

**PART A OF THE CINEMA STUDY
REPLIES TO THE LEGAL QUESTIONNAIRE FOR LATVIA**

Member State:	LATVIA
Re:	Follow Up Reply
Date:	13 November 2006

(...)

Thank you very much for your follow - up questions (A5 and A.6), however, as we have indicated in the questionnaire there are no information regarding the expected developments in this sphere. We interviewed the National Film Center - the responsible organization- they have no information neither about the expected co-production agreements nor new funding schemes. There are no plan or other document that may indicate future plans.

Only possible development is adoption of the new Law on Film Industry within year of 2007 or 2008, but it will not create new funding schemes or contain any requirements of territorialisation.

(...)

Member State:	LATVIA
Re:	Follow Up Question
Date:	09 November 2006

(...)

We have the follow-up question as follows:

Please provide us information on "expected developments" (reply A.5 - A.6)

(...)

Member State:	LATVIA
Re:	Follow Up Reply
Date:	17 October 2006

(...)

regarding part B8 of the Cinema Study for the European Commission.

As regards to the hierarchy of the legal instruments, the legal norms of international and the European Union law as well as the general principles of law prevail the national law. This principle is endorsed in the Administrative Procedure Law (Article 15) and Civil Procedure Law (Article 5) as well as case law. Thus if there is a conflict or an inconsistency between local rules on territorialization and international/ EU (including the conventions on co- production agreements to which Latvia is member) the international legal norms shall have the supremacy.

(...)

Member State:	LATVIA
Re:	Follow Up Question
Date:	13 October 2006

(...)

With respect to your reply to question B.8 we assume that, in case of a conflict or an inconsistency between the rules on territorialization contained in your national or internal legislation on State aid to cinema and the rules contained in conventions on co-production agreements to which your country is a party, the latter rules prevail over the former, i.e. international agreements prevail over national or internal law. Should this principle exceptionally not apply in your jurisdiction to the concrete case of territorialization requirements, please let us know via email, and please provide us with a short description of the legal mechanism addressing such conflicts or inconsistencies as applied in your jurisdiction.

(...)

Member State:	LATVIA
Re:	Reply
Date:	02 October 2006

(...)

Please find hereafter the filled Legal Questionnaire on territorialisation requirements and relevant legal instruments in Latvia.

(...)

Attachments to e-mail of 02 October 2006

- bylaws _ experts_ culture capital foundation.rtf
- Bylaws culture capital foundation.doc
- bylaws on tenders_ culture capital foundation.rtf
- CG Legal Questionnaire LATVIA.doc
- Law on Cultural capital foundation.doc
- O on reorganization.doc
- public agencies law.doc
- R on allocation of state funding _NFC.doc
- R_558.doc
- R_ 487.doc

**QUESTIONNAIRE ON STATE AID TO CINEMA AND TERRITORIALISATION
REQUIREMENTS
(Version of 15 September 2006)**

PRELIMINARY REMARK

This questionnaire is divided in two parts. Part A concerns general questions and part B specific questions related to State aid for independent film and television production, including State aid based on co-production agreements, in the context of territorialisation requirements.

Some information that could be relevant for this questionnaire is available on-line, e.g.:

- the data from Korda and IRIS Merlin at:

<http://www.obs.coe.int/db/index.html> (in particular the information by Korda on funding schemes at: http://korda.obs.coe.int/web/recherche_fonds.php and the information on co-production agreements by IRIS Merlin at: <http://merlin.obs.coe.int/search.php>)

- the links to regulating, control and funding bodies in the audiovisual sector (cinema and broadcasting) at:

http://ec.europa.eu/comm/avpolicy/info_centre/links/index_en.htm

- the information on co-production agreements on the Council of Europe website and, e.g. for France and the United Kingdom, on the websites of the Centre National de la Cinématographie and the UK Film Council:

http://www.coe.int/T/E/Cultural_Co-operation/Eurimages/

<http://www.cnc.fr/Site/Template/A2.aspx?SELECTID=35&id=36>

http://www.ukfilmcouncil.org.uk/usr/ukfcddownloads/42/Co_production.pdf

However, please consider that this information may not be exhaustive, fully accurate or up-to-date, and may therefore require to be completed for the purposes of this study.

When filling in this questionnaire, please specify in brackets your sources of information at the end of each of your answers.

Please deliver your replies in word format (font type: times new roman; font size: 12).

PART A

GENERAL QUESTIONS

Please use only one form per Member State.

OVERVIEW

A.1 Country / region:

Latvia

A.2 Names of funding schemes with an annual budget of State aid dedicated to pre-production, production, post-production, marketing, distribution and promotion of independent cinematographic and audiovisual works¹ of at least € 1 million in 2005 (this includes any kind of support, e.g. direct subsidies, fiscal advantages, etc., to pre-production, production, post-production, marketing, distribution and promotion):

1. National Film Centre (*Nacionālais Kino centrs*) [former name: The National Cinematographic Centre of Latvia]

2. State Culture Capital Foundation (*Valsts Kultūrkapitāla fonds*)

(Source: Law on State Budget 2005, in force as from 01.01.2005, Public Report of the Year 2005, National Film Centre, in Latvian: <http://www.km.gov.lv/UI/Main.asp?id=13210>; Public report of the Year 2005, State Culture Capital Foundation, in Latvian: <http://www.kkf.lv/?sadala=54>)

COPRODUCTION AGREEMENTS

A.3 List the conventions on co-production agreements to which your country is currently a party, indicate the date of the entry into force of each convention, and indicate the name and address of the authority in charge of their administration and supervision:

1. European Convention On Cinematographic Co- production, in force as from 91.04.1994, the authority: Latvian National Film Centre, address: Peitavas iela 10/12, LV-1050, Riga, Latvia.

2. Agreement Between Government of the Republic of Latvia and Government of Canada On Audiovisual Co- production, in force as from 19.11.2003, authorities: Republic of Latvia Ministry of Culture, address: K. Valdemāra iela 11a LV-1364, Riga, Latvia and Minister of Canadian Heritage, address: 25 Eddy Street Gatineau, Quebec, K1A 0M5, Canada.

(Source: Database of legal documents NAIS)

¹ "Independent" means that the cinematographic and audiovisual works are produced and distributed by entities that are legally independent from broadcasters.

3. Council of Europe Fund for the co- production and distribution of films and fostering co-operation between professionals EURIMAGES, the member state as from 01.01.2002, authority: Latvia's representative in Eurimages Board: Andrejs Apsitis, Deputy Director, National Film Centre, address: Peitavas iela 10/12, LV-1050, Riga, Latvia.

4. Baltic Films, Interstate (Estonia, Latvia, Lithuania) Co-operation Platform, established on 2000, authorities in charge: National Film Centre, address: Peitavas iela 10/12, LV-1050, Riga, Latvia and Estonian Film Foundation, address: Vana-Viru 3, Tallinn 10111, Estonia and Lithuanian Ministry of Culture, address: J. Basanaviciaus str. 5, LT-0118 Vilnius, Lithuania.

5. Agreement between Austrian Film Institute and National Film Centre (Latvia) On Co- production, in force as from 22.05.2006, authorities: Austrian Film Institute, address: Spittelberggasse 3, A-1070, Vienna, Austria and Latvian National Film Centre, address: Peitavas iela 10/12, LV-1050, Riga, Latvia.

(Source: National Film Centre and <http://www.km.gov.lv/UI/Main.asp?id=911>)

NATIONALITY CERTIFICATION PROCEDURES

A.4 Describe the formal procedure, if any, to assess and certify the nationality of an independent film or television production in your country by indicating the authority in charge of this procedure, the criteria of eligibility, and the scope of this certification procedure in relation to public funding schemes in your jurisdiction:²

The Regulations of the National Film Centre On the Allocation of the State Funding for the Film Industry Projects provides that the Latvian film is a film 1) which's producer is the legal person registered in the Commercial Register of the Republic of Latvia, and 2) the interstate co- production, in which the Latvian producer's share is not less than 10% and is not larger than 80 % from the total budget of the film (*Article 2*). The National Film Centre is the responsible authority and administrates the distribution of the public funding. The above-mentioned Regulations states that the applicant for the selective support shall not be bankrupt or in the liquidation, not have the tax or other debts towards the state (*Article 4.1*).

(Source: National Film Centre: <http://www.km.gov.lv/UI/Main.asp?id=19497>)

EXPECTED DEVELOPMENTS

A.5 Indicate whether new co-production agreements are to be expected in your jurisdiction as of 1 January 2007, indicate the contemplated date of the entry into force of each convention, and indicate the name and address of the authority in charge of their administration and supervision

² E.g. the French "Procédure d'agrément".

There is no such information

- A.6 Indicate whether new funding schemes containing territorialisation requirements entered into force or are to be expected to enter into force in your jurisdiction as of 1 January 2006,³ and indicate the name and address of the administration of these funding schemes:⁴

There is no such information

REFERENCES TO LOCAL STUDIES

- A.7 Provide the references of studies, reports or other relevant materials on territorialisation requirements, on co-production agreements and on legal aspects of the promotion of film related cultural identities and cultural diversity in your jurisdiction (author, title, place, date of publication, and, if available, internet link):

There are no studies but implicitly the subjects are mentioned in:

1. **Film News from Latvia**, Journal Published by the National Film Centre of Latvia, 2006
2. **Public Report of the Year 2005**, National Film Centre, in Latvian, <http://www.km.gov.lv/UI/Main.asp?id=13210>

³ Any requirement/incentive that some of the development, production or post-production activities must take place in the country or region offering the State aid, either for the audiovisual work to be eligible for State aid or affecting the amount of State aid available to the audiovisual work.

⁴ E.g. in Germany, there will be a new funding scheme on the federal level containing a territorialisation clause as from 2007.

PART B

FUND SPECIFIC QUESTIONS

Please only cover funding schemes, including tax incentive schemes, that were operated at the national, regional (excluding EU schemes, e.g. the Media programme)⁵ or local level in your country during the reference period from 1 January 2001 to 31 December 2005, and that disposed of an annual budget of State aid dedicated to pre-production, production, post-production, marketing, distribution and promotion of independent cinematographic and audiovisual works of at least € 1 million per year.⁶

Please use for each funding scheme a separate form.

IDENTIFICATION OF THE FUNDING SCHEME

- B.1 Country/region: **Latvia**
- B. Name of the funding scheme: **State Agency “National Film Centre”**
- B.3 Name and address of the funding scheme’s administration and supervisory authority: **Minister of Culture**, K. Valdemāra iela 11a, LV-1364, Riga, Latvia
- B.4 List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate
- the dates when these laws and regulations entered into force,
 - whether these laws and regulations were amended during the period from 2001 to 2005 (if so and if the amendments were significant, indicate their dates of entry in force),
 - and provide a copy of these laws and regulations in the version as of 31 December 2005 (in the national language only).
1. **Bylaws of the State Agency “National Film Centre”** (*Valsts aģentūras “Nacionālais kino centrs” nolikums*), Regulations of the Cabinet of Ministers Nr. 558 dated 26.07.2005, in force as from 01.09.2005, no amendments yet;

⁵ Regional schemes mean both, schemes operated within your country and schemes to which your country is a party among other countries, e.g. the Nordic Film- and TV Fund (see http://korda.obs.coe.int/web/display_fonds.php?fonds_id=28).

⁶ “Independent” means that the cinematographic and audiovisual works are produced and distributed by entities that are legally independent from broadcasters.

2. **The Public Agencies Law** (*Publisko aģentūru likums*), in force as of 25.04.2001, amendments on 31.10.2002, 03.02.2005;
3. **On Film Distribution** (*Filmu izplatīšanas noteikumi*), Regulations of the Cabinet of Ministers Nr. 487 dated 20.11.2001, in force as from 01.01.2002;
4. **On State Administration Institution's "Latvian National Cinematographical Centre" Reorganization and On State Agency "National Film Centre" establishment"** (*Par pārvaldes iestādes "Latvijas Nacionālais kinematogrāfijas centrs" reorganizāciju un valsts aģentūras "Nacionālais kino centrs" izveidi*), Order of the Cabinet of Ministers Nr. 491 dated 27.07.2005, in force as from 27.07.2005, no amendments;
5. **On the Allocation of the State Funding for the Film Industry Projects** (*Valsts Finansējuma piešķiršanas noteikumi filmu nozares projektiem*), The Regulations of the National Film Centre, dated 12.12.2005 (*changes almost every year*).

TERRITORIAL CONDITIONS⁷

Explicit territorial conditions

- B.5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (*consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005*)?

Yes / No

If yes,

- B.6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B.4 (*provide quotes of the current version of the rules as of 31 December 2005 and, only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005*):
- B.7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum (*provide a description with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005*).
- B.8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A.3 (*provide a description with respect to the current version of the territorialisation*

⁷ Any requirement/incentive that some of the development, production or post-production activities must take place in the country or region offering the State aid, either for the audiovisual work to be eligible for State aid or affecting the amount of State aid available to the audiovisual work.

requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005):

- B.9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B.6 to B.8 (*provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005):*

Implicit or *de facto* territorial conditions

- B.10 Does the scheme provide any scope for territorial conditions to be applied implicitly or *de facto*? - For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (*please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005*)?

Yes/No

If yes,

- B.11 Please describe the implicit or *de facto* territorialisation requirements that are practised by this funding scheme (*as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005*):

CULTURAL CLAUSES

- B.12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6, B.7 and B.11 and that are currently in force:

1. **The Constitution of the Republic of Latvia (*Satversme*)**, in force as from 11.07.1922 provides:
113. pants Valsts atzīst zinātniskās, mākslinieciskās un citādas jaunrades brīvību, kā arī aizsargā autortiesības un patenttiesības [*Article 113: The State shall recognize the freedom of scientific research, artistic and other creative activity, and shall protect copyright and patent right*]
114. pants. Personām, kuras pieder pie mazākumtautībām, ir tiesības saglabāt un attīstīt savu valodu, etnisko un kultūras savdabību [*Article 114, Persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity*]

2. On the Long-term Political Statement "State Cultural Policy Guidelines 2006-2015. National State" (*Par ilgtermiņa politikas pamatnostādņēm "Valsts kultūrpolitikas vadlīnijas 2006.-2015. gadam. Nacionāla valsts"*). Order of the Cabinet of Ministers Nr. 264 dated and in force as from 18.04.2006 states:

Dokumenta mērķis ir veidot labvēlīgus nosacījumus kultūras daudzveidīgai un līdzsvarotai attīstībai, lai palielinātu tās ieguldījumu indivīda, sabiedrības un valsts ilgtspējīgā izaugsmē. Vadlīnijas piedāvā risinājumus nacionālas un vienlaikus kultūru daudzveidībai atvērtas Latvijas valsts attīstībai Eiropas Savienībā un pasaulē". [*"The aim of the document is to create favourable conditions for the balanced development of cultural diversity in order to increase its contribution in the development of individual, society and state. The Guidelines offer solutions for the development of Latvia - the national, but in the same time open for the cultural diversity,- state within the European Union and the world"*].

3. Bylaws of the State Agency "National Film Centre" (*Valsts aģentūras "Nacionālais kino centrs" nolikums*), Regulations of the Cabinet of Ministers Nr. 558 dated 26.07.2005, in force as from 01.09.2005, provide:

2.1. Aģentūrai ir funkcija veicināt audiovizuālo jaunrades darbu un audiovizuālā mantojuma pieejamību un izplatību Latvijā un pasaulē. [*Article 2.1. Agency shall have the duty to support the accessibility and promotion of the audiovisual creative works and the audiovisual heritage in Latvia and world.*]

SELECTIVE SCHEMES

B.13 If this scheme distributes aid selectively,⁸ please list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005:

The Regulations of the National Film Centre On the Allocation of the State Funding for the Film Industry Projects (in force as from 12.12.2005) provides the mechanism for the selective financial aid. The Regulations change almost every year. Article II, part 2 provides that National Film Centre shall announce the tender and for each tender the special Rules are drafted. Those Rules shall have specific qualitative criteria.

For example, the Rules of Film projects tender of 2006 states that the commission deciding on the allocation of the state aid shall take into account the following criteria:

- Project's artistic value and significance in the context of Latvian and European culture;

⁸ Selective funding schemes grant State aid based on an evaluation of each project and following qualitative criteria. In contrast, automatic schemes grant State aid if certain quantitative criteria such as box office results of previous works are met.

- Experience of a director, filming crew and a producer;
- Performance of the prior signed agreements between the producer and the National Film Centre and the distribution results of the supported films
- Amount of fundraised financial aid

CONTACT DETAILS

B.14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme:

Ilze Gailīte Holmberga
 Managing Director of National Film Center
 Peitavas iela 10/12, Riga, Latvia, LV-1050
 Phone: +371 7358560
 nfc@nfc.gov.lv

Name of the lawyer and law firm in charge of the data collection:

Inga Kacevska
 Attorney at Law
 Skudra&Udris
 Marijas iela 13/III
 LV-1050, Riga, Latvia
 Tel: +371 7812078
 attorneys@su.lv

Date of the data collection and processing:

25 September 2006

PART B

FUND SPECIFIC QUESTIONS

Please only cover funding schemes, including tax incentive schemes, that were operated at the national, regional (excluding EU schemes, e.g. the Media programme)⁹ or local level in your country during the reference period from 1 January 2001 to 31 December 2005, and that disposed of an annual budget of State aid dedicated to pre-production, production, post-production, marketing, distribution and promotion of independent cinematographic and audiovisual works of at least € 1 million per year.¹⁰

Please use for each funding scheme a separate form.

IDENTIFICATION OF THE FUNDING SCHEME

B.1 Country/region:

Latvia

B. Name of the funding scheme:

State Culture Capital Foundation (*Valsts Kultūrkapitāla Fonds*)

B.3 Name and address of the funding scheme's administration and supervisory authority:

The Cabinet of Ministers

Brīvības street 36

Rīga, LV – 1520, Latvia through

The Minister of Culture K. Valdemāra iela 11a, LV-1364, Riga, Latvia

B.4 List the titles of the laws and regulations that govern this funding scheme as of 31 December 2005 (in the original language and in an English working translation), and indicate

- the dates when these laws and regulations entered into force,
 - whether these laws and regulations were amended during the period from 2001 to 2005 (if so and if the amendments were significant, indicate their dates of entry in force),
- and provide a copy of these laws and regulations in the version as of 31 December 2005 (in the national language only).

⁹ Regional schemes mean both, schemes operated within your country and schemes to which your country is a party among other countries, e.g. the Nordic Film- and TV Fund (see http://korda.obs.coe.int/web/display_fonds.php?fonds_id=28).

¹⁰ “Independent” means that the cinematographic and audiovisual works are produced and distributed by entities that are legally independent from broadcasters.

1. **State Culture Capital Foundation Law** (*Valsts Kultūrkapitāla fonda likums*), in force from 08.03.2004, amended in 23.03.2006;
2. **Bylaws of the State Culture Capital Foundation** (*Valsts Kultūrkapitāla fonda nolikums*), Cabinet of Ministers Regulations Nr. 128, dated 08.03.2004, in force as from 03.12.2004;
3. **Bylaws of the Expert Commissions of the State Culture Capital Foundation's Branches** (*Valsts kultūrkapitāla fonda nozares ekspertu komisijas (izveidošanas un darba kārtības) nolikums*), State Culture Capital Foundation document dated 08.04.2004;
4. **Bylaws of the Tenders of the State Culture Capital Foundation's cultural projects** (*Valsts kultūrkapitāla fonda kultūras projektu konkursu nolikums*), State Culture Capital Foundation document dated 25 March 2004 with the amendments on 4.11.2004 and 25.05.2006.

TERRITORIAL CONDITIONS¹¹

Explicit territorial conditions

- B.5 Does the scheme impose any explicit obligation on independent film and audiovisual project proposals that they must spend a minimum proportion of the production budget in the Member State/Region to qualify for State aid or to receive the maximum amount of State aid available (*consider the situation as of 31 December 2005 and, only in case of significant changes, the situation before this date during the period from 2001 to 2005*)?

Yes / No

If yes,

- B.6 Quote (in the national language and in an English working translation) the provisions requiring territorialisation that are contained in the rules (legislation and internal regulations) listed under Answer B.4 (*provide quotes of the current version of the rules as of 31 December 2005 and, only in case of significant changes, of former versions of territorialisation clauses that were in force before this date during the period from 2001 to 2005*):
- B.7 Describe how these territorialisation requirements are implemented, including the minimum proportion required and the maximum (*provide a description with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005*).
- B.8 Describe how territorialisation requirements that apply to this scheme are interpreted and implemented in the context of the co-production agreements listed under answer A.3 (*provide a description with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with*

¹¹ Any requirement/incentive that some of the development, production or post-production activities must take place in the country or region offering the State aid, either for the audiovisual work to be eligible for State aid or affecting the amount of State aid available to the audiovisual work.

respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005):

- B.9 Quote and summarize judicial and administrative practice (case law and guidelines) and legal commentaries addressing the implementation of territorialisation requirements that you quoted and described under answers B.6 to B.8 (*provide a quote and summary with respect to the current version of the territorialisation requirements as of 31 December 2005 and, only in case of significant changes, with respect to former versions of territorialisation requirements that were in force before this date during the period from 2001 to 2005*):

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- B.10 Does the scheme provide any scope for territorial conditions to be applied implicitly or *de facto*? - For example, do the selection criteria imply that proposals are more likely to be selected for funding if they would create employment in the region/Member State, use local professionals, or generally promote interest in the region/Member State (*please cover the situation prevailing as of 31 December 2005 and, only in case of significant changes, the situation that prevailed before this date during the period from 2001 to 2005*)?

Yes/No

If yes,

- B.11 Please describe the implicit or *de facto* territorialisation requirements that are practised by this funding scheme (*as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005*):

CULTURAL CLAUSES

- B.12 Quote the legal provisions of your jurisdiction (in the national language and in an English working translation) expressing cultural policy goals (e.g. promotion of cultural identity and cultural diversity) that could legitimate the explicit or implicit territorialisation requirements mentioned under answers B.6, B.7 and B.11 and that are currently in force:

1. The Constitution of the Republic of Latvia (*Satversme*), in force as from 11.07.1922 provides:

113. pants Valsts atzīst zinātniskās, mākslinieciskās un citādas jaunrades brīvību, kā arī aizsargā autortiesības un patenttiesības [*Article 113: The State shall recognize the freedom of scientific research, artistic and other creative activity, and shall protect copyright and patent right*]

114. pants. Personām, kuras pieder pie mazākumtautībām, ir tiesības saglabāt un attīstīt savu valodu, etnisko un kultūras savdabību [*Article 114, Persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity*]

2. The State Culture Capital Foundation Law (*Valsts kultūrkapitāla fonda likums*), in force from 08.03.2004 provide:

3.1.pants Fonda mērķis ir veicināt līdzsvarotu visu kultūru un mākslas nozaru jaunrades attīstību un kultūras mantojuma saglabāšanu valstī saskaņā ar valsts kultūrpolitikas vadlīnijām [Article 3.1. The purpose of the Foundation is to promote a balanced development of creativity in all sectors of culture and art and the preservation of cultural heritage in the State in accordance with the guidelines of State cultural policy].

3.3. pants Fonds finansiāli atbalsta juridisku un fizisku personu īstenotus projektus, kuri: 1) veicina kultūras atjaunotnes un mākslas jaunrades procesu un sekmē tā daudzveidību [...] 5) sekmē kultūras vērtību saglabāšanu, izplatīšanu un to pieejamību plašai sabiedrība [...]. [3.3. *The Foundation shall financially support projects implemented by natural and legal persons, which 1) promote the process of cultural renewal and artistic creativity and foster the diversity thereof; [...] 5) foster the preservation and dissemination of cultural values and the availability thereof to the general public [...]*].

SELECTIVE SCHEMES

B.13 If this scheme distributes aid selectively,¹² please list the qualitative criteria that were applied as of 31 December 2005 and, only in case of significant changes, before this date during the period from 2001 to 2005:

Bylaws of the Tenders of the State Culture Capital Foundation's cultural projects (*Valsts kultūrkapitāla fonda kultūras projektu konkursu nolikums*) provides that the cultural projects, including those of films(Article 7), shall follow the criteria below:

- topicality of the project;
- project's compliance with the set priorities in the field
- clearly formulated idea, aim, tasks, target, structurally outlined process of realization in the description of the project;
- impact of the project in the development and maintenance of the cultural environment
- expected result of the project;
- precise and well- founded calculation of the project (base of the real costs);
- compliance of the requested aid to the financial resources of the Fund
- education, work experience and competence of the project's manager;
- project's description convinces about the qualitative realization of the project;
- promotion of understanding between the different groups of society and their consolidation;
- public interest in the development of the project
- aim of the project is not commercial;
- ability of the candidate to fundraise if the additional support is needed.

¹² Selective funding schemes grant State aid based on an evaluation of each project and following qualitative criteria. In contrast, automatic schemes grant State aid if certain quantitative criteria such as box office results of previous works are met.

CONTACT DETAILS

B.14 Name, function and contact information (postal address, phone and email) of the liaison person at the funding scheme:

Pēteris Krilovs
Chairman of the Film Field Expert cCmmission
State Culture Capital Foundation
Vīlandes iela 3, Riga,
LV-1010, Latvia
Tel: + 371 7503177
kkf@kkf.lv

Name of the lawyer and law firm in charge of the data collection:

Inga Kacevskā
Attorney at Law
Skudra&Udris
Marijas iela 13/III
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Date of the data collection and processing:

25 September 2006

Member State:	LATVIA
Re:	Reply
Date:	28 September 2006

(...)

We would like to clarify question B12 of the Legal questionnaire. If there are no explicit or implicit territorial condition in the state, shall we still list any cultural clauses?

(...)

Member State:	LATVIA
Re:	Answer on Reply
Date:	28 September 2006

(...)

Please mention all legal provisions addressing cultural policies (e.g. in Switzerland, there is a provision in the Federal and the Cantons' constitutions providing that the State shall promote cultural diversit, and the Swiss film law mentions that the purpose of this piece of legislation is to promote cultural identities etc.).

I hope that this clarifies B.12

(...)