



***Independent Study on  
Indicators for Media Pluralism  
in the Member States – Towards  
a Risk-based Approach***

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*by*

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**Final Report - Annex III**

**COUNTRY REPORTS**

**Latvia**

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**Important Notice**

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The country reports are not in any way intended to be an implementation of the Media Pluralism Monitor in the Member States. They were drafted during the initial stages of the study, with the intention of obtaining a better view of regulatory measures in the broad sense – including co- and self-regulatory measures – adopted in the Member States to promote or safeguard, directly or indirectly, pluralism in the media. The intention was to obtain a high-level snapshot of possible implementation problems and not to express any value judgements on existing rules. The resulting overview facilitated the development of methods for assessing the effective implementation of regulatory safeguards, which had to be, according to the Terms of Reference for the study, an intrinsic element of the legal indicators. We strongly recommend that you also download the file containing our Introduction as it sets out our approach to the initial stages of the project in detail and includes a short manual on how to read the country reports. We draw your attention to the Overview file as well.

Please note that the country reports were finalized in the middle of 2008 and do not therefore reflect progress made with the transposition of the Audiovisual Media Services Directive or any subsequent initiative by Member States. They are made available not as final deliverables of the study, but as interim deliverables, intended to illuminate part of the route taken by the study team and thereby to contribute towards the full transparency of the MPM project.

## 15. Overview of legal and policy measures promoting/supporting media pluralism

### [LATVIA]

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#### National regulations relevant in the area of media pluralism

- **Legislation**

- *Sector specific legislation*

*Radio and Television Act (1995)*

*Law on the Press and other Mass Media (1990), hereinafter: ‘Press Law’*

*Electronic Communications Law (2004)*

- *General legislation*

*Constitution of Latvia (1932)*

*Competition Act (2001)*

*Official Language Act (1999)*

*Law on Freedom of Information (1998)*

*Law on Applications (2006)*

*Law on Financing of Political Organisations (Parties) (1995)*

*Law “On Pre Election Agitation before Regional Election” (1994)*

*Law on Pre Election Agitation before the Elections of Saeima (Parliament) and European Parliament*

- **Codes of conduct**

*Code of Ethics of the Latvian Union of Journalists*

- **Other**

*Media Regulator of Latvia: <http://www.nrtv.lv>*

*Public Utilities Commission: <http://www.sprk.gov.lv>*

*Competition Council: <http://www.kp.gov.lv>*

*Secretariat of the Special Assignments Minister for Electronic Government Affairs: <http://www.eps.gov.lv>*

*Ministry of Culture: [www.km.gov.lv](http://www.km.gov.lv)*

**TABLE 1. Constitutional protection of press and communication freedoms**

Measure	Source	Scope of application	Key features
<b>1.1. Freedom of expression</b>	art.100 Constitution	PM+AAVM	Right to freely receive, keep and distribute information and express views. Prohibition on censorship.
	art. 116 Constitution	PM+AAVM	Freedom of expression is not absolute. May be subject to restrictions in circumstances provided for by law in order to protect the rights of other people, the democratic structure of the State and public safety, morals and welfare.
<i>Note: There is no threat to freedom of expression as the Constitution must be interpreted in line with the international law, binding to the Republic of Latvia, the test is applied in line with the approach and case law of the ECHR. The above is established as a principle in the case law of the Constitutional Court.</i>			
	Section. 1 Press Law	PM+AAVM	Specific reference to the freedom of the press and of all individuals to express their opinions. Prohibition of censorship of the media.
	art. 3, 6 Radio and Television Act	AAVM	No programs are subjected to censorship.
<b>1.2. Freedom of/right to information</b>	art. 100 Constitution  Law "On Applications" (2006)	AAVM	Art. 100 is the "right to petition", however, like some other post Soviet countries, Latvia has maintained the right to substantial reply as part and parcel of that right. Specific material and procedural aspects of it are regulated by a special law "On Applications" (2006).
<i>Note: The Constitutional Court of Latvia (Case Nr. 04-02(99)) has held that right to access information held by public sector institutions is an inherent part of the principle of freedom of expression.</i>			
<i>Is there – besides constitutional provisions – a specific act dealing with citizens' or journalists' access to public sector information?</i>	Law on Freedom of Information (1998) (Information Law)		Guaranteed public access to all information in any technically feasible form. Government and state authorities must respond within 15 days.
<i>Note: No effective oversight. The Data state inspectorate has neither legal (de jure) competence, nor financial means to ensure implementation of the law.</i>			
<i>Are there specific rules dealing with journalists' access to events for news reporting?</i>	Press Law art. 5		Mass media (not journalists, though) have the right to receive information from the State and from public organisations.
<b>1.3. Explicit recognition of media pluralism</b>	art. 3, 2 Radio and Television Act		A broadcasting organisation, having respect for a variety of views, shall defend the concept of an independent, democratic and lawful Latvian State, and internationally acknowledged human rights, and it shall act in the interests of the Latvian public.
	art. 3, 9 Radio and Television Act		Programmes of broadcasting organisations must be variegated. They must reflect the existing views and opinions of the public.
	section 55 Radio and Television Act		The national remit shall be formed on the basis of comprehensive studies of the wishes

			of viewers and listeners. It shall reflect as extensively as possible the current opinions of society, as well as political, philosophical and cultural trends. The national remit shall not serve solely the interests of any political organisation (party).
<b>1.4. Protection of journalistic sources</b>	Chapter IV, art. 24 Press Law		Rights and obligations of journalists.
	Art 22. Press Law	PM AAVM	A mass medium may choose to not indicate the source of information. If the person who has provided the information requests that his or her name is not to be indicated in a mass medium, this request shall be binding upon the editorial board. The source of information shall only be produced at the request of a court or a prosecutor.
	art. 4 Code of Ethics of the Latvian Union of Journalist (Journalist Code)		A journalist has no right to reveal sources, unless demanded by the court.
<i>Note: There is a controversial (due to links with one political party) plan to establish council of mass media ethics. No progress since 2006, however. (According to Latvian Press Publishers Association)</i>			
<b>1.5. Right of reply</b>	art. 37 Radio and Television Act	AAVM	A natural or legal person who is injured by some transmitted information, has the right to a reply regardless of whether a retraction is sought. The reply may be a recorded presentation by the injured person or his or her representative on the broadcasting organisation or the reading of a statement prepared by such person.
	art. 36. 1, 2 Radio and Television Act	AAVM	(1) Persons regarding whom false information was given in a broadcast by a broadcasting organisation, may require that the same broadcasting organisation distribute a retraction of such information. (2) An application for the distribution of a retraction shall be submitted to the broadcasting organisation or a court in writing, within 14 days after the false information has been distributed, and the National Radio and Television Council informed thereof.
	section 37 Radio and Television Act	AAVM	
	Art 21 Press Law	PM AAVM	New amendments in 2005 on the issue of revoking of false information and defamation. New institute of "apology" for defamation is introduced. The text seems to point in the direction that even true information may be a reason to request apology from the mass media. Practice of the courts will be the decisive factor.
<i>Note: Looking at the practice of the Courts, the notion of defamation is still invoked largely in the context of facts/information which is not true. Practice of ECHR is widely used to interpret the</i>			

