

GOVERNMENT OF THE REPUBLIC OF LITHUANIA

R E S O L U T I O N

ON APPROVAL OF THE PROCEDURE FOR

THE IMPORTATION OF FOODSTUFFS INTO THE REPUBLIC OF LITHUANIA AND

THE CONTROL OF

SAFETY AND QUALITY OF SUCH FOODSTUFFS

9 October 1999, No. 1132

Vilnius

The Government of the Republic of Lithuania hereby h a s r e s o l v e d:

1. To approve the procedure for the importation of foodstuffs into the Republic of Lithuania and the control of safety and quality of such foodstuffs (appended).
2. To declare Resolution No. 1106 of the Government of the Republic of Lithuania of 9 October 1997 on the Approval of the Procedure of the Importation of Foodstuffs into the Republic of Lithuania and the Control of Safety and Quality of such Foodstuffs invalid.
3. This Resolution shall enter into force on 1 December 1999.

PRIME MINISTER

ROLANDAS PAKSAS

MINISTER OF HEALTH CARE

RAIMUNDAS ALEKNA

APPROVED BY

**PROCEDURE FOR THE IMPORTATION OF FOODSTUFFS INTO
THE REPUBLIC OF LITHUANIA AND THE CONTROL OF SAFETY AND
QUALITY OF SUCH FOODSTUFFS**

1. This procedure shall regulate the importation of foodstuffs (including foodstuffs intended for charity and support) into the Republic of Lithuania, their carriage in transit through its territory, and the activities of control institutions. The aim of the procedure - to ensure that no foodstuffs that might be harmful to human health or become a reason for the spread of diseases and plant pests, be brought into the Republic of Lithuania. This procedure shall not apply to the foodstuffs which are temporarily imported for exhibitions or for representation purposes, as well as to the foodstuffs intended to satisfy the needs of diplomatic missions of foreign states.

2. For the purposes of this procedure:

“Foodstuffs” means any substances or products - processed, semi-processed or raw materials (unprocessed products) intended for human nutrition or similar consumption (foodstuffs shall also include drinking water, alcoholic beverages, chewing gum, food additives and other substances and products intended for human swallowing, chewing or consumption, except medical and tobacco products, narcotic and psychotropic substances). The list of imported foodstuffs which are inspected by food control authorities shall, in accordance with the combined nomenclature, be approved by the Ministry of Health Care, upon consultation with the State Veterinary Service, State Plant Protection Service and the Customs Department at the Ministry of Finance;

“Importation” means entry of foodstuffs into the customs territory of the Republic of Lithuania by declaring them for the procedures for release for free circulation, customs warehousing, processing under customs control, inward processing or customs transit;

“Safety” means the totality of hygienic, veterinary and plant protection requirements as regulated by legal acts of the Republic of Lithuania. The foodstuffs meeting the said requirements

shall be considered safe to human health and cannot be the reason for the spread of diseases, weeds and plant pests;

“Foodstuffs for particular nutritional purposes” means foodstuffs whose labels, instruction for use and the supplier’s declaration of conformity indicate that they are intended for the nutrition of sportsmen, diabetics, infants or children, as well as for dietary nutrition (in accordance with the list of foodstuffs imported into the Republic of Lithuania, which are inspected by food control authorities);

“Food additives” means any substances which, although normally are not treated as food or components thereof, are added for technological purposes to food during its handling, and at the end of handling process either themselves or their components become - or it is likely that they would become - a component of food. Food additives shall be marked with the letter E followed by the three-digit or four-digit code which indicates their registration number in the European Union;

“Consignment” means foodstuffs sent by one consignor abroad to one consignee in the Republic of Lithuania, which are produced from the same raw materials in accordance with the same technology and possessing the supplier’s declaration of conformity, veterinary or phytosanitary certificate and the primary accounting document;

“Supplier’s declaration of conformity (the supplier’s declaration of conformity according to LST EN 45014, health, quality certificate or other document)” means statement of a supplier (producer, distributor, importer or other declarant) made on his own responsibility that the product meets hygienic and quality requirements, as well as other legal acts;

“Food control authorities” means institutions authorised by state institutions exercising control over the safety of foodstuffs - the Ministry of Health Care, State Veterinary Service and State Plant Protection Service, the posts of which operate at the border crossing points of the Republic of Lithuania or the customs offices within the customs territory, as well as the State Quality Inspectorate - for the control of foodstuffs in the domestic market;

“Importer of foodstuffs” means an economic entity of the Republic of Lithuania who has purchased imported foodstuffs from a foreign legal or natural person or who has concluded a supply contract with the said person, and who is registered by the Ministry of Health Care and (or) the State Veterinary Service in a prescribed manner;

“Documentary check” means verification of supplier’s declarations of conformity, veterinary or phytosanitary certificates or other documents accompanying foodstuffs, carried out by food control authorities;

“Identity check” means verification by visual inspection for consistency between the imported foodstuffs and the accompanying documents; carried out by food control authorities; verification of conformity of the stamps and marks to the established requirements;

“Physical check” means a check of the condition of foodstuffs, carried out by food control authorities (when necessary, selecting samples for testing).

