[BG] Broadcasting Act before Constitutional Court again

IRIS 1998-4:1/24

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While the establishment of broadcasting regulations in Bulgaria looked extremely unlikely at the end of 1996 as a result of the Constitutional Court's judgment No 21 of 14 November 1996, which found that major, central aspects of the Radio and Television Act infringed the Constitution (see IRIS 1997-1: 10), there have been new developments which will at the very least delay the fundamental legal provision coming into force. A group of Members of Parliament has applied to the Constitutional Court again for investigation of the constitutionality of a large number of provisions contained in last November's amendment of the Act. These concern once again provisions on the composition and appointment procedure for members of the National Broadcasting Council and generally the accusation of serious infringement of the requirements of the European Convention on Transfrontier Television, which Bulgaria ratified recently, although the instrument of ratification has not yet been deposited with the Secretary General of the Council of Europe so that the Convention will not yet enter into force for Bulgaria (see IRIS 1998-3: 9). The new version of the Act also excludes cable television operators from its scope of application for public and private organisers; the repeal of previous regulations also means that there are no conditions covering the licensing procedure and the competent licensing and supervisory authorities.

Last year the setting up of the Broadcasting Council gave rise to another case before the Constitutional Court; in July, the Court found the appointment of two directors contrary to the Constitution.

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