

**REPUBLIC OF LITHUANIA**  
**LAW ON ADVERTISING**

July 18, 2000. No. VIII-1871

Vilnius

(As last amended on 22 June 2010 – No. XI-923)

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1. The Purpose and Application of the Law**

1. The purpose of this Law is to improve consumer information concerning goods and services, protect consumer interests, protect freedom of honest competition and create conditions for the development of advertising activity.

2. This Law shall establish the requirements of the use of advertising, liability of operators of advertising activity, and the legal basis for the control of advertising use in the Republic of Lithuania.

3. Given other Republic of Lithuania laws establish additional or other requirements in the use of advertising, or lay down the procedure for controlling the use of advertising or liability of operators of advertising activity, the provisions of those laws shall apply. Given the international agreements of the Republic of Lithuania, establish other requirements in the use of advertising, the provisions of those agreements shall prevail.

4. The provisions of this Law shall appropriately apply regarding intra-Community infringement as defined in Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws, when the provisions of Articles 5 and 6 of this Law are infringed.

5. The advertising self-regulatory institutions representing operators of advertising activity shall have the right to voluntarily regulate and control the advertising used by its own members, specifying the regulations that do not contradict the legal acts in force.

6. This Law shall not regulate political and social advertising and announcements that are not linked to economic commercial, financial or professional activities.

7. The provisions of this Law shall implement the legal acts of the European Union listed in the Annex to this Law.

## **Article 2. Basic Definitions of This Law**

1. Repealed

2. Economic behaviour means the decisions and actions of advertising consumers, in connection with acquiring goods or services, economic commercial and financial or professional activities.

3. Outdoor advertising means advertisement the special presentation means whereof (stands, billboards, columns, showcases, signboards, etc.) and the adapted presentation means whereof (building walls, roofs, temporary construction works, means of transport, hot air balloons, etc.) are not located inside the premises.

4. Misleading advertising means advertising which in any way, including its presentation, deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and which, by reason of its deceptive nature, is likely to affect their economic behaviour or which, for those reasons, injures or is likely to harm another person's capabilities in competition.

5. Comparative advertising means any advertising, which explicitly or by implication identifies a competitor of the advertiser and the goods or services offered by the competitor.

6. Surreptitious advertising means information disseminated in any form and through any communication medium about the producer or service provider, his name or activities, trade mark, presented in such a way that may confuse advertising consumers as to the actual purpose of presenting this advertising. Such presentation of information is considered as surreptitious advertising in all instances when it is paid or otherwise compensated for.

7. Advertising means the dissemination of information in any form or through any communication medium in connection with person's economic commercial, financial or professional activities in order to promote the supply of goods or services, including immovable property acquisition, assumption of property rights and obligations.

8. Supplier of advertising means a person upon whose initiative and interests the advertisement is used (ordered, produced, disseminated).

9. Producer of advertising means a provider of advertising services who provides advertisement production services.

10. Use of advertising means activity, which includes ordering, production, mediation and dissemination of advertising.

11. Provider of advertising services means a national of the Republic of Lithuania or any other Member State of the European Union or any other country of the European Economic Area (hereinafter referred to as a “Member State”), any other natural person benefiting from the rights of movement within Member States conferred upon him by legal acts of the European Union, as well as a legal person established in the Republic of Lithuania or a legal person, any other organization or their branches established in any other Member State, a branch of a legal person or any other organization of a foreign state established in the Republic of Lithuania which provides services of a producer of advertising, a disseminator of advertising or/and a mediator of advertising.

12. Operator of advertising activity means a supplier of advertising, a provider of advertising services.

13. Institution of advertising self-regulation means an institution of voluntary self-regulation, established by operators of advertising activity, which is based upon legal acts regulating advertising activity, as well as upon its approved regulations (code).

14. Disseminator of advertising means a provider of advertising services who disseminates advertising by any means of information transmittal.

15. Mediator of advertising means a provider of advertising services who serves as an intermediary in ordering advertisement dissemination services or advertisement production and dissemination services.

