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Accession of Lithuania**

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ACCESSION OF LITHUANIA

Checklist of SPS Requirements and Compliance by Lithuania

The Permanent Mission of the Republic of Lithuania has submitted the following information on the Republic of Lithuania's SPS requirements.

Description of the principles and WTO reference	Compliance by Lithuania
<p>1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles (generally agreed principal in WTO accession negotiations).</p>	<p>According to the Products Safety Law and Draft Law on Food (Articles 10, 11, 12, 13), the introduction of any new standards, food safety and animal health regulations will conform to the SPS Agreement.</p> <p>Lithuania also agrees that the introduction of any new standards, plant health regulations will conform to the Agreement on the Application of Sanitary and Phytosanitary measures.</p>
<p>2. Establishment and operation of a single Contact Point for Information (“enquiry point”) (Article 7 and Annex B.3).</p>	<p>Lithuania has established the SPS Enquiry Point at the Ministry of Agriculture, to carry out the notification obligations of the SPS Agreement. Three institutions - National Nutrition Center at the Ministry of Health, the State Plant Protection Service at the Ministry of Agriculture and the State Veterinary Service will provide information to the SPS Enquiry Point which will be distributed according to the requirements of the Agreement.</p> <p>The SPS Enquiry Point is also responsible for answering all relevant questions of WTO members, and to supply appropriate documents on:</p> <ul style="list-style-type: none"> • any SPS regulation adopted or proposed; • the procedures of determining the risk and the corresponding level of the SPS protection; • the participation and the nature of the commitments of Lithuania or of its constituting bodies in international and regional sanitary and phytosanitary organisations and systems, as well as in bilateral and multilateral agreements and arrangements within the scope of this Agreement, including the texts of such agreements and arrangements.

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<p data-bbox="193 271 820 360">3. Transparency: notification and access to documentation (Articles 7 and Annex B, also G/SPS/7):</p> <p data-bbox="193 1003 820 1122">Identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis (Annex B.5.(b) and Annex B.10);</p> <p data-bbox="193 1189 820 1279">Establish guidance or law requiring publication of proposed measures at an early stage for comment (Annex B.5(a));</p> <p data-bbox="193 1491 820 1581">Provision in law or administrative procedure to provide copies of proposed measures to WTO Members (Annex B.5.(c)); and</p>	<p data-bbox="820 271 1449 510">For the purpose of ensuring transparency, the Government adopted Resolution No.118 of 4 February 1999 "On publishing of draft laws and drafts of other legal acts on the Internet". According to this Resolution, the relevant governmental and non-governmental institutions as well as associations of relevant industries can review the drafts of concern and submit their remarks and suggestions.</p> <p data-bbox="820 544 1449 819">Some documents, e.g. Monthly Animal Health Status Report are circulated to the OIE, competent Directorate General of the European Commission (DG XXIV) and directly to 30 different states. The information on new Lithuanian regulations is also sent to all the countries that are trade partners of Lithuania. Every year the booklet "The animal health and disease control position in Lithuania" is being elaborated and sent to interested countries.</p> <p data-bbox="820 853 1449 943">Draft Law on Food (Article 14.9) imposes the necessary notification procedures (currently under consideration) on the SPS Enquiry Point.</p> <p data-bbox="820 1003 1449 1155">SPS Enquiry Point at the Ministry of Agriculture working together with State Veterinary Service, National Nutrition Center and State Plant Protection Service will undertake notifications obligations and will ensure transparency obligations.</p> <p data-bbox="820 1189 1449 1464">According to Government Resolution No.118 of 4 February 1999 "On publishing of draft laws and drafts of other legal acts on the Internet", the drafts of legal acts are published in order to ensure the transparency of their adoption. According to this Resolution, the relevant governmental and non-governmental institutions as well as associations of relevant industries can review the drafts and submit their remarks and suggestions.</p> <p data-bbox="820 1491 1449 1644">According to Article 2.2.16 of the Order No.113 of the Ministry of Health On Statute of State Nutrition Center, the State Nutrition Center shall provide copies of proposed measures to the international organisations as well as domestic entities.</p> <p data-bbox="820 1677 1449 1767">According to Article 2.16 of Government Resolution No.1 of 2 January 1995, the State Veterinary Service is obliged to provide all information to interested entities.</p> <p data-bbox="820 1800 1449 1980">According to Article 13.1 of Draft Law on Phytosanitary, National plant protection authority shall co-operate with plant protection organisations in other countries, exchange information and perform other actions necessary for the implementation of international obligations in phytosanitary matters.</p>

