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

27 September 2018 [shall come into force on 16 October 2018];

16 June 2022 [shall come into force on 23 June 2022].

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

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Law on the Status of Creative Persons and Professional Creative Organisations**

**Section 1. Purpose of the Law**

The purpose of this Law is to promote the development and strengthening of professional artistic and scientific creations by determining the status of creative persons and professional creative organisations and the support measures.

**Section 2. Scope of Application of the Law**

(1) This Law shall apply to professional artistic creations in the fields of architecture, design, theatre, music, visual art, dance, literature, and cinematography (hereinafter – the creative fields) and scientific creations in the relevant creative fields.

(2) This Law shall not apply to creations as an expression of artisanship, craftsmanship and to scientific creations not related to the creative fields.

**Section 3. Concept and Objectives of the Activities of a Professional Creative Organisation**

(1) A professional creative organisation is an association which is registered in the Register of Professional Creative Organisations and conforms to the following conditions:

1) no fewer than 50 natural persons have united therein on a voluntary basis according to the principle of professional artistic creation, and professional criteria have been determined for the admission of such persons;

2) the objective of its activities is to promote the development of specific creative fields and the spiritual and material culture of Latvia, as well as to promote the satisfaction of the culture needs of the society and the dissemination of the creative activities and artwork of the persons working in the relevant creative field.

(2) A professional creative organisation shall perform the following tasks:

1) implement culture projects in the relevant creative field;

2) protect the professional and social rights of creative persons;

3) maintain a register of its members, accumulate and store information regarding the works created thereby, exhibitions, and creative activities;

4) ensure the retention of the information accumulated as a result of its activities, conforming to the requirements of personal data protection;

5) submit the updated list of members to the Ministry of Culture once a year until 10 January.

(3) A professional creative organisation shall unite the creative persons working in a specific creative field. Several professional creative organisations may operate in one creative field.

(4) The economic activity, public activities, and organisational structure of professional creative organisations shall be determined by the Associations and Foundations Law, insofar as it is not governed by this Law.

[*16 June 2022*]

**Section 4. Articles of Association of a Professional Creative Organisation**

In addition to that provided for the Associations and Foundations Law, the following shall be indicated in the articles of association of a professional creative organisation:

1) the creative field represented by the professional creative organisation;

2) the objectives of the professional creative organisation;

3) the requirements set out for the intake of members.

**Section 5. Determination of the Status of a Professional Creative Organisation and Its Registration in the Register of Professional Creative Organisations**

(1) The Ministry of Culture shall take a decision to determine the status of a professional creative organisation for an association and its registration in the Register of Professional Creative Organisations. The Ministry of Culture shall organise and maintain the Register of Professional Creative Organisations (hereinafter – the Register).

(2) In order to acquire the status of a professional creative organisation and be registered in the Register, an association shall submit a written application to the Ministry of Culture and append thereto:

1) the list of members;

2) the business plan for the following three calendar years (a short description of the initiated and planned projects, events, and other activities).

(3) The following information shall be entered in the Register:

1) the name of the association;

2) the legal address and registration number of the association;

3) the objective of the activities of the association and the creative field represented thereby;

4) the date when the decision to register in the Register of Associations and Foundations was taken;

5) information regarding termination of activities, insolvency, liquidation, or reorganisation of the association;

6) the date when the decision to register in the Register and the date of making of the entry was taken.

(4) The Ministry of Culture shall take a decision to determine the status of a professional creative organisation and to make an entry in the Register, or to refuse to make an entry in the Register within one month from the day of receipt of the application and shall inform the applicant thereof. Within the same time period, an official of the Register authority shall take a decision to make an entry in the Register on the basis of a court ruling.

(5) The Register shall be made public on the website of the Ministry of Culture.

**Section 6. Refusal of Registration**

(1) The Ministry of Culture shall take a decision to refuse to register an association in the Register if:

1) the documents specified in this Law have not been submitted;

2) the objective of the professional creative organisation or the activity of the association specified in the articles of association does not conform to the requirements of Section 3, Paragraph one or two of this Law;

3) the documents submitted by the association or the number of members do not conform to the requirements of this Law.

(2) A decision to refuse to register a member in the Register may be appealed in a court in accordance with the procedures laid down in the Administrative Procedure Law.

(3) The appeal of a decision to refuse to register a member in the Register shall not suspend its operation.

**Section 7. Annulment of the Status of a Professional Creative Organisation and Exclusion from the Register**

(1) The Ministry of Culture shall take a decision to annul the status of a professional creative organisation and to exclude a member from the Register, if the association:

1) does not conform to the requirements of this Law;

2) has provided false information to the Ministry of Culture for the acquisition of the status of a professional creative organisation;

3) has violated the provisions of this Law in its activities, even if the nature of its main activity is not related to the objectives of the activities indicated in the articles of association;

4) terminates its activities, is liquidated, is in insolvency proceedings, or is excluded from the Register of Associations and Foundations;

5) submits an application to the Ministry of Culture with a request to annul its status of a professional creative organisation and exclude it from the Register;

6) has committed other significant violations, including in the field of accountancy or taxes.

(2) A decision to exclude from the Register may be appealed in a court in accordance with the procedures laid down in the Administrative Procedure Law.

(3) The appeal of a decision to annul the status of a professional creative organisation shall not suspend its activity.

(4) The Ministry of Culture shall publish information regarding the annulment of the status of a professional creative organisation on its website.

(5) In the case of reorganisation a professional creative organisation shall retain the status of a professional creative organisation if its subsequent activity conforms to the requirements of Section 3 of this Law.

**Section 8. Delegation of Public Administration Tasks**

(1) The Ministry of Culture may, in accordance with the procedures laid down in laws and regulations, delegate the following public administration tasks related to the national cultural policy to professional creative organisations:

1) accumulation and aggregation of information regarding the creative field represented by the relevant professional creative organisation;

2) evaluation of the professional creation of the relevant creative field, nomination of creative persons for an award, and organising of events related to the award;

3) organisation of nationally significant cultural events;

4) taking the decision specified in Section 12, Paragraph three of this Law to grant the status of a creative person to persons who are not members of any professional creative organisation by submitting, once a year until 10 January, to the Ministry of Culture the list of those members to whom the status of a creative person is granted;

5) evaluation of the creative activity of the persons applying for a support grant of the programme of measures of creative persons in conformity with the criteria laid down in Section 12, Paragraph one, Clauses 2, 3, and 4 of this Law.

(2) In each creative field only one professional creative organisation may perform the public administration tasks specified in Paragraph one, Clauses 1 and 2 of this Section.

(3) A professional creative organisation, upon fulfilling the public administration tasks specified in this Law, is under the functional supervision of the Ministry of Culture.

[*16 June 2022*]

**Section 9. Union of Professional Creative Organisations**

(1) An association is entitled to acquire the status of a union of professional creative organisations and it is registered in the Register, if it conforms to one of the following conditions:

1) it has united within it more than half of the professional creative organisations registered in accordance with the procedures laid down in this Law;

2) the united professional creative organisations represent more than half of the natural persons – members of professional creative organisations.

(2) A union of professional creative organisations may represent several creative fields.

(3) The Ministry of Culture shall register a union of professional creative organisations in the Register in accordance with the conditions of this Law.

(4) In accordance with the procedures laid down in laws and regulations, the Ministry of Culture may delegate the public administration tasks specified in Section 8, Paragraph one of this Law to a union of professional creative organisations.

**Section 10. Rights of Professional Creative Organisations**

A professional creative organisation has the right to:

1) create social security and benefit funds and disburse to its members the benefits and grants specified in the articles of association;

2) receive State budgetary resources for the performance of the public administration tasks delegated thereto;

3) according to the articles of association and the procedures adopted on their basis to request and receive from its members – creative persons – information regarding the works and performances created thereby.

**Section 11. Property of Professional Creative Organisations**

(1) It is prohibited for a professional creative organisation to distribute its property and financial resources between the founders, members of the board of directors, or other administrative bodies (if such have been established) and their spouses, relatives, and relatives by affinity, counting their kinship to the second level and relationship by affinity to the first level, as well as use it so that the persons referred to in this Paragraph of this Section directly or indirectly benefit (guarantees, loans, bills of exchange, as well as other material benefits).

(2) Professional creative organisations shall maintain and store cultural and artistic objects of value, recognised as cultural monuments, included in the National Museum Holdings or in the National Documentary Heritage, as well as handle them in conformity with the conditions of the law On Protection of Cultural Monuments, the Law on Museums, and the Archives Law. The board of directors of a professional creative organisation shall be responsible for the maintenance and preservation of such cultural and artistic objects of value.

(3) In case of liquidation, insolvency, or reorganisation of a professional creative organisation, the liquidator, insolvency administrator, or board of directors of an association shall inform the Ministry of Culture regarding the commencement of liquidation, insolvency proceedings, or reorganisation and submit to the Ministry of Culture the closing financial report of the professional creative organisation to be liquidated. The recovery of the claims of creditors shall not be directed against the property of a professional creative organisation referred to in Paragraph two of this Section. Such property in case of liquidation, insolvency, or reorganisation of a professional creative organisation which results in the association ceasing to exist shall be accepted by the State and transferred against compensation to the Ministry of Culture. In order to determine the amount of compensation, the Ministry of Culture shall establish a commission to the composition of which experts of the respective field shall be invited.

**Section 12. Status of a Creative Person**

(1) A natural person – an author or performer within the meaning of the Copyright Law – shall be recognised as a creative person, if:

1) he or she is a member of a professional creative organisation;

2) he or she creates or interprets, through a performance, artistic works in the creative fields specified in Section 2, Paragraph one of this Law;

3) the works or performances created thereby have been published within the meaning of the Copyright Law at least three years prior to the acquisition of the status of a creative person;

4) such person with his or her creative activity contributes to the development of professional art and culture and it is attested by the relevant professional creative organisation in accordance with the procedures laid down in this Law.

(11) The requirement of Paragraph one, Clause 3 of this Section shall not apply to a natural person – an author or performer – who has reached the retirement age or receives a retirement pension prior to requesting the status of a creative person.

(2) If a natural person – an author or performer – is not a member of any professional creative organisation, he or she may, for the acquisition of the status of a creative person, refer to the professional creative organisation to which the relevant public administration task has been delegated, by submitting a written application and appending to it the information attesting to the fulfilment of the requirements of Paragraph one, Clauses 2, 3, and 4 of this Section.

(3) The professional creative organisation shall evaluate the compliance of the applicant referred to in Paragraph two of this Section with the requirements of Paragraph one, Clauses 2, 3, and 4 of this Section and take the decision, within one month from the day of receipt of the application, to grant the status of a creative person for three years or to refuse to grant the status of a creative person.

(4) The decision of the professional creative organisation referred to in Paragraph three of this Section may be appealed to the Ministry of Culture in accordance with the procedures laid down in the Administrative Procedure Law. The decision of the Ministry of Culture may be appealed in a court in accordance with the procedures laid down in the Administrative Procedure Law. The appeal of the decision shall not suspend its operation.

[*27 September 2018; 16 June 2022*]

**Section 13. Attestation of the Status of a Creative Person**

(1) The status of a creative person may be attested by the statement on the status of a member or decision to grant the status of a creative person.

(2) A professional creative organisation may issue the statement on the status of a member to its members. Such statement shall be accepted and recognised by State and local government authorities if it is issued not earlier than one month before the day of submission.

(3) The decision to grant the status of a creative person shall be taken by the organisation to which the State administration task laid down in Section 8, Paragraph one, Clause 4 of this Law has been delegated. The decision shall be in effect for three years from the day of taking thereof.

[*16 June 2022*]

**Section 14. Programme of Support Measures for Creative Persons**

(1) The programme of support measures for creative persons (hereinafter – the programme of measures) is an aggregate of measures to be carried out in order to provide support to creative persons in accordance with the procedures laid down in this Law, using the funding provided for the State Culture Capital Foundation in the State Budget Law for the current year.

(2) The objective of the programme of measures is to provide support promoting creative activity to creative persons.

(3) The State Culture Capital Foundation shall implement the programme of measures until such time when the State budgetary resources allocated for the calendar year have been utilised.

(4) The State Culture Capital Foundation shall allocate the State budgetary resources provided for the programme of measures in accordance with the procedures laid down in the State Culture Capital Foundation Law for the following types of support:

1) to the creative persons who have experienced down-time or for whom temporary incapacity for work has set in;

2) for ensuring household conditions for the creative persons who receive a pension or have reached the age laid down in the law for granting the old-age pension;

3) to the self-employed persons who have the status of a creative person and the object of mandatory State social insurance contributions per year is less than 12 minimum monthly wages laid down by the Cabinet.

(5) The State Culture Capital Foundation shall approve the articles of association of the programme of measures in which the following shall be determined:

1) the objectives of the programme of measures and the measures to be supported;

2) the procedures for submitting an application;

3) the requirements in relation to the presentation and content of the application;

4) the procedures for the review of an application.

[*16 June 2022*]

**Section 15. Utilisation of the Financial Resources of the Programme of Measures**

(1) The financial resources of the programme of measures may be utilised for support grants in the following cases:

1) the creative person has temporarily not received the income necessary for continued creative activities due to the specific nature of his or her professional activity;

2) during the time period when a person has temporarily not received the income necessary for future creative activities due to the specific nature of his or her professional activity, and has been temporarily incapacitated;

3) for the provision of the household conditions for the creative person who has reached pensionable age (for temporary partial covering of medical treatment expenses and utilities services for the period of 12 calendar months before submission of the request for the support grant).

(11) The financial means of the programme of measures may be used also for making the mandatory State social insurance contributions for the self-employed creative person whose object of the mandatory State social insurance contributions per year is less than 12 minimum monthly wages laid down by the Cabinet; however, no longer than the period of time for which the self-employed person is granted the status of a creative person.

(2) A creative person may receive a support grant within the framework of the programme of measures, if:

1) he or she complies with the requirements of Section 12 of this Law;

2) he or she has created and published an object of copyright or related rights in one of the professional art industries in the preceding three years prior to submitting a request for the support grant. This provision shall not apply to persons who submit an application for the receipt of the support grant referred to in Paragraph one, Clause 3 of this Section;

3) he or she is not in employment or civil service legal relationships or other permanent employment relationships of similar nature at the time of request or receipt of the support grant. This provision shall not apply to persons who submit an application for the receipt of the support grant referred to in Paragraph one, Clause 1 or 3 of this Section;

4) his or her income during the three calendar months prior to submitting an application for the support grant has, on average in each month, not met 75 per cent of the amount of the minimum wage determined in the State. This provision shall not apply to persons who submit an application for the receipt of the support grant referred to in Paragraph one, Clause 2 or 3 of this Section;

5) during the time period for which the grant is requested, the unemployment benefit or sick pay is not granted. This provision shall not apply to persons who submit an application for the receipt of the support grant referred to in Paragraph one, Clause 3 of this Section;

6) his or her pension and income taxable with personal income tax for the previous taxation

year does not exceed the average old-age pension of the previous calendar year in Latvia for more than two times on average each month in total before the submission of the request for a support grant. This provision shall not apply to persons who submit an application for the receipt of the support grant referred to in Paragraph one, Clause 1 or 2 of this Section.

(21) The mandatory State social insurance contribution laid down in Paragraph 1.1 of this Section may be made for the persons who have obtained the status of a creative person in accordance with the procedures laid down in this Law.

(3) The support grant specified in Paragraph one, Clauses 1 and 2 of this Section may not be received by persons who have been granted a State old-age pension (including prematurely) or persons who receive a service pension.

(4) The State Culture Capital Foundation has the right of access to information from State authority registers regarding the income of a person, the periods of employment, unemployment and sickness periods of a person, the granting of unemployment or sickness benefit, for the inspection of the circumstances referred to in Paragraph two of this Section.

(5) A creative person who receives a support grant has a duty to immediately notify the State Culture Capital Foundation in writing, not later than within five working days, regarding any changes in the circumstances which were the basis for the receipt of the support grant.

(6) Disbursement of the support grant shall be discontinued on the day of the loss of the circumstances provided for in Paragraph two of this Section. A creative person has a duty to repay the overpaid support grant from the day of the loss of the circumstances provided for in Paragraph two of this Section.

(7) The financial resources of the programme of measures may be utilised to cover the administrative costs related to the allocation of support grants but not more than 10 per cent of the allocated State budget financing.

[*27 September 2018; 16 June 2022*]

**Section 16. Allocation of Support Grants to Creative Persons**

(1) In order to receive the support grant laid down in Section 15, Paragraph one, Clause 1, 2, or 3 of this Law, a creative person shall submit a written application to the professional creative organisation to which the State administration task laid down in Section 8, Paragraph one, Clause 5 of this Law has been delegated by indicating the relevant support grant referred to in Section 15, Paragraph one of this Law which he or she is applying for, and shall attach to the application:

1) information and documents certifying the compliance of the creative person with that specified in Section 15, Paragraph two of this Law;

2) their main work and performance, as well as a list of publications for the last three calendar years;

3) the documents confirming the payments for medical treatment expenses and utility services if the application is submitted for receipt of the support grant referred to in Section 15, Paragraph one, Clause 3 of this Law.

(11) A professional creative organisation shall, within a month from the day of receipt of the submission, take the decision on conformity of the person with the criteria laid down in Section 12, Paragraph one, Clauses 2, 3, and 4 of this Law and forward the submission to the State Culture Capital Foundation for taking a decision.

(2) The State Culture Capital Foundation shall take a decision to allocate a support grant or to refuse to allocate a support grant within one month after receipt of the application.

(3) The State Culture Capital Foundation shall take a decision to refuse to allocate a support grant to a creative person if the allocated State budget financing for support grants has been utilised or if the creative person:

1) does not comply with that specified in Section 15, Paragraph two of this Law;

2) has provided false information for the acquisition of the support grant;

3) submits an application with a request to terminate the disbursement of the support grant.

(4) A decision of the State Culture Capital Foundation may be appealed in a court in accordance with the procedures laid down in the Administrative Procedure Law. The appeal of the decision shall not suspend its operation.

(5) The Ministry of Culture shall, each year by 15 January, submit to the State Social Insurance Agency the information on the persons who have held the status of a creative person in the previous calendar year.

(6) The State Culture Capital Foundation shall, each year until 23 June, make minimum mandatory State social insurance contributions into the State social insurance special budget for the self-employed creative persons the object of the mandatory State social insurance contributions of whom in the previous calendar year has been less than 12 minimum monthly wages laid down by the Cabinet on the basis of the invoice submitted by the State Social Insurance Agency.

[*16 June 2022*]

**Section 17. Amount of a Support Grant**

(1) During the time period in which a creative person is not gaining an income, the support grant in one month shall not exceed the amount of the minimum monthly wage determined in the State.

(2) During the time period of sickness of a creative person, the support grant shall be calculated in proportion to the number of sick days, but not exceeding 10 days, based on the amount of the minimum monthly wage determined in the State.

(3) The support grant shall be disbursed once a month until the fifteenth day of the respective month, carrying out a transfer to the bank account indicated by the creative person.

(4) The support grant laid down in Paragraph one of this Section shall be granted to a creative person for three months. The support grant may only be requested repeatedly if at least 12 months have passed since the last payment of the support grant, except for the temporary periods of medical treatment which do not exceed 10 days.

(5) The amount of the support grant laid down in Section 15, Paragraph one, Clause 3 of this Law shall not exceed three minimum monthly wages.

[*16 June 2022*]

**Transitional Provisions**

1. Professional creative organisations which, until the day of the coming into force of this Law, have registered with the Ministry of Culture in accordance with Section 57.5 of the law On Public Organisations and Associations Thereof, shall register with the Ministry of Culture until 1 September 2018, in accordance with the requirements of this Law.

2. The Ministry of Culture shall, by 31 December 2018, exclude from the Register of Professional Creative Organisations those organisations which do not conform to the requirements of this Law.

This Law shall come into force on 1 January 2018.

This Law has been adopted by the *Saeima* on 22 November 2017.

President R. Vējonis

Rīga, 6 December 2017