

BULGARIA

1. GENERAL INFORMATION ON MEDIA AND MEDIA USE

The official statistics show that Bulgaria's national literacy rate is high. All people over 15 years who are able to read and write are defined as 'literate'. According to Bulgaria's latest census in 2001 the literacy rate is 98.2 per cent. That includes 98.7 per cent of its male and 97.7 per cent of its female citizens. Generally the illiterate people are members of the Romany ethnic group who have dropped out of school at an early stage. According to a survey by the Ministry of Education, 57 per cent of the children who have dropped out of school indicated lack of finance as the main problem. However, it is hard to believe this is the only reason for their dropping out since 53 per cent of the children who regularly attend school also face financial problems. Seventy per cent of those who have stopped attending school define themselves as Roma, 15 per cent as Bulgarians and 11 per cent as of Turkish ethnicity. Half of them drop out of school between the ages of 10 and 15, 8 per cent before reaching the age of 10, and 44 per cent after turning 15. One of the fundamental reasons for their failure to attend school is their family. Surveys indicate that 72 per cent of parents have done nothing after discovering their children were not going to school.

Literacy and education

Research on media consumption shows that TV, radio and newspapers are the preferred media sources. However, the use of newspaper online editions is growing. In the last few years a significant number of new newspapers, magazines and TV channels have entered the market. According to the National Institute of Statistics the total number of newspapers in Bulgaria, including those issued less than once a week, varies year by year between 420 and 460 and that number tends to be increasing. The aggregate yearly circulation of all those newspapers for 2006 is 325,733,000 – that is 15 million more copies than in the previous year.

Media landscape

There are 14 influential nationwide daily newspapers in Bulgaria and two of them are quite new on the market – Klasa and Express. Trud and 24 chasa, property of the German WAZ Media Group, are still the ones with the largest circulation. The readership of Trud amounts to approximately 30 per cent and that of 24 chasa is 25 per cent. The overall number of daily papers in the country, including the local editions, is around 80 and weekly newspapers number about 180. According to the World Association of Newspapers, Bulgaria is among the countries with the highest number of dailies per capita and with the lowest newspaper circulation per capita. (If the average number of copies per day in the Czech Republic is 195.5 per 1,000 citizens, in Bulgaria it is 83.6). The highest circulation among the weekly editions belongs to the yellow papers Weekend and 168 chasa, as well as the 'pensioners' paper' Treta vazrast. The most influential and serious non-boulevard weekly newspaper is Capital. Bulgaria's free dailies' market has not been developed yet, but it is expected that in 2008 several media groups are to put efforts into that area.

One of the problems of the press in the country is that in practice there is no objective information on the circulation of newspapers. Surveying agencies cannot quantify the newspapers' audiences easily and precisely because some of the editions are so small that they are considered a statistical error. Circulation data announced by the publishers themselves is usually old, manipulated or obviously overstated. Moreover, there is no objective information on the actual number of the sold

copies of printed newspapers. On the other hand each new edition which is released on the market faces a problem with distribution, since it has been monopolised by the high-circulation papers and to succeed in this established network is difficult.

The television and radio markets are also burdened with many defects. One of the main problems is the opacity of media capital and the absence of a public register of ownership. This creates the premise for a monopoly situation and the arrival of suspicious resources that could affect editorial freedom. In addition, there is the long-drawn-out argument about the impartiality of rating measurements. It still cannot be acknowledged that the legal requirement of separation between owners of advertising and audience research companies and the media is observed – in fact some of those organisations share common stockholders, but it is hard to actually prove that.

Another problem concerns the omissions in and ill-judged modernisations of media legislation. The legal base is frequently modified in order to satisfy the interests of particular individuals or clienteles. Due to these practices in recent years a vacuum has been created enabling some television operators to do business with temporary broadcasting licences (according to Paragraph 9a of the Transitional and Conclusive Provisions of the Law on Radio and Television). The status quo gave some operators the opportunity to negotiate the mutual assignment of temporary licenses, thereby evading the regulatory authorities. As a result during the last year in addition to the existing three televisions with nationwide-coverage terrestrial broadcast, two new TV channels were launched in Sofia – BBT and TV2 – without even applying through the Council for Electronic Media (CEM) competitive biddings procedure. (At present 38 television operators in 30 towns in Bulgaria are broadcasting, transmitting TV programmes in so called 'temporary tolerance' mode, namely under Paragraph 9 of the Law on Radio and Television. Furthermore there are a lot of radio operators functioning under the same paragraph. Their status is considered to be in conformity with the law until new competitive procedures for issuing licences are introduced in the various towns.)

According to CEM there are 143 licensed terrestrial radio broadcasters, 99 of which are actually transmitting. The difference between the number of actual radio broadcasters (99) and the total number of licensed radio channels (143) is due to the fact that some of the broadcasters hold a license with the right to transmit in more than one town. Three radio programmes have a nationwide coverage – Bulgarian National Radio's Horizont and Hristo Botev and Darik Radio. The aggregate number of radio operators also includes the telecommunication operators functioning under Paragraph 9 of the Transitional and Conclusive Provisions of the Law on Radio and Television and broadcasting in 120 Bulgarian towns.

