

## Bulgaria

Name of Regulatory Authority : *Council for Electronic Media (CEM)*  
*The Council for Electronic Media shall be an independent specialized body which shall regulate radio and television broadcasting activities by means of registration or issuance of licenses for pursuit of radio and television broadcasting activities and through exercise of supervision over the activities of radio and television operators as to compliance with the Radio and Television Act.*

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### Basis for operation

Legal framework : *Radio and Television Act*

General remit :  TV broadcasting       radio broadcasting       telecommunications

Funding mechanism<sup>1</sup> :  licence fee       industry fee       state budget

mixed funding (please specify):

other (please specify):

*According to the Law, CEM is financed from the state budget and it shall be financed by the Radio and Television Fund when it will be constituted.*

### Composition

Number of members: 9      Term of office: 6      years      Re-election possible:  Once

Proposal of members: *The members of the Council for Electronic Media shall be elected or appointed for a term of six years. The composition of the Council for Electronic Media from each quota shall rotate every two years.*

*A person may not be member of the Council for Electronic Media for more than two successive terms of office. A re-election or re-appointment of any such person must not be inconsistent with the rotation provided for in paragraph 1.*

*The members of the Council for Electronic Media shall discharge their duties until the new members assume office.*

Appointment of members: *The Council for Electronic Media consists of nine members, of whom five shall be elected by the National Assembly and four are appointed by the President of the Republic.*

Revocation of mandate possible:       based on: *The term of office of a member of the Council for Electronic Media shall be terminated prior to the expiration of the said term upon removal of the person from office or in the event of death.*

*A member of the Council for Electronic Media shall be removed from office by a decision of the*

*Electronic Media Council:*

1. *acting on a letter of resignation submitted to the Chairperson of the Council for Electronic Media*
2. *upon permanent actual inability to discharge his or her duties in the course of more than six months;*
3. *upon establishment of incompatibility with the requirements of this Act;*
4. *upon entry into force of a sentence imposing a term of imprisonment for a premeditated offense*

*Upon termination of the term of office of a member of the Council for Electronic Media prior to the expiration of the said term, within one month after the date of death or of the decision under paragraph 2, the competent authority shall elect or appoint a replacement for the remainder of the relevant term of office.*

*Any termination of a term of office prior to the expiration thereof under paragraph 2, indents 1 and 4 and in the event of death shall be announced to the Council for Electronic Media by the Chairperson of the said Council*

Number of staff:

*The CEM has a total staff of 73. Nine of them are the members of the CEM. The total number of administrative-technical staff positions is 64.*

Chairman: *Raycho Raykov*

Executive Secretary: *Toma Ivanov*

**Competences**

		National	regional	local
Supervision of	private broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	public broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Frequency allocation	<input type="checkbox"/>			
Granting of licences	terrestrial analogue broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	terrestrial digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	satellite analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	satellite digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	cable analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		cable digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Others (please specify):			
Granting	of				
registrations		terrestrial analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		terrestrial digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		satellite analogue broadcasters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		satellite digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		cable analogue broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		cable digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Others (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frequency allocation	<input type="checkbox"/>				
Handling complaints	<input checked="" type="checkbox"/>				
Rule making		<input type="checkbox"/> codes	<input type="checkbox"/> rules (please specify):		
		<i>In the force of the Law, CEM shall be vested with the following powers: to give an opinion upon the drafting of statutory instruments and upon conclusion of intergovernmental agreements in the sphere of radio and television;</i>	<i>In execution of it's powers the Council for Electronic Media shall adopt regulations, decisions and declarations and shall give opinions in the cases provided for by the Law.</i>		
		<input type="checkbox"/> other (please specify):			
Consultative powers	<input type="checkbox"/>	please specify the areas covered:	<i>The CEM collaborates with NGO, organizes public discussions which concern issues of importance, legal cases (for example: the advertisement of vodka "Extaz", Naked news and others) with a view to equalise our legislative with the European standards.</i>		

Power of nomination  please specify:

*The Council for Electronic Media exercises supervision over the broadcasting activities of radio and television operators as to compliance with the Radio and Television Act; elects and removes the directors general of the Bulgarian National Radio and the Bulgarian National Television; endorses, upon nomination by the directors general, the members of the management boards of the BNR and the BNT; gives an opinion upon the drafting of statutory instruments and upon conclusion of intergovernmental agreements in the sphere of radio and television; gives an opinion on the draft national budget regarding the subsidy for the BNR and the BNT; endorses annually the off-budget cost estimate of the Radio and Television Fund; organizes a research of public opinion on the broadcasting activities of radio and television operators and of their program services; gives an opinion regarding any changes in the amount of fees charged for use of radio and television services; makes decisions on the issuance, alteration, revocation, transfer and termination of a radio and television broadcasting license; refers to the competent authorities any violations of statutory instruments in the pursuit of radio and television broadcasting activities; determines the composition of the management board of the Radio and Television Fund, to adopt rules of organization and operation of the said Fund and its management board, and to appoint the Executive Director of the said Fund; issues, at its discretion, mandatory directions for execution of the radio and television broadcasting licenses; approaches the Communications Regulation Commission with an enquiry regarding the requisite technical parameters for broadcasting by terrestrial transmitter of radio and television program services to a population center or functional region as specified by the Electronic Media Council or to the entire territory of the Republic of Bulgaria, including unallocated radio frequencies, permissible power of transmission, possible points of transmission, as well as any other technical information as may be necessary; holds a competitive procedure for selection of a radio and television operator whereto a telecommunications license shall be issued to operate existing telecommunication networks for broadcasting by terrestrial transmitter and/or to build, maintain and operate new networks of this type; issues an individual radio and television broadcasting license to the winner of the competitive procedure under indent 14, and to notify the Communications Regulation Commission with a view to the issuance of a telecommunications license to the same person; effects and strike off registrations for pursuit of radio and television broadcasting activities in the cases provided for by the law; jointly with other bodies, to represent the Republic of Bulgaria in inter-state and intergovernmental organizations on matters concerning the electronic media, and to perform coordinating functions between the institutions of state and non-governmental organizations with a view to formulating a common policy regarding the electronic media; makes any other decisions in execution of its powers under this Act, and under effective international treaties in the sphere of radio and television broadcasting activities to which the Republic of Bulgaria is a party.*

*The Council for Electronic Media shall adopt and publish a list of events of major importance for society and shall ensure measures for protection of the access of the public to their coverage, so that any operator under the jurisdiction of the Republic of Bulgaria who or which has acquired exclusive rights for the reporting of events of major importance for society exercise these rights in such a manner as the said operator:*

- 1. do not deprive a substantial proportion of the public in Bulgaria of the possibility of following any such events via whole or partial live coverage, or where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television;*
- 2. do not deprive a substantial proportion of the public in a Member State of the European Union, or in a State Party to the European Convention on Transfrontier Television, of the possibility of following events of major importance for society via whole or partial live coverage, or where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television, according to the provisions adopted by that other state, on a basis of reciprocity.*

*The Council for Electronic Media shall announce publicly any decisions made in connection with the exercise of the powers thereof, including the manner of application of the law, as well as the grounds for any change in its practice The decisions of the Council for Electronic Media shall be reasoned.*

## Monitoring

please specify the areas covered:

*In its practice, the Council for Electronic Media exercises supervision (monitoring) over the public and the private broadcasters. Monitoring system: The CEM shall make records of the TV and Radio programs of the operators. After that, the experts watch these records and specify if there is a violation. The experts from the CEM require records from the relevant TV and Radio broadcasters, in accordance with the provisions of the Radio and Television Act.*

## Sanctioning

- issue warning       impose fine       demand to broadcast announcement  
 revoke licence and erase registration       suspend licence or registration       reduction in the licensing period  
 suspend a programme / broadcast

other (please specify):

*The Law describes two instruments for receiving licences for performing radio and television activities – a licence and a registration. Radio and television activity performed by terrestrial broadcasting follows an established licensing. The Council for Electronic Media effects and strikes off registrations for pursuit of radio and television broadcasting activities in the cases provided for by the law.*

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<sup>1</sup> By “licence fee” we refer to the public service licence fee usually paid by the entire population, whereas the term “industry fee” implies all those funding mechanisms based on a contribution from broadcasters themselves, including, for example, licensing fees (i.e. an amount of money that is paid by the broadcaster for it to be able to carry out its broadcasting operations) and frequency taxes.