

REPUBLIC OF LITHUANIA

LAW ON FOOD

4 April 2000 No VIII-1608

Vilnius

CHAPTER I GENERAL PROVISIONS

Article 1. Purpose of the Law

1. This Law shall lay down the requirements for food placed on the market and its handling, the competence of state institutions and public organisations for the protection of consumers' rights in ensuring food safety; it shall also regulate duties and liability of food producers, food service operators and food traders.

2. The purpose of this Law is to ensure that:

1) food placed on the market meets the safety requirements laid down by this Law and other legal acts;

2) food meets international requirements for a free movement of goods and that a Lithuanian food producer could increase the export of his goods to other countries, and that food produced in Lithuania could compete more effectively on the international market;

3) production of ecological agricultural products, higher nutrition standards of the Lithuanian population should be promoted and their health conditioned by food and nutrition should be improved.

Article 2. Definitions

For purposes of this Law:

1. **Food** means any substance or product, whether processed, partially processed or raw (unprocessed), intended for human consumption. Food also includes drinking water, alcoholic drinks, chewing gum and other substances and products which are made to be swallowed, chewed or used by humans, with the exception of medicines and other medicinal products, narcotic and psychotropic substances, and tobacco goods.

2. **Nutritious matter** means food components necessary for the human organism (proteins, fats, carbohydrates, vitamins, minerals and other substances, also special food supplements - vitamins, minerals and other substances).

3. **Articles which come into contact with food** means substances and products which may come into contact with food, are in contact with food and which are produced for this purpose.

4. **Food hygiene** means conditions and means necessary to ensure the safety of food and its suitability for human consumption during the process of handling.

5. Food handling means any impact upon food or any actions involving food or its components (including growing of plants and breeding of livestock for food, food production, preparation, treatment, packaging, storage, transportation, distribution, supply and delivery for sale and sale) that may influence food safety, quality and nutritional value.

6. Food handling entity means an establishment (including territory, buildings and means of transportation) where food is handled.

7. Food additives means any substances which, although usually considered not food or any part of it, are nevertheless, put into the food for the technological purposes during food handling and which themselves or their components eventually become or presumably become an integral part of food.

8. Producer means the manufacturer, established in the Republic of Lithuania in accordance with the procedure laid down in legal acts, who:

1) has produced food and presented himself as the manufacturer by affixing to the product his name, trade mark or any other distinctive mark;

2) acts as a representative of the manufacturer and at the manufacturer's request places the food on the market giving his name, or imports the food if there is no representative of the manufacturer;

3) handles the food and presents himself as the manufacturer of this food;

4) a professional in the supply chain , insofar as his activities may affect the safety of a product placed on the market.

9. Trader means a person, established in the Republic of Lithuania in accordance with the procedure prescribed by legal acts and dealing in foodstuffs.

10. Food service operator means a person, established in the Republic of Lithuania in accordance with the procedure laid down by legal acts and providing services in the field of placing food on the market.

11. Safety means the sum total of requirements laid down by this Law and other legal acts laws for food characteristics and its handling, ensuring that the consumption of food under normal conditions established by the producer or reasonably foreseeable conditions of use, including duration, does not present any risk or only the minimum risks for consumers' health or life, or that it will not be higher than that established by legal acts as acceptable and consistent with a high level of protection for the safety of consumers.

12. Quality means the sum total of the properties of food enabling to meet declared or presumed needs of consumers.

13. Foodstuffs for particular nutritional purposes means food which due to its specific composition and ways of handling, differs from the conventional food and is intended to meet special nutritional needs arising out of the specific physical and physiological state of a consumer and conforms to declared special purposes. It is marked and placed on the market in the way indicating the group of consumers the product is intended for.

14. Hazard analysis and critical control points (HACCP) means a system of establishment, evaluation and management of biological, chemical and physical factors which may influence safety of food, applicable in food handling entities for self-control purposes.

