

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, SG No. 21/10.03.2006, SG 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, SG No. 97/10.12.2010, effective 10.12.2010, SG No. 99/17.12.2010, effective 1.01.2011, SG No. 101/28.12.2010, amended and supplemented, SG No. 28/5.04.2011, amended, SG No. 99/16.12.2011, effective 1.01.2012, amended and supplemented, SG No. 105/29.12.2011, effective 29.12.2011, amended, SG No. 38/18.05.2012, effective 1.07.2012, SG No. 102/21.12.2012, effective 1.01.2013, amended and supplemented, SG No. 15/15.02.2013, effective 1.01.2014, supplemented, SG No. 17/21.02.2013, amended and supplemented, SG No. 27/15.03.2013, effective 1.04.2013; Judgment No. 8 of the Constitutional Court of the Republic of Bulgaria of 11.10.2013 - SG No. 91/18.10.2013; amended, SG No. 109/20.12.2013, effective 1.01.2014, amended and supplemented, SG No. 19/5.03.2014, effective 5.03.2014, amended, SG No. 107/24.12.2014, effective 1.01.2015, SG No. 96/9.12.2015, effective 1.01.2016, supplemented, SG No. 46/17.06.2016, SG No. 61/5.08.2016, effective 5.08.2016, amended, SG No. 98/9.12.2016, effective 1.01.2017, SG No. 103/27.12.2016, amended and supplemented, SG No. 8/24.01.2017, effective 24.01.2017, SG No. 63/4.08.2017, effective 1.01.2018, amended, SG No. 75/15.09.2017, SG No. 92/17.11.2017, effective 1.01.2018, SG No. 99/12.12.2017, effective 1.01.2018, SG No. 7/19.01.2018, SG No. 27/27.03.2018, SG No. 44/29.05.2018, SG No. 77/18.09.2018, effective 1.01.2019, SG No. 103/13.12.2018, effective 1.01.2019, amended and supplemented, SG No. 106/21.12.2018, effective 1.01.2019, amended, SG No. 100/20.12.2019, effective 1.01.2020, supplemented, SG No. 68/31.07.2020, amended, SG No. 104/8.12.2020 effective 1.01.2021, amended and supplemented, SG No. 109/22.12.2020, effective 22.12.2020, amended, SG No. 20/9.03.2021, SG No. 8/28.01.2022, effective 1.01.2022, SG No. 104/30.12.2022, effective 1.01.2023, SG No. 84/6.10.2023, effective 6.10.2023, amended and supplemented, SG No. 100/1.12.2023, effective 1.12.2023, amended, SG No. 108/30.12.2023, effective 1.01.2024

*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 42/14.05.2024, effective 18.05.2024

(*) 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

Chapter One
MEDIA SERVICES AND VIDEO-SHARING PLATFORM SERVICES
(Heading amended, SG No. 109/2020, effective 22.12.2020)

Section I
General Provisions

(New heading, SG No. 109/2020, effective 22.12.2020)

Article 1. (Amended, SG No. 12/2010, SG No. 109/2020, effective 22.12.2020) This Act shall regulate:

1. the media services provided by media service providers under the jurisdiction of the Republic of Bulgaria.

2. video-sharing platform services provided by video-sharing platform service providers under the jurisdiction of the Republic of Bulgaria, to the extent that such services fall within the fields coordinated by Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95/1 of 15 April 2010), as amended by Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303/69 of 28 November 2018), hereinafter referred to as “Directive 2010/13/EU, as amended by Directive (EU) 2018/1808”.

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” shall be:

1. (amended, SG No. 109/2020, effective 22.12.2020) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or a dissociable section thereof is devoted to providing audiovisual programmes/radio programmes, under the editorial responsibility of a media service provider, to the general public, in order to inform, entertain or educate, by means of 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) (Amended, SG No. 109/2020, effective 22.12.2020) Audiovisual programme shall be a set of moving images with or without sound constituting an individual item, irrespective of its length, within a schedule or a catalogue established by a media service provider, including feature-length films, video clips, sports events, situation comedies, documentaries, children's programmes and original drama.

(4) (Amended, SG No. 109/2020, effective 22.12.2020) Radio programme shall be an individual item, irrespective of its length, within a schedule 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. (amended, SG No. 109/2020, effective 22.12.2020) primarily non-economic activities, such as the provision of audiovisual content on private websites and non-commercial communities of interest and which are not in competition with linear and non-linear media services;

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

4. all services the principal purpose of which is not the provision of programmes, i.e. where any audiovisual content is merely incidental to the service and 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 programmes entirely devoted to gambling or games of chance;

6. (amended, SG No. 109/2020, effective 22.12.2020) electronic versions of newspapers and magazines, including video clips embedded in the editorial content thereof, and animated images;

7. stand-alone text-based services.

(6) (New, SG No. 109/2020, effective 22.12.2020) Video-sharing platform service shall be a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or of a dissociable section thereof or an essential functionality of the service is devoted to providing programmes, user-generated videos, or both, to the general public, for which the video-sharing platform provider does not have editorial responsibility, in order to inform, entertain or educate, by means of electronic communications networks within the meaning given by the Electronic Communications Act and the organisation of which is determined by the video-sharing platform provider, including by automatic means or algorithms in particular by displaying, tagging and sequencing.

(7) (New, SG No. 109/2020, effective 22.12.2020) User-generated video shall be a set of moving images with or without sound constituting an individual item, irrespective of its length, that is created by a user and uploaded to a video-sharing platform by that user or any other user.

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 shall be 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 shall be 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) A media service provider shall be 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 organised. Editorial responsibility shall be the exercise of effective control both over the selection of the programmes and over their organisation either in a chronological schedule, in the case of linear services, or in a catalogue, in the case of on-demand media services.

(2) A radio or television broadcaster shall be a provider of radio/television linear media services (programme services) on the basis of a programme schedule.

(3) (New, SG No. 109/2020, effective 22.12.2020) Editorial decision shall be a decision which is taken on a regular basis for the purpose of exercising editorial responsibility and linked to the day-to-day operation of the audiovisual media service;

(4) (Renumbered from Paragraph (3), SG No. 109/2020, effective 22.12.2020) Persons who or which merely transmit programme services for which the editorial responsibility lies with third parties shall not be media service providers.

Article 4a. (New, SG No. 109/2020, effective 22.12.2020) A video-sharing platform provider shall be a sole-trader natural person or a legal person who or which provides a video-sharing platform service.

Article 4b. (New, SG No. 109/2020, effective 22.12.2020) (1) Self-regulation and co-regulation through codes of conduct and standards, where practicable and appropriate, shall be encouraged. The codes of conduct and the standards include, but are not be limited to:

1. Code of Ethics of the Bulgarian Media, developed by the National Council for Journalism Ethics Foundation;

2. Uniform Standard for Volume Level Regulation in Advertising, adopted in the industry;

3. National Ethical Standards for Advertising and Commercial Communication, developed by the National Council for Self-regulation Association in accordance with the Code of Conduct referred to in Article 17a (3) herein;

4. other standards implementing Directive 2010/13/EU, as amended by Directive (EU) 2018/1808.

(2) The codes of conduct and the standards and the implementation thereof must comply with the following requirements:

1. be broadly accepted by the main stakeholders;

2. clearly and unambiguously set out their objectives;

3. provide for a mechanism for regular, transparent and independent monitoring and periodic evaluation of the achievement of the objectives aimed at;

4. provide for effective enforcement, including a procedure for amendment, and effective and proportionate sanctions.

(3) Media service providers shall be obliged to comply with the provisions of the instruments referred to in Paragraph (1).

(4) Video-sharing platform service providers shall be obliged to comply with the provisions of the National Ethical Standards referred to in Item 3 of Paragraph (1).

(5) Self-regulation through codes of conduct developed by media service providers, video-sharing platform service providers or organisations representing the said providers, in cooperation, as necessary, with other sectors such as industry, trade, professional and consumer associations or organisations, shall be encouraged. The said codes must be such that they are broadly accepted by the main stakeholders at Union level and must comply with the requirements of Items 2 to 4 of Paragraph (2). The Union codes of conduct shall be without prejudice to the national codes of conduct.

(6) If the Republic of Bulgaria exercises the freedom thereof to adopt more detailed or stricter rules in compliance with Directive 2010/13/EU, as amended by Directive (EU) 2018/1808, and European Union law, and if the Council for Electronic Media assesses that any code of conduct or parts thereof have proven not to be sufficiently effective, the Council may require media service providers falling under their [sic] jurisdiction to comply with the relevant rules. The Council for Electronic Media shall furthermore inform the European Commission of the rules within one month.

Section II

Provisions Applicable to Media Services

(New heading, SG No. 109/2020, effective 22.12.2020)

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) (Repealed, SG No. 109/2020, effective 22.12.2020).

(4) (Amended, SG No. 8/2017, effective 24.01.2017, repealed, SG No. 109/2020, effective 22.12.2020).

(5) (New, SG No. 8/2017, effective 24.01.2017, repealed, SG No. 109/2020, effective 22.12.2020).

(6) (New, SG No. 8/2017, effective 24.01.2017, repealed, SG No. 109/2020, effective 22.12.2020).

(7) (Renumbered from Paragraph (5), amended, SG No. 8/2017, effective 24.01.2017, repealed, SG No. 109/2020, effective 22.12.2020).

(8) (Renumbered from Paragraph (6), amended, SG No. 8/2017, effective 24.01.2017, repealed, SG No. 109/2020, effective 22.12.2020).

(9) (New, SG No. 8/2017, effective 24.01.2017, repealed, SG No. 109/2020, effective 22.12.2020).

Article 5a. (New, SG No. 109/2020, effective 22.12.2020) (1) Freedom of reception shall be ensured and retransmissions on the territory of the Republic of Bulgaria of audiovisual media services from other Member States of the European Union shall not be restricted for reasons which fall within the fields coordinated by Directive 2010/13/EU, as amended by Directive (EU) 2018/1808.

(2) The application of Paragraph (1) may be suspended in respect of an audiovisual media service provided by a media service provider under the jurisdiction of another Member State of the European Union where the said service manifestly, seriously and gravely infringes Item 1 of Article 8 (1) or Article 17a (1) herein or prejudices or presents a serious and grave risk of prejudice to public health, subject to the following conditions:

1. during the previous 12 months, the media service provider has on at least two prior occasions already performed one or more instances of conduct described above in this paragraph;

2. the Council for Electronic Media has notified the media service provider, the Member State having jurisdiction over that provider and the European Commission in writing of the alleged infringements and of the proportionate measures it intends to take should any such infringement occur again;

3. the right of defence of the media service provider has been respected and, in particular, that provider has been given the opportunity to express its views on the alleged infringements;

4. consultations with the Member State having jurisdiction over the media service provider and the European Commission have not resulted in an amicable settlement within one month of the European Commission's receipt of the notification referred to in Item 2.

(3) The European Commission shall take a decision on the compatibility of the measures referred to in Item 2 of Paragraph (2) with European Union law within three months of the receipt of the notification referred to in Item 2 of Paragraph (2), the decision of the European Commission being taken according to the procedure provided for in Directive 2010/13/EU, as amended by Directive (EU) 2018/1808. If incompatibility is determined, the Council for Electronic Media shall put an end to the measures referred to in Item 2 of Paragraph (2) as a matter of urgency.

(4) The application of Paragraph (1) may be suspended in respect of an audiovisual media service provided by a media service provider under the jurisdiction of another Member State of the European Union where the said service manifestly, seriously and gravely infringes Item 1 of Article 8 (2) herein or prejudices or presents a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence, subject to the following conditions:

1. during the previous 12 months the conduct referred to above in this paragraph occurred at least on one prior occasion;

2. the Council for Electronic Media has notified the media service provider, the Member State having jurisdiction over that provider and the European Commission in writing of the alleged infringements and of the proportionate measures it intends to take should any such infringement occur again;

3. the right of defence of the media service provider concerned has been respected and, in particular, that provider has been given the opportunity to express its views on the alleged infringements;

(5) The European Commission shall take a decision on the compatibility of the measures referred to in Item 2 of Paragraph (4) with European Union law within three months of the receipt of the notification referred to in Item 2 of Paragraph (4), the decision of the European Commission being taken according to the procedure provided for in Directive 2010/13/EU, as amended by Directive (EU) 2018/1808. If incompatibility is determined, the Council for Electronic Media shall put an end to the measures referred to in Item 2 of Paragraph (4) as a matter of urgency.

(6) Paragraphs (2) and (4) shall apply without prejudice to the existence of grounds for holding the media service provider concerned administratively, criminally or otherwise responsible where such responsibility is provided for the infringements concerned in the Member State under whose jurisdiction the said media service provider falls.

(7) The Council for Electronic Media may, in urgent cases but no later than one month after the alleged infringement, take a decision on non-application of the conditions provided for in Paragraph (4). The Council for Electronic Media shall notify the measures taken in the shortest possible time to the European Commission and to the Member State under whose jurisdiction the media service provider falls, indicating the reasons for which the Council considers that there is urgency.

(8) The European Commission shall examine the compatibility of the notified measures with European Union law in the shortest possible time. If incompatibility is determined, the Council for Electronic Media shall put an end to the measures as a matter of urgency.

(9) If the European Commission lacks information necessary to take a decision pursuant to Paragraphs (2) and (4) and within one month of the receipt of the notification requests the information necessary to reach that decision, the Council for Electronic Media shall provide the relevant information. The time limit within which the European Commission is to take the decision shall be suspended until such necessary information has been provided but, in any case, the suspension of the time limit shall not last longer than one month.

(10) The exchange experiences and best practices regarding the procedure under this Article shall be encouraged in the framework of the Contact Committee established pursuant to Article 29 of Directive 2010/13/EU and the European Regulators Group for Audiovisual Media Services (ERGA), hereinafter referred to as “ERGA”.

Article 5b. (New, SG No. 109/2020, effective 22.12.2020) (1) If the Republic of Bulgaria exercises the freedom thereof to adopt more detailed or stricter rules of general public interest and if the Council for Electronic Media assesses that a media service provider under the jurisdiction of another Member State of the European Union provides an audiovisual media service which is wholly or mostly directed towards the territory of the Republic of Bulgaria, the Council may request the Member State having jurisdiction to address any problems identified in relation to this Article, whereupon the States shall cooperate sincerely and swiftly with a view to achieving a mutually satisfactory solution.

(2) Upon receiving a substantiated request from another Member State which has exercised the freedom thereof to adopt more detailed or stricter rules of general public interest in respect of a provider under Bulgarian jurisdiction providing an audiovisual media service which is wholly or mostly directed towards the territory of that other Member State, the Council for Electronic Media shall require the media service provide under Bulgarian jurisdiction to comply with the rules of general public interest in question.