15. Consumer of advertising means a person for whom the advertisement is intended or whom it can reach.

16. Trade mark means any sign capable of distinguishing the goods or services of one person from those of another person and capable of being represented graphically.

17. The concepts “commercial offer”, “commercial operator”, “transactional decision”, “consumer”, “average consumer” shall be used as they are defined in the Law of the Republic of Lithuania on Prohibition of Unfair Business-to-Consumer Commercial Practices.

## **CHAPTER II**

### **PRINCIPLES AND GENERAL REQUIREMENTS OF ADVERTISING**

#### **Article 3. Principles of Advertising**

Advertising must be:

- 1) proper and accurate;
- 2) clearly recognisable.

#### **Article 4. Requirements of Advertising**

1. The requirements of the Law On the State Language shall apply to the written and sound text of advertising.

2. Advertising shall be banned if it:

- 1) violates public and moral principles;
- 2) degrades human honour and dignity;
- 3) incites national, racial, religious, gender-related or social hatred and discrimination as well as defames or misinforms;
- 4) promotes force and aggression, gives rise to panic;
- 5) promotes behaviour which presents a threat to health, security and environment;
- 6) abuses superstitions, people's trust, and their lack of experience or information;
- 7) mentions the name and surname of a natural person without his permission, his opinion, information about his private or public life, property, are presented and his physical picture is used;
- 8) uses special subliminal measures and technologies in advertising dissemination;
- 9) uses advertising material which has been prepared in violation of authors' rights in literature, art, science and (or) related rights;

#### **Article 5. Misleading Advertising**

1. Use of misleading advertising shall be banned.

2. When judging whether or not advertising is misleading, account shall be given to the accuracy, comprehensiveness and the following presentation criteria thereof:

1) claims presented in advertising are false, if the provider of advertising cannot substantiate accuracy of the assertion during the time of use. A decision regarding whether there are enough information substantiating accuracy of claims present in the advertising shall be based upon the consideration of an individual case. The evidence and recommendations by persons whose competence is not linked with the content of the information being submitted shall not be recognised as information substantiating the accuracy of claims being submitted;

2) the information supplied in the advertising is incomplete, if a certain part has been omitted the supplying whereof is, taking into account other information presented in this advertising, certainly needed in order to avoid misleading of the consumers of advertising. Information presented in an advertising shall also be regarded as incomplete, if the material information that an average consumer needs to take an informed transactional decision, is not disclosed, is hidden or provided in an unclear, unintelligible, ambiguous or untimely manner and

this causes or is likely to cause the average consumer to take such a transactional decision that he would not have taken otherwise. Where the medium used to convey an advertising imposes limitations of space or time, these limitations, peculiarities, circumstances of a concrete case, and any measures taken by the supplier of advertising to make the information available to consumers by other means shall be taken into account in deciding whether information has been omitted;

3) manner or form of supplying advertising are such that the consumer of advertising may perceive an understandable inaccurate (misleading) advertising claim.

3. If legal acts of the Republic of Lithuania establish that certain information must be presented in advertising, such information shall be regarded as material.

4. When a commercial offer is presented in advertising, the information defined in paragraph 3 of Article 6 of the Law of the Republic of Lithuania on Prohibition of Unfair Business-to-Consumer Commercial Practices shall be regarded as material in the said advertising.

5. When judging whether an advertising is misleading, one must pay particular attention to the information contained therein regarding:

1) the supplier of the advertising or another person, their activities, head office, trade name (if he is a natural person – the name and surname of this person), legal status, assets, ownership of industrial or intellectual property rights, licences (permits), qualification, affiliation or connection, awards and distinctions;

2) goods or services, place or origin of manufacture, date of manufacture, method of manufacture, purpose, quantity, composition, energy value, risks, fitness for purpose, usage, testing time, place, method and evaluation, method of use, conformity with a set standard, certification, official recognition of the goods or services and awards at fairs, exhibitions;

3) conditions of acquisition and use of goods (services) that is, the price or the manner in which the price is calculated, the existence of a specific price advantage, terms of payment, delivery, reimbursement, guarantees, terms and need for replacement, repair, service;

4) the extent of the supplier's of advertising commitments, the motives for the economic commercial, financial or professional practice and the nature of the goods or services sales process, any statement or symbol in relation to direct or indirect sponsorship or approval of the supplier of advertising or the goods or services;

5) consumer's rights, risks he may encounter and complaint handling.

