Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

17 March 2011 [shall come into force on 13 April 2011];

10 October 2019 [shall come into force on 12 November 2019];

4 February 2021 [shall come into force on 2 March 2021];

10 March 2022 [shall come into force on 12 March 2022].

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

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Protected Service Law**

**Section 1. Terms Used in this Law**

(1) The following terms are used in this Law:

1) **protected service**– a service (broadcasting, information society service, etc.) which a provider thereof provides for a respective remuneration on the basis of conditional access;

2) **conditional access**– any technical measure (means) according to which access to the protected service is made possible on the basis of a prior consent or individual authorisation by the service provider;

3) **conditional access system**– equipment, software, or other solution which provides a service recipient with access to a protected service in an intelligible form;

4) **illicit system**– a conditional access system which is used without a consent or individual authorisation of a protected service provider.

(2) The terms used in this Law shall conform to the terms and explanations used in the Law on Information Society Services, the Advertising Law, and the Electronic Mass Media Law.

[*17 March 2011*]

**Section 2. Purpose of the Law**

(1) The purpose of this Law is to ensure the protection of a protected service provider from unauthorised use of a protected service for commercial and personal purposes.

(2) This Law shall not restrict the free movement of conditional access systems on the market.

[*4 February 2021*]

**Section 3. Restrictions in the Field of Protected Service**

In order to ensure the protection of a protected service provider, the following activities are prohibited:

1) the manufacture, import, distribution, rental, sale, or alienation of other kind of illicit systems for commercial and personal purposes;

2) the set-up, arrangement, installation, and use of illicit systems for commercial and personal purposes;

3) the use of such conditional access systems which ensure access for commercial and personal purposes to the service failing to conform to legal service features;

4) the storage of illicit systems for commercial and personal purposes;

5) advertising of illicit systems.

[*4 February 2021*]

**Section 4. Supervisory Authorities**

(1) The compliance with this Law, according to their competence, shall be supervised by the State Police, the Consumer Rights Protection Centre, and the National Electronic Mass Media Council, and also other authorities the competence of which includes ensuring of the protection of such persons which are providing a protected service (hereinafter – the supervisory authority).

(2) Supervision shall be carried out on the basis of a submission of a protected service provider or another person, and also upon the initiative of the supervisory authority.

[*17 March 2011*]

**Section 5. Competence of the Supervisory Authority**

In order to ensure protection of a protected service provider, the supervisory authority, according to its competence, has additionally the following rights and obligations:

1) to examine submissions on the activities referred to in Section 3 of this Law;

2) to request and, within the specified time period, receive the information which is necessary for the performance of the inspection, and also written or verbal explanations of the relevant persons;

3) when performing its functions and carrying out the inspections, to visit premises and buildings in the presence of the owner or authorised representative thereof and to access the systems which are used in order to provide a protected service or to ensure access to a protected service;

4) to request that permits, contracts, certificates, or other documents which confirm the right to use the conditional access systems for commercial purposes are presented;

5) [10 October 2019].

[*10 October 2019* / *Amendment regarding the deletion of Clause 5 shall come into force on 1 July 2020. See Transitional Provision*]

**Section 6. Appeal of the Decisions of the Supervisory Authority**

The administrative acts issued by the supervisory authority may be appealed to a court in accordance with the procedures laid down in the Administrative Procedure Law.

**Section 7. Administrative Offences in the Field of the Protection of Rights of a Protected Service Provider**

(1) For illicit manufacture, import, distribution, rental, sale, or alienation of other kind of conditional access systems for commercial purposes, and also for illicit set-up, arrangement, installation, or use of illicit systems for commercial purposes, a fine from fourteen to one hundred and forty units of fine shall be imposed on a natural person, but a fine from seventy to two hundred and eighty units of fine – on a legal person.

(2) For the set-up, arrangement, installation, or use of illicit systems for personal purposes, a warning or a fine of up to one hundred and forty units of fine shall be imposed.

[*10 October 2019; 4 February 2021; 10 March 2022*]

**Section 8. Competence in Administrative Offence Proceedings**

Administrative offence proceedings for the offences referred to in Section 7 of this Law shall be conducted by the State Police.

[*10 October 2019* / *Section shall come into force on 1 July 2020. See Transitional Provision*]

**Transitional Provision**

Amendment to Section 5 regarding the deletion of Clause 5, and also amendment regarding the supplementation of this Law with Sections 7 and 8 shall come into force concurrently with the Law on Administrative Liability.

[*10 October 2019*]

**Informative Reference to the European Union Directive**

The Law includes legal norms arising from Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access.

The Law shall come into force on 1 January 2006.

The Law has been adopted by the *Saeima* on 27 October 2005.

President V. Vīķe-Freiberga

Rīga, 11 November 2005