



DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



Constitutional Affairs

Justice, Freedom and Security

Gender Equality

Legal and Parliamentary Affairs

Petitions

The Citizens' Right to Information: Law and Policy in the EU and its Member States

STUDY

EN

2012

LATVIA

2.2.15. Latvia

2.2.15.1. Human Rights/Fundamental Guarantees, Legislation/Regulation, Codes of Conduct/Practice

2.2.15.1.1. *Human rights/Fundamental freedoms*

- Freedom of expression/Freedom of the media

The freedom of expression, the freedom to obtain and to impart information is safeguarded by Article 100 of *Satversme*, the Constitution of the Republic of Latvia.

More detailed safeguards to protect the media and journalists are further regulated by specific laws.

- Specific safeguards and rights for the media

The Constitutional Court (*Satversmes tiesa*) has acknowledged that the freedom of expression enshrined in Article 100 includes also media freedom.¹

- Freedom to receive and to access information
 - Specific rights for the citizens

Article 104 of *Satversme* stipulates an additional right to request information from state and municipal institutions and a correlative obligation of those institutions to answer on the substance of the issue.

- Safeguards on regulatory authorities

The Constitution of the Republic of Latvia contains no provision regarding Regulatory Authorities.

- Safeguards on “universal service”

There are in the Constitution of the Republic of Latvia no specific universal service obligations for electronic media.

2.2.15.1.2. *Media order (de lege lata and de facto)*

- “Market Entry”
 - Licensing schemes; remit psm; notification for print publications

Commercial radio and television broadcasters are subject to an ex-ante licensing scheme provided by the Electronic Media Law (EML). The current applicable Law was adopted in 2010, replacing the previous 1995 Radio and Television Law (cf. Report on Latvia 2004, point 1.4.). The broadcasting licenses are issued by the National Electronic Media Council (NEPLP²) – an independent regulatory authority (cf. Report on Latvia 2004, point 1.4:

¹ Judgment of the Constitutional Court of Latvia as of 05.06.2003 in case No. 2003-02-0106.

² The abbreviation of the name in Latvian: Nacionālā elektronisko plašsaziņas līdzekļu padome.

according to the 1995 law the name of this institution was the National Broadcasting Council). The licenses are issued on the basis of an application, or, if a radio frequency spectrum is necessary, on the basis of a tender result.³ The Latvian Supreme Court Senate has ruled that decisions on granting broadcasting licenses and respectively on tender results must be sufficiently reasoned.⁴

For retransmission of radio or television programmes a retransmission license is necessary, issued by the NEPLP on the basis of a relevant application.⁵

Providers of online services are subject to a universal permit regime according to the Electronic Communications Law: they must send a registration notification as providers of electronic communication services to the Public Utilities Commission – an independent regulatory authority.⁶

The legal regulation of the public service media is provided by the EML. The public service media are state-owned capital companies. Their main duty is to create and distribute programmes in accordance with the public remit. The public service media must operate in the general interest and they must ensure provision of information, which enables free opinion-making in the public. Their programmes must be diverse and take into account the various requirements of audience. The programmes of public service media must be accessible in all the territory of Latvia. Specific positive content obligations include provisions on the broadcasting of certain events important for the public, as defined by the EML⁷ and a secondary legal act⁸, as well as a duty to broadcast a certain proportion of European audiovisual works and works made by independent producers⁹.

Currently, there are two public service media operators: a radio broadcasting company, and a television broadcasting company. There is no separate legal framework for their online operations.

- Media pluralism/ownership; competition law aspects

There are no particular media-specific anti-concentration rules provided in the current EML, in contrast to the previous 1995 Radio and Television Law (cf. Report on Latvia 2004, point 1.4.1).

However, the general merger-control provisions stipulated by the Competition Law apply. According to the Competition Law, a merger is subject to a previous clearance by the Competition Council (the national competition authority), if the combined turnover of the merger participants exceeds LVL 25 million (ca. EUR 35.57 million), or if the combined market share of the merger participants in any relevant market exceeds 40 %.¹⁰ The Competition Council has reviewed several applications for merger clearance submitted by media companies. One of the first decisions with detailed reasoning was the 2010 decision allowing a merger of two major cable operators, subject to several binding commitments to safeguard free competition between media companies and to protect the

³ Article 15, section 4 of the EML (*Elektronisko plašsaziņas līdzekļu likums*), adopted on 12.07.2010, in force as of 11.08.2010.

⁴ Judgement of the Administrative Department of the Supreme Court Senate of the Republic of Latvia, 14 June 2007. See also IRIS 2007-9:16/23.

⁵ Article 19, section 1 of the EML.

⁶ Articles 32-33 of the Electronic Communications Law (*Elektronisko sakaru likums*), adopted on 28.10.2004, in force as of 01.12.2004.

⁷ Article 27 of the EML.

⁸ Regulation No. 91 of the Cabinet of Ministers as of 01 February 2011.