6. Advertising shall in all circumstances be regarded as misleading if it contains the attributes of misleading commercial practice established in subparagraph 1-21 of Article 7 of the Law of the Republic of Lithuania on Prohibition of Unfair Business-to-Consumer Commercial Practices.

7. When judging whether the advertising is misleading, it is regarded that consumers form an opinion regarding the accuracy of the claims presented in the advertising, comprehensiveness of the advertising, manner or form of presenting the advertising and adopt such decisions, which may be expected from an average consumer.

8. Where advertising is specifically aimed at a particular group of consumers of advertising, when judging whether the advertising is misleading, its impact shall be assessed from the perspective of the average member of that group.

## **Article 6. Comparative Advertising**

1. Comparative advertising shall be permitted when the following conditions are met:

- 1) it is not misleading according to paragraph 4 of Article 2 and Article 5;
- 2) it compares goods or services meeting the same needs or intended for the same purpose;
- 3) it objectively compares one or more material, relevant, verifiable and representative features of those goods and services, which may include price;
- 4) it does not create confusion between commercial operators, between the supplier of advertising and a competitor or between the supplier's of advertising trade marks, trade names, other distinguishing marks, goods or services and those of a competitor;
- 5) it does not discredit or denigrate the trade marks, trade names, other distinguishing marks, goods, services, activities, financial or any other status of a competitor;
- 6) for goods and services with designation of origin, it relates to the goods and services with the same designation;
- 7) it does not take unfair advantage of the reputation of a trade mark, trade name or other distinguishing marks of a competitor or of the designation of origin of competing goods or services;
- 8) it does not present goods or services as imitations or replicas of goods or services bearing a protected trade mark or trade name.

2. Should a specific offer be provided in the comparative advertising, the date of the validity cessation of the offer must be clearly indicated, and if necessary, it must be stated that this offer depends on the quantity of the goods on hand or possibilities of providing the services. Should the offer be not yet valid at the time of the publication of the advertising, the date of its coming into force must be indicated.

## **Article 7. Advertising and Children**

It shall be prohibited to cause moral and physical detrimental influence to children by:

- 1) exploiting children's trust in parents, guardians (providers), teachers or other adults;
- 2) directly exhorting children to persuade their parents or other persons, to purchase the advertised goods or services, taking advantage of their inexperience and credulity;
- 3) forming children's opinion linking consumption of certain goods or services with the enhancement of their physical, psychological or social advantages before the members of their peer group;
- 4) unreasonably showing children in situations which pose danger to their health and life.

#### **Article 8. Identifiable Advertising**

Advertising must be clearly identifiable according to its form of presentation. Should there exist the likelihood that due to its form of presentation, the consumers of advertising may not recognise the advertisement disseminated in the public information media, such advertising must be marked with the word "Advertisement." Surreptitious advertising shall be banned.

#### **Article 9. Advertising of Illegal or Prohibited by Law Activities or Services**

Advertising disseminated in any form and by any means of dissemination, shall be prohibited in cases when one seeks to advertise:

- 1) activity, which is prohibited by laws or is illegal;
- 2) goods or services, the production whereof and (or) sale (supply) are banned by laws.

### **CHAPTER III REQUIREMENTS OF ADVERTISING, DISSEMINATED BY INDIVIDUAL MEANS OF TRANSMISSION**

#### **Article 10. Advertising in Television Programmes**

This Law and the Law on Provision of Information to the Public shall set forth the requirements of advertising in television programmes.

#### **Article 11. Advertising in Movie Theatres and Video Halls**

In showing films at movie theatres and video halls, advertising may be presented only prior to showing of the movie film and (or) following it.

