[BG] New licensing system for broadcast frequencies

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On 5 October 1995, the Bulgarian Parliament passed a Licensing Act (DV. No, 92/95), which was supplemented, on 13 December 1995, by an implementing order (DV. No. 111/95) issued by the Council of Ministers.

The new act is based on Article 18 of the Constitution, which determines objects which are the State's exclusive property. In addition to mineral resources, beaches, power stations, forests, etc., broadcast frequencies and telecommunication networks are mentioned. The act regulates the procedure for allocation to third parties of the right to use these objects on the basis of Article 18, para. 5 of the Constitution. Broadcast frequencies are thus one of the matters regulated by the new act (Section 4, Sub-section 1 (5)). Under Section 2 of the act, the licensing procedure comprises three stages: a government decision to award a licence; a competition or auction; conclusion of a licensing contract.

This procedure may be initiated at an individual's request or by decision of the minister concerned (Arts. 4 and 5 of the implementing order). The basic decision must, however, be taken by the Council of Ministers, and Parliament must approve it.

Neither the act nor the implementing order lays down specific conditions for applicants or criteria for decisions on granting licences. Article 8 of the implementing order lists the aspects which must be looked into before a licence is granted: financial-economic, social, ecological and legal. Para. 6 merely says that, depending on the nature of the licence, "other" investigations may be required, if specifically provided for in law. Licensing contracts run for 35 years, with an option for a further 15.

The passing of the Licensing Act means that the allocation of broadcast frequencies, including those used for the broadcasting of programmes, now falls within the scope of administrative law.

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Licensing Act of 5 October 1995 (DV. No. 92/95) and Implementing Order of 13 December 1995 (DV. No. 111/95).

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