⁹ Articles 32-33 of the EML.

¹⁰ Article 15, section 2 of the Competition Law, adopted on 04.10.2001, in force as of 01.01.2002.

interests of the consumers.¹¹ The most recent decision providing a scrupulous analysis of the television market in Latvia and of the competitive conditions within this market, is the 2012 decision allowing the merger of the largest Latvian commercial broadcasters.¹²

The Competition Council may prohibit or allow a merger only under certain commitments. Such merger shall not create a dominant position or significantly impede the efficient competition. In this regard it must be noted that the current EML provides that an electronic medium has a dominant position if its market share in the relevant market exceeds 35%.¹³ This provision has never been applied in practice yet.¹⁴

The Competition Council has established that currently one large company has a dominant position in the wholesale market of press distribution, but also several smaller operators exist.¹⁵

- Legal framework for psm; ability to fulfill their tasks

The public service media are financed from the state budget, as well as from their own economic activity (e.g., advertising).

Generally, the legal framework enables the public service media to fulfil their tasks, however, there is a constant debate on the lack of sufficient financing and thus inability to provide a high quality content.

- On 17 April 2012 the NEPLP approved a Concept paper for a development of a new public service medium in Latvia, providing that a new unified public service medium body must be formed, by merging the activities of the current public service radio and television broadcasters¹⁶. On 30 May 2012 the NEPLP approved a supplemented version, and it is expected that the Ministry of Culture should submit it for review to the Cabinet of Ministers.the role and functioning of regulatory authorities in these respects

The Electronic Media Law (EML)¹⁷ provides that the National Electronic Media Council (NEPLP) is an independent regulatory authority whose main duty is to represent the public interest in the area of electronic media and to supervise that the electronic media comply to the *Satversme* and the relevant laws. The Constitutional Court has approved that the NEPLP is outside the hierarchy of state institutions subordinated to the Cabinet of Ministers, as the NEPLP due to its functions has to be independent from the executive power.¹⁸ The Constitutional Court has also pointed out that NEPLP has to promote competitiveness in the electronic media market.¹⁹

¹¹ Decision of the Competition Council No. 83 of 13 November 2010, in case No. 1492/10/03.01.-01./13. See also IRIS 2011-2:1/32. Note: this merger did not take place in practice.

¹² Decision of the Competition Council No. 42 of 11 May 2012, in case No. Nr.90/12/03.01./2. Article 14 of the EML.

¹⁴ In May 2012 a highly anticipated decision of the Competition Council is expected on the merger application between the two largest Latvian commercial broadcasters. It might address this market share criterion.

¹⁵ Decision of the Competition Council No. 69 as of 28 October 2011, case No. 885/11/03.01.-01./6. Available at: http://www.kp.gov.lv/uploaded_files/2011/D069_2810.pdf (in Latvian).

¹⁶ *Koncepcija par jaunā Latvijas elektroniskā sabiedriskā medija izveidi*, available at: <http://www.nrtp.lv/padome/page/2/aktualitates/1709-koncepcija-->. See also: IRIS 2012-6/26.

¹⁷ EML (*Elektronisko plašsaziņas līdzekļu likums*), adopted on 12.07.2010, in force as of 11.08.2010.

¹⁸ Judgment of the Constitutional Court of Latvia as of 16.10.2006 in case No. 2006-05-01; paras. 17 and 18 (the judgment was adopted in respect of the interpretation of the previous Radio and Television Law (1995), however, the relevant provisions of the EML are essentially the same).

¹⁹ Judgment of the Constitutional Court of Latvia as of 16.10.2006 in case No. 2006-05-01; para. 18.

The NEPLP is constituted by five members, elected directly by *Saeima* (the Parliament). The NEPLP is financed from the state budget, but as a derived state institution it is not included in the hierarchy of public institutions subordinated to the Cabinet of Ministers. The main functions of the NEPLP include the issuing of broadcasting and retransmission permits, monitoring and controlling the activities of electronic media, approving the strategy for the development of electronic media, as well as acting as a shareholder of public broadcasters (approving their articles of association, electing the management board).²⁰

- "Pursuit of Core Activity"
 - Ordinary law safeguards for journalistic activity

The Law on the Press and other Mass Media provides specifically for the freedom of the media and their right to obtain information from state and non-governmental institutions²¹, the safeguards for journalistic activity, the prohibition of censorship, and interference with the activities of the media (*cf.* Report on Latvia 2004, point 1.3.). In 2011 this law was supplemented by an explicit statement of the editorial independence:²² the editor and the editor-in-chief is liable for the contents of the published information, but is editorially independent. Hence, the editors themselves must decide what information should be published and what not.

