

ACCESSION OF LITHUANIA

Additional Questions and Replies  
to the Memorandum on the Foreign Trade Régime (L7551)  
and the Questions and Replies (WT/ACC/LTU/2 and 4)

Addendum

The Ministry of Foreign Affairs of the Republic of Lithuania has submitted the following information regarding the completion of questionnaires as set out in the relevant annexes to WT/ACC/1, namely, the questionnaires on State Trading, Import Licensing Procedures, Implementation and Administration of the Customs Valuation Agreement and Technical Barriers to Trade. The above mentioned questionnaires are reproduced hereunder.

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INFORMATION ON STATE TRADING

Definition of State-Trading

**Governmental and non-governmental enterprises, including marketing boards, which have been granted exclusive or special rights or privileges, including statutory or constitutional powers, in the exercise of which they influence through their purchases or sales the level or direction of imports or exports.**

**I. Enumeration of State Trading Enterprises**

**Does your country maintain enterprises covered by the provisions of Article XVII? If so, list the products or groups of products for which State enterprise is maintained or for which an enterprise has exclusive or special privileges.**

**II. Reason and Purpose for Introducing and Maintaining State-Trading Enterprises**

**State for each product the reason and purpose for introducing and maintaining the enterprise (it should be indicated, for example, whether the purpose or the effect of the enterprise is to prevent prices to consumers from exceeding certain maximum limits, or to protect domestic producers by the control of imports and/or the purchase of domestic supplies at above world price levels, or to facilitate export sales, or to make it possible to establish or administer a stabilization arrangement). A description of legal provisions should be included in so far as this has not been submitted in earlier notifications.**

The legislation in force in the Republic of Lithuania does not provide for any exclusive or special rights or privileges granted to specific enterprises, whether State-owned, private or mixed property, intended for trade in goods, except the indicated below. Moreover, the Law on Competition

(15 September 1992) prohibits public and local authorities to adopt legal acts or to fulfil actions conferring privileges to or discriminating individual economic entities, regardless of their ownership form, or otherwise restrict competition.

Under the Law on Trade (12 January 1995) the Government shall have the right in special cases to introduce **State monopoly of the trade in certain goods**, as well as to establish special sales procedures for certain goods. Special cases (“extraordinary cases”) has the meaning of natural calamities, situation of war, harm for health, emergency in international relations, etc. (these measures are consistent with the provisions of Article XX and Article XXI of GATT 1994). For such extreme cases, Lithuania could establish centralized supply points for distribution of essential goods to its population, including distribution through certain State enterprises. Centralized distribution could also be effected by private companies with their consent. This would in no way affect ownership of private companies. But it is very important to stress that it is only a potential probability, and this instrument has yet never been used.

Based on the provision of the Law on Trade concerning the introduction of State monopoly, and the Law on Alcohol Control (18 April 1995) Lithuania has established the legal basis for the introduction of the right of **a State monopoly to produce, sell and import alcohol products**, which could be justified under Article XX (b) and (d) with special emphasis that it is only a potential measure which is not applied at present (due exception see below) and would be applied equally to domestic production and importers of these products. The objective of that Law is to reduce alcohol consumption in general because of the damage it causes to human health, through the introduction of a State monopoly on alcohol manufacture, sale and trade. But as was explained in the document WT/ACC/LTU/7 (see the answer to Question 223), currently Lithuania does not maintain a monopoly on production (except for production of high alcohol content beverages - due to excessive consumption of this kind of domestic products and their associated consequences - this right is given to the State stock company “Lietuviskas Midus”), sale and importation and does not plan currently to introduce such a monopoly.

The Law also gives the Government the right to regulate the manufacture, import, trade and domestic consumption of liquids containing ethyl alcohol which may be imbibed as intoxicating drinks and food products, containing alcohol additives.

According to the Law on Sugar (27 April 1995), the Government shall support the development of the domestic **sugar raw material** production and processing industry. This supporting is a temporary one, and will be adjusted in the course of positive developments in this sector. Also, it should be noted that provisions of Article 6 of the Law allowed not to apply the sanctions of the Law on Competition (which are established for dominant market entities), in connection with the establishment of a sugar manufacturers’ association. But this measure was foreseen only for the period during which the manufacturers’ association was established. Their aim was to shorten and expedite bureaucratic procedures. At present, the Parliament has received from the Government a proposal to amend or abolish this clause.

Sugar and alcohol products currently are not subject of State trading. The particular laws regulating such commodities do provide the possibility for the introduction of State monopolies for trading and import of these commodities, but these provisions have not been implemented.

Under the established order by the Law on Amendments and Supplements of the Law on Enterprises (5 July 1995) only State enterprises and specially designated enterprises which all shares belong to the State, have the right to engage in all activity related with **radioactive, nuclear material and waste thereof**.

Concerning the **energy area** joint-stock company “Lietuvos energija” has the actual (not asserted by the special law or the Government Resolution) right (as a natural monopolies - see below) for production, import, export, transmission and distribution of **electricity**.

In this area only **nuclear material** (as was indicated above) is the subject of State trading. It is buying by the Ignalina Nuclear Power Station, but the payment is fulfilled through the company “Lietuvos Energija”.

Here must be mentioned the sectors operating as natural monopolies (see the answer to Question 3, WT/ACC/LTU/2) - where for technical and economic reasons, there is an absence or restriction of competition and consumer choice possibilities. These also are sectors where one dominant State entity is operating in the whole or in main part of the Lithuanian territory. Thus, the Government regulation and control (including price for consumers regulation) is necessary for these sectors. Natural gas supply, production and supply of electricity and heat energy are concerned as sectors operating as natural monopolies in commodities sphere, i.e. sectors where one dominant entity is operating in the whole or in a main part of the Lithuanian territory.

### **III. Description of the Functioning of State-Trading Enterprises**

#### **1. Describe, item by item, the functioning of such enterprises and state in particular:**

- **Whether the enterprise deals with exports or with imports , or both;**
- **Whether private traders are allowed to import or export and, if so, on what conditions;**
- **Whether there is free competition between private traders and the State-trading enterprise.**
- **The criteria used for determining the quantities to be exported and imported;**
- **How export prices are determined;**
- **How the mark-up on imported products is determined;**
- **How export prices and the re-sale prices of imports compare with domestic prices;**
- **Whether long-term contracts are negotiated by the State-trading enterprise;**
- **Whether State-trading methods are used to fulfill contractual obligations entered into by the government.**

The Law on Enterprises does not provide for the commodities which are allowed to trade only for State trading enterprises. It only provides for the activity which can be undertaken only by State-owned enterprises having licences issued following the established order by the Government. That is all activity related with radioactive, nuclear material and waste thereof.

Legislation of the Republic of Lithuania does not provide for introducing and maintaining State trading enterprises having an exclusive right to trade in certain products. But as a consequence of natural monopolies (see Chapter I.) energy sector has some exclusive right.

#### **Energy.**

1. Joint Stock Company “Lietuvos Energija” deal with production, transmission, distribution, exports and imports of electricity. Lithuania is a net exporter of electricity. No restrictions on the ability of private traders to import or export; but currently, there are no private traders. Therefore trade is negotiated only by the “Lietuvos Energija” with importers and exporters on a case-by-case basis. Export and import prices are suggested by the “Lietuvos Energija” and approved by the Ministry of Energy. There is no connection between domestic prices and import or export prices of electricity.

No long-term contracts are negotiated by the “Lietuvos Energija”. State trading methods are not used to fulfill contractual obligations entered into by the Government.

2. Joint Stock Company “Lietuvos Dujos” deals with transmission, distribution, and imports of natural gas. Lithuania is a net importer of natural gas as it does not produce natural gas. No restrictions on the ability of private traders to import. Currently, some joint-stock companies are importing for their own use in parallel with the activities of “Lietuvos Dujos.”

“Lietuvos Dujos” negotiates annual agreements with suppliers (this does not include contracts done by the private traders). Import prices are negotiated with suppliers and approved by the Ministry of Energy. No domestic production, so questions relating to the relationship between import and domestic prices are not applicable.

No long-term contracts (longer than one-year) are negotiated by the “Lietuvos Dujos.” State trading methods are not used to fulfill contractual obligations entered into by the Government.

There must be stressed that as a subjects of natural monopolies the prices of natural gas supply to consumers, electric energy, heat energy are controlled by the Government.

**Whether long-term contracts are negotiated by the State-trading enterprise; Whether State-trading methods are used to fulfill contractual obligations entered into by the government.**

The legal acts do not regulate the right of trading enterprises, whether private or State-owned, to negotiate long-term contracts. The right to fulfill contractual obligations entered into by the Government is conferred to companies by a way of public procurement with free participation in it of enterprises with different ownership forms.

#### **IV. Statistical Information**

**1. Furnish statistics (where possible by quantity and value) of imports, exports and national production on the products notified, on the following lines.**

This could be concerned only electricity, nuclear material and natural gas areas, but Lithuanian Statistics Department does not provide information on imports and exports based on each individual enterprise, whether private or State-owned.

#### **V. Reasons Why no Foreign Trade Has Taken Place (if this is the case) in Products Affected**

**In cases where no foreign trade has taken place in the products affected, state the reasons.**

There are no obstacles for foreign trade. All commercial operations, including foreign trade, are carried out at the discretion of each individual company.

## INFORMATION ON IMPORT LICENSING PROCEDURES

### I. Outline of systems

1. Give a brief description of each licensing system as a whole and, with respect to each, reply to the following questions as relevant, placing all the material with respect to a given system in sequence together, and using cross references as appropriate when elements which have already been described are also present in another system.

**A. - System to licence certain fields of commercial activity**, including importation, which applies to products containing alcohol (A1), tobacco and tobacco products (A2), oil products (A3), narcotics and highly effective and poisonous substances (A4), chemicals materials which can harmfully act the environment (A5), biological materials for plants protection (A6) and special foodstuffs and food additives (A7).

**B. - System to licence the import of strategical goods whose import is controlled for reasons of national security or environmental protection**, including import of strategical goods and technologies (B1), order of conveyance to Lithuania of secret loads (B2), order of conveyance to Lithuania of dangerous loads (B3), import of radio-electronic equipment, special control and security devices, guns, colour-copying equipment, etc., on national security grounds (B4), import of used tyres and electric fishing tackle on environmental protection grounds (B5).

**C. - System to administer general tariff rate quotas** (at less than MFN tariffs), of global application, which are opened up when Lithuania faces a shortage of particular agricultural or other goods, and which are used in minimal quantities (C1).

**System to administer tariff rate quotas** (at less than MFN tariffs) for certain products which are opened up according to the provisions of signed and enforced free trade agreements (C2).

The administration of each system is following.

