Republic of Latvia

Cabinet

Regulation No. 717

Adopted 15 November 2022

**Procedures by which Provision of Electronic Communications Services is Discontinued**

*Issued pursuant to*

*Section 22, Paragraph five of the law On Regulators of Public Utilities*

1. The Regulation prescribes the procedures by which an electronic communications merchant (hereinafter – the merchant) may discontinue provision of electronic communications services (hereinafter – the service) to an end-user who has not paid for the services received or has failed to meet other obligations with respect to the merchant.

2. If the end-user has failed to pay for the services received within the specified term, the merchant shall, at least 10 days prior to discontinuation of provision of the service, unless other procedures are prescribed in the contract, send a notification to the end-user, including at least the following information or reference where information is available on:

2.1. the invoice number or the period for which a payment has not been made;

2.2. the amount of debt;

2.3. the date by which the debt shall be paid in accordance with the procedures for payment for the service prescribed in the electronic communications services contract (hereinafter – the contract) or the period in which the debt shall be paid;

2.4. the date or term on which the merchant discontinues provision of the service to the end-user if the end-user fails to pay the debt in the amount and term specified in the notification;

2.5. disbursement of compensation for terminal equipment or its transfer to the merchant if it affects discontinuation, and restoration of the service.

3. The merchant is not entitled to discontinue provision of the service if the end-user has paid the debt within the term specified in Sub-paragraph 2.3 of this Regulation.

4. During the debt payment waiting period until the date or term referred to in Sub-paragraph 2.4 of this Regulation, the merchant shall provide the end-user with free emergency communications as well as, from 1 March 2023, with broadband internet access service in Latvia with the connection speed not lower than the minimum guaranteed connection speed indicated in the contract in compliance with the amount of data specified in the contract.

5. During the debt waiting period, the end-user shall pay for the service provided if such fee is prescribed in the contract.

6. If the end-user fails to meet other obligations specified in the contract, the merchant shall, at least 30 days prior to discontinuation of provision of the service, send a notification to the end-user, including at least the following information or reference where information is available on:

6.1. the paragraph and condition of the contract the end-user has not complied with;

6.2. the actions to be taken by the end-user to avoid discontinuation of provision of the service;

6.3. the date or term on which the merchant discontinues provision of the service to the end-user if the end-user continues to fail to meet the obligations specified in the contract.

7. The merchant is not entitled to discontinue provision of the service if the end-user takes actions to avoid discontinuation of the service by the date or term indicated in Sub-paragraph 6.3 of this Regulation.

8. If the end-user pays the debt after expiry of the term indicated in Sub-paragraph 2.4 of this Regulation or discontinues the failure to meet the obligations specified in the contract after expiry of the term indicated in Sub-paragraph 6.3 of this Regulation and the merchant has discontinued provision of the service to the end-user, the merchant shall, within the term specified in the contract, unless the contract is terminated, but not later than within five working days, restore provision of the service to the end-user.

9. In the objectively justified exceptional instances provided for in the contract, the merchant may discontinue provision of the service without prior warning of the end-user.

10. For the period when provision of the service was discontinued due to the end-user’s debt or failure to meet other obligations with respect to the merchant, provided that the contract was not terminated, the merchant calculates for the end-user:

10.1. a subscription fee for the period when the service was discontinued;

10.2. a service restoration fee if installation of a termination point or installation of electronic communications network equipment for receiving the service is required for restoration of the service.

**Informative Reference to European Union Directive**

The Regulation contains legal norms arising from Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code.

Prime Minister A. K. Kariņš

Minister for Transport T. Linkaits