



## 4.18. LT – Lithuania – National legal summary<sup>367</sup>

### 4.18.1. Applicable regulatory framework

Relevant legislation includes the following:

Primary legislation:

- *Lietuvos Respublikos visuomenės informavimo įstatymas (suvestinė redakcija 2022-09-30<sup>368</sup>)* (Republic of Lithuania Law on the Provision of Information to the Public, consolidated version 30/09/2022, Law on the Provision of Information to the Public]
- *Lietuvos Respublikos Lietuvos nacionalinio radijo ir televizijos įstatymo<sup>369</sup>* (Republic of Lithuania Law on Lithuanian National Radio and Television)
- *Lietuvos Respublikos nepilnamečių apsaugos nuo neigiamo viešosios informacijos poveikio įstatymo<sup>370</sup>* (Republic of Lithuania Law on the Protection of Minors against the Detrimental Effect of Public Information)
- *Lietuvos Respublikos reklamos įstatymas (suvestinė redakcija nuo 2022-05-26<sup>371</sup>)* (Republic of Lithuania Law on Advertising (consolidated version valid as of 26/05/2022) – Law on Advertising)
- *Lietuvos Respublikos elektroninių ryšių įstatymo<sup>372</sup>* (Republic of Lithuania Law on Electronic Communications)
- *Lietuvos Respublikos asmens duomenų teisinės apsaugos įstatymas<sup>373</sup>* (Republic of Lithuania Law on Legal Protection of Personal Data)
- Lietuvos Respublikos alkoholio kontrolės įstatymas<sup>374</sup> (Republic of Lithuania Alcohol Control Law)
- *Lietuvos Respublikos tabako, tabako gaminių ir su jais susijusių gaminių kontrolės įstatymas<sup>375</sup>* (Republic of Lithuania Law on the Control of Tobacco, Tobacco Products and Related Products)
- *Lietuvos Respublikos nesąžiningos komercinės veiklos vartotojams draudimo įstatymo<sup>376</sup>* (Republic of Lithuania Law on the Prohibition of Unfair Business-to-Consumer Commercial Practices)

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<sup>367</sup> The factsheet on Lithuania incorporates feedback received from Nerijus Maliukevičius, market research analyst at the Radio and Television Commission of Lithuania, during the checking round with the national regulatory authorities.

<sup>368</sup> <https://www.e-tar.lt/portal/lt/legalAct/TAR.065AB8483E1E/KKBAHKYvgy>.

<sup>369</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.31934/asr>.

<sup>370</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.183129/asr>.

<sup>371</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.106104/asr>.

<sup>372</sup> <https://www.e-tar.lt/portal/lt/legalAct/TAR.82D8168D3049/asr>.

<sup>373</sup> <https://www.e-tar.lt/portal/lt/legalAct/TAR.5368B592234C/asr>.

<sup>374</sup> <https://www.e-tar.lt/portal/lt/legalAct/TAR.9E5C5C16B6E6/asr>.

<sup>375</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.24500/asr>.

<sup>376</sup> <https://www.e-tar.lt/portal/lt/legalAct/TAR.55FFE350795A/asr>.



### Secondary legislation:

- Lietuvos Respublikos kultūros ministro įsakymas dėl Metinės įmokos už transliavimo ir retransliavimo licenciją dydžio nustatymo tvarkos aprašo patvirtinimo<sup>377</sup> (Republic of Lithuania minister of culture decision regarding the approval of the description of the procedure for determining the amount of the annual fee for a broadcasting and retransmission license)
- Lietuvos radijo ir televizijos komisijos Sprendimas dėl reikalavimų komerciniams audiovizualiniams pranešimams ir reklamos transliavimui, radijo programų ir atskirų programų rėmimo radijo ir (ar) televizijos programose įgyvendinimo tvarkos aprašo patvirtinimo<sup>378</sup> (The Radio and Television Commission of Lithuania decision regarding the description of the procedure for implementing the requirements for audiovisual commercial communications and advertising broadcasting, support for radio programs and individual programs in radio and or television programs)
- *Vaistinių preparatų reklamos taisyklės, patvirtintos Lietuvos Respublikos sveikatos apsaugos ministro įsakymu*<sup>379</sup> (the rules for advertising medicinal products approved by the order of the minister of health protection of the Republic of Lithuania)

### Self- and co-regulatory instruments

- *Lietuvos Marketingo asociacijos narių etikos ir gerosios praktikos principų kodeksas*<sup>380</sup> (Code of ethics in providing information to the public of Lithuania of the Ethics Commission on Public Information)<sup>381</sup>
- *Lietuvos reklamos etikos kodeksas*<sup>382</sup> (Lithuanian Code of Advertising Ethics)
- Lietuvos radijo ir televizijos komisijos priimtas Audiovizualinės žiniasklaidos paslaugų teikėjų ir dalijimosi vaizdo medžiaga platformos paslaugų teikėjų taikomų etikos kodeksų veiksmingumo nustatymo tvarkos aprašas<sup>383</sup> (The Radio and Television Commission of Lithuania description of the procedure for determining the effectiveness of the codes of ethics applied by audiovisual media service providers and video-sharing platform service providers)
- Lietuvos radijo ir televizijos komisijos Gairės dėl audiovizualinės žiniasklaidos paslaugų teikėjų, teikiančių paslaugas naudojantis dalijimosi vaizdo medžiaga platformų, kvalifikavimo ir jiems taikomų reikalavimų<sup>384</sup> (The Radio and Television Commission of Lithuania guidelines on the qualification and requirements of audiovisual media service providers providing services using video-sharing platforms)

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<sup>377</sup> <https://www.e-tar.lt/portal/lt/legalAct/TAR.A56EAD0EA429/asr>.

