

Consolidated version valid as of 01 July 2015

**REPUBLIC OF LITHUANIA
LAW ON FOOD**

4 April 2000 No VIII-1608

Vilnius

(As last amended on 18 December 2014 No XII-1491)

**CHAPTER ONE
GENERAL PROVISIONS**

Article 1. Purpose of the Law

1. This Law shall lay down the requirements for food placed on the market and its handling, the competence of state institutions and public organisations for the protection of consumers' rights in ensuring food safety; it shall also regulate duties and liability of food business entities, producers and suppliers of materials and articles intended to come into contact with food. The provisions of this Law have been harmonized with the legal acts of the European Union listed in the Annex to this Law.

2. The purpose of this Law is to ensure that:

1) food placed on the market, materials and articles intended to come into contact with food meet safety requirements laid down by this Law and other legal acts;

2) food meets international requirements for the free movement of goods, a Lithuanian food producer could increase the export of his goods to other countries, and food produced in Lithuania could compete more effectively on the international market;

3) production of ecological agricultural products, healthy nutrition of the Lithuanian population should be promoted and their health conditioned by food and nutrition should be improved.

Article 2. Definitions

1. **Food** as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (hereinafter: 'Regulation (EC) No 178/2002').

2. **Nutrients** shall mean food components necessary for the human organism (proteins, fats, carbohydrates, vitamins, minerals and other substances, also special food supplements - vitamins, minerals and other substances).

3. **Articles and materials intended to come into contact with food** shall mean articles and materials that are intended to come into contact with food and are subject to Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ 2004 L 338, p. 4), as last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 (OJ 2009 L 188, p. 14) (hereinafter: 'Regulation (EC) No 1935/2004').

4. **Food hygiene** shall mean conditions and means necessary to ensure the safety of food and its suitability for human consumption during the process of handling.

5. **Food handling** shall mean any impact upon food or any actions involving food or its components (food production, preparation, treatment, packaging, storage, transportation, distribution, supply and delivery for sale and sale) that may influence food safety, quality and nutritional value.

6. **Food handling entity** shall mean any establishment (including territory, buildings and any vehicle) of public or private legal persons where food is handled.

7. **Food additives** shall mean any substances which, although usually not considered food or any part of it, are nevertheless put into the food for the technological purposes during food handling and which themselves or their components eventually become or presumably become an integral part of food.

8. **Food business entity** shall correspond to the term 'food business operator' and shall have the same meaning as defined in Regulation (EC) No 178/2002.

9. **Producer of materials and articles intended to come into contact with food** shall mean a natural or legal person established in accordance with the procedure laid down by legal acts of the Republic of Lithuania, producing materials and articles intended to come into contact with food that are subject to Regulation (EC) No 1935/2004.

10. **Supplier of materials and articles intended to come into contact with food** shall mean a natural or legal person established in accordance with the procedure laid down by

legal acts of the Republic of Lithuania, placing materials and articles intended to come into contact with food on the market that are subject to Regulation (EC) No 1935/2004.

11. **Safety** shall mean the totality of requirements laid down by this Law and other legal acts for food properties and its handling, ensuring that the consumption of food under normal conditions established by the producer or reasonably foreseeable conditions of use, including long durability, does not present any risk or only the minimum risks for consumers' health or life, or that it will not be higher than that established by legal acts as acceptable and consistent with a high level of protection for the safety of consumers.

12. **Final consumer** (hereinafter: 'consumer') as defined in Article 3(18) of Regulation (EC) No 178/2002.

13. **Quality** shall mean the totality of food properties which meet consumer's concrete needs that can reasonably be expected, and which meets safety and other compulsory requirements set in legal acts.

14. **Foodstuffs for particular nutritional purposes** shall mean food which due to its specific composition and ways of handling, differs from the conventional food and is intended to meet special nutritional needs arising out of the specific physical and physiological state of a consumer and conforms to declared special purposes. It shall be marked and placed on the market in the way indicating the group of consumers the product is intended for.

15. **Hazard analysis and critical control points** shall mean a system of establishment, evaluation and management of biological, chemical and physical factors which may influence safety of food, applicable in food handling premises for self-control purposes.

16. **Contaminant** shall mean any non-food product of chemical or biological origin which has found its way into food by accident or has been put into food or any other object, with the exception of food additives, which have come to appear in the process of handling, or due to environmental pollution and which may harm the safety of food or make the food unsuitable for consumption.