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<p>Require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination (Annex B.5(d)).</p>	<p>According to Government Resolution No.118 of 4 February 1999 "On publishing of draft laws and drafts of other legal acts on the Internet", the drafts of legal acts are published in order to ensure the transparency of their adoption. According to this Resolution, the relevant governmental and non-governmental institutions as well as associations of relevant industries can review the drafts and submit their remarks and suggestions.</p> <p>Also under rules of Codex Alimentarius Commission there is defined a procedure for the taking comments on draft laws without discrimination.</p> <p>According to Article 2.17 of Government Resolution No.1 of 2 January 1995, the State Veterinary Service is obliged to take into account comments or remarks on the laws and measures managed by the State Veterinary Service.</p>
<p>4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health (Article 2.2).</p>	<p>Legal acts in the veterinary field - Law on Veterinary Activities of 17 December 1991, Law on Keeping and Use of Animals of 6 November 1997, Law on Pharmaceutical Activities of 31 January 1991, Law on Drugs of 19 November 1996 namely - are based on the requirements of the International Animal Health Code of the OIE and standards, guidelines and recommendations of the Codex Alimentarius Commission. In preparing legal acts the State Veterinary Service follows the principles of Risk Assessment and Management and applies Regionalisation of countries for certain diseases that allows trade with other regions of affected countries.</p> <p>Article 1 of Draft Law on Phytosanitary provides that:</p> <ul style="list-style-type: none"> • The purpose of the present law is to establish preventive measures against the introduction of organisms harmful to plants and plant products into the territory of the Republic of Lithuania and the spread thereof. • This Law shall regulate activities of legal and natural persons in respect of planting, propagation, transportation, warehousing and marketing of plants and of production, transportation, storage and realisation of plant products, and shall establish mandatory phytosanitary requirements and the basis of phytosanitary control. <p>Draft Law on Food (Articles 10, 11, 12, 13) requires to take measures only to the extent necessary to ensure the appropriate level of human health.</p>

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<p>5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence (Articles 2.2, 3.3 and 5.2).</p>	<p>According to Article 4.2 of the Draft Law on Phytosanitary, risk assessment of harmful organisms shall be carried out in accordance with the methods and standards approved by the European Union and the World Trade Organisation.</p> <p>Legal acts in the veterinary field are to be based on the requirements of the International Animal Health Code of the OIE and standards, guidelines and recommendations of the Codex Alimentarius Commission. These are based on scientific evidence.</p> <p>Lithuanian authorities follow the scientific evidence based principles of Risk Assessment and Management and apply Regionalisation for certain diseases.</p> <p>Draft Law on Food (Articles 10, 11, 12, 13) requires to approve legal acts related to food safety levels on the basis only on scientific evidence.</p>
<p>6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures (Articles 3.1, 3.3 and 3.4).</p>	<p>According to Article 4.2 of the Draft Law on Phytosanitary, risk assessment of harmful organisms shall be carried out in accordance with the methods and standards approved by the European Union and the World Trade Organisation.</p> <p>Legal acts in the veterinary field are based on the requirements of the International Animal Health Code of the OIE and standards, guidelines and recommendations of the Codex Alimentarius Commission.</p> <p>According to the Draft Law on Food (Articles 10, 11, 12, 13), the national food safety legislation must comply with the WTO, Codex Alimentarius and other international standards provisions.</p> <p>According to Article 5 of the Products Safety Law, the Government, its institutions, ministries, departments under them and other bodies, within their respective spheres of state administration, shall set forth, within the limits of their competence, mandatory product safety and marking requirements aligned with the requirements of the United Nations and the World Trade Organisation.</p>

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<p>7. Equivalence: members shall recognize different measures that achieve the same level of protection (Article 4).</p>	<p>Article 14 of Draft Law on Phytosanitary provides as follows:</p> <ul style="list-style-type: none"> • Plant protection measures existing in other countries shall be recognised subject to objective proof provided by the other country that it has attained equivalent level of plant protection. • Recognition of the equivalence of phytosanitary measures may be established by treaties. <p>The Lithuanian veterinary and food control authorities recognize the epidemiological, epizootic and phytosanitary quarantine measures of countries - WTO Members.</p>
<p>8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health (Article 5.1, 5.2 and 5.3).</p>	<p>Article 4 paragraphs 1 and 2 of Draft Law on Phytosanitary provide as follows:</p> <ul style="list-style-type: none"> • The existence and spread of harmful organisms in the territory of the Republic of Lithuania shall be established by means of special examination and observation organised by the national plant protection authority during the most suitable season for detection of these organisms. • Risk assessment of harmful organisms shall be carried out in accordance with the methods and standards approved by the European Union and the World Trade Organisation. <p>Draft Amendment of Veterinary Law obliges State Veterinary Service to follow the principles of Risk Assessment and Management and to apply the Regionalisation of countries for certain diseases.</p> <p>Draft Law on Food (Articles 10, 11, 12, 13) requires that risks should be assessed and safety limits set only on the basis of science.</p>
<p>9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined (Article 6 and Annexes A.6 and A.7).</p>	<p>Lithuania accepts the regional conditions taking in account the information received from OIE on regular basis. The Center for Control and Prophylactics of Infection Diseases follows the rules approved by the Government in order to prevent and inform society about the possible danger.</p>
<p>10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers (Article 2.3, and Annex C.1(a) and (d)).</p>	<p>The Lithuanian legal acts regulate uniformly domestically and foreign made products. They do not discriminate between producers and suppliers. Lithuania requires certificates from the imported products suppliers only to ensure that imported products fulfill the appropriate requirements. The same criteria apply to domestic suppliers.</p>

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<p>11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the Agreement (Article 8 and Annex C).</p>	<p>According to Annex 2 of Order of State Veterinary Service No.IV-209 of 28 November 1996 "Regarding Control on Imported Feedingstuffs, Raw Materials and Additives for Feedingstuffs", there are established certain limits of contaminants in the products and the procedure for the use of additives.</p> <p>According to the Draft Law on Feedingstuffs, the State Veterinary Service will be the institution responsible for the preparation of legislation and its enforcement subject to undesirable and prohibited to use substances and veterinary medicinal feedingstuffs.</p> <p>Draft Law on Food (Articles 10, 11, 12, 13) requires that control, inspection and approval procedures for food additives which establish the limits for contaminants in foods, should comply with Codex Alimentarius recommendations and other international provisions.</p>
