

GOVERNMENT OF THE REPUBLIC OF LITHUANIA

R E S O L U T I O N No. 1106

**ON THE APPROVAL OF THE PROCEDURE OF
THE IMPORTATION OF FOODSTUFFS INTO THE REPUBLIC OF LITHUANIA AND
THE CONTROL OF
HARMLESSNESS AND QUALITY OF SUCH FOODSTUFFS**

9 October 1997,

Vilnius

Under Article 56 of the Law of the Republic of Lithuania on the Health System, the Government of the Republic of Lithuania hereby **h a s r e s o l v e d**:

1. To approve the procedure of the importation of foodstuffs into the Republic of Lithuania and the control of harmless ness and quality of such foodstuffs (appended).
2. To declare Resolution No. 35 of the Government of the Republic of Lithuania of 9 January 1995 on the Approval of the Order of Foodstuffs Import into the Republic of Lithuania and their Quality Control invalid.
3. This Resolution shall enter into force on 1 July 1998.

Prime Minister

Gediminas Vagnorius

Minister of Health Care

Juozas Galdikas

APPROVED BY

9 October 1997

The procedure of the importation of foodstuffs into the Republic of Lithuania and the control of harmless and quality of such foodstuffs

This procedure shall regulate the importation of foodstuffs 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 spreading of diseases and plant pests, be brought into the Republic of Lithuania. This procedure shall not apply to the foodstuffs which are temporarily brought for exhibitions or representation, as well as to the foodstuffs for the needs of diplomatic missions of foreign states.

For the purposes of this procedure:

2.1. "Foodstuffs" means all processed, semi-processed and unprocessed food products, raw materials, dishes, food products for particular nutritional purposes, food additives, chewing gum, beverages (Combined Nomenclature codes 02.01-04.10; 07.01-12.08; 12.10-12.13; 13.01-13.02; 15.01-15.17; 16.01-22.09; 2501.00.91.0; 3302.10; 3502.11.90.0; 3502.19.90.0; 3502.20.91.0-3502.20.99.0; 35.02.90.70.0-3502.90.90.0; 35.03);

2.2. "Importation" means importation of foodstuffs into the customs territory of the Republic of Lithuania by declaring them for home use of imports, procedures pertaining to customs warehousing, customs supervised processing, temporary admission for processing or customs transit;

2.3. "Harmless" means the totality of hygienic, veterinary and plant protection requirements as regulated by regulatory documents of the Republic of Lithuania. The foodstuffs meeting the said requirements shall be considered harmless to human health and may not be the reason for the spreading of diseases, weeds and plant pests;

2.4. "Foodstuffs for particular nutritional purposes" means foodstuffs whose labels, instruction for use and a conformity declaration of the supplier indicate that they are intended for the

nutrition of sportsmen, diabetics, infants and children, as well as for dietary nutrition (Combine Nomenclature codes 0402.29.11.0; 1704.90.81.0; 1901.10.00.0; 2005.10.00.0; 2007.10; 2104.20.00.0; ex21.06);

2.5. “Food additives” means substances which not being foodstuffs or their components, are specially added to food during technological process, in order to achieve desired sense or other technological qualities (Combined Nomenclature codes ex21.06; 3302.10);

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

2.7. “Conformity Declaration of the Supplier (conformity declaration of the supplier 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, plant protection and quality requirements, as well as other regulatory documents;

2.8. “Food control institutions” means an institutions authorised by state institutions exercising control over the harmlessness of foodstuffs - the Ministry of Health Care, State Veterinary Service and State Plant Quarantine Inspectorate, the posts whereof 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;

2.9. “Importer of foodstuffs” means an economic entity of the Republic of Lithuania who has purchased the 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;

2.10. “Documentary check” means verification of conformity declarations of the supplier, veterinary certificates or other documents accompanying foodstuffs, carried out by food control institutions ;

2.11. “verification of consistency” means visual inspection of the consistency of imported foodstuffs with the accompanying documents, carried out by food control institutions; verification of the conformity of stamps and marks to the established requirements;

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

Only those foodstuffs which meet the requirements established in the regulatory documents 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 the foodstuffs brought into the Republic of Lithuania shall be liable for harmless and quality of the said foodstuffs. Compliance with these requirements shall be verified by food control institutions and the State Quality Inspectorate according to their competence.

When importing foodstuffs, their control shall be carried out in two stages: the posts of the State Veterinary Service and State Plant Quarantine Inspectorate operate at a border crossing point of the Republic of Lithuania; food control posts of the Ministry of Health Care operate at the customs offices located within the customs territory.

The foodstuffs subject to control of the State Veterinary Service and State Plant Quarantine Inspectorate 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.

The list of foodstuffs brought into the Republic of Lithuania, which are checked by food control institutions shall be drawn up by the Ministry of Health Care, after consultation with the State Veterinary Service, the State Plant Quarantine Inspectorate and Customs Department at the Ministry of Finance.

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 when the Ministry of Health Care, the State Veterinary Service or the State Plant Quarantine Inspectorate announces about it in the *Valstybės žinios* (Official Gazette).

In order to regulate the activities of importers and to increase their responsibility for the harmless 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 bring foodstuffs into the Republic of Lithuania for the customs procedures of home use, customs supervised processing and temporary admission for processing.

