[BG] Draft Amendments to the Radio and Television Act

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On 18 December 2009 the National Assembly adopted at its first reading the Law on amendment and supplementation of the Radio and Television Act (Draft Law). The main aim of which is to implement the provisions of Directive 2007/65/EC. The following is a summary of the main changes introduced by the Draft Law.

1. The Draft Law replaces the current regulations on radio and TV activities by a new framework for the provision of audiovisual media and radio services, and also extends the regulation to audiovisual media services on demand. The latter are subject to the notification regime. The providers of audiovisual media services on demand shall file application forms with the Council for Electronic Media (CEM) within one month following the effective date of the Draft Law.

2. The current rules on the protection of minors, as well as human dignity, which up to now have been applicable only to traditional TV broadcasting, will apply in future to all audiovisual media services and commercial communications.

3. The Draft Law provides a new balance between exclusive TV broadcasting rights to events of major interest to the public and the promotion of plurality through a variety of production and structuring programme schemes for news in the entire EU. Those who exercise exclusive rights to events of major interest are obliged to grant other broadcasters the right to use short extracts for the purposes of general news programmes on fair, reasonable and non-discriminatory terms. The terms should be communicated in a timely manner before the event takes place to give sufficient time to exercise such a right. The short extracts can be used for broadcasting within the whole EU and should not exceed 90 seconds. The right of access to short extracts should apply on a transfrontier basis only where necessary. Thus, a TV broadcaster is obliged first to seek access from a broadcaster established in the same Member State having exclusive rights to the event of major interest.

4. The country-of-origin principle is laid down in the effective Radio and Television Act with regard to TV activities in the area of traditional (linear) TV broadcasting. The Draft Law provides that the CEM will monitor also the activities of audiovisual media service providers on demand (non-linear), which fall within the jurisdiction of the Republic of Bulgaria.

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5. The Draft Law provides that, where it is practically possible, on-demand audiovisual media services provided by media service providers under its jurisdiction shall promote the production of and access to European works. The implementation of this provision and the effective consumption of European works shall be the subject matter of the regular reports of CEM to the EU Commission.

6. The Draft Law introduces a new, liberal regulatory regime for commercial communication regarding traditional TV broadcasting and also a basic package of rules governing the on-demand and radio services. The Draft Law does not increase the maximum amount of admissible advertising, but gives TV broadcasters flexibility in advertising insertion. The limitation on the daily quantity of advertising has been abolished. The hourly advertising limitation of twelve minutes is more important and will apply to TV advertising and teleshopping spots. Surreptitious audiovisual commercial communication continues to be forbidden. However, this prohibition shall not cover legitimate product placement. The Draft Law carefully distinguishes between product placement and surreptitious positioning of audiovisual commercial communication.

7. The Draft Law introduces the co-regulation method as an alternative regulatory mechanism. Media service providers shall adopt codes of conduct for the advertising of certain foods in children's programmes. The Draft Law also provides for a new mechanism of co-regulation between the CEM and the media service providers regarding the protection of minors from editorial content that may be harmful to them.

Закон за изменение и допълнение на Закона за радиото и телевизията

http://www.parliament.bg/bills/41/902-01-53.rtf

Law on amendment and supplementation of the Radio and Television Act (Draft)

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