Radio channels with local coverage are available in 42 towns out of a total of 240 towns in the country. There are 18 radio chains in Bulgaria broadcasting in at least three towns. The prospective audience for radio chains according to CEM statistics amounts to 3,209,107 listeners.

There are three television stations with nationwide coverage in Bulgaria with licences from CEM and from the Communications Regulation Commission (CRC) – the public broadcaster Bulgarian National Television (BNT) and the private Nova Television (NTV) and bTV. BNT also has four licensed regional TV centres in Blagoevgrad, Varna, Plovdiv and Ruse. According to CEM there are also 180 registered television operators in Bulgaria, transmitting a total of 226 programmes by cable or by satellite. Among them 136 have a nationwide coverage, 50 have a regional coverage, and 40 have a local coverage. In 2007 the Council for Electronic Media issued four registrations for cable broadcasters and eight licences for terrestrial radio broadcasting. CEM has registered another 17 television operators.

Party media In the last few years, press outlets with clear affiliations to political parties have gradually disappeared. At this moment there are only two clearly 'party publications': the dailies Duma and Ataka. However most of the political parties represented in parliament indirectly possess their own media channels. This applies particularly to printed media, the financial support for which is cheaper than for television or radio stations. Usually such media are not directly owned by a specific political party but they are related to allied foundations or party activists.

The most obvious connection between a political movement and the media may be found in the case of the nationalist and populist political party Ataka. The party has itself developed into a political subject due to a cable television channel with a strong regional coverage in Eastern Bulgaria – SKAT TV. Subsequently, the owner of the television channel joined the party and at present he is the chairman of the municipal council in Burgas. Ataka also publishes a newspaper of the same name, which by circulation ranks among the ten most sellable dailies in Bulgaria. The editor-in-chief of the newspaper is the spouse of the leader of the party Ataka.

The governing Bulgarian Socialist Party has its own party publication – Duma. It has been published since 1990 as a successor to the newspapers *Rabotnichesko delo*, *Rabotnik* and *Socialist*, which were issued before the changes. During its existence the ownership of this paper has been transferred between various party functionaries and close party sponsors. The current publisher of Duma owns Balkan Bulgarian Television (BBT) as well. This television channel has recently changed its programming profile and has reformed itself as a news channel, and besides being available on cable it now broadcasts in Sofia.

There are also two newspapers that are close to the right-wing party DSB (*Demokrati za silna Bulgaria/Democrats for a powerful Bulgaria*). The party does not directly own the papers but the journalists are favourably inclined towards it. The newspapers are called *Glasove* and *Sedem* and both have a limited circulation.

DPS (*Dvizhenie za prava i svobodi/Movement for Rights and Freedoms*) – the party of the Turkish minority, which is the third most powerful political force in the country and at present a member of the threefold alliance currently in control – is an interesting case. DPS does not have its own party paper. During the last year, however, a deputy minister from the DPS and his mother (formerly a director of the Bulgarian state-owned lottery on behalf of the previous government, which DPS also participated in) have acquired the dailies *Monitor* and *Telegraf* and the weekly newspaper *Politika*. Prior to the sale these papers were distinguished by a vigorously critical attitude towards DPS – something which changed immediately after the transfer of shares.

Two current members of parliament also have direct interests in the public media. One of them – a member of a right-wing political group in parliament – is the owner of the *Novinar* daily. The paper does not have a large circulation but is nonetheless considered as one of the major daily newspapers. It operates in cooperation with the informational website *Vseki den*, managed by the former chairman of the youth organisation of the right-wing coalition. The other deputy is a member of a left-wing group in parliament – the Coalition for Bulgaria (in which BSP is a major party). Until recently he owned shares in one of the largest radio chains – *Info Radio*. However, in this specific case it cannot be said that the political engagements of a particular shareholder have affected the editorial policy of the media. Other deputies are also interested in regional media.

The trend in the last year has been of increased internet media use; the consumption of newspapers and radio on the internet has also doubled. It has made sense for almost all daily and weekly newspapers to develop their own free online editions – except for the biggest circulation publications *Trud* and *24 chasa*, which have a paid version of their printed editions. In 2007 internet advertising doubled and tripled in comparison to previous periods.

Internet media

Aside from the dailies' online editions there are a few internet-only products – these are news and information websites which have been operating for several years now and which have gained their own loyal audience in Bulgaria, as well as among Bulgarians abroad.

2007 was a crucial year for the development of blogging as a new type of media. Blogs have progressively established themselves as alternative and independent communication channels for journalists, politicians and commoners. Blogs have become popular especially in the capital and the largest regional towns. Blogs have multiplied, with more and more of them addressing social and political issues. A few nationwide newspapers have created columns for publishing selected blog entries.

At present online newspapers enjoy greater independence from the authorities than do other media. There are still no legal restrictions on online media activity, unlike with television, radio and the press. The reason is largely due to the slow progress in modernising media legislation. On the other hand, the currently slight interest of the authorities in online-based media might be explained by their limited audience. Their main users are young people from the large towns, as well as university students and Bulgarians abroad.

The first state institution to engage with bloggers in 2007 turned out to be the Ministry of the Interior. Officials from the Organised Crime Fighting Department of the ministry put a young man under pressure because he posted information about a forthcoming demonstration by environmentalists on the internet. The blogger was questioned on suspicion of instigating civil insubordination. The case was closed with a 'warning' by the authorities, which provoked strong criticism from media and non-governmental organisations.