**A1. SYSTEM TO LICENCE CERTAIN FIELDS OF ACTIVITY, INCLUDING THE IMPORTATION, WHOLESALE AND RETAIL TRADE OF PRODUCTS CONTAINING ALCOHOL**

### II. Purposes and Coverage of Licensing

1. Identify each licensing system maintained and state what products, appropriately grouped, are covered.

2. The system applies to goods originating in and coming from which countries?

3. Is the licensing intended to restrict the quantity or value of imports, and if not, what are its purposes? Have alternative methods of accomplishing the purposes been considered and if so which? Why have they not been adopted?

4. Cite the law, regulation and/or administrative order under which the licensing is maintained. Is the licensing statutorily required? Does the legislation leave designation of products to be subjected to licensing to administrative discretion? Is it possible for the Government (or the executive branch) to abolish the system without legislative approval?

Applies to:

- alcoholic beverages (HS 2203, 2204-2208, except 2204.30, 2207, 2208.10, 2208.20.40);
- undenatured ethyl alcohol (HS 2207.10, 2208.90.99);
- denatured ethyl alcohol (HS 2207.20);
- technical ethyl alcohol (HS 2207.10);
- alcohol-based food additives containing flavourings (HS 2103.90.30, 2103.90.90, 3302.10);
- alcohol-based non-food additives containing flavourings (HS 3302.90.10);
- raw materials containing ethyl alcohol (HS 2204.29, 2204.30, 2205.90, 2206.00.81, 2206.00.89, 2208.10, 2208.20.40, 2208.20.40, 2208.20.62, 2208.90.35, 2208.90.38, 2208.90.71-2208.90.79).

Only enterprises holding licences to import alcoholic products -- with the exception of undenatured ethyl alcohol and raw materials containing ethyl alcohol -- are permitted to engage in their wholesale trade. The import of the two excepted products is permitted exclusively for production purposes without the right to sell them to other economic entities. The system applies to goods originating in and coming from all countries.

For alcoholic beverages, the import licensing does not restrict the quantity or value of imports although currently licences are granted through public tender process which means only a certain number of licences will be awarded each year. The licensing is intended to control illegal import and smuggling of products containing alcohol and to avoid the importation of low price and poor quality beverages (often counterfeits of more expensive brands); and to improve collection of duties and taxes.

For products containing alcohol other than alcoholic beverages. Undenatured ethyl alcohol for technical uses - the licensing implements minimum import levels (7000 dl), no maximum levels are established. For other products, the licensing is not intended to restrict the quality or value of imports. The licensing is intended to control production processes and prevent human consumption of the product.

The licensing for all products containing alcohol, including alcoholic beverages, is maintained under the Government Resolution No.1459 (17 November 1995) "On Licensing Import, Wholesale and Retail Trade in Alcoholic Products" which will be started to apply on 1 July 1996. Licensing is required in connection with the Law on Alcohol Control (18 April 1995) and the Law on Enterprises (8 May 1990) and its amendment (5 July 1995); the designation of products is not left to administrative discretion; it is not possible for the Government to abolish the system without legislative approval.

### **III. Procedures**

**1. For products under restriction as to the quantity or value of imports (whether applicable globally or to a limited number of countries or whether established bilaterally or unilaterally):**

- (a) Is information published, and where, concerning allocation of quotas and formalities of filing applications for licences? If not, how is it brought to the attention of possible importers? Of governments and export promotion bodies of exporting countries and their trade representatives? Is the overall amount published? The amount allocated to goods from each country? The maximum amount allocated to each importer?**
- (b) How is the size of the quotas determined: on a yearly, six-monthly or quarterly basis? Are there cases where the size of quota is determined on a yearly basis but licences are**

**issued for imports on a six-monthly or quarterly basis? In the latter case, is it necessary for importers to apply for fresh licence on a six-monthly or quarterly basis?**

- (c) Are licences for certain goods partly or only to domestic producers of like goods? What steps are taken to ensure that licences allocated are actually used for imports? Are unused allocations added to quotas for a succeeding period? Are the names of importers to whom licences have been allocated made known to governments and export promotion bodies of exporting countries upon request? If not, for what reason? (Indicate products to which replies relate).**
- (d) From the time of announcing the opening of quotas, as indicated in I above, what is the period of time allowed for the submission of applications for licences?**
- (e) What are the minimum and maximum lengths of time for processing applications?**
- (f) How much time remains, at a minimum, between the granting of licences and the date of opening of the period of importation?**
- (g) Is consideration of licence applications effected by a single administrative organ? Or must the application be passed on to other organs for visa, note or approval? If so, which? Does the importer have to approach more than one administrative organ?**
- (h) If the demand for licences cannot be fully satisfied, on what basis is the allocation to applicants made? First come, first served? Past performance? Is there a maximum amount to be allocated per applicant and, if so, on what basis is it determined? What provision is made for new importers? Are applications examined simultaneously or on receipt?**
- (I) In the case of bilateral quotas or export restraint arrangements where export permits are issued by exporting countries, are import licences also required? If so, are licences issued automatically?**
- (j) In cases where imports are allowed on the basis of export permits only, how is the importing country informed of the effect given by the exporting countries to the understanding between the two countries?**
- (k) Are the products for which licences are issued on condition that goods should be exported and not sold in the domestic market?**

Alcoholic beverages:

- (a) Information on public tenders and formalities for filing applications for receiving a licence under public tender is published in the "Valstybes zinis" ("State News") and in the main daily newspapers;**
- (b) tenders are advertised as they are determined to be needed by the Government of Lithuania; the next such public tender will be organized only after a new Order on Alcoholic Beverages is promulgated;**
- (c) no, licences are not limited to domestic producers of like goods; the Government closely monitors that allocated import licences are used for imports; the names of approved importers are published in the "State News";**

- (d) 30 days;
- (e) enterprises which are granted licences are notified within 30 days of application for licence;
- (f) not specified in legislation;
- (g) currently, the Ministry of Industry and Trade with intention to replace with the State Tobacco and Alcohol Control Agency (STACA);
- (h) the enterprises that best satisfy the requirements for licence are awarded licences;
- (i) see description of tariff rate quotas on FTA basis, otherwise, not applicable;
- (j) see (i);
- (k) no.

**2. Where there is no quantitative limit on importation of a product or on imports from a particular country:**

- (a) **How far in advance of importation must application for a licence be made? Can licences be obtained within a shorter time-limit or for goods arriving at the port without a licence (for example, owing to inadvertency)?**
- (b) **Can a licence be granted immediately on request?**
- (c) **Are there any limitations as to the period of the year during which application for licence and/or importation may be made? If so, explain.**
- (d) **Is consideration of licence application effected by a single administrative organ? Or must the application be passed on to other organs for visa, note or approval? If so, which? Does the importers have to approach more than one administrative organ?**

Products containing alcohol except for alcoholic beverages:

- (a) not specified in legislation;
- (b) no, but licences are issued within 30 days of receipt of application;
- (c) no;
- (d) for undenatured ethyl alcohol, raw materials containing ethyl alcohol and alcohol-based food additives containing flavourings, the licences are currently issued by the Ministry of Agriculture and eventually will be issued by the STACA. Licences to import undenatured ethyl alcohol and raw materials containing ethyl alcohol can be issued only to enterprises holding a licence to produce alcoholic products. Licences for denatured ethyl alcohol, technical ethyl alcohol and alcohol-based non-food additives containing flavourings are issued by the Ministry of Trade and Industry (to eventually be replaced by the STACA).

**3. Under what circumstances may an application for a licence be refused other than failure to meet the ordinary criteria? Are the reasons for any refusal given to the applicant? Have**



**applicants a right of appeal in the event of refusal to issue a licence and, if so, to what bodies and under what procedures?**

All products containing alcohol, except alcoholic beverages:

Ordinary criteria (not all the required documents are submitted; submitted documents are incompletely or falsely filled in; the data submitted is false) are not met and if the controlling state supervising agencies present comments and claims concerning the activities of the enterprise and the validity of the previous licence was suspended. Applicant shall be informed in writing about the refusal to be granted a licence and the reasons for the refusal shall be given. Refusal to issue a licence can not be based on the inadvisability of the enterprise activity. In the event of refusal to issue a licence the applicant may appeal to court against the decisions of the appropriate ministries.

#### **IV. Eligibility of Importers to Apply for Licence**

**Are all persons, firms and institutions eligible to apply for licences:**

- (a) under restrictive licensing systems?**
- (b) under non-restrictive systems?**

**If not, is there a system of registration of persons or firms permitted to engage in importation? What persons or firms are eligible? Is there a registration fee? Is there a published list of authorized importers?**

(a) Under restrictive licensing systems: alcoholic beverages - licences to import alcoholic products, including alcoholic beverages, can be issued to all types of enterprises registered in Lithuania if their registration certificates provide for foreign purchase or sale operations, wholesale trade or production. No registration fee. The list of approved importers is published in the "State News."

(b) Under non-restrictive systems: products containing alcohol with the exception of alcoholic beverages - licences to import alcoholic products can be issued to all types of enterprises registered in Lithuania if their registration certificates provide for foreign purchase or sale operations, wholesale trade or production. No registration fee.

#### **VI. Documentation and Other Requirements for Application for Licence**

**1. What information is required in application? Submit a sample form. What documents is the importer required to supply with the application?**

**2. What documents are required upon actual importation?**

**3. Is there any licensing fee or administrative charge? If so, what is the amount of the fee or charge?**

**4. Is there any deposit or advance payment requirement associated with the issue of licences? If so, state the amount or rate, whether it is refundable, the period of retention and the purpose of the requirement.**

1.1. Alcoholic beverages:

An enterprise which wants to participate in a public tender to obtain a licence to import alcoholic beverages must submit the following documents:

- (i) Application including name of the enterprise, its code, address, telephone number, a description of the commercial-economic activity for which a licence is requested, names of the countries and companies from which the enterprise intends to import alcoholic beverages, names of groups of alcoholic beverages to be imported, and addresses of warehouses from which the wholesale trade shall be conducted;
- (ii) A copy of the registration card of the enterprise;
- (iii) Approval of the City Mayor (the administration of the region) in which the enterprise is registered;
- (vi) Certificate from the city (district) State Tax Inspectorate that taxes have been paid and income declaration from the city (region) in which the enterprise is registered;
- (v) Certification from the customs house situated in the enterprises trade zone that the enterprise has implemented necessary commitments and has paid taxes;
- (vi) Originals of the authorization of foreign firms producing alcoholic beverages to represent them (to sell their production) with translations into Lithuanian. The list of approved (reliable) foreign enterprises (firms) producing alcoholic beverages (except beer) are included in the bulletin of the Association of Producers of Alcoholic Beverages;
- (vii) Certificate (in the original) issued by the manager of a foreign register or a foreign firm producing alcoholic beverages certifying that the enterprise-producer, from which alcoholic beverages shall be imported, has been registered in that country (the nature of the enterprise's activity is to be indicated in the certificate), and its translation into Lithuanian;
- (viii) Samples of the labels of beverages planned to be imported or catalogues;
- (ix) The original of a quality certificate (issued separately for each kind of alcoholic beverage) issued by a foreign firm producing alcoholic beverages;
- (x) Remittance with bank stamps or confirmation receipt that the stamp tax has been paid (submitted after the public tender to obtain a licence has been won); and
- (xi) Other documents indicated in the regulations of the specific public tender.

