The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Law on Public Electronic Mass Media and Administration Thereof**

**Chapter I.**

**General Provisions**

**Section 1. Purpose of the Law**

The purpose of this Law is to ensure effective and open administration, independence, public accountability of public electronic mass media and to promote qualitative operation thereof. This Law prescribes the strategic objective, legal status, operation, the basic principles for the financing, administration and supervision of public electronic mass media.

**Section 2. General Strategic Objective of Public Electronic Mass Media**

The general strategic objective of public electronic mass media is to strengthen the democratic structure of Latvia, freedom of speech and a sense of belonging to Latvia among the inhabitants of Latvia, to tend to the Latvian language and national culture in accordance with the Constitution, this Law and other laws.

**Section 3. Basic Principles for the Operation of Public Electronic Mass Media**

(1) Public electronic mass media are free from political and economic interference, interference of particular interest groups and any other interference with the operation thereof.

(2) The State shall ensure the independence of public electronic mass media.

(3) Public electronic mass media shall develop their programmes and services in conformity with high requirements of ethics and quality by ensuring excellence of journalism and complying with the highest international standards for the occupation and quality.

(4) Public electronic mass media shall ensure the diversity of opinions and shall respect impartiality, adequate accuracy and neutrality in their activities.

(5) Public electronic mass media shall provide information on current national and global developments by offering thorough research and analysis thereof. Public electronic mass media shall ensure preconditions for the formation of a comprehensive public opinion by addressing the Latvian community both nationwide and abroad, and shall inform, educate and also entertain the public. Public electronic mass media shall study the Latvian community and encourage the participation of audience in socially political, social, cultural and sports events and activities. Public electronic mass media shall promote knowledge, creativity and growth.

(6) Public electronic mass media shall raise awareness of Latvia as a judicial and national state, strengthen the Latvian identity, use of the Latvian language, including the Latgalian written language and the Latvian sign language, promote social cohesion on the basis of the official language, promote the national culture, art and traditions, encourage the preservation and development thereof, support democratic patriotism, deepen the understanding of justice, national values, history and everyday life of the State of Latvia and its regions, Latvian and Livonian peoples and minorities of Latvia.

(7) Public electronic mass media shall produce broadcasts, fragments thereof and other services in minority languages in order to promote a sense of belonging to Latvia among all the inhabitants of Latvia, social integration in Latvia as a national state and a thorough understanding of public, social and cultural processes.

(8) Public electronic mass media shall strengthen universal respect for different social groups, promote mutual prejudice reduction, gender equality and equal treatment for all members of the society, in particular for persons with disabilities.

(9) Public electronic mass media shall ensure availability of the services they provide to persons with disabilities.

(10) Public electronic mass media shall take into consideration the diversity of the society of Latvia in terms of social, economic, regional, educational, cultural and religious aspects, and also in terms of other aspects, and shall respect human rights and fundamental freedoms.

(11) Public electronic mass media shall ensure adequate availability of the information and cultural space of the European Union Member States.

(12) Public electronic mass media shall promote media literacy – the ability of individuals to navigate in the changing information space, diversity of mass media, identify the associated risks, threats and opportunities.

(13) Public electronic mass media shall promote the European cultural heritage and take care of its preservation, including by ensuring the preservation of their archives for future generations.

(14) Public electronic mass media shall strengthen national security and promote international cooperation of Latvia which is focused on ensuring peace and defence.

(15) Public electronic mass media shall collaborate with commercial and non-commercial electronic mass media, and also other mass media and shall respect their significance in ensuring democratic pluralism in the information space of Latvia.

(16) Public electronic mass media shall handle the financial resources at their disposal in an expedient manner and shall ensure objective, effective and transparent use of these resources.

(17) Public electronic mass media shall collaborate with independent producers registered and working in Latvia who create high-quality content by ensuring the development of the diversity of opinions and independent creative and journalism environment.

**Chapter II.**

**Public Electronic Mass Media**

**Section 4. Public Electronic Mass Media and Legal Status Thereof**

(1) Public electronic mass media are capital companies where all capital shares are owned by the State. Public electronic mass media are established and operate in accordance with this Law, the Law on Governance of Capital Shares of a Public Person and Capital Companies, the Commercial Law and other laws and regulations, and also the statutes thereof which shall be approved by the Public Electronic Mass Media Council insofar as it is determined otherwise by this Law.

(2) Public electronic mass media are the limited liability company *Latvijas Televīzija* [Latvian Television] (hereinafter – the Latvian Television) and the limited liability company *Latvijas Radio* [Latvian Radio] (hereinafter – the Latvian Radio).

(3) Public electronic mass media are also other capital companies established by the Public Electronic Mass Media Council. The consent of the Cabinet shall be required in each individual case for the establishment, reorganisation and liquidation of such capital companies.

(4) The Public Electronic Mass Media Council shall be the holder of the State capital shares in the relevant capital companies and shall perform the functions of the meeting of shareholders thereof. The Public Electronic Mass Media Council shall not receive remuneration from public electronic mass media for holding State capital shares.

(5) The main task of public electronic mass media is to produce and distribute programmes and to provide audio and audiovisual services within the scope of the public service remit.

**Section 5. Board of the Public Electronic Mass Medium**

(1) A public electronic mass medium shall be managed by the board thereof. The board shall implement the administrative management of the public electronic mass medium.

