

WRITTEN QUESTION P-3147/09
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to the Commission

Subject: Questionable intervention by the Bulgarian authorities in the media field

I am very concerned about the recent changes made to the Bulgarian media legislation. Recently, the Bulgarian Government hastily adopted a new legal framework to regulate the transition from analogue to digital broadcasting. While the switch to digital broadcasting is of course of high importance for any Member State, it is also of fundamental importance that the change is done in an open manner which does not threaten the very existence of a plural and independent media. Upon taking a close look at the adopted legislation it becomes evident that the forthcoming digitalisation process is being used as a tool by the Government to directly intervene in the media business and to control the media market. The hastily and badly prepared amendments to the Radio and Television Act and the Law on Electronic Communications as, well as the completely new Law on Public Service Broadcasting which has been adopted, should be a point of concern for the European Commission. While the adopted legislation constitutes a fundamental violation of the main values and key principles of European media law, one of the main arguments by the Bulgarian Government for the changes is the alleged pressure by the EC and threatened sanctions by the EC. What is the Commission's position on this issue?

In particular I am concerned about Article 48 of the Law on Electronic Communications and Paragraphs 5, 5a, 5b, 5c and 5d of its transitional and final provisions as well as Articles 116e-116i of the Law for Radio and Television and Paragraph 37, point 1 of its transitional and final provisions.

The new legislation instructs the Communications Regulation Commission (CRC) to choose, by the end of the parliamentary mandate this summer, two operators to implement and carry out the transition to digital broadcasting. However, the selection criteria do not include any measures against cartels; on the contrary, it seems to rather tolerate these. Additionally, the invitation to tender was only issued in Bulgarian and the deadline for application was only set for 14 days. As a consequence, any potential candidates from outside Bulgaria were almost unable to apply. From all this it becomes clear that the CRC has obvious preferences for certain applications. In my view the newly adopted legal framework is not compatible with articles B and C of the Preamble, as well as points 1, 2, 12 and 16 of European Parliament resolution 2005/2212(INI) - P6_TA(2006)0154. The benefits which Communication COM(2007)0700 aims to achieve would be for single players on the media stage and not for society. What is the position of the European Commission on the new legislation?