General media access According to a survey by Alpha Research Agency, dated January 2008, 30.9 per cent of the population use the internet, that is 1,975,319 people. More than 20 per cent have access to the internet at home, and 12 per cent have it in the office. After the checking of email, which is at the top of the list, looking for news and reading newspapers and magazines are among the most frequent activities. 17.1 per cent of the population have a cable internet connection, 5.1 per cent are in a local area network and 4.1 per cent have ADSL. A survey of the Bulgarian office of the US market research institute Synovate comes to a similar conclusion: in Bulgaria people increasingly tend to use the internet for information rather than for entertainment. Synovate's research shows that at present the internet is the medium with the best future prospects and the main reason for that is the appetite for information and news, which applies especially to young people and 'mature young people' living in large populated areas. In second place comes communicating with colleagues, business partners and acquaintances by email. Instant online messaging with friends only comes in third place. Adults use the internet mainly as a source of information, and young people use it as an easy way to be up-to-date with the newest and most fashionable trends. Meanwhile the internet is making its way into households. During the first half of 2007 one-third of all households in the country had access to the internet via personal computers, and in only six months that number has increased by 5 per cent. Synovate forecasts that this rapid increase is expected to continue until a 100 per cent web-coverage in Bulgaria is achieved, as in developed countries.

Another tendency besides the expansion of internet accessibility is the decrease in interest in cable television. Synovate informs us that more than three-quarters of Bulgarian households use the service but because of the alternative options for TV access, this market is becoming saturated. Almost 100 per cent of the Bulgarian population has access to television.

Media consumption According to Alpha Research's latest data (January 2008) the exact number of people using a television service is 6,277,550, that is 98.2 per cent of the population. Of these 54 per cent (3,452,013 people) use cable TV services, 10.3 per cent of the population (658,440) use digital television services, and 34.4 per cent (2,199,060) watch terrestrial broadcasting television channels.

The second most used source of information is newspapers; 80.9 per cent of adults (5,171,627 people) claim that they read newspapers. Of these 30 per cent are regular readers. The radio is the third most popular medium. Radio's share of the audience is 74.4 per cent (4,756,107). The results of some research on radio audiences by yet another surveying agency, Market Test, show that the largest number of listeners is between 15 and 29 years of age.

Bulgaria is still a country that favours the traditional media and the Bulgarians spend more time watching TV than any other Europeans: 329 minutes per day, that is 5 ½ hours. About 85 per cent of respondents watch TV regularly, 10 per cent often and 3.5 per cent rarely, as shown by Market Links' survey dated December 2007. Sixty-six per cent regularly listen to the radio, whereas 27 per cent of the respondents claim they listen to the radio often. Newspaper readers break down into four relatively equal groups – 29 per cent define themselves as habitual readers;

21 per cent read newspapers often; 27 per cent occasionally; and 23 per cent do not read newspapers. Sixty per cent of the respondents claim that they have no interest in the internet.

Directly or indirectly, people's political outlook in Bulgaria is mainly formed by the media. Therefore politicians endeavour to have a presence in the media as frequently as possible. It is therefore easy to explain the aspiration of political parties, and particularly those in control, to possess or at least control as many information channels as possible.

*Media influence
on political opinion*

The significance of a particular event is usually judged by the amount of media coverage it receives. The main television stations, newspapers and radio channels have the power to create significant information events. Nonetheless, the media coverage of an event may not always correspond to its actual public importance. Often some facts are exaggerated and others are deliberately underplayed, according to the prevailing trend of the day.

The media have an influence on both people of a lower status and those with higher social positions. The differences between them are evident in their preferences for particular media or journalists, but generally there is no correlation between social status and susceptibility to manipulation. That could be explained by the fact that the mass media still have a strong influence.

In addition to the private media in Bulgaria there is also a national radio station (BNR) and a television station (BNT), which are public media and are owned by the state. Despite legal requirements about public funding from taxes – which is also a EU requirement – they are still supported by direct subsidies from the state budget. According to the Law on Radio and Television their editorial staff ought to be independent from the media management. However that is a formal provision rather than the reality. The monitoring of the content and order of their news has repeatedly confirmed that they follow the agenda of the government institutions in the country rather than providing a critical, journalistic point of view. Different viewpoints are formally and mechanically presented rather than an attempt made to provide a more objective and in-depth analysis of a process or event.

*State-owned
media*

The directors-general of national radio and television are elected for a term of three years. They are appointed, through a secret ballot, by the Council for Electronic Media (CEM) – an autonomous regulatory institution. In reality, however, the independence of this process is questionable because CEM's membership consists of a presidential and a parliamentary quota – and as a rule only expert representatives of the governing majority are recruited to the parliamentary quota. Although the Constitutional Court has issued a decision (21/1996) announcing that according to the constitution no political party may take part in the nominations for the post of media regulator, the members of CEM are traditionally nominated by the parties. The latest election for the directors-general of the public media was held in September 2007, however the selected nominees were publicly known some time in advance. Moreover, the press release announcing that Ulyana Prumova had been elected director general of BNT was accidentally sent to journalists by the CEM press office a day before the election was held.

