[LV] Amendments to the Electronic Mass Media Law adopted

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On 20 June 2018, new amendments to the Latvian Electronic Mass Media Law (EMML) which provide inter alia that public service broadcasters leave the advertising market, as well as other important amendments, were decided. As several of the amendments introduce significant new concepts and rules, there are relevant transition terms provided in the amendments and different dates for full implementation.

The decision requiring public service broadcasters to leave the commercial advertising market will come into force in 2021, subject to the right to receive additional public funding from the state budget to the amount of EUR 14 million annually. According to the annotation of the amendments, such guaranteed and independent funding would serve as grounds for ensuring the editorial independence of public service media. Advertising will continue to be allowed with respect to certain cultural and sports events, as well as when specifically required by the rightsholders of licensed content, with respect to certain sponsored events, and in other exceptional cases.

Further noteworthy amendments include one whereby the Electronic Mass Media Council will conclude a contract with the state-owned company Latvian Radio and Television Centre on ensuring the free-to-air broadcasting of public service programmes by digital terrestrial transmission. There will be additional financing granted for this purpose, taking into account the rules for state aid, which have to be cleared with the European Commission. Thus, these amendments only come into force on 1 January 2020. The Electronic Mass Media Council has until 30 June 2019 to submit an update on the process to the Saeima (the Latvian Parliament). The aim of this additional support is to technically reach the whole of the Latvian territory (according to the annotation to the draft amendments, terrestrial transmission can reach 99.6 percent of the Latvian territory and 99.9 percent of households) and to ensure the democratic, social and cultural needs of the population.

In order to promote the transparency of media ownership, broadcasters will have the new obligation to reveal their ownership structure within the process of receiving broadcasting and retransmission permits. Also, any change in the beneficial owner will have to be notified. The existing holders of broadcasting and

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retransmission permits, as well as providers of on-demand services, have until 31 December 2018 to notify the Electronic Mass Media Council of their beneficial owners.

The amendment also introduces a new competence for the Electronic Mass Media Council: the power to restrict the retransmission of certain channels in Latvia if another European Union or EEA member state has already initiated the restriction, in accordance with Article 3 of the Audiovisual Media Services Directive.

In order to fight piracy and the distribution of unlicensed television channels, the Electronic Mass Media Council received an additional new competence: to restrict the operation of certain web pages which retransmit unlicensed contents without a retransmission permit. The Council will be able to issue a binding order restricting the use of the relevant domain name for up to 6 months. There will be supporting Regulation of the Cabinet of Ministers to clarify this procedure in more detail. These amendments will come into force on 1 January 2019.

There are also new requirements with respect to the state language applicable to transfrontier channels licensed in Latvia. In case the transfrontier channel may also be received in Latvia, the channel must have an audio channel available in the Latvian language too (Article 32(5)).

Grozījumi Elektronisko plašsaziņas līdzekļu likumā, Latvijas Vēstnesis, No. 128 (6214), 28.06.2018

https://likumi.lv/ta/id/299941-grozijumi-elektronisko-plassazinas-lidzeklu-likuma

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