

REPUBLIC OF LITHUANIA

LAW ON ALCOHOL CONTROL

18 April, 1995 No. I-857

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Vilnius

CHAPTER 1. GENERAL PROVISIONS

Article 1. Basic Concepts Used in this Law

**Ethyl alcohol** (hereinafter referred to as alcohol) means material having a narcotic effect, which can bring about addiction to it and dependence upon it.

**Alcohol products** means non denatured ethyl alcohol, denatured ethyl alcohol, ethyl alcohol for technical purposes, alcoholic beverages, ingredients and raw materials that contain ethyl alcohol.

**Alcoholic beverages** means beverages which contain from 1 to 50 per cent of ethyl alcohol by volume.

**Alcohol advertisement** means information published in any form and through any means, by which it is sought to influence consumers' choices, in connection with the acquisition and consumption of alcohol products, use, and the commercial, economic and financial activities of enterprises.

**Alcohol control** - includes the totality of means employed in this Law and other legal acts, including the production of alcohol products, their import, domestic trade, consumption, state regulation means of alcohol advertisement, intended for the general consumption of alcohol and also, the alcoholic beverages and other products, that contain ethyl alcohol, to lower harmful results induced by ethyl alcohol use to health and economy.

**Local permanent trade establishments and local permanent public catering establishments** - whose buildings, as real property, are established through state legal registration, by the laws of the Republic of Lithuania and other legal acts.

**Mass Events** means holidays, festivals and other events, which are organised by state and municipal institutions, enterprises, not having the rights of a natural person, and also legal or natural persons, having the approval of municipal institutions to organise an event (when such approval is required according to the Republic of Lithuania Law On Assembly).

**Educational Institutions** means pre-school educational institutions, general education schools, children's summer camps and educational institutions for children's added education (art, sport, languages, technical and schools of other profiles.

2. The Objective of the Law on Alcohol Control and Relations Regulated by

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The objective of the Law on Alcohol Control shall be the reduction of general alcohol consumption, alcohol abuse, and the damage it causes to health and the economy, and establishment of the legal principles of introduction of the State monopoly in the production of alcoholic beverages and the State monopoly right to produce, as well as grant the right of the sale and import of the alcohol products stipulated in this Law, to economic entities.

This Law shall regulate relations in connection with the manufacture of alcohol and food products, with alcohol additives, and other products containing ethyl alcohol, their manufacture, internal trade, storage, transportation, import, export, and use and shall also establish the bases of state control of alcohol in the Republic of Lithuania.

### Article 3. Principles of State Alcohol Control Policy

The principles of state alcohol control policy shall be:

- 1) to reduce accessibility of alcoholic beverages through taxation;
- 2) to limit through state regulatory means, private profit, obtained from the manufacture of alcoholic drinks, import and trade in alcoholic beverages;
- 3) to encourage enterprises to import and sell alcoholic beverages which contain less than 22 per cent of ethyl alcohol by volume;
- 4) to limit the inducement of the sale and consumption of alcoholic beverages;
- 5) in addition, to use the funds resulting from payments of the established portion of excise taxes for alcoholic beverages, to prepare and implement health programmes;
- 6) to urge private enterprises to join in implementation of state alcohol control policy;
- 7) to augment public informativeness concerning the questions of social and economic harm to health and economy, resulting from alcohol use;
- 8) to augment the number of population members, who do not use alcoholic beverages, or use them infrequently, by promoting programmes of temperance organisations.;
- 9) to support manufacture and sales of non-alcoholic beverages;
- 10) to support planning of an alcohol-free living environment;
- 11) to encourage formation of alcohol-free social environment and social activity.

In the event the relations listed in the second paragraph of Article 2 of this Law, shall not be regulated by laws, or if legal acts controlling similar relations, may not be applied to them, then in resolving arising disputes, the principles listed in the first paragraph of this Article shall be applied.

CHAPTER 2. SPECIFIC FEATURES OF THE REGULATION OF ALCOHOL AND OTHER PRODUCTS, CONTAINING ETHYL ALCOHOL, THEIR MANUFACTURE, TRADE, IMPORT, EXPORT, AND USE. REGULATION OF THE ALCOHOL PRODUCT CLASSIFICATION, REQUIREMENTS AND INDICES OF QUALITY AND PUBLIC HEALTH PROTECTION

#### Article 4. Specific Features of the Regulation of the Manufacture, Trade and Import of Alcohol Products

Alcohol products are attributed to special products, the manufacture, import, trade and use of which, in accordance with this and other laws and legal acts, shall be applied a special state regulatory regimen.

Under extraordinary circumstances, the Government of the Republic of Lithuania, taking into account monitoring results of alcohol use and the economic harm inflicted by it upon health and the economy, may establish upon the recommendation of the Ministry of Health, quotas on alcoholic beverage production and import.

#### Article 5. Specific Features of State Regulation of the Manufacture, Sales, Import and Consumption of Products Containing Ethyl Alcohol

If liquids (technological, perfume and cosmetics industry products etc.) which contain ethyl alcohol, are used as intoxicating drinks, the Government of the Republic of Lithuania, or its authorised institution, shall have the right, basing itself upon selective research data supplied by the Ministry of Health, on the use of these liquids and the harmful effects thereof upon health, to regulate their manufacture, import, domestic trade and consumption in accordance with the norms set forth in this Law.

The Government of the Republic of Lithuania, or its authorised institution, shall establish the procedure for the manufacture and import, as well as domestic trade of the food products, containing alcohol additives, on the basis of this and other laws, as well as legal acts.

#### Article 6. Regulation of Quality and Hygiene Indicators of Alcohol Products

Alcohol products, manufactured by Lithuanian enterprises, imported and sold in Lithuania (hereinafter referred to as - alcohol products), according to their quality and hygienic indices must conform to normative documents of the Republic of Lithuania.

Requirements regarding the quality of alcohol products shall be established in normative documents, which shall be drafted and approved by an institution authorised by the Government of the Republic of Lithuania.

Hygienic indices of alcohol products shall be established in normative documents that are being prepared by the Ministry of Health.

For every parcel of alcohol products manufactured in the Republic of Lithuania, the manufacturing enterprise must issue a certificate attesting to the quality of these products, in accordance with the example, provided by the State Food and Veterinary Service.

Persons responsible for the production and release into circulation of alcohol products which do not meet the quality and (or) hygienic indices, set in the regulations of the Republic of Lithuania, shall be liable under the laws and other legal acts.

