

Media System of Lithuania

report by our correspondents

**Gediminas Pranevicius and
Laimonas Skibarka**

for the

Study on Co-Regulation Measures in the Media Sector

Study commissioned by the European Commission, Directorate Information Society
Unit A1 Audiovisual and Media Policies, Digital Rights,
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The above study aims at providing a complete picture of co-regulatory measures taken to date in the media sector in all 25 Member States and in three non-EU-countries, as well as of the research already done. The study will especially indicate the areas in which these measures mainly apply, their effects and their consistency with public interest objectives. In this context, the study will examine how best to ensure that the development of national co- and self-regulatory models does not disturb the functioning of the single market by re-fragmenting the markets. This study started at the end of December 2004, the final report will be compiled by the end of December 2005.

More information on the study can be found at <http://co-reg.hans-bredow-institut.de>

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If you have any questions or comments feel free to contact the contractor of the study

Hans-Bredow-Institute for media research (HBI)

Heimhuder Str. 21

D- 20148 Hamburg

info@hans-bredow-institut.de / <http://www.hans-bredow-institut.de>

or the sub-contractor, who is responsible for coordinating and organizing the research in the EU Member States:

Institute of European Media Law (EMR)

Nell-Breuning-Allee 6

D-66115 Saarbrücken

emr@emr-sb.de / <http://www.emr-sb.de>

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Lithuania

Introduction

Development in media sphere in Lithuania began after the 1990's when Lithuania regained the Independence as until that time freedom of speech and press did not exist in practice.

The most significant step in the history of media sector in Lithuania was the adoption of the Constitution of the Republic of Lithuania in 1992, where the main principles were enacted, afterwards the development of broadcasting and free press followed. Commercial television started broadcasting, whereas before introducing the democracy, the monopoly of broadcasting belonged to the state. Licensing system for broadcasting and re-broadcasting activities was established. After the 1990's cable broadcasting was also introduced. As far as it regards digital broadcasting, the Digital audio broadcasting was introduced in 2001. At the moment the strategy for introducing the Digital video broadcasting – terrestrial is being prepared.

According to statistics on media consumers in Lithuania for the year 2004, it may be concluded that 19% of residents choose television as the only media mean, 15% limit themselves to local newspapers and radio stations, approximately 11% of residents often use online services as well as daily press and 14% of residents (this group involves mainly young people under 25) are active consumers of television, internet services and radio.

Media regulatory system in Lithuania consists of 3 main institutions: Lithuanian radio and television commission, the Inspector of journalist ethics and the Commission of journalists and publishers. The first one is mainly concerned with the supervision of broadcasting and re-broadcasting activities. The Inspector of journalist ethics covers wide sphere of supervision as regards complaints from interested persons in case of violation of honor and dignity, especially he is responsible for supervision over minors' protection against adverse effect of public information. The Commission of journalists and publishers is a self-regulatory institution which mainly deals with supervision of journalists ethics in the sphere of press.

Constitutional law

Articles 25 and 39 of the Constitution of the Republic of Lithuania, which is legally effective from 6 November 1992, mentions certain freedoms and guarantees which concern media, although any direct links as to media or its regulation are not given in the Constitution.

Art.25 of the Constitution provides that individuals shall have the right to have their own convictions and freely express them. Individuals must not be hindered from seeking, obtaining, or disseminating information or ideas. Freedom to express convictions, as well as to obtain and disseminate information, may not be restricted in any way other than as established by law, when it is necessary for the safeguard of the health, honor and dignity, private life, or morals of a person, or for the protection of constitutional order. Freedom to express convictions or impart information shall be incompatible with criminal actions - the instigation of national, racial, religious, or social hatred, violence, or discrimination, the dissemination of slander, or misinformation. Citizens shall have the right to obtain any

available information which concerns them from State agencies in the manner established by law.

Art.39 of the Constitution of the Republic of Lithuania guarantees minors' protection, as it is stated, that the law shall protect children that are under age.

