

REPUBLIC OF LITHUANIA
LAW
ON
CONSUMER PROTECTION

The Law establishes and guarantees the rights of the population as the consumers of goods and services, and protects their economic and social interests. The Law shall regulate the relations between consumers and sellers or service suppliers that have been registered in the established manner if the relations are not regulated by other laws currently in effect. The Law shall not regulate services related to health care.

CHAPTER I
GENERAL PROVISIONS

Article 1. Concepts of the Law

The concepts used in the Law shall mean:

Consumer - a person who buys goods and uses services for personal or household use;

Manufacturer - legal or natural person who has registered his/her business in accordance with the procedure established by law and produces goods for sale;

Seller - legal or natural person who has registered his/her business in accordance with the procedure established by law and sells goods to the consumer;

Service supplier - legal or natural person who has registered his/her business in accordance with the procedure established by law and carries out works for the consumer under contract;

Goods' (services') warranty period - the period established in normative documents of standardisation or contracts, within which the consumer shall be entitled to a free repair of the goods (services) or to the replacement thereof with goods (services) of proper quality or to the refund of money paid for the goods (services), should it transpire that the purchased goods (services) fall short of the guaranteed quality, provided that the violations of the regulations for the use of the goods (services) has not been proved. Warranty period shall commence from the day of purchase of goods (service supply);

Guarantee period of storage (sale) of goods - the period provided for in the normative documents of standardisation or in contracts which commences from the date of production and within which the goods may be sold if kept in proper conditions prescribed by the normative documents or contracts;

Service life - a period of time from the beginning of service and until the product becomes unfit for use;

Normative document:

1) obligatory normative document which establishes the norms

of the safety of goods and obligatory quality standards to be complied with by the manufacturer, service supplier and seller;

2) declared normative document which is referred to by the manufacturer, service supplier or seller, undertaking thereby to comply with all the requirements set forth in the document.

Article 2. Consumer Rights

In the Republic of Lithuania consumers shall have the following rights:

- 1) to freely buy goods and use services;
- 2) to acquire proper quality and safe goods and services;
- 3) to request restoration of infringed rights and compensation of loss;
- 4) to obtain information on goods and services and on the procedure for implementing or restoring his/her consumer rights;
- 5) to freely form consumer organisations; and
- 6) to receive help from the institutions of state power and government, and consumer organisations in restoring their infringed rights.

CHAPTER 2 IMPLEMENTING CONSUMER RIGHTS

Article 3. Sale of Goods and Services

The right of consumers to buy goods and services at their own discretion may not be restricted otherwise except by law.

The sale of goods, performance of services and payment for such may not have any additional conditions attached to them, unless the conditions were provided for in the contract.

The method of payment for the goods sold and services performed shall be established by agreement between the seller (service supplier) and consumer. For the goods (services) paid for the seller (service supplier) must issue a receipt in accordance with the procedure established by the Government of the Republic of Lithuania.

Goods (services) must be delivered (performed) to the consumer at the agreed time. In case of delay the seller (service supplier) must pay interest established by law for each day of delay which shall be calculated on the basis of the price of goods (services) unless the contract of purchase-sale (performance of service) provides otherwise.

If an item or material presented by the consumer is lost or damaged through the fault of a service supplier, they may be replaced, with the consumer's consent, by an item or material of equal value or, if the consumer refuses or there are no possibilities of replacement, the service supplier must compensate for the value of the item or material in accordance with the current prices and compensate for the incurred losses taking into account the price index.

The Government of the Republic of Lithuania shall establish

rules for retail trade, public catering and rendering of services. Special rules may be established for individual types of goods (services).

Article 4. Quality of Goods and Services

The quality of goods and rendered services must not be worse than the quality provided for in normative documents of standardisation and contracts.

The seller (service supplier) shall be responsible for the quality of goods sold (services rendered).

Goods (services) the use whereof may have a negative effect on human life and health shall be sold (rendered) only provided that the safety of the goods (services) is certified by documents issued by appropriate agencies. The list of such goods and services shall be approved by the Government of the Republic of Lithuania or an agency authorised by it.

If non-food goods which are sold to the consumer do not correspond to the documents regulating their quality or are not in compliance with the conditions set forth in the contract (unless it is proved that the defects appeared through the consumer's fault), the consumer shall have the right to request within the warranty period (in the event that the period is not

established - within 6 months after purchase) that the seller, at the consumer's choice:

- 1) replace goods of unsatisfactory quality;
- 2) eliminate the defects of goods free of charge;
- 3) reduce the price of goods; or
- 4) terminate the contract of purchase-sale and compensate for the losses taking into account the consumer price index.

The procedure for implementing the rights specified in Par. 4 hereof shall be established by the regulations approved by the Government of the Republic of Lithuania.

If the consumer purchases a food product that is not of merchantable quality he shall have the right to either have it replaced by a good quality product of the kind or to return it to the seller and receive back the money paid for the product. The above right may be exercised prior to the expiry of the guarantee period for storage (sale) of the product.

Upon the expiry of the guarantee period for storage (sale) of a product, it may be sold only after the guarantee period of storage (sale) of goods is extended in accordance with the established procedure and after the seller notifies the customer thereof. Sale of perishable products included in the list of perishable food products determined by the Ministry of Health the guarantee period of storage (sale) whereof has expired shall be prohibited in the Republic of Lithuania.

