

REPUBLIC OF LITHUANIA
LAW ON CHEMICAL SUBSTANCES AND PREPARATIONS

18 April 2000 No. VIII-1641
Vilnius

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Purpose and Objective of the Law

1. The purpose of this Law is to lay down the provisions relating to the classification, packaging, labelling, notification of new chemical substances and risk assessment, to establish restrictions on the placing on the market or use of certain chemical substances and preparations, also the rights and duties of the producers, importers and other legal and natural persons as well as enterprises without the rights of a legal person which place on the market or otherwise handle chemical substances and preparations.

2. The objective of the Law is to protect human health and the environment from potential risks which could arise from the intrinsic properties of chemical substances and preparations.

Article 2. Scope

1. This Law shall apply to all manufacturers, importers of chemical substances and preparations and other legal and natural persons and enterprises without the rights of a legal person when the above persons are placing on the market or otherwise handling chemical substances and preparations, except for waste, radioactive substances and radioactive waste, explosives and pyrotechnic materials, medicinal products for human and veterinary use, narcotic and psychotropic substances, cosmetic products, foodstuffs, alcohol and tobacco products, animal feedingstuffs.

2. This Law shall not apply to:

1) chemical plant protection products and biocides (with the exception of Articles 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 22, 25, 26, unless the legal acts regulating the management of chemical plant protection products and biocides establish otherwise).

2) chemical substances and preparations carried in transit through the territory of the Republic of Lithuania, provided they do not undergo any treatment or processing while in transit;

3) the carriage of dangerous chemical substances and preparations by rail, road, inland waterway, sea or air.

3. The requirements for the handling of chemical substances and preparations specified in subparagraphs 2 and 3 of paragraph 2 hereof and other requirements, also the mandatory safety requirements against exposure to chemical substances and preparations at work shall be laid down by other legal acts of the Republic of Lithuania.

Article 3. Definitions

For the purposes of this Law

1. “**Chemical substances**” means chemical elements and their compounds in the natural state or obtained by any production process, including any additives necessary to preserve the stability of the products and any impurity deriving from the process used, but excluding any

solvent which may be separated without affecting the stability of the substance or changing its composition.

2. **“Preparations”** means mixtures or solutions composed of two or more substances;

3. **“Polymer”** means a substance consisting of molecules characterised by sequences of one or more types of monomer units and comprising a simple weight majority of molecules containing at least three monomer units which are covalently bound to at least one other monomer unit or other reactant and consists of less than a simple weight majority of molecules of the same molecular weight. Such molecules shall be distributed over a range of molecular weights wherein differences in the molecular weight are primarily attributable to differences in the number of monomer units. In the context of this definition a “monomer unit” means the reacted form of a monomer in a polymer.

4. **“Products”** means chemical substances or preparations which achieve a specific form or structure during manufacture, or more distinct functional properties than those possessed by their compounds in the natural state.

5. **“Risk”** means the likelihood that chemical substances and preparations, under certain circumstances, may harm human health or give rise to adverse effects on the environment.

6. **“Scientific research”** means scientific experimentation, development or any other research of chemical substances and preparations under controlled conditions. The definition includes the determination of intrinsic properties of chemical substances and preparations as well as scientific investigation of their effect.

7. **“Process-oriented research and development”** means the development of chemical substances and preparations in the course of which pilot plant or production trials are used to test the possibilities and fields of application of the chemical substances and preparations.

8. **“Handling of chemical substances and preparations”** means manufacture, classification, packaging, labelling, storage, recording, export, placing on the market, use of chemical substances and preparations.

9. **“Placing on the market”** means the making available to any natural or legal person and enterprise without the rights of a legal person to acquire chemical substances and preparations. Importation of chemical substances and preparations into the territory of the Republic of Lithuania shall also be deemed to be placing on the market for the purpose of this Law.

10. **“Manufacturer”** means a natural or legal person who has registered his/its business in accordance with the procedure laid down by the laws of the Republic of Lithuania as well as an enterprise without the rights of a legal person who has produced a chemical substance or preparation and made a public notification thereof, marking the substance or the preparation by his/its designated name, trade name or other distinguishing mark.