1.2. Products made of alcohol other than alcoholic beverages:

An enterprise which wants to obtain a licence to import alcoholic products (except alcoholic beverages) must submit the following:

- (i) Application including the name of the enterprise, its code, address, telephone number, description of the commercial-economic activity for which a licence is requested, the aims of importing, the type of alcoholic products to be imported and the place they are planned to be imported from, and the addresses of the warehouses in which the imported alcoholic products shall be stored;
- (ii) Copy of the registration card of the enterprise;
- (iii) Certificate from the city (district) State Tax Inspectorate in which the enterprise is registered on the income declared that taxes have been paid;

- (iv) Certification from the Customs situated in the enterprises trade zone that the enterprise has implemented necessary commitments and has paid taxes;
- (v) Copies of the contracts of purchase of alcoholic products concluded with economic subjects of foreign countries; new contracts shall also be submitted after they have been concluded;
- (vi) Quality certificate of alcoholic products issued by the economic subject of the foreign country;
- (vii) (For alcohol-based food additives containing flavourings) certificate issued by the Republican Catering Centre to the Ministry of Health certifying that these additives have been registered with the Centre.

The tax inspection and customs certificates must be issued within one month of the day the application for a licence is submitted.

- 2. Import licence.
- 3. Stamp Tax is required by the following order:

**For import of alcoholic beverages:**

- 33, 150 Litas/year for beer (4 Litas is equal to 1 USD);
- 165, 750 Litas for wine of alcohol content of up to 22 percent and beer;
- 331, 500 Litas for import of all alcoholic beverages (beer, wine, other alcoholic beverages) except vodka;
- 350, 000 Litas for import of all alcoholic beverages including vodka.

**For products containing alcohol other than alcoholic beverages:** 300 Litas/year.

- 4. No deposit or advance payment associated with the issue of licences.

**VII. Conditions of Licensing**

- 1. **What is the period of validity of a licence? Can the validity of a licence be extended? How?**
- 2. **Is there any penalty for the non-utilization of a licence or a portion of a licence?**
- 3. **Are licences transferable between importers? If so, are any limitations or conditions attached to such transfer?**
- 4. **Are any other conditions attached to the issue of a licence:**
  - (a) **for products subject to quantitative restriction?**
  - (b) **for products not subject to quantitative restriction?**

1. The import licence for all products containing alcohol, including alcoholic beverages, is issued for one year. No provision for extension of licence. Upon the expire of the licence validity, a new licence to the enterprise shall be issued in the established order - the enterprise shall submit an application to obtain a new licence no later than 30 days prior to the expire of the validity of the previous licences..

- 2. No penalty for non-utilization of licence.

3. Licences are not transferable between importers.
4. No other conditions are attached to the issue of a licence for the import of products containing alcohol, including alcoholic beverages.

### **VIII. Other Procedural Requirements**

**1. Are there any other administrative procedures, apart from import licensing and similar administrative procedures, required prior to importation?**

**2. Is foreign exchange automatically provided by the banking authorities for goods to be imported? Is a licence required as a condition to obtaining foreign exchange? Is foreign exchange always available to cover licences issued? What formalities must be fulfilled for obtaining the foreign exchange?**

1. Enterprises, holding licences to import alcoholic products shall be obliged to issue a copy of a quality certificate of an established standard for each name of the product (selling imported alcoholic beverages with quality certificates marked “Additional Control is Obligatory” by the Lithuanian Frontier Customs Control on Foodstuffs, a copy of a licence to sell the consignments of goods issued by the State Public Health Surveillance Agency must be attached).

The licence to import alcoholic products (except undenatured ethyl alcohol and raw materials containing ethyl alcohol) also gives the right to the enterprise to engage in wholesale trade in imported alcoholic products.

Enterprises holding licences to import undenatured ethyl alcohol or raw materials containing ethyl alcohol may import only those of these products, which are produced of raw materials suitable for human consumption and exclusively for their own production needs, without the right to sell them to other economic entities.

Enterprises holding licences to import alcoholic beverages, under the established order may have them supplemented when the assortment of imported alcoholic beverages is increased.

2. No limitations on the provision of foreign exchange. Licence is not required as a condition for obtaining foreign exchange.

## **A2. SYSTEM TO LICENCE CERTAIN FIELDS OF ACTIVITY, INCLUDING THE PRODUCTION OF TOBACCO AND ITS PRODUCTS AND THEIR IMPORT**

### **II. Purposes and Coverage of Licensing**

(Questions see A1.II)

Applies to tobacco (HS 2401.10-2401.30; 2403.10.90) and tobacco products (HS 2402.10-2402.90; 2403.10-2403.99.90, except 2403.10.90). The system is applied on a global basis. The licensing is not intended to restrict the quantity or value of imports. Its purpose is to strengthen control over imports and improve the collection of duties and taxes.

The licensing is maintained under the Government Resolution No.1622 (27 December 1995) “On Licensing the Production of Tobacco and its Products and their Import into the Republic of Lithuania”. Licensing is statutorily required under the Law on Tobacco Control (20 December 1995),

the Law on Enterprises (8 May 1990) and its amendment (5 July 1995); designation of products is not left to administrative discretion; it is not possible for the Government to abolish the system without legislative approval.

### **III. Procedures**

(Questions see A1.III)

2. There is no quantitative limit on importation of a product or on imports from a particular country.
  - (a) licence will be granted not later than 30 days from the date of receipt of application materials;
  - (b) not provided for in legislation;
  - (c) no;
  - (d) the Ministry of Agriculture grants import licences for tobacco; the Ministry of Industry and Trade grants import licences for tobacco products in coordination with the Ministry of Agriculture and the Ministry of Health.
3. No circumstances other than failure to meet the ordinary criteria (A1.III.3). Applicant shall be informed in writing about the refusal to be granted a licence and the reasons for the refusal shall be given. Refusal to issue a licence can not be based on the inadvisability of the enterprise activity. In the event of refusal to issue a licence the applicant may appeal to court against the decisions of the appropriate ministries.

### **IV. Eligibility of Importers to Apply for a Licence**

(Questions see A1.IV)

All persons, firms and institutions registered as enterprises under the Law on Enterprises and enterprises which have begun the process of establishment registration have the right to apply for an import licence.

The names of authorized importers are published in the "State News".

### **VI. Documentation and Other Requirements for Application for Licence**

(Questions see A1.VI)

1. An enterprise wishing to obtain a licence for the importation of tobacco or tobacco products must submit:
  - (i) application including enterprise code, its name and address; types of products to be imported, listed according to HS codes; and date of application;
  - (ii) copies of enterprise registration card and enterprise's statute in the process of establishment;
  - (iii) certification from the city (district) State Tax Inspectorate that taxes have been paid and income declared;

(vi) certification from the customs authority located in the zone in which the enterprise has been registered that commitments to customs have been implemented and customs duties have been paid.

The State Tax Inspectorate and Customs documents shall be issued not earlier than one month before submission of application.

2. Import licence.
3. Stamp Tax for tobacco - 6,000 Litas/year; stamp tax for tobacco products - 15,000 Litas/year.
4. No deposit or advance payment associated with the issue of licences.

## **VII. Conditions of Licensing**

(Questions see A1.VII.)

1. Licence valid for 3 years. Re-application then necessary.
2. No penalty for non-utilization of the licence.
3. Licences not transferable between importers.
4. No other conditions attached to licence.

## **VIII. Other Procedural Requirements**

(Questions see A1.VIII)

1. No administrative procedures, apart from import licensing and similar administrative procedures, which are required prior to importation.
2. No limitations on the provision of foreign exchange. Licence is not required as a condition for obtaining foreign exchange.

## **A3. SYSTEM TO LICENCE CERTAIN ACTIVITIES, INCLUDING THE IMPORTATION OF OIL PRODUCTS**

### **II. Purposes and Coverage of Licensing**

(Questions see A1.II)

Applies to petrol, diesel gas, fuel oil, and lubricants (HS 2710.00.26-2710.00.37; 2710.00.51; 2710.00.55; 2710.00.69; 2710.00.74-2710.00.78; 2710.00.87-2710.00.98.). The system is applied to goods originating in and coming from all countries. The purpose is not to restrict the quantity or value of imports but to make and enforce uniform conditions and rules for all companies involved in importation.

The licensing is maintained under the Government Resolution No.1221 (14 September 1995) "On Licensing Wholesale and Retail Trade in Import and Export of Oil Products and Retail Trade in Liquid Gas." Licensing is statutorily required under the Law on Enterprises (8 May 1990) and its

amendment (5 July 1995); designation of products is not left to administrative discretion; it is not possible for the Government to abolish the system without legislative approval.

### **III. Procedures**

(Questions see A1.III)

2. There is no quantitative limit on importation of a product or imports from a particular country.
  - (a) not indicated in legislation;
  - (b) no, but licences are issued within 30 days of receipt of application;
  - (c) no;
  - (d) the Ministry of Energy.
3. Ordinary criteria (A1.III.3) plus if the importers do not provide accurate information on imports, exports and production; and if the controlling state supervising agencies issue negative reports on the companies wishing to import. Applicant shall be informed in writing about the refusal to be granted a licence and the reasons for the refusal shall be given. Refusal to issue a licence can not be based on the inadvisability of the enterprise activity. In the event of refusal to issue a licence the applicant may appeal to court against the decisions of the Ministry of Energy.

### **IV. Eligibility of Importers to Apply for Licence**

(Questions see A1.IV)

All persons, firms and institutions registered as enterprises under the Law on Enterprises and in which by-laws or registration documents the importation of oil products as an activity is included; and also enterprises which have begun the process of establishment registration with appropriate record about such activity in their documents have the right to apply for an import licence.

The names of authorized importers are published in the "State News".

