[BG] Controversial Bill on Public Broadcasting

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On 2 April 2009 the Council of Ministers (CoM) adopted the Bill on Public Broadcasting ("Bill"). This happened without holding public discussions or consultations with the stakeholders: namely the Council for Electronic Media, the Communications Regulation Commission, the Bulgarian National Television (BNT) and the Bulgarian National Radio (BNR). The Law on Normative Acts and the Internal Rules of Procedures of the CoM explicitly provide that before adopting an act a consultation process should take place with the relevant interested parties. The Bill was submitted to the National Assembly on 6 April 2009 and was made available to the public for the first time on 8 April 2009 on the internet site of the National Assembly.

As mentioned in its preamble, the Bill is aimed at regulating the activities of the so-called "public multiplex operators". However, the majority of the media experts in Bulgaria view the Bill as a tool for increasing the political influence over the management of the BNT and the BNR. The media sector also considers that some of the mechanisms provided in the Bill for public-private partnership in the process of programme creation are not compliant with current EU policies (e.g., the European Commission's Broadcasting Communication on State Aid for Public Broadcasting). It is also worth mentioning that the Bill provides for the possibility for the general directors of the BNT and the BNR to appoint unilaterally the individuals or legal entities with whom the public-private partnership will be carried out. No specific criteria for such appointments are laid down in the Bill.

The Bill provides for the establishment of a new State enterprise called National Company Public Digital Broadcasting. The managing bodies of the National Company Public Digital Broadcasting shall comprise the Minister of Finance, a Management Board and an Executive Director. The members of the Management Board (five persons) shall be appointed by the President of Bulgaria upon an initiative of the Prime Minister. According to some media experts, by introducing these legislative changes the current political majority is attempting to maintain its control over the digitalisation process and the media in the wake of the upcoming parliamentary and EU elections.

It is worth noting that the Bill went from first to second reading (30 April 2009) in just two weeks (which is quite unusual in Bulgarian parliamentary practice). The interested parties were given only 72 hours to submit their proposals. During the second reading of the Bill the Parliament decided unexpectedly to increase the

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number of members of the Communications Regulation Commission from five to eleven.

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