[BG] Amendments of the Radio and Television Act

IRIS 2005-10:1/36

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In 2001, amendments to the Bulgarian *Закон за радиото и телевизията* (Radio and Television Act, see IRIS 2002-2: 3) were introduced by the Parliament. According to these amendments the operators broadcasting their programmes through cable or satellite became subject to a registration regime. However, the new provisions were added only in the licensing and registration section of the Radio and Television Act, but were not reflected accordingly in the section concerning the status of the electronic media. In November 2005, new amendments of the Radio and Television Act were adopted by the Parliament providing that commercial operators may broadcast their programmes on the basis of a licence and/or registration for radio and television activity.

Among some of the other legislative changes in November 2005 was the introduction of additional guarantees ensuring the observance of the principle of protection of copyrights and neighbouring rights. In this regard Article 19 of the Radio and Television Act was amended by adding two new paragraphs. A new obligation was imposed on the broadcasters, namely to present, if requested, annually to the Council for Electronic Media evidence for their rights over the use of protected works in their programmes, as well as to provide information on granted neighbouring rights allowing them the broadcasting of foreign programmes. One month after receipt of the data by the operators the Council for Electronic Media shall send the information collected to the Minister of Culture, who is responsible for the protection of copyright and neighbouring rights. The operators are subject to sanctions if they are in breach of the obligation to broadcast only programmes with secured copyrights.

The requirements connected with the holding of the position of a “Member of the Council for Electronic Media” were also changed in November 2005. The former condition to hold a permanent address in the territory of the country and the requirement to have at least a 5-years experience in the field of media and telecommunications were abolished. A new requirement providing that members of the Council for Electronic Media should be persons of high public prestige and professional recognition was introduced.

The rotation principle for the members of the Council for Electronic Media was described more detailed in accordance with Ruling No. 2 of 8 July 1997 of the Bulgarian Constitutional Court (not promulgated in the State Gazette). Thereby,

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the danger was avoided that five instead of three members leave the Council in 2007. A new sentence was added to § 51 of the Transitional and Final Provisions of the Radio and Television Act stating that: “The 6-years term of the members of the Council for Electronic Media commences on the date of their selection or appointment”.

The rule for the interruption of audiovisual works by advertisements has also been amended. According to the new provisions it is possible that TV movies are interrupted by advertising immediately after the beginning of the movie.

The last of the major amendments in November 2005 concerned the status of the Bulgarian National Television and the Bulgarian National Radio. It was provided that both are to be licensed and registered for broadcasting their programmes without a tender.

Закон за радиото и телевизията

Bulgarian Radio and Television Act, published in the State Gazette No. 93 of 2005

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