



The translation of this document is outdated.  
Translation validity: 11.08.2010.–06.07.2011.

The *Saeima*<sup>1</sup> has adopted and  
the President has proclaimed the following Law:

## Electronic Mass Media Law

### Chapter I. General Provisions

#### Section 1. Terms Used in this Law

The following terms are used in this Law:

- 1) **broadcasting** - the totality of activities that ensures the production, distribution and immediate reception of programmes and broadcasts of the electronic media using public electronic communications networks;
- 2) **broadcasting area of transmission** - territory within which the intensity of a transmitter signal complies with the criteria of qualitative reception specified by international agreements regarding broadcasting for each type of reception;
- 3) **audio and audiovisual electronic mass media service** - a service to which the editorial responsibility of the electronic mass medium shall be applied and the principal purpose of which is to ensure informative, entertaining or educational broadcasts for the general public by public electronic communications networks;
- 4) **audio and audiovisual commercial communication** - television or radio advertising, sponsorship, tele- or radio shopping, product placement and other audio, visual or audiovisual announcements, which are inserted within, before or after a broadcast in return for payment or other consideration or for self-promotional purposes and which directly or indirectly promote the goods or services, or image of persons pursuing an economic activity;
- 5) **free television** - access to a programme without payment ensured by public and commercial electronic mass media;
- 6) **split-screen advertising** - advertising which appears at the edge of the frame on a screen simultaneously with a broadcast as a scrolling text, logo, an advertising spot or another form of advertising;
- 7) **electronic mass medium** - a private person who has been granted a broadcasting permit or retransmission permit according to the procedures specified by legal enactments or whose activity has been registered by the National Electronic Mass Media Council in accordance with the procedures specified in this Law;
- 8) **on-demand audiovisual electronic mass media service** - a service ensured by an electronic mass medium which is provided upon the request of a service recipient at the time chosen by the recipient on the basis of a catalogue of programmes previously offered by the electronic mass medium;
- 9) **conditional access control** - a device, software or other solution which allows the reception of a service only by an authorised user;
- 10) **extended advertising spot** - advertising the length of which exceeds 90 seconds;

11) **interactive advertising** - a form of advertising during the use of which a viewer has possibilities for accessing more detailed content of the advertising;

12) **cable television** - the distribution of programmes and broadcasts mainly using a cable;

13) **independent producer** - a private person who is not an electronic mass medium, but who is engaged in the production of films, advertising, individual radio or television broadcasts, or programmes;

14) **self-promotion** - announcements inserted by an electronic mass medium in its own programme or catalogue of programmes giving information about its own programme or broadcasts, or about derivative works which are directly obtained from the programme or broadcasts;

15) **private person** - a natural person, a legal person governed by private law or an association of such persons;

16) **product placement** - any audio and audiovisual commercial communication which includes products, services or their trademarks or references to the relevant products, services or their trademarks and which is featured within a broadcast in return for payment or similar consideration;

17) **programme** - a broadcast or a package of broadcasts under one title produced by an electronic mass medium;

18) **distribution of programmes** - the transmission of programmes to the technical means of broadcasting and their transmission for public reception in the form of an open or protected service using public electronic communications networks;

19) **public reception** - the possibility to receive a programme or catalogue of broadcasts distributed by an electronic mass medium with or without payment in any place within the area of transmission of the public electronic communications network of the relevant programme;

20) **radio shopping window** - radio shopping the duration of which exceeds 15 minutes;

21) **radio shopping** - direct audio communication addressed to the public with the purpose of offering goods, including immovable property or services, rights and obligations, in return for payment;

22) **broadcast** - audio or audiovisual work that forms a separate entity within a programme or in a catalogue of broadcasts. A broadcast is separated from the general programme by its production data;

23) **broadcasting** - distribution of programmes for reception by the public. This term does not include on-demand services;

24) **transmission time** - the twenty-four-hour time period during which an electronic mass medium distributes a programme within a certain territory;

25) **natural clock hour** - the time period which lasts from the first minute to the last minute inclusive of the full hour of the relevant twenty-four-hour time period;

26) **advertising** - any announcement, which is distributed for payment or other consideration, as well as the broadcast by any person connected with a trade, entrepreneurship, position or profession, which is produced for the purpose of advertising, in order to promote the offer of goods, including immovable property or services, rights and obligations, for payment or other remuneration, as well as political advertising;

27) **advertising spot** - advertising the length of which does not exceed 90 seconds;

28) **retransmission** - the reception and immediate complete or partial distribution of a programme distributed in Latvia or other foreign states without making any changes in the content of the programme or broadcast. The translation (by dubbing or subtitling) of a programme or broadcast shall not be considered to be changes in the content if it is done with the consent of the holder of the rights of the programme;

29) **public service remit** - the wide and diverse totality of programmes intended for the public which is financed and supervised by the public;

30) **satellite television and satellite radio** - distribution of programmes and broadcasts by satellite;

31) **surreptitious audio and audiovisual commercial communication of an electronic mass medium** - the representation in words or pictures of goods, services, the name, the trademark or the activities of a producer of goods or a provider of services when such representation is intended by the electronic mass medium to serve as an audio or audiovisual commercial communication and might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for a similar consideration;

32) **sponsorship** - any contribution made by a natural person not engaged in broadcasting or in the production of audio or audiovisual works, to the financing of electronic mass media or broadcasts with a view to promoting their

name, trademark, image, activities or products;

33) **teleshopping window** - teleshopping the duration of which exceeds 15 minutes;

34) **teleshopping** - a direct audiovisual communication addressed to the public with the purpose of offering goods, including immovable property or services, rights and obligations, in return for payment or other consideration;

35) **virtual advertising** - advertising which is placed electronically on the screen image during a broadcast;

36) **terrestrial transmitter** - a transmitter which transmits programmes and broadcasts of electronic mass media by distributing a signal via an antenna without an artificial conductor for the provision of any such radio communications which are not space radiocommunication or radio astronomy;

37) **satellite up-link** - a terminal of an electronic communications network placed on the earth's surface for delivery of programmes and broadcasts of electronic mass media to transmission technical devices located in Space.

## **Section 2. Purpose and Scope of Application of this Law**

(1) This Law regulates the procedures and provisions for the operation of the electronic mass media under the jurisdiction of Latvia.

(2) The objectives of this Law are:

1) to ensure freedom of expression, general access to socially significant information, the unhindered maintenance and development of free democratic discussion, providing the possibility for every inhabitant of Latvia to form an opinion independently on the processes occurring in the State and, thus, promoting their participation as a member of a democratic society in the development of decisions related to these processes;

2) to determine the procedures for the formation, registration, operation and supervision of the electronic mass media under the jurisdiction of the Republic of Latvia regardless of the way in which the information intended for public reception is distributed in electronic communications networks;

3) to determine the legal status of the public electronic mass medium and procedures for their supervision, to plan the sources of and the procedures for the financing necessary for the production and distribution of programmes of the public electronic mass medium; and

4) to promote the integration of society on the basis of the Latvian language; while fulfilling the requirements of the Official Language Law, to promote the full implementation of the constitutional functions of the Latvian language as the official language of Latvia, paying special attention that it should serve as the common language of mutual communication of all inhabitants of Latvia; to ensure its preservation and use, determining the procedures appropriate for the public interests whereby the electronic mass media under the jurisdiction of Latvia shall use the official language during their broadcast time and concurrently envisaging the right to use languages of minorities and other languages in the electronic mass media.

(3) The provisions of this Law shall be applicable to the distribution of audiovisual programmes of the electronic mass media in the Internet environment, if the relevant programme is distributed therein in unchanged form without using technical recording means. The provisions of this Law shall not apply to the audiovisual information of other types which is placed and available in the Internet environment.

(4) The provisions of this Law shall not be applicable to electronic mass media services intended for reception only in those states which are not European Union Member States or European Convention on Transfrontier Television Member States and which are not received with standard consumer equipment directly or indirectly by the public in one or more European Union Member States, as well as in European Convention on Transfrontier Television Member States.

## **Chapter II. Electronic Mass Media**

### **Section 3. Electronic Mass Media under the Jurisdiction of Latvia**

(1) Electronic mass media pursuing an economic activity in Latvia in accordance with Paragraph two of this Section or complying with the provisions set out in Paragraph three of this Section are under the jurisdiction of the Republic of Latvia.

(2) In order to determine whether an electronic mass medium is pursuing an economic activity in Latvia, the following cases shall be assessed:

1) if the Board of the electronic mass medium is located in Latvia and editorial decisions regarding the services of the electronic mass medium are taken in Latvia, then it shall be considered that the electronic mass medium is

pursuing an economic activity in Latvia;

2) if the Board of the electronic mass medium is located in Latvia but editorial decisions regarding its electronic media operations are taken in another Member State of the European Union or European Convention on Transfrontier Television Member State, it shall be deemed that the economic activity is pursued in the Member State where a significant part of the workforce involved in the activities of the electronic mass medium is employed. If a significant part of the workforce involved in the activities of the electronic mass medium is employed in both states, it shall be deemed that the economic activity is pursued in the state where the Board is located. If a significant part of the workforce involved in the operations of the electronic mass medium is employed in none of these, then it shall be deemed that the electronic mass medium is pursuing its economic activity in the state in which it first began its activities according to the law of that state on condition that it maintains a stable and effective link with the economy of that state; or

3) if the Board of the electronic mass medium is located in Latvia, but editorial decisions regarding its activities are taken in a state which is not a European Union Member State, or vice versa, then it shall be deemed that the economic activity is being pursued in Latvia - provided that a significant part of the workforce involved in the activity of the electronic mass medium is working in Latvia.

(3) Electronic mass media under the jurisdiction of Latvia are also those to whom the provisions of Paragraph two of this Section do not apply but which comply with the following conditions:

1) they use a satellite up-link located in the territory of Latvia; or

2) they do not use a satellite up-link located in the territory of Latvia, but use satellite capacity owned by Latvia.

(4) If it is not possible to determine which European Union Member State has jurisdiction over an electronic mass medium according to the provisions of Paragraph two, Clauses 1, 2 and 3 of this Section, the competent Member State shall be that where the electronic mass medium is pursuing an economic activity within the meaning of Articles 50 and 56 of the Treaty on the Functioning of the European Union.

#### **Section 4. Types of Electronic Mass Media**

(1) The electronic mass media are divided according to their purpose of activity and type of distribution, as well as according to the area of transmission.

(2) The electronic mass media shall be divided into public, commercial and non-commercial mass media according to the purpose of the activity.

(3) The electronic mass media shall be divided into terrestrial broadcasting, satellite, cable, Internet and other electronic mass media according to the type of distribution.

(4) The electronic mass media, to which a broadcasting permit has been issued, shall be divided into national, regional, local and transfrontier electronic mass media according to the coverage area. Division into national, regional and local electronic mass media shall apply to those electronic mass media whose programmes are distributed using a terrestrial transmitter.

#### **Section 5. Public Electronic Mass Media**

(1) Public electronic mass media shall be State capital companies, which are established and operate in accordance with this Law, the Law On Capital Shares of State and Local Governments and on Capital Companies, Commercial Law and other regulatory enactments, as well as the statutes which shall be approved by the National Electronic Mass Media Council (hereinafter also - the Council).

(2) The equity capital of the public electronic mass media shall consist of the property invested by the State. The National Electronic Mass Media Council shall be the holder of the State capital shares in the relevant capital company and shall perform the functions of the shareholders' meetings. The Council shall not receive compensation from the public electronic mass media for the holding of their capital shares.

(3) The main task of the public electronic mass media shall be the production and distribution of programmes of the public service remit.

#### **Section 6. Commercial Electronic Mass Media**

(1) The commercial electronic mass media shall be entrepreneurs registered in accordance with the procedures specified in regulatory enactments.

(2) The commercial electronic mass media ensure their operations financially with revenue from commercial activity, sponsorship or subscribers' payments for programmes.

#### **Section 7. Non-commercial Electronic Mass Media**

(1) The purpose of operation of the non-commercial electronic mass media shall not be the gaining of profit and the service provided by them shall be intended for a particular audience with common interests.

(2) Retransmission of programmes and broadcasts of other electronic mass media in the service or programme of non-commercial electronic mass media is prohibited, as is the distribution of audio and audiovisual commercial communications.

(3) A non-commercial electronic mass medium which uses its own service or programme distribution means may distribute programmes or broadcasts produced by other electronic mass media by permission of the commercial or non-commercial electronic mass medium concerned and coordinating this with the National Electronic Mass Media Council beforehand.

#### **Section 8. Transfrontier Electronic Mass Media**

(1) Transfrontier electronic mass media are those which use a terrestrial or satellite transmitter or a public electronic communications network in the territory of Latvia to broadcast or re-transmit programmes which may be directly or indirectly received in one or more states outside the territory of Latvia.

(2) The norms of this Law that regulate broadcasting or retransmission shall apply to transfrontier electronic mass media.

#### **Section 9. National Electronic Mass Media**

(1) National electronic mass media are those whose services may be received by most of the inhabitants of Latvia or whose broadcasting area of transmission covers the greater part of the territory of the State and whose programmes are accessible to most of the inhabitants of Latvia, in so far as it is not otherwise provided for in Paragraph two of this Section.

(2) In respect of the distribution of television programmes, the national electronic mass media shall be the mass media, the broadcasting area of transmission of television programmes of which is not less than 99 per cent of the territory of Latvia.

(3) The National Electronic Mass Media Council may permit the national electronic mass media referred to in Paragraph one of this Section to enlarge the broadcasting area of transmission of their programmes, if this has been provided for in the national strategy for the development of the electronic mass media sector.

#### **Section 10. Regional Electronic Mass Media**

(1) Regional electronic mass media are those whose programme transmission zone is not less than 20 per cent of the territory of Latvia, insofar as it is not otherwise provided for in Paragraph two of this Section.

(2) In respect of the distribution of television programmes, the regional electronic mass media shall be the mass media, the broadcasting area of transmission of television programmes of which is at least one area of transmission corresponding to the regional broadcasting area planning provided for in the international agreements binding on Latvia.

(3) The National Electronic Mass Media Council may allow the regional electronic mass media to increase the broadcasting area of transmission of the programmes, if this has been envisaged in the national strategy for the development of the electronic mass media sector.

#### **Section 11. Local Electronic Mass Media**

Local electronic mass media shall be those whose broadcasting area of transmission is less than the area of transmission of regional electronic mass media as specified in Section 10 of this Law.

#### **Section 12. Digital Terrestrial Broadcasting of Television Programmes of Electronic Mass Media**

Terrestrial broadcasting of television programmes of electronic mass media shall be in digital format.

#### **Section 13. Ensuring the Distribution of Programmes of Electronic Mass Media**

(1) The task of the State stock company Latvian State Radio and Television Centre is to ensure the distribution of radio programmes of the electronic mass media in analogue format which do not have their own technical means for distribution. This provision shall not apply to the operation of cable television and satellite radio, as well as to digital terrestrial broadcasting.

(2) The State stock company Latvian State Radio and Television Centre shall ensure the distribution of radio programmes of the public electronic mass media in the territory of the State in analogue format.

(3) The task of the merchant specified in Section 72 of this Law is to ensure the distribution of television programmes in digital format of those electronic mass media which do not have their own technical means for distribution. This provision shall not apply to cable and satellite television operations.

(4) The State stock company Latvian State Radio and Television Centre shall make its infrastructure available to the merchant specified in Section 72 of this Law for the digital terrestrial broadcasting of the programmes of the electronic mass media.

#### **Section 14. Prohibition of Abuse of a Dominant Position by an Electronic Mass Medium**

Abuse of a dominant position of an electronic mass medium is prohibited. Within the meaning of this Law the position when the market share of an electronic mass medium in Latvia in a particular market exceeds 35 per cent shall be considered as a dominant position.

### **Chapter III. Broadcasting Permit, Retransmission Permit and Registration of Electronic Mass Media**

#### **Section 15. Broadcasting Rights**

(1) Broadcasting rights are the right to produce and distribute a programme at a specified transmission time, geographic territory and form.

(2) Broadcasting rights are granted in accordance with the national strategy for the development of the electronic mass media sector. The granted broadcasting rights shall not be transferred to another person except in the case referred to in Paragraph three of this Section.

(3) The National Electronic Mass Media Council in accordance with the procedures specified in the Public and Private Partnership Law is entitled to transfer for concession to another person (including an already existing electronic mass medium) the production and initial distribution of an individual programme of a public electronic mass medium. In such a case a broadcasting permit shall be issued for the period of validity of the concession contract which shall be no longer than five years. The State fee shall not be paid for the issue of such a broadcasting permit.

(4) Broadcasting rights shall be granted on the basis of a person's application. If the resource of radio frequencies is necessary for the operation of an electronic mass medium, the broadcasting rights shall be granted in accordance with a tender procedure.

(5) If the expected broadcasting area of transmission of programmes is fully or mainly the territory of another European Union Member State or European Union Convention on Transfrontier Television Member State, the National Electronic Mass Media Council shall, prior to granting the broadcasting rights, consult with the regulatory authority of the electronic mass media of the state concerned.

(6) On the basis of the national strategy for the development of the electronic mass media sector, the broadcasting rights are first granted to public mass media without a tender and limitation of term. The public electronic mass media shall not pay the State fee for the issue of a broadcasting permit.

(7) The State stock company Electronic Communications Office shall plan the technical utilisation of the broadcasting frequency spectrum in accordance with the Electronic Communications Law. The State stock company Electronic Communications Office shall provide information to the National Electronic Mass Media Council regarding the technical plan for utilisation of the frequency spectrum, as well as available frequencies which may be granted broadcasting rights for use.

#### **Section 16. Procedures for Granting Broadcasting Rights by Means of a Tender**

(1) The National Electronic Mass Media Council in accordance with this Law and the national strategy for the development of the electronic mass media sector shall announce a tender for granting broadcasting rights in a specified geographic territory for national, regional or local electronic mass media (Sections 9, 10 and 11).

(2) An announcement regarding the invitation to tender shall be published on the Internet homepage of the National Electronic Mass Media Council, in the newspaper *Latvijas Vēstnesis* [the official Gazette of the government of the Republic of Latvia], as well as in the local newspaper, if the invitation to tender is announced for regional or local broadcasting. The announcement must include the following information:

1) type of activity of the electronic mass media (commercial or non-commercial electronic mass media);

2) requirements in respect of the programme (the scope of activity of electronic mass media), the amount of transmission time, conditions of language use, programme format and other requirements which the National Electronic Mass Media Council has determined in the tender regulation:

3) area of transmission;

4) term of validity of the broadcasting permit;

5) time of the commencement of operations;

6) tender participation fee; and

7) deadline for applications.

(3) Natural persons and legal persons registered in Latvia, European Union Member States and European Economic Area States or associations of natural and legal persons may participate in a tender.

(4) A participant in a tender shall submit an application specifying:

1) for a natural person - name, surname, personal identity number;

2) for a legal person and association of persons - name, registration number, address and information regarding the owners.

(5) An application shall be accompanied by:

1) principal conditions of operation, specifying the intended name of the programme, the programme format, the language, as well as other information which the National Electronic Mass Media Council has determined in the tender regulation or which the applicant considers important;

2) development plan of operation of the electronic mass medium and documents which confirm the possible sources of financing for at least the first year of operation; and

3) a document confirming payment of the tender participation fee.

(6) The National Electronic Mass Media Council shall, not later than a month before determination of the results of the tender, publish the information on the participants in the tender, principal conditions of the programmes offered by them and possible sources of financing on its Internet homepage, in the newspaper *Latvijas Vēstnesis*, as well as in a local newspaper, if the tender was announced for a regional or local broadcasting. The Council shall not publish the information which a participant of the tender has specified as a business secret.

#### **Section 17. Determination of the Results of a Tender**

(1) Submission complying with the provisions of the invitation to tender shall be evaluated. The basic criteria for assessment shall be the creative, financial and technical provisions of the concept, as well as the amount of the official language during the transmission time.

(2) Results of the invitation to tender shall be determined not later than three months following the last day of the deadline for applications.

(3) The National Electronic Mass Media Council shall take a decision on the results of the invitation to tender which within 10 days following the day of taking thereof shall be published in the newspaper *Latvijas Vēstnesis*, as well as in a local newspaper, if the tender was announced for regional or local broadcasting.

(4) A decision of the National Electronic Mass Media regarding the results of a tender may be appealed to the Administrative District Court within a month following the day of coming into force thereof.

(5) The appeal of a decision shall not suspend the application thereof.

#### **Section 18. Broadcasting Permit**

(1) A broadcasting permit shall certify the right of an electronic mass medium to produce and distribute programmes and determine the rights and obligations thereof. A broadcasting permit shall be issued by the National Electronic Mass Media Council.

(2) A broadcasting permit shall be issued for 10 years.

(3) A State fee shall be paid for the issue of a broadcasting permit, and the amount, procedures for payment and relief of such fee shall be determined by the Cabinet.

(4) In order to receive a broadcasting permit, a person (including the winner of an invitation to tender) shall submit an application to the National Electronic Mass Media Council to which an attestation of the merchant of electronic communications providing the distribution of the relevant programme or services ensuring of the distribution of such programme or services shall be attached. If a radio frequency resource is not necessary for the production and distribution of the programme, the principal conditions of activity shall be attached to the application specifying the intended name of the programme, the programme format, the language, information regarding the owners, as well as other information which the applicant considers important; a plan for the development of activity of the electronic mass media and documents which attest to the possible sources of financing for at least the first year of operation.

(5) If the winner of the invitation to tender does not take out the broadcasting permit within 12 months from the day when a decision regarding the results of the tender has come into force or does not begin operations within 15 months, the National Electronic Mass Media Council shall revoke the referred to decision and announce a new invitation to tender.

(6) Upon the expiry of the term of validity of a broadcasting permit, a new broadcasting permit shall be issued for the electronic mass medium without a tender, if during its last year of operation violations of this Law have not been determined by a court judgement that is in force.

(7) The electronic mass media to which a broadcasting permit has been issued for the broadcasting in analogue format, shall have the right to receive a permit for use of the allocated frequency spectrum and to arrange their own means of distribution in accordance with the procedures specified in the Electronic Communications Law and to utilise the programme distribution services provided by communications merchants.

(8) The electronic mass media, to which a broadcasting permit has been issued, have a duty to ensure the broadcasting coverage area of a programme specified in the permit.

(9) If the operation of an electronic mass medium is terminated, the broadcasting permit shall be considered null and void and must be returned to the National Electronic Mass Media Council.

### **Section 19. Retransmission Permit**

(1) For retransmission of programmes on public electronic communications networks, it is necessary to receive the consent of the owner (holder) of a programme to be re-transmitted and a retransmission permit from the National Electronic Mass Media Council.

(2) A relevant submission, a list of programmes to be re-transmitted, if necessary - a document which certifies registration in the Public Utilities Commission, shall be submitted to the National Electronic Mass Media Council and a State fee shall be paid in order to receive a retransmission permit. The Cabinet shall determine the amount, procedures for payment and relief of a State fee.

(3) If it is necessary to have a frequency resource to re-transmit, a retransmission permit shall be issued in accordance with the procedures specified in Section 16 of this Law.

(4) A merchant of electronic communications under the jurisdiction of Latvia which has received the retransmission permit of a relevant programme shall be responsible for the compliance of the content of such programmes to be re-transmitted with the requirements of this Law to the initial distribution of which the jurisdiction of the European Union Member States or European Convention on Transfrontier Television Member States is not applied.

(5) The National Electronic Mass Media Council shall ensure the freedom of reception and shall not restrict the retransmission of programmes of an electronic mass medium within the territory of Latvia from other states, except in cases when:

1) an audio or audiovisual broadcast coming from another state manifestly, seriously and gravely infringes the provisions of Section 24, Paragraph nine and ten, as well as Section 26 of this Law;

2) on-demand audiovisual service of another state causes serious or especially serious risk to:

a) public order, in particular the prevention, investigation and detection of criminal offences, the protection of minors and the fight against any incitement to hatred on the grounds of race, sex, religion or nationality or ethnic belonging, and violations of human dignity,

b) the protection of public health,

c) public security, including the safeguarding of national security and defence, or

d) the protection of consumers, including investors.

(6) The electronic mass media which re-transmit television programmes utilising cable television shall ensure the supply of television programmes of the public electronic mass media distributed in Latvia to all subscribers of the relevant cable television in unchanged form, as well as the supply of such television programmes of the national electronic mass media to all subscribers of the relevant cable television in unchanged form which are available for an end-user via terrestrial broadcasting technical means free of charge. A retransmission permit shall not be necessary for the distribution of such programmes in the relevant public electronic communications networks.

(7) The relevant electronic mass medium shall not collect a fee for the provision of retransmission of the television programmes referred to in Paragraph six of this Section from such electronic mass medium the programmes of which it is re-transmitting, as well as the electronic mass medium, the programmes of which are being re-transmitted in accordance with Paragraph six of this Section, shall not collect a fee from the electronic mass medium which is re-transmitting its programmes.



## **Section 20. Name of an Electronic Mass Medium or Programme**

(1) A broadcasting permit or retransmission permit may be issued, if the name of an electronic mass medium or programme:

- 1) can unmistakably be distinguishable from the name of another previously registered electronic mass medium or programme in Latvia;
- 2) complies with the requirements of the Official Language Law and other regulatory enactments;
- 3) can unmistakably be distinguishable from the name of such electronic mass medium or programme, as the operation of which has been terminated by a court judgement in force; and
- 4) does not infringe the requirements referred to in Paragraph two of this Section.

(2) The name of an electronic mass medium or programme registered in Latvia, the European Union or in accordance with the provisions of international registration which apply to Latvia may not contain the name or trademark or parts of a trademark of an electronic mass medium or programme registered abroad in such a way that could mislead the audience. Such a trademark may be used in cases when an electronic mass medium registered abroad has a significant effect on the operations of an electronic mass medium under the jurisdiction of Latvia or a person who has exclusive rights to such trademark has permitted its use in the territory of Latvia.

(3) The conditions referred to in Paragraph one of this Section shall also be observed after the issue of a broadcasting permit or retransmission permit.

## **Section 21. Annulment of a Broadcasting Permit or Retransmission Permit, Suspension and Termination of the Operation of an Electronic Mass Medium**

(1) The National Electronic Mass Medium Council has the right to annul a broadcasting permit or retransmission permit, if an electronic mass medium:

- 1) has terminated its operations but has not submitted the issued broadcasting permit to the National Electronic Mass Media Council; or
- 2) operates irregularly, thus failing to fulfil the principal conditions of a broadcasting permit or retransmission permit, except in cases when this occurs due to technical reasons and for not longer than three months.

(2) The National Electronic Mass Media Council has the right to suspend the operation of an electronic mass medium for a period of up to seven days if it during a year has repeatedly:

- 1) violated this Law; or
- 2) distributed a programme which fails to comply with the principal conditions of a broadcasting permit or retransmission permit.

(3) The National Electronic Mass Media Council has the right to annul a broadcasting permit or retransmission permit, if an electronic mass medium:

- 1) has been punished administratively on three occasions within one year for a violation of this Law;
- 2) within one year from the day the Council has taken a decision regarding suspension of the operation of the electronic mass medium, has committed violations referred to in Paragraph two, Clause 1 and 2 of this Section;
- 3) has violated the provisions included in a broadcasting permit;
- 4) fails to observe the provisions of Section 18, Paragraph eight of this Law;
- 5) within a month from the day the Council has issued a warning regarding violation of the provisions included in a broadcasting permit, does not stop violation of the relevant provision;
- 6) within a month from the day the Council has issued a warning regarding violation of the provisions included in a broadcasting permit, has repeatedly violated the relevant provision; or
- 7) in accordance with a court judgement that is in force or a prosecutor's injunction regarding a penalty has been recognised as guilty in crimes against the State or a compulsory coercion measure applicable to legal persons has been determined to it for such criminal offences.

(4) The notification of the National Electronic Mass Media Council regarding annulment of a broadcasting permit or termination of the operation of electronic mass medium shall be published on the Internet homepage of the Council and in the newspaper *Latvijas Vēstnesis*, but regarding a regional or local electronic mass medium - also in a local newspaper.

## **Chapter IV. On-demand Electronic Mass Media Services**

### **Section 22. Right to Provide On-demand Electronic Mass Media Services**

(1) In order to provide on-demand electronic mass media services, the provider of such services shall register in the National Electronic Mass Media Council.

(2) A State fee shall be paid for the registration of a provider of the services referred to in Paragraph one of this Section, the amount, procedures for payment and relief of which shall be determined by the Cabinet.

(3) The following information shall be specified in a registration application:

- 1) for a natural person - given name, surname, personal identity number; and
- 2) for a legal person, association of persons - name, registration number and legal address.

(4) The following shall be attached to an application:

1) principal conditions of activity, in which the name of the catalogue, the purpose of operation of the electronic mass medium, the catalogue format, as well as other information which the applicant considers important shall be indicated; and

2) the information regarding the electronic communications network in which a service will be distributed (cable television, satellite television, internet).

(5) The provisions of Paragraphs one, two and three of this Section shall not be applied, if a resource of frequencies is necessary in order to provide on-demand electronic mass media services. In such case a service provider shall receive a broadcasting permit in accordance with the procedures specified in Sections 16 and 17 of this Law.

### **Section 23. Conditions for Creation of a Catalogue of On-demand Electronic Mass Media Services**

(1) A catalogue may not contain services which encourage incitement to hatred or invite discrimination against some person or group of persons on the grounds of sex, race or ethnic origin, nationality, religious affiliation or faith, disability, age or other circumstances.

(2) Films shall be transmitted at a time that has been agreed with the rights owners.

(3) In a catalogue and during transmission films shall be marked with the appropriate film classification index as indicated in the Cabinet Regulations.

(4) When providing on-demand services which might seriously impair the physical, mental and moral development of minors, the electronic mass medium shall ensure conditional access control for such services (so that they are not receivable under normal conditions).

(5) An electronic mass medium which provides on-demand audiovisual services shall include European audiovisual works in its catalogue.

(6) An electronic mass medium which provides on-demand services shall ensure permanent access to at least the following information:

- 1) the name of the electronic mass medium;
- 2) the address where the electronic mass medium is conducting its entrepreneurship;
- 3) contact information of the electronic mass medium, including its electronic mail address or the Internet homepage; and
- 4) the contact information of the responsible regulatory authority - the National Electronic Mass Media Council.

## **Chapter V. Production and Retransmission of Programmes and Broadcasts of the Electronic Mass Media**

### **Section 24. General Provisions for the Production of Programmes**

(1) The electronic mass media shall be free and independent in the production and distribution of programmes and

broadcasts, as well as in the editorial activity thereof, insofar as it is not restricted by the Constitution of the Republic of Latvia, this Law and other laws, the State technical standards and international agreements binding on Latvia.

(2) The electronic mass media, respecting the variety of opinions, shall maintain the idea of independent, democratic and judicial State of Latvia, observe human rights and operate in the interests of the society of Latvia.

(3) The electronic mass media shall observe the principal conditions of activity which they have submitted to the National Electronic Mass Media Council in order to receive a broadcasting permit. If the broadcasting rights have been obtained in accordance with tender procedures, the principal conditions of activity may be changed upon consent of the Council. The language and format of the programmes of the electronic mass media shall be an unchangeable component of the principal conditions within the term of validity of the issued broadcasting permit.

(4) The electronic mass media shall ensure that facts and events are fairly, objectively reflected in broadcasts, promoting exchange of opinions, and comply with the generally accepted principles of journalism and ethics. Commentary and opinions shall be separated from news and the name of the author of the opinion or commentary shall be indicated.

(5) The electronic mass media shall develop a publicly available code of conduct where they indicate the basic principles of the operation thereof, the accepted conditions of ethical activity, regulations regarding inappropriate audio and audiovisual commercial communications, including those the target audience of which is minors and which may negatively affect the psychological and physical development of minors, as well as shall indicate the measures which facilitate the availability of services for persons with impaired vision or hearing. The code of conduct shall also include regulations regarding inappropriate audiovisual commercial communications, intended for children, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt and sugars, excessive intakes of which in the overall diet are not recommended.

(6) Films shall be transmitted at a time that has been agreed with the rights owners. During transmission films shall be marked with the appropriate film classification index as indicated in the Cabinet Regulation.

(7) In accordance with the Law On States of Emergency and the Civil Defence Law, in emergency situations the public electronic mass media have an obligation to provide an opportunity for the responsible officials to make public announcements in their services or programmes.

(8) The public electronic mass media have an obligation to provide an opportunity for the President, the Chairperson of the *Saeima* or the Prime Minister to make emergency announcements without delay.

(9) Audio and audiovisual works displaying physical or psychological violence, bloody or horror scenes, scenes relating to sexual acts and the use of drugs or containing foul language may not be transmitted between the hours of 07:00 and 22:00.

(10) The electronic mass media may not distribute audio and audiovisual works with content that may be harmful to the physical, mental and moral development of minors, unless they have been scheduled for a time other than that referred to in Paragraph nine of this Section, or if the electronic mass media provide conditional access control. If conditional access control is not ensured, an acoustic warning shall be provided before such audiovisual works and they must be specially marked with a visual symbol.

(11) If an electronic communications merchant that ensures the distribution of the programmes produced by the electronic mass media in its electronic communications networks is an electronic mass medium that produces its own programmes or participates with its contribution in other electronic mass media, it shall apply conditions for the distribution of the programmes produced by such electronic mass medium that do not discriminate against other electronic mass media.

## **Section 25. Editorial Responsibility of the Electronic Mass Media**

The electronic mass media shall undertake editorial responsibility. Within the meaning of this Section editorial responsibility of the electronic mass media is effective control in respect of both, choice of broadcasts and organisation thereof in programmes and catalogues. These regulations shall not apply to the retransmission of programmes.

## **Section 26. Restrictions on Production of Programmes**

The programmes and broadcasts of the electronic mass media may not contain:

- 1) stories which accentuate violence;
- 2) materials of a pornographic nature;
- 3) incitement to hatred or discrimination against a person or group of persons on the grounds of sex, race or ethnic origin, nationality, religious affiliation or faith, disability, age or other circumstances;
- 4) incitement to war or the initiation of a military conflict;

5) incitement to overthrow State power or to change the State political system by violence, to destroy the territorial integrity of the State or to commit any other crime; or

6) stories which discredit the statehood and national symbols of Latvia.

## **Section 27. Events of Major Importance for the Society of Latvia**

(1) The electronic mass media under the jurisdiction of Latvia exercising their exclusive rights shall broadcast events of major importance for the society of Latvia approved by the Cabinet which on the basis of a prior plan are organised by organisers of events who are entitled to sell the rights associated with such events, so that at least 95 percent of the inhabitants of the territory of Latvia are able to follow thereof through the intermediation of free television live broadcasts or record broadcasts.

(2) Events of major importance for the society of Latvia shall comply with at least two of the following criteria:

1) it is a national or cultural event especially important for the inhabitants of Latvia;

2) it is a sports event or competition at international level in which the national team of Latvia is participating; or

3) the event is traditionally reflected via free television and has attracted the attention of a considerable part of the inhabitants of Latvia.

(3) If an electronic mass medium under the jurisdiction of Latvia has exclusive rights to broadcast such events which another European Union Member State or European Convention on Transfrontier Television Member State has included in its list of events of major importance for society, such electronic mass medium shall not use their exclusive rights in respect of the electronic mass media under the jurisdiction of the other Member State, if thus the possibility to follow the relevant event via free television would be interdicted for the substantial portion of the public of another Member State.

(4) If an electronic mass medium under the jurisdiction of Latvia has exclusive rights to reflect events which are of high interest to the public, another electronic mass medium under the jurisdiction of Latvia or another European Union Member State or European Convention on Transfrontier Television Member State may freely choose and include broadcasting materials of the relevant events in news reports, if the transmission time thereof does not exceed 90 seconds in a news report. The electronic mass medium which uses such materials shall indicate the source thereof. A fee may be requested for the use of such materials which does not exceed the costs of transfer (transmission) or copying of such materials.

(5) The transmission materials referred to in Paragraph four of this Section shall not be included in broadcasts which are distributed on demand. This condition shall not apply to the on-demand services of those electronic mass media which have distributed the relevant news broadcast prior to its inclusion in the catalogue as a part of its programme.

(6) Placement of information in broadcasts shall not be compensated. Any inclusion of information, story, commentary, review, news or invitation of a participant to participate in a broadcast in return for payment shall be considered as an audio or audiovisual commercial communication.

## **Section 28. Language of Broadcasts and Advertising**

(1) Each broadcast shall take place in one language - the language of the broadcast, if it is not otherwise provided for in this Law.

(2) Fragments of a broadcast which are in other languages shall be provided with a translation into the language of the broadcast. This provision is not applicable to fragments of a broadcast in the official language, to language teaching broadcasts, interactive direct broadcasts (when a link between participants of a broadcast and audience is made during a live transmission), performances of musical works and interstate co-operation broadcasts during live transmission.

(3) Films to be demonstrated shall be voiced-over, dubbed or subtitled in the official language. The dubbed and voice-over text in parallel with the original soundtrack and subtitles in the official language shall be made in such quality which ensures sufficiently precise understanding of the text of the original language. Films intended for children shall be dubbed or with voice-over in the official language. These provisions shall not apply to retransmission, as well as to such films which in accordance with the issued broadcasting permits and principal conditions of activity of the relevant electronic mass medium submitted to the National Electronic Mass Media Council are transmitted for children of pre-school age and younger school age of minorities of Latvia, or, using electronic communications networks of satellite television, for the target audience other than inhabitants of Latvia. Voice-over of films may be made only in one language, excluding the original soundtrack.

(4) Television broadcasts in foreign languages, except live broadcasts, news and language teaching broadcasts, shall be ensured with sub-titles in the Latvian language. This condition shall not apply to retransmission, as well as to programmes distributed in electronic communications networks of satellite television, which in accordance with a

broadcasting permit and principal conditions of activity of the relevant electronic mass medium submitted to the National Electronic Mass Media Council is intended for a target audience other than the inhabitants of Latvia.

(5) If a public electronic mass medium produces and distributes television news broadcasts in a foreign language, it shall ensure the summary of the relevant news in the official language in the form of a scrolling text line.

(6) Advertising inserted in broadcasts shall be in the language of the broadcast or in the official language. This condition shall not apply to retransmission, as well as to programmes distributed in electronic communications networks of satellite television, which in accordance with a broadcasting permit and principal conditions of activity of the relevant electronic mass medium submitted to the National Electronic Mass Media Council is intended for a target audience other than the inhabitants of Latvia.

(7) 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 29. Registration and Preservation of Programmes**

(1) Each electronic mass medium shall ensure that all distributed programmes, except programmes re-transmitted, are fully recorded in such a quality, as permits clearly and unmistakably to determine the content of each programme. This recording shall be preserved for not less than one calendar month following the day of transmission of the relevant programme. A copy of the recording shall be submitted free of charge to the National Electronic Mass Media Council, a court, the Prosecutor's Office or investigative institutions, as well as other competent State institutions upon their demand.

(2) Each electronic mass media producing programmes shall independently register distributed programmes. These registration materials shall be submitted free of charge to the National Electronic Mass Media Council, a court, the Prosecutor's Office or investigative institutions, as well as other competent State institutions upon their demand.

(3) Upon the request of the National Electronic Mass Media Council, an electronic mass medium shall provide information on the title of the programme and the broadcast, the time and duration of its transmission, the copyright and neighbouring rights holders, the language of the broadcast, the sponsors of the broadcast, as well as audio and audiovisual commercial communications. Such information shall be preserved for not less than one calendar year after the day of distribution of the relevant programme and be submitted to the National Electronic Mass Media Council upon request at no charge.

(4) Audiovisual service providers shall ensure the registration of the programmes and audiovisual works referred to in Sections 32 and 33 of this Law and once a year submit reports to the National Electronic Mass Media Council regarding fulfilment of the provisions of these Sections.

### **Section 30. Production Data of a Broadcast**

(1) The production data shall be specified at the end of each broadcast.

(2) The production data of a broadcast shall include the authors of the broadcast.

(3) The production data of broadcasts shall be made in the official language. If a broadcast is produced in a foreign language, the production data of the broadcast may be specified in the language of the broadcast.

### **Section 31. European Audiovisual Works**

(1) European audiovisual works are:

1) literary dramatic works, serials, films, documentary, art, education and similar creative works produced in Latvia and other European Union Member States; and

2) audiovisual works complying with the provisions of Paragraph three of this Section, which have been produced in those European Convention on Transfrontier Television Member States which are not European Union Member States and do not apply discriminating regulations in relation to audiovisual works produced in Latvia and other European Union Member States.

(2) In accordance with agreements entered into between the European Union and states other than European Union Member States and do not apply discriminating regulations in relation to audiovisual works produced in Latvia and other European Union Member States, co-production audiovisual works which comply with the conditions of the referred to agreements shall also be considered as European audiovisual works.

(3) European audiovisual works specified in Paragraph one, Clauses 1 and 2 of this Section are such works which have been produced primarily by authors and technical employees from one or more of the states referred to in Paragraph one, Clauses 1 and 2, and which comply with at least one of the following conditions:

1) they have been produced by one producer or several producers whose permanent place of residence is in one of

these states;

2) the production of the works is supervised and actually controlled by one producer or several producers whose permanent place of residence is in one these states; or

3) the investment of producers from these states covers the larger share of co-production costs, and the co-production is not controlled by one producer or several producers residing permanently outside these states.

(4) European audiovisual works shall also be deemed to be such works, which are not European audiovisual works within the meaning of Paragraph one of this Section, but which have been produced within the scope of bilateral co-production agreements between Latvia or other European Union Member States and the state other than a European Union Member State, if the Latvian producers or producers of the European Union Member States cover the larger share of co-production costs, and the co-production is not controlled by one or more producers permanently residing outside the territory of Latvia or the European Union Member States.

### **Section 32. Additional Provisions for the Inclusion of European Audiovisual Works and Use of the Official Language in Broadcasts of the Electronic Mass Media**

(1) Electronic mass media shall ensure that in the programme produced by them at least 51 per cent of the weekly transmission time, except for the news, sports events, games, advertising, teleshopping and teleshopping windows, is reserved for European audiovisual works.

(2) National and regional electronic mass media shall ensure that in the television programme produced by them at least 40 per cent of the transmission time of European audiovisual works, except for the news, sports events, games, advertising, teleshopping and teleshopping windows, is reserved for audiovisual works in the official language.

(3) The national and regional electronic mass media shall ensure that in the programmes produced by them at least 65 per cent of all broadcasts, except for the advertising, teleshopping and teleshopping windows, are in the official language and that such broadcasts in the official language would take up at least 65 per cent of the transmission time.

(4) A television broadcast in a foreign language, if it is dubbed or has a voice-over in the official language, shall also be deemed to be a broadcast in the official language.

### **Section 33. Independent Producers and Inclusion of Their Works in the Programmes of the Electronic Mass Media**

(1) In the programmes produced by the audiovisual electronic mass media at least 10 per cent of the total volume of the weekly broadcasts and transmission time, except for the news, sports events, games, advertising, teleshopping and teleshopping windows, shall be intended for European audiovisual works produced by independent producers. The audiovisual electronic mass media shall ensure that the major proportion of the broadcasting time granted to independent producers is allocated for European audiovisual works produced by independent producers in the last five years.

(2) This Section shall not apply to local and regional electronic mass media.

### **Section 34. Information Regarding the Electronic Mass Media**

The electronic mass media shall ensure permanent access to at least the following information:

1) the name of the electronic mass medium;

2) the address of the principal place of business of the electronic mass medium;

3) the contact information of the electronic mass medium, including its electronic mail address or the Internet homepage; and

4) the contact information of the responsible regulatory authority - the National Electronic Mass Media Council.

## **Chapter VI.**

### **Audio and Audiovisual Commercial Communications, General Provisions for Their Production, Sponsorship**

#### **Section 35. General Provisions for the Production of Audio and Audiovisual Commercial Communications**

(1) Audio and audiovisual commercial communications shall be produced in accordance with the requirements of this Law, Advertising Law, Law On Protection of Consumers' Rights, Competition Law, Unfair Commercial Practice Prohibition Law and other regulatory enactments.

(2) Audio and audiovisual commercial communications may not:

- 1) encourage behaviour harmful to the protection of the environment;
- 2) use the images or recorded voices of persons who regularly present the news or other programmes of public importance;
- 3) directly or indirectly promote products or services the advertising of which is prohibited;
- 4) promote or encourage behaviour which threatens human health or safety;
- 5) include, promote or justify violence and cruelty, as well as cruel or irresponsible behaviour towards animals;
- 6) injure human dignity;
- 7) incite hatred or invite discrimination against a person or group of persons on the grounds of sex, race or ethnic origin, nationality, religious affiliation or faith, disability, age or other circumstances;
- 8) advertise tobacco, tobacco products and smoking;
- 9) advertise premium rate telephone number services of a sexual nature in the programmes of electronic mass media between the hours of 07.00 and 22.00;
- 10) depict persons in a sexually humiliating way; or
- 11) show disrespect towards the national values and state symbols of Latvia.

(3) The provider of an audio and audiovisual commercial communication, which is not the relevant electronic mass media, may not exercise any editorial influence over the content of programme or broadcast of the electronic mass media.

(4) The advertiser shall be liable for the content of an audio and audiovisual commercial communication.

(5) The electronic mass medium shall be responsible for the insertion of an audio and audiovisual commercial communication in the programme or broadcast of the electronic mass medium in accordance with the provisions of this Law.

(6) Only truthful references or acknowledgments shall be used in an audio and audiovisual commercial communication.

(7) The use of technical means or other techniques in an audio and audiovisual commercial communication which could affect the subconscious of viewers and listeners is prohibited.

(8) The average volume of an audio or audiovisual commercial communication may not be louder than the average volume within the interval of three minutes before the beginning of the transmission of the audio or audiovisual commercial communication.

(9) Surreptitious audio or audiovisual commercial communications are prohibited.

(10) Product placement in the programmes of an electronic mass medium is prohibited except for the cases referred to in Section 45, Paragraph one of this Law.

(11) The restrictions of audio and audiovisual commercial communications referred to in this Law shall not apply to the transmission of sporting and similar events in which advertising materials are placed in the background of events (advertising posters in stadiums, names of merchants and emblems, trademarks and the like) and it is not possible to avoid them.

(12) When inserting audio and audiovisual commercial communications in the programmes of electronic mass media, they shall be separated from other parts of the programme at the beginning and the end by optical or acoustic means so that such communications can be immediately recognised and easily identified.

(13) Advertising in programmes of the electronic mass media shall be inserted in blocks.

(14) It is prohibited to insert advertising in the radio programmes of the electronic mass media that uses acoustic means resembling the special sound signal of emergency vehicles. It is also prohibited to use such acoustic means for the separation of the beginning and end of an advertising block from the rest of a radio programme.

### **Section 36. Restrictions on Audio and Audiovisual Commercial Communications Related to Alcoholic Beverages**

(1) Advertising and teleshopping of beer and wine is permitted, but advertising and teleshopping of other alcoholic beverages is prohibited.

(2) The following provisions shall be observed when inserting audio and audiovisual commercial communications related to alcoholic beverages:

- 1) they may not be aimed at minors, and minors shall not participate in them;
- 2) the consumption of alcoholic beverages shall not be linked to enhanced physical performance or to driving;
- 3) they shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- 4) they shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- 5) they shall not emphasise the alcohol content of alcoholic beverages; and
- 6) they shall not create the impression that the consumption of alcoholic beverages contributes towards social or sexual success.

(3) The restrictions on audio and audiovisual commercial communications referred to in this Section shall not apply to the transmission of sporting and similar events in which advertising materials are placed in the background of events (advertising posters in stadiums, names of merchants and emblems, trademarks and the like) and it is not possible to avoid them.

### **Section 37. Restrictions on Audio and Audiovisual Commercial Communications in Respect of Medicinal Products, Means of Medical Treatment and Medical Assistance**

(1) Audio and audiovisual commercial communications for medicinal products not registered in Latvia or in accordance with the centralised procedures for the registration of medicinal products of the European Medicines Agency, as well as proscribed means of medical treatment and medical assistance, are prohibited.

(2) Audio and audiovisual commercial communications for medicinal products, means of medical treatment and medical assistance available in Latvia only on prescription or the direction of a physician are prohibited.

### **Section 38. Restrictions on Audio and Audiovisual Commercial Communications in Respect of Minors**

(1) Audio and audiovisual commercial communications may not:

- 1) cause physical or moral harm to minors;
- 2) directly encourage them to persuade their parents or others to purchase the goods or services being advertised;
- 3) exploit the special trust minors place in parents, teachers or other persons;
- 4) show minors in dangerous situations unjustifiably; or
- 5) directly encourage minors to buy or hire (lease) goods.

(2) Audio and audiovisual commercial communications offering the purchase of goods by telephone or the Internet may not be addressed to minors.

(3) Audio and audiovisual commercial communications addressed to minors may not, when advertising a product, make reference to additional products that are not an integral part of the basic product.

### **Section 39. Sponsorship and Prohibition Thereof**

(1) The goods or services of the sponsor or another person may not be directly or indirectly advertised in sponsored programmes or broadcasts by incorporating direct or indirect references to the purchase or hire (lease) of such goods and services. Advertising by the sponsor or another person may be inserted in a sponsored broadcast in accordance with the provisions for the insertion of advertising.

(2) If a broadcast is sponsored in whole or in part, this shall clearly be indicated at the beginning or end of the broadcast by showing the name, emblems and trademarks, if any, of the sponsor, or by references to the goods or services of the sponsor.

(3) The content and scheduling of a sponsored broadcast may not be influenced by the sponsor.

(4) Private persons whose prime activities are connected with the manufacture of such goods or the provision of such services, the advertising of which is prohibited, may not be sponsors of broadcasts.

(5) Sponsorship of the news (with the exception of weather forecasts, sports reports and narrowly focused thematic news) and current affairs broadcasts is prohibited.



## **Chapter VII.**

### **Audiovisual Commercial Communications and Product Placement**

#### **Section 40. Types of Advertising**

The following types of advertising may be inserted in the programmes of audiovisual electronic mass media:

- 1) advertising spot;
- 2) extended advertising spot;
- 3) split-screen advertising;
- 4) virtual advertising; and
- 5) interactive advertising.

#### **Section 41. Additional Requirements for the Insertion of Certain Types of Advertising**

(1) When inserting an extended advertising spot, the following provisions shall be observed:

- 1) during the whole period of an extended advertising spot there is an indication that an extended advertising spot is being transmitted; and
- 2) an extended advertising spot may not be transmitted between the hours of 19.00 and 23.00.

(2) When inserting split-screen advertising, the following provisions shall be observed:

- 1) split-screen advertising may not occupy more than one third of the screen;
- 2) the area of split-screen advertising is unchangeable, easily identifiable and clearly separated from the rest of the screen by visual means . If split-screen advertising is inserted when a clock is shown between broadcasts, it does not have to be separated by visual means from the rest of the screen;
- 3) an electronic mass medium may insert split-screen advertising in broadcasts produced by independent producers or other audiovisual electronic mass media only with the consent of the rights holder; and
- 4) the amount of split-screen advertising counts towards the amount of hourly and daily advertising.

(3) When inserting visual advertising, the following provisions shall be observed:

- 1) the electronic mass medium shall indicate the presence of virtual advertising at the beginning and end of a broadcast;
- 2) an audiovisual electronic mass medium may not insert virtual advertising without the prior consent of the organiser of the event, the producer or author of the broadcast;
- 3) the organiser of an event may not insert virtual advertising in a television signal without the prior consent of the audiovisual electronic mass medium which has acquired transmission rights;
- 4) it is prohibited to place virtual advertising on the images of natural persons; and
- 5) virtual advertising may be placed only on such surfaces that are usually used for advertising. In sports competitions virtual advertising may also be placed on the playing surface outside the time of competition.

(4) In ensuring access to an interactive advertising environment, prior to access to the detailed content of the advertising a warning in the language of the broadcast shall be placed on the screen informing viewers that they are leaving the broadcast and are entering an interactive advertising environment.

#### **Section 42. The Amount of Advertising and Teleshopping**

(1) The time reserved for advertising and teleshopping (except for teleshopping windows) in television programmes of the electronic mass media may not exceed 20 per cent of each natural clock hour. The time reserved for advertising and teleshopping (except for teleshopping windows) in television programmes of the public electronic mass media and in television programmes or broadcasts produced within the framework of the public service remit may not exceed 10 per cent of each natural clock hour.

(2) For the purposes of this Section, the following shall not be considered advertising:

- 1) announcements of the audiovisual electronic mass media regarding their own broadcasts and other products

which are directly derived from their broadcasts, sponsors' announcements and product placement; and

2) social and public service announcements and invitations to participate in charity appeals, as well as virtual advertising, which are distributed free of charge.

#### **Section 43. The Amount of Teleshopping Windows**

(1) No more than eight teleshopping windows shall be transmitted within a twenty-four hour period. The total volume of their transmission time may not exceed three hours in a twenty-four hour period, and they shall be clearly identified as teleshopping windows by visual and acoustic means.

(2) The provisions of Paragraph one of this Section shall not apply to programmes in which only teleshopping is being demonstrated. Advertising in such programmes shall be inserted in accordance with the general provisions for the insertion of advertising.

#### **Section 44. Insertion of Advertising and Teleshopping in a Programme**

(1) Advertising and teleshopping shall be inserted between broadcasts. If the provisions of Paragraphs two, three and four of this Section are observed, advertising and teleshopping may also be inserted during programmes but in such a way that the integrity of the programmes and the interests of copyright owners are not injured.

(2) In broadcasts consisting of autonomous parts, or in the broadcasting of sports programmes and of similar events and performances, in which there are breaks, advertising and teleshopping may be inserted only between these parts or in these breaks.

(3) Films, excluding series, serials and documentaries and news broadcasts may be interrupted by advertising and teleshopping only once in each 30 minute period.

(4) Insertion of advertising and teleshopping during the transmission time of a national holiday and religious ceremonies is prohibited.

#### **Section 45. Product Placement**

(1) Product placement in programmes is allowed only in the following cases:

1) in films and series made by an audiovisual electronic mass medium or which have been commissioned by an audiovisual electronic mass medium, sports and entertainment programmes, except children's programmes; or

2) where there is no payment and certain goods or services such as production props and prizes are provided free of charge in order to be included in the broadcast.

(2) Broadcasts containing product placement shall meet at least all of the following requirements:

1) a broadcast's content and a programme shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the electronic mass medium;

2) a broadcast shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;

3) undue prominence to the product in question shall not be given in a broadcast; and

4) viewers shall be clearly informed of the presence of product placement. In order to avoid any confusion on the part of the viewer, broadcasts containing product placement shall be appropriately identified at the beginning and the end of the broadcast, and when the broadcast resumes after an advertising break.

(3) Product placement of the following goods and services in the broadcasts of an audiovisual electronic media is prohibited:

1) tobacco products, cigarettes or products of undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products; and

2) medicinal products, means of medical treatment and medical assistance available in Latvia only on prescription or direction of a physician.

## **Chapter VIII. Audio Commercial Communications**

#### **Section 46. Additional Requirements for the Insertion of an Extended Advertising Spot in Programmes of Audio Electronic Mass Media**

The following provisions shall be observed when inserting an extended advertising spot in the programmes of an audio electronic mass medium:

1) at the beginning and the end of the advertisement it shall be indicated that an extended advertising spot is being transmitted; and

2) an extended advertising spot may not resemble an already existing broadcast and it may not be presented by journalists working for the electronic mass medium in question.

#### **Section 47. Restrictions on the Amount of Advertising in Programmes of Audio Electronic Mass Media**

(1) The time reserved for advertising in the radio programmes of an electronic mass medium may not exceed 20 per cent of each natural clock hour. The time reserved for advertising in radio programmes of the public electronic mass media and radio programmes or broadcasts produced within the framework of the public service remit may not exceed 10 per cent of each natural clock hour.

(2) For the purposes of this Section, the following shall not be considered as advertising:

1) notifications of the audio electronic mass media regarding their own broadcasts and other products which are directly derived from their broadcasts, notifications of sponsors and product placement; and

2) social communications, public service announcements and invitations to participate in charity appeals, which are distributed free of charge.

#### **Section 48. The Amount and Insertion of Radio Shopping and Radio Shopping Windows in a Programme**

(1) The time reserved for radio shopping (except for radio shopping windows) in the radio programmes of electronic mass media may not exceed 20 per cent of each natural clock hour. The time reserved for radio shopping (except for radio shopping windows) in the radio programmes of public electronic mass media and the radio programmes or broadcasts produced within the framework of the public service remit may not exceed 10 per cent of each natural clock hour.

(2) No more than eight radio shopping windows shall be transmitted within a twenty-four hour period. The total volume of their transmission time may not exceed three hours in a twenty-four hour period, and they shall be clearly identified as radio shopping windows by acoustic means.

(3) Radio shopping shall be inserted between broadcasts. Radio shopping may also be inserted during broadcasts, but in such a way that the integrity of the broadcasts and the interests of copyright owners are not injured.

(4) In broadcasts consisting of autonomous parts, or in the broadcasting of sports programmes and similar events and performances, in which there are breaks, radio shopping may be inserted only between these parts or in these breaks.

(5) Insertion of radio shopping during the transmission time of a national holiday and religious ceremonies is prohibited.

## **Chapter IX. The Right to Information and Liability**

#### **Section 49. The Right of the Electronic Mass Media to Information**

For the purpose of producing and distributing short news reports not exceeding 90 seconds in length, all electronic mass media under the jurisdiction of European Union Member States or European Convention on Transfrontier Television Member States shall be ensured free access to the broadcaster's signal at events intended for a wide audience and that generate general interest, and which are broadcast on an exclusive basis by an audio or audiovisual media service provider under the jurisdiction of the Republic of Latvia.

#### **Section 50. Protection of Person's Rights in Case of Distribution of False Information**

(1) Person regarding whom false information was given in a broadcast by an electronic mass medium may demand that the same electronic mass medium distribute a retraction of such information as well as a person's reply. A person is entitled to demand that his or her reply is distributed regardless of whether the person has requested a retraction of the information in question.

(2) A person, who is of the opinion that the false information distributed by an electronic mass medium injures him or her, has the right to view or listen to the broadcast in question free of charge at the same electronic mass medium, as well as to receive a copy of the recording of the broadcast. If the electronic mass medium charges a fee for the issue of a copy of the recording, it may not exceed the actual cost of making of a copy.

### **Section 51. The Right to Demand a Retraction of False Information**

(1) An application for the distribution of a retraction of false information shall be submitted to the electronic mass medium in writing within 14 days after the false information has been distributed, specifying the particular information given in a broadcast.

(2) The electronic mass medium shall examine the application within seven days following the date of receipt thereof.

(3) If the electronic mass medium lacks sufficient proof that the distributed information is true, it shall retract such information no later than on the fifth day after examination of an application in the same broadcast and at the same broadcast time, but, if it is not possible - at a similar time.

(4) When distributing a retraction of false information, the electronic mass medium shall specify what information is being retracted.

(5) If the electronic mass medium does not agree to distribute the retraction, it shall notify the applicant within seven days after receipt of the application specifying the reasons for refusal. If the electronic mass medium does not distribute a retraction of false information in accordance with the procedures specified in this Section, the applicant has the right to file a claim in court for the retraction of false information.

### **Section 52. The Right to Demand Distribution of a Reply**

(1) An application to exercise the right to reply shall be submitted to the electronic mass medium in writing within 14 days after the information has been distributed, specifying the particular information given in a broadcast and the text of the reply shall be appended to the application.

(2) A reply may be a recorded presentation by the injured person or their representative on a programme of an electronic mass medium or the reading of a statement prepared by this person.

(3) The electronic mass medium shall examine the application within seven days following the date of receipt thereof.

(4) The electronic mass medium shall ensure the same length of time for the provision of a reply as was given to the false information, or at least 90 seconds, if the false information was provided for a time less than 90 seconds.

(5) If the electronic mass medium lacks sufficient proof that the distributed information is true, it shall retract such information no later than on the fifth day after examination of an application in the same broadcast and at the same broadcast time, but, if this is not possible - ensure distribution of a reply at an equivalent time. The electronic mass medium may refuse to distribute a reply, if the reply evidently contains a statement, which is criminally punishable.

(6) The electronic mass medium shall, within seven days after the day of receipt of an application, notify the applicant of a refusal in writing specifying the reasons for refusal. If the electronic mass medium has not ensured distribution of a reply in accordance with the procedures specified in this Section, the applicant has the right to file a claim in court for the distribution of a reply.

## **Chapter X. Provisions for the Use of a Radio Data System**

### **Section 53. Radio Data System**

A Radio Data System is information transmitted at the same time as a radio programme on the FM wave band in order to ease the selection of a programme format for the listeners, facilitate identification of programmes and provide additional up to date information regarding traffic, as well as other services for the users of radio receivers.

### **Section 54. Traffic Announcement**

(1) A traffic announcement is information on traffic produced and distributed by an electronic mass medium which can be received using the technical capabilities of the radio data system of a radio receiver.

(2) The Cabinet shall determine the procedures for production and distribution of traffic announcements.

### **Section 55. Distribution of the Programme Name of an Audio Electronic Mass Medium**

An audio electronic mass medium has the right to broadcast its programme name in the radio data system using static characters. A programme name distributed in this way may not be longer than eight characters.

## **Chapter XI.**

# The National Electronic Mass Media Council

## Section 56. Composition of the Members of the National Electronic Mass Media Council

(1) The National Electronic Mass Media Council shall be composed of five members elected by the *Saeima*. The procedures for election of the Council shall be determined by the Rules of Order of the *Saeima*.

(2) Candidates for membership of the National Electronic Mass Media Council who comply with the criteria specified in Paragraph four of this Section shall be nominated by the Commission of Human Rights and Public Affairs of the *Saeima* upon consultation with associations and foundations active in the fields of the mass media, education, culture, science and human rights.

(3) A citizen of Latvia permanently residing in Latvia, with higher education and at least five years professional or academic experience in the field of the mass media, education, culture, science or human rights and of good reputation may be nominated as a candidate for membership of the National Electronic Mass Media Council.

(4) A member of the National Electronic Mass Media Council may not be:

- 1) an official of a political party or association of political parties;
- 2) a holder of capital shares (shares) of the electronic mass medium; or
- 3) punished for an intentional crime, if he or she has not been rehabilitated or the criminal record has not been extinguished or expunged.

(5) Work in the National Electronic Media Council shall be the primary employment of a member of the Council. The restrictions and prohibitions applicable to public officials in accordance with the Law on Prevention of Conflicts of Interests in Activities of Public Officials shall apply to the members of the Council.

## Section 57. Status of the National Electronic Mass Media Council

(1) The National Electronic Mass Media Council is an independent, autonomous institution enjoying full rights, which, within its competence, shall represent the interests of the public in the field of electronic mass media and supervise the latter so that in their operations they observe the Constitution of the Republic of Latvia, this Law and other regulatory enactments. The Council is a derived public person.

(2) The National Electronic Mass Media Council shall act in accordance with the requirements of the Constitution of the Republic of Latvia, this Law and other regulatory enactments.

(3) The financing necessary for fulfilling the functions of the National Electronic Mass Media Council, including provision of the public service remit, shall be granted from the State budget. The request of the Council's budget until submission of the draft budget law to the Cabinet shall not be amended without co-ordination with the Council.

## Section 58. Provision of Activities of the National Electronic Mass Media Council

(1) The work of the National Electronic Mass Media Council shall be organised by the Chair of the Council who shall also be responsible for the fulfilment of the Council's tasks. In order to ensure the fulfilment of activities and tasks of the Council the Chair shall:

- 1) represent the Council without special authorisation at the institutions of public persons, as well as in relations with private persons;
- 2) participate at Cabinet meetings in an advisory capacity;
- 3) handle the financial resources of the Council;
- 4) hire and dismiss employees of the secretariat of the Council; and
- 5) enter into agreements necessary for the provision of the work of the Council.

(2) In the absence of the Chair of the National Electronic Mass Media, the duties of the Chair shall be performed by the Vice-Chair.

(3) The duties and rights of the members of the National Electronic Mass Media Council shall be regulated by Council's approved regulations on the internal procedures of the Council's activities.

(4) A secretariat shall be established to facilitate the work of the National Electronic Mass Media Council.

(5) Remuneration (monthly salary, premiums, social guarantees, etc.) for the members of the National Electronic Mass Media Council and employees of the secretariat shall be determined in accordance with the requirements of the Law on Remuneration of Officials and Employees of State and Local Government Authorities.

(6) The employees of the secretariat of the National Electronic Mass Media Council may not receive remuneration from the electronic mass media either directly or through intermediaries.

#### **Section 59. Mandate of the Members of the National Electronic Mass Media Council and Termination Thereof**

(1) Members of the National Electronic Mass Media shall be elected for a term of five years. Members of the Council may be elected repeatedly, but not more than twice in succession.

(2) The mandate of a member of the National Electronic Mass Media Council shall terminate:

- 1) due to the dismissal of the member of the Council from office;
- 2) due to the expiry of the term of office of the member of the Council;
- 3) if the member of the Council has been convicted of committing an intentional criminal offence and the judgement has come into legal effect; or
- 4) due to the death of the member of the Council.

(3) The *Saeima* shall dismiss a member of the National Electronic Mass Media Council from office, if:

1) the member of the Council resigns of his or her own free will. The member of the Council shall notify the Council of his or her resignation in writing and the Council shall inform the *Saeima* within 14 days following receipt of the member's notification;

2) the member of Council has not participated in the work of the Council, including absence from more than half of the Council meetings without justification, or cannot fulfil the duties of their office due to illness or other reasons for more than six months in succession; or

3) circumstances are established that prohibit the person concerned from being a member of the Council according to the regulatory enactments.