3. Only those foodstuffs which meet the requirements established in legal acts of the Republic of Lithuania may be entered into the Republic of Lithuania, with the exception of the cases provided for in international agreements of the Republic of Lithuania. Importers of foodstuffs brought into the Republic of Lithuania shall be held liable under law for safety and quality of the said foodstuffs. Conformity to these requirements shall be verified by food control authorities in accordance with their competence.

The requirements set out in this procedure, including the registration of importers of foodstuffs, shall not apply to foodstuffs intended for the registration in the Republic of Lithuania or carrying out of an expert examination (it shall be allowed to import for this purpose not more than 50 grams of each food additive, and not more than one pack intended for retail trade, of each foodstuff for particular nutritional purposes), for satisfying the needs of diplomatic missions of foreign states, as well as temporarily imported for exhibitions.

Travellers shall, without a permit granted in accordance with the procedure established by a state institution authorised by the Government of the Republic of Lithuania (as well as the supplier’s declaration of conformity, veterinary or phytosanitary certificate and a certificate of the importer of foodstuffs), be allowed to import foodstuffs the quantity of which does not exceed the quantity defined in legal acts of the Republic of Lithuania.

If a postal item or a postal parcel contains more than three kilograms of the foodstuffs classified in one subposition of the combined nomenclature, which are permitted to be sent by post to the Republic of Lithuania, the supplier’s declaration of conformity, veterinary or phytosanitary certificate and a certificate must be presented to the state institutions which carry out a check on

postal items or postal parcels, and the receiver of a postal item or a postal parcel must in a prescribed manner registered as an importer of foodstuffs.

4. Control of imported foodstuffs shall be carried out in two stages: the posts of the State Veterinary Service and State Plant Protection Service shall operate at a border crossing point of the Republic of Lithuania; food control posts of the Ministry of Health Care shall operate at the customs offices located within the customs territory. Additional control of certain foodstuffs (in accordance with subparagraph 19) shall be carried out in the place of unloading after the customs clearance of the foodstuffs, upon having carried out at the customs office all due customs formalities relating to the chosen customs procedure.

5. The foodstuffs subject to control of the State Veterinary Service and State Plant Protection Service shall be entered only through those state border crossing points of the Republic of Lithuania at which the posts of the said institutions are located. Other foodstuffs may be entered through any state border crossing point at which a customs office operates.

6. The list of foodstuffs imported into the Republic of Lithuania, which are checked by food control authorities shall define which foodstuffs shall be subject to the control of which food control authority.

7. It shall be prohibited to import foodstuffs from the states in the territories whereof dangerous human, animal or plant diseases are reported. Such prohibition shall take effect (as well as shall be repealed) on the next day following the publication by the Ministry of Health Care, the State Veterinary Service or the State Plant Protection Service of this fact in the *Valstybės žinios* (Official Gazette). It shall be allowed to import meat and meat products (in accordance with the list of foodstuffs imported into the Republic of Lithuania, which are inspected by food control authorities) for retail trade held in packages of no more than three kilograms each, and bulk meat or meat products - only for industrial processing. Economic entities shall be allowed to admit imported foodstuffs intended for processing only in the presence of a permit of the food control authority to sell a consignment. Food control authorities shall control compliance with the said requirements.

8. In order to regulate the activities of importers and to increase their responsibility for the safety and quality of foodstuffs, importers of foodstuffs shall be registered, certificates shall be issued and their validity shall be terminated in compliance with the procedure established by the Ministry of Health Care and the State Veterinary Service. Such registration shall be necessary only

for those economic entities which will enter foodstuffs into the Republic of Lithuania for the customs procedures for release for free circulation, processing under customs control and inward processing. The registration of importers shall be checked by customs officers and additionally verified by officers of food control posts.

9. Each consignment of foodstuffs, entered into the Republic of Lithuania for the customs procedures for release for free circulation, processing under customs control and inward processing, must contain the supplier's declaration of conformity, veterinary or phytosanitary certificate made out in the Lithuanian (or English, German, Russian) language. Apart from general requirements established for the supplier's declaration of conformity, it must include safety and quality indicators provided by the supplier, as well as the following information:

9.1. the "best before" date or "use-by" date of foodstuffs (if this information is provided only on the packages of foodstuffs, it must be recorded in the supplier's declaration of conformity, veterinary or phytosanitary certificate by the officer of a food control authority who has carried out the check on the consignment); if such date is not indicated in the supplier's declaration of conformity, or veterinary or phytosanitary certificate, or on the packages of foodstuffs, but a production date is marked, then the "best before" date or "use-by" date for an appropriate foodstuff, established by legal acts of the Republic of Lithuania, shall be recorded;

9.2. food additives contained in foodstuffs (this information may be provided only on the packages of imported foodstuffs);

9.3. the degree of contamination with radioactive isotopes, if foodstuffs originate in or are imported from Belarus, Ukraine and Bryansk, Kaluga, Tula and Chelyabinsk Regions of Russia.

