



documents with IEC/ISO Information Centre, WTO Secretariat and WTO Members,

Approved by Government

Resoluton No....

of the Republic of Lithuania

1999

**PROCEDURES FOR INFORMATION EXCHANGE ON STANDARDS,  
TECHNICAL REGULATIONS, RULES OF PROVISION AND USE OF  
INFORMATION SOCIETY SERVICES, CONFORMITY ASSESSMENT  
PROCEDURES AND THE DRAFTS THEREOF**

**I. GENERAL PROVISIONS**

1. The Procedures for information exchange on standards, technical regulations,

standards body that provides, for common and repeated use, rules, guidelines or characteristics and aimed at the achievement of the optimum degree of order in a given context:

- 1) international standard is a standard adopted by an international standards



The term “technical specification” also covers production methods and processes used in respect of agricultural products, products of stockfarming and of fisheries and products of first stage processing directly related to these products, products intended for human and animal consumption and medicinal products for human beings and animals, as well as production methods and processes relating to other products, where these have an effect on their characteristics;

4. In information exchange on standards, technical regulations and conformity assessment the concepts “standard” and “technical regulation” may be used as provided for in the international agreements signed by the Republic of Lithuania.

## **II. FUNCTIONS OF LITHUANIAN STANDARDS BOARD AND NATIONAL AUTHORITIES RELATED TO THE REQUIREMENTS OF WTO AND OF OTHER AGREEMENTS FOR DRAFTING, ADOPTION, APPLICATION OF STANDARDS, TECHNICAL REGULATIONS AND CONFORMITY ASSESSMENT PROCEDURES**

5. Lithuanian Standards Board and national authorities shall ensure that :

5.1. international standards, existing or those which completion is imminent, are used as a basis for drafting relevant Lithuanian standards, technical regulations or conformity assessment procedures, except where such standards would be ineffective for

favourable than that accorded to like products from the Republic of Lithuania or any other country;

6. Lithuanian Standards Board shall:

6.1. accept Code of Good Practice for the Preparation, Adoption and Application of Standards under WTO TBT Agreement;

6.2 prepare each 6 months standards programmes (Lithuanian standards being currently drafted and adopted in the preceding period);

6.3. publish in the LST Bulletin the information on Lithuanian draft standards, adopted standards, national standards programmes, also notices of notified Lithuanian draft technical regulations and conformity assessment procedures;

6.4. publish notices of draft technical regulations and conformity assessment procedures notified by the WTO Members, as well as by the countries - parties to Other agreements;

6.5. provide notifications of Lithuanian standards programmes to:

6.5.1. Information Centre,

6.5.2. institutions provided for in other agreements;

6.6. provide copies of standard programmes or of single draft standards at the request of the WTO Members or of the countries - parties to other agreements;

6.7. leave 60 days period to provide comments for a draft standard, take into account the received comments in a final text of the standard, handle all information related to the comments received to Lithuanian draft standards, as well as the comments of the Republic of Lithuania to the draft standards drawn up by WTO Members and by the countries - parties to other agreements;

6.8. notify drafts of technical regulations and conformity assessment procedures to:

6.8.1. the WTO Secretariat;

6.8.2. the institutions provided for in other agreements, following relevant provisions of the agreements;

6.9. provide copies of single drafts of technical regulations and conformity assessment procedures at the request of the WTO Members or of the countries - parties to other agreements;

6.10. communicate to national authorities, legal persons and to the enterprises having no rights of a legal person the notifications received from the WTO Secretariat concerning drafts of technical regulations and conformity assessment procedures proposed by the WTO Members, as well as communications from the countries - parties to Other agreements;

6.11. obtain at a request of interested national authorities, legal and natural persons, also the enterprises having no right of a legal person complete texts of draft technical regulations and conformity assessment procedures from WTO members;

6.12. handle information associated with the comments received to Lithuanian

notifications concerning drafts of technical regulations and conformity assessment procedures, as well as the comments by Lithuanian national authorities to the notifications



month interval between the publication and entry into force of technical regulations and conformity assessment procedures to allow the producers of exporting Members to adapt to the requirements;

7.9. consider the possibility of accepting as equivalent technical regulations of other WTO Members which though being different fulfill the objectives of the technical regulations issued in the Republic of Lithuania;

7.10. communicate to Lithuanian Standards Board the text of bilateral and multilateral agreements signed with other countries dealing with the issues related to standards, technical regulations and conformity assessment procedures, indicating the products covered by the agreement and including a brief description of the agreement.

