[BG] draft regulation on media

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A huge social and parliamentary discussion is taking place in Bulgaria regarding the recent publication of drafts for a new media law and a new telecommunications law. The latter has already passed the first reading in Parliament.

The texts of the drafts cover the television and radio broadcasting as well as the telecommunications on the territory of the Republic of Bulgaria. The laws provide the main principles and proclaim the main participants concerned with the radio and television functioning and the telecommunication systems and services. They declare National Radio, National Television, public and commercial operators to be broadcasting and telecommunications subjects. The drafts specify how to bring day-to-day work of the operators and, thus the Bulgarian media, closer to the European law and practice. The main governing body ruling the operators' selection and functioning is the State Committee on Telecommunications. It is provided as a state body to the Council of Ministers with responsibility for granting, amending, and withdrawing radio, television and telecommunications licenses as well as preparing the procedure of concession granting. Yet another supervisory authority is provided in the field of broadcasting - the National Broadcasting Council, declared as a specialised independent collective body. It consists of seven members: 4 of them selected by Parliament and 3 appointed by the President of the Republic. The National Broadcasting Council could control the radio and television operators only in specific and exhaustively set-out circumstances, among which are following the abovementioned principles and legal rules, technical quality of the transmissions, defending the interests of the consumers, etc. The Council participates in the procedure of granting broadcasting licenses just through giving a recommendation addressed to the State Committee of Telecommunications.

The draft laws observed respond to the need for modern media regulation. The present one is in some parts extremely old (e.g. the existing law on telecommunications was enforced in 1975) and in others inefficient (a large part of the Radio and Television Act from 1996 has been found contradicting the Constitution by the Constitutional Court). Thus the new projects tend to put order in the present chaos of broadcasting and telecommunications (a lot of radio and television operators are functioning now without being licensed, hence without being controlled). The proposals met with strong criticism, especially from Bulgarian journalists and operators. The opponents emphasise two main points

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within the projects which, if enacted, would result in interference by the Government in media functioning and would finally threaten freedom of speech. Those points are, on one hand, the wide-scale supervisory authority upon the selection and the work of the operators by a State body, such as the State Committee on Telecommunications is, and on the other hand, the application of the concession regime in the field of media. With regard to the latter a case before the Constitutional Court is being heard. The Court is supposed to interpret the meaning and the range of binding of Art.18(3) of the Bulgarian Constitution, proclaiming the radio-frequency spectrum for an exclusive State property, i.e.- one that should be consigned only through a legally provided concession. The opponents of the drafts believe that the constitutional text mentioned should be given a confining interpretation so that the telecommunications could be excluded thereof. The decision of the Constitutional Court is still awaited.

Zakon za Dalekosaobshteniata.

Telecommunications Bill.

Zakon za Radioto I Televiziata.

Radio and Television Bill.

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