### **VI. Documentation and Other Requirements for Application for Licence**

(Questions see A1.VI)

1. Enterprises wishing to apply to import oil and oil products must submit:
  - (i) application including enterprise name, address, code, registration number, date, phone/fax number, description of the commercial-economic activity for which a licence is requested; types of products to be imported listed according to HS codes; list of documents enclosed, time period for which licence is desired, and signature of manager of enterprise;
  - (ii) copies of enterprise registration card and enterprise's statute in the process of establishment;
  - (iii) enterprise's statute;
  - (iv) certificate from the city (district) State Tax Inspectorate that taxes have been paid and income declared;

- (v) certification of customs house that commitments have been implemented and duties paid;
- (vi) confirmation that Stamp Tax has been paid (submitted after licence is granted); and
- (vii) declaration on the location of oil products' depots; act of approval in accordance with Lithuanian standards.

2. Import licence.

3. Stamp Tax is applied by the following order:

- all types of oils (only) - 10, 000 Litas/year;
- heavy fuel oil (only) - 10, 000 Litas/year;
- all types of petrol and oil products - 500, 000 Litas/year.

4. No.

## **VII. Conditions of Licensing**

(Questions see A1.VII)

1. Six months or one year. Licences issued for six months may be extended for another six months if the additional Stamp Tax has been paid.

2. No.

3. Licences are not transferable.

4. No.

## **VIII. Other Procedural Requirements**

(Questions see A1.VIII)

1. A copy of an import licence shall be submitted to the Customs Department in advance.

2. No limitations on the provision of foreign exchange. Licence is not required as a condition for obtaining foreign exchange.

## **A4. SYSTEM TO LICENCE CERTAIN FIELDS OF ACTIVITY, INCLUDING THE IMPORTATION OF NARCOTICS AND HIGHLY EFFECTIVE SUBSTANCES**

### **II. Purposes and Coverage of Licensing**

(Questions see A1.II)

Applies to HS 1211; 1301; 1302; 2905; 2918; 2921; 2922; 2924; 2925; 2926; 2932; 2933; 2934; 2939; 2914.30.10; 2924.29.50; 2932.90.75; 2932.90.77; 2939.40.10; 2939.40.30; 2939.60.10; 2939.60.30; 2939.60.50; 2939.90.71. System applies to goods originating in and coming from all countries and includes a two-stage process of obtaining import licence and obtaining approval of the State Public Health Surveillance Agency. The purpose is to administer international agreements to monitor



and control trading in goods which may harm human life or health and to maintain accurate statistics on the amount imported into Lithuania.

The licensing on the importation of narcotics and highly effective substances is stipulated by the international Vienna Conventions of 1961 and 1971 years. The licensing is maintained under the Government Resolution No.1630 (28 December 1995) "On Regulation for Licensing of Production, Import and Export of Narcotics and Highly Effective Substances". Licensing is statutorily required under the Law on Enterprises (8 May 1995) and its amendments (5 July 1995); designation of products is not left to administrative discretion; it is not possible for the Government to abolish the system without legislative approval.

### **III. Procedures**

(Questions see A1.III)

1. Under restriction as to the quantity of imports:
  - (a) annual quotas by country are determined by the International Narcotics Control Committee and are published by this organization;
  - (b) quotas by country are determined on a yearly basis;
  - (c) no, licences are not limited partly or wholly to domestic producers of those goods; this is a special case to control goods which may harm human life or health and the Narcotics Control institutions of Lithuania and the exporting countries exchange information about exports and imports;
  - (d) not indicated in legislation;
  - (e) 30 days;
  - (f) not specified in legislation;
  - (g) the State Public Health Surveillance Agency;
  - (h) allocation of quotas is made by country;
  - (i) export/import takes place on the basis of bilateral monitoring;
  - (j) see (i);
  - (k) no, for the domestic market only.
  
3. Nothing other than failure to meet ordinary criteria (A1.III.3); however, if an infringement of earlier licence has taken place and is not remedied within two months, the licence can be denied or revoked. The licence also can be denied or revoked if the applicant has lost authorization to engage in a particular pharmaceutical activity. Applicant shall be informed in writing about the refusal to be granted a licence and the reasons for the refusal shall be given. Refusal to issue a licence can not be based on the inadvisability of the enterprise activity. In the event of refusal to issue a licence the applicant may appeal to court against the decisions of the State Public Health Surveillance Agency.

#### **IV. Eligibility of Importers to Apply for Licence**

(Questions see A1.IV)

All persons, firms and institutions registered as pharmaceutical enterprises under the Law on Enterprises and enterprises which have begun the process of establishment as pharmaceutical enterprises have the right to apply for an import licence.

The names of authorized importers are published in the "State News".

#### **VI. Documentation and Other Requirements for Application for Licence**

(Questions see A1.VI)

1. To obtain an import licence, the applicant must submit:
  - (i) application including name, address, code, type of licence desired, date of application;
  - (ii) copies of enterprise registration card and enterprise's statute in the process of establishment;
  - (iii) permission from the Ministry of Health for the enterprise to engage in pharmaceutical activity;
  - (iv) permission from the Ministry of Health for the pharmacist employed by the enterprise to engage in pharmaceutical activities;
  - (v) verification that the director of the enterprise has assigned the pharmacist to work in the particular pharmaceutical enterprise;
  - (vi) description of premises where the activity will take place;
  - (vii) nomenclature of narcotics and highly effective substances to be imported;
  - (viii) character of import operations;
  - (ix) intended exporting countries.

In addition, approval of the State Public Health Surveillance Agency is necessary for each shipment imported under valid licences. The quantity of medicines' active part, the form of medicine, the packaging material, exporting and importing enterprises, their addresses, and the intended producer of the medicine.

2. Import licence and verification of approval from the State Public Health Surveillance Agency.
3. Stamp Tax of 300 Litas/year.
4. No deposit or advance payment.

## **VII. Conditions of Licensing**

(Questions see A1.VII)

1. 5 years but the State Public Health Surveillance Agency must approve each shipment under valid licences. This approval is valid for two months.
2. No.
3. No, not transferable.
4. No.

## **VIII. Other Procedural Requirements**

(Questions see A1.VIII)

1. In addition, approval of the State Public Health Surveillance Agency is necessary for each shipment imported under valid licences. This approval is valid for two months.
2. No limitations on the provision of foreign exchange. Licence is not required as a condition for obtaining foreign exchange.

## **A5. SYSTEM TO LICENCE CERTAIN ACTIVITIES, INCLUDING THE IMPORTATION OF CHEMICAL MATERIALS WHICH CAN HARMFULLY ACT THE ENVIRONMENT**

### **II. Purposes and Coverage of Licensing**

(Questions see A1.II)

Concerning the products to which such licensing is applied see Section B3 on II-IX class of dangerous loads. System applies to goods originating in and coming from all countries. The system does not restrict the quantity or value of imports.

The licensing is maintained under the Government Resolution No.229 (9 February 1996) "On Licensing for Production, Import, Transportation, Sale, Usage, Storage and Burying for Chemical Materials Which Can Harmfully Act the Environment". Licensing is statutorily required under the Law on Enterprises (8 May 1990) and its amendment (5 July 1995); designations of products is not left to administrative discretion; it is not possible for the Government to abolish the system without legislative approval.

### **III. Procedures**

(Questions see A1.III)

2. There is no quantitative limit on importation of a product or on imports from a particular country.
  - (a) licence will be granted during the period of 30 days from the date of receipt of application materials;
  - (b) not provided for in legislation;

- (c) no;
- (d) the Ministry of Environmental Protection

3. No circumstances other than not meeting ordinary criteria (A1.III.3) and if the applicant used the previous licence for the importation of forbidden materials. Applicant shall be informed in writing about the refusal to be granted a licence and the reasons for the refusal shall be given. Refusal to issue a licence can not be based on the inadvisability of the enterprise activity. After the elimination of reasons impeded to get a licence, applicant can repeat the application to the Ministry of Environmental Protection. In the event of refusal to issue a licence the applicant may appeal to court against the decisions of the Ministry.

#### **IV. Eligibility of Importers to Apply for Licence**

(Questions see A1.IV)

All persons, firms and institutions registered as enterprises under the Law on Enterprises and enterprises which have begun the process of establishment registration have the right to apply for an import licence.

The names of authorized importers are published in the "State News".

#### **VI. Documentation and Other Requirements for Application for Licence**

(Questions see A1.VI)

1. To obtain an import licence the applicant must submit:
  - (i) application which shall include the importer's name, address, code, registration number and description of the commercial-economic activity for which a licence is requested;
  - (ii) copy of the registration card of the enterprise;
  - (iii) hygiene passport-permission issued by the Ministry of Health;
  - (iv) certificate from the city (district) State Tax Inspectorate that taxes have been paid;
  - (v) certificate of chemical materials' quality;
  - (vi) certificate of local environmental protection institutions about suitability of storehouse for chemical materials;
  - (vii) document confirming that transport means meet the requirements for the transportation of chemical materials;
  - (viii) licence of natural resources exploitation.
2. Import licence.
3. Stamp Tax of 700 Litass/year.
4. No

## **VII. Conditions of Licensing**

(Questions see A1.VII)

1. Five years or fewer depending on demonstrated need of enterprise. For the importation of pesticides and to trade by them - no longer than 2 years. Licence can be extended by reapplying for licence.

The additional approval is necessary for each shipment imported under valid licences.

2. No.
3. Licences are not transferable between importers.
4. No additional conditions attached to the issue of a licence.

## **VIII. Other Procedural Requirements**

(Questions see A1.VIII)

1. The additional approval under order established by the Ministry of Environmental Protection is necessary for each shipment imported under valid licences.
2. No limitations on the provision of foreign exchange. Licence is not required as a condition for obtaining foreign exchange.

## **A6. SYSTEM TO LICENCE CERTAIN ACTIVITIES, INCLUDING THE IMPORTATION OF BIOLOGIC MATERIAL FOR PLANTS PROTECTION**

### **II. Purposes and Coverage of Licensing**

(Questions see A1.II)

Applies to HS 3002.90.50. System applies to goods originating in and coming from all countries. The licensing of biological materials for plant protection is not used to limit the amount of imports. Taking into account the specificity of plant protection materials, the main purpose for the licensing is to control and to account for the flow of biological materials into the territory of Lithuania. The system of licensing enables Lithuanian authorities to know how many of these materials were utilized at domestic market and how many were exported.

The licensing is maintained under the Government Resolution No.44 (8 January 1996) "On Licensing for Production, Import and Trade of Biological Materials for Plants Protection". Licensing is statutorily required under the Law on Enterprises (8 May 1990) and its amendment (5 July 1995); designations of products is not left to administrative discretion; it is not possible for the Government to abolish the system without legislative approval.

