

# **RADIO AND TELEVISION LAW**

## **CHAPTER I GENERAL PROVISIONS**

### **Section 1**

#### ***Application of the Law***

(1) This Law prescribes the procedures for the formation, registration, operation and supervision of electronic mass media.

(2) The provisions of this Law shall apply also to those enterprises and companies, which are engaged only in the transmission of signals, broadcasting or the exploitation of collective reception systems.

### **Section 2**

#### ***Terms Used in the Law***

The following terms are used in the Law:

1) broadcasting, for the purposes of this Law, is the production of programmes (compilation) and initial distribution (delivery for distribution) for reception by the public. Distribution of information to closed, local audiences in hotels, means of transportation, and individual buildings, as well as the distribution of programmes in several buildings, if the number of users (cable connections) does not exceed 25, shall not be considered broadcasting;

2)

3) electronic mass media are radio, television, cable television, cable radio (radio transmission), satellite radio, satellite television, computer television, teletext, radio data systems and other broadcasting systems;

4) an independent producer in the context of a broadcasting organisation is a person who engages in the production of films, commercials, individual radio, or television broadcasts, or programmes. An independent producer, whose products are distributed by a broadcasting organisation, shall have open sources of financing;

5) a programme is one broadcast or a package of separate broadcasts produced under one title and distributed by technical means. The division of a programme into various time periods and various distribution networks is allowed, if the distribution by different networks does not occur simultaneously;

6) the distribution of programmes is the transmission of signals (the transmission of a programme from its source to the technical broadcasting device) and broadcasting;

7) a broadcast is informative, analytical or other material with a specific title and scope, produced by technical means. Broadcasts may be periodic or non-periodic; they may have interruptions;

8) transmission is the initial distribution of programmes for reception by the public by means of terrestrial transmitters, by means of cable networks or via satellite using the part of the electromagnetic field oscillations frequencies spectrum allocated pursuant to international standards for frequencies (radio) and channels (television), in open or encoded form. This term does not include communication services provided on individual

demand;

9) the service zone of the transmitter is the territory in which the programme it broadcasts can be reliably received;

10) a broadcasting organisation is an enterprise or a company that has received a broadcasting permit, a re-transmission permit or a special permit (licence) for cable television or cable radio (radio transmission) operation from the National Radio and Television Council;

11) a commercial is a public announcement, for which payment or other remuneration is given, or which is provided for the purpose of self-promotion regarding goods or services, firms, persons, organisations, the forms of their activities, ideas and other matters, in order to promote their popularity or the demand for them;

12) re-transmission is an immediate or technically delayed complete or partial distribution of programmes distributed in Latvia or other countries without making any changes in the content of the programme or broadcast. The translation of or subtitling of a programme or broadcast, or the filling of commercial breaks shall not be considered to be changes in the content if it is done with the consent of the producer of the programme or broadcast;

13) hidden advertising is the performance, for the purposes of advertising, of such a representation in a broadcast by means of sound or image, of goods, services, the name, the trademark, or the type of activities of a producer of goods or a provider of services, which by its nature may mislead the audience. Such a representation shall be deemed to have been deliberately performed, especially in the case, if payment or some other kind of remuneration has been received for it. ;

14) teleshop is a broadcast in which a direct offer to supply goods or provide services for payment is expressed; and

15) sponsorship is the direct or indirect financing of a programme or a broadcast by a natural or legal person for the purpose of popularising its name, trademark, and type of activities or image.

## **Section 2.1**

### ***European Audio-Visual Works***

(1) European audio-visual works are:

- a. audio-visual works produced in the Member States of the European Union;
- b. audio-visual works complying with the provisions of Paragraph two of this Section, produced in those Member States of the European Convention on Transfrontier Television, which are not Member States of the European Union; and
- c. audio-visual works complying with the provisions of Paragraph three of this Section, which have been produced in other European states.

(2) European audio-visual 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 states referred to in Paragraph one, Clauses 1 and 2, and which comply with at least one of the following conditions:

- a. they have been produced by one producer or several producers who are registered (reside) in one or more of these states;
- b. the production of the works is supervised and actually controlled by one producer or several producers who are registered (reside) in one or more of these states; or
- c. 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 who are registered (reside) outside these states.

3) European audio-visual works specified in Paragraph one, Clause 3 of this Section, are such works, which have been produced by producers who are registered (reside) in one or more European states which are neither Member States of the European Union, nor Member States of the European Convention on Transfrontier Television, but with which the European Union has entered into international agreements in the audio-visual field, or also such works which these producers have produced in co-operation with producers registered (residing) in one or more of the Member States of the European Union, if such works have been produced primarily by authors and technical employees from one or more European states.

(4) European audio-visual works shall be also such works, which are not European audio-visual works within the meaning of Paragraph one of this Section, but which have been produced within the scope of bilateral co-production agreements between the Member States of the European Union and other states. Furthermore, the producers of the Member States of the European Union shall cover the larger share of co-production costs, and the co-production shall not be controlled by one or more producers who are registered (reside) outside the territory of the Member states of the European Union.

(5) European audio-visual works shall be, proportionate to the investment of the producers of the European Union in the co-production costs, also such works, which are not European audio-visual works within the meaning of Paragraphs one and four of this Section, but which have been produced primarily by authors and technical employees from one or more Member States of the European Union.

### **Section 3**

#### ***The Principles of Operation of Electronic Mass Media***

(1) Broadcasting organisations may operate in the field of electronic mass media.

(2) A broadcasting organisation, having respect for a variety of views, shall defend the concept of an independent, democratic and lawful Latvian State, and internationally acknowledged human rights, and it shall act in the interests of the Latvian public.

(3) News broadcasts by broadcasting organisations shall be objective, and news shall be presented in a neutral manner.

(4) Broadcasting organisations shall be free and independent in the production and distribution of their programmes insofar as they are not restricted by the Constitution, this Law and other laws, State technical standards and international agreements binding on Latvia.

(5) The Latvian State Radio and Television Centre does not have the right to refuse transmission, if the National Radio and Television Council have issued a broadcasting permit or a re-transmission permit.

(6) No broadcast and no programme may be subject to censorship.

(7) Equal opportunities for broadcasting organisations to use the electromagnetic field oscillation frequency spectrum shall be ensured by the procedures prescribed by this Law.

(8) Foreign investment in broadcasting organisations shall be made pursuant to the Law "On Foreign Investment in the Republic of Latvia".

(9) Programmes of broadcasting organisations must be variegated. They must reflect the existing views and opinions of the public.

(10) In order to ensure the exchange of the programmes of Latvian broadcasting organisations, recordings of broadcasts and programmes when imported into Latvia or exported from Latvia, shall be exempt from customs duties.

## **Section 4**

### ***Types of Electronic Mass Media***

- (1) Electronic mass media are divided according to the type of ownership, the purpose of their activities and territorial coverage.
- (2) Electronic mass media are divided into public and commercial according to the type of ownership and the purpose of their activities, but into national, regional, local and transfrontier electronic mass media according to the territorial coverage.

## **Section 5**

### ***Public Electronic Mass Media***

- (1) Public electronic mass media (hereinafter - public broadcasting organisations) are formed by investing State property in the equity capital of the broadcasting organisation. Latvian Radio and Latvian Television are public broadcasting organisations and operate as State non-profit companies.
- (2) Public broadcasting organisations shall ensure diverse and balanced programmes, consisting of informative, educational and entertaining broadcasts for all groups in society, as well as ensure freedom of information and expression and objectiveness and diversity of broadcasts.
- (3) Public broadcasting organisations shall not be subject to the direct influence of State and Local Government institutions, political organisations (parties), religious denominations, and financial and economic groups. Their operation shall be based on public supervision and they shall be financially independent.
- (4) The sources for ensuring the financing of public broadcasting organisations shall be the State budget - moreover financing from this may not be less than that for the previous year - as well as income from their own commercial activities, donations, gifts and sponsorship.

## **Section 6**

### ***Commercial Electronic Mass Media***

- (1) Commercial electronic mass media (hereinafter - commercial broadcasting organisations) may be established by natural or legal persons or groupings of these persons. The equity capital of commercial broadcasting organisations shall comprise investments by natural and legal persons, as well as by State or Local Government institutions or enterprises.
- (2) Commercial broadcasting organisations shall operate according to the general programme concept, on the basis of which the National Radio and Television Council has issued a broadcasting permit, a re-transmission permit or a special permit (licence) for cable television and cable radio (radio transmission) operation.
- (3) Commercial broadcasting organisations, which use their own programme distribution facilities, may engage in the distribution of the programmes of other broadcasting organisations, and shall inform the National Radio and Television Council thereof.
- (4) Commercial broadcasting organisations shall financially ensure their operation with income derived from their own commercial activities, sponsorships and remits (pay television, and others).

## **Section 7**

### ***National, Regional, Local and Transfrontier Electronic Mass Media***

- (1) Electronic mass media, the programmes of which are reliably received throughout the

entire territory of the State or in the greater part of it, shall be recognised as national.

(2) Reliably received programmes shall be considered to be those, the quality of reception of which is such, that in conformity with State technical standards and norms, it may be rated as good.

(3) Electronic mass media, the programmes of which are reliably received throughout the administrative territory of at least one district (Republic city), or in the greater part of it shall be recognised as regional electronic mass media.