#### **Section 60. Competence of the National Electronic Mass Media Council in the Field of Electronic Mass Media**

(1) The National Electronic Mass Media Council shall:

- 1) maintain a register of the issued broadcasting permits and retransmission permits;
- 2) collect, compile and analyse information regarding the operations and development of the electronic mass media;
- 3) co-operate with institutions of other states concerned with matters regarding the operation and development of the electronic mass media, and with the European Commission;
- 4) commission such sociological and other studies of problems concerning the operations and development of the sector as are necessary to facilitate the functions of the Council in the field of the electronic mass media;
- 5) listen to, analyse and compile suggestions, complaints and other information submitted by viewers and listeners regarding the operations of the electronic mass media;
- 6) request recordings of broadcasts from the electronic mass media in cases when a complaint has been received and ensure the preservation of the said recordings until the final resolution of the complaint;
- 7) request documents from the electronic mass media confirming their observation of the provisions of Sections 46, 47 and 48 of this Law;
- 8) carry out monitoring of the electronic mass media and compile the results;
- 9) ensure the efficient and useful use of the State budget resources that have been allocated in the interests of the public;
- 10) promote the competitiveness of the electronic mass media under the jurisdiction of Latvia in the European and world market;
- 11) create equal operational conditions for all the electronic mass media under the jurisdiction of Latvia;
- 12) promote media literacy;
- 13) promote electronic mass media policy appropriate to the national interests of Latvia;

14) ensure the participation of the public, representatives of the mass media industry and educational institutions in the preparation of the public service remit and supervision of its fulfilment, as well as in the drafting of the national strategy for the development of the electronic mass media sector; and

15) perform other activities prescribed by regulatory enactments.

(2) The National Electronic Mass Media Council shall control observance of this Law:

1) by listening to and examining complaints;

2) by controlling the registration of the programmes of the electronic mass media; and

3) by performing random examinations of the content and quality of the distributed programmes.

(3) The National Electronic Mass Media Council shall develop and approve by regulations the national strategy for the development of the electronic mass media sector. The national strategy for the development of the electronic mass media sector shall be an external normative act.

(4) In approving the national strategy for the development of the electronic mass media sector and in performing other functions specified in this Law, the National Electronic Mass Media Council shall promote competition within the electronic mass media market.

### **Section 61. Rights of the National Electronic Mass Media Council**

The National Electronic Mass Media Council has the right to:

1) examine the register and records of the programmes distributed by an electronic mass medium; and

2) request financial operations report from the electronic mass media, if these mass media have requested or acquire financing from the State or local government budgets or payment reductions.

### **Section 62. Competence of the National Electronic Mass Media Council in the Field of the Public Electronic Mass Media**

(1) The National Electronic Mass Media Council shall, upon consultation with the public electronic mass media, develop and approve annual plans for the programmes of the public electronic mass media.

(2) The National Electronic Mass Media Council shall, in consultation with the public electronic mass media, prepare proposals for the draft Annual State Budget Law regarding the financial resources necessary for the implementation of the annual plans for the programmes of the public electronic mass media. After the approval of the Annual State Budget Law and amendments thereof, the Council shall also decide on the allocation of the resources granted in accordance with the approved annual plans for the programmes of the public electronic mass media.

(3) The National Electronic Mass Media Council shall, on the basis of the annual plans for the programmes of the public electronic mass media, determine the justified and fair allocation of the State budget subsidy among the public electronic mass media.

(4) The National Electronic Mass Media Council shall develop and approve the statutes of the public electronic mass media.

(5) The National Electronic Mass Media Council shall appoint and dismiss the Boards of the public electronic mass media. Their members shall be selected in accordance with the procedures of an open competition. The competition regulations shall be approved by the National Electronic Mass Media Council.

(6) The National Electronic Mass Media Council shall supervise the operations of the public electronic mass media by controlling compliance with the basic conditions for the operation of the public electronic mass media regulated in this Law, with the tasks of the public service remit of the programme of these mass media, and whether the financial resources are used in accordance with the approved budgets.

(7) The National Electronic Mass Media Council shall take a decision regarding the termination or continuing of the activities of the public electronic mass media, reorganisation thereof, increase and decrease of equity capital.

(8) The National Electronic Mass Media Council shall publish an annual report on the implementation of the public service remit of the public mass media and their financial activities on the Internet homepage and submit it to the Commission of Human Rights and Public Affairs of the *Saeima*.

### **Section 63. Public Advisory Council**

(1) The Public Advisory Council shall be an advisory institution established by the National Electronic Mass Media Council 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 shall be of a recommendatory nature.

(2) Representatives of associations, foundations, professional institutions and other organisations active in the field of the mass media, education, culture, science and human rights shall be included in the composition of the Public Advisory Council.

(3) The by-law of the Public Advisory Council shall be approved by the National Electronic Mass Media Council.

## **Chapter XII. Public Electronic Mass Media**

### **Section 64. Basic Conditions for Operations of the Public Electronic Mass Media**

(1) The public electronic mass media shall be editorially and financially independent and operate in the interests of the public.

(2) The public electronic mass media shall not be subject to privatisation neither in their entirety nor in parts, and the property thereof shall not be pledged, except for the case referred to in Paragraph three of this Section.

(3) The public electronic mass media have the right to participate in the establishment of commercial companies, purchase capital shares, stocks and securities of other commercial companies, as well as to pledge capital shares, stocks and securities of commercial companies owned by them by permission of the National Electronic Mass Media Council, if it directly or indirectly does not worsen or endanger the quality of the programmes of the public electronic mass media.

(4) The public electronic mass media in accordance with the procedures specified in regulatory enactments have the right to purchase immovable property necessary for the operation thereof. The purchase of immovable property using State budget resources or its alienation requires the consent of the National Electronic Mass Media Council.

(5) The public electronic mass media shall be successors to the rights and obligations of *Latvijas Radiofons*, the former Latvian SSR State Television and Radio Broadcast Committee, the State Television and Radio Broadcast Committee of the Republic of Latvia, the State companies Latvian Radio and Latvian Television, as well as the State non-profit limited liability company Latvian Radio and the State non-profit limited liability company Latvian Television.

### **Section 65. Administration of the Public Electronic Mass Media**

(1) A public electronic mass medium shall be administered by the Board.

(2) A person of good reputation, with higher education and at least five years professional experience in the field of the mass media or undertaking management may be approved as a member of the Board of a public electronic mass medium.

(3) A member of the Board of a public electronic mass medium may not:

1) be active in a political party or association of political parties, but in case, if he or she is active in a political party or association of political parties, such activity shall be terminated;

2) be a holder of capital shares (shares) of any electronic mass medium; or

3) have been punished for an intentional crime, if he or she has not been rehabilitated or the criminal record has not been extinguished or expunged.

(4) The restrictions and prohibitions applicable to public officials in accordance with the Law on Prevention of Conflicts of Interests in Activities of Public Officials shall apply to the members of the Boards of the public electronic mass media.

### **Section 66. Programmes of the Public Electronic Mass Media**

(1) Public electronic mass media shall ensure the provision of information necessary for every member of society to be able to form a substantiated and free opinion.

(2) Programmes of the public electronic mass media shall be produced in compliance with high requirements of ethics and quality and reflect the diversity of public opinion. The programmes of the public electronic mass media may not reflect solely the interests of a particular political, ideological, economical, religious or other group.

(3) In the creation of their programmes, the public electronic mass media shall take into account the diversity of society in Latvia in social, economic, regional, educational, cultural and religious terms while respecting human rights and fundamental freedoms, the equality of all before the law, the freedom of opinion and expression, the right to receive and distribute information freely, the presumption of innocence, inviolability of personal life, honour and dignity.



(4) The first programme of Latvian Radio and Latvian television shall be made as a national programme in the official language. The second programme of Latvian Radio and Latvian Television shall be mainly in the official language. A part of their transmission time may be reserved for broadcasts in other languages, including films and theatre performances subtitled in the official language.

(5) Not less than 30 percent of transmission time in the programmes of Latvian Television shall be intended for European audiovisual works produced by independent producers.

#### **Section 67. Distribution of the Programmes of the Public Electronic Mass Media**

(1) The availability of the programmes of the public electronic mass media shall be ensured throughout the entire territory of Latvia.

(2) The public electronic mass media have the right to transmit programmes by any technical means.

(3) The programmes of the public electronic mass media shall be ensured in unchanged form for the end-users of services of the public electronic communications networks.

(4) The public electronic mass media are entitled to provide additional programme services by permission of the National Electronic Mass Media Council regardless of the type of delivery and financing.

#### **Section 68. Archives of the Public Electronic Mass Media (Video and Audio Library)**

(1) The audio and audiovisual works and phonograms of cultural and historical value produced by the public electronic mass media or for the programmes thereof shall be regarded as part of the national cultural heritage and a constituent part of the Latvian National Archive Fund, which is supervised, preserved and utilised in accordance with the relevant regulatory enactments.

(2) If within the framework of the State Archives it is intended to copy materials held in the archives of the public electronic mass media with a view to their storage under heightened security, the Archives shall cover the technical costs of copying. At least two copies shall be made of programmes of special cultural and historical significance; they shall be intended only for storage and the use or publishing of these copies in any form is not permitted.

(3) The public electronic mass media are entitled to utilise materials of their archives in any possible form for broadcasting purposes, as well as in any other form in accordance with the Copyright Law. The public electronic mass media have the right to utilise the State Archives funds for producing their programmes within the framework of the public service remit covering only the necessary technical copying costs. Access may be denied only to conditional access information in accordance with the Freedom of Information Law.

#### **Section 69. Duties of Latvian Television in Providing Support to the Latvian Film Sector**

(1) Latvian Television shall ensure the availability of the Latvian national audiovisual heritage to the public by purchasing national films, demonstrating them in their programmes and undertaking other support measures for the Latvian film sector in accordance with the regulatory enactments pertaining to this sector.

(2) Latvian Television shall co-operate with the State direct administration institution the National Film Centre on matters concerning the national film heritage.

(3) The State direct administration institution the National Film Centre and Latvian Television shall enter into an agreement setting out the procedures whereby Latvian Television has the duty to be involved in the co-production and purchase of national films within the framework of the budget granted. The time period of such agreement shall be three years and it shall be renewed on every occasion not later than four months before the start date of the next time period.

#### **Section 70. Financial Provision for the Public Electronic Mass Media**

(1) The sources of financial provision for the public electronic mass media shall be:

1) a State budget subsidy for the implementation of the public service remit, moreover, it may not be less than that for the previous year;

2) income from economic activity;

3) gifts and donations in the form of money and property, including gifts and donations of foreign natural and legal persons; and

4) other sources of financing provided for in regulatory enactments.

(2) If coverage of an event important for a significant part of the public has not been included in the public service remit, the public electronic mass media have the right to request reimbursement of costs of coverage from the

organiser of the relevant event if the event is covered upon the initiative of the organiser of the event.

(3) The State budget ensures the annual implementation of the public service remit:

1) performance of tasks specified in this Law;

2) distribution of programmes throughout the entire territory of the State, as well as for the target audience outside the State borders; and

3) remuneration of employees and insurance of employees subject to special risk.

(4) The following shall be ensured from the State budget and other sources of financing specified in Paragraph one of this Section:

1) maintenance of the infrastructure:

a) purchase and maintenance of buildings, land, premises and technical equipment possessed;

b) leasing costs, public utilities and tax payments for the buildings, land, premises and technical equipment presently in use; and

c) other maintenance related expenses; and

2) development of the public electronic mass media in accordance with the national strategy for the development of the electronic mass media sector approved by the National Electronic Mass Media Council.

(5) If coverage of an event important for a significant part of the public is not included in the annual plans of the programmes of the public electronic mass media, the public electronic mass media have the right to request reimbursement of their expenses from the organiser of the relevant event if the event is covered upon the initiative of the organiser of the event.

(6) The public electronic mass media shall open accounts in the Treasury for the receipt of financing from the State budget and for the payment of necessary expenses.

## **Chapter XIII. The Public Service Remit**

### **Section 71. The Public Service Remit**

(1) The public service remit is the totality of measures the task of which is:

1) to promote a patriotic attitude towards the statehood of independent Latvia, and its democratic state system;

2) to promote the realisation of human rights and fundamental rights;

3) to promote the strengthening of the principles of democracy and ethics, reflecting the diversity of the opinions of the public;

4) to ensure the production of objective, independent and thematically balanced news, analysis and comment on events in Latvia, the European Union and the world;

5) to educate the inhabitants and promote their civil understanding of political, economic, cultural, legal, environmental, security and social issues by ensuring the systematic coverage of these issues;

6) to promote integration and social cohesion on the basis of the Latvian language;

7) to ensure the preservation, development and use of the Latvian language, its functioning to the full extent as the official language, especially promoting the use of Latvian as the language of common communication of all the inhabitants of Latvia;

8) to ensure the development of Latvian culture, especially by promoting the production of original broadcasts in the Latvian language;

9) to promote respect for the Latvian language, popularise the history and cultural values of Latvia;

10) to promote awareness of national identity in the Latvian, European and global space, as well as the expressions and development of regional and local identity in Latvia;

11) to ensure the permanent possibility for political parties and their associations to express their opinions, as well as the possibility to engage in campaigning and provide information before elections and referendums, in accordance

with regulatory enactments;

12) to evaluate, preserve and distribute the national and European cultural heritage;

13) to facilitate by documentary and artistic means understanding of the history of Latvia and contemporary processes and to form a notion of the possibilities for future development;

14) to ensure information, education, culture and recreation resources appropriate for a children and youth audience;

15) to create an environment for free and pluralistic discussions on issues important for society;

16) to develop contemporary and diverse genres and formats;

17) to facilitate participation of representatives of different groups of society in the production of programmes and broadcasts;

18) to envisage broadcasts for minority groups and individuals with special needs;

19) to envisage access to certain broadcasts for people with impaired vision and hearing;

20) to ensure live coverage of events (political, social, cultural, sports etc.) that are important for a wide audience;

21) to include in the content of programmes and broadcasts the information prepared by the regional electronic mass media which complies with the purposes and tasks of the relevant public electronic mass media;

22) to ensure responsible and sustainable journalism that guarantees research of information, quality of analysis and promotes the development of professional human resources;

23) to undertake recordings for the Latvian Radio choir fund in order to ensure preservation of the cultural and historical heritage; and

24) to envisage coverage of ecumenical religious services.

(2) The public service remit shall be fulfilled by the public electronic mass media. The National Electronic Mass Media Council may assign part of the public service remit to other national, regional and local electronic mass media whose programmes are available to end-users at no cost. This shall be done in accordance with the national strategy for the development of the electronic mass media sector and in accordance with a tender procedure. The total cost of the re-assigned public service remit by these electronic mass media for the relevant calendar year shall not exceed 15 per cent of the funding granted for the implementation of the public service remit.

(3) The principles and structure for the use of funding intended for production of the content of broadcasts, except for the content of news broadcasts, shall be determined in the regulation developed by the National Electronic Mass Media Council.

(4) The amount of the public service remit for the electronic mass media which are not the public electronic mass media shall comply with the funding granted in the sub-programme of the annual State budget. A contract is entered into regarding fulfilment of the public service remit for a time period not exceeding one financial year.

## **Chapter XIV. Digital Terrestrial Television Broadcasting**

### **Section 72. Merchant Providing Digital Terrestrial Television Broadcasting**

(1) Digital terrestrial television broadcasting in the cases referred to in Section 13, Paragraph three of this Law shall be provided by a merchant selected from the applicants and approved by the Cabinet (hereinafter - authorised merchant). The regulations on the selection process shall be approved by the Cabinet.

(2) The Cabinet shall issue an order granting the authorised merchant the right to use the necessary radio spectrum for digital terrestrial television broadcasting as well as determining its duties, rights and obligations in accordance with the law.

(3) The authorised merchant may be an electronic mass medium.

(4) The Ministry of Transport shall supervise and control the compliance of the authorised merchant with the requirements of this Law.

(5) The authorised merchant shall receive payment for the digital terrestrial broadcasting of the programmes of the electronic mass media. The calculation methodology and payment procedure shall be determined by the Cabinet.

### **Section 73. Obligations of the Merchant Authorised to Provide Digital Terrestrial Television Broadcasting**

(1) The authorised merchant shall provide the following broadcasting network service:

1) the operation of a twenty-four hour customer call centre;

2) a register of pay television customers, service and the provision of requested services according to its obligations to customers, a list of retransmitted pay channels approved by the National Electronic Mass Media Council and the retransmission permits issued that have been issued on request;

3) the possibility for customers to obtain the necessary digital terrestrial television reception equipment;

4) interactive services using various access networks;

5) use of the established digital terrestrial television broadcasting networks only for the distribution of television programmes as approved by the National Electronic Mass Media Council; and

6) updating of the digital television receiver software in collaboration with the manufacturer and using the digital terrestrial television broadcasting network.

(2) The authorised merchant shall provide the electronic mass media with the possibility to install and use electronic communications transmission networks in accordance with agreements and in compliance with the broadcasting permits issued by the National Electronic Mass Media Council.

### **Section 74. Annulment of the Rights of the Merchant Authorised to Provide Digital Terrestrial Television Broadcasting**

The Cabinet has the right to annul the authorised merchant's right to use the radio spectrum necessary for digital terrestrial television broadcasting, if:

1) the authorised merchant has ceased its operations; or

2) it is determined that the authorised merchant does not fulfil the obligations specified in Section 73 of this Law for the third time during a year.

### **Section 75. Authorisation of a New Merchant to Provide Digital Terrestrial Television Broadcasting**

(1) Where the rights granted to the authorised merchant have been annulled, the Cabinet shall, within five months, tender for and authorise another merchant to provide digital terrestrial television broadcasting.

(2) Pending the entry into force of the Cabinet Order on the authorisation of a new merchant, the existing authorised merchant shall continue operations.

## **Transitional Provisions**

1. With the coming into force of this Law, the Radio and Television Law (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1995, No. 20; 1996, No. 22; 1997, No. 11, 23; 1998, No. 24; 1999, No. 5, 22, 24; 2001, No. 6; 2002, No. 22; 2003, No. 12; 2005, No. 2; 2009, No. 2, 3, 21; *Latvijas Vēstnesis*, 2009, No. 193) is repealed.

2. The National Electronic Mass Media Council shall be the successor to the rights and obligations of the National Radio and Television Council.

3. Those members of the National Radio and Television Council who in accordance with the Radio and Television Law have been elected before the day of coming into force of this Law shall continue to fulfil their duties as members of the National Electronic Mass Media Council until the end of the term for which they were elected in accordance with the Radio and Television Law. This condition shall not be applicable in cases when the mandate of a member of the National Electronic Mass Media Council has ended prematurely in accordance with the conditions of Section 59, Paragraph two, Clauses 1, 3 or 4 of this Law.

4. By 1 September 2010 the National Electronic Mass Media Council shall take the decision to reorganise the non-profit organisation limited liability company Latvian Radio and non-profit organisation limited liability company Latvian Television into the State limited liability company Latvian Radio and the State limited liability company Latvian Television. The Council shall also approve the companies' statutes which comply with the requirements of the regulatory enactments regarding application of companies to be registered in the Commercial Register. Not later than 10 days following the day of taking of the decision referred to in this Paragraph, the non-profit organisation limited liability company Latvian Radio and non-profit organisation limited liability company Latvian Television shall submit an application to the Register of Enterprises of the Republic of Latvia regarding their registration in the Commercial Register as the State limited liability company Latvian Radio and the State limited liability company Latvian Television. Until their registration in the Commercial Register the companies' entrepreneurial activity shall be conducted in

accordance with the relevant law that was in force until 31 December 2004.

5. By 1 January 2011 Latvian Radio and Latvian Television shall draft regulations on the use of funding intended for the implementation of the public service remit.

6. Insofar as it is not in contradiction with this Law, the Cabinet Regulation No. 714 of 2 September 2008, Procedure for the Implementation of Digital Broadcasting of Programmes Produced by the Electronic Mass Media, shall remain in force until 31 December 2013.

7. Regional and local electronic mass media may continue the analogue terrestrial television broadcasting using their own technical resources until 1 December 2011.

8. After 1 December 2011 but no later than 31 December 2013, regional and local electronic mass media may continue analogue terrestrial television broadcasting with the consent of the Electronic Communications Office. They shall use their own technical means if this is technically feasible for the frequency concerned and does not interfere with digital television broadcasting. In this case the State does not ensure protection of these frequencies from interference by other broadcasters who have received permits to use these frequencies in accordance with international agreements.

9. The electronic mass media referred to in Paragraphs 7 and 8 of these Transitional Provisions shall be classified in accordance with the requirements of Section 10, Paragraph one and Section 11 of this Law.

10. Paragraphs 7 and 8 of these Transitional Provisions shall not apply to those electronic mass media that have been established after the day of coming into force of this Law. Terrestrial broadcasting of the programmes of such electronic mass media shall be in the digital format.

11. In order to commence terrestrial broadcasting in the digital format, an electronic mass media shall re-register its previously received broadcasting and retransmission permits for terrestrial broadcasting. Where necessary, the National Electronic Mass Media Council shall amend the permits referred to.

12. Until 31 December 2013 the part of the digital terrestrial broadcasting of the television programmes of the electronic mass media shall be ensured by the merchant specified in Section 72 of this Law. Until 31 December 2012 the Cabinet shall develop and submit to the *Saeima* the draft law that provides conditions whereby, from 1 January 2014, the electronic mass media shall either choose a merchant to ensure the distribution of their programmes or they shall ensure the digital terrestrial broadcasting of their programmes themselves.

13. By 1 January 2011 the Cabinet shall develop and submit to the *Saeima* draft laws on the necessary amendments to other laws.

14. Until the day of coming into force of the Cabinet Regulation referred to in Section 18, Paragraph three and Section 19, Paragraph two of this Law, but not later than 1 January 2011, the Cabinet Regulation No. 1617 of 22 December 2009, Regulation Regarding the State Fee for the Issue of a Broadcasting Permit, Retransmission Permit, Special Permit (Licence) for the Operation of Cable Television and Cable Radio (Radio Transmission) and Re-registration Thereof, shall apply insofar as it is not in contradiction with this Law.

15. The term "electronic mass medium" used in this Law shall comply with the terms "radio", "television" and "broadcasting organisation" used in other regulatory enactments.

16. Section 28, Paragraph five and Section 32, Paragraphs two and three of this Law shall be applicable from 1 January 2011.

17. Section 71, Paragraph two of this Law shall be applicable from 1 January 2012. Until 31 December 2011 the legal regulation, which in respect of those implementing the national remit has been set out under Section 56 of the Radio and Television Law referred to in Paragraph 1 of these Transitional Provisions, shall apply to those implementing the public service remit.

18. Section 72, Paragraph five of this Law shall be applicable from 1 January 2014.

## **Informative Reference to European Union Directive**

This Law includes the legal norms arising from Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive).

This Law has been adopted by the *Saeima* on 12 July 2010.

Acting for the President,

Chair of the *Saeima* G. Daudze

Rīga, 28 July 2010

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<sup>1</sup> The Parliament of the Republic of Latvia

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