[BG] Mandatory requirements for video-sharing platform providers already in force in Bulgaria

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On 22 December 2020 the Act for amendment and supplement to *Закон за радиото и телевизията* (the Radio and Television Act - RTA) was promulgated in *Държавен вестник* (State Gazette) and Directive (EU) 2018/1808 (AVMSD) was transposed in Bulgarian national law (see IRIS 2021-2/22).

One of the main novelties concerns the regulation of video-sharing platform services and providers within the meaning of the AVMSD. The *Съвет за електронни медии* (the Council for Electronic Media - CEM) is now empowered to regulate all video-sharing platform providers (platform providers) which are operating under the jurisdiction of Bulgaria.

According to the law, platform providers must register and shall be entered in a separate section of the public register of the CEM. The registration occurs after the platform providers submit a notification which shall include basic information on the platform provider and the platform. As entitled by the additional provisions of the law, the CEM has approved a sample of the notification letter which was published on its website on 20 January 2021.

In compliance with the amended RTA, a draft of the general terms and conditions of platform providers shall also be attached to the notification and they will be subject to an *ex-ante* approval by CEM. Future amendments of the general terms and conditions shall be subject to the same approval procedure. In addition, the CEM will have the right to take sole initiative to amend them to ensure the interests of the audience.

The statutory deadline for submitting notification by the providers was two months as of the entry into force of the amendments, i.e. 22 February 2021. Approximately 3 months after the deadline only one platform has been registered. This is the largest local video-sharing platform – Vbox7.

The lack of many registered platform providers may be due to the ambiguity of the definition concerning which platforms for sharing videos are operating under Bulgarian jurisdiction. It could also be due to the lack of sufficient campaign concerning the new regulations, but this remains to be seen. It is also possible that there are no video-sharing platform providers operating under the Bulgarian jurisdiction within the meaning of the AVMSD.

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Irrespective of the reason, it is a fact that a couple of months after the statutory deadline there is still no clarity of all the video-sharing platforms under Bulgarian jurisdiction. This shows that even if the AVMSD is already transposed, in practice it will take time for the sector to adapt to the new requirements and obligations.

Регистър на Съвета на електронните медии

https://www.cem.bg/platforms_reg.php?&lang=bg

Register of the Electronic Media Council

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