<sup>378</sup> <https://www.e-tar.lt/portal/lt/legalAct/TAR.A56EAD0EA429/asr>.

<sup>379</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.290261/asr>.

<sup>380</sup> <https://www.etikoskomisija.lt/teisine-informacija/etikos-kodeksai/item/215-visuomenes-informavimo-etikos-kodeksas>.

<sup>381</sup> <https://www.etikoskomisija.lt/teisine-informacija/etikos-kodeksai/item/216-code-of-ethics-in-providing-information-to-the-public-of-lithuania>.

<sup>382</sup> <https://www.vvat.lt/data/public/uploads/2019/02/reklamoskodeksas.pdf>.

<sup>383</sup> <https://www.e-tar.lt/portal/lt/legalAct/e57ce400113c11ec9f09e7df20500045>.

<sup>384</sup> [https://www.rtk.lt/uploads/solutions/docs/3145\\_3bd5c547ff57aff62e7580afbce82f41.pdf](https://www.rtk.lt/uploads/solutions/docs/3145_3bd5c547ff57aff62e7580afbce82f41.pdf).



- *Lietuvos radijo ir televizijos komisijos Užsakomųjų audiovizualinės žiniasklaidos paslaugų reguliavimas ir priežiūra*<sup>385</sup> (The Radio and Television Commission of Lithuania guidelines on the regulation and supervision of on-demand audiovisual media services)
- *Lietuvos Respublikos Konkurencijos Tarybos Klaidinančios ir neleidžiamos lyginamosios reklamos vertinimo gairės*<sup>386</sup> (Guidelines of the Competition Council of the Republic of Lithuania for the evaluation of misleading and prohibited comparative advertising)

## 4.18.2. Definitions and restrictions regarding commercial communications

This section aims at identifying the relevant definitions related to commercial communications stemming from related laws, rules and current practices, as well as ongoing reforms under the transposition and implementation of the revised AVMS Directive. Please note that this review includes definitions which are part of the revised AVMSD, inclusive of audiovisual commercial communications, advertising, surreptitious commercial communications, sponsorship and product placement, but also the definitions of supplementary and/or related concepts, such as the advertiser, sponsor and sponsored content, as well as misleading commercial communication, for the purpose of providing a comprehensive overview.

### 4.18.2.1. Definitions

**Table 44. Definition of the main concepts related to commercial communications**

Concept	Existence of a definition
Audiovisual commercial communications	Yes.
Television advertising	Yes.
Advertiser	Yes.
Surreptitious commercial communication	Yes.
Misleading commercial communication	Yes.
Virtual advertising	No.
Sponsorship	Yes.

<sup>385</sup> <https://www.rtk.lt/lt/administracine-informacija/uzsakomuju-audiovizualines-ziniasklaidos-paslaugu-reguliavimas-ir-prieziura>.

<sup>386</sup> [https://kt.gov.lt/uploads/documents/files/Reklamos\\_vertinimo\\_gaires.pdf](https://kt.gov.lt/uploads/documents/files/Reklamos_vertinimo_gaires.pdf).



<b>Sponsor</b>	No.
<b>Sponsored content</b>	No.
<b>Product placement</b>	Yes.
<b>Other:</b>	Direct marketing.

Source: Lithuanian response to European Audiovisual Observatory standardised survey

#### 4.18.2.1.1. Audiovisual commercial communications

Article 2(21) of the Law on the Provision of Information to the Public defines commercial audiovisual communication as:

*‘Audiovisual commercial communication’ means information disseminated by images, with or without sound, which is intended to promote, directly or indirectly, goods, services or the image of a person engaging in an economic activity (name, logo or other identifying mark) and which is included in or disseminated together with a programme or user-generated video in return for payment or other consideration or for self-promotional purposes. Audiovisual commercial communications include television advertising, sponsorship, teleshopping and product placement.*

#### 4.18.2.1.2. Television advertising

Article 2(68) of the Law on the Provision of Information to the Public defines television advertising as:

*‘Television advertising’ means information announced in any form by a provider of audiovisual media services whether in return for payment or for similar consideration which a person engaged in economic, commercial or professional activities orders to be disseminated or disseminates for self-promotional purposes or in order to promote the goods or services, including immovable property, rights and obligations*

#### 4.18.2.1.3. Advertiser

The Law on Advertising, in Article 2(9) and (10), defines the advertiser, the provider of advertising services, as the subject of the advertising activity: “a person whose initiative and interests use (order, produce, spread) advertising”.

#### 4.18.2.1.4. Surreptitious commercial communication

Article 2 (35) of the Law on the Provision of Information to the Public defines surreptitious advertising as:

*‘Surreptitious audiovisual commercial communication’ means information disseminated in any form and by any means for advertising purposes about the name and/or activities, goods, services or the trade mark of a producer of goods and/or provider of services presented in a*



*way that the user may fail to understand that it is audiovisual commercial communication. Such presentation of information shall be considered as surreptitious audiovisual commercial communication in particular when it is done in return for payment or for similar consideration.*

The aforementioned definition is included in the Code of Ethics and Good Practice for Members of the Lithuanian Marketing Association, as well.

