[BG] Limitations to State Funding for the Film Industry

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On 1 January 2011 new rules concerning the State funding for the Bulgarian film industry came into force. According to the amendments to Art. 17 of the Закон за филмовата индустрия (Film Industry Act), the subsidy for the National Film Centre - which is an Executive Agency of the Ministry of Culture (Изпълнителна агенция "Национален филмов център", see IRIS 2004-6/103) - shall be granted only "if possible" and its annual rate shall be based on the sum of the average budgets for the previous year of "up to" 7 feature films, 14 feature-length documentaries and 160 minutes animation.

These amendments got through the Bulgarian Parliament between the first and second voting on the State Budget Law for 2011, which was published in the State Gazette issue No. 99/2010. It provoked the dissatisfaction not only of the film sector, but of the opposition in the Parliament, too. 56 Members of Parliament filed a claim before the Constitutional Court against Art. 17 stating that the new wording of the article infringed the principles of a parliamentary republic where the Parliament should decide how much the subsidy for the film industry should be, not the government. In addition, the opposition claims that the amendment was not contained in the bill, that it was not discussed during the first reading and that it is against the procedural rules for an amendment to be passed at the last minute without any discussions with the sector.

The previous version of Art. 17 provided for the annual granting in the State Budget of the Republic of Bulgaria of a subsidy for the National Film Centre, the amount of which could not be less than the sum of the average budgets for the previous year of 7 feature films, 14 full-length documentaries and 160 minutes animation.

The addition of the phrases "if possible" and "up to" gives the Ministry of Finance the opportunity to decide alone that there is not enough money in the State budget for the film industry and to determine a subsidy lower than that fixed by the Parliament in the law.

On 28 December 2010 the Constitutional Court opened a case (No. 22/2010) on the basis of the claim of the 56 Members of Parliament and in case the judges establish that there is a violation of the Constitutional rules the Parliament shall review its decision.

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Up to then the new version of Art. 17 of the Film Industry Act remains in force.

ЗАКОН ЗА ФИЛМОВАТА ИНДУСТРИЯ Обн. ДВ. бр.105 от 2 Декември 2003г., изм. ДВ. бр.28 от 1 Април 2005г., изм. ДВ. бр.94 от 25 Ноември 2005г., изм. ДВ. бр.105 от 29 Декември 2005г., изм. ДВ. бр.30 от 11 Април 2006г., изм. ДВ. бр.34 от 25 Април 2006г., изм. ДВ. бр.98 от 27 Ноември 2007г., изм. ДВ. бр.42 от 5 Юни 2009г., изм. ДВ. бр.74 от 15 Септември 2009г., изм. ДВ. бр.99 от 17 Декември 2010г.

http://www.lex.bg/bg/laws/ldoc/2135474936

Film Industry Act (most recently amended on 17 December 2010)

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