Standard Summary Project Fiche for the Transition Facility

1. Basic Information
   1.1 CRIS Number: 2007/019-303.07.02
   1.2 Twinning contract BG/07/IB/OT/01
   1.3 Title: Strengthening the capacity of the Ministry of Culture to secure development and implementation of a National Audiovisual Policy, including copyright protection
   1.4 Sector: Public Administration Reform
      Twinning code:
   1.5 Location: Republic of Bulgaria, Ministry of Culture and Council for Electronic Media

2. Objectives
   2.1 Overall Objective(s):
      A. Strengthening the capacity of the Ministry of Culture to implement the acquis in the audiovisual sector in Bulgaria.
      B. Support the Bulgarian efforts for full alignment and enforcement in the field of intellectual property rights with a focus on fight against piracy
   2.2 Project purposes:
      The main purpose of the project is to initiate an up-to-date audiovisual policy, which will cover national and European standards in line with the requirements of Television without Frontiers (TWF) Directive and to develop the campaign already started by the MoC against piracy together with the Council for Electronic Media (CEM).

   2.3 Justification
      Important recommendations have been also made in the report on a peer review on the audiovisual sector in Bulgaria drafted in 2005 in close co-operation with DG INFSO. It very clearly states that “no government department has the audiovisual policy portfolio” and it has to be entrusted to a government department in order to restore the proper division of powers (policy formulation is rightfully the domain of government), while at the same time introducing economic, technological, cultural and other elements of media policy into the mandates of other appropriate government departments, while preserving media independence”.
      The projects will foster the up-date of the audiovisual policy in line with national and European standards and the requirements of Television without Frontiers (TWF) Directive, and the strengthening of the capacity for fight against piracy.
      At the end of 2006 a new division for coordination of audio-visual matters was constituted within the MoC with the aim to raise the level of familiarity and everyday contact with European Union audiovisual policy and legislation in government departments, regulatory bodies, market players, etc., and making sure that they are the point of departure in everyday action, while the existing Directorate “Copyrights and Neighbouring rights” was extended with the appointment of new experts.
      The dominance of the state in the past is now being replaced with the creation of new partnerships that will share the responsibility for the development of contemporary culture in Bulgaria, and will change the hierarchy of public responsibilities in this area. Both structures in the MoC have worked in close collaboration with other government and non-government
institutions, and strengthening their capacity will lead to practical implementation of the national strategy for successful government-private cooperation.

Although the Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania of 26 September 2006 states that: “Bulgaria has made progress in the field of protection of intellectual and industrial property rights (IPR)”, there is a conclusion that: “IP-related crime remains a continuing threat and poses a real challenge to Bulgaria. The country should ensure compliance of users of protected subject matter, such as cable operators, with their obligations to pay royalties”.

The project will foster further alignment in order that the Directive on copyright be transposed in the information society and the Directive on resale rights.

Chapter 20, Culture and Audiovisual Policy - opened in May 2000, was closed in December 2004, but the harmonisation of Bulgarian Radio- and TV Act with EU legislation is still in progress because of the many amendments required in terms of alignment with the Television without frontiers Directive and Community internal market.

The Parliamentary Media Commission has announced its intention to draw up a new Radio and Television Law, since the country needs a new improved media legislature in tune with further harmonisation with the acquis.

Important recommendations have been also made in the other report on a peer review on the copyright sector in Bulgaria: “Legislation is largely in line except for:

- The definition of public satellite broadcasting;
- The lack of a concept of “uninterrupted chain” of communication leading to the satellite, under the control and responsibility of the broadcasting organizations;
- The lack of provisions concerning the situation where the communication to the public takes place in a non-Community state which does not provide the level of protection provided in the Directive.”


In July 2002, the 39th National Assembly passed an Act to amend the Copyright and Neighbouring Rights Act, which brings Bulgarian legislation in line with its commitments to its international agreements with the World Intellectual Property Organisation and with the World Trade Organisation Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS).


The adopted changes in par. 2 of the Additional provisions of the Law on Copyright and Related Rights, in connection with the Article 99 and par. 5b of the Additional provisions overcome the problems identified regarding the broadcasting copyright regulation in Bulgaria.

The last amendments have brought the law in full compliance with Directive 93/83 EEC (the “cable Directive”) and take into account the European Commission Report on the application of certain rules concerning Copyright and Rights related to Copyright applicable to satellite broadcasting and cable retransmission (COM(2002) 430 of September 2002).
The Act reflects also some other recommendations made by GD “Internal Market” during the technical consultations in January 2005, concerning broadcast by satellite, the cable retransmission, the rental and lending rights, etc.