Currently the Council for Electronic Media consists of nine members, none of whom has the required education and experience in the field of media licensing, technologies or intellectual property. Even when it was clear that initially analogue licensing and then digital licensing were imminent, a martial correspondent and a movie director were recruited to the regulatory institution's staff. An external sign of the CEM's inadequacy can be seen in the rather narrow selection of issues that it takes an interest in. The expert talk from CEM members is minimised – they are unable to present to the public a well-grounded narrative about the key issues of licensing or the transition to digitalised broadcasting.

The regulatory organisation is made up of these members because the appointments are made on the basis of members' loyalty to particular political or social groups and not in relation to the individual's ability to contribute to the accomplishment of the institution's mission. In that sense the Bulgarian media regulatory organisation is a set of votes for particular potential decisions with no competence in constructing an expert debate.

Until February 2008, three members of the CEM staff had continued working for several months under the terms of an expired mandate, but that did not interrupt the institution's work. A similar situation also prevailed for a long time at the Communications Regulation Commission (CRC) – the institution, which allocates frequencies to radio and TV operators – because the mandate of the chairman had expired and for ten months the government would not nominate a successor. Only after the European Commission launched sanction procedures against Bulgaria did the Council of Ministers appoint a new chairman.

State-owned media and published opinion It cannot be said that the public media lead public opinion. Rather, the private media have a hegemony. On account of their ostensible editorial independence BNR and BNT have a lower public rating than the private media. This assessment, of course, is generalised and does not take into account the presence of individual journalists who observe high levels of professionalism, which earns them a good public rating. The hegemony of the private media is due to the assumption that because of the form of their ownership they present an independent journalistic stand. In reality, however, in many cases and on many matters the private media are controlled more than the state ones through the operation of various economic and power mechanisms. It is typical of the public media to take the side of the governing circles by neglecting public points of view and spokesmen that are unacceptable to the powers that be. These people and opinions are not completely excluded from the media's agenda, but they are presented in such a way that they are always in a weak position and are squeezed by the other point of view, which is considered to be the correct one. BNR and BNT still remain more like a private forum of the powerful, to defend and vindicate their points of view, although recently the people in power have been trying to share their media appearances equally among all leading channels without being partial to the public ones. The assessment of the public media is that they are very friendly towards the government although it is not possible to say whether this is more true of radio or television.

Government press conferences As a whole, the institutions in the country demonstrate at least an apparent transparency in their work. Once a week the government convenes a meeting, after which there's the traditional press conference open to all media and journalists and without any special or preliminary accreditation. As a rule the briefings of the cabinet can be broadcast without any restrictions. It is a matter of editorial policy to determine to what degree and within what scope to do that.

2. LEGAL ENVIRONMENT

Freedom of expression The freedom to express opinions is a constitutionally guaranteed right for all Bulgarian citizens. Article 39 of the main law of Bulgaria states that anyone has the right to express opinions and to spread them through words – in writing or orally, audibly, visually or in any other manner, provided that by doing so the said person does not prejudice someone else's rights or good name, does not provoke violence or act for a criminal purpose.

Free media coverage The constitution also guarantees the freedom of the media. Article 40 states that the press and other mass media are free and are not subject to censorship. This text also regulates when the publishing of information may be stopped or the item confiscated. Judicial action is necessary for this purpose, which must prove that the printed publication or broadcaster/publisher harms good morals, that it is against the constitution or that it calls for violence against somebody. The right 'of any person to dispose of information is guaranteed by the main law of the country. This also includes the reciprocal obligation of the institutions to present citizens with all data not protected by the law. These rights approved by the constitution apply to all citizens without limitations and they should not be limited by other laws or institutions.

The Law on Radio and Television also contains texts which guarantee the right to information, equal access to information and freedom from censorship (Article 9). Print media publishing in the media operate under the rules of the Commercial Act. Market entry is comparable to other industries.

The journalistic profession in Bulgaria is substantially free as regards legal regulations and requirements. The most frequent legal prosecutions against journalists are for insult and aspersion, which is a procedure under the penal code. Another peculiarity of Bulgaria is that rural journalists are at a higher risk of being sued for defamation – and receive more severe penalties – than journalists in the capital. In the capital, courts are more reluctant to decide in favour of officials, while they are also more familiar with human rights standards such as the European Convention on Human Rights. At the same time, the central media outlets that journalists in Sofia work for are stronger, richer and more influential. Public officials also bear this in mind and are more cautious about initiating defamation cases. As a result of this gap between Sofia and the rest of the country, there is considerable fear that the actions of public figures outside Sofia are less transparent and less subject to the reduced risk of corruption that often accompanies a culture of openness.

*Regulation of
media coverage*

It is still a problem in Bulgaria that defamation against public officials is penalised more severely. For insulting a public official, the penalty could be between BGN 3,000 (€1,500) and BGN 10,000 (€5,000), while in the case of libel it is between BGN 5,000 (€2,500) and BGN 15,000 (€7,500). The notion of 'public official' is very broad and embraces not only civil servants and officials, but also managers of private companies (the expression actually used in the criminal code is 'official person', not even 'public official'). The minimum and maximum amounts of fines for defamation are too high in comparison with the average salary in Bulgaria. This is true particularly for the smaller towns and regions, where salaries are even lower. This disproportion, however, is often not taken into consideration by the courts.