(2) The board of a public electronic mass medium shall be comprised of not more than three members.

(3) A person may be elected as a member of the board of a public electronic mass medium who has:

1) knowledge of the official language and at least one other official language of the European Union for the professional performance of the tasks of a member of the board in the necessary degree;

2) an impeccable reputation;

3) higher education at least at the level of Master degree;

4) knowledge in the mass media sector, especially on the significance of public electronic mass media in a democratic society;

5) knowledge on the administration of capital companies;

6) experience of at least five years at managerial level in the field of mass media or experience of at least three years in the position of a member of the board or council of a medium-sized or large capital company, or experience of at least five years at high managerial position in a capital company, organisation or institution the occupation of which ensures the set of necessary skills and in which the experience gained in the field of mass media is regarded as an advantage;

7) other significant professional skills and competences in conformity with the particular position of the member of the board.

(4) Section 31, Paragraphs five, six and seven of the Law on Governance of Capital Shares of a Public Person and Capital Companies shall not be applied to the process of selection of a member of the board of a public electronic mass medium.

(5) The Public Electronic Mass Media Council shall establish a nomination commission the task of which is to define the procedures and criteria for the selection and assessment of the candidates for members of the board of a public electronic mass medium on the basis of the description of the requirements for the competences and professional experience necessary for a member of the board. Representatives of the Public Electronic Mass Media Council and independent experts with the right to vote shall be included in the nomination commission by ensuring representation of the field of journalism, media, personnel management (recruitment), corporate management and business management, and, where necessary, observers in an advisory capacity. Majority of the members with the right to vote of the nomination commission shall be comprised of independent experts. The nomination commission may nominate several candidates for each vacant position of a member of the board of the public electronic mass medium. The Public Electronic Mass Media Council shall nominate not more than one candidate from among the candidates nominated by the nomination commission for each vacant position of a member of the board of the public electronic mass medium. The Public Electronic Mass Media Council shall publish the given name and surname of the nominated candidate on the website thereof one week prior to his or her election to the position of a member of the board of the public electronic mass medium. The Public Electronic Mass Media Council has the right to reject the candidatures nominated by the nomination commission by supporting its opinion with arguments. In such case the competition shall be organised repeatedly. Members of the Public Electronic Mass Media Council have the right to become familiar with the documents submitted by the candidates to be assessed, upon signing a confirmation on non-disclosure of information to third persons.

(6) A member of the board of a public electronic mass medium may not:

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

2) be a person who is or, within the last 24 months until the last day of the time period for the submission of applications laid down within the scope of the public application procedure for candidates, has been an official of a political party or alliance of political parties who performs managerial functions of the political party or alliance of political parties, including taking of decisions on its behalf or performance of representational activities (for example, a member of the board, manager, president, chairperson, secretary general);

3) be an owner of capital shares (stocks) of any electronic mass medium or other mass medium;

4) convicted of an intentional crime unless he or she has been exonerated or whose criminal record has been extinguished or set aside;

5) be a person who on the basis of a ruling taken within the scope of criminal proceedings has been removed the right to conduct a specific or any commercial activity or any other professional activity;

6) be a person who is an insolvent debtor.

(7) Restrictions and prohibitions provided for public officials in the law On Prevention of Conflict of Interest in Activities of Public Officials shall apply to a member of the board of a public electronic mass medium.

(8) A member of the board of a public electronic mass medium is not entitled to use his or her authority in order to directly or indirectly influence editorial decisions of the public electronic mass medium.

(9) The Public Electronic Mass Media Council may withdraw a member of the board of a public electronic mass medium before the time period laid down in the Law on Governance of Capital Shares of a Public Person and Capital Companies only if:

1) the circumstances provided for in this Law and other laws and regulations prohibiting the relevant person from being a member of the board have been established;

2) the member of the board has committed harm to the interests of a public electronic mass medium or also fails to comply with or unduly complies with his or her duties;

3) the member of the board has not participated in the work of the board without justification for a month or cannot fulfil his or her duties due to illness or other reasons for more than three months in succession;

4) the member of the board of a public electronic mass medium exceeds his or her authority and therefore directly or indirectly influences editorial decisions of the public electronic mass medium.

(10) The Public Electronic Mass Media Council shall withdraw a member of the board of a public electronic mass medium if at least two thirds of all members of the Council vote for it. The Public Electronic Mass Media Council shall publish the grounds for withdrawal of the member of the board.

(11) The mandate of a member of the board of a public electronic mass medium shall not be extended. He or she may be re-elected, however not more than two times in succession in compliance with the procedures laid down in Paragraph five of this Section.

(12) The Law on Governance of Capital Shares of a Public Person and Capital Companies prescribes the amount of remuneration for a member of the board of a public electronic mass medium.

(13) A member of the board of a public electronic mass medium must receive the personnel security clearance for access to the official secret.

**Section 6. Editor-in-chief of the Public Electronic Mass Medium**

(1) The editor-in-chief of the public electronic mass medium shall be a person who is responsible for the formation and implementation of the editorial policy of the public electronic mass medium in compliance with the objective laid down in Section 1 of this Law and the basic principles for the operation of public electronic mass media laid down in Section 3 of this Law. The editor-in-chief of the public electronic mass medium shall be independent from the board of the public electronic mass medium in taking editorial decisions.

