

REPUBLIC OF LITHUANIA
LAW ON PROVISION OF INFORMATION TO THE PUBLIC

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CHAPTER I
GENERAL PROVISIONS

ARTICLE 1. Purpose of the Law

This Law shall establish the procedure for collecting, preparing, publishing and disseminating public information and the rights, duties and liabilities of public information producers, disseminators, participants therein, journalists and institutions governing their activities.

2. This Law has the objective of ensuring the application of European Union legal acts referred to in the Annex to this Law.

ARTICLE 2. Definitions

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

2. “**Announcement**” means a separate part of a programme the purpose of which is to introduce broadcasts or other parts of the programme.

3. “**Terrestrial television**” means programme broadcasting and/or re-broadcasting by an analogue or digital terrestrial television station or a network of such stations.

4. “**Terrestrial radio**” means programme broadcasting and/or re-broadcasting 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 broadcasting and/or re-broadcasting of the same 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 broadcasting and/or re-broadcasting of the same programme/programmes to the public.

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

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

9. **“Person”** means a natural, legal person and branches of enterprises established in the Member States of the European Union and other states – parties to the European Economic Area Agreement.

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

11. **“Audiovisual work”** means a cinematographic work or any other work expressed by cinematographic means that are comprised of a series of interrelated images expressing a motion, with or without accompanying sounds, recorded (fixed) in a material visual recording medium.

12. **“Common-use 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 a actual or simulated sexual intercourse or any other sexual satisfaction, or sexual devices.

15. **“Terminal equipment”** means television sets, radio receivers, and other reception equipment used to receive broadcast and/or re-broadcast programmes and other types of broadcast information.

16. **“Information Society media”** means the media, which render Information Society services by disseminating public information.

17. **“Manager of the Information Society media”** means a person who actually manages a medium of the Information Society in which public information is being prepared and/or disseminated, or who prepares and/or disseminates the contents of such media.

18. **“Information Society service”** means a service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of an Information Society service.

19. **“Recipient of an Information Society service** (hereinafter referred to as a **“service recipient”**) means a person, including a representative office or branch of a foreign legal person, who uses an Information Society service.

20. **“Intermediate provider of Information Society services”** means a provider of information society services who transmits information, provided by a service recipient, through an electronic communications network, provides a possibility to use an electronic communications network or stores information provided by a service recipient.

21. **“Provider of an Information Society service** (hereinafter referred to as a **“service provider”**)” means a person who renders any Information Society service, including a representative office of branch of a foreign legal person.

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

23. **“Cable television network”** means an infrastructure the major part of which is wired and used for broadcasting and/or re-broadcasting programmes to the terminal equipment.

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

25. **“Cable radio network”** means an infrastructure the major part of which is wired and used for broadcasting and/or re-broadcasting programmes to the terminal equipment.

26. **“Broadcast”** means a separate part of a programme, usually having its own name, broadcasting time, author(s) and host(s).

27. **“Newspaper”** means an information publication which is periodically published and circulated.

28. **“Microwave multichannel distribution system”** (hereinafter referred to as the **“MMDS”**) means the broadcasting and/or re-broadcasting of programmes by a MMDS network.

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

30. **“National newspaper”** means a newspaper, which is distributed within a territory inhabited by more than 60 % of Lithuania’s population.

31. **“National broadcaster”** means a broadcaster, whose programme broadcast by a terrestrial radio or television network is received within a territory inhabited by more than 60 % of Lithuania’s population.

32. **“Independent producers”** means persons who do not have a participating interest in a broadcaster or who are not members of the broadcaster’s administrative bodies, also persons who are not linked with the broadcaster by virtue of an employment, service relationship or joint activity, producing audiovisual works and selling them freely or transferring them otherwise.

33. **“Opinion”** means a published in the media view, understanding, perception, notion, idea or comment on ideas of a general nature, judgements of facts and data, phenomena or events, conclusions or remarks regarding the news related to real events.

An opinion may be based on facts, sound arguments and usually it is subjective, therefore, the criteria of truth and accuracy do not apply to it, however, it must be expressed by fair and ethical means, without deliberately concealing or distorting facts and data.

34. **“Official documents of state and municipal institutions and agencies”** means written, graphic, audio, computer information or other documents related to the activities of state and municipal institutions, enterprises and agencies, as well as persons authorised by the state that are included in the document records of the said institutions, enterprises and agencies, and that are produced, approved or received by them.

35. **“Satellite television”** means programme broadcasting and/or re-broadcasting by an artificial Earth satellite (satellites).

36. **“Satellite radio”** means programme broadcasting and/or re-broadcasting by an artificial Earth satellite (satellites).

37. **“Surreptitious advertising”** means information disseminated in any form and by any means about a producer of goods or a provider of services, the name, activities or trade mark thereof, presented in a form that consumers might fail to understand it being an advertising or that might mislead consumers as to the actual aim of such advertising. Such presentation of information is considered to be surreptitious advertising in all cases when it is done in return for payment or for similar consideration.

38. **“Information of pornographic nature”** means information when an actual or simulated sexual intercourse, genitalia, defecation, masturbation or paraphilias (paedophilia, sadism, zoophilia, necrophilia, etc.) are openly and graphically depicted and this is the main purpose of such information.

39. **“Private information”** means information about the personal and family life of a person, his personal health and other information not to be published on the basis of the protection of a person’s right to privacy.

40. **“Private life”** means personal and family life of a person, habitat consisting of person’s dwelling, private territory and other private premises belonging to it, which a person uses for his economic, commercial or professional activities, as well as mental and physical inviolability of a person, honour and reputation, secret personal facts, person’s photographs or other images, person’s health information, private correspondence or

other communications, person's attitudes, convictions, habits and other data which are allowed to be used only with his consent.

41. **“Radio frequency (channel)”** means a frequency band required for the transmission of at least one programme.

42. **“Radio programme”** (hereinafter referred to as a **“programme”**) means the total entity of separate audio works (broadcasts, advertising, announcements, broadcasting of various events, etc.) that are independent in their content, structure and broadcasting time and that are transmitted to the public, irrespective of the technical means employed.

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

44. **“Regional newspaper”** means a newspaper which is circulated in the territories of counties of the Republic of Lithuania and which has at least 90 % of its circulation distributed within the territory of a single county.

45. **“Regional broadcaster”** means a broadcaster whose programme broadcast by a terrestrial radio or television network is received within a territory inhabited by more than 60 % of Lithuania's population.

46. **“Advertising”** means information disseminated in any form and by any means for the interests of an advertiser in connection with a person's economic, commercial, financial or professional activity in order to promote the purchase of goods or supply of services, including the purchase of immovable property and the transfer of property rights and obligations. Articles, a broadcast, produced and/or announced not on behalf of a producer of public information, who disseminates this information for payment or for similar consideration.

47. **“Sponsorship”** means financial or other material assistance provided to a producer and/or disseminator of public information by a person not engaged in the activities of such sponsored public information producer and/or disseminator with a view to promoting its name, its trade mark, its image, its activities or its products.

48. **“Re-broadcasting”** means the reception of complete programmes, or parts thereof broadcast by broadcasters to the public and the simultaneous transmission of such unchanged programmes, irrespective of the technical means employed.

49. **“Re-broadcasting licence”** means a written document issued by the Radio and Television Commission of Lithuania granting its holder the right to engage in programme re-broadcasting activity within a defined territory and laying down the conditions for such re-broadcasting.

50. **“Re-broadcaster”** means a person having a re-broadcasting licence or, in cases specified by the law, not having such a licence, who re-broadcasts complete and unchanged programmes, or separate parts thereof, broadcast to the public and assumes responsibility for their legality.

51. **“Transmission”** means the sphere of electronic communications activity related to the broadcasting and/or re-broadcasting of programmes, which encompasses the transmission of electromagnetic signals by an electronic communications network to terminal equipment.

52. **“Information that involves violence”** means information which shows in detail killing, crippling, torturing of people, animals or any conduct directed against a human being or any other living creature, which inflicts pain, discomfort or causes any other damage (physical, psychological, material), as well as vandalism and/or positively rates, incites violence, cruelty or indulgence in such acts.

53. **“Television programme”** (hereinafter referred to as a **“programme”**) means the total entity of separate audio, audiovisual works (broadcasts, films, advertisements, announcements, broadcasting of various events, etc.) that are independent in their content, structure and broadcasting time and that are transmitted to the public, irrespective of the technical means employed.

54. **“Television station”** means a technical complex comprised of television transmitters together with antennae and other technical equipment intended for broadcasting, re-broadcasting and transmitting of programmes.

55. **“Teleshopping”** means direct offers of an advertising client broadcast by television with a view to the purchase goods or supply of services, including immovable property, property rights and obligations, in return for payment.

56. **“Teleshopping window”** means an uninterrupted television broadcast, of at least 15 minutes dedicated to broadcasting of teleshopping advertisements broadcast in television programmes that are not exclusively dedicated to teleshopping.

57. **“Broadcasting”** means the production of programmes and their initial transmission to the public by any type of terrestrial transmitter, cable, satellite or any other electronic communications network. It does not include communication services providing items of information (teletyping, electronic data banks or the like) or other messages on individual demand of a service recipient.

58. **“Broadcasting licence”** means a written document issued by the Radio and Television Commission of Lithuania granting its holder the right to engage in programme broadcasting activity within a defined territory and laying down the conditions for such broadcasting.

59. **“Broadcaster”** means a person who possesses a broadcasting licence or, in cases specified by the law, does not possess one and who assumes editorial responsibility for the programmes broadcast, creates, produces and transmits them to the public himself or allows another person to transmit them unchanged.

60. **“Public person”** means a state politician, a judge, a state or municipal official, a head of a political party and/or association, who constantly participates in state or public activities because of the office held or the character of his work, or any other person, provided that he has public administration powers or administers provision of public services, or if his permanent activities have significance for public affairs.

61. **“Public information”** means information intended for public dissemination, except for the information referred to in paragraph 39 of this Article and information which cannot be considered as public information under the laws of the Republic of Lithuania.

62. **“Producer of public information”** means a broadcaster, a publishing house, a film, sound or video studio, information or advertising agency, an editorial office, a manager of the Information Society media, or another person engaged in the production or presenting for dissemination of public information.

63. **“Disseminator of public information”** means a broadcaster, re-broadcaster, a manager of the Information Society media, or any other person who sells or

disseminates by other means public information to the public, and who is responsible for validity of such information.

64. “**Local newspaper**” means a newspaper, which is distributed within the territory of a municipality of one city or region, when not less than 90 % of its circulation is distributed within the territory of a municipality of one city or region.

65. “**Local broadcaster**” means a broadcaster whose programme is broadcast by one radio or television station.

66. “**Provision of information to the public**” means provision of public information to the public.

67. “**The Media**” means newspapers, journals, bulletins or other publications, books, television and radio programmes, film or other sound and visual studio productions, the Information Society media, and other means of public dissemination of information. In accordance with this Law, official, technical and office documents as well as securities are not ascribed to the media.

68. “**Addiction**” means alcohol abuse, use of narcotic, toxic, psychotropic and other substances, which cause psychotropic dependence, as well as psychological dependence on gaming.

69. “**News**” means facts or factual (correct) data published by the media.

70. “**Newscast**” means an integral part of a programme, consisting of information about politics, economy, culture, sports, weather and other fields, topical for the public.

71. “**Magazine**” means an illustrated information publication bound with covers, which is published periodically (weekly, monthly, quarterly, etc.), aimed at a broad spectrum of readers, publishing articles of various genres.

72. “**Journalist**” means a natural person who, on a professional basis, collects, prepares and presents materials to the producer of public information under a contract with the producer and/or is a member of the professional journalists’ association).

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

1. In the Republic of Lithuania, freedom of information is enshrined in the Constitution, this and other laws, and international treaties of the Republic of Lithuania.

2. Producers and disseminators of public information as well as journalists shall be governed in their activities by the Constitution and laws, international treaties of the Republic of Lithuania, also by the principles of humanism, equality, tolerance, and respect for an individual person; they shall respect freedoms of speech, creativity, religion, and conscience, variety of opinion, adhere to the norms of professional ethics of journalists, support the development of democracy and public openness, promote civil society and state progress, enhance state independence and develop national culture and morality.

3. Public information must be presented in the media fairly, accurately and in an unbiased manner.

4. The use of freedom of information may be restricted by the requirements, conditions, restrictions or penalties set out in the laws and 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 in order to prevent law violations and crimes, disclosure of confidential information and protect people's health and morality as well as their privacy, dignity and rights.

5. Persons shall be held accountable for violating the freedom of information and statutory restrictions on the use of freedom of information in accordance with the procedure established by this and other laws.

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. This right encompasses freedom to maintain one's opinion, to seek, receive and disseminate information and ideas in accordance with the conditions and procedure set out in the laws.

2. Unrestricted reception and re-broadcasting of television programmes from EU member states and other European countries which have ratified the Council of Europe Convention on Transfrontier Television, broadcast in accordance with the requirements

laid down in international 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:

- 1) to collect information and publish it in the media;
- 2) not to give permission to publish the information produced by him if its content has been distorted during editorial preparation;
- 3) to take notes, to photograph, film, use sound and video technical equipment as well as other means of securing information, except for cases referred to in Article 13 of this Law;
- 4) to publish broadcasts or published works using 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 in the laws.

ARTICLE 6. Right to Receive Information from State and Municipal Institutions and Agencies

1. Every person shall have the right to receive 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 of their activities.

3. State and municipal institutions and agencies must, in accordance with the procedure established by the Law on the Right to Receive Information from State and Municipal Institutions and other laws, provide public information as well as private information available to the said institutions, except for cases specified in the laws where private information is not to be divulged.

4. Information for the preparation whereof no additional data is required shall be provided to the producers and/or disseminators of public information within one working day, while information for the preparation whereof additional data has to be collected shall be provided within a week.

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

6. Public information of state and municipal institutions and agencies shall be free of charge. These institutions may accept payment only for the services involving information retrieval and the multiplication (copying) of information or documents. This payment may not exceed the actual costs of providing information.

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

ARTICLE 7. Restrictions on Information Editing

In order to ensure freedom of information it shall be prohibited to exert pressure on the producer, disseminator of public information, their participants or journalists in compelling them to present false and biased information in the media.

ARTICLE 8. Confidentiality of Information Source

The producer, disseminator of public information, their participants, and the journalist shall have the right to maintain the confidentiality of the source of information and not to disclose it, with the exception of the cases where by a court decision it is necessary to disclose the source of information for vitally important or otherwise significant public reasons, also in order to ensure that the constitutional rights and freedoms of a person are protected and that justice is served.

ARTICLE 9. Right to Public Criticism of the Activities of State and Municipal Institutions and Agencies as well as 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 Illegal Restrictions on Freedom of Information

Censorship of public information shall be prohibited in the Republic of Lithuania. Any action shall be prohibited by which an attempt to control the content of the information to be published in the media is made, with the exception of the cases provided for by laws.

ARTICLE 11. Right to Protect the Freedom of Information

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

2. It shall be prohibited to persecute the producer and disseminator of public information, their owner or a journalist for the information published if there has been no violation of law in producing or disseminating such information.

ARTICLE 12. Accreditation of Journalists

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

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

3. Journalists from other states accredited to the Ministry of Foreign Affairs shall have equal rights with Lithuanian journalists to collect and publish information.

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

ARTICLE 13. Protection of Individual Rights and Human Dignity

1. To avoid the violation of individual rights and protect human dignity and honour it shall be prohibited while collecting and publishing information:

1) to film, photograph, make sound and video recordings without a person's consent within in the dwelling of a natural person, the private domain of a natural person and a fenced or otherwise clearly marked territory belonging thereto, regardless whether that person is or is not in the indicated place;

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

3) to film and photograph a person or use his representation for advertising purposes without the consent of such person;

4) to film and photograph without a person's consent a person with evident physical handicaps, or to film and photograph a person in helpless state because of illness;

5) to film, photograph a child or to make sound and video recordings without the consent of at least one of the parents, guardians or curators and a child himself. It shall be prohibited to use photographs of children in the information of erotic, pornographic and violent nature;

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

2. Prohibitions specified in paragraph 1 of this Article shall not apply where there exists a sufficient basis to assume that violations of law are being recorded.

3. Persons shall be held liable in accordance with the procedure established by this and other laws for violating the requirements set forth in this Article when collecting and publishing public information.

ARTICLE 14. Protection of Privacy

1. When producing and disseminating public information, a person's right to the protection of information of private character.

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

3. Information concerning private life may be published without a person's consent in cases where the publication of such information helps to reveal violations of law or criminal acts, also where such information is presented in the examination of a case in open court proceedings. In addition, information concerning the private life of a public person may be made public without his consent if such information discloses the circumstances of the aforementioned person's private life or personal traits which are of public significance.

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 published information which is false, inaccurate or biased shall have the right of reply, denying false information or correcting published information, or shall have the right to demand 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, the producers and disseminators of public information shall present in the media as many as possible opinions that are independent of one another.

2. When publishing the results of public opinion surveys, the performers of surveys must be specified and the statistical reliability of these surveys shall be indicated (by providing the survey sample and margin of error).

ARTICLE 17. Protection of Minors

1. Producers and/or disseminators of public information must ensure in accordance with the procedure established by the law 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 pornography and/or violence or disseminates information encouraging addictions.

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

3. Control over information, which is not to be published and the procedure for publishing restricted public information shall be established by the Government.

ARTICLE 18. Information not to be Furnished

1. State and municipal institutions and agencies as well as other bodies, enterprises and organisations shall not furnish information to the producers and/or disseminators of public information as well as to other persons if the said information is defined by the laws as a state, business, professional, commercial or bank secret or if it is information of private character.

2. Also not to be furnished shall be information the provision whereof is prohibited by other laws because it would adversely effect the interests of state security and defence, foreign policy interests, criminal prosecution of persons, violate the territorial integrity of a state or public order or if failure to provide it would prevent serious violations of law or would be very important in human health protection.

3. A refusal to furnish the requested information shall be given to a person in writing in accordance with the procedure established by the law, with an indication of the reasons for refusal to provide information.

ARTICLE 19. Information not to be Published

1. It shall be prohibited to publish information in the media 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, political independence;

3) instigates war or hatred, sneer, scorn, instigates discrimination, violence, harsh treatment of a group of people or a person belonging to it on the basis of gender, sexual orientation, race, nationality, language, origins, social status, religion, beliefs or standpoints;

4) disseminates, propagates or advertises pornography as well as propagates and/or advertises sexual services and paraphilias;

5) propagates 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 degrades human dignity and honour.

3. It shall be prohibited to disseminate information which violates the presumption of innocence or which may obstruct the impartiality of judicial authorities.

4. The Government shall lay down the procedure for disseminating press publications, audio, audiovisual works, radio and television programmes, the Information Society media and other public information ascribed to erotic, pornographic, violent or other restricted public information.

ARTICLE 20. Duty to Publish Official State Announcements

1. In case of natural disasters, major accidents or epidemics as well as in the event of war or state of emergency, the producers and disseminators of public information shall, in cases specified by law and/or the Government and according to the procedure established thereby, publish official state announcements effectively and free of charge.

2. In the event of war or state of emergency, the Seimas may set restrictions and/or other obligations for the producers and disseminators of public information that are necessary to protect the interests of citizens and the general public.

3. Refusal to publish official state announcements in cases specified in paragraph 1 of this Article shall incur liability in accordance with the procedure established by the law.

ARTICLE 21. Protection of Copyright and Related Rights

Public information producers, disseminators and 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 ACTIVITY OF PRODUCERS, DISSEMINATORS OF PUBLIC INFORMATION, THEIR PARTICIPANTS, AND JOURNALISTS

SECTION ONE

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

ARTICLE 22. Producers and Disseminators of Public Information and Their Participants

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

2. Only legal persons and branches of foreign legal persons or other organisations that are registered in the Republic of Lithuania in accordance with the procedure established by the law may be public information producers and/or disseminators, with the exception of managers of the Information Society media. Any person of the Republic of Lithuania and of a foreign country may be participants of producers and/or disseminators of public information, except for cases specified in this and other laws.

3. After having sold or otherwise transferred at least 10 % of the broadcaster's or re-broadcaster's shares (parts, units), a licence holder must inform the Radio and Television Commission of Lithuania (hereinafter referred to as the "Commission") about the transfer of property rights not later than 30 days after it.

4. Where after having sold or otherwise transferred the shares (parts, units) of a broadcaster and/or re-broadcaster possessing a broadcasting or re-broadcasting licence

there is a change of the owner (owners) of the controlling package of shares or where the control (management) of a licence holder is transferred to another person (persons) on other grounds, persons intending to transfer and acquire the shares (parts, units) and/or control (management) must obtain a written consent of the Commission.

5. The Commission may refuse to give its consent for the transfer of a broadcaster's and/or re-broadcaster's shares (parts, units) and/or its control (management) if:

1) persons who intend to transfer and acquire a broadcaster's and/or re-broadcaster's shares (parts, units) and/or its control (management) have not presented the data required by the Commission or have presented incorrect data;

2) persons who intend to transfer and acquire a broadcaster's and/or re-broadcaster's shares (parts, units) and/or its control (management) are prohibited, in cases provided for by the law, to be participants of the producers and/or disseminators of public information;

3) concentration takes place due to the transfer and acquisition of a broadcaster's and/or re-broadcaster's shares (parts, units) and/or its control (management), and the Competition Council has not issued a relevant permission where such permission is required by the Law on Competition.

6. State and municipal institutions and agencies (except for scientific and educational establishments), banks, political parties may not be the producers of public information and/or their participants, however, they may publish non periodical informational publications, have the Information Society media, intended to inform the public of their activity unless specified otherwise by the law.

7. Every producer of public information or a participant thereof must appoint a person (chief editor, editor, broadcast host) responsible for the content of the media. Where a producer of public information and a participant thereof is one and the same natural person, he shall bear responsibility for the content of his media.

8. Producers of public information:

1) when disseminating information to the public, must not distort correct and non-biased information and opinions, and to use this for sordid motives. Public information is

not compatible with journalistic campaigns, held according to preconceptions or satisfying group, political interests;

2) must be objective and non-biased, to provide as many opinions as possible on controversial issues related to politics, economics and other social life;

3) while recording various public actions – meetings, processions, strikes, pickets, etc. – must not instigate to take illegal or desperate actions;

4) must not publish ungrounded, unchecked accusations which are not based on facts;

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

6) must not propagate or depict attractively smoking, drinking or use of narcotics. Depiction of smoking, drinking, narcotic addiction shall be justified only as a context when seeking verisimilitude;

7) must not disseminate tendentious and biased information about religion, must not discriminate other religions;

8) must clearly introduce religious organisations and their views so that people would not get confused;

9) must not propagate supernatural, unreal characteristics of people or their groups, or paranormal phenomena, with the exception of the cases when such information is presented for amusement or as a research object. They must not give people impression that astrologers, chiromancers, clairvoyants, specialists in bioenergetics can provide advices concerning future, health, money and so on.

ARTICLE 23. A Journalist and his relations with Producers, Disseminators of Public Information

1. A producer of public information must have its rules of procedure and/or internal code of ethics. At least one of these documents approved by the producer of public information must set the journalist's rights, duties, responsibility, employments relations, as well as the journalist's protection against restriction of his rights.

2. Regardless of the fact whether a journalist is linked with a producer of public information by virtue of employment, a producer of public information must agree in writing with a journalist as to the use of a journalist's copyrighted work. Such an agreement shall also be a collective agreement between a producer of public information or an organization representing him and journalists or an organisation representing them, which lays down conditions for the use of copyrighted works of journalists. If a producer of public information, who uses a journalist's copyrighted work, has not agreed in writing on this with a journalist, and is not a party to a collective agreement, this will not excuse a producer of public information from an obligation of fair remuneration for a journalist's copyrighted work used by him.

3. This and other laws of the Republic of Lithuania shall set a professional and legal status of a journalist and his social guarantees.

ARTICLE 24. Data on Participants of Local, Regional, National Newspapers, Magazines and the Information Society Media

1. Each year, by March 30th, editorial offices of local, regional or national newspapers, magazines and the Information Society media, with the exception of those referred to in paragraph 6 of Article 22 of this Law, must submit to an institution authorised by the Government in the field of providing information to the public (hereinafter referred to as the "Government authorised institution") in accordance with the procedure established by the abovementioned institution the data regarding those shareholders or stakeholders of an enterprise who have the right of ownership to or control at least 10 % of all the shares or assets (if the assets are not divided into shares). The data shall include the names and surnames of such shareholders or stakeholders, their personal identification codes (registration numbers), the stake held in the assets or the number of shares as well as the percentage of votes. Each year, by March 30th, the said producers and disseminators of public information shall submit to the Government authorised institution in accordance with the procedure established by this institution information about its administrative bodies, their members and information about property relations and/or joint activity linking them with other producers and/or disseminators of public information and/or the participants therein. By May 15th of the

same year and in accordance with its prescribed procedure, the Government authorised institution shall publish the data submitted by the editorial offices of town or region, regional or national-level newspapers, magazines and the Information Society media in the supplement *Informaciniai Pranešimai* (Information Bulletin) to the official gazette *Valstybės Žinios*.

2. The President of the Republic, the Members of the Government, Seimas and municipal councils, public servants of political (personal) confidence as well as heads of state and municipal institutions and establishments must publish the data about their participation in local, regional or national newspapers, magazines and the Information Society media in the supplement *Informaciniai Pranešimai* (Information Bulletin) to the official gazette *Valstybės Žinios* in accordance with the procedure established by the Government authorised institution.

3. Public information producers or disseminators, journalists must publish in their media information about any contribution received if it exceeds the amount of a single minimum wage, specifying the amount of the contribution and wherefrom it was received.

4. Persons shall be liable, in accordance with the procedure established by the law, for failure to submit the information referred to in paragraph 1 of this Article and publish the information referred to in paragraph 2 of this Article.

5. The duties referred to in paragraphs 1 and 2 of this Article shall apply only to those Information Society media whose manager is a legal person.

ARTICLE 25. Broadcasters under the Jurisdiction of the Republic of Lithuania

1. A broadcaster is considered to be under the jurisdiction of the Republic of Lithuania if it satisfies at least one of the following conditions:

1) its head office is located in Lithuania and its editorial decisions concerning the programmes broadcast are taken in Lithuania;

2) its head office is located in Lithuania, while editorial decisions concerning the programmes broadcast are taken in another Member State of the European Union, but a

significant proportion of its workforce engaged in broadcasting activity is located in Lithuania;

3) its head office is located in another Member State of the European Union, while editorial decisions are taken in Lithuania and a significant proportion of its workforce engaged in broadcasting activity is located in Lithuania.

4) a large proportion of the broadcaster's workforce engaged in broadcasting activity is located both in Lithuania and another Member State of the European Union, while its head office is located in Lithuania;

5) its head office is located in Lithuania, while editorial decisions concerning the programmes broadcast are taken in another Member State of the European Union or vice versa and a significant proportion of its workforce engaged in broadcasting activity is not located in either of these states, but the broadcaster started its activities in Lithuania in accordance with the laws of the Republic of Lithuania and maintains permanent economic relationships in Lithuania;

6) its head office is located in Lithuania, while editorial decisions concerning the programmes broadcast are taken in a state other than Member State of the European Union or vice versa and a significant proportion of its workforce engaged in broadcasting activity is located in Lithuania.

2. A broadcaster to whom the provisions of paragraph 1 of this Article cannot be applied and who does not fall under the jurisdiction of an EU Member State or any other State which is party to the Convention on Transfrontier Television of the Council of Europe shall be under the jurisdiction of Lithuania if it complies with the following conditions:

1) the broadcaster uses a channel (radio frequency) belonging to the State of Lithuania;

2) the broadcaster uses communications satellite resources provided by the State of Lithuania;

3) the broadcaster does not use a channel (radio frequency) belonging to the State of Lithuania or communications satellite resources provided by the State of Lithuania, but it uses a terrestrial station situated in Lithuania, which has an uplink to a communications satellite.

3. The jurisdiction of the Republic of Lithuania may apply to the broadcasters who are not specified in paragraphs 1 and 2 of this Article, if their activities pose threat to the interests of national security of Lithuania, public order, public health protection, public security, consumer protection, when competent authorities of the states, under the jurisdiction of which the said broadcasters are, have not taken measures to prevent such activities, when appropriate institutions of Lithuania appealed to them officially.

ARTICLE 26. Dissemination of Public Information

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

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

3. Free re-broadcasting in the Republic of Lithuania of radio and/or television programmes produced abroad may be suspended if:

1) information, which is not to be published and is prohibited pursuant to paragraphs 1 and 2 of Article 19 of this Law, is disseminated in a programme produced abroad, or its part;

2) information which is disseminated violates the provisions of this Law as well as the requirements of the international treaties of the Republic of Lithuania regarding the protection of adolescents from a negative effect of public information on their physical, mental or moral development;

3) information which is disseminated violates other provisions of this Law as well as other requirements of the international treaties of the Republic of Lithuania which are applied to broadcast programmes intended for the public of a recipient state, and if a state which receives a programme notified in writing a broadcaster and/or re-broadcaster distributing a programme about an observed violation and the said broadcaster and/or re-

broadcaster has not eliminated the violation within 15 days from the notification, or has committed at least two similar violations within the latter 12 months.

4. The Commission shall take a decision concerning suspension of re-broadcasting in the Republic of Lithuania of a programme produced abroad and fix a specific date on which suspension of re-broadcasting of a programme in the Republic of Lithuania begins. A re-broadcaster must suspend re-broadcasting of a programme from the date indicated in the decision of the Commission.

ARTICLE 27. State Support to Public Information Producers

1. The State shall support cultural and educational activities of public information producers. State financial support shall be provided to public information producers by invitation to tender and, except for the support specified in paragraph 2 of this Article, is provided through the public establishment Media Support Foundation (hereinafter referred to as the “Foundation”). Each year the Seimas shall appropriate funds from the State budget to the Foundation. State institutions and agencies may not provide financial support or support which is equivalent to it in essence to public information producers.

2. Financial support from the State budget for the publication of books and the production of works distributed in the audiovisual media, also for the production of feature films shall be provided through the Ministry of Culture and the Ministry of Education and Science on a proposal by expert commissions operating under the aforementioned ministries.

Article 28. The Media Support Foundation

1. The Foundation shall operate in conformity with the Law on Public Institutions, this Law and other laws as well as its articles of association. The founders of the Foundation may be artists’ associations, organisations of public information producers as well as other organisations and institutions that shape a cultural and educational policy, are engaged in cultural and/or educational activities. The articles of association of the Foundation must provide for the procedure of admission of new members.

3. The Council of the Foundation shall be in charge of the Foundation’s activity. The Foundation shall comprise 11 members. A general meeting of the stakeholders of the

Foundation shall elect the said members for each term of office. A term of office of a Foundation member shall last two years. The same person may not hold more than two consecutive terms of office. The Foundation Council shall be headed by the chairman of the Foundation Council. He shall be elected by the Foundation Council from its members for a term of office of the Foundation Council. Decisions of the Foundation Council shall be adopted by a simple majority vote of all Council members; should voting result in a tie, the chairman of the Foundation Council shall have a casting vote. The Foundation Council shall function in compliance with the rules of procedure approved by it. The Foundation Council shall take decisions regarding results of tenders on the basis of the conclusions presented by expert groups. Expert groups shall be formed and function in accordance with regulations approved by the Foundation Council.

3. Sources of funding of the Foundation:

- 1) state grants (subsidies);
- 2) funds contributed by legal or natural persons;
- 3) licence fees by broadcasters and re-broadcasters registered in the Republic of Lithuania;
- 4) interest on the Foundation funds kept in banks;
- 5) other legally obtained funds.

4. The Foundation shall, according to a separate estimate, appropriate funds for performance of the functions laid down by laws for the Ethics Commission of Journalists and Publishers.

5. The Foundation shall, by tender procedure, support cultural and educational projects of producers of public information according to the following six programmes:

- 1) cultural, art publications;
- 2) educational publications;
- 3) the regional media (regional, local newspapers, magazines or other special publications, radio and television);
- 4) radio and television;
- 5) the internet media (the Information Society media);
- 6) cultural education of children and the youth.

6. The Government shall approve the general regulations for tenders, drawn up by the Foundation Council, which show proportions of programmes and financing, and which have been coordinated at a joint meeting of the Seimas Committee on Education, Science and Culture and the Seimas Committee on the Development of Information Society.

7. Each year the Foundation shall publish in the press its annual activity report, while the Chairman of the Foundation Council shall present at a plenary meeting an annual report on the allocation and utilization of the funds received from the budget.

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

1. State and municipal institutions 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 the producers and disseminators of public information, except for the producers and/or disseminators of productions that involve violence and eroticism. In accordance with the procedure established by this and other laws, State and municipal institutions shall ensure the preservation of pluralism in the provision of information to the public and fair competition with the view of avoiding the abuse of dominant position by producers and/or disseminators of public information or in any separate media market. 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 provided for in this and other laws or legal acts may be applied to the producers and/or disseminators of public information that involves violence and eroticism.

ARTICLE 30. National Radio and Television of Lithuania

The National Radio and Television of Lithuania (hereinafter referred to as the “LRT” which stands for the *Lietuvos nacionalinis radijas ir televizija*) is 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 National Radio and Television of Lithuania.

ARTICLE 31. Licensing of Broadcasting and Re-broadcasting Activity

1. Broadcasting and re-broadcasting activities in the Republic of Lithuania, except for the broadcasting of radio programmes through electronic communications networks the main purpose of which is not programme broadcasting and/or re-broadcasting, as well as the broadcasting carried out by natural persons for non-commercial purposes through such networks and the broadcasting and re-broadcasting activity carried out by the LRT, shall be licensed. Persons who wish to engage in broadcasting and/or re-broadcasting activities must obtain a broadcasting/re-broadcasting licence. Broadcasting and re-broadcasting licences granting the right to establish and operate their own electronic communications networks, the right to use their own electronic communications networks for the broadcasting and/or re-broadcasting of programmes, or the right to use the transmission services provided by a third party shall be issued by the Commission.

2. The Communications Regulatory Authority shall submit to the Commission information about coordinated radio frequencies (channels) which, according to the Strategic Plan for the Assignment of Radio Frequencies to Broadcasting and Transmission of Radio and Television Programmes, are intended to be assigned to broadcasters and/or re-broadcasters possessing Commission-issued licences granting the right to establish and operate their own electronic communications networks; this information shall be submitted together with information about the basic conditions of operating electronic communications networks required to issue broadcasting and/or re-broadcasting licences. After having received the aforementioned information, the Radio and Television Commission of Lithuania shall issue broadcasting and/or re-broadcasting licences in accordance with the procedure and terms established by this Law and the Rules for Licensing Broadcasting and Re-broadcasting Activities.

3. The Communications Regulatory Authority, having assigned radio frequencies (channels) to transmission providers, shall submit to the Commission information about these radio frequencies (channels) together with information about the basic conditions of operating electronic communications networks required to issue broadcasting and/or re-

broadcasting licences. After having received the abovementioned information, the Commission shall issue broadcasting and/or re-broadcasting licences in accordance with the procedure and terms established by this Law and the Rules for Licensing Broadcasting and Re-broadcasting Activities.

4. The basic conditions of operating electronic communications networks specified together with radio frequencies (channels) in a broadcasting or re-broadcasting licence, except for the cases when radio frequencies (channels), provided for in the Strategic Plan for the Assignment of Radio Frequencies to Broadcasting and Transmission of Radio and Television Programmes, are not used for the broadcasting and/or re-broadcasting of programmes, must comply with the basic operating conditions of radio frequencies (channels) and electronic communications networks, intended for broadcasting and/or re-broadcasting radio and television programmes, presented by the Communications Regulatory Authority to the Commission. The actual transmission provider shall be additionally specified in a Commission-issued broadcasting and/or re-broadcasting licence granting the right to use the transmission services provided by a third party.

5. The Communications Regulatory Authority shall have the right to change the radio frequency (channel) and replace it by another radio frequency (channel) used for the same purpose after giving a six-month advance notice to the radio frequency (channel) user or to cancel the assigned radio frequency (channel) after giving a twelve-month advance notice to the radio frequency (channel) user if:

1) this is required under international obligations or 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 EU legal acts, including recommendations – in coordination with the Commission if the assignment of a radio frequency (channel) is changed or revoked before the term of radio frequency (channel) use, established by the Communications Regulatory Authority, expires;

3) radio frequency (channel) is used inefficiently according to criteria specified in the Strategic Plan for the Assignment of Radio Frequencies to Broadcasting and Transmission of Radio and Television Programmes;

4) the Strategic Plan for the Assignment of Radio Frequencies to Broadcasting and Transmission of Radio and Television Programmes is modified.

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

7. The LRT activities shall not be licensed. In order to ensure the broadcasting of LRT programmes, the Radio and Television Commission of Lithuania shall, on a non-tender and priority basis, in accordance with the procedure and conditions set out in this Law, issue authorisations which grant the rights equivalent to those granted by licences referred to in paragraph 1 of this Article.

8. Types of licences, the conditions and procedure for issuing them shall be established by this Law and the Rules for Licensing Broadcasting and Re-broadcasting Activities. The rules shall be approved by the Commission.

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

10. Broadcasting and re-broadcasting licences shall be issued by tender procedure, except for cases specified in paragraph 11 of this Article.

11. The Commission shall issue broadcasting and re-broadcasting licences on a non-tender basis in the following cases:

1) to scientific or educational institutions for broadcasting educational and cultural programmes by a terrestrial television or radio station with a power level ranging up to 20 W;

2) for broadcasting and/or re-broadcasting programmes by cable television or wire radio networks;

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

4) for broadcasting and/or re-broadcasting programmes by an artificial Earth satellite (satellites);

5) in other cases provided for in the Strategic Plan for the Assignment of Radio Frequencies to Broadcasting and Transmission of Radio and Television Programmes.

12. The Commission shall set the rate of the fee for the examination of licence applications and the change of licence conditions. The Commission in conjunction with an institution authorised by the Government in the field of the Information Society shall approve a description of the procedure for setting the rate of a licence fee and shall set the rate of a licence fee according to this description. Licence fees shall be transferred to the Foundation to support audiovisual projects.

13. The licence issued by the Commission to a broadcaster and/or re-broadcaster shall not restrict them from providing other unlicensed services by the same electronic communications network or separate equipment if the provision thereof shall not interfere with programme broadcasting or re-broadcasting in accordance with the conditions set out in the licence. Only persons having a licence may conclude contracts with the providers of electronic communications services for transmitting and/or re-broadcasting programmes.

14. The Commission may suspend a licence by its decision for no longer than three months if the Communications Regulatory Authority revokes the right to use a radio frequency (channel) and appeals to the Commission to suspend a licence, or a licence holder gravely infringes the requirements of this Law or licence conditions:

1) disseminates information that is not to be published and is prohibited under paragraphs 1 and 2 of Article 19 of this Law;

2) infringes basic licence conditions and/or obligations concerning the programme broadcast (re-broadcast) and in the event that an administrative penalty was imposed on him for the same infringement during the previous 12 months on several occasions;

3) infringes the legal provisions on the protection of minors against the detrimental effect of public information on their physical, mental or moral development and in the event that an administrative penalty was imposed on him for the same infringement during the previous 12 months on several occasions;

4) fails to pay licence fees in due time;

5) does not pay the contributions specified in this Law to finance the activities of the Commission where the broadcaster was reprimanded for the same infringement during the previous 24 months on two prior occasions.

15. The Commission may revoke a licence by its decision if:

1) the licence holder relinquishes the licence;

2) the licence holder is liquidated or reorganised;

3) the licence holder does not pursue licensed activity for a period of more than 2 consecutive months or more than 3 months within a calendar year without the Commission's consent;

4) the licence holder has not started to pursue licensed activity within the period specified in the licence;

5) the licence holder has submitted incorrect data when applying for the 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 and/or re-broadcasts a programme (programmes) within the term of temporary suspension of a licence;

8) there is a change of the owner of the control stock of the licence holder or the control (management) of a licence holder is transferred to another person (persons) without the Commission's consent, or incorrect data have been presented in the request 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 time limit 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 laws.

16. When adopting a decision on the suspension or revocation of licence, the Commission shall set a fixed term before the suspension or revocation of licence becomes effective. This term may not be shorter than the term established by the law for appealing against the Commission's decisions in court. The licence holder must suspend (discontinue) licensed activity as of the day indicated in the decision, except for cases

where the court suspends the decision after it has been appealed against. If the court does not revoke the Commission's decision on the suspension or revocation of licence, the licence holder must suspend (discontinue) licensed activity as of the day when the court decision goes into effect. The decision of the Commission on the suspension or revocation of licence must be sanctioned by the Vilnius regional administrative court. The request to sanction the Commission's decision must indicate the factual and legal grounds for adopting it as well as supporting evidence. The request must be submitted together with the Commission's decision, copies of documents supporting its factual and legal grounds as well as other required materials. The judge of the Vilnius regional administrative court must examine the Commission's request and adopt a motivated ruling approving or rejecting the request not later than 72 hours from submission of the request. If the Commission does not agree with the judge's decision to reject the request, its authorized representative shall have the right to appeal to the Supreme Administrative Court of Lithuania against the ruling within a period of 7 days. The Supreme Administrative Court of Lithuania must examine the appeal against the ruling of the Vilnius regional administrative court within a period of 7 days from reception of the appeal.

17. A licence holder may not transfer the licence or the rights granted thereby to other persons. In the event that a licence holder reorganises its activity, the successor (successors) to its rights and obligations may be issued, by a decision of the Commission, a new licence (licences) on a non-tender basis to pursue licensed activity under the same conditions if the licence holder submits to the Commission prior to reorganisation a relevant request and reorganisation conditions and if there were no violations of the Republic of Lithuania laws governing broadcasting or re-broadcasting activities, licence terms and conditions, and Commission decisions prior to reorganisation as well as in the course of reorganisation.

18. In the event of any change in respect of the licence holder's founding documents or managing bodies, the licence holder shall inform the Commission thereof within 30 days.

19. A licence holder shall inform the Commission about the planned termination of licensed activity not later than 30 days prior to the event. After having received the

Commission's consent, the licence holder may suspend licensed activity for no longer than 3 months.

ARTICLE 32. Protection from Illegal Broadcasting and/or Re-broadcasting

1. Broadcasters and/or re-broadcasters may not enlarge or otherwise change the territorial area of licensed activity specified in the licence (coverage zone of the programmes broadcast and/or re-broadcast) without the Commission's permission. In the event that the assignment and use of radio frequencies (channels) intended for such broadcasting and/or re-broadcasting is regulated by the Strategic Plan for the Assignment of Radio Frequencies to Broadcasting and Transmission of Radio and Television Programmes, the Commission's permission must be obtained only where the territorial area of licensed activity is changed subject to the criteria set out in the Plan.

2. It shall be prohibited to illegally interfere in other programmes, use non-assigned radio frequencies (channels) for broadcasting and/or re-broadcasting or cause broadcasting interference.

ARTICLE 33. Programme Re-broadcasting and Common-use Reception Networks

1. The re-broadcasters of television programmes must re-broadcast at least one LRT programme and all the uncoded terrestrial television programmes of Lithuania's national broadcasters. In the cases and the manner provided for in the Rules for Licensing Broadcasting and Re-broadcasting Activities the Commission may define other television programmes which are re-broadcast obligatorily, or release from the re-broadcasting of obligatory programmes. The Commission shall also determine the minimum number of re-broadcast programmes and the nature of such programmes. In the event that limited radio frequency (channel) resources are used for the re-broadcasting of programmes, the Commission may limit the maximum number of re-broadcast programmes, taking into account the need of such resources for the re-broadcasting of programmes.

2. When making a decision which charges to obligatorily re-broadcast a television programme, the Commission shall take into consideration an artistic value of a programme, its topicality for the viewers living within the territory of licensed activities

of a re-broadcaster, as well as other criteria provided for in the Rules for Licensing Broadcasting and Re-broadcasting Activities.

3. Re-broadcasters, providing radio programme re-broadcasting services by cable television or wire radio networks, must re-broadcast at least one LRT radio programme.

4. Re-broadcasters shall not pay broadcasters for the programmes that have to be re-broadcast.

5. It shall be prohibited to alter the re-broadcast programmes or parts thereof. The use of special technical measures to ensure the protection of minors against the detrimental effect of public information on their physical, mental or moral development or the exceptional rights of other broadcasters to programmes of parts thereof shall not be considered to be an alteration of a re-broadcast programme.

6. The owners of common-use reception networks whereto more than 40 apartments (households) are connected or whereto they may be connected, which are intended for own use (non-commercial purposes) shall register such networks with the Commission in accordance with the procedure established thereby.

7. Common-use reception networks intended for uses other than own use (commercial purposes) shall be considered cable television networks and persons providing the services of common-use reception networks must have a licence to re-broadcast programmes by cable television networks.

SECTION TWO

REQUIREMENTS FOR PRODUCING AND DISSEMINATING 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 some other language pursuant to the Law on the State Language and the resolutions of the State Commission of the Lithuanian Language. Information which is being disseminated must be accessible to the disabled.

2. Radio and television programmes broadcast in a language other than Lithuanian must be translated into Lithuanian or presented with Lithuanian subtitles, except for educational, special occasion, special, music and re-broadcast foreign radio and television programmes or broadcasts as well as broadcaster-produced broadcasts intended for the ethnic minorities of Lithuania. The Radio and Television Commission of Lithuania, taking into account the needs of ethnic minorities residing in the coverage zone of broadcast programmes, may specify in the licence conditions which portion of the programmes broadcast and/or re-broadcast or parts thereof shall be comprised of programmes or broadcasts in the languages of national minorities.

3. Broadcasters shall be prohibited from broadcasting audiovisual works which are translated from an official language of the European Union into a non-European-Union language.

4. When disseminating public information, broadcasters must give precedence to the official languages of the European Union, therefore, when possible they must choose in which language the same programme should be rebroadcast – in an official language of the European Union or any other language, and they must also create all conditions for a programme or broadcast to be re-broadcast in an official language of the European Union.

ARTICLE 35. Storing of Published Information

1. The producer of public information must keep a copy of a published issue, audiovisual works and recordings of broadcast programmes for at least one year from the day of the dissemination of 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 an institution authorised by the Government, ensure that information about content management will be stored up to one year.

ARTICLE 36. Requirements Concerning Publications and Their Dissemination

1. Each publication shall indicate its circulation, other publishing data specified by the Lithuanian standard, and the international standard number of the document (ISBN, ISSN, ISMN, and others).

2. The circulation of a publication must be audited. An independent auditor who audits the circulation of that publication as well as the last audit date must be indicated next to the circulation in a publication.

3. The Government shall determine the number of mandatory copies of all publications (including electronic ones) which must be handed over to libraries free of charge.

4. The Government shall lay own a procedure for auditing publications.

ARTICLE 37. European Audiovisual Works

1. The following shall be deemed European audiovisual works (hereinafter referred to as “European works”):

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

2) works produced in third European countries, i.e. outside EU Member States or other European states that have ratified the Convention on Transfrontier Television of the Council of Europe, if they are produced by producers established in one or more third European countries or by such producers in co-production with producers established in one or more 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 European countries on cooperation in the audiovisual field and provided that those

works are mainly made by authors and producers residing in one or more European states.

2. Subparagraphs 1 and 2 of paragraph 1 of this Article shall be applied in the event that works produced in the Republic of Lithuania or EU Member States are not subject to discriminatory measures in countries referred to in subparagraphs 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 European works, but which are produced within the framework of bilateral co-production (production) contracts between EU Member States or the Republic of Lithuania and third European countries, shall be treated as European works if the contribution of EU or Republic of Lithuania producers comprises a major portion of co-production (production) costs and if the creation (production) thereof is not controlled by producers established in a state other than EU Member State.

4. Works, which within the meaning of paragraphs 1 and 2 of this Article should not be considered European works, but which are produced mainly in cooperation with authors and producers residing in one or more EU Member States, shall be treated as European works to an extent corresponding to the proportion of the contribution of producers established in EU Member States to the total co-production (production) costs.

ARTICLE 38. Radio and Television Programmes

1. In their regular broadcasts, television broadcasters shall have the right to freely produce and show short reports (with a duration of up to 90 seconds) about events of public importance that take place in Lithuania and other countries, cultural, sports or other events, for the presentation whereof to the public other broadcasters have acquired exclusive rights.

2. The following requirements shall be complied with when broadcasting television broadcasts or programmes about events of major importance for society:

1) television broadcasters, having acquired exclusive rights to broadcast broadcasts or programmes about events of major importance for society which take place in Lithuania and outside its territory, may not broadcast these broadcasts or programmes on an exclusive basis in such a way as to deprive a substantial proportion of the public in

Lithuania of the possibility of following such events, broadcast via live coverage or deferred coverage, on free television;

2) broadcasters under the jurisdiction of the Republic of Lithuania may not exercise the exclusive rights specified in subparagraph 1 of this paragraph in such a way as to deprive a substantial proportion of people residing in another EU Member State or a European country which has ratified the Convention on Transfrontier Television of the Council of Europe of the possibility of following the events taking place in Lithuania or outside its territory, which are designated as events of major importance for society under the legal acts of that other state. Programmes or broadcasts covering these events shall be broadcast in accordance with the broadcasting procedure established in the state concerned;

3) the following events shall be considered to be of major importance for society in the Republic of Lithuania: Summer and Winter Olympic Games, World and European Basketball Championships, the Football World Cup and European Football Championship, Lithuanian Song Festivals as well as official commemorations of Lithuanian national holidays. The Government may supplement this list with other events considered to be of major importance for society. An institution authorised by the Government shall lay down the requirements that have to be complied with when broadcasting programmes or broadcasts about events of major importance for society of the Republic of Lithuania.

4) the requirements necessary to comply with the provisions of subparagraphs 1 and 2 of this paragraph shall be laid down by the Commission.

3. Television broadcasters shall reserve, where practicable, at least 50 % of their programme time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping, for European works.

4. Television broadcasters shall reserve, where practicable, at least 10 % of their programme time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping, for European works made by independent producers within the past five years.

5. Other requirements for broadcasters' programmes shall be established by this Law, the Law on the National Radio and Television of Lithuania and other laws as well as by licences issued to broadcasters.

6. The name of the station broadcasting a programme or the name of a programme re-broadcast shall be announced during a radio or television programme at least once per hour. If the programme of a radio, television station is shorter than one hour, the name of the programme must be announced at the end thereof.

7. The requirements laid down in paragraphs 3 and 4 of this Article shall not apply to local television broadcasters.

ARTICLE 39. Advertising, Teleshopping and Teleshopping Window

1. Advertising, teleshopping and teleshopping window must be fair and honest. Advertising, teleshopping and teleshopping window must not prejudice respect for human dignity, include any discrimination on grounds of race, sex or nationality, be offensive to religious or political beliefs, encourage behaviour prejudicial to health and the protection of the environment.

2. Advertising, teleshopping and teleshopping window must not be misleading and shall not prejudice the interests of consumers.

3. Advertising, teleshopping and teleshopping window must not have a detrimental effect on the physical, mental or moral development of minors and shall therefore comply with the following requirements:

1) they shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;

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

3) they shall not form children's opinion that the use of certain services and goods will make them physically, psychologically or socially superior to their peers;

4) they shall not unreasonably show minors in dangerous situations;

5) they shall not exploit the special trust minors place in parents, guardians (curators), teachers and other persons.

4. Advertisers shall not have the right to exercise any influence over the content of public information, except for the content of their own advertisements.

5. Surreptitious advertising and surreptitious teleshopping shall be prohibited.

6. Television advertising and teleshopping must not use subliminal techniques.

7. Advertising of tobacco products, including teleshopping for tobacco products, shall be prohibited.

8. Restrictions on advertising for alcoholic beverages shall be determined by the Law on Alcohol Control.

9. Advertising for medicinal products and medical treatment available only on prescription shall be prohibited in the media, except for special publications or broadcasts. Advertising for other medicinal products or medical treatment with medicines shall be readily recognisable and shall warn about possible harmful effects if misused.

10. Persons who regularly host news programmes may not participate in advertising, teleshopping and teleshopping window, neither shall they voice over advertising or teleshopping.

11. Advertising, teleshopping and teleshopping window requirements in television programmes:

1) advertising and teleshopping shall be readily recognisable as such and kept quite separate from other parts of the programme service by acoustic and/or optical means. Advertising and teleshopping shall be integrated between separate parts of programme. Advertising and teleshopping spots shall not prejudice the integrity and value of the programme (taking into account natural breaks in and the duration and nature of the programme), and the rights of holders of property rights. Announcements made by the broadcaster in connection with his own programmes and ancillary products directly related to those programmes, public announcements, charity appeals and other information broadcast free of charge shall not be considered to be advertising;

2) advertising and/or teleshopping shall not be inserted in any broadcast of a religious service; documentaries, news, religious programmes and children's programmes, when their duration is less than 30 minutes, shall not be interrupted by advertising or by teleshopping. If their scheduled duration is 30 minutes or more, the provisions of this paragraph shall apply;

3) the broadcasting time for advertising shall not exceed 15 % of the daily broadcasting time. The broadcasting time for advertising, teleshopping and other forms of advertising, with the exception of teleshopping windows referred to in subparagraph 5 of this paragraph, may not increase 20 % of the daily broadcasting time;

4) the total amount of advertising, teleshopping and other forms of advertising, with the exception of teleshopping windows referred to in subparagraph 5 of this paragraph, within an astronomical hour of broadcasting shall not exceed 12 minutes;

5) teleshopping windows designated for teleshopping, broadcast in programmes that are not exclusively devoted to teleshopping shall be of a minimum uninterrupted duration of 15 minutes. The maximum number of teleshopping spots per day shall be eight and their overall duration shall not exceed three hours per day. They must be clearly identified as teleshopping spots by optical and/or acoustic means;

6) in programmes consisting of autonomous parts and in sports broadcasts as well as in broadcasts of other events containing intervals, advertising and/or teleshopping spots shall only be inserted between the autonomous parts or in the intervals of the said events;

7) if the duration of broadcast audiovisual works such as feature films or films made for television (excluding series, serials, light entertainment programmes and documentaries) is more than 45 minutes, they may be interrupted by an advertisement once for each period of 45 minutes; the broadcasting of such works may be further interrupted by an advertising spot only if their duration is at least 20 minutes longer than two or more complete periods of 45 minutes;

8) where broadcasts other than those covered by subparagraph 6 of this paragraph are interrupted by advertising and/or teleshopping, a period of at least 20 minutes shall elapse between each successive advertising break within the programme;

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

12. A broadcast or article, prepared and/or announced on order of a producer of non-public information, who disseminates this information for payment or for similar consideration, must be separated from other public information by designating them adequately and indicating those who ordered them.

13. The National Consumer Rights Protection Board under the Ministry of Justice, the Competition Council and the Commission, in cooperation with other regulatory institutions governing the activities of producers and/or disseminators of public information as well as with institutions of self-regulation of advertising, shall maintain control over compliance with advertising requirements specified in this and other laws.

14. Associations of advertising businesses must lay down in a special advertising code the additional requirements for advertising ethics and establish self-regulatory institutions to supervise compliance with such requirements.

15. The provisions of this Article shall apply to advertising which is broadcast in any form or through any means.

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

ARTICLE 40. Sponsorship of Radio and Television Programmes

1. If a programme or broadcast is sponsored in whole or in part, it shall clearly be identified as such at the beginning or end of the broadcast by indicating the name or logo of the sponsor, the image, activities or the products thereof.

2. The content or broadcasting time of sponsored programmes shall not be influenced by the sponsor.

3. Sponsored programmes or broadcasts shall not encourage the sale, purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services in sponsored broadcasts, except for those cases where this is done in advertising spots.

4. Programmes or broadcasts may not be sponsored by persons whose principal activity is the manufacture and/or sale of tobacco products.

5. Persons whose activities include the manufacture of medicinal products or medical treatment may sponsor programmes by indicating the name or logo of their undertaking, but may not promote medicinal products or medical treatment available only on prescription.

6. News and current affairs programmes may not be sponsored.

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

ARTICLE 41. Duties of Journalists

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

2. The journalist shall:

1) provide correct, accurate and unbiased news, critically evaluate sources of his information, check facts closely and attentively, refer to several sources. If it is impossible to verify the reliability of an information source, this must be indicated in announced 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 this assignment compels him to violate the laws or the Code of Ethics of Lithuanian Journalists and Publishers;

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

5) gather and announce information only in ethic and legal ways;

6) when requesting information, introduce his surname, indicate his workplace (the Information Society media and/or a broadcast for which he produces a reportage, as well as his post; he must also warn a person that the latter's words may be publicly announced in the media;

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

8) before interviewing a child, get a consent from one of his parents, guardians or curators, as well as from a child himself;

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

10) observe the duties specified in paragraph 8 of Article 22 of this Law .

ARTICLE 42. Duty to Provide Information

1. Producers and disseminators of public information, state and municipal institutions and establishments shall provide information (including tapes of broadcasts) free of charge to regulatory and self-regulatory institutions governing the activities of producers and disseminators of public information referred to in Chapter 5 of this Law, which is necessary for the implementation of their functions.

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

3. The producers and disseminators of public information must provide persons with information (including broadcast tapes) the publication of which, in the opinion of aforementioned persons, degrades their honour and dignity or has damaged their professional reputation or other legitimate interests. Requests to provide information shall be submitted to the producers and/or disseminators of public information in writing. Public information producers and/or disseminators may exact payment for providing public information, the amount of which shall not exceed the expenses involved in making a copy of the requested information.

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

ARTICLE 43. Professional Ethics when Providing Information to the Public

1. The norms of professional ethics which have to be adhered to by the producers and disseminators of public information as well as journalists is defined in the Code of Ethics of Lithuanian Journalists and Publishers (hereinafter referred to as the “Code”), the Resolution on the Ethics of Journalism adopted by the Parliamentary Assembly of the

Council of Europe, also by international treaties of the Republic of Lithuania governing the production and dissemination of public information, and this Law.

2. The Code of Ethics of Lithuanian Journalists and Publishers shall be approved, amended or supplemented by the meeting of representatives of journalists' and publishers' organisations (hereinafter referred to as the "meeting of representatives") which is convened and attended by the Ethics Commission of Journalists and Publishers. The said meeting shall be also attended by representatives of other journalists' and publishers' organisations. The meeting of representatives shall approve, amend or supplement the Code in compliance with the rules of procedure of the meeting. It shall be approved by a simple majority vote by the meeting of representatives on the proposal of the Ethics Commission of Journalists and Publishers.

ARTICLE 44. Refutation of Published Information

1. The norms of the Civil Code shall lay down the duty of the media to refute 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 of refuting of such information as well as civil liability of producers and disseminators of public information.

2. If the false information has been announced through the medium (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 indicate which published information contradicts reality, when and where it has been announced, which statements of the published information degrade the honour and dignity of a natural person or damage the professional reputation of a legal person, and to demand that the medium which disseminated such information, would announce such refutation.

3. After having received the refutation specified in paragraph 2 of this Article, the medium must, free of charge, publish the refutation, or announce it in any other adequate way, of a size and in the form equivalent to the size and form of the false information, degrading the honour and dignity of a natural person or damaging the professional reputation of a legal person. This must be done within the period of two weeks, with the exception of those media the periodicity of which is less frequent. In this case, the media

shall announce the said refutation during the first programme of the National Radio of Lithuania (within two weeks) and in their publication or broadcast which comes next after the receipt of the refutation, without comments, in the same place, in the size and of the form (television and radio – on the same weekday and at the same time) equivalent to the information which degraded the honour and dignity of a natural person or damaged the professional reputation of a legal person. The medium must announce an answer regardless of the fact whether or not the information disseminated through it was disseminated on behalf of the medium itself or any other person.

4. If upon the receipt of the refutation referred to in paragraph 2 of this Article, the medium decides not to publish such refutation, it must, within two weeks of the receipt of the refutation, reply in writing to a person who submitted the refutation, indicating the reasons and causes of refusal to announce the refutation.

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

6. Refusal to publish or announce in any other way 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 the court according to the place of residence of a person whose honour and dignity is degraded by the false information, or according to the place of registration of the head office of a legal person whose professional reputation is damaged by the false information. A complaint must be considered not later than within 30 days from its lodgement; non-working days shall be also included in this time limit.

CHAPTER V

REGULATORY INSTITUTIONS GOVERNING THE ACTIVITIES OF PRODUCERS AND DISSEMINATORS OF PUBLIC INFORMATION AND SELF-REGULATORY INSTITUTIONS

**ARTICLE 45. The Powers of the Government Authorised Institution in the
Field of the Provision of Public Information**

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

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

1) summarise the practice of the 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 regarding the amendment and supplementation of effective legal acts;

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

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

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

5) organise conferences, seminars, and practical trainings regarding the 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 by this and other laws.

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

ARTICLE 46. Ethics Commission of Journalists and Publishers

1. The Ethics Commission of Journalists and Publishers (hereinafter in this Article referred to as the “Commission”) shall be a self-regulatory institution of public

information producers and disseminators. The Commission shall be a legal person, having its own seal, settlement accounts in the bank.

2. The Commission, comprised of 15 members to be appointed each by the Lithuanian Centre for Human Rights, the Lithuanian Psychiatric Association, the Lithuanian Bishops' Conference, the Lithuanian Periodical Press Publishers' Association, the Lithuanian Radio and Television Association, the Lithuanian Cable Television Association, Regional Televisions' Association, and the Lithuanian Journalists' Union, the Lithuanian Journalists' Society, the Lithuanian Journalism Centre, the National Radio and Television of Lithuania, the Magazine Publishers' Association, the Regional Press Publishers' Association, the National Association of Publishers of Regional and City Newspapers, the Association of Communication and Advertising Agencies, shall be approved by the meeting of representatives of these Associations (hereinafter referred to as the "Meeting"). Members of the Commission shall be appointed for a term of three years. Organisations of journalists and publishers, which delegate their representatives to the Commission shall, not less seldom than once a calendar year, convene Meetings which must be attended by at least three delegates from each of the said organisations. The Meeting shall approve rules of procedure of the Commission.

3. The work of the Commission shall be organised by the Chairman of the Commission, who shall be elected by the Commission from among its members for a term of one year.

4. The Commission shall perform the following functions:

- 1) focus on the education of the professional ethics of journalism;
- 2) examine the violations of professional ethics committed in the course of providing information to the public by journalists, producers of public information or responsible persons appointed by the participants therein;
- 3) consider mutual disputes of journalists and producers or publishers of public information regarding violations of the Code of Ethics of Lithuanian Journalists and Publishers;
- 4) supervise the compliance of disseminated public information with the provisions laid down in the laws, prohibiting the incitement of national, racial, religious, social or gender hatred.

5. All interested persons may appeal to the Commission.

6. The Commission shall act in accordance with the Constitution of the Republic of Lithuania, this and other laws, international treaties of the Republic of Lithuania, other legal acts, as well as the Code of Ethics of Lithuanian Journalists and Publishers and the Resolution on the Ethics of Journalism adopted by the Parliamentary Assembly of the Council of Europe.

7. The Commission shall work in accordance with the regulations approved by it. Commission decisions concerning the violations of professional ethics or other violations must be published immediately in the same media where the Commission has established these violations, and in the same manner as announcement of refutation, laid down in Article 44 of this Law. If a producer and/or disseminator of public information fails to publish within two weeks the decision of the Commission pertaining to the violations of professional ethics or other violations in its own media, the decision shall be announced on the first programme of the National Radio of Lithuania and on the webpage of the Commission – in the Information Society medium the manager of which is the Commission.

8. The producers or disseminators of public information who disagree with the decisions of the Commission may appeal against them in court; but they must nevertheless publish them in accordance with the procedure established in paragraph 7 of this Article.

9. The Foundation shall ensure the funding of the necessary work by Commission experts, as well as the Commission's information and technical servicing, public events held by the Commission, exploitation of the Commission's premises, and other administrative expenses. The activities of the Commission may be financed with funds of other public foundations, as well as, when fulfilling requests by producers and/or disseminators of public information, with earnings from advance evaluation of information announced by them, showing whether or not the said information is in compliance with this Law and the Code of Ethics of Journalists and Publishers. The Commission shall have the right to fix rates for such services. The Commission shall announce information about the annual budget of its activities in the supplement

Informaciniai Pranešimai (Information Bulletin) to the official gazette *Valstybės Žinios* not later than by 1 May of the next year.

ARTICLE 47. Radio and Television Commission of Lithuania

1. The Commission shall be an independent institution accountable to the Seimas, which regulates and controls the activities of radio and television broadcasters and re-broadcasters falling under the jurisdiction of the Republic of Lithuania. The Commission shall participate in the formation of national audiovisual policy. It shall act as a body of experts for the Seimas and Government on the issues of radio and television broadcasting and re-broadcasting.

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

3. The Commission shall be a public legal entity, which has its own seal bearing the State emblem, and bank accounts. The seat of the Commission shall be in Vilnius.

4. The Commission shall comprise 13 members: one member shall be appointed by the President of the Republic, three members shall be appointed by the Seimas on a proposal from the Committee on Education, Science and Culture and the Committee of the Development of Information Society, one member each shall be appointed by the Lithuanian Artists' Association, the Lithuanian Cinematographers' Union, the Lithuanian Composers' Union, the Lithuanian Writers' Union, the Lithuanian Theatres' Union, the Lithuanian Journalists' Union, the Lithuanian Journalists' Society, the Lithuanian Bishops' Conference, and the Lithuanian Periodical Press Publishers' Association. Only a citizen of the Republic of Lithuania of good repute may be appointed as member of the Commission. Members of the Commission shall serve not more than two terms of office of the appointing state institution or the double continuous term of powers of the appointing organisation's management body. The legal grounds for a member's work in the Commission shall be a decision adopted by the appointing institution or organisation.

5. Member of the Commission shall not be recalled from office until the term of his powers expires, except where:

- 1) member of the Commission resigns;

2) member of the Commission had not attended Commission meetings for more than 4 consecutive months without a valid excuse;

3) member of the Commission has been convicted by a final judgement;

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

5) member of the Commission is determined by court as having legal incapacity;

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

7) member of the Commission discredits the status of a member of the Commission.

6. In the event that a member of the Commission is recalled from office on the grounds provided for in this Article, the Chairman of the Commission shall request the institution or organisation which has appointed the member in question to appoint a new member of the Commission for the remainder of the term of the member of the Commission who has resigned or has been recalled. Information about the composition of the Commission and any changes thereof shall be published in the official gazette *Valstybės Žinios* and on the webpage of the Commission – in the Information Society medium the manager of which is the Commission.

7. The powers of a member of the Commission shall expire when a decision on appointing a new member by the appointing institution or organisation's managing body comes into force.

8. Members of the Seimas and the Government, members of the Council of the National Radio and Television of Lithuania, public servants of political (personal) confidence, persons linked with broadcasters and re-broadcasters by virtue of employment, also persons having a participating interest in the broadcasters and re-broadcasters may not be appointed as members of the Commission. Family members of members of the Commission may not have a participating interest in broadcasters or re-broadcasters. If appointed to the Commission, members of political parties shall suspend their membership in a political party and participation in the activities thereof until the end of their term in the Commission.

9. Members of the Commission shall elect by a majority vote the Chairman of the Commission for a term of two years.

10. Meetings shall be the main form of work of the Commission. Commission 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 the members of the Commission. Information about planned meetings and their agenda shall be published in the press or placed on the Commission's Web page.

11. Meetings of the Commission shall be open to the public. A meeting of the Commission may be closed 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.

12. Meetings of the Commission shall be deemed valid if they are attended by at least two-thirds of its members. The Commission shall take decisions. Decisions shall be taken by a simple majority vote of all the members of the Commission, except for the cases specified in this Law. Decisions on issuing or refusing to issue a licence, also on penalties, changes in licence conditions, tender conditions and results, the suspension or revocation of a licence shall be taken by at least a two-third majority of all members of the Commission. The abovementioned decisions, except for the decisions on changes in licence conditions and tender conditions, shall be taken by a secret vote.

13. Decisions of the Commission shall be signed by its Chairman or any other person authorized by the Commission. Decisions of the Commission – regulatory enactments shall be published in the official gazette *Valstybės Žinios*, decisions on announcement of tenders, issuing of licences, temporary suspension of licences and revocation of licences shall be published in the supplement *Informaciniai Pranešimai* (Information Bulletin) to the official gazette *Valstybės Žinios*. Decisions of the Commission shall come into force on the next day of their publication, unless a later date of their coming into force is set in the said decisions. Other individual legal acts adopted by the Commission shall be published on the webpage of the Commission - in the Information Society medium the manager of which is the Commission, and shall come into force on the next day of their publication, unless a later date of their coming into force is set in them. Decisions of the Commission are binding for broadcasters and re-broadcasters; persons may appeal to court against the abovementioned decisions within 30 days of the date of their coming into force.

14. For the Commission to perform its functions the Administration of the Commission shall be formed. It shall be headed by the Director of the Administration. An employee of the Administration may not be member of the Commission. The Director shall be appointed by the Commission on a competition basis. The Director shall make an annual report to the Commission on the activities of the Administration. The composition of the Administration and the number of its staff shall be approved by the Commission. The activities of the Administration shall be organised in conformity with its regulations approved by the Commission.

15. For the purpose of financing the activities of the Commission, the broadcasters and re-broadcasters (except for the LRT) that receive earnings from broadcasting and/or re-broadcasting activity must transfer every month to the Commission's account 0.8 % of their earnings from advertising, subscription fees and other activities related to broadcasting and/or re-broadcasting. Payments from broadcasters or re-broadcasters shall be enforced through court if they fail to transfer the funds to the Commission's account within a period of 3 months after the fixed date. The Commission may be financed from other sources as well: funds received for examining licence applications and change of licence conditions, other payments for provided services, support funds, publishing activities, etc.

16. The Commission shall annually draw up and approve the estimate of its planned expenditure. This estimate and the report on its implementation shall be published by the Commission in the supplement *Informaciniai Pranešimai* (Information Bulletin) to the official gazette *Valstybės Žinios*.

17. The Chairman of the Commission shall report once a year about the activities of the Commission at a plenary sitting of the Seimas and shall submit the Commission's financial report.

18. Commission members and staff of the Administration shall be prohibited from distributing information which is a commercial secret of broadcasters and re-broadcasters, managers of the Information Society media.

ARTICLE 48. Competence of the Radio and Television Commission of Lithuania

1. The Commission shall perform the following functions:

1) in conjunction with the Communications Regulatory Authority, draw up the Strategy for Assigning Radio Frequencies to Broadcast and Transmit Radio and Television Programmes; also, in conjunction with the Communications Regulatory Authority and in accordance with the Strategy for Assigning Radio Frequencies to Broadcast and Transmit Radio and Television Programmes, draw up and approve the Strategic Plan for the Assignment of Radio Frequencies to Broadcasting and Transmission of Radio and Television Programmes;

2) announce and organise, in accordance with the procedure established by this Law and the Rules for Licensing Broadcasting and Re-broadcasting Activities, 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;

3) set the rate of the fee for the examination of licence applications and change of the terms and conditions of licences;

4) in conjunction with an institution authorised by the Government in the filed of provision of information to the public, approve a description of the procedure for fixing the rate of a licence fee, as well as to fix such rate in accordance with this description;

5) control how broadcasters and re-broadcasters, as well as persons broadcasting, re-broadcasting or otherwise disseminating programmes or their parts through electronic communications networks, whose main purpose is not broadcasting and/or re-broadcasting of programmes, comply with this Law and the Law on the Protection of Minors against Detrimental Effect of Public Information, assumed obligations, licence terms and conditions and decisions taken by the Commission;

6) maintain, within the limits of its competence, supervision over the implementation of the provisions of the Law on the Protection of Minors against Detrimental Effect of Public Information;

7) establish the procedure for adhering to the requirements laid down in the laws and by the European Union concerning the structure and content of programmes, the broadcasting of advertisements and sponsorship of programmes (broadcasts);

8) maintain control over compliance by broadcasters with the provisions of this Law concerning the proportion of European works and works by independent producers in the programmes broadcast, the right to broadcast events of major importance to society as well as with the requirements laid down in paragraphs 3, 5, 10, 11 and 12 of Article 39 of this Law concerning advertising and provisions on the sponsorship of programmes;

9) maintain control over compliance by re-broadcasters with the provisions of this and other laws concerning the broadcasting, re-broadcasting of programmes and requirements for public information laid down by laws;

10) monitor broadcasters' and re-broadcasters' programmes to maintain control over compliance with the laws, Commission decisions regulating the activities of broadcasters and re-broadcasters as well as with licence conditions;

11) impose, in accordance with the procedure established by the law, the following penalties on broadcasters and re-broadcasters as well as other persons broadcasting, re-broadcasting or otherwise disseminating programmes or their parts through electronic communications networks, whose main purpose is not broadcasting and/or re-broadcasting of programmes, as well as producers and/or disseminators of programmes publicly distributed through data transmission networks, who have violated the requirements of this Law, the Law on the Protection of Minors against Detrimental Effect of Public Information, licence conditions or who do not comply with the decisions or obligations adopted by the Commission: reprimands, monetary penalties prescribed by the Code of Administrative Offences of the Republic of Lithuania, suspension of licence for a period of up to 3 months, revocation of licence, appeal to the court regarding the suspension or termination of activities of the Information Society media in accordance with the procedure laid down by this Law;

12) submit proposals concerning the drafting of laws governing the activities of broadcasters and re-broadcasters as well as other legal acts related to these activities;

13) initiate the termination of illegal broadcasting and re-broadcasting activities;

14) suspend in the manner prescribed by law the re-broadcasting within the territory of the Republic of Lithuania of the programmes produced abroad;

15) collect information about broadcasters, re-broadcasters and common-use reception networks, analyse their activities, publish information about the participants therein, prepare information and methodical materials on these issues;

16) prepare and submit every 2 years to the Seimas an analytical survey of the implementation of Lithuania's audiovisual policy, the development of the market of audiovisual services, the prospects for the expansion of national audiovisual sector, including the statistical data on the progress necessary to comply with the provisions of paragraphs 3 and 4 of Article 38 achieved by all the broadcasters falling under the jurisdiction of the Republic of Lithuania, also stating the reasons that impede the implementation of the said provisions and remedial measures taken or to be taken.

17) cooperate with the institutions of the European Union and other foreign countries which perform equivalent functions, also represent, within the sphere of its competence, the Republic of Lithuania in international organisations;

18) establish the procedure for encoding the programmes broadcast and/or re-broadcast; and

19) perform other functions set out in the laws and other legal acts.

2. While carrying out the functions referred to in subparagraph 6 of paragraph 1 of this Law, the Commission may address the inspector of journalist ethics regarding the conclusions pertaining to the assigning of public information to the category of information which causes a negative impact on the development of minors, if members of the Commission have reservations when assessing the damage done to the physical, mental or moral development of minors or assessment of such public information requires special knowledge. Upon the receipt of such inquiry, the inspector of journalist ethics must, in the manner and within the time limits prescribed by this Law, submit to the Commission his own conclusions on the matter at issue or the conclusions of the experts of the office of inspector of journalist ethics with respect to that matter.

3. While carrying out the functions established for it by legal acts, the Commission shall have the right:

1) to obtain free of charge from broadcasters and re-broadcasters, managers of the Information Society media, state and municipal institutions and agencies as well as other legal persons the information, including that which is a commercial secret;

2) to obtain from broadcasters and re-broadcasters, managers of the Information Society media, state and municipal institutions, as well as agencies, other persons the documents and other information necessary to investigate violations of the relevant laws which are assigned to the competence of the Commission;

3) to carry out on-the-spot checks with court's permission;

4) to set up commissions, working groups for drafting legal acts or solving other issues falling within the competence of the Commission, to include specialists of other institutions (upon co-ordination with their heads) in the said commissions, groups;

5) within the limits of its competence 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 of cooperation established by this Regulation;

6) to organise meetings, conferences and other events;

7) to conclude contracts, assume obligations, have other civil rights and duties, provided this is in compliance with laws of the Republic of Lithuania;

8) to enjoy other rights established by this Law, directly applicable legal acts of the European Union, regulating broadcasting and re-broadcasting activities, 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, and other legal acts.

ARTICLE 49. Inspector of Journalist Ethics

1. The Inspector of Journalist Ethics shall be a State Officer who shall supervise the implementation of the provisions of this Law.

2. The Inspector of Journalist Ethics shall be appointed for a five-year term of office by the Seimas on the nomination by the Ethics Commission of Journalists and Publishers. The same person may not be appointed the Inspector of Journalist Ethics for more than two successive terms of office. A person appointed the Inspector of Journalist Ethics shall hold office until the appointment of a new Inspector of Journalist Ethics.

3. A citizen of the Republic of Lithuania of good repute with higher education and the competence necessary to perform his duties shall be appointed the Inspector of Journalist Ethics.

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

5. The Inspector of Journalist Ethics shall act in accordance with the Constitution of the Republic of Lithuania, this and other laws, international treaties of the Republic of Lithuania, and other legal acts.

6. The Inspector of Journalist Ethics shall act in conformity with the principles of legality, objectivity, justice and openness.

7. The decisions of the Inspector of Journalist Ethics may be appealed against in court within 30 days after the day of their publication.

8. The Inspector of Journalist Ethics may not hold any other elective or appointive office and receive any other remuneration, except for that prescribed for his current position and payments for pedagogical or creative activity.

9. An application or complaint submitted in respect of the Inspector of Journalist Ethics must indicate:

1) the name, surname and address of an applicant;

2) the medium and the concrete publication or broadcast which disseminated the information degrading the applicant's honour and dignity, violating the right to the protection of private life or interests of minors;

3) which information is false, how the right to privacy has been violated, how interests of minors have been damaged;

4) the contents of a request addressed to the Inspector of Journalist Ethics, as well as the form of conclusions desired by the applicant;

5) the date of making of the complaint or application and the applicant's signature.

10. The Inspector of Journalist Ethics shall examine a received complaint or application not later than within 30 days. In some cases, where it is necessary to verify the data more thoroughly, the time limits of examination of an application or complaint may be extended up to three months from the date of receipt of the complaint or application.

11. If a complaint or application is reasoned, the Inspector of Journalist Ethics may take one of the decisions provided for in paragraph 2 of Article 50 of this Law. The Inspector of Journalist Ethics shall present his decision to the applicant, producers and/or disseminators of public information.

12. In the event a complaint or application is recognised as unreasoned, the Inspector of Journalist Ethics must make a written, reasoned reply to the applicant.

13. Activities of the Inspector of Journalist Ethics shall be ensured by the service of the Inspector of Journalist Ethics. The service of the Inspector of Journalist Ethics shall be a state institution headed by the Inspector of Journalist Ethics.

14. The activities of the Inspector of Journalist Ethics and the service headed by him shall be financed from the State budget. The funds allocated for this purpose shall be listed under a separate budget item.

15. The Inspector of Journalist Ethics and the service headed by him shall work in accordance with the regulations of the Inspector of Journalist Ethics, approved by the Seimas.

ARTICLE 50. Competence of the Inspector of Journalist Ethics

1. The Inspector of Journalist Ethics shall perform the following functions:
 - 1) examine the complaints and applications of interested persons regarding violation of their honour and dignity in the media;
 - 2) examine the complaints and applications of interested persons regarding violation of the right to the protection of privacy in the media;
 - 3) examine the complaints and applications of interested persons regarding violation of management of their personal data in the media;

4) maintain, within the limits of his competence, supervision over the implementation of the provisions of the Law on the Protection of Minors against Detrimental Effect of Public Information;

5) assess compliance with the principles of providing information to the public set forth in this and other laws, submit proposals to state institutions for improving their implementation;

6) in compliance with the conclusions of experts, ascribe press publications, audiovisual works, radio and television programmes or broadcasts, the Information Society media and other media and/or their contents to the categories of erotic, pornographic and/or violent character, and inform the State Tax Inspectorate under the Ministry of Finance about press publications of erotic and/or violent character;

7) cooperate with counterpart institutions of the European Union and other countries as well as represent, within the sphere of his competence, the Republic of Lithuania in international organisations;

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

9) carry on monitoring of public information in the media, with the exception of radio and television programmes.

2. In discharging the functions specified in paragraph 1 of this Article and paragraph 1 of Article 49, the Inspector of Journalist Ethics shall make a decision to:

1) reprimand the producers and disseminators of public information about the noticed violations of 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 published false information, degrading the honour and dignity of a person or damaging his professional reputation, legitimate interests, or provide that person with a possibility to reply and deny such information;

3) appeal to competent state institutions and the Ethics Commission of Journalists and Publishers in respect of the noticed violations of this Law and other legal acts governing the provision of information to the public;

4) write down records of administrative offences in the cases set out in the Code of Administrative Offences;

5) hear proceedings of administrative offences and impose administrative penalties in the cases set out in the Code of Administrative Offences.

3. Decisions of the Inspector of Journalist Ethics shall be published in the supplement *Informaciniai Pranešimai* (Information Bulletin) to the official gazette *Valstybės Žinios* as well as on the website of the service of the Inspector of Journalist Ethics. An operative part of a decision of the Inspector of Journalist Ethics must be forthright announced in that medium in which the Inspector of Journalist Ethics has established a violation.

4. The Inspector of Journalist Ethics shall have the right to receive, free of charge, from the producers and disseminators of public information, state and municipal institutions and agencies the information necessary for discharging the functions of the service of the Inspector of Journalist Ethics.

5. A group of experts shall operate at the Inspector of Journalist Ethics, presenting conclusions with respect to ascription of press publications, audiovisual works, radio and television programmes or broadcasts, websites or other media and/or their contents to the categories of erotic, pornographic and/or violent character. The Inspector of Journalist Ethics shall approve the composition of a group of experts. Experts shall be responsible for the correctness of their conclusions. A group of experts shall work in accordance with the regulations approved by the Inspector of Journalist Ethics and their activities shall be financed with the funds of the state budget.

6. The Inspector of Journalist Ethics shall report to the Seimas at least once a year about his work as well as the work of the service of the Inspector of Journalist Ethics.

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

ARTICLE 51. Liability of Producers and Disseminators of Public Information as well as Officials

1. Public information producer or disseminator shall be liable, in accordance with the procedure established by this and other laws, for violating this and other laws and international treaties of the Republic of Lithuania governing the production of public information, also for violating the procedure of dissemination of public information, as prescribed by laws.

2. Manager of a medium shall be liable for the contents of the medium in the manner prescribed by this and other laws.

3. Providers of intermediate services of the Information Society shall be liable for contents of the Information Society media in accordance with the terms and conditions, and the procedure laid down by the Law on Information Society Services.

ARTICLE 52. Suspension or Termination of the 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, may be suspended or terminated by court if the producer and/or disseminator of public information violate the provisions of paragraphs 1 and 2 of Article 19.

2. When making a decision on the suspension of the activities of a producer and/or disseminator of public information, the suspension term set by the court may not exceed 1 month with respect to newspaper editorial offices and 3 months with respect to magazine editorial offices.

3. The activities of producers and/or disseminators of public information may be terminated by court in the event that the court had suspended its activities at least once during the previous 12 months.

ARTICLE 53. Compensation for Damage

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

ARTICLE 54. Release from Compensation for Damage

1. A producer and/or disseminator of public information shall not be liable for the publication of false information if he indicates the source of information and the information was:

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

2) publicly stated in open meetings, sessions, press conferences, rallies and other events, and if the producer of public information did not distort the statements made. In this case, all responsibility shall be borne by the organisers of the aforementioned events and the persons who made the information public;

3) published earlier in other means of mass media if the information has not been refuted by the means of mass media where it was published;

4) announced by the participants of live radio and television broadcasts who are not subordinate to the producer of public information;

5) announced in a special election campaign broadcast which was not produced by the producer of public information;

6) presented in non-anonymous advertising announcements;

7) presented in the form of an opinion, a commentary or value judgement.

2. In the cases specified in paragraph 1 of this Article, liability for the publication of false information shall be borne by the person who was the first to publish such information.

**EU LEGAL ACTS IMPLEMENTED BY
THE LAW ON PROVISION OF INFORMATION TO THE PUBLIC**

1. Council Directive 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 (89/552/EEC) (2004 Official journal special edition, chapter 6, volume 1, p. 224).

2. Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (2004 Official journal special edition, chapter 6, volume 2, p. 321).

3. 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 (2004 Official journal special edition, chapter 13, volume 21, p. 8).

4. 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 (Official Journal L 364, 09/12/2004 P. 0001 – 0011).