Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)

Annex II – Country Tables – Latvia
Table of contents

I. GENERAL INFORMATION .................................................................3
   Table 1 - Market data .................................................................3
   Table 2 - Audiovisual laws and regulatory bodies .........................3
   Table 3 - Regulatory bodies – general information .......................4
   Table 4 - Sectors covered .............................................................5
   Table 5 - Staff and overall budget .................................................5

II. INSTITUTIONAL FRAMEWORK .....................................................5
   Table 6 - Legislation establishing and governing the regulatory body ..5
   Table 7 - Legal status .................................................................6
   Table 8 - Independence as a value ...............................................6

III. POWERS OF THE REGULATORY BODIES ..................................6
   Table 9 - Regulatory powers .......................................................6
   Table 10 - Supervision and monitoring power ..................................7
   Table 11 - Powers of sanctions ....................................................7
   Table 12 - De facto use of formally granted competences and monitoring powers 8
   Table 13 - De facto use of formally granted sanction powers ..............8
   Table 14 - Complaints handling ...................................................9

IV. INTERNAL ORGANISATION AND STAFFING ...............................9
   Table 15 - Highest decision-making organ – composition ..................9
   Table 16 - Highest decision-making organ – competences and decision-making process and transparency ........................................10
   Table 17 - Highest decision-making organ – appointment process .......11
   Table 18 - Term of office and renewal ..........................................12
   Table 19 - Professional expertise/qualifications ..............................13
   Table 20 - Rules to guard against conflicts of interest – Appointment process ..13
   Table 21 - Rules to guard against conflicts of interest – during term of office ..13
   Table 22 - Rules to guard against conflicts of interest – after term of office ....14
   Table 23 - Rules to protect against dismissal ..................................15
   Table 24 - Dismissal before term ..................................................16

V. FINANCIAL RESOURCES ...............................................................16
   Table 25 - Sources of income .......................................................16
   Table 26 - Annual budget ............................................................17
   Table 27 - Financial accountability – auditing ..................................17

VI. CHECKS AND BALANCES ............................................................17
   Table 28 - Formal accountability ...................................................17
   Table 29 - Reporting obligation ....................................................19
   Table 30 - Auditing of work undertaken .........................................19
   Table 31 - Power to overturn/instruct ..........................................20
   Table 32 - Number of stages in appeal procedure ............................21
   Table 33 - Does the regulator’s decision stand pending appeal? ...........21
   Table 34 - Accepted grounds for appeal ........................................22
   Table 35 - Does the appeal body have power to replace the original decision with its own? ..............................................................22

VII. PROCEDURAL LEGITIMACY .........................................................22
   Table 36 - External advice regarding regulatory matters ..................22
   Table 37 - Public consultations .....................................................23
   Table 38 - Public consultations – figures ........................................23
   Table 39 - Publication of regulator’s decisions ...................................23

VIII. COOPERATION ..............................................................................24
   Table 40 - Cooperation with other regulatory authorities ..................24
   Table 41 - International cooperation .............................................24
I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

<table>
<thead>
<tr>
<th>Country</th>
<th>Number of linear commercial services</th>
<th>Number of non-linear commercial services</th>
<th>Number of public service channels (PSBs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>30 Operated by 3 national television broadcasters (LNT, TV3 and Pro100TV), 8 satellite channels, 2 terrestrial channels, regional and local television channels.</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

<table>
<thead>
<tr>
<th>Country</th>
<th>Areas</th>
<th>Main laws</th>
<th>Regulatory body in charge of commercial television</th>
<th>Regulatory body in charge of non-linear commercial media services</th>
<th>Regulatory body in charge of PSB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>Accessibility to people with a disability (Art. 7 AVMS Directive)</td>
<td>Not yet transposed</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Latvia</td>
<td>Access to short news</td>
<td>Not implemented</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Country</td>
<td>Areas</td>
<td>Main laws</td>
<td>Regulatory body in charge of commercial television</td>
<td>Regulatory body in charge of non-linear commercial media services</td>
<td>Regulatory body in charge of PSB</td>
</tr>
<tr>
<td>---------</td>
<td>-------</td>
<td>-----------</td>
<td>---------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)</td>
<td>Not yet implemented</td>
<td>National Broadcasting Council</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

