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

10 November 2005 [shall come into force on 14 December 2005];

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

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

23 November 2020 [shall come into force on 1 January 2021].

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

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Law on Information Society Services**

**Chapter I. General Provisions**

**Section 1. Terms Used in the Law**

(1) The following terms are used in the Law:

1) **electronic mail**– a type of services which ensures the possibility for computer users connected to an electronic communications network to send and receive a notification;

2) **information society service**– a distance service (parties do not meet simultaneously) which is usually a paid service provided using electronic means (electronic information processing and storage equipment, including digital compression equipment) and upon individual request of a service recipient. Information society services shall include the electronic trade of goods and services, sending commercial communications, offering possibilities for searching for information, access to it, and obtaining the information, services that ensure the transmission of information in an electronic communications network or access to an electronic communications network, and storage of information, and also online intermediation platform services;

3) **commercial communication**– any form of communication in electronic form designed to advertise, indirectly or directly, the goods or services or to advertise the image of a company, organisation or person pursuing a commercial, industrial or craft activity or a regulated profession. Information allowing direct access to general information about the service provider and the activities thereof (domain name or electronic mail address) shall not be regarded as a commercial communication;

4) **co-ordinated field**– area in which the procedures for the provision of information society services (requirements for the commencement and performance of commercial activities), and also the requirements in relation to the information society services specified in laws and regulation are in effect. The co-ordinated field does not include requirements in relation to goods and the delivery thereof;

5) **intermediary service provider**– a provider of the information society service which ensures the transmission of information in an electronic communications network, access to an electronic communications network or the storage of information.

(2) Terms used in the Law:

1) “subscriber”, “user” and “terminal equipment” shall comply with the terms used in the Electronic Communications Law;

2) “association” and “foundation” shall comply with the terms “organisation” and “association” used in Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (hereinafter – Regulation No 2019/1150);

3) “business user” shall comply with the term used in Regulation No 2019/1150;

4) “corporate website user” shall comply with the term “corporate website user” used in Regulation No 2019/1150;

5) “provider of online intermediation platform services” shall comply with the term “provider of online intermediation services” used in Regulation No 2019/1150.

[*10 November 2005; 19 May 2011; 23 November 2020*]

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

(1) The purpose of this Law is to ensure the free circulation of information society services in European Economic Area countries (hereinafter also – the country) and transparency of the terms and conditions of a contractual relationship offered by the providers of online intermediation platform services.

(2) This Law shall refer to the provision of information society services, except for the areas regulated by laws and regulations regarding:

1) lotteries and gambling in which a monetary prize is provided;

2) the protection of personal data.

[*23 November 2020*]

**Section 3. Freedom to Provide Information Society Services**

A service provider which is registered in any of the European Economic Area countries and complies with the requirements of the legal acts of the co-ordinated field of the relevant country is entitled to exercise the freedom to provide information society services in the co-ordinated field in Latvia.

**Chapter II. Provision and Storage of Information**

[*19 May 2011*]

**Section 4. Information to be Provided Generally**

(1) A service provider shall provide the following information in a clear, direct, and permanently accessible manner:

1) the firm name (name) or given name and surname, legal address or declared place of residence and registration number (if there is such) of the service provider;

2) the contact information of the service provider, including electronic mail address, which ensures the possibility to communicate quickly and in a direct manner;

3) if a special permit (licence) is necessary for performing the relevant activity, information on the institution which has issued the special permit (licence);

4) in relation to a regulated profession the information on the professional organisation which has issued the documents confirming the professional qualification, the name corresponding to the profession or qualification, and the country in which it has been granted, and also a reference to the professional regulations applicable in the registration country and the way in which they may be accessed;

5) if the relevant activity is taxable with value added tax, the registration number with the State Revenue Service Value Added Tax Taxable Persons Register.

(2) If a price is indicated, the service provider shall indicate it so that the price is unambiguous and clearly legible and shall provide information on whether or not the taxes to be paid and product delivery costs are included in the price.

