



NACIONĀLĀ ELEKTRONISKO
PLĀSSAZIŅAS LĪDZEKĻU PADOME

Rīga, 9 February 2021

Decision No. 69/1-2

On changes in the list of audio and audio-visual programmes retransmitted in Latvia

The National Electronic Mass Media Council (hereinafter also the Council) acting as an independent, fully authorized, autonomous institution, which in accordance with its competence specified in the Electronic Mass Media Law represents public interests in the field of electronic mass media, as well as monitors compliance with the Constitution of the Republic of Latvia, this law and other regulatory enactments,

finds:

[1] Pursuant to Section 60, Paragraph One, Clause 13 of the Electronic Mass Media Law (hereinafter - EMMML), the Council has the obligation to promote the policy of the electronic mass media appropriate to the national interests of Latvia, this also applies to the programmes included in the list of audio and audio-visual programmes retransmitted in Latvia. Thus, the Council is obliged to check with special care the right of the programme representative to distribute the programme in the territory of Latvia.

[2] The inclusion of programmes in the list of audio and audio-visual programmes retransmitted in Latvia is specified in the National Strategy for the Development of the Electronic Mass Media Sector (hereinafter - the Strategy). The Strategy is an external regulatory enactment developed and approved by the National Electronic Mass Media Council in accordance with the procedures specified in Section 60, Paragraph Three of the Electronic Mass Media Law (hereinafter - EMMML).

[3] In accordance with Paragraph 10 of Annex No. 5 to the Strategy "Procedure for Issuance and Implementation of Retransmission Permits" (hereinafter - the Procedure), the Council establishes and maintains an electronic registration system for electronic media that retransmit audio and audio-visual programmes (hereinafter - Registration System). In turn, Paragraph 12 of Annex No. 5 to the Strategy stipulates that the Registration System consists of two parts: the register of electronic mass media that retransmit audio and audio-visual programmes, and the list of audio and audio-visual programmes retransmitted in Latvia.

[4] For electronic mass media, when entering information in the Registration System, in accordance with Clause 12.1.8 of the Procedure, a representative or owner of each retransmitted programme with whom a contract on the right to retransmit the programme has been concluded shall be indicated. In accordance with Paragraph 20 of the Procedure, the electronic mass media shall make changes in the Registration System within seven days. (For

example, if there is another representative for the programme from the first day of the month, the electronic mass media must make the changes in the Registration System within seven days - by the seventh day of the specific month at the latest.)

[5] For the electronic mass medium to make technical changes in the Registration System, the Council must verify the rights of the representative of the programme to distribute the programme in the territory of Latvia and must ensure that the information about the new representative is entered into the Registration System. The entry of such information is possible if documents on the change of the right of representation or their properly drawn derivatives confirming the change of the right of representation have been submitted to the Council.

[6] Paragraph 4.1 of Annex No. 5 to the Strategy stipulates that retransmission of programmes shall be performed in compliance with the Copyright Law and other applicable regulatory enactments, thus if the electronic mass medium has not agreed on the right to distribute a specific programme in the territory of Latvia and has not changed the representative in the Registration System, the electronic mass medium shall not have the right to retransmit the programme and the retransmission of the programme is prohibited.

[7] The programme distribution representative in Latvia SIA "TEM LV", registration No. 40103356039, has informed the Council that as of 1 February 2021 it no longer has the distribution rights in the territory of Latvia for the following television programs:

- 7.1. "REN TV Baltic";
- 7.2. "NTV Mir Baltic";
- 7.3. "Karusel International";
- 7.4. "NTV Serial" ("НТВ Сериал");
- 7.5. "NTV Stilj" ("НТВ Стиль");
- 7.6. "NTV Pravo" ("НТВ Право");
- 7.7. "Kinomiks" ("Киномикс");
- 7.8. "Nashe novoye kino" ("Наше новое кино");
- 7.9. "RODNOYE KINO" ("РОДНОЕ КИНО");
- 7.10. "INDIYSKOYE KINO" ("ИНДИЙСКОЕ КИНО");
- 7.11. "KINOKOMEDIYA" ("КИНОКОМЕДИЯ");
- 7.12. "KINOSERIYA" ("КИНОСЕРИЯ");
- 7.13. "KVN TV" ("КВН ТВ");
- 7.14. "Kukhnya TV" ("Кухня ТВ");
- 7.15. "BOKS TV" ("БОКС ТВ");
- 7.16. "HD Life".

