
CODE OF CONDUCT

Regarding Measures for the Assessment, Labelling and Restriction of
Access to Programmes Having Adverse Effects on or Posing a Risk of
Impairing Children's Physical, Mental, Moral and/or Social
Development.

12 January 2023

I. INTRODUCTION AND PURPOSES

1. The Council for Electronic Media (**CEM**) shall develop in collaboration with the Association of Bulgarian Radio and TV Operators, UIC 121545357 (**ABBRO**) – the representative organisation of commercial media service providers, the Bulgarian National Television (**BNT**) and the Bulgarian National Radio (**BNR**), a Code of Conduct containing measures for the assessment, labelling and restriction of access to programmes having adverse effects on or posing a risk of impairing children's physical, mental, moral and/or social development (**Code of Conduct**).
2. The Code of Conduct is developed pursuant to Article 17a of the Radio and Television Act (**RTA**).
3. Media service providers shall be obliged to not create and not make available for distribution any programmes that could impair children's physical, mental, moral and/or social development.
4. With regard to the implementation of item 3, CEM, ABBRO, BNT and BNR have developed this Code of Conduct which lays down measures for the assessment, labelling and restriction of access to programmes having adverse effects on or posing a risk of impairing children's physical, mental, moral and/or social development.
5. The **measures** under item 4 may include selection of the broadcast time, age verification means, encoding and/or other appropriate technical measures to inform and protect the audience. The measures should be proportionate to the potential harm from the programme. The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures.
6. Media service providers shall be obliged to provide **sufficient information about any content** having adverse effects on or posing a risk of impairing children's physical, mental, moral and/or social development. To this end media service providers shall use the system envisaged in this Code of Conduct which outlines the potentially harmful nature of the content of the audiovisual media service.
7. Pursuant to Article 17a(2) of RTA, the obligation of media service providers under item 3 of this Code of Conduct shall not be applicable to programmes **in encoded formats** as well as to programmes broadcast between **23:00 and 6:00** which are preceded by a clear acoustic and/or acoustic and optical warning or are identified by the presence of a visual symbol throughout their duration and thus ensure that children would normally not hear or see them.
8. Providers of video-sharing platforms shall take appropriate measures to protect children against programmes, user-generated videos and audiovisual commercial communications that could impair their physical, mental, moral and/or social

development. This Code of Conduct should lay down special measures with regard to the services of video-sharing platforms.

9. The Code of Conduct is a form of **co-regulation** aimed at protecting children in accordance with the Radio and Television Act and the EU Audiovisual Media Services Directive and it supplements and does not limit the application of obligations with regard to child protection envisaged in regulatory acts such as the Child Protection Act, RTA, etc.
10. RTA and Audiovisual Media Services Directive encourage both co-regulation and the exchange of good practices between media service providers regarding the application of codes of conduct in the field of co-regulation.
11. **The Code of Conduct shall be adopted by CEM and shall be mandatory** for all media service providers under Article 17a(5) of RTA. The provisions of this Code of Conduct related to video-sharing platform services shall be mandatory for the providers of such services. CEM shall publish the Code of Conduct on its website and shall monitor compliance with it.
12. The Code of Conduct takes into account the fact that until its adoption media service providers applied and were obliged to observe the Criteria for the Assessment of Content Having Adverse Effects on or Posing a Risk of Impairing Children's Physical, Mental, Moral and/or Social Development under the repealed Article 32(5) of RTA and the signed Agreement for the Protection of Children Against Content Having Adverse Effects on or Posing a Risk of Impairing Children's Physical, Mental, Moral and/or Social Development under the repealed Article 32(6) of RTA. The Criteria and the Agreement have been published and are available on CEM's website.
13. The Code of Conduct takes into account the already accumulated **good practices** and it builds on and further develops the co-regulation rules in order to achieve the following objectives: joint establishment of effective measures for the assessment and labelling of content and restriction of children's access to programmes and user-generated videos having adverse effects or posing a risk of impairing children's development. These measures take into account already accumulated good practices; the specifics and technological development of media services and of services offered by video-sharing platforms; the nature of linear media services, non-linear (on-demand) media services and services of video-sharing platforms, as well as the specifics of positioning, content labelling and access options for children to the various media services; the accessibility of the media environment; the varying level of physical, mental, moral and social development of children in different age groups within the wider range from 0 to 18 years old; the level of media literacy reached by the audience and by the users

of on-demand audiovisual media services and of the services of video-sharing platforms.

14. The measures should be balanced in such a way as to observe the **informational freedoms** laid down in the Constitution, including children's right to express their opinion and disseminate it as well as the right to access information (to seek, receive and disseminate information).
15. The implementation of the measures should not affect and **shall not limit the right of all Bulgarian citizens to access information** and in general that of the audience reached by the media services and the services of video-sharing platforms.
16. The implementation of the measures should take into account the technical and financial capabilities of the media service provider, respectively of the video-sharing platform provider.
17. The implementation of the measures should take into account the specifics of the audiovisual services and radio services, the programme profile and the programme content, so that the measures are appropriate and proportionate.
18. The implementation of the measures should not affect the quality of the media service and of the service of the video-sharing platform.
19. The measures should ensure the awareness of the audience regarding the content in compliance with Article 17a of RTA.
20. Within the effective term of the Code of Conduct, CEM and media service providers – via ABBRO, BNT and BNR – shall be open to additional proposals, recommendations and feedback from child protection organisations and institutions and from the general audience.
21. CEM and the media service providers, through ABRO, BNT and BNR express their willingness to cooperate in the promotion and training of the implementation of the Code and good practices¹ with the State Agency for Child Protection, academia, civil society organisations working on child protection and self-regulation to identify and promoting ethical rules and principles in the exercise of journalistic activity and the creation of advertising.

