[LV] Changes to the “Must-Carry” Rules in Latvia

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On 4 October 2012 the Saeima (Latvian Parliament) adopted amendments to the Electronic Media Law, partially abolishing the “must-carry” rules applicable to cable television operators.

Before these amendments, the Electronic Media Law provided that cable television operators must include in their packages programmes of the public television broadcasters as well as programmes of the national commercial television broadcasters whose terrestrial programmes are available to viewers free of charge. Consequently, the cable television operator could not request a payment from the television broadcasters whose programmes it was transmitting due to the “must-carry” rule. The television broadcasters whose programmes were included in the “must-carry”, in turn could not request a payment from the cable operator for the retransmission rights. This regulation caused complaints by the national commercial television broadcasters who were missing income from retransmission rights due to these “must-carry” rules.

In the amendments adopted the Saeima decided to temporarily exclude the application of the “must-carry” rule to the programmes of national commercial television broadcasters. The rule remains in force with respect to programmes of public television broadcasters. However, the exclusion is temporary, and will be applied within the period from 31 March 2013 to 31 December 2013.

In the annotation to the draft amendments it is explained that the current situation is unfair to commercial broadcasters, as the cable television operators nevertheless request a payment for even the smallest programme packages offered to their subscribers, but the commercial television broadcasters do not receive a share of this income. The situation is also unfair in comparison to foreign broadcasters who are entitled to receive a payment for the retransmission rights from the cable operators.

Initially, the draft suggested abolishing the relevant “must-carry” rule without a temporary limitation. However, there were concerns that the new regulation would raise costs for the households, which are cable television subscribers. In addition, as of 1 January 2014 new regulations on the digital terrestrial broadcasting must come into force, as the existing framework (the digital terrestrial broadcasting is provided by one operator) is valid only until 31 December 2013. Thus a compromise was achieved by a temporary abolishment of

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the “must-carry” rule regarding commercial broadcasters. The issue will be addressed again along with the new framework for digital terrestrial television.

04.10.2012. likums "Grozījumi Elektronisko plašsaziņas līdzekļu likumā" ("LV", 166 (4769), 19.10.2012.)

http://www.likumi.lv/doc.php?id=252193

04/10/2012. Law on "Amendments to the Law on Electronic Media" ("LV", 166 (4769), 19.10.2012.)

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