1. Broadcasting

Broadcasting and re-broadcasting activities, except the National radio and television of Lithuania, are licensed in Lithuania. The National radio and television of Lithuania is a non-profit institution belonging to the State by the right of ownership and operating in accordance with the Law on the National radio and television of Lithuania. Other broadcasters or re-broadcasters have to receive the license from the Radio and television commission of Lithuania. Such licensing system was introduced after regaining the independence, when it was decided to grant the broadcasting licenses to commercial subjects as well.

1.1. Regulatory framework

1.1.1. Legal provisions

The 2 July 1996 Law of the Republic of Lithuania No I-1418 on Provision of information to the public

This Law establishes the procedure for collecting, preparing, publishing and disseminating public information and the rights, duties and liabilities of public information producers and disseminators, participants therein, journalists and institutions governing their activities. Media, according to this law, is defined as books, newspapers, journals, bulletins or other publications, television and radio programs, film and other sound or visual studio productions and other means of public dissemination of information, therefore this Law includes regulations not only for broadcasting, but for the press, online services and films or interactive games as mentioned below.

The 1989 European Convention on Transfrontier television which is legally effective for the Republic of Lithuania from 17 February 2000.

This Convention is concerned with programme services embodied in transmissions. The purpose is to facilitate, among the countries which signed the Convention, the transfrontier transmission and the retransmission of television programme services.

The 29 June 2000 Law of the Republic of Lithuania No VIII-1780 on National radio and television of Lithuania.

This law establishes the procedure of the founding, administration, activity, reorganisation and liquidation of the National radio and television of Lithuania which is a public, non-profit institution owned by the State.

The 15 April 2004 Law of the Republic of Lithuania No. IX-2135 on Electronic communications

This Law regulates relations pertaining to electronic communications services and networks, associated facilities and services, use of electronic communications resources as well as social relations pertaining to radio equipment, terminal equipment and electromagnetic compatibility.

1.1.2. Administrative regulation/rules

December 2004 decision of the Lithuanian radio and television commission “On approval of the rules for licensing broadcasting and re-broadcasting activities”

The mentioned rules establish the procedure and terms of issuing the broadcasting and/or re-broadcasting licenses.

Regulations of the Lithuanian radio and television commission approved by the decision of Commission No.67

Regulations provide the functions and organisation of the Radio and television commission

1.2. Regulatory authorities/bodies

1.2.1. Lithuanian radio and television commission

1.2.1.1. Legal basis

The Radio and television commission of Lithuania is guided by the Constitution of Republic of Lithuania, the 2 July 1996 Law of the Republic of Lithuania No I-1418 on Provision of information to the public, its own Regulations and the Rules for Licensing broadcasting and re-broadcasting activities.

1.2.1.2. Functions/competencies

The Radio and television commission of Lithuania is an independent institution with powers of regulation and supervision of activities of commercial radio and television broadcasters, which is accountable to the Seimas of the Republic of Lithuania. It is a body of experts for the Seimas and Government of the Republic of Lithuania in matters of radio and television broadcasting. Together with the Communications regulatory authority, the Radio and television commission of Lithuania works out the strategy and the strategic plan of radio and television broadcasting. It announces tenders for the acquisition of broadcasting or re-broadcasting licenses. It establishes the tender conditions and the terms of licensing, as well as fixes the rate of a registration fee and licensing fee for tenderers. It adopts decisions concerning the tender results and the granting of licenses. It supervises the observance of terms of licensing and decisions adopted by the Radio and television commission of Lithuania.

The Commission is performing the following functions:

- 1) in conjunction with the Communications Regulatory Authority, draw up the Strategy for Assigning Radio Frequencies to Broadcast and Transmit Radio and Television Programmes; also, in conjunction with the Communications

Regulatory Authority and in accordance with the Strategy for Assigning Radio Frequencies to Broadcast and Transmit Radio and Television Programs, draw up and approve the Strategic Plan for the Assignment of Radio Frequencies to Broadcasting and Transmission of Radio and Television Programmes;

