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

12 May 2005 [shall come into force from 8 June 2005];

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3 May 2007 [shall come into force from 7 June 2007];

3 July 2008 [shall come into force from 29 July 2008];

12 June 2009 [shall come into force from 1 July 2009];

10 June 2010 [shall come into force from 14 July 2010];

16 December 2010 [shall come into force from 1 January 2011];

19 May 2011 [shall come into force from 8 June 2011];

6 November 2013 [shall come into force from 11 December 2013];

9 January 2014 [shall come into force from 7 February 2014];

13 March 2014 [shall come into force from 8 April 2014];

22 October 2015 [shall come into force from 26 November 2015];

17 December 2015 [shall come into force from 6 January 2016];

19 May 2016 [shall come into force from 13 June 2016];

23 November 2016 [shall come into force from 1 January 2017];

23 March 2017 [shall come into force from 19 April 2017];

22 June 2017 [shall come into force from 19 July 2017];

3 May 2018 [shall come into force from 1 June 2018];

3 April 2019 [shall come into force from 13 April 2019].

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:

**Electronic Communications Law**

**Chapter I**

**General Provisions**

**Section 1. Terms Used in this Law**

The following terms are used in this Law:

1) **subscriber line (local loop)** – a physical line which connects the public electronic communications network termination point at the subscriber’s premises to the telephone exchange cross or an equivalent facility thereof;

2) **subscriber** – a natural person or legal entity who or which has entered into a contract with an electronic communications service provider regarding the receipt of specific electronic communications services;

3) **subscriber directory** – a structured, ordered compilation of personal data in which by using specific attributes it is possible to find information regarding the relevant electronic communications merchant subscriber;

4) [22 October 2015];

5) **location data** – data which is processed in an electronic communications network or processed using electronic communications services and indicates the location of the terminal equipment of an electronic communications service user. For public mobile electronic communications networks, satellite networks, and non-wire networks which are used for the distribution of radio or television signals, it shall be the geographic location (address) of the terminal equipment of an electronic communications service user, but for public fixed networks, cable television, and cable radio networks, and electricity cable systems to the extent that they are used in order to transmit electronic communications signals – the termination point address;

51) **location information database** – a database which contains information regarding location data;

52) **State electronic communications network for emergency situations** – an electronic communications network which is established and used for ensuring the circulation of information in emergency situations, as well as transmitting protected information;

6) **voice telephony service** – a public electronic communications service which ensures the transmission of a voice signal between electronic communications networks or electronic communications network termination points connected to electronic communications terminal equipment within a real time scale;

7) **significant market power** – such a situation of an electronic communications merchant in a market which is equivalent to a dominant position;

71) **Trans-European Services for Telematics between Administrations (TESTA)** – an electronic communications platform which includes the physical electronic communications infrastructure and connections, as well as associated electronic communications services in order to ensure secure data exchange between public administration authorities of European Union Member States and European Union authorities;

72) [13 March 2014];

8) **electronic communications merchant** – a merchant or a branch of a foreign merchant who has the right to perform commercial activity, to ensure a public electronic communications network or provide electronic communications services in accordance with the procedures laid down in this Law;

9) **electronic communications service** – a service that is usually ensured for remuneration and which wholly or mainly consists of the transmission of signals in electronic communications networks;

91) **State electronic communications service centre** – an aggregate of technical means which ensures to the State authorities the infrastructure with high confidentiality, integrity and accessibility to the State information systems;

10) **electronic communications service provider** – an electronic communications merchant who provides publicly accessible electronic communications services, using the public electronic communications network;

11) **electronic communications network** – transmission systems, switching and routing equipment (including network elements which are not being used) and other resources which irrespective of the type of transmitted information permits the transmission of signals using wires, radio waves, optical or other electromagnetic means in networks, including:

a) satellite networks, fixed networks (channel and packet switching networks, including Internet) and mobile terrestrial electronic communications networks;

b) networks which are used for radio and television signal distribution;

c) cable television and cable radio networks, electricity cables systems to the extent that they are used to transmit signals;

111) **construction of electronic communications networks** – construction of electronic communications structures carrying out earth-moving, as well as assembly of frames, masts and equipment on the existing structures, if the security, bearing capacity or stability of constructions of the structure is deteriorated due to it and enhancement thereof must be performed;

112) **installation of electronic communications networks** – assembly of electronic communications network lines and equipment in the existing structures, between them, on supports, posts, masts, frames, cable ducts without carrying out earthworks, assembly of radio equipment and antennae of electronic communications networks, if in conformity with a technical project for the installation of electronic communications networks (hereinafter – the installation project) the security, bearing capacity or stability of the constructions of the structure is not deteriorated, and enhancement thereof, as well as simplified construction or reconstruction of engineering network leads and internal engineering networks need not be performed;

113) **reconstruction of electronic communications networks** – change of a part of an electronic communications network or equipment thereof or other related works in a protective zone, or change of internal network of electronic communications, part thereof or equipment thereof, or change of the electronic communications network or amount of equipment part thereof, retaining the existing functions;

114) **Electronic Numbering System (ENUM)** – a global standard which ensures attachment of a telephone number to an Internet address;

12) **provision of an electronic communications network** – the establishment, development, operation, control and provision of access to an electronic communications network;

121) **eCall** – a free of charge call from a vehicle to the single emergency telephone number 112, made either automatically or manually, in accordance with Article 2(h) of Commission Delegated Regulation (EU) No 305/2013 of 26 November 2012 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall;

13) **terminal equipment** – equipment (for example, telephone sets, facsimile machines, modems, data transmission equipment, private automatic telephone exchanges, private networks, and public pay telephones) that is intended for direct or indirect connection to public electronic communications network termination points;

14) **end-user** – an electronic communications services user who does not use such services to ensure electronic communications services to other persons;

(15) [1 January 2016 / See Paragraph 36 of Transitional Provisions];

151) **identifiable terminal equipment** – a terminal equipment for which the manufacturer has granted an identifier for the recognition in an electronic communications network;

16) **scarce resources** – the radio frequency spectrum, numbering and top level domain name (.lv);

17) **called number identification** – a value added service in accordance with which the number called is shown on the terminal equipment of another user or subscriber or public pay telephone before the establishment of the connection or during connection;

18) **calling number indication** – a value added service in accordance with which the number of the user, subscriber, or public pay telephone from which the attempted call or call occurs is shown on the terminal equipment of another user or subscriber or public pay telephone before or after the establishment of the connection;

19) **call** – a connection or attempted connection that is performed using electronic communications services which allows two-way communication in real time;

20) **cable television network** – an electronic communications network which is intended mainly for the transmission or public distribution of radio or television broadcasts;

201) **cable ducts** – pipes placed in the ground or in constructions of structures or a set thereof and cable manholes or other underground premises provided for installation and use of electronic communications cable lines;

21) **harmful radio interference** – interference which endangers or otherwise seriously damages, interferes, or repeatedly interrupts:

a) radionavigation communications;

b) radio communications which are used for the protection of persons or property (security radio communications);

c) other relevant radio communications in conformity with laws and regulations, including the radio communications of other states;

d) radio monitoring of the radio frequency spectrum performed by a competent authority;

211) **fraud using numbering** – sending, routing, or receipt of text messages or multimedia messages or making, routing, or receipt of calls using services or numbering intended for an end-user as a result of which useless or artificial traffic arises which may express as uniform calls in duration of connection or as calls, text messages, multimedia messages in an uncharacteristic amount for a user, which are made by an end-user or equipment connected to a termination point existing in Latvia or foreign states;

22) **user** – a natural person or legal entity who requests or uses publicly available electronic communications services;

23) **application program interface** – the software interface with which broadcasters or electronic communications service providers ensure access to enhanced digital television equipment for digital television or digital radio services;

24) **right of use** – the right to use scarce resources;

241) **incorrect use of numbering** – use of numbering not corresponding to the purpose of use of numbering determined in the national numbering plan, as well as initiation, routing or receipt of calls to national number that has not been activated or used in the public telephone network in the Republic of Latvia, or to a number of the public mobile telephone network which is not used for terminal equipment connection of an end-user in the public mobile telephone network of an electronic communications merchant of Latvia, except roaming in the public mobile electronic communications network;

25) **national numbering plan** – a numbering plan developed in accordance with the European Union national numbering use requirements and international recommendations;

26) **national radio frequency plan** – a plan developed for the optimal radio frequency distribution in the territory of the Republic of Latvia in accordance with international agreements, conventions, and standards;

261) **next generation access (NGA) cable networks**– broadband access networks consisting completely or partly of optical fibre elements which are able to ensure Internet access services for end-users with enhanced data transmission parameters (for example, higher traffic capacity) comparing to the existing copper cable networks;

27) [1 January 2016 / See Paragraph 36 of Transitional Provisions];

28) **leased line** – a permanent and symmetrical communications channel or connection allocated or established in the public electronic communications network to transmit signals between two termination points of the public electronic communications network;

29) **traffic data** – any information or data which is processed in order to transmit information by an electronic communications network or to prepare accounts and register payments, except the content of transmitted information;

30) **provision of numbering service** – maintenance of a numbering database for the needs of numbering management, including any service, which is associated with provision of access to the information in such a database, and the processing thereof;

31) **number** – a string of unique decimal numbers which characterises a termination point and which contains information for the routing of calls to such a termination point in conformity with the national numbering plan;

32) **number portability service** – a service which provides a possibility for an end-user independently of the electronic communications merchant to retain the number allocated to him or her for use;

33) **operator** – an electronic communications merchant who provides an electronic communications network or associated facilities;

34) **operator (carrier) pre-selection service** – a service provided by an electronic communications merchant and associated with the use of numbering which ensures subscribers access to any other electronic communications network commercial service connected to such merchant’s network on the basis of pre-selection with the possibility of revoking any pre-selection for each separate call by dialling the operator selection code;

35) **operator (carrier) selection service** – a service provided by an electronic communications merchant and associated with the use of numbering which ensures subscribers access to any other electronic communications network commercial service connected to such merchant’s network for each separate call by dialling the operator selection code;

36) **enhanced digital television equipment** – set-top boxes which are intended for connection to televisions or integrated digital televisions and which may receive digital interactive television services;

37) **interception point** – a public electronic communications network termination point that technically ensures the connection of special equipment in order to acquire investigatory information from electronic communications networks in cases specified in law;

371) **personal data protection violation** – illegal personal data processing;

38) **access** – a service provided to another electronic communications merchant with specific conditions for access to equipment and services necessary for the ensuring of electronic communications services, including the use thereof for the distribution of information society services or broadcast content services. Access includes access to electronic communications network elements and the associated facilities thereof with wire or non-wire connections, especially access to the subscriber line, as well as equipment and services which are necessary in order to ensure services in the subscriber line, access to physical infrastructure (including buildings, cable lines, cable ducts and antenna masts and towers used to ensure electronic communications networks), access to the relevant software systems (including operational support systems), access to information systems and databases in order to perform orders, deliveries, maintenance and damage prevention requests and preparation of bills, access to number translation or systems which offer similar possibilities, access to electronic communications networks (especially for roaming), access to conditional access systems for digital television services and access to virtual network services;

381) access to data flow – an electronic communications service provided by an operator to another electronic communications merchant for it to be able to offer bandwidth access to the Internet and other electronic communications services to the end-user which are provided using Internet protocol;

39) **value added service** – a service for the provision of which it is necessary such traffic data or location data processing, which exceeds the volume of data processing that is necessary for the provision of electronic communications services and to register payments;

40) **termination point** – the end point of an electronic communications network in which a user is ensured access to the public electronic communications network;

41) **public telephone network** – an electronic communications network which is used to provide voice telephony services, as well as the provision of other services (including facsimile information and data transmission) between public electronic communications network termination points;

42) radio equipment – an equipment which emits or receives radio waves for the purpose of radio communication or radiodetermination, or an equipment which must be completed with an accessory emitting or receiving radio waves for the purpose of radio communication or radiodetermination;

43) **assignment of radio frequency** – an individually specified radio frequency or radio frequency channel to ensure the operation of radio equipment, as well as the use conditions and use technical parameters;

431) **hoarding of radio frequencies** – inefficient use of the rights of use of the radio frequency spectrum which is characterised by coverage area, availability of electronic communications services for users and assignments of radio frequencies for the operation of the radio equipment;

44) **radio station** – one or more transmitters and receivers or a combination thereof, as well as ancillary equipment, which are necessary in the relevant location for maintaining radio communications;

441) **registered user** – a user who has presented to an electronic communications service provider his or her identification data;

442) **data to be retained** – the traffic data referred to in Annexes 1 and 2 to this Law, location data and the associated data thereof, which is necessary in order to identify the subscriber or user;

45) **associated facilities** – services, equipment, or facilities (including buildings, internal installation of the buildings, switching centres, cable pits and sewerage, towers and other support constructions) which are associated with an electronic communications network or electronic communications services and which allow or support the provision of services via the referred to electronic communications network or electronic communications services;

451) **associated services** – services (including number translation or systems which offer similar possibilities, conditional access systems and electronic programme guides, as well as other services, for example, identification services, services for detection of location and presence), which are associated with an electronic communications network or electronic communications services and which allow or support the provision of services via the referred to electronic communications network or electronic communications services;

452) special radio facilities – equipment emitting radio waves which is used for the needs of State defence and security to intentionally create harmful radio interference in order to hinder or discontinue undesirable radio communications;

453) **spectrum allocation** – allotting of certain radio frequency spectrum for one or several types of radio communications services;

46) **interconnection** – physical and logical connections among one and the same or various electronic communications merchant public electronic communications networks which allow the users of one electronic communications merchant electronic communications service to communicate with the users of the same or another electronic communications merchant electronic communications service, or to access the electronic communications services that are provided by another electronic communications merchant. The parties involved or other parties who have access to the electronic communications network may provide services. Interconnection is a special type of access implemented between operators;

461) **retransfer** – the transfer of user rights granted to an electronic communications merchant to another electronic communications merchant, including sale and lease;

462) **telephone directory enquiry service** – any enquiry service which using electronic communications services, publicly provides information regarding subscribers who have given their consent to have their data included in a publicly accessible subscriber directory, taking into account the restrictions specified by the subscriber;

47) **universal service** – the minimum volume of electronic communications services with a specified quality which for an affordable price is accessible to all existing and potential users irrespective of the geographical location thereof;

471) [1 January 2012 / See Paragraph 20 of Transitional Provisions];

472) [19 May 2016];

473) [19 May 2016];

48) **general authorisation** – the rights and requirements laid down in laws and regulations for electronic communications merchants which may include specific electronic communications sector conditions and which may be applied to all or to specific types of electronic communications networks or electronic communications services.

*[12 May 2005; 26 October 2006; 3 May 2007; 3 July 2008; 10 June 2010; 19 May 2011; 9 January 2014; 13 March 2014; 22 October 2015; 17 December 2015; 19 May 2016; 23 March 2017]*

**Section 2. Purpose of This Law**

The purpose of this Law is:

1) promote the provision of electronic communications networks and the development of electronic communications services;

2) promote the development of competition in the provision of electronic communications networks and the provision of electronic communications services;

3) promote the implementation of a simplified and transparent electronic communications merchant registration regime;

4) ensure the regulation of electronic communications networks and electronic communications services independent of electronic communications technology;

5) ensure the rational and effective use of scarce resources in the electronic communications sector;

6) ensure the protection of the interests of the State, users and electronic communications merchants;

7) promote the accessibility of the universal service;

8) ensure the integrity and interconnectivity of electronic communications networks, and continuity of electronic communications services;

9) ensure the protection of user data, including personal data.

*[3 May 2007]*

**Section 3. Scope of Application of this Law**

(1) This Law determines the competence, rights, and obligations of users, electronic communications merchants, private electronic communications network owners and State administrative institutions which are associated with the regulation of the electronic communications sector, the provision of electronic communications networks and the provision of electronic communications services, as well as the use and administration of scarce resources.

(2) This Law shall also apply to the electronic communications networks that are necessary for the distribution of radio or television programmes. The Electronic Mass Media Law shall determine the procedures for establishing, registering, operating, and supervising broadcasting organisations within the jurisdiction of the Republic of Latvia.

(3) This Law shall not apply to the provision of information society services and the information content thereof, which are transmitted or received in electronic communications networks.

*[12 May 2005; 22 October 2015]*

**Chapter II**

**State Administration in the Electronic Communications Sector**

**Section 4. Authorities that Manage the Electronic Communications Sector**

(1) The Ministry of Transport shall perform general State administration in the electronic communications sector within the scope of its competence.

(2) The administration of the radio frequency spectrum and numbering resources in the electronic communications sector according to the competence, as well as the accepting of technical projects for the installation of antennae, radio equipment and broadcast transmitters of electronic communications networks and base stations of mobile communications shall be ensured by *valsts akciju sabiedrība “Elektroniskie sakari”* [State joint-stock company Electronic Communications Office] (hereinafter – the State joint-stock company *Electronic Communications Office*).

(21) [3 May 2007]

(22) The installation of electronic communications networks, as well as the supervision of construction shall be implemented by the authority specified in the laws and regulations governing the field of construction.

(3) The electronic communications sector shall be supervised and governed within the scope of competence specified in this Law and in the law On Regulators of Public Utilities by the Public Utilities Commission (hereinafter – the Regulator).

(4) The protection of personal data in the electronic communications sector shall be supervised by the State Data Inspection. In order to ensure the referred to supervision, the State Data Inspection has the rights specified in the Personal Data Protection Law.

(5) The supervision and control of consumer rights protection in the electronic communications sector shall be ensured by the Consumer Rights Protection Centre within the scope of its competence.

(6) The drawing up and submission of the draft Cabinet regulations referred to in Section 47, Paragraph five (the radio frequency spectrum bands for the efficient use of which it is necessary to limit the allocation of the right to use the radio frequency spectrum for commercial activities in the electronic communications sector), Section 49, Paragraph one (radio frequency spectrum band allocation), Section 50 (a common radio frequency assignment use permit), and Section 56 (the national numbering plan) shall be ensured by the Ministry of Environmental Protection and Regional Development.

*[12 May 2005; 3 May 2007; 12 June 2009; 16 December 2010; 6 November 2013; 13 March 2014]*

**Section 5. Competence of the Ministry of Transport**

(1) The Ministry of Transport in conformity with its competence shall ensure in the electronic communications sector:

1) the State electronic communications network for emergency situations and the supervision of the security of the protected information necessary for the implementation of the State administration functions and transmitted therein;

2) the connection of the State electronic communications network for emergency situations to networks of international organisations and other legal persons for the realisation of State functions;

3) establishment, maintenance and operation of the State electronic communications service centre;

4) [16 December 2010];

5) Trans-European Services for Telematics between Administrations (TESTA) in the territory of Latvia.

(2) The Ministry of Transport may delegate the functions referred to in Paragraph one of this Section according to the procedures laid down in laws and regulations.

(3) A legal subject which has been recognised by the Ministry of Transport in accordance with the procedures laid down in laws and regulations and approved by an international organisation that approves holders of the top level domain registry – the corporation assigning Internet names and numbers – shall be considered the holder of the top level .lv domain registry and the electronic numbering system. The Cabinet shall determine the requirements to be put forward for the holder of the top level .lv domain registry and the electronic numbering system, as well as the procedures for recognition thereof. The Ministry of Transport shall supervise the implementation of the requirements put forward for the holder of the top level .lv domain registry and the electronic numbering system.

(4) The Ministry of Transport has the right to request and receive from an electronic communications merchant or State administrative institutions the information necessary to fulfil the functions of the Ministry of Transport.

(5) In order to implement their functions and to perform inspections, authorised Ministry of Transport representatives, providing prior warning thereof, have the right to access the premises, buildings and relevant equipment, which are used in the provision of electronic communications services or in the operation of the public electronic communications network.

(6) The administrative acts issued by the Ministry of Transport in the field of electronic communications may be appealed to a court. An application for the revocation, recognition as not in force or null and void of such administrative acts to a court shall not suspend the operation of the administrative act issued by the Ministry of Transport.

(7) The Ministry of Transport shall determine the policy for the development of electronic communications infrastructure and implement projects for the development of the electronic communications infrastructure, including the projects financed by the European Union funds.

*[3 May 2007; 16 December 2010; 19 May 2011; 9 January 2014; 22 October 2015]*

**Section 6. Competence of the State Joint-Stock Company Electronic Communications Office**

(1) The State joint-stock company Electronic Communications Office shall:

1) manage the radio frequency spectrum and numbering in order to ensure the rational and effective use thereof;

2) provide electromagnetic compatibility and provision of numbering services;

3) plan the technical use of the radio frequency spectrum and determine assignments of radio frequencies for the operation of the radio equipment;

4) allocate identification (call) signals for radio equipment;

5) harmonise and register the assignment of radio frequencies in accordance with the procedures laid down in international agreements and conventions binding to Latvia;

6) co-operate with the communication administrations of other states and participate in the work of international authorities and organisations in the communication sector in order to facilitate the effective use of the radio frequency spectrum and services for provision of numbering;

7) perform radio monitoring of the radio frequency spectrum and measurements of radio equipment parameters;

8) examine applications regarding harmful radio interference to radio and television programme reception and the operation of radio communications, shall ascertain the source of such radio interference and take a decision on the elimination thereof;

81) take a decision to discontinue the operation of radio equipment used not in accordance with laws and regulations;

9) issue amateur radio certificates;

10) accept or reject technical projects for the installation of antennae, radio equipment and broadcast transmitters of electronic communications networks and base stations of mobile communications in accordance with the procedures laid down in Section 16, Paragraph one of this Law.

(2) Upon fulfilling the functions laid down in Paragraph one of this Section, the State joint-stock company Electronic Communications Office shall independently take decisions and issue administrative acts.

(3) The administrative acts issued by the State joint-stock company Electronic Communications Office may be contested before the Ministry of Environmental Protection and Regional Development. The contest of an administrative act issued by the State joint-stock company *Electronic Communications Office* shall not suspend the operation of such an act unless the appeal authority takes the decision to suspend it for the duration of the examination of the complaint.

(4) The State joint-stock company Electronic Communications Office shall collect a fee for the provided public paid services in accordance with the procedures and in the amount specified by the Cabinet. The Cabinet shall determine the cases and procedures for the correction of tariffs.

*[12 May 2005; 3 May 2007; 10 June 2010; 16 December 2010; 19 May 2011; 6 November 2013; 9 January 2014; 13 March 2014]*

**Section 7. Rights of the State Joint-Stock Company Electronic Communications Office**

The State joint-stock company Electronic Communications Office has the following rights:

1) in accordance with the procedures determined by the Cabinet, to request and receive the information necessary for the fulfilmenf of the functions of the State joint-stock company Electronic Communications Office from an electronic communications merchant, State administrative institutions or other persons, as well as State information systems;

2) according to the procedures stipulated by the Cabinet, to access equipment which creates or may create harmful radio interference, as well as to request the presentation of permits assigning the use of radio frequencies, conformity certificates or other documents associated with the use of electronic communications;

3) in order to prevent harmful radio interference or the creation of such radio interference, to suspend the use of such radio equipment or any other equipment which create or may create such harmful radio interference;

4) to suspend the operation of the radio equipment used not in conformity with the requirements of laws and regulations, performing sealing, stamping or disconnection from power supply.

*[12 May 2005; 3 May 2007; 19 May 2011; 6 November 2013; 13 March 2014]*

**Section 8. Competence of the Regulator**

(1) The Regulator shall, in addition to the competencies specified in the electronic communications sector laid down in this Law and the law On Regulators of Public Utilities:

1) promote for end-users, including special social groups and especially persons with disabilities, the possibility to choose an electronic communications merchant, the electronic communications services provided thereby, and electronic communications service tariffs;

2) promote the development of the electronic communications market, transparently co-operate with other State institutions, other State regulators and European Union institutions;

3) [19 May 2011];

4) examine disputes between electronic communications merchants regarding interconnection, access, common use of associated facilities and leased line issues, as well as disputes between electronic communications merchants and users if the dispute is associated with claims by users, in accordance with the procedures laid down in the law On Regulators of Public Utilities;

5) promote competition in the electronic communications sector;

6) supervise compliance with laws and regulations in the electronic communications sector;

7) ensure transparency of the activities by communicating to the public annual reports, as well as collect and communicate to the public information regarding the electronic communications sector in conformity with its competence;

8) [3 May 2007];

9) determine and publish in the official gazette *Latvijas Vēstnesis* the requirements for a subscriber line (local loop) intended for unbundling of access and the procedures by which the unbundling of the access to subscriber lines or a part thereof and associated facilities and services occurs, as well as the procedures by which access to cable ducts is ensured in order to install cable networks of next generation access (NGA), and the procedures by which additional capacity of cable ducts is ensured during construction or reconstruction of cable ducts or building of the circuit of the electronic communications network in cases when building of back-up infrastructure is physically impossible or economically inefficient (in places where after performance of installation, construction or rebuilding works it is necessary to restore the covering of road carriageway or sidewalk, in places asphalting of which is planned in the subsequent two years, or in places in which the protection zone along the cable ducts for laying of one’s own cable will make the creation of a parallel protection zone impossible for the electronic communications merchant, etc.);

10) [12 May 2005];

11) determine and publish in the official gazette *Latvijas Vēstnesis* the procedures by which public consultations with market players, end-users, consumers, as well as consumers who are persons with disability, ensuring that the opinions of the abovementioned parties are assessed and intending that, in taking of a decision on rights of all end-users and consumers in relation to publicly accessible electronic communication services, the interests of consumers are duly taken into account, shall be performed;

12) determine and publish in the official gazette *Latvijas Vēstnesis* the methodology for the calculation of tariffs, and cost accounting and assignment methodology, as well as the methodology for the calculation of sufficient price difference of wholesale and retail services;

121) conduct public consultations with the market participants regarding defining of the electronic communications service market, determine an electronic communications merchant with a significant market power, and apply special requirements thereto, as well as retain, amend, or revoke the special requirements specified for an electronic communications merchant with a significant market power;

13) notify and send the regulators of the European Union Member States, the European Commission and the Body of European Regulators for Electronic Communications (hereinafter – BEREC) for co-ordination the total (draft) planned measures for one calendar month and substantiation thereof in relation to the definition of the electronic communications services market, the specification of electronic communications merchant with significant market power and draft decisions on the application, preservation, amendment or revocation of special requirements for such merchant, as well as regarding the planned obligations applicable to electronic communications merchants in respect of access, interconnection and measures, which may affect the trade between the Member States. The Regulator may, upon listening to and taking into account the opinion of the regulators of the European Union Member States, the European Commission and BEREC, make amendments to the total planned measures and applicable obligations and notify the European Commission thereof;

14) supervise the conformity with the laws and regulations in relation to roaming in public mobile electronic communications networks;

15) notify the European Commission and BEREC regarding all the decisions taken in relation to the definition of the electronic communications services market, the specification of electronic communications merchant with significant market power and draft decision on the application, preservation, amendment or revocation of special requirements for such merchant, as well as regarding the planned obligations applicable to electronic communications merchants in respect of access, interconnection and measures, which may affect the trade between the Member States;

16) support the objectives of BEREC in promoting of better regulatory co-ordination and coherence of the regulators of the European Union Member States;

17) in taking decisions in accordance with Sections 30, 31, and 31.1 of this Law, observe the opinions and common positions adopted by BEREC as much as possible;

18) co-operate transparently with the regulators of other European Union Member States, with the European Commission and BEREC, promote the development of the internal market of the European Union in order to ensure the consistent application of the obligations laid down in laws and regulations and in order to determine instruments and legal protection means in co-operation with the European Commission and BEREC which are the most appropriate for solving of particular situations in the market;

19) if it considers that there is an urgent necessity to act in order to ensure competition and protect the interests of users, may, by derogation from the procedure laid down in Paragraph one, Clause 12.1 and Clause 13 of this Section, immediately take a commensurate provisional decision on measures to be taken, notifying the measures referred to in the decision to the European Commission, the regulators of the European Union Member States and BEREC and stating the substantiation thereof. If the measure specified in the provisional decision of the Regulator includes the tariff regulation and cost accounting obligation, it shall enter into effect not earlier than on the following day after publishing the decision of the Regulator in the official gazette *Latvijas Vēstnesis*. If the Regulator decides to make the provisional decision as permanent decision or to extend the period of time during which it is applicable, it shall act in accordance with Paragraph one, Clause 13 of this Section;

20) compile the information regarding decisions of the Regulator which are appealed, general essence of appeals, number of submitted appeals, duration of appeal procedures and the number of decisions to grant interim measures, and provide it to the European Commission and BEREC upon substantiated request of the relevant institution;

21) promote the provision of the comparable information referred to in Section 9, Paragraph one, Clause 9 of this Law so that the end-users could assess independently the costs of use of alternative electronic communication services (for example, using interactive guides or similar sources of information). If such means are not ensured by electronic communications merchants free of charge or for reasonable price, the Regulator itself or via third persons shall make available such guides or sources of information to the end-users. The Regulator may determine the procedures by which electronic communications merchants ensure comparable information regarding tariffs of electronic communications services to end-users. Third persons have the right to use free of charge the information published by electronic communications merchants in order to sell or make available such interactive guides or similar sources of information;

22) examine cross-border disputes between parties, if one party is an electronic communications merchant of Latvia, but the other party – an electronic communications merchant of another European Union Member State, as well as cross-border disputes, which are within the competence of yet another European Union Member State. The Regulator shall co-operate with the regulator of the relevant European Union Member State and BEREC in examination of cross-border disputes. The Regulator may request that BEREC provides a recommendation regarding examination of cross-border disputes, and after receipt of the BEREC recommendation shall examine the cross-border disputes in accordance therewith. If necessary, prior to receipt of the BEREC recommendation the Regulator may determine the obligation to be fulfilled during examination of cross-border disputes for the electronic communications merchant of Latvia. If a cross-border dispute is not examined within four months and a claim has not been brought to a court or if any of the parties of the cross-border dispute requests it, the Regulation shall continue the co-ordination of examination of cross-border disputes according to the BEREC recommendation;

23) supervise that the requirements regarding non-restriction of the data flow speed and data volume laid down in laws and regulations are conformed to in providing the public Internet access service, and that these requirements are included in the contract of electronic communications services.

(2) In conformity with the competence laid down in this Law, the Regulator shall independently take decisions and issue administrative acts, which are binding to specific electronic communications merchants and users. In the justification of the decision taken or administrative act issued the Regulator may take into account the recommendations of the European Commission in the relevant issue.

*[15 May 2005; 3 May 2007; 3 July 2008; 10 June 2010; 19 May 2011; 9 January 2014; 22 October 2015; 17 December 2015; 19 May 2016; 22 June 2017; 3 May 2018]*

**Section 9. Rights of the Regulator**

(1) The Regulator has the following rights:

1) to request and receive information from electronic communications merchants within a time period specified by the Regulator, which is necessary for fulfilment of the functions of the Regulator (including also such information that contains commercial secrets), as well as also written or oral explanations received from the respective persons;

2) in order to fulfil its functions and to perform examinations, after warning beforehand about it, to visit premises and buildings and to access equipment, which is used for the provision of electronic communications services or the provision of public electronic communications networks, as well as to request the presentation of permits, certificates or other documents, which certify ownership rights or the right to use such objects or equipment. The rights referred to in this Clause may be delegated by the Regulator to other natural persons or legal entities after appropriately authorising such persons;

3) upon their own initiative, or if justifiably requested by one of the parties, to ascertain the conditions to be included in access, interconnection, common use of associated facilities, leased lines, access to data flow or unbundling of the access subscriber lines (local loops) contracts, as well as to impose what needs to be observed by one or several of the contracting parties, in order to amend or delete conditions or to agree regarding contract conditions;

4) to request the making of relevant amendments to access, interconnection or common use of associated facilities, leased lines, access to data flow or unbundling of the access subscriber lines (local loops) contracts already entered into, or the mutual interoperability of electronic communications networks or electronic communications services;

5) on its own initiative or if justifiably requested by one of the parties, to impose a time period in which negotiations regarding an access, interconnection, common use of associated facilities, leased lines, access to data flow or unbundling of the access subscriber lines (local loops) contract should be entered into. The time period specified by the Regulator may not be longer than three months from the moment of the coming into effect of a decision. In exceptional cases, the Regulator has the right to extend this time period;

6) to impose the requirements for ensuring the mutual interoperability of electronic communications networks or electronic communications services;

7) to impose the procedures by which an electronic communications merchant shall ensure services associated with use of numbering, as well as impose the time periods for the introduction of such services;

8) if it is necessary, to determine the procedures and time period by which an electronic communications merchant who provides voice telephony services shall ensure a possibility for end-users to receive the information regarding tariffs for calls to which the electronic communications merchant applies high-priced tariff;

9) to impose on an electronic communications merchant the obligation to publish transparent, comparable, compliant and updated information in a clear, comprehensive, easily accessible and legible manner regarding tariffs and penalty sanctions, as well as information regarding general regulations which are applied in relation to the electronic communications services offered by such merchant and use thereof. The Regulator may determine reasonable additional requirements for the publication of information in the interests of the society;

10) to impose on an electronic communications merchant the obligation:

a) to inform subscribers, if any changes have occurred and the electronic communications service regarding which the electronic communications agreement has been entered into fails to ensure access for the State Fire and Rescue Service, the State Police, the Emergency Medical Service, gas emergency service, and the Maritime Search and Rescue Co-ordination Centre of the Naval Forces Coast Guard Service (hereinafter – the Maritime Search and Rescue Service), including fails to ensure the information regarding caller location;

b) to inform subscribers regarding all changes in conditions by which the access to electronic communications services and applications or use thereof is limited;

c) to provide the information regarding all procedures which have been introduced by an electronic communications merchant to measure and shape traffic so as to avoid filling or overfilling a network link, and information on how those procedures could impact on electronic communications service quality;

d) to publish the information regarding electronic communications services, terminal equipment and software intended for persons with disability;

11) to determine the procedures for joint use of associated facilities or infrastructure objects of other type, if the electronic communications merchant which ensures the electronic communications network, in accordance with laws and regulations has the right to install facilities on, over or under the State or private property. The conditions included in accordance with such procedures shall be objective, proportionate, transparent and non-discriminating;

12) to access to the information included in the Construction Information System necessary for the implementation of the Regulator’s functions;

13) to assess fraud performed using numbering and incorrect use of numbering;

14) to determine that in the case of fraud committed using numbering or in the case of incorrect use of numbering the electronic communications merchant, to whom the right of use of the relevant numbering has been granted or transferred or the number has been transferred to the public telephone network thereof, has the obligation to immediately terminate routing of calls and access to the relevant number or range of numbers;

15) to determine the signs of fraud performed using numbering, as well as the time periods and the procedures by which exchange of information between the electronic communications merchant and the Regulator shall take place, and how the Regulator detects and the electronic communications merchant eliminates fraud performed using numbering;

16) not to grant or to cancel the right to use numbering for an electronic communications merchant in whose activities the Regulator has detected fraud performed using numbering or incorrect use of numbering;

17) not to grant the right to use numbering for an individual merchant, a branch of a foreign merchant or a commercial company, if such individual merchant, representative of the branch of the foreign merchant or shareholder, stockholder, member of the commercial company or member of the council or board of directors or procuration holder has been a member of the council or board of directors or procuration holder of such electronic communications merchant – capital company –, a member with the right of representation of such partnership, a representative of the branch of such foreign merchant or such individual merchant in whose activities the Regulator has detected fraud performed using numbering or incorrect use of numbering.

(2) The chairperson of the Regulator or his or her authorised official is entitled to draw up an electronic communications merchant administrative violation report, which shall be examined in accordance with the procedures laid down in law.

(3) The Regulator may determine a requirement for an electronic communications merchant which provides publicly accessible electronic communications services, that end-users who are persons with disability would be ensured:

1) access to electronic communication services equivalent to that enjoyed by the majority of end-users;

2) possibility to use the electronic communications services available for the majority of end-users and to select an electronic communications service provider.

*[12 May 2005; 3 May 2007; 3 July 2008; 19 May 2011; 9 January 2014; 22 October 2015]*

**Section 10. Appeal of Regulator Decisions**

(1) The decisions taken and the administrative acts issued by the Regulator may be appealed to a court.

(2) The submission of an application to a court regarding the revocation of an administrative act, the recognition thereof as repealed or invalid shall not suspend the operation of the administrative act issued by the Regulator.

*[3 May 2007]*

**Section 11. Suspension of the Operations of Electronic Communications Merchants**

[3 May 2007]

**Section 12. State Fee in respect of the Regulation of Public Utilities**

Electronic communications merchants shall pay a State fee for the regulation of public utilities in accordance with the law On Regulators of Public Utilities.

**Section 13. Standardisation**

(1) Standardisation in the electronic communications sector shall take place in accordance with the Standardisation Law.

(2) Supervision of the conformity with the mandatory applicable standards in the electronic communications sector shall be ensured by the Ministry of Transport.

(3) [23 March 2017]

*[3 May 2007; 12 June 2009; 23 March 2017]*

**Section 13.1 Rights of the Lotteries and Gambling Supervision Inspection**

(1) The Lotteries and Gambling Supervision Inspection has the right to take a decision by which the access to the domain name or Internet Protocol (IP) address of an organiser of interactive gambling or interactive lotteries not licensed in Latvia shall be restricted in Latvia.

(2) A person whose rights or lawful interests are restricted as a result of execution of the decision referred to in Paragraph one of this Section is entitled to contest and appeal the relevant decision in accordance with the procedures laid down in the Administrative Procedure Law.

(3) If upon receipt of the decision specified in Paragraph one of this Section, an electronic communications merchant has not ensured ensured restriction of access to the domain name or Internet Protocol (IP) address of an organiser of interactive gambling and interactive lotteries not licensed in Latvia within the time period specified in laws and regulations, the decision may be enforced by forced execution without a separate written warning of the forced execution of the administrative act.

(4) Contesting or appeal of the decisions referred to in Paragraph one of this Section, as well as Section 19, Paragraph one, Clause 22 of this Law shall not suspend their execution.

*[6 November 2013; 3 April 2019]*

**Section 13.2 Implementation of the State Policy in the Field of the Single Emergency Telephone Number “112” and eCall**

The State policy in the field of the single emergency telephone number “112” and eCall shall be implemented by the State Fire and Rescue Service.

*[22 October 2015]*

**Section 13.3 Rights of the State Revenue Service**

In the cases specified in the law On Taxes and Duties the State Revenue Service has the right to take a decision:

1) to disconnect the domain name;

2) to impose a ban on transferring the right to use a domain name.

*[23 November 2016]*

**Section 13.4 Obligations of the Maintainer of the Top Level .lv Domain Registry and Electronic Numbering System**

(1) In the cases specified in the law the maintainer of the top level .lv domain registry and electronic numbering system has the obligation to disconnect the .lv domain name not later than within 24 hours after receipt of a request from the competent authority and to carry out other additional activities therewith. The duration of disconnecting the domain name may not be longer than five days. After expiry of the time period indicated in the request the maintainer of the top level .lv domain registry and electronic numbering system shall restore the operation of the domain name.

(2) The maintainer of the top level .lv domain registry and electronic numbering system has an obligation to provide information to the user of the domain name regarding the reason, duration for disconnection, and other additional activities which are carried out with the domain name.

(3) The user of the domain name has the right to appeal a decision of the maintainer of the top level .lv domain registry and electronic numbering system to a court in accordance with the procedures laid down in the Administrative Procedure Law, if it restricts his or her rights without justification.

*[22 June 2017]*

**Chapter III**

**Electronic Communications Networks**

**Section 14. Types of Electronic Communications Networks**

(1) Electronic communications networks shall be public or private.

(2) A public electronic communications network is such an electronic communications network, which is used to ensure electronic communications services.

(3) A private electronic communications network is such an electronic communications network, which is established and is operated only to ensure the needs of the owner thereof.

(4) [19 May 2011 / See Paragraph 20 of the Transitional Provisions]

*[19 May 2011]*

**Section 15. Continuity of Electronic Communications Networks and Accessibility of Public Electronic Communications Services**

[3 May 2007]

**Section 16. Installation, Construction and Protection of Electronic Communications Networks**

(1) The Cabinet shall stipulate the procedures for the installation, construction, and supervision of electronic communications networks.

(2) Electronic communications merchants have the right to install and construct (also reconstruct) public electronic communications networks and the infrastructure structures thereof (cable ducts, manholes, poles, masts, towers, containers, and payphones) in State, local government and private property territory, previously coordinating it with the owner or legal possessor of the immovable property in accordance with the procedures laid down in the laws and regulations in the field of construction.

(3) The installation of electronic communications networks within protected nature territories shall be harmonised with the relevant administration of the territory or with the regional environmental board.

(4) In order to ensure the protection of the electronic communications network, protection zones shall be established (protection zones, right-of-ways), and the restrictions on the width of which and the procedures for the use thereof shall be laid down in the Protection Zone Law.

(5) The owner or legal possessor of immovable property shall ensure the possibility for electronic communications merchants to access the existing electronic communications networks and the infrastructure structures thereof in the relevant property, also the restricted area, closed territory or building in order to perform reconstruction, renovation of such networks and the relevant infrastructure structures, or work associated with the operation thereof. In respect of the necessity for repairs or other work, the owners or possessors shall be warned at least one day prior to the commencement of such work. In the case of an emergency, the rectification of the consequences thereof shall be permitted to commence without a previous warning to the owners or possessors if it is not possible to do so. As cases of emergency shall be deemed damage to the electronic communications network the result of which the provision of electronic communications services is fully or partially interrupted or also is threatened to occur without delay.

(6) Cable entry of residential and non-residential buildings, risers, horizontal cable channels, places for the installation of cable distribution and electronic communications network facilities in public premises, taking into account the laws and regulations governing property rights, shall be accessible without discrimination and on the basis of equal principles for electronic communications merchants for the provision of public electronic communications networks.

(7) [13 March 2014]

*[3 May 2007; 19 May 2011; 9 January 2014; 13 March 2014; 17 December 2015]*

**Section 17. Restoration of the Immovable Property after the End of the Work of Provision the Electronic Communications Network**

(1) If an electronic communications merchant during the work of ensuring the electronic communications network has damaged or otherwise arbitrarily modified the immovable property of another person, such merchant has an obligation to repair the damage or to restore the modified immovable property. An owner or possessor of the immovable property has no right to request additional works related or non-related to works of provision of electronic communications networks or increase the amount of restoration works.

(2) If within one month after the end of the work or another time period on the basis of an agreement with the owner or possessor of the immovable property, the electronic communications merchant has not restored the relevant property, the owner or possessor is entitled to restore it himself or herself and recover the charges and losses associated with the restoration of the property from the electronic communications merchant.

*[3 May 2007; 19 May 2011]*

**Section 18. Restrictions on the Right to Use in Favour of the Electronic Communications Merchant**

(1) A restriction on the right to use an immovable property is specified in favour of the public electronic communications network merchant for ensuring public electronic communications networks (also installation, construction, operation) and providing electronic communications services. This restriction shall be in effect from the day when the relevant electronic communications network has been placed into operation.

(2) Paragraph one of this Section shall also apply to such electronic communications network which is created using public financing and used for implementation of the functions of State authorities.

(3) The scope and procedures for using the restriction on the rights to use of owners or legal possessors of immovable properties are laid down in this Law, the Protection Zone Law, and The Civil Law. The owner or legal possessor of the immovable property may not damage or alter an electronic communications network which is placed in his or her immovable property, or carry out activities which would hinder the ensuring of the electronic communications network placed in the immovable property or provision of electronic communications services.

(4) Relocation of an electronic communications network on the basis of a request from the owner or legal possessor of the immovable property shall be performed at the expense of the owner or legal possessor of the relevant immovable property, unless the parties agree otherwise.

(5) Public electronic communications network lines, cables and termination points shall be installed, as well as equipment erected, in accordance with the law On Protection of Cultural Monuments.

*[17 December 2015 / The new wording of Section shall come into force on 1 December 2016. See Paragraph 39 of Transitional Provisions]*

**Section 18.1 Remuneration for Restriction on the Right to Use the Immovable Property**

(1) An owner of the immovable property may request remuneration for restriction on the right to use the immovable property if:

1) the land property is used for installation or construction of a new electronic communications network;

2) upon carrying out reconstruction of an existing electronic communications network, the area of the land property which is already occupied by the electronic communications network or the protection zone along or around this object increases.

(11) If the objectives, tasks, and results specified in the electronic communications sectoral policy planning document or in the sustainable development strategy and development programme of the local government may be achieved by installing or constructing a high-speed electronic communications network, and it will concurrently serve the general interests of the society, a public person shall not request a remuneration for restriction on the right to use the immovable property.

(2) If the owner of the immovable property requests the remuneration indicated in Paragraph one of this Section, but the parties cannot reach a mutual agreement, the amount of the remuneration for restriction on the right to use the immovable property shall be determined in accordance with the methodology referred to in Paragraph three of this Section.

(3) The methodology by which the area of land property shall be determined for which remuneration shall be calculated for the owner of the immovable property, as well as the methodology and procedures by which the remuneration shall be calculated and disbursed to the owner of the immovable property for restriction on the right to use the immovable property necessary for construction of an electronic communications network shall be determined by the Cabinet.

*[17 December 2015; 23 March 2017]*

**Chapter IV**

**Electronic Communications Merchants, Subscribers and Users**

**Section 19. Obligations of Electronic Communications Merchants**

(1) Electronic communications merchants have the following obligations:

1) to conform to and implement the conditions of general authorisations;

2) to ensure that the description and instructions for use of the offered electronic communications services are publicly accessible according to the procedures stipulated by the Regulator;

3) to enter into an electronic communications services contract with each subscriber;

4) to ensure the protection of user data, including personal data in accordance with laws and regulations;

5) upon a written request by the director of the Constitution Protection Bureau, to install, maintain, supplement, and modify at his or her own expense an interception point (points) in conformity with newly introduced functionality which upon a written request of the manager of the body performing operational activities shall be handed over free of charge for the use thereof for the conduct of investigatory operation measures and the performance of criminal procedural activities;

6) [19 May 2016];

7) to conduct negotiations regarding access or interconnections with all electronic communications merchants who request it;

8) to establish a separate electronic communications merchant for the use and provision of services of cable television networks if an electronic communications merchant has a significant influence in the provision of an electronic communications network or the voice telephony services market, or if it is controlled by the State or local government or if it ensures an electronic communications network which is established and operated in the same geographic territory on the basis of special rights;

9) upon providing voice telephony services, to ensure users with free of charge calls to the State Fire and Rescue Service, the State Police, the Emergency Medical Service, gas emergency service, the Maritime Search and Rescue Service, as well as the single emergency telephone number “112”;

10) upon providing voice telephony services, to ensure the provision of continuous electronic communications services to the services referred to in Paragraph one, Clause 9 of this Section if the relevant service requests it;

11) to ensure, in accordance with the procedures laid down in Section 71.1of this Law, the storage of the data to be retained for 18 months, as well as the transfer thereof to the authorities referred to in Paragraph one of Section 71.1in accordance with the procedures provided for in the Law, if they request such;

111) to ensure the transfer of the traffic data to the authority referred to in Section 70 of this Law, if it requests the relevant data in the case and in accordance with the procedures laid down in the law;

12) if an electronic communications merchant ensures public access voice telephony services in the cases referred to in Clause 9 of this Paragraph – to ensure the specification of the location of the caller and the transfer of such data to the Information Centre of the Ministry of the Interior. The Cabinet shall govern the procedures for the specification of the location of the caller and the transfer of such data;

13) to conform to and fulfil the scarce resources use conditions;

14) in accordance with the procedures stipulated by the Cabinet, to provide the State joint-stock company Electronic Communications Office with the information necessary for the maintenance of the numbering database, including information regarding the numbers allocated for use to an end user which the end user has retained in receiving the number portability service;

15) once per year to provide statistical information to the State Data Inspection regarding the applications from the authorities referred to in Section 71.1, Paragraph one of this Law to receive retained data and regarding the issuing of such data indicating the authority, which has requested the data;

16) to perform technical and organisational measures in relation to the security of the electronic communications network for the protection of the user data thereof, as well as in the case of a threat to a specific electronic communications network to inform users regarding the risks of using the electronic communications network and the accessible means of legal protection for the reduction of such risks;

17) to inform individually the user regarding the possibility of installing a content filter which restricts access of such material, in which cruel behaviour, violence, erotica, and pornography is propagandised and which creates a threat to the mental development of children, as well as to ensure the free of charge installation of content filters if the subscriber demands it from the electronic communications merchant;

18) if an electronic communications merchant ensures a public electronic communications network – to perform technical and organisational measures for ensuring of integrity of the relevant electronic communications networks and co-operate with the Information Technologies Security Incidents Response Institution in conformity with that laid down in the Information Technology Security Law;

19) in accordance with the procedures, in the amount and according to the conditions stipulated by the Regulator to provide information regarding the layout of the cable ducts, the available capacity and other physical parameters which are necessary to other operators for installation of the cable networks of next generation access (NGA). Such information shall not be considered as a commercial secret. The electronic communications merchant shall not provide information regarding the public electronic communications network and elements thereof which are protected by the laws and regulations governing national security and information technologies. The fee, if any applied, for the provision of the information shall be approximated to the costs;

20) in accordance with the procedures laid down in Section 71.2 of this Law, to ensure the transfer of the information referred to in Section 71.2 of this Law, if it is requested by the court;

21) to terminate routing of calls and access to the relevant number immediately, if fraud performed using numbering or incorrect use of numbering is detected. The electronic communications merchant shall not discontinue the provision of electronic communications services to its end-user, if the end-user complies with the provisions for use of electronic communications services of the relevant electronic communications merchant;

22) on the basis of the decision of the Lotteries and Gambling Supervision Inspection, the holder of the top level .lv domain registry and the electronic communications merchant shall restrict in Latvia access to the domain name or Internet Protocol (IP) address of an organiser of interactive gambling or interactive lotteries not licensed in Latvia in accordance with the procedures stipulated by the Cabinet;

221) on the basis of a request of the State Revenue Service for the holder of the top level .lv domain registry to ensure disconnection of the domain name or imposing of a ban on the transfer of the right to use the domain name in accordance with the procedures laid down in the law On Taxes and Duties;

23) if the electronic communications merchant ensures cable ducts – according to technical possibilities to ensure access to the cable ducts for another electronic communications merchant for installation of cable networks of next generation access (NGA) upon its request and a tariff approximated to the costs. The electronic communications merchant has an obligation to apply equivalent conditions in equivalent circumstances to other electronic communications merchants which are ensured access to the cable ducts;

24) if the electronic communications merchant is constructing or reconstructing cable ducts or is constructing a circuit to an electronic communications network – to ensure additional capacity of the cable ducts for installation of cable networks of next generation access (NGA) according to the procedures stipulated by the Regulator in cases when construction of back-up infrastructure is physically impossible or economically inefficient (in places where after performance of installation, construction, or rebuilding works it is necessary to restore the covering of road carriageway or sidewalk, in places asphalting of which is planned in the subsequent two years, or in places in which the protection zone along the cable ducts for laying of one’s own cable will make the creation of a parallel protection zone impossible for the electronic communications merchant, etc.);

25) if the electronic communications merchant ensures a public mobile electronic communications network in which a free-of-charge eCall is possible in accordance with Article 3(1) of Commission Delegated Regulation (EU) No 305/2013 of 26 November 2012 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall:

a) to ensure eCall identification in public mobile electronic communications networks;

b) to ensure call routing of eCall to the single emergency telephone number “112”;

26) if the electronic communications merchant ensures a public mobile electronic communications network, upon receipt of a notification from the Ministry of Foreign Affairs regarding a disaster or threats of a disaster which are related to threats to the life or health of a person, to send, as soon as possible in a text message, the information prepared by the Ministry of Foreign Affairs to its users and subscribers in the relevant country regarding the possible action in case of a threat;

27) to ensure the transfer of information in accordance with the procedures and in the amount laid down in Section 71.3 of the Law, if it is requested by the Central Statistical Bureau;

28) upon fulfilment of the requirement referred to in Clause 22 of this Paragraph, to concurrently forward the user to the website of the Lotteries and Gambling Supervision Inspection on the Internet where information regarding the liability applicable to the person is indicated;

29) to ensure access to the authorised representative of the Lotteries and Gambling Supervision Inspection to the termination points of the electronic communications network of the electronic communications merchant so that it could ascertain that the decision taken by the Lotteries and Gambling Supervision Inspection to restrict access to the domain name or Internet Protocol (IP) address of an organiser of interactive gambling or interactive lotteries not licensed in Latvia is being executed.

(2) In addition to those referred to in Paragraph one of this Section, a public telephone network operator has the following obligations:

1) [19 May 2016];

11) [19 May 2016];

2) to ensure for the end-users of its network access to operator assistance services, the telephone directory service;

3) to ensure users with international telephone calls using only the prefix “00”, and a possibility to perform calls to European telephone numbering area numbers for a tariff which is equivalent to the tariff specified for calls from and to other European Union Member States;

4) to ensure for its voice telephony subscribers the possibility of being included in a subscriber directory accessible to the general public;

5) [19 May 2016];

6) to ensure for users free of charge calls to European electronic communications services short codes “116X(XX)”;

7) [19 May 2011].

(3) An electronic communications merchant shall not be liable for the losses caused to third parties as a result of executing the decision of the Lotteries and Gambling Supervision Inspection referred to in Paragraph one, Clause 22 of this Section.

(4) The Cabinet shall determine the procedures by which the Lotteries and Gambling Supervision Inspection in the case referred to in Paragraph one, Clause 22 of this Section shall prepare and send a decision to the holder of the top level .lv domain registry and the electronic communications merchant on the fact that access to the domain name or Internet Protocol (IP) address of an organiser of interactive gambling or interactive lotteries not licensed in Latvia shall be restricted in Latvia, as well as the request form to be included in the decision, the form of sending, the type of execution and the term of operation of the decision.

*[12 May 2005; 26 October 2006; 3 May 2007; 3 July 2008; 10 June 2010; 16 December 2010; 19 May 2011; 6 November 2013; 9 January 2014; 22 October 2015; 17 December 2015; 19 May 2016; 23 November 2016; 3 May 2018; 3 April 2019]*

**Section 20. Rights of Electronic Communications Merchants**

Electronic communications merchants have the following rights:

1) to ensure an electronic communications network or to provide electronic communications services;

2) to impose tariffs for the electronic communications services in accordance with laws and regulations;

3) to impose the procedures by which payments shall be made for the electronic communications services provided;

4) to suspend or terminate the provision of electronic communications services if the subscriber does not fulfil the obligations specified in the electronic communications services contract;

5) to receive the information from a local government (building authority) regarding the owner or holder of the external power supply, electronic communications, water or other resources supply system built at the address of street, square, building, farmstead or land unit intended for construction and group of premises contained in a territorial division unit or inhabited area of the administrative territory thereof;

6) to take additional measures, using technological solutions available thereto, for restricting access to the domain name or Internet Protocol (IP) address of an organiser of interactive gambling or interactive lotteries not licensed in Latvia.

*[19 May 2011; 3 April 2019]*

**Section 21. Mutual Relations between Electronic Communications Merchants**

The mutual rights, obligations and liabilities between electronic communications merchants shall be determined by a contract.

**Section 22. Mutual Relations between Electronic Communications Merchant and Subscriber**

(1) An electronic communications merchant and a subscriber shall enter into an electronic communications service contract that sets out the mutual relations between the contracting parties.

(2) The electronic communications service contract shall be entered into in writing or using electronic communications means.

(3) The electronic communications service contract shall include at least the following information:

1) a description of the electronic communications service, indicating:

a) whether access to the State Fire and Rescue Service, the State Police, the Emergency Medical Service, gas emergency service, the Maritime Search and Rescue Service is ensured, including specifying whether there are limitations in respect of the availability of the information regarding caller location;

b) the information regarding any other conditions by which the access to electronic communications services and applications or use thereof is limited;

c) the information regarding the procedures which have been introduced by the electronic communications merchant to measure and shape traffic so as to avoid filling or overfilling a network link, and information on how those procedures could impact on electronic communications service quality;

d) the types of maintenance service offered and customer support services provided, as well as the means of contacting these services;

e) any restrictions imposed by the electronic communications service provider on the use of terminal equipment supplied;

2) the type of electronic communications service provided to the subscriber, time period for delivery, the subscriber number or address, the location of the termination point of the public electronic communications network and the location at which electronic communications services are to be received if such information is possible;

3) the procedures for payment for the electronic communications services and the address to which bills are to be delivered;

4) the quality conditions of the electronic communications services provided to the subscriber, including service quality values in compliance with the electronic communications service quality parameters specified by the Regulator;

5) the regulations of use of the electronic communications services provided by the electronic communications merchant;

6) compensation and refund provisions, which are applicable, if the electronic communications services quality conditions included in the contract are not conformed to;

7) the procedures for settling disputes and for the submission of claims by the subscriber;

8) information regarding permission to process subscriber data in order to publish and use such data for commercial purposes;

9) the conditions for suspension of the electronic communications services and for the termination of the electronic communications services contract;

10) measures that might be taken by the electronic communications merchant in reaction to security incidents, risks or threats, as well as in order to prevent interruptions of operation of the electronic communications network;

11) prices and tariffs, as well as the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained, payment methods offered and any differences in costs due to payment method;

12) the term of operation of the contract of electronic communications services, the conditions for extending and discontinuation of electronic communications services and of the term of operation of the electronic communications services contract, including any minimum duration or usage of electronic communications services required for using additional offers of electronic communications services, information regarding charges related to portability of numbers and other identifiers, any charges due on termination of the electronic communications services contract and any cost recovery with respect to terminal equipment.

(4) A fixed-term electronic communications services contract concluded between a consumer and an electronic communications services provider does not mandate an initial commitment period that exceeds 24 months. The electronic communications services provider shall offer users the possibility to subscribe to an electronic communications services contract with a maximum duration of 12 months initially.

(5) The Regulator has the right to specify the form of notification on termination of the electronic communications services contract.

(6) If a fixed-term electronic communications services contract is entered into with a consumer, the electronic communications merchant shall ensure easily perceptible information regarding total costs comparing to costs which would have incurred upon entering into a contract for which a minimum duration is specified, as well as the information regarding intended penalties and value of equipment granted within the framework of the contract or a lease payment, if any intended.

(7) If the electronic communications service contract, which has been entered into with the consumer for a fixed-term, provides for a penalty for pre-term termination of the contract, it shall be specified in proportion to the time of the service provision until the pre-term termination of the contract, dividing it in at least three-month periods.

(8) If an end-user needs equipment (for example, a decoder) for the receipt of electronic communications service which cannot be used for the receipt of electronic communications services of analogue type from another electronic communications merchant:

1) the electronic communications merchant prior to entering into the electronic communications services contract shall inform, as well as indicate in the purchase or lease contract of the equipment that the equipment cannot be used for the receipt of electronic communications service of analogue type from other electronic communications merchants;

2) the electronic communications merchant shall ensure the possibility for an end-user to lease such equipment for objectively substantiated and cost-based fee.

(9) Paragraph eight of this Section shall not apply to the cases when the electronic communications merchant who has bundled the equipment offered for an end-user to a particular electronic communications network for a definite period of time and, upon termination of contract obligations, ensures unbundling of the equipment allowing to use it for the receipt of electronic communications service of analogue type from another electronic communications merchant.

*[19 May 2011; 09 January 2014; 22 October 2015; 17 December 2015]*

**Section 23. Rights of End-users and Subscribers**

(1) End-users and subscribers have equal rights to receive electronic communications services.

(2) End-users and subscribers have the right to choose several electronic communications merchants simultaneously.

(3) Subscribers have the right to terminate an electronic communications services contract without the application of penalties if the subscriber, upon receipt of a notification from the electronic communications merchant regarding changes in the conditions of the contract, does not agree to the offered changes in the contract conditions. A subscriber shall be informed by the electronic communications merchant regarding changes to the conditions of the contract and the right to terminate the contract without the application of penalties not later than one month prior to the moment the changes in the contract conditions come into effect.

(31) An electronic communications merchant shall not provide for a penalty for termination of the contract, if the reason thereof is non-compliance of the provided electronic communications service with the values of quality parameters of electronic communications service specified in the contract. The Regulator shall, prior to termination of the contract and upon request of an end-user, detect non-compliance of the provided electronic communications service quality with the values of quality parameters of electronic communications service specified in the contract.

(4) [19 May 2016]

*[26 October 2006; 3 May 2007; 19 May 2011; 19 May 2016]*

**Section 23.1 Procedures for Submission and Examination of Complaints**

(1) An end-user shall submit a complaint regarding provision of electronic communications services to the relevant electronic communications merchant which shall examine it in accordance with the procedures laid down in the law On Regulators of Public Utilities.

(2) If the end-user is not satisfied with the answer provided by the electronic communications merchant or the electronic communications merchant has not provided an answer to the end-user and the complaint is related to a regulated electronic communications service, the end-user is entitled to address the Regulator with a complaint of the same content, appending the answer of the electronic communications merchant if such has been provided.

*[23 March 2017]*

**Section 24. Obligations of a User**

The obligations of a user shall be determined by the electronic communications services regulations of use.

**Chapter V**

**Private Electronic Communications Networks**

**Section 25. Use of Private Electronic Communications Networks**

(1) A natural person or legal entity has the right to establish and use a private electronic communications network.

(2) The provision of electronic communications services using a private electronic communications network is prohibited.

(3) [19 May 2011 / See Paragraph 20 of the Transitional Provisions]

(4) [19 May 2011 / See Paragraph 20 of the Transitional Provisions]

*[12 May 2005; 3 May 2007; 19 May 2011]*

**Section 25.1 Use of the State Electronic Communications Network for Emergency Situations and the State Electronic Communications Service Centre**

(1) The Cabinet shall determine the procedures for ensuring and use of the State electronic communications network for emergency situations, as well as approve the list of those authorities which use the State electronic communications network for emergency situations.

(2) The Cabinet shall determine the procedures for the use of the State electronic communications service centre, the placement and maintenance of the State information systems in the State electronic communications service centre, as well as the procedures for determining the list of those information systems of State significance which must be placed in the State electronic communications service centre.

*[19 May 2011; 23 March 2017; 22 June 2017]*

**Section 26. Obligations of Private Electronic Communications Network Owners**

The owners of private electronic communications networks have an obligation to ensure the interoperability of the electronic communications network if the private electronic communications network is connected to the public electronic communications network.

**Section 27. Rights of Private Electronic Communications Network Owners**

The owners of private electronic communications networks have the right to connect the private electronic communications network to the public electronic communications networks.

*[3 May 2007]*

**Section 28. Connection of Private Electronic Communications Networks to Public Electronic Communications Networks**

(1) Regulations regarding the connection of a private electronic communications network to the public electronic communications network shall be determined by the Regulator.

(2) An owner of a private electronic communications network and an electronic communications network merchant shall enter into an electronic communications network contract, which shall determine the mutual relations of the contracting parties. The commercial provisions of the contract regarding the connection of the private electronic communications network may not be discriminatory or more favourable in comparison to the electronic communications services, which the electronic communications network merchant provides to other users in similar circumstances.

*[3 May 2007]*

**Chapter VI**

**Electronic Communications Merchant with Significant Market Power**

**Section 29. Specification of an Electronic Communications Merchant with Significant Market Power**

(1) The Regulator, after defining the electronic communications market and market analysis, may specify the electronic communications merchants who have a significant influence in a relevant market. The Regulator shall review its decision each time when the definition of the electronic communications market and market analysis is performed.

(2) The Regulator may recognise that an electronic communications merchant has a significant market power if the merchant individually or jointly with other electronic communications merchants in this market are found to be in such a situation as is equivalent to a dominant position, that is, an economic power position, which allows it to a certain degree to act independently of other electronic communications merchants, users or end-users. The Regulator as far as possible, in evaluating whether one or more electronic communications merchants have a dominant position in the market, shall observe the guidelines regarding market analysis and evaluation of significant market power, which have been prepared by the European Commission.

(3) An electronic communications merchant, who has a significant market power in a relevant market (the first market), may have a significant influence also in a related market (the second market) if the link between these two markets allows the market power held in one market to be leveraged into the second (associated) market, thus strengthening the influence of the electronic communications merchant in such a market. In order to prevent it, the Regulator may determine commitments in the field of access or interconnections.

*[12 May 2005; 3 May 2007; 19 May 2011]*

**Section 30. Procedures for Defining Electronic Communications Services Markets**

(1) The Regulator, taking into account the geographic distribution of electronic communications services and other special circumstances existing in the State, as well as the European Commission recommendation on relevant product and service markets within the electronic communications sector, shall determine specific electronic communications services markets.

(2) In determining specific markets of electronic communications services, the Regulator shall consult with electronic communications merchants in accordance with the consultation procedures specified by the Regulator and, if necessary, with the Competition Council.

(3) In determining different markets than those referred to in the recommendation of the European Commission, the Regulator shall, prior to the taking of the relevant decision, conform to Section 8, Paragraph one, Clause 13 of this Law. If the European Commission, upon evaluation of the draft decision of the Regulator to define the electronic communications services market, indicates that it will cause barriers to the single European Union market or it fails to conform to the European Union legal acts, the Regulator shall postpone taking of the decision for two months. If the Regulator receives a decision from the European Commission regarding the draft decision drawn up by the Regulator, it shall, within six months from the day of taking of the decision of the European Commission, amend or withdraw its draft decision in accordance with the decision of the European Commission. If the Regulator amends the draft decision, it shall organise public consultations with market participants and in accordance with Section 8, Paragraph one, Clause 13 of this Law shall notify repeatedly the European Commission regarding the amended draft decision.

*[3 May 2007; 3 July 2008; 19 May 2011; 9 January 2014]*

**Section 31. Procedures for Market Analysis**

(1) The Regulator shall perform specific electronic communications services market analysis in accordance with the European Commission market analysis guidelines. The Regulator shall determine the volume of necessary information for the market analysis and the procedures for submission thereof.

(2) Taking into account the electronic communications services market analysis results referred to in Paragraph one of this Section, the Regulator shall determine whether effective competition exists in a relevant market. If, as a result of the market analysis, the Regulator determines that there is not effective competition in the market, the Regulator shall take a decision on the imposition, maintenance, amendment or withdrawal of adequate and proportional special obligations for electronic communications merchants in accordance with the procedures specified by the Regulator regarding the problems determined as a result of the market analysis.

(3) If the Regulator determines that effective competition exists in the market, it shall not impose or shall withdraw the special requirements for electronic communications merchants with significant market power.

(4) If the Regulator determines that effective competition does not exist in the market, it shall determine the electronic communications merchants, which have significant market power in the market, in accordance with Section 29 of this Law.

(5) Prior taking of a decision or opinion on determination of the set of planned measures in respect of the electronic communications merchant with significant market power, the Regulator shall conform to Section 8, Paragraph one, Clause 13 of this Law. If the European Commission, upon evaluation of the draft decision or opinion of the Regulator on determination of the set of planned measures, indicates that it will cause barriers to the single European Union market or it does not conform to the European Union legal acts, the Regulator shall postpone the taking of the decision or performance of the set of planned measures for two months, in order to receive the opinion from the European Commission. If the Regulator receives the decision from the European Commission on the draft decision or the set of planned measures prepared by the Regulator, it shall, within six months from the day of taking of the decision of the European Commission, amend or withdraw its draft decision or set of planned measures in accordance with the decision of the European Commission. If the Regulator amends its draft decision or set of planned measures, it shall organise public consultations with market participants and in accordance with Section 8, Paragraph one, Clause 13 of this Law shall notify the European Commission repeatedly regarding the amended draft decision or the set of planned measures.

(6) The Regulator shall carry out market analysis of the particular electronic communications services not later than three years after the previous decision to apply, preserve, amend or revoke the requirements for electronic communications merchants has been taken. As an exceptional case such time period may be extended for another three years, if the Regulator has submitted a justification for extending the time period to the European Commission and the European Commission has not rejected it within one month. If during the determined time period the Regulator has not carried out market analysis, it may address BEREC with a request to provide support for completion of market analysis. The Regulator together with BEREC shall notify the drawn-up draft decision or set of planned measures to the European Commission within six months.

*[3 May 2007; 3 July 2008; 19 May 2011; 9 January 2014]*

**Section 31.1 Procedures for Co-ordination with the European Commission and Other Regulating Institutions**

(1) If the Regulator receives a notification of the European Commission regarding such planned draft decision or the set of planned measures in respect of the market defining or analysis procedures, which may affect the trade between Member States and the purpose of which is to impose, amend or revoke an obligation on an operator, where the reasons why the draft decision or the set of planned measures may create barriers to the internal market are indicated, or receives instructions regarding non-conformity thereof with the European Union legal acts, the Regulator shall not take the decision or the set of planned measures for further three months following the notification of the European Commission. If such notification is not provided, the Regulator may take a decision or implement the set of planned measures, taking into account the recommendations of the European Commission, BEREC or the regulators of other states as much as possible.

(2) Within the time period laid down in Paragraph one of this Section the Regulator shall co-operate with the European Commission and BEREC in order to detect the most appropriate and most efficient measures to be taken. If BEREC publishes an opinion that it agrees to the recommendations of the European Commission, before the end of the time period referred in Paragraph one of this Section the Regulator may:

1) amend or revoke the draft decision or the set of planned measures, taking into account the notification of the European Commission and the opinion and recommendations of BEREC referred to in Paragraph one of this Section as much as possible;

2) maintain its draft decision or the set of planned measures.

(3) If the Regulator has made amendments to the draft decision or the set of planned measures or has maintained them, or if BEREC has not agreed to the notification of the European Commission referred to in Paragraph one of this Section or has not provided an opinion and the European Commission has provided a recommendation to amend or revoke the draft decision or the set of planned measures within one month after the end of the time period referred to in Paragraph one of this Section or has taken a decision to revoke the notification referred to in Paragraph one of this Section, the Regulator shall notify the European Commission and BEREC regarding its final decision or the set of planned measures within one month. If the Regulator organises public consultations with market participants, it shall notify regarding the final decision taken or the set of planned measures after public consultations.

(4) If the Regulator has not taken into account the recommendation of the European Commission referred to in Paragraph three of this Section, it shall submit a relevant justification to the European Commission.

(5) The Regulator may withdraw the draft decision or the set of planned measures at any stage of the procedure.

*[9 January 2014]*

**Section 31.2 Functional Separation**

(1) Where the Regulator concludes that the obligations referred to in Sections 38 and 39 of this Law have failed to achieve effective competition on the market and at the same time detects that there are important and persisting competition problems or market failures identified in relation to the wholesale provision of certain access product markets, it may, as an exceptional measure, take a decision to impose an obligation on vertically integrated electronic communications merchant to place activities related to the wholesale provision of relevant access products in an independently operating business entity (electronic communications merchant, structural unit) (hereinafter – the functional separation). The entity referred to in this Section shall supply access products and electronic communications services to all electronic communications merchants including to other electronic communications merchants within the parent company, on the same terms and conditions, including those relating to price and electronic communications service levels.

(2) When the Regulator intends to take a decision by which it imposes an obligation to a vertically integrated electronic communications merchant to perform functional separation, it shall submit a draft decision to the European Commission regarding functional separation in which:

1) justifies the conclusions of the Regulator as referred to in Paragraph one of this Section;

2) provides a reasoned assessment that there is no or little prospect to establish infrastructure-based competition within a reasonable time-frame;

3) provides an analysis of the expected impact on the Regulator, on the electronic communications merchant, in particular on the workforce of the separated entity and on the electronic communications sector as a whole, and on incentives to invest in a sector as a whole, particularly with regard to the need to ensure social and territorial cohesion, and on other stakeholders including, in particular, the expected impact on electronic communications infrastructure competition and any potential entailing effects on consumers;

4) justifies that this obligation would be the most efficient means to enforce remedies aimed at addressing the competition problems or markets failures identified;

5) indicates nature and level of separation, as well as the legal status of the separate business entity;

6) indicates the assets of the separate business entity, the electronic communications services provided or the products supplied by the separate business entity;

7) includes the governance arrangements to ensure the independence of the staff employed by the separate business entity, and the structure thereof;

8) includes the requirement to ensure the conformity with the obligations specified by the Regulator;

9) includes the requirement to ensure transparency of operational procedures, in particular towards other electronic communications merchants;

10) includes a monitoring programme the purpose of which is to ensure compliance with the obligations specified by the Regulator and which includes also the publication of an annual report.

(21) Prior to sending the decision referred to in Paragraph two of this Section to the European Commission the Regulator shall conduct public consultations with market participants.

(3) Following the notification of the draft decision on functional separation to the European Commission, as well as following the taking thereof, the Regulator shall conduct a coordinated analysis of the markets related to the particular market and on the basis of this analysis, it shall maintain, amend or withdraw obligations imposed on an electronic communications merchant or impose new obligations on it.

(4) The Regulator may apply to an electronic communications merchant, on which an obligation of functional separation has been imposed, any of the commitments and obligations referred to in Sections 38, 39, 40, 41, 42, and 44 of this Law in any specific market where it has been designated as an electronic communications merchant having significant market power, or any other obligations notified to the European Commission.

*[19 May 2011; 9 January 2014; 22 October 2015]*

**Section 31.3 Voluntary Functional Separation**

(1) Electronic communications merchant who has significant market power shall inform the Regulator in a timely manner, in order to allow the Regulator to assess the effect of the intended transaction on the market, when the merchant intends to transfer its local access network assets or a substantial part thereof to a separate legal entity under different ownership, or to establish a separate business entity in order to provide to all retail providers (including retail divisions of such electronic communications merchant), fully equivalent access products. The electronic communications merchant shall also inform the Regulator of any change of that intent, as well as the final outcome of the process of separation.

(2) The Regulator shall assess the effect of the intended transaction on existing obligations and commitments in the field of access or interconnections and conduct a coordinated analysis of the markets related to the access network. On the basis of this analysis, the Regulator shall impose, maintain, amend or withdraw obligations and commitments in the field of access or interconnections.

(3) The Regulator may apply to a functionally separated business entity any of the commitments or obligations referred to in Sections 38, 39, 40, 41, 42, and 44 of this Law in any specific market where the referred to entity has been designated as an electronic communications merchant having significant market power, or any other obligations authorised by the European Commission.

*[19 May 2011; 9 January 2014]*

**Chapter VII**

**General Authorisations**

**Section 32. Rights of Provision of Electronic Communications Networks or Electronic Communications Services**

(1) The Regulator shall determine and shall publish in the official gazette *Latvijas Vēstnesis* a list of those electronic communications networks and electronic communications services, prior to the commencement of the provision and providing of which a merchant must send a registration notification to the Regulator. The Regulator shall review the aforementioned list once a year.

(2) A merchant has the right to ensure an electronic communications network or provide the electronic communications services included in the list referred to in Paragraph one of this Section if he or she has sent a registration notification to the Regulator according to the procedures laid down in laws and regulations.

(3) The Regulator shall establish a list of electronic communications merchants and shall ensure the public accessibility thereof.

*[3 May 2007; 9 January 2014]*

**Section 33. Registration of Electronic Communications Merchants and Amendments to the General Authorisation Regulations**

(1) The Regulator shall issue and publish in the official gazette *Latvijas Vēstnesis* regulations regarding the sending of registration or termination of activities of the electronic communications merchant notifications, prevention of violations of the general authorisation regulations, discontinuation of the provision of electronic communications networks or the provision of electronic communications services in case of violations.

(2) The general authorisation regulations may be amended only in a justifiable and proportional way, publicly notifying regarding the intention to make such amendments and determining a sufficient time period, which is not less than four weeks (except for extraordinary circumstances) in order that interested persons (including users) may express their points of view regarding the proposed amendments.

(3) If the general authorisation regulations are violated repeatedly, the Regulator shall suspend the activities of the electronic communications merchant in the provision of electronic communication services or ensuring of the electronic communications networks for a time period up to five years, abrogating the right for such merchant to provide electronic communications services and to ensure the electronic communications network. The Regulator shall exclude from the list of electronic communications merchants such electronic communications merchant whose right to provide electronic communications services and ensure electronic communications network has been abrogated.

(4) When the period of time specified by the Regulator has been expired, for which the right to provide electronic communications services and ensure electronic communications network has been abrogated for the electronic communications merchant, the relevant merchant has the right to resume provision of electronic communications services and ensuring of electronic communications network, if it has sent a new registration notification to the Regulator in accordance with the procedures laid down in laws and regulations.

*[3 May 2007; 3 July 2008; 10 June 2010; 9 January 2014]*

**Section 34. General Authorisation Regulations**

(1) The Regulator shall determine and publish the general authorisation regulations in the official gazette *Latvijas Vēstnesis*.

(2) The general authorisation regulations may include conditions in relation to:

1) the financing of investments in the universal service;

2) information regarding the State fee;

3) the interoperability of the electronic communications services and the interconnection of electronic communications networks;

4) the routing of user calls in conformity to the national numbering plan and the European numbering space numbers, Universal International Freephone Numbers and, if technically possible, numbering plans of other European Union Member States;

5) the requirements of environmental, city and rural territorial planning;

6) access to privately and publicly owned land;

7) shared use of infrastructures (including technical and financial guarantees);

8) mandatory transmission of radio or television programmes;

9) protection of user data including personal data in the electronic communications sector;

10) specific requirements for the protection of consumer rights in the electronic communications sector and availability of electronic communications services for persons with disability;

11) restriction of the transmission of information with unlawful contents;

12) information, which is to be submitted to the Regulator, in order that it may supervise the implementation of the general authorisation regulations;

13) provision of electronic communications services in emergency situations between the State Fire and Rescue Service, the State Police, the Emergency Medical Service, gas emergency service, the Maritime Search and Rescue Service, and State administration institutions, as well as the possibility of informing of the inhabitants in emergency situations;

14) limitation of the impact of electronic communications network electromagnetic radiation;

15) access for electronic communications merchants, as well as special access requirement specification procedures and criteria for electronic communications merchants with a significant market power;

16) electronic communications network connection technical regulations and requirements to prevent electromagnetic interference in electronic communications networks;

17) protection of public electronic communications networks against unauthorised access;

18) use of the common radio frequency spectrum for commercial activities;

19) conformity with the standards or specifications published in the Official Journal of the European Union.

*[3 May 2007; 19 May 2011; 9 January 2014; 22 October 2015]*

**Section 35. Information to be Submitted to the Regulator**

(1) In order to supervise conformity with the general authorisation regulations, the Regulator shall approve and publish regulations regarding the type and amount of information to be regularly submitted to the Regulator and the time periods for the submission of such information in the official gazette *Latvijas Vēstnesis*.

(2) The Regulator may request that an electronic communications merchant provide information regarding the exercise of the rights of use, special requirements to ensure access, or the provision of universal services obligations, which are not included in the general authorisation regulations.

(3) The Regulator has the right to request additional information, which in accordance with this and other laws and regulations shall be submitted to the Regulator irrespective of the general authorisation regulations, from electronic communications merchants regarding the rights, requirements and obligations referred to in Paragraph two of this Section not included in the general authorisation only such information, which is necessary for the following purposes:

1) in order to perform regular or separate examinations in relation to investments in the financing of the universal service, State fee payments for the regulation of public services and regarding the rights of use of the radio frequency spectrum and numbering, ensuring of efficient use of radio frequency spectrum, as well as the conformity with the special requirements laid down for provision of access or the obligations of the provision of the universal service;

2) in order to examine the fulfilment of separate general authorisation regulations and right of use conditions if a complaint has been received or if the Regulator has other reasons to believe that these regulations or conditions have not been fulfilled;

3) in order to evaluate the requests for rights of use in conformity with the procedures for the assignment of rights of use;

4) in order to develop comparative overviews regarding the quality and price of services;

5) compilation of statistical data;

6) market analysis of electronic communications;

7) in order to assess further development of an electronic communications network or such electronic communications services which could affect the availability of wholesale services to competitors.

(4) If the Regulator requests electronic communications merchants to submit the information referred to in Paragraph two of this Section, it shall inform such merchants of the purpose for which the information shall be used. The information referred to in Paragraph three of this Section may not be requested prior to the registration of the electronic communications merchant, and the submission thereof may not be made a criteria from which is dependent access to the electronic communications market.

(5) The Regulator after the receipt of a substantiated request shall ensure that the relevant information is accessible to the European Commission, Latvian State administrative institutions and other European Union Member State regulators.

(6) The electronic communications merchant shall, upon submitting the information to the Regulator, indicate what information is a commercial secret and what the legal basis for determination of such status is. The electronic communications merchant shall not determine the status of a commercial secret and ensure public access to the information, which contains data regarding the electronic communication services provided and electronic communications networks ensured; the geographic territory, in which the electronic communications service is provided; the user, end-user or number of subscribers; the access and traffic, including short messages and multimedia messages, the representative quantitative indicators; the number of contracts regarding electronic communications services entered into; the number of the transferred phone numbers, providing the service of retaining the number; the net costs caused by provision of the universal service; the retail and wholesale tariffs for electronic communications services. The Regulator shall ensure that the information containing the commercial secret and which is provided by the electronic communications merchant and submitted to the Regulator is protected in accordance with the procedures laid down in laws and regulations.

*[3 May 2007; 3 July 2008; 19 May 2011; 9 January 2014]*

**Chapter VIII**

**Access and Interconnections**

**Section 36. Rights and Obligations of the Regulator in respect of Access and Interconnections**

(1) In order to ensure that one public electronic communications network end-users may communicate with other public electronic communications network end-users, the Regulator has the right to fairly, proportionally and with equal treatment impose upon electronic communications merchants who ensure the necessary access to end-users, obligations in the field of access and interconnections.

(2) In order to ensure for a user the possibility of access to digital radio and digital television broadcasting services, the Regulator has the right to fairly, proportionally, transparently and with equal treatment (non-discrimination) impose that public electronic communications network operators have an obligation to ensure access to application software interfaces and electronic programme guides.

(3) In order to ensure qualitative operation of the electronic communications network, the Regulator may issue electronic communications network technical and operational regulations, which are binding to operators having the obligation to ensure access.

(4) The electronic communications network technical and operational regulations shall be issued taking into account the principles of objectiveness, transparency, proportionality and equality (non-discrimination), the nature of the problem to be resolved, and the purpose of the regulation.

(41) Prior to the issue of electronic communications network technical and operational regulations, the Regulator shall consult with the participants of the electronic communications market.

(42) The Regulator may take a decision in order to ensure that electronic communications merchants apply tariffs approximated to the costs in mutual settlement of accounts for access to the cable ducts.

(5) Prior to determination of the obligations referred to in Paragraphs one and two of this Section, the Regulator shall consult with the participants to the electronic communications network, as well as listen to the opinion of the regulators of the European Union Member States and the European Commission. The Regulator may, taking into account the opinion of the European Union Member States and the European Commission, make amendments to the applicable obligations and notify the European Commission thereof.

*[3 May 2007; 3 July 2008; 19 May 2011; 9 January 2014]*

**Section 37. Rights and Obligations of Operators in relation to Access and Interconnections**

(1) In order to ensure provision and interoperability of electronic communications services, an operator has the right and, if it is requested by other electronic communications merchants, also an obligation to negotiate regarding interconnections.

(2) The access and interconnection regulations which the operator offers to other electronic communications merchants shall conform to the obligations which have been imposed by the Regulator in accordance with this Law.

(3) Information which the electronic communications network merchant has received before negotiations, during the process of negotiations or after the process of negotiations regarding access or interconnections may be used only for the purpose, which the information was provided, moreover, observing the confidentiality thereof. It is prohibited to pass on the received information to other persons (units, subsidiaries or partners) for which such information provides a competitive advantage.

(4) Two electronic communications merchants shall enter into a public electronic communications network access or interconnection contract in which shall be included all the technical, commercial and other access or interconnection provisions, including agreements which apply to opening of numbering for call routing, initiation, termination and transit tariffs of calls. The interconnection contract or amendments thereof shall be drawn up in three copies. Within ten working days after entering into the interconnection contract or amending thereof, one copy of the contract shall be submitted to the Regulator.

(5) The interconnection contract shall provide for the procedures by which call routing and access to numbers and electronic communications services is to be terminated, as well as the procedures for mutual payments in cases when fraud performed using numbering or incorrect use of numbering is detected.

*[3 May 2007; 19 May 2011; 9 January 2014]*

**Chapter IX**

**Obligations for Electronic Communications Merchants with a Significant Market Power in the Field of Access and Interconnection**

**Section 38. Obligations for Electronic Communications Merchants with a Significant Market Power in the Field of Access and Interconnection**

(1) The Regulator may impose upon an electronic communications merchant with a significant market power in the field of access or interconnection commitments and obligations of transparency, equal treatment (non-discrimination), accounting separation, tariff regulation and cost accounting, and obligations in relation to the access to electronic communications networks. In exceptional cases, if the obligations previously specified fail to facilitate the competition with sufficient efficiency, the Regulator shall also impose other obligations for the electronic communications merchant for whom a significant market power has been specified in the field of access or interconnections. The Regulator shall harmonise such application of obligations with the European Commission.

(2) The Regulator in imposing upon an electronic communications merchant with a significant market power the obligations referred to in Paragraph one of this Section in the field of access or interconnection, shall observe the principles of objectiveness, transparency, proportionality and equality (non-discrimination), the nature of the problem to be resolved, and the purpose of the regulation.

*[3 May 2007; 3 July 2008; 22 October 2015]*

**Section 39. Obligations of Transparency**

(1) Taking into account market analysis results; the Regulator may impose, amend or withdraw the obligation of transparency in the field of access or interconnections for electronic communications merchants with a significant market power. The obligation of transparency may include communication to the public of specific information (accounting, technical and network characteristic parameters, prices and tariffs, and conditions for provision of and using access and interconnections), and the publication of obligations and requirements of reference offers for them.

(2) If the obligation of equal treatment has been specified for an electronic communications merchant with a significant market power, then the Regulator may request that it publishes reference offers for access, interconnection, common use of associated facilities, leased lines, access to data flow or unbundled access to the subscriber lines (local loops), in which the information included shall be separated in details, and shall ensure that the electronic communications merchants – recipients of services – do not have to pay for associated facilities or equipment that are not necessary for the requested service.

(3) An electronic communications merchant with a significant market power shall publish reference offer for access or interconnection, shared use of associated facilities, leased lines, access to data flow or unbundled access to the subscriber lines (local loops), and information regarding the accounting, technical and network characteristic parameters, prices and tariffs, and conditions for access and the provision and use of interconnections in accordance with the procedures and time periods laid down by the Regulator.

(4) The Regulator has the right to:

1) determine and publish in the official gazette *Latvijas Vēstnesis* requirements in relation to the publication of information, information to be included in the access, interconnection, shared use of associated facilities, leased lines, access to data flow, or unbundled access to the subscriber lines (local loops) reference offers and the level of detail necessary for it;

2) determine the manner of publishing the information to be published, access, interconnection, shared use of associated facilities, leased lines, access to data flow or unbundled access to the subscriber lines (local loops) reference offers;

3) determine amendments to the published access, interconnection, shared use of associated facilities, leased lines, access to data flow or unbundled access to the subscriber lines (local loops) reference offers and information to be published if the conditions thereof do not conform to the requirements of the Regulator.

*[12 May 2005; 3 May 2007; 3 July 2008; 19 May 2011; 9 January 2014; 3 May 2018]*

**Section 40. Obligations of Equal Treatment (Non-discrimination)**

Taking into account market analysis results, the Regulator may impose, amend, or withdraw the following obligations of equal treatment in the field of access or interconnections for electronic communications merchants with a significant market power within the scope of the relevant market:

1) the obligation to apply equivalent conditions in equivalent circumstances to other electronic communications merchants who ensure equivalent electronic communications services;

2) the obligation to provide an equivalent electronic communications service to another electronic communications merchant, to ensure equivalent access and information in the same quality and on the same conditions according to which such electronic communications merchant itself provides the electronic communications service, ensures access and information to its associated merchants;

3) the obligation to provide an equivalent electronic communications service to another electronic communications merchant, to ensure equivalent access and information in the same quality and on the same conditions according to which the associated merchant of such electronic communications merchant provides the electronic communications service, ensures access and information.

*[19 May 2016 / The new wording of Section shall come into force on 1 January 2017. See Paragraph 40 of Transitional Provisions]*

**Section 41. Obligation of Accounting Separation**

Taking into account market analysis results, the Regulator may impose, amend, or withdraw for electronic communications merchant with a significant market power the obligation to perform separate operational accounting in the field of access and interconnection.

*[3 May 2007]*

**Section 42. Tariff Regulation and Cost Accounting Obligations**

(1) Taking into account market analysis results, the Regulator may impose, amend or withdraw for electronic communications merchant with a significant market power tariff regulation and cost accounting obligations (including the obligation to cost orientation and a requirement in relation to cost accounting and assignment system). In imposing such obligations, the Regulator shall take into account the investments made by the relevant merchant and shall allow him or her to acquire a proportional profit from the invested capital in provision of access or interconnection in conformity with the risks involved.

(2) [12 May 2005]

(3) If the electronic communications merchant has an obligation to cost orientation, then the relevant electronic communications merchant shall prove to the Regulator that the tariff is derived from reasonable costs, taking into account a reasonable return on investments made. The Regulator may also use other methods for cost accounting, and not those, which have been used by the electronic communications merchant, as well as the methodology for the calculation of sufficient price difference of wholesale and retail services. The Regulator may request that electronic communications merchants submit a justification for their tariffs and costs. If the Regulator determines that the costs included in the tariff are not justified or the tariffs do not approximate costs, the Regulator is entitled to suspend the application of such tariffs and to impose the maximum prices or also request the electronic communications merchant to adjust the tariffs.

(4) An electronic communications merchant with a significant market power for which requirements in relation to cost accounting and assignment system are specified shall communicate to the public a description of the cost accounting and assignment system, indicating the main cost categories, as well as the cost assignment rules. A sworn auditor or sworn auditor commercial company shall verify conformity with the cost accounting system. The merchant shall communicate the statement of the sworn auditor regarding conformity with a specific cost accounting and assignment system annually to the public.

(5) An electronic communications merchant with a significant market power is prohibited from specifying access or interconnection service discounts or an amount of rebate dependent upon the volume of service provided. The Regulator may give permission to specify such rebates or the amount of rebate if the electronic communications merchant proves that in such a way it has not placed other electronic communications merchants in a disadvantageous market position.

(6) The Regulator may suspend for an electronic communications merchant with a significant market power, for which the obligation of regulating tariffs for access or interconnection tariffs has been specified, the application of such tariffs and determine the maximum prices or assign the electronic communications merchant to correct tariffs, if the Regulator detects that it is not useful and proportionate to apply cost calculation obligations (including the obligation to approximate tariffs to costs and requirements in relation to cost calculation and assignment system) and Section 42, Paragraph three of this Law for such electronic communications merchant. In determining the upper limit of the tariffs or also in assigning the correction of tariffs, the Regulator shall not base them on the costs and profitability of providing an electronic communications service of such electronic communications merchant, which has not been applied the cost calculation obligation and Paragraph three of this Section. In determining the upper limit of the tariffs or also in assigning the correction of tariffs, the Regulator may use the comparative evaluation and analysis, information regarding costs arising from providing the electronic communications service in the most efficient way and using the latest technologies available, as well as cost calculation models and other methods. If the costs of an electronic communications service provided in the most efficient way change, the Regulator may revise the upper limit or assign to correct the tariff.

*[12 May 2005; 3 May 2007; 3 July 2008; 19 May 2011; 9 January 2014]*

**Section 43. Operator (Carrier) Selection and Operator (Carrier) Pre-selection**

[9 January 2014 / See Paragraph 29 of the Transitional Provisions]

**Section 44. Access to Electronic Communications Network Equipment and its Use**

(1) If as a result of market analysis, the Regulator concludes that denial of access or unjustified access regulations may hinder the establishment of a long-term and competitive retail trade market or such do not conform to the interests of end-users, the Regulator has the right to impose, amend, or withdraw the following obligations for an electronic communications network operator with a significant market power:

1) to give third parties access to specified electronic communications network elements or facilities, including access to electronic communications network elements which are not active or unbundled access to the subscriber lines (local loops), to, inter alia, allow carrier selection or pre-selection service or to allow subscriber line resale;

2) to perform negotiations with electronic communications merchants who request access;

3) not to suspend access to those specific electronic communications network elements or equipment to which access has been already previously ensured;

4) to ensure specific wholesale services for third persons to provide electronic communications retail trade services;

5) to provide access to technical interfaces or other main technologies which are necessary for the interoperability of electronic communications services or virtual network services;

6) to ensure the possibility of locating specific electronic communications network elements in premises for the use of electronic communications networks or providing in another way the shared use of infrastructure objects (including cable ducts, a building used for the provision of the electronic communications network or the shared use of an antenna mast and tower);

7) to provide electronic communications services (including such services as are necessary for intelligent network services or roaming in mobile telephone electronic communications networks) which are necessary in order to ensure full electronic communications service interoperability for users;

8) to provide access to work support systems or similar software systems which are necessary in order to maintain fair competition in the provision of electronic communications services;

9) to mutually connect electronic communications networks or electronic communications elements or equipment.

(2) The Regulator shall determine the requirements for the reference offers of access, interconnection, common use of associated facilities and the unbundling of leased lines, access to data flow and access subscriber lines (local loops), and the publication of such reference offers, as well as the regulations regarding provision of the service of operator (carrier) selection or the service of operator (carrier) pre-selection and the time periods for introduction of such services.

*[12 May 2005; 3 May 2007; 3 July 2008; 19 May 2011; 9 January 2014]*

**Section 45. Procedures by which Information Regarding Specific Obligations in the Field of Access and Interconnection Access and Interconnections is Published**

(1) Within one month from the moment of taking a relevant decision, the Regulator shall publish on its website information regarding market analysis results, as well as regarding special commitments and obligations which are imposed upon electronic communications merchants in the field of access or interconnections.

(2) The Regulator shall send to the European Commission the published information regarding market analysis results, as well as regarding specific commitments or obligations which are imposed upon electronic communications merchants in the field of access or interconnections in accordance with the procedures specified thereof.

(3) Electronic communications merchants have an obligation to inform the Regulator regarding the publication of the access, interconnection, common use of associated facilities and the unbundling of leased lines, access to data flow and access subscriber lines (local loops) reference offers not later than three working days after the publication of the access, interconnection, common use of associated facilities and the unbundling of leased lines and access subscriber lines (local loops) reference offers.

(4) The Regulator shall maintain and twice a year up-date information regarding interconnection, common use of associated facilities, and the unbundling of leased lines, access to data flow and access subscriber lines (local loops) contracts entered into on its Internet home page.

(5) The Regulator shall annually publish on its website a notice regarding the conformity with the cost accounting and assignment methodology.

*[12 May 2005; 3 May 2007; 3 July 2008; 19 May 2011; 9 January 2014]*

**Chapter X**

**Conformity Assessment, Distribution and Use of Electronic Communications Network Terminal Equipment and Radio Equipment**

*[12 May 2005]*

**Section 46. Conformity Assessment of Electronic Communications Network Terminal Equipment and Radio Equipment, as well as Distribution and Use**

(1) For both terminal equipment and radio equipment the essential requirements, assessment and certification of conformity to such requirements shall be applied in accordance with the procedures laid down in the law On Conformity Assessment.

(2) The procedures by which radio equipment is offered on the market, installed, and used, as well as the supervision of their use shall be determined by the Cabinet.

(3) [19 May 2016]

(4) On the basis of a request from an owner of terminal equipment or a person directing the procedures, an electronic communications merchant which offers to use identifiable terminal equipment in the electronic communications network, has an obligation to suspend or renew the possibility of using terminal equipment in his or her electronic communications network, which was stolen, lost or otherwise taken against his or her will from the authority of the owner (hereinafter – the terminal equipment lost by the owner) and is identifiable in the electronic communications network. The electronic communications merchant which offers to use identifiable terminal equipment in the electronic communications network shall transfer information to the centralised database regarding terminal equipment lost by the owner reported to him or her.

(5) The Cabinet shall determine the procedures by which the centralised database referred to in Paragraph four of this Section shall be established and maintained, as well as the time periods and procedures by which electronic communications merchants shall provide information for inclusion in the centralised database regarding owner lost terminal equipment and ensuring the suspension or renewal of the possibility of using in his or her electronic communications network of the owner lost terminal equipment.

(6) It is prohibited without the consent of the manufacturer of terminal equipment or an authorised person thereof:

1) to change the data necessary for the identification of the terminal equipment in the electronic communications network, as well as to acquire, store, and distribute the data intended for such purpose;

2) to acquire, manufacture, store, and distribute the software or equipment which is intended for the change of data necessary for the identification of terminal equipment in the electronic communications network.

(7) It is prohibited to use and distribute terminal equipment for which the data necessary for identification thereof in the electronic communications network may be changed without authorisation, as well as to carry out activities which are related to unauthorised changing of the identifier of equipment assigned to the terminal equipment or unauthorised unbundling of the terminal equipment for operation in another network if it is industrially adapted for operation in the particular electronic communications network.

*[12 May 2005; 3 May 2007; 3 July 2008; 6 November 2013; 19 May 2016]*

**Chapter XI**

**Radio Frequency Spectrum and Numbering**

**Section 47. Right of Use of the Radio Frequency Spectrum or Numbering**

(1) For the use of the radio frequency spectrum and numbering in commercial activities, the Regulator shall allocate radio frequency spectrum or numbering rights of use. The Regulator shall determine the procedures by which the rights of use of the radio frequency spectrum and numbering shall be allocated, extended, cancelled, and retransferred. The Regulator, in accordance with the National Radio Frequency Plan and the opinion provided by the State joint-stock company Electronic Communications Office, is entitled to take a decision to allocate, extend, retransfer, and cancel the radio frequency spectrum and numbering rights of use to be used in commercial activities in order to prevent harmful interferences, to ensure the quality of electronic communications services, rational and efficient use of radio frequency spectrum and to implement the interests of the society.

(2) An electronic communications merchant may request the right of use of the radio frequency spectrum and the right of use of numbering for the commercial activity.

(3) An electronic communications merchant shall submit an application for the right of use of the radio frequency spectrum or the right of use of numbering for the commercial activity to the Regulator in accordance with the procedures and within the time period stipulated thereby. The Regulator shall carry out the following activities involving the application:

1) examine the application for the right of use of the radio frequency spectrum within six weeks from the day of receipt of the application. If a competition or auction is advertised for the assignment of the right of use of the radio frequency spectrum, the Regulator shall take a decision not later than within eight months from the day of receipt of the application;

2) examine the application for the right of use of numbering within three weeks from the day of receipt of the application. If a competition or auction is advertised for the assignment of the right of use of numbering, the Regulator shall take a decision not later than within six weeks from the day of receipt of the application.

(31) An electronic communications merchant is not entitled to retransfer the right of use of the radio frequency spectrum if it has not paid for the acquisition of such right of use. The electronic communications merchant is not entitled to grant the right of use of numbering for such electronic communications merchant in the operation of which the Regulator has detected fraud that has been carried out using numbering, or incorrect use of numbering, for an individual merchant, a branch of a foreign merchant or a commercial company, if such individual merchant, representative of the branch of the foreign merchant or shareholder, stockholder, member of the commercial company or member of the council or board of directors or procuration holder has been a member of the council or board of directors or procuration holder of such electronic communications merchant – capital company –, a member with the right of representation of such partnership, a representative of the branch of such foreign merchant or such individual merchant in whose activities the Regulator has detected fraud performed using numbering or incorrect use of numbering. The electronic communications merchant in the operation of which the Regulator has detected fraud that has been carried out using numbering, or incorrect use of numbering, is not entitled to grant the right of use of numbering to another electronic communications merchant.

(32) Decisions by which the Regulator determines that a specific radio frequency spectrum available for electronic communications services is to be used for the provision of electronic communications service shall be justified if they conform to the European Union law and implement such interests of the society as:

1) safety of humans;

2) the promotion of social, regional and territorial cohesion;

3) the avoidance of inefficient use of radio frequencies.

(4) Right of use of the radio frequency spectrum which shall not be used for commercial activities shall be allocated in accordance with the procedures laid down in Section 50 of this Law.

(5) The Cabinet shall determine the radio frequency spectrum band the efficient use of which it is necessary to limit the allocation of right of use of the radio frequency spectrum for commercial activities in the electronic communications sector. In such cases, the Regulator shall organise a competition or auction in accordance with the approved by-laws of the Regulator and allocate the right of use of the radio frequency spectrum to the winner of the competition or auction. The Regulator shall determine the procedures by which electronic communications merchants, for whom the allocated right of use of the radio frequency spectrum in such spectrums has ended, may extend the time period of the allocated right of use of the radio frequency spectrum. The time period for the right of use of the radio frequency spectrum shall conform to the purpose of the relevant service and intended investments. An application for granting of the right of use of the radio frequency spectrum shall be submitted to the Regulator not earlier than two years before the term for release of the radio frequency spectrum band laid down in laws and regulations. An application for extension of the time period for the right of use of the radio frequency spectrum shall be submitted to the Regulator not earlier than two years before the end of the term of the right of use of the radio frequency spectrum.

(51) Commercial activities without receipt of the right of use of the radio frequency spectrum allocated by the Regulator is permitted if it is performed in radio frequency spectrums or radio frequency channels, for which a sharing radio frequency allocation use permit has been specified.

(6) The winner of the competition or auction in relation to the operation of radio equipment shall receive a radio frequency assignment use permit in accordance with the procedures laid down in Section 50 of this Law.

(61) The Regulator shall ensure that radio frequencies are used efficiently in order to promote competition and harmonised retransfer of the radio frequencies in the European Union. In such case the Regulator shall assess the necessity of retransfer of the right of use of the radio frequencies, taking into account that retransfer or hoarding of the right of use of the radio frequencies shall not disturb the competition.

(7) If, for the performance of commercial activities, an electronic communications merchant is allocated the right of use of the radio frequency spectrum, then the Regulator may impose the following specific right of use conditions:

1) requirements in relation to electronic communications services, quality and electronic communications networks or technologies, the provision, ensuring or using of which the right of use of the radio frequency spectrum has been allocated;

2) requirements in relation to the efficient use of the radio frequency spectrum and provision of coverage;

3) technical requirements in relation to the prevention of the impact of possible harmful radio interference;

4) time periods for the operation of right of use of the radio frequency spectrum;

5) conditions for the retransfer of the right of use of the radio frequency spectrum allocated for commercial activities;

6) conditions regarding payment for the right of use of the radio frequency spectrum;

7) obligations which must be fulfilled by an electronic communications merchant who has received the right of use of the radio frequency spectrum as a result of a competition or auction;

8) requirements which arise from international radio frequency spectrum use agreements.

(8) If an electronic communications merchant has been allocated a right of use of numbering, the Regulator may impose the following specific right of use conditions:

1) requirements in relation to electronic communications services the provision of which the right of use of numbering has been allocated and requirements in relation to the tariff principles and maximum prices applicable in the specific number range for the purposes of ensuring consumer protection;

2) requirements in relation to the efficient use of the numbering;

3) conditions for provision of a number portability service;

4) requirements to provide a publicly accessible subscriber directory;

5) maximum time periods for the operation of right of use of numbering;

6) conditions for the retransfer of the allocated right of use of numbering;

7) conditions in relation to payment for the right of use of numbering;

8) obligations which must be fulfilled by an electronic communications merchant who has received the right of use of numbering as a result of a competition or auction;

9) requirements which arise from international numbering use agreements.

(9) [10 June 2010]

*[12 May 2005; 3 May 2007; 10 June 2010; 19 May 2011; 6 November 2013; 9 January 2014; 17 December 2015; 23 March 2017]*

**Section 48. Radio Frequency Spectrum and Numbering Databases**

(1) The State joint-stock company Electronic Communications Office shall establish and maintain radio frequency spectrum and numbering databases. The Information Centre of the Ministry of the Interior shall establish and maintain caller location database and information system.

(2) The Information Centre of the Ministry of the Interior shall, in accordance with the procedures stipulated by the Cabinet, ensure the processing, maintenance and further transfer of data regarding caller location received from electronic communications merchants to the State Fire and Rescue Service, the State Police, the Emergency Medical Service, gas emergency service, the Maritime Search and Rescue Service.

(3) The State joint-stock company Electronic Communications Office shall ensure access for the Regulator to the radio frequency spectrum and numbering databases intended for commercial activities in the necessary amount for the fulfilment of the functions of the Regulator.

(4) The State joint-stock company Electronic Communications Office shall ensure access for the electronic communications merchants to the numbering database, including information regarding those numbers transferred for use by end users, which the end user has retained in receiving the number portability service.

*[12 May 2005; 3 May 2007; 19 May 2011; 6 November 2013; 22 October 2015]*

**Section 49. National Radio Frequency Plan**

(1) The Cabinet shall determine the radio frequency spectrum band allocation by radio communications types and classification by radio communications systems, as well as the use of the radio frequency bands by general authorisations (including radio interfaces and the parameters thereof and the radio frequency spectrum bandwidth, which are intended for commercial activities).

(2) The radio frequency bands may be used only in accordance with the radio communication types and radio communication systems referred to in Paragraph one of this Section.

**Section 50. Radio Frequency Assignment Use Permit**

It is permitted to use the radio frequency spectrum for radio equipment operations after the receipt of a radio frequency assignment use permit from the State joint-stock company Electronic Communications Office or in accordance with a common radio frequency assignment use permit in accordance with the procedures determined by the Cabinet. Decisions on radio frequency assignment use permits for use in commercial activity shall be made public.

*[19 May 2011; 6 November 2013]*

**Section 51. Clearing of a Radio Frequency Band**

(1) The time periods for the clearing of radio frequency bands for radio communication types or radio communication systems the implementation of which is provided for in international agreements or laws and regulations shall be indicated in the national radio frequency plan not later than two years before the intended clearing of the radio frequency band. Charges or losses of an electronic communications merchant or private electronic communications network owner which are associated with the clearing of the radio frequency band shall not be covered.

(2) If an individually specified radio frequency band is necessary for the operation of radio equipment which, in accordance with the procedures laid down in laws and regulations, is already being used by the radio equipment of another person, the interested person after agreement between the parties shall cover all the possible charges or losses for the clearing of the radio frequency band, or also the parties agree regarding the shared use of the relevant radio frequency band.

*[12 May 2005]*

**Section 52. Harmful Radio Interference**

(1) Radio equipment shall be installed and used so as not to cause harmful radio interference. The use of accident and emergency signal radio frequencies in sea and air navigation in emergency situations is permitted only in such emergency situations.

(2) The State joint-stock company Electronic Communications Office shall examine applications for harmful radio interference to radio and television programme reception and the operation of radio communications shall ascertain the source of such radio interference and take a decision on the rectification thereof.

(3) The Ministry of Transport prohibit or restrict the use of radio equipment in order to avert harmful radio interference or the creation of such radio interference.

(4) If the use of radio equipment or the harmful radio interference created thereof may cause a threat to State security and public order, as well as to navigation and air traffic safety, the discontinuation of use of the radio equipment on the basis of a request from the State joint-stock company Electronic Communications Office shall be ensured without delay in conformity with their competence by the State Police or Military police or State security institution.

*[12 May 2005; 3 May 2007; 6 November 2013]*

**Section 53. Installation of Radio Equipment for Amateur Radio**

The Cabinet shall determine the procedures for the installation, erection, and use of radio equipment for amateur radios, as well as the receipt of amateur radio certificates.

*[12 May 2005]*

**Section 54. Use of the Radio Frequency Spectrum for State Defence or Security, as well as Procedures for the Use of Special Radio Facilities**

(1) The radio frequency use bands which in the national radio frequency plan are designated solely for the operation of the radio communication system intended for the needs of State defence and security in conformity with the radio communication types specified in the national radio frequency plan, shall be used by the relevant radio frequency user.

(2) The Cabinet shall determine the procedures for the use of special radio facilities, the technical requirements for the operation of special radio facilities and the restriction of electromagnetic radiation, objects and cases in which for the needs of State defence and security special radio facilities may be used for the discontinuation of undesirable radio communications.

*[3 May 2007]*

**Section 55. National Numbering**

(1) [3 May 2007]

(2) The procedures by which the State joint-stock company Electronic Communications Office shall manage numbering, and establish and maintain the numbering database shall be determined by the Cabinet.

(3) [9 January 2014]

(4) [12 May 2005]

(5) [12 May 2005]

*[12 May 2005; 3 May 2007; 6 November 2013; 9 January 2014]*

**Section 56. National Numbering Plan**

The Cabinet shall approve the national numbering plan which shall determine the number structure and format for the identification thereof and routing, number compilation procedures, as well as the number use purposes and types.

*[3 May 2007]*

**Section 57. Number Portability Service**

(1) When changing an electronic communications merchant, on the basis of request by an end-user, the end user shall be ensured the possibility of retaining the number allocated to him or her for use.

(2) The Regulator shall determine the regulations for the number portability service. The electronic communications merchant shall enter into an agreement with an end-user regarding porting a number in which the time period for the porting a number, amount of the compensation for non-observance thereof and other provisions are provided. The electronic communications merchant shall activate a number within one working day.

(3) An electronic communications merchant, who provides voice telephony services, shall ensure the number portability service for end users.

(31) [3 May 2007]

(4) The Regulator shall ensure that electronic communications merchants in mutual settlement of payments for the provision of the number portability service apply tariffs approximated to costs and the direct charges of the end-user if there are such shall not be an obstacle to the use of number portability service. The Regulator shall take the relevant decision for achievement of this objective.

(5) The Regulator shall not determine the retail trade tariffs for the number portability service.

*[12 May 2005; 3 May 2007; 3 July 2008; 19 May 2011; 22 October 2015 / The new wording of Paragraph one shall come into force on 1 January 2016. See Paragraph 36 of Transitional Provisions]*

**Section 58. Annual State Fee for the Right of Use of the Numbering**

(1) An annual State fee shall be paid for the right of use of the numbering, for which the Cabinet shall determine the rate, procedures for payment and relief.

(2) The State fee shall be paid into the State budget, and from grants from general revenue shall be ensured financing for the implementation of electronic communications sector policy.

*[3 May 2007; 9 January 2014]*

**Chapter XII**

**Quality (Performance) of Electronic Communications Services**

**Section 59. Supervision of the Quality (Performance) of Electronic Communications Services**

(1) The Regulator shall determine the procedures for quality requirements of electronic communications services provided by electronic communications merchants, quality measurement methodology of electronic communications services and for the submission and publication of quality reports for electronic communications services.

(2) The supervision of the implementation of the quality (performance) requirements for public electronic communications services provided by electronic communications merchants and the quality (performance) measurements of the electronic communications services in accordance with the methodology specified in Paragraph one of this Section shall be performed by the Regulator.

(3) The Regulator shall prepare and communicate to the public a report regarding the quality (performance) of public electronic communications services for the previous calendar year.

(4) The Regulator, after taking account of the views of the interested parties, may require electronic communications merchants to publish comparable, adequate and up-to-date information for end-users on measures taken to ensure the same electronic communications services for disabled end-users as for other end-users. The electronic communications merchant shall submit the referred to information to the Regulator in advance of its publication and upon receipt of a request.

(5) In order to prevent the degradation of the quality of electronic communications services, including hindering or slowing down of traffic over electronic communications networks, the Regulator may set minimum values of quality parameters of electronic communications services on those electronic communications merchants who are providing publicly accessible electronic communications networks. The Regulator shall, before setting any such requirements, submit to the European Commission the information with the grounds for such action, information regarding the envisaged requirements and the proposed course of action. This information shall, before determination of the referred to requirements, be also notified to BEREC. The Regulator shall, before taking of a decision, take the utmost account of the European Commission’s recommendations and comments.

*[3 May 2007; 19 May 2011]*

**Chapter XIII**

**Electronic Communications Services Tariffs**

**Section 60. Public Accessibility and Regulation of Tariffs for Electronic Communications Services Provided to End-users**

(1) Electronic communications merchants shall ensure transparency and public accessibility to tariffs for the electronic communications services provided, the tariff plan and tariff rebates for end-users.

(2) In respect of electronic communications merchants with a significant market power, the Regulator may apply tariff regulation measures for electronic communications services provided to end-users (including specifying the method for calculating tariffs, approving tariffs, imposing the obligation to cost orientation or relevant service tariff in comparative service markets, applying electronic communications services cost assignment and accounting methodology and other tariff regulation measures).

(3) Each year the Regulator shall publish on its website a notice regarding the electronic communications merchant who has an obligation to apply the cost accounting and assignment methodology, as well as to harmonise the cost system with such methodology.

(4) If the electronic communications merchant has an obligation to cost orientation, then he or she shall prove to the Regulator that the tariff is formed from reasonable costs, including proportional profit for the investments made. The Regulator may request the electronic communications merchant with a significant market power to submit a full justification for his or her tariffs and costs. If the Regulator determines that the costs included in the tariff are not fully justified or the tariff is not approximated to costs, the Regulator is entitled to suspend the application of such tariffs and to impose the maximum prices, or also to request the electronic communications merchant to adjust the tariffs. The specified obligations are in effect only for the time period in which the electronic communications merchant has a significant influence on the relevant market.

*[3 May 2007; 9 January 2014; 19 May 2016]*

**Section 61. Electronic Communications Services Rebates**

Electronic communications merchants have the right to implement electronic communications services tariff plans for end-users and to impose upon electronic communications end-users the electronic communications services tariff discounts to be provided, except for the cases where the Regulator has recognised such discounts as unequal.

*[3 May 2007]*

**Chapter XIV**

**Universal Service**

**Section 62. Specification of the Universal Service**

(1) The Regulator shall determine and regularly review the list of services included in the universal service, the scope of the universal service, the geographical territory and range of end-users, providing for that the end-users have the right to access a public electronic communications network for making voice telephony calls and for sending fax messages and data messages with a data transmission speed that is sufficient to ensure access to the Internet, and providing for that persons with disabilities have the right to receive special services. If any of the abovementioned services are ensured by the market, the Regulator shall not include it in the universal service obligation. The Regulator may also determine affordable tariff specification principles.

(2) The Regulator shall provide for the publication of the information referred to in Paragraph one of this Section in the official gazette *Latvijas Vēstnesis*.

*[26 October 2006; 3 May 2007; 19 May 2011; 9 January 2014; 17 December 2015; 19 May 2016]*

**Section 63. Special Measures for Persons with Disabilities**

The Regulator may take a decision that the public telephone network operator must implement special measures to ensure publicly accessible electronic communications services to persons with disabilities, including the access to the State Fire and Rescue Service, State Police, Emergency Medical Service, gas emergency service, and in addition these services need to be equivalent to those services which are received by other end-users.

*[26 October 2006; 3 May 2007; 19 May 2011; 19 May 2016; 3 May 2018]*

**Section 64. Control of Universal Service Obligations and Amount of Payment**

(1) In order to ensure the provision of the universal service within the entire territory of Latvia, the Regulator shall determine for the electronic communications merchant the universal service provision obligations.

(2) The Regulator shall determine that the universal service obligations for the provision of the universal service is permanently and continuously provided in the most economically advantageous way, and providing end-users with the possibility to receive the services included in the universal service obligations.

(3) The Regulator shall, using effective, objective, transparent and equal procedures for determining the obligations, determine one or more electronic communications merchants who shall have the obligation to provide the universal service within the entire territory of Latvia. Another electronic communications merchant may provide each of the services included in the universal service.

(4) The electronic communications merchant, in providing the universal service, shall ensure such conditions that the end-user does not have to pay for electronic communications services that are not necessary for the provision of the requested services.

(5) The Regulator shall supervise the fulfilment of the universal service obligations.

(6) The Regulator has the right to impose itemised billing requirements for electronic communications merchants who have been designated universal service obligations in order that end-users are ensured the possibility of verifying and controlling charges, as well as to avoid an unjustified suspension of services.

(7) The Regulator shall supervise the development and level of the tariff for the services included in the universal service, taking into account consumer prices in the State and the income of the inhabitants.

(8) The electronic communications merchant for whom universal service obligations have been determined shall, before the transfer of all assets of public electronic communications network or a substantial part thereof to an electronic communications merchant under different holder of capital shares (hereinafter – the network legal successor), submit at least the following information to the Regulator:

1) the purpose and necessity of transfer;

2) the period of time of transfer;

3) the list of electronic communications services which will be provided by an electronic communications merchant for whom universal service obligations have been determined, and a network legal successor;

4) planned tariffs for electronic communications services which will be offered by an electronic communications merchant for whom universal service obligations have been determined, and a network legal successor;

5) fulfilment of the universal service obligations within a period of time regarding which the information has not been provided to the Regulator.

(9) The Regulator shall, within six months from the day of receipt of the information laid down in Paragraph eight of this Section, assess how the planned transfer would affect the availability of electronic communications service at a fixed location and the provision of voice telephony services. If the Regulator detects that it is necessary for an electronic communications merchant to determine universal service obligations anew, as well as in order to ensure provision of universal service and continuity thereof, the Regulator may determine other period of time for the transfer and determine universal service obligations for the electronic communications merchant.

(10) The electronic communications merchant for whom universal service obligations have been determined is entitled to transfer all assets of public electronic communications network or a substantial part thereof to a network legal successor only after the period of time of transfer, if the Regulator has specified such.

(11) The Regulator shall notify the European Commission regarding universal service obligations which have been determined for the electronic communications merchant in accordance with Paragraph one of this Section. The Regulator shall notify the European Commission also any changes which affect the universal service obligations or the electronic communications merchant.

(12) The electronic communications merchant for whom universal service obligations have been determined shall, in accordance with the procedures specified by the Regulator, ensure for a subscriber the possibility to control costs for the use of publicly available telephone network, informing a subscriber free-of-charge if his or her consumption of electronic communications services is excessive or abnormal.

*[3 May 2007; 19 May 2011; 3 May 2018]*

**Section 64.1 Selection of the Provider of the Universal Service**

(1) The Regulator shall issue rules in accordance with which a tender shall be organised to determine the provider of the universal service. These rules shall specify the subject-matter of the tender, requirements for tenderers and provider of the universal service, procedures for the organisation, evaluation criteria, procedures by which the Regulator shall act if the provider of the universal service fails to fulfil the universal service obligations assigned thereto, and other obligations associated with the tender process. The Public Procurement Law shall not apply to the tender process.

(2) The Regulator shall ensure equal treatment of all tenderers, prevent the provision of more favourable conditions to any of the tenderers, and ensure that an electronic communications merchant has a possibility to become the provider of the universal service if it meets the requirements for tenderers laid down by the Regulator.

(3) If the tender referred to in Paragraph one of this Section ends without a result, the Regulator shall:

1) organise a repeated tender within two years;

2) until the announcement of the results of the next tender, but for not more than two years, extend the universal service obligations for such electronic communications merchant who fulfilled them until the day when the tender was announced.

(4) The Regulator shall assign the provider of the universal service for three years.

*[3 May 2018]*

**Section 65. Specification of Universal Service Obligation Net Costs and Compensation for Losses**

(1) The cost of the universal service obligation compensation and the costing procedures thereof shall be determined by the Regulator. The compensation mechanism shall be transparent and create as little as possible distortion of the market, taking into account the principles of equal treatment (non-discrimination) and proportionality.

(2) The electronic communications merchant who has been designated the universal service obligation shall calculate the net costs of the universal service obligation in accordance with the universal service obligation net cost accounting and specification methodology specified by the Regulator.

(3) The Regulator shall approve the universal service obligation net cost accounting and specification methodology and the net costs of the universal service obligation as calculated by the electronic communications merchant. The electronic communications merchant who provides the universal service shall ensure that a sworn auditor or a sworn auditor commercial company examines the calculation of the net costs of the universal service obligation. The net cost calculation and the report of the sworn auditor or sworn auditor commercial company shall be publicly accessible.

(4) The net costs that arise from the fulfilment of the universal service obligation shall be compensated in accordance with a specified compensation mechanism if the electronic communications merchant who provides the universal service proves that he or she is subject to an unfair burden and the fulfilment of the obligation is causing losses.

(5) Losses, which arise from the fulfilment of the universal service obligation, shall not be compensated if the universal service obligation creates also additional benefits and such benefits exceed the losses caused by the unfair burden.

(6) The Regulator shall publish annually on its website a notice in which it shall inform regarding the net costs of the universal service obligation.

*[3 May 2007; 9 January 2014; 19 May 2016]*

**Section 66. Universal Service Financing and Compensation Mechanism**

(1) In order to compensate the net costs of the universal service obligation, a universal service fund or other financing and compensation mechanism shall be established.

(2) The universal service financing and compensation mechanism and the procedures by which payments shall be made for the compensation of losses caused by the fulfilment of the universal service obligation shall be stipulated by the Cabinet. The payments made shall only be used for the compensation of losses.

(3) The Regulator shall administer the universal service compensation mechanism. The Regulator shall ensure the public accessibility of the principles of such mechanism and other information associated with such mechanism.

*[3 May 2007]*

**Chapter XV**

**Access to Digital Television and Digital Radio Services**

**Section 67. Access to Digital Television and Digital Radio Services**

(1) An electronic communications merchant who offers digital television and digital radio services shall ensure that the services provided by him or her do not limit the right of subscribers to a free choice of service supplier, as well as that there is interoperability with other electronic communications merchant services.

(2) Digital television and digital radio signal transmission systems shall be established in accordance with the electronic communications sector standards specified by the European Union.

*[22 October 2015]*

**Chapter XVI**

**Data Protection in the Electronic Communications Sector**

**Section 68. Data Confidentiality**

(1) An electronic communications merchant has the obligation not to disclose information regarding users or subscribers without the permission of the user or subscriber, as well as information regarding the electronic communications services or value added services received by them, except when such information is necessary for the authorities referred to in Section 70, Paragraphs eight, 8.1 and nine of this Law, as well as for the institutions specified in Section 71.1, Paragraph one of this Law for the performance of the functions laid down in laws and regulations, and for the purposes referred to in Sections 71.2 and 71.3.

(2) An electronic communications merchant is prohibited to disclose information, without the consent of a user or subscriber, which he or she transmits or which is transmitted in providing electronic communications services to users or subscribers, except in the cases if such information is necessary for the performance of the functions laid down in laws and regulations of the institutions determined in Section 71.1, Paragraph one of this Law and for the purposes referred to in Section 71.2.

*[3 May 2007; 19 May 2011; 9 January 2014; 3 May 2018 / Amendment regarding the supplementation of Paragraph one with the figure 71.3 shall come into force on 1 January 2019.* *See Paragraph 42 of Transitional Provisions]*

**Section 68.1 Security of Processing of Personal Data**

(1) In addition to that specified in the Personal Data Protection Law, an electronic communications merchant shall:

1) ensure that personal data can be accessed only by authorised personnel and used for previously specified purposes;

2) ensure that personal data are protected against accidental or unlawful destruction or accidental loss, and unauthorised or unlawful storage, processing, access or disclosure;

3) document the internal procedures for the investigation and prevention of breach of personal data protection.

(2) The Cabinet shall determine the mandatory requirements which the electronic communications merchant must observe in developing internal procedures for the investigation and prevention of breach of personal data protection.

*[19 May 2011]*

**Section 68.2 Informing Regarding Breach of Personal Data Protection**

(1) In the case of a breach of personal data protection, the electronic communications merchant shall, without delay, notify the Data State Inspection regarding circumstances and essence of the breach of personal data protection.

(2) The electronic communications merchant shall, not later than 30 days after the provision of the information referred to in Paragraph one of this Section, inform the State Data Inspection regarding:

1) types of personal data, categories of data subjects and data amount in respect of which personal data protection breach has occurred;

2) technical and organisational protection measures and means ensured when a breach of personal data protection has occurred;

3) the measures to mitigate the possible adverse effects of the breach of personal data protection;

4) consequences of the breach of personal data protection;

5) technical and organisational measures implemented in respect of the breach of personal data protection, which has occurred;

6) investigation of the breach of personal data protection;

7) third persons informed regarding such breach of personal data protection;

8) the fact whether the data subjects in respect of which the breach of personal data protection has occurred have been informed thereof.

(2) The Data State Inspection, upon receipt of the information regarding a breach of personal data protection, has the right:

1) to impose an obligation on the electronic communications merchant to inform a subscriber, user or data subject regarding the breach of personal data protection, if the electronic communications merchant has not notified thereon;

2) to decide on commencement of inspection.

*[19 May 2011]*

**Section 68.3 Informing a Subscriber, User, or Data Subject Regarding Breach of Personal Data Protection**

(1) An electronic communications merchant shall, without undue delay, notify the subscriber, user or data subject regarding a breach of personal data protection, if it is likely to cause consequences for the subscriber, user, data subject or privacy thereof.

(2) The electronic communications merchant, in providing the information in accordance with Paragraph one of this Section, shall include the following therein:

1) the information regarding the essence of the breach of personal data protection;

2) contact information in order to acquire additional data regarding the breach of personal data protection;

3) the information regarding the measures to mitigate adverse effects of the breach of personal data protection.

(3) The electronic communications merchant shall not notify a subscriber, user or data subject regarding the breach referred to in Paragraph one of this Section, if the electronic communications merchant has demonstrated to the satisfaction of the State Data Inspection that it has implemented such technological and organisational data protection measures to the data processed in the breach of personal data protection that render the data unintelligible to any person who is not authorised to access it.

*[19 May 2011]*

**Section 68.4 Accounting of Breaches of Personal Data Protection**

(1) An electronic communications merchant shall keep the information regarding the essence of the breach of personal data protection, the consequences thereof and actions performed which the electronic communications merchant has implemented in order to prevent a breach of personal data protection, as well as the information on when and to whom it has provided the data regarding the breach of personal data protection. The electronic communications merchant shall keep such information for 18 months.

*[19 May 2011]*

**Section 69. Connection to Electronic Communications Networks**

(1) Only bodies performing operational activities may connect to electronic communications networks in order to obtain investigatory information in the cases and according to the procedures laid down in law.

(2) The Cabinet shall determine the procedures by which an electronic communications merchant shall install, in the electronic communications network, equipment which shall ensure the acquisition of investigatory information from technical facilities and the investigatory wiretapping of conversations in the cases specified by law.

(3) An electronic communications merchant does not have the right to disclose information regarding users against whom the measures referred to in this Section are directed, as well as regarding the purpose, justification and volume of such measures.

*[3 May 2007]*

**Section 70. Processing of Traffic Data**

(1) [3 May 2007]

(2) Traffic data shall be processed in a time period, in which the user or subscriber may dispute the bill and perform payments according to the procedures laid down in laws and regulations. In individual cases, it is allowed to process and store the traffic data while objections are being examined and resolved, as well as until the time when unpaid payments are recovered.

(3) An electronic communications merchant is entitled to process traffic data without previous co-ordination with the user or subscriber only for payment accounting regarding the electronic communications services provided, recovery of payments, examination of objections or provision of interconnections, except in the cases provided for in Paragraphs seven, eight, 8.1 and nine of this Section, as well as in Sections 68, 71.1, 71.2 and 71.3 of this Law.

(4) Processing of traffic data is permitted for the distribution of electronic communications services and provision of value added services if a user or subscriber to whom such data relates has given a consent before processing of traffic data in accordance with an entered into electronic communications services contract. The user or subscriber has the right to revoke at any time his or her consent to the processing of traffic data.

(5) [3 May 2007]

(6) A user or subscriber does not have the right to access traffic data and to make corrections therein.

(7) The Regulator has the right to request and receive from an electronic communications merchant traffic data which is necessary in order to examine a dispute, an interconnection issue or fraud performed using numbering, as well as the traffic data regarding the user who has submitted an application to the Regulator, necessary for examination of the relevant application.

(8) In order to perform the supervision in the field of circulation of electronic communications, personal data protection and information society services laid down in laws and regulations, the Data State Inspection has the right to request and electronic communications merchants has the obligation to provide traffic data within 15 days.

(81) In order to perform the supervision specified in the laws and regulations in the field of protection of the collective interests of consumers and circulation of information society services, the Consumer Rights Protection Centre has the right to request from the electronic communications merchant the following traffic data on the subscriber or user:

1) the name (company) and registration number, if the subscriber or user is a legal person;

2) the given name, surname, and personal identity number, if the subscriber or user is a natural person;

3) the telephone numbers and Internet protocol (IP) addresses assigned to the subscriber or user in accordance with the electronic communications services contract, and contact information.

(82) Electronic communications merchant has the obligation to provide the traffic data referred to in Paragraph 8.1 of this Section that are at its disposal within 15 days.

(83) In order to carry out the monitoring provided for in the laws and regulations of the participation of persons in interactive gambling and interactive lotteries that are not licensed in Latvia, the Lotteries and Gambling Supervision Inspection has the right to request and the electronic communications merchants have the obligation to provide within 15 days the following traffic data on the subscriber or user who has used a website of an organiser of interactive gambling or interactive lotteries not licensed in Latvia, if the respective information is available to the electronic communications merchant:

1) the name (company) and registration number, if the subscriber or user is a legal person;

2) the given name, surname, and personal identity number, if the subscriber or user is a natural person;

3) the telephone numbers and Internet protocol (IP) addresses assigned to the subscriber or user in accordance with the electronic communications services contract, and contact information.

(9) For the purpose of investigating violations of the laws and regulations governing the financial and capital market, the Financial and Market Capital Commission has the right, on the basis of a decision of a judge, to request and receive from an electronic communications merchant the traffic data referred to in Paragraph 1 and Paragraph 2, Sub-paragraphs 1, 2, 3, 4, 5, and 6 of Annex 1 to this Law, as well as the data referred to in Paragraphs 1, 2, 3, 4, 5, 6, 7, and 8 of Annex 2 to this Law.

(10) Electronic communications merchant has no obligation to implement additional measures for obtaining the information referred to in Paragraphs eight, 8.1 and nine of this Section, if during the provision of the electronic communications service the technical equipment of the electronic communications merchant does not generate, process and record it.

(11) The Cabinet shall determine the procedures for requesting and transferring the traffic data to the authorities referred to in Paragraphs eight, 8.1 and nine of this Section.

(12) The Cabinet shall determine the procedures for requesting and transferring the traffic data to the institution referred to in Paragraph 8.3of this Section.

*[12 May 2005; 3 May 2007; 10 June 2010; 19 May 2011; 9 January 2014; 3 May 2018; 3 April 2019 / Paragraph 8.3 shall come into force on 1 October 2019. See Paragraph 44 of Transitional Provisions]*

**Section 71. Location Data Processing**

(1) The processing of location data, taking into account the exceptions specified in this Section shall be permitted only to ensure the provision of electronic communications services.

(2) The processing of location data for other purposes without the consent of a user or subscriber shall be permitted only in such cases if the user or subscriber cannot be identified using such location data.

(3) The processing of location data for other purposes with the consent of a user or subscriber is permitted in the time period, which is necessary to provide value added services.

(4) Before the receipt of consent regarding the processing of location data for other purposes, an electronic communications merchant has an obligation to inform the user or subscriber regarding the type of data to be processed, the purpose and time periods of the processing, as well as regarding the fact of whether the location data will be transferred to third persons for the provision of value added services.

(5) A user or subscriber has the right to revoke his or her consent for the processing of location data for other purposes at any time, notifying the relevant electronic communications merchant of this revocation.

(6) A user or subscriber who has consented to the processing of location data for other purposes has the right to request free of charge that the processing of location data be suspended for a specific time, notifying the relevant electronic communications service provider of this suspension.

(7) An electronic communications merchant may process location data without the consent of the user or subscriber if the processing of location data is necessary for the State Fire and Rescue Service, the State Police, the Emergency Medical Service and the gas emergency services, the Maritime Search and Rescue Service, as well as the Information Centre of the Ministry of the Interior for the fulfilment of the obligation thereof and the transfer of such data to the services referred to in this Paragraph of this Section.

(8) An electronic communications merchant may process location data without the consent of its user or subscriber, if processing of the location data is necessary in order to send the information referred to in Section 19, Paragraph one, Clause 26 of this Law.

*[12 May 2005; 3 May 2007; 19 May 2011; 6 November 2013; 22 October 2015; 19 May 2016]*

**Section 71.1 Use and Processing of Data to be Retained**

(1) Data to be retained shall be retained and transferred to pre-trial investigation institutions, bodies performing operational activities, State security institutions, the Prosecution Office and the court in order to protect State and public security or to ensure the investigation of criminal offences, criminal prosecution and criminal court proceedings, as well as to the Competition Council for investigating violations of the competition law which manifests as restrictive agreements. Information regarding the given name, surname, personal identity number or name, registration number, address, user ID, telephone number and location of such subscriber or registered user to whom Internet protocol (IP) address has been assigned during the connection shall be stored and transferred to the State Police to ensure the protection of the rights and legal interests of the persons offended in the electronic environment within cases regarding the physical and emotional abuse of a child.

(2) An electronic communications merchant shall ensure the retention of retained data in such volume as they are acquired or processed in providing electronic communications services, as well as ensuring the protection thereof against accidental or unlawful destruction, loss or modification, or processing or disclosure not provided for in this Law. The electronic communications merchant does not have an obligation to perform additional measures to acquire the data to be retained if in providing electronic communications services, the technical equipment of the merchant does not generate, process and register such data.

(3) An electronic communications merchant shall ensure the transfer of data to be retained to the authorities referred to in Paragraph one of this Section on the basis of a request therefrom.

(4) The Cabinet shall determine the procedures for the requesting by and transfer of data to be retained to the authorities referred to in Paragraph one of this Section.

(5) The Data State Inspection according to the procedures and in the volume stipulated by the Cabinet shall once per year compile statistical information regarding the requests to receive data to be retained from the authorities referred to in Paragraph one of this Section and regarding the issuing of such data.

(6) An electronic communications merchant does not have the right to disclose information regarding the fact that data to be retained has been requested by or transferred to the authorities referred to in Paragraph one of this Section, as well as information regarding users or subscribers in relation to whom data to be retained has been requested or transferred, except in the cases laid down in laws and regulations.

(7) Processing of data to be retained may be performed only by an authorised person of the electronic communications merchant.

(8) Data to be retained shall be extinguished at the end of the time period specified in Section 19, Paragraph one, Clause 11 of this Law, except for the data, which the authorities referred to in Paragraph one of this Section have requested up to the end of the time period for the retention of data, but which have not yet been issued, as well as data, which is necessary for the provision of further services, payment accounting for services provided, the examination of claims, recovery of payments or ensuring interconnections.

*[3 May 2007; 19 May 2011; 3 May 2018]*

**Section 71.2 Provision of Information in Civil Cases**

(1) An electronic communications merchant shall, upon the request of the court, ensure the provision of the information regarding the given name, surname or designation and address of the subscriber or registered user to whom an Internet Protocol (IP) address, user ID or telephone number was allocated at the time of the connection in order to ensure the protection of the rights and legal interests of the individual infringed in the electronic environment in the civil cases.

(2) In order to ensure that referred to in Paragraph one of this Section, upon bringing an action to the court and upon the request of the court, the electronic communications merchant shall ensure the provision of the information also regarding traffic data having the importance in the review of the case, disclosure of which has been recognised as permissible by the court in the case weighing it against the right of the individual to data protection thereof.

(3) The electronic communications merchant does not have an obligation to perform additional measures for obtaining the information referred to in Paragraphs one and two of this Section, if, in providing the electronic communications service, the technical facilities do not generate, process and register it.

*[19 May 2011]*

**Section 71.3 Provision of Information for Ensuring Official Statistics**

(1) In order to provide the official statistics specified in the laws and regulations, the Central Statistical Bureau of Latvia (hereinafter – the Bureau) has the right to request that the electronic communications merchant who provides voice telephony services processes and provides anonymised location data, in case of roaming – data on the country of the subscriber, and the processing and provision of such data shall be the obligation of electronic communications merchant. Location data shall be processed by using at least the information of the coverage of a cell tower [Cell ID or Sector ID] or another method for identifying the location of the caller which is technically available in the electronic communications network and allows to acquire more accurate and reliable data on the location of the subscriber or user.

(2) In order to provide the official statistics specified in the laws and regulations, the Bureau has the right to request that the electronic communications merchant who ensures operation of the public mobile telephone network provides the information at its disposal regarding the telephone numbers assigned to a subscriber or user based on the electronic communications service contract in accordance with the sample list of the subscribers and users prepared by the Bureau, and the provision of such information shall be the obligation of the electronic communications merchant. The Bureau has the right to request the information referred to in this Paragraph no more than twice a year, by providing the electronic communications merchant with payment for the information which is based on the direct costs.

(3) The Cabinet shall lay down the procedures for requesting the information referred to in Paragraph one of this Section, its type, amount of the information to be requested and payment for the preparation of the requested amount of information, and also time periods for the preparation and transfer of the information.

*[3 May 2018 / Section shall come into force from 1 January 2019. See Paragraph 42 of Transitional Provisions]*

**Section 72. Restrictions on Calling and Called Number Identification**

(1) A calling number user has the right free of charge to prohibit calling number identification for each call separately.

(2) A calling number subscriber has the right once a year free of charge to prohibit calling number identification permanently for all calls.

(3) A called number subscriber has the right free of charge to refuse incoming call calling number identification.

(4) A called number subscriber has the right to request that the operator ensure the refusal of those calls for which the user or subscriber has prohibited calling number identification.

(5) A called number subscriber has the right free of charge to prohibit called number identification to the calling number user.

(6) An electronic communications service provider shall inform subscribers and users regarding in which cases calling or called number identification is performed, and shall provide users and subscribers with information regarding the rights provided for in this Section.

(7) A voice telephony service provider shall ensure the rights and services provided for in this Section, as well as in Sections 73 and 74 of this Law.

(8) An electronic communications merchant does not have an obligation to comply with the rights provided for in this Section if the called number subscriber is the State Fire and Rescue Service, the State Police, the Emergency Medical Care Service, the gas emergency service, the Maritime Search and Rescue Service.

*[12 May 2005; 3 May 2007; 19 May 2011; 22 October 2015]*

**Section 73. Call Forwarding**

A subscriber has the right free of charge to prohibit the forwarding of third person calls to the terminal equipment of the subscriber.

**Section 74. Publicly Accessible Subscriber Directories**

(1) The personal data of subscribers may be included in a publicly accessible subscriber directory only if the subscriber has given consent to the electronic communications merchant in accordance with this Section.

(2) Before the inclusion of data in a publicly accessible subscriber directory, a subscriber shall be informed free of charge regarding the purpose of drawing up the publicly accessible subscriber directory and the type of its use.

(3) A subscriber, in accordance with the information provided by the electronic communications merchant, has the right free of charge to specify which personal data may be included in the publicly accessible subscriber directory.

(4) A subscriber is entitled free of charge to examine, revoke or amend his or her personal data included in the publicly accessible subscriber directory.

*[12 May 2005; 19 May 2011]*

**Section 75. Subscriber Billing**

(1) A subscriber has the right to receive bills without use of itemised electronic communications services.

(2) The Regulator may impose the requirements in relation to the basic level of itemised bills in accordance with which the electronic communications merchant shall free of charge provide for subscribers the possibility:

1) to examine and control payments for the use of the public telephone network in a specific location or regarding the use of other associated electronic communications services;

2) to have an overview of the use of the public telephone network and the charges associated with this, thus controlling their own bills.

(3) An electronic communications merchant shall, upon the request of a subscriber, provide the subscriber a bill free-of-charge or for cost-based fee, which contains information wider than the basic level of itemised bill.

*[3 May 2007; 19 May 2011]*

**Transitional Provisions**

1. Section 48 of this Law shall come into force on 1 December 2005.

*[12 May 2005]*

2. The Cabinet shall, within one year from the day of the coming into force of this Law, issue the regulations provided for in this Law (except for those in Section 55, Paragraph three and Section 66, Paragraph two). Until the day of the coming into force of such regulations, the following Cabinet regulations issued in accordance with the law On Telecommunications shall be applied insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 496 of 4 November 2002, Regulations for the Installation and Construction of Telecommunications Networks;

2) Cabinet Regulation No. 44 of 21 January 2003, Procedures for the Issuance of Radio Frequency Spectrum Use Permits;

3) Cabinet Regulation No. 53 of 28 January 2003, Procedures by which Telecommunications Undertakings Install Telecommunications Networks with Equipment, which ensures the Acquisition of Investigatory Information from Technical facilities and Investigatory Wiretapping of Conversations;

4) Cabinet Regulation No. 252 of 13 May 2003, Procedures for the Protection of Telecommunications Infrastructure;

5) Cabinet Regulation No. 465 of 19 August 2003, Methodology for Specification of Operational Zones along Telecommunication Network Lines;

6) Cabinet Regulation No. 497 of 2 September 2003, Regulations regarding Radio Communication Facilities and Telecommunications Terminal Equipment Distribution, Design, Structures, Installation and Operation Procedures, as well as regarding the Limitation and Prohibition of their Use.

*[12 May 2005]*

2.1 The Cabinet shall issue the regulations provided for in Section 56 of this Law by 1 September 2007. Until the day of the coming into force of the new Cabinet regulations, but not later than up to 31 August 2007, Cabinet Regulation No. 447 of 21 June 2005, Regulations regarding the National Numbering Plan shall be applied insofar as they are not in contradiction with this Law.

*[3 May 2007]*

2.2 The Cabinet shall issue the regulations provided for in Section 5, Paragraph three, Section 25, Paragraphs three and four, Section 54, Paragraph two, and Section 71.1, Paragraphs four and five of this Law by 1 September 2007.

*[3 May 2007; 10 June 2010]*

2.3 The Cabinet shall issue the regulations provided for in Section 6, Paragraph four and Section 55, Paragraph two of this Law by 1 September 2007. Until the day of the coming into force of the new Cabinet regulations, but not later than up to 31 August 2007, Cabinet Regulation No. 565 of 11 July 2006, Procedures by which Numbering Resources are Granted, Used, Reserved, Extended or Cancelled and they are Renounced, and Cabinet Regulation No. 1041 of 19 December 2006, Price List for the Public Paid Services of the State Joint-Stock Company Electronic Communications Office and Procedures for Payment shall be applied insofar as they are not in contradiction with this Law.

*[3 May 2007]*

2.4 Section 4, Paragraph two in relation to the installation and construction of electronic communications networks and Section 6, Paragraph one, Clause 10 of this Law shall come into force on 1 January 2008.

*[3 May 2007]*

2.5 Section 19, Paragraph two, Clause 6 of this Law shall come into force on 1 January 2008.

*[3 May 2007]*

2.6 The Cabinet shall issue the regulations provided for in Section 46, Paragraph five of this Law by 1 January 2008. Electronic communications merchants have the obligation to establish the possibility of terminal equipment use suspension or renewal in their electronic communications networks by 1 January 2008.

*[3 May 2007]*

2.7 [10 June 2010]

2.8 Electronic communications merchants have an obligation from 15 March 2009 to ensure the retention of the data to be retained referred to in Annex 2 of this Law.

*[3 May 2007]*

3. The Cabinet shall issue the regulations provided for in Section 55, Paragraph three and Section 66, Paragraph two of this Law within six months from the day of the taking of the relevant decision by the Cabinet.

4. The Regulator, within one year from the day of the coming into force of this Law, shall ensure the development of all the regulations, procedures, arrangements and methodologies provided for in this Law. Until the day of the coming into effect of such regulations, procedures, arrangements and methodologies, the regulations, procedures, arrangements and methodologies issued in accordance with the law On Telecommunications and Cabinet Regulation No. 304, Electronic Communications Law issued in accordance with Article 81 of the Constitution insofar as they are not in contradiction with this Law shall be applied.

*[12 May 2005; 3 May 2007]*

5. The Regulator, within one year from the day of the coming into force of this Law, shall establish an electronic communications merchant register and shall register electronic communications merchants who have existing valid individual licenses or registered general authorisations or who provide electronic communications services. Issued individual licences and registered general authorisations shall be in effect until the moment of electronic communications merchant registration.

*[12 May 2005; 3 May 2007]*

5.1 Rights of use of limited national resources shall remain in effect until the end of the specified time period.

*[12 May 2005]*

6. Until the disconnection of the analogue television and radio broadcast network, the necessary radio frequency spectrum rights of use for television and radio broadcasting shall be allocated in accordance with the Radio and Television Law.

*[12 May 2005]*

7. Section 58, Paragraph one of this Law shall come into force at the same time as the relevant amendments to the law On Taxes and Fees.

8. Sections 57 and 72 of this Law shall not be applied if the call is associated with a line, which is connected to an analogue telephone exchange.

9. Those electronic communications merchants who the Regulator, prior to the day of the coming into force of this Law, has specified as telecommunications undertakings with a significant market power, shall be deemed to be an electronic communications merchant with a significant market power within the meaning of this Law until the moment when the Regulator shall determine an electronic communications merchant with a significant market power in accordance with the procedures provided for in this Law.

*[3 May 2007]*

9.1 Issued amateur radio certificates shall be in effect until the end of the specified time period.

*[12 May 2005]*

10. The term “electronic communications” used in this Law shall correspond to the term “telecommunications” used in other legislation insofar as it is not in contradiction with this Law.

*[12 May 2005]*

10.1 The obligations (special requirements) specified in accordance with the law On Telecommunications for an electronic communications merchant shall be binding, and he or she has an obligation to fulfil them up to the moment when the Regulator has specified electronic communications merchant obligations (special requirements) in accordance with the procedures laid down in this Law.

*[12 May 2005; 3 May 2007]*

10.2 The term “numerācija” [numbering] used in this Law conforms to the term “numerācijas resursi” [numbering resources] used in other legislation insofar as it is not in contradiction with this Law.

*[3 May 2007]*

10.3 The term “Regulators” [Regulator] used in this Law conforms to the term “Komisija” [Commission] used in other legislation insofar as it is not in contradiction with this Law and the law On Regulators of Public Utilities.

*[3 May 2007]*

11. With the coming into force of this Law, the law On Telecommunications (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2001, No. 23) is repealed.

12. With the coming into force of this Law, Cabinet Regulation No. 304, Electronic Communications Law issued in accordance with Article 81 of the Constitution (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2004, No. 14), is repealed.

13. The holder of the top level .lv domain registry shall keep his or her status up to the end of the time period specified by the Regulator.

*[3 May 2007]*

14. The Cabinet shall establish the universal service fund or other financing and compensation mechanism by 1 January 2022. If by 1 January 2022 the Cabinet has not established the universal service fund or other financing and compensation mechanism, then until its establishment the losses caused by the implementation of the universal service obligations shall be compensated from the State budget.

*[3 May 2007; 19 May 2011; 9 January 2014; 17 December 2015; 19 May 2016; 3 May 2018]*

15. The Cabinet shall issue the regulation provided for in Section 16, Paragraph one of this Law by 31 December 2010. Until the day of coming into force of this regulation the Cabinet Regulation No. 256 of 4 April 2006, Procedures for Installation and Construction of Electronic Communications Networks, shall be applied insofar as it is not in contradiction with this Law.

*[10 June 2010]*

16. The Regulator shall issue the laws and regulations referred to in Section 8, Paragraph one, Clauses 4, 9 and 11, Section 30, Paragraph two, Section 39, Paragraph three and Paragraph four, Clause 1, Section 44, Paragraph two, Section 57, Paragraph two, Section 59, Paragraph one of this Law by 31 December 2011. Until the day of the coming into force of these laws and regulations the following laws and regulations issued by the Regulator shall be applied insofar as they are not in contradiction with this Law:

1) Regulations Regarding Unbundled Access to Subscriber Line approved by the Regulator Council Decision No. 135 of 8 June 2005;

2) Regulations Regarding Procedures for Settlement of Disputes in the Electronic Communications Sector approved by the Regulator Council Decision No. 154 of 30 May 2007;

3) Regulations for Provision of Number Retaining Service approved by the Regulator Council Decision No. 425 of 10 October 2007;

4) Regulations Regarding Procedures for Consultations with Market Players approved by the Regulator Council Decision No. 297 of 17 September 2008;

5) Regulations Regarding Information to be Included in Reference Offer approved by the Regulator Council Decision No. 11 of 21 January 2009;

6) Decision No. 1/11 of the Regulator Council of 7 December 2009, Regulations Regarding Quality Requirements of Electronic Communications Services and Procedures for Submission of Quality Reports;

7) Decision No. 1/12 of the Regulator Council of 7 December 2009, Quality Measurement Methodology of Electronic Communications Services.

*[19 May 2011]*

17. A set of minimum services of leased lines to be provided to a user specified by the Regulator shall be binding on an electronic communications merchant with significant market power in the market where leased line services are provided until the Regulator revokes the significant influence.

*[19 May 2011]*

18. An electronic communications merchant shall, within a period of time of five years which begins on 25 May 2011, submit an application to the Regulator regarding the rights of use of radio frequency spectrum granted by the Regulator which will be in effect at least five years after 25 May 2011, in which he or she requests to assess repeatedly restriction of the rights of use of radio frequency spectrum granted to the electronic communications merchant in respect of proportionate and non-discriminatory restrictions for types of radio networks or wireless access technologies used for electronic communications services, if such restrictions are necessary, in order to:

1) avoid harmful interference;

2) protect public health against electromagnetic fields;

3) ensure quality of service;

4) ensure maximisation of radio frequency sharing;

5) safeguard efficient use of spectrum;

6) ensure the interests of the society in accordance with Paragraph 47, Paragraph 3.2 of this Law.

*[19 May 2011]*

19. Amendments to Section 16, Paragraph one of this Law in relation to the supervision of construction of electronic communications networks shall come into force on 1 November 2011.

*[19 May 2011]*

20. Deleting of Clause 47.1 of Section 1, Paragraph four of Section 14 and Paragraphs three and four of Section 25 of this Law, supplementing Section 1 with Clauses 5.2, 9.1 and with Section 25.1, amendments to Paragraph one of Section 5 (by which the term “State private electronic communications network” is replaced with the term “State electronic communications network for emergency situations”), as well as amendments to Section 6, Paragraph one, Clause 10 shall come into force on 1 January 2012.

*[19 May 2011]*

20.1 The Cabinet shall issue the regulations referred to in Section 25.1, Paragraph two of this Law by 31 December 2017.

*[19 May 2016]*

21. Amendments to Section 19, Paragraph one, Clause 11 and Section 71.1, Paragraph one of this Law (regarding the rights of the Competition Council in investigating violations of competition rights, to request the data to be retained and the obligation of the electronic communications merchant to transfer them) shall come into force concurrently with the relevant amendments to the Competition Law.

*[19 May 2011]*

22. Until 31 January 2014 the maintenance of the caller location specification database and information system referred to in Section 48, Paragraph one of this Law shall be ensured by the State Joint-Stock Company Electronic Communications Office, but from 1 February 2014 – the Information Centre of the Ministry of the Interior, ensuring continuous operation and functionality thereof. Until 31 January 2014 an electronic communications merchant shall transfer the data referred to in Section 19, Paragraph one, Clause 12 of this Law to the State Joint-Stock Company Electronic Communications Office.

*[6 November 2013]*

23. Until 31 January 2014 the Cabinet shall issue the Cabinet regulations referred to in Section 19, Paragraph one, Clause 12 of this Law. Until the day of coming into force of such Cabinet regulations but not later than until 31 January 2014 Cabinet Regulation No. 223 of 1 April 2008, Regulations Regarding Specification, Processing, Maintenance and Transfer of Caller Location Data, shall be applicable.

*[6 November 2013]*

24. Until 31 January 2014 the Cabinet shall issue the Cabinet regulations referred to in Section 19, Paragraph one, Clause 14 of this Law. Until the day of coming into force of such Cabinet regulations but not later than until 31 January 2014 Cabinet Regulation No. 656 of 11 August 2008, Procedures by which the Electronic Communications Office shall Manage Numbering by Establishing and Maintaining a Numbering Database, shall be applicable.

*[6 November 2013]*

25. Section 13.1, Section 19, Paragraph one, Clause 22, Paragraphs three and four of this Law shall come into force on 1 June 2014.

*[6 November 2013]*

26. The Cabinet shall issue the regulations referred to in Section 19, Paragraph four of this Law until 31 May 2014.

*[6 November 2013]*

27. The new wording of Section 19, Paragraph one, Clause 19 of this Law shall come into force on 1 July 2014. Until 30 June 2014 the Regulator shall determine the procedures by which an electronic communications merchant shall provide the information referred to in this Paragraph.

*[9 January 2014]*

28. Until 1 July 2014 the Regulator shall issue the legal acts laid down in Section 8, Paragraph one, Clause 9 of this Law and the regulations regarding provision of the service of operator (carrier) selection or the service of operator (carrier) pre-selection laid down in Section 44 of this Law, providing for the time periods for introduction of such services. Until the day of coming into force of such legal acts Decision No. 1/37 of the Regulator of 19 December 2013, Regulations Regarding Access to Associated Facilities and Services, Decision No. 1/36 of the Regulator of 19 December 2013, Regulations Regarding Unbundled Access to Subscriber Lines (Local Loops) or Parts Thereof, and the regulations approved by Decision No. 139 of the Regulator of 8 June 2005, Regulations Regarding Provision of the Service of Operator (Carrier) Selection or the Service of Operator (Carrier) Pre-selection, shall be applied insofar as they are not in contradiction with this Law.

*[9 January 2014]*

29. Deletion of Section 43 of this Law shall come into force on 1 July 2014. The obligation imposed by the Regulator on an electronic communications merchant with significant influence in the market to ensure subscribers with the service of operator (carrier) selection or the service of operator (carrier) pre-selection in relation to access to a public telephone network at a fixed place (in the field of provision of a public fixed telephone network) shall be in effect until the time when the Regulator has revoked the relevant obligation on the basis of objective data of market analysis.

*[9 January 2014]*

30. Amendments to Section 68, Paragraph one and Section 70, Paragraph three, as well as Section 19, Paragraph one, Clause 11.1 and Section 70, Paragraphs nine, ten, and eleven of this Law which govern the rights of the Financial and Capital Market Commission to request and the obligation of an electronic communications merchant to provide the traffic data in the cases in accordance with the procedures laid down in the law shall come into force from 1 June 2014.

*[9 January 2014]*

31. The Cabinet shall issue the regulations referred to in Section 70, Paragraph eleven of this Law by 31 May 2014.

*[9 January 2014]*

32. The Cabinet shall issue the regulations referred to in Section 5, Paragraph three of this Law by 1 July 2014. Until the day of coming into force of the relevant Cabinet regulations Cabinet Regulation No. 524 of 5 July 2011, Procedures for the Determination of the Holder of the Top Level .lv Domain Registry and the Electronic Numbering System, shall be applied insofar as it is not in contradiction with this Law.

*[9 January 2014]*

33. The condition of Section 19, Paragraph one, Clause 24 of this Law regarding the additional capacity of cable ducts for installation of the cable network of next generation access (NGA) shall not be applicable, if an electronic communications merchant:

1) until 31 March 2014 in accordance with the procedures laid down in laws and regulations has received a planning and architectural assignment for the construction or reconstruction of cable ducts or construction of circuits of the electronic communications network in cities;

2) until 31 December 2014 in accordance with the procedures laid down in laws and regulations has received a planning and architectural assignment for the construction or reconstruction of cable ducts or construction of circuits of the electronic communications network outside cities.

*[9 January 2014]*

34. Section 1, Clause 12.1 and Section 19, Paragraph one, Clause 25, Sub-clause “a” of this Law shall come into force on 1 January 2017.

*[22 October 2015]*

35. Section 19, Paragraph one, Clause 25, Sub-clause “b” of this Law shall come into force on 1 March 2017.

*[22 October 2015]*

36. Amendments to this Law in relation to rewording of Section 1, Clauses 24.1 and 32 and Section 57, Paragraph one, as well as amendments to this Law in relation to deletion of Section 1, Clauses 15 and 27 of this Law shall come into force on 1 January 2016.

*[22 October 2015]*

37. The term “geographical number” used in legal acts shall correspond to the term “public fixed public telephone network number” used in other legal acts insofar as it is not in contradiction with this Law.

*[22 October 2015]*

38. The term “non-geographical number” used in legal acts shall correspond to the terms “public fixed public telephone network number”, “free-of-charge call service number”, “divided payment service number”, “additional payment number”, and “other service type number” used in other legal acts insofar as it is not in contradiction with this Law.

*[22 October 2015]*

39. The new wording of Section 18 and Section 18.1 shall come into force on 1 December 2016, and these amendments shall be applicable to such public electronic communications networks regarding construction of which a building authorisation has been issued or accept was provided not earlier than on 1 December 2016.

*[17 December 2015]*

40. The new wording of Section 40 of this Law shall come into force on 1 January 2017.

*[19 May 2016]*

41. The Regulator shall issue the legal act specified in Section 62, Paragraph one of this Law regarding the universal service by 1 January 2017. Until the day of coming into force of such legal act Decision No. 1/32 of the Regulator of 4 December 2013, Regulations Regarding the Universal Service in the Electronic Communications Sector, shall be applied, insofar as it is not in contradiction with this Law.

*[19 May 2016]*

42. Supplementation of Section 19, Paragraph one, Clause 27, Section 68, Paragraph one of this Law with figure “71.3”, and Section 71.3 of this Law shall come into force on 1 January 2019. The Cabinet shall issue the regulations referred to in Section 71.3, Paragraph three of this Law by 31 December 2018.

*[3 May 2018]*

43. Amendments regarding the supplementation of Section 68, Paragraph one and Section 70, Paragraphs three, ten and eleven of this Law with figure 8.1, and also the amendment regarding the supplementation of Section 70 with Paragraphs 8.1 and 8.2 shall come into force on 1 November 2018.

*[3 May 2018]*

44. Section 70, Paragraph 8.3 of this Law shall come into force on 1 October 2019.

*[3 April 2019]*

45. The Cabinet shall issue the regulations referred to in Section 70, Paragraph twelve of this Law by 1 September 2019.

*[3 April 2019]*

**Informative Reference to the European Union Directives**

*[3 May 2007; 19 May 2011; 19 May 2016; 23 March 2017]*

Legal norms arising from the following European Union directives have been included in this Law:

1) Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), published in the “European Union Official Journal” L 108, 24.04.2002;

2) Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive), published in the “European Union Official Journal” L 108, 24.04.2002;

3) Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive), published in the “European Union Official Journal” L 108, 24.04.2002;

4) Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive), published in the “European Union Official Journal” L 108, 24.04.2002;

5) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) published in the “European Union Official Journal” L 201, 31.07.2002;

6) Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (Text with EEA relevance), published in the “European Union Official Journal” L 249, 17.09.2002;

7) Decision No. 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision), published in the “European Union Official Journal” L 108, 24.04.2002;

8) Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity, published in the “European Union Official Journal” L 091, 07.04.1999;

9) Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC;

10) Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws;

11) Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services;

12) Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC;

13) Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks.

This Law has been adopted by the *Saeima* on 28 October 2004.

President V. Vīķe-Freiberga

Rīga, 17 November 2004

**Annex 1**

Electronic Communications Law

**Data to be Retained in the Provision of Voice Telephony, Public Pay Telephones, Public Data and Electronic Information Transmission Services**

*[3 May 2007]*

1. A public fixed telephone network operator shall retain the following data:

1) the calling telephone number;

2) the given name, surname or designation and address of the subscriber or registered user – initiator of the call;

3) the called telephone number and the telephone number to which the call is routed in the case of call forwarding;

4) the given name, surname or designation and address of the registered user called, as well as the given name, surname or designation and address of the user to which the call is routed in the case of call forwarding;

5) the commencement and end date and time of the connection;

6) the type of electronic communications service.

2. A public mobile telephone network operator shall retain the following data:

1) the calling telephone number;

2) the given name, surname or designation and address of the subscriber or registered user – initiator of the call;

3) the called telephone number and the telephone number to which the call is routed in the case of call forwarding;

4) the given name, surname or designation and address of the registered user called, as well as the given name, surname or designation and address of the user to which the call is routed in the case of call forwarding;

5) the commencement and end date and time of the connection;

6) the type of electronic communications service;

7) the International Mobile Subscriber Identity (IMSI) of the calling party;

8) the International Mobile Equipment Identity (IMEI) of the calling party;

9) the International Mobile Subscriber Identity (IMSI) of the called party;

10) the International Mobile Equipment Identity (IMEI) of the called party;

11) in the case of pre-paid anonymous services, the date and time of the initial activation of the service and the location label (for example, Cell ID) from which the service was activated;

12) the mobile communications terminal equipment location label (for example, Cell ID) at the start of the connection;

13) data identifying the geographic location of each mobile communications network cell by reference to their location labels (for example, Cell ID) during the period for which communications data are retained.

**Annex 2**

Electronic Communications Law

**Data to be Retained in the provision of Public Internet Access Services**

*[3 May 2007]*

A public electronic communications network operator shall retain the following data:

1) the user ID(s) allocated;

2) the user ID and telephone number allocated to any connection entering the public telephone network;

3) the given name, surname or designation and address of the subscriber or registered user to whom an Internet Protocol (IP) address, user ID or telephone number was allocated at the time of the connection;

4) voice telephony call [using Internet Protocol (IP)] recipient ID or telephone number;

5) the given name, surname or designation and address of the subscriber or registered user and user ID of the intended recipient of the call;

6) the date and time (based on a certain time zone) of the log-in and log-off of the public Internet access service, together with the IP address, whether dynamic or static, allocated by the Internet access service provider, and the user ID;

7) the date and time (based on a certain time zone) of the log-in and log-off of the sending of e-mail or voice telephony call [using Internet Protocol (IP)];

8) the type of public Internet access service;

9) the calling telephone number for dial-up access;

10) the digital subscriber line (DSL) or other access line ID of the originator of the connection.