

**REPUBLIC OF LITHUANIA**  
**LAW ON AMENDMENT OF REPUBLIC OF LITHUANIA**  
**LAW ON PROVISION OF INFORMATION TO THE PUBLIC**

July 2, 1996, No. I-1418

Vilnius

(as amended by December 21, 2000. No. IX - 131)

To amend the Republic of Lithuania Law on Provision of Information to the Public as follows:

**CHAPTER I**  
**GENERAL PROVISIONS**

**ARTICLE 1**

**Objective of the Law**

This Law shall establish the procedure of obtaining, processing, and disseminating public information and the rights, obligation and liability of public information producers, disseminators, owners thereof, journalists and institutions regulating their activities.

**ARTICLE 2**

**Principal Concepts of this Law**

1. Subscriber means a person, who according to a contract with a broadcaster or an operator, receives television and (or) radio programmes (further- programmes).
2. Terrestrial Television and Radio means programme broadcasting and (or) rebroadcasting via terrestrial television, radio station or network thereof.
3. Terrestrial Television, Radio Network means a telecommunications network comprised of more than one terrestrial television, radio station and which is intended for broadcasting, rebroadcasting and (or) transmitting of the same programme.
4. Persons means natural or legal persons as well as enterprises not having the rights of legal person.
5. Personal Health Information means information, stipulated by the Law on the Health System, concerning the health of a person.
6. Audiovisual Policy means determination and implementation of the principles and directions of expansion in State administration of the Audiovisual sector, Republic of Lithuania laws and other legal acts regulating the audiovisual sector's activities, co-ordination with international requirements in expanding Lithuania's audiovisual market.
7. General Reception Network means the local telecommunications network used to receive the programmes broadcast by terrestrial television and radio stations and also to transmit them through distributor lines to terminal equipment.
8. Disinformation means false intentionally disseminated information.
9. Terminal Equipment means televisions, radio receivers, and reception equipment used in other broadcast programmes and other types of information reception.
10. Audiovisual Productions means cinematographic productions or any other productions expressed by mean of cinematography that are comprised of a series of related images expressing a motion, with or without accompanying sounds, recorded (fixed) in an audio communication medium.
11. Cable Television, Wire Radio means broadcasting and (or) rebroadcasting of programmes through the cable television and wire radio network.
12. Cable Television and MMTV Operator means a person using his own or another person' cable television or MMTV telecommunications network (further - operator).
13. Cable Television, Radio Wire Network means the telecommunications network intended for broadcasting and rebroadcasting, approving, changing their coding practice or electromagnetic oscillation parameters and transferring them by cable and wire distribution lines to the terminal equipment of subscribers.
14. Channel (communications channel) means the radio frequency strip, essential in transmitting at least one programme.
15. Broadcast is a continuous portion of the programme, usually having its own name, broadcasting time, authors and managers.
16. Microwave Multi-channel Television (further - MMTV) means the system of broadcasting and (or) rebroadcasting by the MMTV network.
17. Microwave Multi-channel Television Network (further-MMTV network) means telecommunications network, used in programme broadcasting, rebroadcasting, receiving, changing their means of coding or electromagnetic oscillation parameters and transmitting

them through terrestrial microwave transmitters and reception network of signals of those transmitters to the terminal equipment of subscribers.

18. Independent Producers are persons not holding broadcaster shares, co-owner shares or member shares and not occupying a position in broadcaster administration bodies membership, who are not linked with labour, service relations or joint activity with the broadcaster, producing audiovisual productions, and selling them freely or transferring them otherwise.

19. Opinion means ideas, assessments and remarks, published in the mass media, regarding phenomena or events. Application to opinion of the criteria of veracity is not mandatory however it must be based on facts and expressed ethically.

20. Official State and Local Government Institution and Office Documents means written, graphic, sound, video, computer information or other documents, that concern the activities of State or local government institutions and agencies, that are included in that institution's accounting and are produced or received by them.

21. Private Information means information about an individual's personal and family life, personal health and other information not to be published on the basis of the protection of a person's right to privacy.

22. Programme means the total entity of broadcasts transmitted by a broadcaster.

23. Radio, Television Station means a technical complex, comprised of radio, television transmitters along with antennae and other technical equipment, designed for broadcasting, rebroadcasting and transmitting of programmes.

24. Advertisement means any information, disseminated by producers and (or ) disseminators of public information which a person linked with commercial, economic or professional activity requests of them, for the purpose of self-advertisement, or seeking to promote the sale of goods or use of services, including the acquisition of real property, and transfer of property rights and obligations, in return for payment or other similar compensation; surreptitious advertisement means information about the producer or service supplier, the name of his enterprise or activity, goods, service mark, which the public information producer and (or) disseminator has intentionally presented in such a fashion, that the consumers of this information may not perceive the fact that it is an advertisement.

25. Rebroadcasting means reception of programmes broadcast by third parties or the parts thereof, from broadcasters and the transmission at the same time of such unaltered, to consumers.

26. Sponsorship means financial or other material assistance, that a person who is not a participant in the activity of the sponsored public information producer and (or) disseminator, striving to advertise his own name, trademark, image, communications activity or products thereof, gives to the producer and (or) disseminator of public information.

27. Transmission means the sphere of telecommunications activity which encompasses broadcasting and (or) rebroadcasting of electromagnetic signals of a programme through a telecommunications channel to the terminal mechanisms of subscribers.

28. Telecommunications Network means a system of transmission of information and (or) commutation and other equipment, which are intended for signal transmission by wire, radio, optic or other electromagnetic systems, including cable television, MMTV and general television reception networks.

29. Teleshopping means the form of advertising whereby the broadcaster for a certain fee, broadcasts an advertising client's direct offers to the consumer to purchasing goods or making use of services, including among them acquisition of real property, and property rights and obligations.

30. Teleshopping window means an uninterrupted television broadcast, of at least 15 minutes dedicated to broadcasting of teleshopping advertisements broadcast through television channels that are not exclusively dedicated to teleshopping.

31. Broadcasting means production of programmes and the primary transmission thereof to the public through electronic communication networks.

32. Broadcasting and (or) rebroadcasting license is a written document issued by the Lithuanian Radio and Television Commission, granting its holder the right to engage in programme broadcasting and (or) rebroadcasting activity in stipulated areas with a right to use a channel (radio frequency), stipulated in the licence by the Communications Regulation: Service, or to use a transmission service supplied by a third party for this party, using a frequency assigned by the Communications Service and setting the conditions of such broadcasting and (or) rebroadcasting.

33. Broadcaster is a person who possesses a broadcasting and (or) rebroadcasting license or in instances determined by laws, does not possess one, who assumes editorial responsibility for broadcast programmes, produces and broadcasts them himself, or permits another person to rebroadcast or transmit them unaltered; a national range broadcaster is a broadcaster whose broadcast programmes may be received within a territory inhabited by more than one half of Lithuania's population; a regional scope broadcaster is a broadcaster whose broadcast programmes can be received within a territory inhabited by the population of more than one district or city; a local broadcaster is a broadcaster whose broadcast programmes, transmitted by means of one broadcasting transmitter, are intended only for local audiences and (or) listeners, and are not a part of the national network.

34. Public Information means information intended for public dissemination, or otherwise publicly accessible.

35. Producer of Public Information is a publishing house, broadcaster, movie, sound or video studio, information agency, editorial office or other person, engaged in the production of public information.<sup>3</sup>

36. Disseminator of Public Information is a person who broadcasts, rebroadcasts, sells or disseminates by other means, public information to the public.

37. Owner of Producer and (or) Disseminator of Public Information is a person, who alone or with other persons controls a public information producer and (or) disseminator, through his right of ownership.

38. Provision of Information to the Public means an activity through which public information is presented for everyone.

39. Mass Media means books, newspapers, journals, bulletins or other publications, television and radio programmes, film and other audiovisual studio productions and other means of disseminating of information. According to this Law, technical and service documents and securities are not ascribed to mass media.

40. News means facts or data based upon fact, published by the mass media.

41. Journalist is a person who professionally collects, writes, edits, or otherwise prepares material for the public information producer on his own initiative or according to a contract with a producer or at his instruction 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, a guarantee is provided for the freedom of information enshrined in the Constitution, this and other laws, and international conventions and agreements ratified by the Republic of Lithuania.

2. Producers and disseminators of public information and journalists shall be governed in their activities by the Constitution and laws, international agreements ratified by the Republic of Lithuania, and also the principles of humanism, tolerance, respect of an individual, honour freedom of speech, creativity and conscience, variety of opinion, maintain the norms of the professional ethics of journalists, assist in developing democracy, public openness, promote civic responsibility and state progress, strengthen state independence and develop national culture and morality.

3. Public information must be presented in the public information media correctly, accurately and in an unbiased fashion.

4. The use of freedom of information may be linked to such requirements, conditions, constraints or penalties, which are designated by laws and which in a democratic society are necessary for the state security of Lithuania, territorial integrity, public order interests, defence of constitutional order, guarantee of the impartiality of judicial authority in striving to bar the way of law violations and crimes and disclosure of confidential information, and to protect the people's health and morals, as well as private life, dignity or rights of other individuals.

5. One shall be held accountable according to the procedure established by this and other laws and for violations against freedom of information, and also against the constraints of freedom of information established by this and other laws.

## **CHAPTER II**

### **FREEDOM OF INFORMATION AND PROTECTION THEREOF**

### **ARTICLE 4**

#### **Freedom of Information**

1. Each individual shall have the right to freely express his ideas and convictions. This right shall encompass freedom to maintain one's opinion, to seek, obtain and disseminate information and ideas according to established conditions and procedure.

