[AM] New Amendments to Broadcast Law

IRIS 2010-8:1/8

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On 17 June 2010 President Serzh Sargsian of Armenia signed into law the statute "On Introducing Amendments and Supplements to the RA Law 'On Television and Radio'". The document was adopted by the National Assembly (parliament) in the final second reading on 10 June 2010. The draft law was elaborated on by the Ministry of Economy and was justified by the need to switch from analog to digital broadcasting. This is the latest set of amendments to the broadcasting statute of Armenia (see IRIS 2010-5: 1/6 and IRIS 2008-1: 7/6).

The amendments introduce a new text into the whole broadcasting statute, though very close in structure and meaning to the norms of the previous one.

Article 8 of the amended statute provides that the volume of the "broadcasts of domestically produced programmes by television-radio companies on one television (radio) channel may not be less than 55 per cent of the overall monthly airtime".

While the notion of "sponsorship" is now defined in the Armenian broadcasting statute exactly as in the European Convention on Transfrontier Television and many provisions follow the Convention, some important provisions of the Convention are not included: for example the broadcasting statute does not provide that sponsored programmes shall not encourage the sale, purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services in such programmes (as in the Convention, para. 3 of Art. 17) (Armenia is not a party to the Convention).

There are no clear distinctions in the broadcasting statute between regulating satellite, mobile, Internet-provided broadcasting and non-linear audiovisual media services. There are no specifics in relation to the number or thematic direction of radio programmes on national and capital (Yerevan) multiplexes. The system of financing Public Television and Radio and that of the National Commission on Television and Radio (national regulator) does not provide for an automatic guarantee of their financial independence from the State.

No legal grounds were laid for the establishment of non-State operators of digital broadcasting. For example, para. 13 of Article 62 of the statute now provides that "in order to create a private network of digital broadcasting by legal persons

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starting from 1 January 2015, the procedure and terms for multiplex licencing will be established by law". When these important terms will be established by law or why their adoption was delayed is not specified in the draft or in the "Substantiating Memo" to it.

Since the release in early May the document has been criticized by journalistic and international organizations. The observers noted that the draft does not solve the crucial issues of broadcast sphere regulation and recommended that it should introduce some essential changes to it. For example, in the statement of 15 June 2010 Dunja Mijatovic, OSCE Representative on Freedom of the Media, considered the amendments as not promoting broadcast pluralism in the digital era.

Armenian broadcasting law fails to guarantee media pluralism, says OSCE media freedom representative / Press release and accompanying legal reviews

http://www.osce.org/fom/item_1_44607.html

Law of the Republic of Armenia "On Making Amendments and Supplements to the Law of the Republic of Armenia on Television and Radio" of 17 June 2010

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