Most of the media collaborated in 2005 in accepting a Code of Ethics in order to introduce general standards to their profession. The National Council for Journalism Ethics (NCJE), which includes two standing complaints commissions, was established along with the code. This made Bulgaria the first country in south-eastern Europe to have major media owners involved in the creation and implementation of a self-regulatory mechanism and body. As a result, the Bulgarian professional media community has created great expectations among society at large over improving the quality of journalistic materials and professional standards, as well as enhancing freedom of expression. Last but not least, the existence of such a mechanism is also expected to prevent journalists and publishers from being taken to court on libel charges. Originally 50 Bulgarian media representatives signed the code. Only one publishing group – Monitor, which owns two national dailies and one weekly – did not sign up, allegedly because of personal conflicts with the management of the Union of Publishers, rather than due to their opposition to self-regulation. The Code of Ethics united owners and journalists, print media and electronic media, media outlets and media organisations, as well as metropolitan and regional media.

The code was signed by a number of media organisations, such as the Association of Bulgarian Broadcasters, the Bulgarian Media Coalition, the Union of Bulgarian Journalists, the Union of Publishers in Bulgaria, and the Association for Regional Media. Immediately afterwards, some 45 media outlets also put their signatures to the document, including the main national and a number of regional newspapers, the largest commercial radio and television stations, the Bulgarian national radio and television networks, and the national news agency. The code is open and additional signatures are accepted.

Provisions concerning licensing and broadcast regulations are provided in the texts of the Act on Radio and Television, the Telecommunications Act, and the Act on Copyrights and Related Rights. The first one regulates all programming aspects of the public and commercial broadcasters and their supervisory body, the Council for Electronic Media (CEM). The Telecommunications Act regulates all telecommunications activities, including the statute and functions of the Communications Regulation Commission (CRC) and telecommunications licensing.

The Copyright Act established a separate department at the Ministry of Culture, intended to identify breaches of this law and impose sanctions. The Law on Electronic Communications was adopted in May 2007. By request of the European Commission, this normative act should regulate the relationships between CEM and CRC and supersede the old regulations of the Law on Telecommuni-

*Changes in the
past five years*

cations. The new Law on Electronic Communications contains two important dates – the year 2012 as the deadline for discontinuing analogue radio and television broadcasting and 31 December 2008 for stopping the issuing of analogue licences.

At present all operators use analogue broadcasting. The transition from analogue to digital video broadcasting (DVB-T), or so-called digitalisation, is expected to start in the summer of 2008. That is the intention of the CRC and the Plan for Digitalisation approved by the government at the end of January 2008. The forthcoming digitalisation also requires changes in the Law on Radio and Television (mainly the responsibility of CEM), which also needs to be in conformity with the new Law on Electronic Communications. These amendments to the Law on Radio and Television should have been voted on by parliament before the end of 2007 but this did not happen.

Legal censorship There has been no censorship law since the end of the Cold War. Legal censorship in Bulgaria, therefore, does not exist.

Media licenses According to the Law on Radio and Television Operators there are two regimes for official recognition – licensing or registration. The license is compulsory for the so-called terrestrial broadcasting. This licence is issued by CEM following a competition. The licence is valid for up to 15 years, with an option to extend it. The technical parameters of the free radio frequencies are the responsibility of yet another state institution – the Communications Regulation Commission (CRC), which issues the so-called telecommunications licence. Thus not only representatives of CEM but also representatives of CRC participate in the licensing competition.

The law specifically binds the functions of both bodies, which means they must act in collaboration. However, there was an occasion when CEM clashed with CRC, thus complicating the licensing and the work of the electronic media. (According to the Law on Radio and Television, CEM has the principal role in the licensing of electronic media since it is the body which issues programme licenses; CRC is then bound to issue the telecommunications license within 10 days.)

The registration regime, which is also in the hands of CEM, applies to all who wish to broadcast a radio or television programme other than by terrestrial means. The applicants register without CEM examining whether or not the market needs new operators. Unlike with the applications for licences, the organisations wishing to transmit by cable do not have to fulfil special requirements such as for news broadcasting, children's programmes, the European quota, etc. Furthermore, the registration application requires a large number of documents to be filed – more than 300 pages, which compulsorily include a programme project, programme concept, programme profile or a programme design. Among them are a lot of useless documents with information on forecast revenues for the following five years, the amount of the investment, etc.

In 2002 the NDSV (Natsionalno Dvizhenie Simeon Vtori/National Movement Simeon The Second) parliamentary majority discontinued all licensing until the end of its mandate. It accomplished this with an amendment to the Law on Radio and Television, according to which CEM and CRC had to design a Strategy for the Development of Radio and Television Activity, which had to be approved by parliament, in order for licensing to continue. The two regulating organisations filed the strategy at the parliamentary commission on Media and Civil Community within the required time limit but the project was never voted on. In practice, therefore, the fulfilment of one of the main powers of the independent regulatory organisation, CEM, became dependent on a parliamentary vote, i.e. on political interests.

