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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*<sup>1</sup> 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 a fixed public telephone network termination point in a 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 utilising specific attributes it is possible to find information regarding the relevant electronic communications merchant subscriber;

4) **publisher of the subscriber directory** – a natural person or legal entity who or which performs activities in order to publish a subscriber directory;

5) **location data** – data, which is processed in an electronic communications network 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 utilised for the distribution of radio

<sup>1</sup> Parliament of the Republic of Latvia

or television signals, it shall be the geographic co-ordinates or 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 utilised in order to transmit electronic communications signals – the termination point address;

5<sup>1</sup>) **location information database** – a database, which contains information regarding location data;

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;

8) **electronic communications merchant** – a merchant who ensures a public electronic communications network or provides electronic communications services;

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;

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

11) **electronic communications network** – transmission systems, switching and routing equipment and other resources, which irrespective of the type of transmitted information permits the transmission of signals utilising 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 utilised for radio and television signal distribution,  
and

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

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

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 utilise such services to ensure electronic communications services to other persons;

15) **geographic number** – a national numbering plan number where part of its digit structure contains geographic information, which is utilised for routing calls to the physical termination points;

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, which is performed utilising 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;

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

a) radionavigation communications,

b) radiocommunications, which are utilised for the protection of persons or property (security radiocommunications), and

c) other relevant radiocommunications in conformity with regulatory enactments, including the radiocommunications of other states;

22) **user** – a natural person or legal entity, who requests or utilises 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;

25) **national numbering plan** – a numbering plan developed in accordance with the European Community national numbering utilisation 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;

27) **non-geographic number** – a national numbering plan number, which does not contain within it geographic information and is allocated for the purposes of electronic communications services numbering;

28) **leased line** – a permanent communications channel allocated or established in the public telecommunications network to transmit signals between two termination points indicated by a subscriber, without utilising switching and routing equipment;

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 for his or her use the given termination point number in a geographic numbering specified use territory or in any other location if the termination point number is not associated with geographic numbering;

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

34) **operator (carrier) prior selection service** – a service provided by an electronic communications merchant and associated with the utilisation of numbering, which ensures subscribers access to any other electronic communications network commercial service connected to such merchant's network on the basis of prior selection with the possibility of revoking any prior 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 utilisation 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 by law;

38) **access** – the provision to other electronic communications merchants of services with specific conditions for access to electronic communications service necessary equipment and 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 lines (local loops), as well as equipment and services,

which are necessary in order to ensure services in the subscriber lines (local loops), access to physical infrastructure (including buildings, cable lines, cable ducts and antenna masts utilised to ensure electronic communications networks), access to relevant software systems (including operational support systems), access to number transmission or systems, which offer similar possibilities, access to electronic communications networks (especially for roaming), access to limited access systems for digital television services and access to virtual network services;

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 utilised 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** – a radio station or any other equipment the basis of operation of which is the generation and transmission of radio waves, which may affect the operation of radio stations;

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 utilisation conditions and utilisation technical parameters

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 radiocommunications;

44<sup>1</sup>) **registered user** – a user who has presented to an electronic communications service provider his or her identification data;

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

45) **associated facilities** – equipment or facilities, which are associated with an electronic communications network or electronic communications services and which allow or support the provision of services through the referred to electronic communications network or electronic communications services (including with the assistance of limited access systems and electronic programme guides);

45<sup>2</sup>) **special radio facilities** – radio equipment, which for the needs of State defence and security are utilised knowingly to create harmful radio interference in order to hinder or discontinue undesirable radiocommunications;

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;

46<sup>1</sup>) **retransfer** – the transfer of user rights granted to an electronic communications merchant to another electronic communications merchant;

46<sup>2</sup>) **telephone directory enquiry service** – any enquiry service, which utilising electronic communications services, publicly provides information regarding subscribers who have given their written 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;

47<sup>1</sup>) **State private electronic communications network** – an electronic communications network, which is established and utilised for the implementation of State administration functions and which allows the transmission of protected information necessary for the implementation of State administration functions;

47<sup>2</sup>) **comprehensive subscriber directory** – a subscriber directory in printed or electronic form, which contains data regarding all electronic communications merchant subscribers, who utilise the voice telephony services provided by the electronic communications merchant and have given their consent to have their data included in such a directory;

47<sup>3</sup>) **comprehensive telephone directory enquiry service** – a telephone directory enquiry service, which, utilising electronic communications services, publicly provides information regarding all public telephone network operator (fixed and mobile) subscribers, who have given their written consent to have their data included in a publicly accessible comprehensive subscriber directory, taking into account the restrictions specified by the subscriber; and

48) **general authorisation** – the rights and requirements specified in regulatory enactments 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]*

## **Section 2. Purpose of this Law**

The purpose of this Law is to:

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 utilisation 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; and
- 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 duties 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 Radio and Television Law shall determine the procedures for the establishment, registration, operation and supervision of 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]*

## **Chapter II**

### **State Administration in the Electronic Communications Sector**

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

*[12 May 2005]*

(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 within the scope of its competence, as well as the supervision of the installation and construction of electronic communications networks shall be ensured by the Electronic Communications Office, which is functionally and institutionally supervised by the Ministry of Transport.

