[BG] Proposed Amendments to the Media Law

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At the end of 2006, the Council of Ministers adopted a draft law on amendments and supplements to the *Zakon za Radioto i Televiziata* (Bulgarian Radio and Television Act, see IRIS 2002-2: 3). The proposed law was passed by the Parliament soon after the opening of its first session in the new year.

The amendments were proposed with regard to the accession of Bulgaria to the European Union on 1 January 2007. According to the draft, all citizens and legal entities based in the European Union or the European Economic Area will be entitled to carry out radio and television activities in the territory of the Republic of Bulgaria on an equal footing with Bulgarian individuals and legal entities. The amendments are in line with the principles laid down in the “Television without Frontiers” Directive and the European Convention on Transfrontier Television.

The preamble to the draft states that the proposed amendments and supplements are aimed at abolishing the existing restrictions for the right of establishment and free provision of services by citizens and companies from the EU Member States in accordance with the commitments of Bulgaria under the European Association Agreement as well as with the commitments of Bulgaria under the Negotiating Position Paper on Chapter 3 “Free Provision of Services”.

The current version of Article 105, para. 2 of the Radio and Television Act restricts applicants for radio or television licences: ”Eligibility to apply for a licence shall be limited to sole traders, natural persons and legal persons registered under Bulgarian legislation”. The draft law now adds a second category of applicants, namely: “foreign natural persons and legal persons registered as traders under the legislation of any EU Member State or of another country which is party to the European Economic Area Agreement”.

Undoubtedly, the proposed changes greatly increase the scope of applicants who can participate in the licensing process. This is likely to influence the development of the national media market, since European media operators will be able to participate in the licensing process without the need to rely on a local intermediary or to register a subsidiary in accordance with the requirements of the Bulgarian law.

The draft law amends also Art. 105, para. 6, item 1 of the Radio and Television Act as follows:

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- traders registered under Bulgarian legislation must submit a document on their current legal status issued not earlier than one month before the submission of the documents;

- foreign persons will be required to submit a relevant document proving their existence issued not earlier than one month before submitting the documents.

The amendments will further affect the definition of the term “external producer” contained in Paragraph 1, item 25 of the Supplementary Provision of the Radio and Television Act: “external producer means a producer under the Commercial Act or under the laws of a Member State of the EU or another country which is party to the European Economic Area Agreement, organisationally and economically independent in its activities of any radio or television broadcaster and fulfilling the following conditions:

1. The producer does not own a radio or television broadcaster or a share in the property thereof;

2. No radio or television broadcaster owns any such producer or a share of the property thereof;

3. The producer does not provide simultaneously more than two external productions to one and the same broadcaster, whether through a competitive procedure or not”.

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