- 2) announce and organize, in accordance with the procedure established by the Law on Provision of Information to the Public and the Rules for Licensing Broadcasting and Re-broadcasting Activities, tenders for obtaining broadcasting and/or re-broadcasting licences, determine the terms and conditions of these tenders and licences, and issue licences;
- 3) set the rate of the licence fee and the rate of the fee for the examination of licence applications;
- 4) maintain control over compliance by broadcasters and re-broadcasters with the obligations undertaken by them, also with licence conditions and the decisions adopted by the Commission;
- 5) maintain, within its sphere of competence, supervision over the implementation of the provisions of the Law on the Protection of Minors against Detrimental Effect of Public Information;
- 6) establish the procedure for adhering to the requirements laid down in the laws and the requirements of the European Union concerning the structure and content of programmes as well as the broadcasting of advertisements;
- 7) maintain control over compliance by broadcasters with the provisions of the Law on Provision of Information to the Public concerning the proportion of European works and works by independent producers in the programmes broadcast, the right to broadcast events of major importance to society as well as with the requirements concerning television advertising and provisions on the sponsorship of programmes;
- 8) maintain control over compliance by re-broadcasters with the provisions of the Law on Provision of Information to the Public concerning the re-broadcasting of programmes;
- 9) monitor broadcasters' and re-broadcasters' programmes to maintain control over compliance with the laws and Commission decisions regulating the activities of broadcasters and re-broadcasters as well as with licence conditions;
- 10) impose, in accordance with the procedure established by the law, the following penalties on broadcasters and re-broadcasters who have violated the requirements of the Law on Provision of Information to the Public, licence conditions or who do not comply with the decisions adopted by the Commission: reprimands, monetary penalties prescribed by the Code of Administrative Offences of the Republic of Lithuania, suspension of licence for a period of up to 3 months or revocation of licence;

- 11) submit proposals concerning the drafting of laws governing the activities of broadcasters and re-broadcasters as well as other legal acts related to these activities;
- 12) initiate the termination of illegal broadcasting and re-broadcasting activities;
- 13) collect information about broadcasters, re-broadcasters and common-use reception networks, analyze their activities, publish information about the participants therein, prepare information and methodical materials on these issues;
- 14) prepare and submit every 2 years to the Seimas an analytical survey of the implementation of Lithuania's audiovisual policy, the development of the market of audiovisual services, and the prospects for the expansion of national audiovisual sector, including the statistical data on the progress achieved by all the broadcasters falling under the jurisdiction of the Republic of Lithuania, also stating the reasons that impede the implementation of the said provisions and remedial measures taken or to be taken.
- 15) cooperate with the institutions of the European Union and other foreign countries which perform equivalent functions, also represent, within the sphere of its competence, the Republic of Lithuania in international organisations;
- 16) establish the procedure for encoding the programmes broadcast and/or re-broadcast;
- 17) perform other functions specified in the laws and other legal acts.

As regards the function mentioned in the paragraph 5, the Commission performs monitoring and informs the Inspector of Journalist Ethics about the possible threat of infringement, as he is mainly responsible for the supervision over the Law on the Protection of Minors against Detrimental Effect of Public Information, therefore the Inspector is empowered to decide whether the broadcaster made any infringement of the above mentioned law. When the decision is passed by the Inspector, the sanctions to the broadcaster are applied by the Radio and Television Commission, the most often of them is a warning or a fine (in case of recursive infringements).

Considering the function mentioned in the paragraph 6, where the Commission is obliged to establish the procedure for adhering the requirements of the European Union, the Commission passes the mandatory decisions explaining the requirements of European Union and in this way fulfills this function, as the decisions of the Commission are compulsory to broadcasters and re-broadcasters.

As regards the function to maintain control over compliance by broadcasters with the provisions concerning the proportion of European works and works by independent producers, the Commission imposes the minimum standards in the licenses, although the control over this issue is quiet hard, as the Law on Provision of information to the public gives the formulation that the required standards should be reached where practicable, therefore it is often impossible to prove that it was practicable to reach the proportion.

The Commission shall have the right to obtain free of charge from broadcasters and re-broadcasters, state and municipal institutions and agencies as well as other legal persons the information necessary to discharge its functions. Members of the Commission and the administration shall be prohibited from disseminating information which is a commercial secret of broadcasters and re-broadcasters.