articles. Also, the Civil liability (according to the Civil Law, Art. 2352a) is largely invoked as the applicable law, using the Radio and TV law in supporting argumentation. To my knowledge the part of the article that provides for the right to require the PM or AAVM to apologize for defamatory though true information has not been applied. In a recent judgment (SKA 78 of February 6, 2008) the Supreme court has rendered that a person may require that information transmitted or published about them is recalled if it is not true. There is considerably more cases regarding the content of broadcasts (e.g. defamation, requirement to recall false information). There are two defamation cases considered in the Supreme Court (therefore they serve as a guideline for interpretation of the Press/ Broadcasting law for the lower courts)

1. Civil department, January 26, 2005, case SKC – 41 on interpretation of the ECHR and its protocols Nr. 1,2,4,7 and 11 when considering cases of retraction of defamatory information
2. Civil department March 23, 2005 On protection of honour and dignity under the civil law

<b>1.6. Ratification of international instruments:</b> - CoE's Framework Convention For The Protection Of National Minorities - UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Oct 2005)			-Yes  - The Covention was approved by the Cabinet of Ministers on 27 February 2007 and ratified in June 2007
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**TABLE 2. Editorial independence**

Measure	Source	Scope of application	Key features
<b>2.1. Journalists</b>	Press Law Art. 23	PM AAVM	Journalist is a person who gathers, compiles, edits or in some other way prepares materials for a mass medium and who has entered into an employment contract or performs such work upon the instruction of a mass medium, or is a person who is a member of the Journalists' Union.
	art. 3 Journalist Code	AAVM PM	The editorial board should guard their integrity, so that they may be free to act independently of any persons or groups who would like to exercise their influence.
<b>2.2. News / information programmes</b>	Art. 17, 2 Radio and Television Act	AAVM	The broadcasting organisation shall ensure that facts and events are fairly, objectively and comprehensively reflected in broadcasts, in accordance with the generally accepted principles of journalism and ethics. Commentary shall be separated from news; moreover the name of the author of the commentary shall be indicated.
<b>2.3. Other media content</b>	section 3,4 Radio and Television Act	AAVM	Broadcasting organisations shall be free and independent in the production and distribution of their programmes insofar as they are not restricted by the Constitution, this Law and other laws, State technical standards and international agreements binding on Latvia.
<i>Implementation problem: The Council supervises the operations of public radio and television, which in theory includes supervising adherence to the principles outlined above in the Law on Radio and Television. In reality, however, the Council has not acted to defend public media against political pressure. (Kruks, 2005) In the autumn of 2007 similar concerns were raised as one of the most experienced TV news editors of the BSB was dismissed on the grounds of minor formal allegations</i>			
	section 5,3 Radio and Television Act	AAVM	Public broadcasting organisations shall not be subject to the direct influence of State and Local Government institutions, political organisations (parties), religious denominations, and financial and economic groups. Their operation shall be based on public supervision and they shall be financially independent.
	section 25, 2 Radio and Television Act	AAVM	The choice of content and scheduling of sponsored programmes or broadcasts may not be influenced by the sponsor in such a way as to restrict the editorial independence of the broadcasting organisation.
<b>2.4. Subsidies/</b>	None		

<b>Training of journalists (independence, ethic, recruitment, etc.)</b>			
<b>2.5. Consultative programming structure for participation of the public/citizens to media (i.e. a mechanism to allow citizens to participate in editorial decisions, under the form of e.g. an ombudsman, ethics or liaison committee, "Société des rédacteurs"...) </b>	None		

**TABLE 3. Cultural pluralism**

Measure	Source	Scope of application	Key features
<b>3.1. Structural rules (guaranteeing or promoting access by the various cultural groupings to media companies' bodies, structures...)</b>			
3.1.1. Special representation requirements in media company structures	none		
3.1.2. Special representation requirements in media advisory bodies	none		
3.1.3. Legal or policy measures either prohibiting discrimination in recruitment or promoting equal opportunities (ethnic minorities, gender, age, disabled...)	None (specifically for media sector)		
<b>3.2. Representation of the various cultural groupings in the media</b>			
3.2.1. Access to airtime for cultural groupings			
3.2.2. Content obligations			
3.2.2.1. <i>Promotion of European works</i>	art. 18, 1 Radio and Television Act	AAVM	All broadcasts of visual programmes produced by a broadcasting organisation (except news, sports events, games, commercials, teletext services and teleshops) shall be in the following proportions of the total volume of the weekly broadcasting time:  1) not less than 51 per cent - European audio-visual works;
3.2.2.2. <i>Promotion of European independent works</i>	section 18, 3 Radio and Television Act	AAVM	The broadcasts of audio-visual programmes produced by a broadcasting organisation shall ensure at least 10 per cent of the total volume of the weekly broadcasting time (except for the time dedicated to news, sports events, games, commercials, teletext services and teleshops) for European audio-visual works produced by independent producers. Broadcasting organisations shall ensure that the major proportion of the broadcasting time granted to independent

			producers is allocated for European audio-visual works produced by independent producers in the last five years.
3.2.2.3. <i>Promotion of national/regional works</i>	section 18, 1 Radio and Television Act	AAVM	40% of the European works should be works originally produced in Latvian
	section 18, 2 Radio and Television Act	AAVM	Within the national remit, in the radio programmes created in Latvia the proportion of the music reflecting the cultural identity of Latvia between the hours of 7.00 and 22.00 shall be not less than 40 percent of the total volume of the monthly broadcasting time allotted for music.
	section 19, 5 Radio and Television Act	AAVM	If the Cabinet determines that in a part of the territory of the State there exists a threat to the use of the official language or also the use or distribution thereof is insufficient, the Cabinet shall decide regarding measures promoting the use of the official language in the relevant territory.
	section 54, 2 Radio and Television Act	AAVM	The national remit shall: 2) ensure the development of the Latvian language and culture promoting the consolidation of a single-nation state.
<p><i>Note: In practice, the national remit is a document – agreement between the NRTVP (regulator) and the PSB</i>  <i>The remit is a rather efficient tool, especially with regard to ensuring the requirements with regard to the use of national language (as it has and remains a very salient political issue).</i></p>			
	section 54, 5 Radio and Television Act	AAVM	The national remit shall: 5) promote the production of broadcasts concerning the life and culture of ethnic minorities living in Latvia.
<p><i>Note: When it comes to promotion of content concerning the life of ethnic minorities living in Latvia, the success is modest.</i>  <i>A very good analysis of the situation was given by S. Kruks (2005) pp. 1003 – 1007, which is still very much true.</i>  <i>The priorities of the National remit 2008 (Agreement between the PSB and the Council) mention two explicit tasks – more Russian language news production and contribution to National Integration program (a policy document) by starting a morning show “Morning With Friends” (In Russian)</i></p>			
	section 62, 2 Radio and Television Act	AAVM	Latvian Radio and Latvian Television shall produce their programmes for the first distribution network as national programmes in the Official language
3.2.2.4. <i>Language requirements</i>	section 19 Radio and Television Act	AAVM	Films demonstrated shall be dubbed in the official language (Latvian), or also with the original soundtrack and sub-titles in the Latvian language, but films intended for children shall be dubbed or with voice-over in the Latvian language. Television broadcasts in foreign languages, except live broadcasts, re-transmissions, broadcasts to foreign countries, news and language instruction broadcasts, shall have subtitles in the Latvian language.
	section 62, 3 Radio and Television Act	AAVM	Of the annual broadcasting time, 20 per cent may be allocated to broadcasts in the

			languages of the State ethnic minorities, including in such broadcasting time also films and theatrical performances sub-titled in the Official language.
	art. 17 Official Language Act	AAVM	Films, videos and parts thereof to be exhibited in public shall be recorded or dubbed in the official language, or be supplied, concurrently with the original sound recording, with subtitles in the official language, observing the existing literary norms of the language. Subtitles in a foreign language may also be allowed concurrently with the official language. Official language shall be placed in the primary position, and they may not, in their form or content, be smaller or narrower than the subtitles in the foreign language.
3.2.3. Representation of minorities on the screen (e.g. presenting the news, in drama, movies...; can be engagement in an internal charter or can be imposed statutory)	None		
3.2.4. Subsidies (apart from general PSB funding)			
<p><i>Note: Several regional broadcasters also play an important role in the national broadcasting sector. In particular, TV Dzintare, Valmieras TV and Latgale Regional Television provide regional news for LTV1 to broadcast nationally. In return, they receive State subsidies are determined within the framework of the National Remit (TV).</i></p>			
<b>3.3. Accessibility</b> (i.e. special measures to promote access to media contents by special needs groupings in society, like the elderly, disabled...)	Art 8, 1 Electronic Communications Law (2004)		The Public Utility Commission shall promote for end-users, including special social groups and especially disabled persons, the possibility to choose an electronic communications merchant, the electronic communications services provided thereof, and electronic communications service tariffs.

**TABLE 4. Political pluralism**

Measure	Source	Scope of application	Key features
<b>4.1. Structural rules (relating to the organization and structures of media companies/advisory bodies)</b>			
4.1.1. Restrictions to politicians' ownership/control of media (avoid one dominating voice)	section 8, 6 Radio and Television Act	AAVM	A political organisation (party) as well as an undertaking (company) established by it, where the investment by the political organisation (party) ensures the control of it, may not establish broadcasting organisations.
<i>Note: The exact scope of the notion “where the investment by the political organisation (party) ensures the control of it” is unclear. There were no precedents so far, however, systemic interpretation suggests that the criteria of competition and commercial law would be used – if a person (legal or physical) controls a part of shares that allow the exercise an effective control over the commercial entity . This interpretation is also supported by para 7 (below) that applies to individuals as part of the decision-making body of the media company.</i>			
	section 8, 7 Radio and Television Act	AAVM	A person who holds an elected office in the governing body of a political organisation (party) and is the founder (shareholder) of or holds a controlling interest in a broadcasting organisation, may not have voting rights in the decision-making institutions of this undertaking.
4.1.2. Requirements of independence from political parties / politicians	section 8, 1 Radio and Television Act	AAVM	The monopolisation of electronic mass media in the interest of a political organisation (party) [...] is not permitted.
	section 33, 4 Radio and Television Act	Cable television	Applicants to a licence for cable television or radio must add to their application a declaration stating that the applicant does not hold elected office in the governing body of a political organisation (party).
4.1.3. Incompatibility of political mandate with membership in media advisory or regulatory bodies	section 43, 1 and 2 Radio and Television Act	AAVM	(1) A member of the Council may not combine a position on the Council with the duties of a member of the <i>Saeima</i> or a member of the Cabinet. (2) A member of the Council may not hold an elected office or any other offices in the governing body of a political organisation (party).
4.1.4. Representation requirements in media companies' bodies (board of directors...)	section 46, 3 Radio and Television Act	AAVM	The Council shall administer the State capital share in Latvian Radio and Latvian Television.
4.1.5. Representation requirements in media advisory bodies and/or regulators	None, only cooperation section 46, 7 (3) Radio and Television Act		The council shall: maintain relations with institutions of other states which are concerned with matters regarding the operation and development of electronic mass media.

<b>4.2. Content rules (relating to media programmes, press articles, other content)</b>			
4.2.1. (Equal/proportionate) Access to airtime for political groupings	No specific rules, except the general principles enshrined in the Press law, with an exception of Pre Election period with regard to the PSB		
4.2.1.a. Non-paid access, e.g. right to insert own programmes or messages on the public channels	Law on Pre Election Agitation Before the Elections of Saeima (Parliament) and European Parliament, art 2, para 1, Art 5,  law “On Pre Election Agitation Before Regional Election” (1994)		PSM is obliged to provide free airtime to all political parties in order to present their program (10 minutes , twice) Private broadcasters do not have this obligation.
4.2.1.b. Rules on political advertising	Draft Amendments to the Law on Pre-Election Agitation before the Elections of Saeima and European Parliament, adopted in 2 <sup>nd</sup> reading on 9 March 2006		As a general rule political advertisement is allowed. In pre-election periods however there is a new regulation. On 9 March 2006 the <i>Saeima</i> (Parliament of the Republic of Latvia) adopted in the second reading a draft law, prohibiting any political advertising in electronic media within 90 days before the elections to the <i>Saeima</i> and the European Parliament.  The prohibition would apply only to radio, television, and outdoor advertisements. Not to the written press.
<p><i>Notes: The amendments to this draft were never adopted, as a result of that the status quo has not changed</i></p> <p><i>There are several explanations to this:</i></p> <ul style="list-style-type: none"> <li>- <i>Political corruption. The amount of money required for on-air advertising is significantly bigger than that required in print media. Ceilings of expenditure of campaign spending is not a viable policy if not supported by measures limiting “demand” for money on the side of political actors</i></li> <li>- <i>Equality of political actors. The new actors (parties) are de facto unable to mobilize enough resources to compete in the “media campaign” The research has shown that there is a significant correlation between the media campaign in TV and Radio and the result of elections, The above has also been admitted by the Supreme Court (SA – 5/2006, November 3, 2006)</i></li> <li>- <i>Limiting political advertisements in both PM and TV/Radio would not be proportional solution with regard to the freedom of speech of the candidates</i></li> <li>- <i>Finally, there is international practice (most visibly in the UK) that suggests such approach as one that may enhance the debate while limiting the impact of money in politics</i></li> </ul>			
4.2.2. Government announcements	section 17, 4 Radio and Television Act		In accordance with the Law On States of Emergency and the Law On the Civil Defence of the Republic of Latvia, broadcasting organisations have an obligation to provide opportunities for the officials concerned to make public announcements to the inhabitants in emergency situations.  Commercial broadcasting organisations shall ensure the distribution of educational or informative announcements prepared by ministries in accordance with procedures prescribed by the Cabinet, allocating a minimum of 30 seconds of broadcasting time between the hours of 18:00 and 22:00

	section 60, 4 Radio and Television Act		PSM has the obligation to provide without delay an opportunity for the President , the Chairperson of the Saeima (Latvian Parliament) or the Prime Minister to give emergency announcements.
4.2.3. Impartiality obligations			
4.2.4. Fair representation of political viewpoints; special rules in election periods	art. 17, 5 Radio and Television Act		Election campaigning on electronic mass media is governed by separate rules.
<p><i>Note: Law on Financing of Political Organisations (Parties) (1995). Establishes extensive requirements of disclosure of sources of income as well as expenditures, especially during the pre-election period. Campaign spending is limited to 0.20 LVL (to be changed to 0.35) per each person having the right to vote. (counting 90 days prior to election)</i>  <i>The rules, however, apply to all expenses in all types of media</i>  <i>The Law is presently being amended (in the Parliament, there is also a separate working group under the auspices of the Anti-Corruption bureau, responsible for the implementation) and it is envisaged that the “ceiling” will be adjusted, and implementation of the law enhanced by sufficient sanctions</i></p>			
	section 54 Radio and Television Act		The national remit shall 6) ensure pre-election campaigning opportunities in accordance with law
<p><i>Note: According to the Pre Election Agitation Laws (see above)</i></p>			
	section 55 Radio and Television Act		The national remit shall not serve solely the interest of any political organisation (party).

**TABLE 5. Geographical pluralism**

Measure	Source	Scope of application	Key features
<b>5.1. Licensing policy fostering local/regional types of media (for instance: is part of the spectrum explicitly reserved for regional/ local media; are there any rules safeguarding the local character of these media once they are operating, e.g. restrictions to cooperate or centralize programming/advertising decisions...)</b>	<p>section 7, 3 Radio and Television Act</p> <p>Most of the goals mentioned here are reflected in policy documents (National concept on development of electronic media 2006-8.), reports on implementation of the policy document are not yet available.</p> <p>None, as far as I am aware of, have been implemented so far. One of the factors – the change of the leadership of the NRTV Council in late</p>		Broadcasting organisations, the programmes of which are reliably received throughout the administrative territory of at least one district (Republic city), or in the greater part of it shall be recognised as regional broadcasting organisations
<p><i>Note: An interesting decision of the Supreme Court regarding the policy with regard to development/ration between the national vs. local broadcasters (radio) was issued in August 3, 2004 (Case SKA 184). The facts of the case in brief: The Council had announced the competition for local broadcasting licences. In 11 of those the licence was awarded as a result of the competition, to one of two major commercial radio stations (Hit FM). Another major commercial radio station (Radio SWH) had only participated in one of the competitions. The latter appealed the decision of the Council, arguing that such decision, arguing that the de facto a new national broadcaster is created as Hit FM plans to broadcast essentially the same programming in all newly acquired channels. Hit FM lost the case, however, the argumentation mostly turned on the norms of the law on administrative procedure. The substantial argument of Hit FM (applicant) in the Supreme court was the fact that the national broadcasting strategy does not provide for creation of new national broadcasters, that competitions for licences must be in conformity with the national policy documents, hence, if the competition was announced and the results approved, the complaint lacks factual grounds. The radio station also challenged locus standi of Radio SWH, however the argument was dismissed. Hit FM lost the case. The result of the competition was considered as such that violates fair competition</i></p>			
	section 7, 4 Radio and Television Act		Broadcasting organisations, the programmes of which are reliably received in one parish, city (or in a part of it) or populated area, shall be recognised as local broadcasting organisations.
	section 11, 2 Radio and Television Act		The invitation to tenders to receive a broadcasting permit for regional or local coverage frequency must be published in both the official gazette of the government of Latvia and a local newspaper (+Judgement of the Administrative Department of the Supreme Court Senate of the Republic of Latvia, 14 June 2007: decisions on the results of broadcasting tenders must be sufficiently reasoned).
<b>5.2. Structural measures: access of various localities to media (e.g. obligation to have branches throughout country)</b>	none		
<b>5.3. Content obligations: requirements to cover local events, etc.</b>	None apart from limitations on retranslation. It may not exceed 30		

	% of the total air time (Art 31. Radio and Television Act)		
<i>Note:</i> Majority of airtime of local TV stations is frequently local advertisement.			
<b>5.4. Regional State Aids</b>	None (planned in policy documents)		
<b>5.5. Rules on national minorities</b>	None (planned in policy documents)		
<b>5.6. Rules on social inclusion of remote areas</b> (Aménagement du territoire)	None		