¹Such as the Guidebook for Journalists on “Ethical Reporting on Children in Media” developed by UNICEF and the Association of European Journalists: [BGR-Children-and-media-updated-guidebook-on-ethical-reporting-2019.pdf \(unicef.org\)](#)

II. LEGAL FRAMEWORK

1. European Law

- 1.1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (**Audiovisual Media Services Directive**).
- 1.2. With regard to **television broadcasts**, the Audiovisual Media Services Directive provides the following:

Audiovisual Media Services Directive

‘CHAPTER VIII

PROTECTION OF MINORS IN TELEVISION BROADCASTING

Article 27

1. *Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.*

2. *The measures provided for in paragraph 1 shall also extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.*

3. *In addition, when such programmes are broadcast in unencoded form Member States shall ensure that **they are preceded by an acoustic warning or are identified by the presence of a visual symbol throughout their duration.** Member States shall ensure that emergency information, including public communications and announcements in natural disaster situations, which is made available to the public through audiovisual media services, is provided in a manner which is accessible to persons with disabilities.’*

- 1.3. With regard to non-linear audiovisual media services, the Audiovisual Media Services Directive provides the following:

‘CHAPTER IV

PROVISIONS APPLICABLE ONLY TO ON-DEMAND AUDIOVISUAL
MEDIA SERVICES

Article 12

Member States shall take appropriate measures to ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction which might seriously impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see such on-demand audiovisual media services.'

1.4. The Audiovisual Media Services Directive also contains the following relevant recitals 59—62:

(59) The availability of harmful content in audiovisual media services is a concern for legislators, the media industry and parents. There will also be new challenges, especially in connection with new platforms and new products. Rules protecting the physical, mental and moral development of minors as well as human dignity in all audiovisual media services, including audiovisual commercial communications, are therefore necessary.

*(60) Measures taken to protect the physical, mental and moral development of minors and human dignity should be carefully balanced with the fundamental right to freedom of expression as laid down in the Charter on Fundamental Rights of the European Union. The aim of those measures, such as **the use of personal identification numbers (PIN codes), filtering systems or labelling**, should thus be to ensure an adequate level of protection of the physical, mental and moral development of minors and human dignity, especially with regard to on-demand audiovisual media services. The Recommendation on the protection of minors and human dignity and on the right of reply already recognised the importance of filtering systems and labelling and included a number of possible measures for the benefit of minors, such as systematically supplying users with an effective, updatable and easy-to-use filtering system when they subscribe to an access provider or equipping the access to services specifically intended for children with automatic filtering systems.*

(61) Media service providers under the jurisdiction of the Member States should in any case be subject to a ban on the dissemination of child pornography in accordance with the provisions of Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography (24).

*(62) None of the provisions of this Directive that concern the protection of the physical, mental and moral development of minors and human dignity **necessarily requires that the measures taken to protect those interests should be implemented through the prior verification of audiovisual media services by public bodies.***

- 1.5. Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (**Directive (EU) 2018/1808**). Directive (EU) 2018/1808 creates a new Article 6a applicable to all audiovisual media services:

'Article 6a

*1. Member States shall take appropriate measures to ensure that audiovisual media services provided by media service providers under their jurisdiction which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. **Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.***

The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures.

2. Personal data of minors collected or otherwise generated by media service providers pursuant to paragraph 1 shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.

*3. Member States shall ensure that media service providers provide sufficient **information to viewers about content** which may impair the physical, mental or moral development of minors. For this purpose, media service providers shall use a system describing the potentially harmful nature of the content of an audiovisual media service.*

For the implementation of this paragraph, Member States shall encourage the use of co-regulation as provided for in Article 4a(1).

4. The Commission shall encourage media service providers to exchange best practices on co-regulatory codes of conduct. Member States and the Commission may foster self-regulation, for the purposes of this Article, through Union codes of conduct as referred to in Article 4a(2).'

- 1.6. With regard to the services of video-sharing platforms, Directive (EU) 2018/1808, specifically Article 28b (1) (a), Article 28b(3) and Article 28b(4) lay down the following:

'Article 28b

1. Without prejudice to Articles 12–15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers under their jurisdiction take appropriate measures to protect:

(a) minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development in accordance with Article 6a(1);

3. For the purposes of paragraphs 1 and 2, **the appropriate measures shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected** as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created or uploaded the content as well as the general public interest.