10. Customs transit procedure for foodstuffs controlled by the State Veterinary Service and the State Plant Protection Service, from the customs office operating at the state border crossing point of the Republic of Lithuania to the customs office operating within the customs territory shall be documented only after the inspection at the food control post operating at the state border crossing point. Upon having carried out the inspection, conformity declarations of the supplier, veterinary or phytosanitary certificates presented at the said posts as well as at the food control posts operating at the customs offices within the customs territory, shall be marked with "Goods released" or "Goods held for inspection". The copies of these documents must also be submitted to the said

posts. Such copies shall be passed for retaining to the appropriate food control authority, depending on the type of imported foodstuffs.

11. Marks “Goods released” and “Goods held for inspections” shall include the name of a food control authority, personal number of the officer, signature, registration data and number.

12. The mark “Goods released” shall put when conformity declarations of the supplier, veterinary or phytosanitary certificates and imported foodstuffs satisfy the requirements set out in this procedure, and when it is established that the foodstuffs have been conveyed in compliance with the transport conditions set out in legal acts or referred to in the supplier’s declaration of conformity, veterinary or phytosanitary certificate.

13. Conformity declarations of the supplier, veterinary or phytosanitary certificates shall be marked with “Goods held for inspection” in the following cases:

13.1. when importing food additives or their mixtures without the authorization of the National Nutrition Center of the Ministry of Health Care to sell these preparations or use them in foodstuff production;

13.2. when foodstuffs are imported from (or originate in) Belarus, Ukraine, Bryansk, Kaluga, Tula and Chelyabinsk Regions of Russia, and it is necessary to carry out tests of these foodstuffs for contamination with radioactive isotopes;

13.3. when carrying out periodic controls.

14. When marking the supplier’s declaration of conformity, veterinary or phytosanitary certificate with “Goods held for inspection”, the reason for the adopted decision must be mentioned in these documents.

15. When a food control authority establishes that it is necessary to check the condition of carried foodstuffs and their conformity to the documents, customs officers shall remove the seal of the means of transport. Upon establishing that it is necessary to conduct a thorough expert examination of the imported foodstuffs, the supplier’s declaration of conformity of the consignment, veterinary or phytosanitary certificate shall be marked with “Goods held for inspection”.

16. When the supplier’s declaration of conformity, veterinary or phytosanitary certificate has been marked with “Goods held for inspection”, samples shall be selected for an expert examination

and a sample selection report shall be drawn up at the food control post operating at the customs office within the customs territory of the Republic of Lithuania (when necessary - at the state border crossing point of the Republic of Lithuania). Pending the expert examination (but not longer than for the period established by legal acts of the Republic of Lithuania), the means of transport shall be re-sealed or the goods contained in the said means of transport shall be stored in the customs warehouse or the export and import terminal.

17. The selected samples accompanied by the copies of the sample selection report and the supplier's declaration of conformity, veterinary or phytosanitary certification shall be sent to the food control authority which shall, within its competence, conduct an expert examination. Required laboratory tests shall be carried out in the laboratories accredited (attested) to carry out particular tests. If the expert examination establishes that the consignment of foodstuffs conforms to the requirements laid down in legal acts of the Republic of Lithuania, the food control authority shall grant a permit to sell the consignment; if it is established that the said consignment does not conform to such requirements, a document shall be issued with the conclusion specifying the reason why the consignment of foodstuffs is not suitable for sale. Permits to sell or documents certifying unsuitability for sale must be immediately forwarded to the food control authority which selected the samples of foodstuffs. Costs of the expert examination shall be borne by the owners of goods.

18. Upon having obtained the permit of the institution which conducted the expert examination, to sell the goods, the supplier's declaration of conformity, veterinary or phytosanitary certificate shall be marked with "Goods released". Then the customs procedures for release for free circulation of imports, processing under customs control or inward processing may be documented.

