Riflemen's Union and other associations, whose statutes provide for the safeguarding of public security as one of their functions, may submit to the State Border Guard Service lists of persons recommended to be supporters, accompanied by applications for admission to supporters from the persons on those lists.

3. Upon receipt of the applications referred to in paragraph 2 of this Article, the State Border Guard Service shall check whether the persons wishing to become supporters meet the requirements set forth in paragraph 1 of this Article and whether there are any circumstances specified in paragraph 4 of this Article. If the persons wishing to become supporters meet the requirements set forth in paragraph 1 of this Article and there are no circumstances set forth in paragraph 4 of this Article, the State Border Guard Service shall organise training for them, upon completion of which the persons shall take an examination. The requirement to complete training and take an examination shall not apply to former officers of the State Border Guard Service, other officers in service and former officers of the internal service system, riflemen and former servicemen in active military service. Persons wishing to become supporters who have passed the examination referred to in this paragraph shall, by a decision of the Commander of the State Border Guard Service or a person authorised by him, be entered on the list of supporters. If the persons wishing to become supporters do not meet the requirements set forth in paragraph 1 of this Article or there are circumstances set forth in paragraph 4 of this Article or they fail to pass the examination specified in this paragraph, the persons' application to become supporters shall not be granted. The procedure for organising the training of supporters, the requirements applicable to the training programme and the procedure for organising, taking and evaluating the examination shall be laid down by the Commander of the State Border Guard Service.

4. The following may not be supporters:

1) persons with a conviction for committing a crime, as well as persons convicted of a misdemeanour, where less than one year has lapsed from the court judgment becoming final, as well as persons who, in accordance with the procedure laid down by the Law of the Republic of Lithuania on the Prevention of Organised Crime, are subject to court obligations;

2) persons who previously worked as statutory civil servants, judges, notaries, prosecutors, lawyers, bailiffs or fulfilled active military service and have been dismissed, respectively, for demeaning the name of the officer, an action demeaning the name of the judge, misconducts in office and infringements of professional ethics of notaries, an action demeaning the name of the prosecutor, infringements of professional ethics and professional misconduct of the advocate, professional misconduct or misconduct in office of the bailiff, or acts demeaning the name of the serviceman or discrediting institutions of the national defence system, and less than five years have lapsed from the date of their dismissal;

3) persons who are members of an organisation which is prohibited in accordance with the procedure prescribed by laws.

5. Persons entered on the list of supporters shall sign a three-year contract with the State Border Guard Service in which they undertake to assist the State Border Guard Service, free of charge, in performing the functions specified in points 1 to 5 of Article 23(1) of this Law (hereinafter: a 'contract'). After the expiry of the three-year period, if the supporters have performed the tasks assigned to them without any violations, the contract shall be extended for the same period by agreement of the parties. The procedure for concluding the contract and the terms and conditions of the contract shall be established by the Commander of the State Border Guard Service.

6. The State Border Guard Service shall, in accordance with the procedure laid down in the Law on Public Administration, inform the applicants and the association that recommended them about the persons' unsuccessful application to become a supporter, the possibility of appealing against such decision and entering the persons on the list of supporters. A decision not to grant a person's application to become a supporter may be appealed against to the regional administrative court in accordance with the procedure laid down by the Law of the Republic of Lithuania on Administrative Proceedings.

Article 33. Removal from the list of supporters and termination of the contract with supporters

1. By a decision of the Commander of the State Border Guard Service or a person authorised by him, supporters shall be removed from the list of supporters and the contract with them shall be terminated:

- 1) at the request of the supporters;
- 2) for discrediting the name of the supporter;
- 3) if the supporters no longer meet the requirements set forth in Article 32(1) of this Law or the circumstances specified in Article 32(4) of this Law arise or transpire;
- 4) if the supporters have not been involved in the activities of supporters for more than six consecutive months.

2. The decision referred to in paragraph 1 of this Article of the Commander of the State Border Guard Service or a person authorised by him may be appealed against to the regional administrative court in accordance with the procedure laid down by the Law on Administrative Proceedings.