#### Article 7. Determination of Conformity of Alcohol Products to Requirements of Normative Documents

The State Food and Veterinary Service shall within the scope of its competence, control whether alcohol products meet the standard act requirements of this Law. Laboratories accredited according to the established procedure shall test the alcohol products. The State Food and Veterinary Service shall establish the principles of quality and expert hygienic examination of alcoholic beverages and the procedure and pricing thereof.

In the event the control institutions authorised by this Law and other legal acts, while testing the selected alcohol product samples, shall establish that these do not meet the standard document requirements, it shall be construed that the entire shipment of alcohol products from which the samples were taken, does not meet these requirements. The Government of the Republic of Lithuania or its authorised institution, shall suspend the sales and further procedure of use of alcohol product shipments, which according to the results of the expert investigation conducted upon request by control institutions, have been acknowledged as not in keeping with the requirements of standard documents and this document.

#### Article 8. Classification of Alcoholic Beverages

The types of alcoholic beverages produced by Lithuanian enterprises and those imported and sold within the Republic of Lithuania (further - alcoholic beverages), shall be classified into groups, taking into account their ethyl alcohol volume concentration. A maximum concentration of ethyl alcohol shall be established for each alcoholic beverage group. The alcoholic beverage groups and concentration of ethyl alcohol in them shall be established by standard documents which shall be prepared by the State Tobacco and Alcohol Control Service under the Government of the Republic of Lithuania (hereinafter - STACS) and shall be confirmed by an institution authorised by the Government of the Republic of Lithuania.

#### Article 9. Marking of Alcoholic Beverages

Standard documents of the Republic of Lithuania, which shall be drafted and confirmed by an institution authorised by the Government of the Republic of Lithuania, shall establish requirements of the commercial marking of alcoholic beverages.

Labels of alcoholic beverages manufactured and sold within the Republic of Lithuania must show the volume concentration of ethyl alcohol contained in them.

### CHAPTER 3. LIMITATION OF ALCOHOL ACCESSIBILITY

#### Section 1. State Regulation of Production of Alcohol Products

Article 10. Regulation of the Manufacture of Home-Brewed Strong Alcoholic Beverages

Production of home-brewed liquor, brew, and other strong alcoholic beverages shall be prohibited in the Republic of Lithuania. Alcoholic beverages (except home-brewed liquor and brew) shall be recognised as strong home-brewed alcoholic beverages, if the ethyl alcohol concentration thereof exceeds 15 percent (in beer – if it exceeds 9.5 percent).

Article 11. Specific Features of the Regulation of Alcohol Product Manufacture in the Republic of Lithuania.

Ethyl alcohol used in the manufacture of alcoholic beverages and ethyl alcohol additives, must be produced solely from food raw materials and must not be denatured. Normative documents prepared and confirmed by the Ministry of Health, shall establish the criteria for acknowledging alcohol products as denatured.

The use of industrial methods by enterprises in wine manufacturing using juice which contains sulphites, is prohibited in the Republic of Lithuania.

Installation of such foreign equipment designed for manufacture of alcoholic beverages of lower quality than those in the countries themselves or Lithuania, of analogous higher quality manufacture shall be prohibited in the Republic of Lithuania.

#### Article 12. Granting of the Right to Manufacture Alcohol Products to Enterprises

Only those enterprises shall be permitted to produce alcohol products, which have been granted a license by the Government of the Republic of Lithuania or upon the recommendation thereof, by STACS. The license to produce alcohol products, shall be issued for a non-specified length of time and shall be re-registered every three years, at the institution where it had been issued. The licence to produce alcohol products shall be issued only to those enterprises, which have the normative documents, which determine the technical conditions (equipment), quality and hygienic requirements and indicators, a laboratory for testing the quality of alcoholic beverages, and personnel of prescribed qualification level. STACS shall set the personnel qualification requirements. Enterprises, producing up to 100,000 decilitres of beer annually and not having the possibility of furnishing their own laboratory, shall make use of the services of the food product quality testing laboratories of other departments, according to contracts.

The licences must include a listing of the types of alcohol products, including alcoholic beverages, whose production is permitted.

The Government of the Republic of Lithuania shall establish the regulations of licensing the production of alcohol products, under this Law and the Law on Enterprises.

#### Article 13. Granting of the Right to Established Types of Enterprises to Manufacture Certain Alcohol Products

The right to manufacture non denatured ethyl alcohol, denatured ethyl alcohol as well as, alcoholic beverages, which exceed 22 per cent of ethyl alcohol by volume, shall be granted only to state and special purpose enterprises, in the procedure established by this Law and other legal acts. This requirement shall not be applied to an enterprise designated in the second and third paragraphs of this Article.

UAB "Lietuviskas Midus" shall be given the right to manufacture alcohol products that had been obtained through natural bee honey fermentation process up to adoption of this Law, in the manner established by this Law and other legal acts.

AB "Sema," shall be granted the right, based upon the procedure established by this Law and other legal acts, to produce non denatured ethyl alcohol as a by product in basic yeast production, and denatured alcohol.

Other types of enterprises shall be granted the right to manufacture other alcohol products, including alcoholic beverages, which do not exceed 22 per cent of ethyl alcohol by volume, by the procedure in the manner established by this Law and other legal acts.

The laws and resolutions of the Government of the Republic of Lithuania shall establish the conditions of introduction of the state monopoly in the production of alcohol products.

## Section 2. State Regulation of Alcohol Product Import and Export

### Article 14. Certain Aspects of Alcoholic Beverage Import into Republic of Lithuania

The amount of alcoholic beverages, allowed to be brought into the Republic of Lithuania by citizens of the Lithuanian Republic and foreigners and the amount of alcoholic beverages allotted to airline and ship supply stocks, which is permitted to be brought into the Republic of Lithuania, shall be determined by the Government of the Republic of Lithuania according to STACS recommendation. The permissible amount of alcoholic beverages that can be brought into the Republic of Lithuania may be determined according to alcoholic beverage groups.

The Government of the Republic of Lithuania shall establish the procedure for import of alcohol products into the Republic of Lithuania and its carriage in transit across its territory.

