[LV] Amendments to Radio and Television Law 2004

IRIS 2005-1:1/37

Ieva Berzina
Radio and Television Commission of Lithuania

At the end of year 2004 new amendments were passed concerning the Radio and Television Law. The majority of these amendments were of mainly technical character, connected with the coming into force of the new Electronic Communications Law.

However, one amendment touched a rather sensitive issue and was passed after much discussion in public and in governmental quarters. The Article 19 of the Radio and Television law was supplemented with the fifth paragraph in the following reading: “If the Cabinet of Ministers establishes, that in a certain territory of the country there is a threat to the use of the state language or its usage or spread is substantially insufficient, then the Cabinet of Ministers decides on measures for the promotion of the use of state language in the respective territory.”

Such an amendment has a long history: up to 5 June 2003 the Article 19 had a paragraph 5, which stated that the broadcasting time in foreign languages may not exceed 25% of the total broadcasting time per day. On 5 June 2003 the Satversmes tiesa (Constitutional Court of Latvia) declared this provision as incompatible with Article 100 of Satversme (the Constitution of Latvia) and thus invalid as from the day of publishing of the judgment.

The amendment proposed in the year 2004 was a consequence of the fact that the Radio and Television Law did not contain any provisions for the promotion of usage of state language in the mass media. The Cabinet of Ministers and the Saeima (the Parliament) held though that it would be necessary. The amendment was initially proposed in a stronger version: it envisaged that the Cabinet of Ministers would be entitled to adopt regulations on the broadcasting language. This reading of the amendment did not come into force: although the Saeima adopted it, the President used her rights of suspensive veto and returned this amendment to Saeima for repeated reviewing, arguing that such an amendment would run counter to Article 100 of Satversme (freedom of information and speech). In the repeated reviewing the Saeima changed the reading of the amendment, envisaging that the Cabinet of Ministers may “decide on measures” not “adopt regulations”. The amendments came into force on 30 December 2004.

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Law of the Republic of Latvia, adopted 16 December 2004. Latvijas Vēstnesis (official journal) of 29 December 2004, No.209

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