

[Coat of Arms of the Republic of Lithuania]

GOVERNMENT OF THE REPUBLIC OF LITHUANIA

RESOLUTION

REGARDING THE AMENDMENT OF RESOLUTION NO. 200 OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA OF 23 FEBRUARY 2004 “ON AUTHORIZING THE IMPLEMENTATION OF THE REPUBLIC OF LITHUANIA LAW ON THE CONTROL OF TOBACCO, TOBACCO PRODUCTS AND ASSOCIATED PRODUCTS”

23 September 2015 No. 1020
Vilnius

The Government of the Republic of Lithuania hereby resolves to:

1. Amend the Resolution No. 200 of the Government of the Republic of Lithuania of 23 February 2004, “On authorizing the implementation of the Republic of Lithuania Law on the Control of Tobacco, Tobacco Products and Associated Products” and set it forth as follows:

“GOVERNMENT OF THE REPUBLIC OF LITHUANIA

RESOLUTION

ON AUTHORIZING THE IMPLEMENTATION OF THE REPUBLIC OF LITHUANIA LAW ON THE CONTROL OF TOBACCO, TOBACCO PRODUCTS AND ASSOCIATED PRODUCTS

In accordance with Article 4(3)(4), Article 4¹(1)(2)(6)(8), Article 5(2), Article 7(1), Article 8²(8), items 1 and 6 of Article 8³(1) and Article 8³(2)(3), Article 93(1), Article 96, Article 97(1)(3), Article 98, Article 162(2), Article 17(4), item 2 of Article 19(1) and Article 23 of the Republic of Lithuania Law on the Control of Tobacco, Tobacco Products and Associated Products (hereinafter - the Law), the Government of the Republic of Lithuania hereby resolves to:

1. Authorize the State Non-Food Products Inspectorate under the Ministry of the Economy to:

1.1. Oversee the regulatory compliance of the contents, quality indicators, labelling, the appearance and content of the unit packets of tobacco products, electronic cigarettes, refillable containers and herbal smoking products;

1.2. In agreement with the Ministry of Health of the Republic of Lithuania, the Ministry of Agriculture of the Republic of Lithuania and the Drug, Tobacco and Alcohol Control Department, approve the procedure for the submission and clearance requirements of the documents confirming the compliance of tobacco products;

1.3. Carry out the functions of an authorized institution:

1.3.1. To which the manufacturers and importers of electronic cigarettes and refillable cartridges shall supply the notifications referred to in Article 9³(2) and Article 9⁶(1) regarding the ongoing or provisional placing on the market of electronic cigarettes and refillable cartridges, their sales, as well as to monitor the market changes in electronic cigarettes and refillable cartridges;

1.3.2. To which the manufacturers, importers and distributors of electronic cigarettes and refillable cartridges shall supply detailed information regarding dangerous and unsafe electronic cigarettes and refillable cartridges, the corrective actions taken and the results of such corrective actions;

1.3.3. Which, having established or having reasonable grounds to believe that any particular type of electronic cigarettes or refillable cartridges of electronic cigarettes may pose a significant risk to human health, shall apply provisional market restriction measures and inform the European Commission and the competent government authorities of the participants of the Agreement of the European Economic Area of the measures taken;

1.3.4. Which tobacco manufacturers and importers shall be eligible to apply to for an assessment of whether the tobacco product has a characteristic odor or taste, whether any prohibited additives or flavorings were used in its manufacturing, and whether the product is composed of such an amount of additives, that they have significantly and measurably increased the capability of the relevant tobacco product to cause dependence, its toxicity or carcinogenic, mutagenic properties or properties which have a toxic effect on reproduction (hereinafter - CRM);

1.4. Approve the procedure for the decision-making referred to in sub-Item 1.3.2 of the Resolution herein.

2. Authorize the Drugs, Tobacco and Alcohol Control Department to:

2.1. Oversee the compliance of the labelling of tobacco products and herbal smoking products, the components of tobacco products, the appearance and contents of unit packets (packaging) with the legislative requirements;

2.2. Carry out the functions of an authorized institution which cooperates with the authorized institutions of the participants of the European Economic Area Agreement in an effort to prevent cross-border distance marketing of electronic cigarettes and refillable cartridges of electronic cigarettes;

2.3. Inform the European Commission of the measures taken in order to prohibit the supply to the market of additive tobacco scented or flavored tobacco products.

3. To authorize the Ministry of the Economy of the Republic of Lithuania to:

3.1. Approve the sets of visual warnings, displayed on the unit packets (packaging) of tobacco products and any associated outer packaging;

3.2. Establish the contents of the information pertaining to the quitting of smoking, referred to in sub-paragraph 2 of Article 8³(1) of the Law and the procedures for its publication.

4. Authorize the Ministry of Health of the Republic of Lithuania to:

4.1. In accordance with evidence-based research, adopt the decisions regarding the prohibition of placement on the market of tobacco products, in which the number of additives is such that during use the capability for addiction, their toxicity or CMR properties are substantially or measurably increased;

Unofficial Translation

4.2. In Agreement with the Ministry of the Environment of the Republic of Lithuania, establish the requirements for installation and operation of smoking rooms (places) in enterprises, institutions and organizations;

4.3. In agreement with the State Consumer Rights Protection Service and the Drug, Tobacco and Alcohol Control Department, determine the procedures and conditions under which tobacco manufacturers and importers are eligible to apply to the authorized institution stated in Item 1 of the Resolution herein for assessment of whether the tobacco product has a characteristic odor or taste, whether any prohibited additives were used in its manufacturing, which have significantly and measurably increased the capability of the relevant tobacco product to cause dependence, its toxicity or CMR properties;

4.4. Approve the procedure for the decision-making referred to in sub-Item 4.1 of the Resolution herein;

4.5. Establish the contents of the information (warnings) and set out the procedures for its presentation at tobacco points of sale, as referred to in Article 17(4) of the Law.

5. Establish that, in cooperation with the institutions of the European Union and in enforcing the obligations of the Republic of Lithuania set out in the Law or at the European Commission's request, all the required information within their competence shall be provided by the Ministry of Health of the Republic of Lithuania, the Ministry of the Economy of the Republic of Lithuania and the Ministry of Agriculture of the Republic of Lithuania.”

2. Amend the Resolution No. 200 of 23 February 2004 of the Government of the Republic of Lithuania, “On authorizing the implementation of the Republic of Lithuania Law on the Control of Tobacco, Tobacco Products and Associated Products” as set out in new wording in Item 1 of the Resolution herein:

2.1. Amend the first paragraph of item 1 and set it forth as follows:

“1. Authorize the State Consumer Rights Protection Agency:”.

2.2. Amend subparagraph 4.3 and set it forth as follows:

“4.3. In agreement with the State Consumer Rights Protection Service and the Drug, Tobacco and Alcohol Control Department, determine the procedures and conditions under which tobacco manufacturers and importers are eligible to apply to the authorized institution stated in Item 1 of the Resolution herein for assessment of whether the tobacco product has a characteristic odor or taste, whether any prohibited additives were used in its manufacturing, which have significantly and measurably increased the capability of the relevant tobacco product to cause dependence, its toxicity or CMR properties;”

3. Item 2 of the resolution hereto shall enter into force on 1 January 2016.

Prime Minister

Algirdas Butkevicius

Minister of the Economy

Evaldas Gustas