(2) When taking editorial decisions, the editor-in-chief of the public electronic mass medium shall consult the editorial council. The composition of the editorial council shall be approved by the editor-in-chief of the public electronic mass medium.

(3) The editor-in-chief of a public electronic mass medium shall be responsible for editorial decisions of the public electronic mass medium.

(4) The editor-in-chief of a public electronic mass medium shall, upon consulting with the public electronic mass media ombudsman, develop and approve the editorial guidelines of the public electronic mass medium. The guidelines shall be published on the website of the relevant public electronic mass medium and on the website of the Public Electronic Mass Media Council.

(5) A person of an impeccable reputation, with higher education and at least five years professional experience in the field of the mass media may be elected as the editor-in-chief of a public electronic mass medium.

(6) A person who is or, within the last 24 months until the day of election to the position, has been a member of the decision-making body or the executive body of a political party or alliance of political parties and also a person who is a member of a political party may not become the editor-in-chief of a public electronic mass medium. If on the day of approval in the position of the editor-in-chief of a public electronic mass medium the person is a member of a political party, he or she shall immediately terminate his or her membership in the political party or alliance of political parties after approval in the position.

(7) The same restrictions laid down in Section 5, Paragraph six of this Law for a member of the board of a public electronic mass medium shall apply to the editor-in-chief of a public electronic mass medium.

(8) The editor-in-chief of a public electronic mass medium shall be elected for five years by the Public Electronic Mass Media Council. The candidate for the position of the editor-in-chief of a public electronic mass medium shall be nominated by the board of the relevant public electronic mass medium.

(9) The editor-in-chief of a public electronic mass medium may be revoked from the position before expiry of the term of office by the board of the public mass medium if at least two thirds of all members of the Public Electronic Mass Media Council vote for it. The Public Electronic Mass Media Council shall publish the justification for the revocation of the editor-in-chief of the public electronic mass medium.

**Section 7. Economic Activity of the Public Electronic Mass Medium and Ensuring Thereof**

(1) The sources of financial provision of a public electronic mass medium shall be:

1) subsidy from the State budget for the implementation of a public service remit that may not be less than that of the previous year if the annual State budget is not less than the State budget of the previous year;

2) income from economic activity, including profit;

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

4) income from received earmarked grants and participation in the tenders organised by third parties, including international organisations and foundations;

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

(2) It is prohibited to place any kind of commercial notifications in the programmes and services, and also the online environment of public electronic mass media, except for:

1) sponsorship credits (with the possibility to indicate the name, logotype, trade mark of the sponsor or a reference to the goods or services of the sponsor at the beginning and also in the middle or at the end of the sponsored broadcast) in relation to transmission of international events of the European Broadcasting Union and events of major importance for the society of Latvia approved by the Cabinet;

2) sponsorship credits (with the possibility to indicate the name, logotype, trade mark of the sponsor or a reference to the goods or services of the sponsor at the beginning and also in the middle or at the end of the sponsored broadcast) with the permission of the Public Electronic Mass Media Council in relation to cultural, sports, educational and social projects co-financed by public or private persons, including the recordings of broadcasts made within the scope of such projects;

3) notifications on the sources of financing for broadcasts (with the possibility to indicate the name, logotype, trade mark of the sponsor or a reference to the goods or services of the sponsor at the beginning and also in the middle or at the end of the sponsored broadcast) in conformity with the guidelines of the Public Electronic Mass Media Council;

4) notifications on the sources of financing for films and screen adaptations (with the possibility to indicate the names, logotypes, trade marks or references to the services of the co-funders (sponsors) at the beginning and also in the middle or at the end of the film or screen adaptation) in conformity with the guidelines of the Public Electronic Mass Media Council;

5) advertising clips in cases where the requirement for the broadcasting of an advertising clip is an integral part of the licence contract without which it is impossible to acquire the right for the transmission of events referred to in Clause 1 of this Paragraph;

6) informative notifications on cultural events with the permission of the Public Electronic Mass Media Council. Informative notifications may not include information on ticket prices, purchase locations, types and commercial information of similar content;

7) notifications on the results of lotteries organised by the State stock company *Latvijas Loto* and lottery prize accruals;

8) self-promotion of the relevant public electronic mass medium and self-promotion of the other public electronic mass medium.

(3) The prohibition laid down in Paragraph two of this Section in relation to the placement of commercial notifications in the programmes, services and online environment of public electronic mass media shall not apply to broadcasts which include sponsorship credits or notifications of product placement if such broadcasts have been obtained on the basis of a licence contract from third parties registered in other countries and the placement of such commercial notifications has occurred regardless of the will of the public electronic mass medium and the public electronic mass medium has not received any financial remuneration and the placement of commercial notifications is not targeted at circumventing the prohibition of the placement of commercial notifications down in Paragraph two of this Section.

(4) Public electronic mass media shall, to the extent possible, ensure free broadcasting time for messages explaining the fundamental values of the Constitution, announcements (advertisements) of public importance and charity appeals which comply with the guidelines of the Public Electronic Mass Media Council.

(5) In accordance with the Pre-election Campaign Law public electronic mass media shall ensure free broadcasting time for the pre-election campaign and also announcements (advertisements) on meetings with voters.

(6) The public electronic mass medium shall not be subject to privatisation neither in its entirety, nor in parts, and its capital shares are not to be alienated, and the property thereof shall not be pledged, except for the case referred to in Paragraph seven of this Section.