(2<sup>1</sup>) [3 May 2007]

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

[12 May 2005; 3 May 2007]

## **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 private electronic communications network and the necessary supervision of the security of protected information for the implementation of the State administration functions transmitted therein;

2) the observance of unified data security requirements for electronic communications infrastructure or terminal equipment connected to the State private electronic communications network;

3) the connection of the State private electronic communications network to international organisation and other legal person networks for the realisation of State administration functions; and

4) the establishment and maintenance of a national computer security incident response unit.

(2) The Ministry of Transport may delegate the functions referred to in Paragraph one of this Section according to the procedures specified in regulatory enactments.

(3) The Ministry of Transport according to the procedures specified by the Cabinet shall determine one holder of the top level domain name .lv, the requirements for the holder of the top level domain name .lv register, as well as supervise the implementation of such requirements.

(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 utilised 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.

*[12 May 2005; 3 May 2007]*

## **Section 6. Competence of the Electronic Communications Office**

(1) The Electronic Communications Office shall:

- 1) manage the radio frequency spectrum and numbering in order to ensure the rational and effective utilisation thereof;
- 2) provide electromagnetic compatibility and provision of numbering services;
- 3) plan the technical utilisation 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) co-ordinate and register the assignment of radio frequencies according to the procedures specified 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 institutions and organisations in the communication sector in order to facilitate the effective utilisation 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 radiocommunications, shall ascertain the source of such radio interference and take a decision regarding the elimination thereof;
- 9) issue amateur radio certificates; and
- 10) supervise the installation and construction of electronic communications networks in accordance with the procedures specified in Section 16, Paragraph one of this Law:
  - a) examine electronic communications network installation technical projects and electronic communications network construction projects and take a decision regarding them;
  - b) accept or reject electronic communications network installation technical projects and electronic communications network construction projects, issue or

refuse to issue, as well as cancel construction permits for the performance of electronic communications network construction work; and

c) supervise the observance of the regulatory enactments regulating the installation and construction of electronic communications networks.

(2) In fulfilling the functions specified in Paragraph one of this Section, the Electronic Communications Office shall independently take decisions and issue administrative acts.

(3) The administrative acts issued by the Electronic Communications Office may be disputed to the Ministry of Transport. The dispute of an administrative act issued by the Electronic Communications Office shall not suspend the operation of such an act if only the appeal institution does not take a decision regarding the suspension thereof for the time of the examination of the complaint.

(4) The Electronic Communications Office shall for public paid services provided collect a fee according to the procedures specified by the Cabinet.

*[12 May 2005; 3 May 2007]*

## **Section 7. Rights of the Electronic Communications Office**

The Electronic Communications Office has the following rights:

1) according to the procedures specified by the Cabinet, to request and receive from an electronic communications merchant, State administration institutions or other persons, as well as State information systems, the information necessary to fulfil the functions of the Electronic Communications Office;

2) according to the procedures specified by the Cabinet, to access premises, buildings and relevant equipment, which are utilised for the installation and construction of electronic communications networks or the provision of electronic communications services, or any equipment, which create or may create harmful radio interference, as well as to request the presentation of permits allocating the use of radio frequencies, conformity certificates or other documents associated with the utilisation of electronic communications; and

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.

*[12 May 2005; 3 May 2007]*

## **Section 8. Competence of the Regulator**

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

1) promote for end-users, including special social groups and especially disabled persons, the possibility to choose an electronic communications merchant, the electronic communications services provided thereof, 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) determine for electronic communications merchants with significant market power in which market leased line services are provided, the minimum leased line services capacity to be offered to users;

4) determine dispute settlement procedures and in accordance with these examine disputes between electronic communications merchants regarding interconnection, access, common utilisation of equipment and leased line issues, as well as disputes between electronic communications merchants and users if the dispute is associated with claims by users. A decision of the Regulator shall be published taking into account confidentiality requirements, and a full text thereof shall be sent to the parties involved in the dispute;

5) promote competition in the electronic communications sector;

6) supervise compliance with regulatory enactments 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 newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia] the technical requirements for subscriber lines (local loops) intended for unbundling of access and the procedures by which the unbundling of the access subscriber lines (local loops) occurs;

10) [12 May 2005]

11) determine and publish in the newspaper *Latvijas Vēstnesis* the procedures by which public consultations with market participants shall be performed;

12) determine and publish in the newspaper *Latvijas Vēstnesis* the methodology for the calculation of tariffs, and cost accounting and allocation methodology; and

13) notify the regulators of the Member States of the European Union and the European Commission regarding the total (draft) planned measures in relation to the definition of the electronic communications services market, the specification of electronic communications merchants with significant market power and draft decisions regarding the application, preservation, amendment or revocation of special requirements for such merchants.