17. **Placing on the market** as defined in Article 3(8) of Regulation (EC) No 178/2002.

18. **Primary production** as defined in Article 3(17) of Regulation (EC) No 178/2002.

19. For the purposes of this Law, the term 'the state food control' shall correspond to the term 'official control' and shall have the same meaning as defined in Article 2(1) of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 29 April 2004 (OJ 2004 *special edition*, Chapter 3, Volume 45, p. 200) regarding official control that is performed in order to ensure verification of compliance with feed and food law, animal health and animal welfare rules.

20. **Energy drink** shall mean a non-alcoholic beverage containing caffeine, from whatever source, in a proportion in excess of 150 mg/l or caffeine in a proportion in excess of 150 mg/l and one or more substances which stimulate the central nervous system (glucuronolactone, inositol, guarana alkaloids, ginsenosides, ginkgo extract, taurine, etc.). Energy drinks may also contain carbohydrates, vitamins, minerals, amino acids, food additives, fruit juices and plant extracts.

21. **Recall** shall mean measures which aim to ensure the recall of unsafe food or materials and articles in contact with food that a food business entity or producer and (or) the supplier of materials and articles in contact with food provided to the consumer or the consumer may already use them.

22. **Withdrawal** shall mean measures which aim to withdraw unsafe and uncontrolled food or materials and articles intended to come into contact with food that a food business entity or producer and (or) the supplier of materials and articles intended to come into contact with food placed on the market, with the exception of food or material/materials and article/articles intended to come into contact with food that consumers already have.

Article 3. Scope of the Law

1. This Law shall be applied to legal and natural persons handling and/or placing food, materials and articles intended to come into contact with food on the market, as well as to state institutions conducting surveillance and control of the safety, quality and handling of food, articles and materials that come into contact with food. The provisions of this Law cannot restrict placing of food, materials and articles intended to come into contact with food on the market, if this food, materials and articles intended to come into contact with food are legally produced and placed on the market in one of the Member States of the European Union and (or) European Economic Area and meet their equivalent safety, quality and handling requirements.

2. This Law shall not apply to:

1) foodstuffs in transit through the territory of the Republic of Lithuania, with the exception of cases where transit goods may cause damage to public health or a threat of contagious animal diseases;

2) primary production for private domestic use, food for private domestic consumption or handling of food for private domestic consumption;

3) food placed on the market prior to the coming into force of this Law.

CHAPTER TWO

REQUIREMENTS FOR FOOD AND ITS HANDLING

Article 4. Basic Requirements for Safety, Quality and Handling of Food

1. Food, materials and articles intended to come into contact with food that are placed on the market must meet safety, quality and handling requirements provided for by this Law and other legal acts. Safety of food shall be determined in accordance with the criteria provided for in Article 14 of Regulation (EC) No. 178/2002. Safety of materials and articles intended to come into contact with food shall be determined in accordance with the criteria provided for in Article 3(1) of Regulation (EC) No 1935/2004.

2. Food and materials and articles intended to come into contact with food must meet the following basic requirements:

1) food must be of such composition and quality which makes it suitable for human consumption; it must not be contaminated with chemical, physical, microbial and other contaminants more than is permitted by legal acts; it must also be in conformity with the mandatory safety and quality requirements;

2) only food additives and food substances permitted by legal acts and complying with the established requirements for the quantity, purity and use as well as other requirements may be added to food;

3) the competent authority may impose requirements applicable to a specific food group with regard to its composition or quality which are in compliance with international provisions when it is necessary for reasons of public health or nutrition;

4) only materials and products not hazardous to human health and permitted by legal acts may be used for packaging of food or come into contact with it;

5) food and articles in contact with food must comply with the labelling requirements laid down by legal acts.

3. At all stages of its preparation and sale to the consumer (“from the field to the table”) food must be handled in accordance with the following requirements laid down in this Law and other legal acts:

1) handling of food is allowed only if it meets food hygiene, public health, veterinary and environmental protection requirements laid down in this Law and other legal acts and if there is appropriate equipment in conformity with hygiene and technology requirements;

2) hazard analysis and critical control points must be present at food handling entities and appropriate laboratory tests must be carried out in order to ensure self-control of food safety and handling;

3) persons handling food must meet the health requirements laid down by legal acts and undergo obligatory hygiene training in accordance with the procedure established by the

Ministry of Health;

4) food handling may only be carried out in food handling places certified in accordance with the procedure established by the State Food and Veterinary Service and coordinated with the Ministry of Health and which hold the certificates of food business entities.

