[BG] Act on Radio and Television Amended

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The amendments in the Zakon za Radioto I Televizata (Act on Radio and Television), that were the subject of broad political and media discussions throughout the second half of 2001, were finally adopted and entered into force in November 2001. These amendments affect two main parts of the Law - one regulating the supervisory body of the electronic media in Bulgaria (its name, functions, requirements concerning its members, etc.) and one determining the procedure of licensing and registering radio and television operators.

The former supervisory body of the electronic media in Bulgaria, called the National Council of Radio and Television (NCRT), was renamed as the Council on Electronic Media (CEM) (Chapter 2). A possible change in its structure, and in particular in the way its members were recruited, was discussed before the adoption of the current amendments. It was suggested that the present ratio of 5 members elected by the Parliament and 4 appointed by the President should be changed to 6:3 respectively. There were objections to this suggestion, based on the argument that it could result in too much governmental control over the media supervisory body. Finally the suggested change in the parliamentary and presidential quotas was rejected and currently the composition of the CEM remains unchanged. The mandate of the members of CEM is increased from 3 to 6 years.

The requirements regarding the professional experience of the members of CEM were amended. While previously the members of NCRT had to be "Bulgarian citizens with permanent registered addresses in Bulgaria, having a university degree and professional experience in the areas of radio, television, culture, journalism, audiovisual media, telecommunications, law or economics", currently the requirements are made more concrete"experience in the areas" (only) "of the electronic media or telecommunications" and broadened by "a minimum of 5 years' experience in a radio or television organisation or in the area of telecommunications or 5 years' experience as a teaching professor in the areas of media or telecommunications" (Art. 25). According to the amendments a minimum of 5 years' professional experience in a radio or a television organisation is also required for the executive directors of the National Radio and the National Television respectively (Art.66 Para 1).

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Some additional restrictions were imposed on the members of CEM with regard to their business and professional occupations during and after the expiration of their mandate. Furthermore, some additional requirements were introduced for declaring any financial, commercial, business or other kinds of interests of the members that might in any way affect their work in the Council (Art. 27 and 28).

The supervisory functions of the CEM are also expanded (in comparison with the ones of the former NCRT). In addition to the functions of the former NCRT, the CEM is entitled to issue regulations on compliance with radio and the television licenses, to organise competitions for the selection of radio and/or television operators that may apply for a telecommunications license for terrestrial broadcasting, to issue individual "media" licenses to the selected operators, to register the radio and television operators that use means other than terrestrial broadcasting, to represent (together with other bodies) the Republic of Bulgaria in international organisations relating to the electronic media and to coordinate Bulgaria's policy in the area of the electronic media (Art. 32).

According to the recent amendments of the Act on Radio and Television (Chapter 6) the radio and television operators are subject to licensing (in the cases where they operate with terrestrial telecommunication broadcasting networks) or to registration (in the cases where other kinds of broadcasting networks are used - e.g. cable or satellite). Both procedures are expressly regulated by the amended version of the Law. CEM is the body entrusted with the organization, execution and control of both licensing and registration of electronic media operators. The licensing procedure is preceded by a competition organised by CEM in coordination with the State Telecommunication Committee (STC) - currently called the Committee on Regulation of Telecommunications (CRT), ending with the election of a winner who is granted an individual media license (issued by CEM) and a telecommunications license (issued by CRT on the basis of a Resolution of CEM). CEM is obliged to register all the operators who are candidates for registration if they file the documentation required by Art. 111 of the Law and if the program projects, concepts, profiles or schemes suggested by the respective candidate comply with the provisions of the Act on Radio and Television. The registration lasts for an unlimited period of time (Art. 125a Para 7), while the term of the licenses (both media and telecommunications ones) is usually 15 years and can be extended by CEM's express resolution for a maximum total term of 25 years (Art. 109). Among the necessary documentation required from the competitors for a media license are "documents, proving the origin of the capital" of the competitors concerning the last three years (Art. 106 Para 6).

Amendments in the Zakon za Radioto I Televizata, adopted by the Parliament on 25 October 2001 and promulgated and published in the State Gazette No 96, of 9 November 2001

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