1.2.1.3. Organisation

The Commission shall comprise 13 members: one member shall be appointed by the President of the Republic, three members shall be appointed by the Seimas on a proposal from the Committee on Education, Science and Culture, one member each shall be appointed by the Lithuanian Artists' Association, the Lithuanian Cinematographers' Union, the Lithuanian Composers' Union, the Lithuanian Writers' Union, the Lithuanian Theatres' Union, the Lithuanian Journalists' Union, the Lithuanian Journalists' Society, the Lithuanian Bishops' Conference, and the Lithuanian Periodical Press Publishers' Association. Members of the Commission shall be appointed for the entire term of office of the appointing institution or the entire term of powers of the appointing organisation's management body. Only a person of good repute may be appointed as member of the Commission. No appointed member of the Commission shall serve more than two consecutive terms. The legal grounds for a member's work in the Commission shall be a decision adopted by the appointing institution or organisation. (By this it is meant, that every member of the Commission is appointed by the decision of the Union or Association or other party, which assigns him to the Commission. For example, the President has to pass the decree, the Lithuanian Artists' association, the Lithuanian Writers' union has to adopt the decision and etc. in order to appoint a member to the Commission, and therefore these legal acts construct the legal grounds for individuals to become the members of the Commission.)

Members of the Seimas and Government, members of the Council of the National Radio and Television of Lithuania, public servants of political (personal) confidence, persons linked with broadcasters and re-broadcasters by virtue of employment, also persons having a participating interest in the broadcasters and re-broadcasters may not be appointed as members of the Commission. Family members of members of the Commission may not have a participating interest in broadcasters or re-broadcasters. If appointed to the Commission, members of political parties and organisations shall suspend their membership in a political party or organisation and participation in the activities thereof until the end of their term in the Commission.

For the purpose of financing the activities of the Commission, the broadcasters and re-broadcasters (except for the National radio and television) that receive earnings from broadcasting and/or re-broadcasting activity must transfer every month to the Commission's account 0.8% of their earnings from advertising, subscription fees and other activities related to broadcasting. The Commission may be financed from other sources as well: funds received for examining license applications, other payments for provided services, support funds, publishing activities. The Chairman of the Commission shall report at least once a year about

the activities of the Commission at the plenary meeting of the Seimas and shall submit the Commission's financial report.

1.2.2. The Communications regulatory authority

1.2.2.1. Legal basis

The Communications regulatory authority is established under the 15 April 2004 Law of the Republic of Lithuania No IX-2135 on Electronic Communications. It is an independent state institution responsible for the regulation of electronic communications activities and for the supervision of compliance with and implementation of the provisions of the Law on Electronic Communications, except where such supervision and implementation fall within the scope of competence of other state institutions. The Communications regulatory authority shall operate in accordance with the laws as well as its own regulations which are approved by the Government.

1.2.2.2. Functions/competencies

The Communications regulatory authority shall perform the following functions:

- 1) exercise control over, supervision of and implementation of the provisions of the Law and the legal acts implementing it, except where such control, supervision and implementation fall within the scope of competence of other state institutions as defined by the Law;
- 2) prepare and approve requirements for equipment and devices and the conditions of their use;
- 3) in the cases provided for in legal acts, issue permits to use equipment and devices, import and use radio monitoring equipment;
- 4) prepare and submit to the Government for approval the National Radio Frequency Allocation Table and implement it within the scope of its competence; prepare, together with the Radio and Television Commission of Lithuania, the Strategy and submit it to the Government for approval; 5) draw up, on the basis of the Strategy and together with the Radio and Television Commission of Lithuania, the Strategic Plan for the Assignment of Radio Frequencies to Broadcasting and Transmission of Radio and Television Programmes;
- 5) cooperate with foreign regulatory authorities governing electronic communications activities; participate, within the scope of its competence, in the work of international organisations and EU institutions, committees and groups the activities of which are related to electronic communications (telecommunications), radio equipment and terminal equipment, electromagnetic compatibility and/or radio spectrum management appointing, where appropriate, experts to participate in relevant committees and groups; pursue international coordination of radio frequencies (channels) and international protection of radio stations (radio frequencies). The Communications Regulatory Authority may undertake obligations on behalf of the Republic of