19. If it is impossible to thoroughly examine any of the products singled out in the list of foodstuffs imported into the Republic of Lithuania, which are checked by food control authorities, at a control post operating at the customs office, necessary additional inspection (radiological or laboratory expert examination) shall be carried out in the place of unloading of the goods. In this case:

19.1. the supplier's declaration of conformity, veterinary or phytosanitary certificate shall be marked with "Release prohibited without food control authority's permission", the tests which have to be carried out shall be specified, and the customs procedures for release for free circulation of imports, processing under customs control or inward processing shall be documented for this consignment of foodstuffs. The officer of the food control authority who has marked the supplier's

declaration of conformity, veterinary or phytosanitary certificate with “Release prohibited without food control authority’s permission”, shall inform the territorial food control authority of the place of unloading of goods about the consignment, and shall make an appropriate entry in the register of imported foodstuffs. The goods may be conveyed to the importer’s warehouses, however, it shall be prohibited to sell them until the results of the expert examination showing that the goods conform to the requirements laid down in legal acts of the Republic of Lithuania, are obtained, and the food control authority grants a permit to sell the consignment;

19.2. if upon carrying out of the expert examination it has been established that the consignment of foodstuffs conforms to the requirements laid down in legal acts of the Republic of Lithuania, the food control authority shall grant a permit to sell the consignment;

19.3. if upon carrying out of the expert examination it has been established that the consignment of foodstuffs does not conform to the established requirements, the food control authority shall issue a document containing the conclusion that the consignment of foodstuffs is not suitable for sale, and shall adopt a decision obligating the importer of foodstuffs to remove the consignment from the territory of the Republic of Lithuania within two weeks of issuing of the said document, documenting the outright export procedure under the supervision of an appropriate food control authority, or to make the consignment harmless or to destroy it in a prescribed manner;

19.4. Permits to sell or documents certifying unsuitability for sale must be immediately forwarded to the importer and the food control authority which selected the samples for the expert examination which shall make an entry on the conclusion of the expert examination in the register of imported goods.

20. If the document issued by the food control authority, contains the conclusion that the consignment of foodstuffs does not conform to the established requirements, or the supplier’s declaration of conformity is stamped with the mark of only one food control authority, but the mark of the second food control authority is also required, the imported consignment of foodstuffs shall not be documented for the customs procedures for release for free circulation, processing under customs control or inward processing. The consignment of foodstuffs must leave the territory of the Republic of Lithuania within the period set for transit. The decision to prohibit sale of imported foodstuffs may be appealed against in accordance with the procedure established by laws.

21. If the consignment of foodstuffs has not been subjected to additional inspection at the food control authority, the copies of conformity declarations of the supplier, veterinary or phytosanitary certificates shall, for the period of six months after the expiry of the “best before” date or “use-by” date, be retained at the appropriate food control authority, depending on the type of imported foodstuffs. If the consignment of foodstuffs has been subjected to additional inspection, the copies of sample selection reports, documents, permits to sell, conformity declarations of the supplier and veterinary or phytosanitary certificates shall be retained at the institution which conducted the expert examination, for the period of six months after the expiry of the “best before” date or “use-by” date.

22. It shall be prohibited to enter or send by post home-made foodstuffs of animal origin (which do not have labels) without a veterinary certificate.

23. When importing foodstuffs for particular nutritional purposes, officers of food control authorities shall verify whether these products have been registered with the National Nutrition Centre of the Ministry of Health Care in accordance with the procedure established by the Ministry of Health Care. The list of foodstuffs for particular nutritional purposes, which are allowed to be imported, shall be approved and published in the *Valstybės žinios* (Official Gazette) by the National Nutrition Centre of the Ministry of Health Care.

24. When entering foodstuffs for customs warehousing, food control authorities shall verify only for consistency between the documents and the goods. It shall, following the customs warehousing, be permitted to document the said goods for the customs procedures for release for free circulation, processing under customs control or inward processing only if this is in compliance with other legal acts of the Republic of Lithuania, when the inspection of safety of the foodstuffs has been carried out, and the conformity declarations of the supplier, the veterinary or phytosanitary certificates are marked with “Goods released”.

25. When carrying goods in transit through the customs territory of the Republic of Lithuania, from one customs office operating at the state border crossing point of the Republic of Lithuania to the other customs office operating at the state border crossing point of the Republic of Lithuania, inspection of the safety of foodstuffs shall not be carried out, it shall not be required to present to food control authorities and customs office documents proving safety and quality of goods, except a veterinary or phytosanitary certificate (for foodstuffs subject to control of the State Veterinary Service or the State Plant Protection Service).

26. Each consignment of foodstuffs imported into the Republic of Lithuania must be accompanied by legally valid primary accounting documents which should, next to the name of each product, contain consignment identification requisites (the number of the supplier's declaration of conformity, veterinary or phytosanitary certificate and the "best before" date), the code of the institution which granted permission to sell foodstuffs in the Republic of Lithuania and the number of registration of the supplier's declaration of conformity, veterinary or phytosanitary certificate with the said institution. Each consignment of alcoholic beverages must additionally have the supplier's declaration of conformity or its copy confirmed with the supplier's stamp.

27. If necessary, safety and quality of foodstuffs imported into the Republic of Lithuania may be repeatedly checked in the domestic market.