[LV] Amendments to Electronic Media Law Concerning Public Remit Programmes

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On 21 November 2013, Saeima (Latvian Parliament) adopted changes to the Electronic Media Law. The main reason for the changes was the fact that the two major Latvian commercial television stations LNT and TV3 (both owned by MTG group) had decided to leave free-to-air broadcasting as of 1 January 2014 and to be henceforth available via paid television only. In turn, this meant that in the primary terrestrial television distribution network (first multiplex) vacant channel slots would open. It was planned that the National Electronic Media Council (media regulating body - hereinafter Council) should make a tender for commercial broadcasters to fill up the vacancies within the realm of public remit.

Hence, the amendments provide new rules on how the Council may entrust part of the creation of public remit programmes to commercial broadcasters. The previous version of the Electronic Media Law provided that no more than 15 % of the public remit may be entrusted to commercial broadcasters broadcasting free-to-air programmes. The amendments abolish the qualification of free-to-air programmes. Now the public remit may be entrusted to any commercial broadcaster in accordance with the tender results. Moreover, if there are vacant places in the primary network of terrestrial television (not yet taken by public broadcasters), the Council must organise a tender for these vacancies. A priority must be given for tenders which ensure at least a 20 % proportion of European works are originally prepared in Latvian language. Furthermore, a contract on public remit with commercial broadcasters shall not exceed one year; a three year period may be provided for these programmes to be included in the primary network. The Council may foresee in the tender rules that the contents of private public remit programmes may be reviewed annually.

The Council applied the new amendments in practice by announcing the tender on fulfilling a part of the public remit on 14 November 2013. The tender results were approved on 16 January 2014, and as a result three relatively small commercial television broadcasters are now entrusted to fulfill a part of the public remit.

The amendments also equip the Council with new powers. The Council has to approve a list of television programmes, which are available in terrestrial digital broadcasting free of charge for end users. The criteria for the approval must be

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set out in the National Strategy for the Development of the Electronic Mass Media.

In addition, the must-carry rules are reworded. However, the substance has remained the same: must-carry rules comprise all public television broadcasting programmes. The rules also apply to national commercial television programmes, which are available free-to-air. For the retransmission of such programmes, the broadcasters may not request a retransmission fee from the cable or other retransmission operators - and vice versa. A new non-discrimination rule is introduced with the amendments: national commercial broadcasters must ensure a fair and non-discriminatory conduct vis-à-vis all operators who retransmit their programmes.

The amendments came into force on 30 November 2013, except for the must-carry rules entering into force on 1 January 2014.

Grozījumi Elektronisko plašsaziņas līdzekļu likumā

http://titania.saeima.lv/LIVS11/saeimalivs11.nsf/0/DAE6EC31C9CF0208C2257C310029B73D?OpenDocument

Amendments to the Electronic Media Law, 21 November 2013

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