[BG] Controversial Changes to the Electronic Communications Act

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In December 2009 the Council of Ministers submitted a Draft Law on the Amendment and Supplementation of the Electronic Communications Act ("Draft Law") to the National Assembly.

The Draft Law has been prepared in order to resolve the legal problems that have arisen from the last amendment of Article 251 of the Electronic Communications Act and influenced significantly the day-to-day investigative activities of the judicial system. The other reason for the proposed Draft Law is the requirements for the implementation of Directive 2006/24/EC on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks into Bulgarian legislation.

It is explicitly provided in the Draft Law that the data extracted from electronic communications should be presented to the court and the authorities conducting the investigation under the terms and procedures laid down in the Criminal Procedure Code directly by the enterprises providing public electronic communications networks and/or services. If the electronic communications have been provided to the court and the authorities conducting the investigation directly by the public communications operators the data contained in the electronic communications can serve as valid evidence in the criminal proceedings.

The above-mentioned new rule has received a very negative reception from the general public. As a result, the Government has started a consultation process with all interested parties in order to amend the text of Article 251 of the Electronic Communications Act in a way that would not restrict the right to private life of the citizens.

Законопроект за изменение и допълнение на Закона за електронните съобщения

http://www.parliament.bg/?page=app&lng=bg&aid=4&action=show&lid=2653

Draft Law on the Amendment and Supplementation of the Electronic Communications Act

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