### Article 15. Certain Aspects of State Regulation of Alcoholic Beverage Import

Only enterprises that have a permit issued by the Government of the Republic of Lithuania, or upon its recommendation by STACS to manufacture alcohol products, in the manner established by this Law and other legal acts, shall be permitted to import non denatured ethyl alcohol, without the right of selling it to other enterprises.

### Article 16. Procedure for the Importation of Alcohol Product

Enterprises shall be permitted to import alcohol products when:

1) they have a license issued in the manner established by this Law and the decrees of the Government of the Republic of Lithuania;

2) producing enterprises have a certificate issued by the economic entity of a foreign country, certifying the quality of the alcohol products;

3) they have established special marking of alcoholic beverage containers.

The State Food and Veterinary Service shall establish registration requirements of documents, indicated in subparagraph 2 of the first paragraph of this Article.

The procedure for special marking of containers for imported alcoholic beverages and its application, shall be established by the Government of the Republic of Lithuania.

Enterprises, which had imported alcohol products, must record this into their accounting documents, in the manner and within time limits established by the Government of the Republic of Lithuania.

The Government of the Republic of Lithuania in accordance with this Law shall establish the procedure for import of alcohol products.

#### Article 17. Procedure for Issuing Alcohol Product Import Licences

The Government of the Republic of Lithuania or, upon its authorisation, STACS, shall issue licences to import alcohol products. The licenses to import alcoholic beverages, manufactured according to the natural bee honey principle, which exceed 50 per cent ethyl alcohol by volume, shall be issued by STACS only with the permission of the Republic of Lithuania Government. Licenses to import alcohol products shall be issued for an unspecified length of time and re-registered annually at the institution where they had been issued.

Licenses to import alcoholic beverages (except beer) shall be issued only to those enterprises which shall submit documents, attesting to the existence of contracts only with such foreign economic entities, which, produce or sell on the commission of the produces (only in those instances where the producers do not themselves engage in the sale) of alcoholic beverages, the retail sale in the products whereof, shall be permitted in those states, on the merits of the reliability of their quality. The Government of the Republic of Lithuania or its authorised institution, shall establish the requirements of the documents attesting to the permission to engage in the retail sale of the alcoholic beverages in the state where they are imported from.

The types of alcohol products, as well as groups of alcoholic beverages, which are permitted to be imported shall be specified in the licences.

Enterprises which have licences to import alcohol products shall be prohibited from transferring to other economic entities by contract, the right to import alcohol products by using in the shipping documents the names of enterprises possessing this right.

The Government of the Republic of Lithuania shall establish the conditions and procedure for issuing licences to import alcohol products, their revocation and basis for refusal thereof guided by this Law and The Law on Enterprises. Licenses to import

products of alcohol shall not be issued to newly--established enterprises, if the founders (share-holders) or heads of the administration thereof, are founders (share-holders, the value of the shares whereof exceeds more than 1/10 of the authorised capital) of the enterprises the validity of the licenses whereof, has been revoked in accordance with the provisions of paragraph 10 or 11, of Article 44 of this Law).

#### Article 18. State Control of Export of Alcohol Products

The procedure for exporting alcohol products shall be determined by the Government of the Republic of Lithuania on the basis of this Law.

### CHAPTER 3. REGULATION OF DOMESTIC TRADE IN ALCOHOL PRODUCTS

#### Article 19. Licences for Domestic Trade in Alcohol Products

Wholesale trade in alcohol products shall be permitted only with the licence issued by the Government of the Republic of Lithuania or, upon its authorisation, by the STACS. Licences shall be issued for an unspecified length of time and shall be re-registered every year at the institution where they have been issued.

Licences issued to enterprises in accordance with the established procedure, for the production or importation of alcohol products shall also be valid, with the exception of cases specified in Article 15 of this Law, for wholesale trade in alcohol products, but only of those types as well as belonging to those groups of alcoholic beverages which are recorded in the licences to manufacture or import alcohol products. The volume of wholesale trade must correspond to the volume of production or import of alcohol products.

Retail trade in alcoholic beverages shall be permitted only with licences issued by appropriate local government institutions, in accordance with provisions of Articles 20 and 21 of this Law and having the concurrence of the appropriate police commissariat. The licenses shall be issued for an unspecified length of time and shall be re-registered annually by the institution, which had issued them. Licences for seasonal trade in beer and alcoholic beverages of less than 22 per cent of ethyl alcohol volume concentration, shall be issued for resort areas and other leisure and tourism areas designated by local governments for the duration of the established resort, leisure and tourism season. Single licences for trade and public catering establishments to trade in alcoholic beverages, which contain under 13 per cent of ethyl alcohol by, during mass events and exhibitions, as well as trade in all alcoholic beverages at exhibits and fairs held in permanent buildings, shall be issued for the duration of the event only.

The specific procedure of the issuance and re-registration of licenses for retail trade in alcoholic beverages and the sale of alcoholic beverages in public catering establishments shall be established by local governments and published by the mass media. The procedure for issuing licences in municipalities shall be controlled by the STACS representatives.

The types and groups of alcoholic beverages, the sale whereof is licensed, and the time and place of trade in them, as well as the storage (keeping) site of the alcoholic



beverages, must be recorded in the licences for retail trade in alcoholic beverages in trade and public catering establishments.

The regulations governing the licensing of domestic trade in alcohol products shall be established by the Government of the Republic of Lithuania pursuant to this Law and the Law on Enterprises. The licenses to engage in domestic trade in alcohol products, shall not be issued to newly-established enterprises, if their founders happen to be founders of enterprises, the validity of the licenses whereof, had been revoked in accordance with the provisions of paragraphs 10 or 11 of Article 44 of this Law.

#### Article 20. Requirements for the sale, storage (safekeeping) and Transport of Alcohol Products

In the Republic of Lithuania, it shall be prohibited for enterprises to sell the following:

- 1) alcohol products without the appropriate certificate issued by the manufacturing enterprise attesting to the quality of every shipment of alcohol products;
- 2) alcohol products of the types, as well as alcoholic beverages according to their groups, which are not listed in the licences to manufacture, import and sell them and alcohol products, the acquisition whereof has not been attested to by legally valid documents;
- 3) alcoholic beverages (except beer) without the prescribed special marking, as well as those imported alcoholic beverages the marking whereof lacks additional special marking by an enterprise which possesses the right to import and engage in wholesale trade in alcoholic beverages;
- 4) alcoholic beverages which contain ethyl alcohol not manufactured from food raw materials;
- 5) those alcohol products, either imported or manufactured in the Republic of Lithuania, the quality and (or) hygiene indices whereof do not correspond to the requirements established in the Republic of Lithuania;
- 6) alcoholic beverages, both imported and manufactured in the Republic of Lithuania, the marking whereof does not correspond to the requirements of the LST (CODEX STAN 1): 1993 general requirements governing labelling of packaged goods and the goods' labelling regulations in effect within the Republic of Lithuania;
- 7) false substitutes of alcoholic beverages;
- 8) beer which contains more than 9.5 per cent ethyl alcohol by volume;
- 9) wine which contains more than 22 per cent ethyl alcohol by volume;
- 10) products of distilled ethyl alcohol which contain more than 50 per cent ethyl alcohol by volume. This requirement shall not apply to the beverages produced by the private Company, "Lietuviskas Midus, as well as those imported (having a license, issued by STACS) alcoholic beverages, produced in keeping with a mead brand.
- 11) home-brewed alcoholic beverages, with the exception of beer brewed in accordance with normative documents, with a license issued in the established procedure) for the production thereof;

12) non-denatured, denatured ethyl alcohol as well as technical ethyl alcohol if sold to the population, with the exception of non denatured ethyl alcohol sold to the population by pharmacies in accordance with the procedure established by the Ministry of Health;

13) contraband alcohol products

14) alcohol products without a license issued according to the procedure established by the Government of the Republic of Lithuania;

15) alcoholic beverages on tap, with the exception of the sale of such in permanent public catering establishments and exhibits and fairs held in permanent buildings, trade in alcoholic beverages (whose ethyl alcohol shall not exceed 22 per cent by volume) in temporary public catering enterprises during the resort, leisure and tourism season period, established by the local governments and also, with the exception of beer sold on tap in beer brewery firm stores, at mass events, exhibits and fairs.

16) alcoholic beverages in mobile commercial establishments, with the exception of factory-bottled beer sold from kiosks and mobile shops, which serve rural residents in accordance with the procedure established by local governments, in the sale of beer bottled by enterprises, and alcoholic beverages whose average in ethyl alcohol by volume, shall not exceed 22 per cent, beverages sold at mass events, exhibitions and during the resort, leisure and tourism season established by the local governments, and also with the exception of alcoholic beverages sold at mass events, exhibitions and fairs, which shall not exceed 13 per cent of ethyl alcohol by volume, excepting alcoholic beverages being sold at exhibitions and fairs (taking place in permanent buildings).

17) Alcoholic beverages at retail and public-catering enterprises, established in warehouses of wholesale enterprises and importer warehouses, from which wholesale trade in alcohol beverages is being engaged in, and also bottled beer in kiosks, set up in warehouses of wholesale trade enterprises and importers, whence wholesale trade in alcoholic beverages is being implemented;

18) alcoholic beverages in trade enterprises, which are not totally isolated from residential or other premises, which are not linked to organisation or storage of the sale of goods;

19) alcoholic beverages to individuals who are under 18 years of age;

20) alcoholic beverages to intoxicated persons; and

21) alcoholic beverages to officers in uniform.

The requirements of subparagraphs 1-11,13 and 14 of paragraph one of this Article shall be applied to alcohol products kept (stored) in enterprises as well as those being transported by enterprises.

Enterprises shall be prohibited from keeping and transporting denatured and technical use ethyl alcohol, with the exception of enterprises, having licenses to produce them and import them, and enterprises, institutions and organisations using denatured and technical ethyl alcohol for technical, medical and veterinary purposes or for science and research activities. Enterprises shall be prohibited from keeping and transporting non denatured ethyl alcohol, with the exception of enterprises having a license to produce and import it and engage in wholesale trade thereof (who supply economic entities, using these for medical and veterinary purposes), and enterprises, institutions and organisations, using non denatured ethyl alcohol for purposes of manufacturing, technical, medical and

veterinary purposes or science and research activities. The provisions of this paragraph shall not apply to denatured ethanol, which is used for fuel, or fuel compounds that meet technical regulations or standards.

For enterprises having the licenses to produce alcohol products, engage in wholesale trade thereof or engage in retail trade in alcoholic beverages, it shall be prohibited to authorise on behalf of these enterprises or transfer according to an agreement to other enterprises and agents of enterprises (natural persons) the right to carry on the activity indicated in the licenses.

It shall be permitted for wholesale enterprises having the right to sell alcoholic beverages, to acquire such only from enterprises which have licenses to manufacture them, and to sell only to the enterprises having licenses to engage in retail trade of such.

It shall be permitted for enterprises having the license to manufacture alcohol products, to sell them to enterprises, having licenses to engage in wholesale or retail sale of alcoholic beverages, and enterprises utilising these beverages as raw materials in the production of confectionery products. Enterprises holding licenses to manufacture and import denatured ethyl alcohol, and import technical use ethyl alcohol shall be permitted to sell it to enterprises, institutions and organisations, which use them for production, technical, medical and veterinary purposes and science and research activities. The enterprises which hold licenses to manufacture non-denatured ethyl alcohol, shall be permitted to sell it to enterprises, institutions and organisations, which use it for production, technical, medical and veterinary purposes and science and research activities, and to enterprises, holding licenses to engage in wholesale trade of such (supplying economic entities, which employ it for medical and veterinary purposes). The STACS shall establish the procedure of adding to the special marking of imported alcoholic beverages (except beer), the special mark of the enterprise, having the right to wholesale trade in alcoholic beverages.

Persons who sell alcoholic beverages shall have the right to request, that the individual who is buying alcoholic beverages present a document attesting his age.

Legal and natural persons who manufacture, sell keep, (store), or transport alcoholic beverages without established special markings or marks, alcohol products of poor quality, false substitutes or contraband products, having forged the product acquisition documents or having presented falsified certificates attesting to the correspondence to quality requirements or the prescribed special marking and marks shall be held liable under this Law and other laws.

#### Article 21. Procedure of Sale of Alcoholic Beverages in Retail Trade and Public Catering Establishments

In the Republic of Lithuania the sale of alcoholic beverages shall be prohibited in:

1) health care, health promotion and sports establishments and within their respective areas, (except in the public catering enterprises established in sanatoriums, having a separate entrance, in which the sale of alcohol beverages, may be permitted by the local council);

2) in retail establishments, in which the goods intended for children and teenagers comprise 50 percent or more of the retail goods circulation ;

3) at mass events, exhibitions and fairs (with the exception of alcoholic beverages less than 13 per cent of ethyl alcohol by volume, and alcoholic beverages sold at exhibitions and fairs, held in permanent buildings);

4) from vending machines;

5) along roadsides of highways and national roads, except in permanent public catering enterprises;

6) at sales enterprises, which are not totally isolated from residential or other premises, unconnected to sale of products organisation or storage thereof;

7) to persons who are under 18 years of age; and

8) in other instances determined by the Government of the Republic of Lithuania.

The sale of alcoholic beverages shall be permitted only in permanent commercial establishments exclusively designated for this type of trade, or in their special sections designated for such trade, and in public catering establishments with the exception of the sale of factory-bottled beer from kiosks and mobile vendors, which cater to rural residents according to the procedure set by local governments, and general sections of commercial establishments, the sale of alcoholic beverages, which do not exceed 22 percent of ethyl alcohol concentration by volume, and at temporary public catering enterprises during the period designated by the local governments for resort, leisure and tourism, the sale of alcoholic beverages which do not exceed 13 per cent of ethyl alcohol by volume, at mass events, exhibitions and fairs, and also excepting the sale of all alcoholic beverages at exhibitions, and fairs held in permanent buildings. The sale of alcoholic beverages shall be prohibited in retail trade and public catering enterprises, set up within the warehouses of wholesale enterprises and importers, from which wholesale trade in alcoholic beverages is engaged in. The sale of beer bottled by breweries is prohibited in kiosks, established in warehouses of wholesale trade enterprises and importer warehouses, from which wholesale trade in alcoholic beverages is being implemented.

The sale of alcoholic beverages in commercial and public catering establishments or completed or under construction multi-family apartment houses shall be permitted according to the procedure established by the Republic of Lithuania Law on the Associations of Multi-Family Apartment Houses and the Decree of the Seimas of the Republic of Lithuania on “Implementation of the Law on the Associations of Multi-Family Apartment House Owners.”

The Government of the Republic of Lithuania shall approve the regulations governing the sale of alcoholic beverages at public catering and commercial establishments, including duty-free shops, on the basis of this Law.

The executive institutions of local authorities shall have the right to restrict or prohibit the sale of alcoholic beverages on the days of national and religious holidays and mass events.

#### CHAPTER 4. REDUCTION AND CONTROL OF CONSUMPTION OF ALCOHOLIC BEVERAGES

##### Section 1. Organisational Measures for Reducing the Total Alcohol Consumption

#### Article 23. Planning of Reduction of the Total Alcohol Consumption

In the programme of its activities the Government of the Republic of Lithuania must establish for the period of its office the figures for the reduction of the total alcohol consumption.

#### Article 24. Statistics of Alcohol Product Manufacture, Sale, Import, Export, Consumption, and the Damage Inflicted by Alcohol Products on Health and Economy

In the Republic of Lithuania accounting of alcohol product manufacture, domestic and foreign sales thereof, and related statistical information shall be kept in accordance with the established procedure.

All enterprises which manufacture and sell alcohol products in the Republic of Lithuania must maintain the accounting of the manufacture and domestic sale thereof and provide, in the established manner, statistical information thereon to the Department of Statistics under the Government of the Republic of Lithuania.

Accounting of foreign trade in alcohol products of the Republic of Lithuania shall be kept in accordance with the data of cargo declarations furnished to the Customs. Statistical data concerning foreign trade of the Republic of Lithuania shall be provided to the Department of Statistics under the Government of the Republic of Lithuania or in accordance with the established procedure, by the Customs Department under the Ministry of Finance.

The procedure for providing and announcing accounting and statistical information used in the statistics of alcohol products' manufacture and domestic and foreign trade shall be approved by the Government of the Republic of Lithuania or its authorised institution.

A monitoring of alcohol consumption and the economic damage inflicted by this to health and economy shall be implemented in the Republic of Lithuania according to the procedure established by the Government of the Republic of Lithuania in co-ordination with the National Health Council.

Legal framework of organising government and departmental statistical surveys by sample of alcohol consumption and the economic damage inflicted thereby on health and economy shall be established by the Law on Statistics.

#### Article 25. Restriction of Consumption of Alcoholic Beverages

In the Republic of Lithuania consumption of alcoholic beverages shall be prohibited:

- 1) in all educational, health care, military and para-military, and police establishments and their areas (except in public catering enterprises established in sanatoriums, having a separate entrance, wherein local government councils may permit the sale of alcoholic beverages).

- 2) in state power and government institutions, except at official receptions; and

- 3) on all types of public transport, except international travel trains and ships which have separate places established for public catering as well as planes, flying beyond the boundaries of the Republic of Lithuania.

Executive institutions of local authorities shall have the right to determine public places in which consumption of alcoholic beverages or their appropriate groups shall be prohibited.

#### Article 26. Informing the Public about Alcohol and the Critical Damage it Inflicts on Health and Economy

The Ministry of Education and Science must prepare programmes for the promotion of health at all schools of general education and other educational establishments and include health promotion issues in the newly published textbooks.

All educational establishments must, upon co-ordination with the Ministry of Health, include material concerning alcoholic beverages and the damage they cause to health and economy as well as information about the formation of a healthy way of life and a health-friendly environment which would prevent damage to health caused by alcohol consumption.

The Lithuanian radio and television must at least twice a week devote no less than 5 minutes of the total transmission time to the broadcasting of programmes on the health promotion matters at the time most convenient to TV viewers and radio listeners.

#### Article 27. Alcohol Control Programmes

The Government of the Republic of Lithuania shall prepare, approve and implement the State Alcohol Control Programme. The State Alcohol Control Programme shall be financed from the State Health Fund. Laws and the decrees of the Government of the Republic of Lithuania shall establish the procedure for setting up the State Health Fund and forming the sources of its resources.

In procedure to implement the objectives of the State Alcohol Control Programme local authorities shall prepare and implement municipal alcohol control programmes. Municipal alcohol control programmes shall be financed with the resources from the municipal health funds. Laws and other legal acts shall determine the procedure for establishing municipal health funds and forming the resources thereof.

Other legal and natural persons may also prepare other alcohol control programmes, submit proposals on the drafting and implementation thereof to the Government of the Republic of Lithuania, the National Health Board (hereinafter referred to as NHB), STACS, and other institutions which shape and implement the State alcohol control policy.