The amendments of the Radio and TV Act (SG 93/2005) added sustainable effect on the intellectual and property rights (IPRs) control. Radio- and TV operators are now obliged to present every year to the CEM information and proofs about the commercial and conceded copyrights in their programs, as well as the rights for dissemination of foreign programs. To enhance the cooperation between the enforcement institutions in broadcasting copyright, a Memorandum of Understanding is signed in March 2006 between the Ministry of Culture, Council for Electronic Media and the Communications Regulation Commission.

One of the main aims of this project is to focus national legislatures on the importance of further improvement of the national law in order to achieve the higher levels of protection, and to secure the enforcement of the new rules that will come with the amended Television without frontiers directive.

3. Description

3.1 Background and justification:

The audiovisual sector is one of the fastest growing areas of the European economy, and a leading global market. It reflects the great cultural diversity of Europe. Community support for the audiovisual sector is designed to enable the promotion of intercultural dialogue, increase mutual awareness amongst Europe’s cultures, and develop its political, cultural, social and economic potential.

The internationalisation and integration of the national media landscapes, boosted by rapid technical progress bring certain challenges for the newly acceded countries in the EU. Together with all countries, members of the union, they have to adapt their national policies to the latest trends in the sector because of the great economic importance, and the key social and cultural role they play. Broadcast signals don’t stop at national borders, and the laws regarding the audiovisual sector differed in different countries. That’s why the EU had to set some minimum standards applicable in all Member States: the Directive “Television without Frontiers” of 1989 (Directive 89/552/EEC). The Directive was amended in 1997 (Directive 97/36/EC), responding to the rapidly changing audiovisual sector – such as teleshopping and sponsoring – and a perceived need for an extension of the rules regarding the protection of minors and the promotion of the European cultural productions. A new legislative proposal for a modernised audiovisual services directive was adopted in 2005. The European Parliament backed proposals to overhaul the 1989 Television without Frontiers Directive, last updated in 1997, and which has failed to keep pace with the rapid changes in the audiovisual sector. The new rules will be renamed the ‘audiovisual media services directive’ to reflect the changes in the marketplace over the last ten years. Member states are expected to present their opinion on the new rules early in 2007.

The last amendments of the Bulgarian Law on Copyright and Related Rights have brought the law in full compliance with Directive 93/83EEC. Articles in Bulgaria's Copyright and Neighbouring Rights Act supplement and adjust the legal framework to include provisions on the fair use of works in the new Internet environment, and the introduction of new technologies. The purpose is to adjust copyright protection to the new environment and harmonise certain aspects related to regulations on the right to reproduce and distribute works via the Internet.

Audiovisual acquis

In the context of the internal market, the audiovisual acquis is intended to ensure the provision and free movement of audiovisual services within the EU as well as the promotion of the European programme industry. The acquis is contained in the "Television without frontiers " Directive, which is applicable to all broadcasters regardless of the mode of
transmission (terrestrial, satellite, cable) or whether private or public, and lays down basic rules concerning transfrontier broadcasting. The main points are:

- to ensure the free movement of television broadcasts throughout Member States;
- to promote the production and distribution of European audiovisual products (by laying down a minimum proportion of broadcasting time for European products and those by independent producers);
- to set basic standards for television advertising;
- to provide for the protection of minors, and allow the right of reply.

Bulgaria

In November 1998 the Bulgarian Law on Radio and Television was adopted. It sets the common legal framework for the audiovisual sector. In March 1999 Bulgaria ratified the Council of Europe Convention on Transfrontier Television.

In October 2000, the amendments of the Law on Radio and Television came into force, thus aligned Bulgaria's audiovisual legislation with the Television Without Frontiers Directive. Additional measures to further transpose the acquis in the audiovisual sector came into force later in November 2001. Bulgaria's audiovisual market was deregulated, and the first private operator started operations. In July 1999 Bulgaria joined the Council of Europe Convention on Transfrontier Television.

The Protocol amending and supplementing the Convention on Transfrontier Television came into effect in 2003.

In September 2005, the Bulgarian Parliament adopted the Strategy for Radio and Television, which allowed the Council for Electronic Media to issue new tenders for television and radio programming licenses.

A task orientated body – working group (comprising representatives of government departments, regulatory bodies, broadcasters, industry and civil society organisations, as well as experts) – has been created within the Ministry of Culture in March 2006 with the main aims:

- to draft an amendment to the mentioned above Strategy for Radio and Television, concerning the digitalisation of the electronic media and,

- to draft a strategy for transition from analog to digital broadcasting in Bulgaria.

The group produced a document for consultation with the main stakeholders on the Bulgarian audiovisual environment, and will later be presented by the minister of culture to the European Commission in pursuance of the country’s engagement to the EU transition from analog to digital broadcasting (from digital “switchover” to analog “switch-off”).

Copyright acquis

Copyright and related rights provide an incentive for the creation of and investment in new works and other protected matter (music, films, print media, software, performances, broadcasts, etc.) and their exploitation, thereby contributing to improved competitiveness, employment and innovation. The field of copyright is associated with important cultural, social and technological aspects.

The acquis on copyright and related rights ensures the proper implementation of the Directive on copyright and related rights.
Bulgaria

Protection of intellectual property and protection of works of foreign authors is an old and rooted concept for Bulgaria, based on European cultural traditions - in 1921 Bulgaria joined the Berne Convention for the Protection of Literary and Artistic Works.


In July 2002, the 39th National Assembly passed an Act to amend the Copyright and Neighbouring Rights Act, which brings Bulgarian legislation in line with its commitments to its international agreements with the World Intellectual Property Organisation, and with the World Trade Organisation Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS).

3.2 Linked activities:

2.2.1 BG2003/004-937.01.01 Strengthening of the Administrative Capacity of the Council for Electronic Media in Bulgaria.

The CEM’s administrative structure was extended with the establishment of 6 regional centres for monitoring and control of the broadcasters. The investment component of the project was completed in 2006, but the other 2 components for Technical assistance (TA) were cancelled because time for contracting expired. The CEM was given the possibility to apply for a new framework contract for TA within the framework of unallocated envelope (Phare 2005). This project is due to start in July 2007, and is about improvement of the administrative structure of the CEM.

Within the framework of the proposed project of the MoC 6 experts, appointed by MoC to overlook copyright violation, will be allocated to the regional centres of the CEM in Bourgas, Varna, Veliko Tarnovo, Vidin, Blagoevgrad and Plovdiv, in compliance with the written Memorandum of 14th March 2006 between the 3 institutions – MoC, CEM and Communications Regulation Commission (CRC).

2.2.2 Twinning Covenant BG02-IB-FI-02, PROJECT BG0201.07 of the Bulgarian National Customs Agency.

Within the scope of the project, National information system for information exchange in the sphere of intellectual and industrial property enforcement between the institutions in the area was established, and the MoC was connected to it. The proposed project will give the methodology for the Ministry’s further participation, and will provide relevant training to the staff in the Copyright and Neighboring rights Directorate.

2.2.3 Twinning Light Project BG/2005/IB/TE/01/UE/TWI “Assistance in the transition from analogue to digital terrestrial television”.

Within the framework of the project, the capacity of the Communications Regulation Commission will be strengthened.

2.2.4 All outcomes from the CEM’s project from the Unallocated envelope 2005 will be further developed in compliance with the new developments in the audiovisual sector that will be presented after the project’s competition, since the sector is changing very dynamically due to the new technologies, globalization and convergence.
3.3 Results:
3.3.1 Conducted national and international conferences on different topics in the area of the two acquis: Audiovisual and Copyright.
3.3.2 Submitted studies and research of the Bulgarian audiovisual sector and copyright observation and protection, and the application of the relevant acquis.
3.3.3 Formed a policy coordination body at the MoC, charged with the continued harmonisation of BG law with EU legislation.
3.3.4 Drafted National strategy for the development of the audiovisual sector.
3.3.5 Drafted amendments to the current Radio and Television Act (or presented a project of a new one) in the light of recent DTWB developments.
3.3.6 Presented new administrative structures, incl. job descriptions for the two divisions of the MoC involved in the project, and procedures for coordination with the regional experts.
3.3.7 Raised awareness of the experts within the two departments of the MoC: European integration and International co-operation (EIIC) and Copyright and Neighboring Rights (CRNR) on the latest developments in the EU audiovisual and copyright environments, and acquis communautaire, national specificities and diversity in member countries, strategies and trends.
3.3.8 Appointed and trained 6 experts to overlook copyright violation, and who will be allocated to the regional centres of the CEM in Burgas, Varna, Veliko Tarnovo, Vidin, Blagoevgrad and Plovdiv.
3.3.9 Drafted amendment to the “Strategy for development of radio and television activities for terrestrial broadcasting” (adopted in 2005 by the National Assembly) with the concept for the transition from analog to digital broadcasting (from digital “switch-over” to analog “switch-off”).
3.3.10 Developed proposal for statistical data gathering and analysis in the cultural sector including coordination at community level.
3.3.11 Published brochures with the discussions and speeches from the participants on the seminars.

3.4 Activities:
3.4.1 Organizing international seminars on the following subjects:
   • Recent developments in the EU audiovisual sector
   • EU practices and procedures for copyright protection.

3.4.2 Studying the Bulgarian audiovisual sector and copyright observation and protection through:
   • Meetings and wider discussions with all major players in both areas;
   • Observing the institutions, professional organizations, NGOs, regulatory authorities in both sectors, and the interaction between them;
   • Analyzing the responses from media experts;
   • Examining the current legislation and internal procedures of the institutions in the two sectors, and implementing them;
   • Observation of the relevant acquis, and its adoption in the national legislation.

3.4.3 Starting the development of a database with the names of well-known experts in both areas, and suggesting the most appropriate people for the policy coordination body at the MoC.

3.4.4 Drafting the National strategy for the development of the audiovisual sector on the basis of the detailed analyses (see point 1).

3.4.5 Suggesting amendments to the current Radio and Television Act as a result of:
   • Observation of recent proposals for amendment developed by professional organizations and media NGOs;
   • Discussions with media professionals and experts on the recent proposals for amendment of the TWF Directive, approved by the European Parliament;
3.4.6 Drafting proposal for improvement of both administrative structures in the light of their increased commitments and responsibilities through:
- Analysing performance of current structures;
- Suggesting job descriptions for all positions;
- Identifying training needs of the staff, and providing the relevant training including study visit to the twinning institution;
- Suggesting improvement of internal communications and procedures for coordination with regional experts for copyright observation.
- Updating the MoC’s Internet site, incl. development of the English version, with the aim to enhance transparency of the Ministry’s work and activities, and improve international accessibility.

3.4.7 Raising awareness sessions provided to staff in both departments on the latest developments in the EU audiovisual and copyright environments and acquis communautaire, national specificities and diversity in member countries, strategies and trends.

3.4.8 Drafting the job description of the 6 experts who will overlook copyright violation, and will be allocated to the regional centres of the CEM in Burgas, Varna, Veliko Tarnovo, Vidin, Blagoevgrad and Plovdiv.

3.4.9 Developing amendments to the “Strategy for development of radio and television activities for terrestrial broadcasting” through:
- Studying the concept of transition from analog to digital broadcasting (from digital “switch-over” to analog “switch-off”) in Bulgaria and the plan for its implementation;
- Observing the latest developments in the digitalization worldwide and particularly, in Europe.

3.4.10 Observing Bulgarian and other EU countries experience in statistical data gathering in the cultural sector, and drafting procedures for data gathering and analysis for the needs of the MoC.

3.4.11 Collecting all discussions and speeches, conducted during the seminars and publishing brochures by subject. The seminars will take place in Sofia, and will last 2 days each. The facilities for the seminars (hall/equipment rent etc.) as well as the costs for the participants shall be paid by the national co-financing part of the project’s budget. Brochure with the discussions and speeches from the participants on the seminars shall be prepared and published.

3.5 Lessons learned:
The recent studies on the audiovisual sector in Bulgaria show that major problems come from lack of coordination between all players in the sector, which lead to contradictory decisions with harmful impact on the sector as a whole. This project aims at developing a new concept for good coordination and development of a network (including NGOs), which will reflect the common interests of everybody, and will secure field for productive discussions, optimal and working decisions at the end, thus fulfilling one of the main recommendations of the Peer Review Report: “Bulgaria should define a clear policy of the development and regulation of the audiovisual sector. The responsibility for the adoption and implementation of this policy must become a priority task of the government”.

4 Institutional Framework
The Ministry of Culture (MoC) through the two directorates – European Integration and International Cooperation (and in particular - the newly established audiovisual division) and Copyright and Neighboring Rights, will be the responsible institution for the project. Both Directorates have recently appointed new experts, who need further training.
The MoC will work in close cooperation with the Council for electronic media (CEM) on all aspects concerning copyright protection in line with the Memorandum of Understanding signed between the two institutions in March 2006. MoC and CEM have well developed working relations, for example in the area of conception development for digitalisation of radio and TV programmes in Bulgaria. Members of the CEM will be included in the project’s Steering Committee. One lawyer - expert of the CEM will be appointed as member of the PIU, and will coordinate the activities on the CEM’s side.

Members of the Steering Committee (approximately 12 people) will be representatives of the MoC, CEM, Communications Regulation Commission, representatives of the main public and private media and other governmental and non-governmental institutions and organizations, whose work directly is influenced by the latest trends in the media and media regulation development. It will meet on a quarterly bases and will overlook the development of the project’s activities.

MoC will have the responsibility for the practical implementation of the programme. MoC will also cooperate with local partners from the districts, who will assist in the project promotion and publicity, especially in the part concerning copyright protection.

The targeted objective and the scope of twinning activities will be:
- strengthening both Directorates within the MoC – European Integration and International Cooperation and Copyright and Neighboring Rights;
- creation of internal and external communication procedures;
- elaboration and promotion of specific regulations for the implementation of the Televison without Frontiers Directive and Copyright Directive;
- carrying out studies on the acquis implementation on the Bulgarian audiovisual and copyrights sectors;
- design and provide awareness raising sessions on recent developments in audiovisual-related fields and copyright protection, with EU experts;
- organisation of multidisciplinary workshops on audiovisual sector developments, digitisation, pluralism, protection of minors, copyright protection;
- concepts for improvement and constant upgrade of the MoC’s Internet site in order to raise transparency of the MoC’s policy and activities, and constant provision of information on progress in adoption and implementation of acquis; development of its English version for access from outside the country.

Location of assignment

The MoC shall provide working premises on its own territory (Sofia, “17, Stamboliiski Blvd.) The working premises, including basic office furniture, the electricity and Internet bills shall be provided by MoC. To ensure smooth implementation of the project, the beneficiary will provide adequately equipped office space with telephone, PC (Internet) and fax. Photocopier and access to the necessary information as well as secretarial support will be ensured during the project life-time. In addition the beneficiary will provide space and facilities for workshops (training), consultations and seminars. The national co-financing will be specified in the twinning contract.

The special equipment for the twinning experts (PCs, printer, fax machine and the office consumables), as well as facilities for the working meetings and presentations (including multi-media and notebook) has to be estimated in the project budget, as MoC is unable to secure these. This equipment will be provided by the beneficiary from the national co-financing. All this equipment will be used by the twinning contractor experts during the assignment and must be handed over to the Beneficiary – MoC before the assignment ends.

Important Note:
The twinning contract shall include the following provisions:

- An amount for Support personnel, including:
  - RTAs Assistant/Secretary – for execution of all secretarial work under the Contract. The Secretary will be required for the whole duration of the project. The Secretary, part of the support personnel must be fluent in the English and Bulgarian languages. Proven experience in the office administration, audiovisual sector or pre-accession funds projects will be considered as an advantage. The assistant/secretary is to be tendered out by the CFCU.
  - Interpreters – for providing oral interpretation at business meetings and briefings. The Interpreters shall be required at ad hoc tasks during the whole project duration.

- An amount for translation of written materials, including the project reports, the relevant project documentation as well as some other documents, if needed.

- Office equipment will be provided by the beneficiary country through the national co-financing.

- An amount for reproduction of additional copies of the Reports.

5 Detailed Budget

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<th>Emillion</th>
<th>Transition Facility support</th>
<th>Co-financing</th>
<th>Total cost</th>
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* The National co-financing for the Twinning contract will be up to 10% of the Transition Facility support for twinning. It will be provided through the “National Fund” Directorate at the Ministry of Finance.

(*) contributions from National, Regional, Local, Municipal authorities, FIs loans to public entities, funds from public enterprises. All the co-financing is joint co-financing and will be provided from the state budget. The requested sum will be earmarked for the beneficiary institution in its budgetary appropriations for the year 2008-2009. In the case where the final overall cost is lower than foreseen in the project fiche, the national public and Transition Facility co-financing shall be reduced proportionally so as to maintain the agreed rate of co-financing.

(**) private funds, FIs loans to private entities

Contributions from the Bulgarian administration for effective implementation of the twinning may be further detailed in the twinning contract according to the Twinning Manual.

To ensure smooth implementation of the project, the beneficiary will provide adequately equipped office space with telephone, PC (Internet) and fax. Photocopier and access to the necessary information as well as secretarial support will be ensured during the project life-time. In addition the beneficiary will provide space and facilities for workshops (training), consultations and seminars. The national co-financing will be specified in the twinning contract.

6 Implementation Arrangements

6.1 Implementing Agency
The Implementing Agency will be the Central Finance and Contracts Unit (CFCU) of the Ministry of Finance. They will be responsible for all procedural aspects of the tendering process, contracting matters and financial management.

The technical implementation of the project is the responsibility of the Ministry of Culture.

Contact Person for the MoC

Project Leader
Mrs. Ina Kileva,
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Tel.: +359 2 940 0846; Fax: +359 2 988 74 01
E-mail: I.Kileva@mc.government.bg

The Bulgarian Project Leader shall direct the implementation of the project and shall be responsible for the substance and the progress of the project.

RTA counterpart shall be:
Ms. Irina Ivancheva,
Chief Expert,
“European Integration and International Cooperation”
Ministry of Culture
Phone: +359 2 940 0895
E-mail: I.Iancheva@mc.government.bg

She will work on a day-to-day basis with the RTA.

Contact details of the Project Authorised Officer (PAO)
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State Treasurer, Ministry of Finance
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1040 Sofia
Phone: +359-2/9859 2490; Fax: +359-2/980 6863

6.2 Twinning
The project will be implemented through a Twinning Contract with 1 Resident Twinning Adviser (RTA), 1 Project Leader (PL) (to conceive, supervise and coordinate the project), and a team of medium- and short-term advisors. The assignment of the RTA will last 12 months. The necessary medium and short-term expertise and the training needs will be defined within the framework of the twinning covenant.

The RTA will have the following profile:
- The RTA should be a public sector expert. Significant experience of the audiovisual sector in Europe and good knowledge on the EU copyright legislation;
- Good knowledge of the EU audiovisual legislation and its application, recent developments and the ways of amendment the national legislations and compliance with them;
- At least 5 years at EU Member State’s theoretical and practical experience in the audiovisual sector;
- Leadership experience and appropriate inter-personal and communication skills;
- Fluency in English.

The profiles of the STE will correspond to the two main areas of the project - audiovisual legislation and its application and procedures for copyright protection. Ideally, they have to be lawyers by education, or have extensive relevant professional experience in the respective areas in media institution or company, media authority, media regulatory body, etc. Knowledge of English language is a must.

The MS Project Leader, additional to the requirements for all experts, should be a high-level official with management experience. He/she should continue to work in his/her Member State administration but should devote some of his/her time to conceiving, supervising and coordinating the overall implementation of the project.

A Project Implementation Unit (PIU) will be created within MoC before the start of the project. It will be responsible for preparation of all documents, of evaluation criteria, of evaluation of offers, of contracts and of invoices for payment. The staff of the PIU will include three experts nominated by MoC and one – nominated by the CEM.

A Program Steering Committee will be established, which will be based at the MoC. It will meet on a quarterly basis and will ensure the coherent implementation of the project by overseeing the project as a whole, coordinating the main activities and will examine reports.

The Ministry of Culture will implement the project in co-operation with the Council for Electronic Media.

6.3 Non-standard aspects
N.A.

6.4 Contracts
Twining Contract €m 0.361. The Twinning Manual will be applied.

7 Implementation Schedule

7.1 Start of tendering
4th quarter 2007

7.2 Start of project activity
3rd quarter 2008

7.3 Project Completion
3 quarter 2009

8 Sustainability

The project will enhance and accelerate the process of acquis adoption and enforcement, thereby stimulating the development of the national audiovisual and copyright sectors, and supporting Bulgaria's contribution towards European diversity.

The established network with the support of the project will reflect the common interests of everybody, involved in the audiovisual and copyright sector, and will secure field for productive discussions, optimal and working decisions.

The two directorates at the Ministry of Culture will become a focal point for management of the process.

9 Conditionality and sequencing
N.A.
ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format (compulsory)
2. Detailed implementation chart (compulsory)
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period) (compulsory)
## ANNEX 1

<table>
<thead>
<tr>
<th>Project</th>
<th>Program name and number</th>
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<tr>
<td>STRENGTHENING THE CAPACITY OF THE MINISTRY OF CULTURE TO</td>
<td>Contracting period expires 15 December 2009</td>
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<tr>
<td>SECURE DEVELOPMENT AND IMPLEMENTATION OF A NATIONAL AUDIOVISUAL POLICY,</td>
<td>Execution of contracts period 15 December 2010</td>
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<tr>
<td>INCLUDING COPYRIGHTS PROTECTION</td>
<td>Total budget: € 361 000 + up to 10% national co-financing</td>
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<td>TF budget: € 361 000</td>
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<th>Overall objective</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
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Strengthening the capacity of the Ministry of Culture to implement the acquis in the audiovisual sector in Bulgaria. Support the Bulgarian efforts for full alignment and enforcement in the field of intellectual property rights with a focus on fight against piracy.

The project will raise the capacity of the Ministry of Culture to secure implementation of the acquis communautaire in both areas.

- Sustainable development of the audiovisual and copyright sectors
- Both directorates at MoC expanded and developed
- Significant declination in the copyright violation
- Established well functioning network of all major players in the audiovisual policy development and implementation;
- Successful transposition of EU audiovisual and copyright law into the national legislation. (The new Audiovisual Media Services Directive should enter into force by the end of 2007. Member States will be given 24 months to transpose the new provisions into national law, so that the modernised legal framework for audiovisual business will fully apply by the end of 2009).

- Bulgaria's report in the area of Culture and Audio-visual policy
- MoC - annual report
- The new Law for amendment to the Radio and Television Act approved by the Parliament
- New strategy for digitalization of the audiovisual sector in Bulgaria approved by the Parliament
- Developed proposal for amendment to the Law on copyright and of the related rights
<table>
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<th>Project purpose</th>
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| The main purpose of the project is to initiate the drafting of an up-to-date audiovisual policy, which will cover national and European standards in line with the requirements of 'Television Without Frontiers (TWF) Directive and to develop the campaign already started by the MoC against piracy together with the Council for Electronic Media (CEM). During the project's cycle the experts at MoC dealing with both subjects will be trained. | • Clear and transparent decisions taken in both sectors  
• Improved program schemes of the broadcasters  
• More European added value in TV programs  
• Significant decrease of copyright violation  
• Raised knowledge of the society on different matters and issues concerning both sectors  
• Increased staff in the regional centres of CEM (6 experts, appointed by MoC for copyright observation)  
• Undertaken course of training programs for 35 experts.  
• Organized series of 7-8 workshops  
• 2 international seminars successfully conducted  
• Improved communication between all major players in both sectors | • Report on the transition period of the Bulgarian accession  
• MoC's regular Year report |
<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Conducted national and international conferences on different topics in the area of the two acquis: Audiovisual and Copyright.</td>
<td>• Trained staff according to EU standards improved</td>
<td>• Project reports</td>
<td>Wider support of the project’s achievements at all levels.</td>
</tr>
<tr>
<td>2. Submitted studies and research of the Bulgarian audiovisual sector and copyright observation and protection, and the application of the relevant acquis.</td>
<td>• Organizational structures in MoC improved</td>
<td>• Annual performance report of the Ministry of Culture</td>
<td></td>
</tr>
<tr>
<td>3. Formed a policy coordination body at the MoC, charged with the continued harmonisation of BG law with EU legislation</td>
<td>• Staff number increased (6 new job openings in the regional centres)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Drafted National strategy for the development of the audiovisual sector.</td>
<td>• Improved Internet site of the MoC, including new English version</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Drafted amendments to the current Radio and Television Act (or presented a project of a new one) in the light of recent DTWB developments.</td>
<td>• Operational Policy coordination body</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Presented new administrative structures, including job descriptions for the two divisions of the MoC involved in the project, and procedures for coordination with the regional experts.</td>
<td>• Developed documents with strategic national impact</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Raised awareness of experts within the two departments of the MoC: EIIC and CRNR on the latest developments in the EU audiovisual and copyright environments, and acquis communautaire, national specificities and diversity in member countries, strategies and trends.</td>
<td></td>
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</tr>
<tr>
<td>8. Appointed and trained 6 experts to overlook copyright violation, and who will be allocated to the regional centres of the CEM in Burgas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activities</td>
<td>Means</td>
<td>Sources of Verification</td>
<td>Assumptions</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>----------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1. Organizing international seminars on the following subjects:</td>
<td>One Twinning Covenant</td>
<td>• Project progress reports</td>
<td>• choosing the best twinning partner</td>
</tr>
<tr>
<td>• Recent developments in the EU audiovisual sector</td>
<td></td>
<td>• Final Report submitted to DEC</td>
<td>• Good documentation basis for the workshops</td>
</tr>
<tr>
<td>• EU practices and procedures for copyright protection.</td>
<td></td>
<td>• Workshops documentation</td>
<td>• Effective cooperation between all major players on the audiovisual and</td>
</tr>
<tr>
<td>2. Studying the Bulgarian audiovisual sector and copyright observation</td>
<td></td>
<td>• trainings programs and reports and evaluation sheets, produced by trainees upon</td>
<td>copyright sectors</td>
</tr>
<tr>
<td>and protection through:</td>
<td></td>
<td>completion of the training sessions</td>
<td></td>
</tr>
<tr>
<td>• Meetings and wider discussions with a</td>
<td></td>
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</tbody>
</table>
major players in both areas;
- Observing the institutions, professional organisations, NGOs, regulatory authorities in both sectors, and the interaction between them;
- Analysing the responses from media experts;
- Examining the current legislation and internal procedures of the institutions in the two sectors, and implementing them;
- Observation of the relevant aquis, and its adoption in the national legislation.

3. Starting the development of a database with the names of well-known experts in both areas, and suggesting the most appropriate people for the policy coordination body at the MoC.

4. Drafting the National strategy for the development of the audiovisual sector on the basis of the detailed analyses (see point 1).

5. Suggesting amendments to the current Radio and Television Act as a result of:
- Observation of recent proposals for amendment developed by professional organizations and media NGOs;
- Discussions with media professionals and experts on the recent proposals for amendment of the TWF Directive, approved by the European Parliament;

6. Drafting proposal for improvement of both administrative structures in the light of their
<table>
<thead>
<tr>
<th>Increased commitments and responsibilities through:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Analysing performance of current structures;</td>
</tr>
<tr>
<td>• Suggesting job descriptions for all positions;</td>
</tr>
<tr>
<td>• Identifying training needs of the staff, and providing the relevant training including study visit to the twinning institution;</td>
</tr>
<tr>
<td>• Suggesting improvement of internal communications and procedures for coordination with regional experts for copyright observation.</td>
</tr>
<tr>
<td>7. Raising awareness sessions provided to staff in both departments on the latest developments in the EU audiovisual and copyright environments and <em>acquis communautaire</em>, national specificities and diversity in member countries, strategies and trends.</td>
</tr>
<tr>
<td>8. Drafting the job description of the 6 experts who will overlook copyright violation, and will be allocated to the regional centres of the CEM in Burgas, Varna, Veliko Tarnovo, Vidin, Blagoevgrad and Plovdiv.</td>
</tr>
<tr>
<td>9. Developing amendments to the “Strategy for development of radio and television...”</td>
</tr>
</tbody>
</table>
activities for terrestrial broadcasting” through:

- Studying the concept of transition from analog to digital broadcasting (from digital “switch-over” to analog “switch-off”) in Bulgaria and the plan for its implementation;
- Observing the latest developments in the digitalization worldwide and particularly, in Europe.

10. Observing Bulgarian and other EU countries experience in statistical data gathering in the cultural sector, and drafting procedures for data gathering and analysis for the needs of the MoC.

11. Collecting all discussions and speeches, conducted during the seminars and publishing brochures by subject.

The seminars will take place in Sofia, and will last 2 days each.
**ANNEX 2**

**IMPLEMENTATION CHART – Strengthening the capacity of the Ministry of Culture to secure development and implementation of a National Audiovisual Policy, including copyright protection**

<table>
<thead>
<tr>
<th>Years</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>PIU</td>
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<td></td>
</tr>
<tr>
<td>operational</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PSC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>operational</td>
<td></td>
<td></td>
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<tr>
<td>Signing</td>
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<tr>
<td>twining</td>
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<tr>
<td>contract</td>
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<td>Twining</td>
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<tr>
<td>contract</td>
<td></td>
<td></td>
</tr>
<tr>
<td>activities</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ANNEX 3

CONTRACTING AND DISBURSEMENT SCHEDULE BY QUARTER

Project title: *Strengthening the capacity of the Ministry of Culture to secure development and implementation of a National Audiovisual Policy, including copyright protection*

<table>
<thead>
<tr>
<th>Twinning covenant</th>
<th>2008</th>
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<th></th>
<th></th>
<th>2009</th>
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<tbody>
<tr>
<td></td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
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<td>Disbursement</td>
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<td>0.30</td>
<td>0.30</td>
<td>0.30</td>
<td>0.30</td>
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