Lithuania only subject to the powers conferred upon it in accordance with the procedure established by legal acts, except for the cases where an international treaty concluded by the Republic of Lithuania or the European Union law provides for the delegation of functions falling within the scope of competence of the Communications Regulatory Authority to a telecommunications/electronic communications administration of the Republic of Lithuania or a national telecommunications (electronic communications) regulatory authority. In this case, the Communications Regulatory Authority shall perform relevant functions and undertake related obligations in conformity with the provisions of a given international treaty or the European Union law and need not receive any additional powers or carry out other procedures subject to the relevant provisions of the Law on Treaties;

- 6) prepare and submit to the Government or an institution authorized by the Government proposals for national policy and strategy in the field of electronic communications and implementation thereof;
- 7) prepare and submit to the Government proposals regarding price caps for universal service; prepare and submit to the Government for approval the rules for the provision of universal service;
- 8) collect and store, in accordance with the procedure established by the Government, information about the nature of technical data on electronic communications recorded and stored by undertakings providing electronic communications networks and/or services;
- 9) on the basis of the Law and other legal acts, adopt legal acts and perform other functions established by this and other laws, regulations of the Communications Regulatory Authority as well as other legal acts.

1.3. Protection of minors in the sphere of broadcasting

The Law on Provision of information to the public provides, that any programmes and/or broadcasts which, in accordance with the procedure established by the Government of the Republic of Lithuania, are ascribed to the category of public information whose publication or dissemination is restricted should be broadcast on certain time, as it mentioned in the Law only from 23:00 to 06:00 hours or protective measures should be used to ensure that persons responsible for the upbringing and care of children may restrict the offering of such programs to minors. Where such programs and broadcasts are broadcast or re-broadcast from 23:00 to 06:00 hours without required protective measures, they must be identified by acoustic and/or visual means throughout the duration of their broadcasting in accordance with the procedure established by laws and other legal acts.

2. Press

Freedom of the press originates from the freedom of information established in Article 25 of the Constitution of Lithuania. This principal provision is further backed by Article 44 of the Constitution, which establishes the prohibition on any censorship of the press along with a

prohibition for the State, political parties, political and public organisations, other institutions or persons. The basic principles for the activities of the press (producers and disseminators of public information, as well as journalists) fixed in the Law on the Provision of Information to the public include the principles of humanism, tolerance, respect for an individual's privacy, honor and dignity, freedom of speech, creativity and conscience, variety of opinion, maintaining the norms of the professional ethics of journalists.

2.1. Regulatory framework

2.1.1. Legal provisions

The main set of legal norms, which are relevant to the notion of the press are provided in the Law No. I-1418 on the Provision of information to the public.

It governs the relations between the producers and disseminators of public information, also establishes the criteria for information not to be published or not to be furnished. The duties of journalists are also set out in this law. It is provided that journalists shall provide correct, accurate and unbiased news, the duty to authorize information prepared for dissemination for the first time if this is requested by the person who has submitted the information.

2.1.3. Self-regulatory measures

The Code of Ethics of Lithuanian journalists and publishers, 1996.

The Code specifies not ethical actions of journalists and publishers which are prohibited. Although the Code of Ethics of Lithuanian journalists and publishers is not legally binding, but it has the great importance on regulating the sphere of the press. It is provided, that in the case when the assignment compels the journalist to violate the Code of Ethics of Lithuanian journalists and Publishers, the journalist shall have the right to refuse an assignment by the producer of public information, its owner or a responsible person appointed by them, which is related to the production and/or dissemination of public information.

2.2. Regulatory authorities/bodies

2.2.1. Ethics commission of journalists and publishers

2.2.1.1. Legal basis

The Ethics Commission of journalists and publishers is established under the 2 July 1996 Law of the Republic of Lithuania No I-1418 on Provision of information to the public.

