[BG] Affiliation of Public Persons from the Media Sector with the State Security Service

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Art. 26, para. 3 of the *Zakon za Radioto i Televiziata* (Bulgarian Radio and Television Act, see IRIS 2002-2: 3) stipulates that any person who has been an informer of the former State Security, whether full-time or part-time is not eligible for membership of the Council for Electronic Media. The same requirement applies to the members of the management boards and the general directors of the public broadcasters, which are the Bulgarian National Radio and the Bulgarian National Television (Art. 59, para. 2, subpara. 3 and Art. 66, para. 1 of the Radio and Television Act). However, these provisions have not been efficient enough to ensure the stability of the media sector because other important elements, such as the commercial radio and television broadcasters, the press, the advertising agencies etc., did not fall into the scope of the said provisions of the Radio and Television Act.

At the end of last year, the Parliament passed a very important bill relevant to this, the "Access to, and Disclosure of, the Documents and Announcement of the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act". The Act governs the procedure for the access, disclosure, use and storage of documents of the State Security Service as well as the Intelligence Services of the Bulgarian Popular Army, including those of their predecessors and successors for the period from 9 September 1944 until 16 July 1991. It also stipulates the procedure for the announcement of the affiliation of Bulgarian citizens holding public posts or performing public activities with the aforementioned bodies.

The following public posts within the media and telecommunications sectors are covered by the Act:

1. The chairman, the deputy chairman and the members of the Communications Regulation Commission (Art. 3, para. 1, subpara. 10); and

2. the chairman, the deputy chairmen, the directors general, the members of managing boards, the members of controlling bodies, the members, the editors-in-chief (of directorates), the heads of departments and the heads of sectors at the Council for Electronic Media, the Bulgarian National Television, the Bulgarian National Radio and the Bulgarian News Agency (Art. 3, para. 1, subpara. 19).

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The Act explicitly lists the public posts within the media and telecommunications sector, which are subject to preliminary checks for any affiliation with the State Security Service, namely:

1. The owners, the directors, the deputy directors, the editors-in-chief, the deputy editors-in-chief, the members of editorial councils, the political commentators, the anchors of broadcasting programmes and shows, the authors of columns in printed publications or electronic media, the owners and heads of sociological agencies, the owners and heads of advertising agencies, the owners of public relations agencies and companies (Art. 3, para. 2, subpara. 1);

2. the sole proprietors that are telecommunications operators, the members of managing, controlling and supervisory bodies and the procurators of legal persons that are telecommunications operators (Art. 3, para. 2, subpara. 11); and

3. the sole proprietors that are radio and television operators, the members of managing, controlling and supervisory bodies and the procurators of legal persons that are radio and television operators (Art. 3, para. 2, subpara. 12).

A special Commission for the disclosure of the documents and for the disclosure of affiliations with the named Services has been set up. The Commission is an independent body, consisting of nine members elected by the National Assembly. The Commission is still in the process of formation. The main functions of the Commission are *inter alia* :

1. To track down, collect, examine, analyse and assess documents containing information about the activity of the State Security Service and the Intelligence Services for the Bulgarian Popular Army;

2. to disclose and announce the names of Bulgarian citizens who occupied or occupy public posts, or who performed or perform public activities and who were found to have had an affiliation with the relevant Services;

3. to provide natural persons with access to the information collected; and

4. to issue documents as regards the affiliation of natural persons with the State Security Service and the Intelligence Services.

An affiliation is established as given if the respective person performed activities as a salaried or a non-salaried employee or as an informal collaborator (Art. 24 of the Act).

The verification of an affiliation with the State Security Service and the Intelligence Services for the Bulgarian Popular Army is mandatory for:

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1. persons who occupied public posts from 10 November 1989 until the date of entry into effect of the Act; and

2. persons who occupy public posts or who perform public activities as of the date of entry into effect of the Act.

Persons born after 16 July 1973 are not to be subjected to checks (Art. 26, para. 4).

ЗАКОН за достъп и разкриване на документите и за обявяване на принадлежност на български граждани към Държавна сигурност и разузнавателните служби на Българската народна армия

Access to and Disclosure of the Documents and Announcement of the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, published in the State Gazette No 102 of 19 December 2006

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