The customer shall be compensated by the seller if during the service life of a product as established by normative documents of standardisation he suffers damages by reason of the product's faulty quality. The seller who compensates for the damage caused to the consumer shall have recourse against the manufacturer through whose fault the damage is caused for the compensation of the incurred losses.

The manufacturer must guarantee adequate and reliable servicing and repairs of the product within the established service period.

Article 5. Provision of Consumer Information

The consumer shall be entitled to get comprehensive and true information in the state language as to the acquisition of goods and services terms, their quality, directions for use, warranties and exchange period, the procedure for the termination of the purchase of goods (services) contract, as well as other relevant information that has significance for the consumer.

The provision of such information to the consumer and its truthfulness shall be the responsibility of the seller (service supplier). If the consumer was not provided with relevant information or if it was fraudulent and by reason thereof the goods or services were not fit for their intended use, he shall be entitled to terminate the contract and to request the reimbursement for losses.

At retail trade and service supply outlets names of goods (services) and their prices must be publicly displayed.

If the consumers are misled by false advertising by reason of which they suffer losses, the advertiser must reimburse for such losses. Goods must contain information necessary for its consumption (use), provided for in the normative documents of standardisation

Mandatory goods' marking requirements shall be established by the Government of the Republic of Lithuania or an agency authorised by it.

If the safety of goods, their transportation and storage require special rules, an agency authorised by the Government or the manufacturer of goods must prepare them and the seller of goods or services must notify the buyers about them .

If after the goods are sold it turns out that it may cause harm to the consumer, the seller or manufacturer must immediately warn the consumers and supervisory institutions or agency and take measures to eliminate said danger. If it is not possible to eliminate said defects, the consumer shall have the right to terminate the contract and to demand the indemnification for the losses from the seller.

The production and selling of such goods must be immediately discontinued in accordance with the procedure established by normative acts.

CHAPTER 3 SAFEGUARDING CONSUMERS' RIGHTS

Article 6. Government Agencies Safeguarding Consumers' Rights

A state institution authorised by the Government and financed from the state budget which is subordinate to the Government of the Republic of Lithuania shall monitor the enforcement of this Law in the Republic of Lithuania.

The institution authorised by the Government shall protect

the rights of the consumers, related to the sale of goods and services by :

- 1) monitoring the quality of goods and services;
- 2) controlling whether the sellers and manufacturers of goods and services comply with the legislation and other normative acts;
- 3) applying sanctions that are within their competence against violators, or submitting appropriate proposals to the Government of the Republic of Lithuania;
- 4) consulting the consumers on all issues relative to their rights;
- 5) organising the development of the culture of consumption and issuing specialised publications;
- 6) investigating the petitions of consumers, in respect of the infringement of their rights.

The Government of the Republic of Lithuania shall approve the Council established under the auspices of state institution authorised by the Republic of Lithuania, the members of which are representatives of interested institutions. The Council shall function in compliance with the statutes approved by the Government of the Republic of Lithuania.

State power and government institutions shall ensure that international agreements concerning the supply of goods and services are complied with in the territory of the Republic of Lithuania and that international consumer protection provisions are applied.

State power and government institutions shall provide conditions for the functioning of public consumer organisations and support their activities.

Article 7. The Protection of the Infringed Consumer Rights

If a person (a seller of goods or supplier of services) who infringed on the consumers' rights, refuses to satisfy the consumers claim to the restoration of the infringed right, the consumer may appeal to the agency authorised by the Government and in cases provided by laws, to municipal institutions.

Upon receipt of a consumers complaint, said agencies must within a month investigate the complaint, and provided the consumer's rights were infringed, to achieve that these rights are restored. If a consumer disagrees with the findings of the agency that investigated his complaint, he may directly appeal to court or the Prosecutor's Office.

Article 8. The Rights of Public Consumer Organisations

Public Consumer Organisations shall have the right to:

- 1) protect consumers' rights , their economic and social interests in state power and government institutions, in court and public organisations;
- 2) obtain information from relevant state government agencies, manufacturers, sellers, and the suppliers of services in respect of the quality of products and goods sold or services rendered, as well as other information necessary for the

protection of consumers rights and interests with the exception of state and commercial secrets;

3) investigate public opinion about the range of goods and their quality, the organising of the supply of goods and services, etc;

4) investigate the quality of goods and services at their testing centers and laboratories accredited in the established manner, as well as present them to competent Lithuanian and foreign organisations for examination and testing;

5) submit proposals and recommendations to state government institutions, manufacturers, sellers and suppliers of services in relation to the improvement of the quality of goods and services, discontinuation of the production of goods (supply of services) which are of a non-merchantable quality, prevention of the production and sale of dangerous consumer goods;

6) on behalf of the consumer to lay claims to legal and natural persons, who infringed consumer rights and legitimate interests;

7) to appeal to state power and government institutions, if said institutions adopted decisions contradicting this Law and other legislation safeguarding consumer rights and interests.

Article 9. Liability of Persons for the Violation of the Consumer Rights

The terms in the purchase and sale contracts and supply of services contracts may not be in conflict with the laws of the Republic of Lithuania. The rules of the supply of goods and services that infringe upon consumer rights or exempt the manufacturer, seller or supplier of services from the liability or that limit it shall be prohibited.

Upon infringement of the consumer rights should any moral harm be inflicted upon the consumer, the violator must compensate for it. Upon the restoration of the infringed consumer rights, other liability established by laws may apply to the offenders.

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

ALGIRDAS BRAZAUSKAS
President of the Republic

Vilnius
10 November 1994
No. I-657