11. **“Importer”** means a natural or legal person or an enterprise without the rights of a legal person of the Republic of Lithuania who has imported into the Republic of Lithuania chemical substances or preparations purchased or otherwise acquired from a foreign legal or natural person.

12. **“European Inventory of Existing Commercial Substances”** means the definitive list of all chemical substances prepared and published by the European Commission, deemed to be on the Community market on 18 September 1981.

13. **“European List of Notified Chemical Substances”** means the European List of New Chemical Substances published by the European Commission, which contains a definitive list of all chemical substances the placing of which on the market was notified after 18 September 1981.

14. **“New chemical substances”** means chemical substances, which are not included in the European Inventory of Existing Commercial Substances.

15. **“Labelling”** means presentation on a label of the information specified in Article 11 of this Law.

16. **“Prior Informed Consent”** means the procedure for the exchange of information on chemical substances and preparations between the importing and exporting countries, the consent of the importing country for the importation of chemical substances and preparations.

17. **“Safety data sheet”** means provision of information concerning dangerous chemical substances and preparations in accordance with the requirements set in Article 12 of this Law.

18. **“Use”** means keeping, storage, filling into containers, transfer or pouring from one container into another, removal, mixing, processing, destruction or utilisation.

19. **“User”** means any natural or legal person or enterprise without the rights of a legal person who uses chemical substances and preparations in its/his commercial-economic activities or in order to satisfy the users’ personal or household needs.

20. **“Professional user”** means a natural or legal person or an enterprise without the rights of a legal person who use chemical substances and preparations in their commercial-economic activities.

21. **“Permit”** means a written authorisation approved by a government institution granting the right to perform certain activity.

22. **“Licence”** means an official document issued by a government institution, granting the right to engage in certain activities relating to the handling of chemical substances in accordance with the established terms and conditions as well as requirements.

23. **“Notification of new chemical substances”** means presentation to the non-food product safety control authority of documents with the requisite information prescribed by Article 7 (2) of this Law.

24. **“Dangerous chemical substances and preparations”** means chemical substances and preparations at least one property of which may be classified into any of the following categories:

1) explosive substances and preparations: solid, liquid, pasty or gelatinous substances and preparations which may also react exothermically without atmospheric oxygen thereby quickly evolving gases, and which, under defined test conditions, detonate, quickly deflagrate or upon heating explode when partially confined;

2) oxidising substances and preparations: substances and preparations which give rise to a highly exothermic reaction in contact with other substances, particularly flammable substances;

3) extremely flammable substances and preparations: liquid substances and preparations having an extremely low flash-point and a low boiling-point and gaseous substances and preparations which are flammable in contact with air at ambient temperature and pressure;

4) highly flammable substances and preparations:

a) substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or

b) solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or

c) liquid substances and preparations having a very low flash-point, or

d) substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities;

5) flammable substances and preparations: liquid substances and preparations having a low flash-point;

6) very toxic substances and preparations: substances and preparations which in very low quantities cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin or when the substances or preparations penetrate the human body in any other way;

7) toxic substances and preparations: substances and preparations which in low quantities cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin or when the substances or preparations penetrate the human body in any other way;

8) harmful substances and preparations: substances and preparations which may cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin or when the substances or preparations penetrate the human body in any other way;

9) corrosive substances and preparations: substances and preparations which may, on contact with living tissues, destroy them;

10) irritant substances and preparations: substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, may cause inflammation;

11) sensitising substances and preparations: substances and preparations which, if they are inhaled or if they penetrate the skin, are capable of eliciting a reaction of hypersensitisation such that on further exposure to the substance of preparation, characteristic adverse effects are produced;

12) carcinogenic substances and preparations: substances or preparations which, if they are inhaled or ingested or if they penetrate the skin or in any other way penetrate the human body, may induce cancer or increase its incidence;

13) mutagenic substances and preparations: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin or in any other way penetrate the human body, may induce heritable genetic defects or increase their incidence;

14) substances and preparations which are toxic for reproduction: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin or in any other way penetrate the human body, may produce, or increase the incidence of, non-heritable adverse effects in the progeny and/or an impairment of male or female reproductive functions or capacity, or increase incidence of impairment;

15) substances and preparations which are dangerous for the environment: substances and preparations which, were they to enter the environment, would or may present an immediate or delayed danger for one or more components of the environment.

