[BG] Tenders for Analogue TV Revoked

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Rayna Nikolova
New Bulgarian University

On 11 March 2008, the Council for Electronic Media (CEM) terminated the tenders for analogue TV broadcasting with local range for the cities of Sofia (three tenders), Plovdiv (two tenders) and Varna (three tenders). The CEM justified its decision as being necessary to promote the process of digitisation of TV broadcasting in Bulgaria.

The termination of the tenders means that the seven frequencies, which are currently used by telecommunications operators under temporary licences on the basis of § 9a of the Final and Transitional Provisions of the Radio and Television Act, have to be freed immediately. According to the provisions of the Radio and Television Act, the operators having only temporary licences can perform their activities “up to the moment of the termination of the tenders in accordance with the provisions of the Radio and Television Act for the respective locations”. In this regard, the decision of the CEM should be considered as the legal end of the administrative procedure for the announced tenders.

Acting under pressure from the telecom operators who have temporary licences, the CEM discussed the above issue once again at its session of 13 March 2008. As a result, it repealed its decisions from 2006 regarding the announcement of the eight tender procedures (see IRIS 2008-3: 8), but not, however, its decision regarding the termination of the tenders dated 11 March 2008. The decision of the CEM of 13 March 2008 could be used by the telecom operators who have invested in the tenders, as grounds to sue the Council for Electronic Media on the basis of the Law on Damages Caused by State or Municipal Authorities.

Following the decision of the Council, the representatives of the telecom operators having temporary licences declared that they would not free the frequencies until the end of 2012. The intended process of digitalisation might therefore be delayed in the case where the CEM and the Communications Regulation Commission do not take any further actions.

In the meantime, one of the bidders in the tender procedures, TV Sedem EAD, has already launched an appeal, regarding the decision of the CEM on the termination of the tenders, before the Supreme Administrative Court.

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