[BG] Strengthening the Supervisory Functions of the Council for Electronic Media regarding Aerial Transmitting Broadcasters

IRIS 2007-3:1/13

Rayna Nikolova
New Bulgarian University

At the end of 2006 amendments of the *Zakon za Radioto i Televiziata* (Bulgarian Radio and Television Act - see IRIS 2002-2: 3) were passed by the Parliament (State Gazette, No 105 [2006]). The amendments introduced more efficient supervisory powers for the Council for Electronic Media as regards the monitoring of the activities of all licence-holders – radio and television broadcasters (broadcasting via terrestrial transmitters). The new powers cannot be used, however, in relation to the registered media operators transmitting via cable or satellite, which represent the majority of the television organisations in Bulgaria.

The new act establishes special duties for the officers of the Council for Electronic Media who are responsible for the monitoring of the broadcasters (Art. 117, para. 2 of the Radio and Television Act). By virtue of the new act, special powers were also given to the chairperson of the Council for Electronic Media (Art. 117, para. 3). Two new paragraphs were added to Article 117, and the previous text of Article 117 is now replaced by paragraph 1 of the provision. The current text of the provision is as follows:

Art. 117 (1) Supervision of the compliance with this Act and verification of compliance with the licence requirements shall be exercised by the competent officers of the Council for Electronic Media.

(2) In performing their duties the officers, according to paragraph 1, shall:

1. have access to all documents, which are directly or indirectly related to infringements of this act or to infringements of the legislation of the Member States of the European Union implementing the requirements of Council Directive 89/552/EEC concerning the pursuit of television broadcasting activities, last amended by Directive 97/36/EC of the European Parliament and the Council, regardless of the form of the document;

2. request from each person the delivery of any information, they may be aware of, regarding the infringements under point 1;

3. perform on-site inspections.

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(3) The Chairperson of the Council for Electronic Media shall:

1. order the perpetrator in writing to cease the infringement under para. 2, point 1;

2. require from the perpetrator that he/she declares that he will cease the infringement under para. 2, point 1, and, if necessary, to oblige him to publish this declaration ;

3. order the suspension or ban of each infringement under para. 2, point 1, and, if necessary, to publish the order for suspension or ban of the infringement.

The fulfilment of these new provisions is ensured by the following new sanctions:

Art. 126b (1) Any violation of Art. 117, para. 2, point 2 and para. 3 shall be punishable by a pecuniary penalty from BGN 500 to BGN 2 000.

(2) Any repeated violation shall be punishable by a pecuniary penalty of a double amount."

The amendment also introduced a definition of the term “repeated violation” of the act, by creating an additional provision – paragraph 1, point 33 of the supplementary provision to the Radio and Television Act:

"33. "Repeated violation shall mean an infringement committed within one year after the entry into force of the penalty act imposing the sanction for the same infringement”.

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