THE TECHNOLOGY, MEDIA AND TELECOMMUNICATIONS REVIEW

ELEVENTH EDITION

Editor
Matthew T Murchison

THE LAWREVIEWS

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PREFACE

The Technology, Media and Telecommunications Review is now in its 11th edition, and I am excited to be taking the reins of this publication after a decade under the steady hand of long-time editor John Janka. This Review occupies a unique space in the literature on TMT issues. Rather than serving a traditional legal treatise, this publication aims to provide a practical, business-focused survey of law and policy in this arena, along with insights into how this legal and policy landscape continues to evolve from year to year. In the dynamic and ever-changing TMT sector, such perspective is vitally important. And the scope of this Review is global, now covering 20 jurisdictions.

Covid-19 shook the world in 2020, and its reverberations in the TMT sector have been profound. As the threat of infection has led to widespread lockdowns, the importance of connectivity has never been greater nor more obvious. For many businesses, remote working has become the rule rather than the exception. Many schools have switched to distance learning formats. Tele-health is on the rise as doctors check in on patients via videoconference. Even tasks as mundane as grocery shopping have shifted online. And broadband connectivity, where available, has made it all possible.

For policymakers, the experience of covid-19 has begun to reshape their understanding of the TMT arena and to refocus their policy goals. The sudden shift to remote working and distance learning has stress-tested broadband networks across the world – providing a 'natural experiment' for determining whether existing policies have yielded robust systems capable of handling substantial increases in internet traffic. In the European Union, officials called on video-streaming platforms to downgrade high-definition content temporarily to avoid overly straining broadband networks at the start of the pandemic. In the United States, meanwhile, policymakers touted that such measures were not necessary, and have attributed the apparent resilience of broadband networks in the country to deregulatory policies.

At the same time, the pandemic has prompted new initiatives to ensure, improve and expand broadband connectivity for consumers going forward. In various jurisdictions, policymakers are moving forward with subsidy programmes and other efforts to spur the deployment of advanced networks more deeply into unserved and underserved areas. Regulators also have taken steps to preserve internet access where it already exists, including by having service providers 'pledge' that they will not disconnect customers for non-payment in light of the pandemic, or by pursuing more prescriptive measures. In short, covid-19 has been part cautionary tale, part rallying cry, and its long-term impact on the TMT sector remains to be seen.

New technologies likewise have required new approaches and perspectives by policymakers. A notable example is the ongoing deployment of 5G wireless networks, as regulators continue to look for ways to facilitate such deployments. These initiatives take a

variety of forms, and frequently include efforts to free up more spectrum resources, including by adopting new rules for 'sharing' spectrum and by reallocating spectrum from one use to another. 5G spectrum was a significant focus of the World Radio-communication Conference (WRC) of the International Telecommunication Union (ITU), held in late 2019 in Sharm el-Sheikh, Egypt. And multiple jurisdictions have continued to auction off wireless licences in bands newly designated for 5G deployment, capitalising on service providers' strong demand for expanded access for spectrum.

Another example is the planned deployment of multiple large satellite constellations in low-earth orbit to support new broadband services. The providers proposing these networks say they will greatly expand the availability of high-speed internet access service. At the same time, the sheer scale of the planned systems has raised fresh questions about how best to prevent accidental collisions and ensure equitable sharing of spectrum resources.

Even with so many newer issues swirling in the TMT sector, familiar topics have remained in the spotlight as well. Cue network neutrality, the principle that consumers should benefit from an 'open internet' where bits are transmitted in a non-discriminatory manner, without regard for their source, ownership or destination. The basic principle has been around for well over a decade, but policymakers are still sorting out how best to effectuate it without undermining investment and innovation in broadband services. In the United States, network neutrality has become a point of contention between the federal government, which has opted for a light-touch approach, and certain states that wish to impose bright-line prohibitions on internet service providers. In Europe, new guidelines and rulings have addressed internet service providers' 'zero rating' plans, which exempt certain data from counting against a customer's usage allowance. Regulators in Asia are grappling with similar policy questions. And this debate dovetails with efforts in some jurisdictions to increase oversight of the content moderation policies of social media companies and other online platforms.

