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aimed at providing compliance of natural and legal persons with the mass media legislation (p.1 Art. 4.1). Point 3 of this Article stipulates that the governmental supervision shall be conducted by the authorized body in the sphere of the mass media and by local authorities in the form of inspections. There

● Statute of the Republic of Kazakhstan N 124 "O chastnom predprinimatelstve" ("On entrepreneurial activities"), published in *Kazakhstanskaya pravda* (official publication) on 7 February 2006, available at: <http://merlin.obs.coe.int/redirect.php?id=10048>

● Statute of the Republic of Kazakhstan N 125 "O vnesenii izmenenii i dopolnenii v nekotorye zakonodatelnye akty Respubliki Kazakhstan po voprosam preprinimatelstva" ("On amendments and addenda to several legislative acts of the Republic of Kazakhstan in the sphere of entrepreneurship") published in *Kazakhstanskaya pravda* (official publication) 14 February 2006, available at: <http://merlin.obs.coe.int/redirect.php?id=10049>

RU

LT – Licences for Digital Broadcasters Awarded

On 14 February 2006 the Radio and Television Commission of Lithuania (RTCL) summed up the results of the tender for digital terrestrial television broadcasting, announced in October 2005 (see IRIS 2006-1: 17).

The tender was invited following the "Model for the Implementation of Digital Terrestrial Television in Lithuania" (see IRIS Merlin 2005-1 Extra), which was approved by the Government on 25 November 2004. The Model envisages terms and stages of the implementation of digital terrestrial television. Following the Model, the implementation of the digital terrestrial television will be carried out in stages by four digital television (DVB-T) networks (see IRIS 2006-1: 17).

The tender for digital terrestrial television was a great success. Six television broadcasters and three rebroadcasters applied with the request to participate in the tender. They offered twelve original TV programmes as well as packages of rebroadcast programmes, which altogether amounted to over 100 programmes.

On 1 March 2006 digital terrestrial television licences to broadcast their own original programmes were granted to the following broadcasters: UAB "Baltijos TV" (2 programmes), UAB "Laisvas ir neprik-

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● Decisions of the RTCL on the results of the tender for digital terrestrial television broadcasting, dated 14 February and 1 March 2006, available at: <http://merlin.obs.coe.int/redirect.php?id=10080>

LT

LV – Draft Act on Political Advertising in Electronic Media

On 9 March 2006 the *Saeima* (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 *Saeima* and the European Parliament.

are three types of such procedures to be found in point 4 of Article 4.1. Planned inspections mean procedures that shall be planned beforehand and take place only within fixed periods of time. *Ad hoc* inspections shall be required by specific social-economic situations calling for an immediate reaction to the complaints of representatives of public. Finally, "patrol" inspections are aimed at control over compliance with the law of licensing documentation (e.g. broadcasting license, registration certificate of a mass media outlet). The duration of any inspection shall not exceed 15 days from the date when relevant order is served upon by the governmental agency to a mass medium (p. 5 Art. 4.1). ■

lausomas kanalas" (2 programmes), UAB "Tele-3" (2 programmes), UAB "K" (2 programmes), UAB "Spaudos televizija" (1 programme). Two positions were reserved for programmes of the Lithuanian National TV, the public broadcaster, which was granted the right to broadcast those programmes without a rival.

The licences to rebroadcast programmes were issued to UAB "Mikrovisata", MMDS operator (24 programmes) and UAB "Tele-3" (5 programmes).

The winners of the tender acquired the right to broadcast or rebroadcast television programmes in the territory of Lithuania using the transmission services of the Lithuanian Telecom and Lithuanian Radio and Television Centre, the transmission providers, who had previously won the tender for providing digital transmission services over four DTT networks.

As all the applicants chose MPEG-4 compression, it will enable the Lithuanian audience to view 40 digital television programmes. Transmission of these programmes in Vilnius, the capital of Lithuania are planned to start by the end of 2006. Five other big towns will be able to access digital TV by the end of 2007.

In accordance with the "Plan for the Implementation of Digital Terrestrial Television", at least one of the digital TV networks will have to cover no less than 95 per cent of the territory of Lithuania by the beginning of 2009. The gradual switch-over period from analogue to digital terrestrial television will start in 2012. Until then, both analogue and digital television will be operating in Lithuania. ■

Initially it was proposed that political advertising within 90 days before the elections should be prohibited in all the media. However, at the sitting of 9 March 2006 *Saeima* decided that the prohibition with respect to the printed media should be deleted from the draft. Thus, the prohibition would apply only to radio, television, and outdoor advertisements.

The draft law has been severely criticized by elec-

tronic media, including the Latvian Association of Broadcasters. The broadcasters claim that such a provision would involve their being discriminated *vis-à-vis* the printed media. Also, it would constitute an unjustified restriction of freedom of speech, as a certain part of population would not have access to information on candidates and political organisations. In addition, taking into account that the next elections of the *Saeima* will take place in October 2006, it is claimed that the prohibition will be introduced too late and without sufficient warning: some broadcasters have indicated that they have already concluded agreements on the broadcasting of political advertising before the elections. The broadcasters have publicly stated that if the prohibition comes into force, they intend to apply to the constitutional court.

One of the potential threats is the broad definition of "pre-election agitation" to which the prohibition applies. According to the draft, it includes "advertising of a certain political organisation, a union of political organisations, or an individual candidate in mass media, if it contains a direct or indirect invitation to vote for or against a certain political organisation, a union of political organisations, or an individual candidate".

If the definition were to be interpreted broadly, this might include even opinions and analytical

reports. However, a systematic interpretation of the law does not lead to such conclusions. Other sections of the law presuppose that the pre-election agitation is paid for: the law includes a requirement of non-discriminatory payment conditions, it also stipulates that after the elections all the broadcasters have to report the payments received to the National Broadcasting Council. Also, the law includes an interesting clause that the journalists of public broadcasting companies may not pursue agitation for or against candidates within 60 days before the elections (i.e., a period shorter than the 90 days prohibition). Moreover, the law specifically states that its provisions do not apply to statements of fact in news broadcasts and direct reporting. These features point to a narrow interpretation, namely, that the prohibition applies only to paid political advertising in its direct meaning. However, much will depend on the interpretation by the authorities, such as the National Broadcasting Council which supervises the compliance of broadcasters with the advertising rules (including political advertising). In its press release of 8 March 2006, the National Broadcasting Council expressed its objections to the law, claiming that the amendments would introduce an unjustified restriction on the freedom of speech, create financial problems for broadcasters, as well as contribute to an increase in the frequency of hidden political advertising.

The amendments still have to be adopted in the third reading. As the deadline for proposals to the third reading was 15 March 2006, the final reading might take place by the end of March. As the final possibility, even if the amendments are adopted, the President has the authority to send them back to *Saeima* for review. ■

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● Draft Amendments to the Law on Pre-Election Agitation before the Elections of *Saeima* and European Parliament, adopted in 2nd reading on 9 March 2006, available at:
<http://merlin.obs.coe.int/redirect.php?id=10081>

● Act on Pre-Election Agitation before the Elections of *Saeima* and European Parliament was adopted on 9. August 1995, in force as of 12 August 1995, published in *Latvijas Vēstnesis*, 11 August 1995, no. 120

LV

MK – Broadcasting Act Enters into Force

A new Law on Broadcasting Activity entered into force in the Republic of Macedonia on 29 November 2005. One of its purposes is to bring domestic law into line with the EU Television Without Frontiers Directive.

The Law is divided into 17 chapters and comprehensively regulates many different aspects of broadcasting. It begins by defining certain terms and dividing broadcasters into public, commercial and non-profit broadcasting companies. The highly detailed Chapter III is devoted to the protection of pluralism, diversity and transparency of the work of broadcasters. In order to control illegal media concentration, it requires broadcasters, for example, to inform the Broadcasting Council about any change to their ownership structure. The Law explains in detail the kinds of shareholdings that broadcasters may not own in other media companies (daily newspapers, other television broadcasters, as well as news agencies and advertising agencies).

Following provisions on the Broadcasting Council (Chapter IV), Chapter V describes the licensing procedure, licence fees and the possible revocation of licences. Chapter VI of the Law deals with programme standards in the broadest sense. Programmes must take into account factors such as freedom from discrimination, copyright and the protection of minors. Quotas for Macedonian programmes are laid down, as well as a list of major events which must be freely accessible to all.

The content, insertion and duration of advertising are regulated in detail in Chapter VII on advertising, teleshopping and sponsorship. Different regulations apply for public and commercial broadcasters.

The technical aspects of broadcasting are regulated in the chapter on the transmission of programmes via public communication networks (Chapter VIII) and the chapter on the public operator for transmission of radio and television signals (X). Chapter XIII covers access to information and makes provision for the right to short reporting. Other