

Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:  
24 March 2011 [shall come into force from 22 April 2011].

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:

## Film Law

### Section 1. Terms Used in this Law

(1) Terms used in this Law correspond to those terms used in the Copyright Law if this Law does not provide otherwise.

(2) The following terms are used in this Law:

1) **film** – a completed audiovisual or cinematographic work, which is formed by mutually connected images that create an illusion of movement, whether or not accompanied by sound and anticipated for making public;

2) **film industry** – a branch of culture which includes the creation of Latvian films, the distribution of Latvian and foreign films, the preservation, protection, accessibility and popularisation of the heritage of Latvian films;

3) **film industry project** – a project the aim of which is the creation, preservation, protection, popularisation and distribution of a Latvian film, the raising of awareness and education of the public in the field of film art, the training of film industry specialists, international collaboration in the field of films, etc.;

4) **film creation** – the process of implementing creative ideas, during which a film is created;

5) **co-produced film** – a film which has been created with the collaboration of producers of Latvia or producers of Latvia and foreign countries;

6) **film distribution** – an activity performed concurrently or after making public of a work, by which the film is made available to the public (including trade, lease, public showings, television and Internet broadcasts and other types of broadcast);

7) **film classification index** – a designation corresponding to specific criteria, which indicates the suitability of a film and the potential influence of the content thereof on groups of viewers of specific age;

8) **public financing** – resources from the State budget or local government budgets, resources of the European Union and foreign financial aid administered by the State or local governments, allocated for the implementation of film industry projects by invitation to tenders.

### Section 2. Purpose of the Law

The purpose of the Law is to ensure the development of the film industry in Latvia, supporting the creation and distribution of Latvian films, as well as the preservation, protection, accessibility and popularisation thereof.

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

### **Section 3. Latvian Film**

The following shall be regarded as a Latvian film:

1) a film, which is produced by a Latvian film producer registered in the National Film Centre, in accordance with the procedures specified in regulatory enactments, and in the main creative team of which at least one member (director, scriptwriter, composer, film artist, animation artist or camera operator) is a citizen of Latvia or a non-citizen of Latvia, or a person who has received a permanent residence permit in Latvia;

2) until the day of the coming into force of this Law, a completed film as a significant part of the cultural heritage of Latvia, which has artistic, historical, scientific or other cultural value.

### **Section 4. Preservation and Protection of Latvian Films**

(1) Within one year after the completion of such Latvian film which has received public financing, the film producer shall submit the original of the film or a copy of the film to the National Archival Fund of Latvia in such format as allows the original quality of the film to be obtained.

(2) A Latvian film producer whose created Latvian film has not been granted public financing, after completion of the film, may submit the original of the film or a copy of the film to the National Archival Fund of Latvia in such format as allows the original quality of the film to be obtained.

(3) The procedures for handing over of a Latvian film for national storage in the National Archival Fund of Latvia and the procedures for the accessibility and use of films handed over for national storage shall be determined by the Archives Law.

### **Section 5. Use of Films Owned by and Under the Jurisdiction of the State**

(1) The licences provided for in the Copyright Law for the use of such films, the copyrights or related rights of which are owned by or under the jurisdiction of the State, shall be issued by the National Film Centre, if not otherwise specified in other laws.

(2) The payment for the use of a film shall be determined by the National Film Centre, observing the methodology specified by the Cabinet for the calculation of the payment for the use of such films, the copyrights or related rights of which are owned by or under the jurisdiction of the State. This provision shall not apply to documents which have been handed over for national storage in the National Archival Fund of Latvia.

*[Paragraph two shall come into force on 1 July 2011. See Paragraph 2 of Transitional Provisions]*

### **Section 6. Film Classification**

(1) The purpose of film classification is to inform of the content of a film and the potential influence thereof on viewers, particularly on children, indicating it with the appropriate film classification index. A film distributor has the obligation to indicate the appropriate film classification index to a viewer in a clearly visible, comprehensible and unequivocal manner.

(2) The criteria for the assignment of film classification indices, the procedures by which film producers or distributors shall classify the films distributed in the territory of the Republic of Latvia according to the film classification indices, as well as indicate the film classification indices, shall be determined by the Cabinet.

## **Section 7. Registration of Film Producers**

(1) In order to ensure information regarding the indicators characteristic to the film industry, as well as to promote the granting of public financing and the control and supervision of its use, the National Film Centre shall create and maintain a Register of Film Producers. The data to be included in the Register of Film Producers and the procedures for keeping the Register shall be determined by the Cabinet.

(2) A State fee shall be collected for the registration of film producers. The amount of the State fee and procedures for its payment shall be determined by the Cabinet.

## **Section 8. Conditions for Granting the Public Financing for the Creation of Latvian Films**

(1) Public financing may be granted for the creation of a Latvian film regardless of the administrator of the financing, if it conforms to at least three of the following conditions:

1) the action of the film mainly takes place in Latvia or another European Union Member State, or in a Member State of the European Economic Area, or in Switzerland;

2) at least one of the main characters is connected to the culture of Latvia or a territory where Latvian is spoken;

3) the film producer or the scriptwriter is a citizen of Latvia or a non-citizen of Latvia, or a person who has received a permanent residence permit in Latvia, or if the scriptwriter is a person who speaks Latvian;

4) the main theme of the film is issues of culture, society, politics or history, relating to the Latvian community and is important thereto;

5) at least one of the original final versions of the film is in Latvian;

6) the film script is based on an original literary work of Latvia.

(2) A co-produced film may apply for the receipt of public financing if it conforms to that specified in Paragraph one of this Section or if it is provided for by international agreements regulating the film industry and the creation of co-produced films, binding to the Republic of Latvia.

(3) Public financing shall be granted for the creation of a Latvian film to a film producer – a merchant, association or foundation – registered in the Register of Film Producers.

(4) If the funds granted are not used in accordance with the conditions of the financial agreement, the grantor of the public financing shall collect the funds granted and used inappropriately from the recipient of the financing.

## **Section 9. Financing Administered by the National Film Centre for Latvian Film Industry Projects**

(1) A decision on the granting of the public financing for the support of a relevant film industry project or the refusal to grant the public financing shall be taken by the head of the National Film Centre, observing the opinion provided by the Expert Committee.

(2) The decision referred to in Paragraph one of this Section may be contested in the Ministry of Culture, but the decision of the Minister for Culture may be appealed to a court. The contesting or appeal of a decision shall not suspend its operation.

(3) The Cabinet shall determine the provisions for the preparation of film industry projects applied for the public financing by tender, the evaluation criteria thereof, the procedures for taking decisions, as well as the procedures for the supervision of the projects financed.

## **Section 10. National Film Centre and the Competence Thereof**

(1) The National Film Centre is a State institution of direct administration under the supervision of the Ministry of Culture, which implements the national policy in the film industry.

(2) Within its competence, the National Film Centre shall:

1) administer and grant the public financing for the implementation of film industry projects by invitation to tenders;

2) organise film industry project tenders;

3) control the utilisation of the public financing administered by the National Film Centre;

4) popularise the Latvian audiovisual cultural values, promoting the accessibility and distribution of Latvian films in Latvia and around the world;

5) co-ordinate the participation of the film industry of Latvia in foreign support programmes for the audio-visual industry;

6) manage the Register of Film Producers;

7) monitor the implementation of the provisions for film classification;

8) gather and analyse information regarding the film industry;

9) administer the copyrights and related rights owned by or under the jurisdiction of the State;

10) award the status of co-production to a film, including in accordance with the European Convention on Cinematographic Co-productions;

11) perform other functions and tasks prescribed by regulatory enactments.

(3) The National Film Centre shall be financed from the subsidies from general revenues of the State budget, revenues earmarked for special purposes, as well as from own revenues, including from revenues earned from paid services provided, from donations, gifts and foreign aid.

## **Section 11. Co-financing for Filming of Foreign Films in Latvia**

With the purpose of attracting foreign financing to the film industry and other industries, the National Film Centre shall administer and divide, by invitation to tenders, the State budget co-financing for filming of foreign films in Latvia. The procedures for the granting of the State budget co-financing shall be determined by the Cabinet.

*[Section shall come into force on 1 January 2013. See Paragraph 3 of Transitional Provisions]*

## **Section 12. Latvian Film Council**

(1) The Latvian Film Council is an advisory institution which is established by and the by-law and composition of which are approved by the Minister for Culture.

(2) The composition of the Latvian Film Council shall include two representatives delegated by non-governmental organisations of the film industry, one representative from each the Ministry of Culture, the National Film Centre, the Expert Commission for Film Arts Industry of the State Culture Capital Foundation, the National Electronic Mass Media Council, the Latvian Academy of Culture, public television, commercial television, as well as two specialists representing the creative, production, distribution or preservation field of the film industry.

(3) The Latvian Film Council shall:

1) consult on the development of the strategies and policies of the film industry;

2) provide opinions on matters related to the film industry and the development thereof;

3) analyse the laws and regulations governing the film industry and provide proposals for their improvement.

(4) The activities of the Latvian Film Council shall be ensured by the Ministry of Culture.

[24 March 2011]

### **Transitional Provisions**

1. The Cabinet shall adopt the Cabinet regulations provided for in Section 6, Paragraph two and Section 7, Paragraphs one and two of this Law by 30 June 2010.

2. Section 5, Paragraph two of this Law shall come into force on 1 July 2011.

3. Section 11 of this Law shall come into force on 1 January 2013.

This Law shall come into force on the day following its proclamation.

This Law has been adopted by the *Saeima* on 17 June 2010.

President

V. Zatlers

Rīga, 29 June 2010