Member States shall ensure that all video-sharing platform providers under their jurisdiction apply such measures. Those measures shall be practicable and proportionate, taking into account the size of the video-sharing platform service and the nature of the service that is provided. Those measures **shall not lead to any ex-ante control measures or upload-filtering of content** which do not comply with Article 15 of Directive 2000/31/EC. For the purposes of the protection of minors, provided for in point (a) of paragraph 1 of this Article, **the most harmful content shall be subject to the strictest access control measures.**

Those measures shall consist of, as appropriate:

(a) including and applying in the terms and conditions of the video-sharing platform services the requirements referred to in paragraph 1;

(b) including and applying in the terms and conditions of the video-sharing platform services the requirements set out in Article 9(1) for audiovisual commercial communications that are not marketed, sold or arranged by the video-sharing platform providers;

(c) having a functionality for users who upload user-generated videos to declare whether such videos contain audiovisual commercial communications as far as they know or can be reasonably expected to know;

(d) establishing and operating transparent and user-friendly mechanisms for users of a video-sharing platform to report or flag to the video-sharing platform provider concerned the content referred to in paragraph 1 provided on its platform;

(e) establishing and operating systems through which video-sharing platform providers explain to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in point (d);

(f) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors;

(g) establishing and operating easy-to-use systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;

(h) providing for parental control systems that are under the control of the end-user with respect to content which may impair the physical, mental or moral development of minors;

(i) establishing and operating transparent, easy-to-use and effective procedures for the handling and resolution of users' complaints to the video-sharing platform provider in relation to the implementation of the measures referred to in points (d) to (h);

(j) providing for effective media literacy measures and tools and raising users' awareness of those measures and tools.

Personal data of minors collected or otherwise generated by video-sharing platform providers pursuant to points (f) and (h) of the third subparagraph shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.

4. For the purposes of the implementation of the measures referred to in paragraphs 1 and 3 of this Article, Member States shall encourage the use of co-regulation as provided for in Article 4a(1).'

1.7. With regard to audiovisual commercial communications, Directive (EU) 2018/1808 includes the following text of Article 9(1)(g) and Article 9(2):

'Article 9

1. Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:

g). audiovisual commercial communications shall not cause physical, mental or moral detriment to minors. Therefore, they shall not directly exhort minors to buy or hire a product or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.

2. Member States and the Commission shall encourage media service providers to develop codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended.'

1.8. Directive (EU) 2018/1808 also contains the following relevant recitals 19, 20, 45 and 48:

*'(19) In order to empower viewers, including parents and minors, to make **informed decisions about the content to be watched**, it is necessary that media service providers provide sufficient information about content that may impair minors' physical, mental or moral development. That could be done, for example, through a **system of content descriptors, an acoustic warning, a visual symbol or any other means, describing the nature of the content.***

(20) The appropriate measures for the protection of minors applicable to television broadcasting services should also apply to on-demand audiovisual media services. That should increase the level of protection. The minimum harmonisation approach allows Member States to develop a higher degree of protection for content which may impair the physical, mental or moral development of minors. The most harmful content, which may impair the physical, mental or moral development of minors, but is not necessarily a criminal offence, should be subject to the strictest measures such as encryption and effective parental controls, without prejudice to the adoption of stricter measures by Member States.'

'(45) There are new challenges, in particular in connection with video-sharing platforms, on which users, particularly minors, increasingly consume audiovisual content. In this context, harmful content and hate speech provided on video-sharing platform services have increasingly given rise to concern. In order to protect minors and the general public from such content, it is necessary to set out proportionate rules on those matters.'

'(48) In light of the nature of the providers' involvement with the content provided on video-sharing platform services, the appropriate measures to protect minors and the general public should relate to the organisation of the content and not to the content as such. The requirements in this regard as set out in Directive 2010/13/EU should therefore apply without prejudice to Articles 12 to 14 of Directive 2000/31/EC, which provide for an exemption from liability for illegal information transmitted, or automatically, intermediately and temporarily stored, or stored by certain providers of information society services. When providing services covered by Articles 12 to 14 of Directive 2000/31/EC, those requirements should also apply without prejudice to Article 15 of that Directive, which precludes general obligations to monitor such information and to actively seek facts or circumstances indicating illegal activity from being imposed on those providers, without however concerning monitoring obligations in specific cases and, in particular, without affecting orders by national authorities in accordance with national law.'

2. National Law

2.1 Regarding the transposition of the **Audiovisual Media Services Directive** and of Directive (EU) 2018/1808, a new Article 17a shall be created in RTA:

Radio and Television Act

'Article 17a. (New — SG No 28 of 2011, amended in SG No 109 of 2020, effective as of 22 December 2020) (1) Media service providers shall be obliged to not create and not make available for distribution any programmes that could impair children's physical, mental, moral and/or social development.

(2) The provision of paragraph 1 shall not apply to any programmes that are made available at a time and in a manner ensuring that children will not normally hear or see them, such as:

1. programmes in encoded formats;

2. programmes broadcast between 23:00 and 6:00 which are preceded by a clear acoustic and/or acoustic and optical warning or are identified by the presence of a visual symbol throughout their duration, which shall not prejudice the liability of media service providers for the observance of the principles of Article 10 throughout the duration of the programme.

*(3) With regard to the implementation of paragraph 1, the Council for Electronic Media, in collaboration with media service providers, including the BNT and the BNR shall develop a **Code of Conduct containing measures for the assessment, labelling and restriction of access to programmes having adverse effects on or posing a risk of impairing children's physical, mental, moral and/or social development.***

(4) The measures under paragraph 3 may include selection of the broadcast time, age verification means, encoding and/or other appropriate technical measures to inform and protect the audience. Such measures should be proportionate to the potential harm of the programme. The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures.