15. Contaminant means any non-food product of chemical or biological origin which has found its way into food by accident or has been put into food or any other object, with the exception of food additives, which have come to appear in the process

of handling, or due to environmental pollution and which may harm the safety of food or make the food unsuitable for consumption.

16. Placing on the market means supply of foodstuffs to a third party for sale or free of charge (to the ultimate consumer or any agent supplying food to the ultimate consumer) and storage with a view to supply to a third party, with the exception of supply of samples for the purposes of testing conducted by the controlling institutions.

Article 3. The Scope

1. This Law shall apply to legal and natural persons as well as undertakings without the rights of a legal person who place food on the market, also to state institutions, conducting surveillance and control of the safety of food.

2. This Law shall not apply to:

1) foodstuffs in transit through the territory of the Republic of Lithuania, with the exception of cases where transit goods may cause damage to public health or a threat of contagious animal diseases;

2) food intended for personal or household use;

3) food placed on the market prior to the coming into force of this Law.

CHAPTER II REQUIREMENTS FOR FOOD AND ITS HANDLING

Article 4. Basic Requirements for Safety, Quality and Handling of Food

1. The food to be placed on the market shall conform to safety requirements laid down by this Law and other legal acts.

2. Food and substances coming into contact with food must conform to the following basic requirements:

1) food must be of such composition and quality which makes it fit for human consumption; it must not be contaminated with chemical, physical, microbial and other contaminants more than is permitted by legal acts; it must also be in conformity with the mandatory safety and quality requirements;

2) only food additives and food substances prescribed by legal acts conforming to the established requirements for the quantity, purity and use as well as other requirements may be added to food;

3) the competent authority may impose requirements applicable to a specific food group with regard to its composition or quality which do not contravene international provisions when it is necessary for reasons of public health or nutrition;

4) only materials and products not hazardous to human health and prescribed by legal acts may be used for packaging of food or come into contact with it;

5) food and materials coming into contact with food must be in conformity with the marking requirements prescribed by legal acts;

3. At all stages of its preparation and sale to the consumer (“from the field to the table”) must be handled in accordance with the following requirements laid down in this Law and other legal acts:

1) handling of food is allowed only if it meets food hygiene, public health, veterinary and environmental protection requirements laid down in this Law and other

legal acts and if there is appropriate equipment in conformity with hygiene and technology requirements;

2) hazard analysis and critical control points must be present at food handling establishments and appropriate laboratory tests must be carried out in order to ensure self-control of food safety and handling;

3) persons handling food must meet the health requirements laid down by legal acts and undergo obligatory hygiene training in the manner prescribed by the Ministry of Health.

Article 5. Requirements for Consumer Information

Consumers must be provided true information about food. It shall be prohibited:

1) to confuse the customer with regard to the description of food, its brand, identity, properties, composition, quantity, time of expiry, origin, handling, consumption and storage conditions;

2) to indicate or make reference to non-existent food properties, curative or preventive features if no registration certificate issued in the manner prescribed by the Ministry of Health, corroborating such information, is provided;

3) to indicate that some foodstuffs have specific features when these features can be actually found in all other similar products.

4) to mislead consumers in any other manner.

Article 6. Restrictions on the Placing on the Market of Food and Other Products Similar to Food

1. It shall be prohibited to place on the market food when it or its packaging contains things other than food, with the exception of cases when such things are necessary for food handling or consuming, if such things could endanger health and life of consumers, in particular children.

2. It shall be prohibited to place on the market products which, although not foodstuffs, possess a form, odour, colour, appearance, labelling, packaging, size or in any other way are similar to food to such an extent that it is likely that consumers, especially children, will confuse them with foodstuffs and, their consumption could endanger their health or life.

Article 7. Responsibilities and Liability of Manufacturers and Sellers

1. Manufacturers, sellers and service operators must comply with the requirements laid down by this Law and other legal acts, fulfil the instructions and meet the requirements set by state control authorities.

