[LV] Amendments to Electronic Media Law under consideration

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On 18 October 2012 the Saeima (the Latvian Parliament) adopted important amendments to the Latvian Electronic Media Law in the first reading. These amendments focus on the regulation of digital terrestrial broadcasting services as from 2014. The draft also includes potentially controversial new powers of the media regulatory authority.

Currently, digital terrestrial broadcasting is provided by one operator chosen in the course of a tender organized by the Cabinet of Ministers (see IRIS 2010-2/27). The exclusive rights of this operator expire on 31 December 2013. According to the transition rules of the Electronic Media Law, the Cabinet of Ministers has to develop a new framework for the operator selection procedure for 1 January 2014.

On 26 April 2012 the Cabinet of Ministers approved a concept ”On the Distribution of Terrestrial Digital Television Programmes as of 2014”, which provides different distribution modes for free TV and pay TV programmes. According to the concept, the state owned company Latvian Radio and Television Centre will ensure the distribution of free national and regional television programmes, whereas the pay TV programmes will be distributed by one or more commercial operators selected on the basis of a tender organized by the Cabinet of Ministers.

However, the details of the new regulation are still unclear, since the Cabinet of Ministers has not yet made the fundamental choice whether the distribution of pay TV programmes could be entrusted to only one operator (as is the current situation) or more.

Another important proposal in the draft amendments relates to the powers of the National Electronic Media Council (the Council), the media regulatory authority. It is proposed that the Council would have the right to approve the list of the programmes included in pay TV packages to be distributed by digital terrestrial means. This approval would be based on criteria previously established in the National Strategy for the Development of Electronic Media Sector.

This proposal arises from concerns about the insufficient use of the Latvian language in electronic media and the formation of two linguistically different information flows (Latvian and Russian). The proposal was challenged by left wing Saeima members as being contrary to free speech and akin to subtle censorship.

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Moreover, it was claimed that this proposal would be contrary to the Audiovisual Media Services Directive, as it would result in the hindering of free movement of audiovisual services. Since the approval for pay TV packages would not apply to satellite and internet protocol television, there are also concerns regarding fair competition.

Likumprojekts "Grozījumi Elektronisko plašsaziņas līdzekļu likumā"

http://titania.saeima.lv/LIVS11/saeimalivs11.nsf/0/0C142B4FF565795BC2257A230037F2EF?OpenDocument

Draft Amendments to the Electronic Media Law

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