CHAPTER TWO

MANAGEMENT OF CHEMICAL SUBSTANCES AND PREPARATIONS

Article 4. Institutions which are Involved in the Management of Chemical Substances and Preparations

1. The Ministry of Environment, the non-food product safety control authority, the Ministry of Health Care, the Ministry of Social Security and Labour, the Ministry of Agriculture, other central and local government institutions shall be responsible for the management of chemical substances and preparations in accordance with the procedure established by law.

2. Local government institutions shall organise, according to their competence, control of the implementation in their territories of this Law and other regulatory enactments adopted on the basis thereof.

CHAPTER THREE

APPLICATION OF SAFETY MEASURES IN THE HANDLING OF CHEMICAL SUBSTANCES AND PREPARATIONS

Article 5. General Requirements for the Handling of Chemical Substances and Preparations

1. The manufacturers, importers of chemical substances and preparations, other legal and natural persons and enterprises without the rights of a legal person placing chemical substances and preparations on the market as well as professional users shall be responsible for compliance with the chemical substances and preparations handling requirements.

2. The manufacturers, importers of chemical substances and preparations, other legal and natural persons and enterprises without the rights of a legal person placing chemical substances and preparations on the market shall ensure fulfilment of the following chemical substances and preparations handling requirements:

1) provide for and apply measures eliminating or reducing to the minimum the adverse effect of chemical substances and preparations upon human health and the environment;

2) have available data on the properties of chemical substances and preparations placed on the market as well as and safety measures and apply the said measures in their activities;

3) provide information to the users on the dangerous properties of chemical substances and preparations which may harm human health and the environment as well as the applicable safety measures, label the chemical substances and preparations that are being placed on the market.

3. The Government may also establish requirements other than those specified in this Article for the handling of chemical substances and preparations.

Article 6. Carrying out Tests on Chemical Substances and Preparations

1. In order to determine the properties of new chemical substances and of those chemical substances and preparations which need to be additionally tested with respect to their effect on human health and the environment, tests of chemical substances and preparations shall be carried out.

2. The Ministry of Health Care shall establish the procedure for testing the properties of chemical substances and preparations likely to pose a risk to human health, while the Ministry of Environment shall lay down the procedure for testing the properties of chemical substances and preparations posing a risk to the environment.

3. Testing of properties of chemical substances and preparations shall be carried out in the accredited laboratories of the Republic of Lithuania or foreign countries. Expenses occasioned by testing of chemical substances and preparations shall be born by the manufacturers, importers of the substances or by other legal or natural persons or enterprises without the rights of a legal person placing on the market the chemical substances that are being tested.

4. The procedure for accrediting the laboratories which carry out the testing of properties of chemical substances shall be laid down by the National Accreditation Bureau of the Republic of Lithuania .

Article 7. Notification of New Chemical Substances

1. Before placing a new chemical substance (on its own or in a preparation) on the market for the first time, the manufacturers, importers and other legal and natural persons, also enterprises without the rights of a legal person shall submit a notification of the new chemical substance to the non-food product safety control authority.

2. The procedure of notification of new chemical substances and the scope of information to be submitted shall be determined by the Ministry of Environment upon consideration thereof by the Ministry of Health Care.

3. Upon receipt of the notification of a new chemical substance, the non-food product safety control authority shall examine the conformity of the submitted information and data with the requirements of notification of new chemical substances being placed on the market. After Lithuania's accession to the EU, the non-food product safety control authority shall notify the EU Commission of new chemical substances according to the established procedure.

