

## **Statement Regarding the Amendments to the RA Law “On Television and Radio”**

December 18, 2015

On December 17, 2015 the National Assembly of Armenia adopted the Draft Law “On Amendments and Supplements to the RA Law ‘On Television and Radio’ ” introduced by the RA Government. The document was produced in an environment of uttermost secrecy, and the numerous proposals and attempts of interested media NGOs to participate in the development of the Draft were ignored or rejected.

The extensive package of draft laws developed by three media NGOs, Committee to Protect Freedom of Expression, Yerevan Press Club and Media Initiatives Center, was also ignored. The package was introduced to the relevant standing committee of the National Assembly and provided for a fundamental reform of the RA Law “On Television and Radio” and the relations in that sector in general.

Once again instead of consistent, substantial, professional law-making effort a hastily developed draft was submitted to the parliament and was voted and adopted with the same hasty manner. The document in question attempts to solve only two of a number of key issues in the acting Law that are related to the procedure and terms of licensing and operation of private multiplexes, as well as the activities of local TV companies that did not obtain digital broadcasting licenses. In the meantime the approaches of the amended Law are unacceptable in terms of liberalization, development and enhancement of competitiveness of the broadcasting sector.

Thus, the adopted Law sets out that: “The private multiplexer must carry out the multiplex through its own electronic communications network, whose coverage area must be no smaller than that of Armenia’s Public Broadcasting Digital Network”. It means that in this sector like in the economy in general, the authorities encourage only large enterprises, thus contributing to monopolization and ignoring the necessity of the development of small and medium-sized businesses.

Equally unacceptable is the Government’s approach vis-à-vis the issue pinpointed by us for the last five years: to prevent around 10 regional TV companies from the danger of closing down due to the transition to digital broadcasting. While before the adoption of amendments the existence of only one local TV company was envisaged per region, now an attempt is made to solve the problem in a seemingly simple way, that is by extending for the third time the term of the TV companies’ license for analogue broadcasting until the creation of a private multiplex or the conduct of new competitions.

In practice this “simplicity” entails both discrimination and an effort to avoid the resolution of pressing issues. In fact, the regional TV companies that obtained licenses in 2010 will operate in the digital system from January 1, 2016, while the rest will operate in the analogue system. This on the whole contradicts the idea of digitalization and the international regulatory norms. As a result, the analogue TV companies will appear in an unfavorable competitive environment both in terms of the quality and protection of signal and in terms of coverage area and attractiveness for advertisers. It turns out that the authorities do not close down these TV companies with the force of the law, at the same time creating unequal conditions which can result in the gradual termination of their activities. Whereas, the problem could be solved, for instance, through creation of small multiplexes and the development of clear licensing system, a thing which we have repeatedly proposed year in year out.

The adopted Law does not address a number of longstanding issues of the Armenian broadcasting sector either: independence of the regulatory body (National Commission on Television and Radio), accountability of Public Television and Radio Company to the taxpayers, transparency and impartiality of licensing competitions.

Summing up the whole five-year process of elaboration of the amendments to the Law “On Television and Radio” we, the undersigned, state:

- The adopted Law has been outdated from the very outset, just the same as the previous version amended in 2010. The up to date version, compliant with the needs of broadcasting sector did not enter the agenda of the Armenian authorities.
- Apparently the only issue that the adopted document attempts to solve is the preservation of political control over the broadcast media, which is unacceptable for a democratic society and stands at odds with rapidly developing technologies.
- Delaying the process and imitating public involvement the Armenian authorities have deliberately failed the cooperation with civil society, local and international experts, albeit several years ago they assured that no law regarding the freedom of speech and media would be adopted without a fundamental discussion with sector representatives.

Based on the above mentioned we reiterate the lack of cooperative willingness on the part of the Armenian executive and legislative bodies. Nevertheless, we declare that we will keep on exerting our best efforts so that the imperfect legislation does not hinder the development of broadcast sector and freedom of speech in Armenia.

**COMMITTEE TO PROTECT FREEDOM OF EXPRESSION**

**YEREVAN PRESS CLUB**

**MEDIA INITIATIVES CENTER**