[LT] The Audiovisual Media Service Directive Transposed in Lithuania

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On 18 October 2010 the amendments of the Law on the Provision of Information to the Public came into force. These are mainly related to the transposition and implementation of the Audiovisual Media Service Directive.

The adopted amendments stipulate some changes in the scope of the activities of the Radio and Television Commission of Lithuania. The amended Law envisages that, as before, it will be the Radio and Television Commission's prerogative to grant licences for broadcasting and re-broadcasting activities as well as to control the licensed activities. However, the Licensing Rules, which determine the terms of licence issuing shall have to be approved by the Ministry of Culture upon the Radio and Television Commission's proposal. In addition, the Ministry of Culture shall approve the Rules for Setting the Licence Fee, proposed by the Radio and Television Commission, and shall determine the licence fee for each individual broadcaster or re-broadcaster. According to the former Law these two issues were dealt with by the Radio and Television Commission only.

On the other hand the scope of the Commission's activities was expanded by adding the functions for it to register video-on-demand (VOD) service providers, to control their activities and to consider complaints regarding their activities in case such should occur, in conformity with the Law to suspend the broadcasting of foreign programmes targeted at the territory of Lithuania, to prepare the list of events of major importance and to submit it to the Ministry of Culture for further approval by the Government.

In compliance with the AVMSD the amended Law envisages different regulation for linear and non-linear audiovisual services. Before the transposition of the AVMSD VOD-services were not subject to regulation in Lithuania. From now on, VOD-service providers shall be obliged to register their services at the Commission prior to the start of their activities in accordance with the Rules set by the Radio and Television Commission. Such registration does not in any way mean getting the permit for the activities, but rather declaring the activities and providing a short amount of information about the service provider, i.e., name, address, contacts, etc.

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The amended Law obliges the VOD-service providers to ensure that not less than half of their programme catalogue should consist of European productions. Furthermore, they have to ensure that programmes that might impair the physical, mental or moral development of minors shall be provided in a way that these could be listened or viewed only under the control of persons who are responsible for the supervision and upbringing of minors. The amended Law does not envisage specific technical means to ensure this requirement; this shall be done at the service provider's choice.

Having regard to the provisions of the AVMSD, the requirements for advertising on television were revised. A new notion "audiovisual commercial communication" was introduced. It encompasses TV advertising, sponsoring, teleshopping and product placement. The amended Law provides for the identical rules on product placement as the Directive, with the exception that it shall be forbidden not only in children's programmes, but in news programmes also.

The amended Law for the first time obliges audiovisual service providers to ensure the possibility for their users to obtain information on the provider's name, address of establishment, e-mail and internet address as well as the name, address and telephone number of their Regulatory Authority in a very simple, direct and constant manner. The way of providing this information shall be determined by the Radio and Television Commission of Lithuania.

Besides that, the amended Law provides for a new provision, according to which the audiovisual service providers shall prepare Codes of Conduct regarding inappropriate audiovisual commercial communication insertions in children's programmes.

Lietuvos Respublikos viusomenės informavimo įstatymo 2, 5, 19, 22, 25, 26, 28, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 44, 47, 48, 49, 50, 52, 54 straipsnių ir priedo pakeitimo, įstatymo papildymo 341, 342, 401 straipsniais ir nauju trečiuoju skirsniu įstatymas

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=382799&p_query=&p_tr2=

Law on the Amendment of the Law on the Provision of Information to the Public

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