[BG] Law on Radio and Television Passes Constitutional Test

IRIS 1999-10:1/14

Gergana Petrova
Georgiev, Todorov & Co

On 25 June 1999, the Constitutional Court ruled on the constitutionality of the Bulgarian Law on Radio and Television (LRT) that had been adopted a year ago (see IRIS 1999-1: 8). The case had been initiated by 52 Parliamentarians from the opposition. They had alleged that a large number of provisions of the LRT were in violation of the Constitution. The Parliament, the Council of Ministers, the State Commission on Telecommunications (SCT), the National Council for Radio and Television (NCRT), the Bulgarian National Television (BNT), the Bulgarian National Radio (BNR) and the Bulgarian Media Coalition were parties in this case. Among the many different subjects addressed in the complaint were the rules concerning the constituting of the NCRT and the functions of the SCT. In particular, these were attacked for violating political pluralism, freedom of communication among citizens and freedom of the conscience and thought. The Constitutional Court rejected the claims concerning all the provisions of the LRT with the exception of one single and rather minor point related to Art. 93 para 4. Art. 93 concerns the way in which public radio and television activities are financed. There it is generally stated that the main source for financing of the public radio and television shall be a monthly fee, which shall be paid by each person who has a radio and/or television set. Persons who do not have radio and/or television should make an official declaration in writing to this effect and submit it to the «respective institution». According to para 4 of Art. 93 the «respective institution» shall be entitled «at any time» to check the information stated in those declarations. The constitutional Court declared the paragraph anti-constitutional only in its part regarding the expression «at any time». The Court agreed with the claim that giving that institution the authority to carry out inspections for the reliability of the declarations «at any time» could result in violation of the inviolability of the home guaranteed by Art. 33 of the Bulgarian Constitution.

Decision No 10 of 25 June 1999 on Constitutional Case No 36 of 1998 concerning the Bulgarian Law on Radio and Television.

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