Article 5. Consumer information requirements

1. Consumers must be provided true information about food. It shall be prohibited:

1) to mislead the customer as to the food description with regard to its nature, identity, properties, composition, quantity, durability, origin, handling, use and storage conditions;

2) to attribute to the food the properties which it does not possess, as well as the properties of treating or preventing a disease;

3) to suggest that the food possesses special characteristics;

4) to mislead consumers in any other manner.

2. The information available to the State Food and Veterinary Service and other competent authorities, food business entities or producers or suppliers of materials and articles intended to come into contact with food about risk posed by food, materials and articles intended to come into contact with food to consumer health and safety must be made public.

3. The State Food and Veterinary Service and other competent authorities, taking into account the risks and the possible reasons due to which the food, materials and articles intended to come into contact with food can pose risk to human health, shall, without prejudice to the requirements of the European Union and national legislation, take the necessary steps to ensure that consumers are informed about food, materials and articles intended to come into contact with food, their type, risk and measures taken or to be taken to prevent, reduce or eliminate that risk.

Article 6. Restrictions on the Placing on the Market of Food and Other Similar Products

1. It shall be prohibited to place on the market food when it or its packaging contains things other than food, with the exception of cases when such things are necessary for food handling or consuming, if such things could endanger health and life of consumers, in particular children.

2. It shall be prohibited to place on the market products which resemble food in form, odour, colour, appearance, labelling, packaging, size or in any other way to such an extent that

it is likely that consumers, especially children, will confuse them with foodstuffs and their consumption could endanger their health or life.

Article 6¹. Restrictions on the Sale of Specific Foodstuffs

It shall be prohibited to sell, purchase or otherwise transfer energy drinks to persons under the age of 18. The salespersons of energy drinks shall have the right to and, when doubts arise that a person is younger than the age of 18, must require from the person purchasing energy drinks to present a document proving his identity. Should such a person fail to produce a document proving his identity, the salespersons of energy drinks must refuse to sell him the energy drinks.

Article 7. Liability of food business entities, producers and suppliers of materials and articles intended to come into contact with food

1. Food business entities and producers or suppliers of articles and materials intended to come into contact with food must place safe food and materials and articles intended to come into contact with food on the market.

2. On becoming aware that food or materials and articles intended to come into contact with food may be unsafe, food business entities or producers or suppliers of articles and materials intended to come into contact with food must immediately discontinue their placing on the market, inform consumers, the State Food and Veterinary Service, and take other relevant actions to eliminate the risk to consumer health.

3. Food business entities or producers or suppliers of articles and materials intended to come into contact with food must comply with the requirements established in this Law and other legal acts, orders and instructions of the State Food and Veterinary Service.

4. Food business entities or producers or suppliers of articles and materials intended to come into contact with food must fulfil other duties established in this Law and other legal acts regulating quality and safety of food, articles and materials intended to come into contact with food, as well as provision of mandatory information about them.

5. Food business entities or producers or suppliers of articles and materials intended to come into contact with food who violate the requirements of this Law and other legal acts shall be liable under this Law and other laws.

6. Food business entities or producers or suppliers of articles and materials intended to come into contact with food shall compensate the damages incurred by the consumer due to inadequate safety or quality of food and articles and materials intended to come into contact with food in the manner prescribed by the Civil Code of the Republic of Lithuania.

CHAPTER THREE
THE POWERS OF STATE ADMINISTRATION INSTITUTIONS AND PUBLIC
CONSUMER RIGHTS PROTECTION ORGANISATIONS

Article 8. Remit of the Government

In implementing state policy which is targeted towards promotion of public health, the Government shall:

- 1) design and approve the state strategy for the safety and quality of food and improvement of the nutrition of the population;
- 2) perform other functions related to food safety and control which are regulated by laws and other legal acts.

