

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

June 6, 2010

After the hearings held at the RA National Assembly regarding the draft law “On Introducing Amendments and Supplements to the RA Law ‘On Television and Radio’” (May 26, 2010), the interdepartmental commission on the digitalization of TV and radio broadcasts in Armenia initiated a discussion of the proposals made.

We, the undersigned organizations, taking into account that the time left till the adoption of the draft in the second hearing and till July 20, the day the broadcasting licensing competitions are to be announced, is not sufficient for developing a complete and comprehensive draft law, as well as proceeding from the wish not to exert time pressure on the organizers and possible bidders of licensing competitions, have proposed the following:

1. Before the second hearing of the RA National Assembly only those provisions should be left in the draft law “On Introducing Amendments and Supplements to RA the Law ‘On Television and Radio’” that are directly related to the digitalization of broadcasting and enable announcing and administering the licensing competitions for state multiplex broadcasting. All other amendments and additions that are not directly related to digitalization and competitions should be withdrawn from the draft.

Besides this, it is also necessary to do the following:

– The findings of the audit of broadcasting frequencies should be published, since that would give justification to the decision to license only 18 TV companies to broadcast in the state multiplex network;

– A provision should be stipulated on satellite broadcasting such that this kind of broadcasting is not contingent on possessing a terrestrial broadcasting license in Armenia.

2. To develop additions to the Concept Paper on Digitalization of Television Broadcasting that would address all the issues and concerns raised by our organizations at the parliamentary hearings held on May 26. These additions should be adopted by the Government before July 20.

3. The National Assembly, according to the discussion of steps proposed, adopting the draft law “On Introducing Amendments and Supplements to the RA Law ‘On Television and Radio’” was to commit to developing a new draft law “On Television and Radio”, taking into account all the points of concern and crucial issues that exist in the domain, for the broadcasters to be licensed in January 2011 to operate within a new legislative framework.

With all this we had submitted a document with 20 clauses of proposed amendments to the draft law.

During the working meeting at RA Ministry of Economy on June 3 this year, the Minister of Economy and a number of other members of the interdepartmental commission assured that they adopted the action plan proposed by our organizations (at least the first two clauses within the competence of the commission) as well as some of the proposals made by us and international experts.

Two days after the discussion, we received the package of propositions made on the draft law “On introducing amendments to the RA Law “On Television and Radio” and the draft law, submitted for the second parliamentary reading.

A study of this document showed that the interdepartmental commission violated the very first clause of the agreement reached, i.e. the amendments were to refer only to the provisions that ensured digitalization and enabled holding licensing competitions.

We state that having adopted a few proposals, the interdepartmental commission made no concessions on the other issues that we consider crucial. The amendments unrelated to digitalization and licensing competitions still remain in the draft. In particular, despite our numerous explanations and insistence, the draft did not restore the limit on advertising for the Public TV and Radio Company (the ban on interrupting programs with advertising) and retained the increase of advertising volume from 5 to 7%. Moreover, a provision, which is in essence anti-constitutional, has been introduced. Part 1 of Article 35 of the draft was revised, leaving the Public TV and Radio Company out of any regulation and supervision. The findings of the audit were not published; the provision of the right to engage in satellite broadcasting has not been simplified. The unacceptable format of the draft that does not show distinctly which amendments have been made has also been retained, along with the call for urgent consideration of the draft by the parliament.

This negligence of the two main agreements leads us to question the willingness and the ability of the Ministry of Economy and the interdepartmental commission to keep their promise and engage in constructive cooperation. The time, the effort and resources that our organizations as well as international structures and their experts spent did not yield an adequate result. The public hearing of the draft was partly a pretense with the sole purpose of buying time, to further rush – under the pretext of the urgency of the competitions – a law which is of poor quality and capable of causing irrecoverable damage to this sector.

**Therefore, we express our profound disappointment with the work of the initiators and authors of the draft and state that we do not approve of the draft submitted for the second hearing. We call on:**

a) The RA National Assembly – to not discuss the draft law “On Introducing Amendments and Supplements to the RA Law ‘On Television and Radio’” until it is presented in the format and with the content as agreed.

b) International structures – to not assist the RA Government in the digitalization process until it presents an amended draft and proves that it can use the assistance effectively.

We reinstate our readiness to cooperate in a constructive manner, particularly with regard to amending the Concept Paper on Digitalization of Television Broadcasting, yet this cooperation would only make sense if the prior agreements are respected.

**Yerevan Press Club  
Committee to Protect Freedom of Expression  
Internews Media Support NGO**

**“Asparez” Journalist’s Club**  
**Open Society Institute**