[LV] Amendments to the Latvian Electronic Media Law

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On 23 October 2014 Saeima (the Latvian Parliament) adopted amendments to the Electronic Media Law which changed the language requirements for radio programmes, as well as it increased the power of the national regulatory authority: the Electronic Mass Media Council.

With respect to languages of radio programmes the amendments provide that now the radio stations may choose if their programmes will be in Latvian or in a foreign language. If the programme will be in a foreign language, then there is no translation required, thus in this sense the regulation is even more liberal than before. Before these amendments most of the radio programmes had to include a certain proportion of broadcasts in the Latvian language in order to get access to the necessary frequencies. However, many programmes with a Russian speaking population as their target auditory, included the Latvian language parts only formally (e.g., at night during the music broadcasts). The amendments aim to eliminate such situations and to provide more legal certainty. If the programme is in Latvian, then for broadcasts in foreign languages within this programme a translation into Latvian is needed.

The amendments might have a negative impact on those radio stations which currently broadcast most of the time in a foreign language, although their programme concept provides that more than 50% of the broadcasts must be in Latvian. The transition rules of the amendments provide that for such stations 100% of their broadcasts have to be in Latvian. Those stations with the Latvian language below 50% according to their programme concept, must choose whether they will continue in Latvian or in a foreign language. The choice must be made until 31 December 2015 as the new rules will come into force on 1 January 2016.

Another novelty is that at least 90% of the radio programme will have to be home-made (i.e., not taken from another radio programme), except music, advertising, and radio shop. This amendment is aimed to improve the existing situation that many broadcasts in foreign languages (notably, Russian) within the Latvian stations are actually not prepared in Latvia, but purchased from Russian radio stations with minimum changes (e.g., insertion of Latvian advertising, etc.). The amendments also provide that such insertion of broadcasts from other programmes is now prohibited, except retransmission cases or when the

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broadcast contains important events for the Latvian public. These amendments become binding to the existing radio stations as of 1 January 2016.

The amendments also substantially increase the investigatory powers of the Electronic Mass Media Council, making them more similar to those of the competition authority. The Council now has the right to enter the premises of broadcasting companies, also without a previous notice. The Council may also apply to the court for a search warrant; and if the court issues the warrant the Council can search the premises together with the police even without the broadcaster's consent. The Council may also inspect computers and other carriers of information. The court's warrant may be appealed to the chairperson of the court, and if the warrant is repealed the evidence gathered during the search may not be used against the person of interest.

In the annotation to the draft amendments it is explained that the above amendments are necessary because the Council was faced with the failure to cooperate of several broadcasters, and thus could not fulfil its legitimate functions. The amendments came into force on 26 November 2014 (according to the transition rules certain parts of the amendments will be applicable only as of 1 January 2016).

Grozījumi Elektronisko plašsaziņas līdzekļu likumā, "Latvijas Vēstnesis", 225 (5285), 12.11.2014

http://likumi.lv/ta/id/270224-grozijumi-elektronisko-plassazinas-lidzeklu-likuma

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