(2) In conformity with the competence specified in this Law, the Regulator shall independently take decisions and issue administrative acts, which are binding to specific electronic communications merchants and users.

[12 May 2005; 3 May 2007]

## **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 utilised 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 utilise 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 utilisation of equipment, leased lines 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 utilisation of equipment, leased lines 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 utilisation of equipment, leased lines 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; and

8) if it is necessary, to impose procedures and time periods by which an electronic communications merchant shall ensure a possibility for a user to receive information or a warning that a call to a transferred number or another electronic communications merchant public telephone network has been performed.

(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 according to the procedures specified by law.

*[12 May 2005; 3 May 2007]*

## **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.

## **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 compliance with the mandatory applicable standards in the electronic communications sector shall be ensured by the Ministry of Transport.

(3) The Ministry of Transport shall recommend to the limited liability company *Latvijas standartis* [Latvian Standards] the list of standards to be adapted. It shall submit for publication in the newspaper *Latvijas Vēstnesis* the list of Latvian national standards, which shall be applied to ensure the mutual interconnectivity of electronic communications services.

[3 May 2007]

## **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 utilised 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) The State private electronic communications network may utilise the provision of electronic communications services only if a capital company, which is registered as an electronic communications merchant, provides the electronic communications services according to the procedures specified in this Law.

*[3 May 2007]*

**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 determine the procedures for the installation and construction of electronic communications networks.

(2) Electronic communications network merchants have the right to install public electronic communications networks and to construct the infrastructure structures thereof (cable ducts, manholes, poles, masts, towers, containers, and payphones) in State, local government and private property territory, previously co-ordinating the design with the owners or possessors of the immovable property.

(3) The installation of electronic communications networks within protected nature territories shall be co-ordinated 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 utilisation thereof shall be determined by the Protection Zone Law.

(5) Owners or possessors of immovable property shall ensure the possibility of electronic communications network merchants to access the existing electronic communications network and the infrastructure structures thereof in the relevant property, also the protection zone, closed territory or building in order to perform reconstruction of structures, renovation 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.

*[3 May 2007]*

**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 a duty to repair the damage or to restore the modified immovable property.

(2) If within a period of 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]*

### **Section 18. Servitude Rights of Electronic Communications Merchants**

(1) Public electronic communications network operators shall have immovable property servitude rights for the provision of public electronic communications networks and the provision of electronic communications services.

(2) The servitude rights shall be realised by mutual agreement with the owner of the immovable property. If the parties are unable to reach agreement, the servitude shall be established by a judgment of a court pursuant to the procedures prescribed in regulatory enactments.

(3) Relocation of electronic communications networks on the basis of a request from the owner or possessor of the immovable property shall be performed at the expense of the owner or possessor of the relevant immovable property.

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

## **Chapter IV**

### **Electronic Communications Merchants, Subscribers and Users**

#### **Section 19. Duties of Electronic Communications Merchants**

(1) Electronic communications merchants have the following duties, to:

- 1) observe and implement the conditions of general authorisations;
- 2) ensure that the description and instructions for use of the offered electronic communications services are publicly accessible according to the procedures specified by the Regulator;
- 3) enter into an electronic communications services contract in writing with each subscriber;
- 4) ensure the protection of user data including personal data in accordance with regulatory enactments;

5) pursuant to a written request by the director of the Constitution Protection Bureau, install, maintain, supplement and modify at his or her own expense an interception point (points) in conformity with newly introduced functionality, which upon the written request of the manager of the body performing investigatory operations 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) impose and communicate to the public the parameters of public electronic communications termination points;

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

8) establish a separate electronic communications merchant for the utilisation 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) in providing voice telephony services, ensure users with free of charge calls to the State Fire-Fighting and Rescue Service, State police, emergency medical care, gas emergency service, and the Naval Coast Guard Service Maritime Search and Rescue Co-ordination Centre (hereinafter – Maritime Search and Rescue Service), as well as the number “112”;

10) in providing voice telephony services, 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) ensure according to the procedures specified in Section 71.<sup>1</sup> of this Law the storage of data to be retained for 18 months, as well as the transfer thereof to pre-trial investigation institutions, persons performing investigative field work, State security institutions, the Office of the Public Prosecutor and the courts if these institutions request such;

12) if an electronic communications merchant ensures public access voice telephony services in the cases referred to in Clause 9 of this Paragraph – within the limits of technical possibility, ensure the specification of the location of the caller and the transfer of such data to the Electronic Communications Office according to the procedures specified by the Cabinet;

13) observe and fulfil the scarce resources use conditions;

14) ensure according to the procedures specified by the Cabinet the Electronic Communications Office with the necessary information for the maintenance of the numbering and location information database, including information regarding the numbers allocated for use to end users, which the end user has retained in receiving the number portability service;

15) once per year provide statistical information to the State Data Inspection regarding the applications from the institutions referred to in Section 71.<sup>1</sup>, Paragraph one



of this Law to receive retained data and regarding the issuing of such data indicating the institution, which has requested the data;

16) perform according to the procedures specified by the Cabinet 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; and

17) inform users regarding the possibility of installing a content filter, which restricts access of such material in which is propagandised cruel behaviour, violence, erotica and pornography, and which creates a threat to the mental development of children, as well as ensure the installation of content filters if the subscriber and the electronic communications merchant have mutually agreed regarding them.

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

1) if it allocates numbers to subscribers – after the receipt of a request to provide information to comprehensive telephone directory services and ensurers of subscriber directories in conformity with a Regulator approved sample and Regulator approved regulations. Electronic communications merchants shall mutually agree regarding the procedures for the provision of information to ensurers of telephone directory enquiry services and publicly accessible subscriber directories in cases that are not provided for by law;

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

3) to ensure users with international telephone calls utilising only the prefix “00”, and a possibility to perform calls to European telephone numbering area numbers.;

4) to ensure for voice telephony subscribers of its network the possibility of being included in a comprehensive subscriber directory;

5) if it ensures a comprehensive subscriber directory or a comprehensive telephone directory service – to apply equal treatment and non-discriminatory principles in the processing of information, which has been provided to it by another public telephone network operator;

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

7) to ensure for users the possibility of receiving information or a warning that a call to a transferred number or another electronic communications merchant public telephone network is being performed if the Regulator has specified the procedures and time period by which such shall be ensured.

*[12 May 2005; 26 October 2006; 3 May 2007]*

## **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 regulatory enactments;
- 3) to impose the procedures by which payments shall be made for the electronic communications services provided; and
- 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.

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

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

### **Section 22. Mutual Relations between Electronic Communications Merchants and Subscribers**

(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) Electronic communications service contracts shall be entered into in writing.

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

- 1) a description of the electronic communications service;
- 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;
- 5) the regulations of use of the electronic communications services provided by the electronic communications merchant;
- 6) compensation and reimbursement provisions, which are applicable, if the electronic communications services quality conditions in the contract are not complied with;
- 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 utilise such data for commercial purposes; and

9) the conditions for the termination of the electronic communications services contract or for suspension of the electronic communications services.

### **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 a 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.

(4) End-users have the right to access to at least one comprehensive telephone directory service and the right to receive at least one comprehensive subscriber directory produced on the basis of a sample approved by the Regulator, which may be published or accessible in electronic form and is up-dated at least once a year.

*[26 October 2006]*

### **Section 24. Duties of a User**

The duties 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 utilising a private electronic communications network is prohibited.

(3) The Cabinet shall determine the procedures by which the State private electronic communications network shall be ensured and used.

(4) The Cabinet shall determine the unified data security requirements for electronic communications infrastructure or terminal equipment connected to the State private electronic communications network

*[12 May 2005; 3 May 2007]*

#### **Section 26. Duties of Private Electronic Communications Network Owners**

The owners of private electronic communications networks have a duty 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.

### **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) If an electronic communications merchant has a significant market power in a relevant market, he or she shall have a significant influence also in a related market if the link between these two markets allows the influence in one market to be carried over to the other market, thus strengthening the influence of the merchant in such a market.

*[12 May 2005; 3 May 2007]*

### **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 recommendations of the European Commission regarding the relevant product and services markets in the electronic communications sector, shall determine specific electronic communications services markets.

(2) In determining specific electronic communications services markets, 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. In determining different markets than those referred to in the recommendations of the European Commission, the Regulator shall, prior to the taking of the relevant decision, consult with the regulators of other Member States of the European Union and co-ordinate the draft decision with the European Commission.

*[3 May 2007]*

### **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 regarding 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.

[3 May 2007]

## **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 newspaper *Latvijas Vēstnesis* a list of those electronic communications networks and electronic communications services, which prior to the commencement of the provision and providing thereof, a merchant shall 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 specified in regulatory enactments.

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

[3 May 2007]

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

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

(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 May 2007]

### **Section 34. General Authorisation Regulations**

(1) The Regulator shall determine and publish the general authorisation regulations in the newspaper *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;
- 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;
- 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 extraordinary situations between the State Fire-Fighting and Rescue Service, State police, emergency medical care, gas emergency service and the Maritime Search and Rescue Service, as well as the number “112” service and State administrative institutions; the possibility of informing of the general public in extraordinary 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; and

19) conformity to the standards or specifications published in the Official Journal of the European Community.

[3 May 2007]

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

(1) In order to supervise the observance of general authorisation regulations, the Regulator shall approve and publish regulations in which 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 newspaper *Latvijas Vēstnesis*.

(2) The Regulator may request that an electronic communications merchant provide information regarding the utilisation of 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 regulatory enactments 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, as well as the observance of the special requirements specified 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; and



- 6) market analysis of electronic communications.
- (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 utilised. 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.
- [3 May 2007]*

## **Chapter VIII**

### **Access and Interconnections**

#### **Section 36. Rights and Duties 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. Prior to the specification of the referred to obligations, the Regulator shall consult with the participants of the electronic communications market.
- (2) In order to ensure for a user the possibility of access to digital radio and digital television broadcasting services, the Regulator, in accordance with Chapter IX of this Law, has the right to fairly, proportionally 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 the duty of which is 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. Prior to the issue of electronic communications network technical and operational regulations, the Regulator shall consult with the participants of the electronic communications market.

*[3 May 2007]*

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

(1) In order to ensure interoperability of electronic communications services, an operator has the right and, if such is requested by other electronic communications merchants, has also an obligation to negotiate an agreement regarding public electronic communications network access or interconnections and to enter into an access or interconnection contract.

(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 utilised 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. The interconnection contract shall be drawn up in three copies. Within a period of ten working days after the entering into of the interconnection contract, one copy of the contract shall be submitted to the Regulator.

*[3 May 2007]*

## **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, obligations and duties of transparency, equal treatment (non-discrimination), accounting separation, tariff regulation and cost accounting, and obligations in relation to access to electronic communications networks.

(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. Prior to the taking of a decision

regarding the imposition of obligations, the Regulator shall consult with the participants of the electronic communications market.

[3 May 2007]

### **Section 39. Obligations of Transparency**

(1) Taking into account market survey 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 utilising access and interconnections), and the publication of obligations and requirements of reference offers in relation to publishable reference offers.

(2) If a duty of equal treatment has been specified for electronic communications merchants with a significant market power, then the Regulator may request, that they publish access, interconnection, common utilisation of equipment, leased lines or unbundled access to the subscriber lines (local loops) reference offers in which the information included shall be detailed separate, and shall ensure that the electronic communications merchants – receivers of services do not have to pay for equipment or facilities that are not necessary for the requested services.

(3) An electronic communications merchant with significant market power, according to the procedures specified by the Regulator, shall publish the reference offers for access or interconnection, common utilisation of equipment, leased lines or unbundled access to the subscriber lines (local loops).

(4) The Regulator has the right to:

1) impose and publish in the newspaper *Latvijas Vēstnesis* requirements in relation to the information to be included in the access, interconnection, common utilisation of equipment, leased lines or unbundled access to the subscriber lines (local loops) reference offers and the necessary level of detail thereof;

2) impose the manner of publishing the access, interconnection, common utilisation of equipment, leased lines or unbundled access to the subscriber lines (local loops) reference offers; and

3) impose amendments to the published access, interconnection, common utilisation of equipment, leased lines or unbundled access to the subscriber lines (local loops) reference offers if the conditions thereof do not conform to the requirements of the Regulator.

[12 May 2005; 3 May 2007]

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

Taking into account market survey 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:

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

2) the obligation to provide other electronic communications merchants electronic communications services and information with those same conditions and in the same quality as is this electronic communications merchant's own provision of electronic communications services or electronic communications services that he or she provides to associated undertakings or partners.

*[3 May 2007]*

#### **Section 41. Obligation of Accounting Separation**

Taking into account market survey results, the Regulator may impose, amend or withdraw for electronic communications merchants 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 survey results, the Regulator may impose, amend or withdraw for electronic communications merchants with a significant market power tariff regulation and cost accounting obligations (including a duty 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 a duty 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 utilise other methods for cost accounting, and not those, which are used by the electronic communications merchant, as well as tariffs in comparable specific markets. 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 upper limits of the tariff 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 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.

*[12 May 2005; 3 May 2007]*

#### **Section 43. Operator (Carrier) Selection and Operator (Carrier) Prior Selection**

(1) A public fixed telephone network operator with a significant market power in a market in the field of provision of public fixed telephone network shall ensure for subscribers, operator (carrier) selection services or operator (carrier) prior selection services.

(2) User requests to receive the implementation of operator (carrier) selection and operator (carrier) prior selection services on other electronic communications networks or in other ways than is provided for in Paragraph one of this Section shall be examined by the Regulator in accordance with Section 44 of this Law.

(3) The Regulator shall determine the provision regulations for operator (carrier) selection services or prior selection services and the time period for the introduction of such services.

*[12 May 2005; 3 May 2007]*

#### **Section 44. Access to Electronic Communications Network Equipment and the Utilisation thereof**

(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 ensure access to specified electronic communications network elements or equipment, including unbundled access to the subscriber lines (local loops) for third persons;

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 utilisation of electronic communications networks or providing in another way the shared use of infrastructure objects (including cable ducts, a building utilised for 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; and

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, shared use of equipment, shared use of associated facility and the unbundling of leased lines and access subscriber lines (local loops), and the publication of such reference offers.

*[12 May 2005; 3 May 2007]*

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

(1) Within a period of one month from the moment of taking a decision, the Regulator shall publish in the newspaper *Latvijas Vēstnesis* information regarding market analysis results, as well as regarding special duties 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 duties and 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 a duty to inform the Regulator regarding the publication of the access, interconnection, common utilisation of equipment, associated facility common utilisation and the unbundling of leased lines and access subscriber lines (local loops) reference offers not later than three working days after the publication of the access, interconnection, common utilisation of equipment, associated facility common utilisation and the unbundling of leased lines and access subscriber lines (local loops) reference offers.

(4) The Regulator shall maintain and regularly up-date information regarding interconnection, common utilisation of equipment, and the unbundling of leased lines and access subscriber lines (local loops) contracts entered into on its Internet home page.

(5) The Regulator shall annually publish in the newspaper *Latvijas Vēstnesis* a notice regarding the observance of the cost accounting methodology and the application thereof.

[12 May 2005; 3 May 2007]

## **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 according to the procedures specified in the Law On Conformity Assessment.

(2) The procedures for distribution and use of terminal equipment and radio equipment shall be determined by the Cabinet.

(3) If in radio equipment it is intended to use a radio frequency band, which is not co-ordinated (harmonised) in the European Union, and if for the release for circulation, distribution or use in Member States thereof there may be restrictions or prohibitions, which may be applied in order that the equipment conform to the requirements of public health protection or not cause harmful radio interference, including interference to the radio communication types specified in the national radio frequency plan or radio communications systems, the manufacturer of such equipment, his or her authorised representative or the person who is responsible for the distribution of radio equipment in the Latvian market, shall notify the Electronic Communications Office regarding distribution at least four weeks before the commencement of the distribution of such radio equipment.

(4) On the basis of request from an owner of terminal equipment or an investigator, an electronic communications merchant has a duty to suspend or renew the possibility of utilising in his or her electronic communications network stolen, lost or otherwise against his or her will taken from the authority of the owner (hereinafter – owner lost terminal equipment) terminal equipment. The electronic communications merchant shall transfer to the centralised database information regarding owner lost terminal equipment 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 utilising in his or her electronic communications network of the owner lost terminal equipment.

*[12 May 2005; 3 May 2007]*

## **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 radio frequency spectrum and numbering rights of use shall be allocated, extended, cancelled and retransferred.

(2) Natural persons or legal entities may request the right of use of the radio frequency spectrum, but electronic communications merchants also the right of use of numbering.

(3) An application for the rights of use of the radio frequency spectrum or numbering, which shall be used for commercial activities, shall be submitted to the Regulator according to the specified procedures thereof, with the expectation of a Regulator decision regarding:

1) the right of use of the radio frequency spectrum shall be taken and published within a period of 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 a period of eight months from the day of receipt of the application; and

2) the right of use of numbering shall be taken and published within a period of 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 a period of six weeks from the day of receipt of the application.



(4) Right of use of the radio frequency spectrum, which shall not be used for commercial activities, shall be allocated according to the procedures specified in Section 50 of this Law.

(5) The Cabinet shall determine the radio frequency spectrum band, the efficient utilisation 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.

(5<sup>1</sup>) 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 according to the procedures specified in Section 50 of this Law.

(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, electronic communications networks or technologies, the provision, ensuring or utilisation of which the right of use of the radio frequency spectrum has been allocated;

2) requirements in relation to the efficient utilisation 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; and

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;
- 2) requirements in relation to the efficient utilisation 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; and
- 9) requirements, which arise from international numbering use agreements.

(9) The Cabinet shall determine the requirements for the rational and effective utilisation of the radio frequency spectrum and numbering.

*[12 May 2005; 3 May 2007]*

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

(1) The Electronic Communications Office shall establish and maintain radio frequency spectrum, numbering and location information databases.

(2) The Electronic Communications Office shall, according to the procedures specified by the Cabinet, ensure the processing, maintenance and further transfer of data regarding caller location received from electronic communications merchants to the State Fire-Fighting and Rescue Service, State police, emergency medical care, gas emergency service and the Maritime Search and Rescue Service or the number “112” service.

(3) The 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 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]*

#### **Section 49. National Radio Frequency Plan**

(1) The Cabinet shall determine the radio frequency spectrum band allocation by radiocommunications types and classification by radiocommunications systems, as well as the utilisation 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 utilised 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 utilise the radio frequency spectrum for radio equipment operations after the receipt of a radio frequency assignment use permit from the Electronic Communications Office or in accordance with a common radio frequency assignment use permit according to the procedures specified by the Cabinet.

### **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 regulatory enactments, 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 according to the procedures specified by regulatory enactments is already being utilised 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 utilised so as not to cause harmful radio interference. The utilisation of accident and emergency signal radio frequencies in sea and air navigation in emergency situations is permitted only in such emergency situations.

(2) The Electronic Communications Office shall examine applications regarding harmful radio interference to radio and television programme reception and the operation of radiocommunications shall ascertain the source of such radio interference and take a decision regarding the rectification thereof.

(3) The Electronic Communications Office shall 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 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]*

### **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 Utilisation 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 Electronic Communications Office shall manage numbering, and establish and maintain the numbering database shall be determined by the Cabinet.

(3) If the existing numbering resources are inadequate, the Cabinet shall determine the procedures and the time period for the transition to a closed eight-digit numbering scheme.

(4) In accordance with the procedures and time period specified by the Cabinet, the Regulator, after consultations with market participants, shall approve a transition plan to a closed eight-digit numbering scheme.

(5) The Regulator shall determine and publish in the newspaper *Latvijas Vēstnesis* the procedures by which an electronic communications merchant shall ensure the services associated with the utilisation of numbering, as well as determine the time periods for the implementation of such services.

[3 May 2007]

### **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 a subscriber, the subscriber shall be ensured the possibility of retaining the number allocated to him or her by the electronic communications merchant for use in the geographic numbering territory in the national numbering plan, or in any other location if the end user number is not associated with the geographic numbering.

(2) The Regulator shall determine the regulations for the number portability service and the time periods for the implementation of such service.

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

(3<sup>1</sup>) [3 May 2007]

(4) The Regulator shall facilitate the fact that tariffs for interconnections in relation to the provision of the number portability service shall be approximated to costs and the direct charges of the subscription if there are such shall not be an obstacle to the utilisation of number portability service.

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

[12 May 2005; 3 May 2007]

### **Section 58. Annual State Fee for the Right of Use of the Radio Frequency Spectrum or Numbering**

(1) An annual State fee shall be paid for the right of use of the radio frequency spectrum and 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]*

## **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 (performance) requirements, quality (performance) measurement methodology and submission of quality (performance) reports for electronic communications services provided by electronic communications merchants.

(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.

*[3 May 2007]*

## **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 in the newspaper *Latvijas Vēstnesis* a notice regarding the electronic communications merchants who have an obligation to apply the cost accounting and assignment methodology, as well as to co-ordinate the cost system with such methodology.

(4) If the electronic communications merchant has a duty 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 performed. 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 upper limit of the tariff, 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]*

## **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 in 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 universal service volume, geographical territory and the range of end-users, with the expectation that the end-user has the right to access to a comprehensive telephone directory service and a comprehensive subscriber directory, as

well as to perform in the public electronic communications network voice telephony calls and sending of fax information and data information at a data transmission speed, which is sufficient in order to ensure access to the Internet. The Regulator shall 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 newspaper *Latvijas Vēstnesis*.

*[26 October 2006; 3 May 2007]*

### **Section 63. Special Measures in Relation to Disabled Persons**

The Regulator may take a decision that the public telephone network operator shall perform special measures in order to ensure publicly accessible electronic communications services for disabled persons, including the State Fire-Fighting and Rescue Service, State police, emergency medical care, gas emergency and a comprehensive telephone directory service and a comprehensive subscriber directory, moreover such services shall be equivalent to those services, which are received by other end-users.

*[26 October 2006; 3 May 2007]*

### **Section 64. Universal Service Obligations**

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

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

(3) The Regulator, utilising efficient, objective, transparent and equal (non-discriminating) procedures for the specification of obligations, shall determine one or more electronic communications merchants who have a duty to provide the universal service in the whole of the territory of Latvia or a part thereof, and shall ensure that the electronic communications merchant is not denied the possibility of being designated as the provider of the universal service. 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.

[3 May 2007]

### **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 in the newspaper *Latvijas Vēstnesis* a notice in which it shall inform regarding the net costs of the universal service obligation.

[3 May 2007]

### **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 determined by the Cabinet. The payments made shall only be utilised 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 Community.

## **Chapter XVI**

### **Data Protection in the Electronic Communications Sector**

#### **Section 68. Data Confidentiality**

(1) An electronic communications merchant has a duty not to disclose information regarding users or subscribers without the written permission of the user or subscriber, as well as information regarding the electronic communications services or value added services received by them, except in the cases if such information is necessary for the performance of the functions specified in regulatory enactments of the institutions specified in Section 71.<sup>1</sup>, Paragraph one of this Law.

(2) An electronic communications merchant is prohibited to disclose information, without the written 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 specified in regulatory enactments of the institutions specified in Section 71.<sup>1</sup>, Paragraph one of this Law.

*[3 May 2007]*

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

(1) Only bodies performing investigatory operations may connect to electronic communications networks in order to obtain investigatory information in the cases and according to the procedures specified by 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 specified in regulatory enactments. 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 Paragraph seven of this Section and in Sections 68 and 71.<sup>1</sup> 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 written consent 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) For the purpose of examination of disputes or interconnection issues, the Regulator has the right to request and receive from electronic communications merchants, information regarding traffic data.

*[12 May 2005; 3 May 2007]*

### **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 it is not possible to identify the user or subscriber utilising such location data.

(3) The processing of location data for other purposes with the written 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-Fighting and Rescue Service, State police, emergency medical care and the gas emergency services, Maritime Search and Rescue Service or the number “112” service, as well as the Electronic Communications Office for the performance of the duties thereof and the transfer of such data to the services referred to in this Paragraph of this Section.

*[12 May 2005; 3 May 2007]*

## **Section 71.<sup>1</sup> Utilisation and Processing of Data to be Retained**

(1) Data to be retained shall be retained and transferred to pre-trial investigation institutions, persons performing investigative field work, State security institutions, the Office of the Public Prosecutor and the courts in order to protect State and public security or to ensure the investigation of criminal offences, criminal prosecution and criminal court proceedings.

(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 a duty 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 institutions 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 institutions referred to in Paragraph one of this Section.

(5) The Data State Inspection according to the procedures and in the volume specified by the Cabinet shall once per year compile statistical information regarding the requests to receive data to be retained from the institutions 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 institutions 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 specified in regulatory enactments.

(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, except for the data, which the institutions 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]*

## **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 a duty to comply with the rights provided for in this Section if the called number subscriber is the State Fire-Fighting and Rescue Service, emergency medical care or the gas emergency service, Maritime Search and Rescue Service and the number "112" service.

*[12 May 2005; 3 May 2007]*

### **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 written 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 utilisation thereof.

(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]*

### **Section 75. Subscriber Billing**

(1) A subscriber has the right to receive bills without utilisation 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 utilisation of the public telephone network in a specific location or regarding the utilisation of other associated electronic communications services; and

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

*[3 May 2007]*

## Transitional Provisions

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

*[12 May 2005]*

2. The Cabinet shall, within a period of 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; and

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 Utilisation thereof.

*[12 May 2005]*

2.<sup>1</sup> 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.<sup>2</sup> The Cabinet shall issue the regulations provided for in Section 5, Paragraph three; Section 25, Paragraphs three and four; Section 47, Paragraph nine; Section 54, Paragraph two and Section 71.<sup>1</sup>, Paragraphs four and five of this Law by 1 September 2007.

*[3 May 2007]*

2.<sup>3</sup> 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 Stock Company “Elektronisko sakaru direkcija” [Electronic Communications Office] and Procedures for Payment shall be applied insofar as they are not in contradiction with this Law.

*[3 May 2007]*

2.<sup>4</sup> 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.<sup>5</sup> Section 19, Paragraph two, Clause 6 of this Law shall come into force on 1 January 2008.

*[3 May 2007]*

2.<sup>6</sup> The Cabinet shall issue the regulations provided for in Section 46, Paragraph five of this Law by 1 January 2008. Electronic communications merchants have a duty to establish the possibility of terminal equipment utilisation suspension or renewal in their electronic communications networks by 1 January 2008.

*[3 May 2007]*

2.<sup>7</sup> The functions specified in Section 19, Paragraph one, Clauses 12 and 14; Section 48, Paragraphs one and two and Section 71, Paragraph seven of this Law shall be fulfilled by the Electronic Communications Office until the development and implementation of the call processing centre “112” unified technological platform.

*[3 May 2007]*

2.<sup>8</sup> Electronic communications merchants have a duty 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 a period of six months from the day of the taking of the relevant decision by the Cabinet.

4. The Regulator, within a period of 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 a period of 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.<sup>1</sup> 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.<sup>1</sup> 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.<sup>1</sup> 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 a duty to fulfil them up to the moment when the Regulator has specified electronic communications merchant obligations (special requirements) according to the procedures specified in this Law.

[12 May 2005; 3 May 2007]

10.<sup>2</sup> 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.<sup>3</sup> 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 (*Republic of Latvia “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 (*Republic of Latvia “Saeimas un Ministru Kabineta Ziņotājs”*, 2004, No. 14) is repealed.

13. The holder of the top level domain name .lv register 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 2008. If by 1 January 2008 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]

### **Informative Reference to European Union Directives**

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; and

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.

[3 May 2007]

This Law has been adopted by the *Saeima* on 28 October 2004.

President

V. Vīķe-Freiberga

Rīga, 17 November 2004

**Data to be Retained in the Provision of Voice Telephony, Public Pay Telephones,  
Public Data and Electronic Information Transmission Services**

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; and
  - 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; and
  - 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.

*[3 May 2007]*

**Data to be Retained in the provision of Public Internet Access Services**

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 [utilising 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 [utilising Internet Protocol (IP)];
- 8) the type of public Internet access service;
- 9) the calling telephone number for dial-up access; and
- 10) the digital subscriber line (DSL) or other access line ID of the originator of the connection.

*[3 May 2007]*

