

**AMENDING
AN EXISTING LICENSE FOR THE PROVISION OF
AUDIOVISUAL AND RADIO SERVICES**

I. Legal basis

- Article 32, paragraph 1, sub-paragraphs 9 and 18 of the Radio and Television Act (RTVA);
- An opinion regarding the general requirements for modification of the parameters of existing licenses for the provision of radio services and of audiovisual media services.

II. Administrative arrangements, requirements and documents needed

Where a licensed provider wishes to amend the clauses of its individual license for the provision of radio services and of audiovisual media services, in particular clause 3.1 ‘Programme name’, clauses 3.3 and 3.4 ‘Programme profile’ and clause 5.1 ‘Programme characteristics’, the provider should submit a written application in narrative form to the Council for Electronic Media (CEM).

An indispensable element of the application is a concept for the future development of the programme. The application should be based on the legal definitions of ‘programme project’ and ‘programme concept’ set out in the Radio and Television Act (RTVA, cf. Supplementary Provisions, paragraph 1, sub-paragraphs 29 and 30, without organisational-creative, technological and financial plan). The application should outline the objective, the intended purpose and the results expected from the implementation of the requested programming modifications of the clauses of the license.

Where the application concerns a modification of the Programme profile (clause 3.3 and/or clause 3.4), the new profile should be clearly explained and justified. In particular, it should be indicated whether the new profile will be general (poly- thematic) or specialised and whether the focus will be on music or on news/information, having regard to the legal definitions set out in the RTVA (cf. Supplementary Provisions, paragraph 1, sub-paragraph 28). The Programme characteristics should also be explained from the perspective of the existing professional programming practice.

In respect of the radio programmes whose format will be determined mostly by musical content, the application should briefly outline the leading musical theme and the objectives of the requested modifications as part of the programming intentions, including information about the nature of the music to be played, using generally accepted professional terms such as modern music, new hits, golden hits, dance music, pop music, retro music, etc. The applicant should include a detailed description of the musical policy, including the main characteristics of the musical domains, styles and genres; the style and method to be used for presenting the programme, e.g. the extent to which the programme will rely on musical performances being played without a host, and in what time-bands, how often the most popular performances will be alternated, etc.).

In case that the aim of the requested modifications is to address the programme to a certain audience (e.g. a specific age group), the target audience should be identified. The concept for the

future development of the programme in question should also describe the characteristics of the information areas of the programme: themed radio shows, rubrics or other forms, and their duration.

The application should clearly describe how and to what extent, after the modifications, the programme will respond to the preferences, expectations and interests of local and regional audiences — in general and in particular, having regard to the terms of the individual license in clause 5.1 ‘Programme characteristics’: radio shows dedicated to news/information, culture, education or entertainment as well as additional services in the meaning of clause 6.

The application should specify the timings and the minimum duration of the news emissions, with a separate indication of the emissions dedicated to regional news. The applicant should explain whether the programme as a whole or part of the programme will be created locally, in a fully automated manner or the operator will retransmit its programme from another region, including the related scheme, duration, method and technological tools to be employed.

In case that the requested modification of the individual license relates to the Programme profile and the values of the programming parameters, the concept for the future development of the programme should also present an updated weekly scheme of the programme and the date from which the updated scheme will be applied, in accordance with the legal definition in the RTVA (cf. Supplementary Provisions, paragraph 31).

In case that the requested modification of the individual license relates to clause 3.1 ‘Programme name’, the applicant should provide evidence that the operator has the right to use the new name.

In case that the requested modification of the individual license relates to clause 5.1 ‘Programme characteristics’ (e.g. news emissions), the justification should only relate to the conditions whose modification is sought. The applications for modification of the individual licenses should be reasoned and based on sociological polls and on the demographic profiles of the regional audiences, on the applicant’s own surveys and analyses of the regional market, on an estimation of the potential audience which the programme intends to reach after the license is modified, on expectations and estimates as to the takeover of listeners from other regional programmes, etc.

The applicant should submit the request and the supporting documents in writing, in Bulgarian language and in one copy at the Registry Desk of the CEM or through a licensed postal operator. The Council for Electronic Media will examine the administrative case file and if any deficiencies are found, the CEM will instruct the applicant to rectify the deficiencies within seven days. The seven-day period will commence on the date on which CEM’s notice is delivered. The notice will be delivered in accordance with the process set out in the Code of Administrative Procedure.

The CEM will deliver its decision (‘the Transfer Decision’) within 14 days of the submission of the application or of the rectification of the deficiencies, as the case may be. The Listing Decision will be published on the CEM website and communicated to the party concerned through a licensed postal operator.

The Amending Decision can be appealed at the Administrative Court of Sofia District within 14 days of the announcement that the Decision has been issued. The appeal has to be submitted

through the Council for Electronic Media.

The licensee can choose how to obtain its amended license — at CEM's Head Office: Sofia, 69 Shipchenski Prohod Boulevard, Floor 6; through a licensed postal operator or by electronic means.

III. Fees

The following fees are applicable: Fee for examination of the application as per Article 5, paragraph 1 of the Tariff of Fees for Radio and TV Operations; and Fee for amendment of the license as per Article 5, paragraph 2, 3 or 4 of the Tariff of Fees for Radio and TV Operations.

The fees can be paid either by a bank transfer or at CEM's cash office at Sofia, 69 Shipchenski Prohod Boulevard, Floor 6.

Details of the bank account:

IBAN BG49 BNBG 9661 3000 1788 01

BIC BNBGBGSD

Bulgarian National Bank (BNB), Head Office