## **Article 12. Outdoor Advertising**

1. Outdoor advertising shall be prohibited as follows:

1) on roads, road lanes and in protection areas, except stands which inform road users about road conditions, It shall be prohibited to install outdoor advertising in streets and along the side thereof, if it might block technical traffic regulation means, decrease visibility, blind road users, detract attention thereof. It shall also be prohibited to use advertising that imitates road signs and (or) uses the symbols of road signs. The advertising installed in violation of these requirements must be removed, demolished or dismantled without compensating losses to its owner or with the funds of the persons who installed it;

2) on sculptures and monuments;

3) without permission of the owner of the land, construction works, immovable cultural property on which it is being erected;

4) without having a permit issued in accordance with the procedure laid down by municipal institutions.

2. Instalment of outdoor advertising in objects of cultural heritage, their territories and protection zones shall be permitted only in the cases laid down by the Law of the Republic of Lithuania on the Protection of Immovable Cultural Heritage, upon receipt of consent of an institution responsible for the protection of an object of cultural heritage, within the protected territories – upon co-ordination with the directorate of the protected territory or regional environmental protection department, in the absence of the directorate of the protected territory in the protected territory.

3. An institution authorised by the Government shall approve the standard regulations regarding the mounting of outdoor advertising.

## **Article 13. Requirements of Advertising, Disseminated by Other Means**

1. Advertising by telephone, fax and electronic mail may only be supplied with the advertising consumer's concurrence or per his request.

2. It shall be prohibited to directly supply advertising to a specific person if this person's disagreement has been clearly stated.

## **CHAPTER IV**

### **REQUIREMENTS OF ADVERTISING INDIVIDUAL GOODS AND**



## **PROVISION OF SERVICES**

### **Article 14. Foodstuffs Advertising**

1. It is prohibited in advertising:

1) to indicate or mention those foodstuffs characteristics, which it does not possess, and also about the healing or disease prevention characteristics, if no certificate of a special purpose food product registration issued according to the procedure established by the Ministry of Health, exists confirming this information;

2) to indicate, that a certain food product has extraordinary characteristics, if in effect all similar products possess the same characteristics.

2. Mother's milk substitutes may be advertised only in publications intended for health care experts and on the packaging of these products in accordance with legal acts of the Republic of Lithuania.

### **Article 15. Advertising of Health Care Services**

It shall be prohibited to use a patient' name, surname, likeness and use the recommendations of healthcare administrative institutions, and of health care specialists or their professional organisations, in advertising health care services.

### **Article 16. Advertising of Weapons and Ammunition**

Advertising of service and personal weapons and ammunition shall be permitted only in the places where these are being sold, specialised exhibits or fairs and publications specifically intended for specialists.

## **CHAPTER V CONTROL OF ADVERTISING**

### **Article 17. Institutions and Agencies of Control**

1. The State Consumer Rights Protection Authority, The Competition Council of the Republic of Lithuania (hereinafter referred to as "the Competition Council"), local government executive institutions, the Department of Cultural Heritage under the Ministry of Culture, the

directorate of the protected territory or the regional environmental protection department in the absence of the directorate of the protected territory in the protected territory, and the institutions authorised by the Government shall control the implementation of bans and requirements for the usage of advertising laid down by this Law.

2. The Competition Council shall control whether the advertisement is misleading and comparative advertising; local government executive institutions and the Department of Cultural Heritage under the Ministry of Culture as well as the directorate of the protected territory or the regional environmental protection department in the absence of the directorate of the protected territory in the protected territory shall control how the regulations of outdoor advertising are being observed; the State Consumer Rights Protection Authority and the institutions authorised by the Government shall control the implementation of other bans and requirements established by this Law.

3. The Competition Council shall be responsible for the implementation of Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws to the extent that it is related to the functions of the Competition Council when controlling whether or not advertising is misleading, as well as controlling comparative advertising.

4. The institutions and agencies indicated in paragraph one of this Article shall co-operate with the self-regulatory institutions of advertising in controlling the use of advertising.

