

LITHUANIA

1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Lithuania in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	LITHUANIA
Article	
5	X
6(1)	X
6(2)	X
6(3)	X
7(1)	X
7(2)	X
7(3)	X
7(5)	X
8(1 and 2)	X
9(2)	X
9(6)	X
10	X
11(1 and 3)	X
12(1)	X
12(2)	X
13(1-5)	X
14(1)	X
14(6)	X
14(7)	X
17(1 and 2)	X
18(1 to 3)	X
19(1 and 2)	X
20(2)	X
21(1)	X
21(2)	X
21(3)	X
22(1)	X
22(2)	X
24(2)	X
25(1)	X
26(1)	X
27(1 to 3)	X
27(4)	X
27(6)	X
28(1)	X
28(6)	X
29(3)	X
30(2)	X
30(6)	X
31(1)	X
31(2-9)	X
32(1) ¹	X
32(2-3) ¹	X
33(1 and 2) ¹	X

¹ In the current legislation in force the penalties for these activities are already set. However, the new Draft Law on the Amendment of the Article 84¹ of the Administrative Code to be adopted soon foresee more detailed provisions specifying particular responsibilities like to provide the recipient with certain information in case safety data sheet is not required (Art. 32(1)), to communicate information on substances in articles to recipients and, on demand, also to consumers (Art. 33(1) & 33(2)), to pass new information on hazardous properties up the supply chain (Art. 34).

Country	LITHUANIA
Article	
34 ¹	X
35	X
36(1)	X
36(2)	X
37(2)	X
37(3)	X
37(4)	X
37(5)	X
37(6)	X
37(7)	X
38(1)	X
38(2)	X
38(3)	X
38(4)	X
40(4)	X
41(4)	X
46(2)	X
49(a)	X
50(2-3)	X
50(4)	X
53(1) to (3)	X
53(4)	X
55	X
56(1)	X
56(2)	X
60(8)	X
60(10)	X
61(1)	X
61(3)	X
62 (4 and 5)	X
63(3)	X
65	X
66(1)	X
67(1)	X

2. Types of offences related to REACH in Lithuania

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Lithuania. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
Offences related to the registration requirements	<ul style="list-style-type: none"> - Failure to register substances on their own, in preparations or in articles(Article 6-7); - Failure to register substances on their own, in preparations or in articles in accordance with the procedure set forth in REACH (Articles 6, 7, 10, 12, 14, 17, 18, 21(1-3)); - Failure to update registration of substances on their own, in preparations or in articles (Articles 12(2), 22(1)); - Failure to submit data, obtained as a result of testing for registration, to other registrants (Article 27, 30(6)); 	N/A

	<ul style="list-style-type: none"> - Failure to submit documents on test cost to other registrants (Article 27, 30(6)); - Failure to keep information, obtained for registration of substances (Article 36); - Failure to open access for information, obtained for registration of substances (Article 36); - Failure to provide information about substances, which may enjoy registration exception (Article 9; 24(2)); - Failure to follow registration exception conditions (Article 9). - Manufacturing or placing on the market substances on their own, in preparations or in articles, which are not duly registered (Article 5). 	
Offences related to authorisation and restrictions requirements	<ul style="list-style-type: none"> - Failure to keep information, obtained for authorisation of substances (Article 36); - Failure to open access for information, obtained for authorisation of substances (Article 36); - Placing on the market or usage of substances on their own, in preparations or in articles, which are not duly authorised (Article 56 (1) and (2)); - Use of substances in the way contrary to the conditions of the granted authorisation (Article 60(8,9)); - Use of substances in the way contrary to the restrictions requirements (Article 67 (1), Annex XVII). 	Criminal sanctions for unlawful possession of poisonous substances are applicable for offences of certain provisions of REACH (restrictions, authorization, use)*
Offences related to the supply chain requirements	<ul style="list-style-type: none"> - Failure to provide information about substances in articles throughout the supply chain (Article 31-35)²; - Failure to compile and/or provide a safety data sheet and exposure scenario (if required) (Article 31); - Keeping in secret, distortion or failure to provide information about manufactured, imported, exported and used substances, features and impact thereof. 	N/A
Offences related to the downstream user requirements	<ul style="list-style-type: none"> - Failure to perform obligation relating to chemical safety assessment, as well as identification and application of risk reduction measures (Article 14, 37, 39, 60(10)); - Failure to submit information to ECHA (Articles 38, 66); - Failure to keep information that is needed for downstream user to carry out his duties under REACH Regulation (Article 36); - Keeping in secret, distortion or failure to provide information about manufactured, imported, exported and used substances, features and impact thereof. 	N/A

* *Poisonous substances* - the certain group of the most dangerous substances (very toxic, toxic, carcinogenic, mutagenic, toxic to reproduction) regulated by the national legislation (Law on control of poisonous substances).

² In the current legislation in force the penalties for these activities are already set. However, the new Draft Law on the Amendment of the Article 84¹ of the Administrative Code to be adopted soon foresee more detailed provisions specifying particular responsibilities like to provide the recipient with certain information in case safety data sheet is not required (Art. 32(1)), to communicate information on substances in articles to recipients and, on demand, also to consumers (Art. 33(1) & 33(2)), to pass new information on hazardous properties up the supply chain (Art. 34).

3. Sanctions applicable to legal persons in Lithuania

This table mentions whether or not Lithuania applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed and of a specific regime applies for legal persons in comparison to the regime applicable to natural persons.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
Lithuania	N	N/A	N

4. REACH related administrative and criminal penalties in Lithuania

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Lithuania. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
Penalties related to infringement of registration requirements	<ul style="list-style-type: none"> • A fine of 1 000 LTL to 6 000 LTL (approx. 290 EUR to 1 740 EUR) (breach of articles 8, 10 - 14, 19, 21, 22, 24, 26 (1), 28, , or • A fine of 1 000 LTL to 5 000 LTL (approx. 290 EUR to 1450 EUR) (breach of articles 27(1-3), 27 (4 -6), 28 and 30), or • A fine of 1 000 LTL to 4 000 LTL (approx. 290 EUR to 1 160 EUR) (breach of article 36), or • A fine of 1 000 LTL to 3 000 LTL (approx. 290 EUR to 870 EUR) (breach of articles 41 (4), 46(2) and 49(a)), or • A fine of 2 000 LTL to 8 000 LTL (approx. 580 EUR to 2 320 EUR) (breach of articles 5, 6, 7, 17-18, 21). 	N/A
Penalties related to infringement of authorisation and restrictions requirements	<ul style="list-style-type: none"> • A fine of 1 000 LTL to 4 000 LTL (approx. 290 EUR to 1160 EUR) (breach of articles 36 and 66 (1)), or • A fine of 5 000 LTL to 15 000 LTL (approx. 1 450 EUR to 4 350 EUR) (breach of articles <u>56 (1) and 67 (1)</u>* [<i>*Art. 67(1): placing on the market or use of totally banned substance</i>]), or • A fine of 4 000 LTL to 10 000 LTL (approx. XXX EUR to XXX EUR) (breach of article 67 (1)** [<i>**Art. 67(1): placing on the market or use of substances in the way contrary to the restrictions requirements/conditions</i>]), or • A fine of 2 000 LTL to 10 000 LTL (approx. 580 EUR to 2 900 EUR) (breach of article 60(8-9)). 	<p>Criminal sanctions for unlawful possession of poisonous substances are also applicable for offences of certain provisions of REACH (restrictions, authorization, use)</p> <p>Possible sanctions: community service, deprivation of the right to be employed in a certain position or to engage in a certain type of activities, a fine, restriction of liberty, arrest, imprisonment for a term of up to two or three years.</p>

Penalties related to infringement of the supply chain requirements	<ul style="list-style-type: none"> • A fine of 1 000 LTL to 5 000 LTL (approx. 290 EUR to 1 450 EUR) (breach of articles 31-35), or • A fine of 500 LTL to 3 000 LTL (approx. 145 EUR to 869 EUR). 	N/A
Penalties related to infringement of the downstream users requirements	<ul style="list-style-type: none"> • A fine of 2 000 LTL to 4 000 LTL (approx. 580 EUR to 1 160 EUR) (breach of articles 37 and 38, 66(1)), or • A fine of 500 LTL to 3 000 LTL (approx. 145 EUR to 870 EUR). 	N/A

5. Short description of REACH sanctions and related issues in Lithuania

There are no criminal sanctions provided for violation of REACH. Several articles laid down in the Criminal Code deal with criminal offences against environment, human health and disposal of hazardous chemicals in general. The Criminal Code also provides criminal sanctions for unlawful possession of poisonous substances³ These provisions may apply in certain cases for violation of REACH. However, they have been developed before REACH was adopted and do not specifically cover REACH violations.

The main changes in Lithuanian regulation related to sanctions for the violation of REACH have appeared in the Code of Administrative Offences. Lithuania established an approach consisting in a list of specific REACH obligations and their related sanctions. The infringement of the REACH provisions listed in the legislation is subject to fines with minimum and maximum limits. The subject of those fines may be natural persons or officers. The latter shall mean state representative or member of administrative staff of either public or private organization/company. There are no fines foreseen for legal persons. However, in case of damage resulting from the violation of REACH, they may be found liable under civil proceedings.

Comment: The Draft Law on the Amendment of the Article 84¹ of the Code of Administrative Offences has been prepared, endorsed and already submitted to the Parliament for the final adoption. The amendment has been made seeking to implement 2 new Regulations (EC) of the European Parliament and Council (No. 1102/2008 (CLP) and 1272/2008 (on mercury)) and to improve the sanctions system for REACH violations currently in force. Therefore some changes will be introduced. First of all the changes in the Administrative Code aimed to mutually consistent the Administrative Code and the Criminal Code as regards the offences of the rules on poisonous substances. Secondly, the changes would clearly set the liability of the natural persons as well as of the managers or authorised representatives of the legal persons. Thirdly, seeking for more consistency, some provisions have been added to the Administrative Code, some editorial changes have been made for more precise and clear formulation of the violations.

³ Poisonous substances - the certain group of the most dangerous substances (very toxic, toxic, carcinogenic, mutagenic, toxic to reproduction) regulated by the national legislation (Law on control of poisonous substances).