4. The expenses related to services for the examination of conformity of the presented information on new chemical substances shall be born by the manufacturers, importers, other legal and natural persons and enterprises without the rights of a legal person who present the above information.

5. State fees imposed under law shall be levied on the services - notification of new chemical substances - provided by the institutions.

Article 8. Risk Assessment

1. Having received the notification specified in Article 7 of this Law, the non-food product safety control authority shall, on the basis of information presented therein, assess the risk to human health and the environment of a new chemical substance (including that contained in preparations), and shall present appropriate conclusions.

2. The procedure for risk assessment and the scope of information required to be presented for risk assessment shall be established by the Ministry of Environment as regards the assessment of risk to the environment and by the Ministry of Health Care as far as assessment of risk to human health is concerned.

Article 9. Classification of Dangerous Chemical Substances and Preparations

1. Prior to placing dangerous chemical substances and preparations on the market, the manufacturers, importers and other legal and natural persons and enterprises without the rights of a legal person shall classify them according to the properties from which health and environmental hazards derive.

2. Chemical substances and preparations which may be hazardous to human health and the environment shall be classified taking into account the properties of chemical substances and preparations which are determined in accordance with the requirements of Article 6 of this Law and by a conventional method approved by the Ministry of Environment and the Ministry of Health Care.

3. The requirements for classifying dangerous chemical substances and preparations shall be set by the Ministry of Environment upon consideration thereof by the Ministry of Health Care.

4. The list of classified chemical substances shall be approved by the Ministry of Environment.

Article 10. Requirements for the Packaging of Dangerous Chemical Substances and Preparations

1. Manufacturers, importers and other legal and natural persons as well as enterprises without the rights of a legal person placing dangerous chemical substances and preparations on the market shall package the substances and preparations according to the regulations on packaging and using suitable packaging.

2. The requirements for the packaging of dangerous chemical substances and preparations as well as the regulations on packaging shall be set by the Ministry of Environment upon consideration thereof by the Ministry of Health Care.

Article 11. Labelling of Dangerous Chemical Substances and Preparations

1. Manufacturers, importers and other legal and natural persons as well as enterprises without the rights of a legal person placing dangerous chemical substances and preparations on the market shall label their packaging in accordance with the categories of danger of chemical substances and preparations specified in Article 3 (24) of this Law and according to the established labelling requirements.

2. The regulations for labelling dangerous chemical substances and preparations, including requirements of provisional labelling, shall be adopted by the Ministry of Environment upon consideration thereof by the Ministry of Health Care.

3. Before placing on the market the dangerous chemical substances (on its own or in a preparation) which are on the list of classified chemical substances, manufacturers, importers and other legal and natural persons as well as enterprises without the rights of a legal person shall label the packaging of the above chemical substances in accordance with the classification of chemical substances specified in the list.

4. Before placing on the market the dangerous chemical substances (on its own or in a preparation) which appear in the European Inventory of Existing Commercial Substances but which have not yet been introduced into the list of classified chemical substances and new chemical substances, the manufacturers, importers and other legal and natural persons as well as enterprises without the rights of a legal person shall collect data about or test the properties of the above substances in order to make it possible to package and provisionally label the chemical substances in accordance with the approved labelling regulations, until they are tested and introduced into the list of classified chemical substances according to the approved procedure.

5. Information on the label shall be in Lithuanian. In addition to information in Lithuanian, the manufacturers, importers and other legal and natural persons as well as enterprises without the rights of a legal person placing dangerous chemical substances on the market may give indications in other languages. The text of the additional indication shall be identical to that in the Lithuanian language.

6. Indications such as “non-toxic” or “non-harmful” must not appear on the packaging of dangerous chemical substances or preparations.

