

Draft

GOVERNMENT OF THE REPUBLIC OF LITHUANIA

RESOLUTION

No of 2000
Vilnius

ON AMENDMENT OF GOVERNMENT RESOLUTION NO 617 OF 20 MAY 1999 ON
INFORMATION EXCHANGE IN THE FIELD OF STANDARDS, TECHNICAL
REGULATIONS AND CONFORMITY ASSESSMENT PROCEDURES

Seeking to implement the provisions of EU Directive 98/48/EC, amending EU Directive 98/34/EC, the Government of the Republic of Lithuania *r e s o l v e s*:

to amend Government Resolution of the Republic of Lithuania No 617 of 20 May 1999 on Information Exchange in the Field of Standards, Technical Regulations and Conformity Assessment Procedures (Official Gazette *Valstybės Žinios*, 1999, No. 45-1446) and present it in a new edition:

GOVERNMENT OF THE REPUBLIC OF LITHUANIA

RESOLUTION

ON INFORMATION EXCHANGE ON STANDARDS, TECHNICAL REGULATIONS,
RULES OF INFORMATION SOCIETY SERVICES, CONFORMITY ASSESSMENT
PROCEDURES AND DRAFTS THEREOF

Seeking to implement the requirements of the Europe Agreement establishing an association between European Communities and their Member States, on the one part, and the Republic of Lithuania, on the other part, of EU Directives 98/34/EC and 98/48/EC, of WTO TBT Agreement, as well as of the free-trade agreements of the Republic of Lithuania and other international agreements related to mandatory provision of information in the field of standards, technical regulations, rules of information society services, conformity assessment procedures and drafts thereof the Government of the Republic of Lithuania *r e s o l v e s*:

1. To approve the Procedures on Information Exchange on Standards, Technical Regulations, Rules of Provision and Use of Information Society Services, Conformity Assessment Procedures and Drafts Thereof with an Annex (attached).

2. To obligate Lithuanian Standards Board under the Ministry of Public Administration Reforms and Local Authorities (hereinafter referred to as Lithuanian Standards Board) to coordinate information exchange on standards, technical regulations, rules of provision and use of information society services, conformity assessment procedures and drafts of such

documents with IEC/ISO Information Centre, WTO Secretariat and WTO Members, European Commission, European standardisation bodies, standardisation bodies of EU Member States, institutions stipulated in free trade and other international agreements according to the requirements of international legislation specified in preamble.

3. To establish that Lithuanian Standards Board:

3.1. shall carry out information exchange related to WTO requirements for preparation, adoption and application of standards, technical regulations and conformity assessment procedures subsequent to accession of the Republic of Lithuania to WTO;

3.2. shall carry out information exchange related to the requirements of European Union for drafting and adoption of standards, technical regulations, rules of information society services when the Republic of Lithuania becomes a Member State of the European Union or after signing a relevant agreement on this matter.

4. To obligate the governmental bodies, ministries and the departments, control and accounting services, inspectorates and other institutions under them:

4.1. to provide copies of all technical regulations and conformity assessment procedures in force to Lithuanian Standards Board before 31 October 2000;

4.2. to nominate persons responsible for fulfilment of the Procedures indicated in paragraph 1 and inform Lithuanian Standards Board on their appointment.

5. Ministry of Foreign Affairs shall appoint representatives of the Republic of Lithuania:

5.1. to the WTO TBT Committee, after accession of the Republic of Lithuania to WTO;

5.2. to the Standing Committee set up at the European Commission dealing with the issues related to implementation of Directive 98/34/EC when the Republic of Lithuania becomes a Member State of the European Union or after signing a relevant agreement on this matter.

Prime Minister

Minister of Public Administration

Reforms and Local Authorities

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, rules of information society services, conformity assessment procedures and the drafts of such documents (hereinafter referred to as Procedures) shall regulate information exchange on standards, technical regulations, rules on information society services, conformity assessment procedures and the drafts of such documents with WTO Secretariat, ISO/IEC Information Centre (hereinafter referred to as Information Centre), WTO Members, European Commission, European standardisation bodies, standardisation bodies of EU Member States, shall also lay down the tasks, objectives and functions of Lithuanian Standards Board, also of national authorities, ministries and departments, control and accounting services, inspectorates and other institutions set up under them (hereinafter referred to as national authorities) related to preparation, adoption, application of the above mentioned documents under WTO TBT Agreement, EU Directives 98/34/EC and 98/48/EC, also the free trade and international agreements (hereinafter referred to as other agreements) stipulating information exchange on standards, technical regulations and conformity assessment procedures.

2. For the purpose of the Procedures the following terms and definitions shall apply:

product any industrially manufactured product and any agricultural product, including fish products;

technical specification a document prescribing technical requirements to be fulfilled by a product, process or service;

standard a document established by consensus and approved by a recognized

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 organisation and made available to the public;

2) regional standard is a standard adopted by a regional (European) standards organisation and made available to the public;

3) national standard is a standard adopted by a national standards body and made available to the public;

standards programme a working schedule of a standards body, that lists its current items of standardization work;

draft standard a document containing the text of the technical specifications concerning a given subject which is being considered for adoption in accordance with the national standards procedure, as that document stands after the preparatory work and as circulated for public comment;

European standardisation body European Committee for Standardization, European Committee for Electrotechnical Standardisation, European Telecommunications Standards Institute;

national standards body the only institution recognized on the national level that is eligible to be the national member of the corresponding international and regional (European) standards organization;

technical regulation a legal act which provides technical requirements, either directly or by referring to, or incorporating the content of a standard, technical specification or code of practice;

draft technical regulation a legal act that provides technical specification or other requirement, the text being at a stage of preparation at which substantial amendments can still be made;

conformity assessment procedure, any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled. Conformity assessment procedures include procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; registration, accreditation and approval as well as their combinations;

information society open, educated and learning society the members of which in all fields of their activity are able to effectively act in a modern information technology environment, use national and global information resources while authorities ensure accessible and reliable information;

information society service any service normally provided at a distance by electronic means and at the individual request of a recipient of services for remuneration, except for those indicated in the annex to this Procedures

where:

at a distance means that the service is provided without the parties being simultaneously present,

by electronic means means that the service is sent initially and received at its destination by means of electronic equipment for the processing (including digital compression) and storage of data, and entirely transmitted and received by wire, by radio, by optical, other electromagnetic means,

at the individual request of a recipient of services means that the service is provided through the transmission of data on individual request,

for remuneration means that the recipient of the service pays for it;

rule on services a legal act or its separate provision regulating establishment of information society service provider, provision and receipt of the service.

The requirements of the Procedures shall not apply to the rules on telecommunication and financial services regulated by the national legislation transposing EU legal acts. The list of such services is provided in items 3 and 4 of the Annex.

3. Interpretation of the concepts used in item 2 of Section I according to WO TBT Agreement, Directives 98/34/EC and 98/48/EC:

3. a standard, technical regulation and conformity assessment procedure means a product-related standard, technical regulation and conformity assessment procedure;

3.2 technical regulations are also considered:

legal acts containing technical specifications and other requirements (affecting life cycle after it has been placed on the market, such as conditions of use, recycling or disposal, where such conditions can significantly influence the composition or nature of the product or its marketing), or the rules on services, the observance of which is compulsory in the case of marketing and use of a product, provision of service, establishment of a service operator, as well as the laws, by-laws and other legal acts prohibiting the manufacture, importation, marketing or use of a product or prohibiting the provision or use of a service or establishment as a service provider.

Technical regulations also include:

- legal acts which refer either to technical specifications, other requirements, rules on services, or to professional code or codes of practice which in turn refer to technical specifications or to other requirements or to rules on services compliance with which confers a presumption of conformity with the obligations imposed by the aforementioned legal acts;

- agreements to which a public authority is a contracting party and which provide, in the public interest, for compliance with technical specifications, other requirements or rules on services, excluding public procurement tender specifications;

- legal acts providing technical specifications, other requirements or rules on services which are linked to fiscal or financial measures affecting the consumption of products or services ;

3.3. technical specification is also a specification contained in a document which lays down the characteristics required of a product, such as levels of quality, performance, safety or dimensions, including the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures.

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 achievement of legitimate objectives, such as national security requirements, the prevention of deceptive practices, protection of human health or safety and environment, because of fundamental climatic or geographical factors or fundamental technological problems.

5.2. Lithuanian standards, technical regulations and conformity assessment procedures are not prepared, adopted or applied with the view or with the effect of creating unnecessary obstacles to international trade;

5.3. exchange of information with the WTO Members and the countries - parties to other agreements on standards, technical regulations and conformity assessment procedures is aimed :

5.3.1. to remove unnecessary barriers to international trade due to existing national standards, technical regulations and conformity assessment procedures;

5.3.2. to ensure transparency of standards, technical regulations and conformity assessment procedures being drafted;

5.3.3. to provide opportunity for all WTO Members and the countries - parties to other agreements to submit comments on the drafts of Lithuanian standards, technical regulations and conformity assessment procedures;

5.3.4. to provide opportunity for Lithuanian national authorities, legal persons and the enterprises having no rights of a legal person to submit comments on draft standards, technical regulations and conformity assessment procedures proposed by the WTO Members and countries - parties to other agreements;

5.3.5. to ensure that in respect of standards, technical regulations and conformity assessment procedures the products from a WTO member were accorded treatment no less

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 by the WTO Members and by the countries - parties to other agreements concerning drafts of technical regulations and conformity assessment procedures;

6.13. communicate to the WTO Secretariat bilateral or multilateral agreements of the Republic of Lithuania dealing with the issues related to standards, technical regulations or conformity assessment procedures, indicating the products covered by the agreement and including a brief description of the agreement;

6.14. at request , provide information for legal and natural persons, also the enterprises having no right of a legal person in Lithuania on the standards, technical regulations and conformity assessment procedures adopted or proposed by WTO Members based on the payment rates fixed by Lithuanian Standards Board ;

6.15. upon request, provide information on adopted or proposed Lithuanian standards, technical regulations and conformity assessment procedures to other WTO Members and their legal and natural persons and to the countries - parties to other agreements, as well as the copies of the above documents in Lithuanian language.

The costs for the copies or their delivery shall be paid based on the rates fixed by Lithuanian Standards Board and shall not be higher than those applied in the Republic of Lithuania for legal and natural persons and enterprises having no right of a legal person.

7. The national authorities shall:

7.1. inform Lithuanian Standards Board on their draft technical regulations and conformity assessment procedures drawn up not in accordance with the requirements of international standards which may have a significant influence on trade by providing filled in notification form by Lithuanian Standards Board, as well as provide a complete text of a draft document in Lithuanian in electronic media 90 days before the planned adoption of the technical regulation, thus allowing WTO Members to provide their comments;

7.2. inform Ministry of Foreign Affairs on the draft document referred to in par. 7.1. of the Procedures by providing a printed version of a complete text of the document;

7.3. enter into discussions or consultations on comments at the request by the WTO Secretariat or Members;

7.4. take into account the comments by the WTO Members and the countries - parties to Other agreements in the final text of the draft technical regulation and conformity assessment procedure in question;

7.5. regularly maintain technical regulations to establish whether they are still necessary to achieve legitimate objectives and when the reasons for their adoption no longer exist replace them by less trade-restrictive documents or initiate drafting of such documents;

7.6. adopt the technical regulations and conformity assessment procedures communicated to the countries - parties to other agreements following the provisions stipulated by these agreements;

7.7. provide Lithuanian Standards Board with the text of the adopted and published technical regulation and conformity assessment procedure;

7.8 except for urgent circumstances (par. 8 of the Procedures), introduce at least 1

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.

III. FUNCTIONS OF LITHUANIAN STANDARDS BOARD AND NATIONAL AUTHORITIES RELATED TO THE EU REQUIREMENTS FOR DRAFTING AND ADOPTION OF STANDARDS, TECHNICAL REGULATIONS AND RULES ON SERVICES, AS WELL AS INFORMATION EXCHANGE ON THEM

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, indicating:

13.1.1. whether the draft standard will transpose an international standard without being the equivalent;

13.1.2. will be a new Lithuanian standard;

13.1.3. or amendment of a Lithuanian standard;

13.2. communicate on request of the European Commission all or a part of the standards programmes to it;

13.3. send all draft standards to the European Commission, European standardization bodies and national standardization bodies of member countries on request;

13.4. publish information on Lithuanian draft standards in the Bulletin of Lithuanian Standards Board;

13.5. keep informing the European Commission, European standardization bodies and national standardization bodies of EU Member States concerning the actions taken on any comment by the Member States relating to Lithuanian draft standards;

13.6 not object to a subject in its standardisation work programme being discussed at European level in accordance with the rules laid down by the European standardization bodies and undertake no action which may prejudice a decision in this regard;

13.7. not approve Lithuanian standards drafted in breach of provisions of paragraphs 13.1-13.5; in 5 years since enforcement of the Procedures review Lithuanian standards currently in force to comply with the requirements of paragraphs 13.1-13.5;

13.8. grant national standardisation bodies the right to be involved passively (by submitting comments) or actively (by sending an observer) in planned standardisation activities;

13.9. ensure that during preparation of an European Standard it shall not take any action which could prejudice the harmonization intended and will not adopt a new or revised Lithuanian standard which is not completely in line with an existing European Standard within the field;

This provision shall not apply when the standard is drafted at the request of a national authority for the purpose of enacting a technical regulation for any product. Standards Board shall notify it to the European Commission as a draft technical regulation in accordance with paragraph 13.10.1 while national authority submits the grounds for its enactment;

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 regulation or draft rule on services for free movement of goods or services;

13.10.4. any amendment of the notified draft technical regulation or the draft rule on service in question;

13.10.5. information how the comments by the European Commission or Member-States to the draft technical regulation or the draft rule on services have been taken into consideration and the definitive text of the draft technical regulation or the rule on services;

13.10.6. comments of the Republic of Lithuania drawn up by national authorities to notified draft technical regulations or draft rules on services from the EU Member States;

14. National authorities shall:

14.1. refrain, since 2004, from use by reference of any national standard adopted without notification to European Commission, European and national standardisation institutions as provided in paragraphs 13.1 - 13.5;

14.2. provide Lithuanian Standards Board with a complete text of any draft technical regulation or draft rule on services together with justification statement and, where appropriate, the text of basic legislative provisions necessary to assess the implications of the draft technical regulation or draft rule on services, as well as filled in form by Lithuanian Standards Board; where the draft technical regulation merely transposes the full text of an international or European standard information regarding relevant standard shall suffice, while stating the grounds which make the enactment of such a technical regulation necessary;

14.3. when a draft technical regulation seeks to limit the marketing or use of a chemical substance, preparation or product on grounds of public health or protection of consumers or environment, provide in a communication a summary or the references to all relevant data relating to substances, preparations or products concerned, also indicating anticipated effects of the measure on public health and consumer and environment, together with an analysis of the risk carried out in accordance with the general principles for the risk evaluation of chemical substances laid down in legislation of the Republic of Lithuania based on the EU law;

14.4. postpone the adoption of a draft technical regulation or a draft rule on

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.

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