In this way the legislature not only created chaos and lawlessness but also divided the operators into two factions. In the public debate both factions (openly or secretly) were represented by major figures in the business, using their resources for financial and institutional pressure. One faction consisted of those who had already started broadcasting (under the 'protection' of Paragraph 9) and did not want any competition (especially for television licences) and the others were those who wanted to start broadcasting.

In 2006 CEM started the new licensing process, but its procedure and criteria were extensively debated. In the end the licensing procedure developed into a judicial dispute, which favoured the status quo. A lot of resources for lobbying and media and political influence were invested in the struggle for air. Each of the factions engaged a non-government media association: the defenders of the status quo linked up with the Association of Bulgarian Radio and Television Operators (ABBRO); and the group interested in a new competition worked with the Association of Bulgarian Television Operators (ABTO), which unites major cable TV operators such as BBT, TV 7 and Diema Vision, who are struggling to obtain national licences. In February 2008 after a year of judicial disputes CEM decided not to prolong the competition because digitalisation was expected in the summer of that year.

One example of the inadequacy of the media law relates to the cancellation of operator registrations. Since 2001 the Law on Radio and Television has made no provision for the cancellation of a registered programme at the request of the person registered. Despite this, at the request of the operator CEM has been cancelling registrations because it says that although there are no legal grounds for doing so, it still cannot turn down the requests of the interested party.

Up to now only one registration has been cancelled at the request of CEM because the Law on Radio and Television has been broken – the television channel concerned was DEN in 2003. According to CEM's official statement, the penalty was imposed at a signal from DPS-Targovishte after the television channel had been fined. This radical measure was the result of 'consistent violations of the principles governing radio and television broadcasting – non-admission of programmes implying national, political, ethnical, religious and racial intolerance'. Despite the fact that television SKAT, which is close to the party Ataka, has frequently over the years provoked public tolerance with its intolerant and straightforwardly racist messages and statements, CEM comments that it cannot do anything since the channel is not a terrestrial broadcaster, i.e. it does not have a licence and operates by virtue of registration. This is regardless of the similarities to the DEN case, mentioned above.

Besides registrations, CEM can also withdraw licences. According to the law this can happen where there has been a serious breach of radio and television conduct or if freedom of speech has been suppressed, etc. The operator is warned to correct within a given period the actions or circumstances which constitute grounds for withdrawal of their licence. Before taking radical measure CEM imposes a fine. The withdrawal of the licence is also connected to the withdrawal of the telecommunications licence by CRC.

The only attempt to withdraw a radio licence dates back to 2006. The then chairman of CEM wanted to withdraw the licence of BBC World Service radio, which he said was not fulfilling the conditions of its licence since it did not broadcast programmes in Bulgarian. CEM wanted to give the BBC's frequency to a Bulgarian medium radio. The BBC had ended its programmes in Bulgarian at the end of 2005 and the conditions of its Bulgarian licence stipulated a minimum number of programmes in Bulgarian. However, the new programme schedule of the World Service, which had been running since December 2005, included a 24-hour programme in English. In their defence the BBC said Bulgaria's forthcoming membership of the EU required it to broadcast at least one radio programme in English.

In 2007 CEM instituted 57 punitive decrees against radio and television operators: 49 against television operators and 8 against radio operators. Its experts had monitored 23,717 hours of radio and television, of which 9,474 hours were on radio and 14,243 on television.

Journalists in Bulgaria are not licensed by the authorities. The media themselves determine how many and what kind of reporters they need. Accreditation is not provided for by law, but is sometimes practised. In fact the only state institution, which regulates press access through special accreditation is the parliament. Usually a press card, issued by each medium, allows access to other organs of authority.

Journalists' legal status

The coverage of the meetings of the National Assembly is determined by an annual accreditation process. All significant media have their own quota of journalists who have guaranteed access to the parliament building on plenary days. In 2007 the number of outsiders (not just journalists) with the right of access was about 700, which necessitated the introduction of several restrictions in 2008. At present approximately 100 journalists have personal passes. Besides the permanent accreditations there is a second kind, which concerns only the meetings of the parliamentary commissions. The representatives of the media with such rights are about 240–250.

The press conferences of the Council of Ministers do not have a special regime governing attendance. They are freely accessible for coverage, as well as for direct broadcasting. The same rules apply to the head of state's press conferences. However, there is one peculiarity in this case – as one of the more conservative institutions the presidency prefers to select the journalists it is going to work with, and this usually happens on the basis of informal arrangements between editors-in-chief and the press secretariat. From time to time at press conferences the right to speak is first given to selected journalists after a preliminary agreement on the questions that will be asked.

Monopolies and cartels In Bulgaria the law does not impose restrictions on the ownership of media and at present neither a public register of ownership, nor any effective anti-monopoly mechanisms have been established. The main body to take care of free market competition is the Commission for the Protection of Competition (CPC). This institution, however, does not specialise in the media sector, as it monitors all public and economic life. The goal of CPC is to check for the potential development of a monopoly – i.e. for every media transaction, CPC needs to be aware of who owns the buying and the selling companies. However the work of the commission is complicated by the possibility of an offshore company owning a media organisation. A good example is the case of the Balkan News Corporation – the owner of one of the largest national channels, bTV, which is an offshore company registered in Delaware. Two years ago the company also purchased three radio stations – Jazz FM, Classic FM and the radio chain NJoy – with the approval of CPC although the commission was unable to check whether a monopoly was being created. The impression which this transaction left among people involved in the media was that the same owner sold and purchased something to and by himself with the approval of CRC. This statement is entirely true, although it is impossible to prove it.