[*19 May 2011*]

**Section 5. Information to Be Provided Prior to the Placing of an Order**

(1) The service provider shall have the obligation to ensure that at least the following information is available to a service recipient before the placing of an order:

1) the procedures which must be complied with in order to place an order;

2) the conditions for the storage of the signed agreement (whether the signed agreement is stored) and the availability thereof to the service recipient;

3) the technical means for the detection and correction of input errors prior to the placing of an order;

4) languages offered for entering into the agreement.

(2) If the service recipient is not a consumer, the parties may agree upon other procedures for the provision and receipt of information which differ from the procedures provided for in Paragraph one of this Section.

(3) The provisions of Paragraph one of this Section shall not refer to the orders which are placed via electronic mail or any other electronic communications means.

**Section 6. Placing an Order**

(1) If the service recipient places an order, the service provider shall acknowledge the acceptance thereof by electronic communications means.

(11) An order and the acknowledgment of the acceptance thereof shall be deemed to be received when the parties to whom they are addressed are able to access them.

(2) The obligation of the service provider is to ensure the service recipient with the possibility to detect and correct information input errors prior to the placing of an order.

(3) The requirements specified in Paragraph two of this Section need not be applied if the service recipient is not a consumer.

(4) The provisions of Paragraphs one and two of this Section shall not apply to the orders placed via electronic mail or equivalent individual means of communication.

[*19 May 2011*]

**Section 7. Information on the Provisions of an Agreement and the Codes of Conduct**

(1) The service provider has the obligation to ensure that service recipients may become acquainted with the provisions of an agreement as well as save them.

(2) The service provider has the obligation to provide information on the codes of good service providing practice or any other voluntary codes of behaviour or ethics which they comply with and the information on how to become acquainted with these codes in electronic form.

(3) The requirements specified in Paragraph two of this Section need not be applied if the service recipient is not a consumer.

**Section 7.1 Storage of Information in Terminal Equipment**

(1) Storage of information in a terminal equipment of a subscriber or user or acquisition of access to the information stored in a terminal equipment shall be permitted if the relevant subscriber or user has provided his or her consent after he or she has received clear and comprehensive information on the purpose of the abovementioned processing in accordance with the Personal Data Protection Law.

(2) The consent referred to in Paragraph one of this Section shall not be necessary if storage of the information in a terminal equipment or acquisition of access to the information stored in a terminal equipment is necessary for ensuring circulation of the information in the electronic communications network or for the intermediary service provider in order to provide a service requested by a subscriber or user.

[*19 May 2011*]

**Chapter III. Commercial Communications**

**Section 8. Information on Commercial Communications**

(1) A commercial communication shall comply with the general requirements of the Advertising Law as well as the following requirements:

1) it is clearly recognisable as a commercial communication;

2) the person on behalf of whom this commercial communication is distributed is clearly identifiable;

3) the content of the offer and the conditions for receiving the service are precisely formulated;

4) discounts, bonuses, and prizes are clearly recognisable, and the requirements for the receipt thereof are clearly set out;

5) advertising competitions, lotteries or games are clearly identifiable and the relevant terms of participation are easily accessible as well as explicitly outlined;

6) the service recipient is given the possibility to refuse to receive further commercial communications.

(2) If a person exercising a regulated profession provides a commercial communication with regard to an information society service, this person has the obligation to comply with the professional regulations, especially with regard to independence, respect and professional honour, professional secrets and fairness towards clients and other representatives of the profession.

**Section 9. Prohibition to Send a Commercial Communication**

(1) It is prohibited to use automated calling systems (terminal equipment) without human intervention (automatic calling machines), electronic mail or facsimile machines (fax) for sending a commercial communication by using which an individual contact is possible with a service recipient if the service recipient has not given prior free and distinct consent.

(2) The service provider who, within a framework of his or her commercial transactions, has acquired electronic mail addresses from service recipients may use them for other commercial communications provided that:

1) commercial communications are sent regarding similar products or services of the service provider;

2) a service recipient has not objected initially regarding further use of the electronic mail address;

3) a service recipient is distinctly given free of charge opportunity to refuse from further use of electronic mail address on the occasion of each further receipt of a commercial communication (by submitting a submission or sending a notification electronically).

(3) Communication of other type by using publicly available electronic communications services for sending a commercial communication may occur if the service recipient has given prior free and distinct consent, except for the cases referred to in Paragraphs one and two of this Section.

(4) It is prohibited to use electronic mail or communication of other type by using publicly available electronic communications services for sending a commercial communication if an invalid electronic mail address, invalid phone or fax number is used to which the service recipient might send a request to cease such communication or if the refusal of the service recipient from further receipt of commercial communications is not taken into account.

(5) Sending of each prohibited commercial communication is a separate breach.

(6) The prohibitions and restrictions specified in Paragraphs one, two, and three of this Section shall apply to the sending of commercial communications to natural persons.

[*10 November 2005; 12 June 2009*]

**Chapter IV. Liability and Obligations of an Intermediary Service Provider**

**Section 10. Liability of an Intermediary Service Provider**

(1) An intermediary service provider shall be liable for the transmission and storage of information in an electronic communications network.

(2) An intermediary service provider who performs transmission of information in an electronic communications network or ensures access to such network shall not be liable for the information to be transmitted if he or she complies with the following conditions:

1) does not propose the transmission of information;

2) does not select the recipient of the information to be transmitted;

3) does not select or modify the information to be transmitted.

(3) The transmission of information referred to in Paragraph two of this Section shall also include the storage of the information to be transmitted if storage is necessary only for the transmission of information and the information is not stored for a time period which exceeds the time period necessary for the transmission thereof.

(4) An intermediary service provider who performs transmission of information in an electronic communications network shall not be liable for the automatic, intermediary or temporary storage of information if such storage is necessary in order to transmit the relevant information more effectively onward to other service recipients at the request thereof and if the intermediary service provider:

1) does not modify information;

2) complies with the conditions for access to the information;

3) complies with rules of fair practice of the industry in relation to the updating of the information;

4) in compliance with the rules of fair practice of the industry does not interfere with the lawful use of technology to obtain data on the use of the information;

5) immediately acts to remove or to disable access to the information it has stored upon obtaining actual knowledge of the fact that the information at the initial source of the transmission has been removed from the electronic communications network, or access to it has been disabled, or that a supervisory body has ordered such removal or disablement.

(5) An intermediary service provider who performs storage of the information of a service recipient shall not be liable for the stored information if it has been stored at the request of a service recipient and if one of the following conditions exist:

1) an intermediary service provider does not have actual knowledge of the illegal activity or information of a service recipient;

2) an intermediary service provider has immediately performed activities in order to liquidate or deny access to the stored information as soon as the knowledge of the illegal activity or information of a service recipient was obtained.

[*10 November 2005*]

**Section 11. Obligations of an Intermediary Service Provider**

(1) An intermediary service provider has the obligation:

1) to immediately inform supervisory bodies of possible violations of the law in the activities of a service recipient or information stored by him or her;

2) upon request of a supervisory body, to provide data on the service recipients for which the storage of the information is provided by the intermediary service provider.

(2) An intermediary service provider does not have an obligation to supervise the information which the provider transmits or stores as well as to actively search for the facts and conditions which indicate possible violations of the law.

[*10 November 2005*]

**Chapter IV.1 Register of the Representation of the Interests of Business Users or Corporate Website Users**

[*23 November 2020*]

**Section 11.1 Rights and Obligations of Associations and Foundations**

(1) In order to represent a business user or corporate website user in legal proceedings, an association or foundation has the right to submit to the Ministry of Economics a submission containing the confirmation on the conformity with the requirements of Article 14(3) of Regulation No 2019/1150.

(2) If changes have been made to the activities of an association or foundation due to which the association or foundation does not comply or might not comply with the requirements of Article 14(3) of Regulation No 2019/1150, or if the association or foundation wishes to withdraw its submission to represent a business user or corporate website user in legal proceedings, the foundation or association has the obligation to immediately inform the Ministry of Economics thereof.

(3) An association or foundation shall submit electronically to the Ministry of Economics the documents referred to in Paragraphs one and two of this Section which have been signed in accordance with the procedures laid down in laws and regulations regarding electronic documents by using the official electronic address, electronic mail address of the institution or the State administration service portal www.latvija.lv.

[*23 November 2020*]

**Section 11.2 Obligations of the Ministry of Economics**

(1) The Ministry of Economics shall examine the submission referred to in Section 11.1, Paragraph one of this Law and, if an association or foundation complies with the requirements of Article 14(3) of Regulation No 2019/1150, the data on the association or foundation shall be entered in the Register of the Representation of the Interests of Business Users or Corporate Website Users (hereinafter – the Register).

(2) The Ministry of Economics shall establish and maintain the Register. The data on associations or foundations which may represent the interests of business users or corporate website users shall be entered in the Register. The Ministry of Economics shall provide the information laid down in Article 14(5) of Regulation No 2019/1150 on the associations and foundations present in the Register to the European Commission.

[*23 November 2020*]

**Chapter V. Supervision of the Circulation of Information Society Services**

**Section 12. Supervisory Bodies**

(1) The Consumer Rights Protection Centre, State Data Inspectorate as well as other supervisory and control bodies shall supervise the circulation of information society services within the competence thereof.

(2) Supervisory bodies shall provide service providers and service recipients with information on the procedures for the examination of complaints and other information.

[*10 November 2005*]

**Section 13. Rights and Obligations of Supervisory Bodies**

(1) If a supervisory body detects violations of this Law, it is entitled to:

1) request all the information necessary for the clarification of the substance of a case;

2) order the service provider to stop the violation of the Law or to perform particular activities for the elimination thereof, and also to specify the time period for the performance of these activities.

(2) The supervisory body is entitled to perform the activities specified in Paragraph one of this Section which restrict the provision of such an information society service which creates or may create serious risk, provided that these activities are proportional to the protection of the relevant interests and are necessary for:

1) the interests of the public, especially for the prevention and investigation of criminal offences and the initiation of a case, including for the protection of minors in order to prevent the discrimination of a person based on his or her race, sex, religious convictions or ethnic origin, and also violations injuring the dignity and honour of a person;

2) public safety, including national security and defence;

3) public health protection;

4) consumer protection.

(3) Prior to performing the activities referred to in Paragraph two of this Section, a supervisory body shall inform the State supervisory body in which the relevant service provider is registered and request that it take actions in order to stop the violation referred to in Paragraph two of this Section. The supervisory bodies of Latvia shall inform the European Commission and the relevant state of the activities they are planning to perform if these states do not perform activities for the elimination of the violation or the activities performed thereby are not sufficient.

(4) In urgent cases when there is a justified reason to deem that public safety, health or consumer interests will be endangered, a supervisory body may perform the activities referred to in Paragraph two of this Section prior to informing the European Commission and the relevant state. In such case, the supervisory body shall immediately inform the European Commission and the relevant state of the activities performed and justify the urgency of these activities.

(5) The Cabinet shall determine the responsible body which co-ordinates the circulation of the information referred to in Paragraphs three and four of this Section between the supervisory bodies of Latvia, the supervisory bodies of the European Economic Area countries and the European Commission.

(6) A supervisory body has the obligation to perform an inspection regarding compliance with Section 9 of this Law if one service recipient has received at least 10 commercial communications from one service provider during one year and if the service recipient has submitted a complaint to a supervisory body thereon.

[*10 November 2005; 12 June 2009*]

**Chapter VI. Supervision of the Providers of Online Intermediation Platform Services**

[*23 November 2020*]

**Section 14. Supervisory Body of the Providers of Online Intermediation Platform Services**

(1) Providers of online intermediation platform services shall be supervised by the Consumer Rights Protection Centre in conformity with the competence thereof.

(2) The Consumer Rights Protection Centre shall carry out the supervision of the fulfilment of the transparency provisions of online intermediation platform services by evaluating the influence of the possible violation on commercial users or corporate website users, and also shall ensure that the providers of online intermediation platform services comply with the requirements of Regulation No 2019/1150. The Consumer Rights Protection Centre shall carry out the supervision:

1) upon its own initiative;

2) on the basis of the submission of a business user or corporate website user or the collective submission of the abovementioned users;

3) on the basis of the submission which has been submitted by an association or foundation within the meaning of Article 14(6) of Regulation No 2019/1150.

[*23 November 2020*]

**Section 15. Rights and Obligations of the Consumer Rights Protection Centre**

(1) The Consumer Rights Protection Centre has the right to take one or several decisions referred to in this Paragraph:

1) to request and receive from providers of online intermediation platform services, business users or corporate website users all the information necessary for the supervision thereof and other proof, and also verbal explanations on the compliance of the activities of providers of online intermediation platform services with the requirements of Regulation No 2019/1150 and determine the time period for the provision of the abovementioned information and proof and the type of provision of the information;

2) to impose an obligation on providers of online intermediation platform services to prevent the violation of Regulation No 2019/1150, and also to determine the time period for the performance of the relevant activities;

3) in accordance with Section 16 of this Law, to impose a fine if the Consumer Rights Protection Centre has recognised the activities of providers of online intermediation platform services to be non-complying with the requirements of Regulation No 2019/1150.

(2) The Consumer Rights Protection Centre shall take the decision on the violation of Regulation No 2019/1150 within six months from the day of initiation of the case. If it is not possible to comply with this time period due to objective reasons, the Consumer Rights Protection Centre may extend it for a time period which does not exceed two years by counting from the day of initiation of the case.

[*23 November 2020*]

**Section 16. Imposition of a Fine and Provisions for the Forced Execution**

(1) The Consumer Rights Protection Centre is entitled to impose a fine of up to EUR 14 000 on a provider of online intermediation platform services for the violation of Regulation No 2019/1150.

(2) When taking the decision on the imposition of a fine and the amount thereof, the Consumer Rights Protection Centre shall evaluate and take into account the following circumstances:

1) the nature and duration of the violation admitted, impact caused by the violation (losses for a business user or corporate website user), circumstances of the commitment of the violation, the role of the violator in the violation, and the scope of the violation;

2) whether the provider of online intermediation platform service has compensated or started to compensate the losses caused to a business user or corporate website user until the day of taking the decision;

3) whether the violation is interrupted upon initiative of the provider of online intermediation platform services;

4) whether the provider of online intermediation platform services has committed a repeated violation of Regulation No 2019/1150 within the last two years and whether it has been established by the decision of the Consumer Rights Protection Centre;

5) whether the provider of online intermediation platform services has delayed examination of the case or concealed the violation committed.

(3) The provider of online intermediation platform services shall pay the fine imposed by the Consumer Rights Protection Centre within a month from the day when the decision on the impositions thereof has come into force.

(4) If the decisions which are taken in accordance with Section 15, Paragraph one, Clause 2 of this Law have not been enforced voluntarily, the Consumer Rights Protection Centre may, when performing mandatory enforcement of the decision addressed towards a certain activity, impose a pecuniary penalty, but not more than EUR 2800 at one time.

(5) When determining the amount of a pecuniary penalty referred to in Paragraph four of this Section, the Consumer Rights Protection Centre shall take into account the impact of the non-performance of the decisions referred to in Section 15, Paragraph one, Clause 2 of this Law (losses for a business user or corporate website user) and the duration thereof, and also other circumstances which are relevant to the case.

(6) The paid fine or pecuniary penalty shall be transferred to the State basic budget.

[*23 November 2020*]

**Section 17. Appealing the Decision of the Consumer Rights Protection Centre**

The decision of the Consumer Rights Protection Centre may be appealed to a court in accordance with the procedures laid down in the Administrative Procedure Law. Appealing the decision of the Consumer Rights Protection Centre shall not suspend the operation thereof, except for the operation of the decision referred to in Section 15, Paragraph one, Clause 3 of this Law.

[*23 November 2020*]

**Informative Reference to European Union Directives**

[*10 November 2005; 19 May 2011*]

The Law contains legal norms arising from:

1) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (‘Directive on electronic commerce’);

2) Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations;

3) 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);

4) 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.

The Law has been adopted by the *Saeima* on 4 November 2004.

President V. Vīķe-Freiberga

Rīga, 17 November 2004