[LV] Latvian regulator issues fines for spreading fake news about coronavirus

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The regulatory approach to disinformation (especially during the coronavirus pandemic) is a subject high on the media law agenda in the EU and its member states, and in the context of the European Democracy Action Plan. How regulators within the EU deal with disinformation is therefore important, and not only in terms of legal comparisons.

With this in mind, the sanction recently issued by the Latvian regulator for coronavirus-related disinformation attracted particular attention, including beyond the Baltic state's borders. On 2 March 2021, the *Nacionālā elektronisko plašsaziņas līdzekļu padome* (National Electronic Mass Media Council – NEPLP) ruled that the channel Prvi Baltijas Kanāls Latvija (the Latvian edition of the First Baltic Channel) operated by Prvi Baltijas Kanāls Ltd. (PBK) had disseminated false and misleading information about the coronavirus and its infectivity, thereby endangering public health or creating a serious risk that public health would be endangered. The media regulator considered that the media company had infringed the programming requirements of Article 26(1)(9) of the Latvian Electronic Media Act, under which electronic media channels and programmes are prohibited from disseminating content that could endanger or create serious risks to public health. The Electronic Media Act also requires electronic media providers to ensure that facts are presented in their programmes fairly, objectively, accurately and without bias. Commentaries and opinions must be separated from news and the individuals responsible for them must be named. Facts should be presented in documentaries and news bulletins in a manner that does not intentionally mislead the public.

The NEPLP ruled that false information broadcast by the channel could increase the risk of infection among family members, in particular older people and children. Misleading information could also deter people from following safety procedures in educational institutions and from abiding by national restrictions. This in turn could lead to and reinforce the uncontrolled spread of the coronavirus. The regulator found that PBK had (a) failed to take the necessary steps to obey the law, including assessing the truthfulness of the information that it had broadcast, its impact on public health and the potential risks, and (b) allowed the dissemination of false information.

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According to the NEPLP, audiovisual media must bear in mind that they were responsible for broadcasting verified facts in their programmes and ensuring that the overall context of their programmes was not misleading to the average viewer with no relevant specialist knowledge. They had editorial freedom as long as they did not break the law. Freedom was not arbitrary. Each media company bore editorial responsibility for the programmes and information that it broadcast. Electronic media were legally obliged to check the accuracy of all facts contained in their programmes, whether they were produced by the company itself or by an independent producer.

The NEPLP considered that the infringements committed by PBK to be serious because they posed a threat to public health, which was closely protected, in an emergency situation. The information disseminated by the channel could affect people's decisions to comply with state-imposed restrictions, which in turn could jeopardise the functioning of the health system as a whole.

The NEPLP therefore fined PBK the maximum of EUR 10,000 for the infringement committed in the programme 'Zdorovje' on 27 December and EUR 6,000 for that committed in the programme 'Zitj Zdorovo' on 30 December.

NEPLP konstatē nepatiesas informācijas izplatīšanu "Pirmajā Baltijas Kanālā", 02.03.2021

https://www.neplpadome.lv/lv/sakums/padome/padomes-sedes/sedes-sadalas/neplp-konstate-nepatiesas-informacijas-izplatisanu-%E2%80%9Cpirmaja-baltijas-kanala%E2%80%9D.html

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