

[Coat of Arms of the Republic of Lithuania]

## GOVERNMENT OF THE REPUBLIC OF LITHUANIA

### RESOLUTION

#### **REGARDING THE AMENDMENT OF 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”**

28 September 2016 No. 958  
Vilnius

The Government of the Republic of Lithuania hereby resolves to:

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 in new wording 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(5)(4), Article 4<sup>1</sup>(1)(2)(6)(8), Article 5(2), Article 6(1), Article 8<sup>7</sup>(1), items 1 and 2 of Article 8<sup>3</sup>(1) and Article 8<sup>9</sup>(3)(5), Article 9(4), Article 9, Article 14(3)(3), Article 16, Article 2(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 Consumer Rights Protection Agency to carry out the following:

1.1. Supervise the compliance of the labelling of the contents of tobacco products and quality indicators to the requirements set out in the Law;

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 the authorized institution:

1.3.1. 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 measures referred to in Article 9<sup>8</sup> of the Law and inform

the European Commission and the competent authorities of the participants of the Agreement of the European Economic Area of the measures taken;

1.3.2. Which shall have the right to ask the manufacturers, the importers and the distributors of electronic cigarettes and refillable cartridges of the electronic cigarettes for additional information not specified in Article 9<sup>7</sup>(2)(3) of the Law;

1.3.3. 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).

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

2.1. Oversee compliance of labelling of tobacco products with the legislative requirements;

2.2. To 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;

2.4. Approve the procedure for the submission of reports for the quarterly production and sales of tobacco products and for quarterly sales.

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. Approve the contents of the information pertaining to the quitting of smoking, referred to in sub-paragraph 2 of Article 8<sup>3</sup>(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 decisions regarding the following:

4.1.1. 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;

4.1.2. The prohibition of the ingredients in tobacco products which exacerbate their addictive properties in tobacco products;

4.2. Having agreed with:

4.2.1. The Ministry of the Environment of the Republic of Lithuania, to establish the requirements for installation and operation of smoking rooms (places) in enterprises, institutions and organizations;

4.2.2. State Consumer Protection Agency and the Drug, Tobacco and Alcohol Control Department, to approve:

4.2.2.1. The procedure for establishing whether a tobacco product shall be considered as prohibited from placement on the market in accordance with Article 4<sup>1</sup>(1);

4.2.2.2. 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;”

4.3. Approve the procedure for the decision-making referred to in sub-Item 4.1.1 of the Resolution herein;

4.4. Approve the procedure for the displaying of the information (warnings) in tobacco retail outlets as referred to in Article 17(4) of the Law.

5. Authorize the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania to:

5.1. Approve the procedure for the labelling and the registration of wholesale tobacco product packaging as referred to in Article 14<sup>1</sup>(3) of the Law;

5.2. Accept the annual external audit reports as referred to in Article 14<sup>1</sup>(3) of the Law.

6. Authorize the National Accreditation Bureau under the Ministry of the Economy to approve (accredit) and monitor the laboratories, which may be used to carry out the research on the volume of substances released from cigarettes as referred to in Article 4(3) and/or Article 6(1) of the Law.

7. 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.”

Prime Minister

Algirdas Butkevicius

Minister of the Economy

Evaldas Gustas