The freedom and independence of editorial activity is stipulated also by the EML, stating that this freedom applies to the producing and distributing of programmes and may be limited only as provided by the law.²³

The EML provides the following complaint procedures: the rights to request a revoking of false information, and the rights to reply²⁴. If any electronic medium refuses to revoke the information or to provide the rights to reply, the complainant may request this through the court. Similar provisions are included in the Law on Press and Other Mass Media, which applies also to printed media. The general Civil Law provides for a right to request a compensation for defamation, and, if the defamatory and false information was published in press, it also has to be revoked in the press.²⁵

- Specific positive content obligations

Media subject to Latvian jurisdiction must provide a Latvian translation of all broadcasts, including films, if they are not originally in Latvian.²⁶ This does not apply to retransmitted programmes.

- Funding schemes for specifically desired content

A funding for specifically desired content (production of news and current affairs programmes and providing information to general public) is granted within the public remit scheme. According to the EML, the public remit is mainly provided by the public

²⁰ Articles 60-62 of the EML.

²¹ Article 5.

²² Amendments to the Law on Press and Other Mass Media, adopted on 22.09.2011, in force as of 20.10.2011. See also IRIS 2011-10:1/32.

²³ Article 24, part 1 of the EML.

²⁴ Articles 50-52 of the EML.

²⁵ Article 2352.¹ of the Civil Law.

²⁶ Article 28, parts 3 and 4 of the EML.

service media, however, the NEPLP may entrust also commercial media with a certain part of the public remit.²⁷ This option, however, has not been used in practice yet.

- Political advertising and/or broadcasting time

The political advertising and related issues, such as broadcasting time to be offered to parties and candidates, is regulated by the laws "On pre-election campaign before the *Saeima* elections and elections to the European Parliament"²⁸ and "On campaign in radio and television before the municipal elections"²⁹. The respective laws have faced many amendments to ensure a smooth and transparent regulation of pre-election campaigns.³⁰ A certain amount of free broadcasting time in the programmes of the public service media, Latvian Radio and Latvian Television, is granted to the registered candidates.³¹ In addition, the candidates may use paid political advertising, but the payer for such advertising must be clearly indicated. The broadcasting organisation has a duty to publish its tariffs for broadcast political advertising, and these tariffs must be applied in a transparent and non-discriminatory manner.³² Also, the political advertising in printed media must take place according to a transparent and non-discriminatory tariff, and it must be clearly indicated that a certain publication is a political advertisement, and who has paid for it.³³ The observation of the relevant rules is monitored by the NEPLP (regarding electronic media only), as well as by the Corruption Prevention and Combating Bureau (regarding all media, but this control is limited to the monitoring of compliance with the political advertising rules).

- Codes of conduct and their organisational framing

In addition to the regulatory enactments (The Law on the Press and other Mass Media and the EML), the Latvian journalists should adhere to the Code of Ethics of the Latvian Union of Journalists, adopted in 1992 (cf. Report on Latvia 2004, point 1.3). Alleged violations of the Code are reviewed by the association's Ethics Committee. However, this code is not formally binding, and there is no efficient mechanism for the monitoring of compliance. The most severe sanction for a violation is exclusion from the Union.

- The role and functioning of regulatory authorities in these respects

The functions of the NEPLP include a duty to review complaints received from the public on the activities of electronic media, including the contents of their programmes. The NEPLP may request explanations from the respective electronic medium, as well as records of the programme in order to control whether the applicable laws have been observed.³⁴ In case of the breach of the EML or the Advertising Law the NEPLP may apply a warning or an administrative penalty in the amount of up to LVL 10,000 (approx. EUR 14,124).³⁵

²⁷ Articles 64-71 of the Electronic Communications Law.

²⁸ *Par priekšvēlēšanu aģitāciju pirms Saeimas vēlēšanām un Eiropas Parlamenta vēlēšanām*, adopted on 09.08.1995, in force as of 12.08.1995.

²⁹ *Par aģitāciju radio un televīzijā pirms pašvaldību vēlēšanām*, adopted on 31.03.1994, in force as of 20.04.1994.

³⁰ See also IRIS 2009-3:15/24.

³¹ Article 2 of the law On pre-election campaign before the Saeima elections and elections to the European Parliament, Article 2 of the law On campaign in radio and television before the municipal elections.

³² Article 7 of the law On pre-election campaign before the Saeima elections and elections to the European Parliament.

³³ Article 25 of the of the law On pre-election campaign before the Saeima elections and elections to the European Parliament.

³⁴ Articles 60 and 61 of the EPL.

³⁵ Article 21 of the EPL; Article 201.⁵ and 215.⁹ of the Code of Administrative Violations.

- Distribution Aspects
 - Access to frequencies

Where the frequencies are limited, the broadcasting licences are issued on basis of the tender results. The radio frequencies are controlled by the state institution Electronic Communications Office, which shall inform the NEPLP on the available frequency allotments.³⁶

As of 1 December 2011 a full transfer to digital terrestrial television transmission has been completed. The digital terrestrial transmission is organised by a company, which has been selected by the Cabinet of Ministers on the basis of a tender. The company has its exclusive rights until 31 December 2013. Until this date the Cabinet of Ministers must develop and submit to the Saeima (Parliament) a legislative proposal providing conditions on which as of 1 January 2014 electronic media will be able to choose the entity, which will ensure the distribution of their programmes, or to ensure the digital broadcasting of their programmes by their own means.³⁷

- Access to distribution networks and control of actual conditions

The distribution and circulation instruments of the printed press are not regulated by the law, and are organised on basis of private agreements between the publishing houses and distribution companies.

- Must-carry/must-offer rules for electronic media

The EML provides for a must-carry obligation to the cable operators retransmitting television programmes of other broadcasters. The cable operators must include in their retransmission the programmes of Latvian public service media, as well as the programmes of those national broadcasters whose programmes are available free-to-air within terrestrial transmission.³⁸

There is a legislative proposal to partially abolish the must-carry principle, applying it only to programmes of public broadcasters, but the outcome is still unclear. The proposal is advocated by the two national commercial broadcasters TV3 and LNT who would prefer charging a fee for the inclusion of their programmes in the cable retransmission packages. On 7 June 2012 the Saeima (the Parliament) approved these amendments in the first reading.³⁹

- Role of platform operators

The infrastructure for the digital terrestrial transmission, as well as for the remaining analogue transmission of radio broadcasters, is ensured by the state company Latvian State Radio and Television Centre.⁴⁰

A company selected by the Cabinet of Ministers has the sole right to organise the digital terrestrial transmission until 31 December 2013.⁴¹ The company has rights to charge a

³⁶ Article 15, part 7 of the EML.

³⁷ Transition provisions of the EML, paragraph 12.

³⁸ Article 19, section 6 of the EML.

³⁹ Proposal on the amendments to the EML, submitted to the Saeima, approved in the first reading on 07.06.2012.

⁴⁰ Article 13 of the EML.

fee for the digital transmission from the broadcasting companies whose programmes it is transmitting, calculated according to the order set by the Cabinet of Ministers⁴² (so far the Cabinet of Ministers has not set this order, as according to the Transition Provisions of the EPL this rule will be applicable only as of 1 January 2014). Currently, the selected company is SIA Lattelecom, however, its operation has caused several complaints by private broadcasters and has resulted in an investigation by the Competition Council, which did not find any abuse due to the lack of facts, but indicated deficiencies of the selection procedure.⁴³

- The role and functioning of regulatory authorities in these respects

The Cabinet of Ministers has to decide how to organize further the digital terrestrial transmission of television programmes, as the existing regulations cover the situation only until 31 December 2013. On 8 December 2011 the Ministry of Transport approved a Concept Paper on the Distribution of Digital Terrestrial Television after Year 2014 and submitted it to the Cabinet of Ministers, which has to decide, which of the four proposed options to select.⁴⁴ The EML currently in force provides that the transmission of digital terrestrial television is organized by only one company, selected in the tender, however, the draft concept papers proposes also an option where this could be done by several companies.

On 10 May 2012 the Cabinet of Ministers issued an order on this issue⁴⁵, approving the option 2 of the Concept Paper. The approved option provides that the state owned company VAS "Latvijas Valsts radio un televīzijas centrs" will ensure the distribution of the free-to-air national and regional television programmes, as well as will provide a conditional access service to pay television operators according to the tender regulations approved by the Cabinet of Ministers. The Ministry of Transport must draft the relevant amendments to the EML in cooperation with the NEPLP and the Competition Council.

- On 12 June 2012 the Cabinet of Ministers approved the draft amendments to the EML. The draft amendments provide that the NEPLP will set criteria for the pay television programmes, which may be distributed by the means of the VAS "Latvijas Valsts radio un televīzijas centrs" and based on these criteria will approve a list of such programmes. The draft amendments leave open the issue how many operators will be entitled to distribute the pay television programmes via digital terrestrial television, as this is left to be determined by the tender regulations approved by the Cabinet of Ministers.⁴⁶ The draft law now is being prepared for submission for the review by Saeima (the Parliament). Access to Information

- Transparency of media ownership situations

An important safeguard for the preservation and promotion of diversity is the amendment to the Law on Press and Other Mass Media, adopted on 22 September 2011,

⁴¹ Regulations of the Cabinet of Ministers No. 714 as of 02.09.2008. "The Order how the Digital Broadcasting of the programs of electronic mass media is introduced", in force as of 27.09.2008.; will lose its force on 31.12.2013. See also IRIS 2008-10:15/24.

⁴² Article 72, part 5 of the EML.

⁴³ See IRIS 2010-4:1/33; IRIS 2011-10:1/33.

⁴⁴ Draft Concept Paper "On the distribution of digital terrestrial television after year 2014", approved by the Committee of the Cabinet of Ministers on 26 March 2012 and decided to review the paper in the Cabinet of Ministers.

⁴⁵ Order No.216 as of 10.05.2012. of the Cabinet of Ministers "On the Concept "On distribution of digital terrestrial television programmes as of year 2014, in force as of 10.05.2012.

⁴⁶ Draft law „Amendments to the Law on Electronic Media“, approved by the Cabinet of Ministers on 12 June 2012, minutes number 42.

which requires these owners of mass media who are capital companies to reveal their beneficial owners.⁴⁷

The Latvian Commercial Law requests that legal entities registered in Latvia must inform the Commercial Register about their true beneficial owners. The duty applies to persons holding at least 25 % of shares in the company for the benefit of another person.⁴⁸ However, this new rule does not provide a real transparency of media ownership situations, as it is not media specific and does not request the revealing of final beneficiaries if there are several levels of shareholders.

- Accountability of public service media

Due to the fact that the public service media are mainly financed by the state budget subsidy for the purposes of providing a public remit,⁴⁹ therefore they are accountable for the appropriate use of this subsidy to the NEPLP.⁵⁰

- Freedom of information laws

The freedom of access to information is covered by the above mentioned Art. 104 of *Satversme* and by the EML⁵¹. In addition, there is a Freedom of Information Law applicable to state and municipal institutions, listing, which information is generally accessible and to which there is a restricted access, as well as stipulating the institutions' duty to provide information and the order in which it has to be provided.⁵² The Law on Submissions regulates the procedure of how the public bodies must respond to submissions produced by private persons.

- Accessibility of products/services and distribution networks

The Latvian law does not contain specific provisions on the access to products/services and distribution networks (such as right to install or aid schemes to purchase reception devices). The law provides that the company, which is providing the digital terrestrial broadcasting must ensure a free-to-air access to certain programmes, the list of which is approved by the NEPLP⁵³ (currently: the programmes of Latvian public service media and the programmes of two national commercial broadcasters). The relevant broadcasters may not request a fee from the cable operator for the retransmission rights.⁵⁴

The only exemption from the broadcasting license fee is applicable to public service and non-commercial media.⁵⁵

A universal service obligation for electronic communications providers is stipulated by the Electronic Communications Law⁵⁶. The universal service obligations are imposed by the Public Utilities Commission,⁵⁷ which also has adopted relevant regulations.⁵⁸

⁴⁷ Amendments to the Law on Press and Other Mass Media, adopted on 22.09.2011, in force as of 20.10.2011. See also IRIS 2011-10:1/32.

⁴⁸ Article 17.¹ of the Commercial Law.

⁴⁹ Article 70, section 1, part 1 of the EML.

⁵⁰ Article 62, section 6 of the EML.

⁵¹ Article 24, section 1.

⁵² Freedom of Information Law (*Informācijas atklātības likums*), adopted on 29.10.1998, in force as of 20.11.1998.

⁵³ Regulations of the Cabinet of Ministers No. 714 as of 02.09.2008. "The Order how the Digital Broadcasting of the programs of electronic mass media is introduced", para. 7.

⁵⁴ Article 19, section 6 of the EML.

⁵⁵ Regulations No. 1238 of the Cabinet of Ministers as of 28.12.2010. "Regulations on the state fee for the issuing of the broadcasting permit, retransmission permit and registration of service providers providing on-demand electronic media services" adopted on 30.12.2010, in force as of 01.01.2011.

Print media may offer commercially reduced rates for subscription on their own initiative.

- "Have a Say on ..."
 - Complaint procedures, "Ombudsmen"

There is no "Ombudsmen".

- Participation in media operators/(self-)regulatory bodies

There are no viewers' or listeners' councils.

The EML only provides an establishment of a Public Advisory Council - an advisory institution established by the NEPLP with the task of ensuring the participation of the public in the process of elaboration of the public service remit and the national strategy for the development of the electronic mass media sector. Decisions of the Public Advisory Council are of a recommendatory nature. The Council is composed of representatives of associations, foundations, professional institutions and other organisations active in the field of the mass media, education, culture, science and human rights.⁵⁹

2.2.15.2. Main Players in the Media Landscape

In general, the Latvian media landscape may still be characterised by two linguistically and culturally separate markets: Latvian and Russian language media. Although the percentage of ethnically Russian population has decreased⁶⁰, the Russian language media are still a separate market of their own, influenced by widely available retransmitted programmes from Russia (*cf.* Report on Latvia 2004, point 2).

2.2.15.2.1. Radio

The public service broadcaster *Latvijas Radio* has five stations, four of them broadcast on national level, one (LR5) in Riga region (LR 1 – general; LR2 – Latvian music; LR3 – classical music; LR4 – linguistic minorities; LR5 – youth/ student).

There are five commercial national radio programmes (*cf.* only two according to Report on Latvia 2004, point 2.1), listed in the table below. The largest are *Radio SWH* owned by Communicorp Group Ltd., an Irish media holding, and *Star FM* owned by the MTG Broadcasting AB, a Swedish media holding.

⁵⁶ Electronic Communications Law (*Elektronisko sakaru likums*), adopted on 28.10.2004, in force as of 01.12.2004.

⁵⁷ *Sabiedrisko pakalpojumu regulēšanas komisija*, webpage: www.sprk.gov.lv.

⁵⁸ Decision of the Public Utilities Commission No.152 as of 30.05.2007 "On the Regulations on the Universal Service in the Electronic Communications".

⁵⁹ Article 63 of the EML.

⁶⁰ Data of the 2010 census, available at www.csp.lv. The number of ethnical Russians has decreased from 29.6% in year 2000 to 26.9% in year 2011.

Table 86 LV: Main Radio companies (national coverage)⁶¹

Broadcaster	Ownership ⁶²	Programmes	AQH Share 2011 Summer, % ⁶³	Audience Reach 2011 Summer, %
VSIA Latvijas Radio	Public service broadcaster; state owned company	Latvijas Radio 1 Latvijas Radio 2 Latvijas Radio 3 (Klasika) Latvijas Radio 4 (Doma laukums) Latvijas Radio 5 (Studentu radio Naba) – Riga region coverage only	LR 2: 22.8 LR 1: 11.3 LR 4: 5.2 LR 3: 0.9 LR 5: 0.2	LR 2: 25.9 LR 1: 15.4 LR 4: 8.6 LR 3: 3.3 LR 5: 1.1
AS Radio SWH	Communicorp Group Ltd. (Ireland)	Radio SWH, Radio SWH Plus, Radio SWH Rock, Radio SWH Plus Rēzekne (Rēzekne region coverage) Radio SWH Plus Liepāja (Liepāja region coverage)	Radio SWH: 5.3 Radio SWH Plus: 2.8	Radio SWH: 12.2 Radio SWH Plus: 6.8
AS Super FM	Super FM group, owned by two local physical persons	Eiropas Hitu Radio	5.0	11.4
SIA Star FM	MTG Broadcasting AB (Sweden)	Star FM	3.0	8.7
SIA Latviešu Radio	Super FM group	Super FM	1.8	4.6
SIA Vārds & Co	Christian radio, owned by local Christian groups	Latvijas Kristīgais radio	1.4	3.8

2.2.15.2.2. Television

The structure of the television media is very similar to that described in the Report on Latvia 2004, point 2.2: the public service broadcaster *Latvijas Televīzija* with two national programmes (LTV1 and LTV2) and two national commercial programmes: LNT owned by AS Latvijas Neatkarīgā Televīzija (owned by a local natural person) and TV3 owned by MTG Broadcasting AB. MTG Broadcasting AB has proposed to acquire the LNT programme, and the Competition Council has cleared the merger subject to several binding commitments.⁶⁴ The commitments include the duty to remain in free-to-air

⁶¹ Information from the webpage of the Electronic Media Council, as of 13 April 2012. The table does not include radio programmes with a high AQH and reach, which may be received only in Riga region. All the nationally receivable radio programmes are listed, in descending order based on their audience reach figures.

⁶² Data on ownership in this and further tables is taken from public sources, such as webpages of radio companies; it does not have a legal reliability.

⁶³ Information on AQH and Reach from www.eradio.lv, data of TNS Latvia National Media Survey; summer: 16.05-17.08.2011).

⁶⁴ Decision of the Competition Council No.42 as of 11 May 2012, in case No. Nr.90/12/03.01./2.

broadcasting for both programmes at least until the end of year 2013, the duty to maintain in force the existing advertising contracts, price increases must be reported to the Competition Council, based on independently audited accounts; no bundled advertising conditions. Also, LNT and TV3 must maintain independent current affairs editorial boards, and the amount of current affairs broadcasts must not be decreased; editorial independence from the MTG group must be ensured; original contents produced in Latvia must be no less than 21%. The binding commitments are in force until the end of year 2017. Moreover, the Competition Council retains a right to apply structural commitments (alienation of certain assets) until the end of year 2017. In applying these commitments, the Competition Council has taken into account the NEPLP's unbinding opinion.⁶⁵

According to the publicly available information the merger participants have accepted the commitments and the merger has been completed on 1 June 2012.⁶⁶

There are 25 local television channels (*cf.* Report on Latvia 2004, point 2.2).⁶⁷

Table 87 LV: Main Television Companies (national coverage)⁶⁸

Broadcaster	Ownership	Programmes	Audience 2012 March, % ⁶⁹
VSIA Latvijas Televīzija	Public service broadcaster; state owned	LTV1 LTV7	8.6 4.4
AS Latvijas Neatkarīgā Televīzija	MTG Broadcasting AB	LNT	12.1
SIA TV3 Latvia	MTG Broadcasting AB	TV3	13.0

Programmes accessible only through satellite or cable are gaining an increasing popularity, as many of Latvian households are using one of these paid retransmission networks instead or besides the terrestrial television. For example, the Latvia-registered satellite television channel PBK (Russian language) had a 9.8 % audience in March 2012.⁷⁰ It is estimated that PBK is the most popular television channel within the Russian speaking audience in all Baltic countries, as it is partially retransmitting Russian channels (70% of contents, especially Russian programmes REN TV, TV1), and partially producing or ordering its own contents. PBK is owned by a media holding Baltic Media Alliance, which in turn is owned by two natural persons, Oļegs Solodovs and Aleksey Plasunov.⁷¹

The cable and satellite television programmes are assessed as having a competitive advantage over the terrestrial commercial channels, as the latter have to pay for the

⁶⁵ The full document of suggestions is available at www.nrtp.lv, published on 11.04.2012.

⁶⁶ Public statement by MTG group, as displayed in www.lr.lv on 1 June 2012.

⁶⁷ Information from the webpage of the Electronic Media Council, as of 13 April 2012.

⁶⁸ All terrestrial televisions holding a national broadcasting permit are listed: the public service broadcaster and the only two commercial programmes broadcasted on national basis. Listed in no particular order.

⁶⁹ Data of TNS Latvia National Media Survey, March 2012, available on www.emulators.lv.

⁷⁰ Data of TNS Latvia National Media Survey, March 2012, available on www.emulators.lv.

⁷¹ Information on PBK channel from the research of Re:Baltica *Russian Money in Baltics*, available at www.rebaltica.lv, published also in weekly magazine IR, No.15 (105), 12.-18.04, 2012.

digital terrestrial transmission, which is substantially more expensive than the use of cable and satellite platforms.⁷²

2.2.15.2.3. Press and publishing

The general structure of the press industry is similar as described in the Report on Latvia 2004, point 2.3, however, the ownership of main players has changed. The publishing house AS Diena is not owned by the Swedish Bonnier Group anymore, the current owners are not completely clear, but according to publicly available information the control is held by one local natural person.⁷³

The publishing house Preses Nams is not existing anymore, but the papers published by it are now issued by SIA Mediju nams, recently repurchased by its management from the previous owner, an associated company of the AS Latvijas kuģniecība (the largest Latvian shipping company).⁷⁴

Latvijas Avīze, published by AS Lauku Avīze, is still the daily newspaper with the largest subscribers' base.⁷⁵ (*cf.* Report on Latvia 2004, point 2.3).

A national publishing house AS Santa has gained the largest popularity in the sector of weekly and monthly life-style magazines.

The Petits Izdevniecības nams is still the largest Russian language publishing house (but with different owners), and the other company Fenster is also active (*cf.* Report on Latvia 2004, point 2.3). Baltic Media Alliance is operating also in the printed media market.

⁷² Precise numbers are not available, but according to the research of Re:Baltic, the national commercial channels TV3 and LNT are paying for the digital terrestrial broadcasting ca. EUR 700 000 annually.

⁷³ Information on the company web page www.dienasmediji.lv.

⁷⁴ Information from public sources, www.apollo.lv, on 14 January 2010.

⁷⁵ Information on the company web page www.la.lv.

Table 88 LV: Main Publishing Companies⁷⁶

Publishing company	Ownership structure	Main titles: daily	Main titles: weekly	Subscribers⁷⁷	Circulation
Latvian language titles					
AS Lauku Avīze	Local physical persons	Latvijas Avīze	Praktiskais Latvietis	22,178 (Latvijas Avīze, year 2012) 12,329 (Praktiskais Latvietis, year 2012)	110,000 (Latvijas Avīze) 50,000 (Praktiskais Latvietis)
AS Diena	SIA „Rīgas tirdzniecības osta” (Rīga Trading Port) ⁷⁸	Diena, Dienas Bizness	SestDiena, LD Biznesa žurnāls	21,625 (Diena, year 2012)	31,000 (Diena)
SIA Mediju nams	Local management, physical persons	Neatkarīgā	Māja, Vakara Ziņas	14,600 (Neatkarīgā, year 2010)	25,000 (Neatkarīgā) 30,000 (Māja) 44,000 (Vakara Ziņas)
Russian language titles					
SIA Izdevniecības nams Fenster IN	2 local physical persons	Vesti Segodna	Vesti	14,000 (Vesti Segodna, year 2008) 2,865 (Vesti)	25,500 (Vesti Segodna) 34,500 (Vesti)
SIA Izdevniecības nams Petits	"Lanchrome Limited" (Cyprus)	Chas	Subbota	6,100 (Chas) 4950 (Subbota)	10,000 (Mon-Thur) – 21 000 (Fri) (Chas) 29,000 (Subbota)
Baltic Media Alliance	2 physical persons	-	MK-Latvia	5,746	46,000

2.2.15.2.4. Online media (non-linear audiovisual (media) services; websites)

The main online media are internet news portals: www.delfi.lv (owned by Ekspress Grupp, an Estonian media holding); www.apollo.lv (owned by Sanoma News, a Finnish media holding); www.tvnet.lv (owned by Schibsted, a Norwegian media holding). Also, popular internet news portals are run by the main daily newspaper publishing houses

⁷⁶ Listed in the descending order, based on the circulation figures for main daily titles, separately within each language group.

⁷⁷ Data obtained from various public sources, mainly the webpages of the publishing houses, as there is no unified list available.

⁷⁸ Acquisition transaction authorised by the Latvian Competition Council on 23 March 2012.

(www.diena.lv; www.db.lv). Some of these portals offer also non-linear audiovisual media services.

In addition, the public service broadcasting companies *Latvijas Radio* and *Latvijas Televīzija*, as well as two main commercial television broadcasters have their own webpages. The contents of these webpages varies from just general information on the programmes of the media up to an option to view selected programmes on-line in real time. For example, the public service television broadcaster *Latvijas Televīzija* offers an opportunity to watch most of its new programmes on-line on the site www.ltvzinas.lv. The site offers also archives of most of the broadcasts. Also, www.latvijasradio.lv enables to listen to the programmes of the public service radio broadcaster *Latvijas Radio* on-line.

Also, the commercial broadcaster LNT offers to watch selected programmes on-line or selected fragments from previous broadcasts on the webpage www.lnt.lv, similarly as the broadcaster TV3 at the webpage www.tv3.lv.

2.2.15.2.5. Cable/Satellite network operators, IPTV & Internet Access Providers

Similarly as described in Report on Latvia 2004, point 2.4, there are 59 cable operators in Latvia⁷⁹, however, only 3 main players, which also offer a broadband internet access.

Table 89 LV: Main cable TV operators

Company	Ownership structure	Market Share in Riga, % ⁸⁰
Baltcom TV SIA	RPAX One S.A., owned by investment holding companies	<40
SIA Lattelecom	51% by Latvian state; 49% Telia Sonera, Swedish media holding.	<40
SIA IZZI	Contaq Latvia Cable Holding S.a.r.l, owned by investment holding companies	<20

The remaining many smaller cable operators are active mainly in specific locations within Riga City or outside Riga, and do not have significant market shares.

SIA Lattelecom is also offering IPTV service.

2.2.15.2.6. Audience/Readership/Usage/Subscription; Advertising market shares (all media)

According to the data of the survey agency TNS Latvia regarding 2011, 97 % of Latvian households have at least one TV set. 62 % of households are subscribers to cable television (IPTV is included in this number). 25% are using only terrestrial digital television, and 16% satellite television.⁸¹

⁷⁹ Information from the webpage of the Electronic Media Council, as of 13 April 2012.

⁸⁰ Data of subscription are confidential and not publicly available. Below are displayed the market shares of the respective cable operators, as described in the decision of the Competition Council No. 18 of 13.11.2010.

⁸¹ Data of TNS Latvia for October 2011, available on www.diena.lv.

The audiences for the most popular TV programmes are around 10 to 14 % of all inhabitants over 4 years of age. The average TV viewer spends 5.5 hours for TV watching.⁸²

As regards radio, on average of 83% of Latvian inhabitants aged 12 to 74 are listening to a radio at least once a week, but 62% at least once a day. The average radio listener spends 4.5 hours for radio listening.⁸³

According to the survey made in summer 2011, 92% of inhabitants aged 15 to 74 have read at least one printed publication (a newspaper or a magazine) within the survey period. The readership of daily newspapers is around 25%; of weekly magazines 17%; of monthly magazines 42%.⁸⁴

66.2 % of Latvian inhabitants are using internet on regular basis (at least once a week).⁸⁵

There are no publicly available data of the number of subscribers to services offered by internet service providers. It has to be noted that many internet service providers are simultaneously cable television operators, thus the high number of cable television subscriptions as mentioned above signifies also a considerable number of internet connections for households. In addition, mobile internet is gaining increasing popularity in recent years.

The below outlines the share of advertising revenue within the media sector in year 2011. In general, the media advertising market has grown for 5 % in comparison to year 2010, and the largest growth took place in the internet sector (by 17%).

Table 90 LV: Advertising revenue and shares in the media sector in year 2011⁸⁶

Medium	Advertising revenue, LVL ⁸⁷	Market share %
Newspapers	5,129,000	11
Magazines	4,677,000	10
Television	21,823,000	45
Radio	5,121,000	11
Outdoors	4,518,000	9
Internet	6,890,000	14
Cinema	232,000	<1
Total:	48,390,000	

⁸² Data of TNS Latvia for January – March 2012, available on the webpage www.emulators.lv.

⁸³ Data of TNS Latvia for Summer 2011, available on the webpage www.emulators.lv.

⁸⁴ Data of TNS Latvia, available on the webpage of the Latvian Press Publishers' Association, at www.lpia.lv.

⁸⁵ Data of the Central Statistics Office, available at www.csb.lv.

⁸⁶ Data of the Latvian Advertising Association, available on www.lra.lv.

⁸⁷ 1 EUR = 0.702804 LVL.