2.2.1.2. Functions/competencies

The Commission shall perform the following functions:

- 1) focus on the education of the professional ethics of journalism;
- 2) examine the 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 participants therein;

- 3) ascribe press publications, feature and video films, radio and television programmes or broadcasts to the media category of pornographic, erotic and/or violent nature;
- 4) supervise compliance by the producers and disseminators of public information with the requirements laid down in the laws and other legal acts regarding the public showing, reproduction and distribution of feature films, video films and video programmes, their circulation and distribution, the public showing of events of erotic nature, and the procedure for disseminating printed matter of erotic and violent nature;
- 5) supervise the compliance of disseminated public information with the provisions laid down in the laws, prohibiting the incitement of national, racial, religious, social or gender hatred, libel and disinformation;

In performing its functions, the Commission may seek assistance from experts delegated by the ministries of culture, health and justice. All interested persons may appeal to the Commission. The Commission shall act in accordance with the Constitution of the Republic of Lithuania, the Law on Provision of Information to the Public and other laws, international treaties of the Republic of Lithuania, decrees of the President of the Republic, other legal acts passed by the Seimas and Government, as well as the Code of Ethics of Lithuanian Journalists and Publishers and the Resolution on the Ethics of Journalism adopted by the Parliamentary Assembly of the Council of Europe.

Ethics commission of journalists and publishers is mainly associated with the supervision of standards of professional ethics of journalists. Therefore, the Commission is responsible for the supervision of the following legal acts: 1) Law on Provision of information to the public; 2) the Code of Ethics of Lithuanian journalists and publishers 3) Resolution No. 1003 On the Ethics of journalism adopted by the Parliamentary Assembly of the Council of Europe.

Commission is a self-regulatory institution of public information producers and disseminators, therefore, it does not have any administrative powers as to prosecuting the infringements of the laws, the only way of supervision is the issuing of the warnings, in case of not substantial infringements, or the adoption of the decisions in case of more serious infringements, causing harm to public or individuals. Commission decisions concerning the violations of professional ethics or other violations shall be published immediately in the same media where the Commission has established these violations. The publishing of the warnings is not mandatory, whereas if a producer and/or disseminator of public information fails to publish the decision of the Commission pertaining to the violations of professional ethics or other violations in its own media, the decision shall be announced on the National radio of Lithuania.

2.2.1.3. Organisation

It is a self-regulatory institution of public information producers and disseminators. The Commission, comprised of 12 members to be appointed each by the Lithuanian Centre for Human Rights, the Lithuanian Psychiatric Association, the Lithuanian Bishops' Conference,

the Lithuanian Periodical Press Publishers' Association, the Lithuanian Radio and Television Association, the Lithuanian Cable Television Association, Regional Televisions' Association, and the Lithuanian Journalists' Union, the Lithuanian Journalists' Society, the Lithuanian Journalism Centre, National Radio and Television of Lithuania and the Lithuanian Chapter of International Advertising Association, shall be formed and its rules of procedure shall be established by an assembly of the representatives of journalists' and publishers' organisations. Members of the Commission shall be appointed for a term of three years. The work of the Commission shall be organized by the Chairman of the Commission, who shall be elected by the Commission from among its members for a term of one year.

The Media support foundation, established under the Law on Provision of information to the public, shall ensure the funding of the necessary work by Commission experts as well as the Commission's information and technical servicing. The Media support foundation was established for the purpose of creating the proper conditions for cultural and educational development in the media, it is financed from the State budget.

2.2.2. The Inspector of Journalist ethics

2.2.2.1. Legal basis

The Inspector of Journalist Ethics is a State Officer who shall supervise the implementation of the provisions of the 2 July 1996 Law of the Republic of Lithuania No I-1418 on Provision of Information to the Public. His competence is established in this Law.