Alcohol control programmes shall be prepared, financed, implemented and controlled in accordance with the regulations of preparation, approval, financing, implementation and control of health programmes as approved by the Government of the Republic of Lithuania.

#### Article 28. Support for the Programmes of Activities of Temperance Organisations

The programmes of activities of temperance organisations shall be supported in the established manner:

1) from the State Health Fund and municipal health funds, established by the Law on Health System, and by charity donors and sponsors;

2) by enterprises, institutions and organisations in accordance with the procedure established by the Law on Charity and Sponsorship; and

3) with other legally obtained resources.

The procedure in accordance with which the programmes of activities of temperance organisations are supported from the health funds set up by the Law on Health System shall be established by the regulations of the above funds.

## Section 2. Restriction of the Promotion of the Sale of Alcoholic Beverages and Limiting of its Advertisement

### Article 29. Restriction of the Promotion of the Sale of Alcoholic Beverages

Enterprises, which have the right to sell alcoholic beverages, shall be prohibited from applying the following means of sales promotion:

1) to release a certain portion of goods without payment or as a bonus;

2) to apply discounts of the fixed amount to the holders of coupons published in the mass media;

3) to organise a free distribution of samples of new alcoholic beverages;

4) to supply their products as prizes or along with them, to lotteries, competitions or games, except for beer or sparkling wine whose ethyl alcohol content concentration shall not exceed 15 per cent;

5) to organise competitions of retailers for the promotion of alcoholic beverages.

6) to sell specialised advertisement editions, published in the Republic of Lithuania or foreign countries, brought into the Republic of Lithuania and designed to promote the sale of alcohol products.

The Government of the Republic of Lithuania may also prescribe other restrictions of alcoholic beverage sales promotion to the enterprises, which have licences to sell alcoholic beverages issued in accordance with the established procedure.

### Article 30. Restriction of Advertising of Alcohol

In the Republic of Lithuania advertising of all forms of alcohol shall be prohibited which:

1) is intended for children and teenagers under the age of 18;

2) is used by persons below the age of 18;

3) makes use of sports figures, physicians, politicians, art and science personages and other prominent public figures, their person, name, likeness, etc.;

4) links alcohol use with improvement of physical well-being;

5) links alcohol use with driving;

6) links alcohol use with improvement of mental activity, personal problem solving;

7) links alcohol use with stimulating, sedating and other beneficial characteristics;

8) links alcohol use with social well-being, increased sexual activity;

9) favourably portrays immoderate use of alcoholic beverages or presents a negative portrayal of abstinence and moderation;

10) presents a higher concentration in alcohol content as a necessity in alcoholic beverages;

11) presents false and misleading information about alcoholic beverages.

Advertisement of alcohol shall be prohibited:

1) in newspapers and their independent supplements, on the first and last pages (covers) of journals and books;

2) specialised newspapers, journals, books, television and radio programmes intended for children and teenagers;

3) over the national radio and television from 15:00 to 22:00, while on weekends and during pupils' holidays, from 8:00 until 22:00 (except advertisement of beer and wine, whose ethyl alcohol does not exceed 15 per cent by volume);

4) broadcast and rebroadcast programmes of other radio and television stations, cable radio and cable television station registered in the Republic of Lithuania except broadcasts directly and continuously rebroadcast from abroad, from 15:00 to 20:00 hours, and on weekends and schoolchildren's holidays, from 8 o'clock to 20:00 hours (except advertisements of beer and wine which do not exceed 15 per cent of ethyl alcohol by volume);

5) at concert, circus, disco performances, other public events, theatre performances, and movie and video film demonstration places;

6) at learning, science and educational institutions;

7) at all health care institutions;

8) outside and inside public transport facilities;

9) at petrol stations; and

10) on postcards, envelopes, stamps sent by post.

It shall be prohibited to present alcoholic beverages as lottery, game and contest prizes, to persons under 18 years of age.

A warning text must appear on the outer alcohol advertisements, regarding the harmful effects of alcohol upon health. The Ministry of Health shall establish the form, content and place of this text in advertisements.

STACS shall control the limiting of alcohol advertisement and the municipal governments shall control outside advertisement.

### Section III. Economic Measures of Reduction of General Consumption of Alcohol

#### Article 32. Establishment of Differential Customs Duties and Differential

##### Rates of Excise Duties

The procedure for imposing customs duties and excise duties upon alcoholic beverages shall be established by laws and decrees of the Government of the Republic of Lithuania.

Customs tariffs and rates of excise duties levied on alcoholic beverages sold and imported in the Republic of Lithuania shall be differentiated in accordance with the established groups of alcoholic beverages.

The Government of the Republic of Lithuania must regulate customs tariffs and rates of excise duties in such a manner as to ensure that alcoholic beverages price growth exceeds the growth of income of the population.



#### Article 34. Establishment of the Minimal Living Standards

It shall be prohibited to include alcoholic beverages into the consumer basket for the purpose of establishing minimal living standard.

#### Section 4. Restrictions on the Abuse of Alcohol

##### Article 35. Driving Control

Persons who drive vehicles in the Republic of Lithuania may be checked for sobriety, drunkenness and concentration of alcohol in the blood. The employers must ensure that the employees who drive vehicles of enterprises, offices and organisations would be checked for sobriety before starting to work.

The police shall conduct the sobriety and drunkenness checks of individuals driving motor vehicles on the road. If there exists a suspicion that the driver is intoxicated (or drunken), the police shall employ measures, provided for in regulations, to establish the degree of intoxication. Individuals who do not agree with the results of the examination, shall be brought to health care facilities designated by the Ministry of Health Care, to determine the degree of intoxication. The conclusion arrived at by health care facilities regarding the sobriety or intoxication shall be viewed as final. The Health care facilities authorised by the Ministry of Health for conducting sobriety and drunkenness examinations, shall conduct medical examinations on individuals brought there, or those seeking such examinations.

The procedure for the sobriety check on the road, the maximum permissible concentration of ethyl alcohol in the blood and for breathalyser checks of persons when driving surface, water and air transportation means in the Republic of Lithuania, shall be established by the Government of the Republic of Lithuania.

Driving of vehicles while in a state of intoxication, the permission to drive a vehicle by an intoxicated person, or turning a transport vehicle over to be driven by an intoxicated person, shall incur liability under the Criminal and Administrative Code.

##### Article 36. Organising of Narcological Care

Narcological care in the Republic of Lithuania shall be provided in accordance with the procedure established by the Law on Narcological Care, other laws and subsequent legislation.

Narcological care in the Republic of Lithuania shall be co-ordinated by the Ministry of Health or an institution authorised by it.

In the Republic of Lithuania, persons who have encountered toxic symptoms due to alcohol ingestion, may be detoxified at detoxification centres of municipalities and other health care facilities in accordance with the procedure established by laws and other legal acts. The police may make it compulsory for these persons to be committed to healthcare institutions only in those instances when they may cause substantial harm to their own or other persons' health and life.

Laws and other legal acts shall establish the procedure and conditions for detoxification of persons who encountered toxic effects due to alcohol as well as the activities of detoxification centres.

In instances and procedure established by laws, the legal capacity of persons suffering from alcohol dependence syndrome may be restricted and social and psychological rehabilitation measures may be applied to them.

## CHAPTER 5. THE COMPETENCE OF THE MANAGERIAL INSTITUTIONS OF THE STATE ALCOHOL CONTROL

### Article 37. State Alcohol Control Policy Formation System

State alcohol control policy shall be formed and co-ordinated, within the scope of their competence, by the Seimas of the Republic of Lithuania, the Government, National Health Care Board, municipal councils, and other institutions established by laws. Their powers with regard to alcohol control shall be established by this and other laws and legal acts.

### Article 38. The Powers Assigned to the National Health Care Board in the Sphere of Alcohol Control

The general powers and rights of the National Health Care Board, the basis of its formation shall be determined by the Law on Health Care System of the Republic of Lithuania.

In the sphere of alcohol control, the National Health Care Board shall :

- 1) contribute to the formation and implementation of the state alcohol control policy;
- 2) contribute to the preparation and approving of state alcohol control programme and to the co-ordination of its implementation ;
- 3) supervise how STACS and other government institutions implement alcohol control policy;
- 4) accumulate and generalise information about the efficiency of alcohol control policy and furnish it to the Seimas and Government of the Republic of Lithuania;
- 5) make available to the public scientific, information, and analytical material , and issue publications on alcohol control policy in Lithuania;
- 6) participate in the activities of international organisations that are engaged in the investigation and co-ordination of alcohol control policy ;
- 7) each year shall make a report in the Seimas about the condition of alcohol control in Lithuania;
- 8) perform other functions attributed to it under this and other laws and regulations of NHB.

#### Article 39. The System of Executive Institutions of State Alcohol Control Policy

State alcohol control shall be executed, within the scope of their competence, by ministries, STACS, other government institutions, state agencies, state inspectorates, and executive institutions of local authorities, police, and health care facilities. Their competence in the sphere of alcohol control shall be established by this and other laws and legal acts. Institutions must guarantee the anonymity of persons who have rendered some assistance to identify violations of the Law On Alcohol Control.

#### Article 40. The State Tobacco and Alcohol Control Service

For the purpose of the implementation of this Law, the Government of the Republic of Lithuania shall establish the State Tobacco and Alcohol Control Service. Its competence shall be established by the Law on Health Care System, this Law and the regulations of STACS, which shall be approved by the Government of the Republic of Lithuania.

#### Article 41. Supervision of the Activities of the State Service

Every year the Government of the Republic of Lithuania shall form the commission of representatives of the State Control Department, the Ministry of Health, the Ministry of the Interior, and the Ministry of Economy, Ministry of Agriculture and Forestry which shall inspect how STACS complies with the requirements set forth in this Law and how it implements the State alcohol control policy.

### CHAPTER 6. PROCEDURE FOR INSTITUTING PROCEEDINGS FOR THE VIOLATION OF THE LAW ON ALCOHOL CONTROL

#### Article 42. Liability for the Violation of the Law on Alcohol Control

Persons who have violated the requirements of the Law on Alcohol Control shall be liable under this and other laws.

#### Article 43. Procedure for Instituting Administrative Proceedings for the Violations of the Law on Alcohol Control

Officials of State authorised institutions shall institute administrative proceedings against and impose administrative penalties on individuals and officers for the violations of the Law on Alcohol Control.

The instituting of administrative proceedings against individuals and officers shall not release them from the obligation to compensate for the damage caused to health and property.

False substitutes of alcoholic products produced in the Republic of Lithuania or smuggled and sold there, (stored), transported there, which do not meet quality requirements provided for in normative documents of the Republic of Lithuania and also

the acquisition whereof has not been substantiated by legal documents, may be confiscated by STACS or other institutions authorised for this and controlling enterprises, that control the commercial and economic or health activities.

Confiscated alcohol products shall be destroyed in accordance with the procedure established by the Government of Lithuania

#### Article 44. Application of Economic Sanctions for the Violation of the Law on Alcohol Control

The State Tobacco and Alcohol Control Service, under the Government of Lithuania, the State Food and Veterinary Service, the State Tax Inspectorate under the Ministry of Finance, local State tax inspectorates, municipal governments and police, within its own competence, shall have the right to impose fines on enterprises, institutions and organisations for violations of this Law.

Enterprises, which have manufactured and sold alcohol products which do not measure up to norms of quality and hygiene requirements, and are manufacturing importing, keeping (storing), and transporting alcohol products, or are engaging in the sale thereof, are not holding an appropriate licence for such activity and are not complying with Subparagraphs 1-14, of the first paragraph of Article 20, and paragraphs two, three, four, five and six, of this Law, with respect to requirements of sale, keeping (storage), transporting of alcohol products, or have violated the procedure of the sale of alcoholic beverages, shall be required to pay a penalty amounting to up to 5 per cent of their annual turnover.

For failure to comply with the requirements provided for in subparagraphs 15-21 of the first paragraph of Article 20, of this Law, enterprises shall pay a fine of two thousand litas, and in the case of repeated violations of these requirements, they shall pay a fine equivalent to 1 per cent of their annual general turnover.

Enterprises, offices and organisations, which shall violate the requirements of Articles 29 and 30 of this Law for the first time, shall pay a fine of ten thousand litas, and for each similar repeated violation, a fine of one hundred thousand litas.

The State Food and Veterinary Service shall designate the fines for the manufacture and sale for consumption purposes of alcohol products, which do not meet quality norm requirements, contained in subparagraphs 1, 4, 5, 8, 9 and 10, of the first paragraph of Article 20, of this Law, with regard to failure to comply with requirements in the sale, keeping (storage) of the alcohol products designated therein.