(4) Electronic mass media, the programmes of which are reliably received in one parish, city (or in a part of it) or populated area, shall be recognised as local electronic mass media.

(5) Electronic mass media, which by means of cable, terrestrial or satellite transmitters broadcast or re-transmit in the territory of Latvia and which directly or indirectly may be received in one or more states outside the territory of Latvia, shall be considered as transfrontier electronic mass media.

(6) The provisions of this Law regulating broadcasting or re-transmission shall apply to transfrontier electronic mass media.

## **Section 8**

### ***Restriction of Concentration and Monopolisation of Electronic Mass Media***

(1) The monopolisation of electronic mass media in the interests of a political organisation (party), voluntary organisation, enterprise, grouping of persons or a single person is not permitted.

(2) It is prohibited to link together in networks regional and/or local electronic mass media except in cases when this has been provided for in the national concept of the development of electronic mass media.

(3) Production of programmes shall be independent. Synchronic and parallel transmission of programmes without a re-transmission permit is prohibited (except for children's, educational, cultural, and scientific and sports broadcasts, as well as direct broadcasts of some public events and happenings).

(4) Each broadcasting organisation, except for public broadcasting organisations, may produce not more than three programmes.

(5) A natural person who is the sole founder of a broadcasting organisation or whose investment in a broadcasting organisation ensures control of it, or the spouse of such a person, may not own more than 25 per cent of shares (capital share) in other broadcasting organisations.

(6) A political organisation (party) as well as an enterprise (company) established by it, where the investment by the political organisation (party) ensures the control of it, may not establish broadcasting organisations.

(7) A person who holds an elected office in the governing body of a political organisation (party) and is the founder (shareholder) of or holds a controlling interest in a broadcasting organisation, may not have voting rights in the decision-making institutions of this enterprise.

(8) If, as a result of inheritance or other circumstances, a person mentioned in Paragraphs five or six of this Section acquires control of a broadcasting organisation, such a person shall be obliged to alienate the share so acquired, resulting in control which is prohibited, within three months. Otherwise, this share shall be sold by way of forced sale pursuant to court order.

(9) The Latvian Radio and Television Centre, having a natural monopoly position in the area of transmission, shall operate as a state non-profit company whose articles of association are approved by the Ministry of Transport. The Council of the company shall include one member of the National Radio and Television Council who has the right to invite representatives of broadcasting organisations as advisors to the Council meetings in an advisory capacity. The Council of the company may not take decisions on issues related to the operation of broadcasting organisations, if the representative of the National Radio and Television Council does not agree to it.

## **Section 9**

### ***Supervision of the Operation of Broadcasting Organisations***

Compliance of the operation of broadcasting organisations with the provisions of this Law shall be supervised by the National Radio and Television Council, the State Telecommunications Inspection of the Ministry of Transport and the Competition Council within the scope of their competence as provided by law.

## **CHAPTER II**

### **BROADCASTING PERMIT (LICENCE) AND THE REGISTRATION OF BROADCASTING ORGANISATIONS**

## **Section 10**

### ***Granting of Broadcasting Rights***

- (1) Broadcasting rights, that is, the right to produce and distribute a programme at a specified broadcasting time and in a specified territory, are granted by the National Radio and Television Council in accordance with the technical plan for radio and television broadcasting.
- (2) Broadcasting time is a time period of twenty-four hours during which the broadcasting organisation is entitled to distribute a programme within a specified territory.
- (3) The technical plan for radio and television broadcasting shall be prepared by the Ministry of Transport, on the basis of the national concept of the electronic mass media development prepared by the National Radio and Television Council and the regulatory enactments of the International Telecommunications Union, and submitted to the National Radio and Television Council. The Ministry shall immediately advise the National Radio and Television Council of any clarifications and amendments to this plan.
- (4) Broadcasting rights shall be granted first to Latvian Television and Latvian Radio.
- (5) Commercial broadcasting organisations, except cable television and cable radio, shall be granted broadcasting rights on the basis of the results of tenders.
- (6) Broadcasting organisations which have been granted broadcasting rights and which wish to use their programme distribution facilities, shall obtain a use of frequency permit (licence) in accordance with the procedures specified in the law "On Telecommunications".

## **Section 11**

### ***Invitation to Tender to Receive a Broadcasting Permit (Licence)***

- (1) The National Radio and Television Council shall announce a tender for free frequencies (channels) in accordance with the national concept of electronic mass media development.

(2) An advertisement regarding the invitation to tender shall be published in the newspaper Latvijas Vestnesis , as well as in a local newspaper, if the invitation to tender is announced for a regional or local coverage frequency (channel). The advertisement must include the following information:

- a. type of electronic mass medium (radio, television, and the like);
- b. requirements concerning the programme (amount of broadcasting time, permissible language proportions, quality of sound and picture format);
- c. technical parameters of broadcasting (frequency (channel), maximum capacity of transmitter, territorial coverage);
- d. term of validity of the broadcasting permit;
- e. time of the commencement of operations;
- f. State fee for the issuance of the broadcasting permit and tender participation fee ; and
- g. date for the submission of applications.

(3) All natural persons with the capacity to act and legal persons registered in Latvia or groupings of such persons may participate in the tender.

(4) Participants in the invitation to tender shall submit an application, indicating name, surname, citizenship (for legal persons, business name) and address, as well as information about the activities of the founder in mass media. If the application is submitted by an enterprise (company), it must include information regarding the founders (shareholders) of the enterprise (company), showing the number of shares (capital shares) and voting rights, as well as information on potential responsible officers, indicating their name, surname, office and citizenship.

(5) The application shall be accompanied by:

- a. a general programme concept, specifying the intended name of the broadcasting organisation and programme (broadcasting station), the nature of the programme, the target audience, the language, the proportions between planned broadcasting time for broadcasts produced in Latvia and broadcasts produced in other European states or elsewhere, as well as other information which the applicant considers important in relation to his or her planned activities;
- b. documents which confirm the possible sources of financing for the first year of operation;
- c. a declaration of whether or not:
  - the participant in the invitation to tender or his or her spouse is a founder (shareholder) of another broadcasting organisation and if so, the extent of the investment, and
  - the participant in the tender holds an elected position in the governing body of a political organisation (party);
- d. a declaration that, if the participant in the tender is successful, he or she will observe the requirements of Section 8, Paragraphs five and seven of this Law;
- e. a document regarding the payment of the tender participation fee; and

(6) At least a month before the determination of the results of the tender, information on participants in the tender, their general programme concepts and possible sources of financing shall be published by the National Radio and Television Council in the newspaper Latvijas Vestnesis and in a local newspaper, if the tender was announced for a

regional or local coverage frequency (channel).

## **Section 12**

### ***Determination of the Results of the Invitation to Tender***

- (1) Applications complying with the provisions of the invitation to tender shall be evaluated.
- (2) Results of the invitation to tender shall be determined not later than three months after the last day of the date for submission of applications.
- (3) Comparing all submitted general programme concepts in accordance with various criteria, preference shall be given to that participant in the invitation to tender whose general programme concept is oriented towards a wider public demand.
- (4) The National Radio and Television Council shall take a decision on the results of the invitation to tender, which indicates the name and surname (in case of legal persons - business name) of the participant in the tender to whom broadcasting rights are granted. Within 14 days as of the day of taking the decision the results of the tender must be published in the newspaper Latvijas Vestnesis and in a local newspaper, if the tender was announced for a regional or local coverage frequency (channel).
- (5) The decision of the National Radio and Television Council may be appealed to a court within 10 days after the publication of the decision in the newspaper Latvijas Vestnesis.
- (6)
- (7)

## **Section 13**

### ***Preconditions to Receiving a Broadcasting Permit***

- (1) For the winner of the invitation to tender to receive a broadcasting permit, it is necessary that he or she should:
  - a. found an enterprise (company) and register it with the Enterprise Registry as provided in the law "On the Enterprise Registry of the Republic of Latvia"; and
  - b. pay the State fee for the issuance of the broadcasting permit in the amount specified by the Cabinet.
- (2) The National Radio and Television Council is entitled, in special cases (bankruptcy of a broadcasting organisation, termination of operations before the end of the term of validity of the permit and the like) upon the basis of a request, until the decision of the results of the invitation to tender is announced, and after the payment of the State fee, issue a broadcasting permit in respect of State transmitters to other television and radio broadcasting organisations. The term of validity for these permits may not exceed one year, and moreover it may not be longer than the term, which is specified for the commencement of operations of the winning broadcasting organisation tender.

## **Section 14**

### ***Name of Broadcasting Organisation and Title of Programme***

- (1) The name of the broadcasting organisation shall be chosen in accordance with the provisions of the law "On Entrepreneurial Activities" and the law "On the Enterprise Registry of the Republic of Latvia", and in compliance with the restrictions which are prescribed in Paragraph 2 of this Section.
- (2) The name of the broadcasting organisation (broadcasting station) and the title of the programme shall:
  - a. unmistakably be distinguishable from the name of other previously registered mass media (mass information);



- b. comply with the requirements of the Language law and other laws;
- 3) unmistakably be distinguishable from the name of such mass medium (mass information), as the operation of which has been terminated by court order;
  - 4) unmistakably be distinguishable from the name of such mass medium (mass information), as under which another broadcasting organisation, which has terminated its operations, has operated.

