

GOVERNMENT OF THE REPUBLIC OF LITHUANIA

R E S O L U T I O N No.1622

On Licensing the Production of Tobacco and its Products
and their Import into the Republic of Lithuania

Vilnius, 27 December 1995

On the basis of Article 13 of the Law on Enterprises of the Republic of Lithuania (Records, 1990, No. 14-395, 1995, No.60-1503, No.94-2089) and the Resolution of the Seimas of the Republic of Lithuania No. 1-1016 “On the Implementation of the Law of the Republic of Lithuania” On the Amendments and Supplements to the Law on Enterprises of the Republic of Lithuania” of 5 July 1995 (Records, 1995, No. 60-1504), the Government of the Republic of Lithuania r e s o l v e s:

1. To approve the Regulations on Licensing the production of tobacco and its products and their import into the Republic of Lithuania (attached).

2. To instruct:

2.1. the Ministry of Agriculture to issue licences for the production of tobacco and its products as well as licences for the import of tobacco into the Republic of Lithuania;

2.2. the Ministry of Industry and Trade after coordination with the Ministry of Agriculture as well as the Ministry of Health Care, to issue licence for the import of tobacco products into the Republic of Lithuania.

3. to establish that import certificates, issued in accordance with Order No.85 of the Customs Department under the Ministry of Finance on 23 February 1995 (Records, 1995, No.24-556,) prior to the enactment of the given Resolution shall be valid until the expiry of the period specified therein.

4. Partial amending the procedure of import of tobacco products and alcoholic beverages established in Resolution No.985 “On Procedure of Export and Import Regulation on the Republic of Lithuania” of 14 October 1995 approved by the Government of the Republic of Lithuania (Records, 1994, No. 81-1539, No. 85-1615; 1995, No.9-198, No.20-460, No.39-978, No.44-1082, No.61-1550, No.63-1597, No. 76-1776, No.79-1842, No.88-1977, No.91-2047) to outline as follows:

“1. After licences for the import of tobacco products into the Republic of Lithuania have been granted, the economic entities shall have the right to import tobacco products into the Republic of Lithuania (codes according to the Combined Nomenclature of EEC - 2402.10.00.0 - 2402.90.00.0, 2403.10- 2403.99.90.0, not including 2403.10.90.0). These licences shall be granted in accordance with the procedure established by the Government of the Republic of Lithuania”.

Prime Minister

Adolfas Dlebevičius

Minister of Agriculture

Vytautas Einoris

APPROVED

by Resolution No.1622
of 27 December 1995
of the Government of
the Republic of Lithuania

Regulations on Licensing the Production of Tobacco and Its Products and Their Import into
the Republic of Lithuania

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General Provisions

1. These Regulations provide for the procedure according to which the present enterprises as well as enterprises under establishment may be granted licences to produce tobacco and its products as well as import them into the Republic of Lithuania.

At the same time the given Regulations provide for the procedure of granting a licence, suspension of its validity, revocations of the suspension of the validity of the licence, and cancellation of the validity of the licence.

2. The terms used in the given Regulations:

2.1. tobacco - is unprocessed tobacco and tobacco waste (codes according to the Combined Nomenclature of EEC 2401.10 - 2401.30.00.0; 2403.10.90.00);

2.2. tobacco products - cigars, including cigars with cut ends, cigarillas and cigarettes containing tobacco or tobacco substitute (codes according to the Combined Nomenclature of EEC - 2402.10.00.0 - 2402.90.00.0); other sorts of processed tobacco and processed tobacco substitutes; “harmonized” or “regenerated” tobacco; tobacco extracts and essences (codes - 2403.10 - 243.99.90.0, except 2403.10.90.0).