(3) In the cases referred to in Paragraphs (1) and (2), the Member State having jurisdiction shall regularly inform the requesting Member State of the steps taken to address the problems identified. Within two months of the receipt of the request, the Member State having jurisdiction shall inform the requesting Member State and the European Commission of the results obtained and explain the reasons where a solution could not be found. Either Member State may invite the Contact Committee established pursuant to Article 29 of Directive 2010/13/EU to examine the case at any time.

(4) The Council for Electronic Media may adopt appropriate measures against the media service provider from another Member State in the cases provided for in Paragraph (1) where:

1. the Council assesses that the results achieved through the application of the measures under Paragraph (1) are not satisfactory, and

2. the Council has adduced evidence showing that the media service provider in question has established itself in the Member State having jurisdiction in order to circumvent the stricter rules, in the fields coordinated by Directive 2010/13/EU, as amended by Directive (EU) 2018/1808, which would be applicable to it if the said provider were under Bulgarian jurisdiction.

(5) The Council for Electronic Media must possess evidence which allows for such circumvention to be reasonably established, without the need to prove the media service provider's intention to circumvent those stricter rules, referring, in particular, inter alia, to the origin of the advertising revenues or distribution revenues, the main language of the service or the existence of programme services or advertisements targeted specifically at the Bulgarian public. The measures taken must be objectively necessary, applied in a non-discriminatory manner and proportionate to the objectives which they pursue.

(6) Measures under Paragraph (5) may be taken only where the following conditions are met:

1. the Council for Electronic Media has notified the European Commission and the Member State in which the media service provider is established of the Council's intention to take such measures while substantiating the grounds on which it bases its assessment;

2. the right of defence of the media service provider concerned has been respected and, in particular, that provider has been given the opportunity to express a view on the alleged infringements and the intended measures;

3. the Commission has decided, complying with the procedure provided for in Directive 2010/13/EU, as amended by Directive (EU) 2018/1808, that the measures are compatible with Union law, in particular that assessments made by the Council for Electronic Media of the taking of the said measures are correctly founded.

(7) Within three months of the receipt of the notification referred to in Item 1 of Paragraph (6), the European Commission shall take the decision on whether the measures under Paragraph (5) are compatible with European Union law. If incompatibility is determined, the Council for Electronic Media shall refrain from taking the intended measures.

(8) If the European Commission lacks information necessary to take a decision pursuant to Item 3 of Paragraph (6) and within one month of the receipt of the notification requests the information necessary to reach that decision, the Council for Electronic Media shall provide the relevant information. The time limit within which the European Commission is to take the decision shall be suspended until such necessary information has been provided but, in any case, the suspension of the time limit shall not last longer than one month.

(9) Media service providers under the jurisdiction of other Member States of the European Union, which provide media services which are wholly or mostly directed towards the territory of Bulgaria, shall comply with the Bulgarian legislation applicable to audiovisual media services.

(10) The Electronic Commerce Act shall apply unless otherwise provided for in this Act. In case of conflict between the Electronic Commerce Act and this Act, this Act shall prevail, unless otherwise provided for in this Act.

Article 5c. (New, SG No. 109/2020, effective 22.12.2020) (1) Media service providers shall inform the Council for Electronic Media about any changes that may affect the determination of jurisdiction in accordance with Item 23 of § 1 of the Supplementary Provisions herein.

(2) In the public register referred to in Article 125j herein, the Council for Electronic Media shall maintain an up-to-date list of the media service providers under the jurisdiction of the Republic of Bulgaria and on which of the criteria set out in Item 23 of § 1 of the Supplementary Provisions herein their jurisdiction is based. The Council for Electronic Media shall inform the European Commission of the said list and of any updates thereto. A solution to any inconsistencies between the providers as recorded in the register and the lists of other States shall be found in cooperation with the European Commission and the national regulatory authorities concerned.

(3) The lists of the States shall be kept up-to-date by the European Commission in a centralised database that shall be made publicly available. The European Commission shall ensure that the national regulatory authorities have access to the said database.

(4) Where, in applying Article 5a or 5b herein, the Member States concerned do not agree on which Member State has jurisdiction, the Council for Electronic Media shall bring the matter to the attention of the European Commission without undue delay. The European Commission shall adopt a decision on which State has jurisdiction according to the procedure established by Article 2(5c) of Directive 2010/13/EU, as amended by Directive (EU) 2018/1808.

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 popularise 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 popularisation 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 familiarise 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, SG No. 109/2020, effective 22.12.2020)

(1) Media service providers shall make easily, directly and permanently accessible to the recipients of the service at least the following data on the Internet site thereof:

1. name of the media service provider;

2. head office and registered office;

3. the details, including an email address and contact telephone number, which allow for the provider to be contacted rapidly in a direct and effective manner;

4. details of the Council for Electronic Media, head office and registered office, email address and Internet site, a contact telephone number.

(2) The Council for Electronic Media shall also include in the registers thereof a link to the information concerning the ownership structure and the beneficial owners of the providers concerned, which is disclosed to the Commercial Register and the Register of Non-profit Legal Persons according to the procedure established by the Measures Against Money Laundering Act.

Article 8. (Amended, SG No. 96/2001, supplemented, SG No. 77/2002, amended, SG No. 12/2010, SG No. 109/2020, effective 22.12.2020) (1) Media services must not contain any:

1. incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union;

2. public provocation to commit terrorism within the meaning given by the Criminal Code.

(2) When exercising the oversight powers thereof under this Article, the Council for Electronic Media shall take steps that are necessary and proportionate, shall respect the rights and shall observe principles set out in the Charter of Fundamental Rights of the European Union.

Article 8a. (New, SG No. 109/2020, effective 22.12.2020) (1) Media service providers shall ensure that the content in the services thereof progressively becomes accessible to persons with a visual or hearing impairment. The means to achieve the accessibility of the content of audiovisual media services shall include, but need not be limited to, sign language, subtitling for the deaf and hard of hearing, spoken subtitles, and audio description. Radio service providers shall provide programme services and programmes accessible to persons with a visual or hearing impairment via the Internet,

mobile applications or other technical means available to the said providers within time limits and in manners specified in the action plans referred to in Item 1 of Paragraph (2).

(2) Media service providers shall submit to the Council for Electronic Media:

1. action plans in respect of continuously and progressively making the services thereof more accessible to persons with disabilities for a three-year period;

2. annual reports on the progress made in making the services thereof accessible to persons with visual or hearing disabilities.

(3) Media service providers shall ensure that emergency information, including public communications and announcements in natural disaster situations, which is made available to the public through audiovisual media services, is provided in a manner which is accessible to persons with disabilities. Emergency information should not be prevented from being made available to the public through audiovisual media services if in exceptional cases it might not be possible to provide emergency information in a manner that is accessible to persons with disabilities.

(4) Public-service media service providers shall produce and provide for distribution news and current affairs programmes in accordance with technological developments and the economic capacity of the providers in a manner that such programmes are accessible to persons with disabilities. The action plans of public-service providers shall furthermore aim at subtitling all television programmes with language content like news, current affairs programmes, films, serials and other such, with the respective non-linear on-demand services being progressively covered as well. The obligations of the BNR and the BNT to make the services provided thereby accessible shall be specified in the licences thereof.

(5) Providers of media services within a national range and digital terrestrial broadcasting of television programme services with multi-subject or news programme type and an average daily share-of-audience exceeding 20 per cent and the television programme services of the BNT shall mandatorily ensure Bulgarian sign language interpretation in at least one of the newscasts thereof during the daypart between 19:00 and 23:30 hours.

(6) On the Internet site thereof, the Council for Electronic Media shall keep up-to-date contact details for an administration employee designated by an order of the Chairperson of the Council for Electronic Media who has been tasked with providing information and receiving complaints regarding any accessibility issues. The Council for Electronic Media shall fulfil the obligations thereof in close cooperation with the organisations of persons with disabilities.

(7) The Council for Electronic Media shall report to the European Commission on the implementation of the measures for making media services accessible to persons with disabilities.

Article 8b. (New, SG No. 109/2020, effective 22.12.2020) The Council for Electronic Media may take measures for the appropriate prominence of audiovisual media services of general interest under defined general interest objectives such as media pluralism, freedom of speech and cultural diversity.

Article 8c. (New, SG No. 109/2020, effective 22.12.2020) (1) The audiovisual media services provided by media service providers may not be overlaid for commercial purposes by third parties or modified without the explicit consent of the said providers.

(2) The Council for Electronic Media shall not apply Paragraph (1) in relation to safeguarding the legitimate interests of users in accordance with Directive 2010/13/EU, as amended by Directive (EU) 2018/1808 while taking into account the rights and legitimate interests of media service providers.

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) (Supplemented, SG No. 100/2023, effective 1.12.2023) Every year, media service providers shall present to the Council for Electronic Media, upon request, evidence of the commercial rights and the ceded copyrights to protected works and neighbouring rights to other protected subject matter in the

programme services thereof and of the ceded neighbouring rights for the provision for distribution of programme services of others.

(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 obliged 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, new, SG No. 17/2013, repealed, SG No. 19/2014, effective 5.03.2014).

Article 14. (1) (Amended, SG No. 12/2010) Linear media service providers shall be obliged to record the programme services and programmes provided thereby for distribution and to keep 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, SG No. 109/2020, effective 22.12.2020) Media service providers shall not be obliged to disclose the sources of information.

(2) (Amended, SG No. 12/2010, SG No. 109/2020, effective 22.12.2020) Journalists shall not be obliged to disclose the sources of information either to the audience or to the management of a media service provider.

(3) (Amended, SG No. 12/2010, SG No. 109/2020, effective 22.12.2020) Media service providers shall have the right to include information from an unidentified source in programmes, expressly stating this fact.

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

Article 16. (1) (Amended, SG No. 12/2010, SG No. 109/2020, effective 22.12.2020) Media service providers shall respect the right to privacy and shall comply with legislation on protection of citizens' personal data, taking into consideration the balance between the right to privacy and the right to freedom of expression and information.

(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 public authorities, or of citizens whose decisions exert influence on the public.

(3) (Amended, SG No. 12/2010, repealed, SG No. 109/2020, effective 22.12.2020).

(4) (Repealed, SG No. 109/2020, effective 22.12.2020).

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, SG No. 28/2011, SG No. 109/2020, effective 22.12.2020) Media service providers shall be obliged not to admit the production 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.

(3) (Supplemented, SG No. 79/2000, amended, SG No. 12/2010, repealed, SG No. 109/2020, effective 22.12.2020).

(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 obtained through official channels;
2. quotes official documents;
3. exactly 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 17a. (New, SG No. 28/2011, amended, SG No. 109/2020, effective 22.12.2020) (1) Media service providers shall be obliged not to produce and not to provide for distribution any programmes that may impair the physical, mental, moral and/or social development of children.

(2) The provision of Paragraph (1) shall not apply to any programmes that are made available in a time and in way ensuring that children will not normally hear or see them, such as:

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 shall not prejudice the liability of media service providers for the observance of the principles of Article 10 herein throughout the duration of the programme service.

(3) In connection with the application of Paragraph (1), the Council for Electronic Media, jointly with media service providers, including the BNT and the BNR, shall develop a Code of Conduct containing measures to assess, label and restrict access to programmes which are adverse to, or pose a risk of impairing, the physical, mental, moral and/or social development of children.

(4) The measures referred to in Paragraph (3) may include selecting the time of the broadcast, age verification tools, encryption and/or other appropriate technical measures to inform and protect the audience. Such measures should be proportionate to the potential harm of the programme. The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures.

(5) The Code referred to in Paragraph (3) shall be adopted by the Council for Electronic Media and shall be mandatory for all media service providers. The Council for Electronic Media shall publish the rules on the Internet site thereof and shall monitor compliance therewith.

(6) Media service providers shall be obliged to respect children's rights as set out in the Child Protection Act and in other statutory instruments.

(7) Media service providers shall be obliged not to admit the participation of children in broadcasts which are adverse to, or pose a risk of impairing, the physical, mental, moral and/or social development thereof.

(8) The protection of children against gratuitous violence and pornography under this Act shall apply without prejudice to the application of penal and other measures provided for in legislation.

(9) Personal data of children collected or otherwise generated by media service providers pursuant to the measures referred to in Paragraph (4) shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.

(10) Media service providers shall be obliged to provide sufficient information about content which is adverse to, or poses a risk of impairing, the physical, mental, moral and/or social development of children. For this purpose, media service providers shall use a system provided for in the Code of Conduct under Paragraph (3), describing the potentially harmful nature of the content of an audiovisual media service.

(11) The Council for Electronic Media shall encourage media service providers to exchange best practices on co-regulatory codes of conduct for the protection of children.

Article 18. (1) (Amended, SG No. 12/2010, supplemented, SG No. 109/2020, effective 22.12.2020) Any persons and any state and municipal bodies, affected in any programmes included 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 approach the broadcaster concerned with a request in writing to provide the reply of the said persons 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 obliged to ensure the insertion of the reply in the next edition of the same programme or in an equivalent time within 24 hours of receipt of the reply, modifications or abridgements 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, SG No. 109/2020, effective 22.12.2020) (1) Media service providers of on-demand audiovisual media services shall secure at least a 30 per cent share of European works in the catalogues thereof and shall ensure prominence of those works.

(2) Prominence shall involve presenting European works in an accessible and attractive way by means such as a dedicated section for European works that is accessible from the service homepage, the possibility to search for European works in the search tool available as part of that service, the use of European works in campaigns of that service or a minimum percentage of European works promoted from that service's catalogue, for example by using banners or similar tools.

(3) The obligations referred to in Paragraph (1) shall not apply to any providers which are micro enterprises within the meaning given by Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422), as well as with regard to any providers with a share-of-audience which is less than 1 per cent of the total audience of all on-demand audiovisual media services offered within the territory of the Republic of Bulgaria.

(4) The obligation under Paragraph (1) shall furthermore be waived where it would be impracticable or unjustified by reason of the nature or theme of the audiovisual media services.

(5) The Council for Electronic Media shall prepare annual statements on the European works in on-demand services and shall publish the said statements as part of the annual report thereof. The Council for Electronic Media shall report to the European Commission on the implementation of the measures referred to in Paragraph (1).

(6) The share of European works in the catalogues of on-demand media services shall be calculated on an averaged annual basis and on the basis of the number of titles in the catalogue of the service.

(7) The Council for Electronic Media shall adopt rules on determining the relative weight of the separate types of titles in the catalogues of the on-demand media services when the share of European works is calculated, as well as regarding the measurement of the share-of-audience of the on-demand audiovisual media services, taking into consideration Communication from the Commission (OJ, C/2020/4291 of 2 July 2020).

