[BG] Recent Amendments to the Bulgarian Law on Radio and Television:

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Recently, the Bulgarian Parliament adopted amendments to the Zakon za Radioto I Televiziata (Bulgarian Law on Radio and Television - LRT). They came into force in October 2000. The amendments concern several key aspects of LRT, some of which are connected with the initial disputes over the very adoption of the LRT several years ago (see IRIS 1999-1: 8, IRIS 1998-9: 1 and IRIS 1998-9: 10-11).

Firstly, through changes made to the provisions contained in Articles 3, 5, and 6 LRT, sole traders are now included in the list of subjects entitled by the Law to undertake radio and television activities. The previous text of the Law allowed only "natural persons" and "legal entities" to carry out these activities. Because the sole traders do not fall into either of these categories they had practically been deprived of the right to establish themselves in radio and television, a result for which the old LRT had not given any particular reason.

The term "radio- and television operators" as used by the LRT has been clarified by the adoption of the new definition contained in point 23 of Section 1 of the LRT's Additional Provisions. This shall prevent ambiguities with regard to the scope of application of the LRT.

A considerable part of the amendments to the LRT aim to align Bulgarian radio and television with European standards, as has been strongly recommended by EU bodies and the Bulgarian media authorities.

For example the amendments to Article 10 paragraph 2 and 3 LRT provide for a fixed minimum percentage of the European production from the total broadcasting time (excluding the news, sports programs, radio and television games, advertisements, tele-text and teleshopping). The amended Section 1 of the LRT's Additional Provisions define explicitly and in detail the term "European production". The main criterion is whether the country of origin of the respective programme is a member of the EU and/or is party to the European Convention for Transfrontier Television.

Another new item introduced by the recent amendments is aimed at tightening the requirements imposed on radio and television programmes with regard to their moral aspect. Art. 10 paragraph 1 of the LRT, which sets out the main and obligatory principles to be followed by electronic media operators, has been

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expanded. Programmes that contain pornography are thus explicitly prohibited as are programmes inciting racism, or discrimination. The term "pornography" is, however, not defined in the LRTs Additional Provisions. Some additional restrictions are introduced to the provisions concerning advertising spots. For example, advertisements with erotic elements shall not be transmitted during children's or teenagers' programmes.

Furthermore, the amendments introduce new regulations of the advertising schedule in the electronic media aimed mainly at harmonizing the LRT with the applicable EC law in this area (see for example the amended Art. 80 LRT).

These amendments to the LRT are not likely to stop all controversies surrounding the law and they will hardly be the last change to it. Yet they could be viewed as a step towards a more complete regulation of a still extremely disputed legal area, namely the area of Bulgarian media law. Moreover, they are another step towards the harmonization of Bulgarian with EC law.

Zakon za Radioto I Televiziata, Prom. SG 138 1998; Amend Sg. 60 1999; Amend. SG 81 1999; Amend. and Suppl. SG 79 2000

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