## **Section 15**

### ***Broadcasting Permit***

- (1) A broadcasting permit shall give its holder the right, subject to the requirements of this Law and other laws, to produce and distribute programmes in accordance with the procedures specified by the National Radio and Television Council.
- (2) To receive a broadcasting permit, a broadcasting organisation shall submit to the National Radio and Television Council copies of the registration certificate of the enterprise (company) and of the articles of association of the broadcasting organisation.
- (3) A broadcasting permit shall be issued: for radio - for five years, television - for seven years and cable television, cable radio (radio transmission) - for 10 years. Latvian Radio and Latvian Television shall be issued a broadcasting permit for an indefinite term. Re-registration of broadcasting permits issued to commercial broadcasting organisations shall be performed each year. For the re-registration of a broadcasting permit a broadcasting organisation shall submit to the National Radio and Television Council information regarding the performance of the conception of the general programme during the previous year of operation, and pay the State fee for the re-registration of the broadcasting permit in the amount specified by the Cabinet.
- (4) The programme concept of the winner of an invitation to tender shall be a mandatory annex to a broadcasting permit.
- (5) The rights granted by a broadcasting permit may not be transferred to another person.
- (6) Upon the occurrence of any change in the membership of shareholders of a broadcasting organisation, in the number of shares (capital shares) and in the voting right proportions, or in the source of financing, the broadcasting organisation shall notify, in writing, the National Radio and Television Council of these changes within six months, which shall publish this information, at the expense of the broadcasting organisation, in the newspaper *Latvijas Vestnesis*, but in the case of a regional or local broadcasting organisation, in a local newspaper as well.
- (7) If the winner of the invitation to tender does not take out the broadcasting permit by the specified date or does not begin operations by the date specified in the permit, the National Radio and Television Council shall revoke the previous decision and announce a new invitation to tender.
- (8) Upon the expiry of the term of validity of a broadcasting permit, the same broadcasting organisation holding it shall have the right of first refusal to extend it, if during its last year of operation no court decision has been entered regarding violations of this Law.
- (9) If a broadcasting organisation terminates its operations, its broadcasting permit shall be considered null and void and must be returned to the National Radio and Television Council.
- (10) The National Radio and Television Council shall, within two weeks after issuing a broadcasting permit, notify the Enterprise Registry, specifying the name of the broadcasting organisation and its founders, the address of the broadcasting organisation and the territory in which it intends to distribute its programme, and the schedule of

broadcasts.

## **Section 16**

### ***Right to Distribute Additional Programmes***

- (1) A programme for the distribution of which the transmitters, frequency and broadcasting time of the primary programme are used without interfering with the primary programme shall be considered to be an additional programme.
- (2) A broadcasting organisation, which has received a broadcasting permit, shall advise the National Radio and Television Council of the distribution of an additional programme before it is introduced.
- (3) Other broadcasting organisations, having received the consent of the broadcasting organisation distributing the primary programme and a broadcasting permit, may distribute an additional programme.
- (4) In order to receive a broadcasting permit to distribute an additional programme, a broadcasting organisation shall submit to the National Radio and Television Council an application and the documents specified in Section 11, Paragraph five, Clauses 1-3 of this Law, and a receipt for payment of the State fee.
- (5) A broadcasting permit to distribute an additional programme shall be issued pursuant to the general provisions of this Law, for a time period, but not longer than that for which the broadcasting permit for the distribution of the primary programme was issued.

## **CHAPTER III**

### **PRODUCTION AND BROADCASTING OF BROADCASTS AND PROGRAMMES**

## **Section 17**

### ***General Provisions for the Production of Programmes***

- (1) The programme of a broadcasting organisation shall conform to the general programme concept, on the basis of which the National Radio and Television Council issued the broadcasting permit.
- (2) The broadcasting organisation shall ensure that facts and events are fairly, objectively and comprehensively reflected in broadcasts, in accordance with the generally accepted principles of journalism and ethics. Commentary shall be separated from news, moreover the name of the author of the commentary shall be indicated.
- (3) A programme shall not include:
  - a. stories which needlessly accentuate violence;
  - b. pornography;
  - c. incitement to hatred based on nationality, race, sex, or religion or to the demeaning of national honour and human dignity;
  - d. incitement to war or the initiation of a military conflict; or
  - e. incitement to violently 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.
- (4) In accordance with the law "On States of Emergency " and the law "On the Civil Defence of the Republic of Latvia", broadcasting organisations have an obligation to provide opportunities for the officials concerned to make public announcements to the

inhabitants in emergency situations. Commercial broadcasting organisations shall ensure the distribution of educational or informative announcements prepared by ministries in accordance with procedures prescribed by the Cabinet, allocating a minimum of 30 seconds of broadcasting time between the hours of 18:00 and 22:00.

(5) Pre-election campaigning through electronic mass media shall be regulated by special laws.

(6) In their programmes, broadcasting organisations may use programmes, films, broadcasts, stories and other material of other authors, subject to the provisions of the Law On Copyright and Neighbouring Rights and international agreements binding on Latvia.

(7) Broadcasting organisations whose programmes (broadcasts) are not reliably received in the entire territory of Latvia, may not acquire exclusive distribution rights to the following events of public importance:

- a. Song Festivals;
- b. the International Folklore Festival Baltica;
- c. the Olympic Games;
- d. world and European championships in Olympic sports events;
- e. any world and European championships which take place in Latvia; and
- f. other similar events which generate special interest in Latvian viewers.

## **Section 18**

### ***Special provisions for Producing Programmes***

(1) All broadcasts of visual programmes produced by a broadcasting organisation (except news, sports events, games, commercials, teletext services and teleshops) shall be in the following proportions of the total volume of the weekly broadcasting time:

- a. not less than 51 per cent - European audio-visual works; and
- b. of the European audio-visual works, not less than 40 per cent - broadcasts produced in the Latvian language.

(2) Within the national remit, for radio programmes produced in Latvia, between the hours of 7:00 and 22:00 the proportion of music of Latvian authors shall be not less than 40 percent of the total volume of the monthly broadcasting time allotted for music.

(3) The broadcasts of audio-visual programmes produced by a broadcasting organisation shall ensure at least 10 per cent of the total volume of the weekly broadcasting time (except for the time dedicated to news, sports events, games, commercials, teletext services and teleshops) for European audio-visual works produced by independent producers.

(4) Co-operation between a broadcasting organisation and other producers of broadcasts (independent producers) shall take place on the basis of a contract, which specifies the rights and obligations of the parties.

(5) Broadcasting organisations may not distribute programmes and broadcasts with such content as may be harmful to the normal physical, mental and moral development of children and adolescents, except in cases when a specific broadcasting time is designated for such broadcasts (between the hours of 22.00 and 7.00) or technical blocking devices are used (coding of broadcasts). Such programmes and broadcasts shall be specially noted both when distributing them and when publishing broadcast schedule listings (in a programme of broadcasts).

(6) Between the hours of 7:00 and 22:00, broadcasts containing physical or psychological violence (in visual or verbal form), bloody or horror scenes, as well as scenes relating to the use of narcotics, may not be distributed. The text may not contain vulgar or rude expressions and must not refer to sexual acts. This provision is not applicable to cable television if technical blocking devices are used.

## **Section 19**

### ***Language of Broadcasts***

(1) Each broadcast shall take place in one language - the language of the broadcast. Fragments of a broadcast which are in other languages shall be provided with a translation (by dubbing, voice-over or sub-titling). This provision is not applicable to language instruction broadcasts or performances of musical works.

(2) The language of the broadcast is determined according to the sound accompanying the broadcast concerned or by the language in which the broadcast has been dubbed or the voice-over has been made. The language of the broadcast, if it is not the Official language, shall be indicated in the broadcast schedule listings (in programmes of broadcasts).

(3) Films demonstrated shall be dubbed in the Official language, or also with the original soundtrack and sub-titles in the Latvian language, but films intended for children shall be dubbed or with voice-over in the Latvian language.

(4) Television broadcasts in foreign languages, except live broadcasts, re-transmissions, broadcasts to foreign countries, news and language instruction broadcasts, shall have sub-titles in the Latvian language.

(5) The amount of broadcasting time in foreign languages in programmes produced by broadcasting organisations shall not exceed 25 per cent of the total volume of the broadcasting time in a twenty-four period. This provision is not applicable to Latvian Television, Latvian Radio, cable television, cable radio, satellite television, satellite radio, as well as transfrontier radio and television.

## **Section 20**

### ***General Provisions Regarding Commercials and Teleshops***

(1) Commercials and teleshops shall be truthful and fair.

(2) Commercials and teleshops shall comply with the provisions of the Law "On Protection of Consumers' Rights".

(3) Commercials and teleshops may not:

- a. mislead consumers or threaten the interests of consumers;
- b. injure human dignity;
- c. include any discrimination based on race, sex or nationality;
- d. injure religious feelings or political beliefs;
- e. encourage behaviour which threatens human health or safety; or
- f. encourage behaviour, which is harmful to the protection of the environment.

(4) Commercials may not cause moral or physical harm to minors, and they shall comply with the criteria for the protection of minors. They shall not:

- a. directly convince minors to purchase the advertised goods or to utilise the advertised services by exploiting their inexperience or credulity;
- b. directly encourage minors to persuade their parents or other persons to purchase

the advertised goods or to utilise the advertised services;

- c. exploit the special trust minors place in parents, teachers or other persons; or
- d. show minors in dangerous situations without a serious reason for doing so.

(5) Teleshops shall comply with the requirements of Paragraph four of this Section, and in addition, may not convince minors to purchase the goods or to utilise the services.

(6) Commercials addressed to or using children may not harm the interests of children, and their production shall have regard to the special susceptibilities and psyche of children.

(7) Violence is not permissible in commercials and teleshops.

(8) Commercials and teleshops shall comply with the provisions of the Competition Law.

(9) The advertiser may not exercise any editorial influence over the content of programmes or broadcasts.

(10) The advertiser shall be liable for the content of commercials and teleshops.

(11) Both the advertiser and the broadcasting organisation shall be liable for the distribution of a commercial or a teleshop, which does not comply with the requirements of law, or which is prohibited.

(12) The broadcasting organisation shall be liable for compliance with the provisions of this Law, regarding the placement of a commercial or a teleshop in a programme or a broadcast.

## **Section 21**

### ***The Amount of Commercials and Teleshops***

(1) The time reserved for commercials and teleshops, except for the teleshop windows within the meaning of Paragraphs three and four of this Section, may not exceed 20 per cent of the total volume of the broadcasting time in a twenty-four hour period. The time for commercials may not exceed 15 per cent of the total volume of the broadcasting time in a twenty-four hour period.

(2) The time reserved for commercials and teleshops may not exceed 20 per cent of any broadcast hour. The time reserved for commercials and teleshops in programmes and broadcasts produced pursuant to the national remit may not exceed 10 per cent of each broadcast hour, if the National Radio and Television Council has not prescribed an even lesser amount of time for commercials or teleshops in particular broadcasts or programmes .

(3) The amount of broadcasting time of a teleshop window shall not be less than 15 minutes continually.

(4) Distribution of not more than eight teleshop windows shall be permitted within a twenty-four hour period. The total volume of their broadcasting time may not exceed three hours in a twenty-four hour period, and they shall be clearly identified, by the help of optical and acoustic means, as teleshop windows.

(5) For the purposes of this Section, the following shall not be considered commercials:

- a. advertisements, which are distributed by a broadcasting organisation, informing of its own programmes or broadcasts, or of derived production which has been obtained directly from such programmes or broadcasts; and
- b. public service announcements and invitations to participate in charity appeals, which are distributed free of charge.

## **Section 22**

### ***Form and Utilisation of Commercials and Teleshops***

- (1) Commercials and teleshops shall be easily distinguishable and clearly separated from other parts of the programme by visual or acoustic means. Commercials inserted into a broadcast shall be in the same language as the broadcast itself or in the Official language. Commercials in audio-visual programmes and broadcasts shall be inserted in blocks.
- (2) It is prohibited to utilise such technological means in commercials and teleshops as affect the subconscious.
- (3) Hidden advertising and hidden teleshops are prohibited.
- (4) Commercials, except for self-promotion, and teleshops may not use the images or recorded voices of persons who regularly anchor news or current affairs programmes.

### **Section 23**

#### ***Placement of Commercials and Teleshops***

- (1) Commercials and teleshops shall be inserted between programmes. If the provisions of Paragraphs two, three, four and five of this Section are observed, commercials and teleshops may also be inserted during programmes, but in such a way that the integrity and value of the programmes are not diminished and the interests of copyright owners are not injured.
- (2) In broadcasts and programmes, which consist of autonomous parts, or in the broadcasting of sports programmes and of similar events and performances, in which there are breaks, commercials and teleshops may be inserted only between these parts or in these breaks.
- (3) In the distribution of audio-visual works such as feature films and films made for television (excluding series, serials, entertainment programmes and documentaries), which are longer than 45 minutes, commercials and teleshops may be inserted only once in each 45 minute period. Additional commercials may be inserted only if the work is at least 20 minutes longer than two or more full 45-minute segments.
- (4) If commercials and teleshops are inserted in programmes, to which Paragraphs two and three of this Section do not apply, an interval of at least 20 minutes must elapse between each commercial and teleshop within the programme.
- (5) Commercials and teleshops may not be inserted during the transmission time of a religious ceremony. Commercials and teleshops also may not be inserted in news and current affairs programmes, documentaries, religious broadcasts and children's programmes, if the length of such broadcast or programme does not exceed 30 minutes. If its length is 30 or more minutes, the provisions of Paragraph four of this Section shall apply.
- (6) Distribution of commercials and teleshops during the transmission time of national holiday ceremonies is permitted only if it has been agreed to by the organisers of such a ceremony.

### **Section 24**

#### ***Commercials and Teleshops for Particular Goods or Services***

- (1) Commercials and teleshops for tobacco products and smoking are prohibited.
- (2) Commercials and teleshops for beer and wine are permitted, but commercials and teleshops for other alcoholic beverages are prohibited. Commercials and teleshops for alcoholic beverages shall comply with the following provisions:
  - a. they may not be aimed at minors, and minors shall not participate in them;

- b. they may not link the consumption of alcohol to enhanced physical performance or to operating means of transportation;
- c. they may not claim that alcohol has therapeutic qualities or that it has the effect of a stimulant or a sedative or that it helps to resolve personal problems;
- d. they may not encourage immoderate consumption of alcohol or present abstinence or moderation in the use of alcohol in a negative light;
- e. they may not emphasise the alcoholic content of alcoholic beverages; and
- f. they may not create the impression that the consumption of alcoholic beverages ensures success socially or sexually.

(3) The provisions of Paragraphs one and two of this Section do not apply to the transmissions of sporting or similar events in which advertising occurs in the background of the event (advertising placards in stadiums, trademarks, and the like) and it is not possible to avoid it.

(4) Advertising of such means of medical treatment and medical assistance, which are available in Latvia only pursuant to a prescription by a physician or the direction of a physician, is prohibited.

(5) Teleshops for medical aid, as well as teleshops for any such drugs and pharmaceutical products, which have been included in the Drug Register of Latvia or the Veterinary Drug Register of Latvia, are prohibited.

## **Section 25**

### ***General Standards of Sponsorship***

(1) When a programme or broadcast is sponsored in whole or in part, that shall clearly be indicated at the beginning or end, showing the name or the trademark of the sponsor, of the programme or broadcast.

(2) The choice of content and scheduling of sponsored programmes or broadcasts may not be influenced by the sponsor in such a way as to restrict the editorial independence of the broadcasting organisation.

(3) The goods or services of third parties may not be advertised in sponsored programmes or broadcasts by incorporating in them direct or promotional references to such goods and services.

## **Section 26**

### ***Prohibited Sponsorship***

(1) Natural or legal persons whose activities are directly connected with the manufacture of such goods or the provision of such services, as the advertising of which is prohibited, may not be sponsors of programmes or broadcasts.

(2) Sponsorship of news and current affairs programmes (with the exception of narrowly focused thematic news) is prohibited.

## **Section 27**

### ***Technical Quality of Producing and Distributing Programmes***

(1) Broadcasting organisations shall produce and distribute programmes of a quality conforming to State technical standards.

(2) General supervision over the conformity of the technical quality of programmes to State technical standards shall be exercised by the National Radio and Television Council.

(3) Supervision over the conformity of the parameters of broadcasting technical facilities to

the State technical standards shall be exercised by the State Telecommunications Inspection.

## **Section 28**

### ***Registration and Preservation of Distributed Programmes***

(1) Each broadcasting organisation shall ensure that all distributed programmes, except programmes re-transmitted on cable television and cable radio (radio transmission), are fully recorded in such a quality, as permits the determination of the content of these programmes. This recording shall be preserved for not less than one calendar month following the day of transmission. A copy of the recording shall be provided free of charge to the National Radio and Television Council, a court, a Prosecutor's office or investigative institutions upon their demand.

(2) Each broadcasting organisation producing programmes shall independently register distributed programmes on a unified registration form developed by the National Radio and Television Council. These registration materials shall be submitted to the National Radio and Television Council, a court, a Prosecutor's office or investigative institutions upon their demand.

(3) The registration materials shall contain information on the title of the programme and the broadcast, the time of its transmission, the duration time, the copyright holders, the language of the broadcast, the sponsors of the broadcast and commercials and teleshops.

## **Section 29**

### ***Production Data of Programmes and Broadcasts***

(1) Production data shall be specified at the beginning and the end of each day's radio and television programme, but as to broadcasts - at the end only.

(2) The production data of a programme of a broadcasting organisation shall include the name of the broadcasting organisation, the title of the programme but at the end of the programme - also the address.

(3) In the production data of a broadcast, the authors of the broadcast shall be specified. Independent producers shall also specify their name and address.

(4) The production data of programmes and broadcasts produced in Latvia must be in the Official language.

## **CHAPTER IV**

### **RE-TRANSMISSION, CABLE TELEVISION AND CABLE RADIO (RADIO TRANSMISSION) COLLECTIVE RECEPTION SYSTEMS**

## **Section 30**

### ***Re-transmission of Programmes***

(1)

(2) In re-transmitting a programme or a part of it, the frame logotype identifying the programme shall be retained.

(3) Distribution in conformity with the broadcasting permit of the broadcasting organisation of a programme produced in Latvia shall not be deemed to be re-transmission, if the broadcasting organisation itself finances the distribution.

(4) A broadcasting organisation which has obtained a re-transmission permit for the distribution of a programme which has not been initially distributed in a Member States of the European Convention on Transfrontier Television or of the European Union, is



responsible for the conformity of the content of the retransmitted programme to the requirements of this Law.

### **Section 31**

#### ***Re-transmission Permit***

- (1) For re-transmission of a programme on radio, television and teletext, a broadcasting organisation shall obtain the consent of its producer and a re-transmission permit from the National Radio and Television Council.
- (2) A re-transmission permit within the allocated broadcasting time shall be issued, on the basis of a request, to a broadcasting organisation that has a broadcasting permit, provided that the issuance of such is not in conflict with the requirements of this Law.
- (3) If it is necessary to have the right to use a frequency (channel) to re-transmit a programme at a specific time in a specific territory, the re-transmission permit shall be issued in accordance with the procedures specified in Section 10 and subsequent Sections of this Law. A re-transmission permit shall be issued for a time period of up to five years and shall be renewed by tender procedures.
- (4) Within two weeks of the issue of a re-transmission permit the National Radio and Television Council shall notify the Enterprise Registry thereof.
- (5) The amount of broadcasting time for radio, television and teletext re-transmission programmes may not exceed 30 per cent of the total volume of the broadcasting time in any locality of the territory of the State or for each form of such electronic mass media. This provision does not apply to cable television and cable radio, or to re-transmitted programmes produced in Latvia.

### **Section 32**

#### ***Collective Reception Systems***

- (1) Collective reception systems are a complex of antennas, cable networks and electronic equipment which is intended so that, in a relevant populated area, reliably receivable television programmes, unchanged in form and of a quality conforming to technical norms, are supplied to subscribers in individual buildings, groups of buildings or small built-up zones. Collective reception systems shall not be deemed to be cable television networks.
- (2) Collective reception systems shall be subject to the provisions on the establishment, registration, operation and protection of telecommunications networks.
- (3) The owners of collective reception systems shall ensure the reception and supply to subscribers, in the entire territory concerned, of reliably receivable television and ultra-short wave-band radio programmes broadcast in Latvia and of a quality conforming to technical standards.
- (4) Collective reception systems may be used, with the consent of their owners, to provide cable television and cable radio (radio transmission) services, if the users of the collective reception systems wish to have these additional services.

### **Section 33**

#### ***Cable Television and Cable Radio (Radio Transmission) Systems and their Establishment***

- (1) Cable television and cable radio (radio transmission) are electronic mass media which broadcast to a specific group of listeners or viewers - subscribers - by one-way or two-way (interactive) flow of information, but they are not communication facilities with the assistance of which subscribers may communicate with each other.
- (2) Cable television and cable radio (radio transmission) systems shall be formed,

registered, exploited and protected in accordance with the provisions of the Law On Telecommunications which pertain to telecommunications networks.

(3) For the operation of cable television and cable radio (radio transmission), an enterprise (company) shall acquire a special permit (licence) from the National Radio and Television Council.

(4) A special permit (licence) for cable television or cable radio (radio transmission) operation shall be issued on the basis of an application for a period of up to 10 years, if that is not in conflict with the requirements of this Law. The applicant shall specify in the application his or her name, surname, citizenship (legal persons - name) and address, as well as information on whether the applicant is participating as a founder (shareholder) in other electronic mass media. If the application is submitted by an enterprise (company), it shall include information regarding the founders (shareholders) of the enterprise (company) concerned, specifying the number of shares (capital shares) and voting rights, as well as information on authorised officers, specifying their name, surname, office and citizenship.

(5) The application shall be accompanied by:

- a. a general programme concept, in which shall be specified the name of the broadcasting organisation, the titles of programmes to be re-transmitted, their thematic direction and language, the coverage of the network, potential development and number of subscribers, time of programme distribution, remit fee, a project of the planned technical and organisational operations, as well as other information which the applicant considers important in relation to his or her planned operations;
- b. documents confirming potential sources of financial guarantees for the first year of operations;
- c. documents confirming the right to re-transmit programmes of other broadcasting organisations, or parts of them; and
- d. a declaration stating that:
  - the applicant and his or her spouse are not the sole founders (shareholders) of another broadcasting organisation and that their investment in another broadcasting organisation does not give them control of it. This provision does not apply to transfrontier television, and
  - the applicant does not hold elected office in the governing body of a political organisation (party);
- e. a document regarding the payment of the State fee; and
- f. a document which confirms registration with the Ministry of Transport and a local government.

(6) The National Radio and Television Council shall publish its decision on issuing a special permit (licence) for cable television or cable radio (radio transmission) operation, within 14 days, in the newspaper Latvijas Vestnesis and in a local newspaper if the special permit (licence) is issued to a regional or local broadcasting organisation.

(7) The concept for selecting the programmes to be re-transmitted is an mandatory annex to the special permit (licence) for cable television and cable radio (radio transmission) operation.

(8) The rights, which are granted by a special permit (licence) for cable television or cable radio (radio transmission) operation, may not be transferred to another person.

(9) Upon the occurrence of any changes in the composition of shareholders of a

broadcasting organisation, in the number of shares (capital shares) of each shareholder and in the voting right proportions, or in the source of financing, the broadcasting organisation shall notify, in writing, the National Radio and Television Council of these changes within six months, which shall publish this information, at the expense of the broadcasting organisation, in the newspaper Latvijas Vestnesis but in the case of a regional or local broadcasting organisation, in a local newspaper as well.

(10) Within two weeks of issuing a special permit (licence) for cable television or cable radio (radio transmission) operation, the National Radio and Television Council shall notify the Enterprise Registry, specifying the name of the broadcasting organisation and its founders, the address of the broadcasting organisation and the territory in which it intends to distribute its programme.

(11) Re-registration of special permits (licences) shall be performed each year. For the re-registration of a special permit (licence) a broadcasting organisation shall submit to the National Radio and Television Council information regarding the performance of the conception of the general programme during the previous year of operation, and pay the State fee for the re-registration of the broadcasting permit in the amount specified by the Cabinet. Upon the expiration of the term of the special permit (licence), it may be renewed, if during the last year of operation no court decision has been entered regarding violations of this Law.

#### **Section 34**

##### ***Conditions for Operating Cable Television Systems***

(1) Within cable television systems, the supply to subscribers shall be ensured for all this populated area of reliably receivable public television programmes, which are broadcast in Latvia, in an unchanged form. No broadcasting permit is needed to distribute these programmes on cable television systems.

(2)

(3) The National Radio and Television Council shall regularly control the conformity of cable television programmes with the general programme concept.

### **CHAPTER V**

#### **THE RIGHTS OF BROADCASTING ORGANISATIONS TO INFORMATION AND THEIR LIABILITY**

#### **Section 35**

##### ***The Rights of Broadcasting Organisations To Information***

(1) Broadcasting organisations shall have the right to receive information from State and Local Government institutions, voluntary organisations, and State and Local Government enterprises.

(2) Broadcasting organisations shall be ensured free access to events intended for the general public and which generate general interest, in order to produce and distribute short news reports, the broadcasting time of which does not exceed 90 seconds.

#### **Section 36**

##### ***Retraction***

(1) Persons regarding whom false information was given in a broadcast by a broadcasting organisation, may require that the same broadcasting organisation distribute a retraction of such information.

(2) An application for the distribution of a retraction shall be submitted to the broadcasting organisation or a court in writing, within 14 days after the false information has been distributed, and the National Radio and Television Council informed thereof.

(3) The broadcasting organisation shall examine the application within seven days from the date of receipt. If the broadcasting organisation lacks sufficient proof that the distributed information is true, it shall retract such information without delay.

(4) The retraction shall be distributed in the name of the broadcasting organisation on the same programme (broadcast) and at the same broadcasting time as the false information was given.

(5) If the broadcasting organisation does not agree to distribute the retraction, it shall notify the submitter of the application within seven days. The submitter of the application has the right within 14 days to file a claim in court. If by judgment of a court an obligation is imposed on the broadcasting organisation to retract the false information, such shall be done in accordance with Paragraph four of this Section.

### **Section 37**

#### ***The Right to Distribute a Reply***

(1) A natural or legal person who is injured by some transmitted information, has the right to a reply regardless of whether a retraction is sought. The reply may be a recorded presentation by the injured person or his or her representative on the electronic mass media or the reading of a statement prepared by such person.

(2) A person who wishes to exercise the right to a reply, shall submit a written application to the broadcasting organisation within 14 days after the distribution of the information, and inform the National Radio and Television Council thereof. The reply shall be attached to the application.

(3) A person who contests the information distributed in a broadcast has the right to view or listen to, at the same broadcasting organisation, the fragment of the broadcast which has injured his or her interests, free of charge, or to receive a copy of the recording of the broadcast at a charge.

(4) The reply of the injured person shall set out the information given in the broadcast and provide other information in its stead.

(5) The broadcasting organisation, at the request of the injured person, shall ensure the recording of the reply.

(6) The broadcasting organisation shall within 14 days distribute free of charge the reply prepared by the injured person, on the same programme (broadcast) and at the same programme (broadcast) time as the mentioned information was transmitted, and, at the option of the injured person, either read the reply prepared by him or her or distribute a recording with this reply.

(7) A broadcasting organisation may refuse to distribute a reply if:

- a. the person who was injured by the contested information has no legally justifiable actual interest in the distribution of a reply;
- b. the reply is unreasonably long; or
- c. the reply contains a statement, which is criminally punishable.

(8) The broadcasting organisation shall notify an applicant of a refusal in writing. The refusal may be appealed to a court within 14 days after its receipt.

### **Section 38**

### ***Civil Liability for Injury***

(1) Pursuant to the provisions of The Civil Law and other laws the broadcasting organisation shall compensate for injuries, including moral injuries, caused to a natural or legal person by the provision of information in a broadcast that injures the honour or dignity of a person, if it does not prove that such information corresponds to the truth.

(2) A broadcasting organisation shall be exempted from the payment of compensation for injury if the information injuring the honour and dignity of a person is contained in an announcement made by State and administrative institutions or officials, as well as when the false information has been distributed on a live broadcast and the broadcasting organisation did not have the possibility to influence the distribution of such information.

### **Section 39**

#### ***Administrative Liability and Criminal Liability***

(1) For the distribution of programmes without a broadcast permit, for non-conformity of the operations of the broadcasting organisation with the general programme concept, for non-provision of information required by law or for providing false information to the National Radio and Television Council, for violations of the provisions for the production of programmes and keeping of records of the such programmes, as well as for other violations of this Law, the persons at fault shall be subject to prosecution in accordance with the Latvian Administrative Violations Code and the Latvian Criminal Code.

(2) In respect of a violation which has been allowed to occur, the National Radio and Television Council may issue a warning, prepare an administrative violation report, or give materials to law enforcement institutions for the bringing of a criminal action.

### **Section 40**

#### ***Suspension and Termination of the Operations of a Broadcasting Organisation***

(1) The National Radio and Television Council has the right to annul a broadcasting permit, a re-transmission permit, and a special permit (licence) for cable television and cable radio (radio transmission) operation, if the broadcasting organisation:

- a. has terminated its operations but has not submitted the issued document to the National Radio and Television Council; or
- b. allows irregular operations to occur or fails to fully use the allocated broadcasting time, except in cases when this occurs due to technical reasons and for not longer than three months.

(2) The National Radio and Television Council has the right to suspend the operation of a broadcasting organisation for a period of up to seven days if it:

- a. has not paid the State fee for the issuance of a broadcasting permit or for the re-registration of a special permit (licence) for cable television and cable radio (radio transmission) operation;
- b. has allowed a substantial violation of this Law to occur; or
- c. has allowed substantial deviations from the general programme concept to occur.

(3) Upon the application of the National Radio and Television Council a court shall terminate the operations of a broadcasting organisation if it:

- a. has obtained its broadcasting permit illegally;
- b. has allowed an administrative violation to occur after the persons at fault, within a one year period, have already twice had an administrative penalty applied to them for a violation of this Law;

- c. has allowed significant violations to occur of this Law or substantial deviations from the general programme concept after the National Radio and Television Council has issued a warning or temporarily suspended its operations.

(4) Before suspending the operation or filing an application in court, the National Radio and Television Council shall require an explanation from the officers of the broadcasting organisation, which shall be submitted within three days. Failure to submit an explanation within this time period shall not be an obstacle to the termination of the operations of the broadcasting organisation or the filing of a petition in court.

(5) The National Radio and Television Council shall publish a notice regarding the annulment of a broadcasting permit, a re-transmission permit, a special permit (licence) for cable television and cable radio (radio transmission) operation or a judgment of a court terminating the operations of a broadcasting organisation, in the newspaper *Latvijas Vestnesis*, but in the case of regional or local broadcasting organisations - also in the local newspaper.

(6) A decision of the National Radio and Television Council to suspend operations or a judgment of a court terminating operations shall be announced by the broadcasting organisation during the broadcasting time allocated to it.

## **CHAPTER VI NATIONAL RADIO AND TELEVISION COUNCIL**

### **Section 41**

#### ***Status of the National Radio and Television Council***

(1) The National Radio and Television Council (hereinafter also - the Council) is an independent institution which 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, this Law and other laws be observed, as well as that freedom of speech and information are ensured.

(2) The Council is a legal person. It shall have its own balance and a bank account. The Council shall have a Seal with its name.

### **Section 42**

#### ***Procedures for Establishing the National Radio and Television Council***

(1) The Council shall be established by the Saeima, electing nine members to it.

(2) The members of the Council may comprise Latvian citizens who permanently reside in Latvia. The members of the Council shall be chosen from among persons known to the public.

(3) The members of the Council members shall be elected by the Saeima in accordance with the procedures of the Rules of Order of the Saeima.

(4) A member of the Council may be nominated by not less than five members of the Saeima who shall submit his or her proposal to the Presidium of the Saeima. The signatures of the submitters of the candidature shall mean that the nominated candidate has consented to his or her nomination as a candidate.

(5) The list of nominated candidates shall be published in the newspaper *Latvijas Vestnesis* setting out the name, surname, place of residence, place of employment and office held(occupation) of each candidate.

(6) The Chairperson of the Council and his or her deputy shall be elected by secret ballot by the National Radio and Television Council within 14 days of the expiration of the term of office of the previous chairperson and his or her deputy.

(7) Not more than three members of the Council may be from the same political organisation (party).

### **Section 43**

#### ***Requirements to be Met by the Members of the National Radio and Television Council***

(1) A member of the Council may not combine a position on the Council with the duties of a member of the Saeima or a member of the Cabinet.

(2) A member of the Council may not hold an elected office or any other offices in the governing body of a political organisation (party).

(3) The members of the Council are subject to the restrictions and prohibitions pertaining to all State officials as provided in the Law On the Prevention of Corruption.

(4) Work on the Council shall be the primary employment for a member of the Council . Other paid employment may be engaged in only with the permission of the Council.

(5) No person who has been punished for an intentional crime may be a member of the Council, if he or she has not been rehabilitated or the criminal record has not been extinguished or expunged.

### **Section 44**

#### ***Term of Office of the Members of the National Radio and Television Council***

(1) The term of office of the members of the Council is four years.

(2) The membership of the Council shall be renewed every two years, replacing those members of the Council who have served four years.

(3) A member of the Council may terminate his or her work by submitting an application to the Council; the Saeima shall be informed of the removal from office of a member of the Council within 14 days.

(4) The Saeima may recall a member of the Council before the end of his or her term, if:

- a. he or she has not attended more than half of the Council meetings within a three-month period without justification;
- b. the circumstances specified in Section 43 of this Law prohibiting the person concerned from being a member of the Council have been determined; or
- c. he or she has committed an intentional violation of this Law or have allowed negligence to occur and such has caused substantial consequences.

(5) In the case that the mandate of a member of the Council is terminated before his or her term has expired, the Saeima shall elect another member to the Council for the remainder of the term if it is not less than one year.

(6) The members of the Council may be re-elected for not more than two consecutive terms.

### **Section 45**

#### ***Principles of Operation of the National Radio and Television Council***

(1) All decisions taken by the Council are public and shall be accessible to any interested person.

- (2) The Council shall promote the equal and balanced development of all the forms of electronic mass media.
- (3) The Council, in accordance with this Law and other laws, shall prevent the formation of monopolies in the area of operation of electronic mass media.
- (4) The Council shall promote a programme policy conforming to the national interests of Latvia.
- (5) The Council has the right to take decisions regarding electronic mass media only in the cases as provided in this Law. Those decisions may be appealed to a court in accordance with the procedures specified by law.
- (6) The Council does not have the right to evaluate radio and television programmes before they are broadcast.

## **Section 46**

### ***Primary Duties and Competence of the National Radio and Television Council***

- (1) The Council shall formulate a national concept for the development of electronic mass media, ensuring the opportunity for qualitative reception of several programmes in the entire territory of the State, and providing for the development of both public and commercial broadcasting organisations.
- (2) The Council shall prepare a draft State budget for the national remit and submit it to the Cabinet; following the adoption of the budget by the Saeima, the Council shall decide on its allocation according to the approved national remit.
- (3) The Council shall administer the State capital share in Latvian Radio and Latvian Television, approve their articles of association, appoint their Directors General, establish Audit Committees and approve their Board memberships.
- (4) The Council shall determine the basic parameters of the national remit - its scope, the procedures for the placing of commercials and teleshops within the framework of the national remit, and shall enter into contracts for the fulfilment of the national remit in the case provided for in Section 56, Paragraph two of this Law.
- (5)
- (6) The Council shall issue broadcasting and re-transmission permits (either according to the results of invitations to tender or on the basis of a request), as well as special permits (licences) for cable television and cable radio (radio transmission) operation.
- (7) The Council shall:
  - a. maintain a register of all broadcasting organisations according to the issued broadcasting permits, re-transmission permits and special permits (licences) for cable television and cable radio (radio transmission) operation;
  - b. collect, compile and analyse information regarding electronic mass media, their operation and development in Latvia and in foreign states;
  - c. maintain relations with institutions of other states which are concerned with matters regarding the operation and development of electronic mass media;
  - d. place orders for sociological and other studies of problems concerning the operations and development of electronic mass media, as are necessary to ensure the functions of the Council (enabling it to take informed decisions);
  - e. listen to, analyse and compile suggestions, complaints and other information submitted by viewers and listeners regarding the operation of electronic mass media;



- f. request recording of broadcasts from broadcasting organisations in cases when a complaint has been received and ensure the preservation of the said recordings until the final resolution of the complaint.

(8) The Council shall control compliance with this Law:

- a. by listening to and examining the complaints of viewers and listeners;
- b. by controlling the registration of programmes by broadcasting organisations; and
- c. by carrying out random examinations on the content and quality of distributed programmes.

(9) The Council shall examine materials concerning violations of the law in the area of electronic mass media and, depending on the seriousness, frequency and the dangerousness of the violations determined, take one of the following decisions:

- a. to issue a warning to the broadcasting organisation;
- b. to prepare a report concerning the administrative violation and send it to the district (city) court or other competent institution;
- c. to annul the broadcasting permit, the re-transmission permit, the cable television or the special permit (licence) for cable radio (radio transmission) operation, or to suspend the operations of the broadcasting organisation;
- d. to file a action in court to terminate the operation of the broadcasting organisation; or
- e. to forward materials to law enforcement institutions for the bringing of a criminal action.

(10) The Council shall compile and distribute information on broadcasting organisations and their operations in Latvia. Annually, it shall publish a report on its operations.

#### **Section 47**

##### ***Ensuring the Operations of the National Radio and Television Council***

(1) To ensure the operations of the Council a Secretariat shall be established. Employees of the Secretariat may not hold any other office or receive a salary directly or through the agency of other persons from broadcasting organisations.

(2) Salaries of the employees of the Secretariat shall conform to the salaries of State civil servant salaries at the same level.

#### **Section 48**

##### ***Rights of the National Radio and Television Council***

The Council shall have the right to:

- a. examine at any broadcasting organisation its register of the distributed programmes and tapes, as well as view or listen to fragments of them;
- b. point out to the Directors General of Latvian Radio and Latvian Television, if particular broadcasts do not conform to the general programme concept or the requirements of this Law;
- c. point out to commercial broadcasting organisations if particular broadcasts do not conform to the general programme concept on the basis of which the broadcasting permit was issued, or with the requirements of this Law;
- d. by invitation to tender procedures enter into contracts with specialised organisations and experts on the realisation of specific tasks and projects within their field of specialisation; and

- e. request from a broadcasting organisation its financial operations report, if it has applied for financing from the State budget or for payment reductions.

## **Section 49**

### ***Organisation of the Work of the National Radio and Television Council***

- (1) The Council shall itself formulate and approve its own internal operating procedures.
- (2) Council meetings shall take place not less than once per month. Information regarding the convening of meetings and their agendas shall be accessible. Extraordinary meetings, if requested by at least three members of the Council, shall be called within three days.
- (3) The Council has a quorum, if more than half of the members participate in the meeting.
- (4) The Council shall take decisions by a majority vote of its members except in the case provided for in Section 59, Paragraph 6 of this Law. In the case of a tie vote, the chairperson of the Council shall have the decisive vote.
- (5) Minutes shall be taken of the meetings of the Council. The minutes shall be signed by the chairperson of the meeting and the manager of the Secretariat.
- (6) The Secretariat shall advise the mass media of the results of the Council meeting and of any decisions taken by it and forward copies of such decisions to the broadcasting organisations and other institutions to which they apply.
- (7) The Council shall ensure the education of its members and employees in the area of electronic mass media.

## **Section 50**

### ***Financial Operations of the National Radio and Television Council***

- (1) The Council shall be financed from the State budget.
- (2)
- (3) The Council shall publish annually a report on its financial activities in the newspaper *Latvijas Vestnesis*.

## **Section 51**

### ***The Chairperson of the National Radio and Television Council***

- (1) The Chairperson of the Council is responsible for the work of the Council and the performance of its functions.
- (2) The Chairperson of the Council or an authorised member of the Council:
  - a. shall represent the Council in State institutions, as well as in relations with natural and legal persons, and in foreign states as well;
  - b. shall represent Latvia in international organisations on matters concerning electronic mass media; and
  - c. may participate in Board meetings of Latvian Radio and Latvian Television in an advisory capacity.
- (3) The Chairperson of the Council shall:
  - a. chair meetings of the Council;
  - b. handle the finances of the Council;
  - c. hire and fire employees of the Council Secretariat; and
  - d. enter into contracts with natural and legal persons to ensure the work of the Council.

(4) In the absence of the Chairperson, his or her duties shall be performed by his or her deputy.

(5) The salary of the Chairperson of the Council and his or her deputy shall be equivalent to the salary of a Category 1 State civil servant.

## **Section 52**

### ***Obligations and Rights of the Members of the National Radio and Television Council***

(1) The Council members have the obligation to participate in meetings of the Council and perform the duties entrusted to them by the Council.

(2) The members of the Council have the right to:

- a. propose matters for consideration by the Council, which are within its competence;
- b. express their opinions on matters to be discussed at a meeting and submit proposals for a draft decision; and
- c. carry out examinations of broadcasting organisations in accordance with this Law.

(3) The member of the Council, who is included in the membership of the Board of the State Radio and Television Centre, shall represent therein the interests of the Council and of broadcasting organisations.

(4) The salaries of the Council members shall be equivalent to the salaries of Category 2 State civil servants.

## **CHAPTER VII**

### **THE NATIONAL REMIT**

#### **Section 53**

##### ***The Content of the National Remit***

The national remit is the totality of broadcasts and programmes, approved by the National Radio and Television Council in which the requirements of this Law are complied with, and which has the necessary financing.

#### **Section 54**

##### ***Purpose of the National Remit***

The national remit shall:

- a. ensure free distribution of comprehensive information about events in Latvia and in foreign states;
- b. ensure the development of the Latvian language and culture promoting the consolidation of a single-nation state;
- c. in accordance with bilateral agreements, ensure reflection of the activities of the Saeima, the President, the Cabinet and Local Governments;
- d. ensure the needs of society for educational, including religious educational, cultural, scientific, entertainment, children's, and sports and other broadcasts (also translated into sign language);
- e. promote the production of broadcasts concerning the life and culture of ethnic

- minorities living in Latvia; and
- f. ensure pre-election campaigning opportunities in accordance with law.

#### **Section 55**

##### ***Forming the National Remit***

(1) The national remit shall be formed on the basis of comprehensive studies of the wishes of viewers and listeners. It shall reflect as extensively as possible the current opinions of society, as well as political, philosophical and cultural trends. The national remit shall not serve solely the interests of any political organisation (party).

#### **Section 56**

##### ***Providers of the National Remit***

(1) Basically, the national remit shall be provided by Latvian Radio and Latvian Television. The National Radio and Television Council may contract out a part of the national remit to other broadcasting organisations by invitation to tender procedures.

(2) The amount of the national remit contracted out to other broadcasting organisations may not exceed 15 per cent of the total funding of the national remit, and contracts for its provision may be entered into for a time not exceeding one financial year.

### **CHAPTER VIII**

#### **LATVIAN RADIO, LATVIAN TELEVISION AND THE LATVIAN STATE RADIO AND TELEVISION CENTRE**

#### **Section 57**

##### ***The Entrepreneurial Activity Principles of Latvian Radio and Latvian Television***

(1) The provisions on founding, registering and operating Latvian Radio and Latvian Television as public broadcasting organisations are set in the Law On Entrepreneurial Activity, the Law On Non-profit Organisations, the Law On Companies with Limited Liability, this Law, as well as in their articles of association, which require the approval of the National Radio and Television Council.

(2) Latvian Radio and Latvian Television are State non-profit companies with limited liability, the primary purpose of which is the implementation of the national remit.

(3) The equity capital (statutory fund) of Latvian Radio and Latvian Television comprises of State property, which has been invested therein. The National Radio and Television Council shall be the holder of the invested State capital shares in these companies and shall perform the functions of the general meeting of the shareholders.

(4) Latvian Radio and Latvian Television may not be privatised in whole or in part, their capital shares may not be sold and their property may not be pledged. These broadcasting organisations do not have the right to guarantee the fulfilment of the obligations of other natural or legal persons.

(5) With the permission of the National Radio and Television Council, Latvian Radio and Latvian Television may participate in the founding of enterprises (companies), may acquire capital shares in other companies and securities, if such does not reduce the quality of programmes.

#### **Section 58**

##### ***The Entrepreneurial Activity Principles of the Latvian State Radio and Television***

## **Centre**

(1) The Latvian State Radio and Television Centre, in accordance with the national concept for the development of electronic mass media, shall fully ensure the distribution of the national remit programme of Latvian Radio and Latvian Television in the entire territory of the State, as well as to a target audience outside the borders of the State.

(2) The Latvian State Radio and Television Centre shall operate as a State company, which may not be privatised, either as a whole or in that part, which ensures the distribution of television and radio programmes.

(3) The Latvian State Radio and Television Centre shall be financed from the income derived from its entrepreneurial activities according to the principle of non-profit. All income shall remain at the disposal of the Centre and shall be used entirely to acquire fixed assets, to develop transmission infrastructure, as well as for other purposes as provided in the articles of association.

(4) The Latvian State Radio and Television Centre may not directly or through the agency of third persons produce programmes or participate in other broadcasting organisations with its investment.

## **Section 59**

### ***Administration of Latvian Radio and Latvian Television***

(1) Latvian Radio and Latvian Television shall be managed by Directors General, who shall be appointed by the National Radio and Television Council for five years, by entering into an employment contract.

(2) The Directors General of Latvian Radio and Latvian Television may be appointed repeatedly, but not more than twice consecutively. The Director General may not:

- a. be a member of the Saeima or a member of the Cabinet; or
- b. be active in political organisations (parties) or the groupings of such, but in the event, he or she is active in a political organisation (party) or grouping of such, shall suspend such activity.

(3) The Directors General of Latvian Radio and Latvian Television shall be subject to the restrictions and prohibitions provided in the Law On Prevention of Corruption pertaining to State officials.

(4) The Directors General of Latvian Radio and Latvian Television may not be persons who have been convicted for an intentional crime unless they have been rehabilitated or the criminal record has been extinguished or expunged.

(5) The Directors General of Latvian Radio and Latvian Television may not hold other salaried offices or perform other salaried duties except in artistic, scientific and pedagogical activities. The Directors General may not be founders of any broadcasting organisation or hold shares (capital share) in them.

(6) The Directors General of Latvian Radio and Latvian Television may be discharged before the end of their term at their own request. Discharge at the initiative of the National Radio and Television Council is permissible in the cases provided for by the legislative enactments regarding employment or also if circumstances are found which prohibit the relevant person from being Director General. A decision to dismiss a Director General shall be taken by the National Radio and Television Council by a two thirds' majority vote of the total membership of the Council.

(7) The Director General of Latvian Radio and Director General of the Latvian Television shall:

- a. manage the company according to the requirements of its articles of association, this Law, and other laws;
- b. represent the company in court, State and administrative institutions, other companies in which the company has invested, as well as in relations with natural and legal persons;
- c. enter into transactions in the name of the company; and
- d. submit to the National Radio and Television Council for approval a draft project on the particular part of Latvian Radio and Latvian Television in the national remit.

(8) A Director General may have two deputies. In the absence of the Director General, his or her duties shall be performed by one of the deputies according to the designation of the Director General.

(9) A Director General shall hire the managers of the divisions of Latvian Radio and Latvian Television in accordance with the procedures provided in the articles of association.

(10) In accordance with the articles of association, a Board shall be formed of the managers of the divisions, headed by the Director General. Deputy Directors General on the basis of his or her office are members of the Board. Not less than two representatives of the employees shall be included in the Board, in accordance with a decision of a general meeting of employees.

(11) The Board shall approve the draft project for implementation of the national remit and decide on other issues in accordance with the articles of association.

(12) A Director General may act only with the consent of the Board in the following cases:

- a. determining the concept and the basic trends of programme policy;
- b. preparing the annual financial plan; and
- c. entering into the collective labour contract.

(13) In the cases specified in the articles of association, the Board may also exercise its advisory rights.

## **Section 60**

### ***Operations of Latvian Radio and Latvian Television***

(1) No State or administrative institution, public organisation, or their officials may interfere with the operations of Latvian Radio and Latvian Television or give binding orders to their officials, except as specifically provided in the legislative enactments of Latvia. The operations of Latvian Radio and Latvian Television shall be supervised by the National Radio and Television Council within the competence given to it by this Law.

(2) Latvian Radio and Latvian Television may join various international organisations, which deal with matters regarding the electronic mass media. Latvian Radio and Latvian Television shall inform the National Radio and Television Council of their activities in these organisations and of the decisions taken.

(3) Latvian Radio and Latvian Television may produce special programmes for foreign states, if additional funds from the State budget resources are allocated to finance them.

(4) Latvian Radio and Latvian Television has the obligation to provide without delay an opportunity for the President, the Chairperson of the Saeima or the Prime Minister to give emergency announcements.

## **Section 61**

### ***Financing of Latvian Radio and Latvian Television***

(1) The income part of the budget of the Latvian Television and the budget of the Latvian Radio shall comprise:

- a. funds from the State budget;
- b. funds gained from independent entrepreneurial activities; and
- c. donations, gifts and sponsorship.

## **Section 62**

### ***Programmes of Latvian Radio and Latvian Television***

(1) The right to distribute programmes on the first and second distribution network of radio and television belongs to the public broadcasting organisations - Latvian Radio and Latvian Television. The National Radio and Television Council is entitled to grant broadcasting rights to other broadcasting organisations on the second distribution network at times not required for the execution of the national remit, on the following conditions:

- a. the duration of broadcasting time shall be adjusted each year depending on the scope of the national remit; and
- b. if Latvian Radio or Latvian Television requires additional broadcasting time on particular days, the National Radio and Television Council may shorten or postpone the broadcasting time of other broadcasting organisations, notifying the broadcasting organisation thereof at least three days prior.

(2) Latvian Radio and Latvian Television shall produce their programmes for the first distribution network as national programmes in the Official language.

(3) Latvian Radio and Latvian Television programmes on the second distribution network shall be primarily in the Official language. Of the annual broadcasting time, 20 per cent may be allocated to broadcasts in the languages of the State ethnic minorities, including in such broadcasting time also films and theatrical performances sub-titled in the Official language.

(4) It is permissible to fill up to 30 per cent of the broadcasting time of Latvian Radio and Latvian Television programmes with broadcasts produced by other broadcasting organisations or independent producers.

(5) The managers of the editorial broadcast departments concerning socio-political programmes and broadcast anchorpersons of such on Latvian Radio and Latvian Television shall be politically neutral.

## **Section 63**

### ***Archives of Latvian Radio and Latvian Television (Video Depository and Audio Library)***

(1) Audio-visual works and phonograms of cultural and historical value produced by or for Latvian Radio and Latvian Television shall be regarded as part of the national cultural heritage and a constituent part of the State archives. They shall be preserved and used in accordance with the law "On Archives". Existing audio-visual works and documents in the archives of broadcasting organisations may be used only with the consent of the broadcasting organisation concerned.

### ***Transitional Provisions***

1. During the year 1995, the National Radio and Television Council and public broadcasting organisations shall operate within the approved State budget.

2. A draft law on the necessary amendments to the Administrative Violations Code shall

be developed and submitted to the Cabinet by 1 March, 1996. The provisions of this Law, which provide for the National Radio and Television Council to have the right to prepare a report on administrative violations are not applicable until the Administrative Violations Code is amended.

3. Broadcasting organisations in whose equity capital foreign investment exceeds 20 per cent must alienate the excessive impermissible part of the capital share to Latvian natural or legal persons within one year from the date this Law comes into force. During this period, no new broadcasting organisations with foreign investment in their equity capital shall be allowed to be registered.

4. The National Radio and Television Council shall perform the re-registration of broadcasting organisations by 1 May 1996 according to the procedures it has itself developed. For re-registration, a broadcasting organisation shall submit copies of the registration certificate of the enterprise (company), of the articles of association and of the registration certificate of the mass medium, as well as the documents indicated in Section 11 of this Law and shall show its broadcasting permit.

5. Restrictions as provided in Section 18, Paragraphs one and two of this Law, shall be implemented in their entirety within one year from the date this Law comes into force.

6. The provisions of Section 19, Paragraph 4 of this Law shall be implemented in full extent gradually by 1 July 1996.

7. In particular regions of the State, the National Radio and Television Council may enforce the restrictions as provided in Section 19, Paragraph 5 of this Law within five years.

8. Within six months the Cabinet in co-operation with the National Radio and Television Council shall develop the State technical standards and specify procedures as to when they shall come into effect.

9. The provisions of Section 21, Paragraph 5 of this Law regarding restrictions on commercials of alcoholic beverages are applicable from 1 January 1996.

10. Re-transmission permits shall be renewed annually during the first two years following the date this Law comes into force, but thereafter permits shall be issued for up to five years.

11. Section 32, Paragraph 3 of this Law shall come into force with respect to radio within three years, but with respect to television - two years after the date this Law comes into force.

12. Nominations of candidates for the National Radio and Television Council shall be submitted to the Presidium of the Saeima within three days from the date this Law comes into force.

13. The replacement of the members of the National Radio and Television Council mentioned in Section 44 of this Law shall take place as follows: two years following the establishment of the Council four members of the Council shall be released by draw, but after the next two years - those members of the Council who have been on the Council for four years. The Chairperson of the National Radio and Television Council shall not participate in the draw.

14. The National Radio and Television Council shall hold its first meeting in the premises of the Latvian Radio and Television Council, on the fifth day after its election, in full membership, at 10 a.m. Until the election of the Chairperson of the National Radio and Television Council, the first meeting shall be chaired by the senior member of the Council (by age).

15. The Latvian Radio and Television Council shall terminate its operations as of the first



meeting of the National Radio and Television Council. The Chairperson of the Latvian Radio and Television Council shall transfer the documents of the Latvian Radio and Television Council to the newly elected Council within ten days.

16. The provisions of Section 58, Paragraph 4 of this Law are not applicable to enterprises (companies) already founded by the Latvian State Radio and Television Centre.

17. The State enterprise Latvian Radio, the State enterprise Latvian Television and the enterprise Latvian State Radio and Television Centre shall be re-organised as State companies by 31 December 1995.

18. The law "On Radio and Television" is repealed (Latvijas Republikas Augstakas Padomes un Valdibas Zinotajs, 1992, No. 22/23; 1993, No. 8/9; Latvijas Republikas Saeimas un Ministru Kabineta Zinotajs, 1994, No. 13) from the date, this Law comes into force.

With the coming into force of this Law, the 20 August 1999 Cabinet Regulations No. 280, "Amendments to the Radio and Television Law" (Latvijas Republikas Saeimas un Ministru Kabineta Zinotajs, 1999, No. 18) adopted according to the procedures in Article 81 of the Constitution, is repealed.

This Law shall come into force on the third day after its promulgation.

This Law was adopted by the Saeima on 24 August 1995.

President G.Ulmanis

Riga, 8 September 1995