

EU Consumer Law Acquis Compendium

Legislation

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Full name and/or number of the statute (in original language):

Lietuvos Respublikos Užkieio Ministro Išsakymas dešli Lietuvos Respublikoje parduodamuų daiktuų (prekiuų) ženklinimo ir kainuų nurodymo taisykliuų.

Translation of the name:

Order of the Minister of Economy of the Republic of Lithuania on the Rules of Labeling of Items (Goods) Sold in the Republic of Lithuania and Indication of Prices

Reference in Official Journal (if appropriate):

Valstybeų s Zinios 2004, 96-3551

Date of coming into force:

20.06.2004

Subsequent amendments:

Text:

RULES ON LABELLING AND INDICATION OF PRICES OF ITEMS (GOODS) FOR SALE IN THE REPUBLIC OF LITHUANIA

I. GENERAL PROVISIONS

1. The Rules On Labelling and Indication of Prices of Items (Goods) for Sale in the Republic of Lithuania (hereinafter – the Rules) provide for general requirements for labelling and indication of prices of items (goods) for sale to the ultimate consumer in the Republic of Lithuania.

2. The Rules shall be binding on any legal or natural person supplying goods intended to the consumer in the market of the Republic of Lithuania.

3. Definitions used in the Rules:

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Producer shall mean a legal or natural person (or other organisation) performing his activities (established) in the Republic of Lithuania or the European Community (the European Union) in the manner prescribed by the law and has manufactured the product or made a public notice by putting his name, trademark or other distinguishing feature on the product, or has modified the product; acts on behalf of the manufacturer when the manufacturer has not established in the European Community (the European Union) or imports the product provided no representative of the manufacturer exists in the European Community (the European Union); as the chain actor of product supply may influence the safety of a product supplied to the market.

Legal act regulating labelling of particular goods (commodity groups) shall mean the regulations and decisions of the European Union directly applied in the Republic of Lithuania, laws of the Republic of Lithuania, Government resolutions and legal acts approved by ministries, other public authorities or institutions within their field of competence (rules, regulations, binding requirements, hygiene norms, etc.) providing for compulsory labelling requirements for particular goods or commodity groups (annex).

Goods shall mean any movable item for sale or intended to be sold to the ultimate consumer who is a natural person, designed to meet his personal, family or household-related needs not associated to his business or profession.

Second-hand goods shall mean products that have been used previously and are intended for resale.

Package shall mean any packaging material wherein a product (or several pieces or units of products) is being sold (intended for sale) to the ultimate consumer as a single item.

Co-package shall mean any package wherein several items are either packaged or non-packaged individually and presented to the seller.

Selling price shall mean the final price fixed for a unit or relevant quantity of a product all taxes included.

Standard unit price shall mean final price fixed per kilogram, litre, meter, square meter or cubic metre all taxes included.

The minimum durability date shall mean the term upon expiry of which the product is deemed absolutely or partially unfit for usage by purpose, i.e., the product properties are or may be worse than those provided in the technical regulation binding on the product and (or) in standard documents declared by the producer, and expected by the ultimate consumer to be appropriate by the expiry of this term. Upon maturity of the indicated date the producer shall bear no responsibility for the safety of goods and their quality conformity to those declared.

Labelling shall mean presentation of consumer-intended printed, written or graphic information about the product and related risks or safe usage on the product and (or) its package.

Labelling particulars shall mean consumer-intended information about a particular product (commodity group) set forth in these Rules or the law regulating labelling of a particular

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product (commodity group) and shall be presented when labelling goods (the name of the product and the producer, trade mark, the minimum durability date, quantity, risk and safety phrases, usage peculiarities and (or) other product-related information).

4. The Rules do not regulate labelling of medicines, products designed for medical purposes, goods labelled UNICEF, goods designed for military purposes, live animals, works of art, collectable objects, antiques, real estate, intangible assets, money, post stamps, securities, water supplied by engineering systems, electricity, fuel and other goods supplied by engineering systems, food prepared and marketed by mass caterers, forfeit goods, goods for sale in auctions, as well as goods for sale by residents (those engaged in individual commercial activities excluded) that have not registered their trading business.

5. All goods designed for sale to the consumer in the Republic of Lithuania shall be labelled and in full conformity to the particular goods (commodity group) labelling requirements set forth in legal acts regulating labelling as well as these Rules.

