

REPUBLIC OF LITHUANIA

**LAW**

**ON PRODUCT SAFETY**

1 June, 1999, No VIII-1206  
Vilnius

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1. Purpose and Intent of the Law**

1. This Law shall establish general requirements for product safety, the principles of state and public control of product safety, the procedure for providing and communicating information about dangerous products, the duties and liability of producers, sellers and suppliers of services for placing dangerous products on the market of the Republic of Lithuania (hereinafter - the market) and damage caused by them to consumers.

2. The purpose of the Law is to ensure that only safe products are placed on the market.

**Article 2. The Scope of the Law**

1. This Law shall apply to legal and natural persons, enterprises without the status of a legal person who place on the market products intended for personal and household needs.

2. This Law shall not apply when placing on the market:

1) second-hand articles which are placed on the market as antiques, nor shall it apply to goods to be repaired or reconditioned prior to being used, provided that the supplier clearly informs the person to whom the good is supplied to that effect in

4. **Service** - shall mean the result of activity by the supplier of a service when discharging a transaction between the supplier of a service and the client, including a

#### **Article 4. General Principles of Product Safety**

1. A product about to be placed on the market must be safe. The possibility to ensure higher levels of safety or obtain other products the use of which involves less risk than prescribed must not be a reason for placing the product in the category of dangerous products if it complies with the product safety requirements set forth in legal acts.

2. The producer, seller and supplier of a service, when placing manufactured goods and services on the market, must comply with the product safety requirements set forth in legal acts.

2. The reasons and procedure of communicating information specified in paragraph 1 of this Article shall be laid down by laws, international treaties and other legal acts.

### **CHAPTER III**

#### **OBLIGATIONS OF THE PRODUCER, SELLER AND SUPPLIER OF SERVICES TO ENSURE PRODUCT SAFETY**

##### **Article 8. Producer's Obligation to Ensure Product Safety**

The producer shall be obliged:

- 1) to place only safe manufactured goods on the market;
- 2) to mark manufactured goods and provide consumers with the relevant information about the risks inherent in a manufactured good throughout the indicated, normal or reasonably foreseeable period of its use;
- 3) upon discovering that a manufactured good is dangerous, inform, without delay, the consumers, the Council, and appropriate monitoring authorities, and withdraw the good from the market in the manner prescribed by the Government;
- 4) to carry out instructions and requirements of monitoring authorities;
- 5) to compensate for the damage caused to the consumer by a dangerous product;
- 6) to carry out other duties laid down by this Law and other legal acts on product safety.

##### **Article 9. Seller's Obligation to Ensure Product Safety**

The seller shall be obliged:

- 1) to place only safe manufactured goods on the market;
- 2) to provide consumers with relevant information about the risks inherent in a manufactured good throughout the indicated, normal or reasonably foreseeable period of its use;
- 3) upon discovering that a manufactured good is dangerous, to inform, without delay, the consumers, the Council and an appropriate monitoring authority, and withdraw the good from the market in the manner prescribed by the Government;
- 4) to carry out instructions and requirements of monitoring authorities;
- 5) to compensate for the damage caused to the consumer by a dangerous manufactured good;
- 6) to carry out other duties laid down by this Law and other legal acts on product safety.

##### **Article 10. Obligation of the Service Supplier to Ensure Product Safety**

1. The service supplier shall be obliged :

- 1) to provide only a safe service to the consumer;
- 2) to provide consumers with relevant information about the risks inherent in the service throughout the indicated, normal or reasonably foreseeable period of its use;

3) upon discovering that a service may involve risks for the consumer, to terminate, without delay, provision of the service and inform the consumer, the Council and an appropriate monitoring authority;

4) to carry out instructions and requirements of state product safety monitoring authorities;

5) to compensate for the damage caused to the consumer by a dangerous service;

6) to carry out other duties laid down by this Law and other legal acts on product safety.

## **CHAPTER IV**

### **PUBLIC CONSUMER PROTECTION ORGANISATIONS**

#### **Article 11. Rights of Public Consumer Protection Organisations**

Public consumer protection organisations shall have the following rights:

1) to obtain information pertaining to product safety from producers, sellers and suppliers of services;

2) to conduct consumer opinion polls about product safety and publish summaries of the information in mass media;

3) at the request of the consumer or at their own initiative, to bring an2 -16310at

1. Direct product safety monitoring shall include:
  - 1) product safety checks conducted on the initiative of a product safety monitoring authority;
  - 2) product safety checks conducted on the basis of reports of consumers, their organisations and other interested bodies and institutions;
  - 3) supervision of destruction of dangerous manufactured goods;
  - 4) analysis of the findings of product safety monitoring and communication of the relevant information to the Council.
2. Indirect monitoring of product safety shall be comprised of gathering, storing, processing and analysis of statistical data about the manufacturing, import and sales of dangerous products, and information about any factors resulting in the increase or decrease of risks involved in the consumption.

#### **Article 14. Rights and Obligations of Monitoring Authorities**

1. In exercising state product safety monitoring, the monitoring authorities shall have the right:
  - 1) to check the compliance with legal acts regulating product safety, and collect information pertaining to product safety;
  - 2) to obtain information and documentation necessary for investigation of violations of this Law and other legislation from national and local executive bodies, legal and natural persons, and enterprises without the status of a legal person;
  - 3) to obtain, in the manner prescribed by the Government or an institution authorised by it, from producers, sellers and suppliers of services information, documentation, and product samples necessary for investigation of violations of this Law and other legislation;
  - 4) to require that managers of manufacturing, sales and service supply companies, or persons authorised by them, appear in person and provide oral or written explanation;
  - 5) to recommend to the authority to cancel the licence to engage in commercial- economic activities issued to those persons whose products placed on the market caused damage to consumers;
  - 6) upon establishing violations of the requirements of legal acts on product safety, to notify the producer, seller and supplier of service and obligate them to rectify the violations without delay;
  - 7) to apply marketing restrictions in accordance with the principles set forth in this Law and other legislation.
2. Monitoring authorities shall be obliged:
  - 1) to provide law enforcement institutions with all information pertaining to infringement of legal acts on product safety if these products could cause or have caused health impairment or death;
  - 2) to ensure confidentiality of information constituting a trade secret obtained from producers, sellers or suppliers of services.
3. The staff of monitoring authorities designated to carry out control of product safety, who infringe requirements of this Law shall be held liable in the manner prescribed by law.

#### **Article 15. Information Not Constituting a Trade Secret**



4) Producers, sellers and service suppliers must carry out decisions of the Council or resolutions of the monitoring authorities from the moment of their receipt unless a later date is specified in the decision or resolution.

## **CHAPTER VII**

### **STATE EXPERT EXAMINATION OF PRODUCT SAFETY**

#### **Article 18. State Expert Examination of Product Safety**

1. State expert examination of product safety shall be undertaken:
  - 1) at the request of the monitoring authorities;
  - 2) upon a reasoned proposal of public consumer protection organisations.
2. The procedure for carrying out state expert examination of product safety and its principles shall be established by the Government or an institution designated by it..
3. State expert examination of product safety shall be carried out by institutions designated by the Government.

#### **Article 19. Conclusions of State Expert Examination of Product Safety**

If during state expert examination of product safety it is established that product samples or services are dangerous the whole batch from which samples for expert examination have been taken or all the services provided by the service supplier from the moment of establishing shall be deemed dangerous.

## **CHAPTER VIII**

### **LIABILITY FOR VIOLATIONS OF LAW ON PRODUCT SAFETY**

#### **Article 20. Liability for Violations of the Law**

1. Producers, suppliers of services in breach of the requirements of this Law shall be held liable in the manner stipulated by this Law and other legislation.
2. The importer in breach of the requirements of this Law shall be held liable in the same way as the producer.
3. If the producer cannot be identified the seller shall be held liable.

#### **Article 21. Compensation for Material Damage**

1. Damage caused to the consumer by a dangerous product shall be compensated in the manner prescribed by law.
2. Any agreement providing exemptions of the producer, seller or supplier of a service through whose fault the damage has been caused from compensation for the damage shall be null and void.

#### **Article 22. Persons Subject to Economic Sanctions for Violations of the Law**



Economic sanctions for violations of this Law shall be imposed on the producer or seller of the product, or the supplier of a service.

**Article 23. Economic Sanctions for Violations of the Law**

1. The producer or seller who place dangerous products on the market may be warned or may be punishable by a fine from 500 to 5,000 Litas.

2. The producer or seller who place dangerous products on the market following the order to suspend their sale may be punishable by a fine from 3,000 to 15,000 Litas.

3. The supplier of a service who has provided or is providing dangerous services may be warned or may be punishable by a fine from 500 to 2,500 Litas.

4. When imposing a fine, the fact that a person repeatedly committed the same

1. Within 20 days from adoption of a resolution or a decision, the producer, seller and supplier of services may file an appeal with a court against the decisions of the Council or resolutions of the monitoring authorities relating to the restrictions on the marketing and the decisions of the Council on imposing economic sanctions in the manner set forth by the Law on Administrative Proceedings.

2. Appeal to the court shall not stay enforcement of the decision or resolution unless the court provides otherwise.

#### **Article 29. Recovery of Fines**

1. The imposed fines referred to in Article 23 of this Law shall be paid into the State budget within one month after the day of service on the person in breach of the Law of the decision to impose a fine upon him.

2. The unpaid fines shall be recovered in the manner laid down by the Code of Civil Procedure.

### **CHAPTER IX**

#### **FINAL PROVISIONS**

#### **Article 30. Entry into Force**

This Law, with the exception of article 31, shall enter into force from January 1, 2000.

#### **Article 31. Recommendation to the Government**

The Government of the Republic of Lithuania:

1) prior to 1 October, 1999, shall prepare drafts for the amendment of laws related to this particular Law;

2) prior to December 31, 1999, shall adopt legal acts implementing this law.

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

PRESIDENT OF THE REPUBLIC

VALDAS ADMAKUS