### **Article 18. Rights of the State Consumer Rights Protection Authority and the Institutions Authorised by the Government**

1. In controlling the implementation of the bans and requirements for advertising established by this Law, the State Consumer Rights Protection Authority and the institutions authorised by the Government shall have the right to:

1) obtain from the state and municipal institutions and agencies, and other persons the information and documents necessary for investigation of the violation of this Law;

2) obtain from operators of advertising activity the information and documents, and if necessary, some samples of advertised goods, necessary for investigation of the violation of this Law. Upon completion of the investigation of the violation, and if the decision by the State Consumer Rights Protection Authority has been appealed against in the court, following the entry into force of the court decision, the samples of advertised goods and documents shall be returned to operators of advertising activity;

3) to request that the operators of advertising activity or heads thereof, as well as other persons who are responsible for the use of advertising, would come and provide verbal or written explanations;

4) to obligate operators of advertising activity to cease the usage of advertising that does not meet the requirements set in this Law;

5) to impose on the operators of advertising activity an administrative penalty – warning that in the event of failure to cease the usage of advertising that does not meet the requirements set in this Law during the time limit fixed by the State Consumer Rights Protection Authority the fines established in Article 22 shall be imposed;

6) to impose fines in cases established by law.

2. Employees of the State Consumer Rights Protection Authority and the institutions authorised by the Government shall be prohibited from divulging a commercial secret of the advertising activity of operators of advertising activity, entrusted to them, except in cases established by law.

### **Article 19. Rights and Obligations of Council on Competition in Controlling Advertising**

1. In controlling the rights and obligations of the Council on Competition the Law on Competition shall establish whether the advertising is misleading and the comparative advertising.

2. In addition to the rights established by the Law on Competition, the Council on Competition shall also have the right to:

1) to take a decision concerning an advertisement being acknowledged as misleading or unpermitted comparative;

2) upon obtaining a ruling of Vilnius regional administrative court, to temporarily prohibit according to the procedure established by the Law on Competition and until the adoption of a final decision of the Competition council, the dissemination the advertisement, if sufficient information is available, or that the disseminated or projected to be disseminated advertising may be recognised as misleading or unpermitted comparative and would cause other persons or public interests fundamental harm or irreparable consequences would ensue;

3) obligate the operators of advertising activity to cease the use of misleading or unpermitted comparative advertising, by setting the time limit and conditions of implementation of the said obligation;

4) to impose on the operators of advertising activity an administrative penalty – warning that the fine set forth in Article 22 shall be applied for failure to cease use of misleading or unpermitted comparative advertising within the time limit established by the Competition Councils;

5) to obligate operators of advertising activity, whose advertising has been acknowledged as misleading or unpermitted comparative to issue a corrective statement regarding this;

6) to apply sanctions in the cases established by this Law and the Law on Competition.

3. The Competition Council shall enjoy the rights provided for by Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws to the extent that it is related to the functions of the Competition Council when controlling whether or not advertising is misleading, as well as controlling comparative advertising.

## **CHAPTER VI**

### **PROCEDURE OF APPLYING LIABILITY FOR VIOLATIONS OF LAW ON ADVERTISING**

#### **Article 20. Liability for Violations of this Law**

1. Operators of advertising activities, who have violated the requirements of this Law, shall be liable in accordance with the procedure established by this and other laws.

2. Administrational liability established by laws shall be applied to natural persons for violation of this Law.

#### **Article 21. Special Features of Liability for Use of Misleading and Unpermitted Comparative Advertising**

1. Supplier of advertising shall be liable for use of misleading and unpermitted comparative advertisement, if he fails to prove, that this Law has been violated due to no fault of his.

2. The producer, mediator, or disseminator shall be liable for use of misleading and unpermitted comparative advertising only in such cases when he was aware or had to be aware that misleading or unpermitted comparative advertising was being used or the misleading or unpermitted comparison occurred due to his actions in producing or publishing the advertising, or the producer of advertising, mediator or disseminator is unable to submit proofs, that would allow to establish the supplier (producer) of the advertising.