6. Should there be another legal act setting forth certain labelling requirements for particular goods (commodity group), the requirements of the aforesaid legal act shall be compulsory, and these Rules shall be obligatory insofar as it is not established in the legal act regulating the labelling of particular goods (commodity group).

Provisions of the legal acts regulating labelling of particular goods (commodity group) shall enter into force on the day of enforcement of this legal document unless otherwise provided by this legal document.

7. Consumer-intended goods shall be labelled (except the additionally labelled second-hand goods in conformity to the requirements laid down in these Rules) and the required information provided to the ultimate consumer by the producer before presenting the goods to the consumer in order for the latter to evaluate the goods and related risks within the entire indicated, usual or intended expiry period.

8. Based on the requirements laid down in these Rules the seller shall indicate the price of the goods for sale to the consumer as well as label the second-hand goods presented for resale.

II. LABELLING REQUIREMENTS

9. The labelling particulars shall be indicated on the goods and (or) the package thereof. Taking into consideration the particularity of the goods some labelling particulars may be repeatedly indicated on the goods and (or) package of the goods in several places.

10. Unless otherwise provided in the legal act regulating labelling of particular goods (commodity group) or the standard documents declared by the producer the following goods shall be labelled exclusively on the co-package:

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10.1. small goods or goods containing small components when it is impossible to legibly place all the labelling particulars prescribed to the product by every legal act on the product or its package;

10.2. goods measured (weighted) in the presence of the purchaser or by the purchaser himself;

10.3. Other pre-packaged goods with traditionally known destination the usage of which is not associated with posing threat to consumer health or environment and (or) labelling of which is physically impossible or irrational (may spoil the product appearance; the pre-packed goods are traditionally sold in large quantities, etc.);

10.4. When selling goods enlisted in points 10.1 – 10.3 to the consumer the labelling particulars shall be printed on the price label next or attached to the product or otherwise indicated in writing.

11. Information on goods for sale by residents, manufactured in their individual utility farms, farmer's farms or garden plots (agricultural products), the seller of which is the manufacturer himself, may be provided orally unless otherwise provided in the legal act regulating labelling of particular goods.

12. When forfeit goods are sold the information shall be provided in writing at the place of marketing that these are forfeit goods.

13. A product shall be labelled by printing, labelling, stamping, tagging, or otherwise.

14. The labelling particulars, their form, size, location of labelling and method of presentation shall be in full conformity to the requirements of legal documents regulating labelling of goods (commodity groups) as well as standard documents declared by the producer. In case the legal acts do not exist or legal acts (standard documents declared by the producer) do not regulate the labelling, the particulars shall be indicated in conformity to the requirements laid down in these Rules; if not covered by the Rules, the form, size, location of labelling, method of presentation and the consumer-intended information shall be chosen at the discretion of the producer or the person responsible for labelling the goods.

15. The labelling particulars shall be clearly visible, labelled tight, indelible and clear in order not to mislead the consumer. The measurements of the particulars shall be of sufficient size so that the information is easily legible and understandable.

16. Unless otherwise stated by other legal documents, the purpose of the goods, requirements for usage and storage, care and safety instructions may be represented graphically (by pictures, arbitrary signs and symbols).

17. Labelling particulars of goods, presentation of which in the official language is provided for by the legal act regulating labelling of particular goods (commodity group), shall be presented in the official language of the Republic of Lithuania.

If labelling of particular goods (commodity group) is not regulated by any particular legal act, information necessary to ensure safe and proper usage shall be presented in the official

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language. Information on safe and proper usage of goods presented in the form of pictures, arbitrary signs or symbols may not be translated into the official language.

18. Measurement units of the International System of Units (SI) and their derivative, aliquot and partial quantities as well as non-system measurement units relating to the International System of Units permitted to be used by Government of the Republic of Lithuania Resolution No 589, "On Approval of the List of the Non-System Measurement Units Relating to the International System of Units (SI) and Permitted to be Used in the Republic of Lithuania", adopted on 12 June 1997 (Off. Gaz. No 57 – 1295, 1997), shall be used in labelling of goods.

19. Repealed by the Republic of Lithuania Minister of Economy Order No 4-237 adopted on 11 June 2004.

20. When the same product is attributed to several commodity groups, it shall be labelled in line with all the requirements established for labelling of goods attributed to these commodity groups.

III. GOODS LABELLING PARTICULARS

21. All the compulsory labelling particulars established in the legal acts regulating labelling of particular goods (commodity group) to be binding on particular goods (commodity group) shall be presented when labelling goods.

22. If labelling of particular goods (commodity group) is not regulated by a specific legal act or is not established in this legal document, the following labelling particulars shall be presented:

22.1. the name of the product, provided that one cannot judge it from the appearance of the product;

22.2. the name of the producer or the trademark, provided that the product or its usage is related with possible threats to consumer health and (or) environment;

22.3. the country of origin, provided that the product is imported from non-Community (non-European Union) countries or regions;

22.4. the minimum durability date, provided that properties of the product change over time and, when the term expires, the product is deemed absolutely or partially unfit for usage;

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22.5. the production date, provided that an indication of the production date is obligatory in accordance with the requirements laid down in these Rules or established in the standard document declared by the producer;

22.6. the purpose of goods, provided that the purpose of the product is not commonly known or one cannot judge its purpose from the name or appearance of goods;

22.7. requirements for usage of goods, provided that this information is necessary for safe and proper usage of the product;

22.8. other labelling particulars, established in the standard document declared by the producer.

23. Besides the labelling particulars established in points 21 and 22 of these Rules, the following labelling particulars shall be obligatory to present:

23.1. the selling price of every commodity and a standard unit price;

23.2. for footwear – the size;

23.3. for wearing apparel, hosiery, gloves:

23.3.1. the size;

23.3.2. care instructions (care symbols). Information providing care instructions for wearing apparel shall be presented on labels firmly attached on the commodity; it shall be easily legible over the entire expected term of the commodity usage for the intended purpose.

23.4. Repealed by the Republic of Lithuania Minister of Economy Order No 4-237 adopted on 11 June 2004.

23.5. for construction products and furniture materials:

23.5.1. the type and (or) characteristic specifications;

23.5.2. (net) volume or mass or dimensions;

23.6. school furniture – functional dimensions;

23.7. fertilizers that are not labelled as “EC fertilizer”:

23.7.1. the type and the purpose, provided that one cannot judge it from the name of goods;

23.7.2. instructions for storage conditions, provided that fertilizers are liquid;

23.7.3. chemical form and (or) solubility of constituents, provided that fertilizers are compound;

23.7.4. volume or mass (net/gross);



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23.7.5. names and contents of nutrients (potassium, sodium and phosphorus);

23.7.6. the production date.

IV. LABELLING OF SECOND-HAND GOODS

24. The provisions laid down in points 22-23, 25-29 of these Rules shall be not applied to sales of second-hand goods. Second-hand goods shall be labelled additionally. The following labelling particulars shall be presented when second-hand goods are labelled additionally:

24.1. name of the product, provided that one cannot judge it from the appearance of the product;

24.2. selling price;

24.3. Repealed by the Republic of Lithuania Minister of Economy Order No 4-237 adopted on 11 June 2004.

24.4. for household equipment, electrical equipment and machinery:

24.4.1. information about modifications or improvements, in case they have been performed;

24.4.2. information that the product is fit (unfit) to use for the purpose;

24.4.3. instructions for use prepared by the producer (if these are not available, instructions for use prepared and approved by the seller that must cover the basic requirements for safe and proper use of goods).

V. CERTAIN REQUIREMENTS FOR PRESENTATION OF GOODS LABELLING PARTICULARS

25. Unless other legal acts regulating labelling of particular goods (commodity groups) provide otherwise, goods labelling particulars shall be indicated in accordance with the provisions laid down in points 26-29 of this Chapter.

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26. When the production date and/or minimum durability date of the product is indicated, the said dates shall be indicated easily visible and clearly legible to avoid misleading of the consumer.

When the year, months and days are presented in pairs to indicate the date on the product and/or its package, the pairs of these figures are recommended to present in the following sequence: day, month and year. For instance: 3 May 2004 shall be indicated as follows: 03 05 04.