### **III. Procedures**

(Questions see A1.III)

2. No quantitative limit on importation of a product or imports from a particular country.

- (a) The licence is issued after 30 days if all required documents are presented;
  - (b) The licences can not be issued immediately on request;
  - (c) There are no limitations on the terms of year during which application may be made; licences are issued for an one-year term; the licences can not be granted to importers which did not fulfil all requirements related with the utilization of the previous licence;
  - (d) The licences are granted by the State Plant Protection Agency of the Ministry of Agriculture.
3. No circumstances other than not meeting ordinary criteria (A1.III.3) and if the applicant does not maintain the requirements for plant protection. Applicant shall be informed in writing about the refusal to be granted a licence and the reasons for the refusal shall be given. Refusal to issue a licence can not be based on the inadvisability of the enterprise activity. In the event of refusal to issue a licence the applicant may appeal to court.

#### **IV. Eligibility of Importers to Apply for Licence**

(Questions see A1.IV)

All persons, firms and institutions registered as enterprises under the Law on Enterprises and enterprises which began the process of establishment registration have the right to apply for an import licence.

The names of authorized importers are published in the "State News".

#### **VI. Documentation and Other Requirements for Application for Licence**

(Questions see A1.VI)

1. To obtain an import licence, the applicant must submit:
  - (i) application including name, address, code, type of licence desired, date of application;
  - (ii) copies of enterprise registration card and enterprise's statute, if that enterprise is in the process of establishment;
  - (iii) store passport-permit issued by region general agronomist - state inspector for protection of plants, hygiene inspector and environment protection inspector;
  - (iv) certificate of biological materials for plants protection.
2. Import licence.
3. Stamp Tax of 500 Litas/year.
4. No deposit or advance payment

## **VII. Conditions of Licensing**

(Questions see A1.VII)

1. One year. Licence can be extended by reapplying for licence.
2. No.
3. Licences are not transferable between importers.
4. No additional conditions attached to the issue of a licence.

## **VIII. Other Procedural Requirements**

(Questions see A1.VIII)

1. No.
2. No limitations on the provision of foreign exchange. Licence is not required as a condition for obtaining foreign exchange.

## **A7. SYSTEM TO LICENCE CERTAIN FIELDS OF ACTIVITY, INCLUDING SPECIAL FOODSTUFFS AND FOOD ADDITIVES**

### **II. Purposes and Coverage of Licensing**

(Questions see A1.II)

The regulation on licensing is under preparation. Licensing is statutorily required under the Law on Enterprises (8 May 1990) and its amendment (5 July 1995).

This regulation will cover special foodstuffs and food additives - products assigned for the nutrition of babies, children, sportsmen, diabetics and for dietetic nutrition (HS 0402.29.11; 1704.90.81; 1901.10.00; 2005.10.00; 2007.10; 2104.20.00; 21.06).

Licences will be issued by the Republican Catering Centre of the Ministry of Health.

### **III. Procedures**

(Questions see A1.III)

2. There will be no quantitative limit on importation of a product or on imports from particular country.
  - (a) Licence will be granted not later than 30 days from the date of receipt of application materials;
  - (b) No;
  - (c) No;
  - (d) The Republican Catering Centre of the Ministry of Health.

3. No circumstances other than not meeting ordinary criteria (A1.III.3) and requirement that products are not injurious to health. Applicant shall be informed in writing about the refusal to be granted a licence and the reasons for the refusal shall be given. Refusal to issue a licence can not be based on the inadvisability of the enterprise activity. In the event of refusal to issue a licence, the applicant may appeal to court.

#### **IV. Eligibility of Imports to Apply for Licence**

(Questions see A1.IV)

All persons, firms and institutions registered as enterprises under the Law on Enterprises and enterprises which have begun the process of establishment registration have the right to apply for an import licence. But only special foodstuffs and food additive products which are not injurious to health will be able to be imported to Lithuania. This will be determined under a special order established by the Ministry of Health, and a list of approved products will be announced in the "State News".

The names of authorized importers are published in the "State News".

#### **VI. Documentation and Other Requirements for Application for Licence**

(Questions see A1.VI)

1. Enterprises wishing to obtain the licence must submit the following:
  - (i) application including name of enterprise, address, name and position of representative, assortment of foodstuffs and food additives to be imported;
  - (ii) copies of enterprise registration card and enterprise's statute;
  - (iii) health and quality certificates of products to be imported;
  - (iv) approval of health supervision agency from producing country that imported products belong to the group of special foodstuffs or food additives;
  - (v) official documentation confirming the registration such products in producing country and other countries;
  - (vi) information about special foodstuffs and food additives;
  - (vii) label (with which the trade of such products take place) drafted in Lithuanian;
  - (viii) certificate from the city (district) State Tax Inspectorate that taxes have been paid and incomes declared;
  - (ix) certification of customs house that commitments have been implemented and duties paid;
  - (x) samples of special foodstuffs and food additives to be imported.
2. Import licence.
3. Stamp Tax - amount yet to be determined.



4. No.

## **VII. Conditions of Licensing**

(Questions see A1.VII)

1. 3 years. For an additional extension, the enterprises must submit documents indicated in VI.1.1.; VI.1.8. and VI.1.9.
2. No penalty for non-utilization of the licence.
3. Licences are not transferable between importers.
4. Only special foodstuffs and food additive products which are not injurious to health will be able to be imported to Lithuania. This will be determined under a special order established by the Ministry of Health, and a list of approved products will be announced in the "State News".

## **VIII. Other Procedural Requirements**

(Questions see A1.VIII)

1. See VII.4.
2. No limitations on the provision of foreign exchange. Licence is not required as a condition for obtaining foreign exchange.

## **B. SYSTEM TO LICENCE THE IMPORT OF STRATEGICAL GOODS WHOSE IMPORT IS CONTROLLED FOR REASONS OF NATIONAL SECURITY OR ENVIRONMENTAL PROTECTION**

### **B1. SYSTEM TO LICENCE THE IMPORT OF STRATEGICAL GOODS AND TECHNOLOGIES**

Applies to goods and loads of double purpose (civil and military), means of defence, chemical and biological materials which can be used in the production of chemical and bacteriological weapons of massive destruction; nuclear materials, equipment and technologies; and goods and technologies used in the production of missiles.

The licensing system is required by the Law on Control of Import, Transit and Export of Strategical Goods and Technologies (5 July 1995) which will be in force from 1 January 1997. Now such system is ordered by the Government. The Law was prepared according to COCOM requirements and the subsequent regulations will be prepared according to COCOM requirements also. The purpose of the Law is to help to implement international agreements and measures which prohibit the proliferation of weapons of massive destruction and missiles; to guarantee the implementation of international obligations on the establishment of effective control system for imports, exports and transit of strategical goods and technologies; to encourage foreign trade and investments on the obtaining of progressive technologies; and to guarantee national security.

The licences for import of such goods and technologies will be issued by the Ministry of Economics. The Ministry of Energy, the Ministry of Defence, the Ministry of Environmental Protection, and the Customs Department will consult with the Ministry of Economics on the issuing of licences.

## **B2. ORDER OF CONVEYANCE TO LITHUANIA OF SECRET LOADS**

The right to convey to Lithuania secret loads is granted by the special resolution or decree of the Government. Applies to HS 2844.50.00; 3601.00.00; 3602.00.00; 3603; 3604.90.00; ex3704; ex3705; ex3706; 4905; 4906.00.00; 4907; ex4911.99.00; 8401; ex8517; ex8518; ex8520; ex8521; ex8524; ex8525; 8526; ex8527; ex8528; 8529.10; ex8531; 8710.00.00; 8802.11.90; 8802.12.90; ex8802.20.90; ex8802.30.90; ex8802.40.90; 8906.00.10; ex90; ex93.

The licensing is maintained under the Government Resolution No.718 (19 May 1995) "On Restricting of Import, Export and Transit of Some Goods" and the Government Resolution No.716 (8 August 1994) "On Approval of Order on Conveyance of Secret Loads to and from the Republic of Lithuania". The licensing is maintained for national security reasons.

The conveyance of military ammunition is given by the Ministry of Defence.

It is prohibited to convey other goods together with secret loads.

## **B3. ORDER OF CONVEYANCE TO LITHUANIA OF DANGEROUS LOADS**

The licensing is required by the Government Resolution No.718 (19 May 1995) "On Restricting of Import, Export and Transit of Some Goods".

In accordance with this Resolution the Ministry of Defence issues licences for the conveyance of I class dangerous loads. In accordance with the Government Resolution No.938 (3 October 1994) "On Approval of Rules on Conveyance of Dangerous and Military Loads of Foreign Countries through the Republic of Lithuania" issue single licences for I class dangerous loads of foreign countries.

The order of conveyance of II-IX class dangerous loads is provided by the Ministry of Environmental Protection. The licences are issued under the list of dangerous loads approved by the UN (ST/SG/AC.10/1/Rev.2). The licensing of II-IX class dangerous loads is maintained under the Orders of the Ministry of Environmental Protection No.112 (30 June 1995) and No.144 (12 September 1995). The licensing is maintained for national security reasons.

## **B4. SYSTEM TO LICENCE THE IMPORT OF RADIO-ELECTRONIC EQUIPMENT, SPECIAL CONTROL AND SECURITY DEVICES, GUNS, COLOR-COPYING EQUIPMENT, ETC., ON NATIONAL SECURITY GROUNDS**

### **II. Purposes and Coverage of Licensing**

(Questions see A1.II)

Applies to products listed in Attachment. The system is applied to goods originating in and coming from all countries. The purpose is not to restrict the quantity or value of imports but to control and prevent smuggling of goods into Lithuania; and to guarantee national security.

The licensing is maintained under the Government Resolution No.718 (19 May 1995) "On Restricting of Import, Export and Transit of Some Goods" and under the Order of the Ministry of the Interior No.570 (3 July 1995). The licensing is maintained for national security reasons. The licensing is not required under law; designation of products is by administrative order; it would be possible for the Government to abolish the system without legislative approval.

### **III. Procedures**

(Questions see A1.III)

2. No quantitative limit on importation of a product or on imports from a particular country.
  - (a) The application must be made 1 month in advance;
  - (b) Yes;
  - (c) There are no such limitations;
  - (d) The licence is granted by the Ministry of the Interior; for radio-electronic equipment - additional permission from the State Inspection of Electric Appliances.
3. An application for a licence may be refused for the following reasons: there is no indication of the quantity wished to be imported; there is no indication of the importer's country; there is no indication of the person in charge of transportation; the buyer is not indicated. Refusal to issue a licence can not be based on the inadvisability of the enterprise activity. In the event of refusal to issue a licence, the applicant may appeal to court against the decisions of the Ministry of the Interior.

### **IV. Eligibility of Importers to Apply for Licence**

(Questions see A1.IV)

All persons, firms and institutions registered as enterprises under the Law on Enterprises and enterprises which have begun the process of establishment registration have the right to apply for an import licence.