The country-specific chapters that follow recap these and other developments in the TMT arena, including updates on privacy and data security, regulation of traditional video and voice services, and media ownership. On the issue of foreign ownership in particular, communications policymakers have increasingly incorporated national security considerations into their decision-making, as evidenced by recent actions in the United States against Chinese equipment manufacturers and service providers.

Our authors from around the globe have lent their considerable insight, analysis and experience to the preparation of their respective chapters. I hope readers will find this 11th edition of *The Technology, Media and Telecommunications Review* as helpful as I have found this publication year in and year out.

Matthew T Murchison
Latham & Watkins LLP
Washington, DC
November 2020

Chapter 12

LITHUANIA

Stasys Drazdauskas[1]

I OVERVIEW

An effective system, which would encourage the growth of an innovative economy, is seen by the Lithuanian government as a strategic objective. Lithuania is focused on the development of high-level scientific knowledge, scientific research, experimental development, as well as fostering innovative business, intersectoral business cooperation and technology transfer.

Lithuania is particularly strong in the health and biotechnology area (worth about 1 per cent of the GDP),[2] where the government is continuously committed to provide support. The annual growth of the Lithuanian life sciences sector is 19 per cent, which is one of the most rapid growth paces across the European Union.[3] Photonics is another advanced area in Lithuania, where 700 specialists are employed in the laser industry.[4] In fintech, with the support of the Lithuanian Bank, Lithuania is experiencing the emergence of many new pilot projects, such as the Fintech Sandbox, Blockchain Sandbox, Open Banking Sandbox and Energy Sandbox.[5]

Information technology sector production in Lithuania is close to €2 billion, which to a large extent is driven by software engineering, programming and consulting services, where over 31,000 IT specialists (18,100 software developers) are employed (about 2.3 per cent of the total workforce in Lithuania).[6] Global business service centres established by Danskebank, WesternUnion, Nasdaq, SEB, Skandia, Paroc, Swedbank and Euromonitor international account for a large portion of the IT workforce in Lithuania. The country is also ready to move forward with its own strategic plan for the future of artificial intelligence (AI).[7] There is already a significant number of companies originating in Lithuania, as well as branches of international companies engaged in AI systems development.

Electronic communication market revenue grew by 1.8 per cent in 2020.[8] At the end of 2019 there were 3.7 million active SIM cards (132 per cent of the total Lithuanian

1 Stasys Drazdauskas is a counsel at Sorainen.

2 https://investlithuania.com/wp-content/uploads/2018/02/Biotech-in-Lithuania.pdf.

3 http://lbta.lt/en/life-science/.

4 https://investlithuania.com/wp-content/uploads/2017/09/Photonics-in-Lithuania.pdf.

5 https://investlithuania.com/wp-content/uploads/2018/05/Technology-in-Lithuania.pdf.

6 https://osp.stat.gov.lt/statistikos-leidiniu-katalogas?p_p_id=101&p_p_lifecycle=0&p_p_state=maximized&p_p_mode=view&_101_struts_action=%2Fasset_publisher%2Fview_content&_101_assetEntryId=4756134&_101_type=content&_101_urlTitle=informacines-technologijos-lietuvoje-2016-leidinio-pristatymas-&inheritRedirect=true https://investlithuania.com/lt/prioritetiniai-sektoriai/technologijos/.

7 http://kurklt.lt/wp-content/uploads/2018/09/StrategyIndesignpdf.pdf.

8 https://www.rrt.lt/wp-content/uploads/2020/09/Ataskaita_2020_II_ketvirtis.pdf.

population).[9] The internet is used by almost 80 per cent of the population (in the 16–34 age group, the figure reaches 99 per cent),[10] and average broadband speeds are 55MB/s with fast public Wi-Fi. According to Ookla Global Speed Test data of September 2020, Lithuania ranks 21st in the world by internet speed.[11]

In terms of electronic governance services in Lithuania, the country is classified as having a 'highly developed e-government'. On the Electronic Government Development Index (EGDI), Lithuania ranked 20th in the world in 2020, rising 20 positions in two years.

II REGULATION

i The regulators

Electronic communications is one of the most regulated technology areas in Lithuania. The Law on Electronic Communications (LEC)[12] transposes the EU regulatory framework for electronic communications. On the basis of the LEC further government regulations have been adopted to regulate certain more technical or more detailed issues of the framework.

The Communications Regulatory Authority[13] is the main regulator in the electronic communications area, and is also responsible for adoption of a number of delegated legal acts, as well as supervisory measures (market review, imposition of measures for entities with significant market power, etc.).

The LEC applies to electronic communication services, the definition of which is equivalent to the EU Framework Directive, public communication networks, universal services, as well as governance of electronic communication resources (frequencies, numbering plan). The law also contains provisions on privacy in electronic communications, transposing the e-Privacy Directive.

Information society services are regulated by the Law on Information Society Services,[14] transposing the Directive on electronic commerce, which is based on non-discrimination, technological neutrality, functional equivalency and other principles. Liability exemptions for transmission service, caching service, and hosting service providers are established, without imposing a general obligation for providers to monitor stored or transmitted information.

Media services are regulated by the Law on Provision of Information to the Public (LPIP).[15] The law establishes the procedure for collecting, producing, publishing and disseminating public information and the rights, duties and liability of producers and disseminators of public information, their participants, journalists and institutions regulating their activities. The law establishes licensing and notification requirements for broadcasting (TV, radio) organisations, limitations on ownership, requirements for media content, programme composition, language, advertising restrictions, ethics, etc.

9 https://www.rrt.lt/wp-content/uploads/2020/07/Rysiu-sektorius_2019.pdf.

10 https://osp.stat.gov.lt/statistiniu-rodikliu-analize.

11 https://www.speedtest.net/global-index.

12 Latest English version: https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/05cd4e020f0a11e7b6c9f69dc4ecf19f?jfwid=-502q00eth.

13 Website: https://www.rrt.lt/en/.

14 https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.277491/FGVmSopPwK.

15 Latest English version: https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/c4a1511305c611e8802fc9918087744d?jfwid=-502pzze92.

The media area is supervised by an independent regulatory authority – the Radio and Television Commission (RTC).[16] The RTC is responsible for licensing of radio and television broadcasting and rebroadcasting activities, notification procedures, approval of ownership transfers, monitoring and supervision of content control, and advertising requirements.

Other regulatory bodies that may exercise supervision over ECS providers pursuant to their competence include (not exhaustively) the State Consumer Rights Protection Authority, the State Data Protection Inspectorate, the Competition Council, and the Inspector of Journalist Ethics.

ii Main sources of law

The main sources of law in the field of electronic communications are the Law on Electronic Communications, the Law on Information Society Services and the Law on Provision of Information to the Public.

More detailed regulations are contained in the specific regulations issued by the Communications Regulatory Authority or the government, for example, Order No. 1V-340 of the Communications Regulatory Authority regarding General Terms on Engaging in Electronic Communication Activities and Order No. 1V-125 of the Communications Regulatory Authority on Allocation of Spectrum for Broadcasting Radio and Television Programmes.

iii Regulated activities

Under the LEC, the provision of public communication (fixed, mobile and over electricity networks) networks or services, as well as public satellite communication networks and services is subject to a prior notification obligation. The notification form is publicly available on the website of the Communications Regulatory Authority (CRA).[17]

All public communication service providers who engage in the provision of public communication networks and services, dedicated lines, internet access, data transfer services, television (satellite, cable, multi-channel microwave, digital terrestrial, IPTV) services, cable radio services, optical fibre network services, and TV and radio transmission services are subject to quarterly reporting obligations. The reporting form is publicly available on the website of the CRA,[18] which can be submitted electronically.

There is no requirement for communication service providers to be established or registered locally.

RFs are assigned by the CRA in accordance with the approved national plans. They can be assigned directly to the applicant, or by way of a public auction (e.g., in case of mobile communications networks). Telephone numbers are distributed according to the national numbering plan.

The RTC is responsible for licensing of radio and TV broadcasting and rebroadcasting activities. Licences are required for radio and TV broadcasting via terrestrial stations or networks, cable networks, multi-channel microwave networks, and networks the main

16 Website: https://www.rtk.lt/en/.

17 https://www.rrt.lt/wp-content/uploads/2020/05/pranesimo-apie-ER-veiklos-pradzia_forma-4.docx.

18 https://www.rrt.lt/ketvirtines-ataskaitos-forma_2020/.

purpose of which is not radio or TV broadcasting. Broadcasting via websites or web portals is not subject to licensing. Other broadcasters or subscription media service providers are subject to notification requirements.

iv Ownership and market access restrictions

In Lithuania, there are no general ownership restrictions for communication services providers. However, where national radio spectrum is allocated via public auction, participants usually are required by the CRA to comply with European and transatlantic integration criteria (i.e., entities must be established in countries of the EEA, EFTA, OECD or NATO).

The Law on Companies having Strategic Importance for National Security[19] recognises information technology and telecommunications and other high technologies as economy sectors having strategic importance for national security. When an investor in this sector acquires ownership of more than one-quarter of the entity of the strategic sector, this acquisition must be notified to the Commission on Coordination of Security for Objects of Importance for National Security.

Radio and TV broadcasting licence holders may be owned by entities, who comply with certain restrictions. Licence holders cannot be owned by state or municipal institutions, governmental organisations, companies owned by the government or municipalities, banks, and political parties. Licence holders must also comply with reputation requirements (i.e., absence of criminal convictions for management or owners). Licence holders can be owned only by entities established in the EU or NATO, and which had no relations with entities or governments outside the EU or NATO that would pose a threat to national security.

Local and regional public information disseminators (newspapers, journals) must report their ownership to the RTC.

The telecommunication, media and technology sectors are also subject to general concentration controls from the perspective of competition law. In certain cases, an acquisition transaction may require notification and approval from the Competition Council.

In general, Lithuanian law does not limit market access, except for the limitations specified above.

v Transfers of control and assignments

Telecommunication service providers are usually not subject to ownership change notifications or approvals.

A change in the ownership of at least 10 per cent in the radio or TV broadcasting licence holder requires prior consent from the RTC. Prior to the ownership change, the licence holder has to apply to the RTC for consent and provide all information required to prove the reputation and origin of the new owner. Consent is granted usually within one month. In the event a concentration permit is required from the Competition Council, the consent is only issued after the permit is granted by the Competition Council.

The Commission on Coordination of Security for Objects of Importance for National Security reviews notifications regarding compliance of the investors with the restrictions of the Law on Objects having Strategic Importance for National Security and must adopt its conclusions within 15 days after receipt of notification.

19 https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.189498/HJFvQfiJZU?jfwid=-502pzz0ei.

III TELECOMMUNICATIONS & INTERNET ACCESS

i Internet and internet protocol regulation

The LEC does not contain rules dedicated specifically to internet or IP-based services. Certain electronic communication services, which are based on IP technology (e.g., VoIP), are subject to the same regulatory regime as other public access telecommunication services. For example, services that include inbound and outbound call services qualify as equivalent to public access telecommunication service, and the same legal and regulatory regime applies to such services. Call services provided via PSTN, ISDN based on IP, coaxial based on IP, STP or UTP based on IP, FTTP based on IP, GSM technology based fixed line services all qualify as substitute services by the CRA.

The CRA is supervising the implementation of Regulation (EU) 2015/2120 on open internet access and the BEREC Guidelines on the Implementation by National Regulators of European Net Neutrality Rules.[20]

Information society services (other than electronic communication services) are subject to the regulation of the Law on Information Society Services, which is based on the principles of technological neutrality and non-discrimination. Information society service providers are required to provide the following directly and permanently accessible information to the recipients of the service:

a the name of the service provider;
b the service provider's registered address;
c contact details, including the electronic mail address;
d the register, where the service provider is registered, and registration number;
e supervisory authority; and
f VAT payer code.

If reference is made to the fee charged for the service, information on whether the fee includes taxes and delivery charges must be provided.

Information society service providers who engage in information transmission (mere conduit), caching and hosting service provision are exempt from liability for the information transmitted. Additionally, such information society service providers are not required to monitor information upon the mere transmission thereof or provision of access thereto, temporary storage thereof in cache memory or storage thereof at the request of the recipient of the service, nor is the service provider obligated to actively seek facts or circumstances indicating illegal activity. However, these information society service providers are required to remove illegal content once they are notified by the right holders or those affected by the illegal information.

ii Universal service

In Lithuania, universal electronic communication services include provision of a subscriber line, internal calls and foreign calls, and call-box stations. Universal services are provided by Telia Lietuva, AB, a fixed-line communication service provider.

20 https://www.rrt.lt/telefono-rysys-internetas-tv/paslaugu-kainos-kokybe/paslaugu-kokybe-matavimai-zemelapiai/atvira-interneto-prieiga-ir-tinklu-neutralumas/.

iii Restrictions on the provision of service

Price regulation

In Lithuania, the CRA has imposed price limitations to certain providers for universal services, for call termination in public access telephone services, wholesale line rental services, wholesale local fixed access services, wholesale central access for massive market products, mobile call termination services, and broadcasting transmission services.

Access

Communication network service providers have to provide access to their infrastructure in cases where the user of infrastructure cannot implement its right to electronic communication infrastructure, or where the costs of such implementation would be disproportionately high. The network operator is required to conclude the agreement with the user of the infrastructure following the principles of non-discrimination and transparency.

Contracts with consumers

The Lithuanian Civil Code (Article 6.161) qualifies public communication service contracts as public contracts (i.e., public communication service contracts have to be concluded with any customer who applies for the services, where it is technically possible to provide the service). Service providers may not refuse to conclude contracts or to provide discriminatory terms to certain groups of customers. Standard terms on electronic service contracts are controlled by the general contract law provisions as well as specific terms in the LEC.

Net neutrality

Regulation (EU) 2015/2120 laying down measures concerning open internet access is directly applicable in Lithuania. Thus all communications service providers in Lithuania are under the obligation to treat all traffic equally, when providing internet access services, without discrimination, restriction or interference, and irrespective of the sender and receiver, the content accessed or distributed, the applications or services used or provided, or the terminal equipment used.[21] Observance of net neutrality and open internet access is supervised by the CRA.

Unsolicited phone calls, faxes, emails and texts

Lithuania has implemented the e-Privacy Directive 2002/58/EC[22] in the LEC. The LEC provides the same requirements regarding marketing communications for natural as well as legal persons. Under the LEC, the use of electronic contact details of a natural or legal person for direct marketing is allowed only with the person's prior consent (opt-in).

If a communications service provider obtains the electronic contact details (email, phone number) of a customer, who is a natural or legal person, in connection with selling a product or providing a service, such contact details may still be used for direct marketing of its similar products to the customer if the customer is given, upon the initial collection of

21 Articles 3 and 4 of Regulation (EU) 2015/2120.

22 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (the Directive on privacy and electronic communications), as amended.

electronic contact details and each time when the buyer's electronic contact details are used for direct marketing, a clear and distinct opt-out opportunity free of charge and in an easy manner; and the customer is allowed to exercise its right to refuse over an ECN.

The exemption described above does not apply to voice calls, or calls placed with automated calling machines.

It should be noted that the e-Privacy Regulation,[23] which is currently in the proposal stage, is likely to repeal the e-Privacy Directive and its implementing national legislation in the near future.

iv Security

Lithuania adopted the Law on Cyber Security in 2014,[24] which was recently amended to implement EU Directive 2016/1148 (the NIS Directive). The law provides for the requirements for the maintenance of network and information systems essential for the functioning of society and state and local authorities' network and information systems, liability and supervision as well as the bases for the prevention and resolution of cyber incidents.

The LEC provides the obligation for network service providers to retain certain electronic communication data for at least six months, for the purpose of investigation of serious crimes.

As of 25 May 2018, the General Data Protection Regulation (GDPR) has been applicable in Lithuania. This was also of extreme importance in the communications sector, as the general rules set out in the GDPR are also applicable in the communications sector. In addition to the GDPR, Lithuania still has the Law on Legal Protection of Personal Data[25] as amended to comply with the GDPR.

In addition to the GDPR and the Law on Legal Protection of Personal Data, some data protection requirements are also set out in the LEC, in particular related to e-Privacy Directive implementation.

Minors are protected by the Law on Protection of the Underaged from Negative Impact of Public Information, which applies to TV, radio content, as well as advertising, trademarks, computer games and other public information.

IV SPECTRUM POLICY

i Development

The CRA has approved a number of plans for development of radio spectrums (3,410–3,600GHz, 380–385MHz, 390–395MHz, 220–2,300MHz, 2,500–2,690MHz, 2,300–2,400MHz, 3,600–3,800MHz and 790–862MHz).

There is a list of spectrum approved by the CRA, which can be used without authorisation.

Recently the government decided to open the spectrum at 700MHz, which will be used for 5G communication. Radio frequencies intended for 5G connection are expected

23 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017PC0010.

24 https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/f6958c2085dd11e495dc9901227533ee/aWQzaxBVgy.

25 https://www.e-tar.lt/portal/lt/legalAct/TAR.5368B592234C/VCRurdZydD.

to be allocated by 2021, and the use conditions set for buildings, engineering structures, main national transport corridors, their nodes and other physical infrastructure suitable for implantation of mobile connection systems.

The 4G network has been developed in Lithuania since 2014.

ii Flexible spectrum use

There is a list of spectrum approved by the CRA, which can be used without authorisation.

iii Broadband and next-generation mobile spectrum use

Spectrum for mobile networks is traditionally made available by auction to three operators.

Recently the government decided to open the spectrum at 700MHz, which will be used for 5G communication. It is expected to be launched by 2021.

iv Spectrum auctions and fees

The latest spectrum auction was held in 2015 for 880–915MHz, 925–960MHz, 1,710–1,785MHz and 1,805–1,880MHz, where the frequencies were assigned to three MNOs in Lithuania.

The next auctions for developing 5G are likely to be for spectrum around 700MHz.

V MEDIA

i Restrictions on the provision of service

Censorship

Censorship of public information is prohibited in Lithuania. In order to ensure freedom of information, the LPIP prohibits exerting pressure on the producer or disseminator of public information, their participant or a journalist, compelling them to present information in the media in an incorrect and biased manner. The producer, disseminator of public information, their participant or a journalist shall have the right to keep the confidentiality of the source of information and not to disclose it, except where a court orders such disclosure.

Restriction

The LPIP prohibits publication in the media of information that:

a incites to change the constitutional order of the Republic of Lithuania through the use of force;

b instigates attempts against the sovereignty of the Republic of Lithuania, its territorial integrity and political independence;

c spreads war propaganda, instigates war or hatred, ridicule, humiliation, instigates discrimination, violence, physical violent treatment of a group of people or a person belonging thereto on grounds of age, sex, sexual orientation, ethnic origin, race, nationality, citizenship, language, origin, social status, belief, convictions, views or religion;

d disseminates, promotes or advertises pornography or propagates or advertises sexual services and paraphilias;

e promotes or advertises addictions and narcotic or psychotropic substances;

f is slanderous and offensive to a person or degrades his or her honour and dignity; or

g violates the presumption of innocence and impedes the impartiality of judicial authorities.

Language requirements

The LPIP requires public information to be produced and disseminated in the state language. Radio or television programmes that are broadcast in a language other than Lithuanian must be translated into Lithuanian or shown with Lithuanian subtitles, except for educational, occasional, special, music and rebroadcast foreign radio or television programmes or parts of programmes as well as programmes produced by broadcasters of radio or television programmes intended for the ethnic minorities of Lithuania. Broadcasters of television programmes are prohibited from showing audiovisual works that have been translated from an official EU language into a non-EU language. When rebroadcasting television programmes, rebroadcasters or other persons providing services of dissemination of television programmes or individual programmes via the internet for Lithuanian users must give priority to the official EU languages.

EU content

Broadcasters of television programmes must, where possible, reserve more than half of the television programme time remaining after deducting the time allocated for news, sports events, games and advertising programmes, teletext services and teleshopping for European works. Broadcasters of television programmes must, where possible, reserve at least 10 per cent of the television programme time remaining after deducting the time allocated for news, sports events, games, advertising programmes, teletext services and teleshopping for European works created by independent producers not earlier than within the past five years.

Advertising restrictions

Advertising and audiovisual commercial communications must be decent, correct and readily recognisable. It is prohibited to publish in advertising and audiovisual commercial communications information that degrades human dignity, promotes any discrimination based on race, sex or ethnic origin, nationality, citizenship, religion or belief, disability or age, or contains manifestations or promotion of sexual orientation, is offensive to religious or political convictions or promotes behaviour prejudicial to health or safety or behaviour grossly prejudicial to the protection of the environment.

Advertising of tobacco and alcohol products and audiovisual commercial communications intended for advertising of tobacco and alcohol products is prohibited.

The total time of television advertising spots and teleshopping spots within a given hour must not exceed 20 per cent.

ii Internet-delivered video content

Besides television services, on-demand audiovisual media services are becoming increasingly popular. On-demand audiovisual media services do not require a licence, but do require a notification to be submitted to the RTC.

Most of the biggest TV channels in Lithuania have started their own video distribution services. Internet news portals are also including video publications as part of their service.

VI THE YEAR IN REVIEW

The past year has not been productive in terms of legal regulatory, judicial practice or general developments in the TMT sector in Lithuania.

The amendment to the Lithuanian Law on Electronic Communications for the purpose of implementation of the European Electronic Communications Code was prepared and redrafted a few times but it has still not been adopted, although the EECC has to be implemented by 21 December 2020.

In the Lithuanian telecommunications market the two main operators (TELE2 and Bitė Lietuva) declared their intentions to form a shared radio access network pooling their spectrum rights for 5G deployment. Bitė Lietuva also announced an acquisition of the state-owned wireless internet and TV service provider Lietuvos radijo ir televizijos centras. Both deals are pending approval of Lithuanian competition and electronic communications regulators.

VII CONCLUSIONS AND OUTLOOK

Generally, Lithuania follows the European policies and has successfully implemented various pieces of EU legislation into national law. The key challenge in the coming year will be the implementation of the European Electronic Communications Code, which has to be transposed by 21 December 2020.

It is likely that the government will continue its policy of supporting key technology areas.

In the telecommunications sector, the most important development in the upcoming year should be the development of the 5G network.

Appendix 1

ABOUT THE AUTHORS

STASYS DRAZDAUSKAS

Sorainen

Dr Stasys Drazdauskas is head of the Sorainen technology, media and telecommunications sector group in Lithuania. He is a highly experienced lawyer, practising in intellectual property, information technology, dispute resolution and other practice areas.

Stasys advises companies involved in the media, retail and wholesale, financial services, pharmaceuticals, and consumer product manufacturing on matters related to intellectual property as well as information technologies and data protection. He helps strategise trademark registration and scope of protection, protects against IP infringements, advises on acquiring or commercialising IP rights, including copyright, trademarks, domain names, trade secrets and inventions.

Stasys is on the list of arbitrators recommended by the Vilnius Court of Commercial Arbitration.

In addition to his professional career, he is also active in the academic field and currently lectures on European private law at Vilnius University's Faculty of Law.

Stasys appears in the following directories: *Chambers Global* for dispute resolution ('His mind is very sharp and he is really talented,' say clients). Stasys is recognised for his growing arbitration practice and is noted for his particular focus on IP, IT and data-related corporate conflicts; *The Legal 500* for intellectual property and IT ('On the technology and telecoms side, Stasys Drazdauskas handles data protection and cloud law issues and is praised for his "frankness and result-oriented approach"'); *World Trademark Review 1000* recommends Stasys as a leading trademark professional; and *Best Lawyers* for intellectual property, information technology and media resolution.

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