Article 9. Remit of administration institutions

1. Administration institutions in discharging the functions of state administration in the area assigned to them by this Law and other legal acts of the Republic of Lithuania, aiming to ensure that only food meeting safety requirements is placed on the market, shall implement the requirements of the European Union, the United Nations Food and Agriculture Organisation (FAO), the World Trade Organisation, documents of the Codex Alimentarius Commission and other international legal instruments.

2. Within its remit the Ministry of Health shall:

- 1) taking into account the assessment of risk to human health based on scientific research, lay down the mandatory requirements for maximum permitted levels of contaminants in food, the safety of food additives and nutrients, the safety of foodstuffs for particular nutritional purposes, irradiated, genetically or otherwise modified food, novel foods or food prepared using unconventional methods, the safety of materials and articles intended to come into contact with food, food hygiene, the introduction of a hazard analysis and critical control points system at food handling entity, health of persons handling food, their health examination procedures and obligatory hygiene training;
- 2) co-ordinate implementation of the policies of food safety, wholesome nutrition of the population and reduction of food-borne morbidity;
- 3) develop and approve programmes for food safety and improvement of nutrition of the population, carry out monitoring of nutrition of the population, food safety in relation to health of inhabitants, and food-borne diseases, promote habits of wholesome nutrition and discharge other functions laid down by this Law and other legal acts;

4) establish mandatory food labelling requirements.

3. Within its remit the Ministry of Agriculture shall:

1) implement the policy on improved quality of food products and raw materials, production of ecological agricultural products, and enhancement of the competitiveness of Lithuanian products on the international market;

2) develop and approve programmes for the improvement of food quality, production and placement on the market of wholesome, ecological food; establish the mandatory requirements for the assessment of quality and composition of food, the assessment of quality of raw materials, growing of plants for food and their placement on the market as well as for the use and control of plant protection means;

3) establish mandatory food labelling requirements;

4) itself or through competent authorities, control the implementation of the set requirements for quality of fresh fruit and vegetables;

5) perform other functions laid down by laws and other legal acts.

4. Within its remit the Ministry of Economy shall:

1) implement the policy of food trade;

2) establish general mandatory requirements for labelling of and trade in foodstuffs sold on the Lithuanian market;

3) perform other functions laid down by laws and other legal acts.

5. Within its remit the State Food and Veterinary Service shall:

1) implement the policy of food safety, quality and control of handling as well as reducing the morbidity of food-producing animals, be responsible for notification through the rapid alert system;

2) establish special mandatory requirements for food safety, quality, for hygiene and control of handling the food and its placing on the market, hazard analysis and critical control points system at food handling entities;

3) carry out monitoring of contamination of food-producing animals, raw materials and food with harmful substances, including pesticides and other contaminants;

4) adopt decisions on further use of food products which have been seized, smuggled or brought in without the origin, quality or safety compliance documents;

5) perform checks of food safety and quality;

6) establish the procedure and, upon the request of an economic entity, shall issue authorisations to the laboratories of food business entities carrying out tests of raw materials, food products, except for laboratories accredited to carry out these tests in accordance with the procedure laid down by legal acts;

7) establish the procedure and issue authorisations to the laboratories of drinking water suppliers carrying out tests of the safety and quality of drinking water, except for the laboratories accredited to carry out these tests in accordance with the procedure laid down by legal acts;

8) establish the procedure and recognise natural mineral waters placed on the market of the Republic of Lithuania and issue certificates of recognition of natural mineral waters in the Republic of Lithuania. State fees and charges shall be levied for the issuing of certificates of recognition of natural mineral waters in the Republic of Lithuania and the issuing of duplicates and revision thereof;

9) establish the procedure and notify food supplements and foods for particular nutritional uses;

10) carry out state control of the requirements for production, processing, placing on the market and import of articles and materials intended to come into contact with food provided for in the legal acts of the European Union and national legal acts;

11) adjust the diet for the children's educational institutions, children's social care establishments and children's camps;

12) perform other functions laid down by laws and other legal acts.

Article 10. Scientific Committees

1. In order to cooperate with the European Commission and provide it the necessary assistance, provide consultations to the interested institutions of the Republic of Lithuania by delivering assessment of risk based on scientific research with regard to food, food safety, quality, and consumer protection issues, the State Food and Veterinary Service shall establish inter-institutional scientific committees.