The fines for production, and release for consumption of alcohol products which do not comply with the requirements of the norms of hygiene, production and sales and for failure to comply with the requirements as provided for in subparagraphs 5 and 12 of paragraph one of Article 20 of this Law, concerning the sale and keeping (storing) of alcohol products, shall be imposed by the State Food and Veterinary Service.

The fines for failure to comply with the requirements outlined in subparagraphs 2, 3, 6-21 of paragraphs two, three, four, five and six of this Article and the violations in the procedure of sales in alcoholic beverages and sale at public catering establishments shall be imposed by STACS officials and police. Chiefs of police commissariats shall have the right

to impose fines on behalf of the police. The fines for failure to comply with subparagraphs 2,3,7,12-18, of paragraph one of Article 20 of this Law and paragraphs two, three, four, five and six of this Article shall be designated by the State Tax Inspectorate at the Republic of Lithuania Ministry of Finance and the local area State tax inspectorates.

In other instances of violations of this Law and also, in cases of fines incurred for the manufacture, import, export and trade in alcohol products, without the permits required for such activity, and the failure to comply with the requirements stipulated in Articles 29 and 30 of this Law, these shall be imposed by STACS officials (municipalities shall designate the fines for violations in outer advertising).

The fines stipulated in this Article shall be collected in accordance with the procedure established by laws no, later than within one month from the day the violation was committed.

The validity of licenses shall be revoked and new licenses shall not be issued for a term of five years from the day of the revocation of licenses, to enterprises which possess licences for import of alcohol products, engaging in internal trade in alcohol products and failing to observe the requirements of subparagraphs 1, 2, 4,5, 6, 8, 12.of paragraph one and of paragraphs two and three of Article 20 of this Law.

The validity of licenses shall be revoked and licenses shall not be reissued for enterprises, against the heads or staff members whereof (if they had been acting in the name of the enterprise or on its behalf) a court judgement, decision has come into force, a customs, tax inspectorate, police or STACS decision relevant to imposition of punishment or penalty for contraband, illegal keeping of alcoholic beverages or labels, transporting or sale and also, the sale, transport or keeping with the intent to sell alcohol products.

Revocation of licenses does not relieve enterprises from payment of monetary fines stipulated in paragraphs two, three and four and imposed upon the enterprises.

#### Article 45. Collection of Fines

The resolution passed by the institutions specified in paragraph 1 of Article 44 of this Law, concerning the imposition of a fine for the violation of this Law, and stating the amount (sum) of the fine, shall be delivered to the violator of legal acts.

The monetary fine must be paid into the State Budget no later than within one month from the day the resolution to impose a fine upon violators has been delivered to them.

#### Article 46. Collection of Delinquent Fine Payments and Calculation of Late Monetary Fines

Fines not paid by economic entities and interest thereon, calculated in accordance with the procedure established by the Law on Tax Administration, shall be exacted without suit by the institution indicated in paragraph four of Article 44 of this Law.

#### Article 47. Postponement of the Execution of the Resolution to Apply an Economic Sanction

If there exist circumstances by reason of which it is impossible to immediately execute the resolution to apply an economic sanction, the officer of the institutions specified in paragraph 1 of Article 44, who has adopted such resolution may, at the request of the economic entities in regard to which the resolution has been passed, postpone the execution of the resolution for up to one month.

The Government of the Republic of Lithuania shall establish the basis for the postponement of the resolutions to apply economic sanctions.

#### Article 48. Appeal against Resolutions to Apply Economic Sanctions

Economic entities which do not agree with the resolution concerning the application of economic sanctions, passed by the institutions specified in paragraph 1 of Article 44 of this Law, may, within one month from the date of the announcement of the resolution, appeal to court to repeal or change it and to get compensation for losses.

The appeal to court shall not suspend the execution of the resolutions passed by the institutions specified in paragraph 1 of Article 44 of this Law, concerning the application of economic sanctions, unless the court provides otherwise.

The resolution passed by the institution specified in paragraph 1 of Article 44 of this Law, to apply economic sanctions for the violation of legal acts, and its justification must be made available to the public.

#### Article 49. Procedure for the Compensation for Losses

Losses incurred by economic entities by reason of the resolutions passed by the institutions specified in paragraph 1 of Article 44 of this Law, shall be compensated for out of the means of the institutions that passed such resolutions, which later on shall be recovered from the persons guilty of the violations.

#### Article 50. Utilisation of the Collected Sums of Economic Sanctions

The funds that are collected by the institutions indicated in Article 44 of this Law, shall be utilised to finance the expenses of the current year, anticipated by the State Budget.

#### Article 51. Disputes Concerning Violations of the Law on Alcohol Control

Disputes arising between legal and natural persons, concerning the violations of this Law and the liability for them shall be settled in court.

Disputes arising between the Republic of Lithuania and foreign legal and natural persons, concerning the violations of this Law shall be settled in accordance with the procedure established by the laws of the Republic of Lithuania, if the international agreements of the Republic of Lithuania do not provide otherwise.

### CHAPTER 7. FINAL PROVISIONS

Article 52. Coming into Effect of the Law on Alcohol Control

Paragraphs 2 and 3 of Article 4, paragraph 2 of Article 5, paragraphs 2 through 4 of Article 6, Articles 7, 8 , paragraph 1 of Article 9, Article 10 , paragraph 1 of Article 11, Article 12, paragraphs 1 and 4 of Article 13, Article 14, paragraphs 2 through 5 of Article 16, paragraphs 2, 3 and 7 of Article 17, Article 18, paragraph 8 of Article 19, paragraph 2 of Article 20, paragraph 6 of article 21, Article 24, paragraph 3 of Article 30, paragraph 2 of Article 32, Article 33, paragraph 3 of Article 35, paragraphs 2 and 4 of Article 36, paragraph 4 of Article 43, paragraph 2 of Article 47, and subparagraph 3 of paragraph 1 of Article 50 shall come into effect in accordance with the procedure established by the Seimas Resolution "Concerning the Enforcement of Articles Referred to in Article 52 of the Law on Alcohol Control of the Republic of Lithuania".

*I promulgate this Law passed by the Seimas of the Republic of Lithuania.*

President of the Republic

Algirdas Brazauskas