

NOTE: Law No. XI-722 as of 01.04.2010 establishes that the provisions applied before 20.04.2010 concerning the movement, storage and monitoring of excise goods shall apply to excise goods, movement whereof started prior to 31.03.2010 (inclusive) (Official Gazette *Valstybės žinios*, 2010, No. 45-2174). Excise goods under duty suspension arrangements shall be moved to or from Member States which do not use the computerised system for the movement and monitoring of excise goods at the procedure established jointly by the central tax administrator and the Customs Department under the Ministry of Finance of the Republic of Lithuania.

REPUBLIC OF LITHUANIA
L A W
ON EXCISE DUTY

30 October 2001 No. IX-569
Vilnius

CHAPTER I
GENERAL PROVISIONS

Article 1. Scope of the Law

1. This Law shall establish the levying of excise duty on goods which are subject to excise duty under this Law, the peculiarities of monitoring and movement.

2. The provisions of this Law have been harmonised with the EU legal acts specified in Annex 3 to this Law.

3. When imposing excise duty on electricity within the meaning specified in paragraph 12 of Article 3 of this Law, only the provisions of Articles 20 to 22 and the provisions of Section Four of Chapter II of this Law shall apply.

4. When imposing excise duty on coal, coke, lignite, only the provisions of Articles 20 to 22, 43 and Section Five of Chapter II of this Law shall apply.

5. When imposing excise duty on natural gas, only the provisions of Articles 20, 21, 22 and 43 of this Law, and paragraph 6 of section II of this Law shall apply.

AMENDED BY:

Law No. XII-2128 as of 03.12.2015 (effective as of 01.01.2016)

6. When imposing excise duty on heated tobacco products within the meaning specified in paragraph 18¹ of Article 3 of this Law, only the provisions of Articles 4, 5, 6, 11, 13, paragraphs 1, 2, 3, 4, 5 and 6 of Article 14, Article 17, paragraphs 1, 2, 3, and 4 of Article 18, paragraphs 1, 2 and 4 of Article 19, Articles 20, 21, 22 of this Law, and paragraph 7 of section II of this Law shall apply.

AMENDED BY:

Law No. XIII-1327 as of 28.06.2018 (effective as of 01.03.2019)

7. When imposing excise duty on electronic cigarette liquid within the meaning specified in paragraph 11¹ of Article 3 of this Law, only the provisions of Articles 11 and 13, paragraphs 1, 2 and 4 of Article 19, Articles 20, 21, 22 of this Law, and paragraph 7 of section II of this Law shall apply.

AMENDED BY:

Law No. XIII-1327 as of 28.06.2018 (effective as of 01.03.2019)

8. When raw tobacco, as defined in the Article 3(22¹) of this Law, is subject to excise duty, only the provisions of Articles 11, 13, 20 and 21, of the Article 22(1) and of paragraph 8 of Section II of this Law shall apply.

AMENDED BY:

Law No. XIII-2279 as of 09.07.2019 (effective as of 01.11.2019)

9. The provisions of this Law regulating the procedure of production, processing, storage and movement of excise goods under duty suspension arrangements shall not apply to excise goods under a customs suspensive procedure or arrangement.

AMENDED BY:

1. Law No. XIII-1327 as of 28.06.2018 (effective as of 01.03.2019)

2. Law No. XIII-2279 as of 09.07.2019 (effective as of 01.11.2019)

Article 2. Goods Subject to Excise Duty

1. The following goods within the meaning defined in Article 3 of this Law shall be subject to excise duty:

1) The goods listed below, as defined in Article 3 of this Law, are subject to excise duties:

- 1) ethyl alcohol and alcoholic beverages;
- 2) manufactured tobacco;
- 3) raw tobacco;
- 4) heated tobacco products;
- 5) electronic cigarette liquid;
- 6) energy products;
- 7) electricity.

AMENDED BY:

1. *Law No. XIII-1327 as of 28.06.2018 (effective as of 01.03.2019)*
2. *Law No. XIII-2279 as of 09.07.2019 (effective as of 01.11.2019)*

2. Energy products other than those referred to in Annex 2 to this Law, except the energy products classified under subheadings KN 2710 19 91–2710 19 99, shall become subject to excise duty if sold or used as motor fuel, fuel additives or as heating fuel. Energy products other than those referred to in Annex 2 to this Law shall not be subject to the requirements of this Law regarding monitoring and movement (the requirement that they should be produced, processed, mixed, stored in a tax warehouse, the requirement that they should be moved following the same procedure as the products referred to in Annex 2 to this Law, etc).

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.11.2015)

3. All other products not referred to in paragraph 1 of this Article shall become subject to excise duty when sold or used as motor fuel or its additives. Excise duty rates set in this Law for an appropriate equivalent energy product instead of which or as additive to which the product is sold or used shall be applied to products referred to in this paragraph.

4. All other hydrocarbons, except for peat, that are not referred to in paragraph 1 of this Article, shall become subject to excise duty when sold or used as fuel intended for heating. Excise duty rates set in this Law on appropriate equivalent energy product shall be applied to products specified in this paragraph instead of which the product is sold or used.

AMENDED BY:

Law No. XII-2128 as of 03.12.2015 (effective as of 01.01.2016)

Article 3. Definitions

1. **Importation of excise goods** means the entry into the territory of the European Union of excise goods (unless the goods upon their entry into the territory of the European Union are placed under a customs suspensive procedure or arrangement as defined in paragraph 28 of this Article), as well as their release from a customs suspensive procedure or arrangement (if goods have been placed under these procedures or arrangements).

AMENDED BY:

Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)
(Official Gazette Valstybės žinios, 2010, No. 148-7560)

2. **Authorised warehouse keeper** means a person who opens a tax warehouse in accordance with the procedure set out in this Law and other legal acts. Authorised warehouse keepers shall also be persons recognised as such by the competent institutions of other Member States.

3. **Guarantee for the discharge of liability of the authorised warehouse keeper, registered consignee or registered consignor** means a document of guarantee, valid in the territory of the European Union, issued by a credit institution or insurance company functioning in the territory of the European Union which have concluded a cooperation agreement with the central tax administrator and have been entitled by the competent institutions to engage in credit or insurance activities respectively, under which the guarantor commits himself to meet the excise duty liability in the event when the authorised warehouse keeper, registered consignee or registered consignor fails to fulfil this liability or fulfils it unsatisfactorily.

AMENDED BY:

Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)
(Official Gazette Valstybės žinios, 2010, No. 148-7560)

4. **Tax warehouse** means a place/places and/or a territory/territories where, following the procedure established by this Law and other legal acts, the excise goods may be stored, produced, processed, mixed or moved to and from them under duty suspension arrangements. Places and/or territories in other Member States recognised as tax warehouses by the competent institutions of these Member States shall also be treated as tax warehouses.

5. **Accompanying document for the movement of excise goods** means a document used when excise goods (and where these are energy products – only products specified in Annex 2 to this Law) move

under excise duty suspension arrangements. The accompanying document for the movement of excise goods shall be prepared in accordance with the provisions of Commission Regulation (EC) no. 684/2009 of 24 July 2009 implementing Council Directive 2008/118/EC as regards the computerised procedures for the movement of excise goods under suspension of excise duty (hereinafter referred to as Regulation (EC) No. 684/2009). The central tax administrator shall be entitled to prescribe additional requirements for the accompanying documents for the movement of excise goods issued in the Republic of Lithuania, if the Regulation referred to in this paragraph grants a Member State such a right.

6. **Excise duty suspension arrangement** means a tax arrangement, when excise goods which are not subject to a customs suspensive procedure or any other arrangement within the meaning defined in paragraph 28 of this Article are produced, processed, mixed, stored and/or moved having suspended excise duty.

7. **Alcoholic beverages** means beer, wine of fresh grapes, other fermented beverages and intermediates as defined in this Article.

8. **Beer** means an alcoholic beverage falling within code 2203 of the Combined Nomenclature (hereinafter referred to as CN), also any product containing a mixture of beer and non-alcoholic drinks falling within CN code 2206, in either case with an actual alcoholic strength by volume exceeding 0.5% vol.

9. **Manufactured tobacco** means cigarettes, cigars, cigarillos, smoking tobacco as defined in this Article.

10.

AMENDED BY:

Law No. XI-1185 as of 30.11.2010 (effective as of 01.01.2011)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

Cigars and cigarillos means the following products:

- 1) rolls of tobacco intended for smoking, with an outer wrapper of natural tobacco;
- 2) rolls of tobacco intended for smoking with a threshed blend filler and with an outer wrapper of the normal colour of a cigar, of reconstituted tobacco, covering the product in full and the filter, if any, but not the mouthpiece (if a cigar has a mouthpiece), where the unit weight (not including a filter or a mouthpiece) is not less than 2.3 g and not more than 10 g, and the circumference over at least one third of the length is not less than 34 mm.

11. **Cigarettes** means the following products:

- 1) rolls of tobacco intended for smoking, other than cigars or cigarillos, under the provisions of paragraph 10 of this Article;
- 2) rolls of tobacco which may be put, not in an industrial way, into tubes made of cigarette paper;
- 3) rolls of tobacco which may be wrapped, not in an industrial way, in cigarette paper.

11¹. **Electronic cigarette liquid** means a liquid product for electronic cigarettes classified in subheadings 3824 99 56 and 3824 99 57 in the Combined Nomenclature (CN) of 2018 (including cases where these products are a component part of the product classified in the subheading 8543 70 70 in the CN).

AMENDED BY:

Law No. XIII-1327 as of 28.06.2018 (effective as of 01.03.2019)

12. **Electricity** means energy falling within CN code 2716.

13. **Energy products** means products specified in Annex 1 to this Law.

14. **Ethyl alcohol** means all these products:

- 1) products falling within CN codes 2207 and 2208, with an actual alcoholic strength by volume of more than 1.2% vol.;
- 2) products falling within CN codes 2204, 2205 and 2206 with an actual alcoholic strength by volume of more than 22% vol.;
- 3) products containing ethyl alcohol, regardless of whether it is a mixture or not.

15. **Customs territory of the European Union** means territory defined in Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ 2013 L 269, p. 1) (hereinafter referred to as the Union Customs Code).

AMENDED BY:

1. Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

2. Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

16. **Territory of the European Union** means the territories of Member States as defined in paragraph 33 of this Article.

AMENDED BY:

Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

17. Actual alcoholic strength by volume means the number of volumes of absolute alcohol contained at 20°C in 100 volumes of the product at that temperature.

18. Place of importation means the place where the goods are when they are released for free circulation in accordance with Article 201 of the Union Customs Code.

AMENDED BY:

Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

18¹. Heated tobacco products means the tobacco products, that do not qualify as cigars and cigarillos, cigarettes and smoking tobacco as the latter are defined in parts 10, 11 and 27 of this Article, ready for use only in a special electronic device where tobacco products are heat-not-burn tobacco products.

AMENDED BY:

Law No. XIII-1327 as of 28.06.2018 (effective as of 01.03.2019)

19. Other Member State means any Member State except for the Republic of Lithuania.

20. Other fermented beverages means still and sparkling beverages as they are defined in paragraphs 21 and 22 of this Article.

21. Other sparkling fermented beverages means alcoholic beverages which conform to the following properties:

1) fall within CN codes 2206 00 91, also 2204 10, 2204 21 10, 2204 29 10 and 2205 (with the exception of beverages which, under this Law, are deemed to be wines of fresh grapes);

2) beverages in bottles with 'mushroom' stoppers held in place by ties or fastening or beverages otherwise put up with an excess pressure due to carbon dioxide in solution of not less than 3 bar;

3) their actual alcoholic strength by volume is more than 1.2% vol. but not more than 15% vol. and, where it is more than 8.5% vol., it is entirely of fermented origin.

22. Other still fermented beverages means alcoholic beverages which conform to the following properties:

1) fall within CN codes 2204 and 2205 (with the exception of beverages which, under this Law, are deemed to be wines of fresh grapes or other sparkling fermented beverages), also fall within the CN code 2206 (with the exception of beverages which, under this Law, are deemed to be other sparkling fermented wines or beer);

2) their actual alcoholic strength by volume is more than 1.2% vol. but not more than 15% vol. and, where it is more than 5.5% vol., it is entirely of fermented origin.

22¹. Raw tobacco – the products classified in CN 2401 position of 2019 Combined Nomenclature (CN) are not attributed to manufactured tobacco, as defined in part 9 of this Article, and heated tobacco products, as defined part 18¹ of this Article.

AMENDED BY:

Law No. XIII-2279 as of 09.07.2019 (effective as of 01.11.2019)

23. Sparkling wine of fresh grapes means an alcoholic beverage which conforms to the following properties:

1) falls under CN codes 2204 10, 2204 21 10 or 2204 29 10 or 2205;

2) is in bottles with 'mushroom' stoppers held in place by ties or fastening, or otherwise put up with an excess pressure due to carbon dioxide in solution of not less than 3 bar;

3) has an actual alcoholic strength by volume of more than 1.2% vol. but not more than 15% vol. and is entirely of fermented origin.

24. Still wine of fresh grapes means an alcoholic beverage which conforms to the following properties:

1) falls under CN codes 2204 or 2205;

2) has an actual alcoholic strength by volume:

a) of more than 1.2% vol. but not more than 15% vol., and is entirely of fermented origin; or

b) of more than 15% vol. but not more than 18% vol., and is entirely of fermented origin, provided that the beverage has been manufactured without admixture of sugar.

25. Registered consignee of excise goods (hereinafter referred to as the **registered consignee**) means a person who has registered, in accordance with the procedure laid down by this Law and other legal acts, for the purpose of his business to receive excise goods moving under duty suspension arrangements from another Member State. Persons recognised by the competent authorities of other Member States shall also be treated as registered consignees.

26. Registered consignor of excise goods (hereinafter referred to as the **registered consignor**) means a person who has registered, in accordance with the procedure laid down by this Law and its implementing legal acts, for the purpose of his business to only dispatch excise goods under duty suspension arrangements upon their release for free circulation in accordance with Article 201 of the Union Customs Code. Persons recognised by the competent authorities of other Member States shall also be

treated as registered consignors.

Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

27. Smoking tobacco means the following products:

1) tobacco which has been stemmed, cut or otherwise split, pressed into blocks or not pressed, and is capable of being smoked without any further industrial handling;

2) tobacco refuse put up for retail sale (remnants of tobacco leaves and by-products obtained from tobacco processing or the manufacture of tobacco products), which does not fall in the categories of products listed in paragraphs 10 and 11 of this Article and which is capable of being smoked.

AMENDED BY:

Law No. XI-1185 as of 30.11.2010 (effective as of 01.01.2011)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

28. Customs suspensive procedure or measure means external transit, customs warehousing, free zone, temporary admission or inward processing procedure or temporary storage applied to non-European Union goods upon their entry into the Union customs territory.

AMENDED BY:

1. Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

2. Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

29. Simplified accompanying document for the movement of excise goods means a document containing the essential data from the accompanying document for the movement of excise goods, used in the intra-Community movement of excise goods on which excise duty has already been paid. The form, rules of use and filling it out have been established by Commission Regulation (EEC) No. 3649/92 of 17 December 1992 on a simplified accompanying document for the intra-Community movement of products subject to excise duty which have been released for consumption in the Member State of dispatch, however the central tax administrator shall have the right to set additional requirements for the document issued in the Republic of Lithuania, if the Regulation referred to in this paragraph grants a Member State such a right.

30. Intermediate products means alcoholic beverages, including those fortified by admixture of any amount of ethyl alcohol, conforming to the following criteria:

1) fall under CN codes 2204, 2205 or 2206;

2) have an actual alcoholic strength by volume of more than 1.2% vol. but not more than 22% vol.;

3) do not fall within the categories of beverages listed in paragraphs 8, 20 and 34 of this Article.

31. Third state means any territory which does not belong to the territory of the European Union or a third territory within the meaning defined in paragraphs 16 and 32 of this Article.

AMENDED BY:

Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

32. Third territories means territories within the list approved by the Minister of Finance on the basis of Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangement for excise duty and repealing Directive 92/12/EEC (hereinafter referred to as Directive 2008/118/EC) that are exempt from the provisions of this Law.

33. Member State or territory of the Member State means the territory of an appropriate European Union Member State as defined in Article 355 of the Treaty on the Functioning of the European Union, except for the third territories. Territories in which transactions originating in or intended for are considered as transactions originating in or intended for the appropriate Member State based on Directive 2008/118/EC shall be considered a territory of the Member State.

AMENDED BY:

Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

34. Wine of fresh grapes means still and sparkling wine of fresh grapes as defined in paragraphs 23 and 24 of this Article.

35. Products consisting in part of substances other than tobacco but otherwise conforming to the criteria set in paragraph 10 of this Article shall be treated as cigars and cigarillos.

AMENDED BY:

Law No. XI-1185 as of 30.11.2010 (effective as of 01.01.2011)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

36. Products consisting in whole or in part of tobacco substitutes but otherwise conforming to the criteria set in paragraphs 11 and 27 of this Article shall be treated as cigarettes or smoking tobacco,

accordingly. These provisions shall not apply to products containing no tobacco and used exclusively for medicinal purposes.

37. Other definitions used in this Law shall have the meaning as set out in the Law on Tax Administration of the Republic of Lithuania (hereinafter referred to as the Law on Tax Administration) and the Union Customs Code, however only the State Tax Inspectorate shall be referred to as the tax administrator in this Law.

AMENDED BY:

Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

38. For the purposes of this Law and annexes thereto, codes of goods are given according to the CN of the year referred to in the appropriate Council Directive specifying taxation of relevant goods.

Article 4. Opening of a Tax Warehouse

1. Goods subject to excise duty referred to in paragraph 1 of Article 2 of this Law (if these are energy products – only goods referred to in Annex 2 to this Law), on which payment of excise duty is outstanding, must be produced, processed, mixed, stored in a tax warehouse.

2. An authorisation for the opening of a tax warehouse shall be issued and cancelled according to the procedure established by the central tax administrator. Each tax warehouse shall be issued a separate authorisation.

3. An authorisation shall be issued for an indefinite period.

4. An authorisation for the opening of a tax warehouse for the purposes of engaging in a business other than specified in paragraph 1 of this Article may be issued:

1) where the average amount of excise duty calculated for the amount of products subject to excise duty to be kept at the prospective tax warehouse at any one time is not lower than the amount determined by the Government or an institution authorised by it;

2) in other cases established by the Government.

5. The requirements of paragraph 1 of this Article shall not apply to excise goods which are produced, processed and/or mixed by a natural person solely for his own use (i.e. intended not for sale but only for his own needs or for those of his family) and which are exempt under this Law from excise duty.

6. The requirements laid down in part 1 of this Article shall not apply, and it shall be deemed that excise duties have been paid for the goods that are subject to excise duties which were manufactured using, processing, blending one or more goods that are subject to excise duties only if excise duties on the goods used in the manufacture of the final product have been paid and this tax is not less than the tax which should be paid for the final product that is subject to excise duties. The provisions of this part shall not apply to the manufactured tobacco that was manufactured from raw tobacco, and to heated tobacco products.

AMENDED BY:

Law No. XIII-2279 as of 09.07.2019 (effective as of 01.11.2019)

7. The requirements laid down in part 1 of this Article shall not apply when goods classified in positions other than CN 2203-2208 are manufactured, and their actual alcoholic strength in percent exceeds 1.2%, and in case of non-liquid products - ethyl alcohol represents more than 1% of their mass, if the provisions of items 1 or 3 through 7 of the Article 27(1) of this Law can be applied to them.

AMENDED BY:

Law No. XIII-2279 as of 09.07.2019 (effective as of 01.11.2019)

Article 5. Registration of Tax Warehouses

1. All tax warehouses shall be registered and removed from the register according to the procedure established by the central tax administrator.

2. Each tax warehouse shall be given a separate identification number which is indicated in the authorisation for the opening of a tax warehouse.

Article 6. Requirements for the Operation of a Tax Warehouse

1. Following the adoption of a decision, according to the procedure established by the central tax administrator, to issue an authorisation for the opening of a tax warehouse, its keeper must provide to the local tax administrator of the territory where the warehouse will be located a cash deposit or a guarantee for the discharge of liability of the authorised warehouse keeper. The amount of the cash deposit or guarantee shall be calculated by the tax administrator when taking a decision to issue an authorisation to open a tax warehouse. If the tax warehouse is intended for a licensed activity the warehouse keeper must have an appropriate licence/s. An authorisation for the tax warehouse keeper shall be issued and the operation of the warehouse may start only after a cash deposit has been paid or a guarantee for the discharge of tax liability of the authorised warehouse keeper has been submitted and the keeper has been issued a licence/s of the prescribed form. The procedure for calculation and adjustment of the amount of a cash deposit and a

guarantee for the liability of the warehouse keeper as well as the cases when it is not required to pay a cash deposit and/or submit a guarantee shall be determined by the Government or an institution authorised by it.

2. The authorised warehouse keeper must, following the procedure set by the Government or an institution authorised by it, keep accounts of all the operations performed with excise goods at the tax warehouse or at the place of direct delivery and provide reports prescribed by the central tax administrator to the local tax administrator. The authorised warehouse keeper must comply with the requirements for accounting equipment laid down by the Government or an institution authorised by it.

3. Only those types of excise goods which are specified in the authorisation for the opening of a tax warehouse may be kept in the tax warehouse under duty suspension arrangements. It shall not be prohibited to hold in a tax warehouse, receive at it or dispatch from it goods which are not under duty suspension arrangements (i.e. products which are not subject to excise duty as well as the products which, under this Law, are subject to excise duty but on which excise duty has already been paid).

4. It shall be permitted, in compliance with the requirements laid out in paragraph 3 of this Article, to hold in a tax warehouse excise goods belonging not only to the authorised warehouse keeper but to any other person. Holding of excise goods which do not belong to the authorised warehouse keeper must be subject to appropriate contracts between the warehouse keeper and the person entitled to dispose of these goods.

5. The tax administrator shall have the right to set additional requirements for the authorised warehouse keeper, if this is necessary for the proper discharge of tax liability of the authorised warehouse keeper. Additional requirements may be set in the following cases:

1) when the authorised warehouse keeper does not comply with the activity conditions set out in the authorisation;

2) upon ascertaining that special marks – excise stamps transferred to the authorised warehouse keeper have been lost (if they are lost not during automated affixing thereof), sold or otherwise unlawfully transferred, illegally received (acquired), also upon establishing violations of keeping accounts of the use of special marking equipment;

3) upon ascertaining that special paint and chemical reagents for marking fuel have been lost in a tax warehouse, also upon establishing violations of accounting;

4) upon establishing violations of storage of excise goods, the procedure of keeping accounts of operations at a tax warehouse or the requirements set for accounting equipment committed in a tax warehouse;

5) upon failure by the authorised warehouse keeper to submit for the second successive tax period an excise duty return in time or upon his missing the deadline for payment of excise duty twice in a row;

6) upon commitment of a violation in respect to which the tax administrator has the right, following the provisions of Article 104 of the Law on Tax Administration, to request to submit a suretyship or guarantee document;

7) upon ascertaining that the authorised warehouse keeper has tax underpayments related to taxes administered by the State Tax Inspectorate (with the exception of cases where payment of taxes, penalty charges and fines has been postponed at the procedure prescribed by legal acts of the Republic of Lithuania or they are an object of a tax dispute); has underpayments to the State Social Insurance Fund budget; does not discharge liability to the Customs of the Republic of Lithuania (hereinafter referred to as the Customs).

6. The tax administrator, following the Description of the Procedure for Setting Additional Requirements for an Authorised Warehouse Keeper approved by the central tax administrator, shall have the right to set one or several additional requirements, but only to the extent they are necessary for the proper discharge of tax liability with regard to the circumstances.

7. An authorisation to open a tax warehouse may be cancelled in the following cases:

1) upon a written request of the authorised warehouse keeper;

2) by a decision of the tax administrator, if the authorised warehouse keeper failed to rectify, within the prescribed time limit, the shortcomings detected, in respect of which, following the procedure laid down in paragraph 5 of this Article, additional requirements for the operation of the warehouse were set;

3) by a decision of the tax administrator, if the authorised warehouse keeper does not keep accounts of the operations carried out at the warehouse as required;

4) by a decision of the tax administrator, if the authorised warehouse keeper does not comply with the conditions of the activities laid down in the authorisation and improperly keeps accounts of the operations conducted at the warehouse, and even after the imposition of new requirements, following the procedure set out in paragraph 5 of this Article, it would not be possible to guarantee that the tax liability of the authorised warehouse keeper was properly discharged;

5) by a decision of the tax administrator, if licensed activities were conducted at the tax warehouse, while the appropriate licence/s of the warehouse keeper has/have been cancelled;

6) by a decision of the tax administrator if an authorisation to open a tax warehouse has been issued in accordance with subparagraph 1 of paragraph 4 of Article 4 of this Law and it transpires after six months of operation of a tax warehouse that during these six months the average amount of excise duty for the

quantity of excise goods kept together at a tax warehouse per day is smaller by more than 10% than the amount specified in subparagraph 1 of paragraph 4 of Article 4 of this Law;

7) by a decision of the tax administrator, if no operations, specified in the application for granting an authorisation to open a tax warehouse, are performed for three months after the date of issue of an authorisation to open a tax warehouse;

8) by a decision of the tax administrator, if within three months after the date of issue of an authorisation to open a tax warehouse the authorised warehouse keeper does not pay a cash deposit or submit a guarantee for the discharge of liability of the authorised warehouse keeper where such a document has to be submitted in accordance with the procedure prescribed by legal acts;

9) by a decision of the tax administrator, if the guarantee for the discharge of liability of the authorised warehouse keeper has not been submitted within ten working days from the term, during which this document had to be submitted by a written order of the tax administrator;

10) by a decision of the tax administrator, if within three months after the date of issue of an authorisation to open a tax warehouse accounting equipment required by legal acts is not installed in the warehouse, and the schedule of installation of the computerised accounting system and internet connection with the State Tax Inspectorate is not followed;

11) by a decision of the tax administrator, if within three months from the end of the term, during which the authorised warehouse keeper had to meet the set additional requirements, these requirements are not met.

8. The warehouse keeper must be notified in writing about the decision to cancel an authorisation to open a tax warehouse at least within five working days from the date when the decision was made.

9. Following the cancellation of an authorisation for the opening of a tax warehouse it shall be prohibited to deliver to the warehouse new excise goods held under duty suspension arrangements or to dispatch from it excise goods held under duty suspension arrangements.

10. A person whose authorisation for the opening of a tax warehouse has been cancelled for non-compliance with the requirements of legal acts may apply for an authorisation to open a tax warehouse not before the lapse of three years after the date the authorisation was cancelled.

11. Local tax administrators shall monitor the operation of a tax warehouse and the activities of its keeper, following the procedure laid down by legal acts and the central tax administrator. Other state institutions shall monitor the operation of a tax warehouse within the limits of their competence.

Article 7. Registered Consignees, Their Rights and Duties

1. A registered consignee shall have the right to receive from another Member State for business purposes excise goods under duty suspension arrangements, however he shall have no right to keep, produce, process, mix or dispatch excise goods held under duty suspension arrangements.

2. When registering as a registered consignee, the person must pay a cash deposit or submit a guarantee for the discharge of liability of a registered consignee to the local tax administrator in whose territory he is registered as a taxpayer. Registered consignees shall be registered and removed from the register in accordance with the procedure established by the central tax administrator. A registered consignee shall be given a separate identification number which shall be indicated in the certificate of the registered consignee. The form of the registered consignee's certificate and the procedure for its issuance shall be determined by the central tax administrator. The procedure for calculating the amount of a cash deposit and a guarantee for the discharge of liability of a registered consignee as well as the cases when it is not required to pay a cash deposit and/or submit a guarantee for the discharge of liability of a registered consignee shall be established by the Government or an institution authorised by it.

3. A registered consignee shall be entitled to receive only excise goods of the kind which are placed under duty suspension arrangements and which are specified in the certificate of the registered consignee.

4. A registered consignee must keep accounts of the excise goods received from another Member State in compliance with the procedure established by the central tax administrator, also file with the local tax administrator accounts of excise goods received from another Member State at the procedure and terms established by the central tax administrator.

5. The tax administrator shall have the right to remove the registered consignee from the list of registered consignees in the following cases:

1) when the registered consignee does not receive excise goods under duty suspension arrangements from another Member State for business purposes within six months from the date of registration as a registered consignee;

2) when the registered consignee does not provide within the set term a guarantee for the discharge of liability of a registered consignee where such a document must be provided at the procedure prescribed by legal acts;

3) when the registered consignee is withdrawn licences established by legal acts, which grant the right to carry out activities related to excise goods;

4) upon written request by the registered consignee.

6. The persons referred to in paragraph 1 of this Article who occasionally receive from other Member

States excise goods that are subject to duty suspension arrangements shall be granted the status of a registered consignee specified in this Article for one receipt of such goods or, in cases specified by the central tax administrator, for a certain quantity of excise goods, one consignor and specific period.

Article 8. Registered Consignors, Their Rights and Duties

1. A registered consignor shall have the right to only dispatch imported excise goods under duty suspension arrangements to any place of destination specified in paragraph 1 of Article 14 and paragraph 1 of Article 15 of this Law.

2. When registering as a registered consignor the person must pay a cash deposit or submit a guarantee for the discharge of liability of a registered consignor to the local tax administrator in whose territory he is registered as a taxpayer. Registered consignors shall be registered and removed from the register in accordance with the procedure established by the central tax administrator. A registered consignor shall be given a separate identification number which shall be indicated in the certificate of the registered consignor. The form of the registered consignor's certificate and the procedure for its issuance shall be determined by the central tax administrator. The procedure for calculating the amount of a cash deposit and a guarantee for the discharge of liability of a registered consignor as well as the cases when it is not required to pay a cash deposit and/or submit a guarantee for the discharge of liability of a registered consignor shall be established by the Government or an institution authorised by it.

3. A registered consignor shall be entitled to dispatch only excise goods of the kind which are placed under duty suspension arrangements and which are specified in the certificate of the registered consignor.

4. A registered consignor must keep accounts of the dispatched excise goods in compliance with the procedure established by the central tax administrator, also file with the local tax administrator accounts of dispatched excise goods at the procedure and terms established by the central tax administrator.

5. The tax administrator shall have the right to remove the registered consignor from the list of registered consignors in the following cases:

1) when the registered consignor does not dispatch imported excise goods under duty suspension arrangements within six months from the date of registration as a registered consignor;

2) when the registered consignor does not provide within the set term a guarantee for the discharge of liability of a registered consignor where such a document must be provided at the procedure prescribed by legal acts;

3) when the registered consignor is withdrawn licences established by legal acts, which grant the right to carry out activities related to excise goods;

4) upon written request by the registered consignor.

Article 9. Chargeability of Excise Duty in the Republic of Lithuania

1. The chargeability of the excise duty in the Republic of Lithuania shall arise:

1) on excise goods which were released from duty suspension arrangements in the Republic of Lithuania (i.e. goods moved from the tax warehouse in respect to which duty suspension arrangements are not applied; goods received by a registered consignee from another Member State; excise goods moved to the direct place of delivery indicated by an authorised warehouse keeper who receives excise goods or a registered consignee; as well as excise goods under duty suspension arrangements brought from other Member States and intended for persons specified in subparagraphs 2, 3, 6, 7 and 8 of paragraph 1 of Article 19 of this Law). The provisions of this paragraph shall also apply to excise goods which have been released from duty suspension arrangements by violating the requirements set out by legal acts;

2) on excise goods which have been lost in the tax warehouse in the Republic of Lithuania, on goods lost while moving them in the Republic of Lithuania, also on excise goods which have not been delivered to the place of destination due to violations of movement committed or determined in the Republic of Lithuania (if there is no proof that these violations were committed in another Member State). Violations of the movement of excise goods shall be cases where receipt (export) of excise goods is not confirmed according to the provisions set forth in Articles 14, 15 or 16 of this Law or equivalent in their essence legal acts of other Member States. It shall not be considered a violation of the movement of excise goods and excise duty shall not be calculated for the amount of lost goods if it is not in excess of the norms of natural loss established by the Government or an institution authorised by it, and for the goods lost due to *force majeure* as well as for irretrievably lost or completely destroyed goods (if these cannot be used as excise goods), provided this has been proved in accordance with the procedure established by the Government or an institution authorised by it;

3) on excise goods used at the tax warehouse of the Republic of Lithuania, except in cases where these goods were used for manufacturing other goods which, under this Law, are subject to excise duty or which, when used for the purposes established by this Law, are subject to exemption from excise duty, also on energy products used in the territory of the tax warehouse, in which these energy products are manufactured, in the process of manufacture of these energy products (energy products used for the needs of manufacturer as fuel (motor fuel) or as heating fuel, excise duty shall be applied according to the general procedure);

4) on excise goods acquired or imported exempt from excise duty for the purposes laid down in Articles 19, 27 or 43 of this Law but used for other purposes in the Republic of Lithuania;

5) on energy products specified in paragraph 2 of Article 2 of this Law when they are sold or used in the Republic of Lithuania as motor fuel, their additives or as fuel intended for heating, the products indicated in paragraph 3 of Article 2 of this Law when they are sold or used in the Republic of Lithuania as motor fuel or their additives, also hydrocarbons specified in paragraph 4 of Article 2 of this Law when they are sold or used in the Republic of Lithuania as fuel intended for heating;

6) on excise goods produced in the Republic of Lithuania (including those produced illegally) elsewhere than in a tax warehouse;

7) on excise goods which are not subject to duty suspension arrangements and have been brought to the Republic of Lithuania and are kept in it for business purposes, also on excise goods brought to the Republic of Lithuania from another Member State when they are brought in by the vendor of goods or, on his order, by another person to the person who is not a registered consignee and does not carry out an economic activity as defined in the Republic of Lithuania Law on Value Added Tax (hereinafter referred to as the Law on Value Added Tax), or brought not to a tax warehouse. Brought excise goods shall be considered kept for business purposes when they are kept by a person other than a natural person or they are kept by a natural person for the purposes other than private use. Seeking to determine whether excise goods are intended for private use of a natural person, the commercial status of the keeper of these goods, the nature and quantity of goods, the reasons for storage, account documentation of these goods, the place of storage or the mode of movement shall be taken into account. The tax administrator, seeking to evaluate whether the goods are intended for private use shall have the right to take into consideration other circumstances related to the bringing and storage of goods. If the movement of excise goods, which are not subject to duty suspension arrangements, for business purposes to another Member State via the Republic of Lithuania is in compliance with the requirements set out in paragraph 11 of Article 15 of this Law, these goods shall not be considered kept in the Republic of Lithuania for business purposes. In cases where excise goods are kept in a sea vessel sailing or an aircraft flying between two Member States but they are not supplied or intended for supply in the territory of the Republic of Lithuania, these goods shall not be considered kept in the Republic of Lithuania for business purposes;

8) on excise goods kept without special marks – excise stamps, which must be marked with excise stamps according to the procedure established by this Law and implementing legislation, also on other kept excise goods which are not subject to excise duty but on which excise duty is outstanding in accordance with the provisions of this Law or equivalent in their essence legal acts of other Member States;

9) on manufactured tobacco, ethyl alcohol and alcoholic beverages belonging by the right of ownership, which are not subject to duty suspension arrangements and/or which have been released for free circulation before the date of coming into effect of a new excise duty rate, for persons who have the right, at the procedure prescribed by legal acts, to engage in wholesale trade in tobacco products and/or alcohol products on the date of coming into effect of a new excise duty rate. This provision shall only apply in cases where the effective new excise duty rate is bigger than the previous excise duty rate, and only with respect to products mentioned in this paragraph kept in units (warehouses, branches, etc.) specified in licences to engage in wholesale trade in tobacco products and/or alcohol products, from which wholesale trade in tobacco products and/or alcohol products is carried out and/or in which these products are kept;

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Law No. XIII-2581 as of 03.12.2019 (effective as of 01.01.2020)

10) on excise goods which, in accordance with the procedure established in paragraphs 2 or 3 of Article 37 or paragraph 2 of Article 38 of this Law, have been subject to excise duty relief established in the above-mentioned paragraphs, however which have been used for the purposes other than those specified in the paragraphs.

11) energy products kept, classified under subheadings KN 2710 19 91–2710 19 99, for which the excise duties have not been paid in accordance with the provisions of this Law.

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2.

AMENDED BY:

1. Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

2. Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

In addition to the cases specified in paragraph 1 of this Article, the chargeability of excise duty in the Republic of Lithuania shall also arise on excise goods imported to the Republic of Lithuania (including cases of illegal importation), except on imported excise goods moved by a registered consignor to any place of destination indicated in paragraph 1 of Article 14 and paragraph 1 of Article 15 of this Law, also on imported

excise goods delivered to the tax warehouse. The procedure for imported excise goods moved by a registered consignor to the places of destination indicated in paragraph 1 of Article 14 and paragraph 1 of Article 15 of this Law, as well as the movement of imported excise goods to the tax warehouse shall be established by the Government or an institution authorised by it. Excise goods shall be considered imported in the Republic of Lithuania when:

1) non-European Union goods are in the territory of the Republic of Lithuania at the time when they are brought into the territory of the European Union. If non-European Union goods brought into the territory of the European Union are placed under a customs suspensive procedure or any other arrangement, it shall be considered that non-European Union goods are imported to the territory of the Republic of Lithuania if after the cessation of application of these procedures or arrangements the goods are in the territory of the Republic of Lithuania;

2) European Union goods are in the territory of the Republic of Lithuania at the time when they are brought into the territory of the European Union from third countries. If these goods brought into the European Union territory are assigned to the customs treatment which, if the goods were not European Union goods, would enable them to be placed under a customs suspensive procedure or arrangement, or internal transit procedure, these European Union goods shall be considered imported in the territory of the Republic of Lithuania if, after cessation of application of the said treatment or internal transit procedure, the goods are in the territory of the Republic of Lithuania.

3. The chargeability of excise duty on the goods specified in paragraph 1 of this Article shall arise upon the formation of the circumstances referred to in paragraph 1 of this Article. The chargeability of excise duty on the goods specified in paragraph 2 of this Article, which under the appropriate legal acts of the European Union are subject to import duty shall arise at the time when the obligation to calculate import duty arises under legal acts, regulating calculation of import duties. Where no import duties are imposed on the goods specified in paragraph 2 of this Article, the chargeability of excise duty thereon shall arise where under the appropriate provisions of the Union Customs Code import debt to customs would be chargeable if the goods were subject to the said duties.

AMENDED BY:

1. Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

2. Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

4. In the cases specified in subparagraph 1 of paragraph 1 of this Article excise duty shall be chargeable to the authorised warehouse keeper, registered consignee or any other person in respect of whom or on whose behalf excise goods have been released from duty suspension arrangements, and to any other persons who participate in violation of the requirements set out by legal acts while releasing excise goods from duty suspension arrangements.

5. In the cases specified in subparagraphs 2 and 3 of paragraph 1 of this Article excise duty on the goods lost or used up at the tax warehouse shall be chargeable to the keeper of the tax warehouse at which they have been lost or used up, and on the goods lost due to violations of movement committed or determined in the Republic of Lithuania – the keeper of the tax warehouse from which they have been dispatched, registered consignor or a person who guaranteed the discharge of tax liability.

6. In the case specified in subparagraph 4 of paragraph 1 of this Article excise duty shall be chargeable to the person who used the excise goods otherwise than prescribed by the conditions set for the application of excise duty relief, whereas in the cases specified in subparagraph 5 of paragraph 1 of this Article – to the person who sold or used the products specified herein in the ways indicated in subparagraph 5 of paragraph 1 of this Article.

7. In the case specified in subparagraph 6 of paragraph 1 of this Article excise duty shall be chargeable to the person who produced the excise goods.

8. In the case specified in subparagraph 7 of paragraph 1 of this Article excise duty shall be chargeable to:

1) where excise goods not subject to duty suspension arrangements are brought to the Republic of Lithuania from another Member State and stored here for business purposes – the person who delivers excise goods or keeps them for delivery, or the person who receives these excise goods;

2) where goods are brought to the Republic of Lithuania from another Member State by the vendor of the goods or, on his order, by another person to the person who is not a registered consignee and who does not perform a business activity within the meaning defined in the Law on Value Added Tax, or brought not to a tax warehouse – the vendor of the goods. The vendor of the goods established outside the Republic of Lithuania must appoint a fiscal agent in the Republic of Lithuania who must fulfil all the vendor's liabilities relating to the declaration and payment of the excise duty. The procedure of appointing a fiscal agent and the requirements for a person eligible as a fiscal agent shall be established by the Government or an institution authorised by it.

9. In the case specified in subparagraph 8 of paragraph 1 of this Article excise duty shall be chargeable to the person who is keeping excise goods specified in subparagraph 8 of paragraph 1 of this

Article.

10. In the case specified in subparagraph 9 of paragraph 1 of this Article excise duty shall be chargeable to the person who has the right to engage in wholesale trade in tobacco products and/or alcohol products at the procedure prescribed by legal acts.

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Law No. XIII-2581 as of 03.12.2019 (effective as of 01.01.2020)

11. In the case specified in subparagraph 10 of paragraph 1 of this Article the difference of excise duty (between the excise duty rate indicated in paragraph 1 of Article 37 of this Law and the excise duty rate imposed on the excise good) shall be chargeable to the person who uses excise goods in a manner other than established by the conditions of the application of an excise duty relief.

12. In the case specified in subparagraph 11 of paragraph 1 of this Article, the liability to pay excise duties falls on the person keeping the excise goods referred to in subparagraph 11 of paragraph 1 of this Article.

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.11.2015)

13. In the case specified in paragraph 2 of this Article excise duty shall be chargeable to the importer. The person shall be treated as the importer if he must pay for the goods an established import debt to the Customs or should pay import debt to the Customs, if the goods were subject to import duty. In the event of illegal importation of excise goods excise duty shall be chargeable to any person who participates in the illegal movement of these goods.

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.11.2015)

Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

14. In the cases when excise duty shall be chargeable to several persons, they have a solidary obligation to pay excise duty. Other cases when excise duty becomes chargeable in the Republic of Lithuania as well as persons to whom it is chargeable are referred to in Article 16 of this Law.

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.11.2015)

Article 10. Tax Period and Filing of an Excise Duty Return

1. Tax period for the authorised warehouse keeper, registered consignee and registered consignor shall be a calendar month at the end of which the authorised warehouse keeper, registered consignee and registered consignor must, by the 15th day of the month following the end of the tax period, submit an excise duty return with attachments to the local tax administrator of the territory where the tax warehouse is located and the registered consignee or registered consignor is registered as a taxpayer. The return form and the procedure of filling it out shall be established by the central tax administrator.

2. If one keeper owns several tax warehouses, an excise duty return shall be filed separately for each warehouse.

3. An excise duty return filed by the tax warehouse keeper, the registered consignee or the registered trader must report the amount of excise duty chargeability of which under Article 9 of this Law arose during the tax period for which the excise duty return is filed, including the chargeable amount of excise duty for the running tax period, based on Article 12 of this Law.

AMENDED BY:

Law No. XII-2152 as of 10.12.2015 (effective as of 01.01.2016)

4. Following the cancellation of an authorisation for the opening of a tax warehouse, excise duty return filed for the tax period when the authorisation for the opening of a tax warehouse was cancelled must, besides the amount of excise duty calculated according to the procedure set forth in paragraph 3 of this Article, declare the amount of excise duty chargeable on all excise goods kept at the warehouse the day after the cancellation of the authorisation, on which the payment of excise duty was outstanding, and excise goods dispatched from the warehouse which are subject to duty suspension arrangements, the fact of whose delivery to the place of their destination (in case of export – movement from the territory of the European Union) has not been confirmed until the day of cancellation of the authorisation, except in cases where under this Law such goods are exempt from excise duty. The amount shall be calculated according to the excise duty rates effective on the date of cancellation of the authorisation and for the dispatched goods – on the date of dispatch. Where after the day of cancellation of the authorisation proof is received of the delivery of goods to the place of their destination (or, accordingly, movement from the territory of the European Union), the overpaid excise duty amount for the amount of goods delivered to their destination (or, accordingly, moved from the territory of the European Union) shall be credited or refunded according to the procedure laid down in the Law on Tax Administration not later than before the lapse of three years from the date of

dispatch of goods.

AMENDED BY:

*Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)
(Official Gazette Valstybės žinios, 2010, No. 148-7560)*

5. Upon removal of a registered consignee from the list of registered consignees the person must not later than within ten days from removal file the registered consignee's excise duty return declaring the amount of excise duty chargeable on the excise goods for which the payment of excise duty is outstanding and which were received from another Member State before the day of removal from the list of registered consignees, by applying the rates of excise duty effective on the date of receipt of the goods. Upon removal of a registered consignor from the list of registered consignors the person must not later than within ten days from removal file the excise duty return declaring the amount of excise duty chargeable on the excise goods, the fact of whose delivery to the place of their destination has not been confirmed until the date of removal. This payable amount of excise duty shall be calculated according to the excise duty rates effective on the date of dispatch of goods. Where after removal of a registered consignor from the list of registered consignors proof is received of the delivery of excise goods under duty suspension arrangements to the place of their destination, the overpaid excise duty amount shall be credited or refunded according to the procedure laid down in the Law on Tax Administration not later than before the lapse of three years from the date of dispatch of goods.

6. Persons who are not authorised warehouse keepers, registered consignees of registered consignors must not later than within five working days from the day of delivery of goods to the Republic of Lithuania file with the local tax administrator, in whose territory they are registered as taxpayers, the excise duty return and attachments of the form prescribed by the central tax administrator.

7. If a person, in breach of the requirements of paragraphs 1, 5, 6 and 7 of Article 4 of this Law, produces in any manner goods on which excise duty is chargeable not at a tax warehouse, he must, not later than on the following working day after production of the goods, file an excise duty return and declare in it the amount payable for the goods so produced, calculated according to the rates of excise duty effective on the date when the goods were produced. The excise duty return shall be submitted to the local tax administrator in whose territory the person is registered as a taxpayer.

8. Any person to whom excise duty becomes chargeable based on subparagraph 4 and/or 5, and/or 8, and/or 10, and/or 11 of paragraph 1 of Article 9 of this Law, must not later than on the next working day after the emergence of the liability file the excise duty return and declare therein the amount of the excise duty chargeable. The excise duty return shall be filed with the local tax administrator in whose territory the person is registered as a tax payer.

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.11.2015)

9. In the cases where excise duty on excise goods lost when moving them in the Republic of Lithuania is chargeable to the person who granted suretyship or guarantee that excise duty would be paid and who is not an authorised warehouse keeper, registered consignee or registered consignor, this person shall file an excise duty return and its attachments not later than on the working day following the day when chargeability arises at the procedure established by the central tax administrator.

10. A person to whom excise duty on manufactured tobacco, ethyl alcohol and alcoholic beverages becomes chargeable in accordance with subparagraph 9 of paragraph 1 of Article 9 of this Law must, on the date of coming into effect of the new excise duty rate for manufactured tobacco, ethyl alcohol and alcoholic beverages (if it is not a working day – on the closest following working day), make an inventory at the beginning of the day according to the procedure established by the central tax administrator of manufactured tobacco, ethyl alcohol and alcoholic beverages belonging to him by the right of ownership and indicated in subparagraph 9 of paragraph 1 of Article 9 of this Law and file, within five working days, the act of inventory with the local tax administrator in the territory of whose activities a tax warehouse is located, and in the event that a person is not an authorised warehouse keeper – with the local tax administrator in the territory of whose activities the person is registered as a taxpayer. A person mentioned in this paragraph must, by the 15th day of the month following the month when the new excise duty rate came into effect, file with the local tax administrator, mentioned in this paragraph, an excise duty return of the form prescribed by the central tax administrator and declare therein the payable amount of excise duty on manufactured tobacco, ethyl alcohol and alcoholic beverages belonging to the person by the right of ownership on the day of coming into effect of the new excise duty rate specified in subparagraph 9 of paragraph 1 of Article 9 of this Law. This amount shall be calculated by subtracting from the amount of excise duty chargeable by applying the new effective excise duty rate the amount of excise duty calculated for these manufactured tobacco, ethyl alcohol and alcoholic beverages before the date of coming into effect of the new excise duty rate.

AMENDED BY:

*Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)
(Official Gazette Valstybės žinios, 2010, No. 148-7560)*

Law No. XIII-2581 as of 03.12.2019 (effective as of 01.01.2020)

11. The provisions of this Article shall not apply to the excise goods that are imported.

Article 11. Calculation of the Amount of Excise Duty Chargeable in the Republic of Lithuania

The amount of excise duty chargeable on excise goods which under this Law become chargeable in the Republic of Lithuania shall be calculated according to the rates of excise duty effective on the date chargeability arises. In case the excise goods are lost and the date of their loss is impossible to determine, the amount of excise duty payable shall be calculated according to the rates of excise duty effective on the date of determining the loss.

Article 12. Procedure of Payment of Excise Duty

1. The chargeable amount of excise duty must be paid into the cumulative account of the local tax administrator not later than by the end of the time period set in this Law for filing an excise duty return. In cases where an advance payment of excise duty has been made, based on the paragraph 2 of this Article, the payable amount of excise duty shall be first of all credited from the advance payment. In cases laid down by this Law or the regulating legal acts, if a person subject to the excise duty has paid a cash deposit before receiving, bringing in or dispatching excise goods, the payable amount of excise duty shall be first of all credited from the cash deposit.

AMENDED BY:

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2. In cases when the owner of a certain warehouse of excise goods or registered trader exceeds the average payable amount of 15 000 EUR of excise duty for 3 consecutive past tax periods, advance excise duty shall be paid by the 15th day of the current tax period, starting with the next tax period after the above mentioned condition proves. The amount of excise duty advance payment shall be equal to 1/3 of the total average payable excise duty, which was (or had to be) declared for 3 consecutive past tax periods, as set forth in this paragraph.

AMENDED BY:

Law No. XII-2152 as of 10.12.2015 (effective as of 01.01.2016)

3. The provisions of paragraph 2 of this Article shall not apply to the chargeable amount of excise duty calculated by the authorised warehouse keeper or registered consignee according to the procedure laid down in paragraph 10 of Article 10 of this Law.

4. Excise duty on imported excise goods shall be paid by the same deadline as import duty (if it was set) for such goods as it is set in the Union Customs code, its supplementing and implementing legal acts. When the excise duty is not paid in advance or immediately after the arising of chargeability of the excise duty and when this is required for guaranteeing that liability to the Customs be properly discharged, the tax obligation shall be ensured by the same procedure which ensures the obligations related to the import customs debt as set out in the Union Customs Code its supplementing and implementing legal acts.

AMENDED BY:

Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

Article 13. Stating the Calculated Excise Duty Amount in the Product Sales Documents

In the cases determined by the Government or an institution authorised by it, the sales documents of excise goods must state the amount of excise duty calculated on these goods.

Article 14. Movement of Excise Goods under Duty Suspension Arrangements between Tax Warehouses in the Republic of Lithuania

1. Excise goods under duty suspension arrangements may be moved from one tax warehouse of the Republic of Lithuania to another tax warehouse of the Republic of Lithuania or to the place of direct delivery specified by the authorised warehouse keeper, who receives excise goods, located in the Republic of Lithuania. The goods under duty suspension arrangements may be moved only to such a tax warehouse where it is permitted to hold goods of this type. Where the goods are moved in such a way, it shall not be considered that they have been released from duty suspension arrangements, unless this Law provides otherwise.

2. When excise goods kept under duty suspension arrangements are moved from one tax warehouse in the Republic of Lithuania to another tax warehouse in the Republic of Lithuania or to the place of direct delivery located in the Republic of Lithuania and indicated by an authorised warehouse keeper who receives excise goods, the draft electronic accompanying document for the movement of excise goods (hereinafter referred to as the electronic accompanying document) in accordance with the provisions of Regulation (EC) No. 684/2009 shall be prepared according to the procedure established by the central tax administrator. The consignor shall submit, through the computerised system for the movement and

monitoring of excise goods, this draft electronic accompanying document to the local tax administrator. Persons authorised by the local tax administrator shall, according to the procedure established by the central tax administrator, confirm the data given in the draft electronic accompanying document, provide a unique administrative reference number to the electronic accompanying document and communicate it to the consignor. Persons authorised by the local tax administrator shall forward this electronic accompanying document directly to the authorised warehouse keeper who receives excise goods. The paper copy of the electronic accompanying document referred to in this paragraph or any other document which indicates a unique administrative reference number shall accompany moved excise goods under duty suspension arrangements.

3. Upon receipt of excise goods under duty suspension arrangements, the authorised warehouse keeper shall, not later than within five working days from the end of movement of these goods (the term may be extended due to objective circumstances), prepare, at the procedure established by the central tax administrator, a notification of the receipt of excise goods (hereinafter referred to as the notification of receipt). When excise goods are brought to the place of direct delivery indicated by the authorised warehouse keeper who receives excise goods, the authorised warehouse keeper of the Republic of Lithuania, who indicates the place of direct delivery, shall prepare a notification of receipt. Persons authorised by the local tax administrator of the authorised warehouse keeper who receives excise goods shall, at the procedure established by the central tax administrator, confirm the data given in the notification of receipt and forward this notification to the consignor. The movement of excise goods under duty suspension arrangements shall be considered ended after these goods are accepted by the consignee. If the amount of received excise goods does not correspond to the amount specified in the electronic accompanying document prepared when dispatching the goods, the consignee must, at the procedure established by the central tax administrator, indicate the irregularities of the received amount of goods in the notification of receipt.

4. If within five working days from the day when excise goods under duty suspension arrangements had to be received a notification of receipt is not received at the procedure prescribed by this Law, if no proof can be given at the procedure established by the Government or an institution authorised by it that the dispatched excise goods have been lost during movement due to *force majeure* or irretrievably lost or completely destroyed, also if these goods have not been returned, these goods must be declared in an excise duty return, filed for the tax period following the period when the goods were dispatched, as excise goods which have been released from duty suspension arrangements and the excise duty on these goods shall be calculated by applying the rate effective on the day of dispatch. If the notification of receipt is received later, or it is proved, in accordance with the procedure established by the Government or an institution authorised by it, that the goods were lost during movement due to *force majeure* or have been irretrievably lost or completely destroyed, or if the goods are returned, the overpaid excise duty amount shall be credited or refunded in accordance with the procedure laid down by the Law on Tax Administration.

5. The consignor may, at the procedure established by the central tax administrator, cancel the prepared electronic accompanying document if the movement of these excise goods subject to duty suspension arrangements has not yet commenced. The movement of excise goods under duty suspension arrangements shall be considered commenced after these goods are dispatched from the tax warehouse.

6. The consignor of excise goods under duty suspension arrangements may, at the procedure established by the central tax administrator, change the place of destination during movement, which shall be a tax warehouse of the Republic of Lithuania or any one of the places specified in subparagraphs 1, 2, 3 and 4 of paragraph 1 of Article 15 of this Law (in this case the requirements of Article 15 shall apply to the movement of goods).

7. The consignor may, at the procedure and conditions established by the central tax administrator, split the movement of energy products under duty suspension arrangements into two or more movements.

8. The provisions of this Article shall apply *mutatis mutandis* with regard to excise goods under duty suspension arrangements dispatched from the place of importation of excise goods by a registered consignor. In this case the movement of excise goods shall be considered commenced after they are released for free circulation in accordance with Article 201 of the Union Customs Code.

AMENDED BY:

Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

NOTE: Law No. XI-722 of 01.04.2010 (Official Gazette *Valstybės žinios*, 2010, No. 45-2174) establishes that the central tax administrator shall notify the European Commission of the provisions of the description of the procedure approved by the central tax administrator, specified in paragraph 7 of Article 14.

Article 15. Intra-state Movement of Excise Goods

1. From tax warehouses in the Republic of Lithuania excise goods kept under duty suspension arrangements may be:

- 1) moved to a tax warehouse of another Member State;
- 2) moved to a registered consignee of another Member State;

3) moved to the direct place of delivery indicated by an authorised warehouse keeper who receives excise goods or a registered consignee of another Member State;

4) exported via another Member State;

5) moved to persons specified in subparagraphs 3, 6 and 7 of paragraph 1 of Article 19 of this Law;

6) moved according to the agreements between other Member States and third countries or according to international treaties, if these agreements and treaties provide for an exemption of these goods from value added tax;

7) moved according to the Treaty of 16 August 1960 concerning the establishment of the Republic of Cyprus for the use by UK military units stationed in Cyprus or accompanying civilian personnel.

2. When dispatching excise goods from a tax warehouse of the Republic of Lithuania, which are subject to duty suspension arrangements, to the places of destination indicated in paragraph 1 of this Article, a draft electronic accompanying document according to the provisions of Regulation (EC) No. 684/2009 shall be prepared at the procedure established by the central tax administrator. The consignor shall submit, through the computerised system for the movement and monitoring of excise goods, this draft electronic accompanying document to the local tax administrator. Persons authorised by the local tax administrator shall, according to the procedure established by the central tax administrator, confirm the data given in the draft electronic accompanying document, provide a unique administrative reference code to the electronic accompanying document and communicate it to the consignor. Persons authorised by the local tax administrator shall send this electronic accompanying document to the competent institutions of the Member State of destination. The paper copy of the electronic accompanying document referred to in this paragraph or any other document which indicates a unique administrative reference number shall accompany transported excise goods under duty suspension arrangements. Excise goods under duty suspension arrangements moved to persons specified in subparagraphs 5, 6 and 7 of paragraph 1 of this Article shall be accompanied by a document certified by persons authorised by the competent institutions of another Member State, which grants the right to acquire these goods by applying the excise duty relief.

3. Where excise goods are moved through one or several Member States, persons authorised by the local tax administrator shall send the electronic accompanying document to the competent institutions of the Member State which submits an export declaration in accordance with the provisions of the Union Customs Code, its supplementing and implementing acts. Persons authorised by the local tax administrator shall, at the procedure established by the central tax administrator, forward a notification, received from the competent institutions of the Member State, from which excise goods are exported from the territory of the European Union, which confirms the fact of dispatch of the excise goods from the territory of the European Union (hereinafter referred to as the notification of export), to the consignor of these goods.

AMENDED BY:

1. Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

2. Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

4. The consignor of excise goods under duty suspension arrangements may cancel the movement of these goods if movement has not yet commenced. The provisions of paragraphs 5 and 8 of Article 14 of this Law shall apply *mutatis mutandis* to the establishment of the commencement of movement and cancellation of movement of excise goods under duty suspension arrangements.

5. The consignor of excise goods under duty suspension arrangements may, at the procedure established by the central tax administrator, change the place of destination during movement, which shall be any one of the places specified in subparagraphs 1, 2, 3 and 4 of paragraph 1 of this Article or a tax warehouse located in the Republic of Lithuania or the place of direct delivery indicated by the keeper of this warehouse, located in the Republic of Lithuania (in this case the provisions of Article 14 of this Law shall apply to the movement of excise goods).

6. The consignor may, at the procedure and conditions established by the central tax administrator, split the movement of energy products under duty suspension arrangements into two or more movements.

7. When dispatching excise goods under duty suspension arrangements, the package of goods shall be sealed and numbered at the procedure and in cases established by the central tax administrator and the data on such commercial seals shall be given in the electronic accompanying document.

8. The movement of excise goods under duty suspension arrangements shall be considered ended upon acceptance of these goods by the consignee and in the case specified in subparagraph 4 of paragraph 1 of this Article – when they are moved from the territory of the European Union. The consignor shall be considered to have properly discharged the tax liability related to excise goods moved to another Member State, if the notification of receipt of excise goods in the place of destination (in the case of export of goods – notification of export) or any other proof of delivery of goods to the place of destination (in the case of export of goods – movement from the territory of the European Union) have been received and excise duty has been paid for the amount of goods lost during movement due to violations of the procedure of movement in a Member State, where violations have been committed or determined (or the consignor is released from payment of excise duty at the procedure established by the legal acts of other Member States).

AMENDED BY:

*Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)
(Official Gazette Valstybės žinios, 2010, No. 148-7560)*

9. If upon expiry of a four-month period after the commencement of movement of goods no proof is received about the delivery of goods to the place of destination (in the case of export – about movement of goods from the territory of the European Union) and no violation of the procedure of movement in another Member State has been determined, the consignor must declare in an excise duty return of the tax period, when the said four-month period expires, the excise duty calculated for these goods, by applying the excise duty rate effective on the date of dispatch, and pay it in accordance with the procedure laid down by this Law. If later proof is received that a violation of the procedure of movement has been committed in another Member State and the excise duty is paid in that Member State, the paid amount of the excise duty shall be credited or refunded according to the procedure established by the Law on Tax Administration only provided that a period of not more than three years has lapsed from the date of dispatch of excise goods.

AMENDED BY:

*Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)
(Official Gazette Valstybės žinios, 2010, No. 148-7560)*

10. If a person who provides suretyship or guarantee that excise duty will be paid has not had an opportunity to find out that the goods were not delivered to the place of destination (or, accordingly, were not moved from the territory of the Republic of Lithuania), the local tax administrator shall, at the procedure established by the central tax administrator, notify of this fact the person who provided suretyship or guarantee that excise duty would be paid and give a month for providing proof that the goods reached the place of destination. The period of one month shall be calculated from the date of notification by the local tax administrator of a person who provided suretyship or guarantee that excise duty would be paid.

AMENDED BY:

*Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)
(Official Gazette Valstybės žinios, 2010, No. 148-7560)*

11. The movement of excise goods that are not subject to duty suspension arrangements to another Member State shall be executed under cover of a simplified accompanying document for the movement of excise goods. One copy of the accompanying document shall be certified under signature by the persons authorised by the competent institution of the consignee and the consignee Member State, responsible for the administration of excise duty. This copy must be returned to the consignor. If under the legal acts of another Member State the competent institutions are not obliged to certify the relevant copy of the simplified accompanying document, the certification of the persons authorised by the consignee will suffice. In this case the consignor shall, at the procedure established by the central tax administrator, notify the local tax administrator of the planned dispatch of excise goods.

12. The movement of excise goods which are not subject to duty suspension arrangements (keeping to the appropriate route) from the Republic of Lithuania via the territory of another Member State to the place of destination located in the Republic of Lithuania shall be executed under cover of a simplified accompanying document. In this case the consignor shall, at the procedure established by the central tax administrator, notify the local tax administrator of the planned dispatch of excise goods, and the consignee – about the receipt of these goods.

13. The simplified accompanying document for the movement of excise goods shall not be used in the cases when excise goods are moved from the Republic of Lithuania, if these are moved by the vendor or on his behalf by another person to another Member State to a person who is not a registered consignee and does not perform a business activity as defined in the Law on Value Added Tax or not to a tax warehouse. In this case the vendor of goods before their dispatch must be in possession of proof that the payment of excise duty in the Member State of destination is guaranteed.

14. In cases where excise goods under duty suspension arrangements are moved by the registered consignor from the place of importation located in the Republic of Lithuania to places specified in paragraph 1 of this Article the provisions of this Article shall be applied *mutatis mutandis*.

NOTE: Law No. XI-722 of 01.04.2010 (Official Gazette *Valstybės žinios*, 2010, No. 45-2174) establishes that the central tax administrator shall notify the European Commission of the provisions of the description of the procedure approved by the central tax administrator, specified in paragraph 6 of Article 15.

Article 16. Moving Excise Goods to and via the Republic of Lithuania

1. Excise goods subject to duty suspension arrangements may, from another Member State, be:
- 1) moved into the tax warehouse of the Republic of Lithuania;
 - 2) moved to the consignee registered in the Republic of Lithuania;

3) moved to the direct place of delivery indicated by an authorised warehouse keeper who receives excise goods or a registered consignee of the Republic of Lithuania;
4) moved exporting them via the Republic of Lithuania;
5) moved to persons specified in subparagraphs 2, 3, 6, 7 and 8 of paragraph 1 of Article 19 of this Law.

2. Excise goods which are subject to duty suspension arrangements and are moved to the Republic of Lithuania in the cases specified in paragraph 1 of this Article must be moved with the electronic accompanying document, the paper copy whereof or any other document, clearly indicating the unique administrative reference number, shall accompany the moved excise goods. The movement of excise goods under duty suspension arrangements shall be considered ended upon acceptance of these goods by the consignee and in the case of export – when they are moved from the territory of the European Union. Upon receipt of excise goods under duty suspension arrangements, the consignee shall, not later than within five working days from the end of movement of these goods (the term may be extended due to objective circumstances), prepare, at the procedure established by the central tax administrator, a notification of the receipt of excise goods. When excise goods are brought to the place of direct delivery specified in subparagraph 3 of paragraph 1 of this Article, the authorised warehouse keeper of the Republic of Lithuania or registered consignee, who indicates the place of direct delivery, shall prepare a notification of receipt. The data presented in the notification of receipt shall be confirmed in accordance with the procedure established by the central tax administrator and this notification shall be sent to the competent institutions of the Member State of the consignor. In the cases where excise goods are exported from the territory of the Republic of Lithuania a notification of receipt shall be prepared and certified in accordance with the procedure established by the central tax administrator, based on the notice on export by the customs office of exit, and this notification shall be sent to the competent institutions of the Member State of dispatch. In the cases where excise goods are moved to the Republic of Lithuania to the persons indicated in subparagraph 5 of paragraph 1 of this Article the receipt of these goods shall be confirmed in accordance with the procedure established by the central tax administrator.

AMENDED BY:

*Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)
(Official Gazette Valstybės žinios, 2010, No. 148-7560)*

3. If the amount of excise goods moving under duty suspension arrangements which are moved into the Republic of Lithuania does not correspond to the amount specified in the electronic accompanying document, the persons authorised by the consignee warehouse keeper or a registered consignee and by the local tax administrator must state the actual amount of goods received in the notification of receipt of goods at the procedure prescribed by the central tax administrator (when goods are exported, a notice on export by the customs office of exit shall be followed). This notification shall be sent to the competent institutions of the Member State of dispatch at the procedure prescribed by the central tax administrator. If shortage of moved excise goods has been established only by the competent persons of the Republic of Lithuania, the excise duty shall be chargeable in the Republic of Lithuania for the shortage of goods in excess of the amount attributable under the legal acts of the Republic of Lithuania to natural loss and/or amount that cannot be considered lost due to *force majeure* or irretrievably lost or completely destroyed. If later proof is received that goods have been lost in another Member State and the established excise duty is paid in that Member State, the overpaid amount of the excise duty shall be credited or refunded according to the procedure established by the Law on Tax Administration only provided that a period of not more than three years has lapsed from the date of dispatch of excise goods.

4. In case of intra-state movement of excise goods under duty suspension arrangements via the territory of the Republic of Lithuania, they shall move under cover of an electronic accompanying document, the paper copy whereof or any other document, which clearly indicates the unique administrative reference number, must accompany transported excise goods, while in the cases listed in this Law and equivalent in their essence legal acts of other Member States also accompanied by other additional documents (certificate granting exemption from excise duty, etc.). Should shortages of moved goods be determined in the course of movement via the territory of the Republic of Lithuania that had not been determined earlier or violations of movement be determined, the local tax administrator must, according to the procedure established by the central tax administrator, make a notification thereof to the competent institutions of the Member State of dispatch. Excise duty on the goods lost in the territory of the Republic of Lithuania or goods the loss whereof has been determined in the Republic of Lithuania must be paid at the procedure laid down in this Law. Excise duty shall not be calculated for the amount of lost goods if it is not in excess of the norms of natural loss established by the Government or an institution authorised by it, and for the goods lost due to *force majeure* as well as for irretrievably lost or completely destroyed goods, provided this has been proved in accordance with the procedure established by the Government or an institution authorised by it. If later proof is received that goods have been lost in another Member State and the established excise duty is paid in that Member State, the overpaid amount of the excise duty shall be credited or refunded according to the

procedure established by the Law on Tax Administration only provided that a period of not more than three years has lapsed from the date of dispatch of excise goods.

5. In case goods that are not subject to duty suspension arrangements are moved to the Republic of Lithuania for business purposes, the persons who deliver or keep excise goods intended for delivery or the persons who receive these goods must:

1) inform the local tax administrator according to the procedure established by the central tax administrator about the intended receipt of excise goods;

2) guarantee that the excise duty chargeable on the goods intended to be received in the Republic of Lithuania from another Member State be paid according to the procedure established by the Government.

6. Goods specified in paragraph 5 of this Article must be moved under the cover of a simplified accompanying document, the appropriate copy whereof must be certified against signature by the persons authorised by the consignee and the local tax administrator in whose territory he is registered as a taxpayer.

7. In case excise goods are moved to the Republic of Lithuania by the vendor or, on his order, by another person to a person who is not a registered consignee and does not perform a business activity as defined in the Law on Value Added Tax or not to a tax warehouse, the vendor or his fiscal agent must register as a vendor of excise goods according to the procedure prescribed by the central tax administrator, prior to moving the goods to the Republic of Lithuania, and guarantee, according to the procedure established by the Government, that the excise duty chargeable in the Republic of Lithuania on the goods to be received from another Member State will be paid.

8. Excise duty on the excise goods lost in the territory of the Republic of Lithuania, which are not subject to duty suspension arrangements, or goods the loss whereof has been determined in the Republic of Lithuania must be paid at the procedure laid down in this Law. It shall not be considered a violation of the movement of excise goods and excise duty shall not be calculated for the amount of excise goods, which are not subject to duty suspension arrangements and the loss whereof has been determined in the Republic of Lithuania, if it is not in excess of the norms of natural loss established by the Government or an institution authorised by it, and for the amount of excise goods lost due to *force majeure* or irretrievably lost or completely destroyed, provided this has been proved in accordance with the procedure established by the Government or an institution authorised by it. If proof is received that a violation of the procedure of movement of excise goods, which are not subject to duty suspension arrangements, has been committed outside the Republic of Lithuania, the amount of a cash deposit or a guarantee for the discharge of liability shall be refunded for use, and the excise duty paid in the Republic of Lithuania shall be refunded in accordance with the procedure laid down in the Law on Tax Administration only provided that a period of not more than three years has lapsed from the date of dispatch of excise goods. In this case a violation of the movement shall include cases where the receipt of excise goods has not been confirmed in accordance with the procedure laid down in Article 15 or 16 of this Law or equivalent in their essence legal acts of other Member States.

9. When chargeability of excise duty in the Republic of Lithuania arises due to the circumstances specified in paragraph 3 or 4 of this Article, the person, having presented the guarantee for the discharge of tax liability that may arise when transporting goods kept under duty suspension arrangements, must declare and pay the tax according to the procedure and within the time limits established by the central tax administrator, provided that a period of not more than three years has lapsed from the date of dispatch of excise goods.

Article 17. Cases of Malfunctioning of the System for the Movement and Monitoring of Excise Goods

In the cases where the computerised system for the movement and monitoring of excise goods cannot be used excise goods, which are subject to duty suspension arrangements, shall be moved in accordance with the procedure established jointly by the central tax administrator and the Customs Department under the Ministry of Finance of the Republic of Lithuania (hereinafter referred to as the Customs Department). The cases when the system is considered as impossible to use shall be specified by the central tax administrator together with the Customs Department.

Article 18. Guaranteeing the Discharge of Tax Liability that May Arise when Moving Goods under Duty Suspension Arrangements

1. The discharge of tax liability that may arise when moving goods under duty suspension arrangements must be guaranteed in any of the following ways, unless otherwise established in this Article:

1) by a cash deposit which is paid by the consignor warehouse keeper or registered consignor to the account specified by the local tax administrator of the territory where the tax warehouse or registered consignor is registered;

2) by a guarantee document, valid in the territory of the European Union, issued by a credit institution or insurance company functioning in the territory of the European Union which have concluded a cooperation agreement with the central tax administrator and have been entitled by the competent institutions to engage in credit or insurance activities respectively. This document shall be submitted by the

consignor of excise goods to the local tax administrator of the territory where the tax warehouse or registered consignor is registered.

AMENDED BY:

*Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)
(Official Gazette Valstybės žinios, 2010, No. 148-7560)*

2. In accordance with the procedure established by the Government, the discharge of tax liability by the authorised warehouse keeper or registered consignor, which may arise when moving excise goods under duty suspension arrangements, may be guaranteed by the carrier of these goods, the owner, the consignee or all the said persons jointly, by submitting a suretyship or guarantee document or paying a cash deposit.

3. The Government may also establish another way of discharging tax liability that may arise when moving goods kept under suspension arrangement.

4. The amount of cash deposit or guarantee for the movement of goods kept under duty suspension arrangements specified in paragraph 1 of this Article shall be established by the local tax administrator of the territory where a tax warehouse or registered consignor is located, having regard to the methodology for determining the amount of cash deposit or guarantee established by the central tax administrator.

5. The cash deposit specified in paragraph 1 of this Article or the guarantee document shall be refunded or returned to an authorised warehouse keeper or registered consignor or the amount of cash deposit or guarantee shall be refunded for use after any of the following specified circumstances transpires:

1) where a notification of receipt in the place of destination, received by the authorised warehouse keeper or registered consignor, has no marks of recorded shortages of goods;

2) in case the authorised warehouse keeper or registered consignor does not receive a notification of receipt drawn up according to the established procedure or it contains marks of the determined shortages of goods, the authorised warehouse keeper or registered consignor shall pay the excise duty chargeable on the goods dispatched but not delivered (including that chargeable in another Member State) and shall present documents in proof thereof or shall present proof that the goods may be exempt from this excise duty.

6. The discharge of tax liability that may arise when moving excise goods under duty suspension arrangements to the Republic of Lithuania or in case of intra-state movement of such goods via the Republic of Lithuania shall be guaranteed in compliance with the provisions of this Law or equivalent in their essence legal acts of other Member States.

Article 19. Cases when Excise Goods are Exempt from Excise Duty

1. Excise goods on which chargeability of excise duty has arisen under the provisions of Article 9 of this Law shall be granted an excise duty exemption, if they:

1) have been exported, have been supplied from a special shopping area of an international seaport or airport where the goods have been supplied to passengers who are departing to third territories or third countries, also supplied to passengers departing by air or sea transport to a point of destination outside the territory of the European Union. Under the provisions of this subparagraph, related to the departure of passengers by air or sea transport, the place of destination of a traveller shall be the nearest place of disembarkation from an aircraft or a sea vessel after embarkation in the Republic of Lithuania, and the destination shall be the first stop at an airport or a seaport outside the territory of the Republic of Lithuania where an aircraft or a sea vessel stops for the disembarkation and/or embarkation of passengers;

AMENDED BY:

*1. Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)
(Official Gazette Valstybės žinios, 2010, No. 148-7560)*

2. Law No. XI-722 as of 01.04.2010 (effective as of 01.01.2017)

2) are intended for official activities of foreign diplomatic missions and consular posts in the Republic of Lithuania and for the personal use of the members of diplomatic missions and consular posts, except the service staff, and their family members living together, where aforesaid persons are not citizens of the Republic of Lithuania and their permanent place of residence is outside the Republic of Lithuania. The above provisions shall be applied on the grounds of parity. Where the procedure of refund of the excise duty applied in the foreign state with respect to the diplomatic mission or consular post of the Republic of Lithuania is less or more favourable than the procedure applied to the diplomatic mission or consular post of that state in the Republic of Lithuania, the Government or an institution authorised by it shall have the right to establish with respect to the diplomatic mission or consular post of that state in the Republic of Lithuania an accordingly less or more favourable procedure for the refund of the excise duty;

3) are intended for use by foreign state diplomatic missions or consular posts established in other Member States or members of these missions or posts. In this case the conditions and restrictions prescribed by that Member State shall be applied;

4) are brought into the Republic of Lithuania not from the territory of the European Union in personal luggage of passengers and do not exceed the amounts prescribed by the Government which natural persons/passengers may bring into the country without import excise duties;

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(Official Gazette Valstybės žinios, 2010, No. 148-7560)

5) are supplied for the fuelling and provisioning of passenger and/or cargo ships and/or aeroplanes on international routes;

6) are intended for the use by the military units of NATO countries other than the Republic of Lithuania or accompanying civilian personnel when the units take part in joint military operations, exercise or other joint military event. Exemption from excise duty shall also be granted for the excise goods supplied to another Member State where these are intended for the military units of NATO countries other than the country of destination for the use of these units or the accompanying civilian personnel (in this case the conditions and restrictions prescribed by that other Member State shall apply);

7) are intended for international organisations recognised in the Republic of Lithuania and the representations of the organisations, as well as members of the said organisations or representations to the extent provided for in the international agreements establishing the international organisations or by other international agreements of the Republic of Lithuania concluded with the relevant international organisations. Exemption from excise duty shall also be granted to goods intended for international organisations recognised as such by another Member State or to their representations, also to members of these organisations or representations (goods shall be granted exemption from excise duty according to the conditions and restrictions prescribed by international agreements establishing international organisations or by international agreements between any Member State and international organisations);

8) are acquired or imported under international treaties concluded between the Republic of Lithuania and the state that is not an EU Member State or an international organisation if the treaties provide for the exemption from value added tax.

2. The Government or an institution authorised by it shall establish the procedure for the application of excise duty relief specified in subparagraphs 2, 3, 5, 6, 7 and 8 of paragraph 1 of this Article.

3. Other cases where individual excise goods are granted exemption from excise duty are specified in the special provisions of this Law.

4. If excise duty has been paid on the excise goods specified in paragraph 1 of this Article, the amount paid shall be refunded in accordance with the procedure laid down by the Government or an institution authorised by it.

5. If the excise goods on which excise duty has been paid in the Republic of Lithuania are moved to another Member State for business purposes, the excise duty paid on these goods may be refunded upon submission to the local tax administrator of a certified copy of the simplified accompanying document for the movement of excise goods, specified in paragraph 11 of Article 15 of this Law, and a certification by the competent institution of another Member State or any other proof that in that Member State excise duty has been paid on these goods or their payment is guaranteed or in that Member State the goods may be granted exemption from excise duty.

6. If the energy products classified under subheadings KN 2710 19 91–2710 19 99 for which excise duties have been paid in the Republic of Lithuania, are moved to another Member State, the excise duty paid on these goods may be refunded upon submission to the local tax administrator a proof that in that Member State excise duty has been paid on these goods or their payment is guaranteed or in that Member State the goods may be granted exemption from excise duty

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.11.2015)

7. Excise duty shall also be refunded for the excise goods on which excise duty has been paid in the Republic of Lithuania and which have been moved from the Republic of Lithuania by the vendor of the goods or, on his order, by another person to another Member State to a person who is not a registered consignee and does not perform a business activity as defined in the Law on Value Added Tax or not to a tax warehouse. In this case the local tax administrator must be presented a certification by a competent institution of another Member State or any other proof that the excise duty has been paid on these goods in that Member State or that they may be granted exemption from excise duty in that Member State.

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.11.2015)

8. In case excise goods were transported from a tax warehouse to another Member State for the purposes specified in paragraphs 5 and 7 of this Article and the time period for the payment in the Republic of Lithuania of excise duty on the goods has not yet expired, and the local tax administrator may be

presented documents specified in paragraphs 5 or 7 of this Article, the calculated excise duty amount chargeable on the goods shall be cancelled.

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.11.2015)

9. Specific rules for implementing paragraphs 5, 6 and 7 of this Article shall be set by the Government or an institution authorized by it.

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.11.2015)

Article 20. Refunding of Unduly Paid/Enforced Excise Duty

1. The unduly paid/enforced excise duty shall be refunded/credited against future payments in accordance with the procedure laid down in the Law on Tax Administration.

2. The obligation to pay excise duty is eliminated *mutatis mutandis* according to the cases laid down in the d-g subparagraphs of the 124 paragraph of the Union Customs Code. The excise duty paid for the imported goods shall be refunded or the enforcement of excise duty on such goods shall be refused in the cases specified by the Government or an institution authorised by it. Decisions on applications for refunds of the excise duty paid or for non-enforcement of excise duty shall be made in accordance with the provisions laid down in the Chapter VIII of the Customs Law of the Republic of Lithuania.

AMENDED BY:

Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

Article 21. Monitoring of Payment of Excise Duty

AMENDED BY:

Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

1. Payment of excise duty, with the exception of the case specified in paragraph 2 of this Article, shall be monitored by the State Tax Inspectorate. The State Tax Inspectorate shall also monitor payment of excise duty on imported goods, where they are delivered, following the procedure laid down in this Law, to a tax warehouse or moved by a registered consignor to the places specified in paragraph 1 of Article 14 and paragraph 1 of Article 15 of this Law.

2. Payment of excise duty on imported goods other than those referred to in paragraph 1 of this Article shall be monitored by customs.

3. Excise duty shall be administered in accordance with the procedure established in the Law on Tax Administration.

4. The discharge of tax liability that might arise due to non-European Union goods moved into the territory of the European Union that have not been released for free circulation, also due to the goods moved from the third territories on which excise duty has not been paid shall be guaranteed according to the same procedure as the liability related to the import debt to the Customs which may arise.

5. The same customs formalities as those applied with respect to non-European Union goods entering the Union customs territory shall be applied to European Union goods entering the territory of the European Union from the French overseas departments, the Canary Islands, the Åland Islands and the Channel Islands. In case goods which enter the territory of the European Union from the third countries are intended to be moved to a Member State other than that which they entered from the third territories, the goods may be presented for being placed under internal customs transit procedure as provided for in the Article 227 of the Union Customs Code. Where goods from third territories which, if brought from third countries could be placed under a customs suspensive procedure or arrangement, are brought into the territory of the European Union, they shall be subject to the same conditions which would be applied after placing them under appropriate procedures and measures.

6. Dispatching of goods from the territory of the European Union to the French overseas departments, the Canary Islands, the Åland Islands and the Channel Islands shall be subject to the same customs formalities as exportation of goods from the Union customs territory. In the event of a temporary dispatch of goods from the territory of the European Union to third territories, they shall be subject to the same provisions upon their return as those which are applied to the goods which had been moved temporarily from the Union customs territory.

7. The procedure for the implementation of the provisions of paragraphs 4, 5 and 6 of this Article shall be implemented by the Union Customs Code, its supplementing and implementing legal acts.

8. When goods are moved to a third state or a third territory or imported from them and are placed under a customs suspensive procedure or arrangement, also in the cases of intra-state movement of goods via a state that is not a Member State but is a member of the European Free Trade Association (EFTA) or between a Member State and an EFTA member subjecting them to the internal customs transit procedure or via one or several third states non-EFTA members with the TIR Carnet or ATA Carnet, the goods shall be

considered to have been subjected to the duty suspension arrangement. In the cases specified in this paragraph the customs declaration shall be used.

9. Unless this Law provides otherwise, the central tax administrator may, for the purpose of monitoring the payment of excise duty, set special requirements for the procedure for the movement, storage and accounting of excise goods and products that may become subject to excise duty.

Article 22. Liability

1. Persons shall be held liable for infringements of this Law in accordance with the procedure laid down in the Law on Tax Administration and other laws.

2. A person who has sold cigarettes at a price higher than the sales price ceiling provided by this Law shall be subject to sanctions provided by law.

CHAPTER II SPECIAL PROVISIONS

SECTION ONE ETHYL ALCOHOL AND ALCOHOLIC BEVERAGES

Article 23. Rates of Excise Duty on Beer

1. Excise duty levied on beer (1 hectolitre of the product) shall be EUR 7.11 for 1% of the actual alcoholic strength by volume.

AMENDED BY:

- 1. Law No. XII-457 as of 02.07.2013 (effective as of 01.04.2014)
(Official Gazette Valstybės žinios, 2013, No. 76-3846)*
- 2. Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)*
- 3. Law No. XII-1358 as of 25.11.2014 (effective as of 01.03.2015)*
- 4. Law No. XII-2145 as of 08.12.2015 (effective as of 01.03.2016)*
- 5. Law No. XII-2145 as of 08.12.2015 (effective as of 01.03.2017)*

2. The rules for calculating the excise duty on beer in accordance with the actual alcohol concentration shall be established by the Government or an institution authorised by it.

Article 24. Excise Duty Rates on Wine of Fresh Grapes and Other Fermented Beverages

AMENDED BY:

- 1. Law No. XI-1633 as of 08.11.2011 (effective as of 01.01.2012)
(Official Gazette Valstybės žinios, 2011, No. 141-6614)*
- 2. Law No. XI-1633 as of 02.07.2013 (effective as of 01.04.2014)
(Official Gazette Valstybės žinios, 2013, No. 76-3846)*
- 3. Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)*
- 4. Law No. XII-1358 as of 25.11.2014 (effective as of 01.03.2015)*
- 5. Law No. XII-2145 as of 08.12.2015 (effective as of 01.03.2016)*
- 6. Law No. XII-2145 as of 08.12.2015 (effective as of 01.03.2017)*

Excise duty rates on wine of fresh grapes and other fermented beverages shall be:

1) on wine and other fermented beverages with an actual alcoholic strength by volume (in case of other fermented beverages – received only by fermentation) of not more than 8.5% vol. – EUR 65.46 (1 hectolitre of the product);

2) on beverages not referred to in subparagraph 1 of this Article – EUR 164.67 (1 hectolitre of the product).

Article 25. Rates of Excise Duty on Intermediate Products

AMENDED BY:

- 1. Law No. XI-1633 as of 08.11.2011 (effective as of 01.01.2012)
(Official Gazette Valstybės žinios, 2011, No. 141-6614)*
- 2. Law No. XI-1633 as of 02.07.2013 (effective as of 01.04.2014)
(Official Gazette Valstybės žinios, 2013, No. 76-3846)*
- 3. Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)*
- 4. Law No. XII-1358 as of 25.11.2014 (effective as of 01.03.2015)*
- 5. Law No. XII-2145 as of 08.12.2015 (effective as of 01.03.2016)*
- 6. Law No. XII-2145 as of 08.12.2015 (effective as of 01.03.2017)*

Excise duty on intermediate products shall be levied at the following rates:

1) on intermediate products with an actual alcoholic strength by volume not exceeding 15% vol. – EUR 185.82 (1 hectolitre of the product);

2) on intermediate products with an actual alcoholic strength by volume exceeding 15% vol. – EUR 264.52 (1 hectolitre of the product).

Article 26. Rates of Excise Duty on Ethyl Alcohol

1. Excise duty on ethyl alcohol shall be levied at the rate of EUR 1,832 for 1 hectolitre of absolute ethyl alcohol.

AMENDED BY:

1. *Law No. XI-1633 as of 02.07.2013 (effective as of 01.04.2014)*

(Official Gazette Valstybės žinios, 2013, No. 76-3846)

2. *Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)*

3. *Law No. XII-1358 as of 25.11.2014 (effective as of 01.03.2015)*

4. *Law No. XII-2145 as of 08.12.2015 (effective as of 01.03.2016)*

5. *Law No. XII-2145 as of 08.12.2015 (effective as of 01.03.2017)*

6. *Law No. XIII-1709 as of 11.12.2018 (effective as of 01.03.2019)*

2. When calculating the excise duty chargeable on the products referred to in this Article, 1 hectolitre of absolute ethyl alcohol shall mean 100 litres of ethyl alcohol with an actual alcoholic strength in volume of 100% vol. at 20°C. The whole amount of absolute ethyl alcohol in hectolitres shall be rounded to the thousandth fraction of whole number.

Article 27. Special Cases of Exemption of Ethyl Alcohol and Alcoholic Beverages from Excise Duty

1. In addition to the cases of exemption specified in Article 19 of this Law, exemption from excise duty shall also be granted to the following:

1) ethyl alcohol, recognised as denatured ethyl alcohol which is granted exemption from excise duty;

2) beer, wine and other fermented beverages produced by a natural person, provided these beverages are for personal use only (i.e. not for sale but solely for his own or his family's needs). The Government shall have the right to set the amount of goods specified herein to be exempt from excise duty;

3) ethyl alcohol used for the purposes of health promotion;

4) ethyl alcohol, which is the ingredient of pharmaceutical products, veterinary drugs, as well as ethyl alcohol used for purposes of personal and public health care, pharmaceutical activities, veterinary pharmacy, veterinary practice or for the functions implementation of the authorities carrying out the public pharmaceutical products, food and veterinary control;

AMENDED BY:

Law No. XII-1319 as of 11.11.2014 (effective as of 21.11.2014)

5) ethyl alcohol and alcoholic beverages intended for the production of chocolates where the amount of absolute ethyl alcohol used for the production of net 100 kilograms of chocolates does not exceed 8.5 litres;

6) ethyl alcohol and alcoholic beverages intended for the production of food products other than those referred to in subparagraph 5 of this paragraph, provided not more than 5 litres of absolute ethyl alcohol is used for producing net 100 kilograms of chocolates;

7) ethyl alcohol and alcoholic beverages intended for the production of flavours and their mixtures used for the production of food products and/or non-alcoholic drinks with an actual alcoholic strength in volume not exceeding 1.2% vol.;

8) dehydrated ethyl alcohol intended for the production of biofuels for transport and/or their mixtures and/or biofuel in accordance with the procedure laid down in the Republic of Lithuania Law on Renewable Energy (hereinafter referred to as the Law on Renewable Energy).

AMENDED BY:

Law No. XI-2024 as of 22.05.2012 (effective as of 05.06.2012)

(Official Gazette Valstybės žinios, 2012, No. 63-3165)

2. After release from the duty suspension arrangement or when importing ethyl alcohol referred to in subparagraphs 1, 3, 4 and 8 of paragraph 1 of this Article, excise duty shall not be calculated. The procedure of applying tax relief referred to in paragraph 1 of this Article shall be determined by the Government or an institution authorised by it.

Article 28. Denatured Ethyl Alcohol Exempt from Excise Duty

Ethyl alcohol exempt from excise duty shall be:

1) ethyl alcohol denatured according to the requirements of a certain Member State and used for the manufacture of any product for non-food purposes which should be exempt from excise duty according

to subparagraph (b) of paragraph 1 of Article 27 of Council Directive 92/83/EEC of 19 October 1992 on the harmonization of the structures of excise duties on alcohol and alcoholic beverages. In the Republic of Lithuania the requirements for denaturing shall be established by the Government or an institution authorised by it;

2) ethyl alcohol recognised as denaturated ethyl alcohol according to the Commission Regulation (EC) No. 3199/93 of 22 November 1993 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty.

Article 29. Tax Marking of Ethyl Alcohol and Alcoholic Beverages

Intended for sale in the Republic of Lithuania ethyl alcohol (falling within CN code 2208) and alcoholic beverages must have special marks – excise stamps. The procedure of tax marking as well as the cases when no marking is necessary shall be determined by the Government.

SECTION TWO MANUFACTURED TOBACCO

Article 30. Rates of Excise Duty on Cigarettes

AMENDED BY:

1. *Law No. XI-1185 as of 30.11.2010 (effective as of 01.01.2011)*

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

2. *Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)*

1. Excise duty on cigarettes shall be levied at the combined rate. It shall include a specific component (in EUR for 1,000 cigarettes) and the *ad valorem* component (in percentage from the maximum retail selling price). The procedure of calculating the combined excise duty rate shall be determined by the Government or an institution authorised by it.

2. Excise duty on cigarettes shall be levied at the following rate:

1) the specific component – EUR 62.25 and

AMENDED BY:

1. *Law No. XII-1358 as of 25.11.2014 (effective as of 01.03.2015)*

2. *Law No. XII-2145 as of 08.12.2015 (effective as of 01.03.2016)*

3. *Law No. XIII-86 as of 13.12.2016 (effective as of 01.03.2017)*

4. *Law No. XIII-814 as of 05.12.2017 (effective as of 01.03.2018)*

5. *Law No. XIII-1327 as of 28.06.2018 (effective as of 01.03.2019)*

2) the *ad valorem* component – 25%.

3. The combined excise duty rate for cigarettes set in paragraph 1 of this Article shall be not less than EUR 102 for 1,000 cigarettes.

AMENDED BY:

1. *Law No. XII-1358 as of 25.11.2014 (effective as of 01.03.2015)*

2. *Law No. XII-2145 as of 08.12.2015 (effective as of 01.03.2016)*

3. *Law No. XIII-86 as of 13.12.2016 (effective as of 01.03.2017)*

4. *Law No. XIII-814 as of 05.12.2017 (effective as of 01.03.2018)*

5. *Law No. XIII-1327 as of 28.06.2018 (effective as of 01.03.2019)*

4. A tobacco roll conforming to the definition given in paragraph 11 of Article 3 of this Law which (without a filter or a mouthpiece) is longer than 8 cm but not longer than 11 cm shall be deemed to be two cigarettes for the purposes of this Law; a roll longer than 11 cm but not longer than 14 cm shall be deemed to be, accordingly, three cigarettes, etc.

5. The weighted average retail selling price of cigarettes, which is used when determining correspondence of the excise duty rate for cigarettes applied in the Republic of Lithuania and the minimum excise duty rate established in Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco, shall be established by the Minister of Finance according to the approved methodology.

AMENDED BY:

Law No. XI-1740 as of 29.11.2011 (effective as of 08.12.2011)

(Official Gazette Valstybės žinios, 2011, No. 150-7047)

Article 31. Rates of Excise Duty Applied to Other Manufactured Tobacco

AMENDED BY:

Law No. XIII-1327 as of 28.06.2018 (effective as of 01.03.2019)

1. Excise duty levied on cigars and cigarillos shall be at the rate of EUR 42 per kilogram of the product.
2. Excise duty levied on smoking tobacco shall be at the rate of EUR 68.6 per kilogram of the product.

Article 32. Tax Marking of Manufactured Tobacco

Manufactured tobacco intended for sale in the Republic of Lithuania must have special marks – excise stamps. The procedure of marking and the cases where marking is not required shall be determined by the Government.

Article 33. Special Cases of Exemption of Manufactured Tobacco from Excise Duty

1. In addition to cases specified in Article 19 of this Law, exemption from excise duty shall also be granted to manufactured tobacco destroyed under the supervision of a competent institution. These provisions shall be implemented according to the procedure laid down by the central tax administrator (with respect to the goods monitored by the State Tax Inspectorate) and under the Union Customs Code, its supplementing and implementing legal acts (regarding the goods monitored by the Customs). In case the excise duty has already been paid for manufactured tobacco destroyed according to the procedure laid down in this paragraph, the amount of excise duty shall be credited or refunded according to the procedure established by the Law on Tax Administration. The provisions stipulated in this paragraph shall not apply to destroyed manufactured tobacco which has been produced or kept in breach of the requirements of legal acts or has been unlawfully brought or imported.

AMENDED BY:

Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

2. Exempt from excise duty shall also be manufactured tobacco provided it has been used for performing necessary tests in the course of production, mandatory research prescribed by legal acts when samples of manufactured tobacco are taken by the institutions authorised for the purpose, also manufactured tobacco intended for scientific research. The above provisions shall be implemented according to the procedure laid down by the central tax administrator. In case the excise duty has already been paid for manufactured tobacco referred to in this paragraph, the amount of excise duty shall be credited or refunded according to the procedure established by the Law on Tax Administration.

Article 34. Maximum Selling Price of Cigarettes

AMENDED BY:

Law No. XI-1801 as of 15.12.2011 (effective as of 01.03.2012)

(Official Gazette Valstybės žinios, 2011, No. 160-7568)

Cigarettes may not be sold at a price higher than the maximum retail price indicated on the packaging.

SECTION THREE ENERGY PRODUCTS

Article 35. Rates of Excise Duty on Motor Petrol

AMENDED BY:

Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)

Excise duty shall be levied on motor petrol at the following rate:

1) on unleaded petrol – at the rate of EUR 466 per 1,000 litres of the product;

AMENDED BY:

Law No. XIII-2581 as of 03.12.2019 (effective as of 01.01.2020)

2) on leaded petrol – at the rate of EUR 579.24 per 1,000 litres of the product.

Article 36. Rates of Excise Duty on Kerosene

AMENDED BY:

Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)

Excise duty on kerosene shall be levied at the rate of EUR 330.17 per 1,000 litres of the product.

Article 37. Rates of Excise Duty on Gas Oils

AMENDED BY:

Law No. XIII-2581 as of 03.12.2019 (effective as of 01.01.2020)

1. Excise duty on gas oils shall be levied at the rate of EUR 372 per 1,000 litres of the product, unless otherwise provided by this Article.

2. Excise duty on heating gas oils (fuel for domestic heating purposes) marked in accordance with the procedure laid down in Article 44 of this Law shall be levied at the rate of EUR 21.14 per 1,000 litres of the product.

3. Excise duty on gas oils intended for use by entities producing agricultural products in agriculture, including aquaculture and commercial fishing in inland waters activity, shall be levied at the rate of EUR 60 per 1,000 litres of the product. In this paragraph the amount of gas oils is given at 15°C. The procedure for the application of the relief set in this paragraph shall be established by the Government or an institution authorised by it.

Article 37¹. Excise duty rates chargeable on energy products classified under subheadings KN 2710 19 91–2710 19 99

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.11.2015)

1. Excise duty rate specified in paragraph 1 of Article 37 of this Law shall be chargeable on the energy products classified under subheadings KN 2710 19 91–2710 19 99, except for those referred to in Annex 2 to this Law.

2. Excise duty rate specified in paragraph 2 of Article 37 of this Law shall be chargeable on energy products classified under subheadings KN 2710 19 91–2710 19 99 intended for heating and marked in the manner laid down in Article 44 of this Law.

Article 38. Rates of Excise Duty on Heavy Fuel Oils, Orimulsion

1. Excise duty on heavy fuel oils conforming to the properties established by the Government or an institution authorised by it, the orimulsion shall be levied at the rate of EUR 15.06 per tonne of the product.

AMENDED BY:

Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)

2. Excise duty on heavy fuel oils, not mentioned in paragraph 1 above, shall be levied at the rate laid down in paragraph 1 of Article 37 of this Law; and where this fuel is intended for heating and is marked in the manner laid down in Article 44 of this Law – at the rate fixed in paragraph 2 of Article 37 of this Law.

Article 39. Rates of Excise Duty on Petroleum Gas and Gaseous Hydrocarbons (Except for Natural Gas)

AMENDED BY:

Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)

Excise duty on petroleum gas and gaseous hydrocarbons (except for natural gas) shall be levied at the rate of EUR 304.10 per tonne of the product.

Article 40. Excise Duty Relief on Energy Products Manufactured from Materials of Biological Origin or with Their Additives

1. The provisions of this Article shall be applicable to energy products which are manufactured from the products specified in this paragraph or which contain one or several of the products referred to in this paragraph:

1) which fall within CN codes 1507–1518;

2) which fall within CN codes 3824 90 55, 3824 90 80–3824 90 99 (the provisions shall apply only to the part manufactured from biomass);

3) which fall within CN codes 2207 20 00 and 2905 11 00, if they are not of synthetic origin;

4) manufactured from biomass (within the meaning defined in the Law on Renewable Energy), including products which fall within CN codes 4401 and 4402.

AMENDED BY:

Law No. XI-2024 as of 22.05.2012 (effective as of 05.06.2012)

(Official Gazette Valstybės žinios, 2012, No. 63-3165)

2. The provisions of this Article shall also apply in case where the products specified in paragraph 1 of this Article contain water (CN code 2201 and CN code 2851 00 10).

3. The provisions of this Article shall be applied only to the products meeting the requirements for biofuels for transport and/or biofuel set out in the Law on Renewable Energy.

AMENDED BY:

Law No. XI-2024 as of 22.05.2012 (effective as of 05.06.2012)

(Official Gazette Valstybės žinios, 2012, No. 63-3165)

4. Biofuels and fuel mixtures, meeting the requirements of this Article and standards EN 14214 and CEN/TS 15293 of the European Committee for Standardization, shall be subject to excise duty rate set in Articles 35-39 of this Law, reduced by the share corresponding pro rata to the share of biological extenders (in percentage).

AMENDED BY:

Law No. XII-2160 as of 10.12.2015 (effective as of 01.01.2016)

5. Energy products not specified in paragraph 4 of this Article shall be subject to excise duty at the rates set in the Articles 35-39 of this Law.

AMENDED BY:

Law No. XII-2160 as of 10.12.2015 (effective as of 01.01.2016)

6. The excise duty rate specified in this Article shall only apply to the products manufactured by persons holding a respective authorisation issued in accordance with the procedure established by the central tax administrator as well as the products brought or imported from another Member State.

Article 41. Method of Calculation of Excise Duty on Energy Products

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.11.2015)

The rate of excise duty on energy products specified in Article 35, 36, 37, 37¹, and 40 of this Law is established when the temperature of the product is at 15 °C. The methodology for recalculating excise duty when the product is at a different temperature shall be established by the central tax administrator.

Article 42. Excise Duty Rate Applied to Other Energy Products

Energy products not specified in Articles 35–39 of this Law shall be subject to excise duty at the rate set in these Articles for appropriate equivalent products instead of which or as additives to which they may be or are sold or used.

Article 43. Special Cases of Exemption of Energy Products from Excise Duty

1. In addition to the cases of exemption referred to in Article 19 of this Law, the following shall be exempt from excise duty:

1) aircraft fuel supplied for the purpose of air navigation (including aircraft fuel used in the field of manufacture, repair, testing, maintenance and servicing of aircraft), except for aircraft fuel supplied to airplanes used for private pleasure flying. The aircraft shall be deemed used for private pleasure flying when the aircraft is used by its owner or other person (through hire or through other means) for other than commercial purposes. The codes of the energy products with respect to which the relief applies shall be specified by the Government according to CN;

2) ship fuel supplied for the purposes of navigation within European Union waters (including fishing), other than ship fuel supplied to private pleasure craft. Private pleasure craft shall mean any craft used by its owner or other person (through hire or through other means) for other than commercial purposes. The codes of the energy products with respect to which the relief applies shall be specified by the Government according to CN;

AMENDED BY:

Law No. XI-1185 as of 30.11.2010 (effective as of 18.12.2010)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

3) energy products when they are used for purposes other than as motor fuel, heating fuel or motor fuel additives;

4) energy products used for the production of all types of electricity, with the exception of energy products used for the needs of the producer as motor fuel or as fuel used for heating on which excise duty shall be levied according to the general procedure;

5) petroleum gas and gaseous hydrocarbons in domestic gas cylinders;

6) petroleum gas and gaseous hydrocarbons in bulk acquired or imported by users registered according to the procedure established by the central tax administrator, who supply/use them for domestic purposes (heating, cooking, etc.), including persons who bottle petroleum gas into domestic gas cylinders;

7) petroleum gas and gaseous hydrocarbons in bulk supplied by registered users to group equipment through which they may be supplied for domestic purposes only;

8) energy products carried into the Republic of Lithuania in the standard fuel tanks and lubricant tanks indicated in the manufacturer's technical documentation and permanently fixed by the manufacturer to

all the same type of vehicles from which fuel and lubricants are injected directly into the vehicle's fuel supply and lubrication system or used in the cooling or other systems.

AMENDED BY:

Law No. XII-2696 as of 03.11.2016 (effective as of 01.01.2017)

2. The procedure for the application and restriction of the relief specified in paragraph 1 of this Article shall be established by the Government or an institution authorised by it.

3. Accounts requirements for the registered users referred to in subparagraphs 6 and 7 of paragraph 1 of this Article shall be established by the central tax administrator.

Article 44. Marking, Supply and Use of Energy Products Subject to Excise Duty Relief

1. The following shall be marked in accordance with the procedure determined by the Government or an institution authorised by it:

1) heating fuel in respect of which the rate of excise duty set out in paragraph 2 of Article 37 of this Law is applied;

2) other energy products subject to excise duty relief – in the cases determined by the Government or an institution authorised by it.

2. The procedure of supplying of energy products referred to in paragraph 1 of this Article as well as in subparagraphs 1 and 2 of paragraph 1, Article 43 of this Law shall be determined by the Government or an institution authorised by it.

3. Non-compliance with the procedure of marking and/or supplying of energy products and in the cases where the marked energy products are used as fuel (motor fuel) and/or as heating fuel but in a way different from the use of these energy products for which the excise duty relief has been established shall be subject to sanctions.

SECTION FOUR LEVYING EXCISE DUTY ON ELECTRICITY

Article 45. Chargeability of Excise Duty on Electricity

Excise duty on electricity shall become chargeable when electricity:

1) is sold or in any other way transmitted to a person who does not hold an activity licence and/or authorisation established in the Republic of Lithuania Law on Electricity (hereinafter referred to as the Law on Electricity) (hereinafter referred to as a non-licensed person), or

AMENDED BY:

Law No. XI-2024 as of 22.05.2012 (effective as of 05.06.2012)

(Official Gazette Valstybės žinios, 2012, No. 63-3165)

2) is received from another Member State by a non-licensed person, or

3) is imported by a non-licensed person, or

4) is used by a person who holds an activity licence and/or authorisation established in the Law on Electricity (hereinafter referred to as a licensed person) or by an electricity producer for his own needs. The use of electricity for own needs shall be considered the use of electricity for the purposes other than electricity production processes and maintenance of the production process.

AMENDED BY:

Law No. XI-2024 as of 22.05.2012 (effective as of 05.06.2012)

(Official Gazette Valstybės žinios, 2012, No. 63-3165)

Article 46. Payers of Excise Duty on Electricity

The payers of excise duty on electricity shall be persons to whom excise duty becomes chargeable based on Article 45 of this Law. Persons shall register as payers of excise duty on electricity in accordance with the procedure established by the central tax administrator.

Article 47. Rates of Excise Duty on Electricity

AMENDED BY:

Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)

1. The rate of excise duty on electricity, with the exception of electricity specified in paragraph 2 of this Article, shall be EUR 1.01 per megawatt-hour.

2. Electricity used for business purposes shall be subject to excise duty at the rate of EUR 0.52 per megawatt-hour. Within the meaning of this Law the use of electricity for business purposes shall mean its use by a person when carrying an economic activity as defined in the Law on Value Added Tax. Persons who use electricity for business purposes shall register in accordance with the procedure established by the central tax administrator.

Article 48. Exemption from Excise Duty

1. Exempt from excise duty shall be:

- 1) electricity used for the processes of generation, distribution and transmission of all types of electricity and for the maintenance of these processes, as well as electricity losses arisen in electricity distribution and transmission networks;
- 2) electricity generated using renewable energy sources;
- 3) electricity supplied to domestic users, as they are described in the Law on Energy of the Republic of Lithuania, as well as to persons subject to becoming recipients of sponsorship according to the Law on Charity and Sponsorship of the Republic of Lithuania;

AMENDED BY:

Law No. XII-2128 as of 03.12.2015 (effective as of 01.01.2016)

- 4) electricity exported or supplied to another Member State;
- 5) electricity sold or in any other way transmitted to persons who have been granted an authorisation of the local tax administrator to acquire electricity exempt from excise duty.

2. The authorisation of the local tax administrator to acquire electricity exempt from excise duty mentioned in subparagraph 5 of paragraph 1 of this Article shall be granted to persons:

- 1) who are using electricity for the purpose of chemical reduction;
- 2) who are using electricity for the processes of electrolysis and metallurgy;
- 3) who are using electricity for production processes, when its purchasing price (and in cases it is generated by the same person – generation cost) constitutes over 50% of the unit production cost.

3. The rules for issuing authorisations specified in paragraph 2 of this Article as well as documents to be submitted in order to be issued an authorisation shall be established by the central tax administrator.

4. In the cases where the excise duty on electricity which is exempt from excise duty according to the provisions of this Article has been paid, it shall be refunded in accordance with the procedure established by the Government or an institution authorised by it.

Article 49. Indicating Excise Duty on Electricity in Sale of Goods Documents

In the cases specified by the Government or an institution authorised by it, the amount of excise duty calculated on electricity must be indicated in the sale documents.

Article 50. Filing a Return of Excise Duty on Electricity and Payment of the Tax

1. The tax period of excise duty on electricity shall be a calendar month. At the end of the month by the 15th day of the following month a person, to whom excise duty becomes chargeable based on subparagraphs 1, 2 and 4 of paragraph 1 of Article 45 of this Law, must file a return of excise duty on electricity with the local tax administrator in the territory of whose activities he is registered. The form of the return and rules for filling it out shall be specified by the central tax administrator. The amount of excise duty calculated on electricity which became chargeable during the tax period according to the procedure established in Article 45 of this Law must be declared in the return. The excise duty shall be paid by the end of the period of filing the return set in this paragraph.

2. If a person loses the status of a licensed person or electricity producer, he must within the time limits set in paragraph 1 of this Article file a return of excise duty on electricity with the local tax administrator in the territory of whose activities he is registered. The excise duty for the entire amount of electricity acquired or used for own purposes on which payment of excise duty is outstanding must be declared in the return and paid by the end of the period of filing the return set in paragraph 1 of this Article.

3. Excise duty on electricity imported by a non-licensed person shall be paid according to the procedure established by the Government or an institution authorised by it.

SECTION FIVE LEVYING EXCISE DUTY ON COAL, COKE AND LIGNITE

Article 51. Chargeability of Excise Duty on Coal, Coke and Lignite

1. Excise duty on coal, coke and lignite becomes chargeable when they:

- 1) are sold or otherwise transferred to a person who is not registered according to the procedure established by the central tax administrator as supplier of coal, coke and/or lignite, or
- 2) are received from a person from another Member State who is not registered as supplier of coal, coke and/or lignite, or
- 3) are imported by a person who is not registered as supplier of coal, coke and/or lignite, or
- 4) are used by the registered supplier of coal, coke and/or lignite for his own needs.

2. The procedure for registering and removing from the register the suppliers of coal, coke and/or lignite shall be established by the central tax administrator.

Article 52. Payers of Excise Duty on Coal, Coke and Lignite

Payers of excise duty on coal, coke and/or lignite shall be registered suppliers of coal, coke and/or lignite, importers (other than registered suppliers of coal, coke and/or lignite), as well as other persons, if they received coal, coke and/or lignite from another Member State.

Article 53. Exemption of Coal, Coke and Lignite from Excise Duty

REPEALED BY:

Law No. XIII-814 as of 05.12.2017 (effective as of 01.01.2018)

Article 54. Rates of Excise Duty on Coal

AMENDED BY:

Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)

1. The rate of excise duty of EUR 7.53 per tonne of the product shall be applied to coal, except for coal referred to in paragraph 2 of this Article.

2. The rate of excise duty on coal used for business purposes shall be EUR 3.77 per tonne of the product. The rate of excise duty specified in this paragraph shall be applied only to coal sold or otherwise transferred to a person holding an appropriate authorisation issued according to the procedure established by the central tax administrator. Within the meaning of this Law the use of coal for business purposes shall mean its use by a person carrying an economic activity as defined in the Law on Value Added Tax.

Article 55. Rates of Excise Duty on Coke and Lignite

AMENDED BY:

Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)

1. The rate of excise duty applied to coke and lignite, except for coke and lignite referred to in paragraph 2 of this Article, shall be EUR 8.98 per tonne of the product.

2. The rate of excise duty on coke and lignite used for business purposes shall be EUR 4.63 per tonne of the product. The rate of excise duty specified in this paragraph shall be applied only to coke and lignite sold or otherwise transferred to a person holding an appropriate authorisation issued according to the procedure established by the central tax administrator. Within the meaning of this Law the use of coke and lignite for business purposes shall mean their use by a person independently carrying an economic activity as defined in the Law on Value Added Tax.

Article 56. Filing a Return of Excise Duty on Coal, Coke and Lignite and Payment of the Tax

1. The tax period for excise duty on coal, coke and lignite shall be a calendar month. At its expiry by the 15th day of the following month a registered supplier of coal, coke and/or lignite as well as any other person, having received coal, coke and/or lignite from another Member State, must file an excise duty return on coal, coke, lignite with the local tax administrator in the territory of whose activities he is registered. The form of the return and rules for filling it out shall be specified by the central tax administrator. The amount of excise duty calculated on coal, coke and/or lignite which became chargeable during the tax period according to the procedure established in paragraph 1 of Article 51 of this Law must be declared in the return. The excise duty shall be paid by the end of the period of filing the return set in this paragraph.

2. If a person loses the status of a registered supplier of coal, coke and/or lignite, he must within the time limits set in paragraph 1 of this Article file a return of excise duty on coal, coke, lignite with the local tax administrator in the territory of whose activities he has been registered. The excise duty for the entire amount of coal, coke, lignite acquired on which payment of excise duty is outstanding must be declared in the return and paid by the end of the period of filing the return set in this paragraph.

3. Excise duty on coal, coke and/or lignite imported by a person who is not a registered supplier of coal, coke and/or lignite shall be paid according to the procedure established by the Government or an institution authorised by it.

SECTION SIX LEVYING EXCISE DUTY ON NATURAL GAS

Article 57. Chargeability of Excise Duty on Natural Gas

AMENDED BY:

Law No. XII-2128 as of 03.12.2015 (effective as of 01.01.2016)

Excise duty on natural gas becomes chargeable when:

1) Natural gas is provided not through virtual sales point of natural gas and is sold or in any other way transferred to be used as motor fuel or as a fuel intended for heating; or

- 2) Natural gas is provided through virtual sales point of natural gas and is sold or in any other way transferred by a person intending to use it as motor fuel or as a fuel for heating; or
- 3) Natural gas is used as motor fuel or as a fuel for heating and excise duty has not been paid yet.

Article 58. Payers of Excise Duty on Natural Gas

AMENDED BY:

Law No. XII-2128 as of 03.12.2015 (effective as of 01.01.2016)

1. In cases specified in paragraph 1 of Article 57 of this Law, the payer of excise duty on natural gas shall be the person not using use virtual sales point of natural gas to sell or in any other way transfer natural gas intended for use as motor fuel or a heating fuel.

2. In cases specified in paragraph 2 of Article 57 of this Law, the payer of excise duty on natural gas shall be the person using virtual sales point of natural gas to sell or in any other way transfer natural gas intended for use as motor fuel or a heating fuel.

3. In cases specified in paragraph 3 of Article 57 of this Law, the payer of excise duty on natural gas shall be the person using natural gas as motor fuel or a heating fuel and excise duty for natural gas has not been paid yet.

Article 58¹. Exemption of Natural Gas from Excise Duty

AMENDED BY:

1. Law No. XI-1185 as of 30.11.2010 (effective as of 01.01.2011)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

2. Law No. XII-2128 as of 03.12.2015 (effective as of 01.01.2016)

3. Law No. XIII-814 as of 05.12.2017 (effective as of 01.01.2018)

1. Exempt from excise duty on natural gas shall be:

- 1) Exported natural gas;
- 2) Natural gas supplied to other member state;
- 3) Natural gas intended for use as a motor fuel;
- 4) Natural gas supplied to domestic users, as they are described in the Law on Natural Gas of the Republic of Lithuania, as well as to persons subject to becoming recipients of sponsorship according to the Law on Charity and Sponsorship of the Republic of Lithuania;
- 5) Natural gas, intended for use for technological processes in natural gas supply networks, also natural gas liquefaction and liquefied natural gas re-gasification processes;

AMENDED BY:

Law No. XIII-711 as of 07.11.2017 (effective as of 01.02.2018)

6) Natural gas, intended for use in combined production of heat and electricity.

2. In cases, when natural gas chargeable for excise duty shall be used for purposes listed in paragraph 1 of this Article, the excise duty amount shall be credited or refunded according to the procedure laid down in the Law on Tax Administration.

Article 59. Rates of Excise Duty Applied to Natural Gas

AMENDED BY:

1. Law No. XII-1120 as of 23.09.2014 (effective as of 01.01.2015)

2. Law No. XII-2128 as of 03.12.2015 (effective as of 01.01.2016)

1. The rate of excise duty on natural gas, with the exception of natural gas specified in paragraphs 2 and 3 of this Article, shall be 23.60 EUR per 1 MWh.

AMENDED BY:

Law No. XIII-814 as of 05.12.2017 (effective as of 01.01.2018)

2. The rate of excise duty of 1.08 EUR per 1 MWh shall be applied to natural gas intended for use as a heating fuel, except for natural gas referred to in paragraph 3 of this Article.

3. The rate of excise duty of 0.54 EUR per 1 MWh shall be applied to natural gas intended for use as a heating fuel for business purposes. As used in this Law the use of natural gas for business purposes shall mean its use by the person engaged in economic activities within the meaning of the Law on Value Added Tax.

Article 60. Filing a Return of Excise Duty on Natural Gas and Excise Duty Payment

AMENDED BY:

Law No. XII-2128 as of 03.12.2015 (effective as of 01.01.2016)

1. The tax period for excise duty on natural gas shall be a calendar month. At its expiry by the 15th day of the next month a person, under the provisions of Article 57 of this Law, must file an excise duty return on natural gas with the local tax administrator in the territory of which its activities are registered. The form of the return and the rules for filling it out shall be established by the central tax administrator. The form shall reflect the declared amount of excise duty calculated on natural gas, on which excise duty became chargeable during the tax period according to the procedure established in Article 57 of this Law.

2. Excise duty shall be paid by the end of the time period for filing the return, set forth in the paragraph 1 of this Article.

SECTION SEVEN TAXATION IN TERMS OF EXCISE DUTIES OF HEATED TOBACCO PRODUCTS AND ELECTRONIC CIGARETTE LIQUID

AMENDED BY:

Law No. XIII-1327 as of 28.06.2018 (effective as of 01.03.2019)

Article 61. Excise duty liability arising in respect of heated tobacco products

1. Excise duty liability arising in respect of the heated tobacco products listed below occurs:

AMENDED BY:

Law No. XIII-2581 as of 03.12.2019 (effective as of 01.01.2020)

1) for the heated tobacco products in respect of which the suspension of excise duty is abolished in the Republic of Lithuania (i.e. for the heated tobacco products removed from the tax warehouse that are not subject to the suspension of excise duty, for the heated tobacco products delivered to a place of direct delivery specified by the owner of the tax warehouse who receives the heated tobacco products). The provisions referred to under this clause shall also apply for the heated tobacco products in respect of which the suspension of excise duty is abolished in violation of the requirements of the legal acts, or

2) for the heated tobacco products lost in the tax warehouse of the Republic of Lithuania, for the heated tobacco products lost in the Republic of Lithuania during the movement, also for the heated tobacco products that did not reach their destination as result of irregularities of their movement that have occurred or have been detected in the Republic of Lithuania (if there are no evidences that such the irregularities have occurred in other Member State). The cases where the receipt of heated tobacco products is not confirmed in accordance with the provisions of Article 14 (3) of this Law shall not be deemed to be irregularity during the movement of heated tobacco products. The lost amount of heated tobacco products that does not exceed the natural loss rates established by the Government or by an institution on whom the Government has conferred authority shall not be deemed to be irregularity during the movement of heated tobacco and no excise duties are payable in respect of them, also for the heated tobacco products lost due to force majeure circumstances, as well as for the other heated tobacco products which have been irreversibly lost or where the total destruction of such products occurred (if they cannot be used as excise goods) if this has been proven in accordance with the procedure established by the Government or an institution on whom the Government has conferred authority, or

3) for the heated tobacco products used in the tax warehouse of the Republic of Lithuania, except where the heated tobacco products have been used for the production of other goods which in accordance with this Law are subject to excise duty, or for the purposes stipulated by this Law when the goods used to achieve these purposes are exempt from payment of excise duty, or

4) for the heated tobacco products that have been purchased or imported without excise duties for the purposes set forth in the Article 19 (1) of this Law but have been used in the Republic of Lithuania for other purposes, or

5) for the heated tobacco products received from the other Member State (except the heated tobacco products that have been delivered in accordance with the procedure established by the Government or an institution on whom the Government has conferred authority to the tax warehouse of the Republic of Lithuania), or

6) for the heated tobacco products which were produced (including those made illegally) in the Republic of Lithuania outside the tax warehouse, or

7) for the heated tobacco products without special excise duty stamps affixed thereto, which in accordance with this Law and its implementing legislation must be clearly identified with the special excise duty stamps, or

AMENDED BY:

Law No. XIII-2581 as of 03.12.2019 (effective as of 01.01.2020)

8) for the heated tobacco products belonging by the right of ownership, which are not subject to duty suspension arrangements and/or which have been released for free circulation before the date of coming into effect of a new excise duty rate, for persons who engage in wholesale trade in tobacco products on the date of coming into effect of a new excise duty rate. This provision shall only apply in cases where the

effective new excise duty rate is bigger than the previous excise duty rate, and only with respect to products mentioned in this paragraph kept in units (warehouses, branches, etc.) in which these products are kept.

AMENDED BY:

Law No. XIII-2581 as of 03.12.2019 (effective as of 01.01.2020)

2. In addition to the cases referred to in paragraph 1 of this Article, the excise duties shall be chargeable for the heated tobacco products imported in the Republic of Lithuania (including the cases of illicit import) (except the imported heated tobacco products which in accordance with the procedure established by the Government or an institution on whom the Government has conferred authority have been delivered to the tax warehouse of the Republic of Lithuania. It shall be deemed that the heated tobacco products are imported in the Republic of Lithuania when:

1) the heated tobacco products not originating in the European Union are in the territory of the Republic of Lithuania when they enter the territory of the European Union. If the heated tobacco products not originating in the European Union that have been delivered to the territory of the European Union become subject to a customs suspensive procedure or measures, it shall be deemed that the heated tobacco products not originating in the European Union have been imported in the territory of the Republic of Lithuania in the situation where, upon discontinuation of application of these procedures or measures, the heated tobacco products are in the territory of the Republic of Lithuania;

2) the heated tobacco products originating in the European Union are in the territory of the Republic of Lithuania at the time they enter the territory of the European Union from third territories. If these products delivered to the territory of the European Union are subject to the tax regime which would allow applying a customs suspensive procedure or measure in their respect if they were the products not originating in the European Union, or the internal transit customs procedure is applied, it shall be deemed that these heated tobacco products originating in the European Union have been imported to the territory of the Republic of Lithuania in the situation where, upon discontinuation of application of the regime or the internal transit customs procedure referred to in this clause, these products are in the territory of the Republic of Lithuania.

3. The excise duty liability in respect of the heated tobacco products referred to in part 1 of this Article shall commence when the circumstances referred to in part 1 of this Article arise. The liability to pay excise duties for the heated tobacco products referred to in part 2 of this Article, which in accordance with the relevant European Union legislation are subject to import duties, shall arise when in accordance with the legal acts that govern the calculation of import duties there arises the liability to calculate import duties for them. If the heated tobacco products referred to in part 2 of this Article are not subject to any import duties, the liability to pay excise duties for them shall arise if in accordance with the relevant provisions of the Union Customs Code a customs debt in connection with import duties would arise and if these duties would be imposed on these products.

4. In cases referred to in clause 1 of part 1 of this Article the liability to pay excise duties shall lie within the owner of the tax warehouse or any other person in whose respect or on whose behalf the suspension of excise duty for the heated tobacco products is abolished, and in cases where the heated tobacco products for which the suspension of excise duty is abolished in violation of the requirements of the legal acts the liability to pay excise duties shall lie within any other person who participated in this violation.

5. In cases set forth in clauses 1 and 3 of part 2 of this Article, the liability to pay excise duties for the heated tobacco products lost or used in the tax warehouse shall lie within the owner of the tax warehouse in which they have been lost or used, and the liability to pay excise duties for the heated tobacco that have been lost due to the irregularities of their movement that have occurred or have been detected in the Republic of Lithuania shall lie within the owner of the tax warehouse from which the products have been removed or within the person who guaranteed or otherwise provided security for the payment of excise duties, or within the sender of the heated tobacco products.

6. In case referred to in clause 4 of part 1 of this Article, the liability to pay excise duties shall lie within the person who has used the heated tobacco products in the manner other than stipulated in the conditions for the application of the excise duty exemption.

7. In case referred to in clause 5 of part 1 of this Article, the liability to pay excise duties shall lie within the person who receives the heated tobacco products.

8. In case referred to in clause 6 of part 1 of this Article, the liability to pay excise duties shall lie within the person who has produced the heated tobacco products.

9. In case referred to in clause 7 of part 1 of this Article, the liability to pay excise duties shall lie within the person who keeps the heated tobacco products referred to in clause 7 of part 1 of this Article.

9'. In case referred to in clause 8 of part 1 of this Article, the liability to pay excise duties shall lie within the person who engages in wholesale trade in tobacco products.

AMENDED BY:

Law No. XIII-2581 as of 03.12.2019 (effective as of 01.01.2020)

10. The liability to pay excise duties in case referred to in part 2 of this Article shall lie within the importer. An importer shall be deemed to be the person who must pay the determined customs debt in

connection with import duties for the goods or should pay a customs debt in connection with import duties if the goods were subject to import duties. When the heated tobacco products are imported illegally, the liability to pay excise duties shall lie within any person who participated in the illegal importation of these heated tobacco products.

11. The persons who receive the heated tobacco products to the places other than the tax warehouse shall be registered as the payers of excise duties for the heated tobacco products in accordance with the procedure established by the central tax administrator.

12. In cases where the liability to pay excise duties for the heated tobacco products lies within several persons, they shall be jointly and severally liable for the payment of excise duties.

Article 62. The liability to pay excise duties for electronic cigarette liquid

1. The liability to pay excise duties for this electronic cigarette liquid shall arise if excise duties have not been paid for it:

- 1) for the electronic cigarette liquid received for business purposes from the other Member State, or
- 2) for the electronic cigarette liquid produced in the Republic of Lithuania for business purposes, or
- 3) for the imported electronic cigarette liquid, or
- 4) for the electronic cigarette liquid purchased for business purposes in the Republic of Lithuania.

2. The liability to pay excise duties for the electronic cigarette liquid referred to in part 1 of this Article shall commence when the circumstances referred to in part 1 of this Article arise.

3. The use of electronic cigarette liquid for business purposes is understood in this Law as its use by the person who is engaged in economic activities that are within the meaning of the Law on Value Added Tax.

4. The persons who receive for business purposes from the other Member State, who produce and/or purchase an electronic cigarette liquid in the Republic of Lithuania must in accordance with procedure established by the central tax administrator register themselves as payers of excise duties for an electronic cigarette liquid.

Article 63. Payers of excise duties for electronic cigarette liquid

Payers of excise duties for electronic cigarette liquid are the registered payers of excise duties for electronic cigarette liquid and the importers of electronic cigarette liquid.

Article 64. The exemption from excise duties for the heated tobacco products and electronic cigarette liquid

1. In addition to the cases referred to in part 1 of the Article 19 of this Law, the exemption from excise duties for the heated tobacco products and electronic cigarette liquid shall apply to:

- 1) the heated tobacco products and electronic cigarette liquid transported to the other Member State;
- 2) the heated tobacco products and electronic cigarette liquid that have been used for the necessary tests during the production, for the statutory compulsory analyses when the samples of heated tobacco products and/or electronic cigarette liquid transported are collected by the authorities authorized for that purpose, as well as the heated tobacco products and/or electronic cigarette liquid intended for scientific analyses. This provision shall be implemented in accordance with the procedure established by the central tax administrator.

2. In cases where excise duties for the heated tobacco products and electronic cigarette liquid which are exempted from excise duty in accordance with the provisions of this Article have been paid, they shall be refunded in accordance with the procedure established by the central tax administrator.

Article 65. Excise duty rates that apply on the heated tobacco products and electronic cigarette liquid

1. The excise duty rate of 68.6 euros per kilogram of tobacco shall apply to the heated tobacco products.

2. The excise duty rate of 0.12 euros per millilitre of liquid shall apply to electronic cigarette liquid.

Article 66. Guaranteeing the Discharge of Tax Liability for the heated tobacco products and electronic cigarette liquid under Duty Suspension Arrangements

1. The fulfilment of the tax liabilities that may arise for the heated tobacco products stored in the tax warehouse and moved between the tax warehouses of the Republic of Lithuania, in respect of which excise duty suspension is applied, shall be ensured by the methods and under the procedure set forth in parts 1, 2, 3 and 4 of the Article 18 of this Law and in its implementing legislation.

2. The fulfilment of the tax liabilities that may arise for the registered payers of excise duties for electronic cigarette liquid referred to in Article 62 (4) of this Law shall be ensured by the payer of excise duties for electronic cigarette liquid, who must in accordance with the procedure established by the Government or by an institution on whom the Government has conferred authority submit a cash deposit or a suretyship (guarantee) document to the local tax administrator in whose territory of operation the payer is

registered as the payer of excise duties for electronic cigarette liquid. The amount of the cash deposit or suretyship (guarantee) referred to in this part shall be determined by the local tax administrator in whose territory of operation the payer of excise duties for electronic cigarette liquid is registered, taking into account the methodology of the determination of the amount of the cash deposit or suretyship (guarantee) approved by the central tax administrator.

3. In cases where excise duties for the imported heated tobacco products and electronic cigarette liquid are not paid in advance or immediately when the liability to pay them arises and when this is necessary for the ensuring of the proper fulfilment of obligations in respect of the customs, the fulfilment of the arising tax liability shall be ensured under the same procedure under which the obligations related to the debt of import duties in respect of the customs are ensured, as laid down in the Union Customs Code and in the legal acts of the European Union supplementing and implementing the Code.

Article 67. The submission of the declaration of excise duties for the heated tobacco products and payment of the tax

1. A calendar month is the tax period of excise duties for the heated tobacco products. At the end of the month the person, who becomes liable to pay excise duties for the heated tobacco products on the grounds set forth in clauses 1-8 of the part 1 of the Article 61 of this Law, must submit until the 15th day of the next month the declaration of excise duties for the heated tobacco products to the local tax administrator in whose territory of operation a tax warehouse is located or the person in registered as the payer of excise duty on the heated tobacco products. The central tax administrator shall establish the form of this declaration, the procedure for its completion and submission.

AMENDED BY:

Law No. XIII-2581 as of 03.12.2019 (effective as of 01.01.2020)

2. If the owner of tax warehouse has several tax warehouses, the declaration of excise duties shall be submitted for each warehouse separately.

3. The amount of excise duties in respect of which the payment liability as per the Article 61 of this Law has arisen during the tax period for which the declaration of excise duties is submitted must be declared in the declaration of excise duties for the heated tobacco products submitted by the owner of tax warehouse together with the advance amount of excise duties of the current tax period in respect of which the payment liability has arisen as per part 6 of this Article.

4. In the event of the withdrawal of the authorisation to establish a tax warehouse, in addition to the amount of excise duties for the heated tobacco products calculated in accordance with the procedure set forth in part 3 of this Article, the amount of excise duties to be paid for all heated tobacco products that were present in this warehouse on the next day after the withdrawal of the authorization and for which excise duties have not yet been paid and for the heated tobacco products removed from the warehouse that are under suspension of excise duty, but the fact of the delivery of which to the destination has not been confirmed prior to the date of the withdrawal of the authorization, except when excise duties for the heated tobacco products for these products as per this law are not to be calculated, must be declared in the declaration of excise duties for the heated tobacco products submitted for the tax period during which the authorization to establish a tax warehouse has been withdrawn. This amount shall be calculated by applying the rates of excise duties for the heated tobacco products that were valid on the date of the withdrawal of the authorization to establish a tax warehouse. In case when the evidences showing that the heated tobacco products were delivered to the destination are established after the date of the withdrawal of the authorization to establish a tax warehouse, the amount of excise duties for the heated tobacco products that was paid in excess shall be credited or shall be refunded in accordance with the Law on Tax Administration, provided however that no more than 3 years have passed from the date when the heated tobacco products were dispatched.

5. The payable amount of excise duties for the heated tobacco products must be paid not later than until the deadline for the submission of the declaration for the heated tobacco products, i.e. the deadline referred to in parts 1 and 4 of this Article, to the account for receivables of the tax administrator. If the advance amount of excise duties of the tax period, in respect of which the payment liability has arisen as per part 6 of this Article, has been paid, the payable amount of the excise duties of that tax period for the heated tobacco products shall be reduced with the already paid advance amount of excise duties.

6. If the average amount of excise duties for the heated tobacco products to be paid to the state budget for the specific tax warehouse by its owner and that falls within the tax period in the last 3 tax periods in a row exceeded 15 000 euros, starting from the other tax period after that during which these circumstances became evident, the advance amount of excise duties shall be paid to the state budget until the 15th day of the current tax period. This advance amount of excise duties is equal to 1/3 of the average amount of excise duties to be paid to the state budget that has been declared (or had to be declared) in the declaration of 3 past tax periods referred to in this part.

6¹. A person to whom excise duty on the heated tobacco products becomes chargeable in accordance with subparagraph 8 of paragraph 1 of Article 61 of this Law must, on the date of coming into

effect of the new excise duty rate for the heated tobacco products (if it is not a working day – on the closest following working day), make an inventory at the beginning of the day according to the procedure established by the central tax administrator of the heated tobacco products belonging to him by the right of ownership and indicated in subparagraph 8 of paragraph 1 of Article 61 of this Law and file, within five working days, the act of inventory with the local tax administrator in the territory of whose activities a tax warehouse is located, and in the event that a person is not an authorised warehouse keeper – with the local tax administrator in the territory of whose activities the person is registered as a taxpayer. A person mentioned in this paragraph must, by the 15th day of the month following the month when the new excise duty rate came into effect, file with the local tax administrator, mentioned in this paragraph, an excise duty return of the form prescribed by the central tax administrator and declare therein the payable amount of excise duty on the heated tobacco products belonging to the person by the right of ownership on the day of coming into effect of the new excise duty rate specified in subparagraph 9 of paragraph 1 of Article 9 of this Law. This amount shall be calculated by subtracting from the amount of excise duty chargeable by applying the new effective excise duty rate the amount of excise duty calculated for these the heated tobacco products before the date of coming into effect of the new excise duty rate.

AMENDED BY:

Law No. XIII-2581 as of 03.12.2019 (effective as of 01.01.2020)

7. The excise duties for the imported heated tobacco products shall be paid within the same deadlines as import duties for these products (if any would be established for these products), as set forth in the Union Customs Code and in the legal acts of the European Union supplementing and implementing the Code.

Article 68. The submission of the declaration of excise duties for electronic cigarette liquid and payment of the tax

1. A calendar month is the tax period of excise duties for electronic cigarette liquid. At the end of the month the person, who becomes liable to pay excise duties for electronic cigarette liquid on the grounds set forth in clauses 1, 2 and 4 of part 1 of the Article 62 of this Law, must submit until the 15th day of the next month the declaration of excise duties for electronic cigarette liquid to the local tax administrator in whose territory of operation he is registered. The amount of excise duties calculated for electronic cigarette liquid, in respect of which the liability to pay excise duties during that tax period has arisen on the grounds set forth in the Article 62 of this Law, must be declared in the declaration. The central tax administrator shall establish the form of the declaration of the excise duties for electronic cigarette liquid, the procedure for its completion and submission. The excise duties for electronic cigarette liquid must be paid until the deadline for the submission of the declaration of the excise duties for electronic cigarette liquid set forth in this part.

2. If a person ceases to hold the status of the payer of electronic cigarette liquid, such the person must within the deadlines set forth in part 1 of this Article submit to the tax administrator the declaration of the excise duties for electronic cigarette liquid in which the excise duties for all electronic cigarette liquid received for the business purposes and/or purchased and/or produced in the Republic of Lithuania for which excise duties have not been paid yet must be declared, and these excise duties must be paid until the deadline for the submission of the declaration of the excise duties for electronic cigarette liquid set forth in part 1 of this Article.

3. In cases where the liability to pay excise duties for electronic cigarette liquid shall remain with several persons, they shall be jointly and severally liable for the payment of these excise duties.

4. The excise duties for the imported electronic cigarette liquid shall be paid within the same deadlines as import duties for this product (if any would be established for this product), as set forth in the Union Customs Code and in the legal acts of the European Union supplementing and implementing the Code.

Article 69. Labelling of the heated tobacco products with excise duty stamps affixed thereto

The heated tobacco products for the sale in the Republic of Lithuania must be labelled with special marks, i.e. excise duty stamps affixed thereto. The procedure and cases of labelling of the products referred to in this Article, when labelling is not required, shall be established by the Government“.

PARAGRAPH EIGHT EXCISE TAXATION OF RAW TOBACCO

AMENDED BY:

Law No. XIII-2279 as of 09.07.2019 (effective as of 01.11.2019)

Article 70. Obligation to pay excise duties on raw tobacco

1. The obligation to pay excise duty on raw tobacco arises when it:
- 1) is received from another Member State;
 - 2) is manufactured in the Republic of Lithuania;

3) is imported;
4) is acquired in the Republic of Lithuania and no excise duties have been paid for it;
5) is lost in the Republic of Lithuania (with the exception of lost raw tobacco that does not exceed the rates of natural loss established by the Government or authority authorized by it, as well as raw tobacco that was lost due to *force majeure*, and raw tobacco which has been permanently lost or fully destroyed (if it cannot be used as a good which is subject to excise duties) if this has been proven in accordance with the procedure established by the Government or authority authorized by it).

2. The obligation to pay excise duties on raw tobacco shall arise when the circumstances specified in part 1 of this Article occur.

Article 71. Payers of excise duties on raw tobacco

Persons who received from another Member State, imported, lost, manufactured and/or acquired in the Republic of Lithuania raw tobacco are the payers of excise duties on raw tobacco.

Article 72. Exemption of excise duty on raw tobacco

1. The following shall be exempt from excise duty on raw tobacco:

1) raw tobacco exported or transported to another Member State
2) raw tobacco that was used in the manufacture of manufactured tobacco and heated tobacco products excise duties on which have been paid;

3) raw tobacco produced by a natural person for personal use only (i.e. not for sale but only for their own needs or for the needs to their family). In order to determine whether raw tobacco is for the personal use of a natural person, the commercial status of the keeper of this product, the nature and quantity of this product and the reasons for its storage, the accounting documents of this product, place of storage or way of transportation must be taken into consideration. In order to determine whether raw tobacco is intended for personal use, the Tax Administrator shall also have the right to take into consideration other circumstances that are related to storage or transportation of raw tobacco. The Government shall have the right to determine the quantity of raw;

4) raw tobacco received from another Member State and/or produced in the Republic of Lithuania, and/or imported, and/or acquired in the Republic of Lithuania, and/or lost by a person holding an authorization of exemption from excise duties on raw tobacco issued in accordance with the procedure established by the Central Tax Administrator, except where the rates of natural loss established by the Government or by the authority authorized by it are exceeded, as well as cases where a raw tobacco has been lost for the reasons other than *force majeure*, as well as permanently lost or fully destroyed tobacco (if it cannot be used as a good which is subject to excise duties) and this has not been proven in accordance with the procedure established by the Government or authority authorized by it.

2. An authorization of exemption from excise duties on raw tobacco shall be issued to the persons who:

- 1) receive raw tobacco from another Member State;
- 2) produce raw tobacco;
- 3) import raw tobacco;
- 4) acquire raw tobacco in the Republic of Lithuania for which excise duties have not been paid.

3. Owners of tax warehouses holding the authorization to establish a tax warehouse, granting the right to manufacture in the tax warehouse manufactured tobacco and/or heated tobacco products from raw tobacco, are considered as persons holding the authorization of exemption from excise duties on raw tobacco.

4. Raw tobacco shall be exempt from excise duties if it is destroyed under the supervision of the competent authority. These provisions shall be implemented in accordance with the procedures set by the Central Tax Administrator (for goods controlled by the State Tax Inspectorate) and laid down in the Union Customs Code, its complementary and implementing European Union legislation (for customs-controlled goods). If excise duties on raw tobacco that was destroyed in accordance with the procedure set out in this part have already been paid, the amount of excise duties shall be set off or refunded in accordance with the procedure established by the Law on Tax Administration. The provisions of this part shall not apply to destroyed raw tobacco which was manufactured or stored in violation of legal requirements or was illicitly delivered or imported to the country.

5. Raw tobacco shall also be exempt from excise duties if it has been used for the necessary tests, for mandatory statutory tests where samples of raw tobacco are collected authorities authorized to do so, as well as raw tobacco that is intended for research. These provisions shall be implemented in accordance with the procedures set by the Central Tax Administrator.

6. In cases where excise duties on raw tobacco, which in accordance with the provisions of this Article is exempt from excise duties, have been paid, they shall be refunded in accordance with the procedure set by the Central Tax Administrator.

Article 73. Submitting Tax Return of excise duties on raw tobacco and payment of tax

1. A calendar month constitutes the tax period for excise duties on raw tobacco. At the end of the month, a person who on the grounds provided for in items 1, 2, 4 and 5 of the Article 70(1) of this Law becomes obliged to pay excise duties on raw tobacco must until the 15th day of the next month submit to the local Tax Administrator in whose territory of activity the person is registered a Tax Return of excise duties on raw tobacco. The form of this Tax Return and the rules for its completion are determined by the Central Tax Administrator. The Tax Return of excise duties on raw tobacco must declare the amount of excise duties that was calculated for raw tobacco in respect of which the obligation to pay excise duties in accordance with the procedure laid down in items 1, 2, 4 and 5 of the Article 70(1) of this Law arose during that tax period. Excise duties shall be paid by the deadline for submitting Tax Returns that is set out in this part.

2. If a person loses the authorization of exemption from excise duties for raw tobacco or the owner of tax warehouse loses the authorization to establish a tax warehouse, granting the right to manufacture in the tax warehouse manufactured tobacco and/or heated tobacco products from raw tobacco, such person or warehouse owner must within the deadlines set out in part 1 of this Article submit to the local Tax Administrator in whose territory of activity the person or warehouse owner is registered a Tax Return of excise duties on raw tobacco. It must declare excise duties for the whole quantity of raw tobacco for which excise duties have not been paid yet, and they must be paid by the deadline for submitting Tax Return that is set out in part 1 of this Article.

3. In cases where several persons are obliged to pay excise duties on raw tobacco, they shall be jointly and severally responsible for payment of excise duties.

4. Excise duties on imported raw tobacco shall be paid within the same deadlines as import duties on this product (if any are established for this product), as laid down in the Union Customs Code, its complementary and implementing European Union legislation.

Article 74. Excise duty rate applicable to raw tobacco

Excise duty rate of 68.60 euros per one kilogram of raw tobacco applies to raw tobacco.

**CHAPTER III
FINAL PROVISIONS**

AMENDED BY:

Law No. XIII-1327 as of 28.06.2018 (effective as of 01.03.2019)

Article 70. Entry into the Budget

AMENDED BY:

Law No. XIII-2279 as of 09.07.2019 (effective as of 01.11.2019)

Excise duty shall be entered in the state budget.

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

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS

Annex 1
to the Law on Excise Duty of the Republic of
Lithuania

ENERGY PRODUCTS

1.

AMENDED BY:

Law No. XII-2128 as of 03.12.2015 (effective as of 01.01.2016)

Products, which fall within codes KN 2701, 2702, 2704–2715.

2. Products falling within CN codes 2901 and 2902.

3. Products falling within CN code 2905 11 00, provided they are not of synthetic origin and are intended for use as motor fuel or heating fuel.

4. Products falling within CN code 3403.

5. Products falling within CN code 3811.

6. Products falling within CN code 3817.

7. Products falling within CN codes 1507–1518, 3824 90 97, provided they are intended for use as motor fuel or heating fuel.

Annex 2
to the Law on Excise Duty of the Republic of
Lithuania

**ENERGY PRODUCTS TO WHICH THE REQUIREMENTS OF THE REPUBLIC OF LITHUANIA LAW ON
EXCISE DUTY CONCERNING THE MONITORING AND INTRA-STATE MOVEMENT OF EXCISE GOODS
ARE APPLIED***

1. Products falling within CN codes 2707 10, 2707 20, 2707 30 and 2707 50.
2. Products falling within CN codes 2710 11–2710 19 69. The provisions of the Republic of Lithuania Law on Excise Duty concerning the movement of excise goods shall be applied to products falling within CN codes 2710 11 21, 2710 11 25 and 2710 19 29 only in case they are moved between Member States in a tank, the size whereof is not smaller than 210 litres.
3. Products falling within CN code 2711, except for the products falling within CN codes 2711 11, 2711 21 and 2711 29.
4. Products falling within CN codes 2901 10, 2902 20, 2902 30, 2902 41, 2902 42, 2902 43 and 2902 44.
5. Products falling within CN code 2905 11 00, provided they are not of synthetic origin and are intended for use as motor fuel or heating fuel.
6. Products falling within CN codes 1507–1518, 3824 90 99, provided they are intended for use as motor fuel or heating fuel.

7.

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.05.2015)

Products classified under subheading KN 3811 11 10, 3811 11 90, 3811 19 00 and 3811 90 00.

8.

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.05.2015)

Any other energy product to which the European Commission decided, based on the procedures laid down in appropriate Council Directives, to apply the requirements concerning the monitoring and intra-state movement of excise goods.

Annex 3
to the Law on Excise Duty of the Republic of
Lithuania

IMPLEMENTED LEGAL ACTS OF THE EUROPEAN UNION

1. Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products (OJ 2004, *Special edition*, Chapter 9, Volume 1, p. 179), as last amended by Council Directive 2004/106/EC of 16 November 2004 (OJ 2004 L 359, p. 30).

2.

REPEALED BY:

Law No. XI-1740 as of 29.11.2011 (effective as of 08.12.2011)

(Official Gazette Valstybės žinios, 2011, No. 150-7047)

3.

REPEALED BY:

Law No. XI-1740 as of 29.11.2011 (effective as of 08.12.2011)

(Official Gazette Valstybės žinios, 2011, No. 150-7047)

4. Council Directive 92/83/EEC of 19 October 1992 on the harmonization of the structures of excise duties on alcohol and alcoholic beverages (OJ 2004, *Special edition*, Chapter 9, Volume 1, p. 206).

* If there is an agreement between the central tax administrator and a competent institution of another Member State, all or certain energy products specified in this Annex moved between the Republic of Lithuania and another Member State may be exempt from all or part of the requirements concerning the intra-state movement of excise goods laid down in the Republic of Lithuania Law on Excise Duty.

5. Council Directive 92/84/EEC of 19 October 1992 on the approximation of the rates of excise duty on alcohol and alcoholic beverages (OJ 2004, *Special edition*, Chapter 9, Volume 1, p. 213).

6. Commission Regulation (EEC) No. 2719/92 of 11 September 1992 on the accompanying administrative document for the movement under duty suspension arrangements of products subject to excise duty (OJ 2004, *Special edition*, Chapter 9, Volume 1, p. 192), as last amended by Commission Regulation (EC) No. 1792/2006 of 23 October 2006 (OJ 2006 L 362, p. 1).

7. Commission Regulation (EEC) 3649/92 of 17 December 1992 on a simplified accompanying document for the intra-Community movement of products subject to excise duty which have been released for consumption in the Member State of dispatch (OJ 2004, *Special edition*, Chapter 9, Volume 1, p. 216).

8. Commission Regulation (EC) No. 3199/93 of 22 November 1993 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty (OJ 2008, *Special edition*, Chapter 9, Volume 1, p. 249), as last amended by Commission Regulation (EC) No. 849/2008 of 28 August 2008 (OJ 2008 L 231, p. 11).

9.

REPEALED BY:

Law No. XI-1740 as of 29.11.2011 (effective as of 08.12.2011)

(Official Gazette Valstybės žinios, 2011, No. 150-7047)

10. Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ 2004, *Special edition*, Chapter 9, Volume 1, p. 405), as last amended by Council Directive 2004/75/EC of 29 April 2004 (OJ 2004, *Special edition*, Chapter 9, Volume 2, p. 21).

11.

AMENDED BY:

Law No. XI-1185 as of 30.11.2010 (effective as of 01.01.2011)

(Official Gazette Valstybės žinios, 2010, No. 148-7560)

Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC (OJ 2009 L 9, p. 12), as last amended by Council Directive 2010/12/EU of 16 February 2010 (OJ 2010 L 50, p. 1).

12. Commission Regulation (EC) No. 684/2009 of 24 July 2009 implementing Council Directive 2008/118/EC as regards the computerised procedures for the movement of excise goods under suspension of excise duty (OJ 2009 L 197, p. 24).

13.

AMENDED BY:

Law No. XI-1740 as of 29.11.2011 (effective as of 08.12.2011)

(Official Gazette Valstybės žinios, 2011, No. 150-7047)

Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco (OJ 2011 L 176, p. 24).

14.

AMENDED BY:

Law No. XII-1655 as of 23.04.2015 (effective as of 01.05.2015)

Commission Implementing Decision No. 2012/209/EU of 20 April 2012 concerning the application of the control and movement provisions of Council Directive 2008/118/EC to certain additives, in accordance with Article 20(2) of Council Directive 2003/96/EC (OL 2012 L 110, p. 41).

15.

AMENDED BY:

Law No. XII-1902 as of 25.06.2015 (effective as of 01.07.2015)

Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty Text with EEA relevance (OL 2014 L 187, p.1).

16.

AMENDED BY:

Law No. XII-1902 as of 25.06.2015 (effective as of 01.07.2015)

Commission Regulation (EU) No 1388/2014 of 16 December 2014 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products

compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OL 2014 L 369, p. 37).