Article 34. Functions, rights and obligations of supporters

1. Supporters shall assist the State Border Guard Service in carrying out the functions laid down in points 1 to 5 of Article 23(1) of this Law, which they shall perform together with officers of the State Border Guard Service.

2. When performing the functions assigned to them, the supporters shall have the right:

- 1) to use coercion and special means in accordance with the procedure and in the cases established by this Law;
- 2) to establish the identity of the offender;
- 3) to assist in apprehending a person suspected of having committed an offence;
- 4) to assist in stopping vehicles where it is suspected that a criminal act is being committed or has been committed;
- 5) to assist in carrying out a personal search and inspection of goods, cargo documents and premises;
- 6) to enter residential and non-residential premises and territories belonging to natural and legal persons, branches and representative offices of legal persons and persons without legal personality, in order to prevent the commission of crimes when pursuing and apprehending offenders;

7) to assist in delivering persons subject to administrative liability, with their consent, to the official premises of the State Border Guard Service, police or ward in rural residential areas;

8) to require persons to comply with lawful demands and instructions.

3. When performing the functions assigned to them, supporters must:

- 1) respect and protect human dignity, ensure and protect human rights and freedoms;
- 2) provide emergency medical aid or other necessary assistance to injured persons, as well as to foreigners who are denied access to the territory of the Republic of Lithuania;

3) take measures to rescue personal, state and municipal property in cases of incidents, emergency events or emergencies;

4) protect state, official and commercial secrets which were entrusted to them or came to their knowledge;

5) wear a badge and a vest bearing the inscription 'Supporter of the State Border Guard Service', identify themselves, present their certificate of a supporter;

6) upon being notified of an offence which is being arranged or committed, also upon noticing an offence which is being arranged or committed, take immediate measures to prevent the offence which is being arranged or committed;

7) upon being notified of a committed offence, notify immediately the police or any other competent institution, or agency, take immediate measures to secure the scene of the incident and to identify witnesses;

8) act in compliance with the legal acts and perform the assigned tasks in a timely and accurate manner.

Article 35. Powers of supporters

1. When performing the functions assigned to them, supporters shall act in compliance with the Constitution of the Republic of Lithuania, this Law and other laws.

2. The lawful demands and instructions of supporters shall be binding on individuals.

3. Individuals who fail to comply with the lawful demands and instructions of supporters shall be liable in accordance with the procedure laid down by laws governing legal responsibility.

Article 36. Social and other guarantees for supporters

1. The State Border Guard Service shall pay a lump sum to supporters where, in the course of performance of the functions assigned to them, the supporters have been injured and, as a result of the injury, the following has been established:

1) severe health impairment – the amount of 60 base social benefits;

2) moderate or mild health impairment – the amount of 40 base social benefits.

2. The State Border Guard Service shall pay a lump sum in the amount of 120 base social benefits in equal instalments to the following:

1) family members of supporters who died while performing the functions assigned to them – children/adopted children (including children born after the death of the supporters) who are not older than 18 years of age, as well as older children/adopted children who study at registered general education schools and statutory vocational training establishments under the general education curriculum and vocational training programmes in a group learning form according to

full-time, part-time and distance learning process organisation methods or in a personal learning form according to independent and distance learning process organisation methods, or who study at a higher education institution in Lithuania according to the full-time study programme and who are not older than 24 years of age; spouses, cohabitees/partners, parents/adoptive parents, mothers/adoptive mothers;

2) persons with a level of disability, a level of participation of 0 to 25% or persons who have reached the age of retirement pension with a level of participation of 15%, if they were dependants of the supporters who died while performing the functions assigned to them or were entitled to receive maintenance from the supporters on the day of their death.

3. The payments referred to in this Article shall not be made in the following cases:

1) supporters died or were injured while committing a premeditated criminal act;

2) the cause of death or injury of supporters was intoxication with alcohol, narcotic and other psychoactive substances;

3) supporters committed suicide, attempted to commit suicide or injured themselves intentionally;

4) the cause of death or injury of supporters was driving a vehicle without the right to drive it or handing over the vehicle to a person under the influence of alcohol, narcotic and other psychoactive substances or without the right to drive it;

5) supporters' health was impaired or they died as a result of illness or military actions and this is not related to the performance of the functions of supporters.

4. The procedure for payments provided for in this Article made to supporters shall be laid down by the Commander of the State Border Guard Service.

5. When supporters are injured as a result of an act committed by offenders, they shall be compensated for pecuniary and non-pecuniary damage in accordance with the procedure laid down by the Civil Code.

6. Supporters may be reimbursed for transport, communications and other expenses incurred in performing the functions assigned to them in accordance with the procedure and under the conditions laid down by the Commander of the State Border Guard Service.

Article 37. Conditions for the use of coercion

1. In performing the functions assigned to them, supporters, together with officers of the State Border Guard Service, shall have the right to use coercion in the cases and in accordance with the procedure laid down in this Law. Supporters shall have the right to use coercion only in the event of official necessity and only to the extent necessary for the performance of the functions assigned to them. The use of coercion by supporters must be appropriate to the existing

circumstances and proportionate to the risk involved, taking into account the specific situation, the nature and intensity of the offence and the individual characteristics of the offender. Physical coercion shall only be used where mental coercion has proved ineffective or where any delay endangers the life or health of the supporters or any other person.

2. Supporters shall have the right to use mental or physical coercion in the following cases:

- 1) to protect themselves and other persons from imminent threat to life or health;
- 2) to compel persons to obey when they avoid complying with demands and instructions of supporters or officers of the State Border Guard Service;
- 3) to assist in apprehending persons if they resist;
- 4) to repel an attempt on a firearm, explosives, special means and means of communication of officers of the State Border Guard Service and to recover these items;
- 5) to repel attacks on construction works (including premises), vehicles or other property and territories;
- 6) to assist in stopping vehicles;
- 7) to prevent administrative offences or criminal acts.

3. Supporters shall have the right to use handcuffs and restraining devices in the cases provided for in Article 28(4) of this Law.

4. The use of special means (except for handcuffs and restraining devices) shall be prohibited in the cases provided for in Article 28(7) of this Law.

5. Supporters who have used mental or physical coercion and have thereby endangered the life or health of another person must provide the person with the necessary emergency medical aid or other necessary assistance and take other required measures to eliminate the dangerous consequences of their actions. A prosecutor shall be immediately notified of the use of mental or physical coercion by a supporter, where this has resulted in the death of a person or a life-threatening impairment of the person's health.

6. Supporters must undergo specialised training and regular check-ups to determine whether they are capable of acting in situations involving the use of mental or physical coercion. Special means may be issued to supporters for the performance of functions assigned to them only together with officers of the State Border Guard Service. The procedure for training, check-up and issuance of special means to supporters shall be laid down by the Commander of the State Border Guard Service.

Article 38. Incentives for supporters and their liability

1. Supporters who have distinguished themselves in the guarding of the State border may be provided with incentives/awards by the Commander of the State Border Guard Service or other institutions.

2. Supporters may be nominated for a state award in accordance with the procedure laid down in the Law of the Republic of Lithuania on State Awards.

3. Supporters shall be liable for unlawful acts in accordance with the procedure laid down by laws governing legal responsibility.

CHAPTER X

FINAL PROVISIONS

Article 39. Validity of international treaties of the Republic of Lithuania

Where international treaties of the Republic of Lithuania contain provisions other than those specified in this Law, the provisions of the international treaties of the Republic of Lithuania shall apply.

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

PRESIDENT OF THE REPUBLIC OF LITHUANIA

VALDAS ADAMKUS

Annex to
Republic of Lithuania
Law on the State Border and
Guarding of the State Border

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. Regulation [\(EC\) No 2016/399](#) of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), as last amended by Regulation (EU) 2024/1717 of the European Parliament and of the Council of 13 June 2024.