2. Manufacturers, sellers and service operators who violate the requirements of this Law and other legal acts, shall be held liable and shall compensate the injured party for the damage under the Law on Product Safety and other laws.

CHAPTER III

THE POWERS OF STATE ADMINISTRATION INSTITUTIONS AND PUBLIC CONSUMER RIGHTS PROTECTION ORGANISATIONS

Article 8. Powers of the Government

In implementing state policy which is targeted towards promotion of public health, the Government shall:

- 1) design and approve the state strategy for the safety and quality of food and improvement of the nutrition of the population;
- 2) perform other functions related to food safety and control which are regulated by laws and other legal acts;

Article 9. Powers of Administration Institutions

1. Administration institutions in discharging the functions of state administration in the spheres assigned to them by this Law and other legal acts of the Republic of Lithuania, aiming to ensure that only food meeting safety requirements is placed on the market, shall implement the requirements of the European Union, the United Nations Food and Agriculture Organisation (FAO), the World Trade Organisation, documents of the Codex Alimentarius Commission and other international legal instruments.

2. Within the sphere of its competence the Ministry of Health:

1) shall lay down the following mandatory requirements for food, taking into account the assessment of risk to human health based on scientific research: maximum permitted concentrations of contaminants in food, requirements for the safety of food additives and nutritious matter, the safety of foodstuffs for particular nutritional purposes, irradiated, genetically or otherwise modified food, novel foods or food prepared using unconventional methods, safety requirements for articles, intended to be in contact with food, requirements for food hygiene and control, the procedure for the introduction of hazard analysis and critical control points system at food handling entities, requirements for health of persons handling food, their health examination procedures and obligatory hygiene training;

2) shall co-ordinate implementation of the policies of the safety of food, wholesome nutrition of the population and reduction of food-borne morbidity;

3) shall develop and approve programmes for the food safety and improvement of nutrition of the population, monitor the nutrition of the population, food safety and food-borne diseases, promote habits of wholesome nutrition and discharge other functions laid down by this Law and other legal acts;

4) shall establish the mandatory food labelling requirements.

3. Within the limits of its competence the Ministry of Agriculture:

1) shall implement the policy on improved quality of food products and raw materials, production of ecological agricultural products, and enhancement of the competitiveness of Lithuanian products on the international market;

2) shall develop and approve programmes for the improvement of food quality, production and marketing of wholesome, ecological food, shall establish the mandatory requirements for the assessment of quality and composition of food, the assessment of quality of raw materials, growing of plants for food and their placement on the market as well as for using and control of plant protection means;

- 3) shall establish the mandatory requirements for labelling of foodstuffs offered for sale;
- 4) shall perform other functions prescribed by laws and other legal acts.
4. Within the limits of its competence the Ministry of Economy:
 - 1) shall implement the policy of food trade;
 - 2) shall establish the mandatory requirements for labelling of and trade in foodstuffs sold on the Lithuanian market;
 - 3) shall also perform other functions laid down by laws and other legal acts.
5. Within the limits of its competence the State Food and Veterinary Service:
 - 1) shall implement the policy of monitoring the safety of raw materials of food of animal origin and reduction of the morbidity of animals intended for food;
 - 2) shall establish the mandatory requirements for safety of raw materials of food of animal origin; for hygiene and control of handling the food of animal origin and its placing on the market; hazard analysis and critical control points system at handling entities of the food of animal origin;
 - 3) shall monitor contamination of animals and raw materials of food of animal origin with harmful substances;
 - 4) shall perform other functions laid down by laws and other legal acts.

