

## **Radio and Television Act**

Promulgated, State Gazette No. 138/24.11.1998; Judgment No. 10/25.06.1999 of the Constitutional Court of the Republic of Bulgaria, SG No. 60/2.07.1999, amended, SG No. 81/14.09.1999, effective 15.12.1999, amended and supplemented, SG No. 79/29.09.2000, SG No. 96/9.11.2001, amended, SG No. 112/29.12.2001, effective 5.02.2002, amended and supplemented, SG No. 77/9.08.2002, amended, SG No. 120/29.12.2002, supplemented, SG No. 99/11.11.2003, amended, SG No. 114/30.12.2003, supplemented, SG No. 99/9.11.2004, amended, SG No. 115/30.12.2004, effective 1.01.2005, SG No. 88/4.11.2005, amended and supplemented, SG No. 93/22.11.2005, amended, SG No. 105/29.12.2005, effective 1.01.2006, No. 21/10.03.2006, No. 34/25.04.2006, effective 1.01.2008 (\*) (\*\*), SG No. 70/29.08.2006, amended and supplemented, SG No. 105/22.12.2006, effective 1.01.2007, amended, SG No. 108/29.12.2006, effective 1.01.2007, amended and supplemented, SG No. 10/30.01.2007, effective 1.01.2007, supplemented SG No. 41/22.05.2007

(\*) effective 1.07.2007 - amended, SG No. 80/3.10.2006, effective 3.10.2006

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Text in Bulgarian: Закон за радиото и телевизията

### **Chapter One**

#### **GENERAL PROVISIONS**

##### **Article 1**

(1) This Act shall regulate radio and television broadcasting activities within the territory of the Republic of Bulgaria.

(2) Radio and television broadcasting activities means the creation of radio and television programme services and of subsidiary information for broadcasting by terrestrial transmitter, by cable, by satellite or by means of some other technical device or process, in encoded or unencoded form, intended for immediate reception by an unlimited number of persons.

##### **Article 2**

The provisions of this Act shall not apply to:

1. radio and television programme services created for the purpose of broadcasting within a single building;
2. radio and television programme services created for the purpose of broadcasting for the needs of state bodies or legal persons, where the content of the programme concerns solely their activity and the transmission equipment is owned by them.

##### **Article 3**

(1) (Supplemented, SG No. 96/2001) Radio and television broadcasting activities shall be pursued by radio and television broadcasters by virtue of registrations or licences granted according to the procedure established by this Act.

(2) (Supplemented, SG No. 79/2000, SG No. 96/2001) Radio and television broadcasters shall be either sole-trader natural persons or juristic persons holding radio and television broadcasting licences or registrations.

(3) Radio and television broadcasters may furthermore be telecommunications operators within the meaning given by the Telecommunications Act. In such case, they may not provide telecommunications services to third parties, save as otherwise provided for by their telecommunications operation licences.

(4) The provisions of this Act shall apply to all radio and television programme services created for the purpose of broadcasting or broadcast by the relevant broadcasters under the jurisdiction of the Republic of Bulgaria.

##### **Article 4**

Radio and television broadcasters shall be public-service and commercial.

##### **Article 5**

(Supplemented, SG No. 79/2000, SG No. 93/2005)

Commercial radio and television broadcasters shall be sole traders or commercial corporations holding a radio and television broadcasting licence and/or registration, which shall operate with the main object of distributing profit among their owners.

##### **Article 6**

(1) (Supplemented, SG No. 79/2000, SG No. 93/2005) Public-service radio and television broadcasters shall be sole-trader natural persons or legal persons holding a radio and television broadcasting licence and/or registration whose main object is to contribute to the realization of the constitutional right to information.

(2) Public-service radio and television broadcasters shall be subjects of public law or of private law.

(3) Public-service radio and television broadcasters shall:

1. provide for broadcasting political, business, cultural, scientific, educational and other socially relevant information;

2. afford access to national and global cultural values and popularise the advances of science and technology by broadcasting Bulgarian and foreign educational and cultural programme services addressed to all age groups;

3. ensure, through their programming policy, the protection of national interests, universal human cultural values, national science, education and culture of all Bulgarian citizens, regardless of their ethnic identity;

4. encourage the creation of works by Bulgarian authors;

5. encourage Bulgarian performing arts.

#### **Article 7**

The Bulgarian National Radio (BNR) and the Bulgarian National Television (BNT) shall be the national public-service radio broadcaster and, respectively, the national public-service television broadcaster, which:

1. ensure programme services for all citizens of the Republic of Bulgaria;

2. assist the development and popularisation of Bulgarian culture and the Bulgarian language, as well as of the culture and language of citizens in accordance with their ethnic identity;

3. afford access to the national and European cultural heritage through their programme services;

4. insert informational, educational and entertainment broadcasts in their programme services;

5. apply the new information technologies;

6. (Amended, SG No. 96/2001) reflect the diversity of ideas and convictions in society by means of a pluralism of viewpoints in each one of the news and current affairs broadcasts on political and business subjects;

7. foster mutual understanding and tolerance in relations between people;

8. afford citizens the opportunity to get familiar with the official position of the State on important issues in public life.

#### **Article 8**

(1) This Act shall guarantee the freedom of radio and television broadcasters and of their broadcasting activities from political and economic interference.

(2) (Amended, SG No. 96/2001) The Council for Electronic Media, as a specialized independent body, shall exercise supervision in the cases provided for in this Act.

(3) (New, SG No. 77/2002) The National Assembly shall adopt a strategy for development of radio and television broadcasting activities by terrestrial transmitter as prepared by the Council for Electronic Media and the Communications Regulation Commission.

#### **Article 9**

(1) The creation of radio and television programme services in the Republic of Bulgaria shall not be restricted.

(2) Programme service censorship in any form whatsoever shall be inadmissible.

(3) Freedom of reception of radio and television programme services shall be ensured, and re-transmission of radio and television programme services within the territory of Bulgaria shall not be restricted under the terms established by this Act.

(4) (Amended, SG No. 79/2000) Application of Paragraph (3) shall be suspended in case of gross violation of the provisions of Item 6 of Article 10 (1) herein, and Article 17 (2) and (3) herein in accordance with the obligations assumed by the Republic of Bulgaria under effective international treaties.

#### **Article 10**

(1) In pursuit of their broadcasting activities, radio and television broadcasters shall be guided by the following principles:

1. guaranteed right to freedom of expression of opinion;
2. guaranteed right to information;
3. protection of confidential sources of information;
4. protection of citizen's personal inviolability;
5. inadmissibility of broadcasts inciting to intolerance among citizens;
6. (Amended, SG No. 79/2000) inadmissibility of broadcasts which are contrary to good morals, especially if they contain pornography, extol or condone brutality or violence, or incite to hatred on grounds of race, sex, religion or nationality;
7. guaranteed right of reply;
8. guaranteed copyrights and neighbouring rights in broadcasts and programme services;
9. safeguarding the purity of the Bulgarian language.

(2) (Amended, SG No. 79/2000) At least 50 per cent of the total annual transmission time, excluding the time appointed to news and sports broadcasts, radio and television games, advertising, teletext services and radio and tele-shopping, shall be reserved for European works whenever this is practically possible.

(3) (Amended, SG No. 79/2000) At least 10 per cent of the total annual transmission time, excluding the time appointed to news and sports broadcasts, radio and television games, advertising, teletext services and radio and tele-shopping, shall be reserved for European works created by external producers. This proportion should be achieved progressively through allocation of sufficient resources for new works, i. e. works broadcast not later than 5 years after their creation.

(4) (New, SG No. 79/2000) The requirements covered under Paragraphs (2) and (3) shall not apply to programme services intended for local audiences and broadcast by a single broadcaster which does not form part of the national network.

#### **Article 11**

(1) Any opinion may be freely expressed in radio and television broadcasts.

(2) Journalists and artists, who have concluded contracts with radio and television broadcasters, may not be given any instructions or directions as to the practice of their pursuits by persons and/or groups outside the management bodies of radio and television broadcasters.

(3) Public criticism of the programming policy of radio and television broadcasters by their employees shall not be treated as disloyalty to the employer.

(4) Journalists, who have concluded contracts with radio and television broadcasters, shall have the right to refuse to perform an assignment, provided it is not related to implementation of the provisions of this Act or of the relevant contracts and if it is contrary to their personal convictions; technical editing of programme material or of news may not be refused.

(5) Editorial statutes for work in the sphere of current affairs may be agreed between the owners and/or management bodies of radio and television broadcasters and the journalists who have concluded contracts with them.

(6) The editorial statute shall state specific definitions and criteria for:

1. guaranteeing the freedom and personal accountability of journalistic work in accomplishing the assignment;
2. the protection of journalists within the meaning given by Paragraph (2);
3. the professional and ethical standards of journalistic activity in the respective radio and television broadcasters;
4. the manners of decision-making which concern journalistic activity;
5. the establishment of an internal body for the settlement of any disputes as may arise in the course of journalistic work on the creation of programme services.

#### **Article 12**

(1) The programme services of radio and television broadcasters shall be transmitted in the official language, according to the Constitution of the Republic of Bulgaria.

(2) (Amended, SG No. 79/2000) The programme services or individual broadcasts of radio and television broadcasters may be transmitted in another language as well, where:

1. they are broadcast for educational purposes;

2. they are intended for Bulgarian citizens who have a mother tongue different from the Bulgarian language;
3. they are intended for foreign listeners or viewers;
4. they re-transmit foreign radio and television programme services.

#### **Article 13**

(1) Radio and television broadcasters shall have the right to receive any information as they may need from state and municipal bodies, unless this information contains any secret as provided for by statute.

(2) Radio and television broadcasters shall be obligated to use any information received accurately and untendentiously.

(3) Radio and television broadcasters shall disclose information about their broadcasting activities in the cases provided for by the law.

(4) (Supplemented, SG No. 79/2000) A radio or television broadcaster, who or which holds an exclusive right for the transmission of an event of major importance, shall be obligated to afford other radio and television broadcasters access for the news coverage of the said event in accordance with the obligations assumed by the Republic of Bulgaria under effective international treaties.

#### **Article 14**

(1) Radio and television broadcasters shall be obligated to record the programme services and broadcasts provided by them for broadcasting and to preserve the recordings for a period of three months reckoned from the date of transmission.

(2) Should a request for a reply be received or an action be brought against a radio or television broadcaster in connection with the content of a broadcast or a programme within the period referred to in Paragraph (1), the recordings shall be preserved until the close of proceedings.

(3) Any person, who claims that his or her reputation has been damaged in a broadcast, shall have the right to access to the relevant archives and to a copy of the recording made at his or her expense.

(4) (Amended, SG No. 96/2001) The Council for Electronic Media may request material from the radio and television broadcasters, as well as conduct on-site examinations in connection with the exercise of supervision as to compliance with this Act.

#### **Article 15**

(1) Radio and television broadcasters shall not be obligated to disclose their sources of information to the Council for Electronic Media, save in the case of pending legal proceedings or pending proceedings initiated on the complaint of a person affected.

(2) Journalists shall not be obligated to disclose their sources of information either to the audience or to the management of a broadcaster, save in the cases under Paragraph (1).

(3) Radio and television broadcasters shall have the right to include information from an unidentified source in their broadcasts, expressly stating this fact.

(4) Journalists shall be obligated to protect the confidentiality of the source of information should this have been expressly requested by the person who has provided the said information.

#### **Article 16**

(1) Radio and television broadcasters may not create or provide for broadcasting any broadcasts containing information related to the private life of citizens without their consent.

(2) Radio and television broadcasters may include in their broadcasts information in the public interest relating to the private life of citizens exercising the powers of state bodies, or of citizens whose decisions exert influence on the public.

(3) In the case of violations under Paragraphs (1) and (2), the person affected shall be entitled to a public apology from the radio and television broadcasters. This shall not prejudice the right of any such person to claim damages by a judicial process.

(4) The restrictions under Paragraphs (1) and (2) shall not apply to any person under an effective sentence for a premeditated offence at public law.

#### **Article 17**

(1) Radio and television broadcasters shall be accountable for the content of the programme services provided by them for broadcasting.

(2) Radio and television broadcasters shall be obligated not to suffer the creation or provision for broadcasting of any broadcasts in violation of the principles of Article 10 herein, and any

broadcasts inciting to national, political, ethnic, religious or racial intolerance, extolling or condoning brutality or violence, or likely to impair the physical, mental and moral development of infants and minors.

(3) (Supplemented, SG No. 79/2000) The provisions under Paragraph (2), which concern infants and minors, shall not apply to encoded broadcasts and/or broadcasts broadcast between 23:00 and 6:00 hours and clearly preceded by an acoustic and/or acoustic and optical warning, or identified by the presence of a visual symbol throughout their duration. This provision does not prejudice the liability of the broadcaster for compliance with the principles of Article 10 herein throughout the duration of the programme service.

(4) Radio and television broadcasters shall not be liable for any information disclosed or for the content thereof, provided the said information:

1. has been received through official channels;
2. quotes official documents;
3. accurately reproduces public statements;
4. uses material received from news agencies or from other radio and television broadcasters.

(5) No modifications shall be permissible when documents are cited.

(6) News, representing informational facts, shall be differentiated from any comments on such news.

(7) (Amended, SG No. 79/2000) Whenever a broadcast of a different radio or television broadcaster is used in part of a broadcast, this shall be expressly stated and must be in accordance with the legal framework of the Copyright and Neighbouring Rights Act.

#### **Article 18**

(1) Any persons, state and municipal bodies, who or which have been affected in a radio or television broadcast, shall enjoy the right of reply.

(2) Within seven days after the day of the broadcast, the persons and bodies referred to in Paragraph (1) shall have the right to request in writing that the respective radio or television broadcaster provide their reply for broadcasting. The contested allegations, as well as the date and time of the broadcast, shall be specified in the request.

(3) The radio or television broadcaster shall be obligated to ensure insertion of the reply in the next succeeding edition of the same broadcast or in an equivalent time within 24 hours after receipt of the reply, modifications or abridgments of the text being impermissible.

(4) The broadcasting of a reply shall be provided at no charge to the persons and bodies referred to in Paragraph (1).

(5) The duration of the reply may not exceed the duration of the contested part of the broadcast.

#### **Article 19**

(1) (Previous Article 19, SG No. 93/2005) Radio and television broadcasters shall broadcast programme services solely after the copyrights and neighbouring rights have been settled in advance.

(2) (New, SG No. 93/2005) Every year, radio and television operators shall present to the Council for Electronic Media, upon request, evidence of the commercial rights and the copyrights granted in respect of protected works in the programme services thereof and of the neighbouring rights granted for the provision for broadcasting of foreign programme services.

(3) (New, SG No. 93/2005) Within one month after receipt of the data, the Council for Electronic Media shall consolidate the information referred to in Paragraph (2) and shall transmit the said information to the competent officials under the Copyright and Neighbouring Rights Act.

### **Chapter Two**

## **COUNCIL FOR ELECTRONIC MEDIA**

**(Title amended, SG No. 96/2001)**

### **Section I**

#### **General Conditions**

#### **Article 20**

(Amended, SG No. 96/2001)

(1) The Council for Electronic Media shall be an independent specialized body which shall regulate radio and television broadcasting activities by means of registration or grant of licences for pursuit of radio and television broadcasting activities and through exercise of supervision over the activities of radio and television broadcasters as to compliance with this Act.

(2) In the performance of its functions, the Council for Electronic Media shall be guided by the public interest, protecting the freedom and pluralism of speech and information and the independence of radio and television broadcasters.

**Article 21**

The Council for Electronic Media shall be a legal person with a head office in Sofia and with an independent budget.

**Article 22**

The Council for Electronic Media shall be assisted in the performance of its functions by administrative and technical services whose structure and payroll shall be determined by the said Council at its own discretion in conformity with the resources allocated for the respective year.

**Article 23**

The Council for Electronic Media shall adopt its own Rules of Organization and Procedure.

## **Section II**

### **Council for Electronic Media Composition**

**Article 24**

(1) The Council for Electronic Media shall consist of nine members, of whom five shall be elected by the National Assembly and four shall be appointed by the President of the Republic.

(2) The National Assembly resolution and the presidential decree under Paragraph (1) shall enter into force simultaneously.

**Article 25**

(Amended, SG No. 96/2001, SG No. 93/2005)

Eligibility to the Council for Electronic Media shall be limited to persons holding Bulgarian citizenship, who hold a degree of higher education, as well as possess professional experience, in the following spheres: electronic media, telecommunications, journalism, law or economics, and enjoy public authority and professional acknowledgement.

**Article 26**

The following persons shall be ineligible for membership of the Council for Electronic Media:

1. any persons who have been sentenced to imprisonment for premeditated offences at public law;
2. any sole traders, owners of the capital of commercial corporations, partners, managing directors, managerial agents or members of management and auditing bodies of commercial corporations and cooperatives;
3. any persons who have been on the full-time staff or part-time informers of the former State Security.

**Article 27**

(1) (Amended, SG No. 96/2001) During their term in office and, in respect of Item 4, within two years after the expiration of this term, the members of the Council for Electronic Media may not:

1. (Amended, SG No. 96/2001) occupy any other salaried position under a contract of employment;
2. hold elective office in any state or municipal bodies, in the governing bodies of any political parties and coalitions, or in any trade unions;
3. be members of the management, auditing and supervisory bodies of any commercial corporations or cooperatives.
4. (Amended, SG No. 96/2001) be consultants or members of management, auditing and supervisory bodies of any radio and television broadcasters, or acquire interests or shares in any such broadcasters or in any advertising agencies;
5. (Supplemented, SG No. 96/2001) be consultants or members of management, auditing and supervisory bodies of any non-profit organizations which have received a radio or television broadcaster licence;

6. receive remuneration in any form whatsoever from any radio or television broadcaster, save according to intellectual property legislation.

(2) Employers, who are in an employment relationship with a person who is becoming member of the Council for Electronic Media, shall be obligated, when so requested by the said person, to grant the said person unpaid leave of absence for the duration of his or her term of office. After the expiration or termination of the said term of office, any such employers shall be obligated to reinstate the person concerned to his or her former position if he or she so wishes.

#### **Article 28**

Before assuming office, all members of the Council for Electronic Media shall sign a declaration, affirming that they satisfy the requirements under this Act. The said declarations shall be preserved in the archives of the Council for Electronic Media.

#### **Article 28a**

(New, SG No. 96/2001)

(1) Each member of the Council for Electronic Media and of the evaluating commission referred to in Article 116c herein shall be obligated to make a written disclosure to the Council for Electronic Media of any substantial commercial, financial or another business interest which the said member or the members of his or her family have upon the making of a specific decision.

(2) Substantial interest shall be in existence whenever the persons referred to in Paragraph (1) or members of their families, as well as persons with whom each one of them is economically connected:

(a) receive a radio and television broadcasting licence;

(b) are appointed to supervisory bodies in the sphere of radio and television broadcasting activities or telecommunications, or are elected to management boards of any radio and television organizations, cable or telecommunications operators, or advertising agencies.

(3) The duty of the persons referred to in Paragraph (1) shall be performed through submission of a declaration to the Council for Electronic Media upon assumption of office and at least once every six months thereafter, stating the names and addresses of persons economically connected with them or with the members of their families, as well as the business interests which have arisen or could arise. The declaration under this Paragraph shall be preserved in a special public register with the Council for Electronic Media.

(4) Any member of the Council for Electronic Media, who has an immediate business interest upon the making of a specific decision, shall be obligated to disclose the said interest and to withdraw from the debate and the voting.

(5) The party affected, as well as any party concerned, may petition the Supreme Administrative Court for revocation of any decisions made in violation of the foregoing Paragraph.

#### **Article 29**

(Amended, SG No. 96/2001)

(1) The members of the Council for Electronic Media shall be elected or appointed for a term of six years. The composition of the Council for Electronic Media from each quota shall rotate every two years.

(2) A person may not be member of the Council for Electronic Media for more than two successive terms of office. A re-election or re-appointment of any such person must not be inconsistent with the rotation provided for in Paragraph (1).

(3) The members of the Council for Electronic Media shall discharge their duties until the new members assume office.

#### **Article 30**

(1) The term of office of a member of the Council for Electronic Media shall be terminated prior to the expiration of the said term upon removal of the person from office or in the event of death.

(2) (Amended, SG No. 96/2001) A member of the Council for Electronic Media shall be removed from office by a decision of the Council for Electronic Media:

1. (Amended, SG No. 96/2001) acting on a letter of resignation submitted to the Chairperson of the Council for Electronic Media;

2. upon permanent actual inability to discharge his or her duties in the course of more than six months;

3. upon establishment of incompatibility with the requirements of this Act;

4. (New, SG No. 96/2001) upon entry into force of a sentence imposing a term of imprisonment for a premeditated offence.

(3) Upon termination of the term of office of a member of the Council for Electronic Media prior to the expiration of the said term, within one month after the date of death or of the decision referred to in Paragraph (2), the competent authority shall elect or appoint a replacement for the remainder of the relevant term of office.

(4) (Amended, SG No. 96/2001) Any termination of a term of office prior to the expiration thereof under Items 1 and 4 of Paragraph (2) and in the event of death shall be announced to the Council for Electronic Media by the Chairperson of the said Council.

#### **Article 31**

(1) (Amended, SG No. 96/2001) At their first meeting, the members of the Council for Electronic Media shall elect from amongst their number a Chairperson for a term of one year.

(2) The Chairperson shall perform the following functions:

1. represent the Council for Electronic Media;
2. convene the meetings of the Council for Electronic Media and preside over them;
3. sign the acts of the Council for Electronic Media adopted in implementation of this Act;
4. maintain the liaison of the Council for Electronic Media with the state bodies and the radio and television broadcasters, as well as with international organizations in the sphere of radio and television broadcasting activities;
5. (New, SG No. 79/2000) issue penalty decrees for violations of the provisions of this Act;
6. (New, SG No. 96/2001) prepare the meetings of the Council for Electronic Media;
7. (New, SG No. 96/2001) direct the work of the administrative and technical services;
8. (New, SG No. 96/2001) verify compliance with the implementation of the acts as adopted.

(3) (Repealed, SG No. 96/2001).

(4) (Amended, SG No. 79/2000, SG No. 96/2001) The Chairperson shall vacate office automatically, upon the expiration of the one year term for which he or she has been elected, or at his or her own request, by decision of the Council for Electronic Media.

(5) (Amended, SG No. 96/2001) The Council for Electronic Media, acting on motion by any of its members, may make a decision on termination of the term of office of the Chairperson prior to the expiration of the said term by reason of dereliction of duties.

(6) Any decisions referred to in Paragraphs (4) and (5) shall specify the date of the next meeting at which a new election shall be held.

### **Section III**

#### **Council for Electronic Media Powers**

#### **Article 32**

(1) The Council for Electronic Media shall be vested with the following powers:

1. to exercise supervision over the broadcasting activities of radio and television broadcasters as to compliance with this Act;
2. to elect and remove the directors general of the BNR and the BNT;
3. to endorse, upon nomination by the directors general, the members of the management boards of the BNR and the BNT;
4. to give an opinion upon the drafting of statutory instruments and upon conclusion of intergovernmental agreements in the sphere of radio and television;
5. to give an opinion on the draft state budget regarding the subsidy for the BNR and the BNT;
6. to endorse annually the off-budget cost estimate of the Radio and Television Fund;
7. to organize a research of public opinion on the broadcasting activities of radio and television broadcasters and of their programme services;
8. to give an opinion regarding any changes in the amount of fees charged for use of radio and television services;
9. (Supplemented, SG No. 79/2000, amended, SG No. 96/2001) to make decisions on the grant, alteration, revocation, transfer and termination of a radio and television broadcasting licence;
10. to refer to the competent authorities any violations of statutory instruments in the pursuit of radio and television broadcasting activities;



11. to determine the composition of the management board of the Radio and Television Fund, to adopt rules of organization and operation of the said Fund and its management board, and to appoint the Executive Director of the said Fund;

12. (New, SG No. 96/2001) to issue, at its discretion, mandatory directions for execution of the radio and television broadcasting licences;

13. (New, SG No. 96/2001, amended, SG No. 112/2001) to approach the Communications Regulation Commission with an enquiry regarding the requisite technical parameters for broadcasting by terrestrial transmitter of radio and television programme services to a population centre or functional region as specified by the Council for Electronic Media or to the entire territory of the Republic of Bulgaria, including unallocated radio frequencies, permissible power of transmission, possible points of transmission, as well as any other technical information as may be necessary;

14. (New, SG No. 96/2001) to hold a competitive procedure for selection of a radio and television broadcaster whereto a telecommunications licence shall be granted to operate existing telecommunication networks for broadcasting by terrestrial transmitter and/or to build, maintain and operate new networks of this type;

15. (New, SG No. 96/2001, amended, SG No. 112/2001) to grant an individual radio and television broadcasting licence to the winner of the competitive procedure referred to in Item 14, and to notify the Communications Regulation Commission with a view to the grant of a telecommunications licence to the same person;

16. (New, SG No. 96/2001) to effect and strike off registrations for pursuit of radio and television broadcasting activities in the cases provided for by the law;

17. (New, SG No. 96/2001) jointly with other bodies, to represent the Republic of Bulgaria in inter-state and intergovernmental organizations on matters concerning the electronic media, and to perform coordinating functions between the institutions of state and non-governmental organizations with a view to formulating a common policy regarding the electronic media;

18. (Supplemented, SG No. 79/2000; renumbered from Item 12, SG No. 96/2001) to make any other decisions in execution of its powers under this Act, and under effective international treaties in the sphere of radio and television broadcasting activities to which the Republic of Bulgaria is a party.

(2) In execution of its powers, the Council for Electronic Media shall adopt regulations, decisions and declarations and shall give opinions in the cases provided for by the law.

(3) (New, SG No. 79/2000) The Council for Electronic Media shall adopt and publish a list of events of major importance for society and shall ensure measures for protection of the access of the public to their coverage, so that any broadcaster under the jurisdiction of the Republic of Bulgaria who or which has acquired exclusive rights for the reporting of events of major importance for society exercise these rights in such a manner as the said broadcaster:

1. do not deprive a substantial proportion of the public in Bulgaria of the possibility of following any such events via whole or partial live coverage, or where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television;

2. do not deprive a substantial proportion of the public in a Member State of the European Union, or in a State Party to the European Convention on Transfrontier Television, of the possibility of following events of major importance for society via whole or partial live coverage, or where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television, according to the provisions adopted by that other state, on a basis of reciprocity.

(4) (New, SG No. 96/2001) The Council for Electronic Media shall announce publicly any decisions made in connection with the exercise of the powers thereof, including the manner of application of the law, as well as the grounds for any change in its practice The decisions of the Council for Electronic Media shall be reasoned.

### **Article 33**

The Council for Electronic Media shall exercise supervision over the broadcasting activities of radio and television broadcasters solely with regard to:

1. (Supplemented, SG No. 79/2000) compliance with the principles covered under Article 10 (1) herein and the proportion referred to in under Article 10 (2) and (3) herein;

2. compliance with the requirements covered under Article 6 (3) and Article 7 herein;

3. coverage of the elections of state bodies and bodies of local self-government;

4. (Supplemented, SG No. 79/2000) compliance with the requirements regarding advertising and radio and tele-shopping in the broadcasts of radio and television broadcasters;
5. conformity to the standards regarding charitable activities and sponsorship;
6. safeguarding of the secrets in radio and television broadcasting activities as provided for by the law;
7. (Amended, SG No. 79/2000) compliance with the requirements as to broadcasts addressed to infants and minors;
8. information about decisions of the institutions administering justice and other state bodies in the cases provided for by the law;
9. protection of consumer rights;
10. technical quality of broadcasts and programme services;
11. (Supplemented, SG No. 79/2000) compliance with any restrictions as may be provided for in the law, in the licences and in the effective international treaties to which the Republic of Bulgaria is a party;
12. (New, SG No. 96/2001) compliance with the terms and conditions of the radio and television broadcasting licences.

## **Section IV**

### **Meetings**

#### **Article 34**

(1) The Council for Electronic Media shall be called to a meeting by the Chairperson:

1. on his or her own initiative, or
2. on the requisition of at least one third of its members.

(2) A notice of meeting shall contain a draft agenda of the meeting.

#### **Article 35**

(Supplemented, SG No. 96/2001)

For the valid transaction of business at any meeting of the Council for Electronic Media, as many members shall have to be present thereat as shall be necessary for making decisions on the agenda. The members shall vote only in person and when physically present at a meeting.

#### **Article 36**

Upon making decisions, the members of the Council for Electronic Media shall be guided by the principles of:

1. fellowship;
2. public openness and transparency;
3. independence in the discussions and decision-making;
4. cooperation with state bodies, radio and television broadcasters and non-governmental organizations active in the sphere of radio and television or in the protection of copyright and neighbouring rights;
5. protection of the interests of viewers and listeners.

#### **Article 37**

(1) The Council for Electronic Media shall make decisions by a simple majority of all its members.

(2) Any decisions referred to in Article 31 (1) and (5) and Item 3 of Article 32 (1) herein shall require a majority of two-thirds of all members.

(3) (Amended, SG No. 79/2000) If no decision referred to in Paragraph (2) is made at three successive meetings held within one month, a decision on any such business shall then require a simple majority.

#### **Article 38**

(Amended and supplemented, SG No. 79/2000, amended, SG No. 96/2001)

(1) The decisions of the Council for Electronic Media shall be appealable before the Supreme Administrative Court.

(2) Any appeal against the decisions of the Council for Electronic Media to elect and remove members of the management boards and directors general of the BNR and the BNT, as well as any decisions referred to in Items 2 and 3 of Article 30 (2) herein shall not stay the execution of any such decisions.

#### **Article 39**

(1) (Amended, SG No. 96/2001) The Council for Electronic Media shall issue a Newsletter carrying the decisions made, topical articles on the problems of audiovisual culture, the results of the monitoring of radio and television broadcasters, as well as public opinion surveys commissioned by the Council for Electronic Media.

(2) The Council for Electronic Media shall publish a report on its activity during each year on or before the 31st day of March in the next succeeding year.

### **Section V**

#### **Financing and Remuneration**

#### **Article 40**

The Council for Electronic Media shall be financed by the Radio and Television Fund.

#### **Article 41**

(1) For the duration of performance of their functions, the members of the Council for Electronic Media shall receive a monthly remuneration to an amount equivalent to three average monthly wages of persons employed in the national economy according to information of the National Statistical Institute.

(2) (Repealed, SG No. 96/2001).

(3) The basic monthly remuneration shall be adjusted each quarter on the basis of the average monthly wage for the last month of the last preceding quarter.

### **Chapter Three**

## **BULGARIAN NATIONAL RADIO AND BULGARIAN**

## **NATIONAL TELEVISION**

### **Section I**

#### **General Provisions**

#### **Article 42**

(1) The Bulgarian National Radio and the Bulgarian National Television shall be legal persons with head offices in Sofia.

(2) The Bulgarian National Radio and the Bulgarian National Television shall exercise day-to-day management of the state owned property allocated thereto prior to the entry of this Act into force.

#### **Article 43**

The Bulgarian National Radio and the Bulgarian National Television shall create and provide for broadcasting radio and television programme services and subsidiary information, including teletext services.

#### **Article 44**

(1) The radio and television programme services of the BNR and the BNT shall be broadcast by telecommunication means of their own or proceeding from a contract with a licensed telecommunications operator.

(2) The State shall implement a licensing policy in the sphere of telecommunications which shall guarantee the broadcasting of the programme services of the BNR and the BNT within the entire territory of Bulgaria.

(3) (New, SG No. 41/2007) The Bulgarian National Television and the Bulgarian National Radio shall ensure the broadcasting of the national programme services thereof by satellite/satellites within the range of the territories of Europe and other continents where there are citizens of Bulgarian descent according to data of the Agency for Bulgarians Abroad and through their own research.

(4) (New, SG No. 41/2007) The resources for execution of the activities referred to in Paragraph (1) shall be provided by the State budget.

(5) (New, SG No. 41/2007) The Bulgarian National Television and the Bulgarian National Radio shall provide at no charge the national and regional programme services thereof to enterprises providing electronic communications through cable electronic communication networks for distribution of radio and television programme services, as well as for satellite and digital terrestrial radio broadcasting.

#### **Article 45**

(1) The Bulgarian National Radio and the Bulgarian National Television shall introduce and provide new radio and television services.

(2) The Bulgarian National Radio and the Bulgarian National Television shall create conditions for the broadcasting and application of digital and other new technologies in radio and television broadcasting activities.

#### **Article 46**

(1) The Bulgarian National Radio and the Bulgarian National Television shall have the right to conclude contracts for the purchase of finished audio and audiovisual works.

(2) The Bulgarian National Radio and the Bulgarian National Television may conclude contracts with other radio and television broadcasters for the supply, re-transmission or exchange of programme services.

#### **Article 47**

(1) The Bulgarian National Radio and the Bulgarian National Television shall have the right to create their own programme services and broadcasts or to commission the creation of such programme services and broadcasts to external producers, as well as to take part in co-productions.

(2) News and current affairs broadcasts on political and business subjects, broadcast in the programme services of the BNR and the BNT, may be produced solely by the Bulgarian National Radio and the Bulgarian National Television.

(3) Audio and audiovisual works shall be created by external producers through a competitive procedure and the conclusion of a contract with the BNR and the BNT.

(4) The principles of relations and the procedure for production of co-productions, for the holding of competitive procedures and for conclusion of contracts with external producers shall be governed by regulations adopted by the management board.

#### **Article 48**

The Bulgarian National Radio and the Bulgarian National Television shall have the right to gratuitous insertion in their newscasts, by way of fair use, of reports and news about events wherefore another radio or television broadcaster holds the exclusive coverage rights, in conformity with the Copyright and Neighbouring Rights Act, mandatorily crediting the source of information.

## **Section II**

### **BNR and BNT Programme Services**

#### **Article 49**

(1) The Bulgarian National Radio and the Bulgarian National Television shall create national and regional programme services, external service broadcasts, including such for Bulgarians abroad, broadcasts intended for Bulgarian citizens who have a mother tongue different from the Bulgarian language, including broadcasts in the language of the said citizens.

(2) (Amended, SG No. 79/2000) Regional programme services shall cover developments of local importance. They shall be created at the regional radio and television centres and shall be intended for the audience in the respective region as well as for inclusion in the national radio and television programme services.

(3) The territory of the regions, the regional programme schedules and the contribution by the radio and television centres of broadcasts of their own to the creation of national radio and television programme services shall be endorsed by the management boards of the BNR and the BNT.

#### **Article 50**

The Bulgarian National Radio and the Bulgarian National Television shall develop their programming policy in accordance with the requirements to national public-service radio and television broadcasters.

#### **Article 51**

When requested to do so, the Bulgarian National Radio and the Bulgarian National Television shall be obligated to provide immediately and at no charge transmission time to representatives of state bodies for announcements in the public interest in the event of a disaster or an immediate threat to the life, safety or health of the public or of individual persons.

#### **Article 52**

(1) The President of the Republic, the Chairman of the National Assembly, the Prime Minister, the Prosecutor General and the presidents of the Constitutional Court, the Supreme Administrative Court and the Supreme Court of Cassation shall have the right to address the nation on the BNR and the BNT.

(2) By resolution of the National Assembly, the BNR and the BNT shall be obligated to provide immediately transmission time for live broadcasting of plenary sittings.

(3) The transmission time under Paragraphs (1) and (2) shall be provided at no charge.

#### **Article 53**

(1) The Bulgarian National Radio and the Bulgarian National Television may provide transmission time for addresses to believers and for broadcasting of significant religious ceremonies at the request of:

1. the Bulgarian Orthodox Church;
2. other officially registered religions.

(2) The terms and procedure for provision of transmission time under Paragraph (1) shall be established in the rules of organization and operation of the BNR and the BNT.

#### **Article 54**

The terms and procedure for provision of transmission time on the BNR and the BNT upon participation in election campaigns shall be established by statute.

### **Section III**

#### **BNR and BNT Management**

#### **Article 55**

(1) The management bodies of the Bulgarian National Radio shall be:

1. the Management Board of the BNR;
2. the Director General of the BNR.

(2) The management bodies of the Bulgarian National Television shall be:

1. the Management Board of the BNT;
2. the Director General of the BNT.

#### **Article 56**

The directors general of the BNR and the BNT and the members of the management boards shall conduct their activities proceeding from contracts whereby management is entrusted to them.

#### **Article 57**

(1) Any employer, who or which is in an employment relationship with any person covered under Article 55 herein, shall be obligated to grant any such person unpaid leave of absence for the duration of the relevant term. After the expiration or termination of the said term, the said employer shall be obligated to reinstate the said person to the position previously occupied thereby.

(2) Any persons under Article 55 herein, who are in an employment relationship with another employer at the time of their election or endorsement by the Council for Electronic Media, shall have the right to terminate the said relationship under the terms of Item 8 of Article 325 of the Labour Code.

(3) Any persons covered under Article 55 herein, who at the time of their election or endorsement by the Council for Electronic Media are in an employment relationship with higher educational establishments or scientific organizations as degree-holding lecturers or research associates of equivalent status, shall have the right to continue their lecturing or research practice during their term of office.

#### **Article 58**

(1) The management boards of the BNR and the BNT shall consist of five members each, endorsed by the Council for Electronic Media upon nomination by the respective directors general.

(2) The composition of the management boards of the BNR and the BNT shall include the respective director general, who shall chair the board by right.

(3) (Amended, SG No. 96/2001) When absent, the director general of the BNR and the BNT shall authorize a member of the management board to deputize for him or her.

#### **Article 59**

(1) Eligibility to the management boards of the BNR and the BNT shall be limited to persons holding Bulgarian citizenship who reside within the territory of Bulgaria, hold a university degree and

possess professional experience in the sphere of radio and television broadcasting activities, of culture, journalism, audiovision, telecommunications, law or economics.

(2) The following persons shall be ineligible for membership of the management board of the BNR or, respectively, the BNT:

1. any persons who have been sentenced to imprisonment for premeditated offences at public law;
2. any sole traders, owners of the capital of commercial corporations, partners, managing directors, managerial agents or members of management and auditing bodies of commercial corporations and cooperatives;
3. any persons who have been on the full-time staff or part time informers of the former State Security.

**Article 60**

(1) The term of office of the management boards of the BNR and the BNT shall be three years.

(2) A person may be elected to the management board of the BNR or to the management board of the BNT for not more than two terms of office.

(3) One and the same person may not be concurrently member of the management boards of the BNR and the BNT, or concurrently member of any of the said boards and of the Council for Electronic Media.

**Article 61**

(1) The term of office of a member of the management board shall be terminated prior to the expiration of the said term by the Council for Electronic Media on motion by the respective director general on the grounds applicable to early termination of the term of office of a member of the Council for Electronic Media.

(2) (Repealed, SG No. 96/2001).

**Article 62**

The Management Board of the BNR and, respectively, the Management Board of the BNT, shall perform the following functions:

1. determine the basic guidelines for the development, scope and structure of the programme service;
2. adopt rules for the structure and organization of operation, for wages, for payment of part-time contributors, for editing, for advertising, for the storage and use of stock material, and for external productions and co-productions;
3. decide on the establishment of expert and advisory boards, and establish the procedure for their work;
4. adopt the structure and staffing schedule of employees, the terms and a procedure for conclusion of contracts with part-time contributors and journalists;
5. adopt the draft budget and the state budget subsidy included in it and, after consultation with the Council for Electronic Media, transmit the subsidy request to the Ministry of Finance for inclusion in the draft State Budget Act;
6. adopt the budget and the distribution thereof, the staff size, the average wage, and the wage bill;
7. adopt the report on utilization of the budget;
8. pass, on motion by the directors general, upon the opening and closing of regional centres and determine their status, structure and management in consultation with the Council for Electronic Media;
9. determine the occupational qualifications required from the categories of persons employed in radio and television broadcasting activities;
10. endorse the job descriptions of employees;
11. endorse all advertising and sponsorship contracts, as well as any other contracts for a value exceeding a level specified in the rules of organization and operation;
12. endorse the conclusion and termination of the contracts of employment of senior office holders at the BNR or, respectively, the BNT, and their divisions according to a list of positions specified in the rules of organization and operation of the BNR and the BNT;
13. address any other matters falling within the scope of its competence.

**Article 63**

(1) The management boards of the BNR and the BNT shall be called to meeting by the director general:

1. on his or her own initiative, or
2. on the requisition of at least two of the board members.

(2) A notice of meeting shall contain a draft agenda of the meeting.

(3) For the valid transaction of business at any meeting, as many members shall have to be present thereat as shall be necessary for making decisions on the agenda as announced in advance.

#### **Article 64**

The management boards of the BNR and the BNT shall make decisions by a simple majority of all members.

#### **Article 65**

For the duration of performance of their functions, the members of the management boards shall receive a monthly remuneration from the BNR and, respectively, the BNT to an amount equivalent to three-quarters of the monthly remuneration of the members of the Council for Electronic Media.

#### **Article 66**

(1) (Supplemented, SG No. 96/2001) To be eligible for the position of a director general of the BNR or, respectively, of the BNT, a person must possess the qualifications required for membership of the Council for Electronic Media. To qualify for director general of the BNR, a candidate must have not less than five years of service in a radio station; to qualify for director general of the BNT, an applicant must have not less than five years of service in a television station.

(2) The term of office of the directors general of the BNR and, respectively, of the BNT, shall be three years.

(3) A director general of the BNR and, respectively, of the BNT, may not be elected to the same office for more than two successive three-year terms.

#### **Article 67**

(1) (Redesignated from Article 67, SG No. 96/2001) The term of a director general of the BNR or, respectively, of the BNT, shall be terminated prior to the expiration of the said term:

1. on the grounds provided for early termination of the term of a member of the Council for Electronic Media;

2. should it be established that the said director general commits or suffers others to commit gross or systematic violations of the provisions regarding the principles of pursuit of the broadcasting activities of radio and television broadcasters.

(2) (New, SG No. 96/2001) Upon early termination of the term of a director general and until conduct of a new election, which must be held within three months, the management of the respective organization shall be entrusted to a person designated by the Council for Electronic Media and possessing the qualifications required under Article 66 herein.

#### **Article 68**

The director general of the BNR and, respectively, of the BNT, shall perform the following functions:

1. implement the programming policy;
2. exercise the day-to-day management of the BNR or, respectively, of the BNT, and of the property thereof;
3. nominate the members of the Management Board for endorsement by the Council for Electronic Media and move the Electronic Media for the early termination of the term of any such member;
4. convene the meetings of the Management Board and preside over them;
5. conclude and terminate the contracts of employment of the employees;
6. exercise the rights of an employer under the Labour Code;
7. represent the BNR or, respectively, the BNT, in dealings with all natural and juristic persons in Bulgaria and abroad;
8. organize the preparation of the draft budget and submit the said draft to the Management Board for endorsement;
9. organize the implementation, balancing off and reporting of the budget, and submit the said budget to the Management Board for adoption.

#### **Article 69**

The directors general of the BNR and the BNT shall receive a monthly remuneration equal to the remuneration drawn by a chairperson of a standing committee of the National Assembly.

### **Section IV**

#### **BNR and BNT Financing**

#### **Article 70**

(1) The Bulgarian National Radio and the Bulgarian National Television shall prepare, implement, balance off and report a self-contained budget.

(2) The management boards of the BNR and the BNT, within the limits of their budgets, shall endorse a budget or a budget account for the expenses of the regional radio and television centres and the other structural units.

(3) The following shall accrue in revenue to the budget of the BNR and the BNT:

1. financing from the Radio and Television Fund;
2. a state budget subsidy;
3. own revenue from advertising and sponsorship;
4. proceeds from additional activities related to radio and television broadcasting activities;
5. donations, legacies and bequests;
6. interest and other income related to radio and television broadcasting activities.

(4) The state budget subsidy shall:

1. be provided for the preparation, creation and broadcasting of national and regional programme services; the amount of subsidy shall be determined per hour of programming on the basis of a standard endorsed by the Council of Ministers;
2. include an action grant for tangible fixed assets according to a list endorsed annually by the Ministry of Finance.

(5) The expenditure side of the budget shall be prepared according to the classification of national budget expenditure items.

(6) Any excess of revenues over expenditures at the end of the year shall be a balance brought forward and shall be incorporated into budget for the successive year.

#### **Article 71**

The Bulgarian National Radio and the Bulgarian National Television shall assist the creation and performance of the national audio and, respectively, audiovisual output, allocating funds for new productions as follows:

1. the Bulgarian National Radio shall allocate not less than 5 per cent of the national budget subsidy and the financing from the Radio and Television Fund for creation and performance of Bulgarian musical and radio drama works;
2. the Bulgarian National Television shall allocate not less than 5 per cent of the national budget subsidy and the financing from the Radio and Television Fund for Bulgarian films made for television.

### **Chapter Four**

#### **ADVERTISING, RADIO AND TELE-SHOPPING, AND SPONSORSHIP**

#### **Section I**

#### **General Provisions**

#### **Article 72**

(1) Radio and television broadcasters shall have the right to create and insert advertisements in their programme services.

(2) Certain programme services and broadcasts of radio and television broadcasters may be sponsored.

(3) Advertising and sponsorship shall be effected by radio and television broadcasters according to the terms provided for in this Act.

#### **Article 73**



Advertising and sponsorship shall be regulated by written contracts between the radio and television broadcasters and the advertiser or sponsor.

**Article 74**

(1) (Redesignated from Article 74 and supplemented, SG No. 79/2000) The rules for advertising shall furthermore apply to radio and, respectively, tele-shopping, unless otherwise expressly provided for by this Act.

(2) (New, SG No. 79/2000) The provisions of this Act shall apply accordingly to:

1. programme services exclusively devoted to radio and tele shopping, with advertising not exceeding 15 per cent of the daily transmission time;
2. programme services exclusively devoted to self-promotion, with advertising not exceeding 15 per cent of the daily transmission time and 12 minutes per hour.

**Section II**

**Advertising**

**Article 75**

(1) Advertising shall conform to the requirements of fair competition according to the effective legislation.

(2) Advertising may not encourage behaviour prejudicial to health or to safety, or behaviour prejudicial to the protection of the environment.

**Article 76**

(1) (Supplemented, SG No. 79/2000) It shall be inadmissible to broadcast advertising that contains pornography or incites to violence and disrespect for human dignity, as well as to behaviour prejudicial to public order and generally accepted moral standards. Advertising of an erotic content using or addressed to infants and minors shall be inadmissible.

(2) (Supplemented, SG No. 79/2000) It shall be inadmissible to broadcast advertising based on national, political, ethnic, religious, racial, sexual or any other form of discrimination.

(3) Advertising addressed to or using children shall avoid anything likely to impair their physical, mental and moral development.

(4) Advertising addressed to minors shall not:

1. exhort minors to buy a product or use a service by exploiting their inexperience or credibility;
2. exploit the special trust which minors place in parents, teachers or other persons;
3. show minors in dangerous situations;
4. (New, SG No. 79/2000) directly encourage infants and minors to persuade their parents or others to purchase the goods or services being advertised.

(5) (New, SG No. 79/2000) Radio and tele-shopping addressed to infants and minors should comply with the requirements under Paragraph (4), and should not exhort minors to contract for the sale or rental of goods and services.

**Article 77**

(1) (Amended, SG No. 79/2000) Advertising that uses subliminal techniques shall be prohibited.

(2) Surreptitious advertising shall be prohibited.

**Article 78**

The advertiser shall not exercise any influence over the content of the programme services.

**Article 79**

Advertising shall not feature, visually or orally, the coat of arms and the national anthem of the Republic of Bulgaria, holders of elective office in national government, or journalists regularly employed by the broadcasters to present news, political and business broadcasts.

**Article 80**

(1) Advertising for goods and services whose production or trade requires special authorization may be inserted in the programme services of radio and television broadcasters solely upon presentation of the necessary permit by the advertiser.

(2) (Amended, SG No. 70/2006) Any advertising for tobacco, tobacco products and tobacco smoking shall be prohibited.

(3) Advertising for alcoholic beverages of all varieties shall conform to the following requirements:

1. it shall not be addressed to infants and minors or inserted in broadcasts intended for them;
2. (Supplemented, SG No. 79/2000) it shall not use infants and minors as performers and, in particular, depict infants and minors consuming such beverages;
3. (Supplemented, SG No. 79/2000) the content of advertising shall not link the consumption of alcohol to enhanced sporting and physical performance or to driving of motor vehicles;
4. it shall not claim that alcoholic beverages have therapeutic qualities, or that they are a stimulant, a sedative, or a means of resolving personal problems;
5. (Amended, SG No. 79/2000) it shall not encourage immoderate consumption of alcoholic beverages or present abstinence or moderation in a negative light;
6. it shall not imply that high alcoholic content contributes to the positive quality of alcoholic beverages;
7. (New, SG No. 79/2000) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success.

(4) Advertising for narcotic drugs and for other psychotropic substances shall be prohibited.

(5) Advertising for medicinal products and for medical treatment shall be inserted in the programme service only if they satisfy the requirements of effective legislation. Advertising for medicinal products and medical treatment which are only available on medical prescription shall be inadmissible.

(6) (New, SG No. 79/2000) Radio and tele-shopping for medicines and medical treatment shall be prohibited.

#### **Article 81**

(Amended, SG No. 79/2000)

The restrictions under Article 74 (2) and Article 86 herein shall not apply to the announcements made by radio and television broadcasters in connection with their own programme or subsidiary services provided by them, as well as to any announcements in the public interest and charity appeals which are inserted in the programme services free of charge.

#### **Article 82**

(1) Advertising shall be readily recognizable as such and shall be kept quite separate from the other parts of the programme service by optical or acoustic means.

(2) Advertising shall be inserted in programme services in the form of advertisement blocks. Separate advertisements may be inserted in the programme services by way of exception.

(3) Advertising shall be inserted in the programme service between the separate broadcasts. It may also be inserted during the broadcast itself, provided the integrity and value of the said broadcast are not prejudiced and the copyrights are guaranteed.

(4) In broadcasts consisting of autonomous parts, advertising may be inserted between these parts.

(5) In broadcasts of sports events and competitions, advertising shall be inserted between the separate parts or in the intervals during the event or competition.

#### **Article 83**

(1) No advertising shall be permissible during broadcasts of national observances or religious services.

(2) News, political and business commentaries and analyses, documentaries and children's broadcasts shall not be interrupted by advertising.

#### **Article 84**

(Amended, SG No. 79/2000)

(1) (Amended, SG No. 93/2005) The transmission of audiovisual works, such as feature films and films made for television, excluding series, serials, light entertainment broadcasts and documentaries, may be interrupted once during each complete period of 45 minutes, provided the scheduled duration of the broadcast or film exceeds 45 minutes. After two complete periods of 45 minutes, a further interruption is allowed after the lapse of at least 20 minutes.

(2) (Amended, SG No. 93/2005) A period of at least 20 minutes should elapse between two successive breaks in broadcasts other than such referred to in Paragraph (1).

#### **Article 85**

The insertion of paid reports in news and political broadcasts shall be inadmissible.

#### **Article 86**

(Amended and supplemented, SG No. 79/2000, amended, SG No. 105/2005, No. 21/2006)

(1) The overall duration of advertising in each separate programme service may not exceed:

1. for the BNT: 15 minutes per day and 4 minutes per hour;
2. for the BNR: 4 6 minutes per hour;
3. for all other public-service radio and television broadcasters: 6 minutes per hour;
4. for commercial broadcasters: 15 per cent of the daily transmission time or and 12 minutes per hour;

5. the Bulgarian National Television shall be entitled to use up to one-third of the overall daily duration of advertising during the time period band commencing at from 19:00 hours and ending at to 22:00 hours

(2) The overall duration of advertising in the programme services of the regional centres of the BNR and the BNT, intended for regional broadcasting, may not exceed 6 minutes per hour.

(3) The restrictions covered under Items 1, 2 and 3 of Paragraph (1) shall not apply to advertising inserted in broadcasts covering art, culture or sports events of national and international importance, designated as such by decision of the management governing boards of the relevant radio and television broadcasters. In such a case, the provision of under Item 4 of Paragraph (1) shall apply to the duration of the advertising.

(4) The restriction referred to in under Item 4 of Paragraph (1) limiting the maximum duration of advertising to 12 minutes per hour shall not apply to programme services devoted exclusively to radio and tele-shopping.

#### **Article 87**

(1) Promotional films, promotional interviews and infomercials shall count against the overall duration of advertising.

(2) The participation of journalists presenting news and political and business broadcasts shall be admissible in the presentation of advertising under Paragraph (1).

#### **Article 88**

(1) (Amended, SG No. 79/2000) The forms of radio and tele-shopping shall be an autonomous programme service devoted to radio and tele-shopping, a radio and tele-shopping window, and a radio and tele-shopping spot. The duration of radio and tele-shopping spots shall count against the overall permissible duration under Article 74 (2) and Article 86 herein.

(2) The maximum number of radio and tele-shopping windows per day shall be eight, and their overall duration may not exceed three hours per day.

(3) Each radio and tele-shopping window shall have a minimum duration of 15 minutes.

(4) The restrictions under Paragraph (2) shall not apply to specialized radio and tele-shopping channels.

### **Section III**

#### **Sponsorship**

#### **Article 89**

The separate broadcasts of broadcasters may be sponsored in whole or in part.

#### **Article 90**

(1) Broadcasts may not be sponsored by political parties and organizations, nor by religious organizations.

(2) Broadcasts may not be sponsored by persons whose principal activity is the manufacture of goods and [the provision of] services the advertising of which is prohibited.

(3) Political and business broadcasts, which contain analyses and comments or whose subject is similar to the objects of the sponsor, may not be sponsored.

(4) Sponsorship of news, with the exception of sports news, shall not be allowed if the news is kept quite separate from the other parts of the programme service by optical or acoustic means or is presented as an autonomous broadcast.

#### **Article 91**

The sponsor shall have no right to influence the content and presentation of the sponsored broadcast.

**Article 92**

(1) Sponsored broadcasts may not encourage the sale, purchase or use of goods and services of the sponsor or a third party, in particular by making special promotional references to such goods and services in the broadcasts.

(2) The name of the sponsor and/or his trademark shall be mentioned, presented or depicted in any other way only at the beginning and/or at the end of the broadcast.

**Chapter Five**

**FINANCING OF RADIO AND TELEVISION BROADCASTING  
ACTIVITIES**

**Section I**

**Fees**

**Article 93**

(1) A monthly fee shall be charged for financing of public-service radio and television broadcasting activities on the basis of each registered electric meter.

(2) No fee shall be charged for three-phase electric current meters registered for manufacturing purposes.

(3) Any persons, who do not own radio and television receivers or who do not receive radio and television broadcasts, shall state this in a declaration submitted to the competent service. Any such persons shall be exempt from paying the fee referred to in Paragraph (1) as from the day of submission of the declaration.

(4) (Paragraph declared partly unconstitutional, in respect of the expression "at any time," by Constitutional Court Judgment No. 10/1999, promulgated in SG No. 60/1999) The competent service may at any time verify whether the declaration is true. Should it be established that the declaration is untrue, or should the person obstruct the conduct of verification as to whether the declaration is true, the fee shall be due at double amount for the entire duration as from the day of submission of the declaration.

**Article 94**

(1) Citizens shall pay a monthly fee under Article 93 herein to the amount of 0.6 per cent of the national minimum wage as fixed by the Council of Ministers, for each registered electricity meter.

(2) The legal and natural persons which and who carry on business, as well as the state and municipal organizations, shall pay a monthly fee to the amount of 2.5 per cent of the national minimum wage as fixed by the Council of Ministers, for every registered electricity meter.

**Article 95**

The fee referred to in Article 94 herein shall be paid together with the sums due for electricity consumption according to the applicable procedure through the pay-desks of the power supply utilities of the National Electric Company EAD.

**Article 96**

Citizens of impaired hearing or eyesight whereon Disability Grade Two has been conferred shall be exempt from paying fees.

**Article 97**

(1) No fee shall be payable for use of receivers and devices by health facilities, child care homes and kindergartens, educational, social and cultural institutions according to a list proposed by the competent ministries and central government departments and endorsed by the Council for Electronic Media, as well as if the receivers and devices are used as monitors.

(2) The list referred to in Paragraph (1) shall be published in the Newsletter of the Council for Electronic Media and shall be periodically updated.

**Section II**

**Radio and Television Fund**

**Article 98**

There shall be established a Radio and Television Fund with the Council for Electronic Media for financing of radio and television broadcasting activities.

**Article 99**

(1) The Radio and Television Fund shall be directed by a Management Board whose composition shall be determined by the Council for Electronic Media.

(2) (Amended, SG No. 79/2000, No. 88/2005 ) The Management Board shall mandatorily include a representative of the Ministry of Finance, a representative of the State Agency for Information Technology and Communications, a representative of the public-service radio and television broadcasters, and a representative of the commercial radio and television broadcasters.

(3) The Council for Electronic Media shall adopt rules of organization and operation of the Radio and Television Fund and of the Management Board of the said Fund.

**Article 100**

The Management Board shall elect a Chairperson from amongst its members.

**Article 101**

(1) The Council for Electronic Media shall appoint an Executive Director of the Radio and Television Fund, who shall direct the day-to-day operation of the said Fund.

(2) The Executive Director may not be a member of the Management Board.

**Article 102**

(1) (Previous Article 102, amended and supplemented, SG No. 96/2001, amended, SG No. 93/2005) The resources in the Radio and Television Fund shall be raised from:

1. the monthly fees charged for reception of radio and television programme services;
2. the initial and annual licence fees or registration fees, as the case may be, as collected by the Council for Electronic Media;
3. interest on the resources raised in the Fund;
4. donations, legacies and bequests;
5. other sources as specified in a statute.

(2) The licence fees and registration fees collected by the Council for Electronic Media shall cover the administrative costs incurred by the said Council for the activities related to the licensing, registration and supervision of the activity as to compliance with the terms and conditions provided for in the licences and with the terms and conditions whereunder the registration has been effected.

(3) Radio and television broadcasters shall pay fees as follows:

1. an initial licence fee, including:
  - (a) for verification of the authenticity of the documents;
  - (b) for grant of the licence;
2. an initial registration fee, including:
  - (a) for verification of the authenticity of the documents;
  - (b) for effecting of the registration and for issuance of a certificate;
3. an annual fee:
  - (a) for supervision of the activity of the licensed radio and television broadcaster as to compliance with the law and with the terms and conditions whereunder the licence has been granted;
  - (b) for supervision of the activity of the registered radio and television broadcaster as to compliance with the programme design, programme concept, programme type or programme schedule as declared;
4. a fee for modification and supplementation of the licence or for changes in the registered circumstances, as the case may be, including:
  - (a) for consideration of the request;
  - (b) for effecting of the revisions;
5. a fee for extension of the term of validity of the licence;
6. a fee for issuance of a replacement of the licence or of the certificate of registration, as the case may be.

(4) The amount of the initial licence fee or registration fee, as the case may be, shall be determined depending on the administrative costs required for the preparation and grant of the licence or for the registration, as the case may be, on the basis of the following criteria:

1. number of registered residents who can be serviced by the licensed or registered activity, as the case may be;

2. territorial range of the activity;
3. type of the licensed or registered activity.

(5) The amount of the annual fee shall be determined depending on the administrative costs incurred by the Council for Electronic Media for:

1. the supervision as to compliance with the conditions for radio and television broadcasting activity: applicable to the annual licence fee;
2. the supervision as to compliance with the programme, design, programme concept, programme type or programme schedule as declared by the registered broadcasters: applicable to the annual registration fee.

(6) The amount, the time limits and the modes of payment of the fees covered under Paragraph (3) shall be established by a Rate Schedule of Fees for Radio and Television Broadcasting Activities. The said Rate Schedule shall be laid before the Council of Ministers by the Minister of Culture on a motion by the Council for Electronic Media.

(7) The fees covered under Paragraph (3) shall be determined in accordance with the following principles:

1. non-discrimination of the radio and television broadcasters;
2. proportionality in respect of the administrative costs;
3. promotion of competition and of the provision of new services;
4. satisfying public demand for high-quality radio and television services.

(8) Licensed radio and television broadcasters shall pay equal licence fees for an identical type and range of the licensed radio and television broadcasting activity.

(9) The proceeds from the fees covered under Paragraph (3) shall be administered by the Council for Electronic Media.

#### **Article 103**

(1) The resources of the Radio and Television Fund shall be disbursed for:

1. financing of the BNR and the BNT;
2. financing of the Council for Electronic Media;
3. financing of projects of national importance involving implementation and use of new technologies in radio and television broadcasting activities;
4. financing of significant cultural and educational projects;
5. financing of projects and activities designed to extend the audience and/or territorial reach of radio and television programme services;
6. the management of the Fund;
7. the National Electric Company EAD, in connection with the collection of the fees referred to in Article 93 herein.

(2) The financing of the BNR and the BNT shall be allocated:

1. for preparation, creation and broadcasting of national and regional programme services according to a standard per hour of programming determined by the Council for Electronic Media on motion by the BNR and the BNT;
2. for action financing for tangible fixed assets.

(3) The Council for Electronic Media shall open an off-budget account with the Bulgarian National Bank for custody of the resources of the Radio and Television Fund.

#### **Article 104**

Any excess of revenues over expenditures at the end of the year shall be a balance brought forward and shall be used for the assigned purpose during the next succeeding year.

### **Chapter Six**

## **RADIO AND TELEVISION BROADCASTER LICENSING AND REGISTRATION**

**(Title amended, SG No. 96/2001)**

### **Section I**

#### **General Provisions**

## **Article 105**

(1) (Amended, SG No. 96/2001, supplemented, SG No. 77/2002) Radio and television broadcasting activities through use of existing telecommunication networks for broadcasting by terrestrial transmitter and/or through construction, maintenance and operation of new networks of this type shall be pursued by virtue of a licence granted by the Council for Electronic Media according to the procedure established by this Act and in accordance with the strategy referred to in Article 8 (3) herein.

(2) (Amended, SG No. 79/2000, amended and supplemented, SG No. 10/2007) The following are eligible to apply for license:

1. Sole proprietor physical persons and legal persons registered under the Bulgarian legislation;
2. Non-Bulgarian physical and legal persons registered as merchants under the legislation of the respective European Union member state or another country signatory to the European Economic Area Agreement.

(3) (Amended and supplemented, SG No. 79/2000, amended, SG No. 93/2005) The Bulgarian National Radio and the Bulgarian National Television shall pursue radio and television broadcasting activities as national public-service broadcasters by virtue of licences and registrations granted according to the procedure established by this Act. The Bulgarian National Radio and the Bulgarian National Television shall be licensed and registered for telecommunications and programming operation according to the procedure established by the Telecommunications Act and by this Act without auction or tender.

(4) The following shall be ineligible to apply for a licence:

1. (Amended, SG No. 79/2000) any legal persons which have been denied the grant of an insurance business authorization or whose insurance business authorization has been revoked under Item 2 of § 8a (1) of the Insurance Act;
2. any legal persons in which the legal persons referred to in Item 1 or the partners or shareholders therein hold a participating interest;
3. (Supplemented, SG No. 79/2000) any sole-trader natural persons or legal persons, who or which are unable to produce evidence of the ownership of their property or of the capital under Article 6 of the Measures against Money Laundering Act;
4. (Supplemented, SG No. 79/2000) any legal persons in which any sole trader natural persons or juristic persons under Item 3 or the partners or shareholders therein hold a participating interest;
5. (Supplemented, SG No. 79/2000) any sole trader natural persons or juristic persons who or which, during the five years last preceding the application for a licence, have been adjudicated bankrupt or are subject to bankruptcy or liquidation proceedings;
6. any legal persons wherein any persons included in the list referred to in Article 3 (1) of the Act on Information Regarding Non-Performing Loans are partners or shareholders;
7. any legal persons wherein there are partners or shareholders who or which are concurrently partners or shareholders in any juristic persons whereof the registered objects are "advertising business", or who or which carry on advertising business;
8. any legal persons wherein there are partners or shareholders who or which are concurrently partners or shareholders in any juristic persons whereof the registered objects are "provision of security services, " or who or which provide security services;
9. any telecommunications operators enjoying a monopoly position on the market;
10. (New, SG No. 79/2000) any sole traders or legal persons who or which received a refusal [to an application] for a licensed broadcasting activity of the same type or whose licence granted under this Act has been revoked during the year last preceding the application for a licence.

(5) (New, SG No. 79/2000) The Council for Electronic Media shall commission the verification under Paragraph (4) to the respective competent authorities.

(6) (New, SG No. 96/2001, amended, SG No. 10/2007) Any applicants for a licence must submit the following documents to the Council for Electronic Media according to the requirements covered under this article:

1. (amended, SG No. 10/2007) a document on the effective status of the company and for non-Bulgarian persons - the respective document issued no earlier than one month prior to the date of application submission under Article 111;

2. documents proving the origin of the capital during the last three preceding years reckoned from the date of submission of the documents, including an audited financial statement;

3. a list of the media enterprises in which the said applicants are shareholders or partners.

**Article 106**

(1) Any licence shall be personal.

(2) (Amended and supplemented, SG No. 96/2001) Transfer of a licence shall be permitted by the Council for Electronic Media subject to satisfaction of the requirements to the persons for initial licensing.

(3) (New, SG No. 96/2001, amended, SG No. 112/2001) Upon transfer of any licence granted according to the procedure established by Articles 116, 116a, 116b, 116c and 116d herein, notice shall be given to the Communications Regulation Commission which, within ten days, shall transfer the individual telecommunications operation licence for use of existing telecommunication networks for broadcasting by terrestrial transmitter and/or for construction, maintenance and operation of new networks of this type to the person whereto the relevant radio and television broadcasting licence has been transferred.

**Article 107**

(Repealed, SG No. 96/2001).

**Article 108**

Upon submission of documents for the grant of licences referred to in Article 111 herein, the applicants shall declare that they do not hold any interests, shares or rights of any other kind to participation in radio and television broadcasters in excess of the permissible limit according to the anti-trust legislation of the Republic of Bulgaria.

**Article 109**

(Amended, SG No. 96/2001)

(1) Licences shall be granted for a term of 15 years. This term may be extended by decision of the Council for Electronic Media at the request of the licence holder for an aggregate duration which may not exceed 25 years.

(2) The term of the licence under the Telecommunications Act must correspond to the term of the licence under this Act.

**Article 110**

(1) Any radio and television broadcasting licence shall state:

1. the designation (business name) and registered office of the radio broadcaster or the television broadcaster;

2. the type of broadcaster (public-service or commercial);

3. the date whereat the licence is granted;

4. the commencement date for broadcasting of the programme service;

5. the scope of broadcasting (national, regional, local);

6. the term of validity of the licence;

7. the technical and other requirements to the programme services.

(2) (Supplemented, SG No. 79/2000, amended, SG No. 93/2005) The licence shall include obligations to comply with the requirements covered under Article 6 (3) and Article 7 herein and to abide by the principles of pursuit of radio and television broadcasting activities covered under Article 10 and Article 19 (1) herein, including a period and a time schedule for attainment of the proportions provided for in Article 10 (2) and (3) herein.

## **Section II**

### **Licensing Procedure**

**Article 111**

(Amended, SG No. 96/2001)

(1) (Previous Article 111, SG No. 10/2007) Any applicant for a radio and television broadcasting licence shall submit a written application to the Council for Electronic Media, enclosing therewith:

1. a basic instrument;

2. (amended, SG No. 34/2006) a certificate of commercial registration or documents certifying the incorporation of the legal person;



3. (amended, SG No. 105/2005) certificate under Art. 87, para 6 of the Tax and Social Insurance Procedure Code ;

4. a proposal for a manner of broadcasting of the programme services;

5. a declaration referred to in Article 108 herein;

6. a declaration of non-existence of the circumstances covered under Article 105 (4) herein;

7. proof of financial capacities to pursue the broadcasting activities;

8. a programme design, a programme concept, a programme type, a programme schedule, a list of subsidiary radio and television services;

9. proof of commercial rights and of ceded copyrights to protected works in the programme services and of ceded neighbouring rights for provision for broadcasting of the programme services of others.

(2) (New, SG No. 10/2007) The application and the documents under paragraph 1 shall be submitted in Bulgarian.

#### **Article 112**

(1) (Amended, SG No. 96/2001) The Council for Electronic Media shall verify the authenticity of the documents covered under Article 111 herein as submitted.

(2) Should any deficiencies and inadequacies be ascertained in the documents covered under Article 111 herein, the applicants shall be allowed seven days to cure any such deficiencies and inadequacies, with the grace running as from notification. If the deficiencies and inadequacies are not cured within the time limit allowed, the documents of the applicant shall be denied consideration.

#### **Article 113**

(Repealed, SG No. 96/2001).

#### **Article 114**

(Amended, SG No. 96/2001)

The members of the Council for Electronic Media and the employees of the said Council, as well as the members of the evaluating commission, shall be obligated to respect the confidentiality of the information contained in the documents of the applicants.

#### **Article 115**

(Amended, SG No. 96/2001)

The Council for Electronic Media shall create and maintain a public register of the licences as issued granted and the registrations as effected.

#### **Article 116**

(Amended, SG No. 96/2001)

(1) (Amended/Supplemented, SG No. 77/2002) For pursuit of radio and television broadcasting activities through use of existing telecommunication networks for broadcasting by terrestrial transmitter and/or through construction, maintenance and operation of new networks of this type, a licence shall be granted after holding a competitive procedure in accordance with the strategy referred to in Article 8 (3) herein.

(2) The competitive procedure shall be initiated at the request of the interested person or on the initiative of the Council for Electronic Media. The said person may specify the desired point of transmission and territorial range in the request addressed to the Council for Electronic Media.

(3) (Amended, SG No. 112/2001) Within 14 days after receipt of a request referred to in Paragraph (2), the Council for Electronic Media shall approach the Communications Regulation Commission with an enquiry in writing regarding the requisite technical parameters for broadcasting by terrestrial transmitter of radio and television programme services to a population centre, a functional region or the entire territory of the Republic of Bulgaria, including unallocated radio frequencies, permissible power of transmission, possible points of transmission, as well as any other technical information as may be necessary.

(4) (Supplemented, SG No. 77/2002) The Communications Regulation Commission shall present to the Council for Electronic Media the decision thereof on any such enquiry within three months or, where international coordination of the radio frequencies and the radio frequency bands shall be necessary, within six months, conforming to the requirements for efficient utilization of the radio frequency spectrum in accordance with the strategy referred to in Article 8 (3) herein.

(5) (Amended, SG No. 112/2001) Should it make a favourable decision referred to in Paragraph (4), the Communications Regulation Commission shall attach a draft telecommunications

operation licence and schedules containing the relevant technical parameters in respect of the licences which may be granted by the Communications Regulation Commission in conformity with the unallocated radio frequency spectrum as available.

**Article 116a**

(New, SG No. 96/2001)

(1) (Amended, SG No. 77/2002) Within 14 days after receipt of a reply and in accordance with the strategy referred to in Article 8 (3) herein, the Council for Electronic Media shall make a decision on initiation of a competitive procedure or procedures in conformity with the unallocated radio frequency spectrum as available.

(2) Any decision referred to in Paragraph (1) shall be promulgated in the State Gazette and shall state the date, place and time for holding of the competitive procedure, the closing date and the place for submission of an application for entry, the place, the final date and the procedure for purchase of the licensing documents.

(3) The licensing documents shall contain:

1. a draft telecommunications operation licence and the schedule thereto, containing the technical parameters, in conformity with the unallocated radio frequency spectrum as available;
2. required rate of development and/or of service;
3. requirements as to protection of the environment;
4. requirements as to quality;
5. requirements relating to creative, financial and technological capacities and experience;
6. evaluation criteria and relative weight of the said criteria in the integral evaluation, conforming to the requirement to prioritise the evaluation of the programme design.

(4) The competitive procedure shall be held not earlier than 30 days after promulgation of the decision referred to in Paragraph (1). Should multiple procedures be announced, in conformity with the unallocated radio frequency spectrum as available, all such procedures shall be held simultaneously.

**Article 116b**

(New, SG No. 96/2001)

Any person wishing to obtain the radio and television broadcasting licence shall submit an application for entry in the competitive procedure, enclosing the following bidding documents therewith:

1. the documents covered under Article 111 herein;
2. a preliminary schematic design, conforming to the licensing documents, for use of existing telecommunication networks for broadcasting by terrestrial transmitter and/or for construction, maintenance and operation of new networks of this type;
3. a draft of a business plan for pursuit of the broadcasting activities;
4. a written undertaking to respect the confidentiality of the information contained in the licensing documents;
5. documentary proof of payment for licensing documents;
6. other documents relevant to the competitive procedure.

**Article 116c**

(New, SG No. 96/2001)

(1) (Amended, SG No. 112/2001) The Council for Electronic Media shall designate a chairperson and members of a commission or experts for the holding of the competitive procedure, who shall mandatorily include members of the Council for Electronic Media and of the Communications Regulation Commission. The said commission may furthermore include experts of other central-government departments and organizations concerned. The Chairperson of the Council for Electronic Media shall issue an order appointing the commission of experts. The members of the said commission shall sign a written undertaking to respect the confidentiality of information as shall come to the knowledge thereof upon the holding of the competitive procedure.

(2) (Amended, SG No. 112/2001) Proceeding from the licensing documents, the criteria referred to in Item 6 of Article 116a (3) herein, the report of the commission of experts, and an integral evaluation as to satisfaction of the requirements of the competitive procedure to the fullest extent, the Council for Electronic Media shall rank the applicants and shall make decisions on the grant of a radio and television broadcasting licence and on the grant, by the Communications Regulation Commission,

of an individual telecommunications operation licence for use of existing telecommunication networks for broadcasting by terrestrial transmitter and/or for construction, maintenance and operation of new networks of this type, to the highest ranked applicant.

(3) A radio and television broadcasting licence valid for the territory of the Republic of Bulgaria shall not be granted to any person or to any person therewith connected within the meaning given by the Commerce Act, who or which holds a licence of the same type for radio and television broadcasting activities within a regional or a local range, save as where the said holder shall relinquish the said licence, with the exception of the cases covered under Article 49 herein.

(4) (Amended, SG No. 112/2001) Within three days after the entry into force of the decision referred to in Paragraph (2), the Council for Electronic Media shall notify the Communications Regulation Commission. Within ten days, the Council for Electronic Media shall grant a radio and television broadcasting licence, and the Communications Regulation Commission shall grant an individual telecommunications operation licence for use of existing telecommunication networks for broadcasting by terrestrial transmitter and/or for construction, maintenance and operation of new networks of this type.

#### **Article 116d**

(New, SG No. 96/2001)

(1) Should the applicant approved refuse the grant of the licences within ten days after the decision of the Council for Electronic Media, the said licences shall be offered to the second highest ranked applicant.

(2) Should the second highest ranked applicant refuse the award as well, the procedure shall be closed.

### **Section III**

#### **Compliance Verification, Variation and Termination of Licence**

##### **Article 117**

(1) (Previous Article 117, SG No. 105/2006) Supervision as to compliance with this Act and verification of compliance with the licence requirements shall be exercised by the competent officers of the Council for Electronic Media.

(2) (New, SG No. 105/2006) While performing their office duties, the officials referred to under Paragraph 1 shall be entitled to:

1. access to all the documents directly or indirectly relevant to a breach of this Law or of the legislation of the EU Member States transposing the requirements of Directive 89/552/EEC of the Council concerning the pursuit of television broadcasting activities, as last amended by Directive 97/36/EC of the European Parliament and of the Council, regardless of the form of the document;
2. order any person to provide information on offences as per Item 1, that he knows of;
3. carry out on-site inspections.

(3) (New, SG No. 105/2006) The Chairperson of the Council for Electronic Media shall have the right to:

1. order an offender in writing to discontinue the breach as per Item 1 of Paragraph 2;
2. require from the offender to make a statement that he will discontinue the breach as per Item 1 of Paragraph 2 and, if necessary, oblige him to disclose the statement in the public domain;
3. order the termination or prohibition of any breach as per Item 1 of Paragraph 2 and, if necessary, disclose the order for termination or prohibition of the breach in the public domain.

##### **Article 118**

(Amended, SG No. 96/2001)

Within one month after ascertainment of any violations, the Council for Electronic Media shall be obligated to consider and discuss the documents submitted and to make a decision regarding the imposition of a pecuniary penalty under this Act and/or revocation of the licence.

##### **Article 119**

(1) (Amended, SG No. 96/2001) Upon ascertainment of a change of the broadcasting activities of any licensed radio or television broadcaster from public-service to commercial, the Council for Electronic Media shall make a decision on termination of the licence.

(2) Any person referred to in Paragraph (1) may apply for a licence as a commercial radio and television broadcaster.

(3) Any person referred to in Paragraph (1) shall have the right to request a variation of the licence held thereby where it shall be necessary, for a compelling reason, to change the nature of the broadcasting activities thereof to commercial.

**Article 120**

(Amended, SG No. 96/2001)

In the cases covered Article 119 herein, the Council for Electronic Media shall make a decision on variation or termination of the licence.

**Article 121**

(1) (Redesignated from Article 121, SG No. 96/2001) A licence shall terminate by:

1. expiration of the term of validity;
2. revocation;
3. (Supplemented, SG No. 79/2000) dissolution of the juristic person [of the holder] or death of the sole trader natural person;
4. (New, SG No. 79/2000) a request of the holder prior to its expiration.

(2) (New, SG No. 96/2001, amended, SG No. 112/2001) Upon termination of any radio and television broadcasting licence granted according to the procedure established by Articles 116, 116a, 116b, 116c and 116d herein, the Council for Electronic Media shall request the Communications Regulation Commission to terminate the telecommunications licence.

**Article 122**

A licence shall be revoked upon:

1. gross violations of the principles of radio and television broadcasting activities;
2. (amended, SG No. 79/2000, SG No. 93/2005) systematic violations of the provisions under Article 6 (3), Articles 7 and 10, Article 13 (4), and Article 19 (1) herein;
3. detection of untrue statements in the declarations referred to in Article 111 herein.

**Article 123**

(Amended, SG No. 96/2001)

(1) The Council for Electronic Media shall revoke a radio and television broadcaster licence by a reasoned decision. Revocation shall follow a written warning giving a specified time period for rectification of the violation. In all cases, revocation shall be preceded by imposition of two pecuniary penalties for one and the same violation.

(2) The Council for Electronic Media shall revoke a licence if the holder has failed to rectify the violation within the time period referred to in Paragraph (1).

(3) The decision on revocation shall establish a time limit, which may not be shorter than two years, wherewithin the person shall be barred from applying for a new licence.

**Article 123a**

(New, SG No. 96/2001, amended, SG No. 112/2001)

Upon revocation of any radio and television broadcasting licence granted according to the procedure established by Articles 116, 116a, 116b, 116c and 116d herein, the Council for Electronic Media shall notify the Communications Regulation Commission which, within ten days, shall revoke the individual telecommunications operation licence for use of existing telecommunication networks for broadcasting by terrestrial transmitter and/or for construction, maintenance and operation of new networks of this type.

**Article 124**

(Amended, SG No. 79/2000)

Upon revocation of the licence, the holder shall be obligated to discontinue the radio and television broadcasting activities thereof.

**Article 125**

(Amended, SG No. 96/2001)

(1) Not later than six months prior to the expiration of the term of validity of any licence, the holder thereof shall have to declare an intention to seek an extension of the term of the licence.

(2) The Council for Electronic Media shall consider the request for extension of the term of validity of the licence referred to in Paragraph (1) and, within three months prior to the expiration of the term of the licence, shall make a decision on the request and shall notify the licence holder in writing.

(3) (Amended, SG No. 112/2001) In the cases of a favourable decision of the Council for Electronic Media referred to Paragraph (2), where the licence has been granted according to the procedure established by Articles 116, 116a, 116b, 116c and 116d herein, the Council for Electronic Media shall notify the Communications Regulation Commission which, within ten days, shall extend the term of validity of the individual telecommunications operation licence for use of existing telecommunication networks for broadcasting by terrestrial transmitter and/or for construction, maintenance and operation of new networks of this type.

## **Section IV**

**(New, SG No. 96/2001)**

### **Radio and Television Broadcaster Registration**

#### **Article 125a**

(New, SG No. 96/2001)

(1) Any person wishing to create radio or television programme services for broadcasting by means of a technical device or process other than terrestrial transmitter shall be subject to registration.

(2) Any person wishing to register shall submit an application to the Council for Electronic Media, enclosing the documents covered under Article 111 herein.

(3) The Council for Electronic Media shall pronounce on any request for registration by a decision within 14 days after receipt of the documents. In case of deficiency and invalidity of the said documents, Article 112 (2) herein shall apply.

(4) The Council for Electronic Media may deny registration solely if the programme design, programme concept, programme type or programme schedule as submitted conflict with the provisions of the law or if the irregularities referred to in Paragraph (3) are not cured within the time limit as appointed. No restrictions related to the range of broadcasting of the programme service may be imposed upon registration.

(5) Proceeding from the decision, the applicant shall be issued a certificate which shall state:

1. the designation (business name) and registered office of the radio or television broadcaster;
2. the designation of the programme service;
3. the type of broadcaster (public-service or commercial);
4. the programme type (format);
5. the commencement date for broadcasting of the programme service.

(6) Any registered broadcaster shall be obligated to notify the Council for Electronic Media of the terms and conditions of broadcasting, the transmission time, the place and manner, as well as of any change therein, within 14 days.

(7) Registrations shall be effected for an indeterminate term of validity.

#### **Article 125b**

(New, SG No. 96/2001)

Once every six months, any telecommunications operator broadcasting foreign programme services shall be obligated to submit to the Council for Electronic Media an updated list of the foreign programme services transmitted and documents evidencing the acquisition of the transmission rights in respect of the said programme services.

## **Chapter Seven**

### **ADMINISTRATIVE PENALTY PROVISIONS**

#### **Article 126**

(1) (Supplemented, SG No. 79/2000, amended and supplemented, SG No. 93/2005) Any radio and television broadcaster, which violates the provisions of Paragraphs (2) and (3) of Article 10, Articles 11 to 14, Articles 16 to 18, Article 19 (1), Article 73, Articles 75 to 80, Articles 82 to 86, Articles 90 to 92 herein, shall be liable to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 15,000.

(2) Any repeated violation shall be punishable by a pecuniary penalty in a double amount.

(3) (Amended, SG No. 93/2005) The administrative penalty provisions of the Copyright and Neighbouring Rights Act shall be applicable to any violations under Article 19 (1) herein.

(4) (New, SG No. 93/2005) Any radio and television broadcaster, which violates the provision of Article 19 (2) herein, shall be liable to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000. In the event of a repeated violation, the pecuniary penalty shall be imposed in a double amount.

**Article 126a**

(New, SG No. 96/2001)

(1) Any violation of the terms and conditions of a licence as granted, which does not constitute a violation under Article 126 herein, will be punishable by a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 5,000.

(2) Any repeated violation shall be punishable by a pecuniary penalty in a double amount.

(3) Any departure from the programme design, programme concept, programme type or programme schedule as declared by a registered broadcaster shall be punishable by a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000.

(4) Upon systematic violation of the law by a registered broadcaster, the registration shall be stricken off.

**Article 126b**

(New, SG No. 105/2006)

(1) In case of a failure to execute an order as per Article 117, Paragraph 2, Item 2 and Paragraph 3 a penalty payment in the amount of BGN 500 to 2,000 shall be imposed.

(2) In case of a repeat offence a penalty payment in a double amount shall be imposed.

**Article 127**

(1) Violations shall be ascertained by the officers of the Council for Electronic Media.

(2) (Amended, SG No. 79/2000) Penalty decrees shall be issued by the Chairperson of the Council for Electronic Media.

(3) The ascertainment of violations, the issuing, appeal and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

(4) (New, SG No. 79/2000, supplemented, SG No. 93/2005) Should they have reason to believe that violations under Article 19 (1) herein have been committed, the officers of the Council for Electronic Media shall notify the competent officers under the Copyright and Neighbouring Rights Act within 7 days after ascertainment.

**SUPPLEMENTARY PROVISION**

§ 1. Within the meaning given by this Act:

1. "Broadcasting" shall be the initial transmission or emission, by whatever telecommunication means, of a radio or television programme service intended for reception by listeners or viewers. It includes the exchange (re-transmission) of programme services between broadcasters with a view to their being relayed to the public. It does not include communication services operating on individual demand.

2. "Creation" shall be an act of creativity involving the author's idea and its audiovisual realization for the purpose of producing a broadcast or a programme service.

3. (Amended, SG No. 79/2000) "Programme service" shall be a system of all the items created and broadcast by the broadcaster, which is furthermore a tenor of a specific content arranged in an hourly schedule.

4. (Amended, SG No. 96/2001) "Broadcast" shall be a self-contained part of a programme service distinguishable from other such parts in terms of authorship, content and/or audiovisual realization.

5. "Systematic" violation shall be three or more commissions of a violation coming under a single chapter of this Act.

6. "Bulgarian audio and audiovisual works" shall be works created or realized exclusively or in partnership by Bulgarian citizens, based on works by Bulgarian citizens. Any works created proceeding from bilateral contracts between Bulgarian and foreign producers shall also be considered to be Bulgarian works provided that the Bulgarian producers supply a majority share of the total cost of the production and the said production is controlled by one or more Bulgarian producers.

7. (Amended, SG No. 79/2000) "European works" shall be:

(a) works originating from a Member State of the European Union, created mainly with authors and workers residing in such a State or in a State which is not a member of the European Union but is

a Party to the European Convention on Transfrontier Television, provided the work fulfils any of the following conditions:

- its producer is established in one of the above-mentioned States;
- its creation is supervised and actually controlled by a producer established in any of these States;
- the contribution of the co-producers of such a State to the total production costs is preponderant and the co production is not controlled by one or more producers established outside those States;

(b) works originating from the Republic of Bulgaria or from another European State which is not a member of the European Union, but is a Party to the European Convention on Transfrontier Television, if works originating from Member States of the European Union are not the subject of discriminatory measures in the said State, created mainly with authors and workers residing in such a State or in a Member State of the European Union, provided they comply with any of the conditions set forth in Littera (a);

(c) works originating from a European State which is not a member of the European Union, nor a Party to the European Convention on Transfrontier Television, if works originating from Member States of the European Union are not the subject of discriminatory measures in the said State, created exclusively by or in co-production with producers established in one or more Member States of the European Union with which the European Union has concluded agreements relating to the audiovisual sector, if those works are mainly created with authors and workers residing in one or more European States;

(d) works which, while not coming under the scope of Littera (a), are created within the framework of bilateral co production treaties concluded between Member States of the European Union and other States, provided that the co producers from the European Union supply a majority share of the total costs of the production and that the said production is not controlled by one or more producers established outside the territory of the European Union;

(e) works which, while not coming under the scope of Litterae (a) and (d), are created mainly with authors and workers residing in one or more Member States of the European Union, but only to an extent corresponding to the proportion of the contribution of the co-producer from the European Union to the total production costs.

8. "Event of major importance" shall be an event of social, political, business, sports or entertainment nature which affects the interests of the predominant part of the public.

9. "Exclusive right" shall be the right to cover an event, purchased by a single radio or television broadcaster.

10. (Amended, SG No. 96/2001) "Subsidiary information" shall be information broadcast over the frequency channel used for the principal programme service of the radio or television broadcaster, whereof the content is not an element of the principal programme service.

11. (Amended, SG No. 96/2001) "Teletext service" shall be a system for transmission of information and listing communications and advertising by means of alphanumerics and graphics, through a special signal incorporated into the programme television signal.

12. "Advertising" shall be any public announcement, inserted in the programme service of a radio or television broadcaster, in connection with a trade, business, craft or profession, which is intended to promote the sale, purchase or rental of a product or service, including immovable property, to advance a cause or idea, or to bring about some other effect desired by the advertiser. For such announcement, the advertiser is allotted time in the programme service in return for payment or similar consideration. This type of public announcement does not include tele-shopping:

(a) (Amended, SG No. 81/1999) "surreptitious advertising" shall be the representation in words or pictures of goods, services, or of the name, the mark or the activities of a producer of goods or [a provider of] services in broadcasts which are not intended to serve advertising and which representation might mislead the public;

(b) "subliminal techniques in advertising" shall be indirect specific (including technical) advertising methods which are not identified as advertising and are not recognized by the audience like: use of a twenty- fifth frame, emission of infra-sound and other such. These means elicit a subconscious mental reaction and produce a predisposition to the advertised goods, services etc. in the audience.

13. "Radio and tele-shopping" shall be any direct offer broadcast to the public with a view to the sale or supply of goods and services, including immovable property, rights and obligations, in return for payment.

14. (Repealed, SG No. 96/2001).

15. (Amended, SG No. 96/2001) "Interactivity" shall be a totality of means and methods allowing individual feedback from the users of radio or television programme services to the relevant broadcaster of a programme service.

16. (Amended, SG No. 96/2001) "Digital technologies" shall be technologies applying digital formats of the audio and video electric signals through which the quality of presentation of the information content is improved upon processing, storage, broadcasting and reception and where, through compression of such signals, conditions are created for increase of the information carrying capacity of the frequency transmission channels.

17. "Re-transmission" signifies the fact of receiving and simultaneously transmitting, irrespective of the technical means employed, of complete and unchanged radio and television programme services or large parts of such services, broadcast for reception by the general public.

18. (Repealed, SG No. 96/2001).

19. "Window" shall be a radio and television programme service limited in time within the principal programme service, which has its own specific content.

20. "Sponsorship" shall any contribution made by a natural or legal person, who or which is not engaged in radio and/or television broadcasting activities or in the production of audio and audiovisual works, to the direct or indirect financing of radio and television programme services with a view to promoting the name, trademark, image, activities or products of the said person.

21. "Private life" shall be the life of a person in a family, health and sexual aspect.

22. "News coverage" shall be the creation and broadcasting within the framework of current affairs broadcasts and news of a duration necessary to convey exhaustively the content of the event covered. Should another radio and television broadcaster hold the exclusive rights for the transmission of the event, the right to gratuitous news coverage shall include: the right to direct access, to a recording which may be used solely for creation of an item whose duration does not exceed 90 seconds.

23. (New, SG No. 79/2000) "Radio and television broadcasters under the jurisdiction of the Republic of Bulgaria" within the meaning given by Article 3 (4) herein shall be:

(a) broadcasters established in the Republic of Bulgaria, if:

- the broadcaster has its head office in the Republic of Bulgaria, and the decisions about programme schedules are taken in the Republic of Bulgaria;

- the broadcaster has its head office in the Republic of Bulgaria, and the decisions about programme schedules are taken in a Member State of the European Union, or in a State party to the European Convention on Transfrontier Television, or in a third country, but a significant part of the workforce involved in the pursuit of the radio or television broadcasting activity is in the Republic of Bulgaria;

- the broadcaster has its head office in a Member State of the European Union or in a State party to the European Convention on Transfrontier Television, or in a third country, and the decisions about programme schedules are taken in the Republic of Bulgaria, but a significant part of the workforce involved in the pursuit of the radio or television broadcasting activity is in the Republic of Bulgaria;

- the broadcaster has its head office in the Republic of Bulgaria, and a significant part of the workforce involved in the pursuit of the radio or television broadcasting activity operates both in the Republic of Bulgaria and in a Member State of the European Union or in a State party to the European Convention on Transfrontier Television, or in a third country;

- the broadcaster first began broadcasting its programme service in the Republic of Bulgaria in accordance with the legislation of the Republic of Bulgaria, and a significant part of the business activity of the said broadcaster is in the Republic of Bulgaria, in the cases where a significant part of the workforce involved in the pursuit of the radio or television broadcasting activity operates neither in the Republic of Bulgaria, nor in a Member State of the European Union, nor in a State party to the European Convention on Transfrontier Television;



(b) broadcasters to whom the provisions of Littera (a) are not applicable and which are not under the jurisdiction of a Member State of the European Union, or of a State party to the European Convention on Transfrontier Television, [shall be deemed to be under the jurisdiction of the Republic of Bulgaria] if:

- they use a frequency granted by the Republic of Bulgaria;
- although they do not use a frequency granted by the Republic of Bulgaria, they do use a satellite capacity appertaining to the Republic of Bulgaria;
- although they use neither a frequency granted by the Republic of Bulgaria nor a satellite capacity appertaining to the Republic of Bulgaria, they do use a satellite up link situated in the Republic of Bulgaria.

24. (New, SG No. 79/2000, supplemented, SG No. 10/2007) "External producer" shall be a producer registered under the Commercial Act or the legislation of the respective European Union member state or any other country signatory to the European Economic Area Agreement, organizationally and economically independent in the activities thereof of any radio or television broadcaster and fulfilling the following conditions:

1. the producer does not own a radio or television broadcaster or a share in the property thereof;
2. no radio or television broadcaster owns any such producer or a share of the property thereof;
3. the producer does not provide simultaneously more than two external productions to one and the same broadcaster, whether through a competitive procedure or not.

25. (New, SG No. 79/2000) "Self-promotion" means a form of advertising in which the broadcaster promotes its own products, services or programme services.

26. (New, SG No. 79/2000) "Free television" means broadcasting on a channel, either public-service or commercial, of programme services which are accessible to the public without payment in addition to the regular monthly fee or the basic subscription fee to a cable network.

27. (New, SG No. 79/2000) "Gross violation" within the meaning of Article 9 (4) herein means moral turpitude, incitement to a change of the constitutionally established order by force, to the commission of a criminal offence or to personal violence according to Article 40 (2) of the Constitution.

28. (New, SG No. 96/2001) "Programme type" signifies a characteristic of a programme service according to its specific content and audience profile. Radio and television programme services can be of the following types:

(a) general-interest (multi-subject): a radio and television programme service which mandatorily includes news, educational, cultural and entertainment broadcasts addressed to the predominant part of the public;

(b) special-interest: a radio and television programme service of a subject orientation intended for a limited part of the public.

29. (New, SG No. 96/2001) "Programme design" shall be a description of the programme intentions (object, assigned purpose and expected results), organizational, creative, technological and financial plan for development of a radio and television programme service during the licence period.

30. (New, SG No. 96/2001) "Programme concept" shall be a reasoned plan for implementation of the programming policy of a specified electronic medium with a view to its content resourcing.

31. (New, SG No. 96/2001) "Programme schedule" shall be the totality of all broadcasts scheduled for broadcasting or broadcast in the programme service of a specified electronic media, arranged graphically by day and hour for a specified time period.

32. (New, SG No. 96/2001) "Programme service" shall be the totality of all broadcasts broadcast on specified frequencies and announced under a single designation signified by acoustic and optical means.

33. (New, SG No. 105/2006) "Repeat" offence is the one, committed within a period of one year after the effectiveness date of the penal provision imposing a penalty for a violation of the same kind.

## **TRANSITIONAL AND FINAL PROVISIONS**

§ 2. (1) (Amended, SG No. 120/2002, SG No. 114/2003, SG No. 115/2004, SG No. 105/2005, SG No. 108/2006) The Council for Electronic Media shall receive a state budget subsidy for the support thereof until the year 2007.

(2) (Amended, SG No. 120/2002, SG No. 114/2003, SG No. 115/2004, SG No. 105/2005, SG No. 108/2006) The Bulgarian National Radio and the Bulgarian National Television shall receive a state budget subsidy until the 31st day of December 2007 according to the procedure established by Items 2 and 3 of Article 70 (3) herein.

(3) (Amended, SG No. 105/2005) The Bulgarian National Radio and the Bulgarian National Television shall receive a state budget subsidy and financing from the Radio and Television Fund to an amount determined per hour of programming according to a standard approved by the Council of Ministers:

1. (Repealed, SG No. 120/2002);
2. (Repealed, SG No. 114/2003);
3. (Repealed, SG No. 115/2004);
4. (Repealed, SG No. 105/2005).

(4) (Amended, SG No. 108/2006) As from the 1st day of January 2008, the state budget subsidy of the BNR, the BNT and the Council for Electronic Media shall be entirely replaced by financing from the Radio and Television Fund. The amount of the said financing shall be determined according to the procedure established by Item 1 of Article 103 (1) and Article 103 (2) herein.

**§ 3.** (1) Until the 1st day of January 2003, the powers of the Management Board of the Radio and Television Fund regarding the control of revenues shall be exercised by the Council for Electronic Media.

(2) Not later than three months prior to the expiration of the time limit referred to Paragraph (1), the Council for Electronic Media shall select the members of the Management Board of the Radio and Television Fund, shall appoint an executive director of the Fund, and shall adopt the rules referred Article 99 (3) herein.

**§ 4.** (1) Any radio and television broadcasters licensed prior to the entry of this Act into force in accordance with the then effective statutory instruments, including such broadcasters whose licences have expired, shall be licensed according to the procedure established by Article 125 herein.

(2) Any legal persons, which actually pursue radio and television broadcasting activities, shall be obligated to take the action as shall be necessary to obtain a licence according to the procedure established by Article 105 herein within three months after the entry of this Act into force.

(3) The Bulgarian National Radio and the Bulgarian National Television shall be obligated to submit the requisite documents covered under Article 111 herein with a view to their licensing according to the procedure established by Article 105 (3) herein within the time limit under Paragraph (2).

**§ 5.** (1) The management boards of the BNR and the BNT and the directors general of the BNR and the BNT, elected during the time of operation of the Radio and Television Act (promulgated in the State Gazette No. 77 of 1996; modified by Constitutional Court Judgment No. 21 of 1996, promulgated in No. 102 of 1996; amended and supplemented in SG No. 112/1997), shall complete their term of office as provided for therein.

(2) The members of the National Council for Radio and Television, who will be replaced through rotation during the first term of office after the entry of this Act into force, shall be determined by lot.

(3) After the lapse of two years, the composition of the National Council for Radio and Television shall rotate by replacement of two members from the quota of the National Assembly and one member from the quota of the President.

(4) After the lapse of four years, the composition of the National Council for Radio and Television shall rotate by replacement of one member from the quota of the National Assembly and two members from the quota of the President.

(5) The term of office of the programming boards of the BNR and the BNT shall terminate within one month after the entry of this Act into force.

(6) Should the management boards of the BNR and the BNT so decide, the programming boards may pursue their activity under the condition of Item 3 of Article 62 herein.

**§ 6.** (1) Any advertising and sponsorship contracts signed by the BNR and the BNT shall be reviewed with a view to bringing the said contracts into conformity with this Act.

(2) In cases where the duration of advertising according to the terms and conditions of all contracts as concluded exceeds the duration of advertising according to the provision of Article 86

herein, the BNR and the BNT shall be obligated to offer advertisers a respective reduction in the duration or else to terminate the contracts with them as of the 1st day of January 1999.

§ 7. Any decisions referred to Article 49 (3) herein shall be adopted not later than three months after the entry of this Act into force.

§ 8. The provisions under Items 1, 2, 4, 8 and 9 of Article 62 herein must be implemented within six months after the entry of this Act into force.

§ 9. Until the grant of a licence to a private television broadcaster within a national range, the Bulgarian National Television shall not use the rights to advertising in the time period commencing at 19:00 hours and ending at 22:00 hours.

§ 9a. (New, SG No. 99/2003) (1) All persons, which have been granted individual licences according to the procedure established by § 14 of the Transitional and Final Provisions of the Telecommunications Act (promulgated in the State Gazette No. 93 of 1998; amended in No. 26 of 1999, No. 10 and 64 of 2000, No. 34, 42, 96 and 112 of 2001, No. 45 and 120 of 2002; superseded, No. 88 of 2003) whereof the term of validity has not been extended, as well as all persons enjoying rights under § 16 of the Transitional and Final Provisions of the Telecommunications Act (promulgated in the State Gazette No. 93 of 1998; amended in No. 26 of 1999, No. 10 and 64 of 2000, No. 34, 42, 96 and 112 of 2001, No. 45 and 120 of 2002; superseded, No. 88 of 2003), which have pursued and/or are pursuing telecommunication activity by means of construction, maintenance and operation of a telecommunication network for broadcasting by terrestrial transmitter in nucleated settlements where no competitive procedures for the grant of licences have been conducted, may continue or resume the operation thereof until completion of the competitive procedures according to the procedure established by the Radio and Television Act for the respective nucleated settlements.

(2) All persons, which hold or have held an individual telecommunication licence for construction, maintenance and operation of a telecommunication network for television and radio broadcasting within a local and regional range, which has been granted on legal grounds lapsed consequent to an effective judgment of the Supreme Administrative Court, or which pursue or have pursued radio or television broadcasting activities by terrestrial transmitter, may continue or resume the operation thereof until final completion of the competitive procedures for the respective nucleated settlements which the said persons have entered.

(3) All persons, who have pursued and/or are pursuing telecommunication activity by means of construction, maintenance and operation of a telecommunication network for broadcasting by terrestrial transmitter after the entry into force of the Telecommunications Act (promulgated in the State Gazette No. 93 of 1998; amended in No. 26 of 1999, No. 10 and 64 of 2000, No. 34, 42, 96 and 112 of 2001, No. 45 and 120 of 2002; superseded, No. 88 of 2003) and which have submitted applications for the grant of licences prior to the entry into force of the Act to Amend and Supplement the Telecommunications Act (promulgated in the State Gazette No. 112 of 2001) in nucleated settlements where competitive procedures for the grant of licences have not been conducted, may continue or resume the operation thereof until completion of the competitive procedures according to the procedure established by the Radio and Television Act for the respective nucleated settlements.

(4) (New, SG No. 99/2004) The persons covered under Paragraphs (1), (2) and (3) shall pursue radio and television broadcasting activities in accordance with the provisions of the Radio and Television Act and the Telecommunications Act.

§ 10. This Act supersedes the Radio and Television Act (promulgated in the State Gazette No. 77 of 1996; modified by Constitutional Court Judgment No. 21 of 1996, promulgated in No. 102 of 1996; amended and supplemented in No. 112 of 1997).

This Act was passed by the 38th National Assembly on 23 September 1998 and on 13 November 1998, and the Official Seal of the National Assembly has been affixed thereto.

Act to Supplement the Radio and Television Act

Promulgated, State Gazette No. 96/9.11.2001, amended, No. 112/2001,  
amended and supplemented, SG No. 93/2005

SUPPLEMENTARY PROVISION

§ 50. Throughout the Act, the words: "the National Council for Radio and Television" and "National Council for Radio and Television" shall be replaced, respectively, by "the Council for Electronic Media" and "Council for Electronic Media, " with the exception of § 5 of the Transitional and Final Provisions of the Act.

## TRANSITIONAL AND FINAL PROVISIONS

§ 51. (1) Within 14 days after the entry of this Act into force, the National Assembly shall elect and, respectively, the President of the Republic shall appoint, the members of the Council for Electronic Media.

(2) (Amended, SG No. 93/2005) The members of the Council for Electronic Media, who will be replaced through rotation after the second and the fourth year since the constitution of the said Council, shall be determined by lot.

(3) (Supplemented, SG No. 93/2005) After the lapse of two years, the composition of the Council for Electronic Media shall rotate by replacement of two members from the quota of the National Assembly and one member from the quota of the President. The six-year term of office of the said members shall begin to run as from the date of the election or appointment thereof.

(4) (Supplemented, SG No. 93/2005) After the lapse of four years, the composition of the Council for Electronic Media shall rotate by replacement of one member from the quota of the National Assembly and two members from the quota of the President. The six-year term of office of the said members shall begin to run as from the date of the election or appointment thereof.

§ 52. Upon constitution of the Council for Electronic Media, the National Council for Radio and Television shall be closed down and the members thereof shall vacate office. The property, the archives, the rights and obligations of the National Council for Radio and Television shall pass to the Council for Electronic Media.

§ 53. (1) Within six months after the date of constitution of the Council for Electronic Media, the said Council, acting proprio motu, shall issue certificates for registration to the radio and television broadcasters holding licences for pursuit of radio and television broadcasting activities by cable or satellite, upon submission on the part of the said broadcasters of the documents covered under Article 125a (5) [of the Radio and Television Act] herein and without payment of an initial registration fee.

(2) (Amended, SG No. 112/2001) The Communications Regulation Commission shall be obligated to provide the Council for Electronic Media with all information and copies of documents as shall be necessary for transfer of the broadcasters affected from licensing to registration requirements.

§ 55. (Repealed, SG No. 112/2001).

Act to Supplement the Radio and Television Act

Promulgated, State Gazette No. 77/09.08.2002

## TRANSITIONAL AND FINAL PROVISIONS

§ 5. (1) The strategy for development of radio and television broadcasting activities by terrestrial transmitter shall be drawn up by the Council for Electronic Media and the Communications Regulation Commission within three months after the entry of this Act into force.

(2) The strategy referred to in Paragraph (1) shall specify the national priorities and public interests in the licensing process with a view to a more efficient utilization of the unallocated radio frequency spectrum as available.

(3) The strategy referred to in Paragraph (1) may be updated once every three years or at shorter intervals, depending on the commercial and technological development of the electronic media market. Any such updating shall follow the procedure for adoption of the said strategy.

§ 6. (1) New competitive procedures shall be initiated upon adoption by the National Assembly of the strategy for development of radio and television broadcasting activities by ground transmitter.

(2) Any competitive and licensing procedures which have commenced or which have been initiated prior to the entry of this Act into force shall be finalized after the adoption by the National Assembly of the strategy for development of radio and television broadcasting activities by terrestrial transmitter and in accordance with the said strategy.

This Act was passed by the 39th National Assembly on 31 July 2002, and the official seal of the National Assembly has been affixed thereto.

Act to Supplement the Radio and Television Act

Promulgated, State Gazette No. 99/11.11.2003

## TRANSITIONAL PROVISION

§ 2. (1) Within one month after the entry of this Act into force, the persons covered under § 9a of the Radio and Television Act shall be obligated to submit to the Council for Electronic Media and the Communications Regulation Commission the information required for pursuit of radio and

television broadcasting activities by terrestrial transmitter according to the requirements of the Radio and Television Act and the Telecommunications Act.

(2) Within three months after the entry of this Act into force, the persons covered under § 9a [of the Radio and Television Act] shall be obligated to pay the annual fees due for use of radio frequency spectrum as a scarce resource for the time of pursuit of radio and television broadcasting activity since the entry into force of the Telecommunications Act (promulgated in the State Gazette No. 93 of 1998; amended in No. 26 of 1999, No. 10 and 64 of 2000, No. 34, 42, 96 and 112 of 2001, No. 45 and 120 of 2002; superseded, No. 88 of 2003) according to the Rate Schedule of Fees Collected by the Communications Regulation Commission (promulgated in the State Gazette No. 68 of 2002; corrected in No. 69 of 2002; amended in No. 66 and 71 of 2003).

(3) After a procedure for electromagnetic compatibility coordination with the aeronautical radio services, within one month after submission of the information referred to in Paragraph (1), the Communications Regulation Commission shall determine the technical conditions for transmission for each nucleated settlement. As a result of the said procedure, the Communications Regulation Commission may modify the parameters of the transmitters, including the frequency and the point of transmission.

(4) Within two weeks after fulfilment of the conditions under Paragraphs (1), (2) and (3), the Communications Regulation Commission shall grant the persons covered under § 9a [of the Radio and Television Act] licences for construction, maintenance and operation of a telecommunication network for television and radio broadcasting within a local and regional range whereof the term of validity shall expire upon completion of the competitive procedures for the award of radio and television broadcasting licences in the respective nucleated settlements according to the procedure established by the Radio and Television Act. The Communications Regulation Commission shall notify the Council for Electronic Media of any telecommunication licences so granted.

(5) The persons covered under § 9a [of the Radio and Television Act] shall pursue radio and television broadcasting activities in accordance with the provisions of the Radio and Television Act.

Act to Supplement the Radio and Television Act

Promulgated, State Gazette No. 99/9.11.2004

#### TRANSITIONAL PROVISION

§ 2. (1) Within two months after the entry of this Act into force, any persons covered under § 9a [of the Transitional and Final Provisions of the Radio and Television Act], which have not fulfilled the conditions provided for in § 2 (1) and (2) of the Transitional Provision of the Act to Supplement the Radio and Television Act ([promulgated in the] State Gazette No. 99 of 2003), shall submit new applications for the grant of a licence for construction, maintenance and operation of a telecommunication network for television and radio broadcasting within a local and regional range. Any such applications must be accompanied by all documents required by the Telecommunications Act and the Radio and Television Act for pursuit of radio and television broadcasting activities by terrestrial transmitter. Any such applications shall be submitted on site at the Council for Electronic Media and the Communications Regulation Commission. The applications to the Communications Regulation Commission shall be submitted in a standard form endorsed by the Commission.

(2) Within one month after receipt of any application referred to in Paragraph (1), the Communications Regulation Commission shall transmit to the persons referred to in Paragraph (1) a notification of the annual fees due for use of radio frequency spectrum as a scarce resource for the time of pursuit of radio and television broadcasting activity since the entry into force of the Telecommunications Act (promulgated in the State Gazette No. 93 of 1998; amended in No. 26 of 1999, Nos. 10 and 64 of 2000, Nos. 34, 42, 96 and 112 of 2001, Nos. 45 and 120 of 2002; superseded, No. 88 of 2003) according to Articles 1 to 17 as repealed of the Rate Schedule of Fees Collected by the Communications Regulation Commission (promulgated in the State Gazette No. 68 of 2002; corrected in No. 69 of 2002; amended in Nos. 66 and 71 of 2003, No. 31 of 2004).

(3) The persons referred to in Paragraph (1) shall be obligated to pay the fees due under Paragraph (2) within one month after receipt of the notification from the Communications Regulation Commission of the amount of the fees due.

(4) After conduct of a procedure for electromagnetic compatibility coordination with the aeronautical radio services, provided any unallocated radio frequency spectrum is available, the Communications Regulation Commission shall determine the technical conditions for transmission for

each nucleated settlement within one month after submission of an application referred to in Paragraph (1). As a result of the said procedure, the Communications Regulation Commission may modify the parameters of the transmitters, including the frequency and the point of transmission as indicated by the broadcasters which have submitted new applications under Paragraph (1).

(5) Within 14 days after fulfilment of the conditions covered under Paragraphs (1) to (4), the Communications Regulation Commission shall grant the persons referred to in Paragraph (1) licences for construction, maintenance and operation of a telecommunication network for television and radio broadcasting within a local and regional range whereof the term of validity shall expire upon completion of the competitive procedures for the grant of radio and television broadcasting licences in the respective nucleated settlements according to the procedure established by the Radio and Television Act. The Communications Regulation Commission shall notify the Council for Electronic Media of any telecommunication licences so granted.

§ 3. Any persons covered under § 9a [of the Transitional and Final Provisions of the Radio and Television Act], which have received a refusal from the Communications Regulation Commission [to an application] for the grant of a licence in pursuance of § 2 (4) of the Transitional Provision of the Act to Supplement the Radio and Television Act ([promulgated in the] State Gazette No. 99 of 2003), shall submit new applications for the grant of a licence for construction, maintenance and operation of a telecommunication network for television and radio broadcasting within a local and regional range according to the procedure established by this Act not earlier than one month after receipt of any such refusal.

§ 4. Any licences, granted in pursuance of § 2 (4) of the Transitional Provision of the Act to Supplement the Radio and Television Act ([promulgated in the] State Gazette No. 99 of 2003), shall retain the validity thereof.

Lev Re-denomination Act  
Promulgated, State Gazette No. 20/5.03.1999,  
supplemented, SG No. 65/20.07.1999 (effective 5.07.1999).

TRANSITIONAL AND FINAL PROVISIONS  
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§ 4. (1) (Supplemented, SG No. 65/1999) Upon the entry of this Act into force, all figures expressed in old lev terms as indicated in the laws which will have entered into force prior to the 5th day of July 1999 shall be replaced by figures expressed in new lev terms, reduced by a factor of 1,000. The replacement of all figures expressed in old lev terms, reduced by a factor of 1,000, shall furthermore apply to all laws passed prior to the 5th day of July 1999 which have entered or will enter into force after the 5th day of July 1999.

(2) The authorities, which have adopted or issued any acts of subordinate legislation which will have entered into force prior to the 5th day of July 1999 and which contain figures expressed in lev terms, shall amend the said acts to bring them in conformity with this Act so that the amendments apply as from the date of entry of this Act into force.

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§ 5. This Act shall enter into force on the 5th day of July 1999.  
Act to Amend and Supplement the Radio and Television Act  
FINAL PROVISION  
Promulgated, State Gazette No. 93/2005  
.....

§ 13. The Council of Ministers shall approve the Rate Schedule referred to in Article 102 (6) of the Radio and Television Act within three months after the entry of this Act into force.

(\*) Act to Amend the Commercial Register Act  
(SG No. 80/2006, effective 3.10.2006)

§ 1. In § 56 of the Transitional and Final Provisions the words "1 October 2006" shall be replaced by "1 July 2007"  
.....

TRANSITIONAL AND FINAL PROVISIONS

to the Amend and Supplement the Radio and Television Act  
(Promulgated, State Gazette No. 10/2007, effective 1.01.2007)

§ 4. License Issuing Procedures as per Article 105 that started before this Act came into effect shall be finalized in accordance with the procedure existing hitherto.