2.2.2.2. Functions/competencies

The Inspector of Journalist Ethics shall perform the following functions:

- 1) examine the complaints of interested persons regarding violation of their honour and dignity in the media;
- 2) examine the complaints of interested persons regarding violation of the right to privacy in the media;
- 3) assess compliance with the principles of providing information to the public set forth in this and other laws, submit proposals to state institutions for improving their implementation;
- 4) cooperate with counterpart institutions of the European Union and other countries as well as represent, within the sphere of his competence, the Republic of Lithuania in international organisations;
- 5) draw up and publish every two years an analytical survey intended to establish the guidelines for the development of a democratic culture in the field of provision of information to the public;

In discharging the functions specified above, the Inspector of Journalist Ethics may:

- 1) reprimand the producers and disseminators of public information about the noticed violations of legal acts governing the provision of information to the public and request that they be eliminated;
- 2) request that a producer or disseminator of public information refute in accordance with the established procedure published false information, degrading the honor and dignity of a person or damaging his legitimate interests, or provide that person with a possibility to reply and deny such information;
- 3) appeal to competent state institutions and the Ethics Commission of Journalists and Publishers in respect of the noticed violations of the legal acts governing the provision of information to the public. (The Inspector is empowered to inform/appeal to the following competent institutions: 1) to the public prosecutor; 2) Competition council; 3) National Council for Consumer protection; 4) Lithuanian radio and television Commission)

Division between the Inspector of Journalist Ethics and the Commission of journalists and publishers appears in the division of their functions. The Commission is concerned more with the complaints as regards professional ethics and infringements made not in accordance with journalists ethics, therefore the Commission is concentrated on the supervision of the Code of Ethics of Lithuanian Journalists and Publishers, whereas the Inspector examines the complaints of interested persons regarding violation of their honor and dignity, their right to privacy in the media. The inspector of Journalist Ethics, while performing his functions, observes the following laws: 1) Law on Provision of information to the public; 2) Law on the Protection of minors from adverse effect of public information; 3) Law on Legal protection of personal data; 4) Law on Advertising as regards the violation of honor and dignity.

The Inspector of Journalist Ethics shall have the right to receive, free of charge, from the producers and disseminators of public information, state and municipal institutions and agencies the information necessary for discharging the functions thereof. The Inspector of Journalist Ethics shall report at least once a year about his work to the Seimas.

2.2.2.3. Organisation

The Inspector of Journalist Ethics shall be appointed by the Seimas on a proposal from the Ethics Commission of journalists and publishers. Only a citizen of the Republic of Lithuania of good repute with higher education qualifications and the competence necessary to perform his duties shall be appointed the Inspector of Journalist Ethics. Members of Seimas and Government as well as public servants of political (personal) confidence may not be appointed as the Inspector of Journalist Ethics. The Inspector of Journalist Ethics and members of his family may not be linked with producers and/or disseminators of public information by virtue of employment and may not have the shares of the producers and/or disseminators of public information.

The Inspector of Journalist Ethics shall act in accordance with the Constitution of the Republic of Lithuania, other laws, international treaties of the Republic of Lithuania, decrees of the President of the Republic, and other legal acts adopted by the Seimas and Government.

He should also act in conformity with the principles of legality, objectivity, justice and openness.

The decisions of the Inspector of Journalist Ethics may be appealed against in court within 30 days after the day of their publication. The Inspector of Journalist Ethics may not hold any other elective or appointive office and receive any other remuneration, except for that prescribed for his current position and payments for pedagogical or creative activity. The Inspector of Journalist Ethics shall work in accordance with the regulations approved by the Seimas.

The activities of the Inspector of Journalist Ethics and his employees who perform information and technical work are financed from the State budget. The funds allocated for this purpose shall be listed under a separate budget item.

3. Online Services

3.1. Regulatory framework

3.1.1. Legal provisions

Online services as well as broadcasting and press is mainly regulated by the Law on Provision of information to the public, where the main principles and criteria for dissemination of information are applied.

The special act for online services is the 5 March 2003 Resolution of the Government of the Republic of Lithuania No 290 on Information prohibited for disclosing in computer networks of public use.

The Resolution specifies which information should be restricted or banned from presentation in internet; it also establishes the liability for the information disclosed on the websites. The main regulatory authority in this sphere is the Information society development committee under the Government of the Republic of Lithuania, which is described below.