2. When following the instructions of the European Commission and implementing the tasks set for them, scientific committees shall have the right to obtain all information necessary and engage necessary professionals and laboratories, as well as to perform other functions laid down by laws and other legal acts.

CHAPTER FOUR STATE FOOD CONTROL

Article 11. State Food Control

1. State food control shall be exercised by the food control institution established by the Government in accordance with the procedure laid down by laws and other legal acts - the State Food and Veterinary Service.

2. The government authority State Food and Veterinary Service shall inspect foodstuffs to ensure that the food intended for both the domestic market and export is safe, adequately labelled, does not violate consumers' interests and meets the requirements laid down by this Law and other legal acts. Control shall be exercised following the principle that food safety is an unconditional priority for human health.

3. State food control shall be exercised without prior warning, on a regular basis, according to inspection programmes drafted in advance (providing for the frequency of inspections and the nature of control), and when there is suspicion of non-compliance with the requirements laid down by this Law and other legal acts. The methods used for control must be commensurate with the goals sought.

4. State food control shall cover all stages of food handling from growing of plants intended for consumption and breeding of food-producing animals to supplying of food to consumers, including placing of food on the market.

5. The government authority State Food and Veterinary Service, in exercising control of compliance with the requirements laid down by this Law and its implementing legal acts, shall have the right:

1) to inspect the state of hygiene at the food handling entity and food handling processes;

2) without prejudice to medical ethics, to inspect compliance with hygiene requirements by the staff who come into contact, whether directly or indirectly, with food;

3) to inspect foodstuffs, their labelling, articles and materials intended to come into contact with food, means, materials and equipment used in food handling or cleaning and repairing of premises and equipment;

4) to examine documents relating to compliance with this Law and other legal acts as well as the materials of the self-control system at the food handling entity;

5) in accordance with the procedure laid down by the Government or an institution authorised by it, to take and analyse samples of the articles listed in point 3 of paragraph 5 of this Article, to take and examine copies or extracts of documents listed in point 4 of paragraph 5 of this Article, to obtain other information relating to compliance with this Law and other legal acts, and to compare the results of the inspection with the data recorded by measuring devices installed in the food handling entity.

6. Where infringements of this Law and other legal acts in respect of safety of food or

articles and materials intended to come into contact with food are established, the State Food and Veterinary Service shall have the right to apply in accordance with the procedure laid down by it and within its own remit one or more of the following measures for restricting the placing of the food on the market:

1) to prohibit the placing on the market of unsafe food or an unsafe article/articles and material/materials intended to come into contact with food;

2) to suspend the placing on the market of unsafe food or an unsafe article/articles and material/materials intended to come into contact with food;

3) to obligate a food business entity or a producer or a supplier of articles and materials intended to come into contact with food to recall unsafe food or unsafe article/articles or material/materials intended to come into contact with food;

4) to obligate a food business entity or a producer or a supplier of articles and materials intended to come into contact with food to withdraw from the market unsafe food or unsafe article/articles or material/materials intended to come into contact with food;

5) to obligate a food business entity or a producer or a supplier of articles and materials intended to come into contact with food to destroy unsafe food or unsafe article/articles or material/materials intended to come into contact with food;

6) to obligate a food business entity to bring infringements of the requirements of legal acts to an end and make food safe (to process, to decontaminate, etc.);

7) to obligate a food business entity or a producer or a supplier of articles and materials intended to come into contact with food to use food or the article/articles or material/materials intended to come into contact with food for purposes other than those for which they were originally intended;

8) other measures defined by laws and other legal acts.

7. Having established the infringements of this Law or other legal acts, the State Food and Veterinary Service shall also have the right to apply in accordance with the procedure laid down by it and within its remit the administrative sanctions fixed in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules:

1) the suspension of operation of the business of a food business entity or a producer or a supplier of articles and materials intended to come into contact with food;

2) the closure of operation of the business of a food business entity or a producer or a supplier of articles and materials intended to come into contact with food;

3) the suspension of the placing on the market of articles and materials intended to come into contact with food;

4) the prohibition of the placing on the market of articles and materials intended to come into contact with food.

8. Food business entities as well as producers or suppliers of articles and materials intended to come into contact with food shall have the right to appeal against the actions of the State Food and Veterinary Service in accordance with the procedure laid down by the Law of the Republic of Lithuania on Administrative Proceedings (hereinafter: the 'Law on Administrative Proceedings).