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 production 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, amended, SG No. 109/2020, effective 22.12.2020) A radio or television broadcaster, who or which holds an exclusive right for the transmission of an event of major importance for society under Article 32 (3) herein, shall be obliged 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.

Section III

(New, SG No. 109/2020, effective 22.12.2020)

Provisions Applicable to Video-sharing Platform Services

Article 19d. (New, SG No. 109/2020, effective 22.12.2020) (1) In the public register referred to in Article 125j herein, the Council for Electronic Media shall maintain an up-to-date list of the video-sharing platform providers established or deemed to be established on the territory of the Republic of Bulgaria and shall indicate on which of the criteria set out in Item 23 of § 1 of the Supplementary

Provisions herein their jurisdiction is based. The Council for Electronic Media shall inform the European Commission of the said list and of any updates thereto. A solution to any inconsistencies between the said list and the lists of other States shall be found in cooperation with the European Commission and the national regulatory authorities concerned.

(2) The lists of the States shall be kept up-to-date by the European Commission in a centralised database that shall be made publicly available. The European Commission shall ensure that the national regulatory authorities have access to the said database.

(3) Where, in applying this Article, the Member States concerned do not agree on which Member State has jurisdiction, the Council for Electronic Media shall bring the matter to the attention of the European Commission without delay.

Article 19e. (New, SG No. 109/2020, effective 22.12.2020) (1) Without prejudice to the application of Articles 13 to 17 of the Electronic Commerce Act, video-sharing platform providers shall take appropriate measures:

1. to protect children from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental, moral and/or social development in accordance with Article 17a (1) to (3) herein;

2. to protect the audience from programmes, user-generated videos and audiovisual commercial communications containing incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union;

3. to protect the audience from programmes, user-generated videos and audiovisual commercial communications containing content the dissemination of which constitutes an activity which is a criminal offence under the Criminal Code: public provocation to commit a terrorist offence, offences concerning child pornography, and offences concerning racism and xenophobia.

(2) Video-sharing platform providers shall comply with the requirements set out in Article 75 (1) and (4) to (9) herein with respect to audiovisual commercial communications that are arranged and placed thereby.

(3) Video-sharing platform providers shall take appropriate measures to comply with the requirements set out in Article 75 (1) and (4) to (9) herein with respect to audiovisual commercial communications that are not arranged and placed thereby but are user-generated, taking into account the limited control exercised by those video-sharing platforms over those audiovisual commercial communications.

(4) Video-sharing platform providers shall clearly inform users where programmes and user-generated videos contain audiovisual commercial communications, provided that the user have declared, according to Item 1 of Paragraph (8), that the said communications contain such audiovisual commercial communications or the provider has knowledge of that fact.

(5) Video-sharing platform providers shall undertake to comply with the standards of the National Ethical Standards for Advertising and Commercial Communication, developed by the National Council for Self-regulation Association, aiming, inter alia, at effectively reducing the exposure of children to audiovisual commercial communications for foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular fat, trans-fatty acids, salt or sodium and sugars, of which excessive intakes in the overall diet are not recommended.

(6) Video-sharing platform providers shall determine appropriate measures for the attainment of the purposes of this Article in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created or uploaded the content as well as the interest of the audience.

(7) The measures referred to in Paragraph (6) must be practicable and proportionate, taking into account the size of the video-sharing platform service and the nature of the service that is provided. Those measures may not lead to any ex-ante control measures or upload-filtering of content which do not comply with Article 17 of the Electronic Commerce Act.

(8) The measures referred to in Paragraph (6) shall consist of, as appropriate:

1. having a functionality for users who upload user-generated videos to declare whether such videos contain audiovisual commercial communications as far as they know or can be reasonably expected to know;

2. transparent and user-friendly mechanisms for users of a video-sharing platform to report or flag to the video-sharing platform provider concerned the content referred to in Paragraph (1) provided on its platform;

3. systems through which video-sharing platform providers explain to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in Item 2;

4. establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of children;

5. easy-to-use systems allowing users of video-sharing platforms to rate the content referred to in Paragraph (1);

6. parental control systems that are under the control of the end-user with respect to content which may impair the physical, mental or moral development of children;

7. transparent, easy-to-use and effective procedures for the handling and resolution of users' complaints to the video-sharing platform provider in relation to the implementation of the measures referred to in Items 2 to 6;

8. effective media literacy measures and tools and raising users' awareness of those measures and tools.

(9) Personal data of children collected or otherwise generated by video-sharing platform providers pursuant to the measures referred to in Items 4 and 6 of Paragraph (8) shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.

(10) Video-sharing platform providers shall draw up pre-formulated standard terms, which shall be cleared with the Council for Electronic Media as to conformity to the provisions of this Article. The said terms shall mandatorily contain the measures referred in Paragraph (6), thereby ensuring:

1. compliance with the requirements specified in Paragraph (1);

2. an impartial settlement of disputes between providers and users through an out-of-court mechanism, without depriving users of the legal protection afforded by national law;

3. compliance with the requirements referred to in Article 75 (1) and (4) to (9) herein with respect to commercial communications which are not arranged and placed by the sharing platform provider.

(11) If the Republic of Bulgaria exercises the freedom thereof to impose on Video-sharing platform providers measures that are more detailed or stricter than the measures referred to in Article 28b(3) of Directive 2010/13/EU, as amended by Directive (EU) 2018/1808, the requirements set out by applicable Union law shall apply.

(12) Self-regulation through European Union codes of conduct according to Article 4b herein shall be encouraged. Video-sharing platform providers shall be encouraged to exchange best practices on co-regulatory codes of conduct.

(13) Without prejudice to the application of this Act, users of video-sharing platforms can assert the rights thereof before a court in relation to video-sharing platform providers in accordance with Paragraph (1) and Paragraphs (6) to (8).

Chapter Two **COUNCIL FOR ELECTRONIC MEDIA** **(Heading amended, SG No. 96/2001)**

Section I **General Conditions**

Article 20. (Amended, SG No. 96/2001, SG No. 12/2010, SG No. 109/2020, effective 22.12.2020) (1) The Council for Electronic Media shall be an independent specialised authority which regulates media services and video-sharing platform services in the cases and according to the procedure provided for in this Act.

(2) In implementing the activity thereof, the Council for Electronic Media shall exercise the powers thereof impartially and transparently and in accordance with the objectives of Directive 2010/13/EU, as amended by Directive (EU) 2018/1808, being guided by the public interest, protecting freedom of speech, the independence of media service providers, media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, the proper functioning of the internal market and the promotion of fair competition.

(3) The Council for Electronic Media may not seek or take instructions from any other body in relation to the exercise of the powers assigned to the said Council by this Act.

Article 21. (Amended, SG No. 15/2013, effective 1.01.2014) The Council for Electronic Media shall be a public-financed legal person with a head office in Sofia, whereof the Chairperson shall be a budget authoriser by delegation.

Article 22. (Amended, SG No. 38/2012, effective 1.07.2012) (1) The Council for Electronic Media shall be assisted in the activity thereof by an administration whereof the structure and staff size shall be determined by the said Council at its own discretion depending on the resources allocated for the respective year. The Administration Act shall apply to the administration of the Council for Electronic Media, except as otherwise provided for in this Act.

(2) Civil servants and persons working under an employment relationship shall implement the activity of the administration. The provisions of Article 107a of the Labour Code shall apply to employees working under an employment relationship.

Article 23. The Council for Electronic Media shall adopt Rules of Organisation and Procedure thereof.

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) (Repealed, SG No. 44/2018).

Article 25. (Amended, SG No. 96/2001, SG No. 93/2005, SG No. 14/2009) Eligibility for membership of the Council for Electronic Media shall be limited to Bulgarian citizens holding a degree of higher education and possessing professional experience in the following fields: electronic media, electronic communications, journalism, law or economics, and enjoying a public standing 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 deprivation of liberty for intentional publicly prosecutable 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. (declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 91/2013)

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 expiry of this term, in respect of Item 5, within one year after the expiry 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 providers 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 organisations 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 obliged, acting at the request of the said person, to grant the said person unpaid leave of absence for the duration of the term of office thereof. Upon the expiry or termination of the said term of office, any such employers shall be obliged to reinstate the person concerned to the position previously held thereby if the said person 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, SG No. 7/2018, SG No. 84/2023, effective 6.10.2023) Each member of the Council for Electronic Media and of the evaluating commission referred to in Article 116c herein shall be obliged to make a written disclosure to the Council for Electronic Media of any private interest within the meaning given by the Counter-Corruption 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 any family members thereof, as well as any persons wherewith each one of the said persons 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, SG No. 7/2018) The duty of the persons referred to in Paragraph (1) shall be performed through submission of a declaration to the Council for Electronic Media. 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 obliged to disclose the said interest and to withdraw from the debate and the voting.

(5) (Amended, SG No. 77/2018, effective 1.01.2019) The party affected, as well as any party concerned, may approach the Sofia Administrative Court with a motion to revoke 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 the duties thereof 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 expiry 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 by the person resigning;

2. where continuously and actually unable to discharge the duties thereof for more than six months;

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

4. (new, SG No. 96/2001) when a sentence imposing a penal sanction of deprivation of liberty for a premeditated offence becomes enforceable;

5. (new, SG No. 42/2009, amended, SG No. 7/2018, SG No. 84/2023, effective 6.10.2023) upon the entry into effect of an instrument ascertaining any conflict of interest under the Counter-Corruption Act.

(3) Upon termination of the term of office of a member of the Council for Electronic Media prior to the expiry 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 expiry 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 the first meeting thereof, the members of the Council for Electronic Media shall elect a Chairperson from amongst their number for a term of one year.

(2) The Chairman shall:

1. represent the Council for Electronic Media;

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

3. sign the acts of the Council for Electronic Media which are adopted implementing this Act;

4. (amended, SG No. 12/2010) liaise, on behalf of the Council for Electronic Media, with the public authorities and with media service providers, as well as with international organisations in the field 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, amended, SG No. 38/2012, effective 1.07.2012) direct the work of the administration;

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 upon the expiry of the one-year term for which the said Chairperson has been elected, or at the Chairperson's own request, by a decision of the Council for Electronic Media.

(5) (Amended, SG No. 96/2001) The Council for Electronic Media, acting on motion by any of the members thereof, may make a decision on termination of the term of office of the Chairperson prior to the expiry 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 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 the conclusion of intergovernmental agreements in the field 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 organise a research of public opinion on the activities of media service providers and of the media services thereof;
8. (amended, SG No. 109/2020, effective 22.12.2020) to give an opinion regarding the modifications of the amount of the fees collected according to the rate schedule referred to in Article 102 (6) herein;
9. (supplemented, SG No. 79/2000, amended, SG No. 96/2001, supplemented, SG No. 14/2009, amended, SG No. 109/2020, effective 22.12.2020) to make decisions on the grant, modification, withdrawal, transfer and termination of a radio broadcasting licence for the creation of programme services intended for distribution by means of 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 organisation and operation of the said Fund and the management board thereof, 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;
- 12a. (new, SG No. 28/2011, amended, SG No. 109/2020, effective 22.12.2020) to adopt decisions regarding any programmes which are produced and provided for distribution in breach of the requirements of Article 17a (1) and the Code of Conduct referred to in Article 17a (3) herein, allowing a time limit for rectifying the violations as ascertained which may not be longer than three days;
13. (new, SG No. 96/2001, amended, SG No. 112/2001, supplemented, SG No. 14/2009, amended, SG No. 109/2020, effective 22.12.2020) to approach the Communications Regulation Commission with an enquiry regarding the requisite technical parameters for analogue terrestrial broadcasting of radio programme services to a nucleated settlement 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, SG No. 109/2020, effective 22.12.2020) to hold a contest for the selection of a radio broadcaster which shall be granted authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of existing and/or new electronic communications networks for analogue terrestrial broadcasting;
15. (new, SG No. 96/2001, amended, SG No. 14/2009, SG No. 109/2020, effective 22.12.2020) to grant an individual radio 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 authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of 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 by means of cable electronic communications networks, by satellite and electronic communications networks for digital terrestrial broadcasting;

(b) radio and television programme services which are distributed by means of 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;

(e) (new, SG No. 109/2020, effective 22.12.2020) video-sharing platforms;

16a. (new, SG No. 14/2009) to effect 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 organisations on matters concerning the electronic media, and to perform coordinating functions between the institutions of state and non-governmental organisations 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 the powers thereof under this Act, and under effective international treaties in the field of media services to which the Republic of Bulgaria is a party;

19. (new, SG No. 14/2009, amended, SG No. 109/2020, effective 22.12.2020) to make decisions on the grant, modification, withdrawal, transfer and termination of an individual radio and television broadcasting licence of radio and television broadcasters for national/regional programme services, which have the right to be distributed by an undertaking which has been granted authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of 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 by means of 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 by means of networks for digital terrestrial television broadcasting according to the procedure established by this Act;

22. (new, SG No. 19/2014, effective 5.03.2014) to develop specialised monitoring of the activities of media service providers upon the handling of an election campaign and to provide the said monitoring to the Central Election Commission; the scope and parameters of the specialised monitoring shall be determined under an agreement between the Council for Electronic Media and the Central Election Commission concluded prior to the opening of the election campaign, irrespective of the territorial range of the programme services;

23. (new, SG No. 109/2020, effective 22.12.2020) to take and to encourage the taking of measures and actions to promote the development of media literacy in society;

24. (new, SG No. 109/2020, effective 22.12.2020) to exercise supervision over video-sharing platform providers as to compliance with the requirements of this Act that are applicable to the activities thereof.

(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. 28/2011) Upon non-compliance with the decision referred to in Item 12a of Paragraph (1), the Chairperson of the Council for Electronic Media shall issue an order under Item 3 of Article 117 (3) herein.

(5) (New, SG No. 28/2011, repealed, SG No. 109/2020, effective 22.12.2020).

(6) (New, SG No. 96/2001, amended, SG No. 12/2010, renumbered from Paragraph (4), amended, SG No. 28/2011, repealed, SG No. 109/2020, effective 22.12.2020).

(7) (New, SG No. 12/2010, renumbered from Paragraph (5), SG No. 28/2011, amended, SG No. 109/2020, effective 22.12.2020) The Council for Electronic Media shall provide the European Commission and the independent regulatory authorities of the Member States of the European Union in the field of media services with information needed for the application of Directive 2010/13/EU, as amended by Directive (EU) 2018/1808.

