[LV] Amendments to Radio and Television Law in 2003

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On 1 May 2003 the Radio and Television Law was amended in a substantial matter, for the powers of the National Broadcasting Council were increased, strengthening its supervisory and controlling authority.

Until these amendments the National Broadcasting Council, although it was responsible for supervising and controlling the broadcasters (both public and private), could not apply any penalties. The Council was entitled to issue a warning or to draft an administrative act. This act had to be forwarded to other institutions (Consumer Protection Office or Ministry of Justice) for the application of a penalty. Such a system did not contribute to the efficiency of the work of the Council, as the procedure for application of penalties was very time consuming and involved several institutions.

The amendments of 2003 provided that the Council may issue a warning, to draft an administrative act, to review a case of administrative breach, and to apply a pecuniary penalty. The Council is also entitled to forward the materials of the case to other institutions for the initiation of criminal proceedings. By granting to the Council the powers of application of the administrative penalty, the authority of the Council has increased and the supervising process has become more efficient. On the other hand, several broadcasters have expressed doubts whether this power of the Council is in conformity with the principle of justice: the Council is an independent institution and stands outside the general governmental structure. However, the decisions of the Council on the application of administrative penalties (as well as other Council's decisions) may be appealed in the court.

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