## **Article 22. Fines and Warning**

1. For use of misleading or unpermitted comparative advertising the operators of advertising activity may be given a fine amounting from 1 000 to 30 000 Litas, and in the cases when the violations referred in this paragraph have been committed under aggravating circumstances, the operators of advertising activity may be given a fine amounting up to 120 000 Litas. In the case when a violation is of little importance, when a violation does not cause essential damage to the persons' interests protected by this Law, the Competition Council, on the basis of the criteria of justice and reasonableness, may, for the use of misleading or unpermitted comparative advertising, impose an administrative penalty – warning, without imposing a fine on operators of advertising activity.

2. For failure to implement a temporary ban by the Competition Council or for failure to implement the obligation to refute misleading or unpermitted comparative advertising, or for inadequate implementation of the obligation, operators of advertising activity shall be assigned a fine in the amount of 1 000 Litas for every day of failure to implement or inadequate implementation.

3. For failure to comply with the request of the State Consumer Rights Protection Authority and the institutions authorised by the Government to furnish information and documents, and if necessary, samples of advertised goods, needed for investigation of the violation of this Law or inappropriate implementation thereof, operators of advertising activity shall be given a fine from 1 000 to 10 000 Litas.

4. For use of the advertising prohibited in Article 9 of this Law, operators of advertising activity shall be given a fine from 1 000 to 30 000 Litas.

5. For failure to comply with advertising use requirements laid down in Articles 4, 7, 8, 11, 13, 14, 15, and 16 of this Law, operators of advertising activity may be fined from 1 000 to 30 000 Litas. In the case when a violation is of little importance, when a violation does not cause essential damage to the persons' interests protected by this Law, the Competition Council, on the basis of the criteria of justice and reasonableness, may, for the use of misleading or unpermitted comparative advertising, impose an administrative penalty – warning, without imposing a fine on operators of advertising activity.

6. The violations listed in paragraphs 2, 3 and 4 of this Article shall be considered persistent and fines shall be issued for such violations without any warning. A fine without warning shall also be issued in cases when the operator of advertising activity, after having been obligated to cease use of advertising activity, renews it in violation of the obligation.

7. The size of the fines shall be established according to the medium of the minimum and maximum of the fine and depend on the mitigating or aggravating circumstances, the type, duration and scale of violations.

8. The decision of the Competition Council or the State Consumer Rights Protection Authority must specify the reasons justifying the imposition of a warning or a fine, and in the event a fine is being imposed – reduction or increase of a fine must also be reasoned.

9. The court, which handles a complaint against the decision of the Competition Council or the State Consumer Rights Protection Authority, taking into account mitigating and other circumstances (because of which an appropriate pecuniary fine for an operator of advertising activity who has violated this Law would be apparently too big, because it is disproportionate to the committed infringement of law and therefore unjust) and adhering to the criteria of justice, reasonableness, shall enjoy the right to impose a pecuniary fine smaller than the minimum pecuniary fines set in the appropriate paragraph of this Article.

10. Mitigating circumstances shall be considered to be such when an operator of advertising activity, having committed a violation, barred of his own accord the way to harmful consequences resulting from the violation, assisted the institutions supervising advertising in the course of investigation and compensated for the losses or removed the caused damage.

11. Aggravating circumstances shall be considered to be such when the operator of advertising activity hindered the investigation, continued violation, ignoring the obligation to cease it, if damage was caused to advertising activity users or other persons, or the violation was repeatedly committed over the year from the imposition of an administrative penalty provided for in this Law.

12. The amount of a fine imposed for violations of this Law must not exceed 3 percent of the operator's of advertising activity annual income gained during the previous financial year.

13. The fine may be imposed no later than within a one-year period from the last day of the dissemination of the advertising, and in the instances laid down in paragraphs 2 and 3 of this Article, from the day of adoption of a decision by an institution supervising advertising or state agency.

### **Article 23. Investigation Procedure for Violations of Advertising Law**

1. The Competition Council shall investigate and examine the violations indicated in paragraphs 1 and 2 of Article 22 of this Law. The procedure of investigation and examination of violations as well as the procedure for implementing and appealing against decisions of the Competition Council shall be established by the Law On Competition.