(5) The Code of Conduct under paragraph 3 shall be adopted by the Council for Electronic Media and shall be mandatory for all media service providers. The Council for Electronic Media shall publish the rules on its website and shall monitor compliance with them.

(6) Media service providers shall be obliged to respect children's rights laid down in the Child Protection Act and in other statutory instruments.

(7) Media service providers shall be obliged not to allow the participation of children in programmes having adverse effects on or posing a risk of impairing children's physical, mental, moral and/or social development.

(8) The protection of children against gratuitous violence and pornography under this Act shall apply without prejudice to the application of any penal or any other measure provided for by the legislation.

(9) Personal data of children collected or otherwise generated by media service providers pursuant to the measures under paragraph 4 shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.

(10) Media service providers shall be obliged to **provide sufficient information about any content** having adverse effects on or posing a risk of impairing children's physical, mental, moral and/or social development. **To this end media service providers shall use the system envisaged in the Code of Conduct under paragraph 3 which outlines the potentially harmful nature of the content of the audiovisual media service.**

(11) The Council for Electronic Media shall encourage media service providers to exchange best practices on co-regulatory codes of conduct for the protection of children.'

2.2. Regarding the transposition of Directive (EU) 2018/1808, new Article 19e(1)(1) and Article 19e(6–10) shall be created, providing for the following with respect to the services of video-sharing platforms:

'Article 19e (New — SG No 109 of 2020, effective as of 22 December 2020) (1) Without prejudice to the application of Articles 13–17 of the Electronic Commerce Act, video-sharing platform providers shall take appropriate measures:

1. to protect children from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental, moral and/or social development in accordance with Article 17a(1–3);

(6) Video-sharing platform providers shall determine **appropriate measures to attain the purposes of this Article according to the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected**, as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created or uploaded the content, as well as the interest of the audience.

(7) The measures under paragraph 6 must be **practicable and proportionate**, taking into account the size of the video-sharing platform service and the nature of

the service that is provided. Those measures **shall not lead to any ex-ante control measures or upload-filtering** of content which do not comply with Article 17 of the Electronic Commerce Act.

(8) The measures under paragraph 6 shall consist of, as appropriate:

1. having a functionality for users who upload user-generated videos to declare whether such videos contain audiovisual commercial communications as far as they know or can be reasonably expected to know;
2. transparent and user-friendly mechanisms for users of a video-sharing platform to report or flag to the video-sharing platform provider the content under paragraph 1 provided on their platform;
3. systems through which video-sharing platform providers explain to users of these platforms what effect has been given to the reporting and flagging referred to in item 2;
4. age verification systems for users of video-sharing platforms with respect to content which could impair children's physical, mental or moral development;
5. easy-to-use systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;
6. parental control systems that are under the control of the end-user with respect to content which could impair children's physical, mental or moral development;
7. transparent, easy-to-use and effective procedures for the handling and resolution of users' complaints to the video-sharing platform provider in relation to the implementation of the measures referred to in items 2–6;
8. effective media literacy measures and tools and raising users' awareness of those measures and tools.

(9) Personal data of children collected or otherwise generated by video-sharing platform providers pursuant to paragraph 8(4) and paragraph 8(6) shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.

(10) Video-sharing platform providers shall draw up **general terms and conditions, which shall be coordinated with the Council for Electronic Media** in order to ensure their conformity with the provisions of this Article. They shall contain the measures under paragraph 6, thereby ensuring:

1. compliance with the requirements specified in paragraph 1;
2. impartial settlement of disputes between providers and users through an out-of-court mechanism, without depriving users of the legal protection provided by national law;

3. compliance with the requirements under Article 75(1) and Article 75(4–9) with respect to commercial communications which are not arranged and placed by the provider for the sharing platform.

3. Co-Regulation and Scope of the Code of Conduct

The Code of Conduct shall apply to media services offered by media service providers under the jurisdiction of Bulgaria in line with RTA. The special rules of the Code of Conduct related to the services of video-sharing platforms shall apply to services offered by video-sharing platform providers under the jurisdiction of Bulgaria.

The Code of Conduct represents a form of co-regulation in line with recital 14 of Directive (EU) 2018/1808. In the event of co-regulation, the regulatory role is shared between stakeholders and the national regulatory authority, therefore the rules created with the participation of or by economic operators and non-governmental organisations as joint guidelines applicable among them (self-regulation) are tied to the national legislation, and the role of the national regulator includes the recognition of the co-regulation system, the verification of its functioning and, to the extent envisaged, the financial provision of the system. The co-regulation should allow for state intervention if its purposes have not been achieved. Co-regulation codes shall not replace the national legislator. The rules of the Code of Conduct shall not exclude or limit the scope of the effective national legislation related to the protection of children. Media service providers shall be legally obligated to respect children's rights laid down in the Child Protection Act, the provisions of the Radio and Television Act related to child protection and all other effective statutory instruments.

The National Ethical Standards for Advertising and Commercial Communication, developed by the 'National Council for Self-Regulation' Association pursuant to the Radio and Television Act and available on the Association's website² shall fall outside the scope of the Code of Conduct.

The Code of Conduct shall lay down measures for the assessment, labelling and restriction of access to programmes having adverse effects on or posing a risk of impairing children's physical, mental, moral and/or social development. The observance of the respective measures shall determine the compliance of the media service with Article 17a(1) and Article 17a(10) of RTA aimed at protecting the rights and interests of children in the provision of the media services.

With regard to the services of video-sharing platforms, the Code of Conduct shall envisage special measures for the restriction of access to programmes having adverse

² <https://www.nss-bg.org/kodeks>

effects on or posing a risk of impairing children's physical, mental, moral and/or social development. The observance of the respective measures shall determine the compliance of the video-sharing platform with Article 19e(1)(1) in conjunction with Article 17a(1) of RTA aimed at protecting the rights and interests of children in the provision of the media services.

The implementation of the measures should take in to account the type and nature of the service and be proportionate to the potential harm from the programme. The measures shall be applied cumulatively or alternatively, as outlined below, depending on the type of the service, and may include selection of the broadcast time, age verification means, encoding, content organising and/or other appropriate technical measures to inform and protect the audience.

III. DEFINITIONS

Under this Code of Conduct:

1. '*Child*' shall mean any natural person until they reach 18 years of age.
2. '*Media services*' shall mean linear and non-linear audiovisual media services and radio services under RTA.
3. '*Linear media services*' shall mean media services provided for simultaneous viewing/listening of programmes based on a programming scheme.
4. '*Non-linear media services*'/'*On-demand media services*' shall mean media services offered by a media service provider for the viewing/listening of programmes at a time chosen by the user and upon their personal request based on a catalogue of programmes selected by the media service provider.
5. '*Services of video-sharing platforms*' shall mean services under Article 56 and Article 57 of the Treaty on the Functioning of the European Union where the main purpose of the service or of a distinct part thereof or an essential functionality of the service is dedicated to the provision of programmes, of user-generated videos or of both to the general public, for which the provider of the video-sharing platform does not bear editorial responsibility, for the purpose of informing, entertaining or educating, through electronic communication networks, as defined in the Electronic Communications Act and whose organisation is determined by the video-sharing platform provider, including via automated means or algorithms, in particular by displaying, labelling and arranging in a certain order (sequencing).
6. '*Audiovisual programme*' shall mean a series of moving images with or without sound constituting a standalone element, irrespective of its duration, within a programming scheme or catalogue established by a media service provider, including feature-length films, videos, sports events, comedy series, documentaries, children's programmes and original drama.
7. "*Film*" - includes films and cinematographic works.
8. '*Radio broadcast*' shall mean a standalone element, irrespective of its duration, within a programming scheme or catalogue established by a radio service provider.
9. '*User-generated video*' shall mean a series of moving images with or without sound constituting a standalone element, irrespective of its duration, created by a user and uploaded to a video-sharing platform by that user or by any other user.

10. *'Commercial communications'* shall mean audiovisual commercial communications and commercial communications within radio services under RTA.

11. *'Making available for distribution'* shall mean the transmission of a film on a screen or via a television broadcast or via platforms providing access to audiovisual works included in a catalogue, for commercial purposes, by any means, using any device, at any place, accessible to an unlimited number of people.

Any terms not defined in this section shall be defined and interpreted in accordance with RTA, the Audiovisual Media Services Directive, Directive (EU) 2018/1808 and any other applicable legislation.

IV. MEASURES APPLICABLE TO THE PARTICIPATION OF CHILDREN IN PROGRAMMES CREATED BY MEDIA SERVICE PROVIDERS WITH THE EXCEPTION OF CINEMATOGRAPHIC WORKS, FILMS AND SERIES

1. Media service providers shall apply the following **measures related to the participation of children in programmes** created by media service providers and applicable to programmes that are not cinematographic works, films and series:
 - 1.1. They shall respect the child's right to privacy.
 - 1.2. Respect the child's privacy by not disseminating information when its dissemination may cause physical, mental harm, the child's physical, moral and/or social development or place the child at serious risk the safety of the child.
 - 1.3. They shall not disclose any records and data about a child participating in a programme as defined in the Personal Data Protection Act (PDPA) and in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (**General Data Protection Regulation**), without the written consent of his or her parents or legal representatives. In the event of an underage child — over 14 years of age — his or her consent shall be required for the disclosure of records and data. The consent of the parents and the child shall not be required in the cases under Article 7(1) of the Child Protection Act, Article 25h of the PDPA and Article 85 of the General Data Protection Regulation when the processing is carried out for the purposes of the freedom of expression and the right to information, while respecting the child's right to privacy.
 - 1.4. They shall not disclose any records and data about the child without a written opinion by the child protection authority which has adopted the measure — the respective 'Social Assistance' Directorate, in cases where a protection measure has been taken with regard to a child participating in a programme and that can be established in the specific circumstances. The consent of the authority adopting the measure shall not be required in the cases under Article 25h of the PDPA and Article 85 of the General Data Protection Regulation when the processing is carried out for the purposes of the freedom of expression and the right to information, while respecting the child's right to privacy.
 - 1.5. The parents, guardians, custodians and other persons taking care of a

child shall be informed and consulted regarding the content of the programme where their child is participating and regarding any other information that is significant and relevant to his or her participation, including foreseeable potential risk to the child's development.

- 1.6. The child participating in the programme shall be provided in an accessible and comprehensible manner with information regarding the content and rules of conduct during his or her participation in the programme and the possible consequences of failing to comply with them.
- 1.7. The child shall be provided at all times with opportunities to contact his or her family, relatives, guardian, custodian or other persons taking care of him or her in cases where the child is separated from his or her ordinary living environment.
- 1.8. The child shall be provided with a healthy and safe environment during his or her participation in a programme.
- 1.9. The child shall be provided with opportunities to leave the participation place and if necessary he or she shall be provided with an adult companion when the child is separated from his or her ordinary living environment.
- 1.10. The presence of a companion — a parent, guardian, custodian or other person taking care of a child — shall be required and the companion shall not leave children under 12 unattended if that creates a risk for their physical, mental, moral and/or social development. They shall not impede — after coordination with a parent, guardian, custodian or other person taking care of a child — an adult companion of a child aged between 12 and 18 years old if that is in the best interest of the child.
- 1.11. They shall not permanently impede the involvement of a child participating in a programme in the educational process.
- 1.12. They shall not allow the participation of a child in audiovisual programmes, various forms of commercial communications and other elements of the programme content that contain pornography or any other form of nudity intended to show the primary sexual characteristics of the child's own body or of that of any other participating person.
- 1.13. They shall not allow the participation of a child in audiovisual programmes, radio programmes, various forms of commercial communications and other elements of the programme content that incite hatred based on race, ethnicity, gender, religion or nationality; or tolerate restrictions on rights or privileges based on race, nationality, ethnicity, gender, origin, property status, religion,

education, beliefs or disability. They shall not allow the participation of a child in audiovisual programmes, radio programmes, various forms of commercial communications and other elements of the programme content where for no valid reason the child himself/herself or other participants are using words and expressions that could pose a risk of impairing the child's physical, mental, moral and/or social development.

- 1.14. They shall not allow the participation of a child in audiovisual programmes, radio programmes, various forms of commercial communications and other elements of the programme content where the child is the performer or recipient of actions that could pose a risk of impairing the child's physical, mental, moral and/or social development.
- 1.15. They shall not allow the participation of a child in audiovisual programmes, radio programmes, various forms of commercial communications and other elements of the programme content where the child is encouraged to engage in potentially dangerous activities or behaviours.
- 1.16. They shall not allow the participation of a child in audiovisual programmes, radio programmes, various forms of commercial communications and other elements of the programme content that tolerate putting a person's life and health in jeopardy.
- 1.17. They shall not allow the participation of a child in audiovisual programmes, radio programmes, various forms of commercial communications and other elements of the programme content where gratuitous cruelty is shown toward animals in the presence of a child or the child himself/herself shows such cruelty.
- 1.18. They shall not allow the participation of a child in audiovisual programmes, radio programmes, various forms of commercial communications and other elements of the programme content that incite the use of weapons.
- 1.19. They shall not allow the participation of a child in audiovisual programmes, radio programmes, various forms of commercial communications and other elements of the programme content that incite aggressive patterns of behaviour and/or antisocial behaviour or encourage or approve acts of physical violence by children on children or on other participating adults or by participating adults on children.
- 1.20. They shall not allow the participation of a child in audiovisual programmes, radio programmes, various forms of commercial communications and other elements of the programme content that provoke or tolerate environmental pollution.

- 1.21. They shall not allow the participation of a child in advertisements of gambling.
- 1.22. They shall not allow the participation of a child in advertisements or other forms of commercial communications regarding genetically modified foods.
- 1.23. They shall not allow the participation of a child in commercial communications, accompanying or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended in line with the applicable legislation.
- 1.24. They shall not allow the participation of a child in a programme or any form of commercial communications that provoke unjustified restriction of the intake of one type of food or another which could lead to imitative behaviour and have a negative impact on the child's health or trigger the appearance of diseases.
- 1.25. They shall not allow the participation of a child in audiovisual programmes, radio programmes, various forms of commercial communications and other elements of the programme content that incite the use of the use of drugs, alcohol beverages, tobacco and related products and smoking products other than tobacco products or present their use in a positive light.

V. MEASURES FOR THE ASSESSMENT, LABELLING AND RESTRICTION OF ACCESS TO PROGRAMMES HAVING ADVERSE EFFECTS ON OR POSING A RISK OF IMPAIRING CHILDREN'S PHYSICAL, MENTAL, MORAL AND/OR SOCIAL DEVELOPMENT, APPLICABLE TO THE AUDIOVISUAL MEDIA SERVICES

Linear Audiovisual Media Services

1. Media service providers shall be obliged not to allow the creation or making available for distribution of programmes in violation of the principles under Article 10 of RTA and of programmes having adverse effects on or posing a risk of impairing children's physical, mental, moral and/or social development.
2. The provisions of Article 17a(1) of RTA and of this Code of Conduct shall not apply to any programmes that are made available at a time and in a manner ensuring that children will not normally hear or see them, such as:
 - 2.1. programmes in encoded formats;

- 2.2. programmes broadcast between 23:00 and 6:00 which are preceded by a clear acoustic and/or acoustic and optical warning or are identified by the presence of a visual symbol throughout their duration, which shall not prejudice the liability of media service providers for the observance of the principles of Article 10 of RTA throughout the duration of the programme.
3. Cinematographic works, films and series as well as other audiovisual works that are not recommended for children **under 12** years of age may be distributed throughout the duration of the schedules of media service providers as long as they are preceded by a clear acoustic and/or acoustic and optical warning or are identified by the presence of a visual symbol (pictogram) which appears after the start of the programme, as well as after each break, and stays on the screen for at least 60 seconds.
4. Cinematographic works, films and series as well as other audiovisual works that are not recommended for children **under 14** years of age shall be distributed in the schedules of media service suppliers between **21:00 and 6:00** and shall be preceded by a clear acoustic and/or acoustic and optical warning or are identified by the presence of a visual symbol (pictogram) which appears after the start of the programme, as well as after each break, and stays on the screen for at least 60 seconds.
5. Cinematographic works, films and series as well as other audiovisual works that are not recommended for children **under 16** years of age shall be distributed in the schedules of media service suppliers between **22:00 and 6:00** and shall be preceded by a clear acoustic and/or acoustic and optical warning or are identified by the presence of a visual symbol (pictogram) which appears after the start of the programme as well as after each break and stays on the screen for at least 60 seconds.
6. Cinematographic works, films and series, as well as other audiovisual works that are not recommended for persons **under 18** years of age shall be distributed in the schedules of media service suppliers between **23:00 and 6:00** and shall be preceded by a clear acoustic and/or acoustic and optical warning or are identified by the presence of a visual symbol (pictogram) which appears after the start of the programme, as well as after each break, and stays on the screen for at least 60 seconds.
7. In the event that an individual episode of a series or broadcast of a programme or individual scenes or elements within the content of an episode of a series or broadcast of a programme do not match the categorisation of the programme or series under items 4—7, the media service provider shall clearly label the respective episode/broadcast via a preceding acoustic and/or acoustic and optical warning or visual symbol (pictogram) corresponding to the level of recommended parental control applicable to the specific episode or broadcast.
8. With a view to protecting children against content that poses a risk of

impairing children's physical, mental, moral and/or social development, when making the respective audiovisual works/films available for distribution media service providers shall take into account the film categorisation system under Article 37(4) of the Film Industry Act (FIA), implemented by the National Categorisation Commission under the executive director of the 'National Film Centre' Executive Agency (NFC) and the respective age restrictions, if any, as follows:

- 8.1. category 'A' – when the film is suitable for children and is educational in nature;
- 8.2. category 'B' – when the film affirms humanistic ideals, promotes national and world culture and in no way contradicts the commonly acceptable moral norms in the country and has no restricting recommendations from the Commission;
- 8.3. category 'C' or 'C+' – when the film contains some frames depicting erotic content, use of alcohol, stimulants, drugs, or violence;
- 8.4. category 'D' or 'D+' – when the film contains a significant share of frames depicting erotic content, use of alcohol, stimulants, drugs, or violence;
- 8.5. category 'X' – when the film is naturalistically erotic.

With regard to film categorisation, Article 41(3) of the FIA imposes the following age labels (restrictions):

- 8.6. for category 'A' – 'Recommended for children';
 - 8.7. for category 'B' – 'Without age restrictions';
 - 8.8. for category 'C' – 'Not recommended for children under 12';
 - 8.9. for category 'C+' – 'Not recommended for persons under 14';
 - 8.10. for category 'D' – 'Prohibited for persons under 16';
 - 8.11. for category 'D+' – 'Not recommended for persons under 16';
 - 8.12. for category 'X' – 'Prohibited for persons under 18'.
9. When broadcasting cinematographic works, films and series that have received a visa for distribution and showing in Bulgaria by the NFC, media service providers shall be guided by the categorisation indicated in the visa. In the event that a separate TV version is available for a specific cinematographic work or film, which is different than the categorised version, media service providers shall have the right to not apply the categorisation determined by the NFC during the broadcast.
10. When broadcasting cinematographic works, films and series that have not received a visa for distribution and showing in Bulgaria by the NFC, media service providers shall be guided by the categorisation used in other EU Member States which is available in the online database of the IMDB website (www.imdb.com). In the event that the IMBD categorisation does not correspond to the categorisation under the Code of Conduct, media service providers shall have the right to apply the closest categorisation under this

Code of Conduct at their own discretion.

11. When broadcasting cinematographic works, films and series for which the information under items 10 and 11 above is not available, providers shall take into account the category of the film given at the producing country, if that is not Bulgaria. For any subsequent broadcast in the schedule of a different media service provider, they shall make the effort to categorise the cinematographic work, film or series in the manner outlined in the previous sentence. In the event that a separate TV version is available for a specific cinematographic work or film which is different than the categorised version, media service providers shall have the right to not apply the previous categorisation outlined in the two sentences above during the broadcast.
12. Media service providers shall not allow the provision for distribution of a programme or forms of commercial communication with the exception of films, series and other cinematographic works, intended for children or where a child is participating or where a child is consuming alcoholic beverages, and shall not encourage the excessive use of such beverages.
13. Media service providers shall not allow the provision for distribution of a programme or forms of commercial communication with the exception of films, series and other cinematographic works about cigarettes and other tobacco products, intended for children or where a child is participating or where a child is consuming cigarettes or other tobacco products.
14. The restrictions by items 12 and 13 shall not apply to films and series.
15. Media service providers shall not allow the provision for distribution of commercial communications with the participation of a child or intended for children which are about medicinal products or forms of treatment dispensed or prescribed only by a doctor's prescription, with the exception of the cases under Article 248 of the Medicinal Products in Human Medicine Act.
16. Media service providers shall not allow the provision for distribution of commercial communications with the participation of a child or intended for children about narcotic substances. They shall also not allow any programmes, with the exception of films and series, showing images representing or resembling narcotic substances, and presenting in a favourable light behaviours whose imitation could pose a risk for the life and health of the child.
17. Programmes that could seriously impair children's physical, mental, moral and/or social development are programmes that:
 - 17.1. contain pornography or unjustified violence against people and/or animals;
 - 17.2. incite criminal and/or anti-social behaviours;
 - 17.3. contain actions or scenes that children would normally not witness – shocking footage of crime scenes of dead or dismembered human

bodies of victims of violence of medical manipulations, etc., which could seriously impair children's development.

18. Exercising the right of the public to be informed about children who are suspects or defendants in criminal proceedings as well as about convicted children must take into account the harmful effect that disclosing the information would have on them and that reasonable efforts are made to ensure that the child's identity is not disclosed to the general public where it could be harmful to him or her.
19. When covering events related to child abuse, violence against and between child abuse, child maltreatment or family problems, media service providers shall make reasonable efforts to ensure that the identity of the child is not disclosed to the audience in a way that could harm him or her and must respect the privacy of children who are victims of violence or of family problems.
20. In applying the above rules, the right to the child to be heard should not be restricted and also to express his or her own opinions and views, freely on all matters concerning him or her.
21. Media service providers shall not allow gambling to be presented as a suitable means for the easy acquisition of money which can lead to addiction and mislead children's audiences.
22. The rules of this section shall not be applied to the video archives maintained by media service providers for their programmes for which the providers may implement other appropriate information and protection measures concerning the audience.

Non-linear audiovisual media services

23. Cinematographic works, films and series as well as other audiovisual works that are made available on-demand in non-linear media services and that are not recommended for persons under a certain age shall be appropriately labelled with the recommended age limit along with a brief description of the content.
24. Providers shall have the right to use the categorisation procedure under this section by analogy or any other suitable categorisation system.
25. Providers shall also be able to apply other appropriate measures to inform and protect the audience such as applicable terms and conditions and rules of engagement with the users.
26. Providers, at their own discretion, shall have the right to restrict the provision of non-linear media services only to persons over 18 years of age in order to ensure adult supervision over the use of the service.

VI. SPECIAL MEASURES APPLICABLE TO THE SERVICES OF VIDEO-SHARING PLATFORMS

27. In order to restrict the access of children to programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental, moral and/or social development, video-sharing platform providers shall draw up general terms and conditions which they shall coordinate with CEM.
28. In order to achieve the purposes under item 1, the general terms and conditions for the services of video-sharing platforms shall envisage a prohibition for users to load, upload to a provider's server and make available in any way to third parties any user content – information, data, text, sound, files, software, music, video, photographs, audio materials, messages, as well as any other materials or electronic links to materials that:
 - a. contradict the Bulgarian law, the applicable International law, Internet ethics, the rules of morality and good manners;
 - b. contain violence (including violence against animals), incite violence, humiliation of human dignity, threats to the life and integrity of a person or an animal;
 - c. with pornographic or explicit sexual content;
 - d. contain acts of disrespect to school rules, show damage to school and other public property;
 - e. contain clearly distinguishable bodies of victims of accidents and other serious incidents;

- f. insult a given religion or contain religious propaganda;
- g. incite discrimination based on gender, race, educational level, age and religion or preach fascist, racist or any other non-democratic ideology;
- h. damage the reputation of another person and call for a violent change of the constitutional order, for committing a crime, for violence against the person or incite racial, nationalistic, ethnic or religious hostility;
- i. contain information inciting terrorist activities and any information related to terrorism.

29. The general terms and conditions for the services of video-sharing platforms shall envisage an obligation for users when using the provided services, to immediately notify the provider for each case of a committed or discovered violation of the rules ensuring the restriction of children's access to programmes having adverse effects on or posing a risk of impairing children's physical, mental, moral and/or social development. The general terms and conditions of video-sharing platforms shall provide opportunities for users to report inappropriate content. The provider shall review the reports submitted by users within a reasonable period, in accordance with the specific circumstances and shall provide them with feedback on the results of the review performed.
30. The general terms and conditions of video-sharing platforms shall envisage an obligation for users to label all instances of audiovisual commercial communications contained in the user-generated content – via a caption in the actual content (such as 'product placement,' 'PP,' etc.), via symbols, via a pictogram, via text situated in the 'Additional Information' section below the respective video, etc.
31. The general terms and conditions of video-sharing platforms shall specifically envisage that personal data of children shall not be processed for commercial purposes such as direct marketing, profiling and behaviourally targeted advertising.
32. The special provisions of the Code of Conduct related to the services of video-sharing platforms shall apply to all providers of video-sharing platforms under the jurisdiction of Bulgaria.

VII. GENERAL PROVISIONS

1. Each of the parties participating in the development of this Code of Conduct — CEM, ABBRO, BNT and BNR — may propose its amendment or supplementation.
2. Any amendment or supplementation of the Code of Conduct shall be made in writing and shall be accepted in writing by each of the parties participating in the development of the Code of Conduct — CEM, ABBRO, BNT and BNR.

For the COUNCIL FOR ELECTRONIC
MEDIA

For the ASSOCIATION OF
BULGARIAN RADIO AND
TELEVISION OPERATORS

For the BULGARIAN NATIONAL
TELEVISION

For the BULGARIAN NATIONAL
RADIO
