[BG] New Quota for European Works by Independent Producers

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On 16 February 2010 the latest amendment of the *Закон за радиото и телевизията/ЗРТ* (Bulgarian Radio and Television Act dating from 24 November 1998 - RTA) entered into force. Its main purpose is to transpose the rules of Directive 2007/65/EC into Bulgarian law. However, the final draft inserted some other changes also.

During the public discussions of the impending amendment of the RTA some representatives of the newly-established Association of Television Producers called for urgent additions to the legal definitions of "executive producer" and "television producer" and more detailed regulation of their rights. In addition, Bulgarian TV producers asked for a guaranteed quota for Bulgarian works in TV programming. Finally, the new bill made some improvements to the definition of "independent producer". In addition, the following provision was put forward:

Article 19a, para. 2 RTA

"At least 25% of the total annual programme time of TV programmes, except for the time for news and sports programmes, TV-games, advertisements, teletext and TV marketing, shall be devoted to Bulgarian works, created by independent producers. The 25% shall be included in the total annual programme time of TV programmes intended for European works under para. 1. In the total annual programme time the achievement of this threshold shall not include repeats of these works."

This provision caused a heated discussion during the parliamentary meeting. The majority rejected the cited provision and in lieu of it decided to change the quota of European works created by independent producers from 10% of the total annual programme time (excluding the time for such programming as listed above) to 12% of the programme time under para. 1 of the same Article which states that 50% of the total annual programme time (except for the time for news, etc.) shall be devoted to European works.

According to the new Article 19a RTA the 50% quota for European works is applicable only "if this is possible in practice", and the 12% quota for European works created by independent producers "shall be achieved gradually". These explanations in the provisions make the rules for European quotas again look

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more like “recommendations” to the Bulgarian broadcasters, rather than obligations.

This raises the question in which circumstances the regulatory authority (the Council for Electronic Media) shall impose punishment on the Bulgarian TV broadcasters under Article 126 RTA, which now provides for higher sanctions than before for the infringement of the European quotas and, above all, how the Council can control the observance of quotas by the operators.

Закон за радиото и телевизията/ЗРТ

Amendment of 16 February 2010 of the Bulgarian Radio and Television Act from 24 November 1998

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