27. The minimum durability date is recommended to present in the following way:

27.1. for goods that are deemed unfit to use for the purpose at maturity of the indicated date: "Use before ... (date)" – the date shall include an indication of the day;

27.2. for goods that still can be used at the discretion of the consumer for a certain period of time at maturity of the indicated date but the producer bears no responsibility for conformity of their qualitative properties with those declared:

27.2.1. "Best before ... (date)";

27.2.2. "Best before ... end" when the date includes an indication of the month and the year or only the year;

27.2.3. "Best within... (a figure shall be indicated) days (months, years) from the production date";

27.3. when the minimum durability date of the product is indicated, it will suffice to indicate:

27.3.1. the day and the month, if the product is fit to use for not more than three months;

27.3.2. the month and the year, if the product is fit to use from 3 to 18 months;

27.3.3. the year, if the product is fit to use for more than 18 months;

27.4. if the minimum durability date of goods is less than 48 hours, the said term is recommended to indicate with including an indication of the hour;

27.5. when the minimum durability date is indicated as a specific period of time from the production date (e.g.: "Best within 25 days (months, years) from the production date"), an indication of the production date of goods shall be obligatory;

27.6. when the minimum durability date is expressed in years, it is deemed that the term expires at 24:00 on the respective last day of the last month of the year. The minimum durability date expressed in months expires at 24:00 on the respective last day of the last month of the particular term;

When the end of the term expressed in years or months falls on a certain month that contains no such respective day, the term expires on the last day of that month.

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27.7. when the minimum durability date is impossible to indicate after the words “Use before...” or “Best before...” due to peculiarities of production, packaging or labelling of goods, a reference to the location of an indication of this date on the product or its package shall be presented after the words “Use before...” or “Best before...”;

27.8. a description of special storage conditions of goods shall be presented, if the minimum durability date depends on them;

27.9. an indication of the minimum durability date of the product may not be indicated:

27.1. for plants and parts thereof for sale;

27.9.9. for tobacco products;

27.9.3. if the producer provides guarantees that the minimum durability term of the product is more than 30 months.

28. Usage (storage) requirements:

38.1. requirements for usage (storage) shall be presented on the product or its package. When all the information necessary for safe and proper usage (storage) of goods is impossible to place on the product or its package, or this information on the product is provided in a foreign language (languages), instructions for usage of the product shall be put into a package of the product, and when it is impossible to do so, instructions shall be presented together with the product to the consumer. Instructions for usage shall be presented in the national official language;

28.2. references informing that specific properties (characteristic specifications) are presented in the instructions for usage of the product may appear on labels of those goods, with which the instructions for usage shall be presented to the consumer.

29. The selling price of goods and a standard unit price:

29.1. the selling price of every product for sale to the consumer or of goods of the same type and the standard unit price thereof shall be provided;

29.2. the selling price and the standard unit price shall be indicated by the seller on the price label next or attached to the product (on its package);

29.3. the selling price of goods and the standard unit price shall be easily visible, clearly legible, easy to understand and conspicuous;

29.4. when the product for sale to the consumer is advertised in any way and its selling price is indicated, the standard unit price of that product shall be also indicated, except for cases laid down in points 29.5 and 29.6 of these Rules, according to which an indication of the standard unit price is not compulsory;

29.5. an indication of the selling price of goods and the standard unit price may not be indicated in the following cases:

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- 29.5.1. when the product is presented while providing services;
- 29.5.2. when the product is sold at auction;
- 29.5.3. when a work of art or a piece of antiques is sold;
- 29.6. an indication of the standard unit price may not be indicated in the following cases:
- 29.6.1. when the selling price of the product is identical to the standard unit price;
- 29.6.2. when the selling price of the product is not determined by its weight, volume, length, area or its net quantity does not exceed 5 g or 5 ml;
- 29.6.3. when the product is sold by means of slot-machines;
- 29.7. when the net mass of certain packaged goods and the net mass of the drained product are required to indicate in accordance with other legal acts, an indication of the standard unit price of the net mass of the drained product (the mass without the liquid medium, which can be frozen or quick-frozen) shall be sufficient to indicate prices.
- 29.8. in case of pre-packaged goods and (or) if their net quantity is established in the presence of the consumer, it shall be sufficient to indicate only the standard unit price of the product.

VI. LIABILITY

30. In case of breach of the requirements laid down in these Rules, individuals shall be held liable in accordance with the procedure established by the law.