Further, Article 2(35) of the Law on the Provision of Information to the Public defines a surreptitious commercial audiovisual message as:

*Information disseminated in any form and by any means for the purpose of advertising about the name and/or activity, goods, services or brand or other image of the manufacturer of the goods and/or the service provider, presented in such a way that the consumer may not understand that it is a commercial audiovisual message. Such representation of information shall be considered a surreptitious commercial audiovisual announcement in all cases, in particular when it is done in return for payment or other remuneration.*

#### 4.18.2.1.5. Misleading commercial communication

Article 2(3) of the Law on Advertising defines misleading advertising as:

*Advertising which, in any way, including the manner in which it is presented, misleads or is likely to mislead the individuals to whom it is addressed or whom it reaches, and which by reason of its misleading nature is likely to affect their economic behaviour or which for these reasons is harmful or may harm another person's ability to compete.*

#### 4.18.2.1.6. Virtual advertising

There is no definition of virtual advertising.

#### 4.18.2.1.7. Sponsorship

Article 2(54) of the Law on the Provision of Information to the Public defines sponsorship as:

*'Sponsorship' means support by a person not engaged in the broadcasting of the radio programme and/or provision of the audiovisual media services and/or in the production of audiovisual or sound works for the financing of audiovisual media services and/or programmes, radio programmes, video-sharing platform services and/or programmes or user-generated videos with a view to disseminating information on its name, trade mark, image, activities, products or services.*



#### 4.18.2.1.8. Sponsor

There is no definition of sponsor.

#### 4.18.2.1.9. Sponsored content

There is no definition of sponsored content.

#### 4.18.2.1.10. Product placement

Article 2(37) of the Law on the Provision of Information to the Public defines product placement as including: “any form of audiovisual commercial communication in which, in return for payment or other consideration, information is overtly presented on, and/or references are made to, a product, service or trade mark in a programme or a user-generated video”.

#### 4.18.2.1.11. Other definitions

The Law on Electronic Communications permits the use of electronic communication services, including the sending of electronic mail messages, for the purpose of direct marketing, unless a person explicitly objects to it (according to Article 13 of the Law on Advertising). The “direct marketing” definition is provided in Article 2(1) of the Law on Legal Protection of Personal Data: “Direct marketing is an activity aimed at offering goods or services to individuals by mail, telephone or other direct means and/or asking for their opinion on the offered goods or services.”

### 4.18.2.2. Restrictions regarding commercial communications

The revised AVMSD introduces obligations for video-sharing platforms to, *inter alia*, respect certain requirements regarding commercial communications and this section aims at updating information related to these obligations and measures imposed under national legislation on media service providers, including VSP providers related to commercial communications.

As a general note, it should be mentioned that when VSPs provide audiovisual media services and/or television programs and/or individual program distribution services on the Internet, they are bound only by certain provisions of the Law on the Provision of Information to the Public (as stipulated by Article 40(4), setting VSPs obligations). In addition, VSPs must respect the Law on the Protection of Minors against the Detrimental Effect of Public Information.

Section 3 of the Law on the Provision of Information to the Public, namely Articles 40(3) to 40(5), explicitly relates to VSPs and regulates the jurisdiction of VSPs, lists the requirements regarding the activity of the service providers of the video-sharing platforms (i.e., which provisions of the Law on the Provision of Information to the Public apply to



VSPs), and sets out the responsibility of video-sharing platform service providers and the protection of personal rights.

Article 40(4) of the said legislation sets out the VSP obligations, such as the obligation to observe the requirements regarding protection of minors from applications, user-generated videos and commercial audiovisual messages that disseminate information that has a negative impact on minors, the requirement to proactively safeguard society from applications, user-generated videos and commercial audiovisual messages containing prohibited information, including disinformation, war propaganda, incitement to war, calling for coercion to violate the sovereignty of the Republic of Lithuania (changing its constitutional order, encroaching on its independence or violating the integrity of the territory; encouraging or inciting terrorist crimes; spreading or inciting hatred, mockery, contempt, discrimination, violence, physical confrontation with a group of people or a person belonging to it because of age, gender, sexual orientation, ethnicity, race, nationality, citizenship, language, origin, social status, disability, on the basis of faith, belief, opinion or religion; dissemination, promotion or advertisement of pornography, as well as sexual services and sexual perversions. Details of these restrictions are provided further below.

Also, VSPs are required to clearly inform users about commercial audiovisual messages within user-generated content when such content is declared in accordance with Article 2(3) of the Law on the Provision of Information to the Public or if/when the VSP is aware of the messages, and must comply with any VSP ethics codes regarding inappropriate commercial audiovisual messages inserted into or included in children's programs or about food and beverages containing nutrients and substances with nutritional or physiological effects, in particular fat, trans fatty acid isomers, salt or sodium and sugar, the consumption of which is recommended in moderation. Also, there is a list of voluntary measures that may be implemented by the VSPs.

Finally, advertising of prohibited or illegal activities and goods or services is prohibited, according to Article 9 of the Law on Advertising, if disseminated in any form and by any means of advertising delivery, in cases where the aim is to advertise: activities that are prohibited or illegal by law; goods or services whose production and/or sale (provision) are prohibited by law; goods that are excluded from civil circulation.

