[BG] Amendments in the Radio and Television Act related to administrative jurisdiction

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In June 2017, the Bulgarian Parliament initiated amendments in the Administrative Procedure Code with the aim of relieving the Supreme Administrative Court of the many cases it has to deal with. The amendments were passed in July 2018 and they affected the consolidation of proceedings, including those filed against decisions of the Council for Electronic Media (CEM). The President of the Republic of Bulgaria vetoed some of the texts of the law in August 2018. The veto was overruled by the National Assembly at the beginning of September 2018. The Act on Amendments to the Administrative Procedure Code introduced two changes in the Radio and Television Act (RTA). The amendments were published in the State Gazette, issue 77 dated 18 September 2018 and shall be enforced on 1 October 2019.

A new paragraph 5 was inserted in Article 28a of the RTA, which states that an affected party and anybody interested can request that the Administrative Court in Sofia annul decisions taken by the CEM in cases where a member of the media regulator participated in the discussions and voted for a decision while having a personal interest in the outcome of the decision. Formerly, such an appeal had to be lodged with the Supreme Administrative Court.

Article 38, paragraph 1 of the RTA laid down that the decisions of the CEM had to be challenged before a jury of three members of the Supreme Administrative Court. The cassation appeal against the decisions of the Supreme Administrative Court had to take place before a jury of five members of the Supreme Administrative Court. Through the amendments, the legislator has followed the proposals that the decisions of the CEM had to be appealed against before the Administrative Court - Sofia District. The appeals against the decisions of this court will, in future, be brought before a jury of three members of the Supreme Administrative Court.

The amendments in the Administrative Procedure Code have affected the government fees paid for appealing against sanctions incurred by administrative authorities and of courts. According to the changes in Article 227a, paragraph 1 of the Administrative Procedure Code, a cassation plaintiff should pay a government fee to the amount of BGN 70 (about EUR 35) for citizens. Sole-owner traders, governmental and municipal authorities and other entities that exert public functions and organisations rendering municipal services shall pay a fee to the

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amount of BGN 370 (about EUR 185) for legal entities. If there is an identifiable material interest in the case, such fees are not to be paid, but a fee calculated as a percentage of the interest shall be paid. Not long ago, the government charges collected by the courts for appealing against administrative fines were only up to BGN 10 (about EUR 5) for citizens and non-governmental organisations and BGN 50 (approximately EUR 25) for traders, while the fee for a cassation appeal was up to half of these amounts.

Президентското вето

https://www.president.bg/cat47/1131/President-veto-zakon-administrativnoprocesualen-kodeks.html

President's veto of 31 July 2018

Закон за изменение и допълнение на Административнопроцесуалния кодекс

http://dv.parliament.bg/DVWeb/broeveList.faces;jsessionid=A746E54337F958E290425386754FBC92

Act amending and supplementing the Administrative Procedure Act

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