(7) The public electronic mass medium has the right, with the permission of the Public Electronic Mass Media Council, to participate in the establishment of commercial companies, purchase capital shares (stocks) of other commercial companies or to alienate them and also to pledge capital shares (stocks) of commercial companies owned by them, unless such actions directly or indirectly deteriorate or threaten the quality of the services of the public electronic mass medium. In such case, the provisions of Section 5, Paragraph two of the Law on Governance of Capital Shares of a Public Person and Capital Companies shall not be applied.

(8) In the case referred to in Paragraph seven of this Section, the public electronic mass medium shall conclude transactions with the relevant commercial companies in conformity with the market conditions which are usually applied to mutually unrelated commercial companies.

(9) In accordance with the procedures laid down in laws and regulations the public electronic mass medium has the right to purchase immovable property necessary for the operation thereof. The consent of the National Electronic Mass Media Council is required in order for the public electronic mass medium to purchase the immovable property by using the funds from the State budget or to alienate such immovable property.

(10) The public electronic mass medium shall use the income from economic activity and also the profit for the fulfilment of the public service remit. The profit of the public electronic mass medium shall not be disbursed in dividends.

(11) If the public electronic mass medium provides services outside the public service remit, it shall ensure the separation of such services and the related financial accounting on an ongoing basis.

(12) The public electronic mass medium shall offer commercial services at market price.

(13) The Public Electronic Mass Media Council shall include the provisions for the issuance of sub-licences in relation to unused exclusive premium rights of public electronic mass media in the contract referred to in Section 10, Paragraph one, Clause 5 of this Law.

**Section 8. Programmes and Services of the Public Electronic Mass Medium and Distribution Thereof**

(1) Upon developing programmes and services, the public electronic mass medium shall comply with the basic principles for the operation of public electronic mass media.

(2) Not less than 10 per cent of broadcasting time in the programmes of the Latvian Television shall be intended for the original content – broadcasts and films – developed by independent producers of Latvia. Within the meaning of this Law, the original content shall be a première and the first rerun within a year.

(3) The Latvian Radio and the Latvian Television shall produce their programme as a national programme in the official language, including the Latgalian written language, except for the case referred to in Paragraph four of this Section. The broadcasting time of the national programme may also be devoted to broadcasts or stories in Livonian.

(4) If the Latvian Radio and the Latvian Television produce several programmes, one programme or a part of the broadcasting time of one programme may be reserved for broadcasts in foreign languages, including also cinematographic films or theatre performances subtitled in the official language in this broadcasting time.

(5) The public electronic mass medium shall, to the extent possible, ensure the availability of its broadcasts, fragments thereof and other services to persons with disabilities. The public electronic mass medium shall ensure the adjustment of particular audiovisual broadcasts to persons with impaired hearing by subtitling such broadcasts or translating thereof in the Latvian sign language.

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

(7) The availability of the programmes and services of public electronic mass media to the diaspora shall be promoted.

(8) The public electronic mass media have the right to transmit programmes by any technical means. Public electronic mass media shall distribute their programmes in the internet environment, insofar as it is not restricted by copyright, related rights or other legal impediments.

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

(10) Public electronic mass media are entitled to provide new additional services. If the public electronic mass medium wishes to provide a substantially new service, it requires a permission from the Public Electronic Mass Media Council for the provision of such service. The decision to grant such permission shall be taken by the Public Electronic Mass Media Council after a public consultation during which the overall impact of the new service on the media market shall be assessed.

**Chapter III.**

**The Public Service Remit**

**Section 9. Content of the Public Service Remit**

(1) The public service remit is a wide and diverse totality of informative, analytical, educational, entertaining, participatory and cultural content and services which correspond the democratic, social and cultural needs and interests of the society.

(2) The public service remit covers all activities of the public electronic mass medium in creation, management, distribution, ensuring of availability, archiving of content, and also ensuring of technologies and maintenance of infrastructure.

(3) The general objective of the public electronic mass medium and the medium-term operational strategy thereof which has been developed in conformity with the Law on Governance of Capital Shares of a Public Person and Capital Companies and this Law, and also the annual plan for the public service remit which has been developed and approved in accordance with this Law shall be implemented through the public service remit.

(4) The medium-term operational strategy of the public electronic mass medium and the annual plan for the public service remit shall be developed in accordance with the basic principles for the operation of public electronic mass media laid down in Section 3 of this Law.

(5) For ensuring editorial independence, particular broadcasts and programme plans of the public electronic mass medium cannot as such be regarded as a separate object of the public service remit.

**Section 10. Procedures for the Development and Supervision of the Public Service Remit**

(1) The development of the public service remit shall be managed by the Public Electronic Mass Media Council which shall:

1) determine the achievement of the non-financial objectives of public electronic mass media and performance indicators characterising the effectiveness of the operations thereof;

2) forecast external and internal factors which might influence public electronic mass media and offer general development strategies of public electronic mass media appropriate for these factors;

3) formulate the functions and responsibility of public electronic mass media in the joint operation environment of mass media and information space of the State;

4) develop a quality management system and determine the objective and performance indicators thereof;

5) enter into authorisation agreements for the implementation of the medium-term operational strategy and the public service remit plan in compliance with the rights of the European Union in the field of control of aid for commercial activity and the provisions laid down in Section 9 of this Law.

(2) The fact that profit making is not the objective of public electronic mass media shall be taken into account in the development of the medium-term operational strategy and the annual plan for the public service remit of the public electronic mass medium.

(3) The opinion of as much different social groups as possible shall be heard in the development of the public service remit.

(4) The Public Electronic Mass Media Council shall determine the procedures for the supervision and accounting of the public service remit prior to entering into the agreement referred to in Paragraph one, Clause 5 of this Section.

(5) The board of a public electronic mass medium shall, each year by 30 April, submit a report on the implementation of the annual plan for the public service remit in the previous year for approval to the Public Electronic Mass Media Council. The Public Electronic Mass Media Council shall assess the report submitted by the board of the electronic mass medium and shall publish it together with the report of the board and its assessment on the website thereof. The Public Electronic Mass Media Council shall also publish on its website the tasks set forth to the boards of public electronic mass media.

(6) The implementation of the annual plan for the public service remit shall be assessed by the public electronic mass media ombudsman within its competence. The report of the public electronic mass media ombudsman shall be attached to the report on the implementation of the annual plan for the public service remit.

(7) The board of a public electronic mass medium shall submit to the Public Electronic Mass Media Council the report on the intermediate results of the implementation of the annual plan for the public service remit, including the changes which have taken place in the course of the implementation thereof.

(8) In order to prevent overcompensation of the public service remit, the Public Electronic Mass Media Council shall, not less than every three years and at the end of each financing period, carry out a detailed evaluation of the implementation of the medium-term operational strategy and the financial standing and, where necessary, examine the authorisation to ensure the public service remit and shall reassess the procedures referred to in Paragraph four of this Section.

**Section 11. Development, Content and Procedures for the Implementation of the Annual Plan for the Public Service Remit**

(1) The Public Electronic Mass Media Council shall, each year by 31 December, approve the annual plan for the public service remit for the next period. The development of the annual plan for the public service remit shall be managed by the Public Electronic Mass Media Council. The boards of public electronic mass media shall submit proposals for the annual plan for the public service remit.

(2) The annual plan for the public service remit shall cover the general programme of the public electronic mass medium and description of the content of services, and also the tasks assigned to the public electronic mass medium by the Public Electronic Mass Media Council which shall be carried out in certain extent and quality.

(3) Short-term objectives, tasks, performance indicators and budget of the public electronic mass medium shall be laid down in the annual plan for the public service remit. The objective laid down in Section 1 of this Law, the basic principles for the operation of public electronic mass media laid down in Section 3 of this Law and the approved medium-term operational strategy shall be complied with in the development of the annual plan for the public service remit.

(4) The following shall be included in the annual plan for the public service remit:

1) summary of the tasks of the public electronic mass medium and changes in the operation thereof in the current year on the basis of the development goals laid down in the medium-term operational strategy;

2) information on the main types of the distribution of programmes and services of the public electronic mass medium;

3) audience trust forecasts and plans for achieving the relevant indicators;

4) characterisation of the specific (social, cultural and historical, ethnic, vulnerable and other) groups comprised in the audience to be reached and characterisation of their behaviour pattern, the related risk assessment,and also offer for the strategic development of relationships;

5) task for attraction of new audiences;

6) tasks for reflecting events of national and international importance;

7) financial calculation for the implementation of the annual plan for the public service remit;

8) planned tasks and financing necessary for the period of the next three years.

(5) In addition to the information referred to in Paragraph four of this Section, the Public Electronic Mass Media Council may also determine other information to be indicated in the annual plan for the public service remit, insofar as editorial independence of the public electronic mass medium is not influenced.

**Chapter IV.**

**Public Electronic Mass Media Council**

**Section 12. Legal Status of the Public Electronic Mass Media Council**

(1) The Public Electronic Mass Media Council is an independent, lawful, autonomous authority which in conformity with its competence represents the public interests in the field of public electronic mass media.

(2) The Public Electronic Mass Media Council is a derived public person.

(3) The Public Electronic Mass Media Council shall operate in accordance with the Constitution, this Law and other laws and regulations.

**Section 13. Composition of the Public Electronic Mass Media Council, Election or Appointment of the Members Thereof and Requirements Applicable Thereto**

(1) The Public Electronic Mass Media Council shall consist of three members approved by the *Saeima* and one member whereof is nominated for approval by:

1) the President;

2) the Council for Implementation of the Cooperation Memorandum between Non-governmental Organisations and the Cabinet;

3) the *Saeima* in accordance with the procedures laid down in the Rules of Procedure of the *Saeima*.

(2) A person may be nominated for the position of a member of the Public Electronic Mass Media Council and he or she may hold the relevant position if he or she meets he following requirements:

1) he or she is a citizen of Latvia;

2) he or she has a higher education degree;

3) he or she has knowledge of the official language and of at least one other European Union official language;

4) he or she has at least five years professional or academic experience in the field of the administration of mass media, education, culture, science, human rights or capital companies;

5) he or she has an impeccable reputation;

6) in conformity with the requirements of the law he or she is entitled to obtain the personnel security clearance for access to the official secret;

7) he or she is not a member of the decision-making body or the executive body of a political party or alliance of political parties;

8) he or she is not a member of a political party. If on the day of approval in the position of a member of the Public Electronic Mass Media Council the person is a member of a political party, he or she shall immediately terminate its membership in the political party or alliance of political parties after approval in the position;

9) he or she is not an owner of capital shares (stocks) of any electronic mass medium or other mass medium;

10) has not been convicted of an intentional crime, except for if he or she has been exonerated or whose criminal record has been extinguished or set aside;

11) he or she is not a person who on the basis of a ruling taken within the scope of administrative offence proceedings or criminal proceedings has been removed the right to conduct a specific or any commercial activity or any other professional activity;

12) he or she is not a person who is an insolvent debtor.

(3) Furthermore, the following requirements shall be set for to each candidate for the position of a member of the Public Electronic Mass Media Council:

1) a candidate nominated by the President – at least five years professional or academic experience in the field of the administration of mass media, education, culture, science or human rights;

2) a candidate nominated by the Council for Implementation of the Cooperation Memorandum between Non-governmental Organisations and the Cabinet – at least five years professional or academic experience in the field of the administration of mass media, education, culture, science or human rights;

3) a candidate nominated by the *Saeima* – at least five years professional experience in the field of the administration of capital companies.

(4) Not later than two months before the expiry of the term of office of a member of the Public Electronic Mass Media Council, the subject referred to in Paragraph one of this Section who had nominated this member shall nominate the next candidate for the position of a member of the Public Electronic Mass Media Council. In compliance with the provisions of Paragraph five of this Section, the same person who previously held the relevant office may also be nominated as the candidate for the position of a member of the Public Electronic Mass Media Council.

(5) A member of the Public Electronic Mass Media Council may be approved to the office repeatedly, but for not more than two consecutive terms.

(6) The Public Electronic Mass Media Council shall elect the chairperson from amongst its members for the term of one year. The work in the Public Electronic Mass Media Council shall be the primary employment for all the members of the Council.

(7) The restrictions and prohibitions provided for public officials in the law On Prevention of Conflict of Interest in Activities of Public Officials shall apply to a member of the Public Electronic Mass Media Council.

(8) The Law on Remuneration of Officials and Employees of State and Local Government Authorities determines the amount of remuneration for the members of the board of the Public Electronic Mass Media Council.

**Section 14. Mandate of a Member of the Public Electronic Mass Media Council and Termination Thereof**

(1) In accordance with Section 13 of this Law the members of the National Electronic Mass Media Council shall be elected to office for the term of four years.

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

1) in connection with removal from office (Paragraph three of this Section);

2) due to the expiry of the term of office;

3) if he or she has been convicted of committing an intentional criminal offence and the judgement has come into legal effect;

4) due to his or her death.

(3) The *Saeima* shall release a member of the Public Electronic Mass Media Council from office if:

1) he or she resigns of his or her own free will. In such case he or she shall notify the Public Electronic Mass Media Council thereof in writing and it shall inform the *Saeima* thereof not later than within 14 days after the day of receipt of the submission;

2) the circumstances provided for in this Law or other laws and regulations prohibiting the relevant person from being a member of the Public Electronic Mass Media Council have been established;

3) he or she, without justification for a month, has not participated in the work of the Public Electronic Mass Media Council, has not attended more than half of its meetings or cannot fulfil his or her duties due to illness or other reasons for more than six months in succession;

4) he or she exceeds his or her authority and therefore directly or indirectly influences editorial decisions of the public electronic mass medium or jeopardises editorial independence of the public electronic mass medium.

(4) The *Saeima* shall decide on release of a member of the Public Electronic Mass Media Council from office also upon receipt of a submission from the public electronic mass media ombudsman or the Commission of Human Rights and Public Affairs of the *Saeima* with the justification why editorial independence of the public electronic mass medium is jeopardised by action or inaction by the relevant member of the Council.

**Section 15. Ensuring the Operation of the Public Electronic Mass Media Council**

(1) The work of the Public Electronic Mass Media Council shall be organised by the chairperson thereof. In order to ensure the work of the Public Electronic Mass Media Council and the fulfilment of the tasks thereof, its chairperson shall:

1) represent the Council without a special authorisation at the institutions of public persons and also in relations with private persons;

2) may take part in the sittings of the Cabinet and act in the capacity of an advisor in matters related to public electronic mass media;

3) handle the financial resources of the Council;

4) hire and dismiss employees of the secretariat of the Council;

5) enter into agreements necessary for the provision of the work of the Council.

(2) In the absence of the chairperson of the Public Electronic Mass Media the duties of the chairperson shall be performed by the deputy selected thereby.

(3) The obligations and rights of the members of the Public Electronic Mass Media Council shall be governed by the regulations regarding the internal procedures of the activity approved by the Council.

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

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

(6) The financing necessary for fulfilling the functions of the Public Electronic Mass Media Council, including provision of the public service remit, shall be granted from the State budget.

**Section 16. Taking the Decisions of the Public Electronic Mass Media Council**

(1) The Council of the Public Electronic Mass Media shall have a quorum if its meeting is attended by at least two members of the Council.

(2) Each member of the Public Electronic Mass Media shall have one vote.

(3) Decisions shall be made by a majority vote.

**Section 17. Functions and Competence of the Public Electronic Mass Media Council**

(1) The Public Electronic Mass Media Council shall:

1) perform the functions of the holder of capital shares and the highest decision-making body in public electronic mass media;

2) guarantee editorial independence of public electronic mass media, including without interfering with the production of the programme content;

3) upon consulting with the public electronic mass media, develop and approve the public service remit for them, including the medium-term operational strategy and the annual plan for the public service remit of the public electronic mass medium;

4) upon consulting with the public electronic mass media, prepare proposals for the draft annual State budget law in relation to the financial resources necessary for the implementation of the public service remit of the public electronic mass media, and also after the approval of the annual State budget law and amendments thereto decide on the allocation of the granted resources in accordance with the approved public service remit of the public electronic mass media;

5) approve the statutes of public electronic mass media;

6) approve the codes of ethics of public electronic mass media and publish them on its website;

7) elect to and release from office the members of the boards, editors-in-chief of public electronic mass media and the public electronic mass media ombudsman;

8) monitor the activity of public electronic mass media by controlling its conformity with the basic principles for the operation of public electronic mass media laid down in this Law, conformity of the programmes and services of public electronic mass media with the public service remit and conformity of the use of financial resources with the approved budget;

9) evaluate the results of the operation of public electronic mass media;

10) take decisions to increase or reduce the equity capital of public electronic mass media;

11) publish the reports of public electronic mass media on the implementation of the public service remit and financial activities on its website and submit them to the Human Rights and Public Affairs Commission of the *Saeima*;

12) inform the public of the work of public electronic mass media, and also involve the public in the development and assessment of the public service remit;

13) in the performance of its functions, collaborate with other authorities and private persons;

14) perform other functions and tasks laid down by laws and regulations.

(2) Upon performing the tasks laid down in this Law, the Public Electronic Mass Media Council shall protect the public interests, shall not request and receive any instructions from any other authority. It does not prohibit to implement the monitoring of the Public Electronic Mass Media Council that is laid down in laws and regulations.

**Chapter V.**

**Public Electronic Mass Media Ombudsman**

**Section 18. Public Electronic Mass Media Ombudsman**

(1) The public electronic mass media ombudsman shall monitor the conformity of the services provided by public electronic mass media with the objective laid down in Section 1 of this Law and the basic principles for the operation of public electronic mass media laid down in Section 3 of this Law, the code of ethics and editorial guidelines of public electronic mass media and, upon its own initiative or on the basis of the submissions of persons, provide an opinion on the conformity of the programmes and services of public electronic mass media with the abovementioned documents, and also perform other functions laid down in this Law.

(2) Any person may address the public electronic mass media ombudsman with a submission by requesting to assess the programme of public electronic mass media and the compliance of previously provided services with the documents referred to in Paragraph one of this Section. The decision of the public electronic mass media ombudsman shall not be binding on the submitter of the submission and may not be contested or appealed.

(3) Public electronic mass media shall take into account the conclusions included in the opinion of the public electronic mass media ombudsman. In special cases, the public electronic mass medium may disregard these conclusions by providing a reasoned refusal in writing.

(4) The opinions of the public electronic mass media ombudsman shall be published on the website of the Public Electronic Mass Media Council and on the website of the relevant public electronic mass medium without disclosing the identity of the submitter of the submission.

(5) The public electronic mass media ombudsman is entitled to address the *Saeima* by submitting a justified submission, proposing the revocation of a member of the Public Electronic Mass Media Council or the entire Council if the ombudsman has established that action or inaction of the relevant member of the Council jeopardise editorial independence of the public medium.

**Section 19. Functions of the Public Electronic Mass Media Ombudsman**

The public electronic mass media ombudsman shall also perform the following functions:

1) upon its own initiative or on the basis of the submissions of persons, provide opinions related to the conformity of the programmes and previously provided services of public electronic mass media with the codes of ethics and editorial guidelines of public electronic mass media;

2) undertake the role of a conciliator in the disputes between the Public Electronic Mass Media Council and the public electronic mass medium in relation to the conformity of the programmes and services of the public electronic mass medium with the code of ethics and editorial guidelines thereof;

3) promote media literacy of the public and maintain a personal link with the public;

4) upon request of public electronic mass media, provide consultations in matters related to the codes of ethics and editorial guidelines;

5) not less than once a year, publish a report on its work on the website of the Public Electronic Mass Media Council and websites of public electronic mass media.

**Section 20. Election of the Public Electronic Mass Media Ombudsman and Guarantees of Independence Thereof**

(1) The public electronic mass media ombudsman shall be elected by the Public Electronic Mass Media Council for a period of five years by prior coordination of candidacies with the ethics body of public electronic mass media.

(2) A person of an impeccable reputation, with higher education and at least five years professional experience in the field of the mass media or at least five years academic experience in the relevant field may be elected as the public electronic mass media ombudsman.

(3) The public electronic mass media ombudsman shall be selected in an open competition. The by-laws of the competition shall be approved by the Public Electronic Mass Media Council.

(4) The same restrictions laid down in Section 5, Paragraph six of this Law for a member of the board of a public electronic mass medium shall apply to the public electronic mass media ombudsman.

(5) The Public Electronic Mass Media Council may revoke the public electronic mass media ombudsman from the position before expiry of the term of office referred to in Paragraph one of this Section only if at least two thirds of the members of the Council vote for it and consent of the ethics councils of public electronic mass media is received.

(6) The work of the public electronic mass media ombudsman shall be the primary employment thereof.