Each consignment of foodstuffs, imported into the Republic of Lithuania for the customs procedures of home use, customs supervised processing and temporary admission for processing, must contain a conformity declaration of the supplier or veterinary certificate made out in the Lithuanian (or English, German, Russian) language. Apart from general requirements established for a conformity declaration of the supplier, it must include harmlessness 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 entered in a conformity declaration of the supplier or veterinary certificate by the officer of a food control institution who has carried out the check on the consignment); if such date is not indicated in the conformity declaration of the supplier or veterinary 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 regulatory documents of the Republic of Lithuania, shall be entered;

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.

Customs transit procedure for foodstuffs 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 by the appropriate food control institutions operating at the state border crossing points, taking into account the type of carried goods. Upon having carried out the inspection, conformity declarations of the supplier and veterinary certificates shall be marked with “Sale permitted” or “Additional control required”. Presented copies of these documents shall be passed for retaining to the appropriate food control institution, depending on the type of imported foodstuffs.

Marks “Sale permitted” and “Additional control required” shall include the name of a food control institution, personal identity number of the officer, signature, registration data and number.

The mark “Sale permitted” shall put when conformity declarations of the supplier, veterinary certificates and imported foodstuffs satisfy the requirements set out in this Procedure, and when it is established that the foodstuffs have been carried in compliance with the transport conditions set out in regulatory documents or the conformity declaration, or the veterinary certificate.

Conformity declarations of the supplier and veterinary certificates shall be marked with “Additional control required” in the following cases:

13.1. when importing food additives or their mixtures without an authorisation of the National Nutrition Center of the Ministry of Health Care for sale of these preparations or their use in foodstuff production;

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

13.3. when carrying out periodic controls.

When marking a conformity declaration of the supplier or a veterinary certificate with “Additional control required”, the reason for the adopted decision must be mentioned in these documents.

When a food control institution establishes that it is necessary to check the condition of imported foodstuffs and their correspondence with the documents, customs office officials 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 conformity declaration of the supplier of the consignment or the veterinary certificate shall be marked with “Additional control required”.

When the conformity declaration of the supplier or veterinary certificate has been marked with “Additional control required”, 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 (when necessary - at the state border crossing point of the Republic of Lithuania). Until the expert examination is conducted (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 an export and import terminal. The selected samples accompanied by a sample selection report and the copies of the conformity declaration of the supplier or the veterinary certification shall be sent to the food control institution 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 regulatory documents of the Republic of Lithuania, the food control institution 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 to sell must be immediately forwarded to the food control institution which selected the samples of foodstuffs. Costs of the expert examination shall be borne by the owners of goods.

Upon having obtained the permit of the institution which conducted the expert examination, to sell the goods, the conformity declaration of the supplier or the veterinary certificate shall be marked with "Sale permitted". Then the customs procedures for home use of imports, customs supervised processing or temporary admission for processing may be documented.

If the document issued by the food control institution, contains the conclusion that the consignment of foodstuffs does not conform to the established requirements, or the conformity declaration of the supplier is stamped with the mark of only one food control institution, but the mark of the second food control institution is also required, the imported consignment of foodstuffs shall not be documented for internal use of import, processing under supervision of the customs office or temporary import for 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.

If the consignment of foodstuffs is not subjected to additional inspection at the food control institution, the copies of conformity declarations of the supplier or veterinary certificates shall, for the period of six months after the expiry of the "best before" date or "use-by" date, be retained at the food control institution, depending on the type of imported foodstuffs. If the consignment of foodstuffs is subjected to additional inspection, the copies of sample selection reports, documents, permits to sell, conformity declarations of the supplier and veterinary 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.

Travellers shall be allowed to bring into the Republic of Lithuania foodstuffs intended for their consumption, without exceeding a maximum weight limit fixed by legal acts of the Republic of Lithuania. It shall be prohibited to bring in home-made foodstuffs of animal origin (which do not have labels) without a veterinary certificate.

It shall be permitted to import into the Republic of Lithuania foodstuffs for particular nutritional purposes for the customs procedures of home use of imports, customs supervised processing or temporary admission for processing only if those foodstuffs have been registered at 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 by the National Nutrition Centre of the Ministry of Health Care and shall be published in the *Valstybės žinios* (Official Gazette).

When entering foodstuffs for customs warehousing (unless it is suspected that the carried goods may be harmful to public health or become the reason of the spreading of diseases and plant pests), food control institutions shall verify only for consistency between the documents and the goods. It shall be permitted to import the said goods for the customs procedures of home use, customs supervised processing or temporary admission for processing only upon the carrying-out of inspection of their harmlessness and when conformity declarations of the supplier or veterinary certificates are marked with “Sale permitted”.

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 (external transit), inspection of the harmlessness of goods shall not be carried out (unless it is suspected that the carried goods may be harmful to public health or become the reason of the spreading of diseases and plant pests), it shall not be required to present documents proving harmlessness and quality of goods, except a veterinary certificate (for foodstuffs subject to control of the State Veterinary Service).

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

good, contain consignment identification requisites (the number of a conformity declaration of the supplier or veterinary 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 the registration with it as mentioned on the conformity declaration of the supplier or veterinary certificate. Each consignment of alcoholic beverage must additionally have a conformity declaration of the supplier or its copy confirmed with the supplier’s stamp.

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