[LV] Progress of the New Electronic Media Law in Latvia

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As reported previously (see IRIS 2009-10: 16/22) Latvia is planning to adopt a new Electronic Media Law which is intended to transpose the AVMSD. The Electronic Media Law (Draft) is not the first draft intended to replace the 1995 Radio and Television Law currently in force. As media laws have traditionally been a widely discussed topic among the Latvian public, the previous attempts have been unsuccessful. Also, the progress of the Draft in the Saeima (Latvian Parliament) is far from smooth. However, it may be hoped that this draft will be adopted, as otherwise Latvia may face severe consequences for a failure to implement the AVMSD.

The Draft was submitted to the Saeima on 16 June 2009 and adopted at the first reading on 8 October 2009. The subsequent progress was very slow as the responsible Saeima committee received around 356 proposals concerning the Draft. The adoption of the Draft at the second reading therefore was postponed several times. At the end of March 2010 some Saeima members even suggested that it would be impossible to review all the proposals in the time available, so it might be better to implement the AVMSD by just amending the existing Radio and Television Law. The majority of Saeima members supported a further movement of the Draft and it was adopted at the second reading on 15 April 2010.

The Draft introduces new definitions more suitable for the modern media environment, such as distinguishing among various types of advertising and commercial announcements and providing more technology-neutral definitions of audiovisual media. The law would apply to all electronic media (not only audiovisual, but also audio) under Latvian jurisdiction irrespective of the transmission technology. Electronic media are divided into different types, e.g. on basis of the transmission technology in terrestrial, satellite, cable, internet and other electronic media.

The Draft also solves the currently unclear status of public broadcasters, by providing that they are State owned capital companies. Their share capital is constituted by State investments, and the National Media Council (NMC, replacing the National Radio and Television Council) will represent the shareholder in the general meetings of these companies. The chief task of the public broadcasters is the fulfilment of the national remit. They will receive annual funding from the State budget (as is currently the case) and will remain entitled to carry out some

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commercial activities.

As to the broadcasting permits, in the case of scarce resources such permits are issued on the basis of a tender organised by the NMC. The description of this procedure is quite similar to the existing regulation and may be criticised for a failure to provide more detailed guidelines on the assessment of tender applications. Implementing the AVMSD the Draft provides detailed regulation for on-demand services, more precise rules on commercial communications, sponsoring, product placement and various types of advertising. The provisions on the NMC as the institution responsible for supervision and content-regulation of media are not substantially different from the current rules. The five council members are elected by the Saeima for a period of five years, however, the Draft provides a more detailed description of the necessary qualifications. The council will remain an independent institution. A new initiative will be a Public Consulting Council, comprising representatives of non-governmental organisations. This institution, however, will have an advisory function only.

It was planned that the Saeima should have reviewed the draft Electronic Media Law at the final third reading on 17 June 2010.

Elektronisko plašsaziņas līdzekļu likums

http://titania.saeima.lv/LIVS/SaeimaLIVS.nsf/webAll?SearchView&Query=([Title]=*elektronisko+mediju*)&SearchMax=0&SearchOrder=4

Electronic Media Law (Draft)

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