One of the cases in which CPC has been involved concerns advertising in the publications of West-deutsche Allgemeine Zeitung (WAZ) – Trud and 24 chasa, represented in the country by Journalistic Group Bulgaria. The case features so-called 'mirror advertisement' – the placement of the same advertisements in both dailies and in the 168 chasa weekly, which is the property of the same media group. CPC was approached on several occasions about this matter by owners of other newspapers who objected the practice as they thought WAZ was violating free competition. This dispute has been developing for several years now. The practice of the regulatory bodies in such instances is to hear the statements of all interested parties and to prepare a market analysis. Despite the decision of CPC which considered that a monopoly had been created in the printed advertising market, both dailies Trud and 24 chasa were allowed to continue with the mirror advertisements. At present only two days are free of mirror advertisements.

3. POLITICAL CONDITIONS

Coverage of marginal groups In Bulgaria there are no social groups or other segments of the public which are deliberately and tendentiously left out of the media. It is natural for the press and the electronic media to follow the news flow and current public events and to not always have time for more narrow and peripheral matters. However, during the last few years civil society in the country has developed and a large number of non-governmental organisations work with minorities, people of low social status, orphans, invalids and other people in disadvantaged positions, using financing from various programmes in order to publicise these problems. A lot of media products have been created – programmes, films, discussions, publications. Apart from that a new group of journalist has been formed – reporters who follow and broadcast in detail on heated social problems. In 2007 the first registration was granted to a Romany television channel, which is owned by followers of the leader of one of the large Romany parties. Moreover the gypsies in Bulgaria have had their own printed publication for years.

The loyalty of parts of the media to the political elite and the opacity of ownership and capital are the main reasons for the presence of self-censorship in Bulgaria. It is hard to prove but at the same time it is sufficiently recognisable through general media monitoring. Politics is the field in which self-censorship is most frequently present. Usually it is expressed as a desire to avoid confrontation with the governing circles.

Self-censorship

The trend of entertainment and fun programmes replacing current affairs and political programmes was characteristic of 2007. The same applies to the three large national television channels – BNT, Nova TV and bTV, which gave up a lot of serious journalism programmes. Some of the radio programmes also turned to a lighter regime with more music and less politics.

Physical altercations with journalists – which is not acceptable in a modern society – is not the only way that the state can suppress the media. Failing to release information is also a form of repression, and no less grave, since it gives rise to public consequences. It cannot be said that during the last few years Bulgaria has progressed in making information transparent and publicly available – indeed, rather the opposite is true. However, thanks to a non-governmental organisation – the Access to Information Programme – the journalist community has been strongly supported in its efforts to control the institutions and force them to go public, including through legal proceedings. Thanks to this non-governmental organisation a lot of journalists have instituted and won lawsuits against various bodies and the representatives of state and local authorities which refused to release information of public significance. What investigative journalism there has been during the last few years has been due to the fact that institutions can be legally required to be transparent.

State repression

One cannot say that the state has directly and openly repressed the media. Over the last few years the media environment has been constantly developing without this being accompanied by any notable cataclysms. However, it still cannot be said that the Bulgarian journalist community enjoys European standards of democracy. The appearance of new media – national television, newspapers, magazines, etc. – increased the pluralism of the media but failed to guarantee against intervention from politicians in the journalism agenda. As was made clear above, there are two main reasons for this: the opacity of media ownership and the still powerful mechanisms held by governing circles for intervening in the regulation of the media market, especially television.

One of the main issues over the last few years has been the transformation of radio Nova Evropa – which, as the successor of Svobodna Evropa (Radio Free Europe), had a particular role in civil society – into the music channel Z-Rock. Despite the protests of its journalists and the legal arguments that the change in programme format also changed the public functions of the radio which were stipulated in its licence, the change was implemented and the radio turned into a commercial channel with the approval of CEM.

Changes in the past five years

One of new characteristics of the media environment in Bulgaria over the last one or two years has been the deliberate favouring of good news. Journalists are under informal pressure from politicians and their close circle of analysts, who criticise the media for seeking sensation and intrigue. This type of informal censorship is packaged as being the wish of the community, which is presented as tired of politics and of bad news. As a result several media have developed their own permanent programmes: 'The good news'.

4. ECONOMIC PRESSURES

The only media receiving direct subsidies from the state are the public television and radio – BNT and BNR. The rest operate according to market principles. However, there are other indirect ways through which the politicians, using public money, interfere in the private media. The advertising budgets for public events is a common channel for the state budget to reach the private media, disguised as advertisements for various government initiatives – such as campaigns on a certain issue, communication strategies, joint programs, etc. Particular politicians or political groups try to buy influence or just obtain insurance against journalistic investigations. Parts of these resources go through PR agencies before they reach the media, which makes them difficult to trace. It has

State subsidies

been a frequent practice during the last few years for a single PR agency to service several ministries and collect and distribute significant amounts of public money. The amounts for advertising are usually substantially increased before elections. Another notable trend is that the companies servicing ministries also work on the personal image of the ministers when they appear at elections.

Further aspects It is hard to say whether and to what extent the budgets for government advertising are reflected in the media's editorial policy. A report by the Bulgarian Helsinki Committee dated 2006 based on inquiries and direct interviews with journalists from all Bulgarian media states suggested that the advertising departments of many publications often have an influence on the writing of content.

In order to assess the correlation between the advertising of state institutions and of private companies, it is a good idea to consider a concrete example. In a campaign directed at agrarian manufacturers under the motto 'You are entitled to this money', during the first months of 2007, the Ministry of Agriculture and Food Supply entered into a contract for 11 months with BNR for a joint consulting programme twice a week and with the private radios Darik and Info Radio. The campaign also included one page in a specialised publication for farmers, as well as publishing advertising columns in nine national newspapers for a period of three months. Not counting the advertisements in newspapers, i.e. only the radio collaboration plus the publication in the weekly issue of *Balgarski Fermer*, this cost the ministry BGN 338,500 excluding VAT (approximately €140,000) according to its own data.

5. NON-STATE REPRESSION

Repression by non-state groups It cannot be claimed that there is any consistency in the repression of journalists by organisations or groups. Despite that, violations do exist. One of the main incidents was the attack against the home of investigating journalist Vasil Ivanov, from Nova Television, in 2006. Not long before the home of his mother was blown up Ivanov had made a report on violence in prisons. Despite the prosecutor's investigation, it could not be determined who was behind the attack.

Two more incidents happened in 2007, which were related to representatives of the authorities. The more serious incident was an assault against a cameraman by the guards of the judicial authority, while the cameraman was trying to take pictures of a suspicious businessman brought for questioning under unprecedented security measures. Despite the cameraman's medical evidence of injury the prosecutor's office refused to institute an investigation, arguing that there was insufficient information.

Changes in the past five years In 2007 there also was a case in which an independent municipal councillor from Zlatograd beat up the editor-in-chief of a local newspaper over a difference of opinion regarding his publication on fraud in the public commissions for construction. The court imposed a penalty on the municipal councillor of BGN 150.

Another example of a clash between the authorities and journalism is the scandal over the correspondent of BNR in Ruse, Natasha Dimitrova, who was about to become a victim of the rage of the Minister of Interior Rumen Petkov. Dimitrova was nearly fired for 'lowering the reputation of Bulgaria among international institutions' with her question about whether Petkov would reinstate a fired employee of the ministry. The journalists in Ruse then wrote: 'The case, in which on 17.01.2007 the Minister Rumen Petkov quarrelled with Bulgarian journalists due to their "uncomfortable" questions, is a telling example of intolerable behaviour of a high representative of the authority.'

6. CONCLUSIONS

Freedom of the media: general situation The stable development of a market economy in Bulgaria, increased foreign investments and the growing stability in advertising budgets have led to a relatively well developed media market in the country. According to financial analysts, the Bulgarian media market is quite dynamic and risky, involving a large number of stakeholders and serious competition.

As a whole the media in Bulgaria are free. If they are under external non-market pressure this is not due to state or institutional repression, but due to informal channels and some legal omissions. The assessment is that there is freedom of the media with minor restrictions.

For the last five years it is as if there have not been any general changes in the media that have lead to a change in the quality of journalism. Rather, the situation is static.

Changes in the past five years

Investigative journalism is an important field, which has been stagnant during the last few years. The reasons are twofold: few media are inclined to invest time and resources in an investigation and the journalists themselves are poorly motivated since the correlation between risk and reward is still in favour of the risk.

Major obstacles to free media coverage

Sibina Krasteva

REFERENCES

- *Metodieva, Juliana et al. (2006): Redefining the Publicity: Survey 'Transparency in relationship between PR Agencies and Media'. Sofia: Bulgarian Helsinki Committee.*
- *Ognianova, Neli et al. (2007): Monitoring of licensing of radio and TV operators in Bulgaria 2006-2007. Sofia: University St. Kliment of Ochrida.*
- *Danov, Danail (2004): Freedom of Speech. Sofia: Media Development Center.*
- *Council for Electronic Media (2006): The Progress of radio and television in Bulgaria 2001–2006. Sofia: Council for Electronic Media.*
- *Communications Regulation Commission (2006): Annual Report 2005. Sofia: Communications Regulation Commission.*
- *National Statistical Institute (2007): Publishing activity in 2006, Sofia: National Statistical Institute.*

FURTHER READINGS

- *Bakardjieva, Maria (1995): "The New media Landscape in Bulgaria", in: Canadian Journal of Communication, Vol. 20 (1995), No. 1.*
- *Braun, Sandra L. (2007): "The Effects of the Political Environment On Public Relations in Bulgaria", in: Journal of Public Relations Research, Vol. 19 (2007), Issue 3, pp. 199–228.*
- *EU Monitoring and Advocacy Program (2005): Television across Europe: Regulation, Policy and Independence. Budapest: Open Society Institute.*
- *Jakubowicz, Karol (2006): "Media Within and Without the State: Press Freedom in Eastern Europe", in: Journal of Communication, Vol. 45 (2007), Issue 4, pp. 125-139.*
- *Ognianova, Neli (2005): Audiovisual Policy and Law in the EU. Sofia: University St. Kliment of Ochrida.*