#### 4.18.2.2.1. Audiovisual commercial communications for alcoholic beverages and tobacco and tobacco-related products, including electronic cigarettes and refill containers

With regard to alcoholic beverages, the Alcohol Control Law, in Article 2(1o), defines an alcohol advertisement as:

*Information disseminated in any form and by any means related to the commercial, economic and financial activities of companies, which encourages the purchase and/or consumption of alcohol products*





Article 29(1) prohibits alcohol advertising.

Relevant restrictions for tobacco and tobacco-related products are found in the Law on the control of tobacco, tobacco products and related products. In Article 17,<sup>1</sup> it prohibits tobacco product advertising, including surreptitious advertising thereof. Tobacco product and (or) related product advertising is defined in Article 2(46) as:

*Information about tobacco products and/or related products disseminated in any form and by any means, directly or indirectly encouraging the purchase and/or consumption of tobacco products and/or related products).*

Exceptions to the tobacco product advertising restrictions include the provision of certain information to consumers at the point of sale, and specialised publications for tobacco industry experts.

Article 17<sup>1</sup> further prohibits advertising of electronic cigarettes, electronic cigarette refills and the smoking of herbal products (including prices on websites), as well as surreptitious advertising of electronic cigarettes, electronic cigarette refills and the smoking of herbal products. The direct or indirect advertising of electronic cigarettes, electronic cigarette filters and the smoking of herbal products is prohibited in commercial communications in the provision of information society services, the press or other printed publications with the exception of electronic cigarettes and related trade publications and publications not primarily intended for the European Union market and which are printed and published in foreign countries. Commercial audiovisual communications related to electronic cigarettes, electronic cigarette fillers and/or the smoking of herbal products, which are subject to the Law on the Provision of Information to the Public, are prohibited.

#### 4.18.2.2.2. Audiovisual commercial communications for medicinal products and medical treatment available only on prescription in the member state

Chapter IV of the rules for advertising medicinal products approved by the order of the Minister of Health Protection permits advertising for medical professionals only and the advertising should not be accessible to the general public. Specialised websites, where prescription medication advertising is permitted, have to be inaccessible to the general public. Such websites must meet certain requirements stipulated in the regulations and be included in a list of websites referred to in the aforementioned regulations.

#### 4.18.2.2.3. Surreptitious audiovisual commercial communications

Surreptitious audiovisual commercial communications are prohibited, according to Article 5(1) of the Law on Advertising and Article 39(1) of the Law on the Provision of Information to the Public.





#### 4.18.2.2.4. Subliminal techniques in commercial communications

Article 8(1) of the Law on Advertising prohibits hidden advertising, in addition to the prohibition of advertising that uses special subliminal means and technologies (Article 4(2)8).

#### 4.18.2.2.5. Prejudice with regard to human dignity

The Law on Advertising, Article 4(2)2, prohibits advertising if it violates the honour and dignity of a person:

*Advertising is prohibited if:*

...

*2) human honour and dignity are violated*

#### 4.18.2.2.6. Inclusion or promotion of any form of discrimination (e.g., on the grounds of sex, racial or ethnic origin, nationality, religion, etc.)

Article 4(2)3 of the Law on Advertising prohibits advertising if: “It incites national, racial, religious, gender or social hatred and discrimination, as well as defames or misinforms”.

#### 4.18.2.2.7. Encouragement of behaviour prejudicial to health or safety

Advertising is prohibited if it promotes coercion, aggression, causes panic, or encourages behaviour that poses a threat to health, safety and the environment, according to Article 4(2)4-5 of the Law on Advertising.

#### 4.18.2.2.8. Encouragement of behaviour grossly prejudicial to the protection of the environment

Article 4(2)5 of the Law on Advertising prohibits advertising if it encourages behaviour that poses a threat to the environment.

#### 4.18.2.2.9. Causing physical, mental or moral detriment to minors

The Law on Advertising, Article 7(2), prohibits advertising with a harmful moral and physical effect on children, including: abuse of children's trust in parents, guardians (caregivers), teachers or other adults; the forming of the opinion in children that the use of certain goods or services will give them a physical, psychological or social advantage over their peers or other persons; unjustifiably showing children in situations that threaten their health and life.



Further, the Law on the Protection of Minors against the Detrimental Effect of Public Information provides prohibitions and restrictions on the use of advertising that has a negative impact on children as set out in the Law on Advertising and in the Law on the Protection of Minors against the Detrimental Effect of Public Information. Advertising in commercial audiovisual messages must not: directly encourage minors to buy, rent, or choose a product or service; take advantage of minors' inexperience and gullibility; directly encourage minors to persuade their parents or other persons to buy advertised goods or services; form the opinion in minors that the use of certain services or goods will give them a physical, psychological or social advantage over their peers; abuse the trust of minors in parents, teachers or other persons; show minors in dangerous situations where there is no public interest (Article 8(3) of the Law on the Protection of Minors against the Detrimental Effect of Public Information).

#### 4.18.2.2.10. Other

N/A.

### 4.18.3. Sponsorship and product placement

Certain obligations stem from the revised AVMSD vis-à-vis sponsorship and product placement and this part aims at identifying the rules and practices pertaining to these two specific categories of commercial communications.