3. The following types of licences for the production of tobacco and its products as well as their importation into the Republic of Lithuania shall be established:

3.1. licence for the production of tobacco and its products;

3.2. licence for the import of tobacco into the Republic of Lithuania;

3.3. licence for the import of tobacco products into the Republic of Lithuania;

4. Licence shall be issued for the period of three years.

Issuance of the Licence

5. Licence for the production of tobacco and its products shall be granted by the Ministry of Agriculture.

6. The enterprise wishing to obtain the licence for the production of tobacco and its products shall submit to the Ministry of agriculture:

6.1. an application which shall specify:

6.1.1. enterprise code (in case the licence is obtained by a registered enterprise), its name and address;

6.1.2. brands of tobacco and its products planned to be produced, their codes according to the Combined Nomenclature of EEC and production capacities;

6.1.3. date of application submission;

6.2. copies of enterprise registration certificate and the regulations (the enterprise which is in the process of establishment - one of the documents indicated below: agreement of the enterprise establishment, act of the enterprise establishment , agreement of joint activities, draft regulations);

6.3. the standard certificate of the regional (county) public health care centre indicating that the conditions of production and the production premises meet the requirements of hygiene;

6.4. confirmation by the State Quality Inspectorate under the State Competition and Consumer Rights Protection Service as well as Regional (county) Public Health Care Centre indicating that the quality of products produced in accordance with the technological regulations meets the requirements specified in the standard acts of Lithuania;

6.5. certificate of the city (district) State Tax Inspectorate on the taxes paid and income declared.

7. Licences for the import of tobacco into the Republic of Lithuania shall be granted by the Ministry of Agriculture.

8. Licences for the import of tobacco products into the Republic of Lithuania shall be granted by the Ministry of Industry and Trade after coordination with the Ministry of Agriculture and the Ministry of Health Care.

9. The enterprise wishing to obtain a licence for the importation of tobacco and tobacco products into the Republic of Lithuania shall submit to the authorised institution:

9.1. an application which specifies:

9.1.1. enterprise code (in case the licence is granted to the registered enterprise), its name and address;

9.1.2. types of products to be imported, codes according to the Combined Nomenclature of EEC;

9.1.3. date of application submission;

9.2. copies of enterprise registration certificate and regulations. The enterprise which is in the process of establishment shall submit corresponding documents of the enterprise establishment

or their drafts in accordance with laws on different types of enterprises (agreement on enterprise establishment, act of the enterprise establishment, agreement of joint activities, draft regulations);

9.3. certificate of the city (district) State Tax Inspectorate on the taxes paid and income declared;

9.4. standard certificate of the Customs, located in the trade zone in which the enterprise has been registered, on the implementation of commitments to the Customs and payment of customs duties.

10. When the enterprise applies for a licence, certificates of the city (district) State Tax Inspectorate and Customs shall be issued not earlier than a month prior to the submission of the application.

11. Documents submitted by an enterprise applying for a licence shall be kept at the institution issuing the licence.

12. The licence shall be granted not earlier than within the period of 30 days after the date of the receipt of the documents required for its issuance.

The form of the licence shall be established by the institution issuing the licence.

13. The licence shall include:

13.1. licenced activities;

13.2. institution issuing the licence;

13.3. licence number;

13.4. licence holder (enterprise code, name and address. In case the licence is granted to the enterprise which is in the process of establishment, its code shall be entered in the licence after the enterprise has been registered with the Enterprise Register of the Republic of Lithuania. The code is entered by the institution issuing the licence);

13.5 date of the licence issuance;

13.6. authorities of the licence issuance;

13.7. period of the licence validity.

14. Licences shall be registered in the standard registration book specifying:

14.1. licence number;

14.2. licence holder (enterprise code, name and address);

14.3. licenced activities;

14.4. date of the licence issuance;

14.5. date of the licence suspension;

14.6. date of the revocation of the suspension of the licence validity;

14.7. date of the cancellation of the licence validity.

15. Upon the expiry of the term of the licence validity, new licences may be granted. New licences shall be granted in accordance with the established procedure.

16. In the event of loss of the licence, a duplicate with the mark “duplicate” shall be issued provided the reasonable explanation on its loss shall be given.