2. Unrestricted reception and rebroadcasting of television programmes, broadcast, adhering to the requirements set forth in international treaties of the Republic of Lithuania, from European countries, Members of the European Union and other European countries which have ratified the Council of Europe Convention on Transfrontier Television, shall be guaranteed in the Republic of Lithuania.

### **ARTICLE 5**

#### **Right to Collect and Publish Information**

1. Every person shall have the right to:

- collect information and publish it in the mass media;
- not to give permission to publish the information produced by him, should its content have been distorted during editorial preparation;
- take notes, photograph, film, use sound and video technical equipment, as well as other means of securing information, except in instances indicated in Article 13 of this Law;
- publish broadcasts or published works using his own name, pseudonym or anonymously.

2. No one shall be forced to disseminate the information of state or local authority institutions and agencies, and other budgetary institution information, except in instances specified by laws.

### **ARTICLE 6**

#### **Right to Obtain Information from State and Local government Institutions and Agencies**

1. Every individual shall have the right to obtain from State and local authority institutions and agencies and other budgetary institutions public information regarding their activities, their official documents (copies), as well as private information about himself, held by the aforementioned institutions.

2. State and local government institutions and agencies must inform the public of their activities.
3. State and local government institutions must, in accordance with the procedure established by the Law On the Right to Obtain Information from State and Local government Institutions and other laws, furnish public information as well as, private information held by them, except in instances specified by laws, when private information is not to be divulged.
4. Information for the preparation whereof, accumulation of additional data is not necessary, shall be provided for public information producers and (or) disseminators, no later than within one workday, while information for the preparation whereof, one must accumulate additional data, shall be provided no later than within a week.
5. State and local government institutions and agencies, other budgetary institutions, which have refused to give out public information to a producer of public information, must no later than on the next work day inform the producer in writing, stating the reasons for refusal to provide the information.
6. The public information of State and local government institutions and agencies shall be free of charge. These institutions may accept some payment only for the services involving search of the information supplied, official registering of the information or issuance of documents and multiplication (copying) thereof. This payment may not exceed the real expenditures of information provision.
7. Other institutions or enterprises, as well as political parties, trade unions, political, public and other organisations, shall provide public information producers and other persons with public information concerning their own activity, according to the procedure established in the bylaws, of these institutions, enterprises or organisations.

## **ARTICLE 7**

### **Freedom of Editing Information**

1. In striving to ensure freedom of information, it shall be prohibited to influence a public information producer, disseminator, owner thereof or journalist in compelling them to present incorrect information regarding some events or facts through the mass media.
2. A journalist shall have the right to refuse the assignment of a public information producer, owner or a responsible person appointed by them, in connection with production of public information and (or) dissemination thereof, should this assignment compel him to violate laws or the Lithuanian Code of Journalist and Publisher Ethics.
3. One shall be liable for actions that shall be in violation of the provisions of this Article, according to the procedure established by laws.

## **ARTICLE 8**

### **Confidentiality of Information Source**

The producer, disseminator of public information and the owner of the producer and (or) disseminator of information and journalist shall have the right to protect the source of information and not to disclose the source of information.

## **ARTICLE 9**

### **Right to Public Criticism of the Activity of Officers of State and Local Government Institutions and Agencies**

Every person shall have the right to publicly criticise the activities of State and local government institutions and agencies as well as the activity of officers. Persecution for criticism shall be prohibited in the Republic of Lithuania.

## **ARTICLE 10**

### **Prohibition to Apply Unlawful Constraints to Freedom of Information**

1. The government and other executive power institutions State, local government institutions and institutions that regulate the activities of public information producers and (or) disseminators shall be prohibited from placing constraints by their own legal acts, on freedom of information as defined by laws
2. Censorship of public information shall be prohibited in the Republic of Lithuania. Any actions shall be prohibited by which an attempt to control the content of the information published in the mass media prior to publication of this information, shall be made.

## **ARTICLE 11**

### **Right to Defend Freedom of Information**

1. Every person shall have the right to appeal in court against the decisions of State and local government institutions, agencies and the officers thereof, as well as actions thereof, should they violate or unlawfully constrain a person's right to obtain, collect or disseminate information.
2. Persecution of a producer, disseminator, owner of public information or journalist for published information shall be prohibited, if no violations of laws occurred during its production and dissemination.

## **ARTICLE 12**

### **Accreditation of Journalists**

1. The public information producer and (or) disseminator shall have the right to accredit his own journalists with state institutions, political parties, political and public organisations and also according to other institution party agreements.

2. A journalist may take part in the meetings of the institution or organisation he is accredited with, and other events, shall be provided with minutes reports, minutes and other documents or the copies thereof in accordance with the conditions stipulated through mutual agreement.

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

### **CHAPTER III**

#### **PROTECTION OF INDIVIDUAL, PUBLIC AND STATE INTERESTS IN SPHERE OF PROVISION OF INFORMATION TO PUBLIC**

##### **ARTICLE 13**

###### **Protection of Individual Rights and Dignity**

1. In striving to avoid violation of the rights of an individual, protect his honour and dignity in collecting and openly publishing information it shall be prohibited to:

- film, photograph or do sound and video recording within someone's domain, without that person's approval;
- film, photograph or make sound or video tapes during closed events without the approval of the organisers having the right to hold such events;
- film and photograph a person or use his photographs for advertisement purposes without the consent of such persons.

3. The prohibitions indicated in paragraph one of this Article shall not apply, when there exists sufficient basis to assume that some breaches of law are being fixed.

4. Liability for violation of the requirements stipulated in this Article in collecting and publishing public information shall be determined in accordance with the procedure established by this and other laws.

##### **ARTICLE 14**

###### **Protection of Personal Privacy**

1. In producing and disseminating public information it is mandatory to ensure a person's right to have his personal and family life respected.

2. Information about a person's private life may be published with the exception of the instances stipulated in paragraph three of this Article, only with the consent of that person, and if publication of the information shall not cause undue harm to the person.

3. Information concerning private life may be published without the person's consent in those cases, when publishing of the information shall not pose harm to the person or when the information shall assist in uncovering law violations or crimes also, when the information shall be presented in the examination of a case in an open court process. In addition, information concerning a public figure's ( of state political figures, public servants, heads of political parties and public organisations and other persons participating in public or political activity) private life may be made public without his consent, if this information shall disclose the circumstances of this person private life or personal traits which are of public significance.

4. Liability for the violation of a person's right to privacy in the mass media, shall be in accordance with the procedure established by this and other laws.

##### **ARTICLE 15**

###### **Right to Respond**

Every natural person, whose honour and dignity shall be degraded by information published about him in the mass media, which is false, inaccurate or biased also, every legal person whose legitimate interests, particularly his reputation, have been damaged by published information which is false, inaccurate or biased, shall have the right to respond, denying the false information, or correcting the inaccuracy, or to demand that the public information producer and (or) disseminator, would issue a denial regarding it, in accordance with the procedure established in Article 45 of this Law.

##### **ARTICLE 16**

###### **Right to Receive Compensation for Moral or Material Damage**

1. Every natural person, whose honour and dignity shall be degraded as a result of published information about him which is false, shall have the right provided by laws, to receive compensation for the inflicted moral harm according to the procedure stipulated in Article 54 of this Law.

2. Every legal person, whose legitimate interests, especially his reputation, have been damaged by published false information, shall have the right in accordance with the procedure established by laws, to receive compensation for inflicted material damage.

##### **ARTICLE 17**

###### **Ensuring Diversity of Opinion in Mass Media**

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

2. In publishing public opinion survey indication must be given regarding the statistical reliability of these surveys (indicating the survey sample and possible margin of error).

## **ARTICLE 18**

### **Protection of Minors**

1. Minors must be protected, as it is required by the Law on Fundamentals of Protection of the Rights of the Child and other laws, the United Nation Convention on the Rights of the Child and other international agreements of the Republic of Lithuania, from public information detrimental to their physical, intellectual and moral development, particularly that which is linked with pornography and (or) gratuitous portrayal of violence.

2. The criteria of ascribing public information which has a detrimental effect on the physical, intellectual or moral development of minors shall be established by the law indicated in paragraph 2 of Article 2 of the Republic of Lithuania Law on the Amendment of the Republic of Lithuania Law on Provision of Information to the Public

3. Any programmes or broadcasts, which might seriously impair the physical, intellectual or moral development of minors, in particular programmes or broadcasts that involve pornography or gratuitous violence shall be forbidden

4. The restrictions of paragraph 3 of this Article shall also be applied for transmission of programmes or broadcasts which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission reception will not normally hear or see such broadcasts.

5. The programmes or broadcasts specified in paragraph 4 of this Article shall only be broadcast from 23:00 to 06:00 hours.

6. One shall be liable for dissemination of public information which is in violation of the requirements set forth by this Article, in accordance with the procedure established by this and other laws.

## **ARTICLE 19**

### **Information not to be Furnished**

1. State and local government institutions and agencies as well as other agencies, enterprises and organisations shall not furnish to public information producers, and (or) disseminators and other persons information, which according to laws is a state, official, professional, commercial or bank secret or is private information.

2. Also not to be furnished shall be information, the furnishing whereof is prohibited by other laws, because its furnishing would cause damage to interests of state security and defence, foreign policy interests, criminal prosecution of persons and also, would violate the territorial integrity of the state or public order, or the failure to furnish it might bar the way to serious law violations or would be very important in protecting human health .

3. In accordance with the procedure established by laws, the refusal to furnish requested information shall be given to the person in writing, with an indication of the reasons for refusal to furnish the information, included.

## **ARTICLE 20**

### **Information not Subject to Publication**

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

- incite to change the constitutional order of the Republic of Lithuania through the use of force;
- instigate attempts against the sovereignty and territorial integrity of the Republic of Lithuania;
- instigate war, national, racial, religious and social discord and gender enmity and hatred;
- disseminate, propagate or advertise pornography as well as propagate and (or) advertise sexual services and sexual deviations;
- propagate and (or) advertise narcotic or psychotropic substances.

2. Dissemination of disinformation and information which is slanderous, insulting to a person and degrading to the personal honour and dignity of a person, shall be prohibited.

3. shall be prohibited to disseminate information in violation of the presumption of innocence or which may obstruct impartiality of the judiciary authorities. In instances determined by laws and procedure, the court may limit the dissemination in mass media, of the appraisals and comments, linked with a case which has not yet been examined in court and possibly having an impact on court impartiality and independence.

4. Violations of the constraints stipulated in this Article shall be punishable according to the procedure established by this and other laws.

5. The Government shall establish the procedure of dissemination of press publications, film and video-film, radio and television programmes and other public information attributed to erotic, violent or other restricted public information.

## **ARTICLE 21**

### **Obligation to Publish Official State Announcements**

1. In case of natural disasters and calamities, major accidents or epidemics, war or martial law declarations, public information producers and disseminators must, in instances and by the procedure stipulated by the Government, publish official state announcements effectively and free of charge.
2. In the event of war or martial law, the Seimas may set restriction by law upon the activity of public information producers and disseminators and (or) other obligations, necessary for the protection of the citizens and public interests.
3. Refusal to announce official state announcements in the cases indicated in paragraph one of this Article shall incur liability according to the procedure established by laws.

## **ARTICLE 22**

### **Protection of Copyright and Related Rights**

Public information producers, disseminators and journalists shall use literary, scientific, pertaining to art and other works on the basis of the Law on Copyright and Related Rights and other laws and legal acts.

## **CHAPTER IV**

### **PRODUCTION AND DISSEMINATION OF PUBLIC INFORMATION**

#### **First Section**

#### **Producers and Disseminators of Public Information, their Legal Status and Activity Conditions**

## **ARTICLE 23**

### **Public Information Producers, Disseminators and Owners Thereof**

1. The relations of the public information producer, disseminator and owners thereof shall be regulated by this and other laws, normative acts and an agreement between the parties.
2. Natural persons of the Republic of Lithuania and foreign states and all types of enterprises and organisations which have established an enterprise a branch thereof, in the Republic of Lithuania in accordance with the procedure established by law, with the exception of the persons stipulated in paragraphs 4, 5 and 6 of this Article and other laws, may become producers and (or) disseminators of public information.
3. The owner of a public information producer or disseminator may, in instances and by procedure established by laws, interrupt or organise his activity or transfer the producer or disseminator to other persons indicated in paragraph 2 of this Article. In selling or otherwise transferring at least 10 percent of the broadcaster's or operator's actions, it is essential to inform the Radio and Television Commission of Lithuania regarding this. Should, upon the sale or otherwise transferring of 10 or more, percent of a broadcaster's or operator's shares, the owner (owners) or the controlling package of shares change, a written consent of the Radio and Television Commission of Lithuania regarding the sale or other transfer of the aforementioned shares, shall be required, prior to the sale or other transfer of shares taking place. This requirement shall apply also in those instances when having sold or otherwise transferred a broadcaster's or operator's assets or a part thereof (if the assets do not consist of shares), control of a broadcaster or operator shall pass to another person.
4. A person who has been prohibited from this activity by a court decision may not be a producer or disseminator of public information.
5. A political party or political organisation may not be the owner of a broadcaster and operator.
6. State institutions (except scientific and teaching institutions) local governments and banks may not be public information producers and (or) owners thereof, but may publish non periodical information type publications intended for informing the public of its activity. The State or state institutions (except scientific and teaching institutions), local governments and banks may not possess any public information producer shares, if not otherwise specified by laws.
7. Each public information producer or owner thereof must appoint a person (senior editor, editor, broadcast director) who shall be responsible for the content of the mass media. In instances where a producer and owner of public information shall be one and the same natural person, he shall be liable for the entire content of his public information media.
8. The public information producer or owner thereof must prepare and approve internal procedure regulations, in which must be established the service relations, duties, liability of public information producers and hired employees, as well as the journalist's protection from possible restrictions of his freedom.

## **ARTICLE 24**

### **Data on Producers and Disseminators of Public Information and Owners Thereof**

1. Annually, by March 30th, producers and (or) disseminators of public information, except for broadcasters having the license of the Lithuanian Radio and Television Commission, are obliged to submit to a Government-authorised institution in the public information sphere (further - Government - authorised institution), data regarding shareholders or co- owners of the enterprise owners who have the right of ownership or administer at least 10 percent of all the shares or assets (if the assets are not divided into shares). They must indicate the forenames and family names (titles) of such shareholders, personal identification number (registration number), the portion of assets held or number of shares and number of votes in percent. Producers and disseminators of public information must annually by March 30th, submit to a Government-authorised institution information about its own administrative body and the persons in charge and information about property relations and (or) joint activity linking them with other producers of public information and (or) disseminators and (or) owners thereof, in accordance with the procedure established by this institution. A Government-authorised institution, must by May 15th of that year, publish in the supplement to the "Official Gazette," "Information Supplement," data

submitted by public information producers and disseminators.

2. Members of the Government and Seimas, public servants of political (personal) confidence and other State institution heads must, according to the procedure established by a Government authorised institution, publish in the supplement to the "Official Gazette," "Information Supplement," information regarding of which public information producers and disseminators they are owners, co-owners or shareholders.

3. Public information producers or disseminators and journalists must disclose in their mass media the sponsorship they received, if this exceeds one minimum wage amount indicating the size of the sponsorship and whom it was received.

4. For failure to publish the information stipulated in this Article, Penalties shall be given in accordance with the procedure established by laws

## **ARTICLE 25**

### **Registration of Public Information Producers**

1. The producers and disseminators of public information shall be registered in the Register of Enterprises according to the procedure established by laws.

## **ARTICLE 26**

### **Broadcasters Within Republic of Lithuania Jurisdiction**

1. Broadcasters are considered to be under the jurisdiction of the Republic of Lithuania if they satisfy at least one of the following conditions:

- main headquarters of the broadcaster is located in Lithuania and its editorial decisions concerning broadcasting programmes, are adopted in Lithuania;
- main headquarters of the broadcaster is located in Lithuania but editorial decisions regarding broadcast programmes are adopted in another Member State of the European Union, however, the major number of employees engaged in broadcasting activities work in Lithuania;
- main headquarters of the broadcaster is located in another Member State of the European Union, however, editorial decisions are adopted in Lithuania and the major number of its employees engaged in broadcasting activity, work in Lithuania.
- the major number of employees of a broadcaster engaged in broadcasting activities work both in Lithuania and the other state - a Member of the European Union as well, but the main headquarters of the broadcaster is in Lithuania.
- main headquarters of the broadcaster is in Lithuania, but editorial decisions regarding broadcasting programmes are adopted in another state - a Member State of the European Union or vice versa, and a major number of the broadcaster's employees engaged in broadcasting work, do not work in either of the states, however, the broadcaster began his activities in Lithuania observing the laws of the Republic of Lithuania, and maintains stable economic ties in Lithuania;
- main headquarters of the broadcaster is in Lithuania, but editorial decisions regarding the programmes being broadcast are made in another- a non European Union Member State, or vice versa, and the larger number of employees engaged in broadcasting work, are working in Lithuania.

2. Broadcasters to whom the provisions of items 1,2,3,4,5 and 6 of paragraph 1 of this Article cannot be applied and which do not fall under the jurisdiction of a State party to the Convention of the Council of Europe on Transfrontier Television or a Member State of the European Union, shall be under the jurisdiction of Lithuania if they comply with the following conditions:

- if broadcaster uses a frequency channel (radio frequency) belonging to the State of Lithuania;
- if, broadcaster does not use a channel (radio frequency) belonging to the State of Lithuania, but uses a communications satellite belonging to the State of Lithuania;
- if broadcaster uses neither a channel (radio frequency) belonging to the State of Lithuania nor a communication satellite belonging to the State of Lithuania, but uses a terrestrial station set up in Lithuania, which has an uplink to a communications satellite.

3. Every broadcaster which falls under the jurisdiction of the Republic of Lithuania shall comply with the provisions of this Law.

## **ARTICLE 27**

### **Dissemination of Public Information**

The public information producer himself or another person in accordance with a contract with the public information producer or with his permission, shall disseminate information to the public.

It shall be permitted to disseminate in the Republic of Lithuania, works of mass media produced abroad, if the contents thereof do not contradict the provisions of this Law and international agreements of the Republic of Lithuania. It shall be permitted to broadcast and rebroadcast television programmes in the Republic of Lithuania without prejudice to the provisions of Article 4.2 of this Law.

## **ARTICLE 28**

### **State Support for Public Information Producers**



1. The State shall support the cultural and educational activity of public information producers. State financial support shall be provided for public information producers with the exception indicated in paragraph 6 of this Article, through a public institution, the fund for the Support of the Press, Radio and Television (further - Fund). The Seimas shall appropriate funds from the State Budget for the Fund, annually.

2. The Fund shall operate, based upon this Law, the Law on Public Institutions and other laws, as well as the Fund's bylaws. Founders of the Fund shall be: The Lithuanian Architects' Union, Lithuanian Artists' Union, Lithuanian Photo Artists' Union, Lithuanian Film Artists' Union, Lithuanian Composers' Union, Lithuanian Writers' Union, Lithuanian Folk Artists' Union, Lithuanian Theatre Union, Lithuanian Scientists' Union, Lithuanian Journalists' Union, Lithuanian Cable Television Association, Lithuanian Radio and Television Association, Lithuanian Periodical Press Publishers' Association, Regional Televisions' Association, Lithuanian Lawyers' Association, Lithuanian Journalists' Society, the Ministry of Culture and the Ministry of Education and Science.

3. The Council of the Fund shall be in charge of the Fund's activity. The co-owners of the Fund, shall each appoint one member to the Fund's Council. A Council member shall be appointed for a term equivalent to the term of office of the organisation appointing him or that of its administrative bodies. the Ministry of Culture and the Ministry of Education and Science shall appoint the Fund Council members for a term of 4 years. The chairman of the Council, who shall be elected by the Fund Council for a 3-year term, shall head the Council. Decisions of the Fund Council shall be adopted by a simple majority vote of the Council members.

4. Sources of funding for the Fund:

- State grants (subsidies);
- Funds contributed by legal or natural persons;
- License tax on broadcasters registered in the Republic of Lithuania;
- Interest on Fund money kept in banks;
- Other legally obtained funds;

5. The cultural and educational activities of public information producers shall be supported according to public tender based upon the programmes submitted to the Fund. The Government shall approve the general regulations of the public tender, co-ordinated with the Seimas Committee on Education, Culture and Science.

6. The Fund shall publish in the press an annual report of activities and the chairman of the Fund Council shall present at a Seimas plenary sitting, an annual report on the distribution and use of the funds received from the Budget.

7. Financial support from the State Budget for book publishing and also publishing of production disseminated through audiovisual media shall be provided through the Ministry of Culture and the Ministry of Education and Science, based upon the recommendation of the expert commissions working at these ministries.

## **ARTICLE 29**

### **Honest Competition in the Sphere of Provision of Information to the Public**

1. State and local government institutions, as well as other enterprises, institutions and organisations or natural persons, may not monopolise mass media.

2. The State shall create equal legal and economic opportunities for honest competition of public information producers and disseminators, excepting the producers and (or) disseminators of productions involving violence and eroticism. State institutions shall supervise and establish in accordance with the procedure established by laws regulate in order to ensure that no single person would occupy a monopoly position or abuse the occupied dominant position among public information producers or disseminators or within the market of some individual type of mass media. A dominant position in the sphere of provision of information to the public, shall be determined based upon the Law of Competition. 3. Constraints determined by this and other laws or legal acts may be applied to producers and (or) disseminators of public information involving violence and eroticism.

## **ARTICLE 30**

### **National Radio and Television of Lithuania**

The National Radio and Television of Lithuania (hereinafter - LRT) is a non-profit public institution belonging to the State by the right of ownership, operating in accordance with the Law On the National Radio and Television of Lithuania.

## **ARTICLE 31**

### **Licensing of Broadcasting and Rebroadcasting Activity**

1. Broadcasting and rebroadcasting activities shall be licensed in Lithuania, with the exception of broadcasting and rebroadcasting performed by the LRT. Persons who desire to engage in broadcasting and (or) rebroadcasting activities, must obtain a license from the Radio and Television Commission of Lithuania, except in instances when channels (radio frequencies) shall not be used for this activity. At the end of each quarter of the calendar year, the Service of Communications Regulation shall provide information to the Commission regarding newly-co-ordinated radio frequencies (channels) for programme broadcasting and (or) rebroadcasting. The Commission shall announce tenders for channel (radio frequency) use in broadcasting or rebroadcasting, with the right granted to the winner of the tender to use a channel (radio frequency) to broadcast or rebroadcast programmes and (or) to use the transmission service of a third party. The Service of Communications Regulation shall assign a channel (radio frequency) to programme broadcasting and (or) rebroadcasting with a right to establish, equip and use radio or television stations and (or) communications network only to persons who have obtained a Commission license. The license to use a transmission service provided by a third-party, shall not provide a right, to establish, equip and exploit its own radio and television stations and (or) communications networks using the channels (radio

frequencies) assigned to transmission service supplier.

2. The Service of Communications Regulation shall have a right to change the radio frequency assigned to a license holder, only in instances when it shall be required by international obligations of the Republic of Lithuania or strategic plan (further - Strategic plan) changes. Upon closure of radio frequency, a different radio frequency shall not be assigned to the license holder, if he has the right to broadcast the programme through another radio frequency strip.

3. Channels (radio frequencies) shall be the property of the Republic of Lithuania and may not be privatised.

4. LRT activities shall not be licensed. The Service of Communications Regulation shall assign channels (radio frequencies) for broadcasting LRT programmes, without a tender, based upon the strategic plan, upon co-ordinating the decision with the Commission.

5. The procedure of issuing licenses shall be established by this and other laws, the Commission's regulations and Licensing Regulations of Broadcasting and Rebroadcasting, which shall be approved by the Commission.

6. In issuing licenses, priority shall be accorded to broadcasters who assume the responsibility to produce broadcasts of original creativity of a cultural, informational and educational type, to ensure correct and unbiased presentation of information, to respect personal dignity and a right to privacy, to observe the requirements set forth by laws and other legal acts, by which one strives to protect the physical, mental and moral development of minors from a possible negative effect of the mass media, and also for the broadcasters within whose reception zone, other stations are not yet broadcasting.

7. The following broadcasting licenses shall be issued by way of tender:

- to broadcast radio programmes with the right to establish, equip and use radio stations;
- to broadcast radio programmes with the right to use transmission services provided by a third party;
- to broadcast television programmes with the right to establish, equip and use television stations;
- to broadcast television programmes with a right to use transmission services supplied by a third party;
- for radio programmes to broadcast and rebroadcast by wire radio networks programmes which they produced by wire radio networks, with a right to establish, equip and use radio stations or use transmission services supplied by a third country;
- to rebroadcast and broadcast radio and television programmes produced by themselves, through the cable television or MMTV networks with the right to establish, equip and use the cable television network or use transmission services provided by a third country.

7) to rebroadcast radio and television programmes through cable television or MMTV networks with the right to establish, equip and use a cable television or MMTV network or use transmission services supplied by a third party;

8. The Commission may issue the licenses indicated in paragraphs 7, without a tender, in the following instances:

- when unlimited resources of radio frequencies stipulated in the strategy plan are being used;
- for radio, television station of up to 1 W power for a period not to exceed one year;
- up to 20 W power radio, television station for broadcasts of educational and cultural programmes of science and teaching institutions, for a period not to exceed 3 years;
- for owners of general reception networks, who implement frequency conversion and signal modulation and connect up to 300 apartments/properties,
- for a period not to exceed 3 years. The owners of community networks which connect to fewer than 300 apartments (properties),
- must obtain licenses in accordance with the procedure established by the Law on Communications.

9. The Commission shall issue licenses not to exceed a term of 10 years, to national scale and cable television broadcasters and MMTV operators, not to exceed 5 years to regional scale broadcasters and not to exceed 3 years to local broadcasters.

10. The Commission shall determine the fee for issuance or extension of a license. This tax shall be transferred to the Foundation for the Support of the Press, Radio and Television for assisting the audiovisual projects of independent producers.

11. The license issued by the Commission, shall not constrain the broadcaster to provide through the same telecommunications network or through individual equipment, other unlicensed services, if the provision thereof shall not interfere with programme broadcasting in accordance with the conditions stipulated by the license. Only the persons having a license, may form contracts with the owners of telecommunication networks, for the broadcasting or rebroadcasting of programmes.

12. Upon expiration of the validity of a license, the Commission shall extend through a procedure without a tender for the same duration of time, the validity of a license per request of a person holding the license, provided that the broadcaster has not violated Republic of Lithuania laws, which regulate broadcasting or rebroadcasting activities, license conditions and Commission resolutions. A request of licence extension must be submitted by broadcasters at least six months prior to the expiration of the license. The decision to extend the license or provide a justified refusal to extend it, shall be adopted by the Commission 60 days from the day of the receipt of the request. The requester shall be advised in writing of the time and place of the Commission's meeting.

13. The Commission may interrupt the validity of a license by its own decision for a term not to exceed three months, if the person holding the licence:

- fails to pay the payments stipulated in paragraph 11 of Article 48;
- fails to implement or systematically violates the conditions of the license;
- fails to adhere to this and other laws and standard acts or to implement decisions and lawful requirements of the Commission;
- fails to pay license fees on time.

14. The Commission may annul the validity of a license by its own decision if:

- the broadcaster relinquishes the license;
- the broadcaster is liquidated or otherwise discontinues his activity;
- a broadcaster does not implement licensed activity for more than 2 months in succession or more than 3 months in the course of a calendar year, without the Commission's permission;
- winner of tender has not begun broadcasting during the terms set by the Commission;
- the broadcaster has submitted false documents for the tender or extension of license;
- the broadcaster fails to eliminate the violation, concerning which a temporary license suspension had been given him or he commits a violation anew.
- broadcaster broadcasts a programme, while the validity of his license is temporarily suspended;
- not having obtained the Commission's permission, the owners of the controlling package of shares of the broadcaster or operator shall change or the broadcaster's operator's control shall be transferred to another person.

1. A person having a license may not transfer the license or the rights thereof to other persons. In the event of a licensed person reorganising to another person (persons), the newly-established person (persons) may be issued a new license (new licences) without a tender, by a decision of the Commission, if this person prior to reorganisation shall submit to the Commission an appropriate request and a draft of the reorganisation and if he has not violated prior to the reorganisation as well as in the course of the reorganisation, the Republic of Lithuania laws, regulating broadcasting or rebroadcasting activity, licensing conditions and Commission decisions.

2. Should license-holding enterprises which have at least 10 per cent of the shares, be transferred to other persons and (or) its management (administration or council head, or composition of council) change, the person holding the license must inform the Commission regarding such changes, at least within thirty days from the day of transfer of property rights to other individuals.

3. The Commission shall supervise the observance of license conditions.

4. Connection of the cable television networks, distribution line or equipment and (or) common use shall be implemented based upon operator agreement among themselves in forming appropriate contracts and without violating the requirements set forth. Operators must inform the Commission regarding such acts within 30 calendar days.

5. The person holding the license must no later than within a thirty-day period, inform the Commission regarding planned interruption of licensed activity. A licensed person, who wishes to temporarily suspend licensed activity, must obtain approval from the Commission.

6. Programme broadcasting and rebroadcasting via the Internet shall be regulated by a separate law.

## **ARTICLE 32**

### **Protection from Illegal Broadcasting and (or) Rebroadcasting**

1. Without permission of the Radio and Television Commission of Lithuania broadcasters, having a broadcasting and (or) rebroadcasting license, may not increase or otherwise change the coverage zones of broadcast programmes from those stipulated in the license.

2. It shall be prohibited to illegally interfere in other programmes, broadcast through non-allotted channels (radio frequencies), cause broadcasting interruptions according to the procedure established by laws.

3. For acts, in violation of broadcasting activity requirements established by this Article, liability shall be incurred in accordance with the procedure established by laws.

## **ARTICLE 33**

### **Cable Television, Wire Radio, MMTV**

1. Operators and Cable television, wire radio and MMTV broadcasters must rebroadcast television and (or) radio programmes. Programmes produced by the operators themselves or by broadcasters may be broadcast by cable television, wire radio networks and MMTV, if cable television and MMTV operators have acquired the licenses stipulated in item 6, paragraph 7, Article 31 of this Law. Cable television, wire radio and MMTV broadcasters may also provide some services which are unrelated to programme broadcasting, based upon the laws governing provision of corresponding services. The Lithuanian Radio and Television Commission may limit the provision of services unrelated to programme broadcasting, until the cable television, wire radio and MMTV broadcaster and operators has not implemented the conditions set by the broadcasting license issued by the Commission.

2. The Radio and Television Commission of Lithuania shall establish cable television and MMTV coding procedure.

3. Cable television and MMTV operators may insert advertisements only into their own produced programme, broadcast through a separate channel, upon receiving from the Commission a rebroadcasting license with the right to broadcast a programme produced by

themselves. It shall be prohibited to insert an advertisement in to programmes that are being rebroadcast.

4. Operators must rebroadcast all of the uncoded terrestrial television programmes of Lithuania's national range broadcasters. Cable television and (or) MMTV operators must rebroadcast at least one television programme of a regional scope broadcaster. Operators must rebroadcast the television programmes of other regional scope broadcasters, if the duration of said programmes is at least six hours per a twenty-four hour period. The license issued by the Radio and Television Commission of Lithuania shall determine the minimum amount and character of rebroadcasting by cable television networks and MMTV of other producers' television programmes.

5. Rebroadcasting of the LRT Television Programme shall be mandatory for all operators. Rebroadcasting of LRT Radio Programme shall be mandatory for all and wire radio operators who shall provide radio programme rebroadcasting services.

6. Operators and wire radio roadcasters shall not pay to broadcasters for mandatory rebroadcast programmes.

## **Section Two**

### **Requirements of Productions and Dissemination of Public Information**

#### **ARTICLE 34**

##### **Language in which Public Information is to Be Produced, and Disseminated**

1. Public information shall be produced, and disseminated in the State Language or some other language pursuant to the provisions of the Law on State Language and resolutions of the State Commission on the Lithuanian Language under the Seimas of the Republic of Lithuania.

2. Radio and television broadcasts transmitted in a language other than Lithuanian, must be translated into Lithuanian or presented with Lithuanian subtitles, excepting instructional, special occasion, special and retransmitted foreign state radio and television broadcasts or programmes, as well as broadcasts produced by the broadcaster and intended for ethnic minorities of Lithuania. The Radio and Television Commission of Lithuania may establish in licensing conditions the portion of broadcast and (or) rebroadcast programmes in the languages of national minorities, within the total broadcaster's programmes, taking into account also the needs of the national minorities residing within the broadcast programme coverage zone.

#### **ARTICLE 35**

##### **Storing of Published Information**

A producer of public information must keep a copy of a published issue for at least one year and that of a sound or video production - for at least 3 months from the day of dissemination of the information.

#### **ARTICLE 36**

##### **Requirements of Publications and Dissemination Thereof**

1. Each publication must include State standard publishing data and international standard document number (ISBN, ISSN, ISMN).
2. The Government shall list the titles of periodical publications whose copies in the amount established by the Government must be sent to libraries without charge.

#### **ARTICLE 37**

##### **European Audiovisual Works**

1. The following shall be deemed to be European audio-visual works (hereinafter referred to as European works):

1) those works produced in the Republic of Lithuania or the European Union Member States and the States party to the European Convention on Transfrontier Television of the Council of Europe, if:

- a) their producers are established in these states or
- b) the production of these works is supervised and actually controlled by one or more producers established in these states; or if
- c) a share of the total cost of the co-production (production) of these works supplied by the producers established in the said states is larger than the share supplied by the producers established in other (third) European states and the co-production (production) is not controlled by one or more producers established outside the Republic of Lithuania, and not within the territory of the European Union Member States or European States, which are party to the Convention on Transfrontier Television of the Council of Europe;

2) works are produced in third European states, that is outside the territory of the European Union Member States or states party to the Convention on Transfrontier Television of the Council of Europe, if the works are produced by producers established in one or more third European states or with these producers in co-operation with the producers established in one or more European Union Member States or in the Republic of Lithuania, provided that the European Union or the Republic of Lithuania, has concluded agreements with these third European States, relating to co-operation in the audio-visual sphere and if these works have essentially been produced by authors and producers, who live in one or several European states.

2. Items 1 and 2 of paragraph one of this Article shall be applicable on condition, that works originating in Lithuania and Member States of the EU are not subject to discriminatory measures in the states, specified in items 1) and 2) of paragraph 1 of this Article.

3. works, which within the provisions of paragraph 1 of this Article, should not be deemed European works, but that are produced

within the framework of bilateral co-production treaties concluded between European Union Member States and third European States, shall be treated as European works within the extent that the contribution of European Union authors, shall comprise the greater portion of joint creation (production) costs and if creation (production) thereof shall not be controlled by the producers, established in a state that is not a European Union member.

4. Works which should not be deemed European works within the meaning of subparagraphs 1 and 2 of this Article, but which are produced mainly in co-operation with authors and producers residing in one or more European Union Member States, shall be considered to be European works to the extent corresponding to the proportion of the contribution of co-producers established in European Union Member States to the total production costs.

## **ARTICLE 38**

### **Radio and Television Programmes**

1. In the course of their regular short reporting, television broadcasters shall have the right to freely produce and show short (under 90 seconds duration) reporting, relating to events of major importance for society, which take place in Lithuania and other countries, cultural, sport or other happenings, for the presentation of information whereof to the public other broadcasters have acquired an exclusive right.

2. The following requirements when transmitting television broadcasts or programmes on events of major importance for society shall be observed:

1) upon having acquired exclusive rights to transmit broadcasts or programmes on events regarded as being of major importance for society which take place in Lithuania and outside its territory, television broadcasters may not transmit 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 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 that a larger number of people living in another state which is a Member State of the European Union or a European country party to the Europe Convention on Transfrontier Television, would be deprived of the possibility of following the events taking place in Lithuania or outside its territory, which under the legal acts of that other state, are deemed as being of major importance for society. Programmes or broadcasts covering these events shall be broadcast as determined by that other state.

3) the following events shall be considered to be of major importance for society in the Republic of Lithuania: Olympic Summer and Winter Games, World and European Basketball Championships, World Football Championship, European Football Championship, Lithuania's Song Festival and official commemorations of Lithuanian national holidays. An institution authorised by the Government shall establish regulations, which shall be adhered to in broadcasting programmes or broadcasts concerning events of major importance for society of the Republic of Lithuania.

4) requirements necessary for the implementation of provisions of subparagraph 1 and 2 of this paragraph shall be established by the Lithuanian Radio and Television Commission for broadcasters holding licences and by the LRT Council for the Lithuanian National Radio and Television.

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

4. Television broadcasters must, where practicable, reserve at least 10% of their transmission 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. This Law, Republic of Lithuania Law on the National Radio and Television and other laws, licences issued to broadcasters shall establish the requirements for programmes of broadcasters.

6. During a radio or television programme the name of the station transmitting a programme or the name of a programme retransmitted must be announced at least once an hour. Should the programme of a radio, television station prove to be shorter than one hour, the name of the programme must be announced at the end.

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

## **ARTICLE 39**

### **Advertising and Teleshopping**

1. Advertising must be truthful and honest. It shall 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 must not be misleading or harm the consumer's interests.

3. Advertising aimed specifically at minors or that which is used by minors, must not cause harm to their interests. Such advertising must comply with the following requirements:

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

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

it shall not form children's opinion that the use of certain services and goods shall make them physically, psychologically or

socially superior before others in their peer group;

it shall not unreasonably show minors in dangerous situations;

it shall not exploit the special trust minors place in their parents, guardians (caretakers) teachers and other persons.

4. Advertisement clients shall not have the right to influence public information content, excepting the content or advertisements ordered by themselves.

5. Surreptitious advertising shall be prohibited.

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

7. Prohibition of advertising for tobacco products shall be established by the Law on Tobacco Control.

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

9. It shall be prohibited to advertise in the mass media, except in special publications or broadcasts, medicines and treatment with medicines available only on prescription. Advertising of other medicines or treatment with medicines must be readily recognisable and must warn the public about possible harmful effects through misuse.

10. Advertising requirements in television programmes:

- advertising must be readily recognisable as such and kept quite separate from other parts of the programme service by optical and/or acoustical means. Advertising spots must not violate the integrity and value of the programme, (taking into account natural breaks in and the duration and nature of the programme), and the terms and conditions of the contracts between the transmission rights holders and broadcasters may not be prejudiced. Advertising shall not include announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes, public service announcements and charity appeals and other information broadcast free of charge;

- advertising and (or) teleshopping shall not be inserted in any broadcasts of religious services; advertising and (or) teleshopping may not be broadcast during news or religious broadcasts if these last less than 30 minutes; the persons who regularly conduct newscasts may not participate in advertising;

- current affairs programmes, documentaries and programmes intended for children, when their scheduled duration is less than 30 minutes, shall not be interrupted by advertising and (or) by teleshopping;

- the transmission time for advertising spots shall not exceed 15% of the daily transmission time. The transmission time for advertising may be increased up to 20% of the daily transmission time if such type of advertising as teleshopping is being broadcast;

- the total of the advertising spots and teleshopping time within a given broadcast hour shall not exceed 12 minutes.;

- windows devoted to teleshopping broadcast by a channel not exclusively devoted to teleshopping, broadcast by channels not exclusively dedicated to teleshopping, shall be of a minimum uninterrupted duration of 15 minutes. The maximum number of windows per day shall be eight. Their overall duration shall not exceed three hours per day. They must be clearly identified as teleshopping windows by optical and acoustic means;

- in programmes consisting of autonomous parts, or in sport programmes and similarly structured events and performances containing intervals, advertising and teleshopping spots shall only be inserted between the parts or in the intervals;

- if the transmission of audiovisual works such as feature films and films made for television (excluding series, serials, light entertainment programmes and documentaries), has a scheduled duration is more than 45 minutes, they may be interrupted by an advertisement, once for each period of 45 minutes. A further interruption shall be allowed if their scheduled duration is at least 20 minutes longer than two or more complete periods of 45 minutes;

- where programmes, other than those covered by subparagraph 7 of this paragraph, are interrupted by advertising, a period of at least 20 minutes should elapse between each successive advertising break within the programme;

- the provisions of subparagraphs 3, 4, 5, 6, and 8 of this paragraph shall not apply for the local broadcasters' broadcasts intended for Republic of Lithuania alone, as well as for those broadcasts which directly or indirectly can not be received by society of other EU Member States.

The National Council for the Protection of Consumer Rights and the Competition Council shall supervise how the requirements for advertising, laid down in this and other laws are being complied with, in co-operation with institutions regulating the activities of producers and (or) disseminators of public information and institutions of advertising self-regulation.

Associations of advertising business undertakings must by a special advertising code establish additional requirements of advertising ethics and form institutions of self-regulation which would supervise the compliance with such requirements.

Violations of the requirements applied to advertising shall be held liable under law.

All the provisions of this Article shall apply to both teleshopping broadcasts and programmes and the channels devoted to teleshopping exclusively.

## ARTICLE 40

### Radio and Television Sponsorship

1. If the programme or broadcast is to be sponsored in part or in its entirety, this must be announced at the start or conclusion of the programme, indicating the sponsor's name or logo.
2. The sponsor must not exert influence insofar as the content or broadcast time of sponsored programme or broadcast is concerned.
3. Sponsored programmes or broadcasts must not contain inducement to sell, purchase or lease products or services of the sponsor or a third party, by including in the sponsored broadcasts, special references to these products or services, with the exception of those instances when this shall be effected through advertisement. inserts.
4. Programmes may not be sponsored by persons whose principal activity is the manufacture and (or) sale of tobacco products. This prohibition shall be established by the Law on Tobacco Control.
5. Persons whose activities include the manufacture of medicines or treatment with medicines, may sponsor programmes, indicating their firm's name or image, but may not promote specific medicines or treatment with medicines available only on prescription.
6. News and current affairs programmes may not be sponsored.

## **ARTICLE 41**

### **Broadcasting Quality**

1. Quality control of installations intended for programme broadcasts shall be implemented in accordance with the procedure established by the Government.
2. Broadcasters must guarantee the quality of broadcasting according to Republic of Lithuania standards.

## **Section Three**

### **Obligations and Liability of Journalists, Public Information Procedures and Disseminators**

## **ARTICLE 42**

### **Obligations of Journalists**

1. This Law and other laws and international treaties of the Republic of Lithuania shall establish the obligations of journalists.
2. Journalists must:
  - provide correct, accurate and unbiased news;
  - authorise information published for the first time, should this be desired by the person submitting the information;
  - refuse to implement the assignment of a public information producer, owner or the responsible person appointed by them, should
  - this assignment force them to violate a law or the Code of Ethics of Lithuanian Journalists and Publishers;
  - adhere to the professional ethics of journalists and in own activity be guided by the basic public information principles.

## **ARTICLE 41**

### **Obligation to Provide Information**

1. Producers and disseminators of public information, state and local government institutions and agencies must provide information (including tapes of broadcasts) free of charge, to institutions regulating the activities of public information producers and disseminators stipulated in Chapter 5 of this Law, material necessary to implement their functions.
2. The information provided to regulating institutions specified in paragraph 1 of this Article, which is related with commercial secrets of producers and disseminators of public information, may be used in compliance with the Law on Legal Protection of Personal Data.
3. Producers and disseminators of public information must submit to natural and legal persons information (including broadcast tapes), publication thereof, in the estimation of those persons, shall degrade their honour and dignity or has harmed their lawful interests, especially their reputation. Requests to provide information to the producers and (or) disseminators of public information shall be submitted in writing. For providing public information, public information producers and (or) disseminators may exact payment, the amount whereof may not exceed the expense involved in making a copy of the requested information.

## **ARTICLE 44**

### **Professional Ethics when Providing Information to the Public**

1. The norms of professional ethics when providing information to the public, obligatory for the producers of public information, its disseminators, and journalists, shall be defined by the Code of Conduct of Journalists and Publishers of Lithuania, the resolution "On Journalism Ethics" of the Parliamentary Assembly of the Council of Europe, also by the international treaties of the Republic of Lithuania regulating production and dissemination of public information, and this Law.
2. The Code of Conduct of Journalists and Publishers of the Republic of Lithuania shall be approved by the meeting of representatives of journalist organisations which is convened by the Association of Periodicals Publishers of Lithuania, the Association of the Radio and Television of Lithuania, the Association of Cable Television of Lithuania, the Association of Regional Television Broadcasters, the Journalists Union of Lithuania, the Journalists Society of Lithuania, the Journalism Centre of Lithuania, the National Radio and Television

of Lithuania, the Lithuanian Branch of the International Advertising Association.

3. The Ethics Commission of Journalists and Publishers shall supervise compliance of the producers and disseminators of public information, and of journalists with the requirements of professional ethics.

## **ARTICLE 45**

### **Denial of Published Information**

1. The producers and/or disseminators of public information must deny published false information degrading honour and dignity of a natural person or harmful to the rightful interests of a legal person, especially its reputation.

2. A written request to deny the information must be served on the producer or disseminator of public information no later than within 2 months after publishing the information the denial whereof is requested. The request of denial must state which published information is false, when and where it was published, which statements in the published information are degrading to honour and dignity of the person. Denials which contravene the requirements of this clause, also in cases where it is requested to deny the published information not for reasons of its essence, or demand of a published denial is made, the size and form whereof exceeds the requirements for denial of published information stipulated in paragraph 3 of this Article, shall be published at the discretion of the producer of public information.

3. Upon receiving a reasoned request to false information degrading a person's honour and dignity, the producer or disseminator of public information must publish the denial without any commentary, in an equivalent place, of an equivalent scope and of the same form in the nearest possible publication, television or radio broadcast, or another form of mass media, where this information was published. A subsequent denial shall not release the producer of public information from responsibility.

4. The requirements specified in paragraph 3 of this Article must be also fulfilled in those cases where the producer or disseminator of public information, of his own free will, publishes the denial of false information, degrading a person's honour and dignity or harmful to his lawful interests, and apologises to the person.

## **CHAPTER V**

### **REGULATORY INSTITUTIONS AND SELF-GOVERNANCE BODIES OF PRODUCERS AND DISSEMINATORS OF PUBLIC INFORMATION**

## **ARTICLE 46**

### **Institution Authorised by the Government in the Sphere of the Provision of Public Information**

1. An institution authorised by the Government shall co-ordinate the implementation of the national policy in the sphere of the provision of public information.

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

- summarise the practice of application of laws and other legal acts regulating the sphere of the provision of public information, and present proposals regarding the drafting of other legal acts and the amendment and supplement of effective legal acts;
- in co-operation with organisations of public information producers and disseminators, draw up drafts of laws and other legal acts related to the provision of public information, which are recommended by the Government;
- in co-operation with other institutions competent in the sphere of the provision of public information, implement the provisions of international treaties of the Republic of Lithuania, related to the provision of public information;
- provide legal consultation and methods assistance regarding provision of information to the public issues;
- organise conferences, seminars, practical training on the issues related to the provision of public information;
- co-operate with appropriate foreign institutions and international organisations functioning in the sphere of the provision of public information.

3. The institution authorised by the Government shall have the right to receive information necessary to discharge its functions from associations of producers and disseminators of public information, institutions and agencies for the regulation of activities of producers and disseminators of public information and for self-regulation. The institution authorised by the Government shall be prohibited from disseminating information which is a commercial secret of broadcasters and (or) operators.

## **ARTICLE 47**

### **Ethics Commission of Journalists and Publishers**

1. The Ethics Commission of Journalists and Publishers (hereinafter - Commission) shall be a self-governance institution of the producers and disseminators of public information.

2. The Commission, which shall consist of 12 members to be appointed one member each, by: the Human Rights Centre of Lithuania, the Lithuanian Psychiatrists' Association, the Lithuanian Bishops' Conference, the Lithuanian Association of Periodical Press Publishers, the Lithuanian Radio and Television Association, the Lithuanian Cable Television Association, the Regional Television Association, and the Lithuanian Journalists' Union, the Lithuanian Society of Journalists, the Lithuanian Centre of Journalism, Lithuanian National Radio and Television and the Lithuanian Branch of the International Association of Advertising, shall be formed and the procedure of its work shall be established by an assembly of the representatives of journalist and publisher organisations. Commission members shall be appointed for a term of three years.



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

4. The Commission shall perform the following functions:

- it shall concern itself with the development of the professional ethics of journalists;
- it shall examine 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 owners thereof.
- it shall attribute press publications, film and video-film, radio and television programmes or broadcasts, to the mass media category of pornographic, erotic and (or) violent character;
- it shall supervise how public information producers and disseminators observe the requirements established by laws and other legal acts regarding the public showing of film, video-film and video programmes, circulation and distribution, public broadcasting of erotic nature shows, and procedure of dissemination of publications which are erotic and violent in nature;
- it shall supervise how regulations set forth by laws, prohibiting incitement of national, racial, religious, social or gender hatred, slander and disinformation are being adhered to;

5. In performing its functions, the Commission may obtain assistance from experts delegated by the Ministries of Culture, Health and Justice.

6. All interested persons may contact the Commission.

7. In its activities the Commission shall be guided by the Republic of Lithuania Constitution, this and other laws, international agreements of the Republic of Lithuania, decrees of the President of the Republic, other legal acts passed by the Seimas and Government, also, the Code of Ethics of Lithuanian Journalists and Publishers and the Resolution of the Council of Europe Parliamentary Assembly, "On the Ethics of Journalism."

8. The Commission shall work in accordance with the rules of procedure approved by it. Decisions of the Commission concerning violations in professional ethics or other violations, must be immediately published in those same mass media in which the Commission had established these violations. Should a producer and (or) disseminator of public information fail to publish the decision of the Commission pertaining to the violation of professional ethics in his own mass media, the Commission's decision shall be announced on the National Radio of Lithuania.

9. Producers and disseminators of public information who disagree with the decisions made by the Commission may apply to the court regarding such. However, they must publish them according to the procedure established in paragraph 8 of this Article.

10. The Fund for the Support of the Press, Radio and Television shall ensure funding of the necessary work by Commission experts, as well as information and technical servicing.

## ARTICLE 48

### Radio and Television Commission of Lithuania

1. The Radio and Television Commission of Lithuania (hereinafter referred to as the Commission, in this Article and in Article 49) shall be an independent institution accountable to the Seimas, which regulates and supervises the activities of commercial radio and television broadcasters. The Commission shall participate in the formation of the national audiovisual policy. It shall be a body of experts for the Seimas and the Government on the issues of radio and television broadcasting.

2. In its activities, the Commission shall be guided by the Constitution of the Republic of Lithuania, this Law, other laws and statutory acts, also by the regulations which shall be approved by the Commission itself.

3. The Commission shall be a legal person, with its own seal and bank accounts. The seat of the Commission shall be in Vilnius.

4. The Commission shall be comprised of 12 members: one members shall be appointed by the Republic President, three members shall be appointed per recommendation of the Committee for Education, Science and Culture, one member each shall be appointed by : the Lithuanian Artists' Union, the Lithuanian Film-Makers' Union, the Lithuanian Composers' Union, the Lithuanian Writers' Union, the Lithuanian Theatre Union, the Lithuanian Journalists' Union, the Lithuanian Association of Journalists, the Lithuanian Association of Periodical Publishers, A Member of the Commission shall be appointed for the duration of the term of the institution or its governing bodies' authorisation. If a member of the Commission resigns or if he cannot take part in the work of the Commission or does not attend its meetings for more than 4 months, he must be replaced by the institution which has appointed him. An institution which appoints a Commission member may terminate his powers before the expiry of his term of office by its justified decision or on the justified recommendation of the Commission, or in compliance with the member's request. Information regarding the composition of the Commission and the changes thereof shall be announced in the publication "Valstybes žinios". A member of the Seimas or the Government, or civil servants of political (personal) confidence may not be appointed a member of the Radio and Television Commission of Lithuania. Members of the Commission and their family members may not have shares of the broadcasters or operators. Members of the Commission may not have employment relations with the broadcasters or operators.

5. Members of the Commission shall elect, by a majority vote, from among themselves, the Chairman of the Commission for a term of one year.

6. Meetings of the Commission 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 regarding planned meetings and their agenda shall be published in the press or put on the Internet website of the Commission.

7. Meetings of the Commission shall be open. By the decision of the Commission a meeting may be closed when there is a need to

protect secrecy of an individual's private life or his property, also if a public hearing may disclose state, professional or commercial secrets.

8. Meetings of the Commission shall be regarded as valid if they are attended by at least two-thirds of the members of the Commission. Decisions shall be adopted by a simple majority of all the members of the Commission, except the decisions on issuance, extension, refusal to extend, temporary suspension of validity and revocation of licences, change of the conditions of a licence, allocation of radio frequencies and competition results. The above decisions shall be adopted by a majority vote of not less than 2/3 of all Commission members.

9. In order to discharge the functions of the Commission, the Commission administration shall be formed which is headed by the Director of the administration. A member of the Commission may not be the Director of its administration. The Director shall be appointed by competition. The Director shall make an annual report to the Commission on the activities of the administration. The structure of the administration and the number of the staff shall be approved by the Commission. Activities of the administration shall be organised under its own regulations which shall be approved by the Commission.

10. Decisions of the Commission on the issues within its competence shall be mandatory for the broadcasters and operators. Decisions of the Commission shall be published in the "Valstybes žinios" and shall come into force on the day of their publication. The above decisions may be appealed against by individuals to the court within 30 days from the day of their coming into force.

11. For the purpose of financing the activities of the Commission the broadcasters (except LRT) receiving earnings (income) from commercial broadcasting must, every month, transfer to the account of the Commission 0.8 % of their earnings (income) from advertising, the subscription licence and other commercial activities. The funds from those broadcasters or operators who fail to transfer funds to the account of the commission within 3 months after the deadline, the funds shall be recovered through the court. The Commission may be financed from other sources as well - from the funds received for organising competitions, from donations, publishing activities, etc.

12. The Commission shall annually draw up and approve the estimate of its expenditure. This estimate and the report on the implementation thereof shall be published by the Commission in the appendix of the "Valstybes žinios", "Informaciniai pranešimai".

13. The Chairman of the Commission shall make a report, at least once a year, about the activities of the Commission, at a plenary meeting of the Seimas, and shall submit a financial statement of the Commission.

## ARTICLE 49

### Competence of the Radio and Television Commission of Lithuania

1. The Commission shall perform the following functions:

- shall in conjunction with the Service of Communication Regulation, formulate the strategy of broadcasting of radio and television programmes and a strategic plan thereof in the manner set forth in the Law on Telecommunications;
- in the cases specified in Article 31 of this Law, shall announce tenders for obtaining broadcasting and (or) re-broadcasting licences, determine the terms and conditions of the tenders and licences, the licence fee, make decisions on the results of the tenders and issuance of licences, and supervise compliance with the terms and conditions of licences and decisions adopted by the Commission.
- shall supervise the compliance by broadcasters with the provisions of this Law and other laws related to their activities, particularly those which regulate the processes of competition and concentration, establish the obligation of broadcasters of cable television and MMTV operators to retransmission the television programmes of the LRT and other non-coded terrestrial TV programmes, provisions on the scope of European audiovisual works and of audiovisual works created by independent authors, the right to show short broadcasts about the events arousing public interest, the requirements concerning advertising on television (with the exception of (the LRT), programme sponsorship and the programme structure prescribed by licences;
- for broadcasters who violate the requirements set forth by this Law or who do not comply with the decisions adopted by the Commission, the latter shall impose the following penalties: warnings, monetary fines, in the manner prescribed by the Code of Administrative Offences of the Republic of Lithuania, suspension of the validity of the licence for a period of up to 3 months, or revocation of licence;
- shall present proposals concerning the preparation of laws regulating the activities of broadcasters and other legal acts related to the said activities;
- shall initiate the termination of unlawful transmission and retransmission activities;
- shall gather information about broadcasters, analyse their activities, prepare professional recommendations regarding these issues;
- every 2 years, shall prepare and submit to the Seimas an analytical review of the implementation of audiovisual policy in Lithuania, development of the audiovisual services market, and prospects for the expansion of the national audiovisual sector, presenting in it statistical data on the progress, required of all the broadcasters under Republic of Lithuania jurisdiction, in paragraphs 3 and 4 of Article 38, including also to indicate the reasons for the failure to achieve the required progress and the measures taken or envisaged to eliminate shortcomings.
- shall co-operate with institutions of the European Union and other foreign countries, which perform analogous functions, according to its competence to represent the Republic of Lithuania in international organisations.
- shall perform other functions set forth by laws and other legal acts.

2. The Commission shall have the right to obtain from broadcasters and operators information from state and local government

institution and agencies, and other legal persons, necessary for discharging its functions. The Commission members and the administration shall be prohibited from disseminating information which is a commercial secret of broadcasters and operators.

## **ARTICLE 50**

### **Inspector of Journalist Ethics**

1. The Inspector of Journalist Ethics shall be a State officer, who shall supervise the implementation of the provisions of the Law on Provision of Information to the Public.
2. The Seimas shall appoint the Inspector of Journalist Ethics for a term of five years, upon the recommendation of the Commission of Journalists and Publishers.
3. A Republic of Lithuania citizen, of excellent reputation, having a university education and the competence required in the performance of duties, shall be appointed Inspector of Journalist Ethics.
4. Members of Seimas, Government, State officers of political (personal) confidence may not become Inspector of Journalist Ethics. The Inspector of Journalist Ethics and members of his family may not be linked by work relations with producers and (or) disseminators of public information and may not own any shares of the producers and (or) disseminators of provision of information to the public.
5. The Inspector of Journalist Ethics shall be guided by the Republic of Lithuania Constitution, this and other laws, Republic of Lithuania international agreements, decrees of the President of the Republic and other legal acts passed by the Seimas and Government.
6. The Inspector of Journalist Ethics shall base its activities upon the principles of lawfulness, objectivity, justice, and openness.
7. The decisions of the Inspector of Journalist Ethics may be appealed in court within 30 days within the day of publication.
8. The Inspector of Journalist Ethics may not undertake to perform any other elected or appointed duties, as well as receive any other compensation, except for that established in accordance with the duties he performs and compensation for pedagogical or creative activity.
9. The Inspector of Journalist Ethics may have employees, performing information and technical work.
10. The activities of the Inspector of Journalist Ethics and his employees, performing information and technical work, shall be funded from the State Budget. The funds allocated to it shall be indicated on a separate line.
11. The Inspector of Journalist Ethics shall work according to the rules of procedure approved by the Seimas.

## **ARTICLE 51**

### **Competence of the Inspector of Journalist Ethics**

1. The Inspector of Journalist Ethics shall perform the following functions:
  - examine the complaints of interested persons regarding violations of their honour and dignity in the mass media;
  - examine the complaints of interested persons regarding the right to protection of privacy in the mass media;
  - assess, how in provision of information to the public the principles set forth in this and other laws, of providing information to the public are adhered to and submit proposals to state institutions for the improvement of their implementation;
  - co-operate with counterpart institutions of the European Union and other countries, and represent, within the limits of its competence, the Republic of Lithuania in international organisations;
  - draw up and publish every two years, an analytical survey intended to establish the main guidelines of development of the democratic culture in provision of information to the public;
2. In discharging the functions indicated in paragraph 2 of this Article, the Inspector of Journalist Ethics may:
  - warn producers and disseminators of public information about discovered violations and request that they be eliminated;
  - request that a producer or disseminator of public information deny, in the prescribed manner, baseless information, degrading honour and dignity of an individual or harmful to his lawful interests, or provide for that person an opportunity to give an explanation by denying such information;
  - apply to competent state institutions and the Journalists' Ethics Commission concerning discovered violations of this Law and other legal acts which regulate provision of information to the public.
3. Decisions of the Inspector of Journalist Ethics shall be published in the appendix of the "Valstybes žinios", "Informaciniai pranešimai".
4. The Inspector of Journalist Ethics shall have the right to obtain free of charge from producers and disseminators of public information, state and local authority institutions and agencies the information necessary for carrying out the agency's functions.
5. The Inspector of Journalist Ethics shall account for his work to the Seimas at least once a year.

## **CHAPTER VI**

### **LIABILITY FOR VIOLATIONS OF LAW ON PROVISION OF INFORMATION TO THE PUBLIC AND PROCEDURE OF ITS IMPLEMENTATION**

## **ARTICLE 52**

## **Liability of Producers, Disseminators and Officers of Public Information**

1. A producer or disseminator of public information shall be liable, as prescribed by this Law and other laws, for violations of this Law and other laws, international agreements and ratified international conventions regulating production of public information, also for violations of the procedure of dissemination of public information.
2. State and local government institutions and agencies, other institutions supported from the budget, and officers shall be liable, in the manner prescribed by law, for interference with producers or disseminators in spreading the news, unlawful refusal to provide public information or provision of false information. Such acts may be appealed against in court.

## **ARTICLE 53**

### **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 may be temporarily suspended, except in the instance indicated in paragraph 2 of this Article, or terminated at the initiative of the proprietor of a producer and (or) disseminator of public information or of the court when the producer and (or) disseminator violates provisions of this Law.
2. The Lithuanian Radio and Television Commission may, in the cases provided for in paragraph 13 of Article 31 of this Law, also temporarily suspend the activities of licensed broadcasters for violations of provisions of this Law. If the decision to temporarily suspend the activities of a producer and (or) disseminator of public information shall be appealed against in court, the concrete time period of suspension of the activities of a producer and (or) disseminator of public information shall be determined by the court. This time period may not extend beyond 1 month for newspapers, and beyond 3 months for magazines and broadcasters. When the Lithuanian Radio and Television Commission adopts a decision to temporarily suspend or terminate the validity of a licence, the broadcaster and (or) operator shall stop transmission and (or) retransmission activities on his own initiative or upon the coming into force of the court's decision regarding suspension or termination of the activities of such broadcaster or operator.
3. The activities of a producer and (or) disseminator of public information may be terminated by the court if the Lithuanian Radio and Television Commission or the court has within the past 12 months suspended its activities at least once.
4. The activities of broadcasters may be terminated by the court on the basis of the decision of the Lithuanian Radio and Television Commission to revoke the broadcaster's licence in the cases specified in paragraph 14 of Article 31 of this Law.

## **ARTICLE 54**

### **Compensation for Moral and Material Damage**

1. A producer and (or) disseminator of public information who publishes information about an individual's private life (with the exception of cases specified in paragraph 3, Article 14 and Article 55 of this Law ) without the natural person's consent, also a producer who publishes false information degrading to honour and dignity of the person, shall pay a compensation for moral damage to that person, in the manner set forth by law. The amount of the compensation for moral damage which may not be in excess of 10,000 Litas, except for the cases when the court establishes that false information degrading to honour and dignity of the person has been published intentionally. In such cases the amount may, by the court's decision, be increased, but not more than 5 times. In each case the amount awarded to the plaintiff may not be in excess of 5% of the annual income of the publisher and (or) disseminator of public information.
2. Denial of false information degrading to honour and dignity of a person and apology published by a producer or disseminator of public information may serve as a grounds for the court to reduce the amount of compensation for moral damage.
3. A producer of public information who, without the consent of a natural person, publishes information about his private life (with the exception of cases specified in Article 14 of this Law), and who also has published false information degrading to honour and dignity of the person but denies the said information and apologises for that, the court shall order him to pay the compensation for moral damage but in this case the amount of the compensation may not be in excess of 3,000 Litas, except for the cases when false information degrading to honour and dignity of the person has been published intentionally .
4. In determining the amount of the compensation expressed in cash for moral damage, the court shall take in to account the financial circumstances of the person who causes damage, the gravity of the offence, its consequences and other significant circumstances.
5. The amount of the compensation for material damage for false information which causes losses to persons shall be determined by the court.

## **ARTICLE 55**

### **Release from Compensation for Damage**

1. A producer of public information shall not be liable for publication of false information if he indicates the source of information and the information is provided by the following:
  - state and local government institutions and agencies, political parties, trade unions, political and public organisations or other persons in official or published documents;
  - publicly stated in public meetings, conferences, news conferences, rallies and other events, and the producer of public information does not distort the assertions made. In this case all responsibility falls on the organisers of the said events, and the persons who made the information public;
  - published earlier in other mass media if the information has not been denied by the mass media which published it;
  - announced by participants of live radio and television shows who are not subordinate to the producer of public information;

- announced in a special election campaign programmes made not by the producer of public information;
- announced in non-anonymous and commissioned articles or programmes;
- presented in the form of an opinion, a commentary or evaluation.

2. In the cases specified in paragraph 1 of this Article responsibility for publication of false information shall lie with the person who first publishes such information.

3. The producer of public information who publishes false information and who receives the text of its denial must, without delay, publish it in his mass media."

## **ARTICLE 2**

### **Coming into Force of the Law**

1. The Law of the Republic of Lithuania on Provision of Information to the Public shall come into force from 1 October 2000.
2. Until such time as the passage of the law stipulated in paragraph 2 of Article 18 has taken place, the Commission of Journalist and Publisher Ethics shall set attribution criteria of public information which may have a negative influence on the physical, mental or moral development of minors.
3. Upon coming into force of this Law, the following legal acts shall cease to have effect:
  - the Law of the Republic of Lithuania on Provision of Information to the Public;
  - the Law of the Republic of Lithuania on the Implementation of the Law on Provision of Information to the Public;

## **ARTICLE 3. Implementation of the Law**

1. Television broadcasters, except for local broadcasters, having regard to the broadcasters' informational, educational, cultural and entertainment programme responsibilities to its viewing public, must implement the provisions of paragraphs 3 and 4 of Article 38 of the Law On Provision of Information to the Public. The requirements of these provisions shall be implemented consistently and where practicable however, the scope of the broadcasts of European works and independent producers' works attained at the time of coming into force of the Law, must not be reduced. Every two years, broadcasters, (except LRT) shall submit a report on the implementation of the provisions of paragraphs 3 and 4 of Article 38 of the Law on Provision of Information to the Public, to the Radio and Television Commission. The report shall provide reasons for failure to implement these provisions, and the measures which have been taken or are envisaged to eliminate these shortcomings. In applying the provisions of paragraphs 3 and 4 of Article 38 of the Law on Provision of Information to the Public, one shall take into account the absence of relevant European works for thematic channels, and the start-up phase of a new television broadcaster.
2. The provisions of paragraph 2 of Article 34 of this Law shall be implemented consistently by July 1, 2001.
3. The Government of the Republic of Lithuania shall by 10 September, 2000, submit to the Seimas draft amendments and supplements of laws related to the implementation of this Law.
4. The Government shall by October 1, 2000 pass the legal acts necessary to implement this Law.

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

PRESIDENT OF THE REPUBLIC VALDAS ADAMKUS