Article 12. Safety Data Sheet

1. The manufacturers, importers and other legal and natural persons as well as enterprises without the rights of a legal person supplying professional users with dangerous chemical substances or preparations shall communicate to the recipient a safety data sheet either before the first delivery of a dangerous substance or together with the substance. The manufacturers, importers and other legal and natural persons as well as enterprises without the rights of a legal person placing dangerous substances on the market shall be responsible for the accuracy and completeness of the data on the safety data sheet. Upon obtaining any new information about the dangerous chemical substance or preparation in question, they shall supplement (change) safety data sheet and present it to all professional users whom they have supplied with the chemical substance or preparation within the last 12 months.

2. The contents of the safety data sheet and the procedure of its presentation to professional users shall be established by the Ministry of Health Care upon consideration thereof by the Ministry of Environment and the Ministry of Social Security and Labour.

Article 13. Management of Emergency Situations

Prevention of, response to and investigation of the accident as well as clean-up operations in case of release into the environment of dangerous chemical substances or preparations shall be organised and carried out in accordance with the requirements set in other legal acts of the Republic of Lithuania.

Article 14. Advertising Requirements for Chemical Substances and Preparations

1. Advertisement for chemical plant protection products and biocides that are not registered in the Republic of Lithuania as well as other unregistered chemical substances and preparations which are subject to mandatory registration shall be prohibited.

2. Any advertisement for dangerous chemical substances and preparations shall be prohibited if no mention is made therein of the properties of the dangerous substances or preparations, defined in Article 3 (24) of this Law.

3. Detailed indications of such possible application of chemical substances and preparations which may prompt their deliberate use with intent to harm human health or the environment shall be prohibited in the advertisements for chemical substances or preparations.

CHAPTER FOUR RECORDS OF CHEMICAL SUBSTANCES AND PREPARATIONS AND THEIR REGISTRATION

Article 15. Records of Dangerous Chemical Substances and Preparations

1. The manufacturers, importers and other legal and natural persons as well as enterprises without the rights of a legal person placing on the market and exporting dangerous chemical substances and preparations, also the professional users shall enter the chemical substances and preparations into the records and specify therein the names, properties and quantities of the chemical substances and preparations manufactured, stored, exported and placed on the market. The data entered in the records shall be accessible to public servants exercising state control of chemical substances and preparations.

2. The rules of keeping records of dangerous chemical substances and preparations shall be laid down by the Ministry of Environment upon consideration thereof by the Ministry of Health Care, Ministry of Social Security and Labour and the Department of Statistics under the Government of the Republic of Lithuania.

Article 16. Internal Audit of Manufacture and Use of Dangerous Chemical Substances and Preparations

1. Manufacturers and professional users shall annually perform internal audit of the manufacture and use of dangerous chemical substances and preparations in order to ascertain whether or not their activities comply with the established requirements.

2. The requirements for performing internal audit shall be set by the Government or the institution authorised by it.

Article 17. Collection and Maintenance of Data on Chemical Substances and Preparations

1. The non-food product safety control authority shall collect and maintain data on chemical substances manufactured in or imported or exported by or used in production in the Republic of Lithuania, also on their properties and potential effect on human health and the environment and shall communicate the information in the prescribed manner to the parties concerned. The non-food product safety control authority shall maintain information data bases of chemical substances and preparations and check the reliability of the submitted data on chemical substances and preparations.

2. The Ministry of Health Care shall collect and maintain data relating to very toxic, toxic, harmful, corrosive, irritant, sensitising, carcinogenic, mutagenic, toxic for reproduction chemical substances and preparations, which are placed on the Lithuanian market, provide the persons concerned and the public with information on the effect of chemical substances on man and the risk factors.

3. The Ministry of Agriculture shall collect and maintain data relating to the use of chemical plant protection products.

4. The Customs Department under the Ministry of Finance shall maintain data on the imported and exported dangerous chemical substances and preparations and submit the data to the government institutions responsible for the management of chemical substances and preparations, specified in Article 4 (1) of this Law, upon the request of the institution.

5. Regulations on the collection and maintenance of data specified in paragraphs 1, 2, 3 and 4 hereof shall be established by the Government or the institution authorised by it.

