# [LT] Lithuania transposes new Audiovisual Media Services Directive

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With a few months' delay, on 14 January 2021, the Lithuanian Parliament (Seimas) transposed Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities into the Law on Provision of Information to the Public of the Republic of Lithuania ( *Lietuvos Respublikos visuomenės informavimo įstatymas* - Media Law).

The principle of state of origin and the new regulation of video-sharing platform services:

The principle of the state of origin was reinforced following the rules provided in the Audiovisual Media Services Directive, and its application was expanded not only to audiovisual media services but also to newly regulated video-sharing platform services, which were regulated by including a new section in the Media Law.

In particular, the amended law provides that the operators of such platforms will be required to notify the Radio and Television Commission (Lietuvos radijo ir televizijos komisija) of the planned video-sharing platform services before commencing these activities. This means that any platform operator who falls under Lithuanian jurisdiction will be subject to a prior notification requirement, without which the Radio and Television Commission will be able to apply to the court for suspension of the activities of such entities for an indefinite period.

The amended law also sets out requirements for platform operators, which include the following responsibilities:

- implement all measures provided for in the Media Law for the protection of minors from the negative impact of public information;

- prevent the dissemination of prohibited information (such as war propaganda, incitement of hatred, etc.);

- ensure compliance with advertising requirements;

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- clearly inform consumers about audiovisual commercial communications in videos;

- comply with a code of conduct (ethics) adopted on an individual basis or with other video-sharing platform providers regarding inappropriate audiovisual commercial communications that are included in children's programmes in respect of food and beverages that contain nutrients or substances with a physiological effect, in particular fats, trans-fatty acids, salt or sodium, and sugar, which are recommended in moderation.

What does this mean in practice? Now every platform operator that has not been regulated to date will have to:

- notify the Radio and Television Commission of its activities following a procedure that will be detailed in secondary law;

- pay fees to the Radio and Television Commission, which will amount to 0.8% of the revenue received from audiovisual commercial communications, advertising, subscription fees and other activities related to the video-sharing platform services; and

- ensure compliance with the above requirements.

Although the law provides for specific measures to be chosen by the platform operator, the Radio and Television Commission will be able to oblige the implementation of specific measures or indicate how to implement them if it finds that the wrong measures have been selected.

Creation of the information system of producers and disseminators of public information:

Certain amendments to the Media Law also provide for the creation of a new information system where all information about producers and disseminators of public information will be published, including basic information such as the company name, address, registration code, contact details, information about management, shareholders' details, issued licences, breaches of the law or ethic codes, financial statements, etc.

All this information will be published and available to everyone free of charge, except for information relating to the person's date of birth or personal telephone number.

Other amendments that derive from the Audiovisual Media Services Directive:

The amendments to the Media Law further harmonise the definitions used in the new directive (such as audiovisual media service); detail the rules on the

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establishment of jurisdiction; provide for the prohibition of overlaying audiovisual media services with advertising without the express consent of those service providers; further detail the rules and obligations with regard to European works, etc.

It should be noted that the Lithuanian legislator did not provide a lot of time to prepare for the changes: the amending law was adopted on 14 January, promulgated on 26 January, and entered into force on 1 February, leaving a lot of questions to be detailed in secondary law, which is yet to be prepared and enacted.

***2021 m. sausio 20 d. Lietuvos Respublikos visuoemėns informavimo įstatymo Nr. I-1418 2, 19, 20, 22, 24, 25, 31, 33, 34, 34-1, 37, 38, 39, 40, 40-1, 40-3, 40-4, 43, 45, 47, 48, 51, 52 straipsnių pakeitimo, Įstatymo papildymo 32-1, 40-5 straipsniais, 34-2 straipsnio pripažinimo netekusiu galios ir Įstatymo trečiojo skirsnio pavadinimo pakeitimo įstatymas.***

https://www.e-tar.lt/portal/lt/legalAct/56ceb2d05fdd11eb9dc7b575f08e8bea

*Law on Public Information of the Republic of Lithuania No. I-1418 amending Articles 2, 19, 20, 22, 24, 25, 31, 33, 34, 34-1, 37, 38, 39, 40, 40-1, 40-3, 40-4, 43, 45, 47 , 48, 51, 52, Supplementing the Law with Articles 32-1, 40-5, Repealing Article 34-2 and Changing the Title of the Third Section of the Law No. I-1418 dated 14 January 2021.*

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