In practice the 5 March 2003 Resolution is not effective. After the adoption of the resolution only one infringement was registered, although there's a telephone number and an e-mail address which are created under the resolution specially for the sake of registering these infringements. The supervision authority is the Police department at the ministry of internal affairs; which is actually responsible for registering the infringements as far as it concerns the disclosure of prohibited information in computer networks for public use. In case of breach, the Police department is obligated to inform the Information society development committee and to perform the investigation. Nevertheless, in practice this kind of supervision system does not work as there no sanctions imposed under the resolution in case of infringement, therefore the only notice about the breach on disclosure of prohibited information in computer networks was registered after the adoption of the 5 March 2003 Resolution.

3.2. Regulatory authorities/bodies

3.2.1. Information society development committee under the Government of the Republic of Lithuania

3.2.1.1. Legal basis

Resolution No. 229 of 28 February 2001 of the Government of the Republic of Lithuania on Conceptual Framework of the National Information Society Development of Lithuania

3.2.1.2. Functions/competencies

- 1) to participate in the process of shaping state policy for the development of information technologies and telecommunications and coordinate its implementation;
- 2) to collect and analyze information on violations of the Resolution, as concerns the content of internet;
- 3) to organize the activities of testing the filtration means and to provide the recommendations on the relevant of use of such means.

4. Film/Interactive Games

This is a purely regulated sphere in Lithuania while there are no special legal acts as regarding interactive games, the same provisions of the Law on Provision of information to the public are applied as well as the Law on the Protection of minors from adverse effect of public information, which were analyzed above.

5. Additional information

5.1. Protection of Minors in the sphere of Media

The Law on Provision of information to the public establishes basic principles on the protection of minors. It provides that minors must be protected from public information detrimental to their physical, intellectual and moral development, in particular public information that involves pornography and/or gratuitous violence.

Special 10 September 2002 Law on the Protection of minors from adverse effect of public information is enacted. The mentioned law requires express notification, technical and time restrictions on the access of minors to the harmful public information.

The main supervision authority is the Inspector of Journalist Ethics. The Inspector, acting in accordance with the Code of violations of administrative law, is empowered to draw up an administrative law infringement reports in case of breach of the Law on the Protection of minors from adverse effect of public information.

5.2. Advertising in Media

Law on Provision of information to the public encloses the special requirement for advertising in media. Advertising must be truthful and honest. It should not prejudice respect for human

dignity, include any discrimination on grounds of race, sex or nationality, be offensive to religious or political beliefs, encourage behavior prejudicial to health and the protection of the environment. Advertising must not be misleading or harm the consumer's interests. Advertising aimed at minors or that which is used by minors, shall not cause moral or physical detriment to them, and shall therefore comply with these criteria:

- 1) shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;
- 2) it shall not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;
- 3) it shall not form minors' opinion that the use of certain services and goods shall make them physically, psychologically or socially superior before other minors;
- 4) it shall not unreasonably show minors in dangerous situations.
- 5) it shall not abuse children's confidence of parents, guardians (caretakers) teachers and other persons

6. Summary

Media sector is regulated by the Law on Provision of information to the public. This Law involves the main criteria applied for broadcasting, press and other forms of disseminating information.

The Law establishes:

- the basic principles of provision of information to the public;
- the protection of minors;
- general provisions on licensing of broadcasting and re-broadcasting activities;
- the requirements on radio and television programs, as regards the time limits for events of major importance for society or for European works;
- the requirements for advertising and teleshopping, while establishing the time limits;
- the regulatory authorities system and functions of the regulatory and self-regulatory bodies. The most important of them:
 - 1) Ethics commission of journalists and publishers – the self-regulatory institution of public information producers and disseminators;
 - 2) Radio and television commission of Lithuania – independent institution for the controls of the activities of radio and television broadcasters and re-broadcasters.
 - 3) Inspector of journalist ethics – a State Officer who performs the supervision of implementation of the Law on Provision of information to the public.