REPUBLIC OF LITHUANIA

LAW ON THE PROVISION OF INFORMATION TO THE PUBLIC

2 July 1996 – No I-1418

(As last amended on 12 January 2018 – No XIII-983)

Vilnius

CHAPTER I
GENERAL PROVISIONS

Article 1. Purpose of the Law

1. This Law shall establish the procedure for collecting, producing, publishing and disseminating public information and the rights, duties and liability of producers and disseminators of public information, their participants, journalists and institutions regulating their activities.

2. This Law shall implement the legal acts of the European Union listed in the Annex to this Law.

Article 2. Definitions

1. **"Subscriber"** means a person who receives radio and/or television programmes under a contract with a broadcaster or re-broadcaster of radio and/or television programmes.

2. **"Announcement"** means a separate unit of a radio or television programme the purpose of which is to present the programme (programmes).

3. **"Terrestrial television"** means the broadcasting and/or re-broadcasting of television programmes by an analogue or digital terrestrial television station or a network of such stations.

4. **"Terrestrial radio"** means the broadcasting and/or re-broadcasting of radio programmes by an analogue or digital terrestrial radio station or a network of such stations.

5. **"Terrestrial radio network"** means an electronic communications network which is comprised of more than one analogue or digital terrestrial radio station and which is intended for the broadcasting and/or re-broadcasting of the same radio programme (programmes) to the public.

6. **"Terrestrial television network"** means an electronic communications network which is comprised of more than one analogue or digital terrestrial television station and which is intended for the broadcasting and/or re-broadcasting of the same television programme (programmes) to the public.

7. **“Criticism of a person”** means the examination and evaluation of a person or his activities without degrading the person’s honour and dignity, without violating his privacy and damaging his professional reputation.

8. **“Personal health information”** means information concerning the health of a natural person as defined in the legal acts of the Republic of Lithuania.

9. **“Person”** means a natural or legal person and branches of enterprises established in the Member States of the European Union and the states of the European Economic Area located in the Republic of Lithuania.

10. **“Audiovisual policy”** means the establishment and implementation of the strategy for and the principles of national management of the audiovisual sector, the directions, objectives and tasks of its development, the drafting of laws and other legal acts of the Republic of Lithuania regulating the activities of the audiovisual sector, their harmonisation with international requirements as well as their implementation.

11. **“Audiovisual work”** means a cinematographic work or any other work expressed by cinematographic means which is comprised of interrelated moving images with or without sound recorded (fixed) in a material visual recording medium.

12. **“Common-use radio and/or television programme reception network”** means a local electronic communications network intended for the reception of television and/or radio programmes and their transmission by distribution lines to terminal equipment.

13. **“Disinformation”** means intentionally disseminated false information.

14. **“Information of erotic nature”** means information which stimulates sexual desire, demonstrates an actual or simulated sexual intercourse or any other sexual gratification or sexual devices.

15. **“Terminal equipment”** means a television set, radio receiver and other reception equipment used to receive the broadcast and/or re-broadcast radio and/or television programmes or any other type of broadcast information.

16. **“Information society media”** means the media by which public information is disseminated in the course of provision of information society services.

17. **“Manager of information society media”** means a person who actually manages the information society media wherein public information is produced and/or disseminated or who produces and/or disseminates the content of such media.

18. **“Information society service”** means a service usually provided against remuneration by electronic means, at a distance and at the individual request of a recipient of the information society service.

19. **"Recipient of an information society service** (hereinafter: a '**service recipient')** means a person, including a representative office or branch of a foreign legal person, who uses the information society service.

20. **"Provider of an information society service"** (hereinafter: a '**service provider')** means a person who renders the information society service, including a representative office or branch of a foreign legal person.

21. **"Intermediate provider of information society services"** means a provider of information society services who transmits information offered by a service recipient by an electronic communications network and who provides a possibility to use the electronic communications network or who stores information provided by the service recipient.

22. **"Cable television"** means the broadcasting and/or re-broadcasting of television programmes by a cable television network.

23. **"Cable television network"** means the infrastructure a major part whereof is wired and used for the broadcasting and/or re-broadcasting of television programmes to the terminal equipment.

24. **"Cable radio"** means the broadcasting and/or re-broadcasting of radio programmes by a cable radio network.

25. **"Cable radio network"** means the infrastructure a major part whereof is wired and used for the broadcasting and/or re-broadcasting of radio programmes to the terminal equipment.

26. **"Catalogue"** means a list of programmes on offer drawn up by a provider of on-demand audiovisual media services**.**

27. **"Audiovisual commercial communication"** means information disseminated by images with or without sound which is designated to promote, directly or indirectly, the goods, services or the name of a person engaged in economic and commercial activities and which is included in a television programme in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication shall include, inter alia, television advertising, sponsorship notification, teleshopping and product placement**.**

28. **"Newspaper"** means an information publication which is periodically published and circulated.

29. **"Publisher"** means a person who is engaged in publishing activities.

30. **"Publication"** means an electronic or printed medium wherein public information is inscribed.

31. **"Microwave multichannel distribution system"** (hereinafter: the '**MMDS'**) means the broadcasting and/or re-broadcasting of television programmes by the MMDS network.

32. **"Microwave multichannel distribution system network"** (hereinafter: the '**MMDS network'**) means an electronic communications network used for the broadcasting, re-broadcasting and receiving television programmes, changing their encoding or electromagnetic oscillation parameters and transmitting them by microwave terrestrial transmitters and by the signal reception networks of such transmitters to the terminal equipment.

33. **"National newspaper"** means a newspaper which is circulated within a territory inhabited by more than 60% of residents of the Republic of Lithuania.

34. **"National radio and/or television programme"** means a radio and/or television programme which is broadcast by a terrestrial radio and/or television network and received within a territory inhabited by more than 60% of residents of the Republic of Lithuania.

35. **"Independent producer"** means a person who is not a participant of a provider of audiovisual media services or a broadcaster of radio programmes or a member of the management bodies thereof, also a person who is not linked with a provider of audiovisual media services or a broadcaster of radio programmes by employment and service relations or joint activity who creates audiovisual works or programmes and sells them freely or otherwise transfers them for public dissemination.

36. **"Opinion"** means a view, understanding, perception, notion, thoughts or comments on ideas of general nature, judgements of facts and data, phenomena or events, conclusions or remarks regarding the news related to real events published in the media. The opinion may be based on facts or substantiated arguments and is usually subjective, therefore, it is not subject to the criteria of truth and accuracy; however, it must be expressed in good faith and ethically, without deliberately concealing and distorting the facts and data.

37. **"Official documents of state and municipal institutions and agencies"** means written, graphic, audio, computer information or other documents relating to the activities of state and municipal institutions, enterprises and agencies and persons authorised by the State produced, approved or received by them in the course of exercising the powers established by regulations which are entered in the records of documents of the said institutions, enterprises and agencies.

38. **"Basic television programme package"** means the television programme package presented for all users for a set pay.

39. **"Satellite television"** means the broadcasting and/or re-broadcasting of television programmes by an artificial Earth satellite (satellites).

40. **"Satellite radio"** means the broadcasting and/or re-broadcasting of radio programmes by an artificial Earth satellite (satellites).

41. "**Surreptitious advertising**" means information disseminated in any form and by any means about a producer of goods or a provider of services, the name or activities or the trade mark thereof presented in a way that the user of advertising may fail to understand that it is advertising or may be misled as to the actual aim of the presented advertising. Such presentation of information shall be considered as surreptitious advertising in all cases where it is done in return for payment or for similar consideration.

42. **"Surreptitious audiovisual commercial communication"** means information disseminated in any form and by any means for advertising purposes about the name and/or activities, goods, services or the trade mark of a producer of goods and/or provider of services presented in a way that the user may fail to understand that it is audiovisual commercial communication. Such presentation of information shall be considered as surreptitious audiovisual commercial communication especially when it is done in return for payment or for similar consideration.

43. **"Information of pornographic nature"** means information where an actual or simulated sexual intercourse, genitalia, defecation, masturbation or paraphilias (paedophilia, sadism, masochism, zoophilia, necrophilia, etc.) are shown explicitly and in detail, this being the main purpose of such information.

44. **"Product placement"** means explicit information in the form of audiovisual commercial communication about a product, a service or a trade mark and/or the references thereof featured in a programme in return for payment or for similar consideration.

45. **"Private information"** means information about the personal and family life of a person, his personal health, etc. not to be published with a view to ensuring the protection of the person's right to privacy.

46. **"Private life"** means the personal and family life of a person, his living environment consisting of a person's dwelling with its private territory and other private premises which the natural person uses for his economic, commercial or professional activities as well as the mental and physical inviolability of the natural person, his honour and reputation, secret personal facts, the natural person's photographs or other images, his personal health information, private correspondence or other communications, personal views, convictions, habits and other data which may be used only with his consent.

47. **"Programme"** means a set of sounds or moving images with or without sound independent in terms of content and structure usually constituting an individual item within an established programme schedule or catalogue and whose form and content correspond to the form and content of radio and/or television programmes (feature-length films, sports or other events, situation comedies,

documentaries, children's programmes, original drama, announcements, audiovisual commercial communications, talk shows, news programmes, etc.).

48. **"Programme schedule"** means an advance plan of radio or television programmes to be broadcast usually published in the media specifying the names of programmes and their broadcasting time.

49. **"Radio frequency (channel)"** means a radio frequency band necessary for the transmission of at least one radio or television programme.

50. **"Radio programme"** means a set of programmes broadcast by a radio broadcaster disseminated to the public by electronic communications networks.

51. **"Broadcasting of radio programmes"** means a media service provided by a broadcaster of radio programmes for simultaneous listening to programmes on the basis of a programme schedule.

52. **"Broadcaster of radio programmes"** means a provider of radio programme broadcasting services who has the editorial responsibility for the selection of the content of radio programmes and for its organisation in a radio programme schedule and who creates and produces radio programmes and/or parts of programmes and transmits them to the public or allows another person to transmit them unchanged to the public.

53. **"Radio station"** means a technical complex comprised of radio transmitters together with antennae and other technical equipment intended for broadcasting, re-broadcasting or transmitting radio programmes.

54. **"Editorial responsibility**" means responsibility falling on the producer and/or disseminator of public information, with the exception of the re-broadcaster, for the exercise of control over the production of public information for the public, preparing it for dissemination and dissemination of such information as well as over the selection of programmes and over their organisation in a chronological order in a programme schedule and/or over the presentation of programmes in a catalogue**.**

55. **"Regional newspaper"** means a newspaper at least 90% of whose circulation is distributed within the territory of a single county of the Republic of Lithuania.

56. **"Regional programme broadcaster"** means a broadcaster of radio or television programmes whose programme broadcast by a terrestrial television or radio network is received within a territory which is inhabited by less than 60% of residents of the Republic of Lithuania.

57. **"Advertising"** means information disseminated in any form and by any means in the interests of an advertiser or for self-promotional purposes, except for television advertising, relating to a person's economic, commercial, financial or professional activities which promotes the purchase of

goods or use of services, including the purchase of immovable property and the takeover of property rights and obligations.

58. **"Sponsorship"** means any contribution made by a person not engaged in the broadcasting of radio programmes and/or providing audiovisual media services and/or in the production of audiovisual or audio works to the financing of audiovisual media services and/or programmes with a view to promoting his name, trade mark, image, activities or his products or services.

59. **"Re-broadcasting"** means choosing of broadcast television programmes or individual programmes, their preparation and dissemination, receiving them for this purpose and simultaneously transmitting unchanged to the public by electronic communications networks or by creating with technical means and/or software tools a possibility for the public to receive television programmes or individual programmes transmitted by electronic communications networks and protected by using conditional access.

60. **"Licence of re-broadcast content"** means a document issued by the Radio and Television Commission of Lithuania granting its holder the right to engage within a defined territory in the choosing of radio and/or television programmes or individual programmes and their dissemination by radio frequencies (channels) set out in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes; the said document shall lay down the conditions for such re-broadcasting.

61. **"Re-broadcaster"** means a person who re-broadcasts to the public unchanged broadcast radio and/or television programmes or parts of programmes.

62. **"Transmission"** means the sphere of electronic communications activity related to the broadcasting and/or re-broadcasting of radio and/or television programmes comprising the transmission of electromagnetic signals of radio and/or television programmes by electronic communications networks to the terminal equipment.

63. **"Transmission station"** means a technical complex comprised of radio and/or television transmitters together with antennae and other technical equipment intended for the broadcasting, re-broadcasting or transmitting of radio and/or television programmes.

64. **"Information of violent nature"** means information which shows in detail the killing, mutilation or torture of people or animals or any other conduct directed against a human being or any other living creature which inflicts pain, causes discomfort or any other damage (physical, psychological, material) as well as vandalism and/or positive assessment and incitement to violence, cruelty or indulgence in such acts.

65**. "Television programme package disseminated for an additional pay"** means a television programme package presented to users for a pay not included in the pay for the basic

television programme package. A television programme package disseminated for an additional pay may even consist of an individual separate television programme.

66. **"Teleshopping"** means direct offers broadcast to the public by a broadcaster of television programmes to purchase goods or use services, including offers to purchase immovable property, property rights and obligations, in return for payment.

67. **"Teleshopping window"** means a programme intended for teleshopping inserts broadcast in television programmes that are not exclusively intended for teleshopping.

68. **"Television programme"** means a set of programmes broadcast by a broadcaster of television programmes disseminated to the public by electronic communications networks.

69. "**Service of dissemination of television and/or radio programmes via the Internet"** means choosing of broadcast television programmes or individual programmes, provision for dissemination as well as simultaneous dissemination of such programmes unchanged via the Internet to the public, including dissemination of protected television programmes or individual programmes via the Internet to the public by using conditional access.

70. **"Television programme package"** means a package of television programmes compiled and presented for users by a television programme re-broadcaster and/or any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes or individual programmes via the Internet.

71. **"Broadcasting of television programmes**" means an audiovisual media service provided by a provider of audiovisual media services for simultaneous viewing of programmes on the basis of a programme schedule.

72. **"Broadcaster of television programmes"** means a provider of television programme broadcasting services who has the editorial responsibility for the selection of the content of the audiovisual media service and for its organisation in a television programme schedule and who creates and produces television programmes and/or parts of programmes and transmits them to the public or allows another person to transmit them unchanged to the public.

73. **"Television advertising"** means information announced in any form by a provider of audiovisual media services whether in return for payment or for similar consideration which a person engaged in economic, commercial or professional activities orders to be disseminated or disseminates for self-promotional purposes or in order to promote the goods or services, including immovable property, rights and obligations.

74. **"Television station"** means a technical complex comprised of television transmitters together with antennae and other technical equipment intended for the broadcasting, re-broadcasting or transmitting of television programmes.

75. **"Broadcasting licence"** means a document issued by the Radio and Television Commission of Lithuania granting its holder the right to engage in radio and/or television programme broadcasting activities within a defined territory and laying down the conditions for such broadcasting.

76. **"On-demand audiovisual media service"** means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue selected by the audiovisual media service provider.

77. **"Public figure"** means a state politician, judge, state or municipal official, the head of a political party and/or association who, due to the office held or the nature of his work, regularly participates in state or public activities, or any other natural person, provided that he enjoys the powers of public administration or administers the provision of public services or provided that his regular activities are of relevance to public affairs.

78. **"Public information"** means information intended for public dissemination, except for the information referred to in paragraph 42 of this Article and information which may not be disseminated to the public under the laws of the Republic of Lithuania.

79. **"Producer of public information"** means a provider of an audiovisual media service, a broadcaster of radio programmes, a publishing house, a film, audio or video studio, an information, advertising or public relations agency, an editorial office, a manager of the information society media, an independent producer, a journalist or any other person producing public information or submitting it for dissemination.

80. **"Disseminator of public information"** means a provider of an audiovisual media service, a re-broadcaster, a person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, a broadcaster of radio programmes, a manager of the information society media or any other person disseminating public information to the public who is responsible for the lawfulness of such information.

81. **"Local newspaper"** means a newspaper at least 90% of whose circulation is distributed within the territory of a single municipality of a city or district.

82. **"Local radio and/or television programme"** means a radio and/or television programme broadcast by a single terrestrial radio and/or television station, cable television networks and/or wired broadband networks.

83. **"Provision of information to the public"** means the provision of public information to the public.

84. **"Audiovisual media service"** means the broadcasting of television programmes, an on-demand audiovisual media service and an audiovisual commercial communication service the editorial responsibility for the selection of the content whereof falls on the audiovisual media service provider

engaged in economic and commercial activities in order to inform, entertain or educate and broadcasting (transmitting) the programmes to the public by electronic communications networks.

85. **"Audiovisual media service provider"** means a person who has editorial responsibility for the selection of the content of the audiovisual media service and determines the manner in which the content of the service is provided.

86. **"Media"** means a newspaper, journal, bulletin or any other publication, a book, television programme, radio programme, film or any other production of audio and video studios, the information society media and any other media used for public dissemination of information. Under this Law, an official, technical and service document as well as securities shall not be attributed to the media.

87. **"Addiction"** means the abuse of alcohol, the use of narcotic, toxic, psychotropic and other substances which cause psychological dependence as well as psychological dependence on gaming.

88. **"News"** means a fact or factual (correct) data published in the media.

89. **"News programme"** means a programme the content whereof includes information about politics, economy, culture, sports, weather and other fields relevant to the public.

90. **"Magazine"** means an illustrated periodical information publication intended for a mixed audience with printed articles from a variety of fields.

91. **"Journalist"** means a natural person who, on a professional basis, collects, prepares and presents material to the producer and/or disseminator of public information under a contract with him and/or is a member of a professional journalists' association.

Article 3. Basic Principles of Provision of Information to the Public

1. Freedom of information embedded in the Constitution, this Law and other laws and treaties of the Republic of Lithuania shall be guaranteed in the Republic of Lithuania.

2. Producers and disseminators of public information as well as journalists and publishers in their activities shall be governed by the Constitution, laws and treaties of the Republic of Lithuania, also by the principles of humanism, equality, tolerance and respect for every human being; they shall respect freedom of speech, creativity, religion and conscience, and the diversity of opinion, adhere to the norms of professional ethics and the provisions of the Code of Ethics in Providing Information to the Public of Lithuania (hereinafter: the 'Code'), contribute to the development of democracy and public openness, promote civil society and state progress, enhance the state independence and nurture the state language, national culture and morality.

3. Public information must be presented in the media in a fair, accurate and impartial manner.

4. The enjoyment of freedom of information may be restricted by the requirements, conditions, restrictions or penalties which are laid down in laws and are necessary in a democratic society to protect Lithuania's state security, its territorial integrity, public order and constitutional system, to guarantee the impartiality of its judicial authority with a view to preventing violations of law and crimes and disclosure of confidential information, and to protect public health and morality as well as their private life, dignity and other rights.

CHAPTER II
FREEDOM OF INFORMATION AND PROTECTION THEREOF

Article 4. Freedom of Information

1. Every person shall have the right to freely express his ideas and convictions and to collect, obtain and disseminate information and ideas. The right to collect, obtain and disseminate information may not be restricted otherwise than under the law where it is necessary to protect the constitutional system, a person's health, honour, dignity, private life and morality**.**

2. Unrestricted reception and re-broadcasting of television programmes from the EU Member States and other European states which have ratified the Council of Europe Convention on Transfrontier Television, broadcast in accordance with the requirements laid down in treaties of the Republic of Lithuania, shall be guaranteed in the Republic of Lithuania.

Article 5. Right to Collect and Publish Information

1. Every person shall have the right to:

1) collect information and publish it in the media;

2) not give permission to publish the information produced by him if the content thereof has been distorted during the editorial production;

3) take notes, photograph, film, use audio and video technical equipment as well as other means to record information, except for the cases referred to in Article 13 of this Law;

4) publish publications or programmes under his own name, pseudonym or anonymously.

2. No one shall be forced to disseminate information relating to state or municipal institutions and agencies as well as other budgetary institutions, except for cases specified by law.

Article 6. Right to Obtain Information from State and Municipal Institutions and Agencies

1. Every person shall have the right to obtain from state and municipal institutions and agencies as well as other budgetary institutions public information relating to their activities, their official documents (copies) as well as information held by the aforementioned institutions about the requesting person.

2. State and municipal institutions and agencies must inform the public about their activities.

3. State and municipal institutions and agencies must, in accordance with the procedure established by the Law on the Right to Obtain Information from State and Municipal Agencies and other laws, provide public information as well as the available private information, except for cases in which private information is not to be provided specified by law.

4. Information for the production whereof the accumulation of additional data is not required shall be provided to the producers and/or disseminators of public information and journalists not later than within one working day, whereas information for the production whereof additional data has to be accumulated shall be provided not later than within one week.

5. State and municipal institutions and agencies as well as other budgetary institutions which have refused to provide public information to the producer of public information must, not later than on the following working day, notify the producer in writing of the reasons for refusal to provide the information.

6. Public information relating to state and municipal institutions and agencies shall be free of charge. These agencies may charge a fee only for the services involving retrieval of the provided information and duplication (copying) of information or documents. The fee may not exceed the actual costs of the provision of information.

7. Other agencies and enterprises as well as political parties, political organisations, trade unions, associations and other organisations shall provide the producers of public information and other persons with public information relating to their activities in accordance with the procedure established in the articles of association (regulations) of these agencies, enterprises or organisations.

Article 7. Restrictions on Editing

In order to ensure freedom of information, it shall be prohibited to exert pressure on the producer or disseminator of public information, their participant or a journalist, compelling them to present information in the media in an incorrect and biased manner.

Article 8. Confidentiality of the Source of Information

1. The producer, disseminator of public information, their participant or a journalist shall have the right to keep the confidentiality of the source of information and not to disclose it, except for the cases specified in this Article.

2. A court may, by a reasoned decision, order to disclose the source of information or may apply coercive measures with an aim of disclosing the source of information where it is necessary to disclose the source of information for vitally important or otherwise significant public interests, also in order to ensure the protection of persons' constitutional rights and freedoms and the administration of justice, and where it is impossible to disclose the source of information by any other means or where such means have already been exhausted.

3. Search or seizure at the office, living quarters, backroom space of producers, disseminators of public information, their participant or journalists as well as in vehicles in order to disclose the source of information shall be conducted in accordance with the procedure laid down by the Code of Criminal Procedure of the Republic of Lithuania with participation of a representative authorised by the meeting of representatives of journalists' and producers' organizations or a witness proposed the owner or user of the said premises or vehicle. The meeting of representatives of journalists' and producers' organizations must approve the list of authorised representatives and present it to the institutions concerned.

Article 9. Right to Public Criticism of the Activities of State and Municipal Institutions and Agencies and Officials

Every person shall have the right to publicly criticise the activities of state and municipal institutions and agencies as well as officials. Persecution for criticism shall be prohibited in the Republic of Lithuania.

Article 10. Prohibition to Impose Unlawful Restrictions on Freedom of Information

Censorship of public information shall be prohibited in the Republic of Lithuania. Any actions whereby an attempt is made to control the content of information to be published in the media before its publication, with the exception of cases provided for by law, shall be prohibited.

Article 11. Right to Protect Freedom of Information

1. Every person shall have the right to appeal in court against the decisions and actions of state and municipal institutions and agencies as well as officials should they violate or unlawfully restrict a person's right to obtain, collect or disseminate information.

2. It shall be prohibited to persecute a producer or disseminator of public information, their participant or a journalist for the information published if there has been no violation of law in the course of production and dissemination thereof.

Article 12. Accreditation of Journalists

1. A producer and/or disseminator of public information shall have the right to accredit their journalists with state institutions, political parties, political organisations and associations as well as with other institutions by agreement between the parties.

2. A journalist may take part in the meetings and other events of the institution or organisation he has been accredited with; he shall be provided with verbatim reports, minutes and other documents or copies thereof subject to conditions established by mutual agreement.

3. Foreign journalists accredited with the Ministry of Foreign Affairs of the Republic of Lithuania shall have the same rights to collect and publish information as Lithuanian journalists.

CHAPTER III
PROTECTION OF PERSONAL, PUBLIC AND STATE INTERESTS IN THE FIELD OF PROVISION OF INFORMATION TO THE PUBLIC

Article 13. Protection of a Person's Rights, Honour and Dignity

1. To avoid violation of a person's rights and to protect his honour and dignity, in collecting and publishing information, it shall be prohibited:

1) to film, photograph, make audio and video recordings without a person's consent within the residential premises of the natural person, the private domain of the natural person and a fenced or otherwise clearly marked territory belonging thereto, regardless of whether that person is present in the aforementioned places;

2) to film, photograph or make audio and video recordings during non-public events without the consent of organisers who have the right to hold such events;

3) to film and photograph a person and use his images for advertising purposes in the media without the consent of that person;

4) to film and photograph a person with evident physical handicaps without that person's consent or to film and photograph a person in a helpless state due to a health impairment;

5) to film or photograph a child or to make audio and video recordings of him without the consent of at least one of the parents, guardians or custodians and the child himself. It shall be

prohibited to use photographs, audio or video recordings of children in the information of erotic, pornographic and violent nature;

6) to film or photograph close ups of a deceased or fatal casualty without the consent of the family members of the deceased or the fatal casualty or to make video recordings of him.

2. The prohibitions specified in paragraph 1 of this Article shall not apply when recording violations of law and in the cases specified in paragraph 3 of Article 14 of this Law.

Article 14. Protection of Private Life

1. In producing and disseminating public information, a person's right to protection of information of private nature must be ensured.

2. Information about a person's private life may be published only with the consent of that person, except for the cases specified in paragraph 3 of this Article.

3. Information relating to private life may be published without a person's consent in cases where the publication of such information contributes to revealing violations of law or criminal acts, also where such information is presented at the open court proceedings. Furthermore, information about the private life of a public figure may be published without his consent where such information discloses the circumstances of the aforementioned person's private life or his personal characteristics which are of public importance.

Article 15. Right of Reply

Any natural person whose honour and dignity have been degraded by false, inaccurate or biased information published about him in the media, also any legal person whose professional reputation or other legitimate interests have been damaged by false, inaccurate or biased information shall have the right of reply, refuting the false information or correcting the published information, or shall have the right to require that the producer and/or disseminator of public information issue a refutation of false information in accordance with the procedure established in Article 44 of this Law.

Article 16. Ensuring Diversity of Opinion in the Media

1. Respecting the diversity of opinion, producers and disseminators of public information must present in the media as many opinions that are independent of each other as possible.

2. When publishing the results of public opinion surveys, the conductors of surveys as well as the statistical reliability of these surveys (providing the survey sample and margin of error) must be specified.

Article 17. Protection of Minors

1. Producers and/or disseminators of public information must, in accordance with the procedure established by law, ensure that minors are protected from public information which might have a detrimental effect on their physical, mental or moral development, in particular public information that involves the dissemination of information of pornographic and/or violent nature and information encouraging addictions.

2. The criteria for assigning public information to the information which has a detrimental effect on the physical, mental or moral development of minors shall be established in the Law of the Republic of Lithuania on the Protection of Minors against the Detrimental Effect of Public Information.

3. The control over information which is not to be published and the procedure for disseminating restricted public information shall be established by the Government.

Article 18. Information Not to Be Provided

1. State and municipal institutions and agencies as well as other bodies, enterprises and organisations shall not provide the producers and/or disseminators of public information as well as other persons with information which is defined by law as a state, official, professional, commercial or bank secret or as information of private nature.

2. Information the provision whereof is prohibited by other laws because it would adversely affect the interests of state security and defence as well as criminal prosecution of persons, promote violation of the territorial integrity of the state or public order or where refusal to provide such information would prevent violations of law or would be of utmost importance for the protection of human health shall also not be provided.

3. Refusal to provide the requested information shall be communicated to a person in writing in accordance with the procedure established by law, specifying the reasons for refusal to provide the information.

Paragraph 3 will become invalid as of 1 April 2018

Article 19. Information Not to Be Published

1. It shall be prohibited to publish in the media information which:

1) incites to change the constitutional order of the Republic of Lithuania through the use of force;

2) instigates attempts against the sovereignty of the Republic of Lithuania, its territorial integrity and political independence;

3) spreads war propaganda, instigates war or hatred, ridicule, humiliation, instigates discrimination, violence, physical violent treatment of a group of people or a person belonging thereto on grounds of age, sex, sexual orientation, ethnic origin, race, nationality, citizenship, language, origin, social status, belief, convictions, views or religion;

Valid as of 1 April 2018:

3) spreads war propaganda, instigates war or hatred, ridicule, humiliation, instigates discrimination, violence, physical violent treatment of a group of people or a person belonging thereto on grounds of age, sex, sexual orientation, ethnic origin, race, nationality, citizenship, language, origin, social status, disability, belief, convictions, views or religion;

4) disseminates, promotes or advertises pornography also propagates and/or advertises sexual services and paraphilias;

5) promotes and/or advertises addictions and narcotic or psychotropic substances.

2. It shall be prohibited to disseminate disinformation and information which is slanderous and offensive to a person or which degrades his honour and dignity.

3. It shall be prohibited to disseminate information which violates the presumption of innocence and which impedes the impartiality of judicial authorities**.**

Valid as of 1 April 2018:

3. It shall be prohibited to disseminate information which violates the presumption of innocence.

4. The Government shall establish the procedure for dissemination of press publications, audio, audiovisual works, radio and television programmes, information disseminated in the information society media and other public information assigned to information of erotic, pornographic or violent nature or other restricted public information.

Paragraph 4 will become invalid as of 1 April 2018:

5. A person being of the opinion that a producer and/or disseminator of public information has published and/or disseminated information which is supposedly not to be published shall have the right to appeal to an authority responsible for the control of information not to be published, presenting a reasoned request to conduct investigation, take a decision and impose objectively necessary sanctions in the event of publication and/or dissemination of the information not to be published. The authority responsible for the control of information not to be published shall examine the circumstances specified in the request and shall, not later than within ten working days from the receipt of the request, notify the applicant about the results of the examination. If the circumstances referred to in the request proves to be true, the applicant shall be notified about this and the authority responsible for the control of information not to be published shall, within 20 working days from the notification of the

applicant, take a decision which confirms the fact of the publication and/or dissemination of the information not to be published and which specifies objectively necessary sanctions imposable on the producer and/or disseminator of public information. The person may appeal against the adopted decision and in cases where the authority responsible for the control of information not to be published does not take a decision within 20 working days from the day he is notified about the confirmation of the indicated circumstances, the person may appeal against omission of the said authority by filing a complaint to Vilnius Regional Administrative Court in accordance with the procedure laid down in the Law on Administrative Proceedings.

6. A prosecutor and/or associations operating in the field of provision of information to the public, which have reason to believe that the authorities responsible for the control of information not to be published have failed to perform or performed improperly the statutory duties related to the control of information not to be published, as specified in points 1, 2 and 3 of paragraph 1 of this Article, and such actions have infringed the public interest in the field of provision of information to the public, shall appeal to the authority which has made such infringement with a reasoned request to take necessary actions to end the infringement. In cases where the authority responsible for the control of information not to be published fails within 20 working days to take a decision by which the infringement of public interest is brought to an end, the prosecutor and/or associations operating in the field of provision of information to the public shall have the right to appeal to Vilnius Regional Administrative Court in accordance with the procedure laid down by the Law on Administrative Proceedings with regard to omission of the authorities responsible for the control of information not to be published, by filing a reasoned request to instruct the competent authorities to properly perform the function of the control of information not to be published and to impose the sanctions specified in this Law.

7. In the cases referred to in paragraph 6 of this Article, associations operating in the field of provision of information to the public shall have the right to defend the public interest, provided that the following conditions are met:

1) they are entered on the Register of Legal Entities;

2) the aim of activities set out in the association’s instruments of incorporation is to ensure protection of the rights and legitimate interests of users or persons operating in the field of provision of information to the public;

3) an association comprises at least six members. In the event that the association’s members are legal persons, the whole number of members of the association of legal persons operating in the field of provision of information to the public must be at least six.

When filing a reasoned request concerning the protection of public interest, an association operating in the field of provision of information to the public must produce evidence that it meets the conditions set out in paragraph 7 of this Article.

Article 20. Duty to Publish Official State Notifications

1. In case of the risk of an emergency or during an existing emergency, upon the mobilisation, in the event of war or the state of emergency, as well as in other cases laid down by law, producers and/or disseminators of public information must immediately publish official state notifications of state and municipal institutions and agencies free of charge or to create possibilities for state and municipal institutions and agencies to publish official state notifications live and free of charge. Decisions on publishing of official state notifications in national producers and/or disseminators of public information shall be taken by the Fire and Rescue Department of the Republic of Lithuania under the Ministry of the Interior in accordance with the procedure laid down by the director of the Fire and Rescue Department of the Republic of Lithuania under the Ministry of the Interior; and in regional producers and/or disseminators of public information – by the director of the municipal administration.

2. In the event of war or the state of emergency, the Seimas may, by a law, impose restrictions and/or other obligations on the activities of producers and/or disseminators of public information in order to protect the interests of citizens and the public.

3. Refusal to publish the official state notifications of state and municipal institutions and agencies in the cases specified in paragraph 1 of this Article or to create possibilities for state and municipal institutions and agencies to directly publish official state notifications shall incur liability in accordance with the procedure established by law.

Article 21. Protection of Copyright and Related Rights

Producers and disseminators of public information as well as journalists shall use literary, scientific, artistic and other works in conformity with the Law on Copyright and Related Rights as well as other laws and legal acts.

CHAPTER IV
LEGAL STATUS AND CONDITIONS OF ACTIVITIES OF PRODUCERS AND DISSEMINATORS OF PUBLIC INFORMATION, THEIR PARTICIPANTS AND JOURNALISTS

SECTION ONE

REGULATION OF THE STATUS OF PRODUCERS AND DISSEMINATORS OF PUBLIC INFORMATION AND JOURNALISTS

Article 22. Producers and Disseminators of Public Information and their Participants

1. Relations between the producers and disseminators of public information and their participants shall be governed by this Law and other laws, legal acts and agreements between the parties.

2. All persons, except for the cases specified in this Law and other laws of the Republic of Lithuania, may produce and/or disseminate information in the Republic of Lithuania. In the Republic of Lithuania only legal persons or legal persons established in the states of the European Economic Area and organisations which have no legal personality as well as branches of such legal persons and organisations which have no legal personality established in the Republic of Lithuania and in other states of the European Economic Area may be engaged in activities related to licenced radio and/or television programme broadcasting and/or re-broadcasting and to dissemination of television programmes and/or individual programmes via the Internet**.**

3. Upon selling or otherwise transferring at least 10% of the shares (interests, member shares) of a broadcaster and/or re-broadcaster holding the broadcasting and/or re-broadcasting licence, the licence holder must, not later than within 30 days of the transfer of ownership rights, inform thereof the Radio and Television Commission of Lithuania (hereinafter: the 'Commission').

4. Where upon selling or otherwise transferring the shares (interests, member shares) of a broadcaster and/or re-broadcaster holding the broadcasting and/or re-broadcasting licence there is a change of the owner (owners) of the majority holding or where the control (management) of a licence holder is transferred to another person (persons) on other grounds, the persons intending to transfer and acquire the shares (interests, member shares) and/or control (management) must obtain a written consent of the Commission.

5. The Commission must refuse to give its consent to the transfer of the broadcaster's and/or re-broadcaster's shares (interests, member shares) and/or its control (management) in any of the following circumstances:

1) persons who intend to transfer and acquire the licence holder's shares (interests, member shares) and/or its control (management) are prohibited, in cases provided for by law, from being participants of producers and/or disseminators of public information;

2) the transfer and acquisition of the licence holder's shares (interests, member shares) and/or its control (management) results in concentration and an authorisation from the Competition Council has not been obtained where such an authorisation is required under the Law on Competition;

3) a person who intends to acquire the licence holder's shares (interests, member shares) and/or its control (management) or a person who may exert direct or indirect control over the said person, who has the power to exercise the voting rights in the management bodies of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or its control/management or who is entitled to appoint at least one member of the supervisory board and/or the board of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or control (management) has been punished for a crime against the independence, territorial integrity or constitutional order of the State of Lithuania;

4) information is obtained in accordance with the procedure laid down by the Government that a person intending to acquire the licence holder's shares (interests, member shares) and/or control (management) or a person who may exert direct or indirect control over the said person, who has the power to exercise the voting rights in the management bodies of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or its control/management or who is entitled to appoint at least one member of the supervisory board and/or the board of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or control (management) maintains national security threatening relationships with institutions of the foreign states which are not the members of the European Union and the North Atlantic Treaty Organization or with the persons who are directly or indirectly controlled by such states;

Version valid as of 1 March 2018:

4) information is obtained in accordance with the procedure laid down by the Law on the Protection of Objects of Importance to Ensuring National Security that a person intending to acquire the licence holder's shares (interests, member shares) and/or control (management) or a person who may exert direct or indirect control over the said person, who has the power to exercise the voting rights in the management bodies of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or its control/management or who is entitled to appoint at least one member of the supervisory board and/or the board of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or control (management) maintains or previously has maintained national security threatening relationships with institutions of the foreign states which are not the members of the European Union and the North Atlantic Treaty Organization or with the persons who are directly or indirectly controlled by such states;

5) information obtained in accordance with the procedure laid down by the Government that a person who intends to acquire the licence holder's shares (interests, member shares) or a person who may exert direct or indirect control over the said person, who has the power to exercise the voting rights in the management bodies of the person intending to acquire the licence holder's shares (interests, member shares) and/or its control/management or who is entitled to appoint at least one member of the supervisory board and/or the board of the person intending to acquire the licence holder's shares (interests, member shares) and/or control (management) is involved in organised crime groups, special services or groups of foreign states related to international terrorist organizations, or maintain relationships with the persons belonging to them.

Version valid as of 1 March 2018:

5) information obtained in accordance with the procedure laid down by the Law on the Protection of Objects of Importance to Ensuring National Security that a person who intends to acquire the licence holder's shares (interests, member shares) or a person who may exert direct or indirect control over the said person, who has the power to exercise the voting rights in the management bodies of the person intending to acquire the licence holder's shares (interests, member shares) and/or its control/management or who is entitled to appoint at least one member of the supervisory board and/or the board of the person intending to acquire the licence holder's shares (interests, member shares) and/or control (management) is involved or previously has been involved in organised crime groups, special services or groups of foreign states related to international terrorist organizations, or maintain relationships with the persons belonging to them.

6. In the cases where the persons who intend to transfer and/or acquire the shares (interests, member shares) of a person holding the broadcasting and/or re-broadcasting licence and/or its control (management) have not submitted the data required by the Commission or have submitted incorrect data, the Commission shall refuse to grant its consent with regard to the transfer of the licence holder's shares (interests, member shares) and/or its control (management) until the required data are properly submitted to the Commission.

7. The Commission's decision refusing the consent with regard to the shares (interests, member shares) of a person holding the broadcasting and/or re-broadcasting licence and/or its control (management) may be appealed against to Vilnius Regional Administrative Court in accordance with the procedure laid down by the Law on Administrative Proceedings.

8. The following may not be producers of public information and/or their participants or may not manage them on the basis of a mandate:

1) state institutions and agencies (except for higher education and research institutions and educational establishments), also legal persons whose founder, unitholder or shareholder is the State, its institution or agency;

2) municipal institutions and agencies (except higher education and research institutions and educational establishments), also legal persons whose founder, unitholder or shareholder is a municipality, its institution or agency;

3) banks and legal persons established and/or managed by them;

4) political parties.

9. The entities referred to in paragraph 8 of this Article may publish non-periodical informational publications, have the information society media intended to inform the public of their activities. State and municipal higher education and research institutions and educational establishments shall use information society media held by them as well as the public information disseminated therein only to the extent it is related to research, training and education activities.

Valid as of 1 April 2018:

9. The entities referred to in paragraph 8 of this Article may publish non-periodical informational publications, have the information society media intended to inform the public of their activities. State and municipal higher education and research institutions and educational establishments shall use media held by them as well as the public information disseminated therein only to the extent it is related to research, training and education activities.

10. Every producer of public information or a participant thereof must appoint a person (editor-in-chief, editor, programme host or another person) responsible for the content of the media. Where the same natural person is both a producer of public information and a participant thereof, he shall have responsibility for the content of his media.

11. Producers and/or disseminators of public information:

1) in disseminating information to the public, may not distort correct and impartial information and opinions and use that for sordid purposes. Public information shall not be compatible with journalistic campaigns which are held based on prejudice or to satisfy group or political interests;

2) must be objective and impartial and to provide as many opinions as possible on the controversial issues relating to politics, economy and other issues of public life;

3) when recording various public actions – meetings, marches, strikes, pickets, etc. – may not instigate to take unlawful or desperate actions;

4) may not publish unfounded, unchecked accusations which are not based on facts;

5) must protect and respect a person’s right to privacy in the event of death or illness, must not mention personal data when announcing the news about suicides or suicide attempts;

6) may not promote or depict smoking, drinking or the use of narcotic drugs in an attractive manner. Depiction of smoking, drinking or drug addiction shall be justified only as a context when seeking authenticity;

7) may not disseminate biased and partial information about religion, may not discriminate against other religions;

8) must clearly introduce religious organisations and their views to avoid misleading people;

9) may not promote supernatural, unreal characteristics of people or their groups or paranormal phenomena, with the exception of cases where such information is presented for entertainment or as a research object. They may not create an impression that astrologers, chiromancers, clairvoyants and bioenergetics specialists can provide advice on the future, health, money, etc.

Article 23. Journalists and their Relations with Producers and Disseminators of Public Information

1. The producer of public information must have the rules of procedure and/or internal code of ethics. At least one of these documents approved by the producer of public information must establish the rights, duties and responsibility and official relations of journalists as well as the protection of journalists against the possible restrictions of his rights**.**

2. Regardless of whether a journalist is linked with a producer of public information by employment relations, the producer of public information must agree with the journalist in writing as to the use of the journalist's copyrighted work. Such an agreement shall also be considered a collective agreement drawn up between the producer of public information or an organisation representing him and journalists or an organisation representing them, laying down the conditions of use of the journalists' copyrighted works**.** If the producer of public information who uses a copyrighted work of the journalist has not agreed upon it with the journalist in writing and is not a party to the collective agreement, the producer of public information shall not be exempt from an obligation to remunerate fairly for the used copyrighted work of the journalist.

3. The professional and legal status of journalists and their social guarantees shall be laid down in this Law and other laws of the Republic of Lithuania.

Article 24. Data on Participants of Legal Persons who Are Publishers of Local, Regional and National Newspapers and Magazines or Managers of the Information Society Media

1. Legal persons who are publishers of local, regional and national newspapers and magazines or managers of the information society media, with the exception of those referred to in paragraph 8 of Article 22 of this Law, must submit to the institution authorised by the Government in the field of

provision of information to the public (hereinafter: an ‘institution authorised by the Government’) in accordance with the procedure and within the time limits established by the aforementioned institution the data on their participants who have the right of ownership to or control at least 10% of all the shares or assets (where the assets are not share-based) and inform of the revised data if they change. Notifications of the revised data must contain the names and surnames (names) of such participants, their personal numbers (registration numbers), the stake held in the assets or the number of shares as well as the percentage of votes, administrative bodies and members thereof as well as information about property relations and/or joint activity linking them with other producers and/or disseminators of public information and/or their participants. Where the participants of the legal persons are legal persons registered in the Republic of Lithuania or in a foreign state, the participants of such entities must also be indicated. The institution authorised by the Government shall publish the received data on its website not later than within 15 days from the date of receipt thereof.

2. The President of the Republic, members of the Seimas and the Government, members of municipal councils, civil servants of political (personal) confidence as well as heads of state and municipal institutions and agencies must submit to the institution authorised by the Government according to its established procedure the data about the legal persons who are publishers of local, regional and national newspapers and magazines or managers of the information society media of which they are participants. The institution authorised by the Government shall publish the received data on its website.

3. Producers and/or disseminators of public information and their participants must publish in their media information about any sponsorship received if it exceeds the amount of ten base social benefits, specifying the amount and provider of the sponsorship.

4. Failure to submit the data referred to in paragraphs 1 and 2 of this Article shall incur liability in accordance with the procedure established by law and other sanctions.

Version valid as of 1 November 2019:

Article 24. Provision and Dissemination of Data on Producers, Disseminators of Public and their Participants

1. The following data on producers and/or disseminators of public information who are legal persons, except those indicated in paragraph 8 of Article 22 of this Law, as well as on their activities must be provided and, when necessary, updated, in the Information System of Producers and Disseminators of Public Information in accordance with the procedure laid down by an institution authorised by the Government in the field of provision of information to the public (hereinafter: an ‘institution authorised by the Government’):

1) business name and registration number;

2) business name/names, type/types and category/categories of the managed media;

3) contact details (e-mail address, telephone number);

4) head office address;

5) names and surnames of the members of the management bodies;

6) name/names and surname/surnames of a person/persons responsible for the content of the managed media, if the head of the legal person is not responsible for the content;

7) the list of participants specifying: names and surnames of the participants (if a participant is a legal person, the business name of the legal person is indicated as well as the participants of this legal person, i.e. natural persons, indicating their names and surnames; if a participant is a public legal person, its business name is indicated), personal number (if a participant is a legal person, the registration number of the legal person is indicated; if a participant is a foreign natural person who is not assigned a personal number according to legal acts of that foreign state, his date of birth and the name of the state which has issued his personal documents is indicated; if a participant is a foreign legal person, the state and the register in which the legal person is registered are indicated), the percentage of the portion of the assets or the number of shares and the percentage of votes held or managed by a legal person by the right of ownership;

8) information about the committed serious professional misconduct as it is defined in paragraph 3 of Article 27 of this Law as well as the sanction imposed or other sanctions established by this Law which are applied for such misconduct by the competent institution;

9) information about producers and/or disseminators of public information who are recognised by the Commission of Ethics in the Provision of Information to the Public as not adhering to the norms of professional ethics;

10) information about a licence/licences held, if the legal person engages in licenced activities according to this Law;

11) information about an annual fee for a producer and/or disseminator of public information set in accordance with the procedure laid down by this Law for activities related to the provision of services of broadcasting, re-broadcasting of radio and/or television programmes, services of dissemination via the Internet or on-demand audiovisual media services;

12) circulation/circulations or a publication/publications as well as other publishing details set out in paragraph 1 of Article 36 of this Law, if the legal person must specify them or make them public according to this Law;

13) a set of annual financial statements (an annual activity report);

14) information about the producer’s and/or disseminator’s of public information:

a) income from political advertising;

b) income received on the basis of a transaction or administrative act the source of which is the state or municipal budget or any other fund set up by the State or municipality, state or municipal enterprise, public limited liability company, private limited liability company or any other company in which the State or municipality holds the shares carrying over 50% of votes at the general meeting of shareholders or appoints more than half of members of their management bodies, or a subsidiary of this company as well as any other legal person in whose meeting of shareholders the State or municipality has more than 50% of votes or appoints more than half of members of their management bodies;

c) received support, if the amount of the support granted by the same support provider during one calendar year exceeds the amount of ten base social benefits.

2. Data provided in the Information System of Producers and Disseminators of Public Information, except the personal number of a natural person, shall be made public and free of charge in accordance with the procedure laid down by the Law of the Republic of Lithuania on Law on Management of State Information Resources.

3. The purpose of the management of personal data of producers and/or disseminators of public information which are legal persons as well as their participants, managed in the Information System of Producers and Disseminators of Public Information shall be to collect, compile, process, store, monitor and make public free of charge in a single information system the data, specified in paragraph 1 of this Article, concerning producers, disseminators of public information, their participants and activities.

4. The administrator of the Information System of Producers and Disseminators of Public Information shall have the right to receive the data specified in paragraph 1 of this Article from managers and/or administrators of state information resources as well as from other state and municipal institutions and bodies. Managers and/or administrators of the indicated state information resources as well as other state and municipal institutions and bodies must submit the abovementioned data to the administrator of the Information System of Producers and Disseminators of Public Information in accordance with the procedure laid down by the regulations of the Information System of Producers and Disseminators of Public Information.

5. Producers and/or disseminators of public information shall be subject to the obligation to submit the data referred to in paragraph 1 of this Article to the Information System of Producers and Disseminators of Public Information only where such data are not compiled in other state information resources or at state and municipal institutions and bodies.

6. The regulations of the Information System of Producers and Disseminators of Public Information shall be approved by an institution authorised by the Government.

7. The head of a producer and/or disseminator of public information or any other person appointed by him shall be responsible for the submission of the data specified in paragraph 1 of this Article to the administrator of the Information System of Producers and Disseminators of Public Information, where such submission is the obligation of producers and/or disseminators of public information. Failure to submit the abovementioned data or submission of erroneous data shall incur liability established in the Code of the Republic of Lithuania on Administrative Offences as well as other sanctions which are applied to producers and/or disseminators of public information in compliance with legal acts relating to production and dissemination of public information.

Article 25. Providers of Audiovisual Media Services under the Jurisdiction of the Republic of Lithuania

1. A provider of audiovisual media services shall be considered to fall under the jurisdiction of the Republic of Lithuania if he meets at least one of the following conditions:

1) the head office of the provider of audiovisual media services is in the Republic of Lithuania and the editorial decisions relating to the audiovisual media services are taken in the Republic of Lithuania;

2) the head office of the provider of audiovisual media services is in the Republic of Lithuania and the editorial decisions relating to the audiovisual media services are taken in another EU Member State or a state of the European Economic Area, he is considered to be established in that Member State in which the majority of his employees engaged in the audiovisual media service activities carry out the activities relating to the provision of such services. Where the majority of the employees engaged in the audiovisual media service activities carry out the activities in both Member States, the provider of the audiovisual media service shall be considered to be established in the Republic of Lithuania. Where the majority of the employees engaged in the audiovisual media service activities do not carry out the activities in any of the Member States, the provider of the audiovisual media service shall be considered to be established in that Member State in which he commenced his activities in compliance with the law of that Member State, provided that he maintains permanent and effective economic relations with that Member State;

3) the head office of the provider of audiovisual media services is in the Republic of Lithuania, but the editorial decisions relating to the audiovisual media services are taken in third countries (a country other than a Member State of the European Union or a state of the European Economic Area) or the head office of the provider of audiovisual media services is in a third country (a country other than a Member State of the European Union or a state of the European Economic Area), but the editorial decisions relating to the audiovisual media services are taken in the Republic of Lithuania, he

is considered to be established in the Republic of Lithuania if the majority of the employees engaged in the audiovisual media service activities carry out the activities in the Republic of Lithuania.

2. A provider of audiovisual media services who does not meet any of the conditions specified in paragraph 1 of this Article and who does not fall under the jurisdiction of any EU Member State, state of the European Economic Area shall be considered to fall under the jurisdiction of the Republic of Lithuania, provided he meets the following conditions:

1) the provider of audiovisual media services uses a transmission station set up in Lithuania which transmits signals to the satellite;

2) the provider of audiovisual media services does not use a transmission station set up in Lithuania which transmits signals to the satellite; however, he uses the resources of a communications satellite belonging to the Republic of Lithuania.

3. Where under paragraphs 1 and 2 of this Article it is impossible to establish which Member State has the jurisdiction over a provider of audiovisual media services, the Republic of Lithuania shall be considered a competent state if the provider of audiovisual media service is established therein under Articles 49-54 of the Treaty on the Functioning of the European Union (OJ 2008 C 115, p. 47).

Article 26. Dissemination of Public Information

1. Information shall be disseminated to the public by the producer of public information himself or another person under a contract with the producer of public information or with his permission.

2. It shall be permitted to disseminate in the Republic of Lithuania the media produced abroad if the content thereof does not contradict the provisions of this Law and other laws and treaties of the Republic of Lithuania. It shall be permitted to broadcast and re-broadcast in the Republic of Lithuania radio and/or television programmes or parts of programmes produced abroad without prejudice to the provisions of this Law and other laws.

3. Repealed as of 18 October 2010.

4. Repealed as of 18 October 2010.

Article 27. State Support for Producers of Public Information

1. The State shall support cultural and educational projects of producers of public information which are legal persons. State financial support shall be provided to producers of public information by tender and, except for the support specified in paragraph 2 of this Article, through the public establishment Media Support Foundation (hereinafter: the ‘Foundation’). Each year the Seimas shall

allocate the funds from the state budget to the Foundation. State institutions and agencies may not provide financial support or in essence equivalent support to producers of public information.

2. Financial support from the State budget for the publishing of books as well as publishing of works distributed on audio and visual media, and for the production of cinematographic films shall be allocated through the Ministry of Culture and the Ministry of Education and Science on the recommendation of expert commissions operating under the aforementioned Ministries.

3. The producer and/or disseminator of public information in respect of whom a fine indicated in paragraph 3 of Article 48 of this Law or other sanctions provided for in this Law are imposed in accordance with the procedure laid down by this Law for the violation of paragraph 1, 2 and/or 3 of Article 19 of this Law shall, for a period of one year since the last committed violation, be considered a producer and/or disseminator of public information who has committed a serious professional misconduct.

4. A producer of public information who is considered to have committed a serious professional misconduct may not be granted the financial support specified in this Article.

Article 27[1]. Repealed as of 1 January 2012.

Article 28. Media Support Foundation

1. The Foundation shall be a non-profit public limited liability legal person with an aim of providing support on the basis of an invitation to tender for projects of producers of public information in the fields of culture, security of provision of information to the public and media literacy education as well as educational projects.

2. In its work, the Foundation shall be guided by the Republic of Lithuania Constitution, the Civil Code, the Law on Public Establishments, this Law and other laws as well as the Foundation's statutes. The participants of the Foundation, in accordance with its statutes, may include associations of artists, organisations of producers of public information as well as other organisations and institutions shaping cultural and educational policy and engaged in cultural and/or educational activities. The Foundation's statutes must provide for the procedure of admission of new participants.

3. The Foundation and its administration which renders financial, maintenance and material servicing of the Foundation and provides assistance to the Foundation in performing the functions assigned to it shall be headed by the director. He shall be appointed to the office and released from his duties by the general meeting of the Foundation's participants by means of an open competition for a period of five years. A person appointed to such office must meet general requirements for a civil servant, have a university degree, have knowledge of cultural, educational processes and have at least

five years' managerial experience in the field of provision of information to the public. The same person may hold the position of the Foundation's director not more than two consecutive terms of office. The Foundation's director shall have the right to attend as observer the meetings of the Council of the Foundation. Regulations (procedure) of appointment of the Foundation's director by means of an open competition as well as his job description shall be approved by the general meeting of the Foundation's participants which will make them available to the public on its website. Each year the Foundation's director shall present to the general meeting of the Foundation's participants activity and financial reports, and its activities shall be annually assessed in accordance with the procedure laid down by the Foundation's statutes. The rights and duties of the Foundation's director in organizing activities of the public establishment, his liability for management, use and recording of state budgetary appropriations allocated to the Foundation, and performance measurement criteria and procedure shall be laid down by law, the Foundation's statutes and job description of the Foundation's director.

4. Cultural and educational projects submitted to the Foundation shall be evaluated by experts. All experts must have a university degree and at least five years' experience in the fields of provision information to the public, culture or education, be of good repute, and have special knowledge, skills and competence necessary to evaluate the submitted projects. Experts shall be subject to the same criteria as civil servants that are established in the Law on Civil Service and on the basis of which a person may not be considered as having good repute. Experts shall be appointed for a period of two years and the same person may not be a member of the experts' group more than two consecutive terms of office. Heads of cultural and artistic organizations, their deputies, heads of agencies established by them, employees of the Foundation may not be experts. Also, an expert may not be an individual whose close persons, as they are defined in the Law on the Adjustment of Public and Private Interests in the Civil Service, have employment, copyright or other contractual relations with the participants of the Foundation.

5. Candidates to the list of Foundation's experts for a concrete programme may, within a period of not less than 30 calendar days after the public announcement, be proposed by the participants of the Foundation, associations of artists, organisations of producers of public information as well as other organisations and institutions shaping cultural policy or engaged in cultural media. The general list of experts, approved by the Council, shall be announced on the website of the Foundation within 14 calendar days.

6. An expert group of at least three members shall be set up for each programme of the Foundation. Each expert group shall, by a majority of its members, elect chairman of the expert group. The detailed procedure of expert selection, setting-up of a list of experts and expert groups as well as

their work, criteria and procedure for evaluating projects shall be laid down by experts' rules of procedure approved by the director of the Foundation.

7. Expert groups shall present their conclusions pertaining to project evaluation to the Council of the Foundation.

8. The Council of the Foundation shall consist of seven members. The following shall delegate members to the Council of the Foundation: by common accord of the Lithuanian Radio and Television Association, the Lithuanian Cable Television Association and the Association of Regional Television – one member, by common accord of the Lithuanian Journalists' Union and the Society of Lithuanian Journalists – one member, the Lithuanian Association of Artists, the National Regional and City Publishers Association, the Association of Internet Media, the Ministry of Culture and the Ministry of Education and Science – one member each. The final composition of the Council of the Foundation shall be approved by the general meeting of the Foundation's participants. The detailed procedure for delegating persons to members of the Council of the Foundation shall be laid down in the Foundation's articles of association.

9. Members of the Council of the Foundation must be of good repute, have a university degree and the knowledge of cultural and media development processes. Members of the City of the Foundation shall be subject to the same criteria as civil servants that are set out in the Law on Civil Service and on the basis of which a person may not be considered as having good repute. Employees and experts of the Foundation may not be members of the Council.

10. The term of office of the Council of the Foundation shall last three years and shall be counted from the approval of the final composition of the Council of the Foundation by the general meeting of the Foundation's participants. The same person may not be a member of the Council of the Foundation for more than two consecutive terms of office. The Council of the Foundation shall be headed by the chairman of the Council of the Foundation. He shall be elected by the Council of the Foundation from its members for the term of office of the Council of the Foundation. Decisions of the Council of the Foundation shall be adopted by a simple majority vote of all members of the Council of the Foundation; when the vote ties, the chairman of the Council of the Foundation shall cast the deciding vote. The Council of the Foundation shall operate in compliance with the rules of procedure approved by it. The Council of the Foundation shall take decisions regarding the results of tenders on the basis of the conclusions presented by expert groups.

11. Before taking up their respective duties, all experts and members of the Council of the Foundation must submit a declaration of impartiality and sign a confidentiality commitment the forms of which are approved by the general meeting of the participants of the Foundation.

12. All experts and members of the Council of the Foundation shall be subject to the provisions of the Law on the Adjustment of Public and Private Interests in the Civil Service.

13. Sources of funding of the Foundation shall be:

1) state grants (subsidies);

2) funds contributed by legal or natural persons;

3) interest on the funds of the Foundation kept in banks;

4) other lawfully acquired funds.

14. The Foundation shall, by tender, support projects of producers of public information in the fields of culture, security of provision of information to the public, media literacy education under the following six programmes:

1) cultural, art publications;

2) national periodical publications;

3) regional periodical publications;

4) national radio and television;

5) regional radio and television;

6) the Internet media (information society media).

15. General provisions for tenders, drawn up by the Council of the Foundation, which represent the proportions of programmes and funding and which have been coordinated with the Seimas Committee on Culture, shall be approved by the Government.

16. Each year the Foundation shall publish in the press its annual activity report, while the chairman of the Council of the Foundation shall each year at a plenary meeting of the Seimas present the annual report on the allocation and use of the budgetary appropriations.

Article 29. Fair Competition in the Field of Provision of Information to the Public

1. State and municipal agencies as well as all types of other enterprises, agencies and organisations or natural persons may not monopolise the media.

2. The State shall create equal legal and economic conditions for fair competition among producers and disseminators of public information, except for producers and/or disseminators of productions of violent and erotic nature. In accordance with the procedure established by this Law and other laws, state and municipal institutions shall exercise control with a view to upholding pluralism in the provision of information to the public and fair competition, avoiding the abuse of a dominant position by producers and/or disseminators of public information or in any separate segment of the media market. A dominant position in the field of provision of information to the public shall be determined in conformity with this Law and the Law of Competition.

3. Restrictions laid down by this Law and other laws or legal acts shall apply to producers and/or disseminators of public information of violent and erotic nature.

Article 30. Lithuanian National Radio and Television

The Lithuanian National Radio and Television (hereinafter: the 'LRT') shall be a non-profit public establishment belonging to the State by the right of ownership and operating in accordance with this Law and the Law on the Lithuanian National Radio and Television.

Article 31. Licensing of Radio and/or Television Programme Broadcasting Activities and Re-broadcast Content

1. The following **r**adio and/or television programme broadcasting activities shall be licenced in the Republic of Lithuania:

1) broadcasting of radio programmes by a terrestrial radio station or a network of such stations;

2) broadcasting of television programmes by a terrestrial television station or a network of such stations;

3) broadcasting of television programmes by a cable television network;

4) broadcasting of television programmes by the MMDS network;

5) broadcasting of television programmes by electronic communications networks the main purpose of which is not broadcasting and/or re-broadcasting of radio and/or television programmes and/or programmes, except broadcasting of television programmes through the information society media (websites, webpages);

6) broadcasting of television programmes by an artificial earth satellite (satellites).

2. Persons who wish to engage in the Republic of Lithuania in radio and/or television programme broadcasting activities subject to licensing must obtain broadcasting licences. Broadcasting licences shall be issued by the Commission in accordance with the procedure laid down in the Rules for Licensing of Broadcasting Activities and Re-broadcast Content. Where broadcasting of radio and/or television programmes requires radio frequencies (channels) provided for in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes, the Commission shall, taking into consideration the purpose of the specific radio frequency (channel) provided for in the said plan, issue under the tender procedure broadcasting licences granting the right to a broadcaster to deploy and use its own electronic communications networks, the right to use operating electronic communications networks or the right to make use of the transmission service rendered by a third party.

3. If the radio frequencies (channels) provided for in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes will be used to re-broadcast radio and/or television programmes, a re-broadcaster must obtain a licence of re-broadcast content. A licence of re-broadcast content shall be issued by the Commission in accordance with the procedure laid down by the Rules for Licensing of Broadcasting Activities and Re-broadcast Content.

4. The Communications Regulatory Authority shall submit to the Commission information about the coordinated radio frequencies (channels) which in accordance with the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes are assigned to broadcasters and/or re-broadcasters of radio and/or television programmes, together with the basic conditions of electronic communications networks required in order to issue broadcasting licences and/or licences of re-broadcast content. Upon receiving the aforementioned information, the Commission shall issue broadcasting licences and/or licences of re-broadcast content in accordance with the procedure and terms established by this Law and the Rules for Licensing of Broadcasting and Re-broadcasting Activities.

5. The basic conditions of electronic communications networks specified in the broadcasting licence or licence of re-broadcast content together with radio frequencies (channels), except for the cases where radio frequencies (channels) provided for in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and/or television programmes are not used for the broadcasting and/or re-broadcasting of radio and/or television programmes, must comply with the basic operating conditions of radio frequencies (channels) and electronic communications networks intended for the broadcasting and/or re-broadcasting of radio and/or television programmes presented by the Communications Regulatory Authority to the Commission.

6. The Communications Regulatory Authority shall have the right to replace the radio frequency (channel) with another radio frequency (channel) used for the same purpose after giving a six-month advance notice to the user of the radio frequency (channel) or to cancel the assignment of the radio frequency (channel) after giving a 12-month advance notice to the user of the radio frequency (channel) if:

1) this is required under international obligations or the EU legal acts;

2) in accordance with the procedure laid down by the Law on Electronic Communications, the radio frequency band designation is modified due to international obligations or the EU legal acts, including recommendations – in coordination with the Commission if the assignment of the radio frequency (channel) is changed or cancelled before the expiry of the term of use of the radio frequency (channel) established by the Communications Regulatory Authority;

3) the radio frequency (channel) is used inefficiently based on the criteria specified in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes;

4) the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes is amended.

7. Radio frequencies (channels) shall be the property of the Republic of Lithuania and may not be privatised.

8. Radio and/or television programme broadcasting activities pursued by the LRT shall not be licenced. In order to ensure the broadcasting of the LRT radio and/or television programmes, the Commission shall, without tender in order of priority and in accordance with the provisions and conditions set out in this Law, issue authorisations granting the rights equivalent to those granted by the licences referred to in paragraph 2 of this Article.

9. When issuing broadcasting licences, priority shall be given to persons who undertake to produce original cultural, informational and educational programmes, ensure accurate and impartial presentation of information, respect a person's dignity and right to privacy, protect minors from public information which might have a detrimental effect on their physical, mental and moral development as well as to persons who have undertaken to broadcast radio and/or television programmes that are not yet broadcast by other broadcasters of radio and/or television programmes within the designated reception zone.

10. Broadcasting licences and licences of re-broadcast content shall be issued under the tender procedure, except for the cases specified in paragraph 12 of this Article. The Commission shall publish invitations to tender for obtaining broadcasting licences and/or licences of re-broadcast content not later than within 30 days of the receipt of the information specified in paragraph 4 of this Article from the Communications Regulatory Authority. The decisions of the Commission relating to the publication of invitations to tender shall be published on the website of the Commission. The Commission must issue a licence to an applicant or to produce a substantiated refusal to do so not later than within 30 days from the receipt of the application to obtain the licence without tender, and where a broadcasting licence is issued under the tender procedure – not later than within 30 days from the expiry, specified in the terms of the tender, of the time limit to submit applications for the tender procedure.

11. The Commission must refuse to issue a broadcasting licence or a licence of re-broadcast content to an applicant if:

1) in the cases defined by law the applicant or its participant is prohibited from being a producer and/or disseminator of public information;

2) the applicant's broadcasting licence or licence of re-broadcast content has been withdrawn within the last 12 months or the applicant's participants are the participants of the person whose broadcasting licence or licence of re-broadcast content has been withdrawn within the last 12 months, except where the broadcasting licence or licence of re-broadcast content has been withdrawn on the basis referred to in point 1 of paragraph 16 of this Article;

3) the person, who may directly or indirectly control the applicant, who has the authorisation to exercise voting rights at the management bodies of the person intending to acquire the applicant's shares (units) and/or control (management) or who may appoint at least one member of the supervisory board and/or the board of the person intending to acquire the applicant's shares (units) and/or control (management), has been sentenced for a crime against the independence, independence, territorial integrity, and constitutional order of the State of Lithuania;

4) information is obtained in accordance with the procedure laid down by the Government that the applicant and/or the person, who may directly or indirectly control the applicant, who has the authorisation to exercise voting rights at the management bodies of the person intending to acquire the applicant's shares (units) and/or control (management) or who may appoint at least one member of the supervisory board and/or the board of the person intending to acquire the applicant's shares (units) and/or control (management), maintains national-security-threatening relations with institutions of the foreign states which are not the member states of the European Union and the North Atlantic Treaty Organization, or with the persons who are directly or indirectly controlled by such foreign states;

Version valid as of 1 March 2018:

4) information is obtained in accordance with the procedure laid down by the Law on the Protection of Objects of Importance to Ensuring National Security that the applicant and/or the person, who may directly or indirectly control the applicant, who has the authorisation to exercise voting rights at the management bodies of the person intending to acquire the applicant's shares (units) and/or control (management) or who may appoint at least one member of the supervisory board and/or the board of the person intending to acquire the applicant's shares (units) and/or control (management), maintains or previously has maintained national-security-threatening relationships with institutions of the foreign states which are not the member states of the European Union and the North Atlantic Treaty Organization, or with the persons who are directly or indirectly controlled by such foreign states;

5) information is obtained in accordance with the procedure laid down by the Government that the applicant and/or the person, who may directly or indirectly control the applicant, who has the authorisation to exercise voting rights at the management bodies of the person intending to acquire the applicant's shares (units) and/or control (management) or who may appoint at least one member of the

supervisory board and/or the board of the person intending to acquire the applicant‘s shares (units) and/or control (management), is related with organized crime groups, foreign special services or groups related with international terrorist organizations, or maintains relations with the person belonging to them.

Version valid as of 1 March 2018:

5) information is obtained in accordance with the procedure laid down by the Law on the Protection of Objects of Importance to Ensuring National Security that the applicant and/or the person, who may directly or indirectly control the applicant, who has the authorisation to exercise voting rights at the management bodies of the person intending to acquire the applicant‘s shares (units) and/or control (management) or who may appoint at least one member of the supervisory board and/or the board of the person intending to acquire the applicant‘s shares (units) and/or control (management), is involved or previously has been involved in organized crime groups, foreign special services or groups related with international terrorist organizations, or maintains relations with the person belonging to them.

12. The Commission shall issue licences without tender in the following cases:

1) to research and higher education institutions or educational establishments – for broadcasting educational and cultural radio and/or television programmes by terrestrial radio and/or television stations with a power level ranging up to 20 W;

2) for broadcasting television programmes by cable television networks;

3) for broadcasting television programmes by electronic communications networks the main purpose of which is not the broadcasting and/or re-broadcasting of radio and/or television programmes;

4) for broadcasting television programmes by an artificial Earth satellite (satellites);

5) in other cases provided for in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes.

13. On the recommendation of the Commission, the institution authorised by the Government shall approve a description of the procedure for fixing the amount of the annual fee for broadcasting and re-broadcasting of radio and/or television programmes, dissemination via the Internet or provision of on-demand audiovisual media services (hereinafter: the ‘annual licence fee’) and shall fix the amount of the annual licence fee in compliance with the aforementioned description. The annual licence fees shall be transferred to the Association of Ethics in the Provision of Information to the Public.

14. The institution authorised by the Government shall fix the annual licence fee having regard to:

1) the nature and content of radio and/or television programmes broadcast and/or re-broadcast by the licence holder, television programmes and/or individual programmes available via the Internet, on-demand audiovisual media services;

2) the territory in which programmes will be broadcast and/or re-broadcast, decoders and other equipment distributed to enable access to the programmes (where the programmes are broadcast and/or re-broadcast using conditional access systems) and the number of residents in that territory;

3) the competitive environment;

4) the importance of the radio and/or television programme for the development of programme broadcasting, re-broadcasting services and/or services of distribution of television programmes and/or individual programmes via the Internet, on-demand audiovisual media services.

15. The Commission shall suspend a broadcasting licence and/or a re-broadcasting licence by its decision for no longer than three months if:

1) the Communications Regulatory Authority revokes the right to use a radio frequency (channel) and appeals to the Commission to suspend the licence;

2) a broadcasting licence holder disseminates information that is not to be published under paragraphs 1 and 2 of Article 19 of this Law and a fine specified in paragraph 3 of Article 48 of this Law has been already imposed on him or other sanctions laid down in this Law have been applied to him for the same infringement within the last 12 months;

3) a re-broadcasting licence holder does not fulfil the decision of the Commission and a fine specified in paragraph 3 of Article 48 of this Law has been already imposed on him or other sanctions laid down in this Law have been applied to him for the same infringement;

4) a licence holder fails to pay within three months the fine imposed on him under paragraph 3 of Article 48 of this Law;

5) a licence holder infringes the basic terms and conditions of the broadcasting licence and/or the re-broadcasting licence and/or obligations concerning the broadcast and/or re-broadcast radio and/or television programme and an administrative penalty has been imposed on him repeatedly for the same infringement within the last 12 months;

6) a licence holder infringes the statutory requirements regarding the protection of minors against the detrimental effect of public information on their physical, mental or moral development and an administrative penalty has been imposed on him repeatedly for the same infringement within the last 12 months;

7) a licence holder fails to pay the annual licence fee in due time;

8) a licence holder does not pay the contributions specified in this Law to finance the activities of the Commission and has been issued a warning for the same infringement twice within the last 24 months.

16. The Commission shall revoke a broadcasting licence and/or a re-broadcasting licence if:

1) a licence holder renounces the licence;

2) a licence holder is liquidated or reorganised;

3) the licence holder does not, without the Commission's consent, pursue for a period of more than two consecutive months or more than three months within a calendar year the licenced broadcasting activity and/or does not re-broadcast a radio and/or television programme (programmes) over the radio frequencies (channels) provided for in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes and under the conditions laid down in the re-broadcasting licence;

4) the licence holder has not, within the period specified in the licence, commenced the pursuit of the licenced broadcasting activity and/or has not commenced the re-broadcasting of a radio and/or television programme (programmes) over the radio frequencies (channels) provided for in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes and under the conditions laid down in the re-broadcasting licence;

5) the licence holder submitted incorrect data when applying for a broadcasting licence or a re-broadcasting licence;

6) the licence holder fails to eliminate the infringement for which the licence has been temporarily suspended or commits the same infringement within 12 months after the expiration of the temporary suspension term;

7) the licence holder broadcasts during the term of temporary suspension of the broadcasting licence broadcasts a radio and/or television programme (programmes) or re-broadcasts during the term of temporary suspension of the re-broadcasting licence a radio and/or television programme (programmes) over the radio frequencies (channels) provided for in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes;

8) there is a change of the owner of the majority shareholding of the licence holder or the control (management) of the licence holder is transferred to another person (persons) without receiving the Commission's consent, or incorrect data have been provided in the application submitted to receive the Commission's consent;

9) the Communications Regulatory Authority revokes the right to use a radio frequency (channel) and appeals to the Commission to revoke the licence;

10) the period of validity of a permit to use a radio frequency (channel) expires and the Communications Regulatory Authority does not extend it in the manner prescribed by law.

17. When adopting a decision on the temporary suspension or revocation of a licence, the Commission shall set a specific term as of which the suspension or revocation of the licence becomes effective. This term may not be shorter than the term established by this Law for appealing against the Commission's decisions in court. The licence holder must suspend (discontinue) the licenced broadcasting activity and/or suspend (discontinue) the re-broadcasting of radio and/or television programmes over the radio frequencies (channels) provided for in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes as of the date specified in the decision, except for cases where the court temporarily suspends the validity of the Commission's decision upon appealing against in court. If the court does not revoke the Commission's decision on the temporary suspension or revocation of the broadcasting licence or the re-broadcasting licence, the broadcasting licence holder must suspend (discontinue) the licenced broadcasting activity and the re-broadcaster must suspend (discontinue) re-broadcasting of radio and/or television programmes over the radio frequencies (channels) provided for in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes as of the date when the court decision enters into force. The Commission's decision on the temporary suspension or revocation of the broadcasting licence or the re-broadcasting licence must be sanctioned by Vilnius Regional Administrative Court. The application to sanction the Commission's decision must specify the factual and legal grounds for the adoption of the decision by the Commission as well as the supporting evidence. The application must be submitted together with the Commission's decision, the copies of documents supporting its factual and legal grounds as well as other required materials. A judge of Vilnius Regional Administrative Court must examine the Commission's application and adopt a reasoned ruling to satisfy or reject the application within 72 hours from submission thereof. If the Commission does not agree with the ruling of the judge of Vilnius Regional Administrative Court to reject the application, its authorised representative shall have the right within seven days to appeal against the court ruling at the Supreme Administrative Court of Lithuania. The Supreme Administrative Court of Lithuania must examine the appeal against the ruling of Vilnius Regional Administrative Court within seven days from the date of acceptance of the appeal.

18. A holder of the broadcasting licence and/or the re-broadcasting licence may not transfer the licence or the rights granted thereby to other persons. In the event that a licence holder is reorganised, the successor (successors) to its rights and obligations may, by a decision of the Commission, be issued a new licence (licences) without tender to pursue the licenced activity of broadcasting and/or re-broadcasting of radio and/or television programmes under the same conditions if that person prior to

reorganisation submits to the Commission an appropriate application and specifies reorganisation conditions and if, both prior to and during the reorganisation, there have been no violations of the laws of the Republic of Lithuania regulating radio and/or television programme broadcasting or re-broadcasting activities, terms and conditions of the licence and decisions of the Commission.

19. A licence holder must inform the Commission about the intended discontinuation of the licenced activity of broadcasting and/or re-broadcasting of radio and/or television programmes not later than 30 days prior to discontinuation. Upon receiving the Commission's consent, the licence holder may temporarily suspend the licenced activity of broadcasting and/or re-broadcasting of radio and/or television programmes, but for a period not longer than three months.

Article 32. Protection from Unlawful Broadcasting and/or Re-broadcasting

1. Broadcasters and/or re-broadcasters of radio and/or television programmes may not, without the Commission's permission, extend or otherwise change the territorial area of broadcasting and/or re-broadcasting (coverage zone of broadcast and/or re-broadcast radio and/or television programmes) specified in the broadcasting licence and/or the re-broadcasting licence.

2. It shall be prohibited to unlawfully interfere with radio and/or television programmes broadcast by other broadcasters of radio and/or television programmes, use for broadcasting and/or re-broadcasting of radio and/or television programmes the radio frequencies (channels) not specified in the broadcasting licence and/or the re-broadcasting licence, or cause broadcasting interference.

Article 33. Regulation of Unlicensed Activity of Broadcasting and Re-broadcasting Radio and Television Programmes

1. Persons wishing in the Republic of Lithuania to carry out an unlicensed activity of broadcasting radio and/or television programmes, re-broadcasters who will not use radio frequencies (channels) provided for in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes, as well as persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, providers of on-demand audiovisual media services must, before starting to carry out the said activity, notify the Commission about this in accordance with the procedure laid down the Rules for Licensing of Broadcasting Activities and Re-broadcast Content. The abovementioned persons may start carrying out unlicensed activities of broadcasting, re-broadcasting radio and/or television programmes, to provide users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet on the day following the submission of the notification to the Commission or on the day indicated in the

notification, if that day is later than the day of submission of the notification to the Commission. Having started to carry out their activities, the persons referred to in this paragraph, must, within 30 calendar days, pay an annual fee.

2. When submitting a notification about their intention to start carrying out activities, the persons referred to in paragraph 1 of this Article must state that:

1) a person intending to carry out the activity is not prohibited from being an information producer and/or disseminator or its participant in the cases established by law;

2) the broadcasting licence and/or a licence of re-broadcast content has within the last 12 months not been revoked in respect of a person intending to carry out the activity or the participants of a person intending to carry out the activity are not the participants of a person in respect of whom the broadcasting licence and/or the licence of re-broadcast content has within the last 12 months been revoked;

3) a person who is able to directly or indirectly control the person intending to carry out the activity, who has the power to exercise the voting rights in the management bodies of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or its control/management or who is entitled to appoint at least one member of the supervisory board and/or the board of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or control (management) has not been punished for a crime against the independence, territorial integrity or constitutional order of the State of Lithuania;

4) a person who is able to directly or indirectly control the person intending to carry out the activity, who has the power to exercise the voting rights in the management bodies of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or its control/management or who is entitled to appoint at least one member of the supervisory board and/or the board of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or control (management) does not maintain national security threatening relationships with institutions of the foreign states which are not the members of the European Union and the North Atlantic Treaty Organization or with the persons who are directly or indirectly controlled by such states;

Valid as of 1 March 2018:

4) a person who is able to directly or indirectly control the person intending to carry out the activity, who has the power to exercise the voting rights in the management bodies of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or its control/management or who is entitled to appoint at least one member of the supervisory board and/or the board of the person intending to acquire the licence holder‘s shares (interests, member shares)

and/or control (management) does not maintain or previously has not maintained national security threatening relationships with institutions of the foreign states which are not the members of the European Union and the North Atlantic Treaty Organization or with the persons who are directly or indirectly controlled by such states;

5) a person who is able to directly or indirectly control the person intending to carry out the activity, who has the power to exercise the voting rights in the management bodies of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or its control/management or who is entitled to appoint at least one member of the supervisory board and/or the board of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or control (management) is not involved in organised crime groups, special services or groups of foreign states related to international terrorist organizations, or maintain relationships with the persons belonging to them.

Valid as of 1 March 2018:

5) a person who is able to directly or indirectly control the person intending to carry out the activity, who has the power to exercise the voting rights in the management bodies of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or its control/management or who is entitled to appoint at least one member of the supervisory board and/or the board of the person intending to acquire the licence holder‘s shares (interests, member shares) and/or control (management) is not involved or previously has not been involved in organised crime groups, special services or groups of foreign states related to international terrorist organizations, or maintain relationships with the persons belonging to them.

3. Having established that at least one of the circumstances referred to in paragraph 2 of this Article exists, the Commission shall take a decision to forbid the person indicated in paragraph 1 of this Article to carry out in the Republic of Lithuania the activity of broadcasting and/or re-broadcasting, to provide users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services until the disappearance of the circumstances referred to in paragraph 2 of this Article. In taking a decision, the Commission shall set out a concrete time limit from which the forbiddance to carry out the activity of broadcasting and/or re-broadcasting, to provide users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services takes effect in the Republic of Lithuania. The time limit may not be shorter than the time limit set out for appealing against the Commission’s decisions to the court. A broadcaster, a re-broadcaster or a person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes

via the Internet or on-demand audiovisual media services must terminate the activity of broadcasting, re-broadcasting, providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services from the day specified in the decision, except where, after the appealing against the Commission's decision to the court, the court shall suspend the validity of the decision. If the court, having suspended the validity of the Commission's decision, does not repeal the Commission's decision forbidding the activity of broadcasting, re-broadcasting or providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services, the broadcaster, the re-broadcaster or the person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services must terminate such activity from the date of legal effect of the court's decision.

Valid as of 1 March 2018:

3. Where the Commission, having obtained information in accordance with the procedure laid down by the Law on the Protection of Objects of Importance to Ensuring National Security, establishes that at least one of the circumstances referred to in paragraph 2 of this Article exists, the Commission shall take a decision to forbid the person indicated in paragraph 1 of this Article to carry out in the Republic of Lithuania the activity of broadcasting and/or re-broadcasting, to provide users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services until the disappearance of the circumstances referred to in paragraph 2 of this Article. In taking a decision, the Commission shall set out a concrete time limit from which the forbiddance to carry out the activity of broadcasting and/or re-broadcasting, to provide users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services takes effect in the Republic of Lithuania. The time limit may not be shorter than the time limit set out for appealing against the Commission's decisions to the court. A broadcaster, a re-broadcaster or a person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services must terminate the activity of broadcasting, re-broadcasting, providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services from the day specified in the decision, except where, after the appealing against the Commission's decision to the court, the court shall suspend the validity of the decision. If the court, having suspended the validity of the Commission's decision, does not repeal the Commission's decision forbidding the activity of

broadcasting, re-broadcasting or providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services, the broadcaster, the re-broadcaster or the person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services must terminate such activity from the date of legal effect of the court's decision.

4. The Commission's decision referred to in paragraph 3 of this Article must be approved by Vilnius Regional Administrative Court. An application for approval of the Commission's decision must specify the factual and legal basis for the adoption of the Commission's decision as well as the evidence confirming it. The application must be accompanied by the Commission's decision, the copies of the documents confirming the factual and legal basis the said decision and other necessary material. A judge of Vilnius Regional Administrative Court must examine the Commission's application and take a reasoned ruling to satisfy or to reject the application not later than within 72 hours from the submission of the application. If the Commission does not agree with the ruling of the decision of Vilnius Regional Administrative Court to reject the application, a representative authorised by the Commission shall have the right to appeal within seven days against the judge's ruling to the Supreme Administrative Court of Lithuania. The Supreme Administrative Court of Lithuania must examine the complaint concerning the ruling of the judge of Vilnius Regional Administrative Court not later than within seven days of the adoption of the complaint.

5. Re-broadcasters of television programmes who provide services of re-broadcasting of television programmes in the Republic of Lithuania as well another persons who provide users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet must re-broadcast, disseminate via the Internet all the uncoded national television programmes of the LRT.

6. The Commission may take a decision to exempt from the obligation to re-broadcast and/or disseminate via the Internet uncoded national television programmes of the LRT, if such a decision does not limit user's opportunities to view these programmes by available technical means.

7. Broadcasters, re-broadcasters and other persons who provide users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes shall not pay each other for the must-carry television programmes which are re-broadcast and/or disseminated via the Internet.

8. It shall be prohibited to change radio and/or television programmes or individual programmes re-broadcast and/or disseminated via the Internet, or to insert any other information in such programmes. Use of special technical measures with a view of ensuring the protection of minors

against a detrimental effect on their mental health, physical, mental or moral development, adapting for the disabled or securing the exclusive rights of other radio and/or television broadcasters to television programmes or individual programmes shall not be considered the changing of a television programme re-broadcast and/or disseminated via the Internet.

9. Having evaluated cultural or public significance of a broadcast television programme, the Commission may, at the broadcaster‘s request, grant it the status of a must-carry programme which is re-broadcast and/or disseminated via the Internet and provide that the said programme must be re-broadcast and/or disseminated via the Internet free of charge by programme re-broadcasters and other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet. Only special culture, education, science, knowledge, sports or religion television programmes shall be recognised as must-carry television programmes which are re-broadcast and/or disseminated via the Internet. When taking such decision, the Commission shall determine the scope and duration of re-broadcasting and/or dissemination of the said programmes via the Internet.

10. Re-broadcasters of radio and/or television programmes, also other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet shall be responsible for choosing of radio and/or television programmes or individual programmes satisfying the requirements laid down in this Law, for their preparation and dissemination as well as for legitimacy of such activity.

11. Re-broadcasters of television programmes, also other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, when compiling packages of television programmes which are re-broadcast and/or disseminated via the Internet, must comply with the rules approved by the Commission regarding the compilation of television programme packages and ensure the users’ right to impartial information, diversity of opinions, cultures and languages as well as adequate protection of minors against a possible negative effect of public information. Television programmes which have published the information not to be published, as indicated in point 1, 2 or 3 of paragraph 1 of Article 19 of this Law, may be re-broadcast and/or disseminated via the Internet 12 months from the date of the adoption of the decision referred to in point 1 of paragraph 12 of this Law only in television programme packages which are disseminated for an additional fee and which, in this case, are not subject to subsidisation, support or concessions of any kind, and their price may not be lower than the costs incurred by the service provider for the acquisition, re-broadcasting and/or dissemination via the Internet of the television programmes which comprise the said television programme packages.

12. Having established that the information not to be published, as referred to in point 1, 2 or 3 of paragraph 1 of Article 19 of this Law, was published, transmitted for dissemination and disseminated in a television programme or in individual programmes comprising such programme and re-broadcast and/or disseminated via the Internet from the member states of the European Union, states of the European Economic Area or other European states which ratified the Council of Europe Convention on Transfrontier Television, the Commission shall, in accordance with the procedure laid down by this Law:

1) take a decision on dissemination of the television programme only in the television programme packages which are disseminated for an additional pay and notify the re-broadcasters and other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet;

2) immediately take actions referred to in Article 34^1 of this Law in order to ensure the broadcasting of television programmes and/or individual programmes meeting the requirements of this Law. In cases where a television programme broadcaster under the jurisdiction of other member states of the European Union or states of the European Economic Area broadcasts a television programme wholly or mostly directed towards the territory of the Republic of Lithuania, failing to reach an agreement with the competent authority and the broadcaster of another member state of the European Union or state of the European Economic Area, and to ensure the broadcasting of television programmes and/or individual programmes referred to in point 1, 2 or 3 of paragraph 1 of Article 19 of this Law, the Commission, having established the repeated fact of publication of the information not to be published, as referred to in point 1, 2 or 3 of paragraph 1 of Article 19 of this Law, in the same television programme and/or individual programme, take a decision on the replacement of this television programme and obliges the re-broadcasters and other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes to replace the abovementioned television programme;

3) decide on the imposition of a fine specified in paragraph 3 of Article 48 for the non-execution of the Commission's decision referred to in points 1 and 2 of this paragraph.

13. A programme broadcast in another member state of the European Union or state of the European Economic Area shall be considered to be wholly or mostly directed towards the Republic of Lithuania, if the origin of the television advertising and/or subscription revenues is the Republic of Lithuania or the main language of the service is the Lithuanian language, or programmes, advertising and/or commercial audiovisual communications are targeted specifically at the public in the Republic of Lithuania.

14. Broadcasters of radio and/or television programmes, except LRT, re-broadcasters, persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services just, in accordance with the procedure laid down by the Commission, furnish information about shareholders (unitholders), members of the management bodies, activities related to broadcasting and/or choosing, preparation and dissemination of re-broadcast radio and/or television programmes, activities related to dissemination of television programmes and/or individual programmes via the Internet and compliance of television programmes and/or individual programmes which are broadcast, re-broadcast and/or disseminated via the Internet to the requirements laid down in this Law, to the rules approved by the Commission regarding the compilation of television programme packages and to the adopted decisions.

SECTION TWO
REQUIREMENTS FOR THE PRODUCTION AND DISSEMINATION OF PUBLIC INFORMATION

Article 34. Language in which Public Information is Produced and Disseminated

1. Public information shall be produced and disseminated in the state language or any other language pursuant to this Law and the Law on the State Language as well as the resolutions of the State Commission on the Lithuanian Language, except for the cases specified in this Law. Producers and disseminators of public information, in cooperation with the competent state and municipal institutions and agencies, shall, where possible, ensure that the disseminated public information is accessible to the disabled.

2. Radio and/or television programmes broadcast in a language other than Lithuanian must be translated into Lithuanian or shown with Lithuanian subtitles, except for educational, occasional, special, music and re-broadcast foreign radio and/or television programmes or parts of programmes as well as programmes produced by broadcasters of radio and/or television programmes intended for the ethnic minorities of Lithuania. The Commission, taking into account the needs of ethnic minorities residing in the coverage zone of broadcast radio and/or television programmes, where necessary, when specifying the terms and conditions of the licence may determine the share of broadcast and/or re-broadcast radio and/or television programmes or parts thereof which must be comprised of radio and/or television programmes or parts of programmes in the languages of the ethnic minorities.

3. Broadcasters of television programmes shall be prohibited from showing audiovisual works which have been translated from an official EU language into a non EU language.

4. When re-broadcasting television programmes, re-broadcasters and/or other persons providing services of dissemination of television programmes or individual programmes via the Internet for users of the Republic of Lithuania must give priority to the official EU languages. Television programmes in the official languages of the European Union as well as the non-official languages of the European Union and originating in another Member State must comprise at least 90 per cent of the programmes when providing services of dissemination of television programmes or individual programmes via the Internet for users of the Republic of Lithuania and/or at least 90 per cent of re-broadcast television programmes in each basic television programme package presented for their users. This requirement shall not apply to television programme packages disseminated for an additional pay. Where there is a possibility to choose between the official EU language or any other language to re-broadcast and/or disseminate via the Internet the same television programme, the re-broadcasters and/or other persons providing services of dissemination of television programmes or individual programmes via the Internet for users of the Republic of Lithuania must provide all the conditions for the television programme or an individual programme to be re-broadcast or disseminated via the Internet in the official language of the European Union.

5. A television programme which is re-broadcast and/or disseminated via the Internet in a non-official language of the European Union, where such a television programme is translated into an official language of the European Union or shown with the subtitles in an official language of the European Union, shall be is equated with a programme re-broadcast and/or disseminated via the Internet in an official language of the European Union.

6. When a television programme is broadcast, re-broadcast and/or disseminated via the Internet in several languages, including the official EU languages, such a programme shall be regarded as a programme transmitted and/or disseminated in an official EU language only where, if technical possibilities allow, this programme is transmitted and/or disseminated to users with the default setting in an official EU language and the additional language selection is only possible at the user‘s discretion.

Article 34[1]. Freedom to Provide Audiovisual Media Services and Restrictions Thereon

1. Free reception of audiovisual media services from the EU Member States, states of the European Economic Area and other European states which have ratified the Council of Europe Convention on Transfrontier Television shall be guaranteed in the Republic of Lithuania.

2. It shall be permitted to broadcast and re-broadcast in the Republic of Lithuania radio and/or television programmes or parts of programmes produced abroad without prejudice to the provisions of this Law and other laws.

3. Free reception in the Republic of Lithuania of television programmes or individual programmes (when only an individual programme is transmitted) broadcast or re-broadcast from the EU Member States, states of the European Economic Area and other European states which have ratified the Council of Europe Convention on Transfrontier Television shall be temporarily suspended when all the following conditions are present:

1) such television programmes violate the requirements of Article 17, point 1, 2, 3 or 4 of paragraph 1 of Article 19 of this Law;

2) the violation specified in point 1 of this paragraph is repeated within 12 months of the first violation;

3) having established the violation of point 1, 2, 3 or 4 of paragraph 1 of Article 19 of this Law, the Commission has informed the broadcaster of television programmes and the European Commission about the suspected violations and about the measures the Commission intends to take in the event of repeated violations;

4) no agreement is reached by mutual consent through consultations with the state which broadcasts the television programmes and the European Commission within 15 days of the warning specified in point 3 of this paragraph and the alleged violations continue.

4. In cases where stricter or more detailed requirements for broadcasting of television programmes are established in the legal acts of the Republic of Lithuania than those laid down in the Audiovisual Media Services Directive and a broadcaster of television programmes under the jurisdiction of another EU Member State or a state of the European Economic Area broadcasts a television programme which is wholly or mostly directed towards the territory of the Republic of Lithuania, the Commission shall apply to the responsible institution of the EU Member State or the state of the European Economic Area having jurisdiction with a view to achieving a mutually satisfactory solution to any problem posed. In cases where a broadcaster of television programmes under the jurisdiction of the Republic of Lithuania broadcasts a television programme which is wholly or mostly directed towards the territory of another EU Member State or a state of the European Economic Area and the said broadcaster does not satisfy the requirements for broadcasting of television programmes which are set out by legal acts of that state and which are stricter or more detailed than the ones set out in the Audiovisual Media Services Directive and upon receipt of a reasoned request by the competent state institutions of that state, the Commission shall request the broadcaster to comply with the requirements for broadcasting of television programmes as set out by an appropriate state. Not later than within two months from the receipt of the request, the Commission shall inform the competent institution of the requesting state about the achieved results of the solution of the problem posed in the request.

5. Where the Commission determines that in the case specified in paragraph 4 of this Article the achieved results are insufficient to solve the problem posed and the broadcaster of television programmes whose programmes violate the requirements of the legal acts of the Republic of Lithuania has established itself in a state under the jurisdiction of another EU Member State or a state of the European Economic Area in order to circumvent stricter requirements set for the specified fields than those set in the Audiovisual Media Services Directive which are applicable to broadcasters of television programmes established in the Republic of Lithuania, the Commission shall have the right to adopt against that broadcaster of television programmes such appropriate measures likely to be applied as are objectively necessary, applied in a non-discriminatory manner and proportionate to the objectives which they pursue and impose such measures.

6. The Commission shall take the measures specified in paragraph 5 of this Article only in the presence of all the following circumstances:

1) the Commission has notified the European Commission and the Member State in which the broadcaster of television programmes is established of its intention to take the measures specified in paragraph 5 of this Article substantiating the grounds on which it bases its assessment;

2) the European Commission has decided that the measures to be applied have been harmonised with the EU legislation and that assessments made by the Commission taking these measures under paragraphs 4 and 5 of this Article are appropriately founded.

7. If the European Commission decides that the measures are incompatible with the EU legislation, the Commission shall not have the right to take the proposed measures.

8. In the case of provision of on-demand audiovisual media services, the Commission may take measures restricting the free use of audiovisual media services only in the presence of all the following circumstances:

1) the measures are necessary with a view to ensuring public order, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religious convictions or nationality, and violations of human dignity concerning individual persons; also with a view to ensuring the protection of public health, public security, including the safeguarding of national security and defence, the protection of consumers, including investors;

2) the measures are taken against an on-demand audiovisual media service which prejudices the objectives referred to in point 1 of this paragraph or which presents a serious and grave risk of prejudice to those objectives;

3) the measures taken are proportionate to the objectives specified in point 1 of this paragraph;

4) without prejudice to court proceedings, including pre-trial investigation and acts carried out as part of a criminal investigation, the Commission has applied to the responsible institutions of the EU Member State, the state of the European Economic Area or another state requesting to take measures and the latter did not take such measures or the measures were inadequate.

9. Before taking the measures specified in paragraph 8 of this Article and without prejudice to court proceedings, including pre-trial investigation and acts carried out as part of a criminal investigation, the Commission must notify the European Commission, the EU Member State and the state of the European Economic Area under whose jurisdiction the audiovisual media service provider falls of its intention to take such measures. The requirements of this paragraph shall apply only when taking the measures referred to in paragraph 8 of this Article against the audiovisual media service provider falling under the jurisdiction of the EU Member State or the state of the European Economic Area.

10. In case of urgency, the Commission may derogate from the provisions of paragraph 9 of this Article. In that case, the Commission must, within the shortest possible time, notify of the measures taken the European Commission and the responsible institution of the EU Member State or the state of the European Economic Area under whose jurisdiction the audiovisual media service provider falls and indicate the reasons for which the Commission considers that there is urgency. The requirements of this paragraph shall apply only when taking measures against the audiovisual media service provider falling under the jurisdiction of the EU Member State or the state of the European Economic Area.

11. Free reception in the Republic of Lithuania of television programmes and/or individual programmes (when only an individual programme is transmitted) or catalogues broadcast or re-broadcast or disseminated via the Internet from the countries other than the EU Member States, states of the European Economic Area and other European states which have ratified the Council of Europe Convention on Transfrontier Television may be suspended upon a decision of the Commission if such television programmes and/or individual programmes and/or catalogues of the countries violate the requirements of Articles 17 or 19 of this Law. In its decision, the Commission shall indicate the specific measures and the date of their application with a view to suspending the reception of the aforementioned television programmes and/or individual programmes and/or catalogues in the territory of the Republic of Lithuania. The measures to be applied and the time limits for their application must be proportionate to the violations committed, while the type of a measure must be selected by taking into account the entity as well as the way of disseminating public information.

12. The decision of the Commission taken pursuant to paragraph 11 of this Article regarding the suspension of reception of television programmes and/or parts of programmes and/or catalogues in

the territory of the Republic of Lithuania may be adopted only upon receiving a sanction of Vilnius Regional Administrative Court.

Article 34[2]. Information about Audiovisual Media Service Providers

Audiovisual media service providers must make the following information easily, directly and permanently accessible to service recipients in accordance with the procedure established by the Commission:

1) the name of the audiovisual media service provider;

2) the address of the registered office at which the audiovisual media service provider is established;

3) the details of the audiovisual media service provider, including his electronic mail address or website, which allow him to be contacted rapidly, in a direct and effective manner;

4) the name, address and telephone number of regulatory and self-regulatory bodies;

Article 35. Storing of Published Information

1. A producer and disseminator of public information must keep a copy of the printed publication, audiovisual works and recordings of the radio and/or television programmes broadcast for at least one year from the date of dissemination of the information.

2. The requirements laid down in paragraph 1 of this Article shall not apply to the information society media, however, their managers must, in the manner, within the time limits and the scope prescribed by the institution authorised by the Government, ensure that information about the content management is stored for up to one year.

Article 36. Requirements Set for Publications and Dissemination Thereof

1. Each publication must specify its circulation, other publishing details set by the Lithuanian standards and the international standard number (ISBN, ISSN, ISMN, etc.). These requirements shall not apply to publications intended for advertising or entertainment purposes (booklets, postcards, calendars, etc.).

2. The circulation of local, regional and national newspapers and magazines, except for those whose circulation does not exceed 500 copies or which contain no advertising, must be verified in accordance with the procedure established by the Government or an institution authorised by it.

3. The Government shall determine the number of mandatory copies of documents which shall be handed over to libraries free of charge.

Article 37. European Audiovisual Works

1. The following shall be considered European audiovisual works (hereinafter: 'European works'):

1) works produced in the Republic of Lithuania or in other EU Member States and states of the European Economic Area and other states which have ratified the Council of Europe Convention on Transfrontier Television, if the producers of such works are established in these states are or the production of such works is controlled by one or more producers established in these states, or the contribution of the producers established in the aforementioned states to the costs of the co-production (production) is larger than the contribution of the producers established in other (third) countries and the total co-production (production) is not controlled by one or more producers established outside the Republic of Lithuania, the EU Member States, the states of the European Economic Area or the other states which have ratified the Council of Europe Convention on Transfrontier Television;

2) works produced in third countries, i.e. outside the EU Member States, states of the European Economic Area or other states which have ratified the Council of Europe Convention on Transfrontier Television, if they are produced by producers established in one or several third countries or by such producers in co-operation with producers established in one or several EU Member States and in the Republic of Lithuania provided that the European Union and the Republic of Lithuania have concluded agreements with these third countries on cooperation in the audiovisual field and provided that such works are largely produced by authors and producers residing in one or several European states.

2. Points 1 and 2 of paragraph 1 of this Article shall apply in the event that works produced in the Republic of Lithuania or the EU Member States are not subject to discriminatory measures in the countries referred to in points 1 and 2 of paragraph 1 of this Article.

3. Works which within the meaning of paragraph 1 of this Article should not be considered as European works, but which have been produced within the framework of bilateral co-production (production) contracts between the EU Member States or the Republic of Lithuania and third countries, shall be treated as European works if the contribution of the producers from the EU or the Republic of Lithuania comprises the major part of the costs of co-production (production) and if the creation (production) thereof is not controlled by producers established in a state other than the EU Member State.

4. Works which within the meaning of paragraphs 1 and 2 of this Article should not be considered as European works, but which have been largely produced in co-operation with authors and producers residing in one or several EU Member States shall be treated as European works to the extent proportionate to the contribution of producers established in the EU Member States to the costs of the total co-production (production).

Article 38. Requirements Set for Radio and Television Programmes

1. Broadcasters of television programmes in their regularly broadcast programmes shall have the right to freely produce and show short news reports (with a duration of up to 90 seconds) covering events of major importance for society in Lithuania and abroad for the provision of information whereon to the public other broadcasters of television programmes have acquired exclusive rights. Short news reports must be broadcast not earlier than after the end of the live broadcast of the event of public importance. Broadcasters of television programmes shall not pay for the broadcasting of short news reports to the broadcasters of television programmes who have acquired exclusive rights for the provision of information covering the event of major importance for society, except for the cases where the provision of access to events of major importance for society entails additional costs on the part of the broadcaster of television programmes who provides such access. The payment for the provision of access to events of major importance for society may not exceed the additional costs directly incurred in providing access.

2. All broadcasters of television programmes established in any EU Member State or a state of the European Economic Area wishing to produce short news reports shall have the right to access on a fair, reasonable and non-discriminatory basis to events of major importance for society which are transmitted on an exclusive basis by the audiovisual media service provider under the jurisdiction of the Republic of Lithuania.

3. If another broadcaster of television programmes established in the same Member State as the broadcaster of television programmes seeking access to events of major importance for society has acquired exclusive rights to the particular event of major importance for society, access must be sought from that broadcaster of television programmes.

4. Access to events of major importance for society must be guaranteed by allowing broadcasters of television programmes to freely choose short news reports from the signal of the transmitting broadcaster of television programmes and, unless impossible for reasons of practicality, at least identifying their source.

5. Short news reports may be used solely for general news programmes and may be used in on-demand audiovisual media services only if the same programme is offered on a deferred basis by the same audiovisual media service provider.

6. The following requirements shall be complied with when broadcasting television programmes covering events of major importance for society:

1) broadcasters of television programmes under the jurisdiction of the Republic of Lithuania who have acquired the exclusive rights to broadcast programmes covering the events of major

importance for society taking place in Lithuania or outside its territory must broadcast the events of major importance for society live or on a deferred basis only in uncoded and free of charge national television programmes which are transmitted by television networks of any technological form and received in the territory populated by more than 60 per cent of the residents of the Republic of Lithuania. Deferred broadcasts of the events of major importance for society must be shown not later than 24 hours after the end of an event of major importance for society;

2) a television broadcaster that is under the jurisdiction of the Republic of Lithuania, has the exclusive rights of broadcasting an event of major importance for society and may not guarantee the conditions laid down in point 1 of this paragraph must, within the reasonable time before the event of major importance for society, take all measures to transfer the said rights to another television broadcaster in order to ensure the broadcasting of the in accordance with the conditions laid down in point 1 of this paragraph;

3) broadcasters of television programmes under the jurisdiction of the Republic of Lithuania may not exercise the exclusive rights to broadcast programmes intended to cover events of major importance for society taking place in Lithuania or outside its territory in such a way as to deprive a substantial proportion of people residing in another EU Member State, a state of the European Economic Area or a state which has ratified the Council of Europe Convention on Transfrontier Television of the possibility of following the events taking place in Lithuania or outside its territory which, under the legal acts of that state, are designated as events of major importance for society. Programmes covering such events shall be broadcast in accordance with the broadcasting procedure established in the respective state;

4) broadcasters of television programmes under the jurisdiction of the Republic of Lithuania may not exercise the exclusive rights purchased after 30 July 1997 in such a way as to deprive a substantial proportion of the public in another EU Member State or a state of the European Economic Area of the possibility of following events of major importance for society in that EU Member State or that state of the European Economic Area by whole or partial live coverage on free television or, where necessary or appropriate for objective reasons in the public interest, by whole or partial deferred coverage on free television, which are considered by other EU Member States or states of the European Economic Area to be of major importance for society.

7. A list of events considered to be of major importance for society in the Republic of Lithuania drawn up by the Commission shall be approved by the Government on the recommendation of the institution authorised by it in the field of provision of information to the public.

8. Broadcasters of television programmes must, where possible, reserve more than half of the television programme time remaining after deducting the time allocated for news, sports events, games and advertising programmes, teletext services and teleshopping for European works.

9. Broadcasters of television programmes must, where possible, reserve at least 10% of the television programme time remaining after deducting the time allocated for news, sports events, games, advertising programmes, teletext services and teleshopping for European works created by independent producers not earlier than within the last five years.

10. Other requirements for radio and/or television programmes shall be laid down in this Law, the Law on the Lithuanian National Radio and Television, other laws as well as licences issued to broadcasters of radio and/or television programmes.

11. Providers of audiovisual media services falling under the jurisdiction of the Republic of Lithuania must transmit cinematographic works within periods agreed upon with the right holders.

12. The name of a broadcast or re-broadcast radio and/or television programme must be announced during the radio and/or television programme at least once per clock hour. Where the duration of the radio and/or television programme is shorter than one hour, the name of such a radio and/or television programme must be announced at the end of it.

13. The requirements specified in paragraphs 8 and 9 of this Article shall not apply to local television programmes.

Article 39. Requirements Set for Advertising and Audiovisual Commercial Communications

1. Advertising and audiovisual commercial communications must be decent, correct and readily recognisable. It shall be prohibited to publish in advertising and audiovisual commercial communications information which degrades human dignity, promotes any discrimination based on race, sex or ethnic origin, nationality, citizenship, religion or belief, disability or age also contains manifestations or promotion of sexual orientation, is offensive to religious or political convictions or promotes behaviour prejudicial to health or safety or behaviour grossly prejudicial to the protection of the environment.

2. Advertising and audiovisual commercial communications may not mislead and prejudice consumers.

3. Advertising and audiovisual commercial communications may not have a detrimental effect on the mental health of minors, their physical, mental or moral development and must comply with the following requirements:

1) they may not directly exhort minors to buy or hire or select a product or service by exploiting their inexperience and credulity;

2) they may not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;

3) they may not form the opinion of minors that the use of certain services or goods will make them physically, psychologically or socially superior to their peers;

4) they may not exploit the trust minors place in parents, teachers or other persons;

5) they may not show minors in dangerous situations in the absence of the public interest.

4. Advertisers and clients of audiovisual commercial communications shall not have the right to influence the content of public information, except for the content of advertising and audiovisual commercial communications ordered by them.

5. Surreptitious advertising and surreptitious audiovisual commercial communications shall be prohibited.

6. The use of subliminal techniques shall be prohibited in advertising and audiovisual commercial communications.

7. Advertising of tobacco products and audiovisual commercial communications intended for advertising of tobacco products shall be prohibited.

8. Restrictions on advertising of alcoholic beverages and audiovisual commercial communications intended for advertising of alcoholic beverages shall be established by the Law on Alcohol Control.

9. Advertising of medical treatment and medicinal products available only on prescription shall be prohibited in the media, except for special publications or the information society media. Advertising of other medicinal products shall be subject to the provisions of the Law of the Republic of Lithuania on Pharmacy. Teleshopping for medicinal products as well as for medical treatment shall be prohibited

10. Persons regularly hosting news programmes may neither take part in advertising or audiovisual commercial communications nor voice them over.

11. The requirements for teleshopping and television advertising shall be as follows:

1) teleshopping and television advertising must be decent, non-misleading, readily recognisable and distinguishable from the content of the programme by acoustic and/or optical and/or spatial means. Television advertising and teleshopping may be inserted during programmes only in cases and manner prescribed by this Article, without prejudice to the integrity of an individual programme, taking into account natural breaks in the programme, the duration and nature of the programme and without violating the economic rights of the rightholders;

2) television advertising, announcement or teleshopping may not be inserted during religious services and religious programmes;

3) television advertising and teleshopping must be inserted in programmes in blocks and containing at least two television advertising and/or teleshopping spots during one insertion. One television advertisement or one teleshopping may be inserted in a programme according to the procedure laid down by point 6 of this paragraph in transmissions of sports events or in other exceptional cases established by the Commission;

4) the total time of television advertising spots and teleshopping spots within a given clock hour must not exceed 20%. This point shall not apply to the programmes broadcast by the broadcaster of television programmes itself and announcements of the ancillary products directly related to those programmes, sponsorship announcements and product placements;

5) teleshopping windows must be of a minimum uninterrupted duration of 15 minutes. The number of teleshopping windows broadcast per day may not exceed eight with their total duration not exceeding three hours per day. Teleshopping windows must be clearly distinguished from other programmes by optical and spatial means;

6) television advertising spots and/or teleshopping spots during sports or other events containing natural breaks must be inserted only during the natural breaks of such events;

7) the broadcasting of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes;

8) the broadcasting of children's programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes;

9) it shall be prohibited to insert advertising and/or teleshopping in re-broadcast television programmes or parts thereof.

12. Requirements for advertising and dissemination thereof established in other legal acts shall also apply.

13. Control over compliance with advertising requirements specified in this Law and other laws shall be exercised by the National Consumer Rights Protection Board under the Ministry of Justice, the Competition Council of the Republic of Lithuania and the Commission, in cooperation with other regulatory bodies regulating the activities of producers and/or disseminators of public information and advertising self-regulatory bodies.

14. The provisions of this Article, except for the cases referred to in paragraphs 8 and 9 of Article 38 and points 1 and 3 of paragraph 11 of this Article, shall apply *mutatis mutandis* to

television programmes exclusively devoted to television advertising and teleshopping as well as to television programmes exclusively devoted to self-promotion.

15. Audiovisual media service providers or associations thereof must develop codes of conduct regarding inappropriate audiovisual commercial communications, inserted or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, which are recommended to be used in moderation.

16. Requirements for political advertising, the procedure for publishing and marking it in the media shall be laid down by the Law on Funding of, and Control Over Funding of, Political Parties and Political Campaigns as well as other legal acts.

17. Liability for the peculiarities of use of misleading and non-permitted comparative advertising and the procedure for applying it shall be established by the Law on Advertising.

Article 40. Sponsorship of Audiovisual Media Services, Radio Programmes and/or Parts of Programmes

1. Audiovisual media services radio programmes and/or parts of programmes that are sponsored must meet the following requirements:

1) their content and, in the case of broadcasting of television and/or radio programmes, their scheduling may in no circumstances be influenced in such a way as to affect the editorial responsibility and independence of the audiovisual media service provider and the broadcaster of radio programmes;

2) they may not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services*;*

3) viewers must be clearly informed of the existence of a sponsorship agreement. Sponsored programmes must be clearly identified as such by the surname (name), logo and/or any other symbol of the sponsor such as a reference to his product(s) or service(s) or a distinctive sign thereof in an appropriate way at the beginning, during and/or at the end of the programmes.

2. Audiovisual media services, radio programmes and/or parts thereof may not be sponsored by persons whose principal activity is the manufacture or sale of cigarettes and other tobacco products.

3. Where audiovisual media services, radio programmes and/or individual programmes are sponsored by persons whose activities include the manufacture or sale of medicinal products or medical treatment, they may promote the name (logo) or any other image of the sponsor but must not promote specific medicinal products or medical treatments available only on prescription.

4. News programmes may not be sponsored.

Article 40[1]. Requirements for Product Placement in Programmes

1. Product placement shall be admissible in cinematographic works, films and series made for audiovisual media services, sports programmes and entertainment programmes. Product placement shall also be admissible where, without payment agreed upon between persons, certain goods or services, such as prizes or other goods or services necessary for the production of a programme, are included in the programme.

2. Programmes that include product placement must meet all of the following requirements:

1) the content and scheduling of programmes and the editorial responsibility and independence of the media service provider may in no circumstances be influenced;

2) they may not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;

3) they may not give undue prominence to the product in question;

4) viewers must be clearly informed of the existence of product placement. Programmes containing product placement must be appropriately identified at the start and the end of the programme and when a programme resumes after an advertising break in order to avoid any confusion on the part of the viewer.

3. The following product placement shall be prohibited in programmes:

1) tobacco products or product placement from undertakings whose principal activity is the manufacture or sale of tobacco products;

2) specific medical treatments or medicinal products available only on prescription.

4. Product placement in children's programmes and news programmes shall be prohibited.

SECTION THREE
REGULATION OF ON-DEMAND AUDIOVISUAL MEDIA SERVICES

Article 40[2]. Repealed as of 1 October 2015

Article 40[3]. Protection of Minors in the Course of Provision of On-demand Audiovisual Media Services

Providers of on-demand audiovisual media services must ensure in accordance with the procedure established by legal acts that on-demand audiovisual media services which might have a detrimental effect on the mental health of minors and their physical, mental or moral development are only made available in such a way that ensures that minors will not normally hear or see such on-

demand audiovisual media services without control of persons responsible for the supervision or education of minors.

Article 40[4]. Promotion of European Works in the Course of Provision of On-demand Audiovisual Media Services

1. Providers of on-demand audiovisual media services falling under the jurisdiction of the Republic of Lithuania shall promote, where practicable and by appropriate means, the production of and access to European works.

2. In pursuing the activities specified in paragraph 1 of this Article, providers of on-demand audiovisual media services shall ensure that at least half of the programmes in the catalogue of on-demand audiovisual media services are European works.

SECTION FOUR
DUTIES AND LIABILITY OF JOURNALISTS, PRODUCERS AND DISSEMINATORS OF PUBLIC INFORMATION

Article 41. Duties of Journalists

1. The duties of journalists shall be set out in this Law and other laws as well as treaties of the Republic of Lithuania.

2. Journalists must:

1) provide correct, accurate and impartial news, critically assess the sources of their information, check facts closely and attentively, refer to several sources. If it is impossible to verify the reliability of the source of information, this must be indicated in the published information;

2) authorise information prepared for dissemination for the first time if this is requested by the person who has submitted the information;

3) refuse an assignment by the producer, disseminator of public information, their participant or a responsible person appointed by them if such an assignment compels to violate the laws or the Code;

4) adhere in their activities to the basic principles of provision of information to the public and observe the norms of professional ethics of journalists;

5) gather and publish information only by ethical and legal means;

6) when requesting information, introduce their surname, indicate their workplace (type of the media and/or a programme for which a reportage is being produced) and their post; they must also warn the person that his words may be made public in the media;

7) not put pressure on an information source and not offer remuneration for the information;

8) prior to interviewing a child, get consent from at least one of his parents, guardians or custodians as well as from the child himself;

9) not use audio and video recording means if this is objected by a private person providing information;

10) observe the duties specified in paragraph 10 of Article 22 of this Law.

Article 42. Duty to Provide Information

1. Producers and disseminators of public information, state and municipal institutions and agencies must provide information (including the tapes of broadcast programmes) free of charge to the regulatory and self-regulatory bodies governing the activities of producers and disseminators of public information referred to in Chapter V of this Law which is necessary for the exercise of their functions.

2. Information relating to personal data processed by producers and disseminators of public information which is provided to the regulatory and self-regulatory bodies referred to in paragraph 1 of this Article must be used in compliance with the Law on Legal Protection of Personal Data.

3. Producers and disseminators of public information must provide persons with information (including the tapes of broadcast programmes) the publication of which, in the opinion of the aforementioned persons, degrades their honour and dignity or has damaged their professional reputation or other legitimate interests. Applications for the provision of information shall be filed with the producers and/or disseminators of public information in writing. The producers and/or disseminators of public information may charge a fee for providing the requested information. The amount of such fees may not exceed the costs of making a copy of the requested information.

4. The provisions of paragraphs 4 and 5 of Article 6 of this Law shall apply to producers and disseminators of public information who provide information to the entities specified in paragraphs 1 and 3 of this Article.

Article 43. Ethics in Providing Information to the Public

1. The norms of ethics which have to be adhered to by producers and disseminators of public information and journalists shall be defined in the Code, the Resolution on the Ethics of Journalism adopted by the Parliamentary Assembly of the Council of Europe, also by the treaties of the Republic of Lithuania regulating the production and dissemination of public information and this Law.

2. The Code shall be approved, amended or supplemented by a meeting of representatives of organisations of producers or disseminators of public information and members of the Association of Ethics in the Provision of Information to the Public (hereinafter: a 'meeting of representatives'). A meeting of representatives shall be convened and its activities shall be coordinated by a joint public statement of not less than five organizations of producers or disseminators of public information functioning in the field of the provision of information to the public not less than three years. A meeting of representatives may be attended by all other persons, however, the right to vote shall be enjoyed only by the representatives of organizations of producers or disseminators of public information functioning in the field of the provision of information to the public not less than three years and the members of the Association of Ethics in the Provision of Information to the Public. The said meeting shall be held not earlier than 30 days after it is made available to the public as mentioned in this paragraph. A meeting of representatives shall approve, amend or supplement the Code in compliance with the rules of procedure of the meeting of representatives. The Code shall be approved by a simple majority vote by the meeting of representatives on the proposal of the persons who have initiated a meeting. Drafts of the Code or its amendments or supplements shall be made available to the public by the representatives who have initiated a meeting of representatives not later than 15 days before the meeting of representatives.

Article 44. Refutation of Published Information

1. The norms of the Civil Code shall provide for the duty of the media to refute the published false information which degrades the honour and dignity of a natural person or has damaged the professional reputation of a legal person, the conditions and procedure for refuting such information as well as civil liability of producers and/or disseminators of public information.

2. If the false information has been announced through the media (in the press, on television, radio, etc.), a person about whom such information has been announced shall have the right to write out refutation which must specify which published information contradicts reality, when and where it was announced, which statements of the published information degrade the honour and dignity of the natural person or damage the professional reputation of the legal person, and to demand that the media which disseminated such information publish the refutation.

3. Upon receiving the refutation specified in paragraph 2 of this Article, it must be published free of charge of the same size and in the same form as the false information degrading the honour and dignity of the natural person or damaging the professional reputation of the legal person or published by any other adequate means within a period of two weeks, with the exception of the media the periodicity of which is less frequent. In that case, the aforementioned refutation shall be published in

the first programme of the National Radio of Lithuania (within a period of two weeks) and in the first publication or programme of the media after the receipt of the refutation, without comments, in the same place, of the same size and in the same form (television and radio – on the same day of the week and at the same time) as the false information degrading the honour and dignity of the natural person or damaging the professional reputation of the legal person. The media must publish the response regardless of whether the information disseminated through them was disseminated on behalf of the media or any other person.

4. If upon receipt of the refutation referred to in paragraph 2 of this Article, the media decide not to publish such refutation, they must, within a period of two weeks of the receipt of the refutation, reply in writing to a person who has submitted the refutation indicating the reasons and motives for refusal to publish the refutation.

5. The requirements specified in paragraph 3 of this Article must also be adhered to in cases where the media, of their own free will, publish the refutation of false information degrading the honour and dignity of the natural person or damaging the professional reputation of the legal person.

6. Refusal to publish or otherwise announce the refutation referred to in paragraph 2 of this Article in the manner prescribed in paragraphs 3-5 of this Article may be appealed against in court according to the place of residence of the person whose honour and dignity has been degraded by the false information, or according to the place of registration of the head office of the legal person whose professional reputation has been damaged by the false information. A complaint must be examined not later than within 30 days of its lodgement; non-working days shall also be included in this time limit.

CHAPTER V
REGULATORY AND SELF-REGULATORY BODIES GOVERNING ACTIVITIES OF PRODUCERS AND DISSEMINATORS OF PUBLIC INFORMATION

Article 45. Powers of the Institution Authorised by the Government in the Field of Provision of Information to the Public

1. The implementation of state policy in the field of provision of information to the public shall be coordinated by an institution authorised by the Government.

2. The institution authorised by the Government shall perform the following functions:

1) summarise the practice of application of laws and other legal acts governing the provision of information to the public and submit proposals regarding the drafting of laws and other legal acts as well as amending and supplementing of the effective legal acts;

2) in cooperation with organisations of producers and disseminators of public information, draft laws and other legal acts proposed by the Government in the field of provision of information to the public;

3) in cooperation with other institutions and organisations operating in the field of provision of information to the public, implement the provisions of treaties of the Republic of Lithuania related to the provision of information to the public;

4) provide information and methodological assistance on the issues of provision of information to the public;

5) organise conferences, seminars and practical trainings relating to the issues of provision of information to the public;

6) cooperate with relevant foreign institutions and international organisations operating in the field of provision of information to the public;

7) carry out other functions pertaining to the provision of information to the public assigned to it by this Law and other laws.

3. The institution authorised by the Government shall have the right to obtain information necessary for the exercise of its functions from associations of producers and disseminators of public information, regulatory and self-regulatory bodies governing the activities of producers and disseminators of public information, state and municipal institutions and agencies.

Article 46. Association of Ethics in the Provision of Information to the Public

1. The Association of Ethics in the Provision of Information to the Public (hereinafter: the 'Association') shall target its activity to ensure the compliance with the provisions of the Code, to foster principles of ethics in the provision of information to the public in public information activities and to raise public awareness for evaluation of public information processes and use of public information.

2. The Association shall consist of organisations uniting public information producers, disseminators and journalists, with the norms of the Code applying to activities of the members of such organizations: the Lithuanian Journalists' Union, the Society of Lithuanian Journalists, the Association of Internet Media, the Lithuanian Radio and Television Association, the Association of Regional Television, the Lithuanian Cable Television Association, the National Regional and City Publishers Association. New members shall be accepted to the Association in accordance with the procedure laid down by statutes of the Association.

3. The Association shall be an independent legal person – association established by the organizations specified in paragraph 2 of this Article. It shall possess the seal with its title as well as the bank account.

4. The Association shall act in compliance with the Constitution, the Law of the Republic of Lithuania on Associations, this Law and other laws, international agreements of the Republic of Lithuania as other legal acts.

5. Activities of the Association shall be financed with:

1) annual contributions referred to in paragraph 13 of Article 31 of this Law;

2) other income legitimately received by the Association.

6. By 15 February each year, the Association shall approve a statement of estimates of revenue and expenditure for the year that ended and make such statement available to the public. , By 15 September each year, the Commission shall approve estimates of revenue and expenditure for the following year and make such estimates available to the public.

Article 46[1]. Commission of Ethics in the Provision of Information to the Public

1. The Commission of Ethics in the Provision of Information to the Public (hereinafter: the 'Commission') shall be a collegial body taking decisions of the Association by virtue of the remit provided for in paragraph 3 of this Article.

2. The term of office of the Commission shall be three years. The Association's members shall each delegate one representative to the Commission. A person with a university degree and five-year experience in the field of the provision of information to the public may be a Commission member. The Commission shall elect from among its members the Commission chairman for the term of office of the Commission.

3. The Commission shall perform the following functions:

1) takes care of ethics fostering of producers and disseminators of public information;

2) examines violations of professional ethics done by producers or disseminators of public information when providing information to the public;

3) examines persons' complaints with regard to activities of producers and disseminators of public information who have allegedly infringed the provisions of the Code; it shall also examine disputes between producers and disseminators of public information regarding violations of the Code;

4) ensures the development of mass literacy in cooperation with state agencies and institutions, dissemination of the principles of critical assessment and analysis of information;

5) organizes events with regard to the issues related to professional ethics in the field of the provision of information to the public, participates in the implementation of strategic planning programmes and action plans of state institutions.

4. All interested persons may refer to the Commission.

5. In its work, the Commission shall be guided by the Constitution, this Law and other laws, international agreements of the Republic of Lithuania, other legal acts, as well as the Code, the Resolution of the Parliamentary Assembly of the Council of Europe on the ethics of journalism.

6. The Commission shall operate pursuant to the rules of procedure approved by the Commission. When taking decisions, the Commission shall have the right to consult independent experts. Decisions of the Commission regarding infringements of professional ethics or other violations must be immediately announced in that media in which the Commission has established the said violations, as well as in accordance with the procedure for publishing refutation as laid down in Article 44 of this Law. If a producer and/or disseminator of public information fails to announce within two weeks a decision of the Commission regarding the infringement of professional ethics or other violations in its medium, the said decision of the Commission regarding the infringement of professional ethics or other violations shall be announced through the first channel of the Lithuanian national radio and the costs of such announcement shall be covered by the producer and/or disseminator of public information in respect of whom the said decision has been taken. This decision shall also be announced on the website of the Association.

7. Producers and/or disseminators of public information who do not accept the decisions of the Commission may apply to Vilnius Regional Administrative Court; however, they still must announce the said decisions in accordance with the procedure laid down in paragraph 6 of this Article.

8. The Commission shall be financed with the funds of the Association allocated by the decision of the general meeting of the members of the Association in accordance with the procedure laid down by the statutes of the Association.

9. The Commission shall, by 31 March each year, make public a report on its activities in the previous calendar year.

Article 47. Radio and Television Commission of Lithuania

1. The Commission shall be an independent body accountable to the Seimas which regulates and controls activities of broadcasters of radio and/or television programmes and providers of on-demand audiovisual media services falling under the jurisdiction of the Republic of Lithuania, as well as supervises activities of re-broadcasters operating in the territory of the Republic of Lithuania and other persons providing to users of the Republic of Lithuania with the service of the dissemination of

television programmes and/or individual programmes via the Internet. The Commission shall participate in the formation of national audiovisual policy. It shall act as an expert body for the Seimas and the Government on issues of broadcasting and re-broadcasting of radio and television programmes, dissemination of television programmes and/or individual programmes via the Internet and on-demand audiovisual media services. When performing its functions and taking decisions on issues within its remit, the Commission shall act independently.

2. In its activities, the Commission shall adhere to the Constitution of the Republic of Lithuania, this Law and other laws and legal acts as well as the regulations of the Commission approved by the Seimas.

3. The Commission shall be a public legal entity and a state budgetary institution headed by the chairman of the Commission, having its own seal bearing the state coat of arms and a bank account. The seat of the Commission shall be in Vilnius. The chairman of the Commission shall be a manager of state budgetary appropriations allocated for the Commission. His rights and duties when managing, using, entering in the accounts the state budgetary appropriations allocated for the Commission shall be defined by law.

4. The Commission shall consist of 11 members: two members shall be appointed by the President of the Republic, three members (one of them from the opposition political groups) shall be appointed by the Seimas on the recommendation of the Committee on Culture, three members shall be appointed by the Lithuanian Association of Artists, one member – by the Lithuanian Bishops' Conference, one member – by the Lithuanian Journalists' Union, and one member – by the Society of Lithuanian Journalists. Only a citizen of the Republic of Lithuania of good repute, having a university education and at least five years of experience in the fields of activities of producers or disseminators of audiovisual policy and public information, professional or academic experience in the fields of public information, education, culture, science or human rights may be appointed as member of the Commission. The same criteria for assessing good repute of civil servants as laid down in the Law on Civil Service shall also apply to members of the Commission. A person may not be appointed as member of the Commission if less than a year ago he held the position in the management bodies of undertakings or organisations of the regulated sectors and/or may have interest in these undertakings or organisations. The members of the Commission shall be appointed to serve for a period of four years and may not serve more than two successive terms of office. With less than 60 days left before the expiry of the Commission's term of office, the Commission shall address the institutions or organisations entitled to appoint members of the Commission concerning the appointment of new members. The legal basis for a member's work in the Commission shall be the decision adopted by the institution(s) or organisation(s) which has (have) appointed him. The chairman, deputy chairman and

members of the Commission shall be subject to the remuneration conditions provided for in the Law on Remuneration of State Politicians and State Officials as well as to the provisions of the Law on the Adjustment of Public and Private Interests in the Civil Service. A member of the Commission shall be paid for part-time work as the member of the Commission in accordance with the actual period of work.

5. The mandate of a member of the Commission shall terminate before its expiration where:

1) the member of the Commission resigns;

2) the member of the Commission has not attended Commission's meetings for more than four consecutive months without a valid excuse;

3) a court judgement of conviction has become effective against the member of the Commission;

4) the member of the Commission loses the citizenship of the Republic of Lithuania;

5) the member of the Commission is recognised by court as legally incapable;

6) the member of the Commission cannot perform his duties for health reasons;

7) the member of the Commission dies;

8) the member of the Commission is recalled by the organisation or institution which appointed him, after it has been addressed by the Commission which recognised by the majority of at least two-thirds of votes of all the members of the Commission that the member of the Commission committed a gross administrative fault specified in the regulations of the Commission;

9) there are grounds provided for in paragraph 18 of this Article**.**

6. In the event that the mandate of a member of the Commission terminates before its expiration on the grounds provided for in this Article, the Commission shall request the institution or organisation which has appointed the member of the Commission in question to appoint a new member of the Commission for the remaining term of office of the member of the Commission whose mandate has terminated before its expiration. Information about the composition of the Commission and any changes thereof shall be published on the website of the Commission – in the information society media the manager whereof the Commission is.

7. The grounds for the termination of the mandate of a member of the Commission before its expiration shall apply to the chairman and deputy chairman of the Commission.

8. The mandate of a member of the Commission shall terminate upon the expiration of his term of office.

9. Members of the Seimas and the Government, members of the Council of the National Radio and Television of Lithuania, civil servants of political (personal) confidence, persons linked with broadcasters and re-broadcasters of radio and/or television programmes, other persons providing users

of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services by employment, copyright agreement relations or other contractual relations also participants of broadcasters and re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services, heads of the institutions or organizations appointing them, employees of the administration of the Commission may not be members of the Commission. The chairman of the Commission, deputy chairman of the Commission may not work in business, commercial or other agencies, enterprises or organisations, may not receive any other remuneration except earnings fixed according to the position held and remuneration for research and pedagogical work as well as remuneration for creative activities not related to broadcasters and re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services and/or their participants. A person whose close relatives, as they are defined in the Law on the Adjustment of Public and Private Interests in the Civil Service, are linked with broadcasters and re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services by employment, copyright agreement relations or other contractual relations and are participants of broadcasters and re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services, may not be a member of the Commission. Members of political parties, when appointed to the Commission, shall suspend their membership in the political party and participation in the activities thereof until the end of their term of office in the Commission.

10. The Seimas shall, on the joint recommendation of the Committee on Culture, appoint and dismiss Chairman and Deputy Chairman of the Commission from members of the Commission for a term of four years. Until the appointment of the Chairman of the Commission, his duties shall be carried out by the oldest member of the Commission. A person may not serve as the Chairman of the Commission more than two terms of office in succession.

11. Meetings and consultations shall be the form of work of the Commission. The meetings shall be convened at least once a month by the chairman of the Commission on his own initiative or at the request of at least one-third of members of the Commission. Information about the planned

meetings and their agenda shall be published in accordance with the procedure laid down by the Commission.

12. Meetings of the Commission shall be open to the public. A meeting of the Commission may be declared closed by majority voting of not less than two-thirds of members of the Commission where there is a need to protect the privacy or property of a person, also if a public hearing may disclose state, professional or commercial secrets.

13. Meetings of the Commission shall be considered lawful if attended by at least two-thirds of the members of the Commission. The Commission shall take decisions. Decisions shall be taken by an open, simple majority vote of all the members of the Commission, except for the cases specified in this Law. The decisions on issuing or refusal to issue a licence, also on imposing penalties provided for in the Code of Administrative Offences and this Law, conditions and results of tendering procedures, suspension or revocation of a licence shall be taken by at least a two-third majority vote of all the members of the Commission.

14. Decisions of the Commission shall be signed by its chairman or by his deputy when the chairman of the Commission is temporarily abroad or temporarily cannot discharge his duties because of his illness. The deputy chairman of the Commission shall also exercise other functions when the chairman of the Commission temporarily cannot discharge his duties. Decisions of the Commission which are regulations shall be published in the Register of Legal Acts. Decisions of the Commission which are regulations shall enter into force on the following day after their publication in the Register of Legal Acts, unless a later date of their entry into force is set in the said decisions. Other individual legal acts adopted by the Commission shall be published on the Commission's website – in the information society media the manager whereof the Commission is, and shall enter into force on the day of their publication, unless a later date of their entry into force is set in the said legal acts. All drafts of regulations of the Commission shall be coordinated with the public through public consultations. The procedure of public consultations shall be laid down in the regulations of the Commission. The decisions of the Commission shall be binding on broadcasters and re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services; persons may appeal against the aforementioned decisions in court within 30 days of the date of their entry into force.

15. The Administration of the Commission shall provide financial, economic and material services to the Commission and assist the Commission in exercising the functions assigned to it. The Administration of the Commission shall be headed by the director. The director of the Administration of the Commission shall be appointed by the Commission for a period of five years pursuant to a

competition. The director shall report to the Commission on the activity of the Administration of the Commission each year before 1 February. The composition of the Administration of the Commission and its rules of procedure shall be approved by the Commission. The maximum permissible number of positions of civil servants and employees working under employment contracts and receiving remuneration from the state budget and state monetary fund in the Administration of the Commission shall be fixed by the Board of the Seimas. Rates of salaries of the director and employees of the Administration of the Commission as well as other conditions of payment for work shall be laid down in the regulations of the Commission.

Valid as of 1 January 2019:

15. The Administration of the Commission shall ensure the activities of the Commission. The Administration of the Commission shall be headed by the chairman of the Commission. The chairman of the Commission shall organise the activity of the Administration of the Commission in compliance with the regulations of the Commission. The structure of the Administration of the Commission shall be approved by the chairman of the Commission. The maximum permissible number of positions of civil servants and employees working under employment contracts and receiving remuneration from the state budget and state monetary fund in the Administration of the Commission shall be fixed by the Board of the Seimas.

16. For the purpose of financing of the activity of the Commission, broadcasters and re-broadcasters of radio and/or television programmes, persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services, except for the LRT, which receive income from the activity of broadcasting and re-broadcasting of radio and/or television programmes, dissemination of television programmes and/or individual programmes via the Internet and/or provision of on-demand audiovisual media services must make transfers to the account of the Commission as a budgetary institution in the amount of 0.6% of their income from audiovisual commercial communications, advertising, subscription fees and other activities related to the broadcasting and re-broadcasting of radio and/or television programmes, dissemination of television programmes and/or individual programmes via the Internet and/or provision of on-demand audiovisual media services. Participants of the audiovisual services market must make transfers to the account of the Commission as a budgetary institution every quarter but not later than until the 30th day of the first month of the next quarter. Payments from broadcasters or re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services shall be recovered in court if they fail to transfer the funds to

the account of the Commission as a budgetary institution within a period of three months of the fixed time limit. The Commission shall be financed with state budgetary appropriations, including fees for services rendered, support funds, income from publishing and other legitimate income. Income of the Commission received under this Article and transferred to the state budget may be used to finance only the programmes provided for in the Commission's strategic action plan and being implemented.

Valid as of 1 January 2019:

16. For the purpose of financing the activities of the Commission, broadcasters and re-broadcasters of radio and/or television programmes, persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services, except for the LRT, which receive income from the activity of broadcasting and re-broadcasting of radio and/or television programmes, dissemination of television programmes and/or individual programmes via the Internet and/or provision of on-demand audiovisual media services must make transfers to the account of the Commission as a budgetary institution in the amount of 0.8% of their income from audiovisual commercial communications, advertising, subscription fees and other activities related to the broadcasting and re-broadcasting of radio and/or television programmes, dissemination of television programmes and/or individual programmes via the Internet and/or provision of on-demand audiovisual media services. Participants of the audiovisual services market must make transfers to the account of the Commission as a budgetary institution every quarter but not later than until the 30th day of the first month of the next quarter. Payments from broadcasters or re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services shall be recovered in court if they fail to transfer the funds to the account of the Commission as a budgetary institution. The Commission shall be financed with state budgetary appropriations, including fees for services rendered, support funds, income from publishing and other legitimate income. Income of the Commission received under this Article and transferred to the state budget may be used to finance only the programmes provided for in the Commission's strategic action plan and being implemented.

17. The Commission shall annually draw up and approve a detailed estimate of its planned revenue and expenditure. Accounting of the Commission shall be organised and carried out, sets of financial statements shall be compiled and presented in accordance with the procedure laid down in the Law on Accounting and the Law on Domestic Accountability and other legal acts as well as public sector accounting and financial reporting standards. The set of Commission's financial statements of the last year shall be inspected by an auditor or audit body not later than until 1 April. An auditor or

audit body shall be selected in accordance with the procedure laid down by the Law on Public Procurement. After the completion of the audit, the Commission shall be presented with an opinion and a report of the independent auditor, which are made available for the public on the website of the Commission. The state audit of the Commission shall be performed by the National Audit Office of the Republic of Lithuania.

18. Each year before 1 April the Commission shall submit to the Seimas a report on the Commission's activities of the last year and a set of financial statements together with the opinion of the independent auditor and the report of the auditor. The said reports shall be considered by the Seimas Committee on Culture.

19. Members of the Commission and staff of the Administration shall be prohibited from distributing information which is a commercial secret of broadcasters and re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, providers of on-demand audiovisual media services or managers of the information society media.

Article 48. Remit of the Radio and Television Commission of Lithuania

1. The Commission shall perform the following functions:

1) together with the Communications Regulatory Authority, draws up and approves the plan of the assignment of radio frequencies for broadcasting and transmission of radio and television programmes;

2) submits to an institution authorised by the Government the Rules for Licensing of Broadcasting Activities and Re-broadcast Content;

3) in accordance with the procedure established by this Law and the Rules for Licensing of Broadcasting Activities and Re-broadcasting Content, publish calls for tenders and organise tenders for obtaining broadcasting and/or re-broadcasting licences, determine the terms and conditions of these tenders and licences, issue licences, and change the terms and conditions of licences;

4) submits to an institution authorised by the Government for approval a description of the procedure for fixing the amount of the annual licence fee;

5) in the cases specified in the description of the procedure for fixing the amount of the licence fee, applies to an institution authorised by the Government for setting and/or changing the amount of the annual licence fee for a specific person;

6) establishes the procedure for registration of providers of on-demand audiovisual media services;

7) exercises control over compliance by broadcasters, re-broadcasters of radio and/or television programmes, other persons providing to users of the Republic of Lithuania with the services of the dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services with the Rules for Licensing of Broadcasting Activities and Re-broadcast Content, the provisions of this Law and other laws concerning the choosing of radio and/or television programmes or individual programmes which are re-broadcast or distributed via the Internet, preparation of the said programmes as well as their dissemination, requirements of other legal acts with regard to the content of public information and dissemination thereof, rules approved by the Commission on compilation of television programme packages and related decisions, terms and conditions of licences; executes monitoring of audiovisual works, radio and/or television programmes re-broadcast by electronic communications networks;

8) approves rules with respect to re-broadcasters and other persons providing to users of the Republic of Lithuania with the services of the dissemination of television programmes and/or individual programmes via the Internet, rules applicable to compilation of television programme packages, and lays down requirements for activities related to the choosing of programmes, preparation of the said programmes as well as their dissemination carried out by re-broadcasters and other persons providing services of the dissemination of television programmes and/or individual programmes via the Internet; supervises compliance with these requirements;

9) supervises how broadcasters, re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services comply with this Law and the Law on the Protection of Minors against the Detrimental Effect of Public Information, the assumed obligations, the terms and conditions of licences and decisions taken by the Commission;

10) investigates, in accordance with the procedure laid down by the Commission itself, user complaints concerning activities of broadcasters of radio and/or television programmes, providers of on-demand audiovisual media services and other persons providing to users the services of dissemination of television programmes and/or individual programmes via the Internet;

11) upon the receipt of a reasoned request on the grounds referred to in paragraphs 5 or 6 of Article 19 of this Law or having conducted the investigation, or on the basis of the conclusions of the Inspector of Journalist Ethics in the cases referred to in points 4, 7 and 8 of paragraph 1 of Article 50 of this Law, or on the basis of the experts' conclusions, takes a decision using the methods and within the periods laid down by this Law regarding the application of specific sanctions which are established by this Law and which are objectively necessary;

12) within the scope of its remit, supervises the implementation of the provisions of the Law on the Protection of Minors against the Detrimental Effect of Public Information;

13) establishes the procedure for implementation of the requirements laid down by laws and EU legal acts concerning the structure and content of radio and/or television programmes, audiovisual commercial communications and the broadcasting of advertising as well as sponsorship of audiovisual media services, radio programmes and parts of programmes in radio and/or television programmes, and, within the scope of its remit, adopt other legal acts implementing the provisions of this Law and other laws;

14) exercise control over compliance by broadcasters of television programmes and providers of on-demand audiovisual media services with the provisions of this Law concerning the proportion of European works and works by independent producers in broadcast television programmes and catalogues, the right to broadcast events of major importance for society as well as the requirements laid down in paragraphs 1, 3, 5, 6, 10 and 11 of Article 39 of this Law concerning television advertising and audiovisual commercial communications, the requirements laid down in Article 40 concerning sponsorship of audiovisual media services, radio programmes and parts of programmes and the requirements laid down in Article 40^1 concerning the product placement in programmes;

15) submits proposals on preparation of drafts of laws regulating activities of and drafts of legal acts related to the activities of broadcasters and re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, or providers of on-demand audiovisual media services;

16) applies to Vilnius Regional Administrative Court with regard to illegal fulfilment of activities related to broadcasting, on-demand audiovisual media services or dissemination of television programmes and/or individual programmes via the Internet, as well as with regard to termination of illegal re-broadcasting of radio and/or television programmes;

17) in accordance with the procedure laid down by this Law stops provision of services prepared by providers of audiovisual media services of foreign countries on the territory of the Republic of Lithuania;

18) accumulates relevant information on broadcasters and re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services, analyses their activities and publish information on participants thereof, prepares information and methodological material on these issues;

19) consults and exchanges information with foreign and international institutions in relation to broadcasters and re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services and services provided by them and regulation and control of activities thereof;

20) every two years prepares and submits to the Seimas an analytical survey on the implementation of Lithuania's audiovisual policy, the development of audiovisual media services, provides statistical data on the activities of all providers of audiovisual media services operating in the Republic of Lithuania in the course of implementation of the provisions of paragraphs 3 and 4 of Article 38 of this Law, also specifies the reasons impeding the implementation of the said provisions and the remedial measures taken or to be taken;

21) cooperates with the institutions of other EU Member States and foreign countries performing the equivalent functions, also, within the scope of its remit, represents the Republic of Lithuania at international organisations;

22) establishes the procedure for encoding broadcast and/or re-broadcast radio and/or television programmes, television programmes and/or individual programmes which are disseminated via the Internet, or on-demand audiovisual media;

23) perform other functions laid down by laws and other legal acts.

2. The Commission may, following the investigation carried out in accordance with the procedure laid down by this Law, impose the following sanctions on broadcasters, re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, or providers of on-demand audiovisual media services who have violated the requirements laid down by this Law or the requirements of broadcasting or re-broadcasting licences and who fail to fulfil decisions or obligations of the Commission:

1) for the publication, submission for dissemination and dissemination of the information prohibited to be published pursuant to points 1, 2 and/or 3 of paragraph 1 of Article 19 of this Law – to impose a penalty referred to in paragraph 3 of this Article on broadcasters of radio and/or television programmes and providers of on-demand audiovisual media services;

2) for the non-fulfilment of the Commission's decisions specified in points 1 and 2 of paragraph 12 of Article 33 of this Law as well as of the Commission's decisions specified in Article 34^1 of this Law – to impose a penalty referred to in paragraph 3 of this Article on a re-broadcaster or any other person providing users of the Republic of Lithuania with the services of dissemination of television and/or radio programmes via the Internet;

3) for the violation of requirements specified in a broadcasting licence and/or a re-broadcasting licence, and/or for the non-fulfilment of the Commission's decisions, with the exception of the decisions specified in point 2 of paragraph 2 of this Article, as well as for failure to notify about the commencement of an unlicensed activity of broadcasting, re-broadcasting radio and/or television programmes, disseminating television programmes and/or individual programmes via the Internet to the users of the Republic of Lithuania – to impose administrative penalties in the cases referred to in the Code of Administrative Offences;

4) in the cases laid down by this Law, to suspend or revoke a broadcasting licence and/or a re-broadcasting licence;

5) in the cases laid down in paragraphs 4 and 5 of this Law, to apply to Vilnius Regional Administrative Court regarding the temporary suspension of unlicensed activities related to the services of broadcasting, re-broadcasting, dissemination of television programmes and/or individual programmes via the Internet and on-demand audiovisual media services, or the termination of illegal activities related to the services of broadcasting, re-broadcasting, dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services.

3. For the publication of the information referred to in points 1, 2 and/or 3 of paragraph 1 of Article 19 of this Law – a broadcaster or a provider of on-demand audiovisual media services, and for the non-fulfilment of the Commission's decisions referred to in points 1 and 2 of paragraph 12 of Article 33 of this Law, also for the Commission's decisions referred to in Article 34^1 of this Law - a re-broadcaster or any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet may be subject to a penalty of up to 3 per cent of the last economic year's overall annual income of the broadcaster, re-broadcaster, any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, providers of on-demand audiovisual media services, or to a penalty up to 100 000 euros in the cases when it is difficult or impossible to calculate the overall annual income.

4. The Commission shall have the right to apply to Vilnius Regional Administrative Court regarding the temporary suspension of unlicensed activities related to the services of broadcasting, re-broadcasting, dissemination of television programmes and/or individual programmes via the Internet and on-demand audiovisual media services for the period not exceeding three months if:

1) broadcasters, re-broadcasters, any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, or a provider of on-demand audiovisual media services fails to pay within three months the imposed penalty referred to in paragraph 3 of this Article;

2) following the imposition of the penalty referred to in paragraph 3 of this Article or imposition of other sanctions determined in this Law for the non-fulfilment of the Commission‘s decisions, a broadcaster, re-broadcaster, any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, or a provider of on-demand audiovisual media services persists in failing to fulfil the Commission’s decision;

3) a broadcaster, re-broadcaster, any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, or a provider of on-demand audiovisual media services fails when due to pay an annual contribution or the set contribution to financing Commission’s activities and he has been warned twice within the period of 24 months for the same violation.

5. The Commission shall have the right to apply to Vilnius Regional Administrative Court regarding the termination of activities related to broadcasting, re-broadcasting, dissemination of television programmes and/or individual programmes via the Internet, the provision of on-demand audiovisual media services or other illegal activities:

1) a broadcaster, a re-broadcaster, any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, or a provider of on-demand audiovisual media services continues to carry out activities concerning the provision of the services related to broadcasting, re-broadcasting, dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media after coming into effect of the decision adopted on the grounds referred to in paragraph 4 of this Article or after the revocation of the broadcasting licence and/or the re-broadcasting licence;

2) persons carrying out unlicensed activities related to the services of broadcasting radio and/or television programmes, providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, providers of on-demand audiovisual media services as well as re-broadcasters who do not use radio frequencies (channels) provided for in the plan for the assignment of radio frequencies for broadcasting and transmission of radio and television programmes with the purpose of re-broadcasting radio and/or television programmes have commenced their activities without informing the Commission in accordance with the procedure laid down by this Law.

6. Having conducted the investigation and established that the persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual

programmes via the Internet have commenced such activities without notifying the Commission, it shall have the right:

1) to issue binding instructions to an information hosting service provider to urgently remove the information stored by the information hosting service provider which is used to carry out the activity that was not notified to the Commission or to eliminate the possibility of access to such information;

2) to issue binding instructions to a network service provider to eliminate the possibility of access to the information used to carry out the activity that was not reported in accordance with the procedure laid down by legal acts.

7. The Commission, seeking to carry out the actions specified in paragraph 6 of this Article, must submit an application for authorisation to carry out the actions to Vilnius Regional Administrative Court. Such an application must contain the name and surname or the business name of a person suspected of having committed a violation, the type of a suspected violation (suspected violations), actions to be carried out. Vilnius Regional Administrative Court shall examine the application for authorisation to carry out the actions and adopt a reasoned order granting the application for authorisation to carry out the actions or rejecting the said application. The application for authorisation to carry out the actions must be examined and the court's order must be adopted not later than within 72 hours from the submission of the application for authorisation to carry out the actions. If the Commission does not agree with the order of Vilnius Regional Administrative Court to reject the application for authorisation to carry out the actions, it shall be entitled to appeal against the said order to the Supreme Administrative Court of Lithuania within seven calendar days from the adoption of the order. The Supreme Administrative Court of Lithuania must examine the complaint regarding the order of Vilnius Regional Administrative Court to reject the application for authorisation to carry out the actions not later than within seven calendar days from the acceptance of the complaint of the Commission. The ruling adopted by the Supreme Administrative Court of Lithuania shall be final and not subject to appeal. When examining applications and complaints regarding the authorisation to carry out the actions, the courts must ensure the confidentiality of the provided information and scheduled actions.

8. The Government or an institution authorised by it shall lay down the procedure for ensuring the elimination of possibilities of access to the information used to carry out the activity of dissemination of television programmes and/or individual programmes via the Internet to users of the Republic of Lithuania that has not been reported in accordance with the procedure laid down by legal acts.

9. When imposing sanctions in accordance with the procedure laid down by law to broadcasters, re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services, who have breached the requirements of this Law or broadcasting licences and/or re-broadcasting licences or who have failed to execute the Commission‘s decisions, the Commission shall take into consideration the following:

1) dangerousness of the violation or non-execution of the Commission‘s decision;

2) length of the violation or non-execution of the Commission’s decision;

3) consequences of the violation or non-execution of the Commission’s decision;

4) circumstances mitigating or aggravating the liability of the broadcaster, re-broadcaster, any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or the providers of on-demand audiovisual media services. When imposing sanctions, the Commission may also recognize other circumstances which are not specified in this Law as mitigating circumstances.

10. The fact that a broadcaster, a re-broadcaster, any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or providers of on-demand audiovisual media services, who have breached this Law or who have failed to execute the Commission‘s decisions prevent voluntarily the harmful effects of the violation and cooperate actively with the Commission during the investigation shall be considered as circumstances mitigating the liability.

11. The fact that a broadcaster, a re-broadcaster, any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or a provider of on-demand audiovisual media services has impeded the investigation carried out by the Commission, has concealed the violation of this Law, has continued to carry out actions constituting the violation of this Law or has failed to execute the Commission’s decision shall be considered as circumstances aggravating the liability.

12. The concrete amount of a penalty shall be determined upon evaluation of the circumstances specified in paragraphs 9, 10 and 11. In the presence of the circumstances mitigating the liability, the amount of the penalty shall be reduced from the average to the minimum and at the presence of the circumstances aggravating the liability, the amount of the penalty shall be increased from the average to the maximum. In the presence of circumstances mitigating and aggravating the liability, the amount of the penalty shall be established taking into account the number and significance of the penalties.

13. The Commission must, within 20 working days from the beginning of the investigation, adopt a decision regarding the imposition of the sanctions referred to in paragraphs 2, 3, 4 and 5 of this Article in the cases other than the cases referred to in paragraph 5 of Article 19 of this Law. Before adopting a decision, the Commission shall present in writing to the interested persons the conclusions of the investigation and shall create possibilities for presenting in writing within a reasonable time set by the Commission its explanations concerning the non-fulfilment of the requirements of this Law, the requirements of the broadcasting licences and/or re-broadcasting licences as well as the non-execution of the Commission‘s decisions.

14. Upon the completion of the investigation, the persons suspected of breaching this Law shall be given an opportunity to get access to the investigation file, with the exception of the documents containing state or official secrets or commercial secrets of another economic entity. In order to get access to the documents containing commercial secrets of another economic entity, it shall be necessary to obtain consent of the economic entity to the documents containing the commercial secrets of whom the access is sought.

15. Before the Commission adopts a decision with regard to the breach of this Law, the persons suspected of committing the breach as well as other interested persons shall have the right to provide explanations and be heard at a meeting of the Commission. They must be informed in advance about the place and time of a meeting, announcing this on the website of the Commission. The Commission must also inform about a scheduled meeting through the media.

16. Meetings of the Commission where persons suspected of committing a breach as well as other interested persons are heard shall be open. The Commission, on its own initiative or at the request of the persons suspected of committing the breach as well as other interested persons, may hold a closed meeting if this is necessary in order to protect state or official secrets or commercial secrets of economic entities.

17. It shall be deemed that the persons suspected of committing a breach as well as other interested persons have been heard when there is evidence that they were duly informed about the venue and time of a meeting of the Commission, provided an opportunity to give explanations, got access to the inspection conclusions, and the persons suspected of committing the breach got access to the inspection file.

18. The Commission’s decisions imposing the penalty may be appealed against to Vilnius Regional Administrative Court. Appeal against the abovementioned Commission’s decisions shall not prevent from executing them.

19. A broadcaster, a re-broadcaster of radio and/or television programmes, any other person providing users of the Republic of Lithuania with the services of dissemination of television

programmes and/or individual programmes via the Internet or a provider of on-demand audiovisual media services must pay a penalty imposed by the Commission to the state budget not later than within three months of the penalty imposition. If the broadcaster, the re-broadcaster of radio and/or television programmes, any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or the provider of on-demand audiovisual media services has paid the penalty and the effective decision of the court reduces or annuls the imposed penalty, the overpaid amount shall be *mutatis mutandis* credited or reimbursed to the broadcaster, the re-broadcaster of radio and/or television programmes, any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or the provider of on-demand audiovisual media services pursuant to the procedure for refunding or crediting excess taxes laid down by the Law on Tax Administration. If the broadcaster, the re-broadcaster of radio and/or television programmes, any other person providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet or the provider of on-demand audiovisual media services fails to pay the penalty within the time limit set out in this paragraph, interest at the rate set out in paragraph 1 of Article 6.210 of the Civil Code shall be calculated. Interest at the said rate shall start to run on the day following the expiry of the time limit set out in this paragraph. Interest shall be calculated each day and shall stop being calculated on the day the penalty is paid to the state budget, but not longer than 180 days.

20. When applying to Vilnius Regional Administrative Court in the cases provided for in paragraphs 4 and 5 of this Article, the Commission shall submit to the Court a request based on objective information (facts) and legislative rules with regard to the temporary suspension of unlicensed activities related to the provision of services of broadcasting, re-broadcasting, dissemination of televisions programmes and/or individual programmes via the Internet or on-demand audiovisual media services or the termination of illegal activities of the provision of services of broadcasting, re-broadcasting, dissemination of televisions programmes and/or individual programmes via the Internet or on-demand audiovisual media services, and present copies of the documents confirming the factual and legal basis of the request temporarily suspend the unlicensed activities related to the provision of services of broadcasting, re-broadcasting, dissemination of televisions programmes and/or individual programmes via the Internet or on-demand audiovisual media services or to terminate the illegal activities related to the provision of services of broadcasting, re-broadcasting, dissemination of televisions programmes and/or individual programmes via the Internet or on-demand audiovisual media services, as well as other relevant material. Vilnius Regional Administrative Court must adopt a decision to temporarily suspend the unlicensed activities or to

terminate the illegal activities related to provision of services of broadcasting, re-broadcasting, dissemination of televisions programmes and/or individual programmes via the Internet or on-demand audiovisual media services, or to refuse the request not later than within 30 days from the acceptance of the request. The decision of Vilnius Regional Administrative Court concerning the Commission's request to temporarily suspend the unlicensed activities related to the provision of services of broadcasting, re-broadcasting, dissemination of televisions programmes and/or individual programmes via the Internet or on-demand audiovisual media services or to terminate the illegal activities related to the provision of services of broadcasting, re-broadcasting, dissemination of televisions programmes and/or individual programmes via the Internet or on-demand audiovisual media services may be, within 14 days of the adoption of the decision, appealed against to the Supreme Administrative Court of Lithuania. The Supreme Administrative Court of Lithuania must examine the appeal not later than within 30 days of the adoption thereof.

21. In performing the functions prescribed in point 9 of paragraph 1 of this Article, the Commission may apply to the Inspector of Journalist Ethics regarding the conclusions pertaining to the assignment of public information to the category of information which has a detrimental effect on the physical, mental or moral development of minors if members of the Commission have doubts when assessing the damage done by public information to the physical, mental or moral development of minors or the assessment of such public information requires special knowledge. Upon receipt of such an inquiry, the Inspector of Journalist Ethics must within ten days submit to the Commission his own conclusions or conclusions of the experts of the Office of Inspector of Journalist Ethics with respect to that issue.

22. In performing the functions prescribed by legal acts, the Commission shall have the right:

1) to obtain free of charge from broadcasters, re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, providers of on-demand audiovisual media services, managers of the information society media, state and municipal institutions and agencies, commissions set up by the Government or ministries as well as other legal persons the information, including information constituting a commercial secret, necessary for the exercise of the functions of the Commission;

2) to obtain from broadcasters, re-broadcasters of radio and/or television programmes, other persons providing users of the Republic of Lithuania with the services of dissemination of television programmes and/or individual programmes via the Internet, providers of on-demand audiovisual media services, managers of the information society media, state and municipal institutions and agencies, commissions set up by the Government or ministries as well as other persons the documents and other

information necessary for investigation of violations of the relevant laws which are assigned to the Commission's remit;

3) to engage police officers when conducting inspections with respect to activities which are carried out in a supposedly illegal manner and which are related to the provision of services of broadcasting, dissemination of television programmes and/or individual programmes via the Internet or on-demand audiovisual media services, or to the re-broadcasting and/or dissemination via the Internet of radio and/or television programmes which is carried out illegally and/or in violation of the requirements laid down in legal acts with regard to the programmes re-broadcast or disseminated via the Internet;

4) for the purpose of monitoring of radio and/or television programmes or individual programmes, to carry out monitoring of radio and/or television programmes or individual programmes by connecting terminal equipment and/or other technical measures, intended for monitoring and recording of radio and/or television programmes or individual programmes, to electronic communications networks, including those protected by conditional access, through which radio and/or television programmes are broadcast, re-broadcast and/or disseminated via the Internet, and/or on-demand audiovisual media services are provided;

5) upon receiving court authorisation, to carry out on-the-spot checks;

6) to set up commissions or working groups for drafting legal acts or dealing with other issues falling within the Commission's remit, to include specialists from other institutions (upon co-ordination with their heads) in the said commissions or groups;

7) within the scope of its remit as a competent authority, in compliance with Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws, to participate in the development and implementation of a framework for cooperation established by this Regulation;

8) to organise meetings, conferences and other events;

9) to conclude agreements, assume obligations, enjoy other civil rights and duties, provided that this is not in contradiction with laws of the Republic of Lithuania;

10) to enjoy other rights established by this Law, directly applicable legal acts of the European Union regulating broadcasting and re-broadcasting activities and Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws as well as other legal acts.

Article 49. Inspector of Journalist Ethics

1. The Inspector of Journalist Ethics (hereinafter: the ‘Inspector’) shall be a state official who supervises the implementation of the provisions of this Law.

2. The Inspector shall be appointed for a five-year term of office by the Seimas from the candidates proposed by the organizations uniting producers, disseminators of public information and journalists, with the norms of the Code applying to activities of their members. The same person may not be appointed the Inspector for more than two successive terms of office. A person appointed as Inspector shall hold office until the appointment of a new Inspector.

3. A citizen of the Republic of Lithuania of good repute with a university degree and the competence necessary to perform his duties shall be appointed Inspector.

4. Members of the Seimas, the Government as well as civil servants of political (personal) confidence may not be appointed as Inspector. The Inspector and members of his family may not be linked with producers and/or disseminators of public information by employment relations and may not hold shares of producers and/or disseminators of public information. During his term of office, the Inspector may not participate in political activities.

5. The Inspector shall act in accordance with the Constitution of the Republic of Lithuania, this Law and other laws, treaties ratified by the Republic of Lithuania, EU legal acts, the Code of Ethics of Lithuanian Journalists and Publishers and other legal acts.

6. The activities of the Inspector shall be based on the principles of legitimacy, impartiality, justice and publicity.

7. The Inspector may not hold any other elective or appointed posts and receive any other remuneration, except for remuneration set in accordance with the Law on the Remuneration of State Politicians, Judges and State Officials and for teaching or creative activities.

8. The Inspector shall be dismissed from office when:

1) his term of office expires and he is not appointed for another term of office;

2) he resigns;

3) he is absent from work due to temporary incapacity for work for more than 120 calendar days in succession or more than 140 days during the last 12 months, unless the laws provide that in the case of certain illnesses the post is retained for a longer period, or when the Inspector is unable to perform his duties pursuant to the conclusions of the Disability and Capacity for Work Establishment Office under the Ministry of Social Security and Labour;

4) a court judgement of conviction has become effective against him;

5) more than half of all the members of the Seimas have expressed no confidence in him;

6) he loses the citizenship of the Republic of Lithuania.

9. When taking a decision, the Inspector may enlist the assistance of experts (groups of experts) which submit their conclusions regarding the assignment of press publications, audiovisual works, radio and television programmes or parts of programmes, Internet websites or other media and/or their content to the categories of information of erotic, pornographic and/or violent nature, as well as their conclusions on whether the public information incites discord on grounds of sex, sexual orientation, race, nationality, language, origin, social status, belief, convictions or views. The composition and number of experts (groups of experts) shall be approved by the Inspector. The experts (groups of experts) shall be liable under the law for the correctness of their conclusion (conclusions). Experts (groups of experts) shall operate in accordance with the rules of procedure approved by the Inspector. The description of assignment of the media to the categories of information of erotic and/or violent nature and the procedure for fixing the amounts of fees for assigning the media to the categories of information of erotic, pornographic and/or violent nature shall be established by the Government on the recommendation of the Inspector.

Valid as of 1 April 2018:

9. When taking a decision, the Inspector may enlist the assistance of groups of experts (experts) which submit their conclusions regarding the assignment of the media and/or their content to the categories of information of erotic, pornographic and/or violent nature, as well as their conclusions on whether the public information incites discord on grounds of age, sex, sexual orientation, ethnic origin, race, nationality, citizenship, language, origin, social status, disability, belief, convictions, views or religion. The composition of groups of experts and the number of experts shall be approved by the Inspector. The groups of experts (experts) shall be liable under the law for the correctness of their conclusion (conclusions). Groups of experts (experts) shall operate in accordance with the rules of procedure approved by the Inspector. The description of assignment of the media to the categories of information of erotic and/or violent nature shall be approved by the Government on the recommendation of the Inspector.

10. The activities of the Inspector shall be ensured by the Office of the Inspector of Journalist Ethics. The Office of the Inspector of Journalist Ethics shall be a state budgetary body headed by the Inspector.

11. The Office of the Inspector of Journalist Ethics shall be a public legal entity and have a seal bearing the coat of arms of the State of Lithuania and the name *Office of the Inspector of Journalist Ethics* inscribed therein. The Inspector shall be held liable for the use and safekeeping of the seal. The seat of the Office of the Inspector of Journalist Ethics shall be in Vilnius, with the premises provided by the Government.

12. The activities of the Inspector, the Office of the Inspector of Journalist Ethics and experts (expert groups) operating under it shall be financed from the state budget. The funds for these activities shall be allocated under a separate line.

13. The tasks, functions, rights and duties as well as the structure, organisation of work and financing of the Office of the Inspector of Journalist Ethics shall be laid down in the Regulations of the Office of the Inspector of Journalist Ethics approved by the Seimas.

14. The Inspector shall once a year report to the Seimas on his own activities and the activities of the Office of the Inspector of Journalist Ethics and, by 1 April each year, present an annual activity report. The report shall be published on the website of the Office of the Inspector of Journalist Ethics.

Article 50. Inspector's Remit

1. The Inspector shall perform the following functions:

1) investigate the complaints (applications) of the persons concerned whose honour and dignity have been degraded in the media;

2) examine the complaints (applications) of the persons concerned in relation to violation of their right to protection of privacy in the media;

3) examine the complaints (applications) of the persons concerned in relation to violation of processing of their personal data in the media;

4) exercise, within the scope of his remit, supervision over implementation of the provisions of the Law on the Protection of Minors against the Detrimental Effect of Public Information;

5) assess compliance with the principles of provision of information to the public set forth in this Law and other laws and legal acts regulating the provision of information to the public in providing information to the public;

6) submit proposals to the Seimas and other state institutions for improving this Law and other laws and legal acts regulating the provision of information to the public and implementation thereof;

7) on the basis of the conclusions of experts (groups of experts), assign press publications, audiovisual works, radio and television programmes or parts of programmes, the information society media or other media and/or their content to the categories of information of erotic, pornographic and/or violent nature and inform the State Tax Inspectorate under the Ministry of Finance about press publications of erotic and/or violent nature;

Valid as of 1 April 2018:

7) on the basis of the conclusions of groups of experts (experts), assign the media and/or their content to the categories of information of erotic, pornographic and/or violent nature and inform the

State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania about press publications of erotic and/or violent nature;

8) on the basis of the conclusions of experts (groups of experts), establish whether public information published in the media incites discord on grounds of sex, sexual orientation, race, nationality, language, origin, social status, belief, convictions or views;

Valid as of 1 April 2018:

8) on the basis of the conclusions of groups of experts (experts), establish whether public information published in the media incites discord on grounds of age, sex, sexual orientation, ethnic origin, race, nationality, citizenship, language, origin, social status, disability, belief, convictions, views or religion;

9) cooperate with counterpart institutions of the European Union and other countries and, within the scope of his remit, represent the Republic of Lithuania in international organisations;

10) draw up and publish every two years an analytical survey – the guidelines for the development of a democratic culture in the field of provision of information to the public;

11) carry out monitoring of public information in the media, except for monitoring of radio and television programmes.

2. In performing the functions specified in paragraph 1 of this Article, the Inspector shall have the right to:

1) having information about violations that have not been specified in the complaints (applications), on his own initiative commence an investigation in accordance with the procedure set forth by this Law or refer the collected material to other competent state institutions for investigation;

Valid as of 1 April 2018:

1) on his own initiative commence an investigation or refer the collected material to other competent state institutions for investigation;

2) in accordance with the procedure established by this Law, obtain free of charge information from producers and disseminators of public information, including information published in the media managed by them (video and audio recordings of broadcast programmes, specimen of publications and copies thereof) necessary for the exercise of his functions;

3) obtain information, documents and other material necessary for the exercise of his functions from state and municipal institutions and agencies free of charge;

4) in accordance with the procedure set forth by law, however only to the extend it is necessary to perform his functions, get access to documents constituting a state, official, commercial or bank secret, also documents containing information about personal data protected by law;

5) without violating the rights and legitimate interests of persons, film, make photographs, sound and video recordings and use any other technical means during investigations in accordance with the procedure prescribed by law;

6) attend the sittings and meetings organised by the Seimas, the Government and other state institutions, take part in the activities of commissions and working groups set up by them, attend the meetings of regulatory and self-regulatory bodies governing the activities of producers and disseminators of public information when issues related to the implementation of the provisions of this Law, the activities of the Inspector or an investigation carried out by him are considered and express his opinion on the issues;

7) set up working groups and commissions for drafting legal acts and proposals, organising events and considering other relevant issues;

8) for the purpose of exercising the functions laid down in this Law and other laws, enlist the assistance of experts (groups of experts), establish their rules of procedure as well as payment procedure.

3. In performing the functions specified in paragraph 1 of this Article, the Inspector may take the following decisions:

1) issue a warning to producers and disseminators of public information, (natural) persons responsible for the content of the media about the noticed violations of this Law and other legal acts governing the provision of information to the public and request that they be eliminated;

2) request that a producer or disseminator of public information refute, in accordance with the established procedure, the published false information degrading the honour and dignity of a person or damaging his professional reputation or legitimate interests, or provide the person with a possibility to reply and refute such information himself;

3) apply to the competent state institutions and the Association regarding the noticed violations of this Law and other legal acts governing the provision of information to the public;

4) initiate administrative proceedings in the cases set out in the Code of Administrative Offences;

5) consider cases of administrative offences and impose administrative penalties in the cases set out in the Code of Administrative Offences;

6) recognise the complaint (application) as unjustified;

7) terminate the investigation commenced on own initiative if the violations or circumstances due to which the investigation was started have not been corroborated;

8) refuse to investigate the complaint (application);

9) terminate the examination of the complaint (application).

4. A complaint (application) submitted to the Inspector must specify:

1) the name, surname and address of the person (applicant) who has lodged the complaint (application);

2) the specific media and publication or a part of programme which contained the information degrading the honour and dignity of the person (applicant) who has lodged the complaint (application), violating the person's right to protection of privacy or the interests of minors;

3) what disseminated information contradicts reality, in what way the right to privacy has been violated and the interests of minors have been affected;

4) the content of the application to the Inspector;

5) the date of writing of the complaint (application) and the signature of the person (applicant) who has lodged the complaint (application).

5. The complaint (application) which does not contain at least one of the requirements specified in paragraph 4 of this Article shall not be examined unless the Inspector decides otherwise. In the event that the Inspector refuses to examine the complaint (application) due to the shortcomings of content requirements, the person (applicant) shall be informed thereof within five working days specifying the shortcomings. Upon elimination of the shortcomings, the person's (applicant's) complaint (application) shall be accepted for examination with the date of lodgement thereof considered to be the date of receipt of the complaint (application) meeting all the requirements.

6. In the cases referred to in points 1-3 of paragraph 1 of this Article, the Inspector shall only examine complaints (applications) lodged by persons whose rights have been violated in the media or the legal representatives as well as appointed representatives of such persons. In these cases, anonymous complaints (applications) shall not be investigated.

7. In the case referred to in point 4 of paragraph 1 of this Article, the Inspector shall examine the complaints (applications) lodged not only by persons whose rights have been violated in the media or their legal representatives, but also complaints (applications) lodged by other persons, including anonymous complaints (applications). In that case, the Inspector may start an investigation on his own initiative.

8. Written or oral appeals, applications and notifications by the persons (applicants) concerned which do not contain complaints against the actions of producers and/or disseminators of public information, but only request to provide explanations, information or required documents, to express an opinion or submit a conclusion regarding the implementation of the provisions of this Law shall not be considered as complaints (applications).

9. The Inspector shall refuse to examine a complaint (application) and shall return it to the person (applicant) who has lodged the complaint (application) where:

1) investigation of the circumstances specified in the complaint (application) falls outside the scope of remit of the Inspector. In this case, the complaint (application) shall, within five working days, be forwarded to an entity of public administration which has the required powers and the person (applicant) who has lodged the complaint (application) shall be informed thereof. Where an institution competent to examine the complaint (application) of a person is a court, the complaint (application) shall be returned to the person (applicant) who has lodged the complaint (application) and the necessary information shall be provided;

2) upon commencing the examination of the complaint (application), it transpires that the complaint (application) in relation to the same issue is pending in court; In that case, the examination of the complaint (application) shall be suspended until the complaint (application) has been investigated by the court. The person who has lodged the complaint (application) shall be informed of the suspension of examination of the complaint (application). In that case, the investigation of the complaint (application) shall be renewed only upon request of the person (applicant) and upon notifying the Inspector thereof in writing;

3) the court or the Inspector has already taken a decision on the same issue and the person (applicant) has not provided any new factual data allowing appealing against the decision. In that case, the person (applicant) shall be informed of the decision not to examine the complaint (application) within five working days from the date of receipt of the complaint (application);

4) it is impossible to commence the investigation of the complaint (application) due to the shortage of data and when requested, the person (applicant) who has lodged the complaint (application) does not provide the data necessary for the investigation of the complaint (application) or is unable to provide them for objective reasons;

5) a procedural decision has been adopted to institute criminal proceedings in relation to the subject matter of the complaint (application);

6) the person (applicant) withdraws the complaint (application) and informs the Inspector thereof in writing.

10. In the case specified in point 6 of paragraph 9 of this Article, where a person (applicant) withdraws a part of the claims from his complaint (application), only that part of the complaint (application) from which no claims have been withdrawn shall be examined.

11. In the event that a decision to refuse to examine the complaint (application) is taken, the person (applicant) who has lodged the complaint (application) must be notified of the reasons for such refusal.

12. The investigation of a complaint (application) shall be terminated if circumstances specified in paragraph 9 of this Article transpire in the course of investigation.

13. The Inspector shall examine the complaint (application) received within three months of receipt thereof.

14. If a complaint (application) is justified, the Inspector may take one of the decisions specified in paragraph 2 of this Article. The Inspector shall communicate the decision to the person (applicant) who has lodged the complaint (application), producers and/or disseminators of public information, persons responsible for the content of the media.

15. In cases where a complaint (application) is considered unjustified, the Inspector must provide a reasoned reply in writing to the person (applicant) who has lodged the complaint (application).

16. The decisions of the Inspector, except for the cases specified in paragraph 17 of this Article, shall be published on the website of the Office of the Inspector of Journalist Ethics. In such cases, the operative part of the Inspector's decision must be forthwith published in the same media wherein the Inspector established the violation.

17. In cases where the publication of the Inspector's decision may violate the rights and/or legitimate interests of the person or where the person (applicant) who has lodged the complaint (application) does not request to publish the decision, the Inspector's decision shall not be made public. In such cases, the Inspector's decision shall only be communicated to the person (applicant) who has lodged the complaint (application) and the producer and/or disseminator of public information who manages the media wherein the violation was established.

18. The decisions of the Inspector may be appealed against in court within 30 days of their publication or, where the decision is not made public, of receipt of the notification of adoption thereof.

19. Failure to comply with the lawful requirements of and decisions adopted by the Inspector or any other hindrance of the Inspector in exercising the rights or powers granted to him by this Law shall incur administrative liability.

CHAPTER VI
LIABILITY FOR VIOLATIONS OF LEGAL ACTS REGULATING PROVISION OF INFORMATION TO THE PUBLIC AND PROCEDURE FOR IMPLEMENTATION THEREOF

Article 51. Liability of Producers and Disseminators of Public Information and Officials

1. A producer or disseminator of public information shall, in accordance with the procedure established by this Law and other laws, be liable for violating this Law and other laws and treaties of

the Republic of Lithuania regulating the production of public information, also for violating the procedure for dissemination of public information established by law.

2. The manager of the information society media shall be liable for the content thereof in the manner prescribed by this Law and other laws.

3. Providers of intermediate information society services shall be liable for the content of the information society media in accordance with the procedure and conditions set out in the Law on Information Society Services.

Article 52. Suspension or Termination of Activities of Producers and/or Disseminators of Public Information

1. The activities of a producer and/or disseminator of public information, except for broadcasters and/or re-broadcasters of radio and/or television programmes, may be temporarily suspended or terminated by the court if the producer and/or disseminator of public information violate the provisions of paragraphs 1 and 2 of Article 19 of this Law.

Valid as of 1 April 2018:

1. The activities of a producer and/or disseminator of public information, except for broadcasters, re-broadcasters of radio and/or television programmes, providers of services of dissemination of television programmes and/or individual programmes via the Internet and/or providers of on-demand audiovisual media services, may be temporarily suspended or terminated by the court if the producer and/or disseminator of public information violate the provisions of paragraphs 1 and/or 2 of Article 19 of this Law.

2. When taking a decision on the temporary suspension of activities of a producer and/or disseminator of public information, the suspension term set by the court may not exceed one month with respect to newspaper editorial offices and three months with respect to magazine editorial offices.

3. The activities of a producer and/or disseminator of public information may be terminated by the court if the court has already suspended their activities at least once during the previous 12 months.

Article 53. Compensation for Damage

Damage incurred due to violations of this Law shall be compensated in accordance with the procedure laid down in the Civil Code.

Article 54. Exemption from Editorial Responsibility and Compensation for Damage

1. Editorial responsibility shall not apply to a producer and/or disseminator of public information and they shall not be held liable for publication of false information where they have indicated the source of information and it has been:

1) provided in official or publicly available documents of state and municipal institutions and agencies, political parties, trade unions and associations or other persons;

2) publicly stated in open meetings, sessions, press conferences, demonstrations and other events, and the producer of public information has not distorted the statements made. In this case, all responsibility shall fall on the organisers of the aforementioned events and persons who have made the information public;

3) published earlier in other media if the information has not been refuted in the media wherein it has been published;

4) published by participants of live programmes and internet conferences, viewers of interactive television or users of information society media who are not related to the producer of public information;

5) published in a special election campaign programme that has not been produced by the producer of public information;

6) presented in non-anonymous advertising announcements;

7) presented in the form of an opinion, commentary or evaluation.

2. In the cases specified in paragraph 1 of this Article, liability for the publication of false information shall fall upon those who were the first to publish such information.

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

PRESIDENT OF THE REPUBLIC ALGIRDAS BRAZAUSKAS

Annex to
Republic of Lithuania
Law on the Provision of Information to the Public

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ 2004, *special edition*, Chapter 6, Volume 1, p. 224) with the latest amendments done by Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 (OJ 2007, L 332, p.27).

2. Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 2004 special edition, Chapter 13, Volume 21, p. 8).

3. Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (OJ 2004 L 364, p. 1).

4. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ 2010 L 263, p. 15).