### **VI. Documentation and Other Requirements for Application for Licence**

(Questions see A1.VI)

1. Application must include: amount of goods to be imported, name of exporting country, personal data on person in charge of transportation, copy of the contract.
2. Import licence.
3. Stamp Tax is determined, but the variety for all commodities groups is very wide.
4. No deposit or advance payment associated with the issue of licences.

### **VII. Conditions of Licensing**

(Questions see A1.VII)

1. Two months; no provisions for extending licence although reapplication possible.
2. No penalty for non-utilization of the licence.
3. Licences are not transferable between importers.

4. For radio-electronic equipment the additional permission from the State Inspection of Electric Appliances is necessary.

### **VIII. Other Procedural Requirements**

(Questions see A1.VIII)

1. No.
2. No limitations on the provision of foreign exchange. Licence is not required as a condition for obtaining foreign exchange.

## **B5. SYSTEM TO LICENCE THE IMPORT OF USED TYRES AND ELECTRIC FISHING TACKLE ON ENVIRONMENTAL PROTECTION GROUNDS**

### **II. Purposes and Covering of Licences**

(Questions see A1.II)

Applies to used tyres of automobiles (HS 4012.20.90) and electric fishing tackle. System applies to goods originating in and coming from all countries. The licensing of electric fishing tackle is intended to restrict the quantity of imports - the usage of this type of fishing tackle in Lithuania is strictly limited. The licensing of used tyres is necessary due to environment protection from the littering of used tyres and to solve better the problem of utilization of used tyres in Lithuania.

The licensing to import used tyres and electric fishing tackle is required by the Government Resolution No.718 (19 May 1995) "On Restricting of Import, Export and Transit of Some Goods". The Ministry on Environmental Protection is responsible for issuing such licences.

In addition the importation of used tyres is maintained by the Government Resolution No.49 (8 January 1996) "On the Supplement of the Government Resolution No.718 (19 May 1995)" and by the Order of the Ministry on Environmental Protection No.15 (24 January 1996) "On the Order of Licensing on Import and Transit of Used Tyres". Licensing is not required by Law; it is possible for the Government to abolish the system without legislative approval.

### **III. Procedures**

(Questions see A1.III)

1. The import of electric fishing tackles to Lithuania is strictly restricted. Licence may be issued only with the appropriate substantiation on necessity such fishing tackles. Licences are issued by the Ministry of Environmental Protection.
2. No quantitative limit on importation of used tyres or imports from a particular country.
  - (a) Not indicated in legislation;
  - (b) No, but licences are issued within 5 days of receipt of application;
  - (c) No;

(d) The Ministry of Environmental Protection.

3. No circumstances other than not meeting ordinary criteria (A1.III.3). Applicant shall be informed in writing about the refusal to be granted a licence and the reasons for the refusal shall be given. Refusal to issue a licence can not be based on the inadvisability of the enterprise activity. In the event of refusal to issue a licence the applicant may appeal to court against the decisions of the Ministry of Environmental Protection.

#### **IV. Eligibility of Importers to Apply for Licence**

(Questions see A1.IV)

All persons, firms and institutions registered as enterprises under the Law on Enterprises and enterprises which have begun the process of establishment registration have the right to apply for an import licence.

All information on importation of used tyres is published in the "State News";

#### **VI. Documentation and Other Requirements for Application for Licence**

(Questions see A1.VI)

1. Enterprise which wants to obtain a licence to import used tyres must submit an application which must include:

- the name of enterprise, its code, address;
- data about exporting company (country, city, company name, address);
- copy of the contract with exporting country or company;
- amount of used tyres to be imported;
- method of transportation;
- foreseen period of importation or transit;
- name of Customs post through which the importation or transit will be fulfilled;
- substantiation concerning the further usage of tyres.

2. Import licence.

4. No deposit or advance payment associated with the issue of licences.

#### **VII. Conditions of Licensing**

(Questions see A1.VII)

1. Licensing is issuing only for the single importation.

2. No penalty for non-utilization of the licence.

3. Licences are not transferable between importers.

4. No additional conditions attached to the issue of a licence.

### **VIII. Other Procedural Requirements**

(Questions see A1.VIII)

1. An enterprise holding a licence must inform the local agency of environmental protection after importation of used tyres has taken place. Then the imported tyres must be checked for quality.
2. No limitations on the provision of foreign exchange. Licence is not required as a condition for obtaining foreign exchange.

#### **C1. SYSTEM OF IMPORT UNDER GENERAL TARIFF RATE QUOTAS**

See the answer to Question 201 (WT/ACC/LTU/7).

#### **C2. SYSTEM OF IMPORT LICENSING TO IMPLEMENT TARIFF RATE QUOTAS UNDER FTA-S**

See the answer to Question 201 (WT/ACC/LTU/2).

## ATTACHMENT

**Goods meant for civil purpose (for national security concerns), import, export or transit of which across the territory of the Republic of Lithuania without a licence is prohibited:**

No	HS Code	Items
1.		special purpose audio, video, digital signal broadcasting equipment and its components functioning by means of:
1.1.	ex 85.25	telecommunication network and radio waves
1.2.	ex 90	light and infra-red rays
1.3.	ex 85.25	ultrasound, sound
2.		special purpose audio, video, digital signal broadcasting equipment and its components functioning by means of:
2.1.	ex 85.27	telecommunication network and radio waves
2.2.	ex 90	light and infra-red rays
2.3.	ex 85.27	ultrasound, sound
3.		special purpose reception-transmission equipment functioning by means of light and infrared rays:
3.1.	ex 90.05	night vision device
3.2.	ex 8525.30	thermvision device
3.3.	ex 90 or ex 85.27	laser signal reading devices
4.	85.26	devices used for detection of devices indicated above in No_1, 2 and 3
5.	ex 8525.10	radio search system devices
6.	85.26	radiolocation equipment
7.	85.26	radionavigation equipment
8.	8526.92	remote central radio wave equipment except toys that are controlled by means of radio waves the capacity of which does not exceed 10_mW
8.1.	8526.92	security and remote control radio devices
9.	ex 85.31	electronic and mechanic security devices neutralization equipment
10.	ex 83.01	electronic and mechanic lock opening devices
11.	85.26	radio direction finder system
12.	85.26	equipment capable of searching devices indicated in this list No_6 and No_7
13.	ex 85.27	reception equipment meant for radiotelephone and radiotelegraphic communication as well as for radio broadcasting, installed in one case and combination with sound recorder and sound reproduction devices or a block; radio sets capable of functioning without the net-feeding source including the equipment capable of receiving radiotelephone and radiotelegraph signals.

No	HS Code	Items
14.	ex 85.27	radio sets not capable of functioning without net-feeding source the type of which is used in transport vehicles, including the equipment which is capable to receive radiotelephone and radiotelegraph signals
15.	ex 85.27	other radio sets including the equipment which is capable to receive radiotelephone and radiotelegraph signals
16.	8531.10.80	centralized security systems
17.	9303.00.00	signal pistols and devices
18.	3604.90.00	signal reactive cartridges
19.	ex 6506.10	special purpose helmets
20.	ex 6307.20.00	armoured vests
21.	ex 7326.90.98	metallic shields
22.	ex 3926.90.99	plastic shields
23.	9304.00.00	rubber batons
24.	8301.40.90	handcuffs
25.	9306.90.90	tear-gas grenades
26.	9306.90.90	smoke grenades
27.	9303.20; 9303.30	hunting guns
28.	9303.20; 9303.30	sporting guns
29.	9303.10.00	special purpose smoothbore rifles
30.	9304.00.00	pneumatic guns
31.	ex 93.05	spare parts of guns indicated above in No_27-30
32.	ex 93.06	cartridges for hunting, sporting and special purpose guns
33.	9506.99.90	arbalests and their arrows
34.	3602.00.00	explosive materials used for construction, ground exposures and geological work
35.	3602.00.00	civil purpose pyrotechnics
36.	ex 9009.22.90	coloured copying machines
37.	9304.00.00	more than 2 gas pistols (revolvers), more than 4 cartridges sets for them
38.	9304.00.00	more than 2 gas sprayers



**INFORMATION ON IMPLEMENTATION AND  
ADMINISTRATION OF THE CUSTOMS VALUATION AGREEMENT**

The principles of the Lithuanian customs valuation system are specified in Article 10 of the Law on Customs Tariffs which was adopted on 27 April 1993. Those principles are currently implemented in accordance with the Government Resolution No.449 (16 June 1993) "On Approval of the Order of Customs Valuation of Goods", which in general complies with the provisions of the GATT 1994 Agreement on Implementation of Article VII ("GATT 1994 Agreement"), and which includes transaction value as the primary method for valuing goods, although some of the provisions of the GATT 1994 Agreement are missing. However, the Parliament is now considering the Government's draft of a new Customs Code which is intended to provide a single legal basis for the administration of Lithuania's customs regime; once the Code is adopted, its provisions dealing with customs valuation will replace the Government Resolution No.449 and the relevant provisions of the Law on Customs Tariffs. These new provisions of the Customs Code will fully incorporate the provisions of the GATT 1994 Agreement. Orders of the Customs Department referenced below are largely procedural in nature, are likely to remain in place even after adoption of the new Customs Code.

**1. Questions concerning Article 1:**

**(a) Sales between related persons:**

**(i) Are sales between related persons subject to special provisions?**

Under the Government Resolution No.449, paragraph 5, Lithuania requires the importer of goods being valued to indicate in the value declaration submitted to customs' authorities whether a sale between related persons is taking place. Under this same Resolution, persons are deemed to be "related" in the cases specified under Article 15, paragraph 4 of the GATT 1994 Agreement. Otherwise, there are no special procedures except those which appear in Article 1.2 (b) of the WTO Agreement (see answer (iv) below).

**(ii) Is the fact of intercompany prices prima facie considered as grounds for regarding the respective prices as being influenced?**

No. However, under Order of the Customs Department No.383 (7 August 1995) ("Filing of Value Declaration and Related Customs Formalities"), the customs' authorities decide whether to accept the declared transaction value only after examining the circumstances of the sale and comparing the value in question with values considered as uninfluenced. This is the procedure followed unless the customs' authorities have previously examined the relationship between a particular buyer and seller, in which case the customs' authorities also will take that previous analysis into account.

**(iii) What is the provision for giving the communication of the above-mentioned grounds in writing if the importer so requests? (Article 1.2 (a))**

Under Declaration No.383, if the transaction value is not accepted by the customs' authorities because of the relationship between the buyer and the seller, the grounds for non-acceptance shall be stated in the corresponding value declaration (in the box "For official use").