8. The provisions of WTO TBT Agreement related to development of technical regulations shall apply to the technical regulations issued by all national authorities;

9. National authorities may adopt a draft technical regulation or conformity assessment procedure without observance of the standstill provisions referred to in paragraph 7.1. and enforcement period indicated in par. 7.8. of the Procedures in the case of urgent problems of safety, health and environmental protection, prevention of deceptive practices, national security requirements or for other legitimate purposes, provided the regulation is immediately notified to the Secretariat, indicating the objective and the rationale of its urgent adoption, and that the Member, upon request, is provided with the copy of the document and is allowed to present and discuss the comments, also the results of these comments and discussions are taken into account. Public authority shall immediately inform Lithuanian Standards Board about adoption of such a document;

10. National authorities, interested legal persons and the enterprises having no right of a legal person may submit to Lithuanian Standards Board their comments to the notified drafts of technical regulations and conformity assessment procedures by the WTO Members or by countries - parties to other agreements;

11. Lithuanian Standards Board together with the governmental body responsible for adoption of technical regulations and conformity assessment procedures within the field 15 days before expire of the final date for comments shall review the comments received from the comment providers indicated in paragraph 10 and submit the opinion on behalf of the Republic of Lithuania to the WTO Member or the country - party to other agreement.

12. National authorities, legal and natural persons are entitled to get information on national standards, technical regulations or conformity assessment procedures adopted and proposed in the WTO Members or in the countries - parties to other agreements. Following the established procedure this information is available either from Lithuanian Standards Board or directly from the national Enquiry points of WTO Members and of the countries-parties to other agreements, the addresses of which are published in Bulletin of Lithuanian Standards Board.

13. Standards Board shall:

13.1. communicate to the European Commission, European standardisation bodies and national standardisation bodies of Member States all new standardisation subjects which it included into Lithuanian standards programmes,

13.10. communicate to the European Commission :

13.10.1. any draft rule on services and a draft technical regulation, except where such technical regulation transposes the full text of the international or European standard, in which case Standards Board shall provide only information on the relevant standard used as a basis for the draft technical regulation;

13.10.2. a brief statement of the grounds which make the enactment of such a technical regulation or a rule on services necessary, where they are not made clear in the draft;

13.10.3. the text of basic legislative provisions related to the technical regulation or a rule on services being drafted if it will be necessary to assess the implications of the draft technical regulat

services from the date of receipt by the European Commission of the communication and draft text for:

14.4.1. 3 months in every case;

14.4.2. 4 months if a draft technical regulation represents a voluntary agreement to which a national authority is a contracting party and which provides in the public interest for compliance with technical specifications, other requirements or rules on services;

14.4.3. 6 months, for any other draft technical regulation (except draft rules on services), if the European Commission or another Member State delivers a detailed opinion within three months from the date of receipt by the European Commission of the communication to the effect that measure envisaged may create obstacles to free movement of goods within internal market of the European Union. Lithuanian Standards Board shall report to the European Commission what action is proposed to take on such a detailed opinion;

14.4.4. 4 months the adoption of any draft rule on services if within 3 months from the date of receipt by the Commission of the communication on it the European Commission or another Member State delivers a detailed opinion that the measure envisaged may create obstacles to the free movement of services or to the freedom of establishment of service operators within the internal market, except for cultural policy- related draft rules which may be adopted taking account of linguistic diversity, specific national and regional characteristics and cultural heritage;

14.4.5. 12 months, the adoption of a technical regulation , if within the 3 months following the date of receipt of the communication the European Commission :

14.4.5.1 announces its intention to propose or adopt a Directive, Regulation or Decision on the matter;

14.4.5.2 announces its finding that the draft technical regulation concerns a matter which is covered by a proposal for a Directive, Regulation or Decision;

14.4.6. 18 months, if the European Council adopts a common position during the standstill period referred to in paragraph 13.4.5 of the Procedures;

14.5. take into account, as far as possible, comments of the European Commission or the EU Member States; upon receipt of a detailed opinion on the draft technical regulation or draft rule on services from the Commission or any Member State, report to Lithuanian Standards Board which actions they propose to take on such a detailed opinion or in the case of draft rules on services indicate why the detailed opinion can not be taken into account;

14.6. provide Standards Board with a definitive text of the technical regulation or rules on services in question;

14.7. include the following reference in the preamble of a draft technical regulation: "This document was developed according to the requirements of Directive 98/34/EC" and in the preamble of draft rule on service: "This document was developed according to the requirements of Directive 98/48/EC".

15. The provisions of paragraphs 14.4.5-14.4.6 shall not apply to draft rules on services and draft voluntary agreements to which a public authority is a contracting party which provide compliance with technical specifications, other requirements or rules on services.

16. National authorities may adopt, within their field of responsibility, without observance of the provisions laid down in paragraph 14.4 of the Procedures:

16.1.a technical regulation, in the cases where for urgent reasons relating to protection of public health or safety, the protection of animals and plants or for public policy, notably protection of minors, it is necessary to draft a technical regulation or a rule on services in a very short space of time without any consultations;

16.2 rules on financial services, if for urgent reasons occasioned by serious circumstances relating to the protection of the security of the financial system, notably the protection of depositors, investors and insured persons a state is obliged to enact and implement rules on financial services immediately;

16.3. rules related to on-line services in regulated markets (stock exchange) or issued by the bodies carrying out clearing or settlement functions for these markets;

16.4 legal acts prohibiting manufacture of products insofar as they do not impede the free movement of products;

16.5 legal acts including technical specifications, other requirements or rules on services related to fiscal and financial measures effecting the use of products and services.

17. The national authority responsible for drafting of the technical regulation or a rule on services referred to in par. 16.1 – 16.5 of the Procedures shall communicate it to Lithuanian Standards Board with the explanatory note substantiating the urgency of adoption of the document .

18. A national authority may not communicate and may adopt without observance of the standstill provisions laid down in par.14.4 of the Procedures those legal acts or voluntary agreements which:

18.1. comply with the binding acts of European Union which result in adoption of technical specifications or rules on services;

18.2. fulfil obligations of international agreements which result in adoption of common technical specifications or rules on services in European Union;

18.3. make use of safeguard clauses provided for in binding acts of European Union;

18.4. represent urgent measures taken against the sales and consumption of a dangerous product in the territory of the state following the provisions of the legislation in force in the Republic of Lithuania;

18.5. implement a Judgement of the Court of Justice of European Communities;

18.6. amend a technical regulation in accordance with a Commission request with a view to remove technical barriers to trade, or in the case of rules of services, amend the rules to remove obstacles to the free movement of services or the freedom of establishment of service operators.

19. National authorities may submit to Lithuanian Standards Board comments or detailed opinion on draft technical regulations or draft rules on services notified by EU Member States following the procedure laid down in paragraphs 10 and 11 of these Procedures. Their comments or detailed opinion may concern only aspects which may hinder trade, or in respect of rules on services, the free movement of services or the freedom of establishment of service operators, but not financial or fiscal aspects of the measure.

20. When a Lithuanian draft technical regulation forms a part of the measures which are required to be communicated to the Commission at the draft stage under another act of European Union, a national authority may make communication within the meaning of this directive under that act, provided it formally indicates that the said communication also constitutes a communication under the purpose of Directive 98/34/EC; it shall provide the copy of such a communication to Lithuanian Standards Board.

21. If a national authority finds that a harmonised standard does not comply with the requirements of a New Approach Directive, the representative of the Republic of Lithuania in the Committee provided for in par. 5.2 of his Resolution communicates objection of the authority in question together with the grounds for it to the Commission.

## ANNEX

### A. LIST OF SERVICES NOT CONSIDERED TO BE INFORMATION SOCIETY SERVICES TO WHICH THE PROVISIONS OF THE PROCEDURES SHALL NOT APPLY

1. Services not provided "at a distance"-services provided in the physical presence of the provider and the recipient, even if they involve the use of electronic devices:

1.1. medical examinations or treatment at a doctor's surgery using electronic equipment where the patient is physically present;

1.2. consultation of an electronic catalogue in a shop with the customer on site;

1.3. plane ticket reservation at a travel agency in the physical presence of the customer by means of a network of computers;

1.4. electronic games made available in a video-arcade where the customer is physically present.

2. Services not provided "by electronic means"

2.1. services having material content even though provided via electronic devices:

2.1.1. automatic cash or ticket dispensing machines (banknotes, rail tickets);

2.1.2. access to road networks, car parks, etc., charging for use, even if there are electronic devices at the entrance/exit controlling access and/or ensuring correct payment is made.

2.2. Off-line services: distribution of CD roms or software on diskettes.

2.3. Services which are not provided via electronic processing/inventory systems:

2.3.1. voice telephony services;

2.3.2. telefax/telex services;

2.3.3. services provided via voice telephony or fax;

2.3.4. telephone/telefax consultation of a doctor;

2.3.5. telephone/telefax consultation of a lawyer;

2.3.6. telephone/telefax direct marketing.

3. Services not supplied "at the individual request of a recipient of services"-services provided by transmitting data without individual demand for simultaneous reception by an unlimited number of individual receivers (point to

multipoint transmission):

3.1. television broadcasting services (including near-video on-demand services),

3.2. radio broadcasting services;

3.3. (televised) teletext.

4. Financial services regulated by national legislation in compliance with EU law:

4.1. investment services;

4.2. insurance and reinsurance operations;

4.3. banking services;

4.4. operations relating to pension funds;

4.5. services relating to dealings in futures or options.

The list is indicative.