[BG] Breach of the Prohibition to Interrupt News by Advertisements

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On 13 November 2007, the daily edition of the news programme - “btv News” - broadcast at 7 p.m. by the btv channel (owned by Balkan News Corporation EAD, a wholly owned subsidiary of News Corp.) was interrupted twice by advertisements. The normal duration of the said news programme is between 7 and 8 p.m. each day, comprising two main sets of news (starting at 7 and 7.30 p.m., respectively), divided by a short commentary called “Small Commentary”. The whole programme starts at 7 p.m. and the final notes (captions) are provided at the end of the programme at around 8 p.m.

In the beginning of March 2008, the Council for Electronic Media (“CEM”) took the view that the interruption of the news programme “btv News” by advertisements was in contradiction with the mandatory provisions of Article 83, para 2 of the Radio and Television Act (see IRIS 2002-2: 3). The latter provision prohibits news programmes, political and economic commentaries and analyses, documentaries and children programmes from being interrupted by advertisements.

Balkan News Corporation EAD expressed its disagreement with the findings of the CEM, claiming that the first set of advertising was broadcast between the programme called “btv News” starting at 7 p.m. and the programme “Small Commentary” and the second set of advertisements was broadcast between the “Small Commentary” programme and the “btv News” programme starting at 7.30 p.m. Therefore, the operator is of the opinion that there is no violation of Article 83, para 2 of the Radio and Television Act, as these are three separate programmes.

According to the CEM the so called “programmes” by Balkan News Corporation EAD (btv News at 7 p.m., Small Commentary and btv News at 7.30 p.m.) cannot be considered as separate programmes since there are no starting and final notes (captions) dividing each of them. The second argument of the CEM is that the three units of the “btv News” programme have never been advertised as separate programmes, but as parts of one unique programme – “btv News”. Subsequently, the Chairman of the CEM issued an act of administrative infringement imposing a fine of BGN 2,000 to Balkan News Corporation EAD for violation of the provision of Article 83, para 2 of the Radio and Television Act.

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