<table>
<thead>
<tr>
<th>Country</th>
<th>Name of regulatory body</th>
<th>Link to website</th>
<th>Date of establishment</th>
<th>Location</th>
</tr>
</thead>
</table>
Table 4 - Sectors covered
This table provides an overview of the areas that are covered by the regulatory authority.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Audiovisual content (radio/TV, on demand media services)</th>
<th>Transmission aspects of audiovisual content (e.g. spectrum)</th>
<th>Distribution aspects of audiovisual content (e.g. must carry, EPG, API)</th>
<th>Spectrum</th>
<th>Electronic communications (networks and services in general)</th>
<th>Others (e.g. energy, post)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Table 5 - Staff and overall budget
This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Total number of staff foreseen in statutes/law</th>
<th>Current staff count</th>
<th>Annual budget (€m) foreseen in statutes/law</th>
<th>Current annual budget</th>
<th>Reference year +source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Not stipulated</td>
<td>16</td>
<td>Not stipulated</td>
<td>€332,000</td>
<td>2010 National Broadcasting Council</td>
</tr>
</tbody>
</table>

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body
This table shows the legislation setting up and governing the regulatory authority.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Legislation setting-up the regulatory body</th>
<th>Governing legislation</th>
</tr>
</thead>
</table>
Table 7 - Legal status
This table provides information on the legal status taken by the regulatory authority.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>What form does it take?</th>
<th>It is a separate legal entity?</th>
<th>Specific organisational characteristics</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Independent legal entity</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 8 - Independence as a value
This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Is independence implicitly or explicitly recognised as a value in the legal framework?</th>
<th>Source (highest formal legal level)</th>
</tr>
</thead>
</table>

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers
This table is aimed at understanding the types of decisions that can be taken by the regulatory body.
We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators
Table 10 - Supervision and monitoring power
This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Areas</th>
<th>Systematic monitoring</th>
<th>Ad-hoc monitoring</th>
<th>Information collection powers</th>
<th>Monitoring only after complaints</th>
<th>Others</th>
<th>Source (legislation, or practice)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Quotas</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Radio and television law</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Advertising</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Radio and television law</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Protection of minors</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td>Radio and television law</td>
</tr>
</tbody>
</table>

Table 11 - Powers of sanctions
This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Areas</th>
<th>Warnings/formal objections</th>
<th>Fine (lump sum) If so, list maximum and minimum amounts</th>
<th>Publication of decisions in the media</th>
<th>Suspension/Revocation of licence</th>
<th>Penalty payments (in case of non compliance with decision)</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National</td>
<td>Quotas</td>
<td>✓</td>
<td>✓ 1.41 – €3,533</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Body</td>
<td>Areas</td>
<td>Warnings/formal objections</td>
<td>Fine (lump sum) If so, list maximum and minimum amounts</td>
<td>Publication of decisions in the media</td>
<td>Suspension/Revocation of licence</td>
<td>Penalty payments (in case of non compliance with decision)</td>
<td>Others</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------------</td>
<td>------------------------------</td>
<td>-----------------------------</td>
<td>------------------------------------------------------</td>
<td>-------------------------------------</td>
<td>----------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Broadcasting</td>
<td>discretionarily</td>
<td>discretionarily 1.41 – €14,132 discretionary</td>
<td>discretionarily</td>
<td>discretionarily</td>
<td>discretionarily 1.41 – €14,132 discretionary</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ad-hoc</td>
<td>discretionarily</td>
<td>discretionarily 1.41 – €3,533 discretionary</td>
<td>discretionarily</td>
<td>discretionarily</td>
<td>discretionarily 1.41 – €3,533 discretionary</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Protection of minors</td>
<td>discretionarily</td>
<td>discretionarily</td>
<td>discretionarily</td>
<td>discretionarily</td>
<td>discretionarily</td>
<td></td>
</tr>
</tbody>
</table>

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Policy setting</th>
<th>General policy implementing powers</th>
<th>Specific rule making</th>
<th>Systematic monitoring</th>
<th>Ad-hoc monitoring</th>
<th>Information collection powers</th>
<th>Monitoring after complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

In 2009 the Council’s monitoring centre (2 people) analysed 1929 hours of TV and 579 hours of radio broadcasts and produced 144 reports.

The Council is free to monitor as it sees fit. This does not require any special powers.

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.
### Table 14 - Complaints handling
This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Do complaints handling procedures exist?</th>
<th>Link to website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Yes, but they are not specific. On receipt of complaint a recording of the relevant broadcast is requested from the provider and analysed for violations. A decision is then taken by the Council.</td>
<td></td>
</tr>
</tbody>
</table>

### IV. INTERNAL ORGANISATION AND STAFFING

#### Table 15 - Highest decision-making organ – composition
This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components.

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Individual or Board</th>
<th>Legal requirements regarding composition of highest decision-making organ</th>
<th>Implicit representation structures?</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Board</td>
<td>Number of Board members: 6 Were 9 up to</td>
<td>Representatives of civil society: No</td>
<td>Experts: No</td>
</tr>
<tr>
<td>Country</td>
<td>Body</td>
<td>Individual or Board</td>
<td>Legal requirements regarding composition of highest decision-making organ</td>
<td>Implicit representation structures?</td>
<td>Source</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
<td>---------------------</td>
<td>------------------------------------------------</td>
<td>--------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>October 2009. Law amended to 5 because of crisis but 1 member allowed to remain until end of term.</td>
<td></td>
<td><a href="http://www.ttc.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc">www.ttc.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc</a></td>
</tr>
</tbody>
</table>

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Competences</th>
<th>Decision-making process</th>
<th>Is the decision making process transparent?</th>
<th>Minutes and agendas published?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>• Trustee of the PSBs (budgetary control, appoints DGs &amp; approves board appointments, determines the public service remit) • Allocation of broadcasting licences • Content monitoring • Examination of</td>
<td>Decisions taken by majority vote (chair has casting vote). Quorum – more than half the members present (i.e. 4) (Art. 49 Radio &amp; TV law) but a decision to dismiss a DG of a PSB requires 2/3 majority (Art. 59.6) which would be 4. This is a leftover from when the Council had 9 members. <a href="http://www.ttc.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc">www.ttc.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc</a></td>
<td>Decision making not envisaged as open but many decisions are taken in the presence of interested parties (e.g. decisions on licence allocations taken in presence of tender participants, decisions on sanctions often taken in presence of violators). All Council decisions are</td>
<td>Minutes not published Agendas published <a href="http://www.nrtp.lv/lv/padome/aktualitates/sezu-darba-kartiba/">www.nrtp.lv/lv/padome/aktualitates/sezu-darba-kartiba/</a> Press release after every Council meeting <a href="http://www.nrtp.lv/lv/padome/medijiem/preses-relices/">www.nrtp.lv/lv/padome/medijiem/preses-relices/</a></td>
</tr>
</tbody>
</table>
The Council determines its internal organisation and procedures as well as the recruitment/dismissal of staff.

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

### Table 17 - Highest decision-making organ – appointment process

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Nomination stage</th>
<th>Nomination stage Specify who is involved in that stage and who has the decisive say</th>
<th>Appointment stage Specify who is involved in that stage and who has the decisive say</th>
<th>If there are two stages, can the appointer ignore the nominations?</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Chairman</td>
<td>No</td>
<td>n/a</td>
<td>Board members elect their own chair and vice-chair by secret ballot</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Board members</td>
<td>Yes</td>
<td>Candidates must be nominated by at least 5</td>
<td>Parliament</td>
<td>No</td>
<td>Radio and TV law</td>
</tr>
<tr>
<td>Country</td>
<td>Body</td>
<td>Nomination stage Yes – No</td>
<td>Nomination stage Specify who is involved in that stage and who has the decisive say</td>
<td>Appointment stage Specify who is involved in that stage and who has the decisive say</td>
<td>If there are two stages, can the appointer ignore the nominations?</td>
<td>Source</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
<td>--------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Latvia</td>
<td></td>
<td></td>
<td>MEPs. The parliamentary commission on human rights and public affairs interviews nominees and expresses its opinion to parliament.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Term of office</th>
<th>Is the term staggered not to coincide with election cycle?</th>
<th>Renewal possible? If so, state how many times</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>Chairman of the board</td>
<td>4</td>
<td>Yes</td>
<td>1</td>
<td>Radio &amp; TV law</td>
</tr>
<tr>
<td></td>
<td>Board members</td>
<td>4</td>
<td>Yes</td>
<td>1</td>
<td>Radio &amp; TV law</td>
</tr>
</tbody>
</table>
Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Qualifications</th>
<th>Professional expertise</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>None</td>
<td>None</td>
<td>Radio and Television law does not mention any such requirements</td>
</tr>
<tr>
<td></td>
<td>Chairman of the board</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Board members</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Do such rules exist?</th>
<th>Rules to prevent conflicts of interest with government</th>
<th>Rules to prevent conflicts of interest with political parties</th>
<th>Rules to prevent conflicts of interest with industry</th>
<th>Can other offices be held at the same time?</th>
<th>Others (e.g. obligation to disclose participations in companies)</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chairman</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Board members</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Senior staff</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.
### Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Do such rules exist?</th>
<th>Is a cooling-off period foreseen?</th>
<th>Source</th>
</tr>
</thead>
</table>
| Latvia  | Chairman | Yes                  | Yes, for 2 years                | Art. 10(7) Law On Prevention of Conflict of Interest in Activities of Public Officials  
www.ttc.lv/export/sites/default/docs/LRTA/Likumi/  
Radio_and_TV_law.doc |

For Latvia, the National Broadcasting Council:

- **Chairman**: Yes to rules to prevent conflicts of interest with government and yes to rules to prevent conflicts of interest with political parties. The cooling-off period is specified as Art. 43 Radio & TV law  
www.ttc.lv/export/sites/default/docs/LRTA/Likumi/  
Radio_and_TV_law.doc.

- **Board members**: Yes to rules to prevent conflicts of interest with government and yes to rules to prevent conflicts of interest with political parties. The cooling-off period is specified as Art. 43 Radio & TV law  
www.ttc.lv/export/sites/default/docs/LRTA/Likumi/  
Radio_and_TV_law.doc.

- **Senior staff**: Yes to rules to prevent conflicts of interest with government and no to rules to prevent conflicts of interest with political parties. The cooling-off period is specified as Art. 47 of Radio & TV law  
www.ttc.lv/export/sites/default/docs/LRTA/Likumi/  
Radio_and_TV_law.doc.
<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Do such rules exist?</th>
<th>Is a cooling-off period foreseen?</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>No</td>
<td>On_Prevention_of_Conflict_of_Interest_in_Activities_of_Public_Officials.doc</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Senior Staff</td>
<td>No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Do such rules exist?</th>
<th>Who can dismiss? Specify who is involved in that stage and who has the decisive say</th>
<th>Grounds for dismissal listed in legal instrument?</th>
<th>Can the whole body be dismissed or only individual members?</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>Parliament</td>
<td>Yes, incompatibility, criminal offence, unjustified non-attendance of meetings.</td>
<td>Only individual members</td>
<td>Art.44(4) Radio &amp; TV law</td>
</tr>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td></td>
<td>Individual board members</td>
<td>Yes, incompatibility, criminal offence, unjustified non-attendance of meetings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chairman</td>
<td>No</td>
<td>Parliament</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Individual board members</td>
<td>Yes</td>
<td>Parliament</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 24 - Dismissal before term
This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Year</th>
<th>Dismissal before term</th>
<th>Reasons</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>2005-2009</td>
<td>Chairman</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Individual board members</td>
<td></td>
<td></td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

### V. FINANCIAL RESOURCES

### Table 25 - Sources of income
This table shows the sources of income of the regulatory authority.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>End-user broadcasting licence fees (max level)</th>
<th>State budget</th>
<th>Spectrum fees</th>
<th>Authorisation/licence fees paid by broadcasters</th>
<th>Fines</th>
<th>Other fees, e.g., ‘market surveillance fee’ based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>No</td>
<td>State funding 96.2%</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>3.8% from tender applications to cover admin. Costs. The Council sets the fees to cover costs of publication and other expenses.</td>
<td>Latvijas Vestnesis (official gazette) <a href="http://www.lv.lv">www.lv.lv</a> State Audit Office <a href="http://www.lrvk.gov.lv">www.lrvk.gov.lv</a></td>
</tr>
</tbody>
</table>
Table 26 - Annual budget
This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Who decides the annual budget?</th>
<th>Is the regulator involved in the process?</th>
<th>Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry)?</th>
<th>De facto influence of third parties on budget amounts</th>
<th>Source</th>
</tr>
</thead>
</table>

Table 27 - Financial accountability – auditing
This table shows if the regulatory authority is subject to periodic financial auditing.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Is the regulatory body subject to periodic external auditing?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes/no</td>
</tr>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Yes</td>
</tr>
</tbody>
</table>

VI. CHECKS AND BALANCES

Table 28 - Formal accountability
This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).
<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Body accountable to</th>
<th>Accountability means</th>
<th>Legal basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Parliament No</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Government as a whole No</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Specific ministers (e.g. Media, finance, etc.) No</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Public at large No</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Other Yes</td>
<td></td>
<td>Annual report submitted to State Audit Office and later published on website <a href="http://www.irvk.gov.lv">www.irvk.gov.lv</a> and in official gazette (Latvijas Vestn...</td>
<td>Radio and TV law</td>
</tr>
</tbody>
</table>
Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Report submitted to</th>
<th>Periodicity</th>
<th>Scope</th>
<th>Does statistical data need to be provided about own performance?</th>
<th>Approval necessary?</th>
<th>Has a report been disapproved?</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>State Audit Office</td>
<td>Annual</td>
<td>Financial – i.e. use of state subsidy and overall performance but not linked to specific indicators.</td>
<td>Yes Monitoring performance, licences issued, sanctions applied, international cooperation</td>
<td>Yes</td>
<td>No</td>
<td><a href="http://www.lrvk.gov.lv">www.lrvk.gov.lv</a></td>
</tr>
</tbody>
</table>