**(iv) How has Article 1.2 (b) been implemented?**

Under the Law on Customs Tariffs, if the import of goods involves a sale between related persons, the Lithuania customs' authorities examine the circumstances of the sale to determine whether the relationship affected the declared price. If it is clear that the relationship did not affect the price, then the declared value (the transaction value) is used for valuing the imports. The transaction value also is accepted if it closely approximates: the transaction value in sales to unrelated buyers of identical or similar goods for export to the same country of importation; the customs value of identical or similar goods as determined under the provisions of Article 5 of the GATT 1994 Agreement; or the customs value of identical or similar goods as determined under the provisions of Article 6 of the GATT 1994 Agreement.

**(b) Price of lost or damaged goods:**

**Are there any special provisions or practical arrangements concerning the valuation of lost or damaged goods?**

The only special regulation of such kind adopted by the Customs Department regulates the valuation of used cars which are imported in a damaged state. Under Regulation No.577 (18 December 1995) ("Order Concerning Imported Damaged Automobiles"), the repair costs of the car are taken into account in determining the decrease in value attributable to the damage. Also, if the transaction value cannot be used, the imported goods are valued taking into account the minimum market prices for automobiles as set by the Competition Office of the Agency of Consumers Rights Protection and Competition.

**2. How has the provision of Article 4 to allow the importer an option to reverse the order of application of Articles 5 and 6 been implemented?**

Under the Government Resolution No.449, paragraph 8, the importer may reverse the order of application of the methods "value of identical or similar imported goods sold within the customs territory of Lithuania to persons not related to the sellers" with "computed value." This provision may be invoked by the importer when the transaction value is not accepted by customs' authorities.

**3. How has Article 5.2 been implemented?**

Under the Government Resolution No.449, paragraph 8, if the importer so requests, the customs value may be based on the value of processed imported goods sold within the customs territory of Lithuania to persons not related to the sellers. The value added by such processing and the costs referred to in paragraph 1 (a) of the GATT 1994 Agreement shall be deducted from the value of the above mentioned processed goods.

**4. How has Article 6.2 been implemented?**

No special provisions concerning the implementation of Article 6.2 have been adopted in Lithuania. However, all information supplied by the producer of the goods for the purposes of determining the customs value shall be deemed as confidential and used only for customs valuation purposes. If information of such kind is supplied by the customs authorities of another country, Lithuania applies the provisions of existing agreements on mutual assistance in customs matters.

**5. Questions concerning Article 7:**

**(a) What provisions have been made for making value determinations pursuant to Article 7?**

The only current provision concerning the application of Article 7.1 states that the results of application of previous valuation methods are to be applied for purposes of determining the customs value. However, the provisions on customs valuation in the draft Customs Code under consideration by Parliament will fully comply with the provisions of Article 7.1.

**(b) What is the provision for informing the importer of the customs value determined under Article 7?**

No special provisions concerning the implementation of Article 7.3 have been adopted in Lithuania. However, under the Article 8 of the Customs Law, the customs' authorities shall supply information to natural and legal persons about the implementation of laws and other legal acts administered by these authorities.

**(c) Are the prohibitions found in Article 7.2 delineated?**

The prohibitions found in Article 7.2 are not currently included in Lithuanian legislation; however, they are included in the provisions on customs valuation in the draft Customs Code under consideration by Parliament.

**6. How have the options found in Article 8.2 been handled? In the case of f.o.b. application, are ex-factory prices also accepted?**

In accordance with Government Decision No.449, paragraph 2, the costs referred to in Article 8.2 shall be added to the price actually paid or payable for the imported goods to the extent that such costs have not been included in the price. In the case of f.o.b. application, ex-factory prices are not accepted.

**7. Where is the rate of exchange published, as required by Article 9.1?**

The official rate of exchange used for determination of customs value is determined and published by the Lithuania's Central Bank (the Bank of Lithuania) in all daily newspapers.

**8. What steps have been taken to ensure confidentiality, as required by Article 10?**

Currently, the confidentiality of personalized data supplied to customs is ensured according to the Statistics Law. However, the new draft Customs Code being considered by the Parliament includes special provisions concerning confidentiality of all information which is by nature confidential, or which is provided on a confidential basis to customs' authorities.

**9. Questions concerning Article 11:**

**(a) What rights of appeal are open to the importer or any other person?**

Pursuant to the Article 6 of the Customs Law, natural and legal persons have a right to appeal against decisions taken by officials of customs offices to the Customs Department. If they are not satisfied, they may appeal the decision made by the Customs Department to the District Court. A Chapter on "Appeals" is included in the new draft Customs Code being considered by the Parliament and provides detail on this issue.

**(b) How is he to be informed of his right to further appeal?**

The right to further appeal to the District Court is provided by the Civil Process Code of the Republic of Lithuania, and this provision is included in the new draft Customs Code now being considered by the Parliament.

**10. Provide information on the publication, as required by Article 12, of:**

- (a)(i) the relevant national laws;**
- (ii) the regulations concerning the application of the Agreements;**
- (iii) the juridical decision and administrative rulings of general application relating to the Agreement;**
- (iv) general or specific laws being referred to in the rules of implementation or application.**

All Lithuanian laws and regulations, including those concerning customs valuation, are published in the official newsletter "Valstybes ziniuos" ("State News"). Moreover, all administrative rulings of general application adopted by the Customs Department are published in this newsletter.

**(b) Is the publication of further rules anticipated? Which topic would they cover?**

As noted above, the Parliament is now considering a new draft Customs Code which includes provisions on customs valuation which repeat, verbatim, the GATT 1994 Agreement. In addition, it is possible that the Customs Department may issue from time-to-time new administrative orders concerning customs valuation.

**11. Questions concerning Article 13:**

**(a) How is the obligation of Article 13 (last sentence) being dealt with in the respective legislation?**

Under the Government Resolution No. 1090 (8 November 1994) ("Regulating the Application of Customs Procedures for Importation for Home Use and for Non-Returnable Exports"), the importer is able to withdraw goods from customs if a sufficient guarantee (equal to the largest customs duty) is provided. The period of time for presentation of declaration and/or other necessary documents is fixed and, if necessary, extended by the customs' authorities.

**(b) Have additional explanations been laid down?**

No.

**12. Questions concerning Article 16:**

**(a) Does the respective national legislation contain a provision requiring customs authorities to give an explanation in writing as to how the customs value was determined?**

Under Article 8 of the Customs Law, Customs shall supply to natural and legal persons all information concerning the implementation of laws and other legal acts administrated by the customs' authorities. This obligation also is included in the provisions concerning customs valuation in the new draft Customs Code now being considered by Parliament.

**(b) Are there any further regulations concerning an above-mentioned request?**

No.

**13. How have the Interpretative Notes of the agreement been included?**

Some of the Notes are included in Order No. 176 on Customs Valuation (1 July 1993). Lithuania plans to include the most important Interpretative Notes of the Agreement into the new draft of Customs Code.

**14. How have the provisions of the Decision of 26 April 1984 on the Treatment of Interest Charges in the Customs Value of imported Goods (Val/6/Rev.1) been implemented?**

No special provisions concerning that Decision have been adopted although the legal acts for implementing the new draft of Customs Code will address this issue.

**15. For those countries applying paragraph 2 of the Decision of 24 September 1984 on the Valuation of Carrier Media Bearing Software for Data Processing Equipment (Val/8), how have the provisions of this paragraph been implemented?**

This paragraph is not applied in Lithuania although the legal acts for implementing the new draft of Customs Code will address this issue.

## INFORMATION ON TECHNICAL BARRIERS TO TRADE

### **Background note on Questionnaire on TBT**

As an economy in transition, Lithuania is in the process of replacing the standards system that existed before the reestablishment of independence (the GOST system in which all standards are mandatory - in effect technical regulations under the WTO Agreement on Technical Barriers to Trade) with a new system of voluntary standards and mandatory technical regulations. Standards in the areas of hygiene and household electrical appliances and electronic appliances are always adopted as mandatory technical regulations; other standards are implemented as voluntary except when the Lithuanian Government or other governmental institution determines that they should be mandatory. In practice, the old GOST standard remains until it is replaced with a new standard.

The Lithuanian Standardization Council (see attached membership list) is responsible for coordinating a strategy for the development of a new system of standards including metrology and conformity assessment procedures. It approves long-term programs for the preparation of standards, etc. Lithuania is currently engaged in implementation of a long-term priority program for 1996-1999 to bring its standards and conformity assessment procedures in line with international and EU standards.

The Lithuanian Standards Department (Board) (an executive power institution) is responsible for formulating short-term programs for the preparation of draft standards within the long-term program. The technical committees of the Lithuanian Standards Department (Board) (see attached list of 38 members; may be expanded as needed; includes participants from Ministries, companies and consumer organizations) are tasked with the actual drafting of standards which are then sent back to the Lithuanian Standards Department (Board) for approval. When drafting and adopting Lithuanian standards, preference is given to ISO, IEC, ITU, CEN, CENELEC and ETSI standards where possible. If no international or EU standards exist (for example, in the area of processed agricultural products), the technical committees formulate national standards.

To provide a rough description of the anticipated short-term program for 1996: it will result in the implementation of 19 new standards which are identical with ISO standards; 14 which are identical with ETSI standards; 19 which are identical with IEC standards; 7 which are identical with EN/ISO standards; 13 which are identical with EU standards; 9 which are based on ISO standards; and approximately 15 Lithuanian national standards. The standards cover substantive areas as well as provision of public information and certification issues.

Lithuania is taking additional steps as possible to ensure that its system is in line with international norms. Lithuania is a correspondent member of ISO; a "registrating" member of the IEC; and will become a member of ETSI sometime this year. Lithuania is paying close attention to the ISO/IEC Guide 21, "Adoption of International Standards in National Standards", ISO/IEC Guide 3, "Identification of Standards Which are Equivalent to International Standards," and other ISO/IEC Guides which provide suggestions for incorporating international standards into national systems. Lithuania will benefit from ISO seminars in 1996 which will explain in more detail how systems of mandatory and voluntary standards can co-exist.

Lithuania also has signed mutual recognition agreements with Belarus, Russia and is negotiating agreements with Poland, the Czech Republic and Slovakia.

