[BG] Implementation of Directive 2019/789 and Directive 2019/790 past deadline, but in the works

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On 15 September 2021, a procedure for the public consultation on *Проект на Закон за изменение и допълнение на Закона авторското право и сродните му права* (draft Bill for the amendment and supplement to the Copyright and Neighbouring Rights Act – the BIll) was initiated by the *Министерство на културата* (Ministry of Culture).

The consultation is part of the mandatory process for transposing two of the, currently, most important EU directives concerning copyright and the TMT industry (technology, media and telecom industry): 1) Directive 2019/789 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes; and 2) Directive 2019/790 on copyright and related rights in the Digital Single Market.

This consultation is expected to be the final step before the Bill is (eventually) approved by the Government and submitted to Parliament for voting and adoption. To add a bit of a background, the implementation process regarding the directives in Bulgaria started early on (in June 2020) with preliminary consultations initiated by the Ministry of Culture during which the most relevant stakeholders participated. The aim was to gather their views and use them as a basis for the preparation of a balanced draft bill. A final draft of the Bill, however, was only recently published – more than a year past the said preliminary consultations.

Moreover, the current public consultation was opened more than three months after the implementation deadline stated in the Directives had passed and after the European Commission (EC) had already opened infringement procedures against 23 Member States (including Bulgaria). The conflicting interests of all affected stakeholders and the controversies over some of the texts of the Directives have obviously had a great impact on this delay. Moreover, the political stalemate in the country (with third Parliamentary elections and a presidential election to be held in November), as well as the Covid-19 crisis have made the process even more complicated.

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At this stage, the Bill seems to include all the mandatory requirements of Directive 2019/789 and Directive 2019/790 and introduces a handful of the provisions that are left to the discretion of each Member State by EU legislation. However, it remains to be seen what the final draft will look like following the consultations, considering that the part of the transposing texts that is left to the discretion of Member States can change drastically.

The procedure for public consultation will be open until 15 October and in theory, a prolongation of this period is possible. In any case, it can be assumed that the Bill is unlikely to be voted on and adopted by Parliament earlier than the beginning of 2022. As major changes will follow from the adoption of the Bill, the industry will be closely monitoring all developments.

Публична консултация относно проект на Закон за изменение и допълнение на Закона за авторското право и сродните му права

http://mc.government.bg/page.php?p=141&s=852&sp=914&t=0&z=0

Public consultation on a Draft Bill for amendment and supplement to the Copyright and Related Rights Act

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