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Is body subject to periodic external auditing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes/no</td>
</tr>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Yes (as in Table 27)</td>
</tr>
</tbody>
</table>
Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Does anybody have the power to overturn decisions of the regulator?</th>
<th>Does anybody have the power to give instructions to the regulatory body?</th>
<th>Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?</th>
<th>Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude)</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td>N/A</td>
<td>Radio &amp; TV law</td>
</tr>
</tbody>
</table>


### Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Stage</th>
<th>Number of stages in appeal procedure and appeal body at each stage</th>
<th>Do internal procedures need to be followed before external recourse?</th>
<th>Who has the right to lodge an appeal?</th>
<th>Legal basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>External</td>
<td>1 Court of First Instance</td>
<td>No</td>
<td>Those directly affected by a Council decision</td>
<td>Radio &amp; TV law</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2 Appeal Court</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3 Court of Cassation</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table 33 - Does the regulator’s decision stand pending appeal?

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Does regulator decision stand pending appeal body decision?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>√</td>
</tr>
</tbody>
</table>

N/A
Table 34 - Accepted grounds for appeal

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Errors of fact</th>
<th>Errors of law (including failure to follow the due process)</th>
<th>Full re-examination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>√</td>
<td>√</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

Table 35 - Does the appeal body have power to replace the original decision with its own?

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Appeal stage</th>
<th>Yes</th>
<th>No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>1 Court of First Instance</td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Appeal Court</td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Court of Cassation</td>
<td></td>
<td>√</td>
<td></td>
</tr>
</tbody>
</table>

Appeal bodies have the power to cancel the decision and remit it back to regulator for new decision but it could also reduce a fine. In the case of licence applications they could not instruct the Council to award a licence to another applicant or to appoint a different Director General of a PSB.

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Is a budget foreseen for outside advice?</th>
<th>If so, what is the budget/year?</th>
<th>Must the body respect public tender procedures?</th>
<th>Other requirements</th>
<th>Does the regulatory body de facto take external advice on a regular basis?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>No</td>
<td>-</td>
<td>Yes</td>
<td>-</td>
<td>Yes, if the situation calls for particular expertise and if funds are available.</td>
</tr>
</tbody>
</table>
### Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Which decisions require prior public consultation?</th>
<th>Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)</th>
<th>Consultation period</th>
<th>Consultation responses published</th>
<th>Legal basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Defining service remit of PSBs</td>
<td>Listeners &amp; viewers</td>
<td>Not specified</td>
<td>Full responses (if authorised by contributor)</td>
<td>Radio and TV law</td>
</tr>
</tbody>
</table>

### Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Year</th>
<th>Number of public consultations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>2009</td>
<td>1</td>
</tr>
</tbody>
</table>

### Table 39 - Publication of regulator’s decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Which decisions required by law to be published?</th>
<th>Obligation to motivate decisions? Legal basis?</th>
<th>Obligation to include/publish impact assessment? Legal basis?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Licence awards, revocation of licence</td>
<td>Yes, Law on Administrative Violations Procedure</td>
<td>No</td>
</tr>
</tbody>
</table>

Ex ante | Ex post |
---|---|
No | No |
VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Describe the mechanism of cooperation with other bodies</th>
<th>Source and form of cooperation</th>
<th>Can body receive instructions from other bodies? If so, state which and explain</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Consultation</td>
<td>Ad-hoc</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

Most commonly to agree on Latvia’s position with regard to proposed EU instruments and Council of Europe recommendations.

Table 41 - International cooperation

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Does it cooperate with other national regulatory bodies in EU and international fora?</th>
<th>Source and form of cooperation (legal basis)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>National Broadcasting Council</td>
<td>Yes</td>
<td>EPRA – Radio and TV law AVMS Contact Committee (TWF and now AVMS Directive Council of Europe CDMC and TT-T (Convention)</td>
<td>Tripartite cooperation agreement with Estonian and Lithuanian regulators</td>
</tr>
</tbody>
</table>