9. The State Food and Veterinary Service must ensure the confidentiality of information comprising a commercial secret, obtained from food business entities and producers or suppliers of articles and materials intended to come into contact with food, with the exception of cases provided for by law, and perform other duties set out by laws and other legal acts. The following information about foodstuffs or articles and materials intended to come into contact with food may not be considered a commercial secret:

1) the name and identification data of the foodstuffs or the articles and materials intended to come into contact with food;

2) testing methods of the foodstuffs or the articles and materials intended to come into contact with food;

3) testing results of effects on consumer health of the foodstuffs or the articles and materials intended to come into contact with food;

4) methods of destruction of the foodstuffs or the articles and materials intended to come into contact with food;

5) components of the potentially unsafe foodstuffs or the articles and materials intended to come into contact with food;

6) available methods and measures of substituting safe food for food.

10. Inspectors of the government authority State Food and Veterinary Service who violate the requirements of this Law and other legal acts shall be held liable under law.

Article 12. State food control laboratories

1. Laboratory analyses of samples selected for state food control shall be carried out by laboratories accredited in accordance with the procedure laid down by the Government.

2. Samples for state food control shall be collected in the prescribed manner and analysed in accordance with the existing analysis methods.

3. The procedure for collecting samples and paying for them shall be established by the Government.

CHAPTER FOUR¹
PROCEDURE FOR IMPOSING LIABILITY FOR INFRINGEMENTS OF
THE PROVISIONS OF THIS LAW CONCERNING THE SAFETY OF
FOOD OR ARTICLES AND MATERIALS INTENDED
TO COME INTO CONTACT WITH FOOD

Article 12¹. Grounds for application of measures restricting the placing on the market of food or articles and materials intended to come into contact with food

1. The State Food and Veterinary Service may apply within its remit measures restricting the placing on the market of food or articles and materials intended to come into contact with food (hereinafter: “market-restricting measures”), provided that foodstuffs or articles and materials intended to come into contact with food are placed on the market in violation of the requirements Article 7(1), (2) and/or (3) of this Law.

2. The State Food and Veterinary Service may apply within its remit market-restricting measures if there are reasonable grounds for believing that food or articles and materials intended to come into contact with food may be unsafe for consumer health or life.

Article 12². Fines for infringements of this Law related to the safety of food or articles and materials intended to come into contact with food

1. The State Food and Veterinary Service, having established the infringements of this Law, related to the safety of food or articles and materials intended to come into contact with food, shall, having applied market-restricting measures, impose fines to a food business entity or a producer or supplier of articles and materials intended to come into contact with food.

2. Food business entities or producers or suppliers of articles and materials intended to come into contact with food, who have placed on the market unsafe food or unsafe articles and materials intended to come into contact with food shall be imposed a fine from 144 to 1 448 euros.

3. Food business entities or producers or suppliers of articles and materials intended to come into contact with food, who have placed on the market unsafe food or unsafe articles and materials intended to come into contact with food shall be imposed a fine from 868 to 4 344 euros for failure to comply with the commitment to terminate the realisation thereof.

4. Food business entities or producers or suppliers of articles and materials intended to come into contact with food, who do not comply with the demands of the State Food and Veterinary Service to withdraw the unsafe food or unsafe articles and materials intended to come into contact with food from the market or to destroy it/them, shall be imposed a fine from 1 448 to 5 792 euros.

5. Food business entities or producers or suppliers of articles and materials intended to come into contact with food, who have placed on the market unsafe food or unsafe articles and materials intended to come into contact with food shall be imposed a fine from 1 448 to 11 584 euros, if this/these infringement/infringements caused damage to the consumer's health.

6. Food business entities or producers or suppliers of articles and materials intended to come into contact with food, who have placed on the market unsafe food or unsafe articles and materials intended to come into contact with food shall be imposed a fine from 5 792 to 23 169 euros, if this/these infringement/infringements caused consumer's death.