(7) In the performance of its functions, the public electronic mass media ombudsman is independent from the Public Electronic Mass Media Council and public electronic mass media.

(8) The work of the public electronic mass media ombudsman shall be ensured by the Public Electronic Mass Media Council from the budgets of public electronic mass media in the amount and in accordance with the procedures laid down in the Law on Remuneration of Officials and Employees of State and Local Government Authorities.

**Chapter VI.**

**Other Provisions**

**Section 21. Obligation of Public Electronic Mass Media to Ensure Provision of Information to the Public in Special Cases**

(1) In conformity with the laws and regulations regarding emergency situations and the state of exception, the public electronic mass media have the obligation to allow the responsible authorities to provide information and make public announcements in the case of emergency situations and the state of exception.

(2) The public electronic mass media have the obligation to allow the President, the Chairperson of the *Saeima* or the Prime Minister to make an emergency announcement without delay.

**Section 22. Archives of Public Electronic Mass Media (Video and Audio Libraries)**

(1) Audio and audiovisual works and phonograms with archival value produced by public electronic mass media or produced for their programmes and services shall be a part of the national cultural heritage, including national documentary heritage that must be supervised, preserved and used in conformity with the provisions laid down in the relevant laws and regulations.

(2) At least two copies shall be made for works of special cultural and historical significance which are intended only for storage, and use or publishing of these copies in any form is not permitted.

(3) The public electronic mass media are entitled to use the materials of their archives in any possible form for the transmission purposes, and also in any other form in conformity with the Copyright Law. Public electronic mass media have the right to use the documents of the national documentary heritage for the production of their programmes and services within the scope of the public service remit by covering the necessary technical copying costs. Access may be refused only to the restricted access information in accordance with that laid down in the relevant laws and regulations.

**Section 23. Support of Public Electronic Mass Media to the Latvian Film Sector**

(1) The Latvian Television shall ensure the availability of the Latvian national audiovisual heritage to the public by purchasing national films, demonstrating them within the scope of their programmes and taking other measures to support the Latvian film sector in accordance with the laws and regulations governing this sector.

(2) The Latvian Television shall cooperate with the State direct administration institution *Nacionālais kino centrs* [National Film Centre] in matters of the Latvian national audiovisual heritage.

(3) The State direct administration institution the National Film Centre and the Latvian Television shall enter into an agreement on the procedures by which the Latvian Television fulfils its obligation to be involved in the co-production and purchasing of the national films within the scope of the budget granted to it. The time period of such agreement shall be three years and it shall be renewed on every occasion not later than four months before the start date of the next time period.

**Section 24. Public Electronic Mass Media as Successors to the Rights and Obligations of the Former Public Broadcasting Organisations**

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

**Transitional Provisions**

1. After the day of coming into force of this Law until the day when the Public Electronic Mass Media Council has been established in full composition in conformity with the requirements of this Law, the provisions of the Electronic Mass Media Law in force until the day when this Law comes into force shall be applied to matters related to public electronic mass media, their administration and the public service remit.

2. Paragraph 1 of these Transitional Provisions shall not be applied to commercial electronic communications of public electronic mass media and the provisions of Section 7 of this Law shall be applied thereto. Until the day when the Public Electronic Mass Media Council has been established in full composition, the permissions referred to in Section 7, Paragraph two, Clauses 2 and 6 shall be provided and the guidelines referred to in Paragraph two, Clauses 3 and 4 and Paragraph four of this Law shall be issued by the National Electronic Mass Media Council.

3. If the mandate of a member of the board of the public electronic mass medium expires after the day of coming into force of this Law but before the day when the Public Electronic Mass Media Council has been established in full composition, the National Electronic Mass Media Council may extend the mandate of the current member of the board until the day when the Public Electronic Mass Media Council elects a member of the board to the vacant position in conformity with Section 5 of this Law.

4. If the mandate of a member of the board of the public electronic mass medium expires after the day when the Public Electronic Mass Media Council has been established in full composition but the Public Electronic Mass Media Council has not yet elected a member of the board to the vacant position in conformity with Section 5 of this Law, it may extend the mandate of the current member of the board of the public electronic mass medium, however not longer than for three months from the day when the Public Electronic Mass Media Council has been established in full composition.

5. After complete establishment of the Public Electronic Mass Media Council, the National Electronic Mass Media Council shall immediately transfer to it the records related to public electronic mass media, their administration and the public service remit.

6. Within six months after the Public Electronic Mass Media Council has been established in full composition in conformity with the requirements of this Law, it shall submit to the Human Rights and Public Affairs Commission of the *Saeima* its conception on the establishment and operation of a joint public electronic mass medium.

7. The restrictions laid down in Section 7 of this Law in relation to the placement of commercial communications in the programmes and services of public electronic mass media, including the internet environment, shall not applicable to broadcasts distributed until 31 December 2020.

8. Within six months after the Public Electronic Mass Media Council has been established in full composition in conformity with the requirements of this Law, it shall submit to the Human Rights and Public Affairs Commission of the *Saeima* its conception on the financing model of public electronic mass media that will ensure independent, appropriate and predictable financing of public mass media and will reach the amount equivalent to the average European financing level within five years.

The Law shall come into force on 1 January 2021.

The Law has been adopted by the *Saeima* on 19 November 2020.

President E. Levits

Rīga, 1 December 2020