[LV] Amendments to Electronic Media Law Adopted

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On 14 February 2013, the Saeima (Latvian Parliament) adopted amendments to the Electronic Media Law. The amendments were announced in the law gazette on 6 March 2013 and aim at implementing a new regulatory framework for digital terrestrial broadcasting services (see IRIS 2013-1/29). The current structure, according to the Electronic Media Law is in force only until 31 December 2013. So far, digital terrestrial broadcasting is provided by only one operator chosen in the course of a tender organized by the Cabinet of Ministers (see IRIS 2010-2/27). The chosen operator is the company SIA Lattelecom, which is owned partly by the State (51%) and partly by a private entity (49%, by a member of TeliaSonera AB group).

The new amendments provide that the State-owned company VAS Latvijas Radio un televīzijas centrs (Latvia State Radio and Television Centre - LVRTC) will take over the distribution of public service broadcasting television programmes as well as the commercial national and regional television programmes by concluding contracts with the relevant broadcasters. The Nacionālā elektronisko plašsaziņas līdzekļu padome (National Electronic Media Council - NEPLP), the media regulatory authority, will approve the list of the programmes that are to be distributed to end-users free of charge. The list may be appealed to the Administrative Court. However, the broadcasters will have to pay a fee to the LVRTC for the distribution of these programmes. The fee will be calculated according to criteria approved by the Cabinet of Ministers. During the parliamentary debate prior to the amendments it was claimed that the fee should be much lower than the current one paid to SIA Lattelecom.

As regards pay-TV programmes the Saeima had to make a fundamental choice regarding the number of operators distributing the programmes: namely, the distribution of such programmes could be entrusted to only one operator (current situation) or to several ones. The Cabinet of Ministers did not make such a choice and simply briefed the Saeima on the advantages and disadvantages of both solutions.

After a lengthy debate the Saeima decided that the pay-TV services will be provided by just one commercial operator selected on the basis of a tender organized by the Cabinet of Ministers. The operator will have to provide the service by using the technical means of the LVRTC. The results of the tender will

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be determined by a cross-institutional commission, including members of the Council, the Ministry of Transport, the Ministry of Culture and the Competition Council. The amendments to the law provide the basic criteria for the tender selection: experience in distributing television programmes to end-users, availability of client service in the whole territory of Latvia, financial means and stability, and the strategy for providing the service. The results of the tender may be appealed to the Administrative Court.

The adopted amendments do not include the power of the Council to approve the list of programmes included in pay-TV packages to be distributed by digital terrestrial means. Such a suggestion had been included in the draft amendments and was approved at the first reading. It was much criticised subsequently, and the Saeima decided not to approve it at its final reading.

The amendments will come into force on 15 March 2013. By 31 March 2013, the Cabinet of Ministers will have to issue the tender rules for the selection of the distributor of pay TV programmes.

Likums "Grozījumi Elektronisko plašsaziņas līdzekļu likumā". 06.03.2013

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Amendments to the Electronic Media Law of 6 March 2013

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