(8) (New, SG No. 109/2020, effective 22.12.2020) The Council for Electronic Media shall adopt an effective co-regulation framework implementing Article 4b (2) herein and shall vet the acts referred to in Article 4b (1) herein for conformity with the said framework. A proceeding may alternatively be instituted at the request of an interested party. A proceeding for conformity as instituted shall be concluded by a decision of the Council for Electronic Media. In case the Council for Electronic Media ascertains any non-conformity with the framework, obligations to comply with the act concerned shall not arise for the media service providers and/or the video-sharing platform providers.

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 activities of media service providers solely with regard to:

1. observance of the principles covered under Article 10 herein and compliance with the proportions referred to in Article 19a (1) and (2) herein;
2. (supplemented, SG No. 28/2011, amended, SG No. 109/2020, effective 22.12.2020) compliance with the requirements referred to in Article 6 (2) and (3) and Article 17 (2) and Article 17a herein;
3. coverage of the elections of public authorities and local self-government authorities;
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 justice-administering authorities and the other public authorities 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 licences as granted and the registrations as effected.

Article 33a. (New, SG No. 109/2020, effective 22.12.2020) (1) Media literacy policy shall contain measures for the development of skills and knowledge that allow citizens:

1. to exercise informed choices of media content and of media services;
2. to use media services and media content safely;

3. to create media content and to participate in various forms of communication in a responsible, ethical and effective manner.

(2) The Minister of Culture shall:

1. initiate and direct the development of a national media literacy policy;
2. report to the European Commission on the implementation of the measures for the development of media literacy.

(3) The Council for Electronic Media shall be working for the development of media literacy in cooperation with a wide range of stakeholders, including the Ministry of Culture, the Ministry of Education and Science and other public authorities, media service providers, academia, civil society organisations and users and, to this end, shall:

1. participate in the development of a national media literacy policy;
2. gather information regarding the participation of media service providers and video-sharing platform providers in the implementation of the policy referred to in Item 1, analyse the results, and update the said policy every three years;
3. draw up an annual report on the implementation of the policy as part of the report referred to in Article 39 herein.

Section IV

Meetings

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

1. on the Chairperson's own initiative, or
2. on the requisition of at least one-third of the members of the said Council.

(2) (Supplemented, SG No. 12/2010) A notice of meeting shall contain a draft agenda of the meeting. The said draft shall also be published 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, previous text of 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 the members who are physically present, 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 published 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 public authorities, media service providers and non-governmental organisations active in the field 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 members thereof.

(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) (Amended, SG No. 77/2018, effective 1.01.2019) The decisions of the Council for Electronic Media shall be appealable before the Sofia Region Administrative Court.

(2) (Supplemented, SG No. 28/2011) 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) and in item 12a of Article 32 (1) 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) (Amended, SG No. 75/2017, effective 18.07.2017) The Council for Electronic Media shall submit an annual activity report to the National Assembly for debate and adoption not later than the 31st day of March of the following year and shall publish the said report on the Internet site of the Council.

(2) The Council for Electronic Media shall issue a monthly newsletter, publishing therein 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 ascertaining administrative violations as issued, the penalty decrees as issued, and the judgments as rendered upon the contestation thereof. The said newsletter shall be published 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 the performance of their functions, the members of the Council for Electronic Media shall receive a monthly remuneration in 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 every quarter on the basis of the average monthly wage for the last month of the previous quarter.

Article 41a. (New, SG No. 109/2020, effective 22.12.2020) (1) The Council for Electronic Media shall exchange information necessary for the application of Directive 2010/13/EU, as amended by Directive (EU) 2018/1808, with the national regulatory authorities and with the European Commission, and in particular of Articles 2 to 4 herein, with the regulators of the other Member States of the European Union.

(2) When the Council for Electronic Media receives information from a media service provider under the jurisdiction of the Republic of Bulgaria that the said provider will provide a service wholly or mostly directed at the audience of another Member State of the European Union, the Council for Electronic Media shall inform the national regulatory authority of the targeted State.

(3) When the territory of another Member State of the European Union is targeted by a media service provider under the jurisdiction of the Republic of Bulgaria and the regulatory authority of the said State sends a request concerning the activities of the said provider to the Council for Electronic Media, the Council for Electronic Media shall do its utmost to address the request within two months, without prejudice to stricter time limits applicable pursuant to Directive 2010/13/EU, as amended by Directive (EU) 2018/1808.

(4) When the territory of the Republic of Bulgaria is targeted by a media service provider under the jurisdiction of another Member State of the European Union, the Council for Electronic Media may

send a request concerning the activities of the said provider to the regulatory authority of the State having such jurisdiction. When requested, the Council for Electronic Media shall provide any information to the regulatory authority of the Member State having jurisdiction that may assist it in addressing the request.

Article 41b. (New, SG No. 109/2020, effective 22.12.2020) The Council for Electronic Media shall participate, through representatives thereof, in the work of the European Regulators Group for Audiovisual Media Services (ERGA).

Chapter Three

BULGARIAN NATIONAL RADIO AND BULGARIAN NATIONAL TELEVISION

Section I

General Provisions

Article 42. (1) (Amended, SG No. 15/2013, effective 1.01.2014) The Bulgarian National Radio and the Bulgarian National Television shall be legal persons with head offices in Sofia, whereof the directors general thereof shall be budget authorisers by delegation.

(2) The Bulgarian National Radio and the Bulgarian National Television shall carry out operational management of the State-owned property allocated thereto prior to the entry into force of this Act.

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 field of electronic communications.

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

(4) (New, SG No. 41/2007) The resources for the performance 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 make available at no charge the national and regional programme services thereof to undertakings providing electronic communications by means of cable electronic communication 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) For the 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 by means of 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, retransmission or exchange of programmes and programme services.

(3) (New, SG No. 106/2018, effective 1.01.2019) The Bulgarian National Radio shall establish and maintain music bands which pursue sound recording and concert activities.

Article 47. (1) (Amended, SG No. 12/2010) The Bulgarian National Radio and the Bulgarian National Television shall have the right to create programme services and programmes on their own 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 the production of co-productions, for the holding of contests and for the 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 insert gratuitously in the newscasts thereof, by way of fair use, reports and news about events wherefor 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 whose mother tongue is other than the Bulgarian language, including broadcasts in the language of the said citizens.

(2) (Amended, SG No. 79/2000) Regional programme services shall cover events of local importance. Such programme services 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 obliged to provide immediately and gratuitously transmission time to representatives of public authorities 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 obliged 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.

(5) (New, SG No. 68/2020) The Bulgarian National Television, under conditions and in accordance with the procedure specified in a contract, shall provide the National Assembly with a signal for the open sittings for free and gratuitous use, and the said sittings shall be broadcast in real time on the Internet via the National Assembly website.

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 religious denominations.

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

Article 54. The terms and procedure for the 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 carry out the activities thereof pursuant to contracts whereby management is entrusted thereto.

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

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

(3) (Amended, SG No. 101/2010) Any persons covered under Article 55 herein, who occupy academic positions at higher schools or research organisations at the time of the election or endorsement by the Council for Electronic Media, shall have the right to proceed with teaching or research during the term of office thereof.

Article 58. (1) The management boards of the BNR and the BNT shall consist of five members each, who shall be 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 authorise a member of the management board to deputise for him or her.

Article 59. (1) (Amended, SG No. 14/2009) Eligibility for membership of the management boards of the BNR and the BNT shall be limited to persons who are Bulgarian citizens, reside within the territory of Bulgaria, hold a university degree, and possess professional experience in the field 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, of the BNT:

1. any persons who have been sentenced to deprivation of liberty for intentional publicly prosecutable offences;

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

3. (declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 91/2013)

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.

(4) (New, SG No. 61/2016, effective 5.08.2016) If upon expiry of the terms of office of the directors general of the BNR or, respectively, of the BNT the election under Article 66 (1) herein is not implemented and the provision of Article 66 (4) herein applies, the members of the management boards of the BNR or, respectively, of the BNT shall continue to exercise the powers thereof until the endorsement of the new management boards by 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 expiry of the said term by the Council for Electronic Media on a 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 on the structure and organisation of operation, on wages, on payment of part-time contributors, on editing, on advertising, on the storage and use of stock material, and on 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 the conclusion of contracts with part-time contributors and journalists;

5. adopt the draft budget and the State budget subsidy included therein 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 the implementation of the budget;

8. adopt a decision, on a motion by the directors general, on the opening and closing of regional centres and determine the status, structure and management thereof in consultation with the Council for Electronic Media;

9. (new, SG No. 15/2013, effective 1.01.2014) adopt changes to the budget of the budget authoriser by delegation, including to the budgets of the budget authorisers by sub-delegation;

10. (new, SG No. 15/2013, effective 1.01.2014) appoint lower-level budget authorisers in respect of the relevant budgets;

11. (renumbered from Item 9, SG No. 15/2013, effective 1.01.2014) determine the occupational qualifications required from the categories of persons employed in radio and television broadcasting activities;

12. (renumbered from Item 10, SG No. 15/2013, effective 1.01.2014) endorse the job descriptions of employees;

13. (renumbered from Item 11, SG No. 15/2013, effective 1.01.2014) endorse all advertising and sponsorship contracts, as well as any other contracts for a value exceeding a level specified in the rules of organisation and operation;

14. (renumbered from Item 12, SG No. 15/2013, effective 1.01.2014) endorse the conclusion and termination of the employment contracts of senior office holders at the BNR or, respectively, the BNT, and the divisions thereof according to a list of positions indicated in the rules of organisation and operation of the BNR and the BNT;

15. (renumbered from Item 13, SG No. 15/2013, effective 1.01.2014) address any other matters falling within the scope of the competence thereof.

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

1. on the Chairperson's own initiative, or

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

(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 the performance of the functions thereof, the members of the management boards shall receive a monthly remuneration from the BNR and, respectively, the BNT, in 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 employment service in a radio station; to qualify for director general of the BNT, an applicant must have not less than five years of employment 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.

(4) (New, SG No. 46/2016) If upon expiry of the term of office of a director general of the BNR or, respectively, of the BNT the election under Paragraph (1) is not implemented, the said directors general shall continue to exercise the powers thereof until the new directors general assume office.

Article 67. (1) (Previous text of 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 expiry of the said term:

1. on the grounds provided for an 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 tolerates 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 the conduct of a new election, which must be held within three months, the management of the respective organisation 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) (Previous text of Article 68, SG No. 37/2009, effective 19.05.2009) The Director General of the BNR, respectively, of the BNT shall:

1. implement the programming policy;

2. carry out the operational management of the BNR or, respectively, of the BNT, and of the property thereof;

3. propose 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. organise the preparation of the draft budget and submit the said draft to the Management Board for endorsement;

9. organise 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 for the joint creation of 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) (Amended, SG No. 15/2013, effective 1.01.2014) The Bulgarian National Radio and the Bulgarian National Television shall prepare, implement, balance off and report a budget.

(2) (Amended, SG No. 15/2013, effective 1.01.2014) The management boards of the BNR and the BNT, within the limits of their budgets, shall endorse a budget 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;

7. (new, SG No. 106/2018, effective 1.01.2019) revenues from the activities of the musical bands under Article 46, Paragraph 3 – for BNR.

(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. (amended, SG No. 102/2012, effective 1.01.2013) target subsidy for acquisition and capital repair of long-term assets according to a list, approved every year by the Minister 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 facilitate 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 music and radio drama works;

2. (new, SG No. 106/2018, effective 1.01.2019) the Bulgarian National Radio shall allocate up to 10 per cent of the State budget subsidy and the financing from the Radio and Television Fund for the overall support of the music bands thereof.

3. (renumbered from Item 2, SG No. 106/2018, effective 1.01.2019) the Bulgarian National Television shall allocate not less than 10 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) There shall be audiovisual commercial communications and commercial communications in radio services.

Article 73. (Amended, SG No. 12/2010) (Supplemented, SG No. 109/2020, effective 22.12.2020) Audiovisual commercial communications shall be images with or without sound which are designed to promote, directly or indirectly, the goods, services or image 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 or user-generated video in return for payment or for similar consideration or for self-promotional purposes.

(2) Commercial communications in radio services shall be 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 shall be 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) (Amended, SG No. 109/2020, effective 22.12.2020) Sponsorship shall be a form of commercial communication consisting of a contribution made by a natural or legal person not engaged in providing media services or video-sharing platform services or in creating audio/audiovisual works to

the financing of media services, video-sharing platform services, user-generated videos or programmes with a view to promoting their name, trade mark, image, activities or products.

(3) Teleshopping or radio shopping shall be 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) (Amended, SG No. 109/2020, effective 22.12.2020) Product placement shall be a form of commercial communication consisting of the inclusion of, or reference to, a product, a service or a trade mark within a programme or a user-generated video in return for payment or for similar consideration.

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

Article 75. (Amended, SG No. 12/2010) (Supplemented, SG No. 109/2020, effective 22.12.2020) Audiovisual commercial communications provided by media service providers must be readily recognisable as such. Surreptitious commercial communications shall be prohibited.

(2) Surreptitious commercial communication shall be 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 shall be indirect methods, which are not identified as commercial communications and are not recognised 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) (Supplemented, SG No. 109/2020, effective 22.12.2020) All forms of commercial communications for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers, 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. (amended, SG No. 109/2020, effective 22.12.2020) endanger the physical, mental moral and/or social development of 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.

(10) (New, SG No. 27/2013, effective 1.04.2013, amended, SG No. 109/2020, effective 22.12.2020) The volume levels in audiovisual commercial communications and commercial communications in radio services should conform to the uniform standard referred to in Item 2 of Article 4b (1) herein.

(11) (New, SG No. 109/2020, effective 22.12.2020) Commercial communications for alcoholic beverages in on-demand audiovisual media services, with the exception of sponsorship and product placement, must comply with the criteria set out in Article 88 herein.

Article 76. (Supplemented, SG No. 79/2000, amended, SG No. 12/2010, supplemented, SG No. 28/2011, amended, SG No. 109/2020, effective 22.12.2020) (1) Media service providers shall develop, as part of the code of ethics referred to in Item 3 of Article 4b (1) herein, rules regarding inappropriate 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 fat, trans-fatty acids, salt/sodium and sugars, of which excessive intakes in the overall diet are not recommended. The said rules shall aim to effectively reduce the exposure of children to audiovisual commercial communications for such foods and beverages, as well as to provide that such commercial communications do not emphasise the positive quality of the nutritional aspects of such foods and beverages.

(2) Media service providers shall draw up, as part of the code of ethics referred to in Item 3 of Article 4b (1) herein, rules regarding inappropriate audiovisual commercial communications for alcoholic beverages. The said rules shall aim to effectively reduce the exposure of children to audiovisual commercial communications for alcoholic beverages.

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 whereof the production or trade is subject to a licensing scheme 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 authorisation may be included in media services only after presentation of the relevant licence or authorisation.

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) (Supplemented, SG No. 109/2020, effective 22.12.2020) Media services or programmes may not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products, as well as electronic cigarettes and refill containers.

(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 organisations, as well as religious organisations, 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) (Amended, SG No. 109/2020, effective 22.12.2020) Product placement shall be allowed, except:

1. in news and current affairs programmes, consumer affairs programmes and religious programmes;

2. in children's programmes;

3. in audiovisual media services of public-service providers, except for product placement in cinematographic works, in films and serials made for audiovisual media services.

(2) (Repealed, SG No. 109/2020, effective 22.12.2020).

(3) (Repealed, SG No. 109/2020, effective 22.12.2020).

(4) (Supplemented, SG No. 109/2020, effective 22.12.2020) 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, accommodation, a filming location 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 five times 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, SG No. 109/2020, effective 22.12.2020) (1) Programmes that contain product placement must meet the following requirements:

1. their content and organisation within a schedule, in the case of linear services, or within a catalogue in the case of on-demand non-linear media services, 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. the audience must be clearly informed of the existence of product placement by an appropriate identification at the start and at the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the audience; this requirement shall be waived for programmes which are not produced or commissioned by the media service provider itself or by a person affiliated with that media service provider.

(2) In any event programmes must not contain product placement of:

1. cigarettes and other tobacco products, as well as electronic cigarettes and refill containers, or product placement from undertakings whose principal activity is the manufacture or sale of those products;

2. specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls.

(3) The restrictions under Paragraph (2) shall apply only to programmes produced after the 19th day of December 2009.

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 recognisable 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) (Amended, SG No. 109/2020, effective 22.12.2020) Isolated television advertising and teleshopping spots shall be admissible in the distribution of sports events. Isolated television advertising and teleshopping spots, other than in the distribution of sports events, shall remain the 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) (Amended, SG No. 109/2020, effective 22.12.2020) Films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by an advertising and/or teleshopping spot once for each scheduled period of at least 30 minutes.

(3) (Amended and supplemented, SG No. 109/2020, effective 22.12.2020) Children's programmes may be interrupted by an advertising spot once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes. Teleshopping spots shall be prohibited during children's programmes.

(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 which are subject to a marketing authorisation 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 - Heading repealed, SG No. 109/2020, effective 22.12.2020)

Article 89. (Amended, SG No. 12/2010, SG No. 109/2020, effective 22.12.2020) (1) The proportion of advertising spots and teleshopping spots within the period between 6:00 and 18:00 hours may not exceed 20 per cent of that period. The proportion of advertising spots and teleshopping spots within the period between 18:00 and 24:00 hours may not exceed 20 per cent of that period.

(2) Paragraph (1) shall not apply to:

1. self-promotion and announcements made by the broadcaster in connection with its own programme services, programmes and ancillary products derived from those programmes, as well as in connection with programmes and media services of persons providing media services which are affiliated with that media service provider.

2. promotion of European films;

3. charity appeals and public benefit causes;

4. sponsorship announcements;

5. product placements;

6. neutral frames between editorial content and television advertising or teleshopping spots, and between individual spots.

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 daypart between 19:00 and 22:00 hours.

(3) (Amended, SG No. 109/2020, effective 22.12.2020) The overall duration of advertising in the programme services 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 equal to 0.6 per cent of the national minimum wage as fixed by the Council of Ministers, for each registered electricity meter.

(2) Legal and natural persons which and who carry on business, as well as central- and local-government organisations, shall pay a monthly fee equal to 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 with visual or hearing disabilities 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 healthcare 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 whereof the 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 organisation 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 member of the Management Board.

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

1. the monthly fees charged for the 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 and bequests;
5. other sources as specified in a law.

(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 activities 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 verifying the correctness of the documents;

(b) for granting the licence;

2. an initial registration fee, including:

(a) for verifying the correctness of the documents;

(b) for effecting the registration and for issuing a certificate;

3. an annual fee:

(a) for supervising the activities 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 supervising the activities 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 modifying and supplementing the licence or for changes in the registered circumstances, as the case may be, including:

(a) for examining the request;

(b) for effecting the revisions;

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

6. a fee for issuing 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 issuing a certificate of recording in the register referred to in Article 125j herein.

(4) (New, SG No. 109/2020, effective 22.12.2020) On-demand media service providers shall pay fees as follows:

1. for verifying the correctness of the documents for initial recording in the public register referred to in Article 125j herein and for recording of intervening changes;

2. for issuing a certificate of recording;

3. an annual fee for supervision.

(5) (New, SG No. 109/2020, effective 22.12.2020) Video-sharing platform providers shall pay fees as follows:

1. for verifying the correctness of the documents for initial recording in the public register referred to in Article 125j herein and for recording of intervening changes;

2. for issuing a certificate of recording;

3. an annual fee for supervision.

(6) (Amended, SG No. 12/2010, renumbered from Paragraph (4), amended, SG No. 109/2020, effective 22.12.2020) The amount of the initial fee referred to in Items 1 and 2 of Paragraph (3), in Items 1 and 2 of Paragraph (4) and in Items 1 and 2 of Paragraph (5) shall be determined depending on the necessary administrative costs incurred by the Council for Electronic Media for the preparation and grant of the licence, for the registration or for recording the on-demand service or the video-sharing platform.

(7) (Amended, SG No. 12/2010, renumbered from Paragraph (5), SG No. 109/2020, effective 22.12.2020) 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.

(8) (Renumbered from Paragraph (6), amended, SG No. 109/2020, effective 22.12.2020) The amount, the time limits and the modes of payment of the fees covered under Paragraphs (3) to (5) 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.

(9) (Renumbered from Paragraph (7), amended, SG No. 109/2020, effective 22.12.2020) The fees referred to in Paragraphs (3) to (5) shall be determined in accordance with the following principles:

1. equal treatment of media service providers and, respectively, of video-sharing platform service providers;

2. proportionality in respect of the administrative costs;

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

4. satisfaction of the needs of society of high-quality services;

(10) (Renumbered from Paragraph (8), amended, SG No. 109/2020, effective 22.12.2020) Media service providers and video-sharing platform service providers shall pay the same fees for an activity of same kind and scope.

(11) (Renumbered from Paragraph (9), amended, SG No. 109/2020, effective 22.12.2020) The proceeds from the fees referred to in Paragraphs (3) to (5) shall be administrated by the Council for Electronic Media.

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

1. financing of the BNR and the BNT;

2. financing of the Council for Electronic Media;

3. financing of projects of national importance involving the 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 the 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 targeted funding 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 following 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 by means of electronic communications networks, where radio spectrum is used as an individually assigned scarce resource, 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 that is party to the Agreement on the European Economic Area.

(3) (Amended, SG No. 79/2000, amended and supplemented, SG No. 93/2005, amended, 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 authorisation or whose insurance business authorisation has been withdrawn;

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

3. (supplemented, SG No. 79/2000, amended, SG No. 27/2018) any sole-trader natural persons or legal persons who or which are unable to produce evidence of the ownership of the property thereof or of the capital;

4. (supplemented, SG No. 79/2000) any legal persons wherein 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 last five years preceding the application for a licence, have been adjudicated bankrupt or are subject to pending 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 whereof an application for a licensed broadcasting activity of the same kind has been refused or a licence granted thereto under this Act has been withdrawn during the year preceding the application for a licence.

(5) (New, SG No. 79/2000) The Council for Electronic Media shall assign the verification under Paragraph (4) to the relevant 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 of this Article:

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

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

3. a list of the media undertakings wherein 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) The Council for Electronic Media shall admit the transfer of a licence provided that the transferees comply with the original licensing requirements.

(3) (New, SG No. 96/2001, amended, SG No. 14/2009) Upon transfer 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 within 14 days.

(4) (New, SG No. 14/2009, amended, SG No. 20/2021) Within ten days after the notification referred to in Paragraph (3), the Communications Regulation Commission shall transfer the authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of 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 (7) 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) (Amended, SG No. 109/2020, effective 22.12.2020) Licences shall be granted for a term of validity not exceeding 20 years. The said term may be extended by a decision of the Council for Electronic Media at the request of the licensee according to the procedure established by Article 125 herein.

(2) (Amended, SG No. 14/2009) The term of the authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of existing and/or new electronic communications networks for analogue terrestrial broadcasting must correspond to the term of validity of the licence under this Act.

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

1. the designation (business name) and head 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 the 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 under Article 6 (2) and (3) herein and to observe 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) (Previous text of 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, repealed, SG No. 63/2017, effective 1.01.2018);
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 circumstances referred to in 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 ancillary radio and television services;

9. (amended, SG No. 14/2009, supplemented, SG No. 100/2023, effective 1.12.2023) preliminary contracts for ceded copyrights to protected works and neighbouring rights to other protected subject matter in the programme services and for ceded neighbouring rights for the 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 said 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 referred to in Paragraphs (1) and (2) shall be submitted in the Bulgarian language.

(4) (New, SG No. 63/2017, effective 1.01.2018, amended, SG No. 92/2017, effective 1.01.2018) The Council of Ministers shall request through official channels information regarding the existence or non-existence of liabilities under Article 87 (11) of the Tax and Social Insurance Procedure Code regarding the applicant concerned.

Article 112. (1) (Amended, SG No. 96/2001) The Council for Electronic Media shall verify the correctness 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 remedy any such omissions and defects, with the time limit allowed running as from the notification. If the omissions and defects are not remedied 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 obliged 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 the pursuit of radio and television broadcasting activities through the 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) (Supplemented, SG No. 14/2009) Within 14 days of receipt of a request referred to in Paragraph (2), the Council for Electronic Media shall approach the Communications Regulation Commission with a query in writing regarding the requisite technical parameters for analogue terrestrial broadcasting of radio and television programme services to a nucleated settlement, 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, amended, SG No. 12/2010) The Communications Regulation Commission shall present to the Council for Electronic Media the decision thereof on any such query 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 effective use of the radio spectrum.

(5) (Amended, SG No. 14/2009) Should unallocated radio spectrum be available, conforming to the query, the Communications Regulation Commission shall attach a draft authorisation to use radio spectrum as an individually assigned resource 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 of receipt of a reply, the Council for Electronic Media shall make a decision on the initiation of a contest or contests depending on the available unallocated radio spectrum.

(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 contest documents.

(3) The contest documents shall contain:

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

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 contests be announced, depending on the available unallocated radio spectrum, the said contests shall be held simultaneously.

(5) (New, SG No. 14/2009) Where the Council for Electronic Media fails to make a decision on the initiation of a contest or contests depending on the available unallocated radio spectrum within three months of receipt of the reply referred to in Article 116 (4) herein, the Communications Regulation Commission may, after 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 persons wishing to obtain the radio and television broadcasting licence shall submit an application for entry in the contest, enclosing the following contest documents therewith:

1. (supplemented, SG No. 63/2017, effective 1.01.2018) the documents referred to in Article 111 herein, with the exception of the information under Paragraph (4), which shall be requested through official channels;

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 contest 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 contest documents;

5. documentary proof of payment for contest 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 of 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 organisations 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) On the basis of the contest 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 authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of 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. 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 authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of 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 declines the grant of the radio and television broadcasting licence and the authorisation referred to in Article 116c (4) herein within ten days after the decision of the Council for Electronic Media, the said licence and authorisation shall be offered to the second highest ranked applicant.

(2) Should the second highest ranked applicant decline 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 by Means of 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 by means of 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 authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of networks for digital terrestrial broadcasting, within the territorial range indicated in the authorisation.

(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 by means of electronic communications networks for digital terrestrial broadcasting shall

be initiated at the request of an interested party or on the initiative of the Council for Electronic Media, or of the Communications Regulation Commission.

(2) The Council for Electronic Media shall make a decision announcing a procedure for the grant of a licence under Paragraph (1) 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, supplemented, SG No. 63/2017, effective 1.01.2018) 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 pursuit of the activity, and any such applicants which are not recorded in the register under Article 125j herein shall furthermore attach the documents covered under Article 111 herein, with the exception of the information referred to in Paragraph (4), which shall be requested through official channels.

(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) The Council for Electronic Media shall make a reasoned decision determining a form and type of the licensed Bulgarian television programme services or licensed radio programme services which are mandatorily distributed by means of 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 authorisation 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 by means of 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 the expiry of the time limit referred to in Paragraph (2), the Council of Electronic Media shall make a reasoned decision clearing the form and type of the licensed radio and/or television programme services which are to be distributed by means of 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 by means of the networks for digital terrestrial broadcasting as proposed by the undertaking.

Article 116i. (New, SG No. 14/2009, repealed, SG No. 103/2016).

Section III

Compliance Verification, Variation and Termination of Licence

Article 117. (1) (Previous text of 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 officials of the Council for Electronic Media.

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

1. access to all documents that are 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 which the said person is aware of;

3. carry out on-site inspections.

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

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

2. require from the offender to declare that the said offender 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 on the cessation or prohibition of the violation.

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

Article 119. (1) (Amended, SG No. 96/2001) Upon the 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 modification of the licence held thereby where it shall be necessary, for a compelling reason, to change the nature of the activities thereof to commercial.

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

Article 121. (1) (Previous text of Article 121, SG No. 96/2001) A licence shall be terminated upon:

1. the expiry of the term of validity;

2. the withdrawal of the said licence;

3. (supplemented, SG No. 79/2000) the dissolution of the legal person of the holder or the death of the sole-trader natural person;

4. (new, SG No. 79/2000) a request by the licensee prior to the expiry of the licence.

(2) (New, SG No. 96/2001, amended, SG No. 14/2009) Upon the 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 authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of existing and/or new electronic communications networks for analogue terrestrial broadcasting.

Article 122. A licence shall be withdrawn 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 withdraw a radio and television broadcaster licence by a reasoned decision. Withdrawal shall follow a written warning allowing a specified time period for rectifying the violation. In all cases, withdrawal shall be preceded by the imposition of two pecuniary penalties for one and the same violation.

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

(3) The decision on withdrawal 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 the withdrawal 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 terminate the authorisation as granted to use radio spectrum as a scarce resource for the provision of electronic communications by means of existing and/or new electronic communications networks for analogue terrestrial broadcasting.

Article 124. (Amended, SG No. 79/2000) Upon the withdrawal of the licence, the licensee shall be obliged 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 expiry of the term of validity of any licence, the licensee 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 an extension of the term of validity of the licence referred to in Paragraph (1) and, within three months prior to the expiry of the term of the licence, shall make a decision on the request and shall notify the licensee in writing.

(3) (Amended, SG No. 14/2009) In the cases of a favourable decision by 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 authorisation as granted to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of existing and/or new electronic communications networks for analogue terrestrial broadcasting.

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) observance of 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 legislation in force;
6. provision of information to the Council for Electronic Media.

(2) (Supplemented, SG No. 63/2017, effective 1.01.2018) Any person wishing to register shall submit an application to the Council for Electronic Media, attaching the documents covered under Article 111 with the exception of the information referred to in Paragraph (4), which shall be requested through official channels.

(3) The Council for Electronic Media shall make a decision pronouncing any application for registration within 14 days of 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 irregularity 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 remedied 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 head 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 obliged 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, supplemented, SG No. 100/2023, effective 1.12.2023) Any undertaking which distributes or retransmits Bulgarian and foreign programme services shall be obliged to provide the Council for Electronic Media, every six months, with an updated list of the programme services distributed and the documents related to:

1. (supplemented, SG No. 100/2023, effective 1.12.2023) acquisition of the distribution or retransmission rights for the programme services;
2. (supplemented, SG No. 100/2023, effective 1.12.2023) acquisition of the distribution or retransmission 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 make a decision striking the registration 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 make a decision striking the registration 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 rectify the circumstances specified in Paragraph (2) within 30 days.

Article 125f. (New, SG No. 14/2009) (1) The Council for Electronic Media shall make a decision stating 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 obliged 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 intention.

(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), head office and registered office, and the relevant Uniform 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, correspondence address and contact person;

6. estimated starting date for the 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 of receipt of the said notification to remedy the deficiencies.

(5) The Council for Electronic Media shall record the person in the register referred to in Article 125j herein within 14 days of receipt of the notification or after the deficiencies have been remedied.

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 issuing a certificate of recording 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 of 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) (Amended, SG No. 109/2020, effective 22.12.2020) Six 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 that is party to the Agreement on the European Economic Area;

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

3. (Amended, SG No. 109/2020, effective 22.12.2020) Section Three, which shall include Bulgarian radio and television programme services distributed by means of:

(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;

6. (New, SG No. 109/2020, effective 22.12.2020) Section Six, which shall include the video-sharing platforms.

(3) (Amended, SG No. 105/2011, effective 29.12.2011) Any programme services, which are intended for distribution for audiences outside the territory of the Republic of Bulgaria and which are distributed by means of electronic communications networks for terrestrial or satellite 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 (2).

(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. (new, SG No. 109/2020, effective 22.12.2020) the criterion determining the jurisdiction of the Republic of Bulgaria.

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

1. identification data: designation (business name), head office 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. (new, SG No. 109/2020, effective 22.12.2020) particulars of the legal and natural persons exercising control over the management of the on-demand media service provider;

3. (new, SG No. 109/2020, effective 22.12.2020) particulars of the management bodies, including composition by name, of the on-demand media service providers;

4. (renumbered from Item 2, SG No. 109/2020, effective 22.12.2020) the on-demand media services provided;

5. (renumbered from Item 3, SG No. 109/2020, effective 22.12.2020) key parameters of providing the on-demand media services;

6. (renumbered from Item 4, SG No. 109/2020, effective 22.12.2020) territorial range, where applicable;

7. (renumbered from Item 5, SG No. 109/2020, effective 22.12.2020) telephone number, telefax number, electronic address, correspondence address and contact person;

8. (renumbered from Item 6, SG No. 109/2020, effective 22.12.2020) starting date for the provision of media services;

9. (new, SG No. 109/2020, effective 22.12.2020) the criterion determining the jurisdiction of the Republic of Bulgaria.

(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, address, telefax number, electronic address, correspondence 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.

(7) (New, SG No. 109/2020, effective 22.12.2020) The register referred to in Item 6 of Paragraph (2) shall include the following particulars:

1. identification data: designation (business name), head office and registered office of the legal person or of a sole-trader natural person which or who provides a video-sharing platform service after submission of notification;

2. particulars of the legal and natural persons exercising control over the management of the video-sharing platform service provider;

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

4. Internet address (URL) of the video-sharing platform;

5. territorial range, where applicable;

6. telephone number, telefax number, electronic address, correspondence address and contact person;

7. starting date for the activities;

8. the criterion determining the jurisdiction of the Republic of Bulgaria.

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

(2) (Amended, SG No. 109/2020, effective 22.12.2020) Upon any change of the circumstances recorded in the register referred to in Paragraph (1), the registered broadcaster shall be obliged 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 (2) herein within 14 days after the occurrence of the said change.

(4) (New, SG No. 109/2020, effective 22.12.2020) Any video-sharing platform service provider shall notify the Council for Electronic Media of any change in the particulars of the notification referred to in Article 125q (1) herein within 14 days after the occurrence of the said change.

(5) (Renumbered from Paragraph (4), SG No. 109/2020, effective 22.12.2020) 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.

(6) (Renumbered from Paragraph (5), SG No. 109/2020, effective 22.12.2020) Upon any change in the particulars referred to in Paragraph (4), the undertakings shall notify the Council for Electronic Media within 14 days after the occurrence of the said change.

Section VII

(New, SG No. 105/2011, effective 29.12.2011)

Registration of Radio and Television Broadcasters which Create Programme Services Intended for Audiences outside the Territory of the Republic of Bulgaria

Article 125l. (New, SG No. 105/2011, effective 29.12.2011) Any persons, who or which create radio or television programme services intended for distribution by means of electronic communications networks for terrestrial or satellite broadcasting, where the signal emitted is intended for reception outside the territory of the Republic of Bulgaria, shall pursue [the activities thereof] by virtue of registration by the Council for Electronic Media according to the procedure established by this Act.

Article 125m. (New, SG No. 105/2011, effective 29.12.2011) (1) Any persons, who or which create radio or television programme services intended for reception outside the territory of the Republic of Bulgaria and who or which wish that the said programme services be distributed by means of electronic communications networks for terrestrial or satellite broadcasting which are located within the territory of the Republic of Bulgaria, shall be subject to registration in conformity with the following general requirements:

1. observance of the principles referred to in Items 1 to 8 of Article 10 (1) herein;
2. respect for human dignity;
3. protection of children;
4. respect for copyrights and neighbouring rights;
5. provision of information to the Council for Electronic Media when approached by a reasoned request.

(2) Any person wishing to register shall submit an application to the Council for Electronic Media, attaching the documents referred to in Items 1, 2, 4, 7 and 8 of Article 111 (1) herein.

(3) The Council for Electronic Media shall make a decision pronouncing any application for registration within 14 days of 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 irregularity of the documents, Article 112 (2) herein shall apply.

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

1. the programme design, programme concept, programme type or programme schedule as submitted conflict with the provisions of the law, or
2. the irregularities referred to in Paragraph (3) are not remedied in due time.

(5) On the basis of the decision referred to in Paragraph (3), the broadcaster shall be recorded in the register referred to in Item 1 of Article 125j (2) herein and the applicant shall be issued a certificate of registration, which shall state:

1. the designation (business name) and the head office of the radio and 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 obliged to notify the Council for Electronic Media of any change in the particulars entered in the certificate within 14 days after the occurrence of any such change.

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

Article 125n. (New, SG No. 105/2011, effective 29.12.2011) Any undertaking which distributes radio or television programme services intended for audiences outside the territory of the Republic of Bulgaria shall be obliged to provide the Council for Electronic Media with the information and documents referred to in Article 125c herein.

Article 125o. (New, SG No. 105/2011, effective 29.12.2011) The Council for Electronic Media shall make a decision striking the registration where any infringements of the requirements covered under Article 125m (1) herein have been ascertained.

Section VIII **(New, SG No. 109/2020, effective 22.12.2020)** **Video-Sharing Platform Services**

Article 125p. (New, SG No. 109/2020, effective 22.12.2020) Persons intending to provide video-sharing platform services shall notify the Council for Electronic Media of this according to the procedure established by Article 125q herein.

Article 125q. (New, SG No. 109/2020, effective 22.12.2020) (1) The persons referred to in Article 125p 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), head office and registered office, and the relevant Uniform Identification Code;
2. Internet address (URL) of the video-sharing platform;
3. territorial range;
4. telephone number, telefax number, electronic address, correspondence address and contact person;
5. estimated starting date for the activities.

(2) The notification referred to in Paragraph (1) shall be submitted in the Bulgarian language.

(3) Draft pre-formulated standard terms for use of the video-sharing platform shall be attached to the notification.

Article 125r. (New, SG No. 109/2020, effective 22.12.2020) (1) The pre-formulated standard terms of the video-sharing platform services shall mandatorily state:

1. identification data on the video-sharing platform service provider: designation, head office and registered office;
2. conditions for use of the video-sharing platform services;
3. basic rights and obligations of the users of the video-sharing platform services;
4. description of the measures referred to in Article 19e (6) and (8) herein;
5. liabilities and sanctions upon non-fulfilment of the pre-formulated standard terms;
6. terms and procedure for restricting access to content or to the platform services in case of infringements on the part of the users.

(2) In case of any deficiency of the notification referred to in Article 125q (1) herein, the Council for Electronic Media shall notify the person in writing within seven days of receipt of the said notification to remedy the deficiencies.

(3) In case the pre-formulated standard terms do not comply with the requirements of this Act, the Council for Electronic Media shall notify the person referred to in Article 125p herein of this, giving directions and allowing a time limit for remedying the defects.

(4) The Council for Electronic Media shall record the person in the register referred to in Item 6 of Article 125j (2) herein and shall clear the pre-formulated standard terms within 30 days after the date of

receipt of the notification or after the deficiencies and defects have been remedied according to the procedure established by Paragraphs (2) and (3).

(5) The pre-formulated standard terms shall be published on the Internet site of the video-sharing platform service provider, ensuring easy, direct and quick access thereto.

Article 125s. (New, SG No. 109/2020, effective 22.12.2020) (1) The pre-formulated standard terms may be modified on the initiative of the video-sharing platform service provider or of the Council for Electronic Media.

(2) The pre-formulated standard terms shall be modified on the initiative of the provider according to the procedure established by Articles 125q and 125r herein.

(3) (2) The pre-formulated standard terms shall be modified on the initiative of the Council for Electronic Media in order to ensure the interests of users (audiences). In this case, the Council for Electronic Media shall make a decision giving mandatory directions to the provider on the relevant modifications.

(4) The modifications in the pre-formulated standard terms shall take effect after the said terms have been cleared according to the procedure established by Article 127r (4) herein.

Article 125t. (New, SG No. 109/2020, effective 22.12.2020) (1) Upon discontinuance of the provision of the video-sharing platform services, the provider shall notify the Council for Electronic Media within 14 days.

(2) The Council for Electronic Media shall strike the provider in the relevant register within 14 days.

Article 125u. (New, SG No. 109/2020, effective 22.12.2020) (1) A video-sharing platform service provider may approach the Council for Electronic Media with a request in writing for the issuing a certificate of recording in the register.

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

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) (Amended, SG No. 28/2011, SG No. 27/2013, effective 1.04.2013, SG No. 109/2020, effective 22.12.2020) Any media service provider, which violates the provisions of Article 7 (1), Article 8 (1), Article 9 (1), (2) and (5), Article 11, Article 12, Article 13 (3), Article 14, Article 16 (1), Article 17, Article 18 (3), Article 19a (1) and (2), Article 19c (4) and (7), Article 75 (1), (3) to (6), (8) and (10), Article 78, Article 79, Article 80 (1), Articles 81, 82, Article 83 (1), Article 84 (1), item 4 and (2), Article 85, Articles 86 to 88, Article 89 (1) and 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 an amount equal to double the amount of the relevant penalty.

(4) (New, SG No. 28/2011, amended, SG No. 109/2020, effective 22.12.2020) Any media service provider, which violates the provisions of Article 17a (1), Article 75 (7) and (9) and Article 77 herein, shall be liable to a pecuniary penalty of BGN 15,000 or exceeding this amount but not exceeding BGN 30,000.

(5) (New, SG No. 28/2011) Any media service provider, which fails to comply with the decision referred to in Item 12a of Article 32 (1) herein, shall be liable to a pecuniary penalty of BGN 15,000 or exceeding this amount but not exceeding BGN 30,000.

(6) (New, SG No. 28/2011) Any repeated violation under Paragraphs (4) and (5) shall be punishable by a pecuniary penalty in an amount equal to double the amount of the relevant penalty.

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 an amount equal to double the amount of the relevant penalty.

(2) (Amended, SG No. 109/2020, effective 22.12.2020) Any registered broadcaster, which violates the terms and conditions of the registration, shall be liable to a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 7,000.

(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) (Amended, SG No. 109/2020, effective 22.12.2020) Any registered broadcaster, which violates the provisions of Article 125a (6) 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 a 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 an amount equal to double the amount of the relevant penalty.

(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 recording in the public register referred to in Article 125j herein shall be stricken.

(9) (New, SG No. 109/2020, effective 22.12.2020) Upon systematic violation of this Act by the video-sharing platform provider, the recording in the public register referred to in Article 125j herein shall be stricken.

(10) (New, SG No. 109/2020, effective 22.12.2020) Any violation of Article 8c herein shall be punishable by a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000.

(11) (New, SG No. 109/2020, effective 22.12.2020) Any repeated violation under Paragraph (10) shall be punishable by a pecuniary penalty in an amount equal to double the amount of the relevant penalty.

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 an amount equal to double the amount of the relevant penalty.

Article 126c. (New, SG No. 14/2009, amended, SG No. 12/2010) (1) Any person which, without being licensed, 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 being registered, 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 an amount equal to double the amount of the relevant penalty.

(4) (New, SG No. 109/2020, effective 22.12.2020) Any person who, without having submitted a notification, provides a video-sharing platform service, 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 an amount equal to double the amount of the relevant penalty.

(5) (Renumbered from Paragraph (4), amended, SG No. 109/2020, effective 22.12.2020) Any breach of the obligations to provide information according to the procedure established by Article 125k (2) to (4) and (6) 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 an amount equal to double the amount of the relevant penalty.

Article 126d. (New, SG No. 12/2010) (1) (Previous text of Article 126d, SG No. 109/2020, effective 22.12.2020) Any media service provider, which fails to comply in due time with any decision of the Ethics Commission with the National Council for Journalism 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.

(2) (New, SG No. 109/2020, effective 22.12.2020) Any video-sharing platform provider, which fails to comply in due time with any decision of the Ethics Commission with the National Council for Journalism 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 126e. (New, SG No. 109/2020, effective 22.12.2020) Any video-sharing platform provider who violates the provisions of this Act 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 an amount equal to double the amount of the relevant penalty.

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) (Supplemented, SG No. 109/2020, effective 22.12.2020) Violations shall be ascertained and penalty decrees shall be issued, appealed and enforced according to the procedure established by the Administrative Violations and Sanctions Act, unless another procedure is established by this Act.

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

Article 128. (New, SG No. 109/2020, effective 22.12.2020) (1) The written statement ascertaining the administrative violation shall be served on the trader, the legal representative of the legal person or a person authorised thereby upon signed acknowledgment.

(2) Where the written statement has been drawn up in the absence of the offender, the said statement shall be sent:

1. in paper form by registered letter with acknowledgment of receipt to the registered office or the correspondence address recorded in the relevant register kept by the Registry Agency, or

2. as an electronic image of the document in paper form by means of an electronic communication signed using a qualified electronic signature, according to the Electronic Document and Electronic Trust Services Act, at the electronic address specified in a statutory register wherein the addressee is recorded or at an address in an information system for secure delivery; the sending of the electronic communication shall be certified by an electronic time stamp under Chapter III, Section 6 of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257/73 of 28 August 2014) or by reproducing the electronic image of the communication on paper, the identity of the said communication being authenticated by the official's signature on each page and the paper being inserted into the case file.

(3) A written statement sent by post shall be deemed to have been served on the date on which the acknowledgement of receipt is signed by the trader, by the legal representative of the legal person, or by an attorney-in-fact or employee thereof designated to receive papers and communications.

(4) A statement sent by an electronic communication shall be deemed to have been served where the addressee sends a confirmation of receipt of the said electronic communication by return electronic communication, electronic forwarding is activated, or the said communication is retrieved from an information system for secure delivery within seven days of the sending of the said communication.

(5) Where the written statement has been served both with acknowledgement of receipt and by an electronic communication, the later date shall be deemed to be the date of service.

Article 129. (New, SG No. 109/2020, effective 22.12.2020) On the basis of the written statements referred to in Article 128 (2) herein, the Chairperson of the Council for Electronic Media shall issue penalty decrees or reasoned endorsements on termination of the administrative penalty proceeding.

(2) A duplicate copy of the penalty decree shall be served on the offender upon signed acknowledgment.

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, amended, SG No. 100/2023, effective 1.1.12.2023) “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, either directly or through the intermediary of a broadcaster other than the media service provider, including by direct injection within the meaning given by the Copyright and Neighbouring Rights Act. Such broadcasting shall furthermore include the exchange of programme services between broadcasters with a view to their being received by the audience, including by direct injection. Such broadcasting shall 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 realisation 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 which is committed on three or more occasions within one year.

6. “Bulgarian audio and audiovisual works” shall be works created or realised 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 made 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 made by one or more producers established in one or more of those States, or

(bb) the production 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 made by one or more producers established in one or more of those countries, or

(bb) the production 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 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 alphanumerics 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 wherethrough 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 an increase of the information carrying capacity of the frequency transmission channels.

17. (Amended, SG No. 100/2023, effective 1.12.2023) “Retransmission” shall have the meaning assigned to that term as defined in the Copyright and Neighbouring Rights Act.

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) (amended, SG No. 109/2020, effective 22.12.2020) 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, if a significant part of the workforce involved in the pursuit of the programme-related audiovisual media service activity operates in the Republic of Bulgaria;

(cc) (amended, SG No. 109/2020, effective 22.12.2020) a significant part of the workforce involved in the pursuit of the programme-related 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) (amended, SG No. 109/2020, effective 22.12.2020) a significant part of the workforce involved in the pursuit of the programme-related audiovisual media service activity operates in neither of the Member States, if 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 if 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 Litterae (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.

23a. (New, SG No. 109/2020, effective 22.12.2020) “Video-sharing platform providers under the jurisdiction of the Republic of Bulgaria” shall be:

(a) providers established on the territory of the Republic of Bulgaria within the meaning given by Article 3(1) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce), and

(b) providers that are not established on the territory of the Republic of Bulgaria pursuant to Littera (a) but are deemed to be established on the territory of the Republic of Bulgaria for the purposes of this Act if the provider:

(aa) has a parent undertaking or a subsidiary undertaking that is established on the territory of the Republic of Bulgaria;

(bb) is part of a group and another undertaking of that group is established on the territory of the Republic of Bulgaria.

Where the parent undertaking, the subsidiary undertaking or the other undertakings of the group are each established in different Member States, the video-sharing platform provider shall be deemed to be established in the Member State where its parent undertaking is established or, in the absence of such an establishment, in the Member State where its subsidiary undertaking is established or, in the absence of such an establishment, in the Member State where the other undertaking of the group is established.

Where there are several subsidiary undertakings and each of them is established in a different Member State, the video-sharing platform provider shall be deemed to be established in the Member State where one of the subsidiary undertakings first began its activity, provided that it maintains a stable and effective link with the economy of that Member State.

Where there are several other undertakings which are part of the group and each of them is established in a different Member State, the video-sharing platform provider shall be deemed to be

established in the Member State where one of these undertakings first began its activity, provided that it maintains a stable and effective link with the economy of that Member State.

23b. (New, SG No. 109/2020, effective 22.12.2020) “Parent undertaking” shall be an undertaking which controls one or more subsidiary undertakings.

23c. (New, SG No. 109/2020, effective 22.12.2020) “Subsidiary undertaking” shall be an undertaking controlled by a parent undertaking, including any subsidiary undertaking of an ultimate parent undertaking.

23d. (New, SG No. 109/2020, effective 22.12.2020) “Group” shall be a parent undertaking, all its subsidiary undertakings and all other undertakings having economic and legal organisational links to them.

23e. (New, SG No. 109/2020, effective 22.12.2020) Articles 1, 2, Articles 13 to 17 and Article 20 (4) of the Electronic Commerce Act shall apply, *mutatis mutandis*, to the video-sharing platform providers that are deemed to be established on the territory of the Republic of Bulgaria.

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 that is party to the Agreement on the European Economic Area that is organisationally and economically independent in the activities thereof of any radio or television broadcaster and that fulfils the following conditions:

1. the producer does not own a radio or television broadcaster or any share in the assets thereof;
2. no radio or television broadcaster owns any such producer or any share in the assets 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 over a channel, either public-service or commercial, of programme services that are accessible to the public without payment in excess of 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), organisational, 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 penalty decree whereby a sanction for a violation of the same kind was imposed became enforceable.

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 designate, 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);

4. (New, SG No. 8/2017, effective 24.01.2017) Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (OJ, L 95/1 of 15 April 2010).

5. (New, SG No. 109/2020, effective 22.12.2020) Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303/69 of 28 November 2018).

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, SG No. 99/2010, effective 1.01.2011, SG No. 99/2011, effective 1.01.2012, SG No. 102/2012, effective 1.01.2013, SG No. 109/2013, effective 1.01.2014, SG No. 107/2014, effective 1.01.2015, SG No. 96/2015, effective 1.01.2016, amended, SG No. 98/2016, effective 1.01.2017, SG No. 99/2017, effective 1.01.2018, SG No. 103/2018, effective 1.01.2019, SG No. 100/2019, effective 1.01.2020, SG No. 104/2020, effective 1.01.2021, SG No. 8/2022, effective 1.01.2022, SG No. 104/2022, effective 1.01.2023, SG No. 108/2023, effective 1.01.2024) The Council for Electronic Media shall receive a State budget subsidy for the support thereof until the 31st day of December 2024.

(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, SG No. 99/2010, effective 1.01.2011, SG No. 99/2011, effective 1.01.2012, SG No. 102/2012, effective 1.01.2013, SG No. 109/2013, effective 1.01.2014, SG No. 107/2014, effective 1.01.2015, SG No. 96/2015, effective 1.01.2016, amended, SG No. 98/2016, effective 1.01.2017, SG No. 99/2017, effective 1.01.2018, SG No. 103/2018, effective 1.01.2019, SG No. 100/2019, effective 1.01.2020, SG No. 104/2020, effective 1.01.2021, SG No. 8/2022, effective 1.01.2022, SG No. 104/2022, effective 1.01.2023, SG No. 108/2023, effective 1.01.2024) The Bulgarian National Radio and the Bulgarian National Television shall receive a State budget subsidy until the 31st day of December 2024 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 in 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, SG No. 99/2010, effective 1.01.2011, SG No. 99/2011, effective 1.01.2012, SG No. 102/2012, effective 1.01.2013, SG No. 109/2013, effective 1.01.2014, SG No. 107/2014, effective 1.01.2015, SG No. 96/2015, effective 1.01.2016, SG No. 98/2016, effective 1.01.2017, SG No. 99/2017, effective 1.01.2018, SG No. 103/2018, effective 1.01.2019, SG No. 100/2019, effective 1.01.2020, SG No. 104/2020, effective 1.01.2021, SG No. 8/2022, effective 1.01.2022, SG No. 104/2022, effective 1.01.2023, SG No. 108/2023, effective 1.01.2024) As from the 1st day of January 2025, 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 expiry of the time limit referred to in Paragraph (1), the Council for Electronic Media shall designate 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 into force of this Act 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 obliged 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 into force of this Act.

(3) The Bulgarian National Radio and the Bulgarian National Television shall be obliged to submit the requisite documents covered under Article 111 herein with a view to obtaining a licence 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 while the Radio and Television Act (promulgated in the State Gazette No. 77 of 1996; modified by Constitutional Court Decision No. 21 of 1996, promulgated in No. 102 of 1996; amended and supplemented in No. 112 of 1997) was in effect 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 into force of this Act, shall be determined by the drawing of lots.

(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 into force of this Act.

(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 obliged 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 into force of this Act.

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

§ 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 during the daypart between 19:00 and 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 in 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 in No. 88 of 2003), which have pursued and/or are pursuing telecommunication activity by means of building, maintaining and operating a telecommunication network for terrestrial broadcasting in nucleated settlements where no contests for the grant of licences have been conducted, may proceed with or resume the activities thereof until the 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 to build, maintain and operate 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 enforceable judgment of the Supreme Administrative Court, or which pursue or have pursued radio or television broadcasting activities by terrestrial broadcasting, may proceed with or resume the activities thereof until the 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 building, maintaining and operating 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 in 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 proceed with or resume the activities thereof until the 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 shall supersede the Radio and Television Act (promulgated in the State Gazette No. 77 of 1996; [modified by] Constitutional Court Decision No. 21 of 1996, promulgated in No. 102 of 1996; amended and supplemented in No. 112 of 1997).

TRANSITIONAL AND FINAL PROVISIONS

to the Lev Re-denomination Act

(Promulgated, State Gazette No. 20/1999, supplemented, SG No. 65/1999, effective 5.07.1999)

.....
§ 4. (1) (Supplemented, SG No. 65/1999) Upon the entry into force of this Act, all numbers 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 numbers expressed in new lev terms, reduced by a factor of 1,000. The replacement of all numbers 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 instruments of secondary legislation which will have entered into force prior to the 5th day of July 1999 and which contain numbers expressed in lev terms, shall amend the said instruments to bring them in conformity with this Act so that the amendments apply as from the date of entry into force of this Act.

.....
§ 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, SG No. 112/2001, effective 5.02.2002, amended and supplemented, SG No. 93/2005)

..... Supplementary Provision

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

Transitional and Final Provisions

§ 51. (1) Within 14 days after the entry into force of this Act, 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 the drawing of lots.

(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 of registration to the radio and television broadcasters holding licences for the pursuit of radio and television broadcasting activities by cable or satellite upon submission by 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 obliged to provide the Council for Electronic Media with all information and copies of documents as shall be necessary for the transfer of the broadcasters affected from a licensing to a registration scheme.

.....
§ 55. (Repealed, SG No. 112/2001).

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Telecommunications Act
(Promulgated, State Gazette No. 112/2001, effective 5.02.2002)

.....
§ 79. (1) In the Radio and Television Act (promulgated in the State Gazette No. 138 of 1998; No. 60 of 1999 [modified by] Constitutional Court Decision No. 10 of 1999, promulgated in No. 60 of 1999; amended in No. 81 of 1999, No. 79 of 2000 and No. 96 of 2001), the words “the State Telecommunications Commission” shall be replaced passim by “the Communications Regulations Commission”.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Radio and Television Act
(Promulgated, State Gazette No. 77/2002)

§ 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 into force of this Act.

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

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

§ 6. (1) New contest procedures shall be initiated upon the 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 are in progress or which have been initiated prior to the entry into force of this Act shall be finalised 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.

TRANSITIONAL PROVISION

to the Act to Supplement the Radio and Television Act
(Promulgated, State Gazette No. 99/2003)

§ 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.

TRANSITIONAL AND FINAL PROVISION

to the Act to Supplement the Radio and Television Act

(Promulgated, State Gazette No. 99/2004)

§ 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.

FINAL PROVISION

to the Act to Amend and Supplement the Radio and Television Act
(Promulgated, State Gazette No. 93/2005)

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

(*) ACT to Amend the Commercial Register Act

(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”.

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TRANSITIONAL AND FINAL PROVISIONS

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

§ 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

(SG 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”.

.....

TRANSITIONAL AND FINAL PROVISIONS

to the Electronic Communications Act
(SG No. 41/2007)

.....

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

(2) The Bulgarian Telecommunications Company can distribute any television programme services that were licensed and/or registered according to the procedure established by the Radio and Television Act by 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 State that is party to the Agreement on the European Economic Area, by virtue of the licence/authorisation granted thereto for the provision of telecommunications by means of 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/authorisation.

(3) Within six months after the entry into force of the revisions referred to in Paragraph (1), the Council for Electronic Media shall make a decision designating two Bulgarian programme services, of which one shall be Channel One of the Bulgarian National Television, that can be distributed by means of 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. Authorisations for radio spectrum as an individually assigned scarce resource for analogue terrestrial television broadcasting shall be granted until the 31st day of December 2008 for a maximum term of validity until the 31st day of December 2012.

.....

TRANSITIONAL AND FINAL PROVISIONS

to the 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)

§ 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 that were registered and licensed according to the hitherto effective procedure shall be recorded 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 obliged 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 Council for Electronic Media shall make a decision striking the registration.

(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 authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications, for the provision [sic] by means of networks for digital terrestrial broadcasting, shall ensure access for distribution of radio and/or television programme services while observing 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 authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of 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 obliged 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 make a decision determining 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 authorisation 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 authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of 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 obliged 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 radio spectrum as an individually assigned scarce resource, used by the persons referred to in § 9a, shall be necessary for the implementation of the respective stage of building the digital electronic communications networks in conformity with the authorisation granted by the Communications Regulation Commission to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of 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 (2) of the Transitional and Final Provisions [of the Radio and Television Act], shall submit applications to the Communications Regulation Commission for the grant of authorisation to use an individually assigned scarce resource.

(2) Within three months of receipt of the applications referred to in Paragraph (1), the Communications Regulation Commission shall grant authorisations which shall reckon with the rights of the persons indicated in the individual radio broadcasting licence. The term of validity of the said authorisations 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 of 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:

.....
§ 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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TRANSITIONAL AND FINAL PROVISIONS
to the Act to Amend and Supplement the Radio and Television Act
(SG No. 12/2010)

.....
§ 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 the selection of an undertaking to be granted authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of 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.

.....
§ 91. The provisions of § 53 herein regarding Article 83 (1) to (3) [of the Radio and Television Act] and § 54 herein regarding Article 84 [of the Radio and Television Act] shall apply only to programmes produced 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) [of the Radio and Television Act].

(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 obliged 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 obliged 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 publish 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.

TRANSITIONAL AND FINAL PROVISIONS
to the Act to Amend the Radio and Television Act
(Promulgated, State Gazette No. 47/2010, effective 22.06.2010)

§ 3. Any second successive term of office of a member of the Council for Electronic Media shall be terminated upon the entry into force of this Act.

§ 4. Upon the lapse of two years after the entry into force of this Act, the composition of the Council for Electronic Media from the quota of the National Assembly shall rotate with the term of office of one of the members elected in 2010 being terminated by the drawing of lots.

§ 5. Within ten days after the entry into force of this Act, the term of office of one of the members of the Council for Electronic Media from the quota of the President shall be terminated by the drawing of lots.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Conflict of Interest Prevention and Disclosure Act
(SG No. 97/2010, effective 10.12.2010)

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§ 55. In the Radio and Television Act (promulgated, State Gazette No. 138/1998; modified by Judgment No. 10/1999 of the Constitutional Court of the Republic of Bulgaria, promulgated, SG No. 60/1999; amended, SG No. 81/1999, amended and supplemented, SG No. 79/2000, SG No. 96/2001, amended, SG No. 112/2001, amended and supplemented, SG No. 77/2002, amended, SG No. 120/2002, supplemented, SG No. 99/ 114/2003, supplemented, SG No. 99/2004, amended, SG No. 115/2004, SG No. 88/2005, amended and supplemented, SG No. 93/2005, amended, SG No. 105/2005, SG No. 21/2006, SG No. 34/2006, amended, SG No. 70/2006, amended and supplemented, SG No. 105/2006, amended, SG No. 108/2006, amended and supplemented, SG No. 10/2007, supplemented, SG No. 41/2007, amended, SG No. 113/2007, SG No. 110/2008, amended and supplemented, SG No. 14/2009, SG No. 37/2009, SG No. 42/2009, amended, SG No. 99/2009, amended and supplemented, SG No. 12/2010, amended, SG No. 47/2010) throughout the text the phrase “Conflict of Interest Prevention and Disclosure Act” shall be replaced by “Conflict of Interest Prevention and Ascertainment Act”.
.....

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Radio and Television Act
(Promulgated, State Gazette No. 28/2011)

§ 8. (1) The criteria referred to in Article 32 (5) [of the Radio and Television Act] shall be elaborated and adopted within five months after the entry into force of this Act.

(2) The agreement referred to in Article 32 (6) [of the Radio and Television Act] shall be adopted within two months after the adoption of the criteria referred to in Paragraph (1).
.....

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Electronic Communications Act
(SG No. 105/2011, effective 29.12.2011)

§ 208. (1) The authorisations to use an individually assigned scarce resource which have been granted according to the hitherto effective procedure shall be brought into conformity with the requirements under Chapter Five [of the Electronic Communications Act] within seven months after the promulgation of this Act in the State Gazette.

(2) The time limit referred to in Paragraph (1) may be extended by up to nine months where the application of Paragraph (1) results in a reduction or the rights under the authorisations as granted and provided that the rights of other undertakings are not affected thereby. The Commission shall notify the extension of the time limit to the European Commission and shall state the reasons therefor.

§ 209. (1) Any undertaking, which has been granted authorisation to use radio spectrum as a scarce resource prior to the entry into force of this Act and the said authorisation is valid for a period of not less than five years after the date of granting of the authorisation and whereon restrictions have been imposed, may submit a request to the Commission for a reassessment of the said restrictions in accordance with Article 130 (2) to (4) [of the Electronic Communications Act].

(2) Before adopting the decision thereof under Paragraph (1), the Commission shall notify the undertaking which has been granted authorisation to use radio spectrum as a scarce resource of the review of the restrictions of the reassessment of the restrictions, indicating the extent of the right after the reassessment, and shall allow the undertaking a 30 day time limit to withdraw the request thereof.

(3) If the undertaking withdraws the request, the right to use radio spectrum as an individually assigned scarce resource shall remain unchanged until the earlier of the expiry of the period of validity thereof and the end of a five-year period after the entry into force of this Act.

(4) Upon the expiry of the five-year period referred to in Paragraph (1), the Commission shall bring the general requirements and the authorisations granted to use radio spectrum as an individually assigned scarce resource into conformity with Article 130 (2) to (4) [of the Electronic Communications Act].

(5) Analogue terrestrial television broadcasting shall cease within the territory of the Republic of Bulgaria as from the 1st day of September 2013.

(6) Within three months after the entry into force of this Act, the Council of Ministers shall adopt a plan for introduction of digital video broadcasting - terrestrial (DVB-T) in the Republic of Bulgaria.

(7) The plan referred to in Paragraph (6) shall cover the stages, time limits and conditions for introduction of digital video broadcasting - terrestrial (DVB-T).

(8) The plan for introduction of digital video broadcasting - terrestrial (DVB-T) in the Republic of Bulgaria shall envisage a complex of measures to assist persons with special social needs for procurement of devices allowing access to radio and television programme services. The range of persons shall be determined on the basis of criteria specified in the plan.

(9) Within three months of the adoption of the plan referred to in Paragraph (6), the competent public authorities jointly with the undertaking referred to in § 5a (1) of the Transitional and Final Provisions [of the Electronic Communications Act] shall commence the actions and procedures necessary to inform the population regarding the introduction of digital video broadcasting - terrestrial (DVB-T) in the Republic of Bulgaria. The implementation of the measures for informing the population shall continue for a period at least until the 30th day of November 2013.

(10) Before the date referred to in Paragraph (5) the Commission, complying with the requirements of Chapter Five [of the Electronic Communications Act] shall initiate a procedure under Article 48 (1) for the selection of an undertaking to be granted authorisation to use radio spectrum as an individually assigned scarce resource for the provision of electronic communications by means of an electronic communications network for digital terrestrial television broadcasting within a national range.

§ 210. The obligations to provide the service of carrier selection, imposed on an undertaking with significant market power on the retail markets, shall subsist until the entry into effect of a decision of the Commission whereby the respective obligation is maintained, amended or withdrawn.

§ 211. The undertakings providing a connection to public electronic communications networks and/or public electronic communications services shall bring the General Conditions thereof of the contract with end-users into conformity with the requirements of Chapter Fourteen [of the Electronic Communications Act] within two months after the day of entry into force of this Act.

§ 212. The provisions of Article 229a [of the Electronic Communications Act] shall apply to the contracts concluded according to the procedure established by Chapter Fourteen [of the Electronic Communications Act] prior to the day of entry into force of this Act.

§ 213. Any administrative penalty proceedings for breach of the requirements of Article 286 [of the Electronic Communications Act], which have been instituted prior to the entry into force of this Act, shall be completed according to the hitherto effective procedure.

§ 214. (1) The Commission shall complete the procedure conducted according to the procedure established in the rules referred to in § 5 (3) of the Transitional and Final Provisions [of the Electronic Communications Act] by granting authorisation to use radio spectrum as an individually assigned scarce resource which has been declared available but has not been provided according to the procedure established in the rules. The Commission shall grant the authorisation to the candidate which was entitled to obtain the said authorisation by reason of best indicators of all persons which submitted an application for the granting of authorisation to use the same scarce resource.

(2) The Commission shall grant the authorisation referred to in Paragraph (1) within one month after the entry into force of this Act for a period of use of radio spectrum as an individually assigned scarce resource which is not longer than the period for which the authorisations have been granted in pursuance of § 5 (2) and (3) of the Transitional and Final Provisions [of the Electronic Communications Act].

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TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Civil Servants Act
(Promulgated, SG No. 38/2012, effective 1.07.2012)

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§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;

2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Financial Supervision Commission Act, the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, the Criminal Assets Forfeiture Act, the Conflict of Interest Prevention and Ascertainment Act, the Social Insurance Code, the Health Insurance Act, the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;

2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;

2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS

to the 2013 State Budget of the Republic of Bulgaria Act
(SG No. 102/2012, effective 1.01.2013)

§ 77. The implementation of the present Act is assigned to the Council of Ministers.

§ 78. This Act becomes effective from the 1st of January 2013 with the exception of § 61, 68 and 73, which become effective from the date of the promulgation of the Act in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS

to the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act
(SG No. 7/2018)

§ 35. The Radio and Television Act (promulgated in the State Gazette No. 138 of 1998; [modified by] Constitutional Court Decision No. 10 of 1999, [promulgated in] No. 60 of 1999; amended in No. 81 of 1999, No. 79 of 2000, Nos. 96 and 112 of 2001, Nos. 77 and 120 of 2002, Nos. 99 and 114 of 2003, Nos. 99 and 115 of 2004, Nos. 88, 93 and 105 of 2005, Nos. 21, 34, 70, 80, 105 and 108 of 2006, Nos. 10, 41, 53 and 113 of 2007, No. 110 of 2008, Nos. 14, 37, 42 and 99 of 2009, Nos. 12, 47, 97, 99 and 101 of 2010, Nos. 28, 99 and 105 of 2011, Nos. 38 and 102 of 2012, Nos. 15, 17 and 27 of 2013; [modified by] Constitutional Court Decision No. 8 of 2013, [promulgated in] No. 91 of 2013; amended in No. 109 of 2013, Nos. 19 and 107 of 2014, No. 96 of 2015, Nos. 46, 61, 98 and 103 of 2016 and Nos. 8, 63, 75, 92 and 99 of 2017) shall be amended as follows:

2. In the Act, the words “the Conflict of Interest Prevention and Ascertainment Act” shall be replaced passim by “the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act”.

FINAL PROVISIONS

to the 2020 State Budget of the Republic of Bulgaria Act
(SG No. 100/2019, effective 1.01.2020)

§ 21. Not later than the 31st day of March 2020, the Minister for Culture shall lay before the Council of Ministers a draft of an Act to Amend and Supplement the Radio and Television Act in order to bring the part on the Radio and Television Fund into conformity with the Public Finances Act and to bring the financing of the Bulgarian National Radio and the Bulgarian National Television into conformity with State aids rules.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Radio and Television Act
(SG No. 109/2020, effective 22.12.2020)

§ 52. Within eight months after the entry into force of this Act, the Council for Electronic Media shall adopt an effective co-regulation framework according to Article 32 (8) [of the Radio and Television Act].

§ 53. Within eight months after the entry into force of this Act, media service providers shall submit the action plans thereof in respect of continuously and progressively making the services thereof more accessible to persons with disabilities under Item 1 of Article 8a (2) [of the Radio and Television Act].

§ 54. By the 19th day of December 2022 and every three years thereafter, the Council for Electronic Media shall provide the European Commission with a report on the implementation of Article 8a (7) [of the Radio and Television Act].

§ 55. By the 19th day of December 2021 and every two years thereafter, the Council for Electronic Media shall provide the European Commission with a report on the implementation of Article 19 (5) [of the Radio and Television Act].

§ 56. By the 19th day of December 2022 and every three years thereafter, the Minister of Culture shall provide the European Commission with a report under Item 2 of Article 33a (2) herein.

§ 57. (1) Within eight months after the entry into force of this Act, the Council for Electronic Media, jointly with media service providers, including the Bulgarian National Television and the Bulgarian National Radio, shall develop a Code of Conduct according to Article 17a (3) [of the Radio and Television Act].

(2) The Criteria for Evaluation of Content which is Adverse to, or Poses a Risk of Impairing, the Physical, Mental, Moral and/or Social Development of Children, referred to in Article 32 (5) as repealed [of the Radio and Television Act], and the last concluded agreement on protection of children from content which is adverse to, or poses a risk of impairing, the physical, mental, moral and/or social development thereof, referred to in Article 32 (6) as repealed [of the Radio and Television Act], shall apply until the entry into effect of the Code of Conduct referred to in Paragraph (1).

§ 58. Within two months after the entry into force of this Act, the Council for Electronic Media shall bring the public register referred to in Article 125j [of the Radio and Television Act] into conformity with the requirements of this Act.

§ 59. Within one month after the entry into force of this Act, the Council for Electronic Media shall endorse the standard form of a notification referred to in Article 125q (1) [of the Radio and Television Act] and shall publish the said form on the Internet site thereof.

§ 60. Within two months after the entry into force of this Act, the persons providing video-sharing platform services shall submit a notification under Article 125q (1) [of the Radio and Television Act] to the Council for Electronic Media.

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TRANSITIONAL AND FINAL PROVISIONS

to the Counter-Corruption Act

(SG No. 84/2023, effective 6.10.2023)

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§ 68. In the Radio and Television Act (promulgated in the State Gazette No. 138 of 1998; [modified by] Constitutional Court Decision No. 10 of 1999, [promulgated in] No. 60 of 1999; amended in No. 81 of 1999, No. 79 of 2000, Nos. 96 and 112 of 2001, Nos. 77 and 120 of 2002, Nos. 99 and 114 of 2003, Nos. 99 and 115 of 2004, Nos. 88, 93 and 105 of 2005, Nos. 21, 34, 70, 80, 105 and 108 of 2006, Nos. 10, 41, 53 and 113 of 2007, No. 110 of 2008, Nos. 14, 37, 42 and 99 of 2009, Nos. 12, 47, 97, 99 and 101 of 2010, Nos. 28, 99 and 105 of 2011, Nos. 38 and 102 of 2012, Nos. 15, 17 and 27 of 2013; [modified by] Constitutional Court Decision No. 8 of 2013, [promulgated in] No. 91 of 2013; amended in No. 109 of 2013, Nos. 19 and 107 of 2014, No. 96 of 2015, Nos. 46, 61, 98 and 103 of 2016 and Nos. 8, 63, 75, 92 and 99 of 2017, Nos. 7, 27, 44, 77, 103 and 106 of 2018, No. 100 of 2019, Nos. 68, 104 and 109 of 2020, No. 20 of 2021 and Nos. 8 and 104 of 2022), the words “the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act” shall be replaced passim by “the Counter-Corruption Act”.

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