### **Membership in the Council for Standardization**

1. Ministry of Industry and Trade
2. Ministry of Public Administration Reforms and Municipalities
3. Lithuanian Standards Department (Board)
4. Ministry of Defense
5. Ministry of Construction and Urban Development
6. Ministry of Forestry
7. Ministry of Transportation
8. Ministry of Social Security and Labour
9. Ministry of Agriculture
10. Ministry of Energy
11. Ministry of Environmental Protection
12. Ministry of Finance
13. Ministry of the Interior
14. Ministry of Communications and Informatics
15. State Agency of Consumers Rights Protection and Competition
16. Lithuanian Academy of Science
17. Lithuanian Council of Science
18. Kaunas Technological University
19. Association of Lithuanian Producers
20. Confederation of Lithuanian Industrialists
21. Ministry of Health

### **National Committee**

1. National Electrotechnical Committee

### **Technical Committees**

1. Radioelectronical engineering
2. Milk and milk products
3. Meat and meat products
4. Information technology
5. Electrical engineering
6. Canned fruits and vegetables
7. Coatings
8. Electromagnetic compatibility
9. Furniture
10. Veterinary
11. Fermentation products
12. Vehicle roads
13. Agricultural engineering
14. Design systems
15. Cereal and cereal products
16. Chemical analysis
17. Wood
18. Radio-communications
19. Concrete and reinforced concrete
20. Toys
21. Textiles

22. Fire safety
23. Ceramics
24. Quality
25. Matrix and silicate ware
26. Thermal insulation materials
27. Bread and confectionery
28. Gases
29. Water supply
30. Technical drawings
31. Acoustics
32. Health
33. Fishery
34. Metrology
35. Work Safety
36. Environmental Protection.

### **INFORMATION ON TECHNICAL BARRIERS TO TRADE**

**1. Description of relevant laws, regulations, administrative orders, etc., relating to implementation and administration of technical barriers to trade. All necessary references should be provided.**

- Government Resolution “On Means to Improve Foreign Trade Regulation and Export Development” (10 January 1995) provides basis for Lithuanian Standards Department (Board) to execute program to bring Lithuanian standards into conformity with international and European norms.
- Orders of the Lithuanian Standards Department (Board) to establish the Lithuanian Standard Council and to establish technical committees to formulate draft standards and certification procedures.
- Law on Metrology has been prepared and submitted to Seimas (Parliament) for approval.
- Law on Standardization is under preparation.
- Law on Conformity Assessment Procedures is under preparation.
- Resolution of Lithuanian Standards Department (Board) No.63 “Marking and Trade of Metrologically Legalized Measuring Instruments” (6 October 1994) provides metrologically legalized measuring instruments in Lithuania and defines the procedure for its marking and trade. Producer of measuring instruments must mark the set form type with the confirming sign. In special order cases the measuring instruments (which are included in the register) may be used without the type confirming sign. Trade by the measuring instruments which are used in the areas of health protection; environmental ecological conditions; labour safety; foodstuffs quality; and quality and quantity of goods, energy and service (except for household use) is possible only in the case if they are included in the register of measuring instruments of Lithuania. The list of measuring instruments which must be included into such register is confirmed by the Lithuanian Standards Office (Board). The signs (stamps, seals or sticks) of measuring instruments cannot be broken, otherwise the certificate of initial verification is necessary.



- Government Resolution No.196 “Concerning Measuring Unity Assurance” (26 March 1992) provides basic regulations for assurance of measuring instruments. Results of measuring shall express international units of measurement. The potential exists for Lithuania to recognize as appropriate other countries’ certification of measuring instruments. Regular examination of measuring instruments, their periodical verification and measuring methods will be confirmed by the order of Lithuanian Standards Department (Board).
- Order of Technical Supervision Agency of the Ministry of Social Security and Labour, Lithuanian Standards Department (Board) and Ministry of Public Administration Reforms and Municipalities No.23/107 “On Consideration of Imported Potentially Dangerous Equipment” (23 June 1995). The Order provides certification procedure for the legalization of usage of the imported dangerous equipment in Lithuania. Obligatory certification is applied to the following dangerous equipment: steam boiler; water heat boiler and their equipment; gas, hot water network of pipes; pressure capacity; equipment for war gas production, storage, conveyance and usage; combustible fluid, explosive, dangerous materials; cranes and elevators, driving attractions; etc. Entities wishing to obtain a certification must submit application to the Technical Supervision Agency. Certificate will be granted not later than 30 days from the date of receipt of appropriate materials. Certificate is issued for no longer than 3 years. The Order also provides for supervision of production, assembly, reconstruction and repair of components and materials which may be dangerous.
- Regulation No.1 of the Ministry of Energy “Imported Household Equipment which Operates with Gas” (27 May 1994) requires testing of such equipment, either in Lithuanian labs or through recognition of exporting countries’ testing methods. Lithuanian state enterprise “Lietuvos Dujos” (Lithuanian Gas) issues certificates for importation which are valid 3 years. Trade, installation and operation of equipment is possible if the product to be imported is included to the register of equipment which operates using gas.
- Order No.160/144 of the Ministry of Industry and Trade, Lithuanian Standards Department (Board) and Ministry of Public Administration Reforms and Municipalities “Certification of Imported Electronics for Household and General Use” (29 June 1995) establishes certification methods for imported electronics for household and general use. Within two weeks of application, the certification office presents its decision concerning possible certification and on the basis of test results presents certificate. Certificates may be issued without additional testing of equipment if they have been previously certified by other importers.

Lithuania recognizes foreign countries certificates after their inclusion to the Lithuania’s register.

Import of electronic sound and signalling equipment also requires permission of the state Radio Frequencies Agency.

- Order of Head Physician Hygienist of Lithuania and Lithuanian Standards Department (Board) “Concerning Non Foodstuffs Hygienical Estimation” (30 October 1995). Hygienical estimation confirms a permission issued after testing by the Social Health Centre. The Order is not applied to the products requiring hygienical registration: disinfecting, cleaning, washing means, pesticides, medical cosmetics, etc.
- Order No.42/25/107 of the Ministry of Industry and Trade, Lithuanian Standards Department (Board) and the Ministry of Health “Concerning Marking of Goods Produced in Lithuania and Imported to Lithuania” (23 February 1995). This rule defines goods marking requisites (except medicine and medical materials). Goods must include the following mandatory marks:

the name of product; sign of declared normative document and producers name and address. Additional requirements for separate groups of goods: special signs and bands for tobacco products and alcohol beverages; fibre or textile composition for clothing, knitted fabrics and haberdasher's products; goods care symbols for clothing, knitted products; measures and parameters for foot-wear, clothing, etc.; destination and instructions on usage for foodstuffs, chemical products, cosmetics, sports equipment, radioelectronics, photo goods, toys, fertilizer and construction material.

- Lithuanian Standards Department (Board) Order No.50 "Concerning the Implementation of International and European Standard Documents" (18 October 1994).
- Order No.13/80 of the Ministry of Construction and Urban Development and Lithuanian Standards Department (Board) "On Certification of Construction Materials, Products and Construction" (17 December 1993). The Order establishes certification for construction materials, and makes it necessary to obtain quality certification from Lithuanian test centres and laboratories to import construction materials. Lithuanian institutions recognize documents issued by foreign countries' analogical institutions.
- Government Resolution No.474 "Concerning Certification of Household Electrical Engineering Appliances" (22 June 1992) requires certification for electrical engineering devices. Lithuania recognizes other countries certification documents.
- Order No.93 of the Ministry of Communications and Informatics "Certification Rules of Imported Radio-Communication Equipment and Telephone, Telegraph Network Equipment" (04 December 1995) establishes certification procedures for imported radio equipment and terminal equipment connected to the general telephone and telegraph network. Entities wishing to obtain certification must submit application with the required documents to the Radio Frequency Agency. The Order requires testing either in Lithuanian labs or through recognition of exporting countries testing methods. Radio Frequency Agency upon the presented test protocols, issues certification documents within seven days. Certification permissible if the equipment is included in the register of the Radio Frequency Agency. Certification is valid for a period of 3 years. The validity of certification may be suspended when new standards have come into force. Notification about new standards shall be announced by the Radio Frequency Agency before six month.

## **2. Information regarding:**

### **(a) names of publications, if any, on work relating to draft technical regulations or standards and procedures:**

As of 1 January 1996, the Lithuanian Standards Department (Board) began to publish information on draft standards and conformity assessment procedures (along with contact addresses) in its periodical bulletin. All of these standards are voluntary unless a particular Ministry requests that they be declared mandatory -- technical regulations. The only exceptions are standards for hygiene and household electrical appliances and household electronic equipment -- these are always adopted as mandatory. Also see answer to 2.b.

All information on technical regulations is published in the "State News."

**(b) the name and address of the enquiry point(s) foreseen in Articles 10.1 and 10.3 of the WTO Agreement on Technical Barriers to Trade (the Agreement) with an indication whether it is/they are fully operational.**

The Lithuanian Standards Department (Board) must present proposals in the first quarter of 1996 for the establishment of an information centre on standards. This is necessary to implement an EU Directive but also would satisfy the requirements of the WTO Agreement regarding the establishment of an enquiry point.

Currently information is provided through three channels:

Technical Supervision Agency of the Ministry of Social Security and Labour  
Naugarduko 41  
2600 Vilnius  
Lithuania

Hygiene Centre  
Didzioji 7  
2001 Vilnius  
Lithuania

Quality Inspection of the Consumers Rights Protection Association  
Gedimino 19  
2025 Vilnius  
Lithuania

**(c) the name and address of the agency dealing with consultations as foreseen in Article 14 of the Agreement:**

The Ministry of Foreign Affairs (consulting with the Lithuanian Standards Department (Board))  
Economic Department  
Tumo-Vaizganto 2  
Vilnius  
Lithuania

**(d) the name and address of agencies that are dealing with other specific functions foreseen in the Agreement:**

The Lithuanian Standards Department (Board)  
A. Jaksto 1/25  
2600 Vilnius  
Lithuania

Hygiene Centre  
Didzioji 7  
2001 Vilnius  
Lithuania

Technical Supervision Agency of the Ministry of Social Security and Labour  
Naugarduko 41  
2600 Vilnius  
Lithuania

Radio Frequent Agency of the Ministry of Communications and Informatics  
Algirdo 27  
2006 Vilnius  
Lithuania

Ministry of Industry and Trade  
A. Vivulskio 11  
2693 Vilnius  
Lithuania

**(e) the scope of responsibility of the central government authorities in the area of notification requirements foreseen in Article 10.11 of the agreement and of individual government authorities, if the responsibility is divided among two or more such authorities:**

These responsibilities will be delegated to the Lithuanian Standards Department (Board).

**(f) measures and arrangements to ensure that national and sub-national authorities preparing new technical regulations or substantial amendments to existing ones, provide early information on their proposals:**

In general, no such measures or arrangements are currently in place for technical regulations since, as mentioned above, draft standards only become mandatory at the request of a particular Ministry, with the exception of the two areas of hygiene and electrotechnical standards, which always are adopted as technical regulations. However, for the preparation of new standards according to EU directives (some of which will be adopted as technical regulations), the Ministry of Foreign Affairs coordinates the process and together with Lithuanian Standardization Department (Board) provides early information on new technical regulations.