7. Imposition of fines shall not relieve from the obligation to redress the damage caused to consumers.

Article 12³. Exemption from liability and aggravating and mitigating circumstances

1. A food business entity or a producer or supplier of articles and materials intended to come into contact with food shall not be held liable for the placing on the market of unsafe food or unsafe articles and materials intended to come into contact with food, if it proves that:

1) it has not placed on the market the potentially unsafe foodstuffs or the articles and materials intended to come into contact with food;

2) food or articles and materials intended to come into contact with food have become unsafe later due to the third party's actions when inadequately, recklessly transporting or storing food or articles and materials intended to come into contact with food because of other circumstances which are beyond the control of the food business entity or the producer or supplier of articles and materials intended to come into contact with food;

3) at the time the unsafe food or the unsafe articles and materials intended to come into contact with food were placed on the market, scientific and technical progress was not at levels that would enable the potential risk to be determined;

4) a consumer used the article/articles and material/materials intended to come into contact with food in violation of the instructions for use, precautionary measures and safety requirements and this caused damage;

5) hazardous properties of the article/articles and material/materials intended to come into contact with food have been determined by force majeure.

2. In fixing the amount of any fine, the State food and Veterinary Service shall have regard to aggravating and mitigating circumstances.

3. When imposing a fine, mitigating circumstances shall include the fact that a person who has committed the infringement brings it to an end and redresses in good faith the damage caused to consumers, as well as other significant circumstances.

4. When imposing a fine, aggravating circumstances shall include the fact that a person has committed an infringement of the same type repeatedly within one year of the previous infringement, continued the infringement despite the obligation of the State Food and Veterinary Service to terminate the illegal actions, failed to redress, or avoided redressing, the damage caused to consumers.

Article 12⁴. Period of Imposition of fines

The State Food and Veterinary Service may impose the fines referred to in Article 12² of this Law not later than within six months from the detection of the infringement of the requirements of Article 7 (1), (2) and/or (3) of this Law and if such infringement is continuous – from the date when it transpires. This provision shall not apply if the cause of harm to consumer health or loss of life is unsafe food or article/articles and material/materials intended to come into contact with food.

Article 12⁵. Procedure for investigating infringements of this Law and imposing fines

1. The State Food and Veterinary Service shall examine cases specified in this Law and impose set fines. Cases shall be prepared, examined and fines imposed in accordance with the procedure laid down by this Law and the State Food and Veterinary Service.

2. Inspectors of the State Food and Veterinary Service shall draw up reports in connection with the infringements of this Law.

3. An infringer and/or his representative shall have the right to be informed about the examination of the case and to participate therein. An infringer and/or his representative shall have the right to access the gathered material, give explanations, file requests, present explanations or appeal against the adopted decisions. A failure to appear by the infringer and his representative, provided that they have been informed in good time regarding the venue and time of the examination of the case, shall not interfere with the examination of the case.

4. Upon the examination of the case, the State Food and Veterinary Service shall adopt a resolution. The resolution shall contain the name of the institution which has adopted the resolution, the date and place of the case examination, information regarding the infringer, circumstances of the infringement, proof on which the resolution is based, the Article of this Law which establishes liability for the infringement of this Law, the adopted decision, the terms and procedure of the appeal against the decision.

5. Resolutions and decisions of the State Food and Veterinary Service regarding the application of market-restricting measures must be announced on the website of the State Food and Veterinary Service.

Article 12⁶. Appeal against decisions of the State Food and Veterinary Service

1. A food business entity or a producer or supplier of articles and materials intended to come into contact with food may appeal against resolutions of the State Food and Veterinary Service concerning the imposition of fines within 20 days from the adoption of a resolution in accordance with the procedure laid down by the Law on Administrative Proceedings.

2. Reference to the court shall not interrupt the implementation of a resolution, unless the court rules otherwise.

Article 12⁷. Recovery of fines

1. The imposed fines, specified in Article 12² of this Law, shall be paid into the state budget not later than within one month from the receipt of a resolution on the imposition of the fine upon the infringer of this Law.

2. The unpaid fines shall be recovered in accordance with the procedure laid down in the Code of Civil Procedure of the Republic of Lithuania.

CHAPTER FIVE FINAL PROVISIONS

Article 13. Proposal to the Government

The Government shall adopt legal acts for the implementation of this Law by 1 June 2000.

Article 14. Entry into force of the Law

This Law shall enter into force on 1 July 2000.

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

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS

Annex to

Republic of Lithuania Law

No VIII-1608 of 4 April 2000

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs.
2. Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs.
3. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ, 2004, special edition, Chapter 15 Volume 6 p. 463).