[8] Both SIA "TEM LV" and electronic mass media have informed the Council about the termination of rights of representation of SIA "TEM LV". In addition, the Council has approached the potential new representative of programme distribution with a request to submit to the Council supporting documents regarding the distribution rights of the above-mentioned programmes in the territory of Latvia, however, by 9:15 on February 9, 2021 no documents to support such rights have been received by the Council. Thus, the Council does not have the possibility to make appropriate changes in the Registration System and to ensure

distribution of programmes in accordance with the regulatory enactments to the electronic mass media - programme distribution service providers.

[9] Section 19 Paragraph One of the EMML provides: "*For retransmission and distribution of programmes on public electronic communications networks, it is necessary to receive the consent of the owner (holder) of the programme to be retransmitted and a retransmission permit from the National Electronic Mass Media Council.*" Pursuant to Paragraph 6.3 of Annex 5 to the Strategy, when submitting an application to the Council for inclusion of a programme in the list of audio and audio-visual programme retransmitted in Latvia, the programme owner's representative or electronic mass media must also submit documents or extracts confirming the rights of the programme owner's representative or electronic mass media to distribute the programme in the Republic of Latvia, namely - true copy of the license agreement or the authorization for the distribution issued by the owner of the programme, thus, in the case of the change of the representative of the owner of the programme, in order to ensure the distribution of programmes without infringing on the will and permissions granted by the owner of the programme, the same provisions shall be applicable.

[10] The Council does not have information on the distribution representative or representatives of the aforementioned programmes in the territory of Latvia, who would be able to agree on the distribution of the programme in the territory of Latvia on behalf of the programme owners, likewise, the Council has not received any information from the programme owners regarding their desire to continue the distribution of these programmes in the territory of Latvia. In addition, the Council has verified that the list of audio and audio-visual programmes to be retransmitted in Latvia has not been updated with regard to the representatives of these programmes. Thus, in the opinion of the Council, changes should be made in the list of audio and audio-visual programmes retransmitted in Latvia, excluding from the list of audio and audio-visual programmes retransmitted in Latvia the programmes whose legal distribution representative in the territory of Latvia cannot be identified.

Pursuant to the above and in accordance with Section 57 Paragraph One and Section 60 Paragraph One Clause 13 of the Electronic Mass Media Law, pursuant to Section 12, Section 57, Section 62 Paragraph Two Clause 1, Section 63 Paragraph One Clause 1 of the Administrative Procedure Law, the Council

decided:

1. To exclude the following programmes from the list of audio and audio-visual programmes retransmitted in Latvia:
 - 1.1. "REN TV Baltic";
 - 1.2. "NTV Mir Baltic";
 - 1.3. "Karusel International";
 - 1.4. "NTV Serial" ("НТВ Сериал");
 - 1.5. "NTV Stilj" ("НТВ Стиль");
 - 1.6. "NTV Pravo" ("НТВ Право");

- 1.7. "Kinomiks" ("Киномикс");
 - 1.8. "Nashe novoje kino" ("Наше новое кино");
 - 1.9. "RODNOYE KINO" ("РОДНОЕ КИНО");
 - 1.10. "INDIYSKOYE KINO" ("ИНДИЙСКОЕ КИНО");
 - 1.11. "KINOKOMEDIJA" ("КИНОКОМЕДИЯ");
 - 1.12. "KINOSERIJA" ("КИНОСЕРИЯ");
 - 1.13. "KVN TV" ("КВН ТВ");
 - 1.14. "Kukhnya TV" ("Кухня ТВ");
 - 1.15. "BOKS TV" ("БОКС ТВ");
 - 1.16. "HD Life".
2. To determine that the re-inclusion of the programmes referred to in Paragraph 1 of this decision in the list of audio and audio-visual programmes retransmitted in Latvia shall be performed in accordance with the procedure provided for in Annex No. 5 "Procedure for Issuance and Implementation of Retransmission Permits".
 3. To notify the electronic mass media - providers of programme distribution service about the decision made (<https://www.neplpadome.lv/lv/sakums/kabelu-operatori/registrats.html>).
 4. To publish this decision on the official website of the Council www.neplpadome.lv.
 5. The member of the Council responsible for monitoring the implementation of the decision is the Chairman of the Council Ivars Āboliņš.

The decision shall enter into force on 10 February 2021. The decision may be appealed within one month from the day of its entry into force in the Administrative District Court at Baldones iela 1, Riga. Pursuant to Section 185 Paragraph Four Clause 10 of the Administrative Procedure Law, an appeal against this decision shall not suspend its operation.

Chairman of the Council

Ivars Āboliņš

*THE DOCUMENT IS SIGNED WITH A SECURE ELECTRONIC SIGNATURE AND
CONTAINS A TIME STAMP*