2. The State Consumer Rights Protection Authority shall examine the violations listed in paragraphs 3, 4 and 5 of Article 22 of this Law and impose fines or warnings for these violations in accordance with the procedure established in this Article.

3. Employees authorised by the State Consumer Rights Protection Authority and (or) the institutions authorised by the Government shall conduct investigation with respect to the violations specified in paragraphs 3, 4 and 5 of Article 22 of this Law and draw up a record in the form established by the State Consumer Rights Protection Authority. Upon completion of the investigation, they shall refer within 30 days refer the case with conclusions and proposals for examination by the State Consumer Rights Protection Authority.

4. When the State Consumer Rights Protection Authority examines the case concerning the violation, the operator of advertising activity with respect to whose actions the case is being investigated, his representative who shall have the right to become familiar with the collected material, provide some explanation and submit requests. The failure to arrive by the operator of advertising activity with respect to whose actions the case is being investigated, his representative, if they have been informed in time regarding the venue and time of case examination, shall not interfere with examination of the case.

5. Upon completion of case examination, the State Consumer Rights Protection Authority shall take a decision to impose the fines or a warning laid down in this Law or, in the absence of the grounds established in this Law, to waive imposition of fines or warning. A decision must indicate the name of the institution which has adopted the decision, location and date of examination of the case, information regarding the operator of advertising activity with respect to whose actions the decision has been adopted, information confirming the fact of violation, explanations of the operator of advertising activity with respect to whose actions the decision has been adopted as well as evaluation thereof, the adopted decision, time limit and procedure for appealing against it.

6. Decisions of the State Consumer Rights Protection Authority shall, within three working days from their adoption, be sent to the persons in respect of whom these decisions have been adopted.

#### **Article 24. Collection of Fines**

1. The fine set by the State Consumer Rights Protection Authority shall be paid into the State Budget within one month of the day, on which the violator of this Law was handed down a decision regarding the setting of the fine.

2. An unpaid fine shall be collected in accordance with the procedure established by the Lithuanian Republic Code On Civil Procedure.

## **Article 25. Appeal of Decisions by the State Consumer Rights Protection Authority**

1. Operators of advertising activity, may within 20 days from the day of receipt of the decision of the State Consumer Rights Protection Authority obligating them to cease the use of advertising or having imposed a fine, may appeal against this decision in court according to the procedure established by the Law on Administrative Proceedings.

2. A court appeal shall not interrupt implementation of the decision, unless the court rules otherwise.

## **Article 26. Defence of Rights**

1. Persons whose rights and law-protected interests shall be violated while using the advertising prohibited by this Law, shall have the right in accordance with the procedure established by laws, to appeal in court with a claim on:

- 1) cessation of use of the advertising;
- 2) compensation of the damage inflicted;
- 3) obligating to publish one or more statements of definite content, correcting the misleading advertising.

2. The organisations representing operators of advertising activity or consumer interests and also advertising self-regulatory institutions shall have the rights indicated in items 1 and 3 of paragraph 1 of this Article.

## **CHAPTER VII FINAL PROVISIONS**

### **Article 27. Entrance into Force of the Article**

This Law, with the exception of Article 28, shall enter into force from January 1, 2001.

### **Article 28. Proposals to the Government**

1. Within three months of the adoption of this Law, the Government shall draft and submit to Seimas drafts of a Lithuanian Republic Code On Violations of Administrative Law Supplement and Lithuanian Republic Civil Process Code Supplement.



2. Within three months, the Government or its authorised institution shall approve the legal acts implementing the Law on Advertising.

3. Until such time as a National Consumer Board shall be established, an institution, authorised by the Government shall implement the control of advertising use, stipulated for it.

*I promulgate this Law passed by the Seimas of the Republic of Lithuania.*

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS

Annex to the Republic of Lithuania Law on Advertising

**THE LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED  
BY THE LAW ON ADVERTISING**

1. 84/450/EEC: Council Directive of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the member states concerning misleading advertising.

2. Directive 97/55/EC of European Parliament and of the Council of 6 October 1997 amending Directive 84/450/EEC concerning misleading advertising so as to include comparative advertising.

3. Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.

4. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive').