[LV] The New Electronic Media Law in Latvia Finally in Force

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In recent times Latvia has been undergoing a legislative procedure to adopt a new Electronic Media Law that is intended to transpose the AVMSD and to replace the 1995 Radio and Television Law (see IRIS 2010-7: 1/28). Now, after a period of long and challenging discussions and actions by various stakeholders and officials the new law is finally adopted and has come into force.

The previous reports on the review of the draft Electronic Media Law have already reflected the complicated and slow movement of the draft through the Saeima (Parliament). Saeima adopted the draft Electronic Media Law at the final, third reading on 17 June 2010. However, the law was not published as the President used his constitutional right to return the law to the Saeima for a second review. According to the *Satversme* (Latvian Constitution) the President has the right to request the Saeima to conduct a second review of an adopted law within ten days of its adoption, by indicating the motivation for such an additional review. Saeima is not obliged to follow the suggestions of the President, however, normally such requests have a high authority and Saeima tries to improve the law, if possible.

In his request of 22 June 2010 the President indicated several deficiencies of the adopted Law and also mentioned that he had received complaints from non-governmental associations such as the Latvian Broadcasters' Association and Latvian Electronic Communications Association as well as from some broadcasting companies. The President pointed out the following controversial issues of the law:

- Firstly, the law provided that broadcasting companies broadcasting nationwide must ensure that 40% of the European audiovisual works included in their programmes within the period from 19:00 to 22:00 h are made in the Latvian language. The President indicated that it is unfair to limit this requirement only to nationwide broadcasters, and also that it is necessary to include news broadcasts within this quota and to extend the period until 23:00 h. Saeima obeyed this request and extended the requirement to regional TV broadcasters also and removed the time window completely (so that the quota might be reached within the whole day).

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- Secondly, the President pointed out to the unsuccessful wording of the advertising limitations applicable to public broadcasters, i.e., that the advertising period may not exceed 10% of their programmes, but did not specify that it should not exceed 10% within one broadcasting hour. Saeima fully rectified this deficiency.

- Thirdly, the President noted that the law does not ensure the rights of commercial broadcasters to create programmes for the public remit and thus receive financing from the State budget for this purpose. The law only mentioned that the regulatory authority (National Electronic Media Council) may transfer part of the public remit to commercial broadcasters, but is not obliged to do so. The President suggested that more specific rights of the commercial broadcasters should be provided. However, Saeima did not follow this suggestion and left this provision as it stood in the previous reading.

- Finally, the President highlighted various drafting inconsistencies, which should be remedied. Most of them were taken into account by the Saeima in the second review. Saeima carried out the second review of the Electronic Media Law on 12 July 2010. The law was published on 28 July 2010 and came into force on 11 August 2010.

12.07.2010. likums "Elektronisko plašsaziņas līdzekļu likums" ("LV", 118 (4310), 28.07.2010.) [stājas spēkā 11.08.2010.]

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