[LV] Changes in the Radio and TV Law Related to PSB

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The Saeima has again adopted amendments to the Latvian Radio and TV Law. The Radio and TV Law is one of the laws experiencing the most frequent changes in the Latvian legal environment. It has already been amended 15 times since its adoption in 1995. The Law itself now should approach its demise due to the planned adoption of the new Electronic Media Law which is intended to transpose the AVMSD. However, the new Electronic Media Law is not likely to be adopted without lengthy discussions; it was submitted to the Saeima for review on 16 June 2009, but since then has not been adopted even in the first reading. Therefore, in order to address the urgent needs of the audiovisual sector, new changes to the Radio and TV Law have been proposed. On 1 October 2009 the Saeima adopted amendments that allow the public broadcasters to transfer some of their programmes to private parties according to public-private partnership principles.

The proposed changes address the drastic decrease of the State financing to the public broadcasting companies due to the diminishing State budget. The Latvian public broadcasters are financed only from the State budget, as there are no public license fees. It is estimated that for the year 2010 the State financing may be up to 40% less than for this year. Latvijas Radio, the public service radio broadcaster, which currently broadcasts on five channels, has announced that due to budgetary problems it would have to shut down some of its channels. As a solution it has suggested that one of its most popular channels, Radio 2, a music channel, might be transferred to a private partner under public-private partnership principles. For this, the Radio and TV Law would have to be changed, as it provides that a broadcasting permit cannot be transferred to another person. The National Broadcasting Council (NBC) and the Saeima reacted sympathetically to the above proposal and thus the current urgent changes to the Radio and TV Law were initiated. It was proposed to amend the Law by inserting a new provision as follows:

"In the order envisaged by the Public and Private Partnership Law the NBC may transfer to a concession to another person (to a broadcasting company) the rights to prepare and transmit a specific programme of a public broadcasting company. In such a case the broadcasting permit is issued for the period of the concession agreement, but for no more than five years. [...]".

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Another proposed amendment was to decrease the number of members of the NBC from nine to five (to address the need to save State budgetary funds). The Saeima reviewed the proposed amendments in only two readings In accordance with urgent legislative proceedings. When approving the amendments in the second reading on 24 September 2009 the Saeima engaged in lengthy and lively discussions on the usefulness of the changes and how to implement the changes to the number of NBC members. As a result, the draft law was returned to the commission to improve the transitional rules, and the changes were finally approved on 1 October 2009. The transitional rules provide that the existing members of the NBC (currently, there are six members left) will continue to hold office until the end of their terms, however, the Saeima will elect new members only if the number of the NBC members is less than five.

The changes came into force on the day following their publication in the official newspaper.

Grozījumi Radio un televīzijas likumā

http://www.likumi.lv/doc.php?mode=DOC&id=198814

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