

REPUBLIC OF LITHUANIA
LAW ON PRODUCT SAFETY

1 June 1999 No VIII-1206

Vilnius

(As last amended on 25 June 2015 – No XII-1867)

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Purpose and Objective of the Law

1. This Law shall establish the basis of product safety regulation, state product safety expertise and state and public control of product safety, the procedure for providing and communicating relevant information about unsafe products, and the obligations and liability of producers, distributors and service providers for placing unsafe products on the market of the Republic of Lithuania (hereinafter: the 'market').

2. The purpose of this Law shall be to ensure that products placed on the market are safe.

3. The provisions of this Law have been harmonised with the legal act of the European Union specified in the Annex to this Law.

Article 2. Scope of the Law

1. This Law shall apply to legal and natural persons who place on the market products that are intended for consumers.

2. This Law shall apply where legal acts of the Republic of Lithuania (hereinafter: 'legal acts') do not contain provisions governing safety of the product concerned. Where any other legal act lays down safety requirements for the product concerned, the requirement of that legal act shall apply, and this Law shall apply to the extent that is not covered by the legal act governing the safety of the product concerned.

3. This Law shall not apply when placing on the market:

1) second-hand manufactured goods supplied as antiques or manufactured goods to be repaired or reconditioned prior to being used, provided that the supplier clearly informs the person to whom he supplies the manufactured goods to that effect;

2) products placed on the market prior to the entry into force of this Law;

3) foodstuffs, articles intended to come into contact with food.

Article 3. Definitions

1. **Product** shall mean manufactured goods or services.

2. **Placing of a product on the market** shall mean keeping/storage of a product intended for consumers, its selling, lease, or any other way of transfer of the product to consumers.

3. **Manufactured goods** shall mean any product, including the one used in the provision of services, which is intended for consumers or likely to be used by consumers, supplied whether for consideration or not in the course of a commercial activity and whether new, used or reconditioned.

4. **Service** shall mean the result of an activity by the service provider when discharging a transaction between the service provider and the client, including a centralised supply of drinking water, gas, heat and electricity.

5. **Safe manufactured goods** shall mean any manufactured goods which, under conditions of use that are normal, set out by a producer or reasonably foreseeable, including duration as well as the requirements of assembly, installation and maintenance, do not present any risk or only the minimum risks to consumer life and health compatible with the use of the manufactured goods, considered as acceptable and consistent with a high level of protection for the safety and health of consumers, taking into account the following points in particular:

1) the characteristics of the manufactured goods, including their composition, packaging, instructions for assembly, use and maintenance;

2) the effect on other manufactured goods, where it is reasonably foreseeable that they will be used with other manufactured goods;

3) the presentation of the manufactured goods, the labelling, warnings or notices on the manufactured goods or their packaging, instructions for their use and disposal and any other indication or information provided by the producer;

4) the categories of consumers at serious risk when using the manufactured goods, in particular children and elderly people.

6. **Dangerous product** shall mean any manufactured good or service which is intended for consumers and which does not meet the definition of 'safe product' or 'safe service' according to this Law.

7. **Safe service** shall mean any service which is provided subject to the established conditions and without prejudice to the statutory requirements for safety with respect to that service and which does not pose any risk or poses a minimum risk to the life and health of consumers during the provision of the service or after it, where such a risk is characteristic of the service is considered acceptable and corresponding to the high level of protection of the safety and health of consumers.

8. **Producer** shall mean a natural or legal person (or any other organization) who operates (is established) in the Republic of Lithuania or the European Community (European Union) in accordance with the procedure laid down by legal acts and who:

1) has manufactured the product or has announced that by affixing to the product his name, trade mark or other distinctive mark or has reconditioned the product;

2) operates as the manufacturer's representative, when the manufacturer is not established in the European Community (European Union) or, if there is no manufacturer's representative established in the European Community (European Union), is the importer of the product;

3) as a professional in the supply chain may affect the safety properties of a product placed on the market.

9. **Service provider** shall mean a natural or legal person who is established in the prescribed manner and who provides services.

10. **Distributor** shall mean a natural or legal person whose activity does not affect the safety properties of a product.

11. **Consumer** shall mean a natural person who acquires products and makes use of services with the intention of meeting personal needs or his household needs.

12. **Product safety control** shall mean control carried out by state and municipal institutions to ensure that products placed on the market are safe.

13. **State product safety expertise** shall mean assessment of the characteristics of a product in respect of which no mandatory safety requirements are established by legal acts, or of a product which conforms to the mandatory safety requirements, but there are grounds for believing that this product is not safe under the conditions laid down by the producer or under the regular conditions of use. The state product safety expertise shall also cover the findings regarding the safety of the said product.

14. **Serious risk** shall mean any risk to consumer safety, including a delayed risk which requires immediate State intervention.

15. **Recall** shall mean any measure aimed at achieving the return of dangerous manufactured goods that have already been placed on the market or supplied to consumers by the producer or distributor, or made available to consumers by the service provider in the course of the service provision.

16. **Withdrawal** shall mean any measure aimed at preventing the distribution, display or offer of a dangerous product to consumers.

Article 4. General Product Safety Requirements

1. A product that is being placed on the market must be safe. The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk than permitted shall not constitute grounds for considering a product to be 'dangerous', if it conforms to the product safety requirements set out in legal acts.

2. Where there are no specific legal acts of the European Union governing the safety of a product in question, such product shall be deemed safe when it conforms to the specific rules of national law of the Member State in whose territory the product is in circulation, such rules being drawn up in conformity with the Treaty establishing the European Community, and in particular Articles 28 and 30 thereof, and laying down the health and safety requirements which the product must satisfy in order to be marketed in that Member State.

3. A product shall be deemed safe where, in terms of risk or categories of risks, it conforms to the voluntary national standards giving effect to the European standards the reference to which has been announced in the Official Journal of the European Communities, whereas the Lithuanian references to the said national standards have been announced in the prescribed manner in the Official Gazette *Valstybės žinios* or the Register of Legal Acts.

4. In the cases other than those specified in paragraphs 2 and 3 of this Article, the conformity of a product to the general safety requirements shall be assessed having regard, in particular, to the voluntary national standards other than those specified in paragraphs 2 and 3 of this Article, to other national standards, to recommendations of the European Commission laying down the guidelines for product safety assessment, to codes of good practice in the sector concerned, to the state of the art and technology and to the safety which consumers may reasonably expect.

CHAPTER TWO

STATE REGULATION OF PRODUCT SAFETY

Article 5. Remit of the Government or Institutions Authorised by it in Regulating Product Safety

The Government or institutions authorised by it shall, within their remit, lay down mandatory product safety and marking requirements in conformity with the requirements of the United Nations, the European Union, and the World Trade Organisation, and the conformity assessment procedure.

Article 6. Co-ordination of Implementation of Legal Acts Regulating Product Safety

1. Implementation of this Law and other legal acts regulating product safety shall be co-

ordinated by the State Consumer Rights Protection Authority (hereinafter: 'the Authority').

Article 7. Provision of Information to the European Commission and/or Foreign States Related to Dangerous Products

The European Commission and/or foreign states shall be informed of dangerous manufactured goods and the competent authorities as well as their powers in accordance with the procedure laid down by the Government of the Republic of Lithuania or an institution authorised by it.

CHAPTER THREE

OBLIGATIONS OF THE PRODUCER, DISTRIBUTOR AND SERVICE PROVIDER TO ENSURE PRODUCT SAFETY

Article 8. Producer's Obligation to Ensure Product Safety

The producer shall be obliged:

- 1) to place only safe manufactured goods on the market;
- 2) to properly mark manufactured goods and to provide consumers with the relevant information before supplying them with manufactured goods to enable them to assess the risks inherent in the manufactured goods throughout the entire specified, normal or reasonably foreseeable period of the use thereof, where such risks are not immediately obvious without adequate warnings. Provision of such warnings does not exempt the producer from compliance with the other requirements laid down in this Law and other legal acts regulating product safety,
- 3) to bear in mind possible risks related to manufactured goods throughout the entire period of the use thereof;
- 4) having discovered that the manufactured goods pose a risk to consumer safety, to take relevant measures to eliminate such risk;
- 5) having discovered the manufactured goods are dangerous, to immediately warn consumers, the Authority and the product safety control bodies of the relevant field about this, to withdraw those goods from the market and to recall them when necessary;
- 6) to cooperate with product safety control bodies in order to avoid risks of the manufactured goods which are or have been placed on the market;
- 7) to carry out instructions and requirements of product safety control bodies;
- 8) to pay, in accordance with the procedure laid down by law, damages caused to consumers by the dangerous manufactured goods;

9) to perform other obligations laid down by this Law and other legal acts regulating product safety.

Article 9. Distributor's Obligation to Ensure Product Safety

The distributor shall be obliged:

- 1) to place only safe manufactured goods on the market;
- 2) to provide consumers with all the information received from the producer as well as other information before supplying them with manufactured goods to enable the consumers to assess the risks inherent in the manufactured goods throughout the entire specified, normal or reasonably foreseeable period of the use thereof, where such risks are not immediately obvious without adequate warnings; Provision of such warnings does not exempt the distributor from compliance with the other requirements laid down in this Law and other legal acts regulating product safety,
- 3) having discovered that the manufactured goods are dangerous, to immediately interrupt placing of those goods on the market, and to inform about this the producer, consumers, the Authority and a product safety control body of the relevant field, as well as to take other appropriate measures to eliminate the risk to the consumers;
- 4) to cooperate with product safety control bodies and producers in order to avoid risks posed to consumers by the supplied manufactured goods;
- 5) to carry out instructions and requirements of control bodies;
- 6) to pay, in accordance with the procedure laid down by law, damages caused to consumers by the dangerous manufactured goods;
- 7) to perform other obligations laid down by this Law and other legal acts regulating product safety.

Article 10. Obligation of the Service Provider to Ensure Product Safety

The service provider shall be obliged:

- 1) to provide only a safe service to consumers;
- 2) to provide consumers with relevant information about the risks inherent in the service throughout the indicated, normal or reasonably foreseeable period of its use;
- 3) to bear in mind a possible service-risk to consumers;
- 4) having discovered that the provided service pose a possible risk to consumers, to take relevant measures to eliminate such risk;
- 5) having discovered that the provided service is dangerous, to immediately interrupt the provision of the service and to inform about this the consumer, the Authority and a control body of the relevant field, and, where necessary, to take other measures to ensure consumer protection;

- 6) to carry out instructions and requirements of control bodies;
- 7) to pay, in accordance with the procedure laid down by law, damages caused to consumers by the dangerous service;
- 8) to cooperate with control bodies in order to avoid risks posed to consumers by provided services;
- 9) to perform other obligations laid down by this Law and other legal acts regulating product safety.

CHAPTER FOUR

ROLE OF PUBLIC CONSUMER PROTECTION ORGANIZATIONS AND SCIENTIFIC COMMITTEES IN THE AREA OF PRODUCT SAFETY

Article 11. Rights of Consumer Associations and Role of Scientific Committees in the Area of Product Safety

1. The rights of public consumer protection organisations in the area of product safety shall be established by the Law on Consumer Protection and other legal acts.
2. In order to cooperate in a competent manner with the European Commission on market restriction-related issues and to provide interested institutions of the Republic of Lithuania with scientifically-based guidance findings regarding dangerous products (on issues of product safety and consumer health), scientific committees may be set up under the ministries. The composition and operation of scientific committees shall be governed by regulations drawn up and approved in the prescribed manner.

CHAPTER FIVE

STATE PRODUCT SAFETY CONTROL

Article 12. Control of Compliance with Product Safety Requirements

Compliance with the requirements set in this Law and other legal acts, which ensure that only safe products are placed on the market, shall be controlled by product safety control bodies established by the Government or an institution authorised by it in accordance with the procedure laid down by laws and other legal acts of the Republic of Lithuania.

