

Start-Up And Development Of Private Electronic Media In Bulgaria, September 1994

Georgi Sarakinov
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Mr. Georgi Sarakinov is Chief Legal Advisor, Copyright Agency and Chairman, Interim Committee for Radio Frequencies and TV Channels
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Until 1992, the state had full monopoly over the electronic media in Bulgaria. At that time, there existed only the Bulgarian National Radio and Bulgarian National Television, and their regional centers in some of the larger towns nationwide.

The new Bulgarian Constitution of 1991 identified the prerequisites for breaking the state monopoly in this crucial area. Under Article 18, Para 3 and 5 of the Constitution, the state enjoys sovereign rights over the radio frequency spectrum and geostationary orbit positions allocated to this country by international agreement, whereas the use of the frequency spectrum, as well as the rules and conditions under which TV Channels are regulated by law.

Such a law is still lacking although several draft bills have already been submitted to Parliament.

The state monopoly on air frequencies first began to crack as early as 1990 and 1991 when the Council of Ministers consented on several occasions to license the experimental rebroadcasting of foreign radio stations, namely the Voice of America, Radio Free Europe (RFE), BBC, Radio France Internationale and Deutsche Welle on designated channels.

In the absence of specific radio and television laws to regulate, among others, the terms for opening, licensing and operating private broadcast media, the only relevant legislation is the Communications Law adopted in 1975, with its subsequent amendments. Under this law, the present Committee on Posts and Telecommunications (CPT) alone is empowered to license radio and TV transmitters in regard to technical standards.

On the other hand, the transitional provisions of the Constitution authorize the National Assembly to exercise direct control over broadcast media until a particular law is adopted. In practice, this control is administered by a standing Parliamentary Committee on Radio and Television.

With view to synchronizing the authorities of these two bodies over licensing of private radio and TV companies, the need for which was becoming ever more obvious with the progress of democratic reforms, on January 9, 1992 the Parliamentary Committee on Radio and Television, in association with the Committee on Posts and Telecommunications, set up an Interim Committee for Radio Frequencies and TV Channels. Its powers are defined in the

founding statutes; it accepts and considers applications for production and distribution of radio and TV programs, and recommends applicants to the Chairman of the CPT who, in turn, is authorized to grant permits (licenses) for broadcasting radio and TV programs over designated frequencies, and for constructing cable radio and TV networks.

The interim committee consists of 10 members, five of whom are elected by the Parliamentary Committee on Radio and Television, and the rest are nominated by the Chairman of the CPT and are not CPT employees. The interim committee elects its own chairman and secretary, who are not Members of Parliament.

Pursuant to Article 18, Para 5 of the Constitution, the interim committee will be active until the entry into force of a radio and television law.

The interim committee adopts, and the chairmen of the Committee on Posts and Telecommunications and the Parliamentary Committee on Radio and Television approve, certain "rules and procedures" to comply with in its activities. These require mandatory interviews with individual bidders to discuss their general programming proposals. The interim committee is free to take decisions independently of other agencies. These decisions are final and do not require further approval. The Chairman of the interim committee is required to report its decisions to the Parliamentary Committee before they are published officially.

In the absence of a specific law, the interim committee has identified, and made public, several conditions, requirements and priorities which it takes into account when considering applications.

Under this document, natural persons registered under the Commercial Code and juridical persons are eligible to apply for a licence to construct and operate private radio and TV stations and cable networks. Applicants are required to sign a mandatory declaration whereby they officially agree that, if granted a licence, during the licence term they will:

1. refrain from accepting full-time employment in the state broadcast media;
2. observe copyright and other intellectual property rights as stipulated in the existing law;
3. refrain from broadcasting programs inciting to national and religious intolerance, pornography, violence and violation of human rights.

Television licensees are required to ensure that at least 20% of the films they broadcast are Bulgarian, and another 20% are European.

Once approved by the interim committee, an application is reviewed with regard to technical standard requirements by the CRT. Should these requirements be met as well, the applicant is awarded a licence for a term of 5 years for radio, and 10 years for television. Licences cannot be transferred or sold.

The compliance with technical standard requirements is regulated in a special ordinance of the CRT published in the "State Gazette" No.55/1992. The situation is somewhat different in regard to cable services. Licensing of cable services is provided for in a CRT Ordinance of May 1993 (published in the "State Gazette" No. 43/1993). Only applicants whose program proposals have been approved by the interim committee are eligible to compete for a cable licence.

Since it was founded (practically from June 1992 until the end of July 1994), the interim committee has had 161 sittings, and has reviewed several hundred applications. All applicants have been interviewed, each interview lasting from 30 minutes to two hours.

Over the same period, the interim committee has granted 76 licences for broadcast radio, 44 for wire radio, 35 for television (15 of which may carry their own programming), and 134 for cable operators. Of all 76 broadcast radio licences, 10 were granted to foreign radio stations (8 to RFE, one to BBC and one to Deutsche Welle). In these ten cases, the interim committee simply legalized radio stations already operating. In order to respect Bulgarian regulations and regulatory authorities, the foreign radio stations were invited to go through the mandatory application procedures, which they agreed to do. Thus the actual number of licensed Bulgarian operators of local radio broadcast stations amounts to 66. Of these, CRT has endorsed only 27 which are currently in operation: seven radio stations based in Sofia (FM+, Express, Tangra, Darik, Radio 99, Signal+ and Vitosha), four in Plovdiv (Kanal Kom, TNN, Atlantic and Vesselina), two in Varna (Galatea and Kanal Kom), two in Bourgas (Glarous and Yuzhen Bryag), two in Rousse (Pristis and Tempo), two in Sliven (Bimako and Kanal Kom), one in Turgovishte (Radio Turgovishte), one in Petrich (Bella), two in Stara Zagora (Trelli and Vesselina), one in Veliko Turnovo, one in Yambol (Vesselina), one in Blagoevgrad (Maya), and one in Gotse Delchev (Nevrokop).

Several stations operate on experimental basis and have been allocated frequencies, but they have not yet obtained technical approval. Others await vacant frequencies, and still others, only recently approved by the interim committee, have not been awarded frequencies yet.

FM+ is the first officially launched Bulgarian private radio station. It was licensed on October 22, 1992, which is also the birthday of Bulgarian private electronic media. Of all 13 TV companies approved by the interim committee, only 3 (in Sofia, Kurdjali and Dobrich) have received licences as of July 31, 1994. There is no official cable operator because the first 25 licenses were awarded only in the spring of 1994.

In May 1994 licensing procedures were created for a national TV service. The existing rules and regulations could not apply automatically because they referred to regional television exclusively. Therefore, the Parliamentary Committee on Radio and Television adopted special rules that were almost identical to those regarding regional television. The only difference is that the interim committee is required, after having interviewed all bidders, to select at least two applicants and submit them to the Parliamentary Committee. Having reviewed all eight applications by the end of June 1994 the interim committee approved two, Tempo and Premiere, and referred them to the Parliamentary Committee that will announce the outcome of the competition this autumn.

In addition, the interim committee supervises whether the existing private radio and TV stations comply with their stated program schedules. Nine stations were inspected in 1993 and no violations of the program requirements were found. In conclusion, it could be said that three years after the collapse of totalitarianism, Bulgarian private electronic media have made their first steps. Despite the lack of a specific law, developments have been kept under control (as far as radio and TV are concerned) from the very beginning. The same is hardly true for cable television. In this case, the official reaction has been somewhat belated and has fallen far behind chaotic practices. It is worth noting that Bulgarian society thinks highly of the existing private radio stations. Their reputation is somewhat higher than the print media. The size of their audiences, however, falls short of the audience of the Bulgarian National Radio.

The delayed passage of a radio and television law, although a bad testimonial for Bulgaria, has one advantage: working with temporary normative acts provides an opportunity to gain experience that will be crucial for the creation of a stable legislative framework of broadcasting.