

## DECREE N 406

On the ground on Art. 101, p. 3 of the Constitution of Republic of Bulgaria

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To be promulgated in the State Gazette the Radio and Television Law, passed on by the XXXVIII General Assembly on 23 September 1998, passed again on 13 November 1998.

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**President of the Republic of Bulgaria:  
Peter STOYANOV**

### RADIO AND TELEVISION LAW

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#### Chapter One

#### GENERAL PROVISIONS

Art. 1. (1) This law shall govern the radio and television activities on the territory of the Republic of Bulgaria

(2) Radio and television activities shall consist in the production of radio and television programs, and of additional information, for the purpose of broadcasting by means of terrestrial radiotransmission, by cable, by satellite, or by other technical means, in encoded or unencoded form, intended for immediate reception by an indefinite number of persons.

Art. 2. The provisions of this law shall not be applicable to:

1. radio and television programs created for circulation within one building only;
2. radio and television programs created for circulation for the needs of state bodies, or legal persons, only, where the contents of such programs relate to the activities of, and the transmission equipment is owned by, the latter.

Art. 3. (1) Radio and television activities shall be carried out by radio and television operators.

(2) Radio and television operators shall be natural and legal persons holding licences for radio and television activities.

(3) Radio and television operators may also be telecommunications operators within the meaning of the Telecommunications Law. In such cases the latter shall not have the right to render telecommunications services to third parties unless their licences for telecommunications activities provide otherwise.

(4) The provisions of this law shall be applicable to all radio and television programs created with the objective of broadcasting, or broadcast by relevant operators within the jurisdiction of the Republic of Bulgaria.

Art. 4. Radio and television operators shall be public and commercial.

Art. 5. Commercial radio and television operators shall be commercial partnerships holding licences for radio and television activities, and working with the main objective of distributing profit among their owners.

Art. 6. (1) Public radio and television operators shall be natural and legal persons holding licences for radio and television activities whose main objective shall be to contribute to the realization of the constitutional right of information.

(2) Public radio and television operators shall be governed by public or private law.

(3) Public radio and television operators shall:

1. provide for broadcasting political, economical, cultural, scientific, educational, and any other socially relevant information;

2. ensure access to national and world cultural values, and popularise scientific and technical achievements by way of broadcasting Bulgarian and foreign educational and cultural programs for persons of all ages;

3. ensure, through their program policies, the protection of national interests, universal cultural values, the national science, the education and culture of all Bulgarian nationals regardless of their ethnical identity;

4. promote the production of works by Bulgarian authors.

5. promote Bulgarian performing arts.

Art. 7. The Bulgarian National Radio (BNR) and the Bulgarian National Television (BNT) shall be, respectively, a national public radio operator and a national public television operator that shall:

1. ensure programs for all Bulgarian nationals;

2. contribute to the development and popularisation of Bulgarian culture and of the Bulgarian language, as well as of the culture and language of citizens in accordance with their ethnical identity;

3. ensure through their programs access to the national and European cultural heritages;

4. include in their programs broadcasts which inform, educate, and entertain;

5. implement new information technologies;

6. reflect various ideas and convictions within society;

7. contribute to the mutual understanding and tolerance in human relations;

8. provide citizens with opportunities to become acquainted with the official position of the state on important issues of social life.

Art. 8. (1) This law shall guarantee the independence of radio and television operators, and of their activities, from any political and economic interference.

(2) The National Council on Radio and Television, in its capacity of a specialised independent body, shall only exercise supervision in the cases provided for under this law.

Art. 9. (1) The production of radio and television programs in the Republic of Bulgaria shall be free.

(2) No censorship of programs in any form whatsoever shall be permitted.

(3) The freedom of reception shall be guaranteed, and retransmission of radio and television programs shall not be restricted within the territory of the country under the terms of this law.

(4) The provision of sec. (3) shall temporarily not be applicable in cases of gross violations of this law.

Art. 10. While carrying out their activities, radio and television operators shall be guided by the following principles:

1. guarantee of the right of free expression of opinion;
2. guarantee of the right of information;
3. preservation of the secret of the source of information;
4. protection of citizens' personal inviolability;
5. non-admission of broadcasts suggestive of intolerance among citizens;
6. non-admission of broadcasts praising or exculpating cruelty, or violence;
7. guarantee of the right to rebuttal;
8. guarantee of the copyright and neighbouring rights in broadcasts and programs;
9. preservation of the purity of the Bulgarian language;

(2) At least 50 per cent of the total annual program time, with the exclusion of news and sports broadcasts, radio and television games, advertising, and radio and television shopping, must be destined for European and Bulgarian audio, respectively audio-visual, production, when this is practically possible.

(3) The duration of all broadcasts produced by external producers may not be less than 10 per cent of the total annual program time. The time for news, sports broadcasts, radio and television games, advertising, and radio and television shopping shall be excluded therefrom. Such broadcasts shall be governed by sec. (2).

Art. 11. (1) Any opinion may be freely expressed in radio and television broadcasts.

(2) Journalists and creative workers who have entered into contracts with radio and television operators may not be given instructions and directions as to the exercise of their activities by persons and/or groups outside of the management bodies of radio and television operators.

(3) Public criticism of the broadcasting policies of radio and television operators on the part of those working therewith shall not constitute disloyalty towards the employer.

(4) Journalists who have entered into contracts with radio and television operators shall have the right to refuse to carry out an assignment where the latter is not related to implementation of the provisions of this law, or of the respective contracts, and is contrary to their personal convictions; technical and editorial processing of program materials and news may not be refused.

(5) Owners and/or management bodies of radio and television operators and journalists who have entered into contracts therewith may agree upon editorial statutes for work in the field of current topics/political journalism.

(6) An editorial statute must contain concrete definitions and measures for:

1. guarantee of the freedom and personal liability of journalistic labour in carrying out assignments.
2. protection of journalists within the meaning of sec. (2);
3. professional-ethical norms for journalistic activities within the respective radio and television operators.
4. manner of making of decisions related to journalistic activities;
5. establishment of internal bodies for resolution of conflicts in the journalistic work of program production.

Art. 12. (1) The programs of radio and television operators shall be transmitted in the official language pursuant to the Constitution of the Republic of Bulgaria.

(2) programs of radio and television operators shall be transmitted in another language when those are:

1. broadcast with educational objectives;
2. destined for Bulgarian nationals for whom the Bulgarian language is not a mother tongue.
3. destined for listeners or viewers from abroad;
4. foreign radio and television programs retransmitted by cable or satellite;
5. retransmitted programs of foreign radio and television operators registered in Bulgaria;
6. foreign audio-visual programs.

Art. 13. (1) Radio and television operators shall have the right to receive the information they need from state and municipal bodies provided that the latter does not contain any secret provided for by law.

(2) Radio and television operators shall be obligated to use the information obtained accurately and without bias.

(3) Radio and television operators shall provide information about their activities in the cases provided for by law.

(4) A radio or television operator holding an exclusive right over a major event shall be obligated to ensure access to other radio and television operators in view of the event's coverage.

Art. 14. (1) Radio and television operators shall be obligated to record the programs and broadcasts they provide for broadcasting, and shall keep such records for 3 months as from the date of broadcast.

(2) In case a demand is filed within the term under sec. (1) for rebuttal, or an action is brought against the radio or television operator in relation to the content of a broadcast or program, records shall be kept until the closure of the case.

(3) A person claiming that she or he has been affected by a broadcast shall have the right to access to the respective archive and to a copy of the record made at her (his) own expense.

(4) Officials authorised to exercise control for the purpose of compliance with the provisions of this law shall have the right to access to materials in relation to verifications conducted by them.

Art. 15. (1) Radio and television operators shall not be obligated to expose sources of information to the National Council on Radio and Television, unless there is a pending court proceeding or pending litigation upon complaint lodged by an affected person.

(2) Journalists shall not be obligated to expose sources of information not only to the audience, but also to the management of an operator, with the exception of the cases under sec. (1).

(3) Radio and television operators shall have the right to include in broadcasts information from unknown sources, while expressly indicating so.

(4) Journalists shall be obligated to keep secret the source of information where that has been expressly requested by the person who provided the information.

Art. 16. (1) Radio and television operators may not produce and provide for broadcasting broadcasts which contain information relating to the private life of citizens without the consent thereof.

(2) Radio and television operators may include in their broadcasts information about the private life of citizens who exercise powers of state bodies, or whose decisions affect society, where such information is of public interest.

(3) In cases of violations under sec. (1) and (2) radio and television operators shall owe a public apology to the affected person. This shall not deprive that person of the right to seek compensation before a court.

(4) The restrictions under sec. (1) and (2) shall not be applicable where a sentence has entered into force against the person for a deliberate crime prosecuted upon indictment.

Art. 17. (1) Radio and television operators shall be liable for the content of the programs they provide for broadcasting.

(2) Radio and television operators shall be obligated not to allow the production, or provision, of broadcasts violating the principles of art. 10 and broadcasts suggestive of national, political, ethnic, religious, and racial intolerance, praising or exculpating cruelty or violence, or aimed at damaging the physical, mental, and moral development of minors.

(3) The provisions under sec. (2) which affect minors shall not concern encoded broadcasts and/or broadcasts transmitted between the hours 11 p.m. and 6 a.m. and clearly designated by means of a preceding audio and/or audio-visual sign, or identified all the time by means of a visual sign.

(4) Radio and television operators shall not be liable for information made public and for the content thereof where it:

1. has been received under an official procedure;

2. constitutes quotations from official documents;
3. accurately reproduces public statements;
4. is based on materials obtained from information agencies, or other radio and television operators.
- (5) No alterations shall be permitted in quotations of documents.
- (6) News as facts of information must be discriminated from accompanying commentaries.
- (7) Where a broadcast of another radio or television organization has been used as part of a program, the fact must be indicated.

Art. 18. (1) Persons, state and municipal bodies affected by a radio or television broadcast shall have the right to rebuttal.

(2) Within 7 days as from the day of broadcast the persons and bodies under sec. (1) shall have the right to demand in writing from the respective radio or television operator that their rebuttal be provided for broadcasting. The demand must indicate the challenged statements, as well as the date and time of the broadcast.

(3) The radio or television operator shall be obligated to ensure that the rebuttal be included in the next emission of the same broadcast, or at an equivalent time within 24 hours from reception of the rebuttal, while not permitting any alteration, or abbreviation, of the text.

(4) Provision of a rebuttal for broadcasting shall be free of charge for the persons and bodies under sec. (1).

(5) The duration of a rebuttal may not exceed the duration of the challenged part of the broadcast.

Art. 19. Radio and television operators shall only broadcast programs that copyright and neighbouring rights have been arranged for in advance.

## Chapter Two

### NATIONAL COUNCIL ON RADIO AND TELEVISION

#### Title One

##### General Terms

Art. 20. (1) The National Council on Radio and Television (NCRT) shall be an independent specialized collegiate body which shall protect the freedom of speech and the independence of radio and television operators, as well as the interests of viewers and listeners.

(2) In its activities, the National Council on Radio and Television shall take into account the interests of society.

Art. 21. The National Council on Radio and Television shall be a legal person with principal office in Sofia and an independent budget.

Art. 22. The National Council on Radio and Television shall be assisted in its activities by administrative and technical services, whose structure and staff it shall autonomously determine in accordance with the funding provided for the respective year.

Art. 23. The National Council on Radio and Television shall adopt a regulations on its structure and activities.

## Title Two

### Composition of the National Council on Radio and Television

Art. 24. (1) The National Council on Radio and Television shall be composed of 9 members, of whom 5 shall be elected by the National Assembly and 4 shall be appointed by the President of the Republic.

(2) The decision of the National Assembly and the decree of the President under sec. (1) shall enter into force simultaneously.

Art. 25. A member of the National Council on Radio and Television may be a person of Bulgarian nationality who resides on the territory of the country, has a diploma of higher education and professional experience in the field of radio and television activities, culture, journalism, audio-vision, telecommunications, law, or economy.

Art. 26. Members of the National Council on Radio and Television may not be persons who:

1. have been sentenced to imprisonment for deliberate crimes prosecuted on indictment;
2. are sole proprietors, owners, partners, managers, procurists, or members of management and control bodies of commercial partnerships and co-operatives;
3. have been employees or supernumerary collaborators to the former State Security.

Art. 27. (1) During their term of office the members of the National Council on Radio and Television may not:

1. engage in any other gainful employment, except as professors having academic ranks, or research fellows equal in rank to the latter, at higher schools or scientific organizations;
2. hold elective offices at state and municipal bodies, at management bodies of political parties and coalitions, and at trade unions;
3. be members of management, control, or supervisory bodies of commercial partnerships and co-operatives;
4. acquire shares in radio or television operators and advertising agencies;
5. be members of management, control, or supervisory bodies of non-profit organizations licensed as radio or television operators;
6. receive, in any form whatsoever, remuneration from a radio or television operator, except pursuant to intellectual property legislation.

(2) Employers engaged in a relation of employment with a person who becomes a member of the National Council on Radio Television shall be obligated to permit such person upon demand thereby unpaid leave for the duration of her, or his, term of office. Upon expiry, or termination, of the term of office employers shall be obligated to reinstate the person in her (his) former position, if she, or he, so desires.

Art. 28. Before they take office, the members of the National Council on Radio and Television shall sign a declaration whereby they shall confirm their adherence to the requirements provided for under this law. The declarations shall be preserved in the archive of the National Council on Radio and Television.

Art. 29. (1) The members of the National Council on Radio and Television shall be elected, or appointed, for a term of 6 years. The composition of the National Council on Radio and Television shall be renewed every two years in each quota.

(2) A person may not be member of the National Council on Radio and Television for more than 2 consecutive terms.

Art. 30. (1) The term of office of a member of the National Council on Radio and Television shall be preliminarily terminated in case of discharge of such person, or death.

(2) The discharge of a member of the National Council on Radio and Television shall be effected by a decision of the National Council on Radio and Television:

1. in case of a written application filed with the chairperson of the National Council on Radio and Television;

2. in case of lasting factual inability of the person to perform her, or his, duties for more than 6 months;

3. in case of established incompatibility with the requirements of this law.

(3) In case of preliminary termination of the term of office of a member of the National Council on Radio and Television, within 1 month as from the date of death, or of the decision under sec. (2), the respective body shall elect, or appoint, a new member instead for the remainder of the respective term of office.

(4) In case of appeal of a decision for preliminary discharge, the member discharged shall perform her, or his, duties until the ruling of the court enters into force.

Art. 31. (1) At their first session the members of the National Council on Radio and Television shall elect from among themselves a chairperson and a secretary for the rest of the respective term of office.

(2) The chairperson shall:

1. represent the National Council on Radio and Television;

2. convene and chair the sessions of the National Council on Radio and Television;

3. sign the acts of the National Council on Radio and Television adopted to implement this law;

4. carry out the relations of the National Council on Radio and Television with state bodies and radio and television operators, as well as with international organizations in the field of radio and television activities.

(3) The secretary shall:

1. manage the work of the administrative and technical services;

2. prepare the sessions of the National Council on Radio and Television;

3. control the implementation of the acts adopted.

(4) Discharge of the chairperson and secretary of their own accord shall be effected upon written application.

(5) The National Council on Radio and Television, upon proposal by any of its members, may make a decision for preliminary termination of the term of office of the chairperson and secretary of the National Council Radio and Television as such due to non-performance of their duties.

(6) The decisions under sec. (4) and (5) shall set the date for the next session where a new election shall take place.

### Title Three

#### Powers of the National Council on Radio and Television

Art. 32. (1) The National Council on Radio and Television shall:

1. supervise the activities of radio and television operators for the purpose of abidance by this law;
2. elect and discharge the general directors of the Bulgarian National Radio and the Bulgarian National Television;
3. approve, upon proposal by the general directors, the members of the managing boards of the Bulgarian National Radio and the Bulgarian National Television;
4. give opinions on the drafting of legislation and in cases of concluding of interstate agreements in the field of radio and television;
5. give an opinion on the draft state budget subsidy for the Bulgarian National Radio and the Bulgarian National Television;
6. annually confirm the extrabudgetary draft account of the Radio and Television Fund;
7. organize surveys of the public evaluation of the activities of radio and television operators, and of their programs;
8. give an opinion regarding alterations of the amounts of fees for use of radio and television services;
9. make decisions for issuance, amendment, and termination of licences for radio and television activities; propose to the State Telecommunications Commission a draft licence for radio and television activities.
10. seize competent bodies with violations of legislation in radio and television activities;
11. determine the composition of the managing board of the Radio and Television Fund; adopt regulations on the structure and activities of the Fund and of the managing board, and appoint the executive director for the Fund;
12. make other decisions in exercise of its powers under this law.

(2) While exercising its powers the National Council on Radio and Television shall adopt regulations, decisions and declarations, and shall give opinions in the cases provided for under the law.

Art. 33. The National Council on Radio and Television shall supervise the activities of radio and television operators only in respect of:

1. compliance with the principles provided for under art. 10;
2. compliance with the requirements of art. 6, sec. (3), and art. 7;
3. coverage of elections for state and local self-government bodies;
4. compliance with requirements for advertising in the broadcasts of radio and television operators;
5. compliance with norms regarding charitable activities and sponsorship;
6. preservation of legally provided for secrets in radio and television activities;
7. compliance with requirements for specialized broadcasts destined at children and adolescents;
8. information on decisions of the courts and other state bodies in the cases provided for by law;
9. protection of consumer rights;
10. the technical quality of broadcasts and programs;
11. compliance with restrictions provided for by law.

#### Title Four

#### Sessions

Art. 34. (1) The sessions of the National Council on Radio and Television shall be convened by the chairperson:

1. on her (his) own initiative or,
2. upon demand by at least one third of its members.

(2) The invitation to the session shall contain the draft agenda therefor.

Art. 35. The National Council on Radio and Television shall conduct sessions which shall be regular if attended by such number of members as are necessary to make a decision under the agenda.

Art. 36. In making their decisions the members of the National Council on Radio and Television shall be guided by the principles of:

1. collegiate action;
2. publicity and transparency;
3. independence in discussions and decision-making;
4. co-operation with state bodies, radio and television operators, and non-governmental organizations active in the field of radio and television, or of protection of copyright and neighbouring rights;

5. protection of the interests of viewers and listeners.

Art. 37. (1) The National Council on Radio and Television shall make decisions by a simple majority of all members.

(2) Decisions under art. 31, sec. (1) and (5), and art. 32, sec. (1), subsec. 3 shall be made by a majority of two thirds of all members.

(3) Where a decision under sec. (2) is not made within one month, it shall be made by a simple majority.

Art. 38. Decisions of the National Council on Radio and Television under art. 30, sec. (2), subsec. and 3, art. 31, sec. (5), and art. 32, sec (1), subsec. 3 and 4, as well as decisions for issuance, amendment, and termination of licences shall be subject to appeal before the Supreme Administrative Court.

Art. 39. (1) The National Council on Radio and Television shall issue an Information Bulletin where its decisions shall be published.

(2) The National Council on Radio and Television shall publish its report for the preceding year every year not later than March 31.

#### Title Five

#### Funding and Remuneration

Art. 40. The National Council on Radio and Television shall be funded by the Radio and Television Fund.

Art. 41. (1) During the period they perform their functions the members of the National Council on Radio and Television shall receive a monthly remuneration in the amount of 3 average monthly salaries of persons employed in the national economy according to data by the National Statistical Institute.

(2) The chairperson's remuneration shall be 30 per cent higher, and that of the secretary - 20 per cent higher, than the remuneration under sec. (1).

(3) The basic monthly remuneration shall be recalculated quarterly on the basis of the average monthly salary for the last month of the previous quarter.

#### Chapter Three

### BULGARIAN NATIONAL RADIO AND BULGARIAN NATIONAL TELEVISION

#### Title One

#### General Provisions

Art. 42. (1) The Bulgarian National Radio and the Bulgarian National Television shall be legal persons with principal offices in Sofia.

(2) The Bulgarian National Radio and the Bulgarian National Television shall exercise operative management of the assets - state property they were granted before this law's entry into force.

Art. 43. The Bulgarian National Radio and the Bulgarian National Television shall produce and provide for broadcasting radio and television programs and additional information, including teletext.

Art. 44. (1) Broadcasting of the radio and television programs of the Bulgarian National Radio and the Bulgarian National Television shall be effected through their own telecommunications means, or on the basis of a contract with a licensed telecommunications operator.

(2) The state shall implement a licensing policy in the field of telecommunications which shall guarantee the broadcasting of the programs of the Bulgarian National Radio and the Bulgarian National Television throughout the territory of the country.

Art. 45. (1) The Bulgarian National Radio and the Bulgarian National Television shall introduce and offer new radio and television services.

(2) The Bulgarian National Radio and the Bulgarian National Television shall create conditions for the distribution and implementation of digital and other new technologies in radio and television activities.

Art. 46. (1) The Bulgarian National Radio and the Bulgarian National Television shall have the right to enter into contracts for the purchase of accomplished audio and audio-visual works.

(2) The Bulgarian National Radio and the Bulgarian National Television may enter into contracts with other radio and television operators for supply, retransmission, or exchange of programs.

Art. 47. (1) The Bulgarian National Radio and the Bulgarian National Television shall have the right to produce their own programs and broadcasts, or to assign the production thereof to external producers, as well as to participate in joint productions.

(2) Only the Bulgarian National Radio and the Bulgarian National Television may be producers of news, current topics broadcasts on political and economic subjects broadcast in the programs of the Bulgarian National Radio and the Bulgarian National Television.

(3) The production of audio and audio-visual works by external producers shall be effected by means of contest and contract with the Bulgarian National Radio and the Bulgarian National Television.

(4) The principles governing the relations and procedure for production of joint productions, for conducting contests, and for entering into contracts with external producers shall be determined under a regulations adopted by the managing board.

Art. 48. (1) The Bulgarian National Radio and the Bulgarian National Television shall have the right to broadcast in their news, free of charge, reports and information on events the exclusive right of coverage of which is held by another radio or television operator pursuant to the Copyright and Neighbouring Rights Act, while mandatorily stating the source of information.

## Title Two

### Programs of the Bulgarian National Radio and the Bulgarian National Television

Art. 49. (1) The Bulgarian National Radio and the Bulgarian National Television shall produce national and regional programs; broadcasts for abroad, including for Bulgarians abroad; broadcasts intended for Bulgarian nationals for whom the Bulgarian language is not a mother tongue, including in their own language.

(2) Regional programs shall cover events of local importance. They shall be produced by regional radio and television centres and shall be intended for the population in the respective regions.

(3) The territory of the regions, the regional program schemes, and the participation of radio and television centres in the production of national radio and television programs shall be approved by the managing boards of the Bulgarian National Radio and the Bulgarian National Television.

Art. 50. The Bulgarian National Radio and the Bulgarian National Television shall develop their broadcasting policies in accordance with the requirements for national public operators in the field of radio and television activities.

Art. 51. The Bulgarian National Radio and the Bulgarian National Television shall be obligated to provide upon demand, forthwith and free of charge, program time for official announcements by representatives of state bodies in cases of disaster or imminent threat to the lives, security, and health of the population, or of individuals.

Art. 52. (1) The President of the Republic, the Chairman of the National Assembly, the Prime Minister, the Prosecutor General, and the heads of the Constitutional Court, the Supreme Administrative Court, and the Supreme Court of Cassation shall have the right of address on the Bulgarian National Radio and Bulgarian National Television.

(2) Upon decision by the National Assembly the Bulgarian National Radio and the Bulgarian National Television shall be obligated to forthwith provide program time for direct broadcast of plenary sessions.

(3) The provision of program time under sec. (1) and (2) shall be free of charge.

Art. 53. (1) The Bulgarian National Radio and the Bulgarian National Television may grant program time for addresses to believers and for broadcast of important religious ceremonies upon request by:

1. the Bulgarian Orthodox Church;
2. other officially registered denominations.

(2) The terms and procedure for provision of program time under sec. (1) and (2) shall be determined under the regulations on the organization and activities of the Bulgarian National Radio and the Bulgarian National Television.

Art. 54. The terms and procedure for participation in election campaigns on the Bulgarian National Radio and the Bulgarian National Television shall be provided for by law.

### Title Three

#### Management of the Bulgarian National Radio and the Bulgarian National Television

Art. 55. (1) Bodies of management of the Bulgarian National Radio shall be:

1. the managing board of the Bulgarian National Radio;
2. the general director of the Bulgarian National Radio.

(2) Bodies of management of the Bulgarian National Television shall be:

1. the managing board of the Bulgarian National Television;

2. the general director of the Bulgarian National Television;

Art. 56. The general directors of the Bulgarian National Radio and the Bulgarian National Television, and the members of the managing boards shall carry out their activities on the basis of contracts whereby they are assigned with the management.

Art. 57. (1) An employer who is engaged in an employment relationship with a person under art. 55 shall be obligated to allow the latter non-paid leave for the duration of the respective term of office. Upon expiry, or termination, of the term of office the employer shall be obligated to reinstate the person in her (his) former position.

(2) Persons under art. 55 who as of the moment of election, or confirmation by the National Council on Radio and Television, are engaged in employment relations with other employers shall have the right to terminate the latter under the terms of art. 325, subsec. 8 of the Labour Code.

(3) Persons under art. 55 who as of the moment of election, or confirmation by the National Council on Radio and Television, are engaged in employment relations with higher schools or scientific organizations as professors having academic ranks, or research fellows equal in rank to the latter, shall have the right to continue their teaching or scientific activities during their term of office.

Art. 58. (1) The managing boards of the Bulgarian National Radio and the Bulgarian National Television shall consist of five members each who shall be confirmed by the National Council on Radio and Television upon proposal by the respective general director.

(2) The managing boards of the Bulgarian National Radio and the Bulgarian National Television shall include the respective general director who shall be chairperson of the board ex lege.

Art. 59. (1) Members of the managing boards of the Bulgarian National Radio and the Bulgarian National Television may be persons of Bulgarian nationality who reside on the territory of the country, have higher education and professional experience in the field of radio and television activities, culture, journalism, audio-vision, telecommunications, law, or economics.

(2) Members of the managing board of the Bulgarian National Radio, respectively the Bulgarian National Television, may not be persons who:

1. have been convicted for deliberate crimes prosecuted on indictment;
2. are sole proprietors, owners, members, managers, procurists, or members of management and control bodies of commercial partnerships and co-operatives;
3. have been employees or supernumerary collaborators to the former State Security.

Art. 60. (1) The term of office of the managing boards of the Bulgarian National Radio and the Bulgarian National Television shall be 3 years.

(2) A person may be elected a member of the managing board of the Bulgarian National Radio, or of the managing board of the Bulgarian National Television, for not more than two terms of office.

(3) A person may not be simultaneously member of the managing boards of the Bulgarian National Radio and the Bulgarian National Television, or be member of one of those boards and of the National Council on Radio and Television.

Art. 61. (1) The term of office of a member of a managing board shall be preliminarily terminated by the National Council on Radio and Television upon proposal by the respective general director

on the grounds for preliminary termination of the term of office of members of the National Council on Radio and Television.

(2) In case of appeal of a decision for preliminary discharge the member discharged shall perform her (his) duties until the court's ruling enters into force.

Art. 62. The managing board of the Bulgarian National Radio, the managing board of the Bulgarian National Television, respectively, shall:

1. determine the guidelines for development, the volume and structure of the program;
2. adopt regulations on the structure and activities, salaries, remuneration of contractors, editorial activities, advertising, preservation and use of funds, and external and joint productions;
3. make decisions to set up expert and advisory boards, and shall determine the procedure for their activities;
4. adopt the structure and staff schedule of employees, the terms and procedure for entering into contracts with contractors and journalists;
5. adopt the draft budget and the therein included state budget subsidy; after coordination with the National Council on Radio and Television shall send the draft subsidy to the Ministry of Finance so that it be included in the Draft State Budget Act;
6. adopt the budget and its allocation, the number of the personnel, the average salary and the salaries funds;
7. adopt the report on implementation of the budget;
8. make a decision, upon proposal by the general directors, to open and close regional centres, and determine their status, structure and management in coordination with the National Council on Radio and Television;
9. determine professional requirements for the categories of people involved in radio and television activities;
10. confirm the job descriptions of employees;
11. confirm all advertising and sponsorship contracts, as well as all other contracts whose value exceeds the one stated under the regulations on organization and activities;
12. confirm the conclusion and termination of employment contracts of officials at managerial positions at the Bulgarian National Radio, or the Bulgarian National Television, respectively, and their subdivisions, in accordance with a list of positions stated under the regulations on their organization and activities;
13. resolve other matters within its competence.

Art. 63. (1) The sessions of the managing boards of the Bulgarian National Radio and the Bulgarian National Television shall be convened by the general director:

1. on her (his) own initiative, or
2. upon demand by at least two of the members of the board.

(2) An invitation to a session shall contain the draft agenda therefor.

(3) Sessions shall be regular when attended by such number of members as is sufficient to make decisions under the preliminarily announced agenda.

Art. 64. The managing boards of the Bulgarian National Radio and the Bulgarian National Television shall make decisions by a simple majority of all members.

Art. 65. During their term of office the members of the managing boards shall receive from the Bulgarian National Radio, or the Bulgarian National Television, respectively, a monthly remuneration in the amount of three quarters of the monthly remuneration of the members of the National Council on Radio and Television.

Art. 66. (1) General directors of the Bulgarian National Radio, of the Bulgarian National Television, respectively, shall be appointed persons who adhere to the requirements for members of the National Council on Radio and Television.

(2) The term of office of the general directors of the Bulgarian National Radio, of the Bulgarian National Television, respectively, shall be 3 years.

(3) The general directors of the Bulgarian National Radio, of the Bulgarian National Television, respectively, may be elected to the same office for not more than two consecutive 3-year terms of office.

Art. 67. The term of office of the general director of the Bulgarian National Radio, of the Bulgarian National Television, respectively, shall be preliminarily terminated:

1. on the grounds for preliminary termination of the term of office of a member of the National Council on Radio and Television;
2. where it is established that she, or, he has committed, or permitted the commitment by other persons, of gross, or systematic, violations of the provisions on the principles for the activities of radio and television operators.

Art. 68. The general director of the Bulgarian National Radio, of the Bulgarian National Television, respectively, shall:

1. carry out the program policy;
2. manage operatively the Bulgarian National Radio, the Bulgarian National Television, respectively, and their property;
3. propose for confirmation by the National Council on Radio and Television the members of the managing board and shall make proposals to the National Council on Radio and Television for preliminary termination of their terms of office;
4. convene and chair the sessions of the managing board;
5. close and terminate employment contracts with employees;
6. exercise the rights of employer pursuant to the Labour Code;
7. represent the Bulgarian National Radio, the Bulgarian National Television, respectively, before all natural and legal persons within and without the country.
8. organize the drafting of the budget, and shall deposit it with the managing board for confirmation;

9. organize the implementation, closure, and report of the budget, and shall deposit it with the managing board for confirmation.

Art. 69. The general directors of the Bulgarian National Radio and the Bulgarian National Television shall receive a monthly remuneration in the amount of the remuneration of a chairperson of a permanent commission within the National Assembly.

#### Title Four

#### Funding of the

#### Bulgarian National Radio

#### and the Bulgarian National Television

Art. 70. (1) The Bulgarian National Radio and the Bulgarian National Television shall draft, implement, close, and account for an autonomous budget.

(2) The managing boards of the Bulgarian National Radio and the Bulgarian National Television shall, within the framework of their budgets, confirm a budget, or budgetary account, for the expenditures of regional radio and television centres and other structural units.

(3) The following shall be income proceeds into the budgets of the Bulgarian National Radio and the Bulgarian National Television:

1. funding from the Radio and Television Fund;
2. a subsidy from the state budget;
3. advertising and sponsorship proceeds;
4. proceeds from additional activities related to radio and television activities;
5. donations and wills;
6. interest and other incomes related to radio and television activities.

(4) The subsidy from the state budget shall be:

1. for preparation, creation, and distribution of national and regional programs; the subsidy shall be determined on the basis of a norm per hour of program confirmed by the Council of Ministers;

2. a targeted subsidy for long term assets under a list annually confirmed by the Ministry of Finance.

(5) The expenditure side of the budget shall be drafted under the expense classification of the state budget.

(6) The income surplus at the end of the year shall be brought down balance and shall be included in the budget for the following year.

Art. 71. The Bulgarian National Radio and the Bulgarian National Television shall assist the production and performance of national audio, audio-visual, respectively, production, while reserving for new production, as follows:

1. the Bulgarian National Radio shall reserve for the production and performance of Bulgarian musical and radio-dramatic works no less than 5 per cent of the subsidy from the state budget and the Radio and Television Fund;

2. the Bulgarian National Television shall reserve for Bulgarian feature television works no less than 10 per cent of the subsidy from the state budget and the Radio and Television Fund.

#### Chapter Four

#### ADVERTISING, RADIO AND TELEVISION SHOPPING AND SPONSORSHIP

##### Title One

##### General Provisions

Art. 72. (1) Radio and television operators shall have the right to create and include advertising in their programs.

(2) Separate programs and broadcasts of radio and television operators may be sponsored.

(3) Advertising and sponsorship shall be effected by radio and television operators pursuant to the terms provided for under this law.

Art. 73. Advertising and sponsorship shall be arranged for under written contracts between radio and television operators and advertisers, or sponsors.

Art. 74. The rules on advertising shall also be valid for radio, respectively, television, shopping.

##### Title Two

##### Advertising

Art. 75. (1) Advertising is to be in accordance with the requirements for fair competition pursuant to existing legislation.

(2) Advertising may not encourage behaviour noxious to the health or personal security of citizens, as well as behaviour harmful to the environment.

Art. 76. (1) No broadcast of advertising containing pornography or inciting to violence or behaviour which violates public order and the generally accepted moral norms shall be permitted.

(2) No broadcast of advertising based on national, ethnic, religious, racial, sexual, or other discrimination shall be permitted.

(3) Advertising addressed to children or where children participate must avoid everything that could affect adversely the physical, mental and moral development of the latter.

(4) Advertising addressed to minors must meet the following requirements:

1. not to appeal to minors to purchase a product or service, taking advantage of the latter's lack of experience, or trustfulness;

2. not to take advantage of the special trust minors feel for to their parents, teachers, and other persons;

3. not to exhibit minors in dangerous situations.

Art. 77. (1) The prohibitions under art. 76 shall also be valid for advertising which uses subliminal techniques.

(2) Surreptitious advertising shall be prohibited.

Art. 78. An advertiser shall be obligated not to exercise influence over the content of programs.

Art. 79. Advertising may not make use of the state coat of arms, the anthem of the Republic of Bulgaria, persons holding elective offices in state bodies, or the voices and images of journalists working within operators - presenters of news, of political and economic broadcasts.

Art. 80. (1) Advertising of goods and services for the production of, or trade in, which a special permission is required may only be included in the programs of radio and television operators after the advertiser has submitted the permission required.

(2) Any kind of advertising of tobacco products and smoking shall be prohibited.

(3) Any advertising of alcoholic beverages of all kinds must adhere to the following requirements:

1. not to be addressed to minors, or transmitted in broadcasts for the latter;

2. not to make use of minors as performing artists therein;

3. not to relate within the content of an advertisement the consumption of alcohol to sports achievements, or to driving;

4. not to claim that alcoholic beverages have therapeutic qualities, or a stimulating or sedative effect, or that they resolve personal problems;

5. not to encourage the excessive consumption of alcoholic beverages;

6. not to suggest that a high content of alcohol contributes to the positive qualities of alcoholic beverages;

(4) Advertising of narcotic drugs and other psychotropic substances shall not be permitted.

(5) Advertising of medicinal products and of medical treatment shall only be included in a program if the latter are compatible with the requirements of existing legislation. No advertising of medicinal drugs and medical treatment only allowed on prescription shall be permitted.

Art. 81. Announcements by radio and television operators relating to their own programs, or to the additional services offered by them, as well as public announcements and appeals for charitable purposes which are included in programs free of charge shall not be considered advertising for the purposes of this law.

Art. 82. (1) Advertising must be clearly recognisable as such and must be kept separate from the other parts of a program through visual or audio means.

(2) Advertising shall be included in programs in the form of advertising blocks. By way of exception separate advertisements also may be included in programs.

(3) Advertising shall be included in a program between separate broadcasts. It also may be included in the broadcast itself provided that the latter's integrity and quality are not disrupted, and that copyright is guaranteed.

(4) In broadcasts consisting of separate parts advertising may be positioned between such parts.

(5) In broadcasts of sports events and contests advertising shall be positioned between the separate parts, or in the interruptions, of the event or contest.

Art. 83. (1) No advertising shall be permitted during national celebrations and religious services.

(2) News, political and economic commentaries and analyses, documentaries and children broadcasts shall not be interrupted for advertising.

Art. 84. Entertainment broadcasts, as well as feature films or films for television, except for series, serials, or documentaries, may only be interrupted once per each period of 45 minutes provided that the duration of the broadcast or film exceeds 45 minutes. Further interruption shall be permitted every 20 minutes after the elapse of two complete periods of 45 minutes each.

Art. 85. No paid reports shall be permitted in news and political broadcasts.

Art. 86. (1) The total duration of advertising for each separate program may not exceed:

1. for the Bulgarian National Television - 15 minutes over a period of 24 hours and 4 minutes per hour;

2. for the Bulgarian National Radio - 6 minutes per hour;

3. for the other public radio and television operators - 6 minutes per hour.

4. for commercial operators - 15 per cent of the program time for the day and 12 minutes per hour;

5. the Bulgarian National Television shall have the right to use not more than one third of the total amount of advertising time over a period of 24 hours within the hours between 7 p.m. and 10 p.m.

(2) The restriction under sec. (1), subsec. 1 and 2 shall not concern programs of the Bulgarian National Radio and the Bulgarian National Television centres outside Sofia that are intended for regional distribution.

(3) The restrictions under sec. (1), subsec. 1-3 shall not concern advertising included in broadcasts during coverage of arts, culture, and sports events of national and international importance as determined by decision of the managing boards of the respective radio and

television operators. In such cases, the provision of sec. (1), subsec. 4 shall be applicable to the duration of advertising.

Art. 87. (1) Informational advertising films, interviews and announcements for advertising purposes shall be included in the general advertising time.

(2) Participation of journalists who regularly present news, political and economic broadcasts shall be permitted in presentations of advertising under sec. (1).

Art. 88. (1) The restriction on the duration of advertising shall not concern radio and television shopping spots and specialised radio and television shopping broadcasts. In the total television program of the Bulgarian National Television television shopping spots may be transmitted before and after the program, and television shopping broadcasts shall not be transmitted.

(2) The total number of radio and television shopping spots may not exceed 8 over a period of 24 hours, and the total duration thereof may not exceed 3 hours over a period of 24 hours.

(3) Each radio and television shopping spot must have a minimum duration of 15 minutes.

(4) The restrictions under sec. (2) shall not be applicable to specialized radio and television shopping channels.

### Title Three

#### Sponsorship

Art. 89. Separate broadcasts of operators may be sponsored entirely or partially.

Art. 90. (1) Political parties and organizations, as well as religious organizations may not be sponsors of broadcasts.

(2) Persons whose principal activities consist in the production of goods and services advertising whereof is prohibited may not be sponsors of broadcasts.

(3) Political and economic broadcasts that contain analyses and commentaries, or the subject matter whereof is similar to the principal object of activities of a sponsor may not be sponsored.

(4) News may not be sponsored, except for sports news where they are separated from the other parts of a program through visual or audio means, or as a separate broadcast.

Art. 91. A sponsor shall not have the right to influence the content and presentation of a sponsored broadcast.

Art. 92. (1) Sponsored broadcasts may not appeal for the sale, purchase, or use of goods and services of the sponsor's, or of a third person's, especially by way of mentioning such goods and services during broadcasts.

(2) The name of a sponsor and/or its trade mark shall only be mentioned, represented, or otherwise designated at the beginning and/or at the end of a broadcast.

### Chapter Five

#### FUNDING OF RADIO AND TELEVISION ACTIVITIES

##### Title One

## Fees

Art. 93. (1) For the purposes of funding public radio and television activities a monthly fee shall be payable on the basis of each registered electric meter.

(2) No fee shall be payable in the case of a three-phase current electric meter registered for production purposes.

(3) Persons who do not own radio and television sets, or do not receive radio and television broadcasts, shall so declare by a declaration filed with the respective service. Such persons shall be exempt from payment of the fee under sec. (1) as from the day of filing of the declaration.

(4) The relevant authority may at any time execute a verification of the declaration's truthfulness. In case such verification establishes the declaration as false, or the person does not allow a verification of the declaration's truthfulness to be executed, the fee shall be due in a double amount for the entire period as from the day of filing of the declaration.

Art. 94. (1) Citizens shall pay a monthly fee under art. 93 in the amount of 0.6 per cent of the minimum wage for the country as determined by the Council of Ministers per each registered electric meter.

(2) Legal and natural persons carrying out commercial activities, as well as state and municipal organizations shall pay a monthly fee in the amount of 2.5 per cent of the minimum wage for the country as determined by the Council of Ministers per each registered electric meter.

Art. 95. The fee under art 94 shall be payable along with sums due for use of electric power under the due procedure through the cash desks of the electricity supply enterprises of the National Electric Company - EAD.

Art. 96. Persons of damaged hearing or eyesight of II infirmity group shall be exempt from payment of fees.

Art. 97. (1) No fee shall be paid in the case of use of sets and devices by health institutions, kindergartens, child asylums, educational, social, and cultural institutions under a list proposed by the respective ministries and institutions and confirmed by the National Council on Radio and Television, as well as where sets and devices are used as monitors.

(2) The list under sec. (1) shall be published in the Information Bulletin of the National Council on Radio and Television and shall be regularly updated.

## Title Two

### Radio and Television Fund

Art. 98. A Radio and Television Fund shall be established within the National Council on Radio and Television for the purposes of funding radio and television activities.

Art. 99. (1) The Radio and Television Fund shall be managed by a managing board whose composition shall be determined by the National Council on Radio and Television.

(2) The managing board shall mandatorily include a representative of the Ministry of Finance, a representative of the Posts and Telecommunications Committee, a representative of public radio and television operators, and a representative of commercial radio and television operators.

(3) The National Radio and Television Council shall adopt regulations on the structure and activities of the Radio and Television Fund and of its managing board.

Art. 100. The managing board shall elect a chairperson from among its members.

Art. 101. (1) The National Radio and Television Council shall appoint an executive director for the Radio and Television Fund who shall manage the Fund's operational work.

(2) The executive director may not be a member of the managing board.

Art. 102. Sums in the Radio and Television Fund shall be raised from:

1. collected monthly fees for reception of radio and television programs;
2. 80 per cent of the initial licence fees collected by the State Telecommunications Commission (STC) from operators holding individual licences for radio and television activities within the meaning of the Telecommunications Act,
3. 50 per cent of the collected annual fees for control over the implementation of licences for radio and television activities;
4. interest on sums raised in the Fund;
5. donations and wills.
6. other sources as determined by law.

Art. 103. (1) The sums of the Radio and Television Fund shall be expended on:

1. funding of the Bulgarian National Radio and the Bulgarian National Television;
2. funding of the National Council on Radio and Television;
3. funding of projects of national importance related to the implementation and use of new technologies in radio and television activities;
4. funding of important cultural and educational projects;
5. funding of projects and activities intended to expand the circulation of radio and television programs in population and/or territory;
6. the Fund's management;
7. the National Electric Company - EAD in relation to the collection of the fees under art. 93.

(2) Funding of the Bulgarian National Radio and the Bulgarian National Television shall be for the purposes of:

1. preparation, creation, and broadcasting of national and regional programs under a norm per hour of program as determined by the National Council on Radio and Television upon proposal by the Bulgarian National Radio and the Bulgarian National Television;
2. targeted funding of long term assets.

(3) The National Council on Radio and Television shall open an extra-budgetary account with the Bulgarian National Bank for the purposes of keeping the Radio and Television Fund's finances.

Art. 104. The income surplus at year-end shall be a brought down balance and shall be used during the following year according to its destination.

## Chapter Six

### LICENSING OF RADIO AND TELEVISION OPERATORS

#### Title One

##### General Provisions

Art. 105. (1) Radio and television activities shall be carried out on the basis of licences granted by the State Telecommunications Commission.

(2) Only natural persons - sole proprietors - and legal persons withn the meaning of Bulgarian legislation may apply for a licence.

(3) The Bulgarian National Radio and the Bulgarian National Television shall carry out radio and television activites as national public operators on the basis of licences granted by the State Telecommunications Commission.

(4) The following persons may not apply for the grant of a licence:

1. legal persons that have been refused licences or whose licences for insurance activites pursuant to § 8a of the Insurance Act have been revoked;
2. legal persons where legal persons under subsec. 1, or partners, or shareholders, of the latter's hold shares;
3. legal persons that are unable to prove ownership in their properties, or capital, pursuant to art. 6 of the Measures Against Money Laundering Act;
4. legal persons where legal persons under subsec. 3, or partners, or shareholders, of the latter's hold shares;
5. legal persons that have been declared bankrupt, or that a bankruptcy, or liquidation, proceeding has beed initiated against during the last five years preceeding the application for a licence;
6. legal persons where persons included in the list under art. 3, sec. (1) of the Information Act in relation to default credits participate as partners or shareholders;
7. legal persons that partners in, or shareholders of, are also partners in, or shareholders of, legal persons whose registered object of activities is advertising, or which carry out advertising activities;
8. legal persons that partners in, or shareholders of, are also partners in, or shareholders of, legal persons whose registered object of activities is security, or which carry out security activites;
9. telecommunications operators that have a monopoly status at the market.

Art. 106. (1) Licences shall be personal.

(2) Transfer of a licence shall be permitted by the State Telecommunications Commission upon decision by the National Council on Radio and Television.

Art. 107. (1) In cases where a person simultaneously applies for a licence as a radio or television operator and for a licence as a telecommunications operator an autonomous licence shall be granted under this law.

(2) Licensed radio and television operators shall ensure broadcasting of their programs in accordance with the requirements and terms provided for under the licence.

(3) In case of default on the obligations under sec. (2) the State Telecommunications Commission may revoke the licence on this basis alone.

Art. 108. While submitting documents for the grant of licences under art. 111 candidates shall declare that they do not hold stakes, shares or other rights of participation in radio and television operators above the limits admissible pursuant to the anti-trust legislation of the Republic of Bulgaria.

Art. 109. (1) Licences shall be granted for a period of not more than 10 years.

(2) In cases under art. 3, sec. (3) the term of licences under this law shall be in accordance with the term of licences under the Telecommunications Law.

Art. 110. (1) A licence for radio and television activities shall contain:

1. the name (firm) and seat of the radio or television operator;
2. the type (public or private);
3. the date the licence was issued;
4. the initial date of broadcast of the program;
5. the scope of broadcasting (national, regional, local);
6. the term of the licence;
7. technical and other requirements for programs.

(2) A licence shall include obligations for adherence to the requirements under art. 6, sec. (3), and art. 7, and the principles for carrying out of radio and television activities under art. 10 and 19.

TitleTwo

Procedure for granting of licences

Art. 111. (1) Candidates for licences shall file a written applications with the State Telecommunications Commission wherein they shall enclose:

1. an act of incorporation;
2. a certificate of court registration, or documents certifying the formation of a legal person;
3. a certificate from the tax authorities for payment of taxes due as of the moment of filing of the application;
4. a proposal as to the means of broadcasting of programs;

5. a declaration under art. 108;
6. a declaration that none of the facts under art. 105, sec. (4) are present;
7. a proof of financial ability to carry out the activities;
8. a program project, program concept, program profile, program scheme, a list of additional radio and television services;
9. a proof of commercial rights and granted copyright over protected works in programs, and of granted neighbouring rights for provision for broadcasting of others' programs;

Art. 112. (1) An authorized official of the State Telecommunications Commission shall verify the regularity of the documents filed under art. 111.

(2) Where omissions and faults are established in the documents candidates shall be given a 7 days term as of notification to remove those. In case such omissions and faults are not removed before the term expires the documents of the candidate shall not be considered.

Art. 113. Within 7 days from receipt of the documents, or from expiry of the term under art. 112, sec. (2), the State Telecommunications Commission shall send those to the National Council on Radio and Television.

Art. 114. (1) Only members of the State Telecommunications Commission and of the National Council on Radio and Television shall have access to the documents submitted.

(2) The members of the State Telecommunications Committee and the National Council on Radio and Television shall be obligated to preserve the secret of the information contained in the documents under art.111.

Art. 115. Within one month from submission of the documents the National Council on Radio and Television shall pronounce with a motivated decision on the demand made for grant of a licence for radio and television activities.

(2) Within 7 days from its pronouncement the National Council on Radio and Television shall send the decision under sec. (1) to the State Telecommunications Commission enclosing therein the candidate's documents.

(3) In case the decision grants the demand for a licence for radio and television activities the National Council on Radio and Television shall also enclose a draft licence.

(4) Within one month the State Telecommunications Commission shall issue the licence under the procedure provided for under the Telecommunications Law.

Art. 116. In cases where the National Council on Radio and Television considers that for the purposes of granting a licence for radio and television activities the conducting of a contest is necessary such a contest shall be conducted under terms and procedure as determined under a decree issued by the Council of Ministers.

### Title Three

Supervision, amendment and termination  
of licences

Art. 117. Supervision for the purposes of compliance with this law and with requirements under licences shall be carried out by the respective officials of the National Council on Radio and Television.

Art. 118. In cases of established violations the National Council on Radio and Television shall be obligated, within 1 month, to discuss the documents and evidence submitted, and to make a proposal to the State Telecommunications Commission in respect with imposing a pecuniary sanction under this law and/or amendment, or termination, of the licence.

Art. 119. (1) In case of establishment of an alteration of the activities of a licensed radio or television operator from public to commercial the National Council on Radio and Television shall make a proposal for termination of the licence.

(2) The person under sec. (1) may apply for a licence as a commercial radio or television operator.

(3) The person under sec. (1) shall have the right to demand an amendment of its licence in cases where an alteration of its activities into commercial is necessary.

Art. 120. In the cases under art. 119 the National Council on Radio and Television shall make a proposal to the State Telecommunications Commission for amendment or termination of the licence.

Art. 121. A licence shall be terminated:

1. in case of expiry of its term;
2. in case of revocation;
3. in case of termination of a legal person.

Art. 122. A licence shall be revoked in case of:

1. gross violations of the principles of radio and television activities;
2. systematic violations of the provisions of art. 6, sec. (3), art. 7 and art. 10 and art. 19.
3. establishment of false data in the declarations under art. 111.

Art. 123. Revocation of the licence of a radio and television operator shall be effected by the State Telecommunications Commission on the basis of a decision by the National Council on Radio and Television and pursuant to the Telecommunications Law.

Art. 124. Upon revocation of its licence a legal person shall be obligated to terminate its radio or television activities .

Art. 125. (1) Not later than six months before the expiry of the term of a licence the licensee is to declare its intention to be granted a new licence for the same activities adhering to the same licensing requirements.

(2) The National Council on Radio and Television shall verify the existence of the conditions for grant of a licence in the cases under sec. (1) and shall notify the State Telecommunications Commission and the licensee of its decision within 3 months before expiry of the term of the licence.

(3) In case the decision grants the demand for grant of a new licence for radio and television activities the State Telecommunications Commission shall issue the licence under the procedure of art. 115.

## Chapter Seven

### ADMINISTRATIVE LIABILITY PROVISIONS

Art. 126. (1) In cases of violations under the provisions of art. 11-14, art. 16-18, art.73, art. 75-80, art. 82-86, art. 90-92 and art. 107, sec. (3) radio and television operators shall be liable for a pecuniary sanction in the amount of BGL 2 000 000 to 15 000 000.

(2) In cases of repeated violations a pecuniary sanction in a double amount shall be imposed.

(3) In cases of violations under art. 19 the administrative liability provisions of the Copyright and Neighbouring Rights Act shall be applicable.

Art. 127. (1) Violations shall be established by the officials of the National Council on Radio and Television.

(2) Penalty writs shall be issued by an official authorized by the State Telecommunications Commission.

(3) The establishment of violations, the issuance, appeal, and enforcement of penalty writs shall be effected under the procedure of the Administrative Offences and Penalties Act.

### ADDITIONAL PROVISION

§ 1. For the purposes of this law:

1. "Broadcasting" shall mean the initial emission or transmission, regardless of the telecommunications means employed, of a radio or television program intended for reception by listeners or viewers. It shall also include the exchange (retransmission) of programs between operators for the purpose of reception of the latter by the audience. It shall not include communication services operated on individual demand.

2. "Production" shall mean an act of creativity that includes an author's concept and its audio-visual realization aimed at producing a broadcast or a program.

3. "Program" shall mean a system of all elements that is created and transmitted by an operator through a signal at a given frequency, and which constitutes the carrier of a given content allocated in a time schedule.

4. "Broadcast" shall mean an autonomous part of a program which differs from the others in its content, character and authorship.

5. "Systematic" shall mean a commitment of an offence under the same chapter of this law for three or more times.

6. "Bulgarian audio and audio-visual works" shall mean works created or realized exclusively, or in association, by Bulgarian nationals, and which are created on the basis of works by Bulgarian nationals. Works created on the basis of bilateral agreements between Bulgarian and foreign producers shall also be considered to be Bulgarian provided that the Bulgarian producers have a prevailing financial contribution to the total cost of the production and that such production is managed by one or several Bulgarian producers.

7. "European audio and audio-visual works" shall mean works created exclusively, or in association, by producers registered in the Member States of the European Union, or in countries constituting third parties to the Council of Europe's European Convention on Transfrontier Television, or in countries which the European Union has entered into agreements in the audio-visual sector with. Such works must be created by nationals of one or more European states. Works created under bilateral agreements between European countries and third countries shall also be considered to be European provided that the European co-producers have a prevailing financial contribution to the total cost of the production and that such production is managed by one or more European producers.

8. "Major event" shall mean an event of social, political, economic, sports, or entertaining nature which affects the interests of the prevailing part of the audience.

9. "Exclusive right" shall mean the right to cover an event acquired in exchange for payment by a single radio or television operator.

10. "Additional information" shall mean specialized information broadcast at the same frequency and through the same technical means as the program of a given radio or television operator but which does not constitute an element of the program.

11. "Teletext" shall mean alphanumeric data containing an informational, referential and advertising part intended for transmission by a television operator in an evident form or encoded in the synchronizing signal.

12. "Advertising" shall mean any public announcement included in the program of a radio or television operator related to trade, work, skill, or profession aimed at encouraging the purchase, sale, or rental of a product or service, including real estate property, at contributing to the popularization of a cause, or idea, or at bringing about some other effect desired by the advertiser. For that announcement the advertiser has been provided with transmission time in a program for payment, or other similar consideration. This type of public announcement shall not include television shopping:

a) "surreptitious advertising" shall mean representation through audio or visual means of goods, services or name, trademark and activities of a producer of goods or services in broadcasts which are not intended for advertising and where such representation might mislead the audience;

b) "subliminal techniques in advertising" shall mean specific indirect (including technical) methods for advertising which are not designated as advertising and are not recognised by the audience, such as: utilization of a twenty-fifth frame, broadcasting of infrasound, etc. Such means form a subliminal psychical reaction and attitude among the audience towards the goods, services, etc. advertised.

13. "Radio and television market" shall mean any direct offer to the public that is broadcast with the purpose of sale or supply of goods and services, including properties, rights and obligations, in exchange for payment.

14. "New technologies" shall mean all technical means aimed at improving the manner of creating, broadcasting and receiving of radio and television programs.

15. "Interactivity" shall mean a set of means and methods, including technical ones, for feedback from the audience to a television operator.

16. "Digital technologies" shall mean technologies for creating and broadcasting of radio and television programs that expand the possibilities for transmission, processing and storing of additional information, including through compressure of the video signal, as well as the possibilities for high quality reception.

17. "Retransmission" shall mean simultaneous and unaltered reception and transmission, regardless of the technical means used, entirely and with no alterations, of radio and television programs, or of large parts thereof, broadcast for the purpose of reception by a large audience.

18. "Total program" shall mean a radio or television program of varied content where broadcasts of informational, educational, cultural, and entertaining character predominate.

19. "Spot" shall mean a temporally limited radio or television program within the limits of the main program which has its material specifics.

20. "Sponsorship" shall mean any contribution by a natural or legal person that does not take part in radio and/or television activities, or in producing audio and audio-visual works to the direct or indirect funding of radio and television programs with the goal of popularising its name, trade mark, reputation, activities, or production among the public.

21. "Private life" shall mean the family, physical, and sexual aspects of a person's life.

22. "Coverage" shall mean production and broadcast within the limits of publicistic broadcasts and news of a duration sufficient to exhaustively render the content of a covered event. In cases where another radio or television operator holds the exclusive rights over the event the right of gratuitous coverage shall include: the right of direct access, the right of a record to be only used to create a feature of duration no longer than 90 seconds.

#### TRANSITIONAL AND CONCLUSIVE PROVISIONS

§ 2. (1) The National Council on Radio and Television shall receive a subsidy from the state budget for the purposes of its maintenance until the year 2002.

(2) The Bulgarian National Radio and the Bulgarian National Television shall receive subsidies from the state budget until December 31 of the year 2002 under the procedure of art. 70, sec. (3), subsec. 2 and 3.

(3) The Bulgarian National Radio, the Bulgarian National Television, and the National Council on Radio and Television shall receive subsidies from the state budget and funding from the Radio and Television Fund in an amount as determined under a norm per hour of program confirmed by the Council of Ministers as follows:

1. for the year 2003 - 50 per cent state budget subsidy and 50 per cent funding from the Radio and Television Fund;

2. for the year 2004 - 40 per cent state budget subsidy and 60 per cent funding from the Radio and Television Fund;

3. for the year 2005 - 30 per cent state budget subsidy and 70 per cent funding from the Radio and Television Fund;

4. for the year 2006 - 20 per cent state budget subsidy and 80 per cent funding from the Radio and Television Fund.

(4) As from January 1, 2007 the subsidy from the state budget for the Bulgarian National Radio, the Bulgarian National Television, and the National Council on Radio and Television shall be entirely substituted for funding from the Radio and Television Fund. The amount of such funding shall be determined under the procedure of art. 103, sec. (1), subsec. 1, and sec. (2).

§ 3. (1) Until January 1, 2003 the proceeds-controlling powers of the managing board of the Radio and Television Fund shall be exercised by the National Council on Radio and Television.

(2) Not later than 3 months before the expiry of the term under sec. (1) the National Council on Radio and Television shall determine the members of the managing board of the Radio and Television Fund, shall appoint an executive director for the Fund, and shall adopt the regulations under art. 99, sec. (3).

§ 4. (1) Radio and television operators licensed before the entry into force of this law pursuant to then existing legislation, including those whose licence terms have expired, shall be licensed under the procedure of art. 125.

(2) Legal persons de facto carrying out radio and television activities shall be obligated to take the necessary action for licensing under the procedure of art. 105 within 3 months as from the entry into force of this law.

(3) The Bulgarian National Radio and the Bulgarian National Television shall submit the necessary documents under art. 111 in view of their licensing under the procedure of art. 105, sec. (3) within the term under sec. (2).

§ 5. (1) The managing boards of the Bulgarian National Radio and the Bulgarian National Television and the general directors thereof elected under the Radio and Television Act (published in the State Gazette's issue 77 of 1996; Ruling N 21 of the Constitutional Court - issue 102 of 1996; amended and supplemented, issue 112 of 1997) shall complete their terms of office provided for thereunder.

(2) The composition of the National Council on Radio and Television during the first term of office after this law's entry into force shall be renewed by lot.

(3) Upon elapse of 2 years the composition of the National Council on Radio and Television shall be renewed with two representatives of the National Assembly's quota and one of the President's quota.

(4) Upon elapse of 4 years the composition of the National Council on Radio and Television shall be renewed with one representative of the National Assembly's quota and two of the President's quota.

(5) The program boards of the Bulgarian National Radio and the Bulgarian National Television shall terminate their terms of office within one month from this law's entry into force.

(6) In case the managing boards of the Bulgarian National Radio and the Bulgarian National Television so decide, the program boards may carry out their activities under the terms of art. 62, subsec. 3.

§ 6. (1) Advertising and sponsorship contracts entered into by the Bulgarian National Radio and the Bulgarian National Television are to be reconsidered in view of their harmonization with this law.

(2) In cases where the duration of advertising pursuant to the terms of all contracts entered into exceeds the duration of advertising under the provision of art. 86, the Bulgarian National Radio and the Bulgarian National Television shall be obligated to propose to advertisers a reduction or termination of the contracts with them as from January 1, 1999.

§ 7. Decisions under art. 49, sec. (3) shall be adopted not later than 3 months after this law's entry into force.

§ 8. The term for implementation of the provisions under art. 62, subsec. 1, 2, 4, 8, and 9 shall not be longer than 6 months as from this law's entry into force.

§ 9. Until a private television operator with national scope is licensed the Bulgarian National Television shall not exercise the right of advertising in the hours between 7 p.m. and 10 p.m.

§ 10. This law shall repeal the Radio and Television Law (published in the State Gazette's issue 77 of 1996; Ruling N 21 of the Constitutional Court of 1996 - issue 102 of 1996; amended and supplemented, issue 112 of 1997).

The law was enacted by the 38th National Assembly on the 23rd of September, 1998, and was sealed with the official seal of the National Assembly.

Chairperson of the national assembly:  
Yordan Sokolov