Article 13. Content of State Product Safety Control

1. Direct product safety control shall involve:
 - 1) product safety checks conducted on the initiative of a product safety control body;

2) product safety checks conducted on the basis of reports of consumers, their organisations and other interested bodies and organizations;

3) control of withdrawal of dangerous products already on the market and destruction of dangerous manufactured goods;

4) analysis of the data of product safety control and periodical communication of the relevant information to the Authority.

2. Indirect product safety control shall involve gathering, storing, processing and analysing statistical data about the manufacturing, import and sales of dangerous products, as well as information about any factors which might result in the increase or decrease of risks involved in the consumption.

Article 14. Rights and Duties of Product Safety Control Bodies

1. In exercising state product safety control, product safety control bodies shall have the right:

1) to verify compliance with the legal acts regulating product safety, to organize appropriate checks on the safety properties of products, even after their being placed on the market as being safe, up to the final stage of use or consumption, as well as to accumulate data on the issues of product safety;

2) to obtain information and documentation necessary for the examination of infringements of this Law and other laws from state and municipal institutions or other natural and legal persons;

3) to obtain from producers, distributors and service providers the information and documentation necessary for the examination of infringements of this Law and other laws;

4) to take samples of manufactured goods and check their safety in accordance with the procedure laid down by the Government or a an institution authorised by it;

5) to require that heads of manufacturing, sales and service provision entities, or persons authorised by them, appear in person and provide oral or written explanation;

6) to recommend to an appropriate authority to cancel a licence to engage in commercial - economic activities issued to those persons who placed on the market products causing damage to consumers;

7) upon establishing infringements of the requirements of legal acts on product safety, to notify the producer, distributor and service provider and obligate them to bring the infringements to an end without delay;

8) to apply restrictions on the marketing in accordance with the principles set forth in this Law and other legislation, and following the procedure established by the Government.

2. Product safety control bodies shall be obliged:

1) to ensure that all the measures taken by them, especially those referred to in Article 17(1) of this Law, would correspond to the seriousness of the risk and the consequences of the use of the measures would be adequately assessed;

2) to encourage voluntary action by producers and distributors, in accordance with the obligations incumbent on them under Chapter Three of this Law, and to promote the development and application of codes of good practice.

3) to provide to law enforcement institutions all information pertaining to infringement of legal acts on product safety if these products could cause or have caused health impairment or death;

4) to ensure confidentiality of information constituting a professional secret obtained from producers, distributors or service provider.

3. The employees of product safety control bodies who are designated to carry out product safety control and who violate the requirements of this Law shall be held liable in accordance with the procedure laid down by law.

Article 15. Public Access to Information

1. Information available to the Authority and product safety control bodies relating to risks to consumer safety and health posed by products must be available to the public without prejudice to the restrictions applied. The public may have access to information on product identification, the nature of the risk and the measures taken.

2. The Authority and the product safety control bodies shall take the steps necessary to ensure that their officials and agents are required not to disclose information obtained for the purposes of this Law which, by its nature, is covered by professional secrecy, except for information relating to the safety properties of products which must be made public in order to protect the health and safety of consumers.

3. Protection of professional secrecy shall not prevent the competent bodies from disseminating information relevant for ensuring the effectiveness of market monitoring and surveillance activities. The bodies receiving information covered by professional secrecy shall ensure its protection.

4. The following properties of a product may not constitute professional secrecy:

- 1) name and identification data of the product;
- 2) possible methods and means of remaking the product into a safe product;
- 3) results of tests concerning health effects of the product on the consumers;
- 4) methods of detoxication and/or safe destruction;
- 5) methods of product examination;

- 6) potentially hazardous components of the product;
- 7) potentially hazardous factors related to provision of a service.

CHAPTER SIX

EXERCISE OF THE POWERS OF STATE PRODUCT SAFETY CONTROL BODIES

Article 16. Grounds for Application of the Measures Restricting the Placing on the Market of a Product

1. Restrictions on the placing of a product on the market (hereinafter: 'restrictions on the marketing') may be applied where products have been placed on the market in violation of the requirements set out in points 1, 2 and 5 of Article 8, points 1, 2 and 3 of Article 9, and points 1, 2 and 5 of Article 10 of this Law.

2. The Authority or product safety control bodies may apply restrictions on the marketing where there is evidence that, despite a product's conformity to the requirements of Article 4(2) of this Law, it is dangerous to the health and safety of consumers.

Article 17. Restrictions on the Marketing

1. 1. When there are grounds for applying restrictions on the marketing in pursuance of Article 16 of this Law, the Authority and product safety control bodies shall have the right to apply, in accordance with the procedure laid down by the Government, the following restrictions on the marketing:

1) to require that any product that could pose risks in certain conditions would be marked in the state language with suitable, clearly worded and easily comprehensible warnings on the risks it may present; to make its marketing subject to prior conditions so as to make it safe;

2) for any product that could pose risks for certain persons, to order that they be given warning of the risk in good time and in an appropriate form, including the publication of special warnings;

3) for any product that could be dangerous, for the period needed for the various safety evaluations, checks and controls, temporarily to ban its supply, the offer to supply it or its display;

4) for any dangerous product, to ban its marketing and introduce the accompanying measures required to ensure the ban is complied with;

5) for any dangerous product already on the market, to order or organise its actual and immediate withdrawal, and alert consumers to the risks it presents; to order or coordinate or, if appropriate, to organise together with producers and distributors its recall from consumers and its destruction in suitable conditions.

2. The measures specified in paragraph 1 of this Article shall apply to a producer or distributor taking into consideration his activities or to any other person where it is relevant for cooperation in order to avoid a risk posed by the product.

3. All the decisions on the restrictions on the marketing must be motivated. These decisions must be notified forthwith to the persons in respect of whom they apply. Whenever feasible, these persons shall be given an opportunity to submit their views before the adoption of the decision. If this has not been done in advance because of the urgency to implement the decision, they shall be given such opportunity in due course after the decision has been adopted.

4. If a product safety control body itself withdraws a dangerous product from the market, the expenses incurred shall, by the decision of the Authority, be recovered from the producer, distributor, and service provider without legal proceedings.

5. The Authority and product safety control bodies must ensure that consumers and other interested persons are given an opportunity to submit complaints on product safety and on surveillance and control activities and that these complaints are followed up as appropriate. The said bodies must inform consumers and other interested parties of the procedures established to that end.

6. The Authority or product safety control bodies must inform the distributors, consumers and public consumer protection organisations about the decisions to withdraw products from the market with a view to encouraging them to contribute to the implementation of said decisions.

7. Resolutions of the Authority or decisions of the product safety control bodies on the application of restrictions on the marketing must be announced on the websites of the Authority or product safety control bodies.

8. Producers, distributors and service providers must implement resolutions of the Authority or decisions of the product safety control bodies from the moment of their receipt unless a later date is specified in the decision or resolution.

CHAPTER SEVEN

STATE PRODUCT SAFETY EXPERTISE

Article 18. State Product Safety Expertise

1. State product safety expertise shall be undertaken at the request of state institutions when they themselves are not able to determine if a product is safe.

2. State product safety expertise shall be conducted by institutions designated by the Government. The procedure for conducting this expertise and paying expertise costs shall be established by the Government.

Article 19. Findings of State Product Safety Expertise

If in the course of state product safety expertise it is established that samples of products or services are dangerous, the whole batch from which samples for the expertise have been taken or all the services provided by the service provider from the moment of establishing that they are dangerous shall be deemed dangerous.

CHAPTER EIGHT
PROCEDURE OF LIABILITY FOR INFRINGEMENTS OF
THE LAW ON PRODUCT SAFETY

Article 20. Liability for Infringements of this Law

1. Producers, distributors or service providers in breach of the requirements of this Law shall be held liable in accordance with the procedure laid down by this Law and other laws.
2. The importer in breach of the requirements of this Law shall be held liable in the same way as the producer.

Article 21. Compensation for Damage

1. Damage caused to consumers by dangerous products shall be compensated in accordance with the procedure laid down by the Civil Code.
2. Any agreement providing exemptions from compensation for the damage caused to consumers through the fault of the producer, distributor or service provider shall be null and void.

Article 22. *Repealed as of 1 January 2016.*

Article 23. Fines and Warnings for Infringements of this Law

1. The producer or distributor who has placed dangerous products on the market shall be imposed a fine from EUR 144 to 1 448.
2. The producer or distributor who has placed dangerous products on the market after the order to discontinue their selling shall be imposed a fine from EUR 868 to 4 344.
3. The provider of a service who has provided or continues providing dangerous services shall be imposed a fine from EUR 144 to 724.
4. The provider of a service who has provided or continues providing a dangerous service after the order to discontinue providing it shall be imposed a fine from EUR 579 to 2 896.

5. The persons indicated in Article 20 of this Law who fail to comply with the requirements of the Authority or the product safety control bodies to withdraw dangerous products from the market or to destroy them shall be imposed a fine from EUR 1 448 to 5 792.

6. The persons indicated in Article 20 of this Law who have placed dangerous products on the market which caused damage to the health of a consumer shall be imposed a fine from EUR 1 448 to 11 584.

7. The persons indicated in Article 20 of this Law who have placed dangerous products on the market which caused damage to the death of a consumer shall be imposed a fine from EUR 5 792 to 23 169.

8. The amount of the fine imposed shall be determined according to the average of the minimum and maximum fine. When imposing a specific fine, the mitigating and aggravating circumstances referred to in Article 24(3) and (4) of this Law as well as the nature, duration and extent of the infringement shall be taken into account. In the presence of mitigating circumstances, the fine shall be reduced from the average to the minimum amount, and in the presence of aggravating circumstances, the fine shall be increased from the average to the maximum amount. In the presence of both mitigating and aggravating circumstances, the fine shall be imposed taking into account their quantity and significance. The decrease or increase in the amount of the fine must be reasoned by a decision of the Authority.

9. Where an infringement is minor or no substantial damage to the interests protected by this Law is caused, or the damage caused is minor, the Authority may, in compliance with the criteria of fairness and reasonableness, impose the following penalty – a warning without imposing a fine.

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

Article 24. Circumstances Mitigating and Aggravating Liability

1. The producer or seller of an unsafe product, or the service provider shall not be held liable for the placing of an unsafe product on the market if he proves that:

- 1) the unsafe product has not been placed on the market;
- 2) the product became unsafe as a result of actions of a third person during its improper/unsafe transportation or keeping/storage or because of any other reasons;
- 3) at the time when the unsafe product was placed on the market, scientific and technical knowledge was not at a level that would allow determining a potential risk;
- 4) the consumer used the product in breach of the instructions, precautions and safety measures, as a result of which he sustained damage;
- 5) unsafe properties of the product resulted as a consequence of *force majeure*.

2. In deciding upon the amount of a fine, the Authority shall take into account the mitigating and aggravating circumstances.

3. When imposing a fine, the fact that a person who committed an infringement has voluntarily prevented the harmful consequences of the infringement, cooperated with the Authority and/or product safety control bodies during the investigation, compensated in good faith for the damage caused to the consumers and/or eliminated the injury shall be regarded as mitigating circumstances.

4. When imposing a fine, the fact that a person has repeatedly committed the same type of infringement within one year after the previous infringement, persisted in committing it without regard to the order of the Authority or the product safety control bodies to discontinue unlawful actions, impeded the investigation, concealed the committed infringement, failed to compensate for the loss and/or damage or evaded to provide a compensation for it shall be regarded as aggravating circumstances.

Article 25. Time Limit for Imposing Fines or Issuing a Warning

The fines or a warning provided for in Article 23 of this Law may be imposed (issued) not later than within six months from establishing an infringement of this Law; and in the event of a continuing infringement - from the day when it transpired. This provision shall not apply when a dangerous product impairs the consumer's health or causes his death.

Article 26. Administrative Liability

Infringements of this Law shall entail administrative liability in accordance with the procedure laid down by law.

Article 27. Procedure for Investigating Infringements of this Law and Imposing Fines or Issuing a Warning

1. The Authority shall examine infringements of this Law and by a resolution impose fines or issue warnings set out in this Law. The procedure for examining the infringements and imposing the penalties or issuing warnings shall be laid down by this Law and the rules for the examination of infringements of the Law of the Republic of Lithuania on Product Safety. These rules shall be approved by the Director of the Authority.

2. Examination of an infringement shall commence on the grounds of a statement reporting an infringement of this Law drawn up by the Authority or a product safety control body. A statement reporting an infringement of this Law drawn up by the product safety control body shall, not later than within three working days of the drawing-up of the statement, be submitted together

with the relevant evidence to the Authority.

3. A representative of the product safety control body which submitted the relevant material shall be present during the examination of the infringement; the person in breach and/or his representative must be informed and may also be present during the examination. The person in breach and/or his representative shall be entitled to get access to the above-mentioned material, provide explanations, make motions, give evidence, and appeal against the decisions adopted. Failure of the person in breach and/or his representative, where he was informed via registered post not later than 14 days prior to the examination of an infringement at the Authority about the possible infringements of this Law, the venue and time of the examination of the infringement as well as about the possibility to have access to the relevant documents and other information and to produce written explanations, to appear at the examination of the infringement shall not prevent the examination from taking place.

4. Infringements shall be examined at the Authority by written or oral procedure. When examining an infringement by oral procedure, a meeting of the Authority or part thereof may be held in camera where it is necessary to safeguard state, professional or commercial secrecy, or to guarantee the consumer his right to privacy.

5. Having examined the infringement, the Authority shall adopt a resolution to impose fines or warning defined in this Law, to refuse to impose fines or warnings and/or to recover without legal proceedings from the producer, distributor or service provider costs specified in Article 17(4) of this Law which have been incurred by the product safety control body. The resolution shall comprise: name of the body who adopted it, date and venue of the examination of the infringement, data about the person in breach, circumstances of the infringement, evidence underlying the resolution, explanations of the person in breach and evaluation of such explanations, Article of this Law which lays down liability for the infringement, adopted decision, procedure of its implementation, time limits and procedure for appealing against the resolution.

6. Resolutions of the Authority shall, within three working days from their adoption, be sent by registered mail to the persons in respect of whom they were adopted.

Article 28. Appeal against Decisions of Product Safety Control Bodies and Resolutions of the Authority

1. Resolutions of the Authority or decisions of the product safety control bodies on the restrictions on the marketing as well as resolutions of the Authority on imposing fines or issuing warnings may, within 20 days from adoption of the resolution or decision, be appealed against to the court by the producer, distributor or service provider in accordance with the procedure laid down by the Law on Administrative Proceedings.

2. Appeal in a court shall not stay the enforcement of the decision or resolution unless the court provides otherwise.

Article 29. Implementation of Resolutions of the Authority

1. 1. The fines imposed pursuant to Article 23 of this Law shall be paid into the state budget not later than within one month from the receipt by the person in breach of this Law of the resolution of the Authority to impose a fine upon him.

2. A resolution of the Authority shall be an instrument permitting enforcement, enforced in accordance with the procedure laid down by the Code of Civil Procedure. A resolution of the Authority may be submitted for enforcement not later than within three years from its adoption. This time limit shall be extended by the period of time the enforcement of the resolution of the Authority to impose a fine was suspended by the court.

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-1206
of 1 June 1999

LEGAL ACT OF THE EUROPEAN UNION IMPEMETING THE LAW OF THE REPUBLIC OF LITHUANIA ON PRODUCT SAFETY

Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety.