

LISTING IN THE PUBLIC REGISTER OF THE OPERATORS WHICH DISTRIBUTE BULGARIAN AND INTERNATIONAL PROGRAMMES

I. Legal basis:

Article 125k, paragraph 2, sub-paragraphs 5 and 6; Article 125l, paragraphs 4 and 5 of the Radio and Television Act (RTVA).

II. Characteristics:

Operators which distribute Bulgarian and international programmes are required to submit to the Council for Electronic Media (CEM) every six months an updated list of the distributed programmes as well as the documents pertaining to: the acquisition of the rights to distribute the programmes; the acquisition of the rights to distribute the works, the audio records and the audiovisual records included in the distributed programmes.

The operators will be listed in Section V of the Public Register referred to in Article 125k of the RTVA ('the Register'). The Register is accessible from CEM's website (www.cem.bg).

The Register is an electronic database which contains:

1. Details of the legal entities and individuals which exercise control on the management of the operator;
2. Details of the operator's managing bodies, including details of the members of these bodies;
3. Telephone, address, email address, postal address and contact person;
4. List of the distributed programmes, including those in the digital and in the analogue package if the operator maintains two separate packages;
5. The period of time for which the operator is authorised to distribute each programme;
6. The territorial scope for which the operator is authorised to distribute each programme.

III. Procedure:

In respect of each 6-month period, namely 25 February — 24 August and 25 August — 24 February of the reporting year, operators are required to submit the documents referred to in Article 125c of the RTVA.

The CEM will accept the following documents as evidence of appropriately established distribution rights:

- Certified copies of the agreements between operators of public electronic communication services in the meaning of Article 33(1)(1) of the Electronic Communications Act (ECA) and the creators of Bulgarian and international programmes, or excerpts from such agreements;

and

- Certified copies of the agreements between the operators and the holders of copyrights and neighbouring rights on the works, the audio records and the audiovisual records included in the distributed programmes (e.g. Societies for collective management of copyright (CMOs) such as Musicautor, Prophon, Filmautor or independent copyright societies).

From these agreements it should be possible to identify the following elements: the obligated parties and their legal representatives, the date and term of the agreement, the programmes for which the rights are granted, the territorial scope and the signatures of the parties.

Where any of these details are indicated in a separate annex or amendment of the agreement, such annex and/or amendment should also be provided.

The CEM will accept both paper-based and electronic submissions. The electronic submissions should be in the form of scanned copies of the agreements between the operators, the media services providers and the rightholders.

The electronic submissions should also include the updated list of the distributed TV and radio programmes.

In the case of electronic submission, the operator will send to the CEM an email notification. Following that notification, the operator will be expected to send an official paper-based letter, by traditional post, containing an accurate description of the documents sent by electronic means — updated list of the distributed TV and radio programmes with the particulars specified above, description and/or list of the copies of the agreements provided as well as the number of pages in each agreement.

A printout of the email notification, with clearly identified date of sending the notification to the CEM, should be enclosed with the official letter.

The details indicated in paragraphs 1 and 2 of Section II above will be collected by the CEM on an *ex-officio* basis from the information available in the Commercial Register and in the public registers maintained by the Communications Regulation Commission pursuant to the ECA.

The details indicated in paragraphs 3, 4, 5 and 6 of Section II above are to be provided by the operators together with the information pursuant to Article 125c. Any change of the submitted details should be reported by the operators to the CEM within 14 days from the occurrence of such change.

IV. Fees:

There are no fees for listing in the Register.

V. Validity period:

The listing is valid until it is deleted from the Register.