#### 4.18.3.1. Sponsorship

VSPs must comply with the requirements of Article 39 of the Law on the Provision of Information to the Public regarding commercial audiovisual messages that VSPs order themselves or disseminate on their own initiative, as well as take appropriate measures established by the law related to compliance with the requirements of that article, regarding those commercial audiovisual messages that are used by video-sharing platforms where the material is not traded, sold or managed by the platform service providers; clearly inform users of programs and user-created videos about commercial audiovisual messages broadcast in these programs and videos, when they have been declared in accordance with paragraph 2, point 3 of article 40,<sup>4</sup> or the service provider of the video-sharing platform is aware of these messages; comply with the code of conduct (ethics) they themselves have adopted or adopted by other service providers of the video-sharing platform regarding inappropriate commercial audiovisual messages that are inserted into programs for children or are included in such programs, about foods and beverages containing nutrients and substances with physiological effects, especially fats, trans isomers of fatty acids, salt or sodium and sugar, the consumption of which is recommended in moderation.

When the video-sharing platform service provider provides audiovisual media services and/or television programs and/or individual programs distribution services on the



Internet, they are subject to the requirements of the Law on the Provision of Information to the Public and the Law on the Protection of Minors against the Detrimental Effect of Public Information, established for audiovisual media services and (or) service providers of television programmes and/or individual programmes distribution on the Internet (Article 40<sup>4</sup>(7)).

Articles 40 and 40<sup>1</sup> of the Law on the Provision of Information to the Public are the general provisions setting the rules applicable to sponsorship when put in place by audiovisual media services, radio programs and/or individual programs.

#### 4.18.3.2. Product placement

When the video-sharing platform service provider provides audiovisual media services and/or television programmes and/or individual programme distribution services on the Internet, they are subject to the requirements of the Law on the Provision of Information to the Public and the Law on the Protection of Minors against the Detrimental Effect of Public Information, as stipulated above.

#### 4.18.4. Obligations regarding (v)blogs and (v)blogging

According to the guidelines on the qualification and requirements of audiovisual media service providers providing services using video-sharing platforms of the Radio and Television Commission of Lithuania (RTCL),<sup>387</sup> general advertisement rules apply to advertisements in v(blogs). Article 2 of the guidelines explains that channels such as YouTube channels or channels on other video-sharing platforms where audiovisual communication is published or any other audiovisual services in respect to which the service provider has editorial responsibility may be deemed to be audiovisual media services even if they are being offered on video-sharing platforms to which ordinarily the editorial responsibility does not apply. The criteria for determining whether individuals publishing audiovisual content on the VSPs are deemed audiovisual media service providers are set out in Chapter II of the guidelines. The main features that indicate that the service is an audiovisual media services are: 1) the programming is broadcast/ published for the purposes of informing, entertainment or education; b) editorial responsibility falls on the service provider; c) the service provider carries out economic and commercial activities. According to Rule 6 of the guidelines, it is important to evaluate whether the video content of the VSP could constitute a program (show), that is to say, video content in essence should be similar to that broadcast on television.

Rule 11 of the guidelines provides a consolidated list of features that could qualify a vlogger as an “on-demand audiovisual media service provider”, when, for instance: the service provider carries out economic and commercial activities (i.e., is registered with the

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<sup>387</sup> Lietuvos radijo ir televizijos komisija, <http://www.rtk.lt/>.



Tax Authority); its main activities are the provision of programming for the purposes of informing, entertainment or education; the service provider has editorial responsibility over the programmes; its target audience is a part of society at large; and the services have an impact on the target audience with significant followings/number of views, etc.

#### 4.18.5. Other relevant information

N/A.

#### 4.18.6. Content-related rules regarding commercial communications for VSP providers

While certain restrictions regarding the content of commercial communications stem from the revised AVMSD and relate to issues connected to the protection of minors and restrictions on the advertising of certain products and services, this part deals with less-explored notions, such as rules pertaining to gambling, environmental claims vis-à-vis products and services, etc.

##### 4.18.6.1. Advertising of, or on behalf of, associations that are wholly or mainly concerned with religion, faith and other belief systems

There are no specific rules applicable to VSPs with regard to religion, faith and other belief systems. The general rules apply.

##### 4.18.6.2. Gambling, betting, betting tipsters, etc.

There are no specific rules applicable to VSPs with regard to gambling, betting, etc. VSPs fall under the scope of the general Law on Gambling. Article 10 Parts 9, 91 and 92, includes a prohibition on advertising of gambling on the territory of the Republic of Lithuania, with the exception of the names, trademarks and types of gambling organised by companies involved in the organisation of gambling. It is further prohibited to publish any information related to gambling on websites intended for persons under the age of 18. A website is considered to be a website for persons under 18 years of age in those cases in which at least 80% of the content is dedicated to the description of events and phenomena intended for children and teenagers, their professional assessment, information about them, and the dissemination of the artistic and technical creativity of children and teenagers. It is forbidden to specify any additional written, visual or audio information in the advertisement. There must be a warning notice that participation in gambling may lead to gambling addiction or pathological gambling. The content of the warning note and the rules governing its presentation in advertising are determined by the Supervisory Authority.



#### 4.18.6.3. Environmental or “green” claims for products

There are no specific rules applicable to VSPs with regard to environmental claims. The general rules apply.

#### 4.18.6.4. Other

N/A.

### 4.18.7. Self- and co-regulation and enforcement

This section aims at identifying the legal framework and practice for self- or co-regulatory schemes and measures regarding commercial communications on VSPs, including identification of the body or bodies in charge of self- and co-regulation and enforcement powers with regard to commercial communications and VSPs, as well as the scope of their activities with regard to commercial communications and VSPs.

#### 4.18.7.1. Self- and co-regulatory bodies

##### 4.18.7.1.1. Context of establishment and legal background

The Law on the Provision of Information to the Public, Article 43(4), provides for the importance of self-regulatory mechanisms, including codes of ethics:

*In order to promote self-regulation in the provision of audiovisual media services, codes of conduct (ethics) at national and/or European Union level drawn up and published on their website by audiovisual media service providers, video-sharing platform providers or their representative organisations may be applied in Lithuania, where necessary in cooperation with industrial, commercial or other sectors or professional and consumer associations or organisations. Where audiovisual media service providers, video-sharing platform providers or their representative organisations falling under the jurisdiction of the Republic of Lithuania draw up European Union codes of conduct (ethics), they shall submit drafts of those codes and any amendments thereto to the European Commission.*

The Law on the Provision of Information to the Public, in Article 9(2), provides for the need for codes of conduct in regard to audiovisual commercials. Article 39(15) further states:

*Public audiovisual information service providers or their associations must prepare codes of conduct in relation to inappropriate commercial audiovisual announcements that are slotted into children’s programming time or are included in those programmes, about food products and drinks that contain food substances and substances that are noted for their nutritional*



*or physiological effect, especially fats, fatty acid trans isomers, salt or sodium and sugar, the use of which is recommended in moderation.*

Also, Article 43 of the Advertising Law from 2019 establishes the requirements for the use of, and responsibilities related to, advertising activities, and defines relevant self/regulatory measures, including codes of conduct.

#### 4.18.7.1.2. Stakeholders involved

Regulation of the activities of public information producers and disseminators is performed by the Inspector of Journalist Ethics<sup>388</sup> and the RTCL. As regards commercial communication, the State Consumer Rights Protection Authority<sup>389</sup> is responsible for enforcement of consumer policy and protection. The main self-regulatory institution is the Ethics Commission on Public Information.<sup>390</sup> In a more specific case of advertising, the Lithuanian Marketing Association (LiMA)<sup>391</sup> is the self-regulatory institution, which has adopted its own code of conduct (the “Code of Ethics and Good Practice for Members of the Lithuanian Marketing Association”).

The Ethics Commission on Public Information<sup>392</sup> is primarily responsible for promoting ethical and responsible public communication.

#### 4.18.7.1.3. Scope and objectives

The Law on the Provision of Information to the Public in Article 43(1) ensures that ethical norms are binding on public information producers, providers and journalists:

*The ethical standards to be complied with by producers and disseminators of public information and journalists shall be defined in the Code, the codes of conduct (ethics) referred to in paragraphs 4 and 5 of this Article, the Resolution on the Ethics of Journalism adopted by the Parliamentary Assembly of the Council of Europe, and the international treaties regulating the production and dissemination of public information to which the Republic of Lithuania is signatory.*

The Law on Advertising is also aimed at protecting consumer rights and fair competition, and promoting self-regulation with regard to advertising.

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<sup>388</sup> Žurnalistų etikos inspektoriatas tarnyba, <https://www.zeit.lt/en>.

<sup>389</sup> Valstybinė vartotojų teisių apsaugos tarnyba, <https://www.vtstat.lt/apie-tarnyba/444>.

<sup>390</sup> Visuomenės informavimo etikos komisija, <https://www.etikoskomisija.lt/teisine-informacija/etikos-kodeksai/item/215-visuomenes-informavimo-etikos-kodeksas>.

<sup>391</sup> Lietuvos marketingo asociacija, <https://lima.lt/lt/titulinis.html>.

<sup>392</sup> Visuomenės informavimo etikos komisija, <https://www.etikoskomisija.lt/>.



#### 4.18.7.1.4. Code(s) of conduct

The main self-regulatory institution is the Ethics Commission on Public Information, with its Code of Ethics in providing information to the public of Lithuania, which was adopted in 2016.

Also, LiMA adopted its the Code of Ethics for Advertising in 2019, which provides a set of standards for professional commercial content and is primarily addressed to the marketing and communication professionals who are members of LiMA.

#### 4.18.7.1.5. Role of (self-)regulatory bodies

Both self-regulatory and regulatory bodies are responsible for monitoring the public information environment and protecting the public in case of violations of legislation and self-regulation.

RTCL is the main regulatory body responsible for implementation of the Law on the Provision of Information to the Public, which regulates and supervises activities of broadcasters of radio and television programmes and providers of on-demand audiovisual media services. RTCL supervises the airing of audiovisual commercial communications and advertising when these communications and advertising are transmitted by the operators overseen by RTCL, that is to say, on television, radio, and in television and radio programmes transmitted via the Internet, and only for the purpose of ensuring compliance with the provisions of the Law on Provision of Information to the Public. RTCL has adopted several decisions that relate to self-regulation, including the decision regarding approval of the description of the procedure for determining the effectiveness of the codes of conduct (ethics) applied by audiovisual media service providers and video-sharing platform service providers or their parts and guidelines on the qualification and requirements of audiovisual media service providers providing services using a video-sharing platform.

The Ethics Commission on Public Information was established as a collegial two-partite self-regulatory body with, as representatives, journalists and media owners (the Lithuanian Journalists' Union, the Lithuanian Society of Journalists, the Online Media Association, the Lithuanian Radio and Television Association, the Regional Television Association, the Lithuanian Cable Television Association, and the National Association of Regional Publishers). Each organisation has the right to appoint one representative to the Ethics Commission for a three-year term. Mandated by the Law on the Provision of Information to the Public, the Commission retains responsibility for handling complains about violations of professional ethics among journalists, media outlets and other information providers, deals with disputes between media professionals, promotes media literacy among the general public and collaborates with different stakeholders in promoting media ethics. The complaints are examined in relationship to the Code of Ethics on Public Information. If a journalist or media outlet is defined as unethical due to violation of professional ethics five times during the same year, the Commission has the right to declare them unethical and exclude them from financial support schemes under which the Media Support Foundation provides grants to different cultural, educational and other projects,





for one year. The Commission is responsible for updating the Code of Ethics on Public Information; with the most recent update in 2016.

In the case of advertising, the Lithuanian Advertising Association is the self-regulatory institution, in line with Article 39<sup>9</sup> of the Law on the Provision of Information to the Public, which stipulates that the audiovisual media service providers or their associations must adopt codes of conduct (ethics) regarding inappropriate commercial audiovisual messages that are inserted into programs for children or are included in such programs, about foods and beverages that contain nutrients and have nutritional or physiological effects containing substances, especially fat, trans isomers of fatty acids, salt or sodium and sugar, the consumption of which is recommended in moderation. These codes of conduct (ethics) must aim to effectively reduce children's exposure to commercial audiovisual messages about specified foods and beverages, by determining that commercial audiovisual messages do not emphasise the positive nutritional properties of said foods and beverages. Codes of conduct (ethics) are adopted and the obligation to comply with them is established in accordance with the procedure established in paragraphs 4 and 6 of Article 43 of this law. Provisions on inappropriate commercial audiovisual communications may be included in the Code.

When audiovisual media service providers or their associations do not adopt the codes provided for in the Law on the Provision of Information to the Public (which also need to be previously coordinated with the institution authorised by the Government), or when RTCL determines that the chosen codes or their parts are not sufficiently effective, the RTCL can establish mandatory requirements for such commercial requirements for broadcasting audiovisual messages.

#### 4.18.7.1.6. Period of activity (if limited)

N/A.

#### 4.18.7.1.7. Role of the regulatory authority in a co-regulatory system:

Regulation of the activities of public information producers and disseminators is performed by the RTCL and the Inspector of Journalist Ethics. With regard to commercial communication, the State Consumer Rights Protection Authority is responsible for the enforcement of consumer policy and protection.

##### 4.18.7.1.7.1. Regulatory body

N/A.

##### 4.18.7.1.7.2. Co-regulatory scheme

N/A.

##### 4.18.7.1.7.3. Relationship and roles of stakeholders

N/A.



#### 4.18.7.2. Monitoring/evaluation, compliance and sanctioning powers

Self-regulatory and regulatory bodies are expected to perform monitoring and evaluation activities and specify cases of sanctions imposed due to violation of the law, as stipulated in Articles 43, 48, and 50 of the Law on the Provision of Information to the Public, which defines the monitoring and evaluation activities for both regulatory and self-regulatory institutions. As a result of monitoring activities, regulatory institutions have the power to issue sanctions after the violation has been identified and affirmed.

The use of misleading and non-permitted comparative advertising and methods of enforcement is defined in the Law on Advertising. Monitoring of the Law on Advertising is performed by the State Consumer Rights Protection Authority. Therefore, if misleading advertising or advertising of a different nature that infringes upon the requirements of the Law on Advertising is observed and even in cases where this advertising is aired on television and radio programmes transmitted via the Internet, complaints must be filed with the State Consumer Rights Protection Authority. In specific cases, the Law on the Protection of Minors against the Detrimental Effect of Public Information, the Law on Control of Tobacco, Tobacco Products and Related Products, the Law on Alcohol Control, the Law on Pharmacy, etc. may apply.

Enforcement of the requirements of this Law and other legislation concerning advertisements is controlled by the State Consumer Rights Protection Authority of the Ministry of Justice, the Competition Council of the Republic of Lithuania and RTCL, which cooperate with other institutions that regulate the activities of public information producers and (or) broadcasters and advertising self-regulation bodies.

#### 4.18.8. Cross-sector and cross-border collaboration

The Law on the Provision of Information to the Public defines cross-sector and cross-border collaboration in Articles 19, 45, 47, 48, and 50. Accordingly, self-regulatory and regulatory bodies monitoring public information and advertising are encouraged by the law to cooperate with the police and other national and international institutions representing the media industry, professional organisations and consumer rights.

#### 4.18.9. Update on plans and practices related to new obligations of VSPs

The Law on the Provision of Information to the Public was updated in September 2022. At the time of preparing this factsheet, there was no publicly available code of conduct of a video-sharing platform service provider and no further steps/initiatives have been taken so far to address the obligations reinforcing the self-regulation measures. RTCL issued the



guidelines based on the most recent revisions of the Law in relationship to the transposition of the new AVMSD in March 2022.

## 4.18.10. Studies, reports and research

### 4.18.10.1. Studies

- Meškauskaitė, Liudvika. *Žiniasklaidos teisė. Visuomenės informavimo teisė: teoriniai ir praktiniai aspektai* (Centre of Registers, Mass Media Law. The law on public information: theoretical and practical aspects, p. 475), 2018<sup>393</sup>
- *Klaipėda University Žymantienė, Gintarė* (Challenges of Empowering of Advertising Ethics in Lithuania: Analysis of the Case of Ethical Violations of Advertising Submitted to the Office of the Equal Opportunities Ombudsman in 2016-2021. Master's thesis, Klaipėda University, p. 68 p.), 2022<sup>394</sup>
- Meškauskaitė, Liudvika. *Žiniasklaidos teisė. Visuomenės informavimo teisė: teoriniai ir praktiniai aspektai* (Centre of Registers, Mass Media Law. The law of public information: theoretical and practical aspects), p. 475 p.), 2018<sup>395</sup>
- Mykolas Romeris University Skirgailė Žaltauskaitė-Žalimienė. *“Teisės į asmens duomenų apsaugą ir saviraiškos bei informacijos laisvės suderinamumo problematika.”* (The issues related to compatibility of the right to personal data protection and the freedom of information) *Jurisprudencija* 27.2 (2020): 269. 2020, DOI: 10.13165/jur-20-27-2-02)<sup>396</sup>
- Vytautas Magnus University Pilelienė, Lina; Grigaliūnaitė, Viktorija; Bakanauskas, Arvydas Petras. *Statinė reklama: teorija ir praktika* (Static advertising: theory and practice), Scientific monography, Kaunas: Vytautas Magnus University, p. 293 p.), 2021<sup>397</sup>
- Vytautas Magnus University Ročytė, Gabija. *Ar azartinių lošimų reklama neprieštarauja LR Reklamos įstatyme įtvirtintiems principams? (Is gambling advertising compatible with the principles of the Law on Advertising of the Republic of Lithuania?, MA thesis in Law, Vytautas Magnus University, p. 41), 2020<sup>398</sup>*
- Vytautas Magnus University Selvianytė, Evelina, *Ar komercinės reklamos ribojimai nepažeidžia asmens saviraiškos laisvės? (Do the restrictions on commercial advertising not violate freedom of expression? MA thesis in Law, Vytautas Magnus University, p. 49), 2018<sup>399</sup>*

<sup>393</sup> <https://www.lituanistika.lt/content/75607>.

<sup>394</sup> <https://vb.ku.lt/object/elaba:117300944/117300944.pdf>.

<sup>395</sup> <https://www.lituanistika.lt/content/75607>.

<sup>396</sup> <https://ojs.mruni.eu/ojs/jurisprudence/article/view/6359>.

<sup>397</sup> <https://doi.org/10.7220/9786094674716>.

<sup>398</sup> <https://hdl.handle.net/20.500.12259/107719>.

<sup>399</sup> <https://hdl.handle.net/20.500.12259/36603>.



- Drukteinienė, Simona and Vilčinskaitė, Solveiga, Lithuania, In: Peggy Valcke and Eva Lievens (eds), IEL Media Law, Kluwer Law International BV, Netherlands, pp. 1-102, 2022<sup>400</sup>
- Drazdauskas, Stasys, *The Technology, Media and Telecommunications Review: Lithuania*, In: The Technology, Media and Telecommunications Review., 2022<sup>401</sup>
- Drazdauskas, Stasys and Mockevičius, Paulius, *The Media and Entertainment Law Review: Lithuania*. In: The Law Reviews., 2021<sup>402</sup>
- Lithuanian Journalism Centre Media Law Guide for journalists in Lithuania., 2019<sup>403</sup>
- Sorainen Maidlauskienė, Vaiva and Vaitkūnienė, Simona, Lithuania: Changes affecting providers of digital content and digital services, 2022<sup>404</sup>
- Sorainen Švedaitė, Rita, Lithuania, Regulation of Telecommunications activities, 2003<sup>405</sup>
- Sorainen Mališauskaitė-Vaupšienė, Monika; Mašidlauskienė, Vaiva and Litvinas, Auridas, New regulations for companies selling food, drinks or agricultural products, 2021<sup>406</sup>

#### 4.18.11. Data compilation

This factsheet is based on data compiled by Kristina Juraitė, Professor and Head of the Department of Public Communications at Vytautas Magnus University (VMU) and Julija Kalpokienė, attorney and PhD candidate and assistant lecturer at VMU.

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<sup>400</sup> <https://kluwerlawonline.com/EncyclopediaChapter/IEL+Media+Law/MEDA20220001>.

<sup>401</sup> <https://thelawreviews.co.uk/title/the-technology-media-and-telecommunications-review/lithuania>.

<sup>402</sup> <https://thelawreviews.co.uk/title/the-media-and-entertainment-law-review/lithuania>.

<sup>403</sup> <https://lzc.lt/en/news/2019/media-law-guide-for-journalists-in-lithuania/>.

<sup>404</sup> <https://www.sorainen.com/publications/lithuania-changes-affecting-providers-of-digital-content-and-digital-services/>.

<sup>405</sup> <https://www.sorainen.com/UserFiles/File/Publications/article.Regulation-of-telecommunication-activities-in-Lithuania.2003-09-19.IBA.eng.ritas.pdf>.

<sup>406</sup> <https://www.sorainen.com/publications/new-regulations-for-companies-selling-food-drinks-or-agricultural-products/>.