Refusal to Issue the Licence

7. Licences shall not be issued, if:

17.1. not all required documents are submitted;

17.2. submitted documents are not fully or falsely filled in;

17.3. data submitted is false;

17.4 stamp tax is not paid.

18. In case the licence is not granted within the period of 30 days after the date of the receipt of the required documents, the applicant shall be informed in writing thereof and the reasons for the refusal to issue the licence shall be indicated.

Licence Taxes

19. Stamp tax shall be collected for the issuance of the licence in accordance with the procedure established in the Law on the Stamp Tax of the Republic of Lithuania and resolutions of the Government of the Republic of Lithuania.

Licence shall be issued after the remittance with bank stamps or the receipt confirming the stamp tax paid have been submitted.

Conditions for the Licenced Activities

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20. Monitoring of the activities of the enterprises that engage in the production or import of tobacco and its products and the inspections of conditions for the licenced activities shall be conducted by the Ministry of Agriculture, Ministry of Industry and Trade, State Tax Inspectorate under the Ministry of Finance, Customs Departments under the Minister of Finance, Ministry of Health care and the state supervision agencies authorised by the Ministry of the Interior as well as the State Competition and Computer Rights Protections Service under the Governments of the Republic of Lithuania.

21. In the event that the laws of the Republic of Lithuania, resolutions of the Government of the Republic of Lithuania or other legal acts have been violated, licence holders shall be held responsible in accordance with the procedure prescribed by the laws of the Republic of Lithuania.

22. Licence holders may not authorise other enterprises or enterprise agents or permit other enterprises or their agents to engage in the activities specified in the licences.

23. The original of the licence shall be kept in safety at the enterprise (at the address indicated in the licence).

24. Enterprises, other legal and natural persons shall have the right to obtain oral as well as written information from the licence issuing institutions whether a certain enterprise has been granted a licence whether the licence is valid (its validity has not been suspended or canceled).

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Rights of Licence Holders

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25. Enterprises, holding licences to produce and import tobacco and its products shall have the right:

25.1. to engage in the activities specified in the licence;

25.2. to demand explanation in the event of refusal to be granted a licence as well as suspension or cancellation of the licence.

26. The enterprise under establishment shall obtain the right to engage in the activities specified in the licence upon its registration with the Register of Enterprises of the Republic of Lithuania.

Suspension of the Validity of the Licence and its Cancellation

27. Validity of the licence shall be suspended if the licence holder:

27.1. violates or violated in the past the laws or others legal acts related to the licenced activities;

27.2. data provided for the licence was false;

27.3. fails to produce the certificate of a manufacturing company indicating the quality of each shipment of tobacco products.

28. Validity of the licence is canceled, when:

28.1. the licence holder himself/herself refuses to use the licence;

28.2. the activities of the enterprise are stopped;

28.3. requirements specified in Article 27 are not eliminated in the period of 30 days after the suspension of the licence.

29. Upon the cancellation of the licence for reasons specified in Article 28.3 the licence holder shall within the period of 5 days submit to the licence submitting issuing institution the inventory act on the produced or imported and unsold tobacco and its products, signed by the representative of a city (district) of State Tax Inspectorate. The date of the licence cancellation shall be established on the basis of the quantity of products available, but the period shall not exceed 30 days.

In the event that the quality requirements of tobacco and its products are not supported by documents, the validity of the licence shall be canceled without delay.

30. Concrete proposals on cancellation, suspension or revocation of suspension of licences shall be provided by the Ministries and state institutions, specified in Article 20 of the given Regulations. Final decision shall be made by the licence issuing institutions.

31. Upon cancellation of the licence the licence holder shall have the right to appeal the decision in the manner prescribed by the laws of the Republic of Lithuania.

32. The institution which issued, suspended, revoked the suspension or canceled the licence shall report on the event in "Records". The announcement shall specify:

1. enterprise code;

2. licenced activity;

3. licence number;

4. licence issuance date;

5. date of suspension, revocation of suspension, cancellation of the licence.

33. The canceled licences shall be delivered to the licence holding institution within 5 working days.