

INDIREG

FINAL REPORT – ANNEX

Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)

Annex II – Country Tables – Bulgaria

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I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Bulgaria	3 commercial national TV terrestrial services 123 commercial audiovisual services broadcasted by cable and/satellite	5 commercial non-linear services www.cem.bg/public_reg.php?action=5	6 Bulgarian national television (BNT) -1 national, 1 satellite channel and 4 regional stations www.bnt.bg www.cem.bg/public_reg.php?action=6

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Bulgaria	Information requirements (art. 5 AVMS Directive)	Law on Radio and TV, last amended on 12.02.2010, State Gazette, issue 12/2010, http://lex.bg/laws/ldoc/2134447616 The Bulgarian Council for the Electronic Media (CEM) is responsible in relation to all the areas listed and for all the categories of services.			
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)				
	Accessibility to people with a disability (Art. 7 AVMS Directive)				
	Broadcasting of major events (Art. 14 AVMS Directive)				
	Access to short news				

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)				
	Hate speech (Art. 12 and 6 AVMS Directive)				
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)				
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)				

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Bulgaria	Council for Electronic Media	www.cem.bg	2001 (to replace its predecessor called NCRT, National Council on Radio and TV)	Sofia, 69 Shipcenski prohod St.

Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Bulgaria	CEM	Yes	No	No	No	√	No

Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Bulgaria	CEM	9	9	Not specified	Approx. €716,000 Approx. €623,776	2010, CEM Budget 2010 as foreseen in state budget law Actualised CEM budget 2010

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Bulgaria	Council for Electronic Media, CEM	Law for radio and television, 24.11. 1998 http://lex.bg/laws/ldoc/2134447616	Law for radio and television, 12.02.2010

Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Bulgaria	Council for Electronic Media, CEM	CEM is an independent specialized body that regulates the media services as defined by this law (Art. 20 of the Law for Radio and TV, last amended on 12.02.2010). It is a separate legal entity, with its own budget and is based in Sofia (Art.21).	Yes			Law for Radio and TV, http://lex.bg/laws/ldoc/2134447616

Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Bulgaria	CEM		√	Law for Radio and TV, Art.20 claiming explicitly that CEM is an independent body.

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Bulgaria	CEM	Tick boxes	No	√	√
		Areas		Supervision and monitoring of the activities of the operators Organizes surveys and research in regard to public assessment of electronic media services Keeps public register of all linear and non-linear services and providers of media services Publishes a list with all the events of major importance to guarantee. Coordinates activities between public institutions and NGOs in regard to electronic media related policies Safeguards the protection of minors and of people with disabilities Safeguards consumers rights Supervises providers of media services in regard to advertising and product placement policies	Appointment of DG of the PSB (Bulgarian National Radio, BNR and Bulgarian National Television, BNT) Approves the Governing Bodies of BNR and BNT Decides on licensing of operators (issuing, transferring, revoking, cancelling) Appeals to state institutions in cases of breaching of media law (and its subsequent regulations) on behalf of the electronic media
		Source		General act Law on Radio and TV	General act Law on Radio and TV , Art.32 and art.33

Table 10 - Supervision and monitoring power

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Bulgaria	CEM	Quotas	√	√	√	√		Law on Radio and TV
		Advertising	√	√	√	√	Including sponsorship, advertising and products' placement	Law on Radio and TV
		Protection of minors	√	√	√	√		Law on Radio and TV

Table 11 - Powers of sanctions

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Bulgaria	CEM	Quotas	√ discretionary	√ Min. BGN 3,000 - approx. €1,500 Max. BGN 2,000 - approx. €10,250	√ The decision is published on CEM website, CEM's monthly bulletin as well as by the respective media	√ In case of systemic violations	√ BGN 40,000 or €20,500	
		Advertising	√ discretionary	√ Same as above	√ Same as above	√ Same as above	√ Same as above	
		Protection of minors	√ discretionary	√ Same as above	√ Same as above	√ Same as above	√ Same as above	

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Bulgaria	CEM	√	√	√	√	√	√	√
Such data appear sporadically and in an unstructured way in CEM annual reports, in its category REPORTS, www.cem.bg/cat.php?id=110 .								

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Bulgaria	CEM	√ 2008 - 40 2009 - 25	√ 2008 - data not available 2009 - 163,231 BGN, approx. €82,000	√ 2008-40 2009-25	Information not available	√ Detailed information not available
Such data appear sporadically and in an unstructured way in CEM annual reports, in its category REPORTS Those annual reports refer to 2008 and 2009, www.cem.bg/cat.php?id=110						

Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Bulgaria	CEM	Yes. Those procedures are regimented both on regulation and self-regulation level. The first one is tackled by Art. 16, 17 and 18 of the Law for radio and TV obliging operators to give the right of reply and/or submit official excuses to concerned sides, and those obligations do not exempt them from subsequent court proceedings. Same obligations exist on self-regulation level, tackled by the Professional	http://lex.bg/laws/ldoc/2134447616 www.mediaethics-bg.org/index.php?do=23&lang=bg

Country	Body	Do complaints handling procedures exist?	Link to website
		Code of Ethics of the Journalists in Bulgaria, 1.2.1. and 1.2.2. The self-regulation envisages a special ethical commission to deal with complaints, and its decisions are mandatory to all media signatory to the Code.	

IV. INTERNAL ORGANISATION AND STAFFING

Table 15 - Highest decision-making organ – composition

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts			Others (e.g. regions)
Bulgaria	CEM	Board	9	No	No	Yes, 55%	No	Normally all CEM members are media related experts	4, nominated by the President 45%	No	Law for radio and TV, Art.24

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Bulgaria	CEM	Supervision over activities of all electronic media operators	Majority vote	Complete transparency became possible only	Those amendments allow public presence at all meetings of the Council

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		Appeals to state institutions in cases of breach of media law Coordination of activities between public institutions and NGOs in regard to electronic media related policies and product placement		with the latest amendments to the Radio and Television Law, done on 12.12.2009.	as well as requires it to publish complete minutes and agendas (§ 94 of the transitional and final provisions of the law that came into force as from 12.03.2010, http://lex.bg/laws/ldoc/2134447616)

Table 17 - Highest decision-making organ – appointment process

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Bulgaria	CEM	Chairman	No	No	Chairman is elected among the members of the body by themselves	n/a	Radio and TV Law
		Board members	Yes	Civil society, political parties, professional associations	Parliament (5) and President (4)	Yes	Radio and Television Law

Table 18 - Term of office and renewal

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Bulgaria	CEM	Chairman of the board	1 (Chairman is elected among CEM members by them)	Yes	Maximum 2 consecutive times	Law for radio and TV
		Board members	6	Yes	Maximum 2 consecutive times	Law for radio and TV

Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Bulgaria	CEM	Chairman of the board	Higher education and outstanding public record	Electronic media, communications, journalism, law and economics	Law for Radio and TV, art 25
		Board members	Higher education and outstanding public record	Electronic media, communications, journalism, law and economics	Law for Radio and TV, art 25

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Bulgaria	CEM	Chairman	Yes		Yes art. 27 and 29	Yes art. 27	Yes art. 27	No	Once nominated for CEM each member signs a declaration for non-participation	Law for Radio and TV, Art. 27 and 28 http://lex.bg/laws/ldoc/213444
		Board members	Yes		Yes art. 27 and 29	Yes art. 27	Yes art. 27	No	Once nominated for CEM each member signs a declaration for non-participation	Law for Radio and TV, Art. 27 and 28 http://lex.bg/laws/ldoc/213444
		Senior staff	Yes		Not specified	Not specified	Not specified	Not specified	CEM Internal Rules and Regulations	Law for Radio and TV, art. 22 and 23 www.bulnao.government.bg/files/_bg/Doklad-post-kontrol-FU-SEM-2008-odob%5B1%5D.doc

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Bulgaria	CEM	Chairman	Yes		Yes	Yes	Yes	Law for Radio and TV, Art. 27, 28 and 29 http://lex.bg/laws/ldoc/213444

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
		Board members	Yes		Yes	Yes	Yes	Law for Radio and TV, Art. 27, 28 and 29 http://lex.bg/laws/ldoc/213444
		Senior staff	Yes		Not specified	Not specified	Not specified	Law for Radio and TV, art. 22 and 23 www.bulnao.government.bg/files/_bg/Doklad-post-kontrol-FU-SEM-2008-odob%5B1%5D.doc

Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Bulgaria	CEM	Chairman	Yes		Yes during 2 years after expiration of term	Law for Radio and TV, Art. 27 and 28 http://lex.bg/laws/ldoc/213444
		Board members	Yes		Yes during 2 years after expiration of term	Law for Radio and TV, Art. 27 and 28 http://lex.bg/laws/ldoc/213444
		Senior Staff	Yes		Not specified	Law for Radio and TV, art. 22 and 23 www.bulnao.government.bg/files/_bg/Doklad-post-kontrol-FU-SEM-2008-odob%5B1%5D.doc

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Bulgaria	CEM	Chairman	Yes		CEM itself	Permanent disability (over 6 months) impeding the member to fulfil his/her duties Proven incompatibilities with the requirements for CEM membership In case of and effective sentence for imprisonment resulting from a deliberate crime After proven existence of conflict of interests with the requirements of the Law for prevention of conflict of interests	Only individual members if they submit request for dismissal, resulting from one of the listed reasons in grounds for dismissal	Law for Radio and TV, art. 30
		Individual board members	Yes		CEM itself	Same rules as those listed above		Law for Radio and TV, art. 30

Table 24 - Dismissal before term

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Bulgaria	CEM	2008	Chairman		No		
			Individual board	Yes		Proven incompatibility	CEM member Liudmil Staykov was found in breach of

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
			members			with CEM membership, Art. 26 of the Law for radio and TV	the membership requirements as Special Parliamentary Committee for Archive Files proved his affiliation with the former State Security Services.

V. FINANCIAL RESOURCES

Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Bulgaria	CEM	No	State funding 100% BGN 1.23m (€627,263)	No	No, though the Radio and Television Law (since its first adoption in 1998) envisages such fees (currently stated in Art. 40 of the Law for radio and TV, so far they have never been collected due to no mechanism for that. Hence every year the Law is amended in terms that the collection of that fee is postponed for the future. For 2010 the issue is tackled in § 2 in the Transitional and Final Provisions of the	BGN 680,000 (€348,000)	No	Decree of Council of Ministers No.27 from 2009, published in State Gazette, issue 13 from 17.02.2009 www.cem.bg/cat.php?id=138

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
					Law for Radio and TV.			

Table 26 - Annual budget

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Bulgaria	CEM	Each year public Radio and TV (i.e. BNR and BNT) managements submit a draft budget request to CEM. CEM on its turn submits it together with its own draft budget to the Ministry of Finance. Then this budget is reviewed and consulted in the Ministry of finance, similar to the process taking place with all other state institutions, and then the approved draft goes to Parliament where MPs vote the entire state annual budget, part of which is the budget of BNR and BNT.	Yes, on annual basis CEM prepares its draft budget	The draft budget, prepared by CEM is reviewed by the Ministry of Finance and is included in the Draft annual state budget to be voted in Parliament	No	Law for Radio and TV, § 2 in the Transitional and Final Provisions

Table 27 - Financial accountability – auditing

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Bulgaria	CEM	Yes	Annual	Yes by the National Audit Office	No	Yes Internal Audit, see next table	Art. 5, Law for the Chamber of Audit, published in State Gazette, issue 109, 18.12.2001 http://zsp.atSPACE.com/

VI. CHECKS AND BALANCES

Table 28 - Formal accountability

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Bulgaria	CEM	Parliament	Yes	Reports	Art. 39, Law for Radio and TV
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	Yes	Up to this March CEM would hold 2 public discussions per year. Since this March its meetings are public, i.e. everyone could attend.	As in the Law for Radio and TV, art 1, paragraph 2 it is said that “ in its activities takes into consideration the public interest, by defending the freedom of speech, pluralism of information and the independence of the providers of the media services”
		Other	Yes	Reports to Parliamentary Media Committee	Law for the Internal Auditing in the Public Sector, published in State Gazette, issue 27, 31.03.2006

Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Bulgaria	CEM	Parliament	Twice a year: by October 31 and by March 31.	Main activities: <ul style="list-style-type: none"> • licensing • monitoring • digitalization • regulation Financial activities International cooperation	Yes Though this is not specified. The statistics always cover decision taken by the Council, number of monitored operators, number of complaints, number of sanctions (and fines), number of sanctions appealed etc.	Not specified	No	www.cem.bg/cat.php?id=106

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Bulgaria	CEM	Yes	Annual	Yes National Audit Office	No	Yes Internal audit	Law for the Internal Auditing in the Public Sector

Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Bulgaria	CEM	Does anybody have the power to overturn decisions of the regulator?	No CEM decisions are subjected to appeals in front of the Supreme Administrative Court.	No	No	No	No	Art. 38 of Law for radio and TV
		Does anybody have the power to give instructions to the regulatory body?	Yes	No	No	No	Yes National Audit Office	Art. 31 and 36 of Law for the Internal Auditing in the Public Sector
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions	Yes Guarantees against any political (and economic)	N/A	N/A	N/A	Yes See first column	Art 20 and 36 of Law for radio and TV

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		(e.g. limited to legal instructions which exclude instructions on political grounds)?	interference are given in the Law for radio and TV.					

Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Bulgaria	CEM	External	1	Supreme Administrative Court-3 member chamber	No internal procedures	The operator	Art. 38 of the Law for radio and TV
			2	Supreme Administrative Court-5 member chamber		Both sides, i.e. operator or CEM	

Table 33 - Does the regulator's decision stand pending appeal?

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Bulgaria	CEM			√	N/A

Table 34 - Accepted grounds for appeal

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Bulgaria	CEM	√	√	√	N/A

Table 35 - Does the appeal body have power to replace the original decision with its own?

Country	Body	Appeal stage	Yes	No	Comments
Bulgaria	Supreme Administrative Court	1 Three member chamber		√	No. It has the power to accept or cancel the decision. In case of procedural breaches, the appeal body has the power to cancel the decision and remit it back to regulator to remove those breaches and take same or new decision.
		2 Five member chamber		√	No. It has the power to accept or cancel the decision. In case of procedural breaches, the appeal body has the power to cancel the decision and remit it back to regulator to remove those breaches and take same or new decision.

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Bulgaria	CEM	No	No	Yes. As an Institution using public budget CEM is obliged to follow all procedures valid for the public institutions.	-	No

Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Bulgaria	CEM	Not specified There is no legal requirement obliging CEM to participate in consultations.	Not specified	Not specified			Not specified

Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Bulgaria	CEM	2009	1 There was one public meeting, organized by CEM to present its half-year report there was a discussion on AVMS. The discussion, held in the presence of heads of main operators, leading journalists, media NGOs, was open to general public. In addition, there were 5 specialized discussions with PSB and national commercial operators as well as with representatives of the Telecom (Bulgarian Telecommunications Company and State Agency for Information Technologies)
		2008	6 Discussions on AVMSD organized by the Association radio and TV operators (ABBRO) with the presence of CEM representatives
		2007	2
		2006	2
		2005	2

Table 39 - Publication of regulator’s decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Bulgaria	CEM	Art. 39 of the Law for Radio and TV obliges CEM to publish in its monthly bulletin all its decisions, results of the monitoring, all sanctions, fines and decisions, appealed against in front of the Supreme Administrative Court, as well as the subsequent court decisions Publication of decisions on CEM's website within three days (art.35).	Yes	Not specified in the law	Not specified in the law

VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Bulgaria	CEM	In regard to technological aspects of regulation CEM cooperates with the Communications Regulation Commission (CRC). This cooperation is regulated by the Law for Radio and TV	Art. 32, 116, 121, 123, 125 of Radio and TV Law. This cooperation relates to the exchange of information and to the specific obligations of CRC once competitions for licenses has been announced as well as when a licence has to be issued or revoked/cancelled.	No	As digitalization process has been delayed in Bulgaria and licensing of digital operators is still to happen it is not

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
					possible to assess the cooperation between CEM and CRC.
		<p>In regard to self-regulation CEM cooperates with the Ethical commission and has the right to sanction (apply fines) to operators, signatories to the Professional Code of ethics who refuse to abide to a decision, taken by the Commission</p> <p>Note: In a report undertaken by the Audit Office the Audit Report stresses the fact that CEM has no working agreements for cooperation with other institutions and organizations on its supervision obligations</p>	Art. 126 of Law for radio and TV		This is a new provision (in force from this year) so it has not yet been implemented and it is hardly possible to assess its effectiveness.

Table 41 - International cooperation

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Bulgaria	CEM	Yes	Art. 31, 32, 116 and 117 of Law for radio and TV.	CEM's resent annual report (2009), issued on 30 March 2010 allocates only one paragraph on the International cooperation (p.13) to mention just the international forums with CEM members participation.

