

Radio and Television Act

Promulgated, State Gazette No. 138/24.11.1998; Judgment No. 10/25.06.1999 of the Constitutional Court of the Republic of Bulgaria, SG No. 60/2.07.1999, amended, SG No. 81/14.09.1999, effective 15.12.1999, amended and supplemented, SG No. 79/29.09.2000, SG No. 96/9.11.2001, amended, SG No. 112/29.12.2001, effective 5.02.2002, amended and supplemented, SG No. 77/9.08.2002, amended, SG No. 120/29.12.2002, supplemented, SG No. 99/11.11.2003, amended, SG No. 114/30.12.2003, supplemented, SG No. 99/9.11.2004, amended, SG No. 115/30.12.2004, effective 1.01.2005, SG No. 88/4.11.2005, amended and supplemented, SG No. 93/22.11.2005, amended, SG No. 105/29.12.2005, effective 1.01.2006, No. 21/10.03.2006, No. 34/25.04.2006, effective 1.01.2008 (*)(**), SG No. 70/29.08.2006, amended and supplemented, SG No. 105/22.12.2006, effective 1.01.2007, amended, SG No. 108/29.12.2006, effective 1.01.2007, amended and supplemented, SG No. 10/30.01.2007, effective 1.01.2007, supplemented SG No. 41/22.05.2007, amended, SG No. 113/28.12.2007, effective 1.01.2008, SG No. 110/30.12.2008, effective 1.01.2009, amended and supplemented, SG No. 14/20.02.2009, SG No. 37/19.05.2009, effective 19.05.2009, SG No. 42/5.06.2009, amended, SG No. 99/15.12.2009, effective 1.01.2010, amended and supplemented, SG No. 12/12.02.2010, amended, SG No. 47/22.06.2010, effective 22.06.2010

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

(**) effective 1.01.2008 - amended, SG No. 53/30.06.2007, effective 30.06.2007

Text in Bulgarian: Закон за радиото и телевизията

Chapter One

GENERAL PROVISIONS

Article 1. (Amended, SG No. 12/2010) This Act shall regulate the media services provided under the jurisdiction of the Republic of Bulgaria.

Article 2. (Amended, SG No. 12/2010) (1) Within the meaning given by this Act, "media services" shall be audiovisual media services and radio services.

(2) "Audiovisual media service/radio service" means:

1. a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union (OJ C 115/47 of 9 May 2008 which is under the editorial responsibility of a media service provider and the principal purpose of which is the provision of audiovisual programmes/radio programmes in order to inform, entertain or educate the general public by electronic communications networks within the meaning given by the Electronic Communications Act;

2. an audiovisual commercial communication/commercial communication in a radio service referred to in Item 1.

(3) "Audiovisual programme" means a set of moving images with or without sound constituting an individual item within a programme schedule or a catalogue established by a media service provider and whose form is comparable to the form and content of television broadcasting.

(4) "Radio programme" means an individual item within a programme schedule of a radio programme service or a catalogue established by a radio service provider.

(5) The provisions of this Act shall not apply to:

1. media services which are not for mass communication, i.e. are not intended for a substantial proportion of the public;

2. activities which are primarily non-economic and which are not in competition with television on the basis of a programme schedule;

3. private correspondence sent to a limited number of recipients over electronic communications networks;

4. all services whose principal purpose is not the provision of programmes, i.e. where any audiovisual content is merely incidental to the service and is not its principal purpose;

5. games of chance involving a stake representing a sum of money, including lotteries, betting and other forms of gambling services, as well as on-line games and search engines, but not broadcasts entirely devoted to gambling or games of chance;

6. electronic versions of newspapers and magazines;

7. stand-alone text-based services.

Article 3. (Supplemented, SG No. 79/2000, SG No. 96/2001, amended SG No. 14/2009, SG No. 12/2010) (1) Media services shall be linear and non-linear).

(2) "Linear media services" means media services provided by a media service provider for simultaneous viewing/listening of programmes on the basis of a programme schedule.

(3) "Non-linear (on-demand) media services" means media services provided by a media service provider for the viewing/listening of programmes at the moment chosen by the user and at his or her individual request on the basis of a catalogue of programmes selected by the media service provider.

(4) Simultaneous viewing/listening shall also cover quasi-simultaneous viewing/listening because of the variations in the short time lag which occurs between the transmission and the reception of the broadcast due to technical reasons inherent in the transmission process.

Article 4. (Amended, SG No. 12/2010) (1) "Media service provider" means a sole-trader natural person or a legal person who or which has editorial responsibility for the choice of the content of the media service and determines the manner in which the said service is organized. "Editorial responsibility" means the exercise of effective control both over the selection of the

programmes and over their organization either in a chronological schedule, in the case of linear services, or in a catalogue, in the case of on-demand media services.

(2) "Radio or television broadcaster" means a provider of radio/television linear media services (programme services) on the basis of a programme schedule.

(3) Persons who or which merely distribute programme services for which the editorial responsibility lies with third parties shall not be media service providers.

Article 5. (Supplemented, SG No. 79/2000, SG No. 93/2005, amended, SG No. 12/2010) (1) This Act guarantees the freedom of media service providers and of the activities thereof from political and economic interference.

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

(3) Freedom of reception is ensured, and retransmission of media services from other Member States of the European Union shall not be restricted for reasons which fall within the field of media services.

(4) Application of Paragraph (3) may be temporarily suspended in respect of programme services coming from another Member State of the European Union which infringe [sic] Article 17 (2) and (3) herein in respect of children.

(5) Application of Paragraph (3) may be temporarily suspended in respect of on-demand media services coming from another Member State of the European Union if the restrictive measures are necessary for one of the following reasons:

1. the protection of public order, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons;

2. the protection of public health;

3. guaranteeing public security, including the safeguarding of national security and defence;

4. the protection of consumers, including investors.

(6) In the cases covered under Paragraph (5), the restrictive measures must be:

1. taken against a particular on-demand media service which prejudices the objectives referred to in Paragraph (5) or presents a serious and grave risk of prejudice to those objectives;

2. proportionate to those objectives.

Article 6. (Supplemented, SG No. 79/2000, SG No. 93/2005, amended, SG No. 12/2010) (1) Media service providers shall be public-service and commercial.

(2) Public-service media service providers shall:

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

2. ensure access to national and global cultural values and popularize the advances of science and technology by the distribution of Bulgarian and foreign educational and cultural programme services and programmes addressed to all age groups;

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

4. encourage the creation of works by Bulgarian authors;

5. encourage Bulgarian performing arts.

(3) The Bulgarian National Radio (BNR) and the Bulgarian National Television (BNT) shall be national public-service providers of radio services and, respectively, of audiovisual media services, which:

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

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

3. ensure, through the media services thereof, access to the national and European cultural heritage;

4. include programmes which inform, educate and entertain;

5. apply the new information technologies;

6. reflect the diversity of ideas and convictions in society by means of pluralism of viewpoints in each one of the news and current affairs programmes on political and business subjects;

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

8. afford citizens an opportunity to familiarize themselves with the official position of the State on important issues of public life.

(4) Any media service providers, which are not licensed/registered as public-service providers, shall be commercial providers.

Article 7. (Amended, SG No. 96/2001, SG No. 12/2010) (1) Audiovisual media service providers shall make the following up-to-date information easily, directly and permanently accessible to the recipients of the service:

1. the name of the media service provider, seat and registered office, the electronic mail address thereof and the Internet site thereof, a telephone number at which the provider can be contacted;

2. information about the Council for Electronic Media, seat and registered office, the electronic mail address thereof, the Internet site thereof, a telephone number at which the Council can be contacted.

(2) Audiovisual and radio service providers shall make the information covered under Paragraph (1) available on the Internet site thereof.

Article 8. (Amended, SG No. 96/2001, supplemented, SG No. 77/2002, amended, SG No. 12/2010) (1) Media services must not incite to hatred based on race, sex, religion or nationality.

(2) Media service providers shall be encouraged to ensure that the services thereof are gradually made accessible to people with a visual or hearing disability.

(3) Radio service providers shall be encouraged to make, by appropriate means, on-line programme services and programmes accessible to people with a visual or hearing disability.

Article 9. (Amended, SG No. 79/2000, SG No. 12/2010) (1) Media service providers shall distribute programme services and programmes solely after the copyrights and neighbouring rights have been settled in advance.

(2) Audiovisual media service providers shall not distribute cinematographic works outside the periods agreed with the right holders.

(3) Every year, media service providers shall present to the Council for Electronic Media, upon request, evidence of the commercial rights and the copyrights granted for protected works in the programme services thereof and of the neighbouring rights granted for the provision for distribution of foreign programme services.

(4) Within one month after receiving the data, the Council for Electronic Media shall consolidate the information referred to in Paragraph (3) and shall transmit the said information to the competent officials under the Copyright and Neighbouring Rights Act.

(5) Where a programme of another radio or television broadcaster has been used in part of a programme, this must be expressly indicated and must be in accordance with the legal framework of the Copyright and Neighbouring Rights Act.

Article 10. (1) (Amended, SG No. 12/2010) In pursuit of their broadcasting activities, media service providers shall be guided by the following principles:

1. guaranteed right to freedom of expression of opinion;
2. guaranteed right to information;
3. protection of confidential sources of information;

4. protection of citizens' personal inviolability;

5. inadmissibility of programmes inciting to intolerance among citizens;

6. (amended, SG No. 79/2000) inadmissibility of programmes which are contrary to good morals, especially if they involve pornography, extol or condone brutality or violence, or incite to hatred on grounds of race, sex, religion or nationality;

7. (supplemented, SG No. 12/2010) guaranteed right of reply in the programme services;

8. guaranteed copyrights and neighbouring rights in programmes and programme services;

9. safeguarding the purity of the Bulgarian language.

(2) (Amended, SG No. 79/2000, repealed, SG No. 12/2010).

(3) (Amended, SG No. 79/2000, repealed, SG No. 12/2010).

(4) (New, SG No. 79/2000, repealed, SG No. 12/2010).

Article 11. (1) (Amended, SG No. 12/2010) Any opinion may be freely expressed in media services.

(2) (Amended, SG No. 12/2010) Journalists and artists, who have concluded contracts with media service providers, may not be given any instructions or directions as to the practice of their pursuits by persons and/or groups outside the management bodies of the media service providers.

(3) (Amended, SG No. 12/2010) Public criticism of media service providers by employees thereof shall not be treated as disloyalty to the employer.

(4) (Amended, SG No. 12/2010) Journalists, who have concluded contracts with media service providers, shall have the right to refuse to perform an assignment, provided it is not related to implementation of the provisions of this Act or of the relevant contracts and if it is contrary to their personal convictions; technical editing of programme material or of news may not be refused.

(5) (Amended, SG No. 12/2010) Editorial statutes for work in the sphere of current affairs may be agreed between the owners and/or management bodies of media service providers and the journalists who have concluded contracts with them.

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

1. (amended, SG No. 12/2010) the protection of the freedom and personal accountability of journalistic work in accomplishing the assignment set;

2. the protection of journalists within the meaning given by Paragraph (2);

3. (amended, SG No. 12/2010) the professional and ethical standards of journalistic activity

in the respective media service providers;

4. the manners of decision-making which concern journalistic activity;

5. (amended, SG No. 12/2010) the establishment of an internal body for the settlement of any disputes as may arise in the course of journalistic work.

Article 12. (1) (Amended, SG No. 12/2010) The programme services shall be emitted in the official language, according to the Constitution of the Republic of Bulgaria.

(2) (Amended, SG No. 79/2000, SG No. 12/2010) The programme services or individual programmes may be in another language as well, where:

1. they are distributed for educational purposes;

2. they are intended for Bulgarian citizens whose mother tongue is other than the Bulgarian language;

3. they are intended for foreign listeners or viewers;

4. (amended, SG No. 12/2010) they transmit foreign radio and television programme services.

Article 13. (1) (Amended, SG No. 12/2010) Media service providers shall have the right to receive any information as they may need from state and municipal bodies, unless this information contains any secret as provided for by law.

(2) (Amended, SG No. 12/2010) Media service providers shall be obligated to use any information received accurately and untendentiously.

(3) (Amended, SG No. 12/2010) Media service providers shall disclose information about their broadcasting activities in the cases provided for by the law.

(4) (Supplemented, SG No. 79/2000, repealed, SG No. 12/2010).

Article 14. (1) (Amended, SG No. 12/2010) Linear media service providers shall be obligated to record the programme services and programmes provided by them for distribution and to preserve the recordings for a period of three months reckoned from the date of transmission.

(2) (Amended, SG No. 12/2010) Should a request for a reply be received or an action be brought against a media service provider in connection with the content of a programme or a programme service within the period referred to in Paragraph (1), the recordings shall be preserved until the close of proceedings.

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

(4) (Amended, SG No. 96/2001, SG No. 12/2010) The Council for Electronic Media may

request material from the media service providers, as well as conduct on-site examinations in connection with the exercise of supervision as to compliance with this Act.

Article 15. (1) (Amended, SG No. 12/2010) Media service providers shall not be obligated to disclose their sources of information to the Council for Electronic Media, save in the case of pending legal proceedings or pending proceedings initiated on the complaint of a person affected.

(2) (Amended, SG No. 12/2010) Journalists shall not be obligated to disclose their sources of information either to the audience or to the management of a media service provider, save in the cases under Paragraph (1).

(3) (Amended, SG No. 12/2010) Media service providers shall have the right to include information from an unidentified source in their programmes, expressly stating this fact.

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

Article 16. (1) (Amended, SG No. 12/2010) Media service providers may not create or provide for distribution any programmes containing information related to the private life of citizens without their consent.

(2) (Amended, SG No. 12/2010) Media service providers may include in their programmes information in the public interest relating to the private life of citizens exercising powers of state bodies, or of citizens whose decisions exert influence on the public.

(3) (Amended, SG No. 12/2010) In the case of violations under Paragraphs (1) and (2), the person affected shall be entitled to a public apology from the media service providers. This shall not prejudice the right of any such person to claim damages by a judicial process.

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

Article 17. (1) (Amended, SG No. 12/2010) Media service providers shall be accountable for the content of the media services.

(2) (Amended, SG No. 12/2010) Media service providers shall be obligated not to suffer the creation or provision for distribution of any programmes in violation of the principles of Article 10 herein, and any broadcasts inciting to national, political, ethnic, religious or racial intolerance, extolling or condoning brutality or violence, or likely to impair the physical, mental and moral development of children.

(3) (Supplemented, SG No. 79/2000, amended, SG No. 12/2010) The provisions under Paragraph (2), which concern children, shall not apply to:

1. programmes which are broadcast in encoded form;

2. programmes which are distributed in programme services between 23:00 and 6:00 hours and are clearly preceded by an acoustic and/or acoustic and optical warning or are identified by the presence of a visual symbol throughout their duration, which does not prejudice the liability of media service providers for abidance by the principles of Article 10 herein throughout the

duration of the programme service.

(4) (Amended, SG No. 12/2010) Media service providers shall not be liable for any information disclosed or for the content thereof, provided the said information:

1. has been received through official channels;
2. quotes official documents;
3. accurately reproduces public statements;
4. (repealed, SG No. 12/2010).

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

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

(7) (Amended, SG No. 79/2000, repealed, SG No. 12/2010).

Article 18. (1) (Amended, SG No. 12/2010) Any persons and any state and municipal bodies, affected in linear media services in which they did not appear personally or through a representative thereof, shall have a right of reply.

(2) (Amended, SG No. 12/2010) Within seven days after the day of the transmission, the persons or bodies referred to in Paragraph (1) shall have the right to request in writing that the respective broadcaster provide their reply for distribution. The contested allegations, as well as the date and time of the transmission, must be specified in any such request.

(3) (Amended, SG No. 12/2010) The broadcaster shall be obligated to ensure insertion of the reply in the next succeeding edition of the same programme or in an equivalent time within 24 hours after receipt of the reply, modifications or abridgments of the text being impermissible.

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

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

Article 19. (Supplemented, SG No. 93/2005, amended, SG No. 12/2010) (1) On-demand media services, which might seriously impair the physical, mental or moral development of children, shall be only made available in such a way that ensures that children will not normally hear or see such on-demand media services.

(2) The creation of and access to European works in the case of on-demand audiovisual media services shall be promoted, where practicable and by appropriate means.

(3) Audiovisual media service providers shall use hardware and software for the accessible and attractive presentation of European works in the catalogue of programmes offered by the

audiovisual media service.

(4) The Council for Electronic Media shall prepare annual statements on the European works in on-demand audiovisual media services and shall publish the said statements as part of the annual report thereof. The statements shall include data on the financial contribution made by such services to the production and rights acquisition of European works, to the share of European works in the catalogue of audiovisual media service and in the actual consumption of European works offered by such services.

Article 19a. (New, SG No. 12/2010) (1) At least 50 per cent of the total annual transmission time of the television programme services, excluding the time appointed for news and sports programmes and television games, advertising, teletext and teleshopping, must be reserved for European works, where practicable.

(2) At least 12 per cent of the transmission time referred to in Paragraph (1) must be reserved for European works created by producers who are independent of broadcasters. Meeting this proportion shall not include repeats.

(3) The proportion referred to in Paragraph (2) must be achieved progressively by earmarking an adequate proportion for recent works, that is to say works transmitted within five years of the creation thereof.

(4) The production and distribution of European works in the radio programme services shall be encouraged.

(5) The requirements of Paragraphs (1), (2) and (3) shall not apply to programme services that are intended for local audiences and are distributed by one broadcaster who or which does not form part of the national network.

(6) The Council for Electronic Media shall prepare annual statements on the European works in the linear audiovisual media services and shall publish the said statements as part of the annual report thereof.

Article 19b. (New, SG No. 12/2010) A radio or television broadcaster, who or which holds an exclusive right for the transmission of an event of major importance, shall be obligated to afford other radio and television broadcasters access for the news coverage of the said event in accordance with the obligations assumed by the Republic of Bulgaria under effective international treaties.

Article 19c. (New, SG No. 12/2010) (1) For the purpose of short news reports, any television broadcaster established in the European Union shall have the right to access on a fair, reasonable and non-discriminatory basis to events of high interest to the public which are transmitted on an exclusive basis by a television broadcaster under the jurisdiction of the Republic of Bulgaria. Access shall be sought first from a broadcaster under the same jurisdiction, if any.

(2) The provision of Paragraph (1) shall furthermore apply *mutatis mutandis* to radio broadcasters under the jurisdiction of the Republic of Bulgaria.

(3) Radio and television broadcasters shall have the right to freely choose short extracts

from the signal of the broadcaster who or which has acquired exclusive rights, and the name and/or logo of the said broadcaster shall be indicated in the audiovisual media services, whereas the source shall be identified by appropriate means.

(4) Short extracts shall be used solely for current affairs programmes and news within a period not longer than 24 hours after the event concludes, and may be used in on-demand audiovisual services only if the same programme is offered on a recording basis by the same media service provider.

(5) The right to news coverage shall include the right to direct access to the place of the event, unless this is impracticable, and to a recording, which is to be used solely for the creation of an item whose length does not exceed 90 seconds.

(6) The right to news coverage shall be gratuitous. By way of exception, compensation may be provided for, which shall not exceed the additional costs directly incurred by providing access.

(7) Second use of the report shall be inadmissible, except by way of exception for marking theme events and overview, and the reports may be archived by the media service provider. Where the short report is based on access to the event, the original material of the authors of the report shall be destroyed after the production of the said report, of which the broadcaster who or which has acquired exclusive rights shall be informed.

Chapter Two

COUNCIL FOR ELECTRONIC MEDIA

(Heading amended, SG No. 96/2001)

Section I

General Conditions

Article 20. (Amended, SG No. 96/2001) (1) (Amended, SG No. 12/2010) The Council for Electronic Media shall be an independent specialized body which regulates media services in the cases and according to the procedure provided for in this Act.

(2) (Amended, SG No. 12/2010) In the performance of its activity, the Council for Electronic Media shall be guided by the public interest, protecting the freedom and pluralism of speech and information and the independence of media service providers.

Article 21. The Council for Electronic Media shall be a legal person with a head office in Sofia and with an independent budget.

Article 22. The Council for Electronic Media shall be assisted in the performance of its activity by administrative and technical services whose structure and staffing shall be determined by the said Council at its own discretion depending on the resources allocated for the respective year.

Article 23. The Council for Electronic Media shall adopt its own Rules of Organization and Procedure.

Section II

Council for Electronic Media Composition

Article 24. (1) (Amended, SG No. 47/2010, effective 22.06.2010) The Council for Electronic Media shall consist of five members, of whom three shall be elected by the National Assembly and two shall be appointed by the President of the Republic.

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

Article 25. (Amended, SG No. 96/2001, SG No. 93/2005, SG No. 14/2009) Eligibility to the Council for Electronic Media shall be limited to persons holding Bulgarian citizenship, who hold a degree of higher education and possess professional experience in the following spheres: electronic media, electronic communications, journalism, law or economics, and enjoy public authority and professional acknowledgement.

Article 26. The following persons shall be ineligible for membership of the Council for Electronic Media:

1. any persons who have been sentenced to imprisonment for premeditated indictable offences;

2. any sole traders, owners of the capital of commercial corporations, partners, managing directors, managerial agents or members of management and auditing bodies of commercial corporations and cooperatives;

3. any persons who have been on the full-time staff or part-time informers of the former State Security.

Article 27. (1) (Amended, SG No. 96/2001) During their term in office and, in respect of Item 4, within two years after the expiration of this term, the members of the Council for Electronic Media may not:

1. (amended, SG No. 96/2001) occupy any other salaried position under a contract of employment;

2. hold elective office in any state or municipal bodies, in the governing bodies of any political parties and coalitions, or in any trade unions;

3. be members of the management, auditing and supervisory bodies of any commercial corporations or cooperatives.

4. (amended, SG No. 96/2001, SG No. 12/2010) be consultants or members of management, auditing and supervisory bodies of any media service providers, or acquire interests or shares in any such broadcasters or in any advertising agencies;

5. (supplemented, SG No. 96/2001, amended, SG No. 12/2010) be consultants or members of management, auditing and supervisory bodies of any non-profit organizations which are media service providers;

6. (amended, SG No. 12/2010) receive remuneration in any form whatsoever from any media service provider, save according to intellectual property legislation.

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

Article 28. Before assuming office, all members of the Council for Electronic Media shall sign a declaration, affirming that they satisfy the requirements under this Act. The said declarations shall be preserved in the archives of the Council for Electronic Media.

Article 28a. (New, SG No. 96/2001) (1) (Amended, SG No. 42/2009) Each member of the Council for Electronic Media and of the evaluating commission referred to in Article 116c herein shall be obligated to make a written disclosure to the Council for Electronic Media of any private interest within the meaning given by the Conflict of Interest Prevention and Disclosure Act.

(2) (Amended and supplemented, SG No. 42/2009) Private interest shall furthermore be in existence whenever the persons referred to in Paragraph (1) or family members thereof, as well as any persons wherewith each one of them has close economic links:

1. (renumbered from Littera (a), SG No. 42/2009, amended, SG No. 12/2010) provide media services within the meaning given by this Act;

2. (amended, SG No. 14/2009, renumbered from Littera (b), SG No. 42/2009, amended, SG No. 12/2010) are appointed to supervisory or management bodies of media service providers, undertakings which provide electronic communications services, or legal persons whose registered objects are "advertising business" or such "carrying out advertising business".

(3) (Amended, SG No. 42/2009) The duty of the persons referred to in Paragraph (1) shall be performed through submission of a declaration to the Council for Electronic Media according to the procedure established by the Conflict of Interest Prevention and Disclosure Act. The declarations referred to in this Paragraph shall be preserved in a special public register with the Council for Electronic Media.

(4) (Amended, SG No. 42/2009) Any member of the Council for Electronic Media, who has any private interest upon the making of a specific decision, shall be obligated to disclose the said interest and to withdraw from the debate and the voting.

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

Article 29. (Amended, SG No. 96/2001) (1) (Amended, SG No. 47/2010, effective 22.06.2010) The members of the Council for Electronic Media shall be elected or appointed for a term of six years. The composition of the Council for Electronic Media shall rotate every two years from the quota of the National Assembly and every three years from the quota of the President.

(2) (Amended, SG No. 47/2010, effective 22.06.2010) A person may not be member of the Council for Electronic Media for more than two terms of office. The terms of office cannot be

successive..

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

Article 30. (1) The term of office of a member of the Council for Electronic Media shall be terminated prior to the expiration of the said term upon removal of the person from office or in the event of death.

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

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

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

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

4. (new, SG No. 96/2001) upon entry into force of a sentence imposing a penal sanction of deprivation of liberty for a premeditated offence.

5. (new, SG No. 42/2009) upon entry into effect of an act which ascertains any conflict of interest under the Conflict of Interest Prevention and Disclosure Act.

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

(4) (Amended, SG No. 96/2001, SG No. 42/2009) Any termination of a term of office prior to the expiration thereof under Items 1, 4 and 5 of Paragraph (2) and in the event of death shall be announced to the Council for Electronic Media by the Chairperson of the said Council.

Article 31. (1) (Amended, SG No. 96/2001) At their first meeting, the members of the Council for Electronic Media shall elect from amongst their number a Chairperson for a term of one year.

(2) The Chairperson shall perform the following functions:

1. represent the Council for Electronic Media;

2. convene the meetings of the Council for Electronic Media and preside over them;

3. sign the acts of the Council for Electronic Media adopted in implementation of this Act;

4. (amended, SG No. 12/2010) maintain the liaison of the Council for Electronic Media with the state bodies and with the media service providers, as well as with the international

organizations in the sphere of media services;

5. (new, SG No. 79/2000) issue penalty decrees for violations of the provisions of this Act;
6. (new, SG No. 96/2001) prepare the meetings of the Council for Electronic Media;
7. (new, SG No. 96/2001) direct the work of the administrative and technical services;
8. (new, SG No. 96/2001) verify compliance with the implementation of the acts as adopted.

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

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

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

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

Section III

Council for Electronic Media: Powers

Article 32. (1) The Council for Electronic Media shall be vested with the following powers:

1. (amended, SG No. 12/2010) to exercise supervision over the broadcasting activities of media service providers as to compliance with this Act;
2. to elect and remove the directors general of the BNR and the BNT;
3. to endorse, upon nomination by the directors general, the members of the management boards of the BNR and the BNT;
4. (amended, SG No. 12/2010) to give an opinion upon the drafting of statutory instruments and upon conclusion of intergovernmental agreements in the sphere of media services;
5. to give an opinion on the draft State budget regarding the subsidy for the BNR and the BNT;
6. to endorse annually the off-budget cost estimate of the Radio and Television Fund;
7. (amended, SG No. 12/2010) to organize a research of public opinion on the broadcasting activities of media service providers and of their media services;
8. to give an opinion regarding any changes in the amount of fees charged for use of radio

and television services;

9. (supplemented, SG No. 79/2000, amended, SG No. 96/2001, supplemented, SG No. 14/2009) to make decisions on the grant, alteration, revocation, transfer and termination of a radio and television broadcasting licence for the creation of programme services intended for distribution over existing and/or new electronic communications networks for analogue terrestrial broadcasting;

10. (amended, SG No. 12/2010) to refer to the competent authorities any violations of statutory instruments in the pursuit of media services;

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

12. (new, SG No. 96/2001, amended, SG No. 14/2009, SG No. 12/2010) to issue, at its discretion, mandatory directions to media service providers for compliance with the requirements of Article 33 herein;

13. (new, SG No. 96/2001, amended, SG No. 112/2001, supplemented, SG No. 14/2009) to approach the Communications Regulation Commission with an enquiry regarding the requisite technical parameters for analogue terrestrial broadcasting of radio and television programme services to a population centre or functional region as specified by the Council for Electronic Media or to the entire territory of the Republic of Bulgaria, including unallocated radio frequencies, permissible power of emission, possible points of emission, as well as any other technical information as may be necessary;

14. (new, SG No. 96/2001, amended, SG No. 14/2009) to hold a contest for selection of a radio and television broadcaster which shall be granted an authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over existing and/or new electronic communications networks for analogue terrestrial broadcasting;

15. (new, SG No. 96/2001, amended, SG No. 14/2009) to grant an individual radio and television broadcasting licence to the winner of the contest referred to in Item 14 and to notify the Communications Regulation Commission with a view to granting the same person an authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over existing and/or new electronic communications networks for analogue terrestrial broadcasting;

16. (New, SG No. 96/2001, amended, SG No. 14/2009, SG No. 12/2010) to keep a public register of:

(a) radio and television programme services which are distributed over cable electronic communications networks, by satellite and over electronic communications networks for digital terrestrial broadcasting;

(b) radio and television programme services which are distributed over existing and/or new

electronic communications networks for analogue terrestrial broadcasting;

(c) on-demand media services;

(d) undertakings which distribute Bulgarian and foreign programme services;

16a. (new, SG No. 14/2009) to effect a registration of radio and television programme services, to modify and strike a registration, and to issue registration certificates;

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

18. (supplemented, SG No. 79/2000; renumbered from Item 12, SG No. 96/2001, amended, SG No. 12/2010) to make any other decisions in execution of its powers under this Act, and under effective international treaties in the sphere of media services to which the Republic of Bulgaria is a party;

19. (new, SG No. 14/2009) to grant an individual radio and television broadcasting licence to radio and television broadcasters for national/regional programme services, which have the right to be distributed by an undertaking which has been granted an authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over networks for digital terrestrial broadcasting within a national and/or regional range;

20. (new, SG No. 14/2009) to determine a form and type of the Bulgarian television programme services, licensed under Item 19, which are distributed over networks for digital terrestrial television broadcasting in the cases and according to the procedure established by a law;

21. (new, SG No. 14/2009) to clear the form and type of the television programme services which are distributed over networks for digital terrestrial television broadcasting according to the procedure established by this Act.

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

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

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

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

(4) (New, SG No. 96/2001, amended, SG No. 12/2010) Every year the Council for Electronic Media and the media service providers shall conclude an agreement on protection of children from content intended to impair the physical, mental and moral development thereof, which the Council shall send to the State Agency for Child Protection within seven days after the signing of the said agreement.

(5) (New, SG No. 12/2010) The Council for Electronic Media shall provide the European Commission and the independent regulatory bodies of the Member States of the European Union in the sphere of media services with information needed for the application of Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.

Article 33. (Amended and supplemented, SG No., 79/2000, supplemented, SG No. 96/2001, amended, SG No. 14/2009, SG No. 12/2010) The Council for Electronic Media shall exercise supervision over the broadcasting activities of media service providers solely with regard to:

1. abidance by the principles covered under Article 10 herein and compliance with the proportions referred to in Article 19a (1) and (2) herein;

2. compliance with the requirements covered under Article 6 (2) and (3) and Article 17 (2) herein;

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

4. compliance with the requirements regarding commercial communications;

5. conformity to the standards regarding charitable activities, sponsorship and product placement;

6. safeguarding the secrets in media services as provided for by the law;

7. compliance with the requirements to programmes aimed at children;

8. information about decisions of the institutions administering justice and the other state bodies in the cases provided for by the law;

9. protection of consumer rights;

10. the technical quality of programmes and programme services;

11. compliance with the restrictions provided for in the law, in the licences and in the effective international treaties whereto the Republic of Bulgaria is a party;

12. compliance with the terms and conditions of the issued licences and the registrations as effected.

Section IV

Meetings

Article 34. (1) The Council for Electronic Media shall be called to a meeting by the Chairperson:

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

(2) (Supplemented, SG No. 12/2010) A notice of meeting shall contain a draft agenda of the meeting. The said draft shall be posted on the Internet site of the Council for Electronic Media not later than 24 hours before the meeting.

Article 35. (1) (Supplemented, SG No. 96/2001, amended, SG No. 14/2009, redesignated from Article 35, amended, SG No. 12/2010) For the valid transaction of business at any meeting of the Council for Electronic Media, as many members shall have to be present thereat as shall be necessary for making decisions on the agenda. Decisions shall be made in person and by physically present members, voting by open ballot.

(2) (New, SG No. 12/2010) The meetings of the Council for Electronic Media shall be public. In respect of specific items on the agenda, the Council may hold a closed meeting where making a decision requires consideration of information protected by a law.

(3) (New, SG No. 12/2010) The Council for Electronic Media shall make public any decisions made in connection with the exercise of the powers thereof, including the manner in which the said Council applies this Act, as well as the grounds for any change in the practice thereof. The complete minutes of proceedings at the meetings shall be posted on the Internet site of the Council for Electronic Media within three days. The decisions of the Council for Electronic Media shall be reasoned.

Article 36. Upon making decisions, the members of the Council for Electronic Media shall be guided by the principles of:

1. fellowship;
2. public openness and transparency;
3. independence in the discussions and decision-making;
4. (amended, SG No. 12/2010) cooperation with state bodies, media service providers and non-governmental organizations active in the sphere of media services or in the protection of copyright and neighbouring rights;

5. protection of the interests of viewers and listeners.

Article 37. (1) The Council for Electronic Media shall make decisions by a simple majority of all its members.

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

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

Article 38. (Amended and supplemented, SG No. 79/2000, amended, SG No. 96/2001) (1) The decisions of the Council for Electronic Media shall be appealable before the Supreme Administrative Court.

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

Article 39. (Amended, SG No. 96/2001, SG No. 14/2009, SG No. 12/2010) (1) The Council for Electronic Media shall submit to the National Assembly for consideration a report on the activity thereof for the first half of each current year not later than the 31st day of October and for the second half of the last preceding year not later than the 31st day of March and shall post the said report on the Internet site thereof.

(2) The Council for Electronic Media shall issue a monthly newsletter, which shall contain the decisions made and topical articles on the problems of audiovisual culture, the results of the monitoring of media service providers, as well as the public opinion surveys commissioned by the Council for Electronic Media, the written statements issued on ascertainment of administrative violations, the penalty decrees and the judgments of court rendered upon the contestation thereof. The said newsletter shall be posted on the Internet site of the Council for Electronic Media.

Section V

Financing and Remuneration

Article 40. The Council for Electronic Media shall be financed by the Radio and Television Fund.

Article 41. (1) For the duration of performance of their functions, the members of the Council for Electronic Media shall receive a monthly remuneration to an amount equivalent to three average monthly wages of persons employed in the national economy according to information of the National Statistical Institute.

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

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

Chapter Three

BULGARIAN NATIONAL RADIO AND BULGARIAN NATIONAL TELEVISION

Section I

General Provisions

Article 42. (1) The Bulgarian National Radio and the Bulgarian National Television shall be legal persons with head offices in Sofia.

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

Article 43. (Repealed, SG No. 12/2010).

Article 44. (1) (Amended, SG No. 14/2009) The radio and television programme services of the BNR and the BNT shall be distributed by means of electronic communications services and/or facilities for analogue terrestrial broadcasting, which are owned by the BNR and the BNT, or on the basis of a contract with an undertaking providing electronic communications services.

(2) (Amended, SG No. 14/2009) The State shall take the necessary measures to guarantee the distribution of the programme services of the BNR and the BNT within the entire territory of Bulgaria upon implementation of the policy in the sphere of electronic communications.

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

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

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

Article 45. (1) (Amended, SG No. 12/2010) The Bulgarian National Radio and the Bulgarian National Television shall introduce and provide new media services.

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

(3) (New, SG No. 14/2009, amended, SG No. 12/2010) In fulfilment of the obligation of the State referred to in Article 44 (2) herein, the Council for Electronic Media shall grant the BNR and the BNT licences for distribution of the programme services thereof over electronic communications networks for digital terrestrial broadcasting.

(4) (New, SG No. 37/2009, effective 19.05.2009) The State shall take the relevant measures to ensure the required digital equipment for the creation of programme services, in accordance with the applicable digital technologies.

Article 46. (1) The Bulgarian National Radio and the Bulgarian National Television shall have the right to conclude contracts for the purchase of finished audio and audiovisual works.

(2) (Amended, SG No. 12/2010) The Bulgarian National Radio and the Bulgarian National Television may conclude contracts with other media service providers for the supply, re-transmission or exchange of programmes and programme services.

Article 47. (1) (Amended, SG No. 12/2010) The Bulgarian National Radio and the Bulgarian National Television shall have the right to create their own programme services and programmes or to commission the creation of such programme services and programmes to independent producers, as well as to take part in co-productions.

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

(3) (Amended, SG No. 12/2010) Audio and audiovisual works shall be created by independent producers through a contest and the conclusion of a contract with the BNR and the BNT.

(4) (Amended, SG No. 12/2010) The principles of relations and the procedure for production of co-productions, for the holding of contests and for conclusion of contracts with independent producers shall be governed by regulations adopted by the management board.

Article 47a. (New, SG No. 37/2009, effective 19.05.2009, repealed, SG No. 12/2010).

Article 48. The Bulgarian National Radio and the Bulgarian National Television shall have the right to gratuitous insertion in their newscasts, by way of fair use, of reports and news about events wherefore another radio or television broadcaster holds the exclusive coverage rights, in conformity with the Copyright and Neighbouring Rights Act, mandatorily crediting the source of information.

Section II

BNR and BNT Programme Services

Article 49. (1) The Bulgarian National Radio and the Bulgarian National Television shall create national and regional programme services; external service programmes, including such for Bulgarians abroad; programmes intended for Bulgarian citizens who have a mother tongue different from the Bulgarian language, including broadcasts in the language of the said citizens.

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

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

BNT.

Article 50. The Bulgarian National Radio and the Bulgarian National Television shall develop their programming policy in accordance with the requirements to national public-service radio and television broadcasters.

Article 51. When requested to do so, the Bulgarian National Radio and the Bulgarian National Television shall be obligated to provide immediately and at no charge transmission time to representatives of state bodies for announcements in the public interest in the event of a disaster or an immediate threat to the life, safety or health of the public or of individual persons.

Article 52. (1) The President of the Republic, the Chairperson of the National Assembly, the Prime Minister, the Prosecutor General and the presidents of the Constitutional Court, the Supreme Administrative Court and the Supreme Court of Cassation shall have the right to address the nation on the BNR and the BNT.

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

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

(4) (New, SG No. 14/2009, amended, SG No. 12/2010) For the purpose of ensuring publicity and transparency of the activity of the National Assembly, the BNT shall provide transmission time to the National Assembly under terms and according to a procedure stipulated in a contract.

Article 53. (1) The Bulgarian National Radio and the Bulgarian National Television may provide transmission time for addresses to believers and for broadcasting of significant religious ceremonies at the request of:

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

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

Article 54. The terms and procedure for provision of transmission time on the BNR and the BNT upon participation in election campaigns shall be established by a law.

Section III

BNR and BNT Management

Article 55. (1) The management bodies of the Bulgarian National Radio shall be:

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

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

1. the Management Board of the BNT;

2. the Director General of the BNT.

Article 56. The directors general of the BNR and the BNT and the members of the management boards shall conduct their activities pursuant to contracts whereby management is entrusted to them.

Article 57. (1) Any employer, who or which is in an employment relationship with any person covered under Article 55 herein, shall be obligated to grant any such person unpaid leave of absence for the duration of the relevant term. After the expiration or termination of the said term, the said employer shall be obligated to reinstate the said person to the position previously occupied thereby.

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

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

Article 58. (1) The management boards of the BNR and the BNT shall consist of five members each, endorsed by the Council for Electronic Media upon nomination by the respective directors general.

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

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

Article 59. (1) (Amended, SG No. 14/2009) Eligibility to the management boards of the BNR and the BNT shall be limited to persons holding Bulgarian citizenship who reside within the territory of Bulgaria, hold a university degree and possess professional experience in the sphere of radio and television broadcasting activities, of culture, journalism, audiovision, electronic communications, law or economics.

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

1. any persons who have been sentenced to imprisonment for premeditated indictable offences;

2. any sole traders, owners of the capital of commercial corporations, partners, managing directors, managerial agents or members of management and auditing bodies of commercial corporations and cooperatives;

3. any persons who have been on the full-time staff or part-time informers of the former State Security.

Article 60. (1) The term of office of the management boards of the BNR and the BNT shall be three years.

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

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

Article 61. (1) The term of office of a member of the management board shall be terminated prior to the expiration of the said term by the Council for Electronic Media on motion by the respective director general on the grounds applicable to early termination of the term of office of a member of the Council for Electronic Media.

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

Article 62. The Management Board of the BNR and, respectively, the Management Board of the BNT, shall perform the following functions:

1. determine the basic guidelines for the development, scope and structure of the programme service;

2. (amended, SG No. 12/2010) adopt rules for the structure and organization of operation, for wages, for payment of part-time contributors, for editing, for advertising, for the storage and use of stock material, and for independent productions and co-productions;

3. (amended, SG No. 37/2009, effective 19.05.2009) define the general guidelines for development, determine the programming volume and structure, and approve the creation of programme services, jointly with other natural and legal persons or radio and television broadcasters upon a proposal by the Director General of the BNT;

4. adopt the structure and staffing schedule of employees, the terms and a procedure for conclusion of contracts with part-time contributors and journalists;

5. adopt the draft budget and the State budget subsidy included in it and, after consultation with the Council for Electronic Media, transmit the subsidy request to the Ministry of Finance for inclusion in the draft State Budget Act;

6. adopt the budget and the distribution thereof, the staff size, the average wage, and the wage bill;

7. adopt the report on utilization of the budget;

8. pass, on motion by the directors general, upon the opening and closing of regional centres and determine their status, structure and management in consultation with the Council for Electronic Media;

9. determine the occupational qualifications required from the categories of persons

employed in radio and television broadcasting activities;

10. endorse the job descriptions of employees;

11. endorse all advertising and sponsorship contracts, as well as any other contracts for a value exceeding a level specified in the rules of organization and operation;

12. endorse the conclusion and termination of the contracts of employment of senior office holders at the BNR or, respectively, the BNT, and their divisions according to a list of positions specified in the rules of organization and operation of the BNR and the BNT;

13. address any other matters falling within the scope of its competence.

Article 63. (1) The management boards of the BNR and the BNT shall be called to meeting by the director general:

1. on his or her own initiative, or

2. on the requisition of at least two of the board members.

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

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

Article 64. The management boards of the BNR and the BNT shall make decisions by a simple majority of all members.

Article 65. For the duration of performance of their functions, the members of the management boards shall receive a monthly remuneration from the BNR and, respectively, the BNT to an amount equivalent to three-quarters of the monthly remuneration of the members of the Council for Electronic Media.

Article 66. (1) (Supplemented, SG No. 96/2001) To be eligible for the position of a director general of the BNR or, respectively, of the BNT, a person must possess the qualifications required for membership of the Council for Electronic Media. To qualify for director general of the BNR, a candidate must have not less than five years of service in a radio station; to qualify for director general of the BNT, an applicant must have not less than five years of service in a television station.

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

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

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

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

Electronic Media;

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

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

Article 68. (1) (Redesignated from Article 68, SG No. 37/2009, effective 19.05.2009) The director general of the BNR and, respectively, of the BNT, shall perform the following functions:

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

(2) (New, SG No. 37/2009, effective 19.05.2009) The Director General of the BNT shall select natural and legal persons or radio and television broadcasters, with whom to create jointly radio and television programme services.

Article 69. The directors general of the BNR and the BNT shall receive a monthly remuneration equal to the remuneration drawn by a chairperson of a standing committee of the National Assembly.

Section IV

BNR and BNT Financing

Article 70. (1) The Bulgarian National Radio and the Bulgarian National Television shall

prepare, implement, balance off and report a self-contained budget.

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

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

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

(4) The State budget subsidy shall:

1. be provided for the preparation, creation and distribution of national and regional programme services; the amount of subsidy shall be determined per hour of programming on the basis of a standard endorsed by the Council of Ministers;

2. include an action grant for tangible fixed assets according to a list endorsed annually by the Ministry of Finance.

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

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

Article 71. The Bulgarian National Radio and the Bulgarian National Television shall assist the creation and performance of national audio and, respectively, audiovisual output, allocating funds for new productions as follows:

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

2. the Bulgarian National Television shall allocate not less than 5 per cent of the State budget subsidy and the financing from the Radio and Television Fund for Bulgarian films made for television.

Chapter Four

COMMERCIAL COMMUNICATIONS

(Heading amended, SG No. 12/2010)

Section I

General Provisions

Article 72. (Amended, SG No. 12/2010) Commercial communications shall be audiovisual commercial communications and commercial communications in radio services.

Article 73. (Amended, SG No. 12/2010) (1) "Audiovisual commercial communications" means images with or without sound, designed to promote, directly or indirectly, the goods, services or reputation of a natural or legal person pursuing an economic activity, or to advance a cause or idea, or to bring about some other effect desired by the advertiser, which accompany or are included in a particular programme in return for payment or for similar consideration or for self-promotional purposes.

(2) "Commercial communications in radio services" means sound communications designed to promote, directly or indirectly, the goods, services or reputation of a natural or legal person pursuing an economic activity, or to advance a cause or idea, or to bring about some other effect desired by the advertiser, which accompany or are included in a particular programme in return for payment or for similar consideration or for self-promotional purposes.

Article 74. (Supplemented, SG No. 79/2000, amended, SG No. 12/2010) (1) "Advertising" means a form of commercial communication which accompanies or is included in an audiovisual or radio programme in return for payment or for similar consideration or for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, or rights and obligations, or to advance a cause or idea, or to bring about some other effect desired by the advertiser, in return for payment.

(2) "Sponsorship" means a form of commercial communication consisting in any contribution made by a public or private undertaking or natural or legal person not engaged in providing media services or in the creation of audio/audiovisual works, to the financing of media services or programmes with a view to promoting his, her or its name, trademark, reputation, activities or his, her or its products

(3) "Teleshopping" or "radio shopping" means a form of commercial communication consisting of any direct offer broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in an audiovisual programme or a radio programme, in return for payment.

(4) "Product placement" means a form of commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof in the programme itself, in return for payment or for similar consideration.

(Section II - Heading repealed, SG No. 12/2010)

Article 75. (Amended, SG No. 12/2010) (1) Commercial communications must be clearly recognisable as such. Surreptitious commercial communications shall be prohibited.

(2) "Surreptitious commercial communication" means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes, when such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature, in particular if it is done in return for payment or for similar consideration.

(3) Producers of goods and providers of services may not exercise influence on editorial content.

(4) Commercial communications shall not use subliminal techniques. "Subliminal techniques" means indirect methods, which are not identified as commercial communications and are not recognized by the audience as such, but may elicit a subconscious mental reaction and produce a predisposition to the presented goods and services in the audience.

(5) Commercial communications must not:

1. prejudice human dignity;
2. include or promote any discrimination based on such grounds as sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;
3. encourage behaviour prejudicial to health or safety;
4. encourage behaviour grossly prejudicial to the protection of the environment.

(6) All forms of commercial communications for cigarettes and other tobacco products shall be prohibited.

(7) Commercial communications for alcoholic beverages must not be aimed specifically at children and may not encourage immoderate consumption of such beverages.

(8) Commercial communications for medicinal products available only on prescription or for medical treatment available only on prescription shall be prohibited, with the exception of the cases under Article 248 of the Medicinal Products in Human Medicine Act.

(9) Commercial communications must not:

1. pose a risk of physical or moral detriment to children;
2. directly exhort children to buy or hire a product or service by exploiting their inexperience or credulity;
3. encourage children to persuade their parents or others to purchase the goods or services being advertised;
4. exploit the special trust children place in their parents, teachers or other persons;

5. unreasonably show children in dangerous situations.

Article 76. (Supplemented, SG No. 79/2000, amended, SG No. 12/2010) (1) Media service providers shall develop, as part of their codes of conduct, rules regarding commercial communications accompanying or included in children's programmes for foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugar, excessive intakes of which in the overall diet are not recommended.

(2) Media service providers shall undertake to abide by the standards of the Ethical Code of the Bulgarian Media, developed by the National Council for Journalistic Ethics Foundation, and by the National Ethical Rules for Advertising and Commercial Communication, developed by the National Council for Self-Regulation Association.

Article 77. (Amended, SG No. 79/2000, SG No. 12/2010) It shall be inadmissible to distribute any commercial communications containing pornography or inciting to violence and disrespect of human dignity, as well as to behaviour prejudicial to public order and generally accepted moral standards. Any commercial communications of an erotic content using or addressed to children shall be inadmissible.

Article 78. (Amended, SG No. 79/2000, SG No. 12/2010) Media service providers shall regulate the inclusion of commercial communications in the media services by written contracts.

Article 79. (Amended, SG No. 79/2000, SG No. 12/2010) Media service providers shall assist the Council for Electronic Media for the strict application of this Act and, when approached by a reasoned request, shall provide the said Council with the data and documents necessary for the needs of regulation.

Article 80. (Amended, SG No. 12/2010) (1) Commercial communications may not feature the coat of arms, flag and anthem of the Republic of Bulgaria, as well as, orally and visually, journalists regularly employed to present news.

(2) The persons referred to in Paragraph (1) may participate in advancing a cause or idea.

Article 81. (Amended, SG No. 79/2000, SG No. 12/2010) Commercial communications for goods and services, the production or trade of which is subject to a licence system according to Item 2 of Article 9 (1) of the Act Restricting Administrative Regulation and Administrative Control over Economic Activity or the advertising for which requires authorization, may be included in media services only after presentation of the relevant licence or authorization.

Section II

(New, SG No. 12/2010)

Sponsorship

Article 82. (Amended, SG No. 12/2010) (1) Media services or programmes that are sponsored must meet the following requirements:

1. their content and, in the case of programme services, their programme schedule must in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;

2. they must not directly encourage the purchase or rental of goods or services, especially by making references to those goods or services in the programmes;

3. viewers must be clearly informed of the existence of a sponsorship agreement;

4. they must be clearly identified as such by the name, logo and/or any other symbol of the sponsor, such as a reference to its products or services or a distinctive sign thereof in an appropriate way at the beginning, during and/or at the end of the programmes.

(2) Media services or programmes may not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.

(3) The sponsorship of media services or programmes by producers or sellers of medicinal products or by medical-treatment facilities may promote the name or the image of the sponsor, but shall not promote specific medicinal products available only on prescription or medical treatment available only on prescription.

(4) News and current affairs programmes may not be sponsored.

(5) Political parties and organizations, as well as religious organizations, may not sponsor programmes.

(6) The showing of a sponsorship logo during children's and religious programmes shall be prohibited.

Section III

(New, SG No. 12/2010)

Product Placement

Article 83. (Amended, SG No. 12/2010) (1) Product placement in news, religious programmes and in audiovisual media services of public-service providers shall be prohibited.

(2) Product placement in children's programmes, including in programmes referred to in Paragraph (3), shall be prohibited.

(3) Product placement shall be admissible in cinematographic works, in films and series made for audiovisual media services, in sports and light entertainment programmes, as well as in other programmes which are not expressly indicated in Paragraph (1). Product placement in the programme services of the public-service providers shall be admissible in cinematographic works, in films and series made for audiovisual media services.

(4) Product placement shall not be the case where a product or a service is not included in a particular programme against payment but is provided to meet the needs of the programme of costumes, production props, prizes or other such and the products and services involved are not of significant value.

(5) "Significant value", within the meaning given by Paragraph (4), shall be a value which exceeds the quintuple average value of the commercial communications transmitted in the relevant programme, according to pre-announced rates of the media service provider concerned.

(6) Providers shall have the right to announce, by appropriate means, the provision of goods and services referred to in Paragraph (4) in the closing credits of the relevant programme.

Article 84. (Amended, SG No. 79/2000, SG No. 93/2005, SG No. 12/2010) (1) Programmes that contain product placement must meet the following requirements:

1. their content and, in the case of programme services, their programming, must not be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;

2. they must not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;

3. they must not give undue prominence to the product in question;

4. viewers must be clearly informed of the existence of product placement.

(2) Programmes containing product placement must be appropriately identified at the start and at the end of the programme, as well as when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer. This requirement shall not apply to a programme which has neither been produced nor commissioned by the media service provider itself or by a person affiliated to the media service provider.

(3) Programmes must not contain product placement of:

1. cigarettes or tobacco products or product placement of similar products from undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products;

2. specific medicinal products available only on prescription, or medical treatment available only on prescription.

Section IV

(New, SG No. 12/2010)

Television Advertising and Teleshopping

Article 85. (Amended, SG No. 12/2010) (1) Advertising and teleshopping must be clearly recognizable and distinguishable from editorial content.

(2) Advertising and teleshopping must be kept quite distinct from other parts of the programme by optical and/or acoustic, and/or spatial means, without prejudice to the use of new advertising techniques.

(3) Isolated advertising spots and teleshopping spots, other than in transmissions of sports events, shall be an exception.

Article 86. (Amended and supplemented, SG No. 79/2000, amended, SG No. 105/2005, SG No. 21/2006, SG No. 12/2010) (1) Where advertising and teleshopping spots are inserted during programmes, they must not prejudice the integrity of the programmes, taking into account natural

breaks in and the duration and the nature of the programme, and the rights of the right holders.

(2) Films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by advertising and/or teleshopping once for each scheduled period of at least 30 minutes.

(3) Children's programmes may be interrupted by an advertising and/or teleshopping spot once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes.

(4) Transmission of advertising or teleshopping shall be inadmissible during national observances and religious services.

(5) The insertion of paid reports in news shall be inadmissible.

Article 87. (Amended, SG No. 12/2010) Teleshopping for medicinal products for which an authorization for use is required according to the Medicinal Products in Human Medicine Act, as well as teleshopping for medical treatment, shall be prohibited.

Article 88. (Amended, SG No. 79/2000, SG No. 12/2010) Advertising and teleshopping for alcoholic beverages must not:

1. be aimed specifically at children or, in particular, depict children consuming these beverages;

2. link the consumption of alcohol to enhanced physical performance or to driving of motor vehicles;

3. create the impression that the consumption of alcohol contributes towards social or sexual success;

4. claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;

5. encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;

6. place an emphasis on high alcoholic content as being a positive quality of the beverages.

Section III

Sponsorship

Article 89. (Amended, SG No. 12/2010) (1) The share of advertising spots and teleshopping spots within a given clock hour may not exceed 12 minutes.

(2) Paragraph (1) shall not apply to announcements made by the broadcaster in connection with its own programme services, programmes and ancillary products derived from those programmes, promotion of European films, as well as to charity appeals and public-benefit causes.

Article 90. (Amended, SG No. 12/2010) (1) The overall duration of advertising in each

separate programme service may not exceed:.

1. for the BNT: 15 minutes per day and 4 minutes per hour;
2. for the BNR: 6 minutes per hour.

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

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

(4) The restrictions referred to in Items 1 and 2 of Paragraph (1) shall not apply to advertising inserted in programmes covering art, culture or sports events of national and international importance. In such case, the standard provisions shall apply to the duration of the advertising.

Article 91. (Amended, SG No. 12/2010) Teleshopping windows must be clearly identified as such by optical and acoustic means and shall be of a minimum uninterrupted duration of 15 minutes.

Article 92. (Amended, SG No. 12/2010) (1) The provisions of Sections I, II and III shall apply mutatis mutandis to television programme services exclusively devoted to advertising and teleshopping, as well as to television channels exclusively devoted to self-promotion, the provisions being interpreted and applied in conformity with the nature and character of those programme services.

(2) The provisions of Article 86 (1) herein regarding the observance of copyrights and neighbouring rights, of Article 86 (4) and (5), Articles 87 and 88 herein shall furthermore apply mutatis mutandis to radio advertising and radio shopping.

Chapter Five

FINANCING OF RADIO AND TELEVISION BROADCASTING ACTIVITIES

Section I

Fees

Article 93. (1) A monthly fee shall be charged for financing of public-service radio and television broadcasting activities on the basis of each registered electric meter.

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

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

(4) (Paragraph declared partly unconstitutional, in respect of the expression "at any time", by

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

Article 94. (1) Citizens shall pay a monthly fee under Article 93 herein to the amount of 0.6 per cent of the national minimum wage as fixed by the Council of Ministers, for each registered electricity meter.

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

Article 95. The fee referred to in Article 94 herein shall be paid together with the sums due for electricity consumption according to the applicable procedure through the pay-desks of the power supply utilities of the National Electric Company EAD.

Article 96. Citizens of impaired hearing or eyesight whereon Disability Grade Two has been conferred shall be exempt from paying fees.

Article 97. (1) No fee shall be payable for use of receivers and devices by health facilities, child care homes and kindergartens, educational, social and cultural institutions according to a list proposed by the competent ministries and central-government departments and endorsed by the Council for Electronic Media, as well as if the receivers and devices are used as monitors.

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

Section II

Radio and Television Fund

Article 98. There shall be established a Radio and Television Fund with the Council for Electronic Media for financing of radio and television broadcasting activities.

Article 99. (1) The Radio and Television Fund shall be directed by a Management Board whose composition shall be determined by the Council for Electronic Media.

(2) (Amended, SG No. 79/2000, SG No. 88/2005, SG No. 12/2010) The Management Board shall mandatorily include one representative each of the Ministry of Finance, of the Ministry of Transport, Information Technology and Communications, of the public-service radio and television media service providers, and of the commercial radio and television media service providers.

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

Article 100. The Management Board shall elect a Chairperson from amongst its members.

Article 101. (1) The Council for Electronic Media shall appoint an Executive Director of the Radio and Television Fund, who shall direct the day-to-day operation of the said Fund.

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

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

raised from:

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

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

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

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

(b) for effecting of the revisions;

5. a fee for extension of the term of validity of the licence;

6. a fee for issuance of a replacement of the licence or of the certificate of registration, as the case may be.

7. (new, SG No. 12/2010) a fee for issuance of a certificate of entry in the register referred to in Article 125j herein.

(4) (Amended, SG No. 12/2010) The amount of the initial licence fee or registration fee, as the case may be, shall be determined depending on the necessary administrative costs incurred for the preparation and grant of the licence or registration, as the case may be.

(5) (Amended, SG No. 12/2010) The amount of the annual fee shall be determined depending on the necessary administrative costs incurred by the Council for Electronic Media for the supervision as to compliance with the conditions for the provision of services under this Act on the basis of the following criteria:

1. number of registered residents who can be serviced by the licensed or registered service or the service under Article 125g herein;

2. territorial range of the service;

3. kind of the service.

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

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

1. non-discrimination of the radio and television broadcasters;

2. proportionality in respect of the administrative costs;

3. promotion of competition and of the provision of new services;

4. satisfying public demand for high-quality radio and television services.

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

(9) The proceeds from the fees covered under Paragraph (3) shall be administered by the

Council for Electronic Media.

Article 103. (1) The resources of the Radio and Television Fund shall be disbursed for:

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

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

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

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

Article 104. Any excess of revenues over expenditures at the end of the year shall be a balance brought forward and shall be used for the assigned purpose during the next succeeding year.

Chapter Six

RADIO AND TELEVISION BROADCASTER LICENSING AND REGISTRATION

(Heading amended, SG No. 96/2001)

Section I

General Provisions

Article 105. (1) (Amended, SG No. 96/2001, supplemented, SG No. 77/2002, amended, SG No. 14/2009) Radio and television broadcasting activities for the creation of programme services intended for distribution over electronic communications networks, where a scarce resource - radio spectrum is used, shall be pursued by virtue of individual licences granted by the Council for Electronic Media under the terms and according to the procedure established by this Act.

(2) (Amended, SG No. 79/2000, SG No. 10/2007, SG No. 14/2009) The following shall be eligible to apply for pursuit of radio and television broadcasting activities:

1. natural persons who are sole traders and legal persons, registered under Bulgarian legislation;

2. legal persons registered under the legislation of a Member State of the European Union, or of another State which is a Contracting Party to the Agreement on the European Economic Area.

(3) (Amended and supplemented, SG No. 79/2000, amended, SG No. 93/2005, SG No. 14/2009) The Bulgarian National Radio and the Bulgarian National Television shall pursue radio and television broadcasting activities as national public-service broadcasters by virtue of licences granted without a contest or by virtue of registrations.

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

1. (amended, SG No. 79/2000, SG No. 14/2009) any legal persons which have been denied the grant of an insurance business authorization or whose insurance business authorization has been revoked;

2. any legal persons in which the legal persons referred to in Item 1 or the partners or shareholders therein hold a participating interest;

3. (supplemented, SG No. 79/2000) any sole-trader natural persons or legal persons, who or which are unable to produce evidence of the ownership of their property or of the capital under Article 6 of the Measures against Money Laundering Act;

4. (supplemented, SG No. 79/2000) any legal persons in which any sole trader natural persons or legal persons under Item 3 or the partners or shareholders therein hold a participating interest;

5. (supplemented, SG No. 79/2000) any sole trader natural persons or legal persons who or which, during the five years last preceding the application for a licence, have been adjudicated bankrupt or are subject to bankruptcy or liquidation proceedings;

6. any legal persons wherein any persons included in the list referred to in Article 3 (1) of the Act on Information Regarding Non-Performing Loans are partners or shareholders;

7. (supplemented, SG No. 14/2009, repealed, SG No. 12/2010);

8. (repealed, SG No. 14/2009);

9. (repealed, SG No. 14/2009);

10. (new, SG No. 79/2000) any sole traders or legal persons who or which received a refusal to an application for a licensed broadcasting activity of the same kind or whose licence granted

under this Act has been revoked during the year last preceding the application for a licence.

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

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

1. (amended, SG No. 10/2007) a certificate of current status and, applicable to non-resident persons, the respective document, issued not earlier than one month prior to the date of submission of the application under Article 111 herein;

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

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

(7) (New, SG No. 37/2009, repealed, SG No. 12/2010).

Article 106. (1) Any licence shall be personal.

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

(3) (New, SG No. 96/2001, amended, SG No. 14/2009) Upon transfer of any licence granted according to the procedure established by Articles 116, 116a, 116b, 116c and 116d herein, the Council for Electronic Media shall notify the Communications Regulation Commission within 14 days.

(4) (New, SG No. 14/2009) Within ten days after the notification referred to in Paragraph (3), the Communications Regulation Commission shall transfer the authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over existing and/or new electronic communications networks for analogue terrestrial broadcasting to the person whereto the relevant radio and television broadcasting licence has been transferred, in compliance with the terms and procedure established by Article 121 (2) and Article 122 of the Electronic Communications Act.

Article 107. (Repealed, SG No. 96/2001).

Article 108. Upon submission of documents for the grant of licences referred to in Article 111 herein, the applicants shall declare that they do not hold any interests, shares or rights of any other kind to participation in radio and television broadcasters in excess of the permissible limit according to the anti-trust legislation of the Republic of Bulgaria.

Article 109. (Amended, SG No. 96/2001) (1) Licences shall be granted for a term of 15 years. This term may be extended by decision of the Council for Electronic Media at the request of the licence holder for an aggregate duration which may not exceed 25 years.

(2) (Amended, SG No. 14/2009) The term of the licence for use of an individually assigned

scarce resource - radio spectrum, for provision of electronic communications over existing and/or new electronic communications networks for analogue terrestrial broadcasting must correspond to the term of the licence under this Act.

Article 110. (1) Any radio and television broadcasting licence shall state:

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

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

3. the date whereat the licence is granted;

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

5. the range of distribution (national, regional, local);

6. the term of validity of the licence;

7. (supplemented, SG No. 14/2009) the technical and other requirements to the programme services, including requirements for provision of the programme services for distribution in unencoded form.

(2) (Supplemented, SG No. 79/2000, amended, SG No. 93/2005, SG No. 12/2010) The licence shall include obligations to comply with the requirements covered under Article 6 (2) and (3) herein and to abide by the principles of pursuit of radio and television broadcasting activities covered under Article 9 (1) and Article 10 herein, including a time period and a time schedule for attainment of the proportions provided for in Article 19a (1) and (2) herein.

Section II

Licensing Procedure

Article 111. (Amended, SG No. 96/2001) (1) (Redesignated from Article 111, SG No. 10/2007) Any applicant for a radio and television broadcasting licence shall submit a written application to the Council for Electronic Media, enclosing therewith:

1. a basic instrument;

2. (amended, SG No. 34/2006, supplemented, SG No. 14/2009) a certificate of commercial registration or documents certifying the incorporation of the legal person, issued not earlier than one month prior to the date of submission of the application;

3. (amended, SG No. 105/2005) a certificate referred to in Article 87 (6) of the Tax and Social-Insurance Procedure Code;

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

5. a declaration referred to in Article 108 herein;

6. a declaration of non-existence of the circumstances covered under Article 105 (4) herein;
7. proof of financial capacities to pursue the broadcasting activities;
8. a programme design, a programme concept, a programme type, a programme schedule, a list of subsidiary radio and television services;
9. (amended, SG No. 14/2009) preliminary contracts for ceded copyrights to protected works in the programme services and of ceded neighbouring rights for provision for distribution of the programme services of others.

(2) (New, SG No. 14/2009) The applicants for the grant of a radio and television broadcasting licence shall mandatorily attach the following to the documents covered under Paragraph (1):

1. documents proving the origin of the capital for the last three years, including a certified financial statement, reckoned from the date of submission of the documents;
2. documents attesting to the structure of the capital and the distribution of ownership in the capital;
3. a list of the media undertakings wherein the applicants are shareholders or partners.

(3) (New, SG No. 10/2007, renumbered from Paragraph (2), supplemented, SG No. 14/2009) The application and the documents covered under Paragraphs (1) and (2) shall be submitted in the Bulgarian language.

Article 112. (1) (Amended, SG No. 96/2001) The Council for Electronic Media shall verify the authenticity of the documents covered under Article 111 herein as submitted.

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

Article 113. (Repealed, SG No. 96/2001).

Article 114. (Amended, SG No. 96/2001) The members of the Council for Electronic Media and the employees of the said Council, as well as the members of the evaluating commission, shall be obligated to respect the confidentiality of the information contained in the documents of the applicants.

Article 115. (Amended, SG No. 96/2001, repealed, SG No. 14/2009).

Article 116. (Amended, SG No. 96/2001) (1) (Supplemented, SG No. 77/2002, amended, SG No. 14/2009, SG No. 12/2010) A licence for pursuit of radio and television broadcasting activities through use of existing and/or new electronic communications networks for analogue terrestrial broadcasting shall be granted after holding a contest.

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

Media.

(3) (Amended, SG No. 112/2001, supplemented, SG No. 14/2009) Within 14 days after receipt of a request referred to in Paragraph (2), the Council for Electronic Media shall approach the Communications Regulation Commission with an enquiry in writing regarding the requisite technical parameters for analogue terrestrial broadcasting of radio and television programme services to a population centre, a functional region or the entire territory of the Republic of Bulgaria, including unallocated radio frequencies, permissible power of emission, possible points of emission, as well as any other technical information as may be necessary.

(4) (Supplemented, SG No. 77/2002, amended and supplemented, SG No. 14/2009, SG No. 12/2010) The Communications Regulation Commission shall present to the Council for Electronic Media the decision thereof on any such enquiry within three months or, where international coordination of the radio frequencies and the radio frequency bands, as well as the technical characteristics of the radio equipment to be used, shall be necessary, within eight months, conforming to the requirements for efficient utilization of the radio spectrum.

(5) (Amended, SG No. 14/2009) Should unallocated radio spectrum be available, conforming to the enquiry, the Communications Regulation Commission shall attach a draft authorization for use of an individually assigned resource - radio spectrum to the decision referred to in Paragraph (4).

Article 116a. (New, SG No. 96/2001) (1) (Amended, SG No. 77/2002, SG No. 12/2010) Within 14 days after receipt of a reply, the Council for Electronic Media shall make a decision on initiation of a contest or contests depending on the unallocated radio spectrum as available.

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

(3) The licensing documents shall contain:

1. (amended, SG No. 14/2009) a draft authorization referred to in Article 116 (5) herein within a relevant territorial range depending on the available unallocated individually assigned scarce resource - radio spectrum;

2. required rate of development and/or of service;

3. requirements as to protection of the environment;

4. requirements as to quality;

5. requirements relating to creative, financial and technological capacities and experience;

6. evaluation criteria and relative weight of the said criteria in the integral evaluation, conforming to the requirement to prioritise the evaluation of the programme design.

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

(5) (New, SG No. 14/2009) Where the Council for Electronic Media fails to make a decision on initiation of a contest or contests depending on the unallocated radio spectrum as available within three months after receipt of the answer referred to in Article 116 (4) herein, the Communications Regulation Commission may, after a consultation with the Council for Electronic Media in accordance with the state radio spectrum planning and allocation policy, propose a reconsideration of the purposes for which the scarce resource has been allocated.

Article 116b. (New, SG No. 96/2001) Any person wishing to obtain the radio and television broadcasting licence shall submit an application for entry in the contest, enclosing the following bidding documents therewith:

1. the documents covered under Article 111 herein;
2. (amended, SG No. 14/2009) a preliminary schematic design for use of existing and/or new electronic communications networks for analogue terrestrial broadcasting, conforming to the licensing documents;
3. a draft of a business plan for pursuit of the broadcasting activities;
4. a written undertaking to respect the confidentiality of the information contained in the licensing documents;
5. documentary proof of payment for licensing documents;
6. other documents relevant to the contest procedure.

Article 116c. (New, SG No. 96/2001) (1) (Amended, SG No. 112/2001) The Council for Electronic Media shall designate a chairperson and members of a commission or experts for the holding of the contest, who shall mandatorily include members of the Council for Electronic Media and of the Communications Regulation Commission. The said commission may furthermore include experts of other central-government departments and organizations concerned. The Chairperson of the Council for Electronic Media shall issue an order appointing the commission of experts. The members of the said commission shall sign a written undertaking to respect the confidentiality of information as shall come to the knowledge thereof upon the holding of the contest.

(2) (Amended, SG No. 14/2009) Proceeding from the licensing documents, the criteria referred to in Item 6 of Article 116a (3) herein, the report of the commission of experts, and an integral evaluation as to satisfaction of the requirements of the contest to the fullest extent, the Council for Electronic Media shall rank the applicants and shall make decisions on the grant of a radio or television broadcasting licence and on the grant, by the Communications Regulation Commission, of an authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over existing and/or new electronic communications networks for analogue terrestrial broadcasting, to the highest ranked applicant.

(3) (Supplemented, SG No. 14/2009) A radio and television broadcasting licence valid for the territory of the Republic of Bulgaria shall not be granted to any person or to any persons related thereto within the meaning given by the Commerce Act, who or which hold a licence of the same kind for radio and television broadcasting activities within a regional or a local range, save as where the said holders relinquish the said licence, with the exception of the cases covered under Article 49 herein or upon digital terrestrial broadcasting.

(4) (Amended, SG No. 112/2001, SG No. 14/2009) Within three days after the entry into force of the decision referred to in Paragraph (2), the Council for Electronic Media shall notify the Communications Regulation Commission. Within ten days, the Council for Electronic Media shall grant a radio and television broadcasting licence, and the Communications Regulation Commission shall grant an authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over existing and/or new electronic communications networks for analogue terrestrial broadcasting.

Article 116d. (New, SG No. 96/2001) (1) (Amended, SG No. 14/2009) Should the applicant approved refuse the grant of the radio and television broadcasting licence and the authorization referred to in Article 116c (4) herein within ten days after the decision of the Council for Electronic Media, the said licence and authorization shall be offered to the second highest ranked applicant.

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

Section IIa

(New, SG No. 14/2009)

Radio and Television Broadcasting Activities for Creation of Programme Services Intended for Distribution over Electronic Communications Networks for Digital Terrestrial Broadcasting

Article 116e. (New, SG No. 14/2009) (1) (Amended, SG No. 12/2010) Radio and television broadcasting activities for the creation of programme services intended for distribution over electronic communications networks for digital terrestrial broadcasting shall be pursued by virtue of a licence granted by the Council for Electronic Media according to the procedure established by this Act.

(2) The licence referred to in Paragraph (1) shall grant the right that the programme services be distributed by an undertaking, whereto the Communications Regulation Commission has granted an authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over networks for digital terrestrial broadcasting, within the territorial range indicated in the authorization.

(3) (Supplemented, SG No. 12/2010) The undertaking referred to in Paragraph (2) shall be entitled to distribute licensed radio and/or television programme services whereof the form and type:

1. have been determined by the Council for Electronic Media according to the procedure established by Article 116g herein;

2. have been cleared with the Council for Electronic Media according to the procedure established by Article 116h herein.

Article 116f. (New, SG No. 14/2009) (1) (Amended, SG No. 12/2010) The procedure for the grant of a radio and television broadcasting licence for national/regional programme services which can be distributed over electronic communications networks for digital terrestrial broadcasting shall be initiated at the request of an interested person or on the initiative of the Council for Electronic Media, or of the Communications Regulation Commission.

(2) The Council for Electronic Media shall announce a procedure for the grant of a licence under Paragraph (1) by decision on the Internet site thereof and in the State Gazette. The decision shall specify the closing date and the place for submission of an application.

(3) (Amended, SG No. 12/2010) The applicants for the grant of a licence shall attach to the application referred to in Paragraph (2) proof of the capacities to create own high-quality output, as well as a draft business plan for implementation of the activity, and any such applicants which are not entered into the register under Article 125j herein shall furthermore attach the documents covered under Article 111 herein.

(4) Within seven days after the closing date referred to in Paragraph (2), the Chairperson of the Council for Electronic Media shall designate a commission of experts, which shall mandatorily include three members of the Council for Electronic Media and two members of the Communications Regulation Commission.

(5) The members of the commission of experts referred to in Paragraph (4) shall consider the requests for the grant of a licence received on the basis of the following criteria:

1. originality and variety of the programme service;
2. capacity to create and provide own output;
3. degree of readiness and stages for uninterrupted (24-hour) distribution of the programme service;
4. proved experience as a radio or television broadcaster.

(6) The commission of experts shall propose to the Council for Electronic Media to grant or to refuse to grant a licence in respect of each one of the applicants.

(7) Upon adoption of the decision on the grant or on a refusal to grant a licence, the Council for Electronic Media shall be guided by the following principles:

1. guaranteed right to information of citizens in the Republic of Bulgaria;
2. creating favourable conditions for variety of the media landscape and for pluralism;
3. preservation of national identity.

(8) The number of licences shall not be limited.

(9) The Council for Electronic Media shall pronounce within 30 days after the designation of the commission of experts referred to in Paragraph (4) by the decision referred to in Paragraph (7), and within ten days after the adoption of the said decision the Council for Electronic Media shall grant television broadcasting licences.

Article 116g. (New, SG No. 14/2009) (1) By a reasoned decision, the Council for Electronic Media shall determine a form and type of the licensed Bulgarian television programme services or radio programme services which are mandatorily distributed over the networks for digital terrestrial broadcasting.

(2) The number of the programme services referred to in Paragraph (1) may not be greater than two programme services for each electronic communications network for digital terrestrial broadcasting.

Article 116h. (New, SG No. 14/2009) (1) (Amended and supplemented, SG No. 12/2010) Within one month after the granting of an authorization according to the procedure established by the Electronic Communications Act, the undertaking referred to in Article 116e (2) herein shall propose to the Council for Electronic Media the form and type of the licensed radio and/or television programme services which the said undertaking is to distribute over the electronic communications networks for digital terrestrial broadcasting.

(2) Within one month after the submission of the proposal referred to in Paragraph (1), the Council for Electronic Media shall hold consultations with the undertaking, taking into consideration the proposed form and type of the programme services and guided by the principles covered under Article 116f (7) herein.

(3) (Supplemented, SG No. 12/2010) Within seven days after expiration of the time limit referred to in Paragraph (2), the Council of Electronic Media shall clear, by a reasoned decision, the form and type of the licensed radio and/or television programme services which are to be distributed over the networks for digital terrestrial broadcasting.

(4) (Amended, SG No. 12/2010) A failure to pronounce within the time limit referred to in Paragraph (3) shall be presumed as clearance of the form and type of the programme services which are to be distributed over the networks for digital terrestrial broadcasting as proposed by the undertaking.

Article 116j. (New, SG No. 14/2009) (1) An undertaking, whereto the Communications Regulation Commission has granted an authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over networks for digital terrestrial broadcasting, may not be a radio and television broadcaster.

(2) The restriction referred to in Paragraph (1) shall furthermore apply in respect of any parties related, within the meaning given by the Commerce Act, to the undertaking referred to in Paragraph (1).

Section III

Compliance Verification, Variation and Termination of Licence

Article 117. (1) (Redesignated from Article 117, SG No. 105/2006) Supervision as to

compliance with this Act and verification of compliance with the licence requirements shall be exercised by the competent officers of the Council for Electronic Media.

(2) (New, SG No. 105/2006) While performing the official duties thereof, the officers referred to in Paragraph (1) shall be entitled to:

1. access to all the documents directly or indirectly relevant to a violation of this Act or of the legislation of the Member States of the European Union transposing the requirements of Directive 89/552/EEC of the Council concerning the pursuit of television broadcasting activities, as last amended by Directive 97/36/EC of the European Parliament and of the Council, regardless of the form of the document;

2. order any person to provide information on any violations referred to in Item 1, that are known thereto;

3. conduct on-site inspections.

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

1. order an offender in writing to cease the violation referred to in Item 1 of Paragraph (2);

2. require from the offender to declare that he will cease the violation referred to in Item 1 of Paragraph (2) and, if necessary, oblige the said offender to make public the said declaration;

3. order a cessation or prohibition of any violation referred to in Item 1 of Paragraph (2) and, if necessary, make public the order for cessation or prohibition of the violation.

Article 118. (Amended, SG No. 96/2001) Within one month after ascertainment of any violations, the Council for Electronic Media shall be obligated to consider and discuss the documents submitted and to make a decision regarding the imposition of a pecuniary penalty under this Act and/or revocation of the licence.

Article 119. (1) (Amended, SG No. 96/2001) Upon ascertainment of a change of the broadcasting activities of any licensed radio or television broadcaster from public-service to commercial, the Council for Electronic Media shall make a decision on termination of the licence.

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

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

Article 120. (Amended, SG No. 96/2001) In the cases covered under Article 119 herein, the Council for Electronic Media shall make a decision on variation or termination of the licence.

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

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

(2) (New, SG No. 96/2001, amended, SG No. 112/2001, SG No. 14/2009) Upon termination of any radio and television broadcasting licence granted according to the procedure established by Articles 116, 116a, 116b, 116c and 116d herein, the Council for Electronic Media shall request the Communications Regulation Commission to terminate the authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over existing and/or new electronic communications networks for analogue terrestrial broadcasting. .

Article 122. A licence shall be revoked upon:

1. gross violations of the principles of radio and television broadcasting activities;
2. (Amended, SG No. 79/2000, SG No. 93/2005, SG No. 12/2010) systematic violations of the provisions of Article 6 (2) and (3), Article 9 (1), Article 10, Article 19a (1), (2) and (4) and Article 19b herein;
3. detection of untrue statements in the declarations referred to in Article 111 herein.

Article 123. (Amended, SG No. 96/2001) (1) The Council for Electronic Media shall revoke a radio and television broadcaster licence by a reasoned decision. Revocation shall follow a written warning giving a specified time period for rectification of the violation. In all cases, revocation shall be preceded by imposition of two pecuniary penalties for one and the same violation.

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

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

Article 123a. (New, SG No. 96/2001, amended, SG No. 112/2001, SG No. 14/2009) Upon revocation of any radio and television broadcasting licence granted according to the procedure established by Articles 116, 116a, 116b, 116c and 116d herein, the Council for Electronic Media shall notify the Communications Regulation Commission which, within ten days, shall revoke the authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over existing and/or new electronic communications networks for analogue terrestrial broadcasting as granted.

Article 124. (Amended, SG No. 79/2000) Upon revocation of the licence, the holder shall be obligated to discontinue the radio and television broadcasting activities thereof.

Article 125. (Amended, SG No. 96/2001) (1) Not later than six months prior to the expiration of the term of validity of any licence, the holder thereof shall have to declare an

intention to seek an extension of the term of the licence.

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

(3) (Amended, SG No. 112/2001, SG No. 14/2009) In the cases of a favourable decision of the Council for Electronic Media referred to in Paragraph (2), where the licence has been granted according to the procedure established by Articles 116, 116a, 116b, 116c and 116d herein, the Council for Electronic Media shall notify the Communications Regulation Commission which, within ten days, shall extend the term of validity of the authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over existing and/or new electronic communications networks for analogue terrestrial broadcasting as granted.

Section IV

(New, SG No. 96/2001)

Radio and Television Broadcaster Registration

(Heading amended, SG No. 14/2009)

Article 125a. (New, SG No. 96/2001, amended, SG No. 14/2009) (1) Any person wishing to create radio or television programme services shall be subject to registration in conformity with the following general requirements:

1. (amended, SG No. 12/2010) abidance by the principles covered under Article 10 herein;
2. respect for human dignity;
3. (amended, SG No. 12/2010) ensuring the specified proportion within the total annual transmission time reserved for European output, as well as for works created by independent producers;
4. (amended, SG No. 12/2010) protection of children;
5. respect for copyrights and neighbouring rights according to the effective legislation;
6. provision of information to the Council for Electronic Media.

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

(3) The Council for Electronic Media shall pronounce on any application for registration by a decision within 14 days after receipt of the application. Restrictions related to the range of distribution of the programme service may not be imposed upon the registration. In case of any deficiency and invalidity of the documents, Article 112 (2) herein shall apply.

(4) The Council for Electronic Media may deny registration where:

1. any circumstances covered under Article 105 (4) herein exist in respect of the person, or
2. the programme design, programme concept, programme type or programme schedule as submitted conflict with the provisions of the law, or
3. the irregularities referred to in Paragraph (3) are not cured in due time.

(5) On the basis of the decision referred to in Paragraph (3), the applicant shall be issued a certificate of registration, which shall state:

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

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

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

Article 125b. (New, SG No. 96/2001, amended, SG No. 14/2009, repealed, SG No. 12/2010).

Article 125c. (New, SG No. 14/2009, amended, SG No. 12/2010) Any undertaking which distributes Bulgarian and foreign programme services shall be obligated to provide the Council for Electronic Media, once every six months, with an updated list of the programme services distributed and the documents related to:

1. acquisition of the distribution rights for the programme services;
2. acquisition of the distribution rights for the works, phonograms and recordings of audiovisual works included in the programme services that are distributed.

Article 125d. (New, SG No. 14/2009, repealed, SG No. 12/2010).

Article 125e. (New, SG No. 14/2009) (1) The Council for Electronic Media shall strike the registration by a decision where:

1. any infringements of the requirements covered under Article 125a (1) herein have been ascertained;

2. any circumstances referred to in Item 1 of Article 125a (4) herein have occurred.

(2) The Council for Electronic Media may strike the registration by a decision where:

1. the registered programme service is not distributed for a period longer than 12 consecutive months after the recording in the register or on any time after the registration;

2. the circumstances referred to in Item 2 of Article 125a (4) herein have occurred;

3. (amended, SG No. 12/2010) the broadcaster fails to fulfil the obligations thereof under Article 125a (6) or Article 125j (2) herein.

(3) The registration shall be stricken if, after a warning, the broadcaster has failed to cure the circumstances specified in Paragraph (2) within 30 days.

Article 125f. (New, SG No. 14/2009) (1) The Council for Electronic Media shall state by a decision the reasons and purposes for which the information referred to in Item 6 of Article 125a (1) herein for each particular case.

(2) Upon provision of the information referred to in Paragraph (1), radio and television broadcasters shall designate in writing the part of the information provided which constitutes a business secret.

(3) The Council for Electronic Media shall adopt rules for the procedure for access to and handling of the information referred to in Paragraph (2).

(4) The members of the Council for Electronic Media and the employees of the administration shall be obligated not to disseminate the information referred to in Paragraph (2).

(5) In the cases where the information referred to in Paragraph (1) is required in connection with the membership of the Republic of Bulgaria in the European Union, the Council for Electronic Media shall require from the recipients of the said information to safeguard the business secret in conformity with Paragraph (2).

Section V

(New, SG No. 12/2010)

On-demand Media Services

Article 125g. (New, SG No. 14/2009) (1) Persons intending to provide on-demand media services shall notify the Council for Electronic Media of this.

(2) The persons referred to in Paragraph (1) shall submit a notification completed in a standard form to the Council for Electronic Media, which shall state:

1. identification data on the person providing on-demand media services: designation (business name), seat and registered office, and the relevant Unified Identification Code;

2. on-demand media services provided;

3. short description and key parameters of the on-demand media services provided;
4. territorial range;
5. telephone number, telefax number, electronic address, mailing address and contact person;
6. estimated starting date for provision of the media services.

(3) The notification referred to in Paragraph (2) shall be submitted in the Bulgarian language.

(4) In case of any deficiency of the notification, the Council for Electronic Media shall notify the person in writing within seven days after the receipt of the said notification to cure the deficiencies.

(5) The Council for Electronic Media shall enter the person into the register referred to in Article 125j herein within 14 days after receipt of the notification or after the deficiencies are cured.

Article 125h. (New, SG No. 14/2009) Upon discontinuance of the provision of the on-demand media services, the person shall notify the Council for Electronic Media.

Article 125i. (New, SG No. 14/2009) (1) The person providing on-demand media services may approach the Council for Electronic Media with a request in writing for the issuance of a certificate of entry in the register, for which the said person shall pay a lump-sum administrative fee.

(2) The Council for Electronic Media shall issue the certificate referred to in Paragraph (1) within seven days after receipt of the request.

Section VI

(New, SG No. 12/2010)

Register

Article 125j. (New, SG No. 14/2009) (1) The Council for Electronic Media shall keep a public register.

(2) Five separate sections shall be formed in the register referred to in Paragraph (1):

1. section One, which shall include Bulgarian radio and television programme services which can be distributed within the territory of the Republic of Bulgaria by cable and satellite;

2. section Two, which shall include the foreign programme services which can be distributed within the territory of the Republic of Bulgaria by cable and satellite:

(a) created in a Member State of the European Union or in another State which is a Contracting Party to the Agreement on the European Economic Area;

(b) created by non-resident persons other than those referred to in Littera (a);

3. section Three, which shall include licensed radio and television programme services distributed over:

(a) existing and/or new electronic communications networks for analogue terrestrial broadcasting;

(b) electronic communications networks for digital terrestrial broadcasting;

4. section Four, which shall include the on-demand media services;

5. section Five, which shall include the undertakings which distribute Bulgarian and foreign programme services.

(3) Any programme services, which are not intended primarily or exclusively for Bulgarian audiences but are distributed over electronic communications networks for terrestrial broadcasting which are located within the territory of the Republic of Bulgaria, shall be subject to registration and shall be included in Section One of the public register referred to in Item 1 of Paragraph (1).

(4) The register referred to in Items 1, 2 and 3 of Paragraph (2) shall include the following particulars:

1. the particulars covered under Article 125a (5) herein;

2. particulars of the legal and natural persons exercising control over the management of the broadcaster;

3. particulars of the management bodies, including composition by name, of the media service providers;

4. circumstances related to commercial pledges subject to recording.

(5) The register referred to in Item 4 of Paragraph (2) shall include the following particulars:

1. identification data: designation (business name), seat and registered office of the legal person or of a sole trader natural person which or who provides on-demand media services after submission of notification;

2. the on-demand media services provided;

3. key parameters of provision of the on-demand media services;

4. territorial range, where applicable;

5. telephone number, telefax number, electronic address, mailing address and contact person;

6. starting date for provision of media services.

(6) The register referred to in Item 5 of Paragraph (2) shall include:

1. particulars of the legal and natural persons exercising control over the management of the undertaking;

2. particulars of the management bodies of the undertaking, including composition by name;

3. telephone number, telefax number, electronic address, mailing address and contact person;

4. list of the programme services distributed, in a digital and analogue package, respectively, if the undertaking supports two separate packages;

5. the date until which distribution rights for the respective programme service have been granted to the undertaking;

6. territorial range for which distribution rights for the respective programme service have been granted to the undertaking.

Article 125k. (New, SG No. 14/2009) (1) The register referred to in Article 125j herein shall be public and shall be posted on the Internet site of the Council for Electronic Media.

(2) Upon any change of the circumstances entered into the register referred to in Paragraph (1), the registered broadcaster shall be obligated to declare the change at the Council for Electronic Media within 30 days after the occurrence of the said change.

(3) Any person providing on-demand media service shall notify the Council for Electronic Media of any change in the particulars of the notification referred to in Article 125g herein within 14 days after occurrence of the said change.

(4) The particulars referred to in Items 1 and 2 of Article 125j (6) herein shall be collected ex officio by the Council for Electronic Media on the basis of the available information in the Commercial Register and the public registers kept by the Communications Regulation Commission under the Electronic Communications Act. The particulars referred to in Items 3, 4, 5 and 6 of Article 125j (6) herein shall be provided by the undertakings together with the information referred to in Article 125c herein.

(5) Upon any change in the particulars referred to in Paragraph (4), the undertakings shall notify the Council for Electronic Media within 14 days after occurrence of the said change.

Chapter Seven

ADMINISTRATIVE PENALTY PROVISIONS

Article 126. (Supplemented, SG No. 79/2000, amended and supplemented, SG No. 93/2005

amended, SG No. 12/2010) (1) Any media service provider, which violates the provisions of Article 7, Article 8 (1), Article 9 (1), (2) and (5), Articles 11 to 14, Articles 16 to 18, Article 19 (1), Article 19a (1) and (2), Article 19c (4) and (7), Article 75 (1) and (3) to (9), Articles 77 to 79, Article 80 (1), Articles 81 and 82, Article 83 (1) and (2), Article 84 (2) and (3), Article 85, Articles 86 to 88, Article 89 (1), Articles 90 and 91 herein, shall be liable to a pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 20,000.

(2) Any media service provider, which violates the provision of Article 9 (3) herein, shall be liable to a pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 7,000.

(3) Any repeated violation under Paragraph (1) or (2) shall be punishable by a pecuniary penalty in a double amount.

Article 126a. (New, SG No. 96/2001, amended and supplemented, SG No. 14/2009, amended, SG No. 12/2010) (1) Any violation of the terms and conditions of a licence as granted, which does not constitute a violation under Article 126 herein, shall be punishable by a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 7,000. Any repeated violation shall be punishable by a pecuniary penalty in a double amount.

(2) Any registered broadcaster, which violates the terms and conditions of the registration, shall be liable to a pecuniary penalty of BGN 4,000 or exceeding this amount but not exceeding BGN 15,000.

(3) Any registered broadcaster, which infringes the requirements of Article 125a (1) herein, as a result of which any circumstances referred to in Items 1 and/or 2 of Article 125a (4) herein have arisen, shall be liable to a pecuniary penalty of BGN 4,000 or exceeding this amount but not exceeding BGN 15,000.

(4) Any registered broadcaster, which violates the provisions of Article 125a (6) herein or of Article 125k (2) herein, shall be liable to a pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 7,000.

(5) Any violation of the provisions of Article 125c herein shall be punishable by pecuniary penalties as follows:

1. for failure to provide information when due or for providing untrue or incomplete information: BGN 3,000 or exceeding this amount but not exceeding BGN 7,000;

2. for distributing programme services without duly settled copyrights and neighbouring rights: BGN 7,000 or exceeding this amount but not exceeding BGN 30,000.

(6) Any repeated violation under Paragraph (5) shall be punishable by a pecuniary penalty in a double amount.

(7) Upon systematic violation of this Act by a registered broadcaster, the registration shall be stricken.

(8) Upon systematic violation of this Act by the on-demand media service provider, the entry in the public register referred to in Article 125j herein shall be stricken.

Article 126b. (New, SG No. 105/2006, amended, SG No. 12/2010) Any failure to execute an order referred to in Item 2 of Article 117 (2) and Article 117 (3) herein shall be punishable by a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 4,000. Any repeated violation shall be punishable by a pecuniary penalty in a double amount.

Article 126c. (New, SG No. 14/2009, amended, SG No. 12/2010) (1) Any person which, without holding a licence, provides for distribution any radio and television programme services which are distributed only on the basis of a licence granted according to the procedure established by this Act, shall be liable to a pecuniary penalty of BGN 7,000 or exceeding this amount but not exceeding BGN 30,000.

(2) Any person which, without holding a registration, provides for distribution any radio and television programme services, shall be liable to a pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 15,000.

(3) Any person who, without having submitted a notification, provides on-demand media services, shall be liable to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000. Any repeated violation shall be punishable by a pecuniary penalty in a double amount.

(4) Any breach of the obligations to provide information according to the procedure established by Article 125k (2), (3), (4) and (5) herein shall be punishable by a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000. Any repeated violation shall be punishable by a pecuniary penalty in a double amount.

Article 126d. (New, SG No. 12/2010) Any media service provider, which fails to comply in due time with any decision of the Ethics Commission with the National Council for Journalistic Ethics Foundation and/or the National Council for Self-Regulation Association, shall be liable to a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000.

Article 127. (1) Violations shall be ascertained by the officials of the Council for Electronic Media.

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

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

(4) (New, SG No. 79/2000, supplemented, SG No. 93/2005, repealed, SG No. 12/2010).

SUPPLEMENTARY PROVISIONS

(Heading amended, SG No. 12/2010)

§ 1. Within the meaning given by this Act:

1. (amended, SG No. 14/2009, supplemented, SG No. 12/2010) "Broadcasting of programme services" shall be the initial transmission or emission, regardless of the technology used, of a radio or television programme service intended for reception by listeners or viewers. It

includes the exchange (re-transmission) of programme services between broadcasters with a view to their being relayed to the public. It does not include electronic communications services operating on individual demand.

2. (amended, SG No. 12/2010) "Creation" shall be an act of creativity involving the author's idea and its realization for the purpose of producing a programme or a programme service.

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

4. (Amended, SG No. 96/2001, repealed, SG No. 12/2010).

5. (Amended, SG No. 14/2009) "Systematic" violation shall be the violation coming under a single chapter of this Act committed three or more times within one year.

6. "Bulgarian audio and audiovisual works" shall be works created or realized exclusively or in partnership by Bulgarian citizens, based on works by Bulgarian citizens. Any works created on the basis of bilateral contracts between Bulgarian and foreign producers shall also be considered to be Bulgarian works provided that the Bulgarian producers have a preponderant financial contribution to the total production costs and the said production is controlled by one or more Bulgarian producers.

7. (Amended, SG No. 79/2000, SG No. 12/2010) "European works" shall be:

(a) works originating in Member States of the European Union, mainly created with authors and workers residing in one or more of those States, provided that they comply with at least one of the following three conditions:

(aa) they are created by one or more producers established in one or more of those States, or

(bb) the creation of the works is supervised and actually controlled by one or more producers established in one or more of those States;

(cc) the contribution of co-producers of those States to the total co-production costs is preponderant and the said co-production is not controlled by one or more producers established outside those States;

(b) works originating in third European countries, which are States Party to the European Convention on Transfrontier Television, compiled in Strasbourg on 5 May 1989 (ratified by an Act [promulgated in the] State Gazette No. 117 of 1997) ([Convention promulgated in the] State Gazette No. 32 of 1999), mainly created by authors and workers residing in one or more of those States, provided that they comply with at least one of the following three conditions:

(aa) they are created by one or more producers established in one or more of those countries,
or

(bb) creation of the works is supervised and actually controlled by one or more producers established in one or more of these countries;

(cc) the contribution of co-producers of those countries to the total co-production costs is preponderant and the said co-production is not controlled by one or more producers established outside those countries, provided that works originating in Member States of the European Union are not the subject of discriminatory measures in the third countries concerned;

(c) works co-produced within the framework of agreements related to the audiovisual sector, concluded between the European Union and third countries and fulfilling the conditions defined in each of these agreements, provided that works originating in Member States are not the subject of discriminatory measures in the third countries concerned.

Works that are not European works within the meaning given by Litterae (a), (b) or (c) but are produced within the framework of bilateral co-production treaties concluded between Member States of the European Union and third countries shall be deemed to be European works, provided that the co-producers from the European Union supply a majority share of the total cost of production and that the production is not controlled by one or more producers established outside the territory of the Member States.

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

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

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

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

12. (Amended, SG No. 81 of 1999, repealed, SG No. 12/2010).

13. (Repealed, SG No. 12/2010).

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

15. (Amended, SG No. 96/2001, repealed, SG No. 14/2009).

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

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

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

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

20. (Repealed, SG No. 12/2010).

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

22. (Amended, SG No. 12/2010) "News coverage" shall be the creation and distribution within the framework of current affairs programmes and news of a duration necessary to convey exhaustively the content of the event covered.

23. (New, SG No. 79/2000, amended, SG No. 12/2010) "Media service providers under the jurisdiction of the Republic of Bulgaria" shall be:

(a) providers established in the Republic of Bulgaria where:

(aa) the media service provider has its head office in the Republic of Bulgaria and the editorial decisions about the audiovisual media services are taken in the Republic of Bulgaria;

(bb) the media service provider has its head office in the Republic of Bulgaria but the editorial decisions on the audiovisual media services are taken in another Member State of the European Union, where a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in the Republic of Bulgaria;

(cc) a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in various Member States of the European Union but the media service provider has its head office in the Republic of Bulgaria;

(dd) a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in neither of the Member States, where the media service provider first began its activity in accordance with the law of the Republic of Bulgaria, provided that the said provider maintains a stable and effective link with the economy of the Republic of Bulgaria;

(ee) the media service provider has its head office in the Republic of Bulgaria but decisions on the audiovisual media services are taken in a third country or vice-versa, the said provider shall be deemed to be established in the Republic of Bulgaria where a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in the Republic of Bulgaria;

(b) providers to whom the provisions of Littera (a) are not applicable where:

(aa) they use a satellite up-link situated in the territory of the Republic of Bulgaria;

(bb) although they do not use a satellite up-link situated in the territory of the Republic of Bulgaria, they use satellite capacity which appertains to the Republic of Bulgaria.

If the question as to which Member State of the European Union has jurisdiction cannot be determined in accordance with Litterae (a) and (b), the competent State shall be that in which the media service provider is established within the meaning given by Articles 49 to 54 of the Treaty on the Functioning of the European Union.

24. (New, SG No. 79/2000, supplemented, SG No. 10/2007, amended, SG No. 12/2010) "Independent producer" shall be a producer registered under the Commerce Act or under the legislation of a Member State of the European Union or another State which is a Contracting Party to the Agreement on the

European Economic Area, organizationally and economically independent in the activities thereof of any radio or television broadcaster and fulfilling the following conditions:

1. the producer does not own a radio or television broadcaster or a share in the property thereof;

2. no radio or television broadcaster owns any such producer or a share of the property thereof;

3. (Repealed, SG No. 12/2010).

25. (New, SG No. 79/2000, amended, SG No. 12/2010) "Self-promotion" shall be a form of advertising in which the media service provider promotes its own products, services or programme services.

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

27. (New, SG No. 79/2000, repealed, SG No. 12/2010).

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

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

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

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

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

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

32. (New, SG No. 96/2001, amended, SG No. 12/2010) "Child" shall be a person within the meaning given by Article 2 of the Child Protection Act.

33. (New, SG No. 105/2006) "Repeated" violation shall be any violation committed within one year after the entry into effect of the penalty decree whereby a sanction for a violation of the same kind was imposed.

34. (New, SG No. 14/2009) "Bulgarian programme service" shall be a programme service which is created by a person established in the Republic of Bulgaria, which is intended for distribution in the Bulgarian language, and which is addressed exclusively or predominantly to audiences in the Republic of Bulgaria.

35. (New, SG No. 14/2009, amended, SG No. 12/2010) "Control over the management of a media service provider" shall be exercised by a person who:

(a) holds, including through a related party, more than one-half plus one of the number of votes in the General Meeting, or

(b) has the right to determine, whether directly or indirectly, more than one-half of the members of the management body of the media service provider, or

(c) has the right to exercise, in another manner, a decisive influence over decision-making in connection with the provision of media services.

§ 1a. (New, SG No. 12/2010) This Act transposes the provisions of:

1. Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities;

2. Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities;

3. Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 332/27 of 18 December 2007).

TRANSITIONAL AND FINAL PROVISIONS

§ 2. (1) (Amended, SG No. 120/2002, SG No. 114/2003, SG No. 115/2004, SG No. 105/2005, SG No. 108/2006, SG No. 113/2007, SG No. 110/2008, effective 1.01.2009, SG No 99/2009, effective 1.01.2010) The Council for Electronic Media shall receive a State budget subsidy for the support thereof until the year 2010.

(2) (Amended, SG No. 120/2002, SG No. 114/2003, SG No. 115/2004, SG No. 105/2005, SG No. 108/2006, SG No. 113/2007, SG No. 110/2008, effective 1.01.2009, SG No 99/2009, effective 1.01.2010) The Bulgarian National Radio and the Bulgarian National Television shall receive a State budget subsidy until the 31st day of December 2010 according to the procedure established by Items 2 and 3 of Article 70 (3) herein.

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

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

(4) (Amended, SG No. 108/2006, SG No. 110/2008, effective 1.01.2009, SG No 99/2009, effective 1.01.2010) As from the 1st day of January 2011, the State budget subsidy of the BNR, the BNT and the Council for Electronic Media shall be entirely replaced by financing from the Radio and Television Fund. The amount of the said financing shall be determined according to the procedure established by Item 1 of Article 103 (1) and Article 103 (2) herein.

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

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

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

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

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

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

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

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

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

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

(6) (Repealed, SG No. 37/2009, effective 19.05.2009).

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

(2) In cases where the duration of advertising according to the terms and conditions of all contracts as concluded exceeds the duration of advertising according to the provision of Article 86 herein, the BNR and the BNT shall be obligated to offer advertisers a respective reduction in the duration or else to terminate the contracts with them as of the 1st day of January 1999.

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

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

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

§ 9a. (New, SG No. 99/2003) (1) All persons, which have been granted individual licences according to the procedure established by § 14 of the Transitional and Final Provisions of the

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

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

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

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

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

Lev Re-denomination Act

(Promulgated, State Gazette No. 20/1999, supplemented, SG No. 65/1999,

effective 5.07.1999)

TRANSITIONAL AND FINAL PROVISIONS

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

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

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§ 7. This Act shall enter into force on the 5th day of July 1999.
Act to Amend and Supplement the Radio and Television Act

(Promulgated, State Gazette No. 96/2001, amended, No. 112/2001, effective
5.02.2002, amended and supplemented, SG No. 93/2005)

SUPPLEMENTARY PROVISION

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

TRANSITIONAL AND FINAL PROVISIONS

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

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

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

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

of the said members shall begin to run as from the date of the election or appointment thereof.

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

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

(2) The Communications Regulation Commission shall be obligated to provide the Council for Electronic Media with all information and copies of documents as shall be necessary for transfer of the broadcasters affected from licensing to registration requirements.

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§ 55. (Repealed, SG No. 112/2001).
Act to Amend and Supplement the Radio and Television Act

(Promulgated, State Gazette No. 77/2002)

TRANSITIONAL AND FINAL PROVISIONS

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

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

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

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

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

by terrestrial broadcasting and in accordance with the said strategy.

Act to Supplement the Radio and Television Act

(Promulgated, State Gazette No. 99/2003)

TRANSITIONAL PROVISION

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

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

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

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

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

Act to Supplement the Radio and Television Act

(Promulgated, State Gazette No. 99/2004)

TRANSITIONAL AND FINAL PROVISION

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

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

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

(4) After conduct of a procedure for electromagnetic compatibility coordination with the aeronautical radio services, provided any unallocated radio spectrum is available, the Communications Regulation Commission shall determine the technical conditions for emission for each nucleated settlement within one month after submission of an application referred to in Paragraph (1). As a result of the said procedure, the Communications Regulation Commission may modify the parameters of the transmitters, including the frequency and the point of transmission as indicated by the broadcasters which have submitted new applications under Paragraph (1).

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

§ 3. Any persons covered under § 9a of the Transitional and Final Provisions of the Radio

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

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

Act to Amend and Supplement the Radio and Television Act

(Promulgated, State Gazette No. 93/2005)

FINAL PROVISION

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

(* Act to Amend the Commercial Register Act

(Promulgated, State Gazette No. 80/2006, effective 3.10.2006)

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

.....
Act to Amend and Supplement the Radio and Television Act

(Promulgated, State Gazette No. 10/2007, effective 1.01.2007)

TRANSITIONAL AND FINAL PROVISIONS

§ 4. Any licence granting procedures under Article 105 [of the Radio and Television Act], which have commenced prior to the entry into force of this Act, shall be completed according to the hitherto effective procedure.

(* Act to Amend the Commercial Register Act

(State Gazette No. 53/2007, effective 30.06.2007)

§ 1. In the Transitional and Final Provisions, the words "the 1st day of July 2007" shall be replaced by "the 1st day of January 2008".

.....
Electronic Communications Act

(State Gazette No. 41/2007)

TRANSITIONAL AND FINAL PROVISIONS

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§ 4. (1) The Radio and Television Act shall be brought into conformity with this Act within six months after the entry of this Act into force.

(2) The Bulgarian Telecommunications Company can distribute any television programme services licensed and/or registered according to the procedure established by the Radio and Television Act at the time of adoption of this Act, as well as any foreign programme services of non-resident natural or legal persons registered as merchants under the legislation of a Member State of the European Union or of another Contracting Party to the Agreement on the European Economic Area, on the strength of the licence/authorization issued thereto for carrying out telecommunications over a telecommunication network for digital terrestrial broadcasting of television signals for the term of validity and within the territorial range specified in the said licence/authorization.

(3) Within six months after the entry into force of the revisions referred to in Paragraph (1), the Council for Electronic Media shall designate, by decision, two Bulgarian programme services, of which one shall be Channel One of the Bulgarian National Television, which can be distributed over the network referred to in Paragraph (2) for the term of validity and within the territorial range as specified in the licence referred to in Paragraph (2).

§ 5. Authorizations for an individually assigned scarce resource - radio spectrum for analogue terrestrial television broadcasting shall be granted until the 31st day of December 2008 for a maximum period of applicability until the 31st day of December 2012.

.....

Act to Amend and Supplement the Radio and Television Act

(Promulgated, SG No. 14/2009, amended and supplemented, SG No. 37/2009,
effective 19.05.2009, SG No. 12/2010)

TRANSITIONAL AND FINAL PROVISIONS

§ 34. (1) Within two months after the entry into force of this Act, the Council for Electronic Media shall bring the register kept according to the hitherto effective procedure into conformity with the public register under this Act.

(2) Any radio and television broadcasters registered and licensed according to the hitherto effective procedure shall be entered ex officio by the Council for Electronic Media into the public register under this Act within the time limit referred to in Paragraph (1). The broadcasters shall not pay fees for the ex officio recording.

(3) Within one month after the entry into force of this Act, the broadcasters referred to in Paragraph (2) shall be obligated to submit documents according to the requirements of Article 111 (2) of the Radio and Television Act for the purpose of completing the register with the particulars covered under Article 125b (1) of the Radio and Television Act.

(4) Within the time limit referred to in Paragraph (3), the broadcasters referred to in Paragraph (2) shall have the right to request changes in the particulars needed for the register, presenting the relevant evidence and documents covered under Article 111 (1) of the Radio and Television Act.

(5) Within three months after the entry into force of this Act, the Council for Electronic Media shall issue certificates under Article 125a (5) of the Radio and Television Act to the television broadcasters.

(6) In case the broadcasters referred to in Paragraph (2) fail to fulfil the obligation thereof referred to in Paragraph (3), the registration shall be stricken by a decision of the Council for Electronic Media.

(7) Within two months after the entry into force of this Act, the Council for Electronic Media shall initiate a procedure for the grant of licences under Article 116f of the Radio and Television Act.

§ 35. (1) (Amended, SG No. 12/2010) The programme services of the BNT and the BNR as public radio and television broadcasters shall be distributed over electronic communications networks for digital terrestrial broadcasting. For the BNT, these networks shall be within a national and a regional range, and for the BNR, these networks shall be within a national and a regional range, as well as such designed for external service programmes.

(2) (New, SG No. 12/2010) The programme services of the BNT and the BNR shall be distributed over a public electronic communications network for digital terrestrial television broadcasting within a national range, constructed according to the First Stage of the transition, as determined in the Plan for Introduction of Digital Video Broadcasting - Terrestrial (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers.

(3) (Renumbered from Paragraph (2), amended, SG No. 12/2010) The authorization for use of the individually assigned scarce resource - radio spectrum, necessary for the provision of electronic communications over the networks referred to in Paragraph (1), shall be granted by the Communications Regulation Commission.

(4) (New, SG No. 12/2010) An undertaking, which has been granted an authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over an electronic communications network for digital terrestrial radio broadcasting, shall undertake to distribute:

1. up to four television programme services of the BNT and up to four radio programme services of the BNR over the electronic communications network referred to in Paragraph (2);

2. up to four radio programme services of the BNR over an electronic communications network for digital terrestrial distribution of radio programme services within a national range, determined by the Communications Regulation Commission;

3. one regional programme service of the BNT, prepared for the respective region, over one of the electronic communications networks for digital terrestrial distribution of television programme services within a regional range;

4. one regional programme service of the BNR, prepared for the relevant region, over an electronic communications network for digital terrestrial distribution of radio programme services within a regional range, determined by the Communications Regulation Commission;

5. up to four radio programme services of the BNR over an electronic communications network for digital terrestrial distribution of external radio programme services, determined by the Communications Regulation Commission.

(5) (New, SG No. 12/2010) The programme services covered under Paragraph (4) must be of a form and type cleared with the Council for Electronic Media according to the procedure established by Article 116h [of the Radio and Television Act].

(6) (New, SG No. 12/2010) The programme services covered under Paragraph (4) shall mandatorily be distributed in unencoded form.

§ 36. (1) (Supplemented, SG No. 12/2010) An undertaking which has been granted an authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications, for provision [sic] over networks for digital terrestrial broadcasting, shall ensure access for distribution of radio and/or television programme services abiding by the following principles:

1. objectivity;
2. fairness;
3. non-discrimination;
4. equal treatment.

(2) In case the undertaking referred to in Paragraph (1) and the television broadcaster which must be distributed by virtue of an obligation arising from this Act fail to reach agreement on the conditions for distribution, each of the parties shall have the right to request that the said conditions be determined by the Council for Electronic Media and the Communications Regulation Commission.

(3) The appeal of the acts under Paragraph (2) shall not stay the enforcement thereof, unless the court decrees otherwise.

§ 37. (1) (Amended, SG No. 12/2010) Any undertaking, which has obtained an authorization

for use of an individually assigned scarce resource - radio spectrum, other than the resource intended for distribution of the programme services of the BNT and the BNR, for provision of electronic communications over networks for digital terrestrial television broadcasting within a national range in implementation of the First Stage of the transition as determined in the Plan for Introduction of Digital Video Broadcasting - Terrestrial (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers, shall mandatorily distribute the programme services of the licensed radio and/or television broadcasters which comply with the following conditions upon the entry into force of this Act:

1. (amended, SG No. 37/2009, effective 19.05.2009, SG No. 12/2010) they have been granted a licence for radio and/or television broadcasting activities within a national range; and

2. they distribute the programme services thereof over electronic communications networks for analogue terrestrial broadcasting; and

3. the electronic communications networks referred to in Item 2 ensure not less than 50 per cent of the population of the country access to the programme service.

(2) The programme services referred to in Paragraph (1) shall mandatorily be distributed in unencoded form.

(3) Apart from the programme services referred to in Paragraph (1), the undertaking shall distribute solely television programme services of a form and type cleared with the Council for Electronic Media according to the procedure established by Article 116h of the Radio and Television Act.

(4) (Amended, SG No. 12/2010) Within 14 days after the entry into force of this Act, the Council for Electronic Media shall grant ex officio licences to the radio and/or television broadcasters referred to in Paragraph (1).

§ 37a. (New, SG No. 37/2009, effective 19.05.2009) (1) (Amended, SG No. 12/2010) The undertaking which has been granted an authorization for use of an individually assigned limited resource - radio spectrum, for provision of electronic communications over networks for digital terrestrial television broadcasting within a national range, in implementation of the First Stage of the transition as determined in the Plan for Introduction of Digital Video Broadcasting - Terrestrial (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers, shall distribute, in addition to the programme services under § 37 (1) herein, the programme services of those television broadcasters which, at the starting time of provision of the services in compliance with the authorization as granted, distribute their radio and/or television programme services over electronic communications networks for analogue terrestrial broadcasting ensuring not less than 50 per cent of the population of the country access to the programme services.

(2) The undertaking referred to in Paragraph (1) shall furthermore distribute two licensed programme services created for distribution by each of the television broadcasters holding authorizations for use of an individually assigned limited resource - radio spectrum, for provision of electronic communications over an electronic communications network for analogue terrestrial broadcasting of television signals within a national range, granted by the Communications

Regulation Commission and expiring after 2010.

(3) The programme services referred to in Paragraph (2) may be produced for distribution by persons who are related, within the meaning given by the

Commerce Act, to the broadcasters referred to in Paragraph (2), which are broadcasters as well.

(4) The programme services referred to in Paragraph (2) shall meet the requirements of § 37 (2) and (3) herein.

§ 38. (1) The undertaking, which has been granted an authorization for use of an individually assigned scarce resource - radio spectrum for provision of electronic communications over electronic communications networks for digital terrestrial broadcasting within a national range in conformity with the provisions of the Second Stage of the transition as determined in the Plan for Introduction of Digital Video Broadcasting - Terrestrial (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers, shall be obligated to distribute three licensed Bulgarian television programme services of a form and type conforming to those determined by the Council for Electronic Media according to the procedure established by Article 116g [of the Radio and Television Act].

(2) The Council for Electronic Media shall determine, by a decision, the form and type of the Bulgarian television programme services referred to in Paragraph (1).

(3) In the decision on the initiation of the contest procedure and in the contest documents for the grant of an authorization referred to in Paragraph (1), the Communications Regulation Commission shall mandatorily include an obligation for the undertaking which has won the contest to distribute Bulgarian television programme services of a form and type determined in the decision of the Council for Electronic Media according to the procedure established by Article 116g of the Radio and Television Act.

(4) The programme services referred to in Paragraph (2) shall be distributed in unencoded form.

(5) (Amended, SG No. 37/2009, effective 19.05.2009) Apart from the programme services referred to in Paragraph (2), the undertaking shall furthermore distribute in unencoded form three licensed programme services of each of the television broadcasters referred to in § 37a (2) herein.

(6) (New, SG No. 37/2009, effective 19.05.2009, amended, SG No. 12/2010) In the cases under Paragraph (5), programme services licensed according to the procedure established by the Radio and Television Act and produced for distribution by persons which are related, within the meaning given by the Commerce Act, to the broadcasters referred to in Paragraph (5) who are broadcasters as well, may also be distributed over the electronic communications networks for digital terrestrial broadcasting.

(7) (New, SG No. 37/2009, effective 19.05.2009) The programme services referred to in Paragraphs (5) and (6), as well as the rest of the programme services which are distributed by the undertaking, must be of a form and type cleared with the Council for Electronic Media according

to the procedure established by Article 116h [of the Radio and Television Act].

§ 39. (1) Any undertaking, which has been granted an authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over electronic communications networks for digital terrestrial broadcasting within a regional range in implementation of the First Stage of the transition as determined in the Plan for Introduction of Digital Video Broadcasting - Terrestrial (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers, shall be obligated to distribute three licensed Bulgarian television programme services of a form and type conforming to those determined by the Council for Electronic Media according to the procedure established by Article 116f of the Radio and Television Act.

(2) The programme services referred to in Paragraph (1) shall be distributed in unencoded form.

(3) (Supplemented, SG No. 37/2009, effective 19.05.2009, repealed, SG No. 12/2010).

§ 40. (1) (Amended, SG No. 12/2010) The Council for Ministers shall ensure the transition from analogue to digital television and radio broadcasting and, to this end, shall adopt a programme for the implementation of the said transition not later than the 1st day of June 2010.

(2) The programme referred to in Paragraph (1) shall provide, inter alia, for measures for support of socially disadvantaged citizens.

§ 41. The licences to build, maintain and operate a telecommunication network for television broadcasting within a local range, granted according to the procedure established by § 9a of the Transitional and Final Provisions of the Radio and Television Act, shall be terminated, and the individually assigned scarce resource - radio spectrum, used by the persons referred to in § 9a, shall be necessary for the implementation of the respective stage of construction of the digital electronic communications networks in conformity with the authorization granted by the Communications Regulation Commission for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over electronic communications networks for digital terrestrial broadcasting within a national and/or a regional range.

§ 42. (1) Within one month after the entry into force of this Act, the persons, which have been granted licences to build, maintain and operate a telecommunication network for television broadcasting within a local range according to the procedure established by § 9a of the Transitional and Final Provisions of the Radio and Television Act, shall submit applications to the Communications Regulation Commission for the grant of an authorization for use of an individually assigned scarce resource.

(2) Within three months after receipt of the applications referred to in Paragraph (1), the Communications Regulation Commission shall grant authorizations which shall reckon with the rights of the persons indicated in the individual radio broadcasting licence. The term of validity of the said authorizations shall conform to the term of validity of the radio broadcasting licence thereof.

§ 43. (1) The contest procedures for the grant of radio broadcasting licences, whereof the holding by the Council for Electronic Media has commenced prior to the entry into force of this Act, shall be completed according to the hitherto effective procedure.

(2) The unallocated radio spectrum, sent by decisions of the Communications Regulation Commission, for which the Council for Electronic Media has not announced contests within two years after the receipt of the said decisions, shall be considered unallocated and the Communications Regulation Commission, after consultation with the Council for Electronic Media, may change the assigned purpose of the said spectrum.

TRANSITIONAL AND FINAL PROVISIONS

to the Public Broadcasting Act

(SG, No. 37/2009, effective, 19.05.2009)

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§ 5. The Radio and Television Act (promulgated in the State Gazette No. 138/1998; [modified by] Constitutional Court Judgment No. 10/1999, [promulgated] in No. 60/1999; amended in No. 81/1999, No. 79/2000, Nos. 96 and 112/2001; Nos. 77 and 120/2002; Nos. 99 and 114/2003; Nos. 99 and 115/2004, Nos. 88, 93 and 105/2005, Nos. 21, 34, 70, 80, 105 and 108/2006, Nos. 10, 41, 53 and 113/2007, No. 110/2008 and No. 14/2009) shall be amended and supplemented as follows:

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§ 7. Within one month after the entry into force of this Act, the National Assembly shall elect, and the President of the Republic shall appoint, the new members of the Communications Regulation Commission under Item 1 (b) and (c) of § 6 herein. The National Assembly resolution and the presidential decree shall enter into force simultaneously on the 1st day of July 2009.

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Act to Amend and Supplement the Radio and Television Act

(State Gazette No. 12/2010)

TRANSITIONAL AND FINAL PROVISIONS

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§ 89. Within one month after the entry into force of this Act, the Communications Regulation Commission, acting in compliance with the procedure provided for in Chapter Five of the Electronic Communications Act, shall initiate a procedure under Article 48 (1) of the said Act for selection of an undertaking to be granted an authorization for use of an individually assigned scarce resource - radio spectrum, for provision of electronic communications over an electronic communications network for digital terrestrial television broadcasting intended for distribution of programme services of public service broadcasters, in conformity with the stages and time limits

envisaged in the Plan for Introduction of Digital Video Broadcasting - Terrestrial (DVB-T) in the Republic of Bulgaria, adopted by the Council of Ministers.

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§ 91. The provisions of § 53 herein regarding Article 83 (1) [of the Radio and Television Act] and § 54 regarding Article 84 [of the Radio and Television Act] shall apply solely to programmes created after the 19th day of December 2009.

§ 92. (1) Within one month after the entry into force of this Act, the Council for Electronic Media shall bring the register kept according to the hitherto effective procedure into conformity with the requirements of Article 125j (2) herein.

(2) Within the time limit referred to in Paragraph (1), the on-demand media service providers pursuing activity upon the entry into force of this Act shall be obligated to present the particulars according to Article 125g (2) [of the Radio and Television Act].

(3) Within the time limit referred to in Paragraph (1), the undertakings which distribute Bulgarian and foreign programme services shall be obligated to present the particulars under Items 3 to 6 of Article 125j (6) [of the Radio and Television Act].

§ 93. The Council for Electronic Media shall ex officio bring the licences granted and the registrations effected into conformity with this Act within six months after the entry into force of the said Act.

§ 94. Within three months after the entry into force of this Act, the Council for Electronic Media shall post on the Internet site thereof the complete minutes of proceedings at the meetings of the Council held until the entry into force of this Act.

Act to Amend the Radio and Television Act

(Promulgated, State Gazette No. 47/2010, effective 22.06.2010)

TRANSITIONAL AND FINAL PROVISIONS

§ 3. Any second successive term of office of a member of the Council for Electronic Media shall be terminated upon entry into force of this Act.

§ 4. Upon expiry of two years after entering into force of this Act, the members of the Council for Electronic Media from the quota of the National Assembly shall be renewed, while the term of office of one of the members elected in 2010 shall be terminated by lot.

§ 5. Within ten days upon entry into force of this Act, the term of office of one of the member of the Council for Electronic Media from the quota of the President shall be terminated by lot.