[LT] Lithuanian Radio and Television Commission adopts new guidelines for the qualification of video-on-demand services

IRIS 2021-3:1/21

Indre Barauskiene
TGS Baltic

On implementing the provisions of the Law on Provision of Information to the Public of the Republic of Lithuania (*Lietuvos Respublikos visuomenės informavimo įstatymas* - Media Law), which transposes the 2018/1808 Audiovisual Media Services Directive into the Law on Provision of Information to the Public of the Republic of Lithuania, on 1 February 2021, the Radio and Television Commission (*Lietuvos radijo ir televizijos komisija*) announced Guidelines for the qualification of on-demand audiovisual media services (the Guidelines).

First, the Radio and Television Commission notes that the Guidelines are not legally binding, but provide general indications, which, if applied to a specific situation, would make it possible to determine whether an audiovisual media service is to be considered as on-demand. However, at the same time, the Commission emphasises that it is also important not to apply these features directly, but also to apply the criterion of reasonableness, as this is the only way to achieve the best result.

The essential criteria identified by the Radio and Television Commission to define on-demand audiovisual media services are:
An on-demand service is a non-linear audiovisual media service, that is to say, there are no live broadcasts because the user him/herself chooses when to watch. Programmes can be watched at a chosen time and individual requests selected by the user. Programmes are ordered from the catalogue offered by the on-demand service provider; if the content is selected, grouped and submitted by the service provider, it is an on-demand service. If the content is uploaded by the user, it is not an on-demand service, as it could be qualified as a video-sharing platform service. In order to determine whether an on-demand service provider is an audiovisual media service provider, the following elements are assessed: Is there editorial responsibility for a particular service provider? Is there an economic and commercial activity in the provision of this service (that is, is this activity registered, does it generate revenue, etc.)? Is there a charge for this service? Are services provided (programmes transmitted) via electronic communications networks? Are the programmes broadcast for information, entertainment or educational purposes? The main purpose of an on-demand service is to watch programmes. It is also important to determine whether the viewing/provision of such programmes to the consumer is the main purpose of the on-demand audiovisual media service. There

© European Audiovisual Observatory (Council of Europe) 2026

may be situations where an entity offers programme viewing on its platform as one of many other services, in which case it is assessed whether this is the main purpose or only an element that complements other services.

2021 m. vasario 1 d. Užsakomųjų audiovizualinės žiniasklaidos paslaugų reguliavimo gairės.

https://www.rtk.lt/lt/administracine-informacija/uzsakomuju-audiovizualines-ziniasklaidos-paslaugu-reguliavimas-ir-prieziura

Guidelines for the regulation of on-demand audiovisual media services, dated 1 February 2021.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026