**TABLE 6. Pluralism of ownership/control**

Measure	Source	Scope of application	Key features
<b>6.1. Sector specific rules limiting media ownership</b>			
6.1.1. Moment of intervention			
6.1.1.1. At moment of market entry (licensing procedure)	section 11, 5 Radio and Television Act	AAVM	Applicants to a broadcasting licence must add to their application a declaration of whether or not the participant in the invitation to tender or his or her spouse is a founder (shareholder) of another broadcasting organisation and if so, the extent of the investment.
	section 33, 5 Radio and Television Act	Cable TV and R	Applicants to a licence for cable television or radio must add to their application a declaration stating that the applicant and his or her spouse are not the sole founders (shareholders) of another broadcasting organisation and that their investment in another broadcasting organisation does not give them control of it. Does not apply to transfrontier television.
<i>Note: Note the difference in wording with art. 11, 5 Radio and Television Act. This means that in cable you can have a share up to 49% in another broadcasting company, if it is a transfrontier broadcaster (Art 7 5, 6) The Radio and TV generally does not apply to Transfrontier broadcasters, apart from the rules of retranslation.</i>			
6.1.1.2. At the moment of mergers & acquisitions			
	section 8, 8 Radio and Television Act		If, as a result of inheritance or other circumstances, a person mentioned in art. 8, 5 acquires control of a broadcasting organisation, such a person shall be obliged to alienate the share so acquired, resulting in control which is prohibited, within three months. Otherwise, this share shall be sold by way of forced sale pursuant to court order.
6.1.1.3. Other (constant monitoring/supervision)	section 8, 4 Radio and Television Act		No broadcasters other than public service broadcasters are allowed to establish more than three program services.
<i>Note: The example of European hit Radio above shows how the restriction can be avoided. Namely, a network of several local transmitters can link in to provide a de facto national coverage</i>			
	section 8, 5 Radio and Television Act		A natural person who is the sole founder of a broadcasting organisation or whose investment in a broadcasting

			organisation ensures control of it, or the spouse of such a person, may not own more than 25 per cent of shares (capital share) in other broadcasting organisations.
	section 8, 8 Radio and Television Act		If, as a result of inheritance or other circumstances, a person mentioned in art. 8, 5 acquires control of a broadcasting organisation, such a person shall be obliged to alienate the share so acquired, resulting in control which is prohibited, within three months. Otherwise, this share shall be sold by way of forced sale pursuant to court order.
6.1.2. Scope (i.e. trying to prevent one of the following forms of concentrated ownership and/or control)			
6.1.2.1. Monomedia	section 8, 4 and 5 Radio and Television Act		
6.1.2.2. Crossmedia	General competition law (Competition law) Art. 15 on mergers  Radio and TV law 8,5		The threshold of reporting a merger is 15% of ownership in a particular market after the intended merger.  A natural person who is the sole founder of a broadcasting organisation or whose investment in a broadcasting organisation ensures control of it, or the spouse of such a person, may not own more than 25 per cent of shares (capital share) in other broadcasting organisations.
<i>Implementation problem: Esp. Recent amendments, March 2008 that are aimed at more effective prevention of establishing and abuse of dominant market position. Media researchers denote that the rule of 25% can be easily avoided by establishing an offshore company (See Krus (2005), p. 993), where the real owners are not revealed.</i>			
6.1.2.3. Vertical integration with networks	General competition law		
6.1.2.4. Integration with advertising sector	None		
6.1.2.5. Integration with other (e.g. energy) sectors	None		
6.1.2.6. Control over both commercial and public media	Radio and Television Act 46, 3	AAMS	The Council appoints Directors General, establish Audit Committees and approve their Board memberships of the PSB's
6.1.3. Criteria used to define thresholds for maximum ownership and/or control			
6.1.3.1. Number of licences	section 8,4 Radio and Television Act	AAMS	Each broadcasting organization, except for public broadcasting organizations, may produce not more than three programmes.
6.1.3.2. Market shares			
6.1.3.3. Circulation and audience shares			

6.1.3.4. <i>Capital shares</i>	section 8,5 Radio and Television Act	AAMS	A natural person who is the sole founder of a broadcasting organization or whose investment in a broadcasting organization ensures control of it, or the spouse of such a person, may not own more than 25 per cent of shares (capital share) in other broadcasting organizations.
6.1.3.5. <i>Voting shares</i>	No specific rules		
6.1.3.6. <i>Advertising revenues</i>	No specific rules		
6.1.3.7. <i>Involvement in number of media sectors</i>	No specific rules		
<b>6.2. Sector specific rules preventing cooperation between media companies</b>	section 8, 2 Radio and Television Act	AAMS	It is prohibited to link together in networks regional and/or local broadcasting organisations except in cases when this has been provided for in the national concept of the development of electronic mass media.
<b>6.3. (Sector specific or general) rules preventing foreign (non-EU) ownership</b>			
<b>6.4. General competition rules</b>			
6.4.1. Antitrust	Competition Law (2003)		
6.4.1.1. <i>Specific provisions for media sectors (e.g. public interest test...)</i>	None		
<i>Note: A very good analysis of the legal situation is available from the report of Hans Bredow Institute (2004). See p.13 and onwards especially</i>			
6.4.1.2. <i>Case law in media sectors (examples of leading cases; any specificities?)</i>			
<i>Note: The Supreme Court Case of the European Hit Radio vs. Radio SWH could be one of the best examples (above)</i>			
6.4.2. Merger control			
6.4.2.1. <i>Specific provisions for media sector (e.g. possibility for government to overrule NCA decision, public interest test...)</i>	None		
6.4.2.2. <i>Case law in media sectors (examples of leading cases; any specificities?)</i>	None		
<b>6.5. Transparency obligations</b>	section 15, 6 Radio and Television Act	AAMS	Upon the occurrence of any change in the membership of shareholders of a broadcasting organisation, in the number of shares (capital shares) and in the voting right proportions, or in the source of financing, the broadcasting organisation shall notify, in writing, the National Radio and Television Council of these changes within six months, which shall publish this information, at the expense of the broadcasting organisation, in the newspaper <i>Latvijas Vēstnesis</i> , but in the case of a regional or local broadcasting

			organisation, in a local newspaper as well.
6.5.1. Transparency towards consumer (e.g. identification obligation; cf. Art. 3a AVMS Directive)			
<i>Note: All basic information about the broadcaster if available at least in the homepage of the Council.</i>			
6.5.2. Transparency obligations towards regulator or in general (info on capital structure, balance sheets, either in specific media laws or in general company laws...)	Commercial law 181	AAMS PM	(1) The board of directors shall submit the annual accounts to the Commercial Register Office. (2) The following shall be attached to the annual accounts: 1) the auditor’s opinion regarding the annual accounts, but if the company has, according to the procedures specified in Section 176, Paragraph five of this Law, an invited auditor, then this auditor’s opinion shall also be attached; and 2) an extract from the minutes of the meeting of shareholders with the decision regarding approval of the annual accounts. (3) Simultaneously with the annual accounts, a notice on the status of the equity capital of the company shall be submitted, indicating the subscribed equity capital and the paid-up equity capital as of the date when the annual accounts were approved.

**TABLE 7. Pluralism of media types and genres**

Measure	Source	Scope of application	Key features
<b>7.1. Minimum service in a number of programme strands for commercial / community / public service media</b>	section 53-56 Radio and Television Act	AAMS	<p>Notion of the National Remit. This is the totality of broadcasts and programmes, approved by the National Radio and Television Council in which the requirements of this Law are complied with and which has the necessary financing.</p> <p>Main purposes of national remit are: inform about events in Latvia and abroad, promote the Latvian language and culture, ensure reflection of the activities of the Saeima, the President, the Cabinet and Local Governments, ensure the needs of society for educational, including religious educational, cultural, scientific, entertainment, children's and sports and other broadcasts, promote broadcasts concerning life and culture of ethnic minorities in Latvia and ensure pre-election campaigning opportunities.</p> <p>Formed on the basis of studies of the wishes of viewers and listeners.</p> <p>In general the Latvian Radio and Television shall provide the national remit, but the National Radio and Television Council may contract out a part of the national remit to other broadcasting organisations (max. 15% of total funding of national remit, max for one year).</p>
7.1bis. Special framework for community media (“medias associatifs”): Is there a special legal framework granting protection to community media (including rules determining the criteria - e.g. being independent of political parties, non-profit, respecting the law, etc. - in order to qualify as community media; granting certain privileges to that type of media, like guaranteed access to spectrum or networks, etc.).	None (Was planned in the national broadcasting sector policy 2004-2008)	AAMS	
<b>7.2. Events list</b> (please indicate what type of events are listed, e.g. only sports events or also cultural, political events...)			
	Art 17, section 7 Radio and Television Act	AAMS	Broadcasting organisations in the jurisdiction of Latvia exercising their exclusive rights shall broadcast events of major importance for society of Latvia so that at least 95 percent of the residents of Latvia are reached by "free television" (meaning without additional specified payments to existing broadcasting

			organisation finances). A list of such events shall be approved by the Cabinet.
<i>Note: There is a list but it hasn't been notified to the Commission yet. The Regulation of the Cabinet of Ministers (No. 185) on Transmission of important events lists those events.</i>			
	section. 8 Radio and Television Act	AAMS	If a broadcasting organisation has acquired exclusive rights to broadcast events which have been included in the list of especially important events for society of a Member State of the European Union,..., it may not utilise such exclusive rights in such a way that a substantial portion of the public in the relevant state is deprived of the possibility of watching through free television.
<b>7.3. Short news reporting</b>	None		
<b>7.4. Fixed book price</b>	None		
<b>7.5. Public service media</b>			
7.5.1. Structural rules - organization			
7.5.1.1. Independence (from government, political powers, economic powers; is this explicitly guaranteed, how?)	section 5, 3 Radio and Television Act	AAMS	PSM shall not be subject to the direct influence of State and Local Government institutions, political organisations,...,
<i>Note: A very good analysis of the situation/independence of PSBs in Latvia is provided by S. Kruks (2005) p. 982 and onwards</i>			
	section 5, 3 Radio and Television Act	AAMS	Operation shall be financially independent.
<i>Note: Finances determined by the Council and is a national subsidy (based on the needs to fulfil the national remit) No proportions vis a vis other income (which is allowed by the Radio and TV law) is specified</i>			
	section 59 2 Radio and Television Act	AAMS	The Directors General of PSM may not be a member of the Saeima (Parliament) or a member of the Cabinet or be active in political parties or the groupings of such, but in the event, he or she is active in a political party or grouping of such, shall suspend such activity.
	section 60, 1 Radio and Television Act	AAMS	No State or administrative body, public organisation or their officials may interfere with the operations of Latvian Radio and Latvian Television, except as specifically provided in the legislative enactments of Latvia.
	section 62, 5 Radio and Television Act	AAMS	The managers of the editorial broadcast departments concerning socio-political programmes and broadcast anchorpersons of such on Latvian Radio and Latvian Television shall be politically neutral.
<i>Note: In practice the decisive element is political neutrality of the Director, as well as financial viability of the PSB</i>			
7.5.1.2. Election of management, composition of board members...(government? Parliament? Other?)	section 59 Radio and Television Act	AAMS	PSM is managed by a Director General. Appointed by the National Radio and Television Council (5y, max 2X consecutively). May not hold political mandates or be active in a political party (cf. supra). May not hold other salaried offices or perform other salaried duties (except for art, science and pedagogical

			activities) and they may not be founders of or shareholder is a broadcasting company. DG hires division managers and sets up a board cf. the articles of association.
	section 57 Radio and Television Act	AAMS	PSM was set up as a non-profit making organisation with limited liability and will operate according to the legal provisions of the applicable legislation (Law on entrepreneurial Activity, Law on non-profit-making organisations, Law on companies with limited liability) and their articles of association. The National Radio an Television Council is the holder of the invested State capital shares in the PSM and shall perform the functions of the general meeting of the shareholders.
7.5.1.3. Specific representation requirements for board of directors, other bodies	None		
7.5.1.4. Advisory bodies: ensured broad representation of cultural, political and geographic groupings	None		
7.5.1.5. Employment: ensured broad representation of cultural, political and geographic groupings	None		
7.5.2. Structural rules - funding			
7.5.2.1. Source of funding (state / tax money, public / licence fees, advertising, merchandising...)	section 5, 1 Radio and Television Act	AAMS	PSM are formed by investing State property in the equity capital of the broadcasting organisation Latvian Radio and Latvian Television.
	section 5, 4 Radio and Television Act	AAMS	The sources for ensuring the financing of public broadcasting organisations shall be the State budget -moreover financing from this may not be less than that for the previous year- as well as income from their own commercial activities, donations, gifts and sponsorships.
	section 61 Radio and Television Act	AAMS	The income part of the budget of the Latvian Television and the budget of the Latvian Radio shall comprise funds form the State budget, funds gained from independent entrepreneurial activities and donations, gifts and sponsorship.
7.5.2.2. Sufficiency of resources (taking into account the missions and new media activities)	section 5, 4 Radio and Television Act		Financing of one year may not be less than that for the previous year
<i>Note: The amount is mostly that required to maintain the existing level, yet there is little room for investment or improvements in quality of production. Independent producers therefore are responsible for a large part of the programming.</i>			
	section 10, 4 Radio and Television Act	It essentially means that the licence is granted without competition.	Broadcasting rights shall be granted first to Latvian Television and Latvian Radio
	section 62 Radio and Television Act	AAMS	The right to distribute programmes on the first and second distribution network of radio and television belongs to the PSM. National Radio and Television Council can grant broadcasting rights on the second channel to others, under conditions and air time can be shortened in the interest of PSM.

7.5.3. Definition of public service remit			
7.5.3.1. <i>Obligation to provide a varied and pluralistic offer</i>	section 5, 2 Radio and Television Act	AAMS	Ensuring diverse and balanced programmes consisting of informative, educational and entertaining broadcasts for all groups in society, as well as ensure freedom of information and expression and objectiveness and diversity of broadcasts.
	section 54-56 Radio and Television Act	AAMS	Cf. supra
7.5.3.2. <i>Obligation to engage in new media activities</i>	section 9.1 Radio and Television Act	AAMS	Procedures for the implementation of the broadcasting of programmes in digital format in public electronic mass media shall be determined by the Cabinet.
<p><i>Note: The regulations of the Cabinet of ministers have not yet been approved.          In October 11, 2006 the Cabinet of Ministers approved the conception on terrestrial digital TV.          There are currently two service providers providing digital broadcasting service -private corporation Baltcom TV and Izzi.</i></p>			
7.5.4. Content obligations (not yet mentioned in table 3, 4 or 5)			
7.5.5. Universal coverage obligations	section 58 Radio and Television Act	AAMS	The Latvian State Radio and Television centre, in accordance with the national concept for the development of electronic mass media, shall fully ensure the distribution of the national public broadcasting remit programme of Latvian Radio and Latvian Television to audiences in the entire territory of the State, as well as to a target audience outside the border.

**TABLE 8. Distribution (networks/network facilities/print distribution)**

Measure	Source	Scope of application	Key features
<b>8.1. Guarantees for 'public contents' to be distributed (must carry or other)</b>	section 58 Radio and Television Act	AVMS	The Latvian State Radio and TV Centre shall fully ensure the distribution of the national remit programme of Latvian Radio and TV in the entire territory of the State as well as the target audience outside the borders of the State. Commercial companies do not have such obligation.
	section 34 Radio and Television	Cable operators	Within cable television systems, the supply to subscribers shall be ensured for all this populated area of reliably receivable public television programmes, which are broadcast in Latvia, in an unchanged form. No broadcasting permit is needed to distribute these programmes on cable television systems.
<b>8.2. Guarantees for network operators to distribute 'public contents' (must offer or other)</b>			
<b>8.3. Ex ante regulation (in electronic communications) : SMP market analysis for broadcasting transmission</b>			
8.3.1. Implementation of market analysis procedure in ECNS Directives	Art. 28-31 Electronic Communications Law	All except internet	The Public Utility Commission is responsible for the market analysis of ECNS. Procedures and definitions must be established. The Commission also determines which players have SMP.
8.3.2. Result of (first) round of market analysis of market 18			
<b>Notes:</b> - Oct. 5, 2007: notification of draft <u>decision</u> to Commission: PUC finds 3-criteria test not satisfied (competition law is sufficient to deal with competition problems on M18: on June, 13, 2007, Competition Council found that 'Latvijas Valsts radio un televīzijas centrs' (Latvian radio and TV centre) had abused its dominant position on M 18 and imposed a fine and remedies, i.e. non-discrimination and transparency obligations (more concretely, LVRTC is obliged to establish transparent, non-discriminatory and cost-based prices). - Oct. 31, 2007: Commission closes case without comments.			
<b>8.4. Ex ante regulation for associated facilities of networks, so-called 'bottleneck facilities'</b>			
8.4.1. Conditional access	Art 36 Electronic Communications Law		Public Utilities Commission supervises if access is granted fairly, proportionally and with equal treatment by the public electronic communication network operators.
	Art. 38 Electronic Communications Law		The Commission may impose upon an electronic communications merchant with a significant market influence, in the field of access or interconnection, obligations and

			duties of transparency, equal treatment, accounting separation, tariff regulation and cost accounting, and obligations in relation to access to electronic communications networks.
	Art. 67 Electronic Communications Law		An electronic communications merchant who offers digital television and digital radio services shall ensure that the services provided by him or her do not limit the right of subscribers to a free choice of service supplier, as well as that there is interoperability with other electronic communications merchant services.
8.4.2. EPG (or other search tools)	Art 36 Electronic Communications Law		PUC has the right to fairly, proportionally, and with equal treatment specify that public electronic communications network operators have a duty to ensure access to electronic programme guides.
<i>Note: There has been no implementation decision so far.</i>			
8.4.3. API	Art 36 Electronic Communications Law		Cf. <i>supra</i>
8.4.4. Other			
<b>8.5. Interoperability requirements</b>	Art. 36, 38, 67 Electronic Communications Law		Cf. <i>supra</i>
<b>8.6. Specific rules for distribution systems in print media</b>	Postal law 22, 3 (2)	PM	(3) In addition to the postal services referred to in Section 4 of this Law, Latvia Post has the right to perform also other operations compatible with postal items: 2) to accept subscriptions to periodical press publications and to effect delivery of press publications to the subscribers.
<i>Notes: Tariffs determined by the Post have been challenged in the Competition authority, but not recently</i>			
8.7. General competition law	No specific provisions		
<b>8.8. Policies fostering distribution systems (libraries, broadband networks...) - are these in line with EU state aid rules?</b>	2006: Public funding to promote investment in broadband infrastructure capable of providing retail broadband services in remote and rural areas of Latvia, struggling with low levels of economic activity, below-average per capita income and high unemployment (endorsed by Commission: N 118 / 2006, June 2006).		
<b>8.9. State Aids to distribution platforms and/or schemes (can be based on one or more of the following criteria: - Regional - Linguistic/minority - National )</b>			
<i>Note: Ministry of transportation is currently implementing an EU (ERAF) supported project, promoting access to broadband connection in the rural areas</i>			

**TABLE 9. Supervision**

Measure	Source	Scope of application	Key features
<b>9.1. National Regulatory Authority</b>	Chapter VI Radio and Television Act	AAMS	National Radio and Television Council ( <a href="http://www.nrtp.lv">http://www.nrtp.lv</a> )
9.1.1. Structure/ organisation			
9.1.1.1. <i>Guarantees for independence</i>	section 41, 1 Radio and Television Act	AAMS	The National Radio and Television Council is an independent institution
<p><i>Note: Constitutions tiesa (Constitutional Court), Judgement of 16 October 2006, case n° 2006-05-01: the independent status of the National Radio and Television Council is not an infringement of Art. 58 of the Latvian Constitution (IRIS 2007-1:13/23)</i>  <i>Please see the analysis of S. Kruks for a detailed analysis. The main problems are:</i>  <i>- Political bias due to the structure of appointment. While direct political appointments were limited in 2003, that does not prevent appointment of politically “sympathetic” members of the Council</i></p>			
	section 43 Radio and Television Act	AAMS	A member of the Council may not combine a position on the Council with the duties of a member of the Saeima or a member of the Cabinet, may not hold an elected office or any other offices in the governing body of a political party.
	section 47 Radio and Television Act	AAMS	Employees of the Secretariat of the council may not hold any other office or receive a salary directly or through the agency of other persons from broadcasting organisations
9.1.1.2. <i>Representation requirements</i>	section 41, 1 Radio and Television Act	AAMS	The Council shall represent the interests of the public in the field of electronic mass media.
	section 42 Radio and Television Act	AAMS	The Council shall be established by the Saeima, electing nine members to it. The members of the council may comprise Latvian citizens who permanently reside in Latvia.
9.1.2. <i>Credibility and efficiency</i>			
9.1.2.1. <i>Sufficient resources</i>	section 43, 4 Radio and Television Act	AAMS	Work on the council shall be the primary employment for a member of the Council. Other paid employment may be engaged in only with the permission of the Council.
<p><i>Note: General restrictions determined in the prevention of conflicts of interest legislation also apply, determining rather strict limitations and restrictions</i></p>			
9.1.2.2. <i>Tasks and duties</i>	section 46 Radio and Television Act	AAMS	Primary duties of the Council: formulate a national concept for the development of electronic mass media, draft a budget for the national remit, administer the state capital in PSM, determine the parameters of the national remit, issue broadcasting licences as well as special permits for cable tv and radio, controlling compliance with the Radio

			and Television Act, decide in case of infringements.
9.1.2.3. Effective sanctioning powers	section 46, 9 Radio and Television Act	AAMS	Possibilities in case of infringements: give a warning, impose administrative penalties, annul the broadcasting permit, file an action in court to terminate the operation of the broadcaster, forward material to law enforcement institutions for the bringing of a criminal action.
9.1.3. Cooperation with other regulators	section 9 Radio and Television Act	AAMS	Supervision over the operation of broadcasting organisations will be done by the National Radio and Television Council, the Electronic Communications Directorate and the Competition Council, within the scope of their competence as provided by law.
<b>9.2. Press Council</b>			
<i>Note: There is no Press Council in Latvia.</i>			
9.2.1. Broad representation of sector			
9.2.2. Sufficient resources			
9.2.3. Credibility			
<b>9.3. Competition Authority</b>			
	Chapter II Competition Law		Competition Council ( <a href="http://www.kp.gov.lv/">http://www.kp.gov.lv/</a> )
9.3.1. Structure/ organisation (What this row should learn is whether there is a problem for media pluralism because NCA does not function properly; it should not contain an in-depth analysis of functioning of NCA!)	I am not aware of any cases or doubts about functioning of NCA that may pose such a threat		
9.3.1.1. Guarantees for independence	Art. 4, 5 Competition Law		The Cabinet upon the recommendation of the Minister for Economics, shall confirm in office the Chairperson and members of the Competition Council. It shall be subordinate of the Ministry of Economics, which shall be realized in the form of supervision
	Art. 5, 4 Competition Law		The Chairperson and members of the Competition Council shall be civil servants whose professional qualifications give them the capability of taking decisions in competition matters.
9.3.1.2. Representation requirements	none		
9.3.2. Credibility and efficiency	State Administration Structure Law (2002) Art 10 As well as the Administrative procedure law (2003) applies		
<i>Note: The principles of public administration included in these laws provide a sound bases to challenge credibility and efficiency of the work of the institution</i>			
9.3.2.1. Sufficient resources	Art. 4,3 Competition Law		The operation of the Competition Council shall be financed from the State budget.
9.3.2.2. Tasks and duties	Art. 6 Competition Law		The Competition Council shall: monitor the observance of the prohibitions against the abuse of dominant position, unfair

			competition and prohibited agreements, supervise the observance of the advertising law, examine submitted notifications regarding market participant agreements and decisions taken in respect of them, restrict market concentration by taking decisions in relation to mergers of market participant and cooperate, within the scope of its competence with relevant foreign institutions.
9.3.2.3. <i>Effective sanctioning powers</i>	Art. 8, 1, 3 and art 8, 7 Competition Law		The Competition Council shall take decisions regarding: 1. ... 3) the determination of violations, legal duties and impositions of fines 7. The decisions of the Competition Council are binding on market participants, and market participant groupings
9.3.3. Cooperation with other regulators			

### Short summary of major implementation problems

I believe, one of the best accounts on the problems in the broadcasting in Latvia has been provided by Sergejs Kruks in his contribution to the report Television Across Europe (2005). See page 973 and onwards for a more detailed information, however, to sum the arguments there are the following main factors:

- The Council struggles with the enforcement of language quotas, declared anti-constitutional with regard to commercial broadcasters by the Constitutional Court in its Judgment in the case Nr. 2003-02-0106, but still applying to the PSB`s. The judgments is available from:  
<http://www.satv.tiesa.gov.lv/?lang=2&mid=19>
- Lack of political independence (political bias due to the appointment mechanisms of the members of the Council) and frequent speculations about too close the links with certain market players of the commercial media
- Lack of resources and capacity due to which policy documents mostly remain the main output of the work of the Council. From my personal observation, the above is also conducive the inability to follow and react to the latest development in media policies (e.g. the EU policies such as implementation of the new AVMS directive).
- Lack of effective communications mechanisms (little pro active communication with the society)

An important case about the status of the NRTVP (Council) was issued by the Constitutional Court in October 16, 2006, Judgment in the Case Nr. 2006-05-01. Available from:  
<http://www.satv.tiesa.gov.lv/?lang=2&mid=19> (Paragraph 13 esp.)

Another problem is the weakness of self regulation mechanisms, e.g. the Union of Journalists. In particular, no sufficient mechanism to ensure implementation of the code of ethics. Lack of common understanding of journalistic standards.