Article 18. Obligation to Provide Information

1. The manufacturers, importers of chemical substances and preparations and other legal and natural persons as well as enterprises without the rights of a legal person placing on the market and exporting dangerous chemical substances and preparations, also the professional users shall submit, according to the procedure specified in paragraph 3 hereof, data on the dangerous chemical substances and preparations which are manufactured, imported, exported and used in the production process, to the Ministry of Environment and non-food product safety control authority and, where the substances are chemical plant protection products, to the Ministry of Agriculture as well.

2. Upon obtaining new additional information on the danger presented to the environment or human health by the chemical substances or preparations, the manufacturers, importers of chemical substances and preparations and other legal and natural persons as well as enterprises without the rights of a legal person placing on the market and exporting dangerous chemical substances and preparations, also the professional users shall without delay notify the Ministry of Environment and non-food product safety control authority thereof.

3. Regulations on the submission and further distribution of information on the dangerous chemical substances and preparations manufactured in, imported to and exported from and used in production in the Republic of Lithuania shall be laid down by the Ministry of Environment in conjunction with the Ministry of Health Care, Ministry of Agriculture and Department of Statistics under the Government of the Republic of Lithuania.

Article 19. Submission of Data on Chemical Substances and Preparations

1. Submitting data to the chemical substances and preparations management institutions listed in Article 18 of this Law, the manufacturers, importers of chemical substances and preparations and other legal and natural persons as well as enterprises without the rights of a legal person placing on the market and exporting dangerous chemical substances and preparations, also professional users shall specify the data they consider to be a commercial and industrial secret. Such data may be submitted to other legal or natural persons as well as enterprises without the rights of a legal person only upon written consent of the manufacturer, importer or professional user.

2. A commercial and industrial secret means technical, technological, commercial or organisational information belonging to the manufacturer, importer or professional user and not disclosed to the public, with regard to which the manufacturer, importer or professional user takes advantage of the confidentiality provisions, excluding information which may not be considered as commercial secret under the laws of the Republic of Lithuania. The following information may not be considered as commercial and industrial secret:

- 1) the name of the product;
- 2) name and registered address of the manufacturer or importer;
- 3) physico- chemical properties of substances and preparations;
- 4) the possible ways of rendering the substance harmless;
- 5) the protective measures in case of an accident;
- 6) the summary results of the toxicological and ecotoxicological tests;

7) methods making it possible to determine the effect of a substance or a preparation on the environment and human health;

8) information contained in the safety data sheet.

3. Data about dangerous chemical substances and preparations manufactured in, imported into, exported from and used in the production process in the Republic of Lithuania, which are not attributed to state or official secrets under the laws of the Republic of Lithuania and data which do not constitute commercial and industrial secret shall be accessible to all natural and legal persons as well as enterprises without the rights of a legal person. The government institutions responsible for the management of chemical substances and preparations and the non-food product safety control authority shall have the right to obtain in the prescribed manner from any natural and legal person or enterprise without the rights of a legal person all data required for the supervision and control of activities, including data considered as state or official and commercial/industrial secret. The above government institutions shall be responsible for maintaining the confidentiality of the data which constitute a state or official also commercial and industrial secret.

Article 20. Register of Dangerous Chemical Substances and Preparations

1. The register of dangerous chemical substances and preparations shall be established and the statutes of the register shall be approved by the Government.

2. The register of dangerous chemical substances and preparations shall be administered by the non-food product safety control authority.

CHAPTER FIVE

IMPORT AND EXPORT OF CHEMICAL SUBSTANCES AND PREPARATIONS

Article 21. Import and Export of Chemical Substances and Preparations

1. Chemical substances (including those contained in preparations) which have been listed in the European Inventory of Existing Commercial Substances and do not appear in the lists of substances the use whereof is banned or restricted, provided for in paragraph 3 hereof, may be imported or exported in compliance with the requirements of this Law, other laws of the Republic of Lithuania.

2. Chemical substances (including those contained in preparations), which have not been listed in the European Inventory of Existing Commercial Substances and do not appear in the lists of substances the use whereof is banned or restricted, provided for in paragraph 3 hereof, may be imported or exported in compliance with the procedure of notification of new chemical substances provided for in Article 7 of this Law.

3. The Ministry of Health Care shall approve the list of chemical substances and preparations the use whereof is banned or restricted upon consideration of the list by the Ministry of Environment and the Ministry of Social Security and Labour, and shall establish the requirements for import and export restriction of such chemical substances and preparations.

4. The requirements of import and export of chemical substances attributable to strategic goods and of chemical substances included into the list of substances which may be used in the manufacture of chemical weapons, also the requirements of import of chemical plant protection products shall be established by other laws of the Republic of Lithuania.

5. Dangerous chemical substances and preparations that are intended for import or export shall be packaged and labelled according to the requirements laid down in Articles 10 and 11 of this Law. The recipient shall be communicated safety data sheets referred to in Article 12 of this Law either accompanying shipments of chemical substances and preparations or prior to the sending thereof.

6. The Customs Department under the Ministry of Finance shall control the import and export of dangerous chemical substances and preparations, shall inform, according to the

procedure approved by the Customs Department under the Ministry of Finance and Ministry of Environment, the institutions which carry out the management of chemical substances and preparations of the noticed cases of violations of the requirements of this Law.

Article 22. Prior Informed Consent

1. The Government of the Republic of Lithuania or the institution authorised by it shall approve a list of substances the import or export whereof is subject to prior informed consent procedure.

2. The import and export of chemical substances and preparations included into the list referred to in paragraph 1 hereof shall be permitted only if prior informed consent procedure is applied.

3. The requirements of prior informed consent shall be set by the Ministry of Environment upon consideration thereof by the Ministry of Health Care, Ministry of Social Security and Labour, Ministry of Agriculture and Customs Department under the Ministry of Finance. The procedure of prior informed consent shall be implemented by the non-food product safety control authority.

CHAPTER SIX

RESTRICTIONS ON THE PLACING ON THE MARKET AND USE OF CHEMICAL SUBSTANCES AND PREPARATIONS

Article 23. Licensing of Economic - Commercial Activities

Manufacture, wholesale and storage of chemical substances and preparations entered in the list approved by the Government or the institution authorised by it shall be prohibited without a licence issued according to the procedure established by the Government.

Article 24. Bans and Restrictions of Handling of Chemical Substances and Preparations

1. The use and placing on the market of the Republic of Lithuania of chemical substances and preparations the danger of which for human health or the environment has been proved by scientific research and confirmed by international practical experience may be banned or restricted.

2. The manufacturers or importers shall at their own expense withdraw the banned chemical substances and preparations referred to in paragraph 1 hereof from the market or users and ensure that no damage is caused to human health and the environment during the withdrawal process.

3. The bans and restrictions referred to in paragraph 1 hereof shall be established by the Ministry of Health Care upon consideration thereof by the Ministry of Environment and Ministry of Social Security and Labour. The procedure for withdrawal of chemical substances and preparations dangerous for human health or the environment, which are specified in paragraph 2 hereof, from circulation shall be laid down by the institution authorised by the Government.

4. Legal and natural persons as well as enterprises without the rights of a legal person intending to sell or otherwise transfer toxic, very toxic, carcinogenic, mutagenic or toxic for reproduction chemical substances or preparations must get a permit issued by the institution authorised by the Government. The procedure of issuance of such permits shall be laid down by the Government or the institution authorised by it.

5. The Government or the institution authorised by it may establish other restrictions on the handling of chemical substances and preparations, provided these are necessary for special control of the substances and preparations because of the danger caused by them for human

health or the environment as well as for ensuring the implementation of international agreements.

CHAPTER SEVEN

STATE CONTROL OF CHEMICAL SUBSTANCES AND PREPARATIONS

Article 25. State Control of Chemical Substances and Preparations

In the Republic of Lithuania state control of handling of chemical substances and preparations shall be exercised, according to their competence, by the institutions authorised by the Ministry of Environment, Ministry of Health Care, Ministry of Social Security and Labour, Ministry of Agriculture and Customs Department under the Ministry of Finance, which have been charged, in the established manner, with performing the functions of control of chemical substances and preparations handling. The institutions shall perform the functions of control in compliance with this Law and other legal acts of the Republic of Lithuania.

Article 26 Rights and Duties of Public Servants Exercising State Control of Chemical Substances and Preparations

1. The institutions exercising state control of chemical substances and preparations handling shall check whether classification, packaging, labelling of chemical substances, notification of new substances, testing, safety data sheet, the use of banned and restricted chemical substances and preparations or other handling of chemical substances and preparations conforms to the effective legal provisions and shall also control the withdrawal of banned chemical substances and preparations as well as chemical substances and preparations whose composition or properties are unknown, or which have been manufactured or imported illegally, also dangerous chemical substances and preparations which are no longer suitable for use from circulation.

2. The institutions exercising state control may apply to the court seeking protection of state interests and compensation for damage inflicted on the state, with damages being recovered into the state budget.

3. Public servants exercising state control of chemical substances and preparations shall have the right to:

1) check compliance with legal provisions regulating the handling of chemical substances and preparations by the manufacturers, importers of chemical substances and preparations, other legal and natural persons as well as enterprises without the rights of a legal person placing dangerous chemical substances on the market, also by users and other persons engaged in the handling of chemical substances and preparations;

2) in the established manner get access at any time to the territory and premises where dangerous chemical substances and preparations are handled and perform a check;

3) obtain from the manufacturers, importers and other legal and natural persons and enterprises without the rights of a legal person placing dangerous chemical substances on the market, also from professional users and other persons handling chemical substances and preparations or from any other institution exercising control all available information, including data considered to constitute a state or professional and commercial and industrial secret, as well as documents for the purpose of performing a check, take samples of chemical substances and preparations for investigating the composition and properties of the substances or performing tests. The costs of sampling of chemical substances and preparations shall not be reimbursed;

4) according to their competence, give binding directions to persons placing on the market, manufacturing, importing chemical substances and preparations, as well as to the users, warn them against the violations and oblige them to take necessary safety measures;

5) impose administrative penalties in accordance with the procedure laid down by the Code of Administrative Offences;

6) issue binding orders to suspend the activities related to the use or other handling of dangerous chemical substances and preparations, where a violation of the effective requirements and existence of danger to human health or life or conditions likely to cause an accident are established, submit a proposal to suspend or revoke a licence to the institution which issued the licence;

7) customs officers shall have the right to monitor, in the established manner, whether the importers and exporters of dangerous chemical substances and preparations comply with the labelling, packaging as well as other import and export requirements set for the substances and preparations.

4. Police and customs officers, acting within their competence, shall assist the control institutions in the exercise of state control of chemical substances and preparations and shall provide the institutions with the available information. State control institutions shall ensure protection against revelation of the obtained information considered as state or official as well as commercial and industrial secret.

CHAPTER EIGHT FINAL PROVISIONS

Article 27. Liability for Violation of Chemical Substances and Preparations Handling Requirements

Violation of the requirements of the Law on Chemical Substances and Preparations as well as other legal acts which regulate the relations evolving under this Law shall make the transgressing legal and natural persons as well as enterprises without the rights of a legal person liable under criminal, administrative and property laws in accordance with the procedure established by law.

Article 28. Entry into Force of the Law

The Law on Chemical Substances and Preparations shall enter into force as of 1 January 2001, except for Articles 4, 6 (1 and 3) 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 21 (2), 22, 24. The above-indicated Articles (their paragraphs) shall enter into force:

- 1) Articles 4 and 24 - as of 1 January 2002;
- 2) Articles 6 (1 and 3), 9, 10 and 11 - as of 1 January 2003;
- 3) Articles 12, 15, 16, 17, 18, 22 - as of 1 January 2003;
- 4) Articles 7 (1, 2, 4 and 5), 8 and 21 (2) - as of 1 July 2004.

I promulgate this Law enacted by the Seimas of the Republic of Lithuania

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS