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- 8 September 2011 [shall come into force from 14 September 2011];
- 4 October 2012 [shall come into force from 20 October 2012];
- 14 February 2013 [shall come into force from 15 March 2013];
- 21 February 2013 [shall come into force from 27 February 2013];
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- 23 October 2014 [shall come into force from 26 November 2014];
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- 2 June 2016 [shall come into force from 10 June 2016];
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- 1 December 2016 [shall come into force from 11 December 2016];
- 22 November 2017 [shall come into force from 1 January 2018];
- 20 June 2018 [shall come into force from 12 July 2018].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

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 of electronic mass media programmes and broadcasts, the initial distribution thereof in accordance with the programme schedule and simultaneous public reception by using 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 to whom a broadcasting permit or a retransmission permit has been issued in accordance with the procedures set out in laws and regulations or who in accordance with this Law has submitted to the National Electronic Mass Media Council a notification on the provision of on-demand electronic mass media services;

8) **on-demand audiovisual electronic mass media service** - a service ensured by an electronic mass medium subjected to editorial responsibility of the electronic mass medium and which is provided upon the request of a service recipient at the moment chosen by him or her 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** - an 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;

12<sup>1</sup>) **pay television** - access to the television programme of the electronic mass medium ensured in exchange for payment;

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;

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;

14<sup>1</sup>) **beneficial owner** - a natural person which corresponds to the term "beneficial owner" defined in the Law on the Prevention of Money Laundering and Terrorism Financing;

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;

17<sup>1</sup>) **main audio language of a programme** - a language which has been determined in the principal conditions of the broadcasting permit issued by the National Electronic Mass Media Council and that must be ensured regardless of the type of distribution of the television programme;

18) **distribution of programmes** - the transmission of programmes to the technical means of transmission 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 distribution 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 production data and an announcement;

23) **transmission** - distribution of programmes for public reception. 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 in Latvia in the public electronic communications network without making any changes in the programme or the content of the 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 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;

32<sup>1</sup>) **Television programme distribution service** - a service which ensures the possibility to receive a television programme in the terminal of a user, including by distributing or retransmitting the programme. This definition shall not apply to the cases referred to in Section 13 of this Law;

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;

34<sup>1</sup>) **language track** - a soundtrack which differs from the main audio language of the programme;

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 which are located in Space.

*[4 October 2012; 14 February 2013; 18 April 2013; 23 October 2014; 17 December 2015; 20 June 2018]*

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

(1) This Law governs the procedures and provisions for the operation of the electronic mass media under the jurisdiction of Latvia and also the operation of other right-holders in the cases provided for in this Law.

(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 his or her 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;

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 the transmission 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 the 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.

*[23 November 2016]*

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

### **Section 3. Electronic Mass Media and Providers of the Distribution Services of the Television Programmes under the Jurisdiction of Latvia**

(1) Electronic mass media, which are subject to editorial responsibility, shall be under the jurisdiction of Latvia if they pursue an economic activity in Latvia in accordance with Paragraph two of this Section or correspond to the conditions laid down in Paragraph three of this Section. The providers of the distribution services of television programmes shall be under the jurisdiction of Latvia if they provide the distribution services of television programmes in Latvia.

(2) In order to determine whether an electronic mass medium pursues 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 pursues 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 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;

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;

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 Paragraphs two and three 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 49, 50, 51, 52, 53, 54, and 55 of the Treaty on the Functioning of the European Union.

*[14 February 2013; 17 December 2015]*

#### **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 the State capital companies which are established and operate in accordance with this Law, Law on Governance of Capital Shares of a Public Person and Capital Companies, Commercial Law and other laws and regulations, and also 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 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.

*[23 October 2014 / Amendments to Paragraph one shall come into force on 1 January 2015. See Paragraph 31 of Transitional Provisions]*

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

(1) The commercial electronic mass media shall be undertakings registered in accordance with the procedures specified in laws and regulations.

(2) The commercial electronic mass media shall 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 a non-commercial electronic mass media shall be prohibited, as well as 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 upon receipt of a permit from the relevant commercial or non-commercial electronic mass medium and coordinating it 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 retransmit 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 broadcast 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 at least 60 per cent of the inhabitants of Latvia or whose broadcasting area of transmission covers the greater part of the territory of the State, 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 those whose broadcasting area of transmission of the television programmes it produces is at least 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 the programmes, if this has been provided for in the national strategy for the development of the electronic mass media sector.

[24 April 2014]

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

(1) Regional electronic mass media are those whose broadcasting area of transmission of the programmes is not less than 20 per cent of the territory of Latvia, in so far as it is not otherwise provided for in Paragraph two of this Law.

(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 produced by 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 enlarge the broadcasting area of transmission of the programmes, if this has been provided for 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 of programmes 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 State stock company Latvian Radio and Television Centre shall ensure the following:

1) distribution of the radio programmes of such electronic mass media in analogue format that do not have their own technical means for distribution. This provision shall not apply to the operation of cable radio and satellite radio;

2) distribution of the radio programmes of a public electronic mass medium in the territory of the State in analogue format;

3) direct distribution of the television programmes of a public electronic mass medium, free television programmes of commercial national and regional mass media in the entire territory of the State with terrestrial transmitters by concluding contracts with the respective national and regional electronic mass media;

4) possibility for end-users to report on the signal reception disturbances of free television programmes and elimination of transmission-related problems;

5) distribution of pay television programmes in the case determined in Section 72, Paragraph one of this Law.

(<sup>1</sup>) The shares of the State stock company Latvian Radio and Television Centre may not be alienated.

(2) For the execution of the tasks referred to in Paragraph one, Clauses 3 and 5 of this Section, the State stock company Latvian Radio and Television Centre shall receive the rights for the use of radio frequency spectrum at the Public Utilities Commission for a period equivalent to that for which the rights to ensure pay television services are granted in accordance with the tender by-law referred to in Section 72, Paragraph two of this Law and the permit for the use of frequency allotment for the arrangement and use of television broadcasting equipment at the State stock company Electronic Communications in accordance with the procedures laid down in the Electronic Communications Law and in accordance with the radio frequency spectrum allotment determined in the National Radio Frequency Plan for terrestrial digital television broadcasting systems and binding international treaties on broadcasting.

(3) In the case referred to in Paragraph one, Clause 3 of this Section, the State stock company Latvian Radio and Television Centre shall ensure to end-users for free the terrestrial digital broadcasting of those television programmes produced by electronic mass media that are included in the list of programmes to be distributed to end-users for free which has been approved by the National Electronic Mass Media Council. The criteria for the inclusion of electronic mass media programmes in the list of programmes to be distributed to end-users for free shall be determined in the national strategy for the development of the electronic mass media sector. The abovementioned decision shall be taken in accordance with the Administrative Procedure Law. The appeal of the decision shall not suspend the application thereof. The decision shall be published in the official gazette *Latvijas Vēstnesis*.

(4) Local electronic mass media to which a broadcasting permit has been issued for the distribution of a television programme in digital format have the right to receive a permit for the use of frequency allotment and to arrange their own distribution means in accordance with the procedures specified in the Electronic Communications Law or to use the distribution services of programmes provided by communications merchants.

(5) If the available frequency spectrum resource does not allow to determine separate frequency allotments for digital transmission of several local electronic mass media television programmes in the same geographical territory, a condition on the use of a joint transmitter shall be included in the tender provisions for granting broadcasting rights and the broadcasting permit.

(6) The respective electronic communications merchant shall collect a fee from the electronic mass medium for terrestrial digital broadcasting with terrestrial transmitters of national, regional and local electronic mass media television programmes available to end-users for free or pay television programmes and the tariff calculation methodology thereof shall be determined by the Cabinet.

*[14 February 2013; 23 October 2014]*

#### **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 Annulment Thereof, Registration of Electronic Mass Media and Termination of Operation Thereof**

*[17 December 2015]*

#### **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 for 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 longer than five years. The State fee shall not be paid for the issue of such broadcasting permit.

(4) Broadcasting rights shall be granted on the basis of a person's submission. 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 Convention on Transfrontier Television Member State, the National Electronic Mass Media Council shall, prior to granting the broadcasting rights, consult with the supervisory body of the electronic mass media of the relevant country.

(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 technical use of the broadcasting frequency spectrum in accordance with the Electronic Communications Law shall be planned by the State stock company Electronic Communications. The State stock company Electronic Communications shall provide information to the National Electronic Mass Media Council on the technical plan for the use of the frequency spectrum and also the free frequency allotments for the use of which broadcasting rights may be granted.

(8) Upon determining frequency allotments for the transmission of television programmes produced by local electronic mass media, the State stock company Electronic Communications shall ensure that they do not restrict the national and regional networks of digital television and do not violate the provisions of the international treaties on broadcasting.

(9) An annual State fee shall be paid for monitoring the exercise of the broadcasting rights of commercial transfrontier television programmes or commercial national television programmes. The Cabinet shall determine the amount, procedures for payment and relief of a State fee.

[14 February 2013; 22 November 2017]

### **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 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 on the invitation to tender shall be published on the Internet website of the National Electronic Mass Media Council, in the official gazette *Latvijas Vēstnesis*, and also 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 an electronic mass medium), 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 by-law of the tender:

3) area of transmission;

4) term of validity of the broadcasting permit;

5) time of the commencement of operations;

6) tender participation fee;

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 by-law of the tender 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;

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

(6) Not later than a month before determining the results of the tender, the National Electronic Mass Media Council shall 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 website, in the official gazette *Latvijas Vēstnesis*, and also 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 in the tender has specified as a business secret.

[24 April 2014]

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

(1) Application complying with the provisions of the invitation to tender shall be evaluated in the tender. Basic criteria for the assessment shall be the creative, financial and technical provision of the concept and also the amount of the official language during the transmission time of a programme produced by audiovisual national or regional electronic mass medium.

(2) Results of the invitation to tender shall be determined not later than three months after 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 after the day of taking thereof shall be published in the official gazette *Latvijas Vēstnesis*, and also 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 after the day of coming into force thereof.

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

*[24 April 2014; 23 October 2014]*

### **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 review of the principal conditions of the 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 private person (including the winner of a tender), regardless of the country of registration or the place of residence thereof, shall submit an application to the National Electronic Mass Media Council by appending thereto information on the beneficial owner thereof and the certification of the electronic communications merchant ensuring the distribution of the respective programme or service regarding the distribution of this programme or service. 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 operation of an electronic mass medium and documents which attest to the possible sources of financing for at least the first year of operation.

(4<sup>1</sup>) In the event of a change in the beneficial owner of the electronic mass medium to which the broadcasting permit has been issued, the electronic mass medium shall immediately, but not later than within 14 days from the date of finding out the respective information, submit to the National Electronic Mass Media Council information on the change of the beneficial owner.

(4<sup>2</sup>) In order to assess the information provided on the beneficial owner, the Council has the right to request for an opinion from competent State security institutions, a supervisory and control authority of the Law on the Prevention of Money Laundering and Terrorism Financing, and competent institutions determined in the Law on International Sanctions and National Sanctions of the Republic of Latvia and also from competent institutions of other countries.

(5) If the winner of the tender or such national or regional electronic mass medium to which the rights to expand the programme broadcasting coverage area have been granted based on the decision by the National Electronic Mass Media Council fails to take out the broadcasting permit within 12 months from the date on which the decision on tender results or the decision on expanding the coverage area has come into force or fails to start operations within 15 months, the National Electronic Mass Media Council shall cancel the abovementioned decision.

(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 medium to which a broadcasting permit has been issued in accordance with the procedures specified in Section 16 of this Law has the right to receive a permit for the use of frequency allotment and to arrange their own distribution means in accordance with the procedures specified in the Electronic Communications Law, taking into account that laid down in Section 13, Paragraph two of this Law, or to use the distribution services of programmes 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 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.

*[14 February 2013; 24 April 2014; 22 November 2017; 20 June 2018]*

### **Section 19. Retransmission Permit, Additional Conditions for the Provision of the Services of the Distribution of Retransmission and Television Programmes**

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

(1<sup>1</sup>) A local electronic mass medium may not retransmit such television programmes which are already being transmitted or retransmitted in the national or regional electronic communications networks of terrestrial television broadcasting.

(1<sup>2</sup>) The provider of the distribution services of television programmes shall receive programmes from the source specified by the owner (holder) of the respective programme, unless provided for otherwise by this Law. Upon fulfilling the duties provided for in Paragraphs six and 6.<sup>1</sup> of this Section, the electronic mass medium, which provides the distribution services of television programmes, for programme reception is entitled to use the signal of the respective television programme which is received by end-users for free in digital terrestrial broadcasting.

(2) In order to receive a retransmission permit a private person, regardless of the country of registration or the place of residence thereof, shall submit to the National Electronic Mass Media Council an application by appending thereto information on the beneficial owner thereof, the list of programmes to be retransmitted and, if necessary, a document certifying the registration at the Public Utilities Commission, and also shall pay a State fee. Each year by the last working day of the first month of the year, the retransmission permit shall be re-registered whereof a State fee shall be paid and information requested by the National Electronic Mass Media Council shall be submitted to it for the continuation of the programme retransmission. The Cabinet shall determine the amount, procedures for payment and relief of a State fee.

(2<sup>1</sup>) In the event of a change in the beneficial owner of the electronic mass medium to which the retransmission permit has been issued, the electronic mass medium shall immediately, but not later than within 14 days from the date of the finding out the respective information, submit to the National Electronic Mass Media Council information on the change of the beneficial owner.

(2<sup>2</sup>) In order to assess the information provided on the beneficial owner, the Council has the right to request for an opinion from competent State security institutions, a supervisory and control authority of the Law on the Prevention of Money Laundering and Terrorism Financing, and competent institutions determined in the Law on International Sanctions and National Sanctions of the Republic of Latvia and also from competent institutions of other countries.

(3) If it is necessary to have a frequency resource to retransmit, a retransmission permit shall be issued in accordance with the procedures specified in Section 16 of this Law. The electronic mass medium to which a retransmission permit has been issued in accordance with the procedures specified in Section 16 of this Law has the right to receive a permit for the use of frequency allotment and to arrange their own distribution means in accordance with the procedures specified in the Electronic Communications Law, taking into account that laid down in Section 13, Paragraph two of this Law, or to use the distribution services of programmes provided by an electronic communications merchant.

(4) An electronic communications merchant 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 retransmitted 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) [17 December 2015]

(6) The provider of the distribution services of television programmes shall ensure the supply of the television programmes of the public electronic mass media distributed in Latvia to all subscribers in an unchanged form. A retransmission permit shall not be necessary for the distribution of such programmes in the relevant public electronic communications networks. The relevant electronic mass medium shall not collect a fee for ensuring the distribution of public electronic mass media television programmes from the public electronic mass medium whose programmes are distributed by it, meanwhile the public electronic mass medium whose programmes are being distributed shall not collect a fee from the electronic mass medium which distributes its programmes.

(6<sup>1</sup>) The provider of the television programme distribution service shall ensure the supply of commercial national electronic mass media television programmes distributed in Latvia to all subscribers in an unchanged form which by using the technical means of terrestrial broadcasting are available to the end-user for free, unless the relevant mass medium requests a fee for the distribution of its programmes. If a commercial national electronic mass medium does not request a fee for the distribution of its programme, no retransmission permit shall be needed for such programme distribution in public electronic communications networks. The provider of the television programme distribution service shall not collect a fee for the distribution of such commercial national electronic mass media television programmes from such commercial national electronic mass medium whose programmes it distributes. If it is necessary to cover expenses related to ensuring a satellite signal, but the commercial national electronic mass medium does not cover such expenses, the provider of the television programme distribution service has no duty to ensure the distribution of the respective programme by using the satellite.

(6<sup>2</sup>) Commercial national electronic mass media shall ensure equal and non-discriminatory retransmission terms for electronic mass media which retransmit or wish to retransmit their programmes.

(7) [21 November 2013 / See Paragraph 25 of Transitional Provisions.]

(8) Electronic mass media which retransmit television programmes by using cable television, upon concluding the relevant service contract, shall include in their programme offer the regional or local electronic mass media television programmes available in the respective territory which by using the technical means of terrestrial broadcasting are available to the end-user for free. The abovementioned condition shall be applicable to the distribution of such programmes whose transmission duration is at least six hours per day, unless the electronic mass medium which retransmits television programmes by using cable television has reached an agreement with the respective regional or local electronic mass medium on a shorter transmission duration. The relevant electronic mass medium shall not collect a fee for ensuring such retransmission from such electronic mass medium the programmes of which it is retransmitting, in the same way as the electronic mass medium the programmes of which are being retransmitted shall not collect a fee from the electronic mass medium which is retransmitting its programmes.

(9) If the public electronic communications network coverage area of the electronic mass medium, which retransmits television programmes by using cable television, exceeds the coverage area in terrestrial broadcasting specified in the regional or local electronic mass medium television programme broadcasting permit referred to in Paragraph eight of this Section, the electronic mass medium which retransmits television programmes by using cable television has a duty, in compliance with the provisions of the national strategy for the development of the electronic mass media sector, to include in its programme offer regional or local electronic mass media television programmes available in the respective territory that by using the technical means of terrestrial broadcasting are available to the end-user for free by concluding the respective service contract, and the right to request a fee from the respective regional or local electronic mass medium for the provided service that does not exceed the actual costs, if the following conditions exist:

1) local or regional electronic mass medium wishes that its television programme would be retransmitted outside the coverage area specified in the broadcasting permit;

2) electronic mass medium which retransmits television programmes by using cable television has technical capabilities of ensuring the inclusion of the respective television programme in the programme offer thereof;

3) transmission duration of the regional or local electronic mass medium television programme to be included is at least six hours per day, unless the electronic mass medium which retransmits television programmes by using cable television has reached an agreement with the respective regional or local electronic mass medium on a shorter transmission duration.

(10) If the electronic mass medium, which retransmits television programmes by using cable television, in accordance with the provisions of Paragraph eight or nine of this Section has a duty to distribute regional or local electronic mass media television programmes, but such regional or local electronic mass media television programme has a low-quality content or the distribution of the television programme for technical or commercial reasons may cause disproportionate damage to the respective electronic mass medium, the National Electronic Mass Media Council, having examined a duly justified application by the electronic mass medium, is entitled to exempt this electronic mass medium from the fulfilment of the duty with regard to the distribution of the respective regional or local electronic mass medium television programme or to conclude an administrative contract with the respective electronic mass medium by reaching an agreement on conditions for the fulfilment of the abovementioned duty.

(11) The conclusion of the contract referred to in Paragraph eight or nine of this Section as such does not release the parties from the fulfilment of the duty referred to in Paragraph eight or nine of this Section. No retransmission permit is needed for the distribution of television programmes referred to in Paragraphs eight and nine of this Section in the respective public electronic communications networks.

(12) The provider of the television programme distribution service (including the electronic mass medium which retransmits television programmes by using cable television in addition to the programmes provided for in Paragraphs six, 6.<sup>1</sup>, eight and nine of this Section) shall ensure that the following television programmes would be offered to all of its subscribers in an unchanged form:

1) at least one television programme that mainly covers news, analytical and informative broadcasts in any of the official languages of the European Union produced in a Member State or Member States of the European Union;

2) at least one television programme the broadcast language whereof in the extent of at least 50 per cent of the total transmission time is the official language, with a condition that the total transmission duration of the abovementioned programme is at least 18 hours per day, the owner (holder) of the programme has received a broadcasting permit for the production and distribution of the respective programme in Latvia and complies with the terms of the broadcasting permit, ensures high-quality and continuous signal supply to the respective electronic mass medium which provides the television programme distribution service;

3) at least one television programme that mainly covers popular science broadcasts in any of the official languages

of the European Union produced in a Member State or Member States of the European Union;

4) at least one television programme that mainly covers broadcasts aimed at children and young people in any of the official languages of the European Union produced in a Member State or Member States of the European Union.

(13) The provider of the television programme distribution service which is subject to the duties provided for in Paragraphs six, 6.<sup>1</sup>, eight, nine, and twelve of this Section shall include the respective television programmes in the list of offered programmes prior to other television programmes and in the sequence specified in this Section.

*[14 February 2013; 18 April 2013; 21 November 2013; 17 December 2015; 22 November 2017; 20 June 2018]*

#### **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 laws and regulations;

3) can unmistakably be distinguishable from the name of such electronic mass medium or programme the operation of which has been terminated by a court ruling in force;

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 way which 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 operation of an electronic mass medium under the jurisdiction of Latvia or a person who has exclusive rights to such trademark has permitted to use it in the territory of Latvia.

(3) The conditions referred to in Paragraph one of this Section shall be observed also 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 Media Council has the right to annul a broadcasting permit or retransmission permit if an electronic mass medium:

1) has terminated its operation but has not submitted the issued broadcasting permit to the National Electronic Mass Media Council;

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;

3) has not paid the State fee in the case referred to in Section 15, Paragraph nine or the second sentence of Paragraph two of Section 19 respectively.

(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 during a year it has repeatedly:

1) violated this Law;

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 for three times during a year for a significant violation of this Law;

2) within one year from the day when the Council has taken a decision on the suspension of the operation of the electronic mass medium has committed significant violations referred to in Paragraph two, Clauses 1 and 2 of this Section;

3) has committed significant violation of the provisions included in broadcasting or retransmission permit;

4) fails to observe the provisions of Section 18, Paragraph eight of this Law and this is a significant violation;

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 significantly violated the relevant provision;

7) in accordance with a court judgement that is in force or a public prosecutor's penal order 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.

(3<sup>1</sup>) In the application of Section 21, Paragraph three of this Law and upon assessing the significance of a violation, the National Electronic Mass Media Council shall take into consideration the public hazard of a violation, actions taken by the electronic mass medium in relation to the elimination of the consequences and recurrence of a violation, the impact of a violation on general operations of the electronic mass medium and the ability to continue operations.

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

(5) The application of this Section shall not be influenced by the application of the provisions of Chapter III.<sup>1</sup> of this Law.

[24 April 2014; 17 December 2015; 22 November 2017]

## **Chapter III.<sup>1</sup> Prohibition to Distribute Electronic Mass Media Programmes and On-demand Services of Other Countries**

[17 December 2015]

### **Section 21.<sup>1</sup> Prohibition to Distribute an Audiovisual Programme of an Electronic Mass Medium of another Member State of the European Union or European Economic Area**

(1) The National Electronic Mass Media Council shall ensure the freedom of reception and shall not restrict the retransmission of an audiovisual programme of an electronic mass medium in the territory of Latvia from another Member State of the European Union or European Economic Area, except for the cases when an electronic mass medium programme has manifestly, seriously and gravely violated the provisions of Section 24, Paragraph nine or ten or Section 26 of this Law and such violation has occurred at least twice in the last 12 months.

(2) In the case referred to in Paragraph one of this Section the National Electronic Mass Media Council shall inform the respective electronic mass medium, the respective country and the European Commission on:

- 1) broadcasts in which violations have been established;
- 2) nature of violation;
- 3) expected duration of the prohibition to distribute the electronic mass medium programme in the territory of Latvia;
- 4) possibility to reach an agreement on an acceptable solution within 15 days from the receipt of notification.

(3) If consultation with the respective electronic mass medium, the respective country and the European Commission within 15 days from the receipt of notification has concluded without an acceptable solution and the electronic mass medium commits a new violation in the programme, the National Electronic Mass Media Council may take a decision on prohibition to distribute the electronic mass medium programme by indicating the period during which such prohibition shall be valid in the territory of Latvia.

(4) The decision on prohibition to distribute an electronic mass medium programme shall be a general administrative act. The decision shall be published in the official gazette *Latvijas Vēstnesis*.

(5) In addition to the provisions of this Section, if the distribution of any audiovisual programme has already been prohibited in any of the Member States of the European Union or European Economic Area due to the violations referred to in Section 26 of this Law and this prohibition is valid, the National Electronic Mass Media Council through collaboration with the respective foreign competent institution shall find out whether these violations are established in the programme which is distributed in Latvia. If such violations are established, the National Electronic Mass Media Council may take a decision on prohibition to distribute the specific programme in Latvia in accordance with the procedures laid down in this Section.

[20 June 2018]

**Section 21.<sup>2</sup> Prohibition to Distribute an Audiovisual Programme of an Electronic Mass Medium of another Member State of the European Union or European Economic Area that is Fully or Mainly Directed towards the Territory of Latvia**

(1) If an audiovisual programme of the electronic mass medium under the jurisdiction of another Member State of the European Union or European Economic Area is fully or mainly directed towards the territory of Latvia and the National Electronic Mass Media Council has established that such provisions of this Law or other laws and regulations have been violated in the audiovisual programme of the electronic mass medium that provide for more detailed or stricter conditions for programme production than the legal acts of the European Union, the National Electronic Mass Media Council may not need to apply Section 21.<sup>1</sup> of this Law.

(2) In the case referred to in Paragraph one of this Section the National Electronic Mass Media Council shall inform the respective electronic mass medium and the respective country on the established violations in order to reach an acceptable solution. The National Electronic Mass Media Council may request the respective country to ensure that the respective electronic mass medium complies with the provisions of the laws and regulations of Latvia.

(3) The National Electronic Mass Media Council may request the review of this matter by the contact committee set up in accordance with the legal acts of the European Union.

(4) The National Electronic Mass Media Council, upon establishing a violation of the conditions for the production of programmes, may take a decision on prohibition to distribute the electronic mass medium programme by indicating the period during which such prohibition shall be valid in the territory of Latvia, or on imposition of a fine on the electronic mass medium which is subject to editorial responsibility in respect of the respective programme if all of the conditions listed below exist:

1) an acceptable solution is not reached within a period of two months in accordance with the procedures set out in Paragraph two of this Section;

2) respective electronic mass medium has acquired jurisdiction in another country in order to evade stricter rules established in Latvia;

3) National Electronic Mass Media Council has notified the respective electronic mass medium, the respective country and the European Commission of the intention to take the planned measures referred to in the introductory section of this Paragraph by providing justification thereof;

4) European Commission has taken a decision on compliance of the planned measures referred to in the introductory section of this Paragraph with the legal acts of the European Union.

(5) The decision on prohibition to distribute an electronic mass medium programme shall be a general administrative act. The decision shall be published in the official gazette *Latvijas Vēstnesis*.

**Section 21.<sup>3</sup> Prohibition to Distribute an On-demand Audiovisual Electronic Mass Media Service of another Member State of the European Union or European Economic Area**

(1) The National Electronic Mass Media Council shall ensure the freedom of reception and shall not restrict the distribution of an on-demand audiovisual electronic mass medium service in the territory of Latvia from another Member State of the European Union or European Economic Area, except for the cases when the on-demand audiovisual electronic mass medium service of another country significantly endangers:

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

2) protection of public health;

3) public safety, including national security and defence;

4) protection of consumers, including investors.

(2) In the case referred to in Paragraph one of this Section the National Electronic Mass Media Council shall request to eliminate the violation and shall inform the respective electronic mass medium, the respective country and the European Commission on:

1) broadcast in which the violation has been established;

2) nature of violation;

3) expected duration of the prohibition to distribute the on-demand audiovisual electronic mass medium service in

the territory of Latvia;

4) possibility to reach agreement on an acceptable solution within 15 days from the receipt of notification.

(3) If the respective electronic mass medium and the respective country have not taken measures for the elimination of the violation or these measures were not adequate, the National Electronic Mass Media Council may take a decision on prohibition to distribute the on-demand audiovisual electronic mass medium service by indicating the period during which such prohibition shall be valid in the territory of Latvia.

(4) In case of urgency the National Electronic Mass Media Council may derogate from the procedure specified in Paragraphs two and three of this Section. In such case the respective electronic mass medium, the respective country and the European Commission shall be informed on the measures taken within the shortest possible time period by providing justification for urgency.

(5) The decision on prohibition to distribute an on-demand audiovisual electronic mass medium service shall be a general administrative act. The decision shall be published in the official gazette *Latvijas Vēstnesis*.

#### **Section 21.<sup>4</sup> Prohibition to Distribute an Electronic Media Audiovisual Programme and On-demand Audiovisual Service of another Member State of the European Convention on Transfrontier Television**

(1) The National Electronic Mass Media Council shall ensure the freedom of reception and shall not restrict the retransmission of an electronic mass media audiovisual programme and distribution of an on-demand audiovisual service of the Member State of the European Convention on Transfrontier Television in the territory of Latvia that is not the Member State of the European Union or European Economic Area, except for the cases when the provisions of the European Convention on Transfrontier Television have been violated in the electronic mass medium programme or catalogue.

(2) In the case referred to in Paragraph one of this Section the National Electronic Mass Media Council shall inform the respective electronic mass medium and the respective Member State of the European Convention on Transfrontier Television on the established violations and shall seek an acceptable solution in accordance with the procedures set out in the European Convention on Transfrontier Television.

(3) If the electronic mass medium programme or catalogue has manifestly, seriously and gravely violated the provisions of Section 24, Paragraph nine or ten or Section 26 of this Law and the National Electronic Mass Media Council fails to reach an acceptable solution within a period of two weeks following the receipt of the notification referred to in Paragraph two of this Section, the National Electronic Mass Media Council may take a decision on prohibition to distribute an electronic mass media programme or on-demand audiovisual service by indicating the period during which such prohibition shall be valid in the territory of Latvia.

(4) In all other cases of potential violations, if the violation continues for a period of eight months after the provision of the notification referred to in Paragraph two of this Section, the National Electronic Mass Media Council may take a decision on prohibition to distribute an electronic mass media programme or on-demand audiovisual service in accordance with the provisions of the European Convention on Transfrontier Television by indicating the period during which such prohibition shall be valid in the territory of Latvia.

(5) The decision on prohibition to distribute an electronic mass medium programme or on-demand audiovisual service shall be a general administrative act. The decision shall be published in the official gazette *Latvijas Vēstnesis*.

#### **Section 21.<sup>5</sup> Prohibition to Distribute an Electronic Mass Media Audiovisual Programme and On-demand Audiovisual Service of Another Country**

(1) The National Electronic Mass Media Council shall ensure the freedom of reception and shall not restrict the retransmission of an electronic mass media audiovisual programme and distribution of an on-demand audiovisual service in the territory of Latvia of a country which is not the Member State of the European Union, European Economic Area or European Convention on Transfrontier Television, except for the cases when the conditions for the production of programmes or catalogues of this Law or other laws and regulations have been violated in the audiovisual programme or catalogue.

(2) In the case referred to in Paragraph one of this Section the National Electronic Mass Media Council may take a decision on prohibition to distribute an electronic mass media programme or an on-demand audiovisual service by indicating the period during which such prohibition shall be valid in the territory of Latvia.

(3) The decision on prohibition to distribute an electronic mass medium programme or on-demand audiovisual service shall be a general administrative act. The decision shall be published in the official gazette *Latvijas Vēstnesis*.

#### **Section 21.<sup>6</sup> Prohibition to Distribute an Electronic Mass Media Audioprogramme of Another Country**

(1) The National Electronic Mass Media Council shall ensure the freedom of reception and shall not restrict the distribution of an electronic mass medium audioprogramme of another country in the territory of Latvia, except for the

cases when the conditions for the production of programmes of this Law or other laws and regulations have been violated in the audioprogramme.

(2) In the case referred to in Paragraph one of this Section the National Electronic Mass Media Council may take a decision on prohibition to distribute an electronic mass medium audioprogramme by indicating the period during which such prohibition shall be valid in the territory of Latvia.

(3) The decision on prohibition to distribute an electronic mass medium audioprogramme shall be a general administrative act. The decision shall be published in the official gazette *Latvijas Vēstnesis*.

## **Chapter III.<sup>2</sup> Procedures for Implementing the Prohibition to Retransmit Audiovisual Programmes without Retransmission Permit**

*[23 November 2016]*

### **Section 21.<sup>7</sup> Decision on Termination of Retransmission of Audiovisual Programmes in case of Failure to Receive the Retransmission Permit**

If the National Electronic Mass Media Council establishes that the retransmission of audiovisual programmes in Latvia is carried out without a retransmission permit, the Council shall take a decision whereby a lawful obligation is imposed to terminate the retransmission of audiovisual programmes within a period of 15 days or to receive the relevant retransmission permit.

### **Section 21.<sup>8</sup> Further Action Following a Decision on Termination of Retransmission of Audiovisual Programmes**

If retransmission is not terminated within the time period specified by the Council, a retransmission permit is not received or no agreement is reached with the Council on extension of the time period for the fulfilment of the lawful obligation, the Council shall fulfil the functions of a supervisory body within the meaning of the Law on Information Society Services and shall take other actions provided for in laws and regulations.

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

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

(1) In order to provide an on-demand electronic mass media service, the provider of such services prior to commencing the provision thereof shall submit a notification to the National Electronic Mass Media Council.

(2) [17 December 2015]

(3) The following information shall be specified in the notification:

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

(4) The following shall be appended to the notification:

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;

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

3) information on the beneficial owner.

(4<sup>1</sup>) In the event of a change in the beneficial owner of the electronic mass medium which provides on-demand services, the electronic mass medium shall immediately, but not later than within 14 days from the date of finding out the respective information, submit to the National Electronic Mass Media Council information on the change of the beneficial owner.

(4<sup>2</sup>) In order to assess the information provided on the beneficial owner, the Council has the right to request for an opinion from competent State security institutions, a supervisory and control authority of the Law on the Prevention of Money Laundering and Terrorism Financing, and competent institutions determined in the Law on International Sanctions and National Sanctions of the Republic of Latvia and also from competent institutions of other countries.



(5) The provisions of Paragraph 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.

*[17 December 2015; 20 June 2018]*

### **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 the time which is agreed with owners of the rights.

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

(4) An electronic mass medium shall, in providing on-demand services which might seriously impair the physical, mental and moral development of minors, ensure conditional access control for such services (so 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) address at which the electronic mass medium is performing entrepreneurship;
- 3) contact information of the electronic mass medium, including its electronic mail address or the Internet website;
- 4) the contact information of the responsible supervisory body - 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, in so far 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 National Electronic Mass Media Council. The main audio language and format of the electronic mass media programmes shall be an unchangeable component of the principal conditions within the term of validity of the issued broadcasting permit. The language track may be changed during the term of validity of the broadcasting permit.

(4) The electronic mass media shall ensure that facts and events are fairly, objectively, with due accuracy and impartiality 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. Facts shall be reflected in informative documentary and news broadcasts in a way not to intentionally mislead the audience.

(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 which is agreed with owners of the rights. During transmission films shall be marked with the relevant film classification index as indicated in the Cabinet Regulation.

(7) In accordance with the laws and regulations regarding emergency situations and the state of exception the public electronic mass media in the case of emergency situations and the state of exception have a duty to allow the responsible institutions to provide information and make public announcements.

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

(9) Audio and audiovisual works displaying physical or psychological violence, bloody or horror scenes, scenes relating to the use of narcotics and sexual acts, or containing foul language may not be transmitted between the hours of 7.00 and 22.00.

(10) The electronic mass media shall 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 the electronic mass media provides conditional access control. If conditional access control is not ensured, an acoustic warning shall be provided before such audiovisual works and they shall be specially marked with a visual symbol.

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

*[7 March 2013; 20 June 2018]*

## **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 the 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 violently change the State political system, to destroy the territorial integrity of the State, or to commit any other crime;
- 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 per cent 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 participates;
- 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 transmit 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 the society, such electronic mass medium shall not use its 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 other 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 access the signal of the broadcasting electronic mass medium in a fair, reasonable and non-discriminatory manner, or, if this is not possible, may access other broadcasting materials and include broadcast fragments of the respective events in their general news reports. The transmission time of such included fragments must not exceed 90 seconds and they may be included in general news broadcasts not later than 30 days following the date of the reflected event. Electronic mass medium which uses such materials shall indicate the source thereof. A fee may be requested for the use of the respective materials which does not exceed the costs of transfer (transmission) or copying of such materials.

(4<sup>1</sup>) An electronic mass medium under the jurisdiction of Latvia, which in accordance with Paragraph four of this Section wishes to obtain access to events which are of high interest to the public, shall request such access primarily from the electronic mass medium under the jurisdiction of Latvia.

(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.

*[18 April 2013]*

## **Section 28. Language of a Programme, Broadcast 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) Television broadcasts and broadcast fragments which are in other languages shall be provided with a translation into the language of the broadcast. This provision shall not be applicable to broadcasts or broadcast fragments 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.

(2<sup>1</sup>) The radio programme of an electronic mass media shall be in the official language or a foreign language. A broadcast or a broadcast fragment in a foreign language in the radio programme of the electronic mass medium which is in the official language shall be translated into the official language. A broadcast or a broadcast fragment in the official language in the radio programme of the electronic mass medium which is in a foreign language may not need to be translated into a foreign language. The provisions of this Section shall not be applicable 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 made with a voice-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 for 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.

[23 October 2014]

### **Section 29. Registration and Preservation of Programmes**

(1) Each electronic mass medium shall ensure that all distributed programmes, except for the programmes retransmitted, 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 three calendar months following the day of the distribution of the relevant programme, but if the programme is distributed in the pre-election period, in the period of agitation prior to a referendum, in the period of agitation prior to the proposal of legislation or in the period of agitation regarding proposal of the dissolution of the *Saeima* - throughout the entire period and not less than three calendar months after the end thereof. 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 to it the information on the title of the programme and the broadcast, the time of its transmission, the duration time, the copyright holders, the related right 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 shall be submitted free of charge to the National Electronic Mass Media Council upon a request.

(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.

[21 February 2013; 24 April 2014]

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

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

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

(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.

(4) In the case of the retransmission of a broadcast created by an independent producer and retransmission of a certain broadcast, the electronic mass medium at the beginning of the radio programme shall inform in an unambiguous manner that the respective broadcast is a broadcast created by an independent producer or is the retransmission of a broadcast.

[23 October 2014]

### **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;

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 of these states;

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 television 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, unless otherwise provided for in an external law and regulation.

(5) If the electronic mass medium produces a transfrontier programme which is available also in the territory of Latvia, it shall ensure the programme with a language track in the official language. An electronic mass medium programme which is not available in the territory of Latvia does not need to be ensured in the official language.

*[23 October 2014; 22 November 2017; 20 June 2018]*

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

(1) In the programmes produced by the audiovisual national 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 the 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 the European audiovisual works produced by independent producers in the last five years.

(2) In a radio programme of an electronic mass medium broadcasts produced by the electronic mass medium itself shall constitute not less than 90 per cent of the total broadcasts and transmission time per week, except for the performances of musical works, advertising, radio shopping and radio shopping windows.

(3) The inclusion of another radio programme distributed in Latvia or abroad, a broadcast of such programme or broadcast fragments in the radio programme of an electronic mass medium shall be prohibited, unless the inclusion of such programme or a certain broadcast in the programme is carried out in accordance with the procedures of retransmission or if such programme, a certain broadcast or a broadcast fragment reflects events of importance to the society of Latvia.

*[23 October 2014]*

### **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) address at which the electronic mass medium is performing entrepreneurship;
- 3) contact information of the electronic mass medium, including its electronic mail address or the Internet website;
- 4) the contact information of the responsible supervisory body - the National Electronic Mass Media Council.

## **Chapter VI. Audio and Audiovisual Commercial Communication, General Provisions for Production and Sponsorship Thereof**

### **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, Consumer Rights Protection Law, Competition Law, Unfair Commercial Practices Prohibition Law and other laws and regulations.

(2) Audio and audiovisual commercial communications may not:

- 1) encourage behaviour harmful to the protection of the environment;
- 2) use the images and 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 and invite discrimination against a person or group of persons on the grounds of gender, age, religious, political affiliation or another faith, sexual orientation, disability, race or ethnic origin, nationality or due to other circumstances;
- 8) advertise tobacco, tobacco products, electronic cigarettes, refill containers, and smoking;
- 9) advertise premium rate telephone number services of a sexual nature in the programmes of electronic mass media between the hours of 7:00 and 22:00;
- 10) depict persons in a sexually humiliating way;
- 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 medium.

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

(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 communication shall be prohibited.

(10) Product placement in the programmes of an electronic mass media shall be 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 and acoustic means so that such communications can be immediately recognised and easily identified.

(13) Advertising in programmes of an 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 operative 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.

*[18 April 2013; 2 June 2016]*

### **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 place emphasis on a high alcoholic content in alcoholic beverages;
- 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 and Medical Treatment**

(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 and also prohibited medical treatment shall be prohibited.

(2) Audio and audiovisual commercial communications for medicinal products and medical treatment available only on prescription by a physician or the direction of a physician in Latvia shall be prohibited.

(3) Radio and teleshopping of medicinal products which in accordance with Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use require registration of medicinal products and also radio and teleshopping for medical treatment shall be prohibited.

*[18 April 2013]*

### **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) unreasonably show minors in dangerous situations;
- 5) directly encourage minors to buy or hire (lease) goods.

(2) The target audience of such audio and audiovisual commercial communications in which it is offered to buy a good via telephone or Internet may not be minors.

(3) In audio and audiovisual commercial communications the target audience of which is minors may not, in advertising a good, make reference to an additional product, if it is not integrated in the composition of the main 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 in them direct or indirect references in relation 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 and also in the middle or end of the broadcast, 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 basic 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. During broadcasts sponsored by private persons the work of which is linked with the manufacture or trade of medicinal products and medical treatment it shall be permitted to promote the name or image of such private person (sponsor), but not the specific medicinal product available only on prescription by a physician or medical treatment according to the direction of a physician.

(5) The sponsorship of news and current affairs broadcasts is prohibited. This prohibition shall not be applicable to weather forecasts, financial market information, sports reviews and similar narrowly focused broadcasts which have been clearly separated from news and current affairs broadcasts.

*[18 April 2013]*

**Section 39.<sup>1</sup>** *[This Section shall come into force on 1 January 2021 and be included in the wording of the Law as of 1 January 2021. See Paragraph 34 of Transitional Provisions.]*

## **Chapter VII. Audiovisual Commercial Communications and Product Insertion**

### **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;
- 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;
- 2) the extended advertising spot may not be transmitted between the hours of 19.00 and 23.00.



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

1) the split-screen advertising may not take up more than one third of a screen;

2) the area of the split-screen advertising is unchangeable, easily identifiable and clearly separated from the rest of the screen by visual means. If the 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 the split-screen advertising in broadcasts produced by independent producers or other audiovisual electronic mass media only upon the consent of the holder of rights;

4) the split-screen advertising is counted in the amount of hourly and daily advertising.

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

1) an 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 event, producer or author of the broadcast;

3) an organiser of 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;

5) the virtual advertising may be placed only on such surfaces which are usually used for advertising. In sports competitions the virtual advertising may be placed also 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 the interactive advertising environment.

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

(1) The time reserved for advertising and teleshopping (except for the 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 the 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) notifications of the audiovisual electronic mass media regarding their own broadcasts and other products which are directly derived from their broadcasts, notifications of sponsors and product placement;

2) social communications, public service announcements and invitations to participate in charity appeals, as well as virtual advertising which are distributed free of charge. The criteria for the application of this Clause shall be determined in the national strategy for the development of the electronic mass media sector.

*[20 June 2018 / The amendment regarding the deletion of the second sentence of Paragraph one and Paragraph three shall come into force on 1 January 2021 and be included in the wording of the Law as of 1 January 2021. See Paragraph 34 of Transitional Provisions.]*

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

(1) Distribution of not more than eight teleshopping windows shall be permitted 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) any cinematographic works and such films and series produced for the needs of television and also sports and entertainment broadcasts if the target audience thereof is not children;

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 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;

4) viewers shall be clearly informed of the existence 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. The provisions of this Clause shall be applicable to such broadcasts which are produced by the audiovisual electronic mass medium itself or a company belonging to a group of undertakings or which have been established upon request of the respective audiovisual electronic mass medium or a company belonging to a group of undertakings;

(3) It is prohibited to place the following products and services in broadcasts of an audiovisual electronic media:

1) tobacco products, electronic cigarettes or refill containers, or products of such companies whose principal activity is the manufacture or trade of tobacco products, electronic cigarettes or refill containers;

2) medicinal products and medical treatment available only on prescription by a physician or the direction of a physician in Latvia.

*[18 April 2013; 2 June 2016]*

## **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 advertising it shall be indicated that an extended advertising spot is being transmitted;

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

#### **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 electronic mass media may not exceed 20 per cent of each natural clock hour. The time reserved for advertising in radio programmes of 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;

2) social communications, public service announcements and invitations to participate in charity appeals, which are distributed free of charge. The criteria for the application of this Clause shall be determined in the national strategy for the development of the electronic mass media sector.

*[20 June 2018 / The amendment regarding the deletion of the second sentence of Paragraph one and Paragraph three shall come into force on 1 January 2021 and be included in the wording of the Law as of 1 January 2021. See Paragraph 34 of Transitional Provisions.]*

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

(1) The time reserved for radio shopping (except for a radio shopping window) 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 a radio shopping window) 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) Distribution of not more than eight radio shopping windows shall be permitted 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. The 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 of 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) A 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 such person has requested a retraction of the relevant information.

(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) Upon 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 his or her representative on a programme of an electronic mass medium or the reading of a statement prepared by such 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 not 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 - 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**

[18 April 2013]

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

[18 April 2013]

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

[18 April 2013]

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

[18 April 2013]

### **Chapter XI. National Electronic Mass Media Council**

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

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) The candidates for members of the National Electronic Mass Media Council who comply with the criteria specified in Paragraph three of this Section and in respect of whom the restrictions referred to in Paragraph four of this Section do not exist, upon consultation with associations and foundations acting in the field of mass media, education, culture, science and human rights, shall be nominated by the Commission of Human Rights and Public Affairs of the *Saeima*.

(3) A citizen of Latvia who has a declared place of residence in Latvia, a higher education, professional or academic experience of at least five years in the field of mass media, education, culture, science or human rights, good reputation and who in accordance with the requirements of this Law is entitled to receive a special permit for access to official secrets may be nominated as a candidate for a member 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) an owner of capital shares (shares) of the electronic mass medium;

3) punished for an intentional crime if he or she has not been exonerated 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. Restrictions and prohibitions provided for public officials in the law On Prevention of Conflict of Interests in Activities of Public Officials shall apply to the members of the Council.

*[18 April 2013; 1 December 2016]*

#### **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 in accordance with the competence thereof shall represent the interests of the public in the field of electronic mass media and supervise the latter so that in their operations the Constitution of the Republic of Latvia, this Law and other laws and regulations be observed. 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 laws and regulations.

(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.

*[16 June 2011]*

#### **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 tasks thereof. In order to ensure the fulfilment of activities and tasks of the Council, its Chair shall:

1) represent the Council without a special authorisation at the institutions of public persons, as well as in relations with private persons;

2) participate at the 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;

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 the regulations on the internal procedures of the activity approved by the Council.

(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 two times 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 the 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;

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 the receipt of the member's notification;

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

3) such condition specified in this Law which prevents the respective person to be a member of the Council (including non-compliance with the requirements referred to in Section 56, Paragraph three of this Law) has been established.

*[1 December 2016]*

### **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 operation and development of the electronic mass media;

3) co-operate with institutions of other states which are 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 operation and development of the sector as are necessary to facilitate the functions of the field;

5) listen to, analyse and compile suggestions, complaints and other information submitted by viewers and listeners regarding the operation of the electronic mass media;

6) make recordings of electronic mass media programmes or requests them from electronic mass media;

7) request the documents from the electronic mass media which attest that they observe the provisions of Sections 46, 47 and 48 of this Law;

8) perform the monitoring of the electronic mass media and compile results thereof;

8<sup>1</sup>) according to the competence fulfil the functions of a supervisory body within the meaning of the Law on Information Society Services;

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 Latvian, 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 the policy of the electronic mass media appropriate to the national interests of Latvia;

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

14<sup>1</sup>) approve the list of television programmes to be distributed to end-users for free in digital terrestrial broadcasting. The criteria for the inclusion of electronic mass media programmes in the list of television programmes to be distributed to end-users for free in digital terrestrial broadcasting shall be determined in the national strategy for the development of the electronic mass media sector;

15) perform other activities prescribed by laws and regulations.

(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;
- 3) by performing random inspections of the content and quality of the distributed programmes.

(3) The National Electronic Mass Media Council shall develop and approve by normative 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 market of the electronic mass media.

*[14 February 2013; 21 November 2013; 24 April 2014; 23 November 2016]*

### **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 the electronic mass medium;
- 2) request from the electronic mass media their financial operations report, if these mass media have requested for or acquire financing from the State or local government budget or payment reductions;
- 3) arrive (also without prior warning) at any electronic mass medium to carry out an inspection in order to ensure the fulfilment of the tasks of State administration of the Council determined in this Law;
- 4) on the basis of the decision of a judge referred to in Section 61.<sup>1</sup> of this Law, enter, in the presence of an electronic mass medium and police (also without prior warning), the objects in the ownership, possession or use of the respective electronic mass medium, to carry out a forcible search of these objects and to examine the property and documents therein [including the inspection of information (data) in the electronic information system - computers, floppy disks and other information media] and record information in order to ensure the fulfilment of the tasks of State administration of the Council determined in this Law.

*[23 October 2014]*

### **Section 61.<sup>1</sup> Decision of a Judge**

(1) A judge of a district (city) court on the basis of the legal address of the National Electronic Mass Media Council shall take a decision on permission to perform the activities referred to in Section 61, Clause 4 of this Law. The judge shall, within 72 hours, examine the application by the Council and other documents which justify the necessity to perform such activities, hear the information provided by the representatives of the Council and take a decision on permission of activities or a decision on refusal to permit them. A true copy of a decision of a judge shall be sent to the Council within 24 hours from the moment of taking of the decision.

(2) In respect of the decision of a judge, a complaint may be submitted to the Chief Judge within 10 days from the date of receipt of the decision. A complaint shall be examined by the Chief Judge within 10 days. A complaint of the Council regarding a decision of a judge shall be examined with the participation of a representative of the Council. A complaint of a person regarding a decision of a judge shall be examined with the participation of a representative of the Council and a representative of the interested party. A decision taken by the Chief Judge shall be final and not subject to appeal.

(3) A complaint may be satisfied or rejected by the Chief Judge. When satisfying a complaint, the appealed decision may be revoked or amended either in full or in part.

(4) Evidence obtained on the basis of the appealed decision that has been revoked or amended in full or in part shall not be used in the case to the extent to which the decision has been found unlawful.

*[23 October 2014]*

### **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, as well as after the

approval of the Annual State Budget Law and amendments thereof decide on the allocation of the granted resources 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 by-laws of the competition shall be approved by the National Electronic Mass Media Council.

(6) The National Electronic Mass Media Council shall supervise the operation of the public electronic mass media, by controlling whether it complies 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 website 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 drafting 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 acting 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 Operation 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 a 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 laws and regulations 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 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 an owner of capital shares (shares) of any electronic mass medium;

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

(4) Restrictions and prohibitions provided for public officials in the law On Prevention of Conflict of Interests in Activities of Public Officials shall apply to the members of the Boards of 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 certain 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) Latvian Radio and Latvian Television shall produce programmes as national programmes in the official language. If Latvian Radio and Latvian Television produces several programmes, a part of the transmission time of one programme may be reserved for broadcasts in other languages, including in this transmission time also cinematographic films and theatre performances subtitled in the official language.

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

(6) Public electronic mass media within the scope of a public service remit are entitled to provide new additional services regardless of the type of supply or financing thereof, including in Internet environment. If the public electronic mass medium wishes to provide an adequate substantially new service, prior to commencing the provision of this service it requires a permit from the National Electronic Mass Media Council for the provision of such service. The National Electronic Mass Media Council shall take a decision on issue of such permit that is based upon an open public discussion during which it is assessed whether the new service satisfies the democratic, social and cultural needs of the society and whether due consideration is paid to the potential impact thereof on the market of mass information means.

(7) *[The Paragraph shall come into force on 1 January 2021 and be included in the wording of the Law as of 1 January 2021. See Paragraph 34 of Transitional Provisions.]*

*[24 April 2014; 20 June 2018]*

### **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) In the public electronic communications networks programmes of the public electronic mass media shall be ensured in unchanged form for the end-users of services.

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

### **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 that which is specified in the relevant laws and regulations.

(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 for programmes of special cultural and historical significance, they shall be intended only for storage and 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 transmission purposes, as well as in any other form in accordance with the Copyright Law. 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 performing other support measures for the Latvian film sector in accordance with the laws and regulations governing this sector.

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

(3) The State direct administration institution the National Film Centre and the Latvian Television shall enter into an agreement setting out the procedures by which Latvian Television has the duty to be involved in the co-production and purchasing of the national films within the framework of the budget granted to it. 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 of the Public Electronic Mass Media**

(1) The sources of financial provision of 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;

4) other sources of financing provided for in laws and regulations.

(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) An annual implementation of the public service remit shall be ensured from the State budget:

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;

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

(4) The following shall be ensured from the State budget and other financing sources 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,

c) other maintenance related expenses;

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 Latvia, and democratic state system thereof;
- 2) to promote the implementation of human rights and fundamental rights;
- 3) to promote strengthening of the principles of democracy and ethics, reflecting the diversity of opinions of the public;
- 4) to ensure the production of objective, independent and thematically balanced news, analysis and comments on events in Latvia, 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;
- 7<sup>1</sup>) to ensure the preservation, protection, development and use of the Latgalian written language as a historical type of the Latvian language and Livonian as the language of indigenous people;
- 8) to ensure the development of Latvian culture, especially by promoting the production of original broadcasts in Latvian;
- 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 laws and regulations;
- 12) to evaluate, preserve and distribute national and European cultural heritage;
- 13) to facilitate by documentary and artistic means the 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.) significant 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 make recordings in order to ensure the preservation of cultural and historical heritage;

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 the production of certain broadcasts or programmes in accordance with the national strategy for the development of the electronic mass media sector to other electronic mass media in accordance with the tender procedures, if the total amount of expenses for these electronic mass media for fulfilment of the public service remit for the relevant calendar year does not exceed 15 per cent of the funding granted for the implementation of the public service remit. The electronic mass medium shall constantly ensure separate accounting of the transmission time and finances for the part of the programme that is being produced as part of a public service remit and for the part of the programme that is not being produced as part of a 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 by-law 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 shall be concluded on the fulfilment of the public service remit for a time period which does not exceed one financial year, except for the case referred to in Paragraph five of this Section.

(5) If there are any free spots for television programmes within the network where the distribution of free television with terrestrial transmitters is ensured, the National Electronic Mass Media Council as part of the public service remit shall organise a tender for the free spots of television programmes. Upon organising the tender, preference shall be given to those applicants which plan to ensure that at least 20 per cent of the weekly transmission time will be reserved to the European audiovisual works that initially are produced in Latvian. A contract is concluded regarding fulfilment of the public service remit for a time period not exceeding three financial years. The National Electronic Mass Media Council may prescribe in the tender by-law a provision that every year by consulting with the electronic mass medium and complying with the relevant conditions and nature of the remit, which is specified in the tender by-law of the public service remit, it shall review the public service remit, develop and approve the annual plan for broadcasts or programmes of the electronic mass medium for the part of a programme or programme that is being produced as part of the public service remit. The appeal of a decision by the National Electronic Mass Media Council on approval of tender results shall not suspend the application thereof.

*[18 April 2013; 21 November 2013; 24 April 2014]*

## **Chapter XIV. Provision of a Pay Television Service in Terrestrial Broadcasting**

*[14 February 2013]*

### **Section 72. Provision of a Pay Television Service**

(1) A pay television service shall be provided by one electronic mass medium selected in accordance with tender procedures and the distribution of programmes offered by it in digital terrestrial broadcasting is ensured by using the services provided by the State stock company Latvian Radio and Television Centre. The provisions of this Chapter shall not be applicable to the local electronic mass media to which a broadcasting permit has been issued for the distribution of a television programme in digital terrestrial broadcasting.

(2) The tender by-law shall be approved by the Cabinet. Requirements to be set forth to pay television service providers, assessment criteria, procedures for the organisation of the tender, time period for which the rights to ensure a pay television service are granted, fee for the use of broadcasting networks to distribute pay television programmes in digital format and other matters related to the organisation of the tender shall be determined in the tender by-law.

(3) The provider of a pay television service shall be determined by an interinstitutional commission set up by the Cabinet that is composed of the representatives of the National Electronic Mass Media Council, the Ministry of Transport, the Ministry of Culture, and the Competition Council. The commission by-law shall be approved by the Cabinet.

(4) Experience in ensuring television programmes to end-users, availability of customer service in the territory of the State, finances and stability, strategy for ensuring the service and also other criteria determined in the tender by-law shall be taken into account upon assessing applicants for the provision of a pay television service.

(5) The tender result shall be approved by an order of the Cabinet. The order of the Cabinet may be appealed in the Administrative District Court in accordance with the procedures prescribed by the Administrative Procedure Law. The appeal of the order shall not suspend the application thereof.

[14 February 2013 / See Paragraph 23 of Transitional Provisions]

### **Section 73. Duties of and Restrictions on a Pay Television Service Provider**

(1) A pay television service shall be provided in accordance with this Law, tender by-law and the requirements set out in the national strategy for the development of the electronic mass media sector.

(2) The rights to ensure the provision of a pay television service must not be transferred to third persons.

(3) Upon providing a pay television service, the provider of a pay television service shall ensure the following:

1) operation of a customer day-and-night service call centre;

2) accounting of pay programme customers, servicing thereof and provision of the requested service in accordance with the liabilities towards a user and in accordance with the issued retransmission permits;

3) supply of a television programme signal to the State stock company Latvian Radio and Television Centre for further distribution by terrestrial transmitters in digital format in accordance with a mutually signed contract.

(4) A pay television service shall be technologically ensured in a way that customers would be able to continue using current reception equipment. The use of other receiving equipment shall be permitted upon introducing new television technologies.

(5) Every year by 30 June, the provider of a pay television service shall provide to the National Electronic Mass Media Council information on the compliance of the provision of a pay television service with the strategy for ensuring the service specified in the tender proposal.

(6) If a pay television service provider plans to expand the geographical coverage, it shall, by 31 March of the calendar year, submit to the State stock company Latvian Radio and Television Centre a request for expanding the geographical coverage. The increase in the fee related to ensuring the referred to request and which is determined in accordance with the tariff calculation methodology approved by the Cabinet shall be covered by a pay television service provider.

(7) The National Electronic Mass Media Council shall monitor the compliance of the provision of a pay television service with the requirements of this Law and tender by-law.

[14 February 2013 / See Paragraph 23 of Transitional Provisions]

### **Section 74. Annulment of the Rights Granted to a Pay Television Service Provider**

The Cabinet has the right to annul the rights to provide a pay television service if:

1) a pay television service provider has terminated its operations;

2) a pay television service provider fails to comply with the provisions of Section 73 of this law or the duties contained in the tender by-law;

3) a pay television service provider fails to fulfil the objectives set forth in the strategy for the provision of the service contained in the tender proposal.

[14 February 2013 / See Paragraph 23 of Transitional Provisions]

### **Section 75. Approval of a New Pay Television Service Provider**

(1) If the Cabinet has annulled the rights granted to a pay television service provider, it shall approve another pay television service provider selected as the result of a tender within a period of six months.

(2) Until the time when the Cabinet order on the approval of a new pay television service provider comes into force, the previous approved pay television service provider shall continue the work.

[14 February 2013 / See Paragraph 23 of Transitional Provisions]

## **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 prior to the coming into force of this Law shall continue to fulfil their duties as the members of the National Electronic Mass Media Council until the end of the term for which they have been elected in accordance with the Radio and Television Law, and also after the end of the referred to term - until the formation of the full composition of the new National Electronic Mass Media Council, but not longer than by 1 February 2012. These conditions regarding the extension of the term of office of a member of the National Electronic Mass Media Council shall not be applicable in the cases when the mandate of a member of the National Electronic Mass Media Council has expired in accordance with the conditions of Section 59, Paragraph two, Clauses 1, 3 or 4 of this Law.

*[8 September 2011]*

4. Until 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, as well as approve the statutes of these companies which comply with the requirements of the laws and regulations regarding application of companies for entering in the Commercial Register. Not later than within 10 days after 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 entering thereof in the Commercial Register as the State limited liability company Latvian Radio and the State limited liability company Latvian Television. Until entering of the relevant companies in the Commercial Register their entrepreneurial activity shall be performed in accordance with those laws in accordance with which these companies were operating by 31 December 2004.

5. Until 1 January 2011, the Latvian Radio and Latvian Television shall develop the by-law regarding the use of funding intended for the production 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, Procedures for the Implementation of the Broadcasting of Programmes Produced by Public Electronic Mass Media in Digital Format, shall be applicable until 31 December 2013.

7. Until 1 December 2011, the regional and local electronic mass media may continue terrestrial broadcasting of their television programmes in analogue format with their own technical means.

8. After 1 December 2011, but not longer than until 31 December 2013, the regional and local electronic mass media may continue terrestrial broadcasting of their television programmes in analogue format with their technical means, if it is technically possible in the relevant frequency and it does not interfere with the broadcasting of television programmes in digital format, upon prior co-ordination of it with the State stock company Electronic Communications.

*[14 February 2013]*

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 be applicable to those electronic mass media which 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 ensured in digital format.

11. In order to commence terrestrial broadcasting in digital format, an electronic mass media shall re-register previously received broadcasting permits and retransmission permits for terrestrial broadcasting. If necessary, the National Electronic Mass Media Council shall make amendments in the abovementioned permits. Upon the re-registration of the previously received broadcasting permits, a condition regarding the use of a joint transmitter shall be included in the broadcasting permit of a local electronic mass medium, if the available frequency spectrum resource for transmitting several local electronic mass media television programmes in digital format in the same geographical territory does not allow to determine separate frequency allotments.

*[14 February 2013]*

12. Until 31 December 2013 the part of terrestrial broadcasting of television programmes of electronic mass media in digital format 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 which provides conditions by which the electronic mass media shall either choose a merchant which will ensure distribution of their programmes, or will provide terrestrial broadcasting of their programmes in digital format by themselves starting from 1 January 2014.

13. Until 1 January 2011, the Cabinet shall develop and submit to the *Saeima* the draft laws regarding 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 longer than by 1 January 2011, the Cabinet Regulation No. 1617 of 22 December 2009, Regulation Regarding the State Fee for the Issue of Broadcasting Permit, Retransmission Permit,

Special Permit (Licence) for the Operation of Cable Television and Cable Radio (Radio Transmission) and Re-registration Thereof, shall apply in so far 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 laws and regulations.

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 performers of the national remit has been determined in Section 56 of the Radio and Television Law referred to in Paragraph 1 of these Transitional Provisions, shall be applied in respect of performers of the public service remit.

18. [18 April 2013]

19. From 31 March 2013 to 31 December 2013, the conditions referred to in Section 19, Paragraph six of this Law shall not be applied in respect of the supply of commercial national electronic mass media television programmes to the subscribers of the respective cable television.

[4 October 2012]

20. [21 November 2013]

21. Amendments to this Law with regard to the new wording of Section 13, the supplementation of Section 19 with Paragraph 1.<sup>1</sup> and also the new wording of Section 18, Paragraph seven and Section 19, Paragraph three shall come into force on 1 January 2014.

[14 February 2013]

22. Until 31 March 2013, the Cabinet shall adopt the by-law of the tender on the provision of pay television services referred to in Section 72, Paragraph two of this Law and the by-law of an interinstitutional commission referred to in Paragraph three.

[14 February 2013]

23. Sections 72, 73, 74, and 75 of this Law (in the wording which comes into force on 15 March 2013) shall not be applied to digital terrestrial broadcasting and to a merchant which ensures the latter approved by the Cabinet by 31 December 2013. With regard to digital terrestrial broadcasting, the provisions of Sections 72, 73, 74, and 75 of this Law, except for Section 72, Paragraph five, shall be applied by 31 December 2013 in the wording thereof as in force on 14 March 2013.

[14 February 2013; 18 April 2013]

24. If the allotment determined in the broadcasting permit issued to electronic mass media does not comply with the norms of this Law according to the coverage area, the broadcasting permit shall be re-registered by 31 December 2014.

[18 April 2013; 21 November 2013]

25. Amendments to this Law with regard to the new wording of Section 19, Paragraph six, the supplementation of Section 19 with Paragraphs 6.<sup>1</sup> and 6.<sup>2</sup> and also the amendment on the deletion of Section 19, Paragraph seven shall come into force on 1 January 2014.

[21 November 2013]

26. Until 31 December 2013, the National Electronic Mass Media Council shall take the decision referred to in Section 60, Paragraph one, Clause 14.<sup>1</sup> of this Law whereby the list of programmes to be distributed to end-users for free is approved. By the day of the coming into force of the respective decision, the list of programmes to be distributed to end-users for free shall be determined in accordance with Cabinet regulations referred to in Paragraph 6 of these Transitional Provisions.

[21 November 2013]

27. Such electronic mass medium radio programme in whose broadcasting permit of the radio programme it is determined or it is derived from it that the share of a radio programme in the official language must not be less than 51 per cent shall be in the official language from 1 January 2017. The electronic mass medium whose radio programme from 1 January 2017 is in the official language shall re-register its broadcasting permit by 31 December 2016. The re-registered broadcasting permit shall come into force on 1 January 2017.

*[23 October 2014; 17 December 2015]*

28. The electronic mass medium in whose broadcasting permit of the radio programme it is determined or it is derived from it that the share of a radio programme in the official language is 50 per cent or may be less than 50 per cent shall choose whether from 1 January 2017 the language of the distributed radio programme is the official language or foreign language and shall re-register its broadcasting permit by 31 December 2016. The re-registered broadcasting permit shall come into force on 1 January 2017.

*[23 October 2014; 17 December 2015]*

28.<sup>1</sup> The broadcasting permit of an electronic mass media radio programme which has been re-registered in accordance with Paragraph 27 or Paragraph 28 of the Transitional Provisions of this Law (in the wording which comes into force on 26 November 2014) shall come into force on 1 January 2016. Until 31 December 2016, the electronic mass medium may retain the use of the language determined in the broadcasting permit of the radio programme issued previously, if it has notified the National Electronic Mass Media Council thereon by 15 January 2016.

*[17 December 2015]*

29. If the electronic mass medium in whose broadcasting permit of the radio programme it is determined or it is derived from it that the share of a radio programme in the official language is 50 per cent or may be less than 50 per cent has not chosen whether from 1 January 2017 the language of the distributed radio programme is the official language or foreign language and has not re-registered its broadcasting permit by 31 December 2016, the radio programme of this electronic mass medium shall be in the official language from 1 January 2017. Until 15 January 2017, the National Electronic Mass Media Council shall issue a new broadcasting permit of a radio programme to the electronic mass medium referred to in this Paragraph on the basis of this Law.

*[23 October 2014; 17 December 2015]*

30. The electronic mass medium which has received the broadcasting permit for the radio programme prior to the coming into force of the restrictions specified in Section 33, Paragraphs two and three of this Law shall ensure compliance with the relevant restrictions from 1 January 2016.

*[23 October 2014]*

31. The amendment to Section 5, Paragraph one of this Law with regard to the replacement of words "Law on Capital Shares and Enterprises of State and Local Governments" with words "Law on Governance of Capital Shares of a Public Person and Capital Companies" shall come into force on 1 January 2015.

*[23 October 2014]*

32. The provisions of Section 19, Paragraphs twelve and thirteen of this Law shall be applied from 1 July 2017. Until such date, the electronic mass media which perform the retransmission of television programmes shall receive the necessary retransmission permits at the National Electronic Mass Media Council.

*[17 December 2015]*

33. The amendments to Section 22 of this Law which provide for the submission of the notification on commencing the provision of an on-demand electronic mass media service to the National Electronic Mass Media Council shall not be applicable to such electronic mass media which are registered as the providers of on-demand electronic mass media services at the National Electronic Mass Media Council by the date of the coming into force of these amendments.

*[17 December 2015]*

34. Section 39.<sup>1</sup>, amendments to Section 42, Paragraph one which provide for the deletion of the second sentence, Section 42, Paragraph three, amendments to Section 47, Paragraph one which provide for the deletion of the second sentence, Section 47, Paragraph three, and Section 66, Paragraph seven of this Law shall come into force on 1 January 2021. Upon planning the State budget, financing adequate for these amendments shall be envisaged.

*[20 June 2018 / The abovementioned amendments shall be included in the wording of the Law as of 1 January 2021.]*

35. The amendments to this Law with regard to the new wording of Section 13, Paragraph one, Clause 3 and Paragraph six, the supplementation of this Section with Paragraph seven, the supplementation of Section 60, Paragraph one with Clause 14.<sup>2</sup>, the supplementation of Section 61 with Paragraph two and the amendment on the deletion of Section 71, Paragraph five shall come into force on 1 January 2020. Until 30 June 2019, the National Electronic Mass Media Council shall submit to the Commission of Human Rights and Public Affairs of the *Saeima* a report on the progress of the harmonisation of aid for commercial activity with the Directorate-General for Competition of the European Commission. If necessary, the Cabinet, until 30 September 2019, shall prepare and submit to the



*Saeima* draft laws in order to ensure the implementation of norms for the control of aid for commercial activity.

[20 June 2018 / The abovementioned amendments shall be included in the wording of the Law as of 1 January 2020.]

36. The amendments to this Law with regard to the supplementation of Section 21.<sup>8</sup> with Paragraphs two, three, and four shall come into force on 1 January 2019. Upon planning the State budget, financing adequate for these amendments shall be envisaged.

[20 June 2018 / The abovementioned amendment shall be included in the wording of the Law as of 1 January 2019.]

37. The electronic mass medium which has received a broadcasting permit, retransmission permit or has notified on the provision of an on-demand service shall submit to the National Electronic Mass Media Council information on the beneficial owner thereof by 31 December 2018.

[20 June 2018]

## Informative Reference to European Union Directives

[14 February 2013; 2 June 2016]

This Law contains legal norms arising from:

1) Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive);

2) Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws;

3) Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination 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);

4) Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC.

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

Acting for the President,  
Chairperson 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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