

# LAW FOR THE RADIO AND TELEVISION

*Prom. SG. 138/24 Nov 1998, amend. SG. 60/2 Jul 1999, amend. SG. 81/14 Sep 1999, amend. SG. 79/29 Sep 2000, amend. SG. 80/18 Sep 2001, amend. SG. 96/9 Nov 2001, amend. SG. 112/29 Dec 2001, amend. SG. 77/9 Aug 2002, amend. SG. 120/29 Dec 2002, suppl. SG. 99/11 Nov 2003, amend. SG. 114/30 Dec 2003, amend. SG. 99/9 Nov 2004, amend. SG. 115/30 Dec 2004, amend. SG. 88/4 Nov 2005, amend. SG. 93/22 Nov 2005, amend. SG. 105/29 Dec 2005, amend. SG. 21/10 Mar 2006, amend. SG. 34/25 Apr 2006, amend. SG. 70/29 Aug 2006, amend. SG. 105/22 Dec 2006, amend. SG. 108/29 Dec 2006, amend. SG. 10/30 Jan 2007, amend. SG. 41/22 May 2007, amend. SG. 113/28 Dec 2007, amend. SG. 110/30 Dec 2008, amend. SG. 14/20 Feb 2009*

## Chapter one.

### GENERAL PROVISIONS

Art. 1. (1) This law settles the radio and television activity on the territory of the Republic of Bulgaria.

(2) Radio and television activity is the creation of radio and television programmes and of additional information for broadcasting through land broadcasting, by cable, satellite or other technical devices, in coded or decoded type, designated for direct reception by unlimited number of persons.

Art. 2. The provisions of this law shall not apply for:

1. radio and television programmes created with the purpose of broadcasting in one building only;
2. radio and television programmes created with the purpose of broadcasting for the needs of state bodies or corporate bodies when the contents of the programme regard only their activity and the broadcasting equipment is their property.

Art. 3. (1) (Suppl., SG 96/01) The radio and television activity shall be carried out by radio and television operators; on the grounds of registrations or licences issued by the order of this law.

(2) (amend., SG 79/00; suppl., SG 96/01) Radio and television operators are individuals, sole entrepreneurs and corporate bodies with licences or registration for radio and television activity.

(3) (amend. - SG 14/09) The radio and television operators can also be undertakings within the meaning of the Law on Electronic Telecommunications, unless otherwise provided for in this Law.

(4) The provisions of this law shall apply for all radio and television programmes

created for broadcasting or broadcast by respective operators under the jurisdiction of the Republic of Bulgaria.

Art. 4. The radio and television operators shall be public and commercial.

Art. 5. (amend., SG 79/00, suppl. SG 93/05) The commercial radio and television operators, sole entrepreneurs and trade companies with licence and/or registration for radio and television activity, operating with the basic purpose of distributing profit among their owners.

Art. 6. (1) (suppl., SG 79/00, suppl. SG 93/05) The public radio and television operators are individuals, sole entrepreneurs and corporate bodies with licence and/or registration for radio and television activity whose main purpose is to contribute to the realisation of the basic constitutional right to information.

(2) The public radio and television operators are subject of the public or private law.

(3) The public radio and television operators shall:

1. submit for broadcasting political, economical, cultural, scientific, educational and other socially important information;

2. provide access to the national and global cultural values and popularise the scientific and technical achievements through broadcasting Bulgarian and foreign educational and cultural programmes for all age groups;

3. Provide, through their programme policy, protection of the national interests, the all-human cultural values, of the national science, of the education and culture to all Bulgarian citizens regardless of their ethnic belonging;

4. encourage the creation of works of Bulgarian authors;

5. promote the Bulgarian performing art.

Art. 7. The Bulgarian National Radio (BNR) and the Bulgarian National Television (BNT) are national public radio operator and, respectively, national public television operator who:

1. provide programmes for all citizens of the Republic of Bulgaria;

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

3. provide through their programmes access to the national and European cultural heritage;

4. include in their programmes broadcasts which inform, educate and entertain;

5. apply the new information technologies;

6. (Amend., SG 96/01) relate the various ideas and convictions of the society by pluralism of the points of view in each and every news and current publicist broadcasts of political and economic subject;

7. contribute to the mutual understanding and tolerance in the relations between people;

8. provide possibility for the citizens to acquire information regarding the official position of the state on important issues of the public life.

Art. 8. (1) This law guarantees the independence of the radio and television operators and their activity from political and economic interference.

(2) (Amend., SG 96/01) The Council for electronic media, as a specialised independent body, shall carry out supervision in the cases stipulated by this law.

(3) (new - SG 77/02) The National Assembly shall approve strategy for the development of the radio and TV activity by terrestrial broadcasting, prepared by the Council for electronic media and the Communications Regulation Commission.

Art. 9. (1) The creation of radio and television programmes in the Republic of Bulgaria shall be free.

(2) Censorship of the programmes in any form whatsoever shall not be admitted.

(3) Provided is freedom of the reception and the retranslating of radio and television programmes shall not be restricted on the territory of the country, under the conditions of this law.

(4) (amend., SG 79/00) Para 3 shall not apply temporarily in cases of gross violation of the provisions of art. 10, para 1, item 6 and art. 17, para 2 and 3 in compliance with the obligations undertaken by the Republic of Bulgaria under enacted international agreements.

Art. 10. (1) In carrying out their activities the radio and television operators shall be guided by the following principles:

1. guaranteeing the right to free expression of opinion;
2. guaranteeing the right to information;
3. preservation of the secret of the source of information;
4. protection of the personal inviolability of the citizens;
5. non-admission of programmes suggesting intolerance among the citizens;
6. (amend., SG 79/00) non-admission of programmes contradicting the good manners, especially if they contain pornography, praising or freeing from blame cruelty or violence or instigate hatred based on racial, sexual, religious or national nature;
7. guaranteeing the right to response;
8. guaranteeing the copyright and related rights of the broadcasts and programmes;
9. preservation of the purity of the Bulgarian language.

(2) (amend., SG 79/00) At least 50 percent of the total annual programme time, excepting the news and the sport broadcasts, radio and television games, the commercials, the teletext and the radio and television market, must be allocated for European productions when practically possible.

(3) (amend., SG, 79/00) At least 10 percent of the total annual programme time, excluding the news and the sport broadcasts, radio and television games, the commercials, the teletext and the radio and television market, must be allocated for European productions created by outside producers. This ratio must be achieved gradually by allocation of enough funds for new productions, i.e. productions which are broadcast not later than 5 years after their creation.

(4) (new, SG 79/00) The requirements under para 2 and 3 shall not apply for programmes designated for the local auditorium and which are distributed by one operator who is not a part of the national network.

Art. 11. (1) Every opinion can be expressed freely in radio and television broadcasts.

(2) The journalists and the creative workers who have concluded contracts with radio and television operators shall not receive instructions and directives for their activity by persons and/or groups other than the bodies of management of the radio and television operators.

(3) Public criticism regarding the programme policy of radio and television operators on the part of their employees shall not be considered disloyal regarding the employee.

(4) The journalists who have concluded contracts with radio and television operators shall have the right to refuse the fulfilment of assigned tasks if they are not related to the fulfilment of the provisions of this law or of the respective contracts and contradict to their personal convictions; technical and editorial processing of programme material and news cannot be refused.

(5) Among the owners and/or the managing bodies of the radio and television operators and the journalists who have concluded contracts with them can be agreed editorial statute for the work in the sphere of publicity.

(6) The editorial status must contain concrete definitions and measures for:

1. providing the freedom and the personal responsibility of the journalistic work in fulfilment of the assigned task;

2. protection of the journalists in the context of para 2;

3. professional and ethical norms of the journalistic activity of the respective radio and television operators;

4. the ways of taking decisions which regard the journalistic activity;

5. establishment of internal body for settlement of occurred disputes related to the journalistic work on the creation of the programmes.

Art. 12. (1) The programmes of the radio and television operators shall be broadcast in the official language according to the Constitution of the Republic of Bulgaria.

(2) (amend., SG 79/00) The programmes or individual broadcasts of the radio and television operators can be in other languages when:

1. they are broadcast with educational purpose;

2. they are designated for Bulgarian citizens whose mother tongue is not Bulgarian;

3. they are designated for listeners or viewers from abroad;

4. foreign radio and television programmes are retranslated;

Art. 13. (1) The radio and television operators shall have the right to obtain the necessary information from the state and municipal bodies if it does not contain secret stipulated by a law.

(2) The radio and television operators shall be obliged to use precisely and in unbiased way the obtained information.

(3) The radio and television operators shall submit information about their activity in the cases stipulated by this law.

(4) (amend., SG 79/00) Radio or television operator who has exclusive right on an important event shall be obliged to provide access of the other radio and television operators for its informational presentation in compliance with the obligations undertaken by the Republic of Bulgaria under enacted international agreements.

Art. 14. (1) The radio and television operators shall be obliged to record the programmes provided by them for broadcasting and to keep the records for a period of 3 months considering from the date of submission.

(2) If, within the period under para 1, a request for response is received or a claim is made against the radio or television operator in connection with the contents of a programme or broadcasting the record shall be kept until the conclusion of the case.

(3) A person who claims that he has been affected by a broadcasting shall have the right of access to the respective archives and to copy of the record, made for his account.

(4) (Amend., SG 96/01) The Council for electronic media can require from the radio and television operators materials, as well as carry out inspections on the spot, related to the exercising of the supervision on the fulfilment of this law.

Art. 15. (1) The radio and television operators shall not be obliged to disclose their sources of information except in cases of pending court proceedings or pending proceedings on a claim of affected person, of the Council for electronic media.

(2) The journalists shall not be obliged to disclose the sources of information not only before the audience but also before the management of an operator, except in the cases under para 1.

(3) The radio and television operators shall have the right to include in broadcasts information from unknown source explicitly announcing that.

(4) The journalists shall be obliged to keep secret the source of information of this is explicitly requested by the person who has provided it.

Art. 16. (1) The radio and television operators cannot create and submit for broadcasting programmes containing information related to the personal life of the citizens without their consent.

(2) The radio and television operators can include in their broadcasts information to the public interest regarding the personal life of citizens carrying out legal capacities of state bodies or of citizens whose decisions have effect on the society.

(3) For violations under para 1 and 2 the radio and television operators shall owe public excuse to the affected person. This will not deprive the affected person to seek compensation by court order.

(4) The restrictions under para 1 and 2 shall not apply when regarding the person a sentence has been enacted for premeditated crime of general nature.

Art. 17. (1) The radio and television operators shall bear responsibility for the contents of the programmes submitted by them for broadcasting.

(2) The radio and television operators shall be obliged not to admit creation or submission for broadcasting of programmes in violation of the principles of Art. 10, as well as programmes suggesting national, political, ethnic, religious and race intolerance, praising or freeing from blame cruelty or violence or which are directed at damaging the physical, mental and moral development of the minors and underage persons.

(3) (suppl. SG 79/00) The provisions of para 2 relating to the minors and underage persons shall not regard the coded broadcasts and/or broadcasts between 23.00 hours and 6.00 hours and which are clearly marked by preceding audio and/or audio-visual sign or are

identified by a visual sign during the whole time. This provision shall not exclude the responsibility of the operator for observing the principles of art. 10 during the whole time of the programme.

(4) The radio and television operators shall not be responsible for disseminated information and its contents when they are:

1. obtained by official order;
2. quotations of official documents;
3. precise reproduction of public announcements;
4. based on materials received from information agencies or from other radio and television operators.

(5) Changes shall not be permitted in quoting documents.

(6) The news, as informational facts, must be differentiated from the comments on them.

(7) (amend. SG 79/00) When a part of a programme uses a programme of another radio or television operator it must be explicitly pointed out and to be in compliance with the legal provisions of the Law for the copyright and the related rights.

Art. 18. (1) Persons, state and municipal bodies affected by radio or television broadcasting shall have a right to response.

(2) Within 7 days from the day of the broadcasting the persons and the bodies under para 1 shall have the right to request in writing from the respective radio or television operator the submission for broadcasting their response. The request must state the disputed assertions, as well as the date and the hour of the broadcasting.

(3) The radio and television operators shall be obliged to include the response in the next issue of the same broadcasting or in equal time within 24 hours from the receipt of the response without admitting changes or shortening of the text.

(4) The submission for broadcasting response shall be free of charge for the persons and the bodies under para 1.

(5) The duration of the response cannot exceed the duration of the disputed part of the broadcasting.

Art. 19. (1) (prev. art. 19 – SG 93/05) The radio and television operators shall broadcast programmes only upon preliminary settled copyright and related rights.

(2) (new – SG 93/05) The radio and television operators shall present every year to the Council for electronic media on request proofs about the commercial and the conceded copyrights for protected works in their programs and about the conceded related rights for conceding for dissemination of foreign programs.

(3) (new – SG 93/05) In one month term after receiving the data the Council for electronic media shall summarize the information of para 2 and send it to the respective officials under the Law of copyright and related rights.

## Chapter two.

### COUNCIL FOR ELECTRONIC MEDIA(Amend., SG 96/01)

## Section I. General provisions

Art. 20. (Amend., SG 96/01) (1) The Council for electronic media is an independent specialised body who regulates the radio and television activity through the registration or issuance of licences for carrying out the radio and television activity and through exercising supervision only on the activity of the radio and television operators for the fulfilment of this law.

(2) The Council for electronic media shall observe, in its activity, the interests of the society by defending the freedom and pluralism of the speech and the information, as well as the independence of the radio and television operators.

Art. 21. The Council for electronic media is a corporate body with headquarters in Sofia and independent budget.

Art. 22. In its activity the Council for electronic media shall be assisted by administrative and technical offices whose structure and number of personnel shall be determined independently in compliance with the resources provided for the respective year.

Art. 23. The Council for electronic media shall adopt regulations for its structure and activity.

## Section II. Members of the Council for electronic media

Art. 24. (1) The Council for electronic media shall consist of 9 members of which 5 shall be elected by the National Assembly and 4 shall be appointed by the President of the Republic.

(2) The decision of the National Assembly and the edict of the President under para 1 shall come into force simultaneously.

Art. 25. (Amend., SG 96/01, amend. SG 93/05; amend. - SG 14/09) Members of the Council for electronic media can be persons with Bulgarian citizenship, with higher education and professional experience in the following spheres: electronic media, electronic communications, journalism, law or economics and have public authority and professional recognition.

Art. 26. Members of the Council for electronic media cannot be persons who:

1. have been sentenced to prison for premeditated crime of general nature;
2. sole entrepreneurs, owners of the capital of trade companies, partners, managers, procurators or members of managing and control bodies of trade companies and cooperations.
3. have been employed or have been collaborators of the former State Security.

Art. 27. (1) (Amend., SG 96/01) During their mandate, and according to item 4 - two years upon its expiration, the members of the Council for electronic media cannot:

1. (Amend., SG 96/01) occupy another paid position under legal terms of employment;

2. occupy elective positions in state and municipal bodies, in management bodies of political parties and coalitions and trade unions.

3. be members of bodies of management, control or supervision of trade companies and cooperations;

4. (Amend., SG 96/01) be consultants or members of bodies of management, control and supervision of radio and television operators, as well as acquire shares or stock in radio and television operators and advertising agencies;

5. (Suppl., SG 96/01) be consultants or members of bodies of management, control or supervision of non-profit organisations who have obtained licence for radio or television operators;

6. receive in any form whatsoever remuneration from radio or television operators, except according to the legislation for intellectual property.

(2) The employers who have legal terms of employment with a person who becomes member of the Council for electronic media shall be obliged, upon his request, to permit unpaid leave for the duration of his mandate. Upon expiration or termination of his mandate they shall be obliged to reinstate him at the position occupied before that if he so wishes.

Art. 28. Before assuming the occupation the members of the Council for electronic media shall sign declaration confirming that they meet the requirements of this law. The declarations shall be kept in the archives of the Council for electronic media.

Art. 28a. (New, SG 96/01) (1) Every member of the Council for electronic media and the competition commission under art. 116c shall be obliged to disclose in writing to the Council for electronic media every substantial commercial, financial or other business interest which he and the members of his family have in taking a specific decision.

(2) Substantial interest shall be present always when the persons under para 1 or members of their families, as well as persons with whom each of them is economically related:

a) obtain licence for radio and television activity;

b) (amend. - SG 14/09) are employed in supervisory bodies in the sphere of the radio and television activity, electronic communications or elected in managing boards of radio and television organisations, undertakings providing electronic communication services or legal persons whose registered subject of activity is advertising activity, or actually carrying out advertising activity.

(3) The obligation of the persons under para 1 shall be fulfilled by presenting a declaration to the Council for electronic media at the time of their occupying office and at least once in six months, containing the names and the addresses of persons related economically with them or with the members of their families, as well as for the business interests which have occurred or could have occurred. The declarations under this para shall be kept in a special public register at the Council for electronic media.

(4) A member of the Council for electronic media who has a direct business interest in taking a certain decision shall be obliged to declare it and not participate in the discussions and the voting.



(5) The injured party, as well as every interested, can request the Supreme Administrative Court to revoke the decision taken in violation of the preceding para.

Art. 29. (Amend., SG 96/01) (1) The members of the Council for electronic media shall be elected or appointed for a period of 6 years. The members of the Council for electronic media shall be re-elected every 2 years for each quota.

(2) One person cannot be member of the Council for electronic media for more than two consecutive mandates. His repeated election or appointment must not contradict the renewal according to para 1.

(3) The members of the Council for electronic media shall fulfil their obligations until the taking up of the duties of the new members.

Art. 30. (1) The mandate of a member of the Council for electronic media shall be terminated ahead of terms in cases of release of the person from his occupation or death.

(2) (Amend., SG 96/01) The release of a member of the Council for electronic media shall be made by a decision of the Council for electronic media.

1. (Amend., SG 96/01) for filing written application to the chairman of the Council for electronic media by the person who resigns;

2. for permanent actual inability to fulfil his obligations for more than six months;

3. for established incompatibility with the requirements of this law.

4. (New, SG 96/01) for enactment of a sentence which imposes a punishment of "imprisonment" for deliberate crime.

(3) For termination ahead of term of a mandate of a member of the Council for electronic media within 1 month from the death or the decision under para 2 the competent body shall elect or appoint in his place a new member until the end of his mandate.

(4) (Amend., SG 96/01) Termination ahead of term according to para 2, item 1 and 4 in case of death shall be announced before the Council for electronic media by its chairman.

Art. 31. (1) (Amend., SG 96/01) At their first meeting the members of the Council for electronic media shall elect among the members chairman for a period of one year.

(2) The chairman shall:

1. represent the Council for electronic media;

2. convene the meetings of the Council for electronic media and shall chair them;

3. sign the acts of the Council for electronic media adopted in fulfilment of this law;

4. maintain the connections of the Council for electronic media with the state bodies and with the radio and television operators, as well as with international organisations in the sphere of the radio and television activity.

5. (new - SG 79/00) issue punitive decisions for violations of the provisions of this law.

6. (New, SG 96/01) prepare the meetings of the Council for Electronic media;

7. (New, SG 96/01) manage the work of the administrative technical offices;

8. (New, SG 96/01) control the fulfilment of the adopted acts.

(3) (Revoked, SG 96/01)

(4) (amend. SG 79/00; amend., SG 96/01) The release of the chairman from his post shall be done upon expiration of the one-year period for which he has been elected or at his

own wish, upon a decision of the Council for electronic media.

(5) (Amend., SG 96/01) The Council for electronic media, at the proposal of every of its members, can take decisions for termination ahead of term, of the mandate of the chairman for failure to fulfil his obligations.

(6) The decisions under para 4 and 5 shall determine the date of the next meeting where new election shall be made.

### Section III.

#### Legal capacities of the Council for electronic media

Art. 32. (1) The Council for electronic media shall:

1. carry out supervision of the activity of radio and television operators for the observation of this law;

2. elect and release the general directors of BNR and BNT;

3. approve, at the proposal of the general directors, members of the management boards of BNR and BNT;

4. give opinion in working out normative acts and in concluding international agreements in the sphere of the radio and television;

5. give opinion on the project for subsidy from the state budget for BNR and BNT;

6. approve annually the non-budget plan-account of fund "Radio and television";

7. organise the study of the public assessment of the activity of the radio and television operators and their programmes;

8. give opinion regarding the changes of the size of the fees for using the radio and television services;

9. (suppl. SG 79/00; amend., SG 96/01; suppl. - SG 14/09) take decisions on the issuance, amendment, supplement, revoking, transferring and termination of licences for radio and television activity for creation of programmes intended for broadcasting through available an/or new electronic communication networks for terrestrial analogue radio broadcasting;

10. approach the competent bodies for violations of the normative acts in carrying out radio and television activity;

11. determine the members of the management board of fund "Radio and television", adopt regulations for the structure and activity of the fund and of the management board and appoint the executive director of the fund;

12. (New, SG 96/01; amend. - SG 14/09) can issue obligatory instructions to licensed and registered radio and television operators in relation to observing of the requirements laid down in Art. 33;

13. (New, SG 96/01, amend. SG 112/01; amend. - SG 14/09) require from the Communications Regulation Commission information regarding the technical parameters necessary for terrestrial analogue radio broadcasting and radio and television programmes for indicated by the Council for electronic media populated area, region or for the whole territory of the Republic of Bulgaria, including free radio frequencies, admissible capacity for broadcasting, possible points of broadcasting, as well as other technical information;

14. (New, SG 96/01; amend. - SG 14/09) carry out competition for radio and television operator to whom are issued authorizations for using individual scarce resource – radio frequency spectrum for broadcasting electronic communications through available

and/or new terrestrial analogue radio broadcasting communication networks;

15. (New, SG 96/01, amend. SG 112/01; amend. - SG 14/09) issue individual licence for radio and television activity to the winner of the competition under item 14 and inform the Communications Regulation Commission in view of the issuance of authorization for individual scarce resource – radio frequency spectrum for broadcasting electronic communications through available and/or new terrestrial analogue radio broadcasting communication networks to the same person;

16. (New, SG 96/01; amend. - SG 14/09) keep a public register of the radio and television programmes distributed via cable electronic communication networks, satellite and electronic communication network for terrestrial digital radio broadcasting, as well as radio and television programmes distributed via terrestrial analogue broadcasting communication networks;

16a. (new - SG 14/09) carry out registration of radio and television programmes, amend and delete existing registrations and issue certificates of registration;

17. (New, SG 96/01) jointly with other bodies represent the Republic of Bulgaria in interstate and inter-government organisations on issues related to the electronic media, and carry out coordinating functions between the state administrative bodies and non-government organisations in view of the formulation of common policy regarding the electronic media.

18. (suppl. SG 79/00; prev. item 12 - SG 96/01) take other decisions in fulfilment of the legal capacities under this law and international contracts in the field of radio and TV activity to which the Republic of Bulgaria is a party, the news and the sport broadcasts, radio and television games, the commercials, the teletext and the radio and television market, must be allocated for European productions;

19. (new - SG 14/09) issue individual license for radio and television activity carried out by radio and television operators for national/regional programmes, who are entitled to be broadcasted by an undertaking with an authorization for individual scarce resource – radio frequency spectrum for broadcasting electronic communications through available and/or new terrestrial analogue radio broadcasting communication networks with national and/or regional coverage;

20. (new - SG 14/09) specify type and profile of the Bulgarian television programmes licensed as per item 19 which are being distributed through terrestrial digit television broadcasting networks in the cases and under the terms set forth in a law;

21. (new - SG 14/09) approve the type and profile of the television programmes which are being distributed through terrestrial digit television broadcasting under this Law.

(2) In fulfilment of its legal capacities the Council for electronic media shall adopt regulations, decisions and declarations and shall give opinions in the cases stipulated by the law.

(3) (new - SG 79/00)The National council for radio and TV shall approve and publish a list of the events of important public significance and ensure measures for protection of the access of the audience to their reflection so that an operator under the jurisdiction of the Republic of Bulgaria with acquired exclusive rights over events with important public significance to exercise these rights in a way that:

1. not to deprive significant part of the audience in the country from the opportunity to follow these events live, fully or partially and if this is necessary or appropriate due to objective reasons of public interest - reflecting the events after some time, fully or partially on the free of charge TV;

2. not to deprive a considerable part of the auditorium in a country - member of the

European Union or a country - party to the European Convention for cross-border television, from the possibility of viewing live, entirely or partially, and if this is needed or appropriate, due to objective reasons of public interest - through presentation after a certain period of time, entirely or partially by the free of charge television, of the events of important public significance, according to the provisions adopted by this other country, under conditions of reciprocity.

(4) (New, SG 96/01) The Council for electronic media shall announce publicly the taken decisions in connection with the fulfilment of their authority, including the way by which the law is applied, as well as the grounds for change of their practice. The decisions of the Council for electronic media shall be motivated.

Art. 33. The Council for electronic media shall carry out supervision on the activities of the radio and television operators regarding only:

1. (suppl., SG 79/00) the observance of the principles under Art. 10, para 1 and the ratio under art. 10, para 2 and 3;

2. (amend. - SG 14/09) the observance of the requirements under Art. 6, para 3 and Art. 7 and Art. 17, para 2;

3. the reporting of the elections for state bodies and bodies of local independent government;

4. (suppl., SG 79/00) the compliance with the requirements regarding the commercials and the radio and TV market in the broadcasts of the radio and television operators;

5. the observance of the norms regarding the charitable activities and sponsorship;

6. the preservation of the secrets stipulated by the law in the radio and television activity;

7. (amend., SG 79/00) the observance of the requirements for the broadcasts directed to the underage and minors;

8. the information regarding decisions of the jurisdiction and the other state bodies in the cases stipulated by the law;

9. the protection of the rights of the consumers;

10. the technical quality of the broadcasts and programmes;

11. (amend., SG 79/00) the observance of the restrictions stipulated by the law, by the licences and enacted international agreements party to which is the Republic of Bulgaria.

12. (New, SG 96/01) the compliance with the conditions of the licences for radio and television activity.

## Section IV. Meetings

Art. 34. (1) The Council for electronic media shall be convened for meetings by the chairman:

1. at his initiative or

2. by a request of at least one third of its members.

(2) The invitation for the meeting shall contain draft agenda of the meeting.

Art. 35. (Suppl., SG 96/01; amend. - SG 14/09) The Council for electronic media shall hold meetings which shall be regular if attended by so many members as necessary for taking decisions on the agenda. The voting shall be open, personal and in presence.

Art. 36. In taking their decisions the members of the Council for electronic media shall be guided by the principles of:

1. solidarity;
2. publicity and transparency;
3. independence in the discussions and taking the decisions;
4. cooperation with the state bodies, the radio and television operators and the non-governmental organisations with activities in the sphere of the radio and television or the protection of the copyright and its related rights;
5. protection of the interests of the viewers and listeners.

Art. 37. The Council for electronic media shall take decisions by common majority of all members.

(2) The decisions under Art. 31, para 1 and 5 and Art. 32, para 1, item 3 shall be taken by a majority of two thirds of all members.

(3) (amend., SG 79/00) If a decision is not taken at three consecutive meetings during one month under Art. 2 it shall be taken by a common majority.

Art. 38. (suppl., SG 79/00: Amend., SG 96/01) (1) The decisions of the Council for electronic media shall be subject to appeal before the Supreme Administrative Court.

(2) The appeal of the decisions of the Council for electronic media for election and release of the members of the managing boards and of the general directors of the BNR and BNT, as well as of the decisions under art. 30, para 2, item 2 and 3 shall not stop their fulfilment.

Art. 39. (amend. - SG 14/09) (1) (Amend., SG 96/01) Annually, not later than March 31, the Council for electronic media shall present to the National Assembly a report on its activity for the previous year in order to be discussed and shall publish it.

(2) The Council for electronic media shall issue Information Bulletin where the taken decisions and current articles concerning the problems of the audio-visual culture, the results from the monitoring of the radio and television operators, as well as the studies of the public opinion requested by the Council for electronic media shall be published.

## Section V. Financing and remuneration

Art. 40. The Council for electronic media shall be financed by fund "Radio and television".

Art. 41. (1) For the time during which they fulfil their functions the members of the

Council for electronic media shall receive monthly remuneration in amount equal to three average monthly salaries of the persons employed in the national economy according to data of the National Institute of Statistics.

(2) (Revoked, SG 96/01)

(3) The basic monthly remuneration shall be readjusted every quarter on the basis of the average monthly salary for the last month of the preceding quarter.

## Chapter three. BULGARIAN NATIONAL RADIO AND BULGARIAN NATIONAL TELEVISION

### Section I. General provisions

Art. 42. (1) The Bulgarian National Radio and the Bulgarian National Television are corporate bodies with headquarters in Sofia.

(2) The Bulgarian National Radio and the Bulgarian National Television shall carry out operative management of the state property submitted to them before the enactment of this law.

Art. 43. The Bulgarian National Radio and the Bulgarian National Television shall create and submit for broadcasting radio and television programmes and additional information, including teletext.

Art. 44. (1) (amend. - SG 14/09) The broadcasting of radio and television programmes of BNR and BNT shall be carried out by own electronic communication networks and/or devices for terrestrial analogue broadcasting owned by BNR and BNT or on the basis of a contract with undertaking providing electronic communication services.

(2) (amend. - SG 14/09) The state undertakes the necessary measures to guarantee the distribution of the BNR and BNT programmes on the whole territory of the country when implementing policy in the sphere of electronic communications.

(3) (new – SG 41/07) The Bulgarian National Television and The Bulgarian National Radio provide broadcasting of their national programs through a satellite/satellites on the coverage on the territory of Europe and other continents, in which there are citizens of Bulgarian origin according to information of the Agency for Bulgarians abroad and through own research.

(4) (new – SG 41/07) The resources for implementation of the activities referred to in para 1 shall be provided from the state budget.

(5) (new – SG 41/07) The Bulgarian National Television and The Bulgarian National Radio shall provide their national and regional programs free of charge to enterprises, carrying out electronic communications through cable electronic communication networks for broadcasting of radio- and television programs, as well as for satellite and ground digital broadcasting.

Art. 45. (1) The Bulgarian National Radio and the Bulgarian National Television shall introduce and offer new radio and television services.

(2) The Bulgarian National Radio and the Bulgarian National Television shall create conditions for distribution and implementation of digital and other new technologies in the radio and television activity.

(3) (new - SG 14/09) The state shall fulfill its duty as per Art. 44, para 2, provided that the Council for electronic media issues licenses to BNR and BNT for broadcasting their programmes through electronic communications network for terrestrial digit broadcasting.

Art. 46. (1) The Bulgarian National Radio and the Bulgarian National Television shall have the right to conclude contracts for purchasing ready made audio and audio-visual production.

(2) The Bulgarian National Radio and the Bulgarian National Television can conclude contracts with other radio and television operators for supply, retranslation or exchange of programmes.

Art. 47. (1) The Bulgarian National Radio and the Bulgarian National Television shall have the right to create on their own programmes and broadcasts or to assign their creation to external producers, as well as to participate in joint productions.

(2) Producers of news and current publicity broadcasts of political and economical subject, included in the programmes of BNR and BNT can only be The Bulgarian National Radio and the Bulgarian National Television.

(3) The creation of audio and audio-visual production by external producers shall be carried out through a competition and conclusion of contract with BNR and BNT.

(4) The principles of the relations and the order of creation of joint productions, of holding competitions and conclusion of contracts with external producers shall be settled by the regulations adopted by the management board.

Art. 48. The Bulgarian National Radio and the Bulgarian National Television shall have the right to include free of charge in their news reports and information about events for which other radio or television operator has exclusive rights for reporting, in compliance with the Law for the copyright and related rights, obligatory announcing the source of information.

## Section II. Programmes of BNR and BNT

Art. 49. (1) The Bulgarian National Radio and the Bulgarian National Television shall create national and regional programmes; programmes for abroad, including for the Bulgarians abroad of whom the Bulgarian language is not mother tongue, including in their language.

(2) (amend., SG 79/00) The regional programmes shall report events of local importance. They shall be created by regional radio and television centres and shall be designated for both the population of the respective region and for participation in the national radio and television programmes.

(3) The territory of the regions, the regional programme schemes and the participation

of the radio and television centres with their own programmes in the creation of the national radio and television programmes shall be approved by the management boards of BNR and BNT.

Art. 50. The Bulgarian National Radio and the Bulgarian National Television shall work out their programme policy in compliance with the requirements for national public operators for radio and television activity.

Art. 51. The Bulgarian National Radio and the Bulgarian National Television shall be obliged immediately and free of charge to provide programme time for official announcements of representatives of the state bodies in cases of calamities or direct threat for the life, the security and the health of the population or individual persons.

Art. 52. (1) Right of address by BNR and BNT have the President of the Republic, the Chairman of the National Assembly, the Prime Minister, the Chief Prosecutor and the chairmen of the Constitutional Court, the Supreme Administrative Court and the Supreme Court of Cassation.

(2) By a decision of the National Assembly BNR and BNT shall be obliged to provide immediately programme time for direct broadcasting of plenary sessions.

(3) The provision of programme time under para 1 and 2 shall be free of charge.

(4) (new - SG 14/09) In order to ensure publicity and transparency of the activity of the National Assembly, BNR – as a public television operator - shall provide the National Assembly with programme time under terms and following a procedure set forth in a contract.

Art. 53. (1) The Bulgarian National Radio and the Bulgarian National Television can provide programme time for address to the believers and for broadcasting important religious ceremonies by a request of:

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

(2) The conditions and the order of providing programme time under para 1 shall be determined by the regulations for the organisation and activity of BNR and BNT.

Art. 54. The conditions and the order of providing programme time by BNR and BNT for participation in election campaigns shall be determined by a law.

### Section III. Management of BNR and BNT

Art. 55. (1) Bodies of management of the Bulgarian National Radio are:

1. the management board of BNR;
2. the general director of BNR.

(2) Bodies of management of the Bulgarian National Television are:

1. the management board of BNT;



2. the general director of BNT.

Art. 56. The general directors of BNR and BNT and the members of the management boards shall carry out their activities on the grounds of contracts assigning the management to them.

Art. 57. (1) The employer who has legal terms of employment with a person under Art. 55 shall be obliged to permit unpaid leave for the duration of the respective mandate. Upon expiration or termination of the mandate he shall be obliged to reinstate him to the previously occupied position.

(2) The persons under Art. 55 who, by the moment of election or appointment by the Council for electronic media have legal terms of employment with another employer shall have the right to terminate them under the conditions of Art. 325, item 8 of the Labour Code.

(3) The persons under Art. 55 who, by the moment of election or appointment by the Council for electronic media have legal terms of employment with higher schools or scientific organisations as lecturers with academic rank or equal to them scientists shall have the right to continue their lecturing or scientific activity during their mandate.

Art. 58. (1) The management boards of BNR and BNT shall consist of five members approved by the Council for electronic media at the proposal of the respective general directors.

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

(3) (Amend., SG 96/01) In the absence of the general director of BNT or BNR shall authorise a member of the managing board to substitute him.

Art. 59. (1) (amend. - SG 14/09) Members of the management boards of BNR and BNT can be persons of Bulgarian citizenship, residing on the territory of the Republic of Bulgaria, with higher education and professional experience in the sphere of radio and television activity of the culture, the journalism, audio-vision, electronic communications, the law or the economics.

(2) Members of the management boards of BNR, respectively of BNT, cannot be persons who:

1. have been sentenced to prison for premeditated crime of general nature;
2. sole entrepreneurs, owners of the capital of trade companies, partners, managers, procurators or members of managing and control bodies of trade companies and cooperations.
3. have been employed or have been collaborators of the former State Security.

Art. 60. (1) The mandate of the management boards of BNR and BNT shall be 3 years.

(2) One person can be elected in the management board of BNR, respectively of BNT, for no more than two mandates.

(3) One person cannot simultaneously be member of both the management boards of BNR and BNT, as well as to be a member of one of them and of the Council for electronic

media.

Art. 61. (1) The mandate of a member of management board shall be terminated ahead of terms by the Council for electronic media at the proposal of the respective general director on the grounds for termination ahead of term of a mandate of a member of the Council for electronic media.

(2) (Revoked, SG 96/01)

At. 62. The management board of BNR, respectively the management board of BNT shall:

1. determine the basic directions of development, the volume and the structure of the programme;
2. adopt regulations for the structure and organisation of the activity, for salaries, for payment to external collaborators, for the editorial activity, for the advertising activity, for keeping and using the funds and for the external and joint productions;
3. take decision for establishing expert and consultative councils and determine the order of carrying out their activity;
4. adopt the structure and the occupations of personnel, the conditions and the order of concluding contracts with external collaborators and journalists;
5. adopt the draft budget and the subsidy from the state budget included in it; send, upon co-ordination with the Council for electronic media, to the Ministry of Finance the project for subsidy for its inclusion in the draft law for the state budget;
6. adopt the budget and its distribution, the number of personnel, the average salary and the resources for salaries;
7. accept the report on the fulfilment of the budget;
8. at the proposal of the general director take decision for opening and closing regional centres and determine their statute, structure and management in co-ordination with the Council for electronic media;
9. determine professional requirements for categories of employed persons in the radio and television activities;
10. approve the occupational characteristics of the employees;
11. approve all contracts for commercials and sponsorship, as well as all other contracts of value above the fixed one by the regulations for organisation and activity;
12. approve the conclusion and the termination of the employment contracts of management officials in BNR, respectively in BNT and their divisions according to a list of the occupations specified in the regulations for the organisation and their activity;
13. settle other issues within their competence.

Art. 63. (1) The management boards of BNR and BNT shall be convened for meetings by the general directors:

1. at their initiative or
  2. at the request of at least two of the members of the boards.
- (2) The invitation for the meeting shall contain draft agenda of the meeting.
- (3) The meetings shall be considered regular if attended by members enough for taking decisions on the preliminary announced agenda.

Art. 64. The management boards of BNR and BNT shall take decision by a common majority of all members.

Art. 65. The members of the management boards shall receive from BNR, respectively from BNT, for the duration of their mandate, monthly remuneration amounting to three fourth of the monthly remuneration of the members of the Council for electronic media.

Art. 66 (1) (Suppl., SG 96/01) For general directors of BNR, respectively of BNT, shall be appointed persons meeting the requirements for member of the Council for electronic media. Required for the candidates for general director of BNR shall be no less than five years of practice in a radio, and for the candidates for general director of BNT - no less than five years of practice in a television.

(2) The mandate of the general directors of BNR, respectively BNT, is 3 years.

(3) The general directors of BNR, respectively of BNT, shall be terminated ahead of term:

1. on the grounds for termination ahead of terms of a mandate of member of the Council for electronic media;

2. if it is established that he commits or admits the commitment by other persons of gross or systematic violation of the provisions regarding the principles of carrying out the activity of the radio and television operators.

Art. 67. (1) (Prev. text of art. 67 - SG 96/01) The mandate of the general director of BNR, respectively of BNT, shall be terminated ahead of term:

1. on the grounds stipulated for termination ahead of term of a member of the Council for electronic media;

2. if it is established that he commits or admits the commitment by other persons of gross or systematic violations of the provisions regarding the principles of carrying out the activity of the radio and television operators.

(2) (New, SG 96/01) In case of termination ahead of term of a mandate of a general director and until the new election, to be held within three months, the management of the respective organisation shall be assigned to a person appointed by the Council for electronic media and meeting the requirements of art. 66.

Art. 68. The general director of BNR, respectively of BNT shall:

1. carry out the programme policy;

2. carry out the operative management of BNR, respectively of BNT and their property;

3. propose to the Council for electronic media for approval the members of the management board and shall extend proposal to the Council for electronic media for termination of their mandates ahead of term;

4. convene and chair the meetings of the management board;

5. conclude and terminate the employment contracts of the employees;

6. exercise the right of employer under the Labour Code;

7. represent BNR, respectively BNT before all individuals and corporate bodies in the country and abroad;

8. organise the working out of the draft budget and present it to the management board for approval;

9. organise the fulfilment, the conclusion and accounting of the budget and present it for adoption by the management board.

Art. 69. The general directors of BNR and BNT shall receive monthly remuneration in amount equal to the remuneration of chairman of standing commission of the National Assembly.

## Section IV. Financing of BNR and BNT

Art. 70. (1) The Bulgarian National Radio and the Bulgarian National Television shall work out, fulfil, conclude and account independent budgets.

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

(3) To the revenue of the budget of BNR and BNT shall be received:

1. financing from fund "Radio and television";
2. subsidy from the state budget;
3. own income from commercials and sponsorship;
4. revenue from additional activities related to the radio and television activity;
5. donations and inheritance;
6. interest and other income related to the radio and television activity.

(4) The subsidy from the state budget shall be:

1. for preparation, creation and broadcasting national regional programmes; the subsidy shall be determined on the basis of normative per hour of programme approved by the Council of Ministers;
2. expedient subsidy for long-term material assets according to a list annually approved by the Ministry of Finance.

(5) The expenditure part of the budget shall be made according to the classification for the expenses of the state budget.

(6) The excess of the income over the expenses at the end of the year shall be transitive remainder and shall be included in the budget for the following year.

Art. 71. The Bulgarian National Radio and the Bulgarian National Television shall assist the creation and the performance of national audio and audio-visual production allocating for new production as follows:

1. The Bulgarian National Radio shall allocate for creation and performance of Bulgarian musical and radio dramatic production no less than 5 percent of the subsidy of the state budget and fund "Radio and television";
2. The Bulgarian National Television shall allocate for Bulgarian TV films no less than 10 percent of the subsidy of the state budget and fund "Radio and television".

Chapter four.  
COMMERCIALS, RADIO AND TELEVISION MARKET AND  
SPONSORSHIP

Section I.  
General provisions

Art. 72. (1) The radio and television operators shall have the right to create and include commercials in their programmes.

(2) Individuals programmes and broadcasts of the radio and television operators can be sponsored.

(3) The commercials and the sponsorship shall be carried out by the radio and television operators according to the conditions stipulated by this law.

Art. 73. The commercials and the sponsorship shall be settled by written contracts between the radio and television operators and the commercials payer or the sponsor.

Art. 74. (1) (prev. art. 74 - amend., SG 79/00) The rules for the commercials also regard the radio, respectively the television market, unless this law provides explicitly otherwise.

(2) (new, SG 79/00) The provisions of this law shall apply respectively regarding:

1. programmes dedicated exclusively to the radio and television market, as the advertising must not exceed 15 percent of the programme time for the day;

2. programmes dedicated exclusively to self promotion, as the advertising must not exceed 15 percent of the programme time for the day and 12 minutes per hour.

Section II.  
Commercials

Art. 75. (1) The commercials must comply with the requirements for loyal competition according to the acting legislation.

(2) The commercials cannot encourage behaviour harmful to the health or the personal security of the citizens, as well as behaviour damaging the environment.

Art. 76. (1) (amend. and suppl., SG 79/00) It shall not be permitted to broadcast commercials containing pornography or inciting violence and disregard of the human dignity as well as behaviour which violates the public peace and the generally accepted moral norms. Not admitted shall be commercials with erotic contents with participation of underage and minors or designated for them.

(2) (amend., SG 79/00) It shall not be permitted to broadcast commercials based on national, political, ethnic, religious, racial, sexual and other discrimination.

(3) The commercials directed to the children or in which children participate must

avoid everything which could have negative effect on their physical, mental and moral development.

(4) The commercials directed to underage persons must meet the following conditions:

1. not to appeal to the underage to purchase commodities or use services taking advantage of their inexperience or trustfulness;

2. not to take advantage of the special trust the underage have in their parents, teachers and other persons;

3. not to show underage in dangerous situations.

4. (new, SG 79/00) not to encourage directly the minors and the underage to convince their parents or other persons to buy the commodities or the services which are advertised.

(5) (new, SG 79/00) The radio and TV market directed at minors and underage must meet the requirements of para 4, as well as not instigate the underage to conclude contracts for sale or lease of commodities and services.

Art. 77. (1) (amend., SG 79/00) Prohibited are also commercials using means of subconscious suggestions.

(2) The concealed commercials are prohibited.

Art. 78. The owner of the commercials shall be obliged not to influence the contents of the programmes.

Art. 79. The commercials cannot use the state coat-of-arms, the anthem of the Republic of Bulgaria, persons occupying elective positions in the state government, as well as the voices and the images of journalists working for the operators - anchors of news, of political and economic broadcasts.

Art. 80. (1) The commercials for commodities and services for whose production and trade special permit is required can be included in the programmes of the radio and television operators only after the commercial owner presents the necessary permit.

(2) (amend. – SG 70/06) Prohibited are any commercials for tobacco and tobacco products and for the smoking.

(3) The commercials for all kinds of alcoholic beverages must comply with the following requirements:

1. not to be directed to minors and underage persons or to be broadcast in programmes for them;

2. (suppl., SG 79/00) not to use minors and underage as performers or, in particular, present minors and underage using these beverages;

3. (suppl., SG 79/00) the contents of the commercials must not be related to sport and physical achievements or driving vehicles;

4. not to maintain that the alcoholic beverages possess therapeutic qualities, have stimulating or sedative effect or that they solve personal problems;

5. (suppl., SG 79/00) not to encourage the excessive consumption of alcoholic beverages or present the abstention or the moderation in negative light;

6. not to suggest that the high alcoholic contents contributes to the good quality of the

alcoholic beverages.

7. (new, SG 79/00) not to create impression that the using of alcohol contributes to a social or sexual success.

(4) Commercials for narcotics and other psychotropic substances shall not be admitted.

(5) The commercials for medical supplies and medical treatment shall be included in the programme only if they are complied with the requirements of the acting legislation. Commercials for medical supplies and medical treatment permitted for use only by a doctor's prescription shall not be permitted.

(6) (new, SG 79/00) Prohibited is the radio and TV market of medicines and medical treatment.

Art. 81. (amend., SG 79/00) The restrictions under art. 74, para 2 and art. 86 do not regard announcements of the radio and television operators themselves in connection with their own programme or the additional services offered by them, as well as public announcements and appeals for charity which are included in the programmes free of charge.

Art. 82. (1) The commercials must be clearly distinctive as such and to be separated from the remaining parts of the programme by visual or sound means.

(2) The commercials shall be included in the programmes in the form of commercial blocks. As an exception, the programmes can include individual commercials.

(3) The commercials shall be included in the programme between the individual elements. It can be included in the broadcast itself only on condition that its entity and quality are not violated and the copyright is guaranteed.

(4) In broadcasts consisting of individual parts the commercials can be included between these parts.

(5) For broadcasting sport events and competitions the commercials shall be included between the individual parts or in the interruptions of the event or competition.

Art. 83. (1) Commercials shall not be admitted during national celebrations and religious services.

(2) New, political and economic commentaries and analyses, documentary films and children programmes shall not be interrupted for commercials.

Art. 84. (1) (amend. SG 93/05) Entertainment programmes, as well as feature films and television films, with the exception of series, documentary films can be interrupted once in every 45 minutes on condition that the duration of the programme or the film exceeds 45 minutes. Further interruption is possible in every 20 minutes upon expiration of two complete periods of 45 minutes.

(2) (amend. SG 93/05) Between two consecutive interruptions in programs, except these of para 1 should have passed period of at least 20 minutes.

Art. 85. Paid coverage shall not be admitted during the news and political broadcasts.

Art. 86. (amend. - SG 21/06) (1) The total duration of the commercials for each individual programme cannot exceed:

1. for BNT - 15 minutes per day and night and 4 minutes per hour;
2. for BNR - 6 minutes per hour;
3. for the remaining public radio and television operators - 6 minutes per hour;
4. for the commercial operators - 15 percent of the programme time for the day and 12 minutes per hour;

5. the Bulgarian National Television shall have the right to use up to one third of the total volume of the commercial time for the day and night within 19.00 - 22.00 hours.

(2) In the programmes of the non-capital centers of BNR and BNT intended for regional broadcasting the general duration of the commercials shall not exceed 6 minutes per hour.

(3) The restrictions referred to in para 1, items 1 – 2 do not regard the commercials included in programmes at time of broadcasting art, cultural and sport activities with national and international importance defined as such by a decision of the management committees of the respective radio and television operators. In such cases regarding the duration of the commercials the provisions of para 1, item 4 shall be applied.

(4) The restriction under para 1, item 4 concerning the maximal duration of the commercials of up to 12 minutes per hour does not regard the programmes dedicated exclusively to the radio and TV market.

Art. 87. (1) The informational commercial films, interviews and announcements with commercial purpose shall be included in the total commercial time.

(2) Admitted in the presentation of the commercials under para 1 shall be the participation of journalists - anchors of news, of political and economic broadcasts.

Art. 88. (1) (amend., SG 79/00) The forms of radio and TV market are individual programmes dedicated to a radio and TV market, a market window and a market spot. The total admissible duration under art. 74, para 2 and art. 86 include the duration of the radio and TV spots.

(2) The total number of the radio and television market windows cannot be more than eight per a day and night and their total duration cannot exceed 3 hours per day and night.

(3) Every radio and television market window must have a minimal duration of 15 minutes.

(4) The restrictions under para 2 do not regard the specialised radio and television market channels.

### Section III. Sponsorship

Art. 89. The individual broadcasts of the operators can be sponsored entirely or partially.

Art. 90. (1) Sponsors of broadcasts cannot be political parties and organisations, as



well as religious organisations.

(2) Sponsors of broadcasts cannot be persons whose basic activity is the production of commodities and services prohibited for commercials.

(3) Political and economic broadcasts cannot be sponsored if they contain analyses and commentaries or whose subject is similar to the subject of activity of the sponsor.

(4) News cannot be sponsored, with the exception of the sport news, if they are separated from the other parts of the programme by visual or sound means or an individual broadcasting.

Art. 91. The sponsor shall not have the right to influence the contents and the presentation of the sponsored broadcast.

Art. 92. (1) The sponsored broadcasts cannot appeal for sale, purchase or using commodities and services of the sponsor or of third person, especially by indicating these commodities and services in the broadcasts.

(2) The name of the sponsor and/or his trade mark shall be mentioned, presented or indicated in another way, only at the beginning and/or at the end of the broadcasting.

## Chapter five.

### FINANCING THE RADIO AND TELEVISION ACTIVITY

#### Section I.

##### Fees

Art. 93. (1) For financing the public radio and television activity monthly fee shall be paid on the basis of every registered electric gauge.

(2) Fee shall not be paid for electric gauge for three-phase electricity registered for industrial purposes.

(3) The persons who do not possess radio and TV receivers or do not receive radio and television broadcasts shall declare this fact by a declaration filed with the respective office. They shall be released from payment of the fee under para 1 from the day of filing the declaration.

(4) The respective office can, at any time (revoked - Decision No 10 of the Constitutional Court of June 25, 1999 - SG, No 60/1999), carry out inspection of the correctness of the declaration. If incorrectness of the declaration is established or the person does not admit the inspection the fee shall be due in double for the entire period from the day of filing the declaration.

Art. 94. (1) The citizens shall pay monthly tax under Art. 93 amounting to 0.6 of the minimal salary for the country determined by the Council of Ministers for every registered electric gauge.

(2) Corporate persons and individuals carrying out trade activity, as well as the state and municipal organisations shall pay monthly fee amounting to 2.5 percent of the minimal

salary for the country determined by the Council of Ministers for every registered electric gauge.

Art. 95. The fee under Art 94 shall be paid together with the due amounts for electric power by the respective order through the desks of the electric supply enterprises of the "National Electric Company" Co.

Art. 96. Released from payment of fees shall be citizens with impaired hearing or sight with II degree of disability.

Art. 97. (1) Fee shall not be paid for using receivers and devices by health institutions, kindergartens and homes, educational, social and cultural institutions according to a list proposed by the respective ministries and administrative bodies and approved by the Council for electronic media, as well as if the receivers and the devices are used as monitors.

(2) The list under para 1 shall be published in the Informational bulletin of the Council for electronic media and shall be updated periodically.

## Section II. Fund "Radio and television"

Art. 98. Established is fund "Radio and television" at the Council for electronic media for financing the radio and television activity.

Art. 99. (1) Fund "Radio and television" shall be managed by a management board whose members shall be appointed by the Council for electronic media.

(2) (amend., SG 79/00, amend. SG 88/05) The management board shall obligatory include representative of the Ministry of Finance, representative of the State agency for information technologies and communications, representative of the public radio and television operators and representative of the commercial radio and television operators.

(3) The Council for electronic media shall adopt regulations for the structure and activity of fund "Radio and television" and its management board.

Art. 100. The management board shall elect among its members a chairman.

Art. 101. (1) The Council for electronic media shall appoint executive director of fund "Radio and television" who shall manage the operative activity of the fund.

(2) The executive director cannot be member of the management board.

Art. 102. (1) (Prev. text of art. 102 - SG 96/01, amend. SG 93/05) The resources of fund "Radio and television" shall be raised from:

1. the collected monthly fees for receiving radio and television programmes;
2. the initial and annual license, respectively registration fees collected by the Council

for electronic media;

3. interests of the resources collected in the fund;
4. donations and inheritance;
5. other sources determined by a law.

(2) (New, SG 96/01, amend. SG 93/05) The license and the registration fees, collected by the Council for electronic media shall cover its administrative expenses for the activities connected with the licensing, registration and the supervision over the activity for observing the conditions provided in the licenses and the conditions under which the registration has been made.

(3) (new – SG 93/05) The radio and television operators shall pay fees as follows:

1. initial license fee, including:
  - a) for check of the regularity of the documents;
  - b) for issuing the license;
2. initial registration fee including:
  - a) for check of the regularity of the documents;
  - b) for implementing the registration and for issuing of certificate;
3. annual fee:
  - a) for supervision over the activity of the licensed radio and television operator for observing the law and the conditions under which the license is issued;
  - b) for supervision over the activity of the registered radio and television operator for observing the declared program project, program concept, program profile or program scheme;
4. fee for change and supplement of the license, respectively for changes in the registered circumstances, including:
  - a) for considering the application;
  - b) for implementing the changes;
5. fee for extending the term of the license;
6. fee for issuing of duplicate of the license, respectively the certificate for registration.

(4) (new – SG 93/05) The extent of the initial license, respectively registration fee shall be determined according to the necessary administrative expenses for the preparation and the issuing of the license, respectively the registration on the basis of the following criteria:

1. number of the registered residents who can be serviced by the licensed, respectively registered activity;
2. territorial range of the activity;
3. kind of the licensed or registered activity.

(5) (new – SG 93/05) The extent of the annual fee shall be determined according to administrative expenses of the Council for electronic media for:

1. the supervision for observing the conditions for radio and television activity – for the annual license fee;
2. the supervision of the observing of the declared by the registered operators program project, program concept, program profile or program scheme – for the annual registration fee.

(6) (new – SG 93/05) The extent, the terms and the ways of payment the fees of para 3 shall be determined with Tariff for the fees for radio and television activity approved by the Council of Ministers. The Tariff shall be submitted to the Council of Ministers by the Minister of Culture on proposal by the Council for electronic media.

(7) (new – SG 93/05) The fees of para 3 shall be determined in compliance with the

following principles:

1. equality of the radio and television operators;
2. proportionality with regard to the administrative expenses;
3. encouragement of the competition and the rendering of new services;
4. satisfaction of the needs of the society for high quality radio and television services.

(8) (new – SG 93/05) The licensed radio and television operators shall pay equal license fees upon equal kind and range of the licensed radio and television activity.

(9) (new – SG 93/05) The revenues from the fees of para 3 shall be administered by the Council for electronic media.

Art. 103. (1) The resources of fund "Radio and television" shall be spent for:

1. financing BNR and BNT;
2. financing the Council for electronic media;
3. financing projects of national importance related to the implementation and using of new technologies in the radio and television activity;
4. financing important cultural and educational projects;
5. financing projects and activities designated to expand the broadcasting of radio and television programmes for population and/or territory;
6. the management of the fund;
7. "The National electric Company" Co. in connection with the collection of the fees under Art. 93.

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

1. preparation, creation and broadcasting national and regional programmes according to a normative for hour of programme, determined by the Council for electronic media at the proposal of BNR and BNT;
2. expedient financing for long-term material assets.

(3) The Council for electronic media shall open non-budget account in the Bulgarian National Bank for keeping the resources of fund "Radio and television".

Art. 104. The excess of the income over the expenses at the end of the year shall be considered transient remainder and shall be used during the following year according to its purpose.

## Chapter six.

# LICENSING AND REGISTRATION OF RADIO AND TELEVISION OPERATORS (Amend., SG 96/01)

## Section I.

### General Provisions

Art. 105. (1) (Amend., SG 96/01, Suppl. SG 77/02; amend. - SG 14/09) Radio and television activity related to creation of programmes intended for distribution through

electronic communication networks where individual scarce resource – radio frequency spectrum is used on the grounds of individual licences issued by the Council for electronic media under the terms and following the procedure of this law.

(2) (amend., SG 79/00; amend. – SG 10/07, in force from 01.01.2007; amend. - SG 14/09) The following persons can apply for carrying out radio and television activity:

1. natural persons - sole traders and legal persons registered according to the Bulgarian legislation.

2. legal persons, registered under the legislation of a European Union Member State, or of another state – member of the Agreement of the European Economic Area.

(3) (amend. and suppl., SG 79/00, amend. SG 93/05; amend. - SG 14/09) The Bulgarian National Radio and the Bulgarian National Television shall carry out radio and television activity as national public operators on the grounds of licences granted without conducting competition, or on the grounds of registrations.

(4) Applicants for issuance of licence cannot be:

1. (amend., SG 79/00; amend. - SG 14/09) legal persons to whom it has been refused or withdrawn the permit for insurance activity;

2. corporate bodies of which the corporate bodies under item 1 or the partners and share holders possess shares;

3. (suppl., SG 79/00) corporate bodies, individuals and sole entrepreneurs who cannot prove the ownership of the property or of the capital according to Art. 6 of the Law for the measures against money laundry;

4. (suppl., SG 79/00) corporate bodies, individuals, sole entrepreneurs in which the corporate bodies under item 3 or the partners or share holders possess shares;

5. (suppl., SG 79/00) individuals, sole entrepreneurs and corporate bodies who, during the last five years preceding the applying for licence have been declared insolvent or are under proceedings for declaring insolvency or liquidation;

6. corporate bodies where, as partners or share holders participate persons included in the list under Art. 3, para 1 of the Law for the information regarding the credits which are not reimbursed;

7. (suppl. - SG 14/09) corporate bodies with partners or share holders who are partners or share holders of corporate bodies with registered subject of activity "advertising" or carry out advertising activity as well as natural persons – sole traders, whose registered subject of activity is "advertising" or who actually carry out advertisement activity;

8. (revoked - SG 14/09)

9. (revoked - SG 14/09)

10. (new, SG 79/00) sole entrepreneurs and corporate bodies who, during the last year, preceding the application for licence, have received a refusal for the same kind of licensed activity or the licence issued according to this law has been withdrawn.

(5) (new, SG 79/00) The Council for electronic media shall assign the inspection under para 4 to the respective competent bodies.

(6) (New, SG 96/01; amend - SG 10/07, in force from 01.01. 2007) The candidates for licence must present to the Council for electronic media the following documents according to the requirements of this Article:

1. (amend SG 10/07, in force from 01.01. 2007) a certificate of current status, and for foreign persons – the relevant document, issued not earlier than one month preceding the date of submission of the application under Art. 111;

2. documents proving the origin of the capital for the last three years, including

endorsed accountancy report, considered from the date of filing the documents;

3. a list of the media enterprises in which they are stock holders or partners.

Art. 106. (1) The licence shall be personal.

(2) (Amend., SG 96/01) The transfer of a licence shall be permitted by the Council for electronic media in compliance with the requirements for the persons for initial licensing.

(3) (New, SG 96/01, amend. SG 112/01; amend. - SG 14/09) In case of transfer of a licence for radio and television activity issued by the order of art. 116, 116a, 116b, 116c and 116d the Council for electronic media shall inform the Communications Regulation Commission thereof.

(4) (new - SG 14/09) Within 10 days from the notification under para 3 the Communications Regulation Commission shall transfer the authorization for use of individual scarce resource – radio frequency spectrum for broadcasting electronic communications through available and/or new terrestrial analogue radio broadcasting communication networks to the person to whom the respective licence for radio and television activity has been transferred, provided that the terms and procedure set forth in Art. 121, para 2 and Art. 122 of the Law on Electronic Communications have been observed.

Art. 107. (Revoked, SG 96/01)

Art. 108. At the time of presentation of the documents for obtaining licences under Art. 111 the candidates shall declare that they do not possess shares, stock or other rights of participation in radio and television operators above the admissible amount according to the anti-monopoly legislation of the Republic of Bulgaria.

Art. 109. (Amend., SG 96/01) (1) The licences shall be issued for a period of up to 15 years. The term can be extended by a decision of the Council for electronic media upon request of the licensed person, as the total duration cannot be longer than 25 years.

(2) (amend. - SG 14/09) The term of the authorization for use of scarce resource – radio frequency spectrum for broadcasting electronic communications through available and/or new terrestrial analogue radio broadcasting communication networks must correspond to the term of the licence under this law.

Art. 110. (1) The licence for radio and television activity shall contain:

1. the name (the firm) and the headquarters of the radio operator or television operator;

2. the type (public or commercial);

3. the date of issuance of the licence;

4. the initial date of broadcasting of the programme;

5. the range of broadcasting;

6. the validity of the licence;

7. (suppl. - SG 14/09) the technical and other requirements for the programmes, including requirements for provision of programmes for non-coded broadcasting.

(2) (suppl., SG 79/00, amend. SG 93/05) The licence shall include the obligations for

observing the requirements under Art. 6, para 3 and Art. 7 and the principles for carrying out radio and television activity under Art. 10 and 19, para 1, including a period and schedule for achieving the ratios stipulated by art. 10, para 2 and 3.

## Section II. Order of issuance of licences

Art. 111. (1) (Amend., SG 96/01; prev. Art. 111 – SG 10/07, in force from 01.01.2007) The candidates for licence for radio and television activity shall file written application to the Council for electronic media accompanied by:

1. act of constitution;
2. (amend. - SG 34/06, in force from 01.10.2006; suppl. - SG 14/09) certificate of commercial registration or documents certifying the establishment of a legal entity, issued not earlier than a month prior to the date on which the application has been submitted;
3. (amend. - SG 105/05, in force from 01.01.2006) a certificate under Art. 87, Para 6 of the Tax-insurance Procedure Code;
4. proposal for means of broadcasting of the programmes;
5. declaration under Art. 108;
6. declaration that there are no circumstances under Art. 105, para 4;
7. proof of the financial capacities for fulfilment of the activity;
8. programme project, programme concept, programme profile, programme scheme, list of the additional radio and television services;
9. (amend. - SG 14/09) draft contracts for ceded copyright for protected work in the programmes and for ceded related rights for ceded broadcasting of foreign programmes.

(2) (new - SG 14/09) The candidates for radio and television activity license must attach to the documents under para 1 the following:

1. documents proving the origin of the capital for the last three years, including certified annual report from the date the documents have been submitted;
2. documents certifying the structure of the capital and the ownership distribution therein;
3. a list of the media undertakings in which they are stock-holders or partners.

(3) (new – SG 10/07, in force from 01.01.2007; prev. text of para 2, suppl. - SG 14/09) The application and the documents under paras 1 and 2 shall be submitted in Bulgarian language.

Art. 112. (1) (Amend., SG 96/01) The Council for electronic media shall check up the regularity of the filed documents under Art. 111.

(2) When omissions and shortcomings are found in the documents under Art. 111 the candidate shall be allowed 7 days for their removal and this period shall begin from the moment of the notification. If the omissions and shortcomings are not removed until the expiration of the period the documents of the candidate shall not be considered.

Art. 113. (Revoked, SG 96/01)

Art. 114. (Amend., SG 96/01) The members of the Council for electronic media and its employees, as well as the members of the competition commission shall be obliged to protect the secret of the information contained in the documents of the candidates.

Art. 115. (Amend., SG 96/01; revoked - SG 14/09)

Art. 116. (Amend., SG 96/01) (1) (suppl. SG 77/02; amend. - SG 14/09) For carrying out radio and television activity by using available and/or new electronic communication networks for terrestrial analogue broadcasting a licence shall be issued upon a competition in compliance with the strategy of Art. 8, para 3.

(2) The procedure of holding competition shall be opened upon request of an interested person or by initiative of the Council for electronic media. In the request to the Council for electronic media the person can indicate the wanted point of broadcasting and territorial range.

(3) (amend. - SG 112/01; suppl. - SG 14/09) The Council for electronic media, within 14 days from receiving the request under para 2, shall require in writing from the Communications Regulation Commission information regarding the technical parameters necessary for terrestrial analogue radio broadcasting of radio and television programmes for a populated area, region or for the entire territory of the Republic of Bulgaria, including the free radio frequencies, the admissible capacities of broadcasting, the possible points of broadcasting, as well as other necessary technical information.

(4) (suppl. SG 77/02; amend. and suppl. - SG 14/09) The Communications Regulation Commission shall present to the Council for electronic media its decision on the request within three months, and when is required international coordination of the radio frequencies and radio frequency bands, as well as the technical characteristics of the radio equipment which will be used - within 8 months, observing the requirements for the efficient use of the radio frequency spectrum in compliance with the strategy of art. 8, para 3.

(5) (Amend. SG 112/01; amend. - SG 14/09) In those cases where there is available radio frequency spectrum, the Communications Regulation Commission shall enclose a draft authorization for use of individual scarce resource - radio frequency spectrum to the decision under para 4 according to the request.

Art. 116a. (New, SG 96/01) (1) (amend. SG 77/02) Within 14 days from receiving the reply and in compliance with the strategy of art. 8, para 3 the Council for electronic media shall take a decision for opening competition or competitions in compliance with the available free radio frequency spectrum.

(2) The decision under para 1 shall be promulgated in the State Gazette and shall contain the date, the place and the hour of holding the competition, the term and the place of filing applications for participation, the place, the term and the order of purchasing the competition papers.

(3) The competition papers shall contain:

1. (amend. - SG 14/09) draft authorization under Art. 116, para 5 according to the available free individual scarce resource - radio frequency spectrum;
2. required rate of development and/or servicing;
3. requirements for protection of the environment;



4. quality requirements;
5. requirements related to the creative, financial and technical capacities and experience;
6. criteria for assessment and their relative importance in determining the complex assessment, by observing the requirement for priority of the assessment of the programme project.

(4) The competition shall be held not earlier than 30 days from the promulgation of the decision under para 1. If several competitions are announced in compliance with the available radio frequency spectrum they shall be held simultaneously.

(5) (new - SG 14/09) In case within three months from the receipt of the response as per Art. 116, para 4 the Council for electronic media has not taken a decision for initiation of a competition(s) according to the available radio frequency spectrum, the Communications Regulation Commission may propose review of the purposes for which the scarce resource has been provided, following a discussion with the Council for electronic media, according to the state policy on planning and distribution of the radio frequency spectrum.

Art. 116b. (New, SG 96/01) The candidates for the licence for radio and television activity shall file application for participation in the competition enclosing the following competition documents:

1. the documents under art. 111;
2. (amend. - SG 14/09) advance technical project for using available and/or new electronic communication networks for terrestrial analogue radio broadcasting according to the competition papers;
3. project of business plan for carrying out the activity;
4. declaration of protection of the confidentiality of the information contained in the competition papers;
5. 5. documents proving the payment of competition papers;
6. other documents related to the competition procedure.

Art. 116c. (New, SG 96/01, amend. SG 112/01) (1) The Council for electronic media shall appoint a chairman and members of an expert commission for holding the competition which shall obligatorily include members of the Council for electronic media and of the Communications Regulation Commission. Participants in the commission can also be experts from other interested administrative bodies and organisations. The chairman of the Council for electronic media shall issue an order for appointment of the expert commission. The members of the commission shall sign a declaration for confidentiality of the information having become known to them in the process of the competition.

(2) (Amend. SG 112/01; amend. - SG 14/09) The Council for electronic media, on the grounds of the competition documents, the criteria under art. 116a, para 3, item 6, the report of the expert commission and a complex assessment for most complete fulfilment of the competition requirements, shall classify the candidates and shall take decisions for issuance of licence for radio or television activity and of authorization for use of scarce resource – radio frequency spectrum for broadcasting electronic communications through available and/or new terrestrial analogue radio broadcasting communication networks by the Communications Regulation Commission to the candidate rated first.

(3) (suppl. - SG 14/09) Licence for radio and television activity for the territory of the Republic of Bulgaria shall not be issued to a person or persons related to him in the context of

the Commercial Law who hold licences of the same kind for radio and television activity with regional or local range, unless they renounce it, with exception of the cases under Art. 49 or upon terrestrial digital radio broadcasting.

(4) (Amend. SG 112/01; amend. - SG 14/09) Within three days from the enactment of the decision under para 2 the Council for electronic media shall inform the Communications Regulation Commission. Within ten days the Council for electronic media shall issue licence for radio and television activity and the Communications Regulation Commission shall issue authorization for use of individual scarce resource – radio frequency spectrum for broadcasting electronic communications through available and/or new terrestrial analogue radio broadcasting communication networks.

Art. 116d. (New, SG 96/01) (1) (amend. - SG 14/09) If within 10 days from the decision of the Council for electronic media the approved candidate gives up the issuance of the licence for radio and television activity and the authorization as per Art. 116c, para 4, it shall be offered to the participant rated second.

(2) For refusal by the second participant as well the procedure shall be closed.

## Section II.

### Radio and television activity related to creation of programmes, intended for distribution through electronic communication networks for terrestrial digital broadcasting (new – SG 14/09)

Art. 116e. (new – SG 14/09) (1) Radio and television activity for creation of programmes intended for distribution through electronic communications network for terrestrial analogue radio broadcasting shall be carried out on the grounds of license, granted by the Council for electronic media according to this Law.

(2) The license mentioned in para 1 entitles undertakings with authorizations for use of individual scarce resource – radio frequency spectrum for broadcasting electronic communications through available and/or new terrestrial analogue radio broadcasting communication networks issued by the Communications Regulation Commission to distribute the programmes, the territorial coverage being specified in the authorization.

(3) Undertakings under para 2 shall be entitled to distribute licensed television programmes the type and profile of which has been:

1. defined by the Council for electronic media according to Art. 116g;
2. coordinated with the Council for electronic media according to Art. 116h

Art. 116f. (new – SG 14/09) (1) The procedure for issue of licenses for radio and television activity related to national/regional programmes, which can be distributed by electronic communications network for terrestrial digital broadcasting, shall be initiated upon request by interested party or upon initiative of the Council for electronic media or of the Communications Regulation Commission.

(2) The Council for electronic media shall announce its decision on initiation of a procedure for issue of licenses under para 1 on its web site in the Internet and in the State Gazette. The term and place for submitting applications shall be specified in the decision.

(3) The candidates for licenses shall also attach to their applications as per para 2 proof of the opportunities to provide quality own production, as well as a draft business plan for their activity, and those, who are not entered in the register as per Art. 125b shall also enclose the documents specified in Art. 111.

(4) Within seven days from the expiry of the term under para 2 the chairman of the Council for electronic media shall appoint an expert committee which shall include three members of the Council for electronic media and two members of the Communications Regulation Commission.

(5) The members of the expert committee under para 4 shall examine the submitted applications for issue of a license on the grounds of the following criteria:

1. originality and variety of the programme;
2. opportunities for creation and provision of own production;
3. state of preparedness and states of full-time (24 hour) broadcasting of the programme;
4. proven experience as a radio or television operator.

(6) The expert committee shall propose to the Council for electronic media to grant or to refuse granting of a license to each of the candidates

(7) When adopting a decision for granting license or upon refusal of granting such, the Council for electronic media shall take into consideration the following principles:

1. guaranteeing the right of information of the citizens of the Republic of Bulgaria;
2. establishing favourable conditions for media variety and pluralism;
3. preservation of national identity.

(8) The number of licenses is not limited.

(9) The Council for electronic media shall pronounce in 30 days term from the appointment of an expert committee under para 4 by the decision as per para 7, provided that the Council for electronic media grants licenses for television activity.

Art. 116g. (new – SG 14/09) (1) The Council for electronic media shall determine the type and the profile of the licensed Bulgarian television (radio) programmes, which are being obligatorily distributed by terrestrial digital broadcasting networks, by a reasoned decision.

(2) The number of the programmes under para 1 may not exceed two programmes per each electronic communications network for terrestrial digital broadcasting.

Art. 116h. (new – SG 14/09) (1) Within one month from the issue of an authorization pursuant to the Law on Electronic Communications the undertaking under Art. 116e, para 2 shall propose to the Council for electronic media the type and the profile of the licensed television programmes, which are to be distributed by them through an electronic communications network for terrestrial digital broadcasting.

(2) Within one month from the submission of the proposal under para 1 the Council for electronic media shall conduct consultations with the undertaking, taking into consideration the offered type and profile of the programmes and the principles as per Art. 116f, para 7.

(3) Within seven days from the expiry of the term under para 2 the Council for electronic media shall approve the type and profile of the licensed television programmes which are to be distributed by the terrestrial digital radio broadcasting networks.

(4) Omission of any decision within the term fixed in para 3 shall be considered as

approval of the type and profile of the programmes which will be distributed by the terrestrial digital radio broadcasting network, proposed by the undertaking.

Art. 116i. (new – SG 14/09) (1) Undertaking that has been granted a license by the Communications Regulation Commission for use of individual scarce resource – radio frequency spectrum for broadcasting electronic communications through available and/or new terrestrial analogue radio broadcasting communication networks, may not be radio and television operator.

(2) The restriction under para 1 shall also apply to connected persons within the meaning of the Commercial Law with the undertaking referred to in para 1.

### Section III.

#### Supervision, amendment and termination of the licence

Art. 117. (1) (amend. – SG 96/01; prev. Art. 117 – SG 105/06, in force from 01.01.2007) The supervision for the observance of this law and the requirements under the licence shall be carried out by the respective officials from the Council for electronic media.

(2) (new – SG 105/06, in force from 01.01.2007). In the course of carrying out their duties the officials of par. 1 shall have the right:

1. of access to all documents, related directly or indirectly to violation of this law or of the legislation of the European Union Member States, introducing the Directive 89/552/EEC of the Council for Television Radio Broadcasting, last amended with Directive 97/36 EO of the European parliament and the Council, regardless the form of the document;

2. to order each person to provide information about violations under item 1, known to him/her;

3. to carry out inspections on the spot.

(3) (new – SG 105/06, in force from 01.01.2007) The Chairperson of the Council for Electronic Media shall have the right to:

1. order in writing the violator to cease the violation under par. 2, item 1;

2. require from the violator to declare that he/she shall cease the violation under par. 2, item 1 and, if appropriate, to oblige him/her to make the declaration public;

3. order termination or prohibition of each violation under par. 2, item 1 and, if appropriate, to make the order for termination or prohibition of the violation public.

Art. 118. (Amend., SG 96/01) For established offences the Council for electronic media shall be obliged within one month to consider and discuss the presented documents and take decision for imposing proprietary sanctions under this law and/or revoking of the licence.

Art. 119. (1) (Amend., SG 96/01) For established change of the activity of licensed radio or television operator from public to commercial the Council for electronic media shall take decision for termination of the licence.

(2) The person under para 1 shall have the right to apply for licence as commercial radio and television operator.

(3) The person under para 1 shall have the right to request amendment of his licence

when it is necessary to change the nature of his activity into commercial.

Art. 120. (Amend., SG 96/01) In the cases under Art. 119 the Council for electronic media shall take decision for amendment or termination of the licence.

Art. 121. (1) (Prev. text of art. 121 - SG 96/01) The licence shall be terminated:

1. with the expiration of its term;
2. by its withdrawal;
3. (suppl., SG 79/00) the closing down of the corporate body or death of the individual - sole entrepreneur.
4. (new, SG 79/00) ahead of term, upon request of the licensee.

(2) (New, SG 96/01, amend. SG 112/01; amend. – SG 14/09) Upon termination of the licence for radio and television activity issued according to Art. 116, 116a, 116b, 116c and 116d the Council for electronic media shall require from the Communications Regulation Commission termination of the authorization for use of individual scarce resource – radio frequency spectrum for broadcasting electronic communications through available and/or new terrestrial analogue radio broadcasting communication networks.

Art. 122. The licence shall be revoked for:

1. gross violation of the principles of the radio and television activity;
2. (amend., SG 79/00, amend. SG 93/05) systematic offences of the provisions under Art. 7, 10, art. 13 para 4 and Art. 19, para 1;
3. establishment of false data in the declarations under Art. 111.

Art. 123. (Amend., SG 96/01) (1) The revoking of licence for radio or television operator shall be carried out by the Council for electronic media by a motivated decision. The revoking shall be carried out upon written warning containing a definite term for removal of the offence. The revoking shall be carried out in all cases upon imposing two proprietary sanctions for one and the same offence.

(2) The Council for electronic media shall revoke the licence if within the term under para 1 the licensed person has not removed the offence.

(3) The decision for revoking shall determine a term during which the person cannot apply for a new licence and which cannot be shorter than two years.

Art. 123a. (New, SG 96/01, amend. SG 112/01; amend. – SG 14/09) In case of revoking a licence for radio and television activity issued by the order of art. 116, 116a, 116b, 116c and 116 d the Council for electronic media shall inform the Communications Regulation Commission which, within 10 days, shall terminate the issued authorization for use of scarce resource – radio frequency spectrum for broadcasting electronic communications through available and/or new terrestrial analogue radio broadcasting communication networks.

Art. 124. (amend., SG 79/00) With the withdrawal of the licence the licensee shall be obliged to terminate its radio and television activity.

Art. 125. (Amend., SG 96/01) (1) Not later than 6 months before the expiration of the term of the licence the licensee must declare intention for extending the term of the licence.

(2) The Council for electronic media shall consider the request for extension of the term of the licence according to para 1 and within 3 months before expiration of the term of the licence shall take a decision on the request and shall inform in writing the licensee.

(3) (Amend. SG 112/01; amend. – SG 14/09) In the cases of positive decision of the Council for electronic media according to para 2, when the licence is issued by the order of art. 116, 116a, 116b, 116c and 116d the Council for electronic media shall inform the Communications Regulation Commission which, within 10 days, shall extend the term of the issued authorization for use of individual scarce resource – radio frequency spectrum for broadcasting electronic communications through available and/or new terrestrial analogue radio broadcasting communication networks.

## Section IV.

### Registration of radio and television operators (New, SG 96/01; title amend. – SG 14/09)

Art. 125a. (New, SG 96/01; amend. – SG 14/09) (1) Persons who wish to create radio or television programmes shall be subject to registration and shall meet the following requirements:

1. observing the principles as per Art. 10, para 1;
2. respecting human dignity;
3. ensure the determined ratio within the annual programme time intended for European production, and for products, created by external producers;
4. protection of minors;
5. observing copyright and related right according to the legislation in force;
6. providing information to the Council for electronic media.

(2) Those wishing to register shall file applications to the Council for electronic media to which shall be enclosed the documents as per Art. 111.

(3) The Council for electronic media shall adopt a decision on the application for registration within 14 days from submission of the application. May not be imposed restrictions related to the distribution scope of the programme. Upon any incompleteness or irregularity of the documents, art. 112, para 2 shall be applied.

(4) The Council for electronic media can refuse registration, in case:

1. as regards to the person there are circumstances under Art. 105, para 4, or
2. the presented programme project, programme concept, programme profile or programme scheme contradict the provisions of the law or
3. the irregularities under para 3 are not removed by the deadline.

(5) On the grounds of the decision under para 3 a certificate of registration shall be granted to the applicant, containing:

1. the name (the company) and the headquarters of the radio or television operator;
2. name of the programme and the manner of its distribution;
3. the type (public or commercial);
4. the programme profile;
5. initial date of broadcasting the programme.

(6) The registered operator shall be obliged to inform the Council for electronic media about the conditions, the location, the programme time and the way of broadcasting, as well as about every change in them within 14 days from its occurrence.

(7) The registrations shall be termless.

Art. 125b. (New, SG 96/01; amend. – SG 14/09) (1) The Council for electronic media shall keep a register containing:

1. the data under Art. 125a, para 5;
2. data about the legal and natural persons exercising control over the management of the operator;
3. data about the managing bodies, including staff;
4. circumstances related to commercial securities subject to entry;

(2) The register under para 1 is public and shall be published on the web page of the Council for electronic media.

(3) Upon change of any of the circumstances provided in para 1 which are entered in the register, the registered operator shall announce the amendment to the Council for electronic media in 30-days term from its occurrence.

Art. 125c. (new – SG 14/09) The undertakings broadcasting Bulgarian and foreign programmes shall be obliged to present to the Council for electronic media an updated list of the broadcasted programmes and the documents related to the acquisition of distribution rights in every 6 months.

Art. 125d. (new – SG 14/09) (1) The public register as per Art. 125b shall be kept by the Council for electronic media, and it shall be divided into three individual sections:

1. First section, including Bulgarian radio and television programmes that can be distributed on the territory of the Republic of Bulgaria through cable and satellite;
  2. Second section, including foreign programmes that can be distributed on the territory of the Republic of Bulgaria through cable and satellite and:
    - a) are created in a Member State of the European Union or another state, party to the Agreement on the European Economic Area.
    - b) are created by foreign persons, other than the ones referred to in letter "a" ;
  3. Third section, including radio and television programmes distributed via:
    - a) available and/or new terrestrial analogue radio broadcasting communication networks;
    - b) electronic communication networks for terrestrial digital broadcasting.
- (2) Programmes, which are not intended mainly or exclusively for Bulgarian audience, but however are being distributed through electronic communication networks for terrestrial digital broadcasting on the territory of the Republic of Bulgaria, shall be subject to registration and shall be included in Section one of the public register under para 1, item 1.

Art. 125e. (new – SG 14/09) (1) The Council for electronic media shall delete the registration by a decision, in case:

1. it is established that the requirements of Art. 125a, para 1 have not been observed;
2. circumstances as per Art. 125a, para 4, item 1 take place.

(2) The Council for electronic media might delete the registration by a decision, in case:

1. the registered programme is not being broadcasted for a period, longer than 12 consecutive months since its entry in the register or during any period after the registration;
  2. circumstances as per Art. 125a, para 4, item 2 take place;
  3. the operator fails to fulfill his duties as per Art. 125a, para 6 or Art. 125b, para 3.
- (3) The registration shall be deleted if the operator does not remove the circumstances enlisted in para 2 in 30-days term after he has been warned to do so.

Art. 125f. (new – SG 14/09) (1) The Council for electronic media shall point out the reasons and the purposes for requiring the information as per Art. 125a, para 1, item 6 for each individual case.

(2) Upon provision of the information referred to in para 1 the radio and television operators shall define explicitly which part of the said information constitutes a trade secret.

(3) The Council for electronic media shall adopt rules for the handling and the access to the information under para 2.

(4) The members of the Council for electronic media and the employees of the administration are obliged not to disclose the information under para 2.

(5) In those cases where the information under para 1 is requested in relation to the membership of the Republic of Bulgaria in the European Union, the Council for electronic media shall oblige the recipients of the said information to keep the trade secret according to para 2.

## Chapter seven.

### ADMINISTRATIVE AND PUNITIVE PROVISIONS

Art. 126. (1) (suppl., SG 79/00, amend. SG 93/05) For violation of the provisions of Art. 10, para 2 and 3, Art. 11 - 14, Art. 16 - 18, art. 19, para 1 Art. 73, Art. 75 - 80, Art. 82 - 86, Art. 90 - 92 for the radio and television operators shall be imposed proprietary sanctions from 2 million to 15 million levs.

(2) For repeated violation shall be imposed proprietary sanction in double amount.

(3) (amend. SG 93/05) For violations under Art. 19, para 1 shall apply the administrative and punitive provisions of the Law for the copyright and its related rights.

(4) (new – SG 93/05) For violating the provision of art. 19, para 2 to the radio and television operators shall be imposed proprietary sanction in extent from 2000 to 5000 levs. At second violation the proprietary sanction shall be imposed in double amount.

Art. 126a. (New, SG 96/01) (1) For violation of the conditions of the issued licence, which does not represent an offence according to art. 126, shall be imposed proprietary sanction of 500 levs to 5000 levs.

(2) Proprietary sanction in double size shall be imposed for repeated offence.

(3) (amend. – SG 14/09) In case of violation of the requirements of Art. 125a, para 1, as well as upon breach of the programme project, programme concept, programme profile or programme scheme declared by the registered operator a proprietary sanction shall be imposed



on the registered operator amounting from 3000 levs to 10 000 levs.

(4) (new – SG 14/09) In case the requirements laid down in Art. 125a, para 1 have been violated and circumstances under Art. 125a, para 4, items 1 and or 2 have occurred as a result of it, the registered operator shall be punished by a proprietary sanction amounting from 3000 levs to 10 000 levs.

(5) (new – SG 14/09) In case the requirements laid down in Art. 125a, para 6 or Art.125b, para 3 have been violated, the registered operator shall be punished by a proprietary sanction amounting from 2000 levs to 5000 levs.

(6) (new – SG 14/09) In case the requirements laid down in Art. 125c have been violated, proprietary sanction shall be imposed, as follows:

1. in case of non-provision of information within the fixed term or provision of untrue or incomplete information – from 2000 to 5000 levs.

2. in case of broadcasting programmes without their rights being arranged properly – from 5000 to 20 000 levs.

(7) (prev. text of para 4 – SG 14/09) In case of systematic violation of the law by the registered operator, the registration shall be deleted.

Art. 126b. (new – SG 105/06, in force from 01.01.2007) (1) For non-fulfillment of an instruction under Art. 117, par. 2, item 2 and par. 3 proprietary sanction of 500 to 2000 BGN shall be imposed.

(2) In case of repeated violation a doubled proprietary sanction shall be imposed.

Art. 126c. (new – SG 14/09) (1) A person, who, without being granted a license, provides for broadcasting radio and television programmes which are to be distributed only on the grounds of a license issued according to this law, shall be punished by a proprietary sanction amounting from 2000 levs to 10 000 levs.

(2) A person, who provides for broadcasting radio and television programmes without registration, shall be punished by a proprietary sanction amounting from 5000 levs to 20 000 levs.

Art. 127. (1) The offences shall be established by the officials of the Council for electronic media.

(2) (amend., SG 79/00) The penalty decrees shall be issued by the chairman of the Council for electronic media.

(3) The establishment of the offences, the issuance, the appeal and the fulfilment of the penalty decrees shall be carried out by the order of the Law for the administrative offences and sanctions.

(4) (new, SG 79/00, suppl. SG 93/05) In the presence of information for violation under art. 19, para 1 the officials of the Council for electronic media shall approach the respective officials according to the Law for the copyright and the related rights with 7 days from the finding.

## Additional provisions

§ 1. In the context of this law:

1. (amend. - SG 14/09) "Broadcasting" is the initial broadcasting or emission, regardless of the technology used, of radio or television programme designated for receiving by viewers or listeners. It also includes the exchange (retransmission) of programmes among operators in order to be received by the audience. It does not include electronic communication services for individual use.

2. "Creation" is a creative act including the idea of the author and its audio-visual realisation with the purpose of creating production or programme.

3. (amend., SG 79/00) "Programme" is a system of all elements created and broadcast by the operator and which is bearer of definite contents distributed in hourly scheme.

4. (Amend., SG 96/01) "Broadcast" is an independent part of a programme different from the others by authorship, contents, and/or audio-visual realisation.

5. (amend. - SG 14/09) "Systematic" is the offence under a chapter of this law committed three or more times within a period of one year.

6. "Bulgarian audio and audio-visual works" are works created or realised exclusively or in association with Bulgarian citizens, created on the basis of works of Bulgarian citizens. Bulgarian shall also be considered the works created on the basis of bilateral agreements between Bulgarian and foreign producers, on condition that the Bulgarian producers have prevailing financial participation in the total expenses for the production and this production is directed by one or several Bulgarian producers.

7. (amend., SG 79/00) "European works" are:

a) works originating from a country - member of the European union, created predominantly by authors and persons with residence in such a country or in a country which is not a member of the European Union but which is a party to the European Convention for cross-border television if the work meets at least one of the following requirements:

- the producer is located in some of the above countries;
- its creation is observed and actually controlled by a producer located in some of these countries;
- the share of the producers from such a country of the total production expenses must be dominant and the co-production must not be controlled by one or more producers located out of these countries;

b) works originating from the Republic of Bulgaria or from other European country which is not member of the European Union, but which is a party to the European Convention for cross-border television, if works originating from countries - members of the European Union, are not subject to discrimination measures in the country, created predominantly by authors and persons whose residence is in such a country or in a country - member of the European Union, on condition that they meet at least one of the requirements under letter "a";

c) works originating from an European country which is not a member of the European Union, neither a party to the European Convention for the cross-border television, if works originated from countries - members of the European Union are not subject to discrimination measures in this country, created exclusively or in co-production with producers settled in one or more countries - members of the European Union, with whom the European Union has concluded agreements in the sphere of the audio-vision, if these works have been created predominantly by authors and persons with residence in one or more European countries;

d) works which, without being included in the application field of letter "a", have been created within the frames of bilateral contracts for co-production, concluded between

countries - members of the European Union and other countries, if co-producers from the European Union cover the predominant part of the total expenses of the production and this production is not controlled by one or more producers settled outside the territory of the European Union;

e) works which, without being included in the application field of letters "a" and "d", have been created predominantly by authors and persons with residence in one or more countries - members of the European Union, but only to an extent corresponding to the share of the co-producer from the European Union of the total production expenses

8. "Important event" is an event of social, political, economic, sport or entertainment nature which regards the interests of the prevailing part of the audience.

9. "Exclusive right" is the right of covering events, acquired against payment by only one radio or television operator.

10. (Amend., SG 96/01) "Additional information" is information broadcast at the frequency channel for basic programme information radio or television operator whose content is not an element of the basic programme.

11. (Amend., SG 96/01) "Teletext" is a system for transmitting informational and reference announcements and advertisement through alphabetic and digital symbols and graphic images through a special signal included in the programme television signal.

12. "Commercial" is every public announcement included in the programme of radio or television operator, in connection with trade, work, craftsmanship, or profession having the purpose of promoting the sale, the purchase or rental of commodity or service, including of real estate, to promote the popularisation of a cause or idea or induce other effect wanted by the owner of the commercial. Provided for the owner of the commercial is time in the programme against payment or other similar remuneration. This kind of public announcement does not include the television market:

a) (amend., SG 81/99) "concealed commercial" is presentation through audio or visual means of commodities, services or the name, the mark and the activity of a producers of commodities and services in broadcasts which are not designated for commercials and whose presentation may mislead the audience;

b) "the means of subconscious suggestion in the commercial" are indirect specific (including technical) methods of advertising which are not indicated as commercials and are not recognised by the audience, such as: the using of twenty fifth sequence, emission of infra sound and the like. These means form a subconscious psychic reaction and attitude in the audience toward the advertised commodities, services, etc.

13. "Radio and television market" is every direct offer to the audience broadcast with the purpose of sale or delivery of commodities and services, including real estate, rights and obligations against payment.

14. (Revoked, SG 96/01)

15. (Amend., SG 96/0115; revoked – SG 14/09)

16. (Amend., SG 96/01) "Digital technologies" are technologies applying digital formats of the electric signals for the sound and the picture and through which is improved the quality of presentation of the informational contents in processing and storing, the broadcasting and receiving and through compression of such signals creating conditions for improvement of the informational capacity of the frequency transmission channels.

17. "Retranslation" is the simultaneous and unchanged reception and transmission regardless of the used technical devices, entirely and with no changes of radio and television programmes or of big parts of them, broadcast for reception by the wide audience.

18. (Revoked, SG 96/01)

19. "Window" is a radio and television programme restricted in time within the frames of the basic programme, which has its specifics of contents.

20. "Sponsorship" is every contribution by an individual or corporate body who does not participate in the radio and/or television activity or in the production of audio and audio-visual works to direct or indirect financing of radio and television programmes with the purpose of popularisation in the society of his name, trade mark, reputation, activity or production.

21. "Personal life" is the life of a person in family, health and sexual aspect.

22. "Informational coverage" is the creation and broadcasting within the frames of current publicity broadcasts and the news with duration necessary for the thorough presentation of the contents of the covered event. In case when another radio and television operator possesses the exclusive rights for the event the right to free informational coverage shall include: the right to direct access, to record which can be used solely for the creation of material with a duration of no longer than 90 seconds.

23. (new, SG 79/) Radio and TV operators under the jurisdiction of the Republic of Bulgaria in the context of art. 3, para 4 are:

a) operators settled in the Republic of Bulgaria, if:

- the headquarters of the operator is in the Republic of Bulgaria and the decisions on the programme schemes are taken in the Republic of Bulgaria;

- the headquarters of the operator is in the Republic of Bulgaria and the decisions on the programme schemes are taken in a country - member of the European Union or in a country - party to the European Convention for the cross-border television, or in a third country, but a considerable part of the personnel carrying out radio or television activity is in the Republic of Bulgaria;

- the headquarters of the operator is in a country - member of the European Union or in a country - party to the European Convention for the cross-border television or in a third country, and the decisions on the programme schemes are taken in the Republic of Bulgaria, but a considerable part of the personnel carrying out radio or television activity is in the Republic of Bulgaria;

- the headquarters of the operator is in the Republic of Bulgaria and a considerable part of the personnel carrying out radio or television activity operates in both the Republic of Bulgaria and in a country - member of the European Union or in a country - party to the European Convention for cross-border television or in a third country;

- the operator has started initially the broadcasting of his programme in the Republic of Bulgaria in compliance with the legislation of the Republic of Bulgaria and a considerable part of his economic activity is in the Republic of Bulgaria, in the cases when a considerable part of the personnel carrying out radio or television activity does not operate either in the Republic of Bulgaria or in a country - member of the European Union, or in a country - party to the European Convention for cross-border television;

b) operators for whom the provisions under letter "a" are not applicable and are not under the jurisdiction of a country - member of the European Union or a country - party to the European Convention for cross-border television if:

- they use a frequency provided by the Republic of Bulgaria;

- regardless of whether they use a frequency provided by the Republic of Bulgaria they use satellite capacities belonging to the Republic of Bulgaria;

- regardless of the fact that they do not use either a frequency provided by the

Republic of Bulgaria or satellite capacities belonging to the Republic of Bulgaria, use satellite connection from the territory of the Republic of Bulgaria.

24. (new, SG 79/00; suppl. – SG 10/07, in force from 01.01.2007) "External producer" is a producer registered according to the Commercial Law or under the legislation of a Member State, or of another State – a party to the Agreement on the European Economic Area, organisationally and economically independent of any radio and television operator whatsoever in his activity, for whom the following requirements have been met:

1. he is not an owner of radio or television operator or of a share of his property;
2. radio or television operator is not an owner of such a person or of a share of his property;
3. does not submit to one and the same operator, including through a competition, simultaneously more than two outside productions.

25. (new, SG 79/00) "Self promotion" is a form of advertising, whereas the operator advertises his own commodities, services or programmes.

26. (new., SG 79/00) "Free of charge television" is a public or commercial TV channel accessible to the auditorium without additional payment above the regular monthly fee or the basic subscription fee for the cable network.

27. "Gross violation" in the context of art. 9, para 4 is the offence of the good manners, the appeals for forcible change of the constitutionally established order, for committing crime or for violation over the personality according to art. 40, para 2 of the Constitution.

28. (New, SG 96/01) "Programme profile" is characteristics of the programme according to the specifics of its contents and its direction to the audience. In their profile the radio and television operators can be:

- a) of general (multi-thematic) profile - radio and television programme with obligatory presence of informational, educational, cultural and entertaining purpose designated for the prevailing part of the society;
- b) of specialised profile - radio and television programme of specialised nature designated for a limited part of the society.

29. (New, SG 96/01) "Programme project" is a description of programme intentions (purpose, designation and expected results), organisational and creative, technological and financial plan for development of the radio and television programme during the licence period.

30. (New, SG 96/01) "Programme concept" is a well-grounded plan for implementation of the programme policy of a given electronic media in view of the provision of its contents.

31. (New, SG 96/01) "Programme scheme" is the combination of all provided for broadcasting or broadcast transmissions of the programme of a given electronic media, arranged in a graphic kind in days and hours for a definite period of time.

32. (New, SG 96/01) "Programme" is the combination of all transmissions broadcast on definite frequencies and announced under one common name presented by audio-visual means.

33. (new – SG 105/06, in force from 01.01.2007) "Repeated" shall be a violation made within one year period from the punitive decree, by which a punishment for a violation of the same type was imposed, becomes effective.

34. (new – SG 14/09) "Bulgarian programme" is a programme created by a person established in the Republic of Bulgaria, intended for broadcasting in Bulgarian language,

exclusively or mostly for the audience in the Republic of Bulgaria.

35. (new – SG 14/09) There is "Management control of the operator" in those cases where a person, who:

a) owns, including through a connected person, more than half plus one of the votes in the general assembly, or

b) is able to appoint directly or indirectly more than half of the members of the managing body of the operator, or

c) may exercise a dominant influence on the decision-making process as regards creation of radio and television programme in any other way.

## Transitional and concluding provisions

§ 2. (1) (amend. SG 120/02; amend., SG 114/03, amend. SG 115/04; amend. - SG 105/05, in force from 01.01.2006; amend. – SG 113/07, in force from 01.01.2008; amend. – SG 110/08, in force from 01.01.2009) The Council for electronic media shall receive subsidy from the state budget for its support until the year 2009.

(2) (amend. SG 120/02; amend., SG 114/03, amend. SG 115/04; amend. - SG 105/05, in force from 01.01.2006; amend. – SG 108/06, in force from 01.01.2007; amend. – SG 113/07, in force from 01.01.2008; amend. – SG 110/08, in force from 01.01.2009) The Bulgarian National Radio and the Bulgarian National Television shall receive subsidy from the state budget until December 31, 2009 by the order of Art. 70, para 3, item 2 and 3.

(3) amend. - SG 105/05, in force from 01.01.2006 The Bulgarian National Radio and the Bulgarian National Television and the Council for electronic media shall receive subsidy from the state budget and financing by fund "Radio and television" in amount determined by a normative for an hour of programme, approved by the Council of Ministers.

1. (revoked – SG 120/02);

2. (revoked, SG 114/03)

3. (revoked – SG 115/04)

4. (revoked – SG 105/05, in force from 01.01.2006)

(4) (amend. – SH 96/01; amend. – SG 108/06, in force from 01.01.2007; amend. – SG 113/07, in force from 01.01.2008; amend. – SG 110/08, in force from 01.01.2009) From January 1, 2010 the subsidy from the state budget for BNR, BNT and the Council for electronic media shall be replaced entirely by financing from fund "Radio and television". The size of the financing shall be determined by the order of Art. 103, para 1, item 1 and para 2.

§ 3. (1) By January 1, 2003 the legal capacities of the management board of fund "Radio and television" on the control over the receipts shall be carried out by the Council for electronic media.

(2) Not later than 3 months before the expiration of the term under para 1 the Council for electronic media shall appoint the members of the management board of fund "Radio and television", shall appoint executive director of the fund and shall adopt the regulations under Art. 99, para 3.

§ 4. (1) The radio and television operators, licensed before the enactment of this law, in compliance with the normative acts acting at that time, including those with expired term of

the licence, shall be licensed by the order of Art. 125.

(2) Corporate bodies carrying out radio and television activity shall be obliged to undertake the necessary activities for licensing by the order of Art. 105 within 3 months from the enactment of this law.

(3) The Bulgarian National Radio and the Bulgarian National Television shall be obliged to present the necessary documents under Art. 111 for the purpose of their licensing by the order of Art. 105, para 3 within the period under para 2.

§ 5. (1) The management boards of BNR and BNT and the general directors of BNR and BNT, elected during the time of the Law for radio and television (prom., SG, No 77 of 1996; Decision No 21 of the Constitutional Court of 1996 - No 102 of 1996; amend. and suppl., No 112 of 1997) shall conclude their mandates determined by it.

(2) The members of the National Council for radio and television during the first mandate after the enactment of this law shall be renovated by casting.

(3) Upon expiration of two years the members of the National Council for radio and television shall be renovated by two representatives from the quota of the National Assembly and one from the quota of the President.

(4) Upon expiration of four years the members of the National Council for radio and television shall be renovated by one representative of the quota of the National Assembly and two from the quota of the President.

(5) The programme councils of BNR and BNT shall terminate their mandates within one month from the enactment of this law.

(6) If the management boards of BNR and BNT take a decision the programme councils can carry out their activity under the condition of Art. 62, item 3.

§ 6. (1) The contracts for commercials and sponsorship, concluded by BNR and BNT, must be reconsidered with the purpose of bringing them in compliance with this law.

(2) In the cases when the duration of the commercials, according to the conditions of all concluded contracts, exceeds the duration of the commercials according to the provision of Art. 86 BNR and BNT shall be obliged to propose to the owner of the commercials respective reduction or termination of the contracts with them as of January 1, 1999.

§ 7. The decisions under Art. 49, para 3 shall be adopted not later than 3 months from the enactment of this law.

§ 8. The term of fulfilment of the provisions of Art. 62, item 1,2, 4, 8 and 9 shall not be longer than 6 months from the enactment of this law.

§ 9. Until obtaining licence for private television operator with national range the Bulgarian National television shall not use the rights of commercials from 19.00 to 22.00 hours.

§ 9a. (new, SG 99/03) (1) The persons having obtained individual licences by the order of § 14 of the transitional and concluding provisions of the Law of the

telecommunications (prom., SG 93/98; amend., SG 26/99; SG 10 and 64/00, SG 34, 42, 96 and 112/01, SG 45 and 120/02; revoked SG 88/03), the term of which has not been extended, as well as the persons exercising rights under § 16 of the transitional and concluding provisions of the Law of the telecommunications (prom., SG 93/98; amend., SG 26/99; SG 10 and 64/00, SG 34, 42, 96 and 112/01, SG 45 and 120/02; revoked SG 88/03), who have carried out and/or carry out telecommunication activity through construction, maintenance and using of telecommunication network for ground radio broadcasting in settlements where competitions have not been held for issuance of licences, may continue or restore their activity until the conclusion of the competitions by the order of the Law for the radio and television for the respective settlements.

(2) The persons holding, or who have held individual telecommunication licence for construction, maintenance and using of telecommunication network for television and radio broadcasting with local and regional coverage, issued on legal grounds having been dropped as a result of an enacted decision of the Supreme Administrative Court, and who carry out or who have carried out radio and television activity through ground broadcasting, may continue or restore their activity until the conclusion of the competitions for the respective settlements where they have participated.

(3) The persons who have carried out and/or carry out telecommunication activity through construction, maintenance and using of telecommunication network for ground radio broadcasting after the enactment of the Law of the telecommunications (prom., SG 93/98; amend., SG 26/99; SG 10 and 64/00, SG 34, 42, 96 and 112/01, SG 45 and 120/02; revoked SG 88/03), and who have filed applications for issuance of licences before the enactment of the Law of amendment and supplement of the Law of the telecommunications (SG 112/01) in settlements where competitions have not been held for issuance of licences, may continue or restore their activity until the conclusion of the competitions by the order of the Law of the radio and television for the respective settlements.

(4) (new – SG 99/04) The persons of para 1, 2 and 3 shall implement radio and television activity in compliance with the provisions of the Law for the radio and television and the Law of the telecommunications.

§ 10. This law revokes the Law for radio and television.

The law was adopted by the 38th National Assembly on September 23, 1998 and on November 13, 1998 and was affixed with the official seal of the National Assembly.

Chairman of the National Assembly:

Yordan Sokolov

## Transitional and concluding provisions (SG 96/01)

§ 51. (1) Within 14 days from the enactment of the law the National Assembly shall elect and the President of the Republic shall respectively appoint members of the Council for electronic media.

(2) (amend. SG 93/05) The members of the Council for electronic media, after the second and the fourth year after its constitution shall be renewed by lot.

(3) (suppl. SG 93/05) Upon expiration of two years the Council for electronic media



shall be renewed by two representatives of the National Assembly and one from the quota of the President. Their six years mandate shall start from the date of electing or appointing them.

(4) (suppl. SG 93/05) Upon expiration of 4 years the Council for electronic media shall be renewed by one representative of the quota of the National Assembly and two from the quota of the President. Their six years mandate shall start from the date of electing or appointing them.

§ 52. Upon constituting the Council for electronic media the National Council for radio and television shall be dismissed and its members shall be released. The property, the archive, the rights and the obligation of the National Council for radio and television shall be passed on to the Council for electronic media.

§ 53. (1) Within 6 months from the date of constituting of the Council for electronic media the latter, by official order, shall issue certificates for registration of radio and television operators who hold licences for carrying out radio or television activity by cable or satellite upon presentation by them of the documents under art. 125a, para 5 and without payment of initial registration fee.

(2) (Amend. SG 112/01) The Communications Regulation Commission shall be obliged to submit to the Council for electronic media all information and copies of documents necessary for transition of the injured operators from licence to registration regime.

### Transitional and concluding provisions of the Law for amendment and supplement of the Law for the radio and television (SG 77/02)

§ 5. (1) The strategy for development of the radio and the television activity by land radio-transmitting shall be prepared by the Council for electronic media and the Communications Regulation Commission in three months term after this law enters into force.

(2) The strategy of para 1 must contain the national priorities and the public interests at the licensing with regard to more efficient use of the free radio frequency spectrum.

(3) The strategy of para 1 can be updated at each three years or at shorter periods depending on the economic and the technological development of the electronic media market. The updating shall be implemented by the order of approval of the strategy.

§ 6. (1) New competition procedures shall be opened after the National Assembly passes the strategy for development of the radio and television activity by terrestrial broadcasting.

(2) Started or formed competitions and license procedures till this law enters into force shall be finalised after the National Assembly passes the strategy for development of the radio and television activity by terrestrial broadcasting and in compliance with it.

The law was passed by the 39th National Assembly on July 31, 2002 and is affixed with the official seal of the National Assembly.

## Transitional and concluding provisions (SG 99/03)

§ 2. (1) Within one month from the enactment of this law the persons under § 9a shall be obliged to submit to the Council for Electronic Media and to the Communications Regulation Commission the necessary information according to the requirements of the Law of the radio and television and the Law of the telecommunications for carrying out radio and television activity through ground broadcasting.

(2) Within three months from the enactment of this law the persons under §9a shall be obliged to pay the due annual fees for using limited frequency resource – radio frequency spectrum for the time of carrying out the radio and television activity after the enactment of the Law of the telecommunications (prom., SG 93/98; amend., SG 26/99; SG 10 and 64/00, SG 34, 42, 96 and 112/01, SG 45 and 120/02; revoked SG 88/03), according to the tariff for the fees collected by the Communications Regulation Commission (prom., SG 68/02; corr., SG 69/02; amend., SG 66 and 71/03).

(3) After the procedure of coordination for the electromagnetic compatibility with the air radio services the Communications Regulation Commission, within one month from submission of the information under para 1, shall determine the technical requirements for broadcasting for each settlement. As a result of this procedure Communications Regulation Commission may change the parameters of the transmitters, including the frequency and the point of broadcasting.

(4) Within two weeks after the fulfillment of the requirements under para 1, 2 and 3 the Communications Regulation Commission shall issue to the persons under §9a licences for construction, maintenance and using of telecommunication networks for television and radio broadcasting with local and regional coverage for a period until the conclusion of the competitions for granting licences for radio and television activity in the respective settlements by the order of the Law of the radio and television. The Communications Regulation Commission shall notify the Council for Electronic media about the issued telecommunication licences.

(5) The persons under § 9a shall carry out radio and television activity in compliance with the provisions of the Law of the radio and television.

## Transitional and concluding provisions of the Law for supplement of the Law for the radio and television (SG 99/04)

§ 2. (1) The persons of §9a, who have not fulfilled the conditions, provided in §2, para 1 and 2 of the transitional provisions of the Law of supplement of the Law for the radio and television (SG 99/03), shall in two month term after this law enters into force submit new applications for issuing of license for construction, maintenance and use of telecommunication network for television and radio transmission with local and regional coverage, The applications must be accompanied by all documents, required by the Law of the telecommunications and the Law for the radio and television, for implementing radio and television activity by land radio transmission. The applications shall be submitted at the place

in the Council for electronic media and the Communications Regulation Commission. The applications before the Communications Regulation Commission shall be submitted according to a model approved by the commission.

(2) In one month term after the receiving of the application of para 1 the Communications Regulation Commission shall send to the persons of para 1 message about the due annual fees for use of limited frequency resource – radio-frequency range, for the time of implementing of radio and television activity after the Law of the telecommunications (prom. SG 93/98, amend. SG 26/99, SG 10, 64/00, SG 34, 42, 96, 112/01, SG 45, 120/02, revoked SG 88/03) has entered into force according to the revoked art. 1 – 17 of the Tariff for the fees, collected by the Communications Regulation Commission (prom. SG 68/02, corr. SG 69/02, amend. SG 66, 71/03, SG 31/04).

(3) The persons of para 1 shall be obliged to pay the due fees of para 2 in one month term after receiving the message of the Communications Regulation Commission about the amount of the due fees.

(4) After implementing procedure for coordination of electromagnetic compatibility with the air radio services upon existence of free radio-frequency range the Communications Regulation Commission shall, in one month term after the presentation of the application of para 1, determine the technical conditions for transmission for each settlement. As result of this procedure the Communications Regulation Commission may change the parameters of the transmitters including the frequency and the point of transmission, pointed out by the operators, who have submitted new applications of para 1.

(5) In 14 days term after fulfillment of the conditions of para 1 – 4 the Communications Regulation Commission shall issue to the persons of para 1 license for construction, maintenance and use of telecommunication network for television and radio transmission with local and regional coverage with term till the finishing of the competitions for conceding of licenses for radio and telecommunication activity in the respective settlements by the order of the Law for the radio and television. The Communications Regulation Commission shall notify the Council for electronic media about the issued telecommunication licenses.

§ 3. The persons of §9a, who have received refusal by the Commission Communications Regulation Commission for issuing of license pursuant to §2, para 4 of the transitional provision of the Law for supplement of the Law for the radio and television (SG 99/03), shall submit new applications for issuing of license for construction, maintaining and use of telecommunication network for television and radio transmission with local and regional coverage by the order of this law not earlier than one month after receiving of the refusal.

§ 4. The licenses, issued pursuant to §2, para 4 of the transitional provision of the Law for supplement of the Law for the radio and television (SG 99/03), shall preserve their effect.

**Transitional and concluding provisions  
TO THE LAW OF THE STATE BUDGET OF THE REPUBLIC  
OF BULGARIA FOR THE YEAR 2006**

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)

§ 95. The law shall enter in force from the 1st of January 2006.

**Transitional and concluding provisions  
TO THE TAX-INSURANCE PROCEDURE CODE**

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)

§ 88. The code shall enter in force from the 1st of January 2006, except Art. 179, Para 3, Art. 183, Para 9, § 10, item 1, letter "e" and item 4, letter "c", § 11, item 1, letter "b" and § 14, item 12 of the transitional and concluding provisions which shall enter in force from the day of promulgation of the code in the State Gazette.

**Transitional and concluding provisions  
TO THE LAW OF THE COMMERCIAL REGISTER**

(PROM. – SG 34/06, IN FORCE FROM 01.10.2006)

§ 56. This law enters in force from 1st of October 2006, except § 2 and § 3, which enter in force from the date of promulgation of the law in the State Gazette.

**Concluding provisions  
TO THE LAW OF PROVISION OF REMOTE FINANCIAL  
SERVICES**

(PROM. – SG 105/06, IN FORCE FROM 01.10.2006)

§ 12. This law enters in force from 1st of January 2007, except for § 4, item 1 and 5, which shall enter in force from the date of entering in force of the Law of Electronic Commerce.

**Transitional and concluding provisions  
TO THE LAW OF THE STATE BUDGET OF THE REPUBLIC  
OF BULGARIA FOR THE YEAR 2007**

(PROM. – SG 108/06, IN FORCE FROM 01.01.2007)

§ 106. The Law shall enter in force from the 1st of January 2007, except for § 103 and 104, which shall enter in force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions  
of the Law of Amendment and Supplement of the Law on the Radio  
and Television

(prom. - SG 10/07, in force from 01.01.2007)

§ 4. Procedures of issuing a license under Art. 105, having been initiated before entering of this Law in force, shall be accomplished pursuant to the previous provisions.

§ 5. The Law shall enter in force from the day of entering in force of the Treaty of Accession of the Republic of Bulgaria to the European Union.

Transitional and concluding provisions  
OF THE LAW OF ELECTRONIC COMMUNICATIONS

(PROM. - SG 41/07)

§ 4. (1) The Law for the Radio and the Television shall be brought in conformity with this Law within 6 months after its entering into force.

(2) Bulgarian telecommunication company can broadcast television programs, licensed and/or registered pursuant to the provisions of the Law for the Radio and the Television as of the time of adoption of this Law, as well as foreign programs of foreign natural or legal persons, registered as traders according to the legislation of European Union member state or of another state – a party of the Agreement for the European Economic Area, through the granted to it license/permit for implementation of telecommunications through a telecommunication network for a ground digital broadcasting of television signals for the period and within the territorial coverage allocated for it.

(3) The Council of Electronic Media within 6 months after entering into force of the amendments of par. 1, shall determine by a decision two Bulgarian programs, one of which shall be Channel 1 of the Bulgarian National Television, which can be broadcasted through the network referred to in par. 1 for the term and within the territorial coverage of the license of par. 2.

§ 5. Permits for individually determined limited resource – radio frequency spectrum for analogue ground television broadcasting shall be issued by 31 December 2008 for a maximum term up to 31 December 2012.

Transitional and concluding provisions  
TO THE LAW ON THE STATE BUDGET OF THE REPUBLIC  
OF BULGARIA FOR 2009

(PROM. – SG 110/08, IN FORCE FROM 01.01.2009)

§ 104. The Law shall enter into force from 1 January 2009, except for § 100, item 7, which shall enter into force from 1 April 2009, if the requirements set forth in § 102 have been met.

**Concluding provisions**  
**TO THE LAW ON AMENDMENT AND SUPPLEMENTATION**  
**OF THE LAW FOR THE RADIO AND TELEVISION**

(PROM. – SG 14/09)

§ 34. (1) Within two months from the entry into force of this Law the Council for electronic media shall bring the register that has been kept according to the previous procedure in compliance with the public register under this Law.

(2) Radio and television operators registered and licensed according to the previous procedure shall be entered ex officio by the Council for electronic media in the public register under this Law in the terms fixed in para 1. Taxes shall not be due by the operators for ex officio entries.

(3) Within a period of one month from the entry into force of this Law the operators under para 2 must provide documents according the requirements of Art. 111, para 2 so that only the data under Art. 125b, para 1 are entered in the register.

(4) In the term fixed in para 3 the operators under para 2 shall be entitled to ask for changes in the data required for the register, by providing the relevant evidence and documents as per Art. 111, para 1.

(5) Within three months from the entry into force of this Law the Council for electronic media shall issue certificates as per Art. 125a, para 5 to the radio and television operators.

(6) In case the operators under para 2 fail to fulfill their obligation as per para 3, the registration shall be deleted by a decision of the Council for electronic media.

(7) Within two months from the entry into force of this Law the Council for electronic media shall initiate a procedure for issue of licenses under Art. 116f.

§ 35. (1) BNT and BNR programmes as public radio and television operators shall be distributed by one electronic communication network for terrestrial digital broadcasting with national scope, established according to the First stage of the transition, defined in the Digital terrestrial television broadcasting introduction plan (DVB-T) for the Republic of Bulgaria, adopted by the Council of Ministers.

(2) The authorization for use of individual scarce resource – radio frequency spectrum necessary for broadcasting electronic communications through the network under para 1, shall be issued by the Communications Regulation Commission.

§ 36. (1) An undertaking which has acquired an authorization for use of individual scarce resource – radio frequency spectrum for broadcasting electronic communications

through terrestrial digital radio broadcasting communication networks, shall provide access for distribution of television programmes, observing the following principles:

1. objectivity;
2. justice;
3. non-discrimination;
4. equality.

(2) If the undertaking under para 1 and the television operator who must be broadcasted as an obligation ensuing from this law do not reach agreement on the terms of distribution, each of them shall be entitled to ask for the Council for electronic media and the Communications Regulation Commission to define the said terms.

(3) The appeal of the acts under para 2 shall not suspend their execution, unless the court rules otherwise.

§ 37. (1) An undertaking which has acquired an authorization for use of individual scarce resource – radio frequency spectrum, other than the one intended for distribution of BNT and BNR programme, for delivering electronic communications through terrestrial digital television broadcasting communication networks of national range, in implementation of the First stage of the transition, defined in the Digital terrestrial television broadcasting introduction plan (DVB-T) for the Republic of Bulgaria, adopted by the Council of Ministers, must broadcast the programmes of the licensed television operators, who, by the moment this law enters into force, meet the following conditions:

1. have been granted a license for radio and television activity with national range on the grounds of a competition; and
2. distribute their programmes via electronic communication networks for terrestrial analogue broadcasting; and
3. the electronic communication networks under item 2 provide access to the programme to at least 50 percent of the population of the state.

(2) The programmes under para 1 must be broadcasted in decoded type.

(3) Except for the programmes under para 1, the undertaking shall distribute only licensed television programmes of type and profile approved by the Council for electronic media according to Art. 116h.

(4) Within 14 days from the entry into force of this Law the Council for electronic media shall issue licenses to the television operators under para 1 ex officio.

§ 38. (1) An undertaking which has acquired an authorization for use of individual scarce resource – radio frequency spectrum, for delivering electronic communications through terrestrial digital television broadcasting communication networks of national range, in implementation of the Second stage of the transition, defined in the Digital terrestrial television broadcasting introduction plan (DVB-T) for the Republic of Bulgaria, adopted by the Council of Ministers, must broadcast three licensed Bulgarian programmes the type and profile of which shall be as defined by the Council for electronic media following the procedure laid down in Art. 116g.

(2) The Council for electronic media shall determine by a decision the type and the profile of the Bulgarian television programmes under para 1.

(3) The Communications Regulation Commission shall include in its decision for initiation of a competition and in the competition documents related to issue of an

authorization under para 1, an obligation of the undertaking that wins the competition to broadcast Bulgarian television programmes of type and profile defined by the decision of the Council for electronic media according to Art. 116g.

(4) The programmes under para 2 must be broadcasted in decoded type.

(5) Except for the programmes under para 1, the undertaking shall distribute only licensed programmes of type and profile approved by the Council for electronic media according to Art. 116h.

§ 39. (1) An undertaking which has acquired an authorization for use of individual scarce resource – radio frequency spectrum, for delivering electronic communications through terrestrial digital television broadcasting communication networks of regional scope, in implementation of the First stage of the transition, defined in the Digital terrestrial television broadcasting introduction plan (DVB-T) for the Republic of Bulgaria, adopted by the Council of Ministers, must broadcast three licensed Bulgarian programmes the type and profile of which shall be as defined by the Council for electronic media following the procedure laid down in Art. 116gf.

(2) The programmes under para 1 must be broadcasted in decoded type.

(3) Except for the programmes under para 1, the undertaking shall distribute the regional BNT programmes of type and profile approved by the Council for electronic media according to Art. 116h.

§ 40. (1) The Council of Ministers shall carry out the transition from analogue to digital television and radio broadcasting by adopting a programme for its implementation by 31 December 2009.

(2) The programme under para 1 shall include measures for supporting socially disadvantaged persons.

§ 41. Licenses for establishing, maintaining and use of telecommunication network for television broadcasting of local coverage, issued pursuant to § 9a of the Transitional and Final provisions shall be terminated if the individual scarce resource - radio frequency spectrum, used by the persons, is required for the implementation of the respective stage of setting up of the digital electronic communication network according to the authorization for use of individual scarce resource – radio frequency spectrum for delivering electronic communications through terrestrial digital radio broadcasting communication networks of national and/or regional coverage, issued by the Communications Regulation Commission.

§ 42. (1) The persons who have been granted licenses for establishing, maintaining and use of telecommunication network for television broadcasting of local coverage, issued pursuant to § 9a, para 2 of the Transitional and Final provisions, shall submit applications for issue of authorization for use of individual scarce resource to the Communications Regulation Commission within one month from the entry into force of this Law.

(2) Within three months from receiving the applications under para 1 the Communications Regulation Commission shall issue authorizations in accordance with the rights of the persons pointed out in the individual licenses for radio activity. The term of the abovementioned authorizations shall be complied with the term of the license for radio



activity.

§ 43. (1) Competition proceedings for issue of licenses for radio activity, initiated by the Council for electronic media prior to the entry into force of this Law, shall be completed according to the previous procedure.

(2) The free radio frequency spectrum sent by decisions of the Communications Regulation Commission, for which the Council for electronic media has not announced competitions within two years from their receipt, shall be considered free of charge and the Communications Regulation Commission may change its purpose following an approval by the Council for electronic media.

Relevant acts of the European legislation

DIRECTIVE 97/36/EO of the EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 June 1997 for amendment of Directive 89/552/EEC of the Council concerning co-ordination of certain legislative, regulatory and administrative provisions of Member States relating to the exercise of television broadcasting activities

DIRECTIVE OF THE COUNCIL of 3 October 1989 concerning co-ordination of certain legislative, regulatory and administrative provisions of Member States relating to the exercise of television broadcasting activities