Article 10. Rights of Public Organisations for the Protection of Consumers' Rights

Public organisations for the protection of consumers' rights in ensuring the consumers' interests in the spheres of food safety, quality and information shall have the right:

- 1) to conduct consumer opinion polls about food safety and quality and publish an overview of the results of the survey in the media;
- 2) either at the request of a consumer or on its own initiative apply to the court for violation of the consumer's rights or his lawful interests;
- 3) to obtain information from the producers and traders about safety and quality of food;
- 4) to establish information and consultation centres, and test laboratories for the examination of food safety and quality;
- 5) to notify the National Council for the Protection of Consumers' Rights and the food control authority about violations of legal acts regulating food safety and quality and make proposals about a more effective protection of consumers' rights;
- 6) to take part as an observer at the meetings of the National Council for the Protection of Consumers' Rights.

CHAPTER IV STATE FOOD CONTROL

Article 11. State Food Control

1. State food control shall be performed by the food control authority established by the Government in accordance with the procedure laid down by the laws and other legal acts.

2. The food control authority shall inspect foodstuffs to ensure that the food intended for both the domestic market and export is safe, correctly labelled, does not violate consumers' interests and meets the requirements laid down by this Law and other legal acts. The control shall be carried out following the principle that food safety is an unconditional priority for human health.

3. State food control shall be carried out without prior warning, on a regular basis, according to inspection programmes drafted in advance, providing for the frequency of inspections and the nature of control, and when there are grounds to suspect non-compliance with the requirements laid down by this Law and other legal acts. The methods used for control must be commensurate with the goals sought.

4. State food control shall cover all stages of food handling from growing of plants and breeding of livestock intended for food to supply of food to consumers, including the market.

5. The food control authority, in carrying out control of compliance with the requirements laid down by this Law and secondary legislation, shall have the right:

1) to inspect the state of hygiene at the food handling entity and food handling processes;

2) to inspect compliance with hygiene requirements by the staff who come into contact, whether directly or indirectly, with food, without prejudice to medical ethics;

3) to inspect the food, its labelling, products coming into contact with the food, facilities, materials and equipment used for food handling, cleaning and maintenance of the premises and equipment;

4) to examine documents relating to compliance with this Law and other legal acts as well as the materials of the self-control system at the food handling entity;

5) in the manner prescribed by the Government or a body authorised by it, to take and examine samples of the articles listed in subparagraph 3, paragraph 5 of this Article, take and examine copies of documents listed in subparagraph 4, paragraph 5 of this Article, obtain other information relating to compliance with this Law and other legal acts, compare the inspection findings with the reading of values recorded by measuring instruments installed in the undertaking.

6. Where infringements of this Law and other legal acts are established, the food control authority shall apply restrictions on the placing of the food on the market and/or other measures provided by law.

7. The food control authority shall notify the National Council for the Protection of Consumers' Rights about unsafe food, produced in the Republic of Lithuania the placing on the market whereof is prohibited or food supplied from the member states of the European Union or other states with whom relevant international agreements have been concluded, and shall perform other functions, relating to the state food control.

8. The producers, traders and food service operators shall have the right to appeal to court against the actions of the food control authority.

9. The food control authority must ensure the confidentiality of information obtained from the producers, traders or service operators, constituting a commercial secret, with the exception of cases provided by the laws, and carry out other duties, established by the laws and other legal acts.

10. Inspectors of the food control authority who violate the requirements of this Law and other legal acts shall be liable under law.

Article 12. State Food Control Laboratories

1. Laboratory tests of samples taken for the purpose of carrying out state food control shall be performed by accredited testing laboratories.

2. The testing laboratories referred to in paragraph 1 of this Article must use sample selection techniques and methods applicable in the Republic of Lithuania.

3. The procedure for sample taking and payment for them shall be established by the Government.

CHAPTER V FINAL PROVISIONS

Article 13. Recommendation to the Government

The Government shall adopt subordinate legislation for the implementation of this Law by June 1, 2000.

Article 14. Entry into Force

This Law shall enter into force on 1 July 2000.

I promulgate this law passed by the Seimas of the Republic of Lithuania

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS