

# BALKAN MEDIA BAROMETER



BALKAN  
MEDIA  
BAROMETER

**BULGARIA 2012**

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Sofia, 2012



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# Introduction

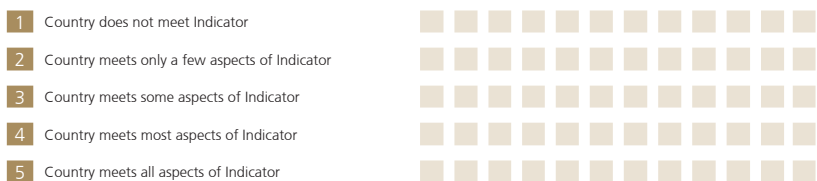
The Balkan Media Barometer (BMB) follows the tradition of the Media Barometers launched by the Friedrich-Ebert-Stiftung (FES) in 2004. The Media Barometers are analytical tools designed to measure the state of media developments in a national context. Such assessments have been undertaken in more than 30 countries in Africa and Asia.

The pilot Balkan Media Barometer was introduced in Bosnia and Herzegovina in September 2011. Bulgaria was the second country from South East Europe to initiate this survey. The first Bulgarian BMB assessment took place in April 2012.

Unlike other media assessment methods, the BMB is a self-assessment exercise based on relevant homegrown criteria. The BMB consists of a set of 44 indicators derived from European standards referenced in European Union and Council of Europe documents.

The methodology is based on an in-depth panel discussion which takes place for two days. The panel usually consists of five or six media professionals and an equal number of civil society representatives. In this way the panel offers both the views of media insiders and of experts detached from the media profession. The discussion combines the reflections of journalists and the perceptions of civil society activists to provide a rich and critical analysis of the media environment. As far as possible, participants are carefully selected to ensure a fair representation of society in its regional (capital – countryside), ethnic, religious and gender diversity. This principle by no means implies compromise with the quality of expertise of participants.

Upon discussing each indicator, panelists allocate their individual scores to that respective indicator on a scale of 1 to 5. If a panelist thinks the country does not meet the indicator, his/her score is minimum 1, and if a panelist finds that all aspects of the indicator are met, the score is maximum 5, according to the following scale:



The sum of all individual indicator scores is divided by the number of panel members to determine the average score for each indicator. These average

indicator scores are added up to form average sector scores which then make up the overall country score.

At the end of the discussion the panel members identify the positive and negative tendencies in the past few years and propose recommendations for media developments. This is a very important part of the whole process since the Media Barometer is not merely a data collection survey but an instrument for media reforms. As such, the first Bulgarian Media Barometer shall be used as a practical policy tool to trigger positive changes in the national media environment.

According to the Media Barometer concept, the exercise is to be repeated every two or three years so that developments can be traced over time. This has already been a successful practice in other parts of the world.

The moderation of the panel discussion as well as the editing of the report is done by independent consultants. The FES facilitates the process and guarantees adherence to the methodology. The content of the discussion and the report is owned by the panelists and does not necessarily represent the view of FES.

Regine Schubert  
Director

Friedrich-Ebert-Stiftung  
Office Bulgaria

## Executive Summary

Bulgaria is a parliamentary republic which began its transition to democracy and a market economy in 1989. The country's current Constitution, which provides for a clear separation of powers, was adopted in 1991. Bulgaria was admitted to NATO in 2004 and to the European Union (EU) in 2007. According to International Monetary Fund data, in 2011 Bulgaria's per-capita GDP was BGN 10 129 (EUR 5179).

For a country with a population of approximately 7.5 million, Bulgaria's media market is very well-developed, even overdeveloped in some sectors. There are 16 national dailies. Although there are no official statistics on their exact number, there are many weekly newspapers, and weekly and monthly magazines. There are three licensed national, 24 regional, and 224 local radio programme services. Four television stations hold national analogue broadcasting licences. The number of registered cable or satellite television services is 149, and of digital terrestrial television services 33. The two leading television companies on the market are owned by major foreign companies (bTV Media Group is owned by Ronald Lauder's Central European Media, and Nova Broadcasting Group by the Swedish Modern Times Group). Access to international radio and television is virtually unlimited (via cable or satellite), and the number of Bulgarian-language editions of international magazines is remarkable for a country like Bulgaria. In 2012 more than half (57%) of the population had access to the internet, leading to further growth in the consumption of media content.

Against this background of oversupply of information and entertainment provided by public-service and private broadcasters from both national and international sources, the Bulgarian media environment has been the subject of growing criticism. In the past twelve months, a number of prestigious international and Bulgarian organisations have voiced concern about the state of the media sphere in the country.

The results of this Balkan Media Barometer (BMB) on Bulgaria are published at a time when the contradiction between oversupply of media content and growing criticism of the media environment is becoming ever more obvious. What are the reasons for this, at first sight paradoxical, discrepancy? Why has media freedom in Bulgaria been declining alarmingly in the last few years despite the existence of a good regulatory framework that formally protects freedom of expression and the confidentiality of sources of information, and precludes censorship and interference in editorial policies? Which are the main developments that have led to the democratic deficit characteristic of many Bulgarian media outlets? These questions require using precise analytical tools.



By examining the Bulgarian media landscape in depth, the BMB panellists have helped to identify a series of interconnected problems that make up the full picture. It is important to note that in the course of the discussion the Bulgarian media landscape was investigated in its systemic character: the BMB panellists identified the links between its various aspects as well as the causes for its present state.

In their discussions, the BMB panellists diagnosed the existence of a formally good legal protection framework for fundamental human rights and media freedom. All EU statutory acts pertaining to this sphere are directly effective in Bulgaria. Yet the practical situation is very different because the relevant legal provisions are difficult to implement in the everyday operation of the media. The Bulgarian judicial system is in deep crisis and does not encourage observance of the law. In addition, it is slow in resolving lawsuits, thus discouraging the quest for justice and protection. Against this background of weak protection, journalists are regularly subjected to economic, political and editorial pressure. Access to information is often impeded through the fabrication of pretexts of all sorts. In some cases the institutions are not competent in providing relevant information to the media or simply do not have such information. Protection of the confidentiality of sources of information is not infrequently a principle on paper only. For their part, professional journalism associations are weak and divided, and therefore incapable of providing adequate protection or of reacting adequately in cases concerning media freedom.

Regarding the diversity and independence of the media landscape, this analysis has found that there is rather a formal pluralism based on the number of media outlets in Bulgaria. Abundance of content, though, does not necessarily imply diversity. Nor is it in itself a guarantee for quality media content. There is a severe shortage of both diversity and quality in Bulgaria. Most media outlets offer uniform content concentrated in the tabloid sector. Another problem that distorts the Bulgarian media market, especially in the sphere of the press, has to do with inequality in distribution, which is controlled by several key players. Concentration of media ownership is a serious but difficult to detect threat due to the frequent absence of clarity as to who really owns a particular media outlet. As the relevant public institutions are not sufficiently interested in finding a permanent solution to this problem, this leaves large loopholes for virtually anonymous promotion of interests. Coverage of ethnic and political diversity is often prejudiced in favour of dominant groups or actors who have more resources, including financial ones, to secure their presence in the media. Bulgaria's comparatively small advertising market also has a negative effect on the diversity and sustainability of the media sector. Against the background of media oversupply, it is practically incapable of ensuring the market independence of all actors, which drives many media outlets to turn to other, extra-market, means of survival.

The next group of problems discussed by the BMB panellists concerns broadcast media regulation and the state of public-service broadcasters. Media legislation in Bulgaria was long subject to countless amendments and supplementations, part of which were openly lobbyist. As three of the five members of the Council for Electronic Media (CEM), the regulatory authority for broadcast media in Bulgaria, are nominated and elected by the National Assembly and two are appointed by the President of the Republic, the constitution of the CEM is inevitably politicised. Among the main problems of the CEM is the insufficient control over compliance with programme schedules, and hence the lack of sufficient penalties for unauthorised changes in programme content. The CEM could also work in more active partnership with civil society institutions in both its operation and constitution. As a whole, there is no political will in Bulgaria for significant positive changes in the media legislation. Although a concept of a new, more up-to-date media law has been drafted, its passage has been blocked. This lack of concern indicates that there is support for the current status quo which gives an advantage to those actors who benefit the most from the unclear or controversial legal provisions and from their close contacts with those in power. According to the Radio and Television Act (RTA), the Bulgarian National Television (BNT) and the Bulgarian National Radio (BNR) are financed primarily by the national budget (and partly by advertising), which makes those two institutions potentially dependent on the political conjuncture. There have been attempts to gradually reduce the role of the BNT and the BNR to the benefit of private broadcasters. At the same time, the two public-service media remain among the most balanced sources of information and of quality programmes, while private broadcast media, including those that are foreign-owned, are often considered to be too commercially oriented and more inclined to gravitate towards one political conjuncture or another.

Professional standards in the Bulgarian media make up the last thematic sector discussed by the BMB panellists. Some of the main problems in this sphere are related to the low efficiency of media self-regulation. The Code of Ethics of the Bulgarian Media (in force since 2004) has not been signed by many of the highest-circulation print media. On the other hand, a number of media outlets that have signed up to the Code do not strictly abide by its provisions. In 2012 a group of influential media outlets declared they intended to elaborate an alternative code of ethics. This ethical chaos has a direct impact on the principles of accuracy and fairness that the media are expected to follow. Political and corporate interference in their work, editorial promotion of prejudiced interests, and tabooing of particular topics or persons are commonplace in the Bulgarian media. Against this background, it is no surprise that investigative journalism is rare, as is compliance with high professional standards in producing media content. Instead of this, there is growing self-censorship. The reasons for widespread self-censorship

have to do both with the dependence of journalists on media owners and with the different forms of direct or indirect political influence over their work. Corruption remains widespread, ranging from acceptance of expensive gifts to serious direct payments for journalistic 'services'.

This overall picture clearly shows that media freedom in Bulgaria is not only victim to external pressure on the media (exercised by way of political and economic networks of dependencies), nor is it connected to a restriction of the number of information channels. The problems often come from the inside, from the professional community itself which is not ready to stand up for its freedom to the very end and often takes advantage of the 'convenient' absence of sufficiently clear regulations or requirements for compliance with the existing rules.

Despite the many problems identified by the BMB panellists, there are also some positive developments. They are related primarily to the rise of social networks and citizen journalism, which are ever more actively serving if not as an alternative then at least as a corrective to the work of traditional media. It is telling that the participants in the BMB do not expect radical gestures of change from the State or from media owners, and view growing partnership between the media and civil society as a key factor in promoting the positive trends in the Bulgarian media landscape.



# SECTOR 1:

Freedom of expression, including  
freedom of the media, is effectively  
protected and promoted

# Freedom of expression, including freedom of the media, is effectively protected and promoted

## 1.1. Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

The Constitution of the Republic of Bulgaria, adopted in 1991, stipulates that Bulgaria is a democratic and social state governed by the rule of law. The right to freedom of expression of opinion, and the right to seek, obtain and disseminate information are among the fundamental civil rights directly regulated by the Constitution (Articles 39-41):

### Article 39

(1) Everyone shall be entitled to express an opinion or to publicise it through words, written or oral, sound or image, or in any other way.

(2) This right shall not be used to the detriment of the rights and reputation of others, or for the incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of enmity or violence against anyone.

### Article 40

(1) The press and the other mass information media shall be free and shall not be subjected to censorship.

(2) An injunction on or a confiscation of printed matter or another information medium shall be allowed only through an act of the judicial authorities in the case of an encroachment on public decency or incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of violence against anyone. An injunction suspension shall lose force if not followed by a confiscation within 24 hours.

### Article 41

(1) Everyone shall be entitled to seek, obtain and disseminate information. This right shall not be exercised to the detriment of the rights and reputation of others, or to the detriment of national security, public order, public health and morality.

(2) Everyone shall be entitled to obtain information from state bodies and agencies on any matter of legitimate interest to them which is not a state or official secret and does not affect the rights of others.

The Radio and Television Act (RTA) further specifies the constitutional provisions by stipulating that in pursuit of their broadcasting activities, media service providers shall be guided by the principle of guaranteed right to freedom of expression of opinion (Article 10).

The European Convention for the Protection of Human Rights and Fundamental Freedoms, which regulates the right to freedom of expression of opinion (Article 10), is also an important part of the statutory framework on media freedom in Bulgaria. Bulgaria ratified the Convention in 1992. According to Article 5 (4) of the Constitution, the Convention is part of the legislation of the State and its provisions take priority over any conflicting provision of the domestic legislation. It is a positive fact that in the past twenty years there have been only several European Court of Human Rights rulings against Bulgaria on cases related to Article 10 of the Convention. One must keep in mind, however, that few citizens can afford to take their case to the European Court of Human Rights.

As an EU member state, Bulgaria is also bound by the EU Charter of Fundamental Rights, in force since 1 December 2009, which provides that everyone has the right to freedom of expression of opinion and that the freedom and pluralism of the media shall be respected (Article 11).

Despite the formally good statutory framework, guaranteeing freedom of expression and freedom of the media is a serious problem in practice and it is one of the main deficiencies in the Bulgarian media landscape. In this sense, even the quality of the relevant legislation can be criticised as it 'proclaims but does not actively protect'<sup>1</sup> the freedoms in question. There is a need for further proactive regulations that will minimise cases where freedom of expression and media freedom are compromised.

On the other hand, the existing good legal framework is often accompanied by bad judicial practice. 'The State has abdicated from its duties to administer justice' and does not encourage compliance with the laws it has adopted.

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1 Unless otherwise indicated, all quotes in this report are from BMB panellists.

## Scores:

### Individual scores:



### Average score:

3.4

## 1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

In the past few years there have been a number of alarming cases of violence against journalists. This trend became especially evident in 2011 when a bomb exploded in front of the office of the *Galeria* weekly in the centre of Sofia, the car of Sasho Dikov, the programme director of TV channel Kanal 3, was blown up, and there were assaults on journalists in other parts of the country. There were also cases of violence against journalists in 2012. 'The desire for free expression and absence of fear are not only not at a high level; there is even a regression in this respect as compared with the 1990s,' a participant in the discussion noted.

The problem is further aggravated by the fact that most of the perpetrators and reasons for the assaults on journalists are never found. Emblematic cases of assaults on media figures in the past few years have remained unsolved. There are suspicions that in many cases journalists themselves refuse to assist the police in their investigation because 'they find it inconvenient to tell the truth'. According to one of the panellists, the inclusion of a special provision in the Penal Code classifying any assault on journalists as aggravated assault may improve the situation as a whole.

The factors that stop journalists from freely expressing their opinion without fear include economic, political and editorial pressure. In a number of cases journalists themselves refuse ('a well-paid refusal') to assert their right to free expression of opinion. According to one of the young participants in the discussion, the problem is largely generational, being a remnant of the mindset characteristic of the political regime before 1989. According to an-



other panellist, the problem has become worse because of ‘the aggressive PR pressure on journalists and anchors by those in power’.

In the last two or three years, the economic crisis has also played a major role in restricting media freedom in Bulgaria. The decline in the advertising market caused by the crisis has increased the media’s dependence on advertisers. This stops journalists from criticising major advertising companies: ‘If you write about problems with commissions, transfer of funds, payment of salaries, public procurement procedures and so on, the company will promptly stop advertising in your media outlet.’ Municipal authorities as a source of advertisements also exercise pressure and restrict the freedom of journalists: ‘If you are conducting an investigation against the mayor, the contract on media partnership with the municipal authorities will be immediately terminated and this is the least that can happen.’

In the context of a restricted freedom of expression, there are also practices of unfair dismissal. The victims are both investigative journalists and other citizens. Thus, for example, in 2011 police officer Konstantin Ivanov disclosed on television that the Interior Ministry was receiving donations from companies in exchange for turning a blind eye to traffic offences committed by cars owned by the donor companies. Ivanov left the Interior Ministry after he was subjected to pressure (‘he was degraded and represented as being a nonentity’). There have also been controversial dismissals of citizens who had reported their employers to the labour inspectorate.

Another notorious case involves ‘the family from Mirovyane’. A couple from the village of Mirovyane claimed they had been subjected to ‘unwarranted’, ‘unlawful’ and ‘demonstrative’ police brutality when they were arrested at the beginning of early 2012. According to the couple, their arrest was an instance of political pressure because their daughter had started a Facebook group against the government. Although the Interior Ministry said there was another reason for their arrest (police had received a tip-off that they possessed excise duty goods without excise labels), the case caused scandals over the instances of police brutality against citizens in Bulgaria.

The situation of restricted freedom of expression is especially alarming in smaller towns and villages where journalists and citizens have less possibilities to defend themselves. It is a common practice for people to ask the media to investigate particular cases but then to give up after being ‘summoned and subjected to pressure from the other party concerned’.

In 2011 there was also an emblematic case in which a journalist was subjected to pressure by citizens. TV reporter Mirolyuba Benatova from bTV was accused of promoting anti-Bulgarian and pro-Roma views in her reports

on the riots in the village of Katunitsa.<sup>2</sup> Furious members of the public attacked the journalist on Facebook and Twitter and there were also protest demonstrations in front of the bTV headquarters. Although suspicions have remained that the actions against Benatova were less spontaneous than incited by nationalist parties, the case is indicative of how ‘the street’ can be a conduit of threats against the freedom of expression.

## Scores:

Individual scores:



Average score:

2

### 1.3 There are no laws or parts of laws restricting freedom of expression such as excessive official secrets or libel acts, or laws that unreasonably interfere with the responsibilities of media.

Under Bulgarian law, there are restrictions on freedom of expression in cases of insult, defamation, hate speech, discriminatory speech, and classified information.

Insult and defamation are regulated by the Penal Code. According to Article 146 of the Penal Code, a person who says or does something degrading to the honour or dignity of another in the presence of the latter, shall be punished for insult by a fine from BGN 1000 (EUR 511) to BGN 3000 (EUR 1534). According to Article 147, a person who makes public a disgraceful fact about someone or ascribes to them a crime, shall be punished for defamation by a fine from BGN 3000 (EUR 1534) to BGN 7000 (EUR 3579) as well as by public censure. The punishments for insult and defamation com-

<sup>2</sup> The Katunitsa Case of September 2011 involved the death of a 19-year-old man who was deliberately run over by a microbus driven by people close to a local Roma bigwig known as Tsar Kiro. This led to riots in the village of Katunitsa, where Tsar Kiro’s house was set on fire with the participation of football fans who came to the village from other parts of the country. Benatova did video reports from Katunitsa in which she said that the football fans had gone on the rampage under the influence of alcohol.

mitted through printed matter are more severe: the fine is from BGN 3000 (EUR 1534) to BGN 10 000 (EUR 5113) (Article 148).

The Penal Code also criminalises hate speech. According to Article 162 (1), a person who propagates or incites to discrimination, violence or hatred on the grounds of race, nationality or ethnic origin, shall be punished by imprisonment from one to four years and by a fine from BGN 5000 (EUR 2556) to BGN 10 000 (EUR 5113) as well as by public censure.

The Protection Against Discrimination Act prohibits any direct or indirect discrimination on the grounds of gender, race, nationality, ethnicity, human genome, citizenship, origin, religion or faith, education, beliefs, political affiliation, personal or social status, disability, age, sexual orientation, marital status, property status or any other indications established by law or in an international treaty to which the Republic of Bulgaria is a party.

The Classified Information Protection Act allows access to classified information (any information which is a state or official secret as well as foreign classified information) only to persons who have an appropriate clearance in keeping with the 'need-to-know' principle. This principle restricts access to particular classified information to such persons whose official duties, or a special assignment, require such access (Article 3).

According to the existing legislation, the strictest restrictions apply to classified information. Although those restrictions are not drastic in themselves, journalistic practice shows that the authorities often use the term 'state secret' as an excuse for denying access to information. In this sense, the laws in Bulgaria 'are lenient towards power-holders'.

The fact that the punishment for insult and defamation is not imprisonment but a fine can be assessed as positive. In this respect Bulgarian legislation is arguably more lenient than the laws in other European countries. There have even been proposals to decriminalise insult and defamation, making them subject only to civil law. Such a change would mean, however, that enforcing liability and taking legal action for insult or defamation would be entirely within the discretion of the victims as prosecutors would not be able to act on their own initiative.

It is also positive that the attempts made in recent years to introduce stricter regulations on access to public figures and to information about them have failed.

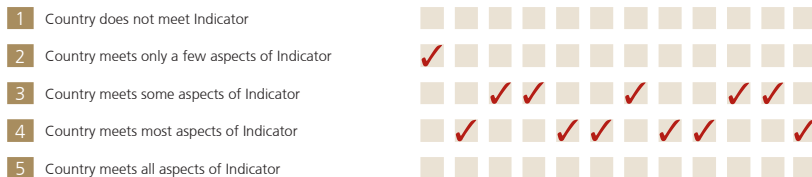
One of the characteristics of the Bulgarian media environment is the unequal status of the media in terms of regulation (whereas broadcast media

are overregulated, print media are not subject to special regulations). This has led to paradoxical cases where people were sued for defamation for a statement made on radio or television, while the same statement in the press went unpunished. The most drastic cases are found in the widely popular tabloids, which often publish false and slanderous information.

Public life shows that it is very easy to disseminate defamatory information in Bulgaria. This creates an impression of 'excessive statutory liberty'. Also alarming is the fact that while in practice 'hate speech is rife, you cannot punish it'.

### Scores:

Individual scores:



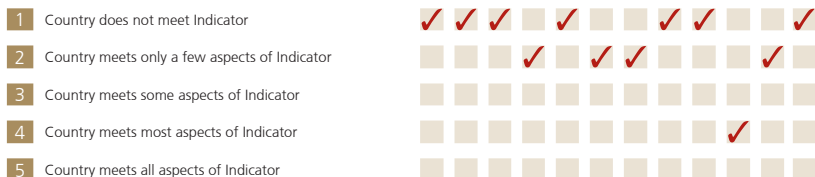
**Average score: 3.4**

## 1.4 Government makes every effort to honour regional and international instruments on freedom of expression and freedom of the media.

Bulgaria is a member of the European Union and the EU regulations on freedom of expression and freedom of the media are directly applicable in domestic law. Where there are conflicts between EU law and national law, the former takes priority over the latter. Practice shows, however, that EU directives and regulations have only formal weight. Considering the existing problems with freedom of expression and media freedom in Bulgaria (see the previous Indicators), one can hardly say that the government makes every effort to honour the relevant regional and international instruments. It is also telling that the present media environment in Bulgaria has been criticised by leading European and international organisations such as the Parliamentary Assembly of the Council of Europe, the Organisation for Security and Co-operation in Europe, Reporters Without Borders, IREX, and the International Federation of Journalists.

## Scores:

Individual scores:



**Average score:**

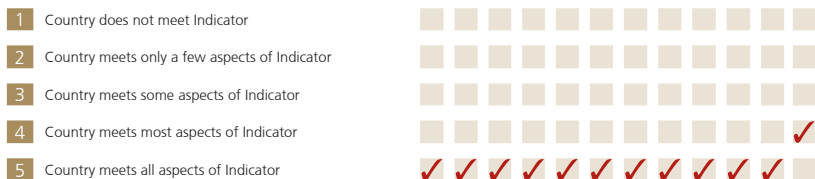
**1.6**

## 1.5 Print publications are not required to obtain permission to publish from state authorities.

Special permission to publish is not required in Bulgaria. State authorities can confiscate printed publications but they cannot suppress their publication.

## Scores:

Individual scores:



**Average score:**

**4.9**

## 1.6 Entry into and practice of the journalistic profession is not restricted by law.

There are no legal restrictions or special requirements regarding entry into and practice of the journalistic profession.

## Scores:

Individual scores:



Average score:

5

## 1.7 Confidential sources of information are protected by law and/or the courts.

Protection of confidential sources of information is one of the principles guiding media service providers in pursuit of their broadcasting activities, according to Article 10 of the Radio and Television Act. The RTA also includes some additional provisions:

Article 15. (1) Media service providers shall not be obligated to disclose their sources of information to the Council for Electronic Media, save in the case of pending legal proceedings or pending proceedings initiated on the complaint of a person affected.

(2) Journalists shall not be obligated to disclose their sources of information either to the audience or to the management of a media service provider, save in the cases referred to in Paragraph (1).

(3) Media service providers shall have the right to include information from an unidentified source in their programmes, expressly stating this fact.

(4) Journalists shall be obligated to protect the confidentiality of the source of information should this have been expressly requested by the person who has provided the said information.

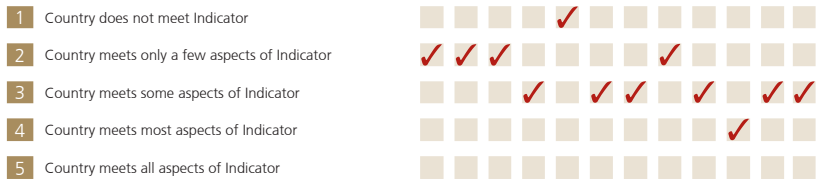
The Access to Public Information Act stipulates that access to public information for mass media shall be exercised in keeping with the principle of protecting the confidentiality of the sources of the mass media who have requested anonymity (Article 19).

Experience in the Bulgarian public sphere shows that in practice the interests both of journalists and of sources of information – as well as, occasionally, of the State – are not well protected. Confidential sources of information are protected on paper only, and there are serious flaws in the implementation

of the law. There are cases where sources of information are initially supposed to be confidential in media reports but their identity becomes clear in the course of the report.

## Scores:

Individual scores:



**Average score:**

**2.6**

## 1.8 Public information is easily accessible, guaranteed by law, to all citizens.

The right of citizens to obtain information from state bodies and agencies on any matter of legitimate interest to them which is not a state secret or official secret and does not affect the rights of others, is regulated by the Constitution (Article 41 [2]).

An Access to Public Information Act, which regulates the right of every citizen of the Republic of Bulgaria to have access to public information, has been in force in the country since July 2000.

In practice, however, there are a number of problems in securing access to public information. Part of them come from omissions in the statutory framework or insufficient coordination between certain provisions. For example, institutions often deny access to information on the grounds of the Personal Data Protection Act. Another mechanism for restricting access to information employed by state institutions involves requiring employees to sign statements of declaration regarding confidentiality: 'More and more employees are being required to sign such statements,' said one of the panellists.

There are also quite a few paradoxical cases of impeded access to public information – for example, with the explanation that the procedure cannot be set in motion because the relevant 'employee is on leave'. Although there are statutory requirements regarding the time period within which the relevant

information should be provided, citizens do not trust the judicial system and often give up asserting their rights when this time period is not observed.

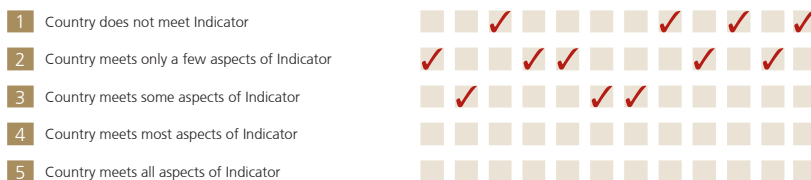
In addition to the fact that institutions are often uncooperative, there are also other basic problems. Especially worrying is ‘the low capacity of state bodies to provide information; they increasingly lack information ... it is we who inform government ministers, not the other way round; less and less information is being collected and the available information is becoming increasingly inaccurate.’ It is telling, for example, that ‘there is no state institution which knows how many dams there are in Bulgaria’, as well as that the 2011 census in Bulgaria ‘was a complete failure as a result of which the data obtained are inaccurate’. Access to inaccurate information is a ‘dangerous toxic asset’, a participant in the discussion noted.

Access to public information related to the public-service media is also impeded by practical problems that come above all from the lack of internal organisational flexibility and information.

According to data published on the website of the Access to Information Programme – a Bulgarian foundation that actively assists citizens and journalists in defending their right to information – since the enforcement of the Access to Public Information Act in 2000 lawyers of the foundation have helped file almost 190 lawsuits concerning violations of the Act.

## Scores:

Individual scores:



Average score:

1.9

## 1.9 Websites and blogs are not required to register with or obtain permission from state authorities.

There are no special registration or licensing regulations for websites and blogs in Bulgaria.



Years ago attempts were made to introduce licensing regulations for internet service providers (for example, in 1998, when the Committee of Posts and Communications issued an order on licensing internet service providers and internet services), but the idea met with strong resistance from the internet community in Bulgaria and was eventually dropped.

## Scores:

Individual scores:



Average score:

5

### 1.10 The State does not seek to block or filter internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

Blocking or filtering of internet content by the State is not a common practice in Bulgaria. The few exceptions, however, include a landmark case where *chitanka.info*, a website for free exchange of literature, was blocked in 2010. The Computer Crimes and Intellectual Property Sector at the General Directorate for Combat of Organised Crime blocked the website and confiscated one of its servers. As a result, *chitanka.info* temporarily stopped operating from its original address. The website was taken down for providing pirated content and its owners were defined by the Interior Ministry as an 'organised crime group'. However, there were no arrests and convictions, and the interpretations as to whether *chitanka.info* was actually breaking the law were controversial and ambiguous.

On the other hand, there is easily accessible content in Bulgarian cyberspace that could be subjected to stricter control in order to protect the interests of the public or of particular social groups. An example of such content are the pornography sites and the fascist sites.

## Scores:

Individual scores:



Average score:

2.8

## 1.11 Civil society in general and media lobby groups actively advance the cause of media freedom.

Civic organisations in Bulgaria can be classified into three main groups: general non-governmental organisations, professional associations, and corporate associations.

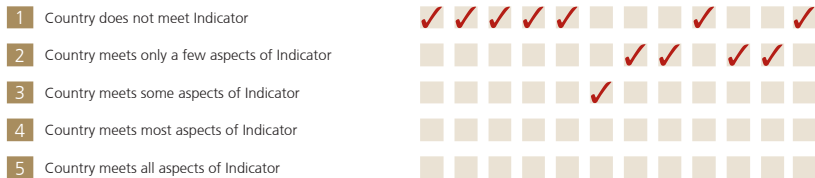
Although some initiatives are high-profile and meet with a broad public response, the actions of Bulgarian civil society in defence of media freedom are on the whole limited and fail to achieve effective results.

The professional associations, the most popular one of which is the Union of Bulgarian Journalists, 'are not at the necessary level to ensure protection of journalists'. Their role is formal and they are not sufficiently committed to actively advancing the cause of media freedom. In the last few years some of the associations specialised in media support have ceased to exist.

Corporate associations are the most persistent and active in defending their interests. Thus, for example, the Association of Bulgarian Broadcasters, founded in 1997, has proved itself to be an influential factor in defending the interests of the broadcasting industry, including through lobbying instruments and initiation of legislation.

## Scores:

Individual scores:



Average score:

1.5

### 1.12 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

As a whole, civil society institutions in Bulgaria are not well integrated into the process of elaborating media legislation. Only two substantive attempts have been made at citizen participation in the development of media legislation in recent years. The first one was in 2004, when the NGO Bulgarian Media Coalition drafted a new Radio and Television Bill with the participation of experts and media professionals, but the bill was not passed. In 2010 the government appointed a working group to draft a new media law and the Council for Electronic Media organised a broad public debate to help the working group. The concept of the new law was drafted but it has been shelved, and so far the recommendations made by civil society have not been implemented effectively.

Partial success in initiating media legislation is to be found only among interest groups defending corporate positions. But even powerful lobby groups encounter problems in moving legislative amendments (for example, the submitted amendments are often drastically revised by the Council of Ministers).

In what is a negative practice, important amendments to the media legislation are passed by the National Assembly at second reading without further debate. 'Some progress' in this respect is the possibility provided by the incumbent National Assembly for NGO representatives to attend the debates on laws. This progress, however, is still only formal and Bulgarian civil society needs to be more proactive.

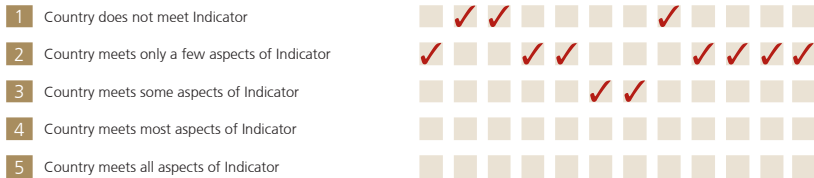
The low level of citizen participation in the context of media regulation in Bulgaria is a reflection of the overall 'not good condition of civil society'.

Among the negative factors accounting for the lack of efficiency are ‘the dependence of civic organisations on EU funds managed by the State’, ‘the interference of the State between private donors and NGOs’, and ‘the creation of a sham civil society’ by the government by means of setting up pro-government interest groups or ‘buying civic organisations’.

Against this background, growing civic pressure through informal means such as the internet and social networking sites is a positive trend.

## Scores:

Individual scores:



**Average score: 1.9**

**Average score for Sector 1: 3**

# SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability

## The media landscape, including new media, is characterised by diversity, independence and sustainability

### 2.1 A wide range of sources of information (print, broadcasting, internet, mobile phones) is accessible and affordable to citizens.

There are no official figures on the circulation of print media in Bulgaria. It is estimated that the largest daily newspaper is *Telegraf*, with a circulation of approximately 110 000. Readership surveys confirm that *Telegraf* is the leading daily, followed by *24 Chasa*, *Dneven Trud* and *Standart*.<sup>3</sup> Other national dailies include *Monitor*, *Sega*, *Duma*, *Novinar*, *Zemya*, *Ataka*, *Capital Daily* (the successor to the *Dnevnik* and *Pari* dailies), *Republika* and *Klasa*, as well as the sports newspapers *7 Dni Sport*, *Meridian Match* and *Tema Sport*. Three new daily newspapers were launched in 2011: *Bulgaria Dnes*, *Vseki Den* and *Presa*. The most popular weekly newspapers are the tabloids *Weekend*, *Show* and *Galeria*, as well as *Treta Vazrast*, a newspaper for senior citizens. There is a wide range of magazines, the most popular among them being lifestyle magazines.

According to the Report on the Activity of the Council for Electronic Media in the Period from 1 July 2011 to 31 December 2011, there are 64 radio service providers which hold licences and broadcast analogue terrestrial radio services in 260 population centres. There are three national radio services: *Horizont* and *Hristo Botev* broadcast by the Bulgarian National Radio, and *Darik Radio Bulgaria*. There are also 24 regional and 224 local radio programme services. The number of registered cable radio services in Bulgaria is 32 (of which six are national, five regional and 21 local).

There are four licensed national television stations: *BNT 1*, *bTV*, *bTV Action* (which, however, is not transmitted by analogue terrestrial signals) and *Nova Television*. *TV7* also has national terrestrial coverage although it does not hold a national programme licence. Thirty-three television programme services broadcast by 20 providers hold national digital terrestrial broadcasting licences. A total of 121 providers (149 programme services) are registered to broadcast television programme services by cable or satellite. Ac-

<sup>3</sup> See, e.g., the survey on *Print Media Readership* in the second half of 2011, conducted by the Bulgarian agency for marketing and social research Alpha Research, available at <[http://alpharesearch.bg/bg/marketingovi\\_izsledvania/danni\\_i\\_publikacii/chitatelyska\\_auditoria.html](http://alpharesearch.bg/bg/marketingovi_izsledvania/danni_i_publikacii/chitatelyska_auditoria.html)> [accessed 10 May 2012].

According to the above-mentioned report of the Council for Electronic Media, a television programme service owned by a political party was registered for the first time in 2011: the Ataka political party's Alfa TV. There are also 13 registered foreign programme services broadcast by cable or satellite, and 10 providers of non-linear services (video-on-demand and pay-per-view). Approximately 82% of all households have cable television, and that percentage is growing constantly.

Fifty-seven percent of Bulgaria's population have access to the internet, and 90% of those who do use the internet every day or at least two or three times a week (according to data of the MBMD institute for social surveys and marketing from early 2012). Although internet penetration is growing rapidly, Bulgaria is still lagging behind other EU countries in this regard. In terms of broadband internet provision, however, Bulgaria is one of the leading countries in the world.

Ninety-two percent of Bulgaria's population have mobile phones, and the penetration of mobile services is 140%, meaning that users have on average more than one mobile phone.

The overall picture shows that there is a great variety of media sources. As one of the panellists put it, 'Never before in Bulgaria's history have there been so many information sources.' Radio and television are the most accessible, including in financial terms. The constantly declining cost of internet access is, in turn, conducive to growing use of media resources.

The situation of the print media is deteriorating. Subscriptions to and distribution of print media are decreasing. The rural population has the least access to print media. As a whole, print media do not support themselves from their cover prices, which is telling of declining interest on the part of readers and of inadequate possibilities for buying newspapers and magazines.

Despite the formal diversity of sources of information, one of the key problems of the Bulgarian media landscape is the absence of quality content. The shortage and marginalisation of serious media outlets is an important flaw in the general spectrum of information sources.

### Scores:

Individual scores:



**Average score:** **4.3**

## 2.2 Citizens’ access to domestic and international media sources is not restricted by state authorities.

The State does not restrict citizens’ access to domestic and international media sources.

A few years ago there was a problem with an excessively strong signal of broadcast media from neighbouring countries (Turkey and Greece) in the border areas, especially along the Black Sea coast, which jammed the signal of Bulgarian broadcasters. After a certain period in which the State did nothing about it, the situation eventually improved. In 2010 there were new reports of excessively strong radio transmission by Turkish broadcasters. In 2011 the Communications Regulation Commission reported that it had not received any complaints from Bulgarian broadcasters that their frequencies were being jammed because of strong transmissions from an external source. The participants in the discussion confirmed that the problem has been resolved.

### Scores:

Individual scores:



**Average score:** **5**



## 2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

No special measures are undertaken to increase the scope of circulation of the print media in Bulgaria. Although some regional print media outlets are making individual commercial efforts and there are also negligible attempts on the part of some political parties (such as the Bulgarian Socialist Party and the Movement for Rights and Freedoms) seeking to increase their influence, there is no purposive state policy in this respect.

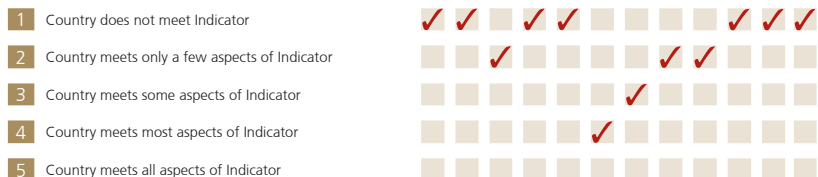
An alternative possibility for increasing the scope of circulation of the press is by using online versions of print media. This possibility, however, is not being utilised sufficiently. The most serious problems are in rural communities, and they come from poor access to the internet, lack of internet skills on the part of the ageing population, and people's inveterate habit of getting the local news above all from the local print media (especially during seasonal farm work).

As a whole, the present state of the print media market is fraught with a number of problems, including suspicions of malpractices and over-concentration. The Commission for the Protection of Competition is currently investigating the distribution companies connected to media publisher Irena Krasteva and her son Delyan Peevski. The two have been accused by other media publishers of monopolising print media distribution and deliberately hiding rival newspapers and magazines at newsstands.

There is a need for more precise regulation of print media distribution, including of the right of one and the same individuals to own both print media outlets and print media distribution companies (vertical integration).

### Scores:

Individual scores:



**Average score:**

**1.7**

## **2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference.**

This Indicator does not apply as there are no state-owned print media in Bulgaria.

## **2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies.**

The absence of adequate legislation and regulation on media ownership and concentration is one of the most alarming characteristics of the Bulgarian media environment.

In Bulgaria there is no special law on competition and concentration in the media industry. This matter is regulated by the general Protection of Competition Act (promulgated November 2008). The Act treats media activity as any other commercial activity; there is no special legal definition of the terms 'media concentration' and 'media pluralism'. This omission in the statutory framework overlooks the specificity and public significance of media companies.

The body that permits or forbids concentration of ownership is the Commission for the Protection of Competition (CPC). Because of the flaws in the legislation, the CPC cannot adequately regulate media matters. As one of the panellists described the situation, 'Everyone in the media knows that there is a monopoly but the Commission for the Protection of Competition does not find that there is.' The oblique wording of the CPC's rulings further distances the existing problems from their solution.

Most of the criticism about media concentration is directed at the companies connected to Irena Krasteva and her son Delyan Peevski. The Krasteva-Peevski circle has been accused of horizontal and vertical market concentration, including ownership of newspapers, television stations, websites and print media distribution companies. These accusations are public, and although it is 'obvious' that there is concentration it has not been officially proven. 'Monopoly in the media is difficult to prove, but we can feel it,' one of the panellists noted.

Parallel with the observations regarding market concentration exercised by Krasteva and Peevski, there are also serious suspicions of oligopoly, that is to say, distribution of excessive concentration among several major actors. Oligopoly, like monopoly, is difficult to prove and regulate. The main prob-

lem comes from the absence of an accurate register of media ownership: 'How can you prove that there is a monopoly or oligopoly if you don't know who owns what.'

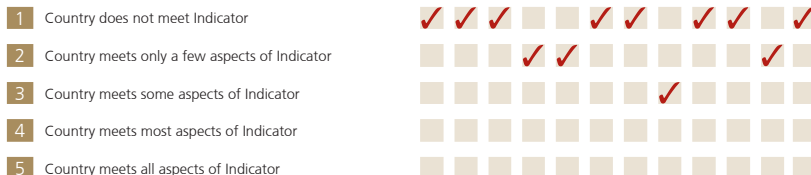
The situation in the TV sector is also symptomatic of the existing problems with competition. In the course of several months (June 2011 to March 2012), the leaders on the TV market, bTV and Nova Television, approached the CPC, accusing each other of unfair competition. According to Nova Television's complaint, in the period between January and March 2011 bTV had offered advertisers very preferential rates and unusually many bonus broadcasts on condition that they would not advertise on other TV channels. For its part, bTV complained to the CPC that Nova Television had sold advertising time at dumping rates for a longer period of time – from 2009 to 2012.

Concentration on the TV advertising market has been a key case in Bulgaria in the last ten years or so. The most popular TV station, bTV, 'holds not only TV advertising but also more than 50% of the total media advertising market.' Part of the bTV case is the debate on whether owners of advertising agencies may also own broadcast media. The Radio and Television Act initially prohibited this possibility as an anti-monopoly measure, but a 2010 amendment to the Act lifted this restriction. The amendment in question became known as the Gergov Amendment, named after Krasimir Gergov, an advertising businessman and long-standing bTV consultant who declared in public after the Act was amended that he owned stakes in bTV.

The problem of over-concentration in the media sphere is not limited to market indicators only. Especially dangerous is the symbiosis of media influence and political and business patronage. Such dangers exist in the Bulgarian media sphere. 'The State does not stand to gain from becoming involved in public games with influential media outlets,' therefore the existing problems are not solved; they only get worse.

## Scores:

Individual scores:



**Average score:**

**1.4**

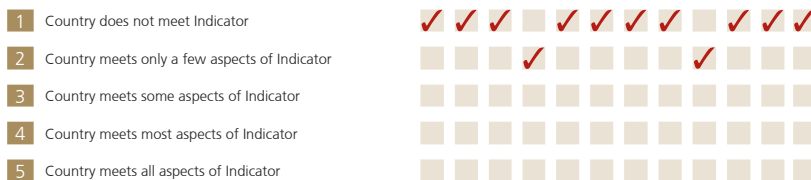
## 2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

The government is not taking special measures to promote the economic sustainability and independence of media outlets. The panellists agreed that 'there are instruments, but nothing is being done.' One possible instrument, for example, is to reduce the 20% Value Added Tax (VAT) on print media.

A positive step taken in recent years is the adoption of Article 42 (2) of the Value Added Tax Act (in force since 1 January 2007), according to which state-subsidised activities of the Bulgarian National Radio, the Bulgarian National Television and the Bulgarian News Agency are exempt from VAT.

### Scores:

Individual scores:



Average score:

1.2

## 2.7 All media fairly reflect the voices of both women and men.

The majority of Bulgarian media do not take a discriminatory attitude towards men or women.

Most of the media formats are clearly addressed at male or female audiences. Against this background, it is noteworthy that 'very few women's magazines defend women's rights.' Women tend to be advised about 'how to be of service to the male population' and how to be consumers. In this sense, part of the Bulgarian media content is telling of the existence of a 'latent machismo' or 'Oriental paternalism combined with Spanish machismo.'

Most of the panellists agreed that insofar as there is unequal gender representation in the Bulgarian media, it is a problem of Bulgarian culture and its patriarchal characteristics, not the fruit of a deliberate media policy.

## Scores:

Individual scores:



Average score:

4.2

## 2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

According to the Code of Ethics of the Bulgarian Media, elaborated in 2004, the media undertake not to publish items inciting or promoting hatred, violence or any form of discrimination, as well as not to indicate a person's racial, religious and/or ethnic identity, sexual orientation, and mental or physical condition if those facts are not substantially relevant to the story.

The media do not comply with the commitments undertaken under the Code of Ethics. For example, they will almost always report the ethnic and religious identity of perpetrators of crimes if they are not Christian and ethnic Bulgarian. There are 'media sins' against all categories listed in this Indicator.

The Roma are one of the most stigmatised groups. According to a recent survey, out of 743 items on Roma issues in the Bulgarian press only 15 take a positive attitude towards the Roma, while every other item portrays the Roma as a threat to society.<sup>4</sup>

Coverage of political diversity is often prejudiced. The 2011 presidential and local government election campaign is a case in point: there were serious omissions and distortions in media coverage of the campaign. The public-service Bulgarian National Television and Bulgarian National Radio had very limited possibilities to present the diversity of political candidates. This was due mainly to the regulations on campaign coverage provided for by the Electoral Code and the Radio and Television Act. The requirement that me-

<sup>4</sup> The survey, conducted by Ivo Indzhov from the Institute for Modern Politics, monitored the dailies *Trud*, *Telegraf*, *Standart*, *Capital Daily/Dnevnik* and *Sega* in the course of five months in 2011. Its findings were presented in public at the Sofia Press Club on 3 April 2012.

dia appearances must be paid for placed the candidates on an unequal footing. The private media also used mostly paid-for forms of coverage, privileging some candidates at the expense of others. The presentation of paid-for material as journalistic content was a common negative practice.

In addition, media coverage of the problems of the 'little person' is very marginalised. It is to be found in some comic and sensational formats, or in other words, in the field of 'information ghettos and media exoticism'.

As a whole, the absence of quality and fair coverage of the categories in question is due both to omissions in the legislation and to the absence of an effective anti-discrimination policy, as well as to insufficient compliance with ethical and professional standards in the Bulgarian media.

### Scores:

Individual scores:



**Average score:** **2.4**

## 2.9 The country has a coherent ICT policy or the government implements promotional measures, which aim to meet the information needs of all citizens, including marginalised communities.

The Ministry of Transport, Information Technology and Communications (MTITC) is implementing various programmes and projects in the sphere of information technology and information society. Among them are a National Programme for Accelerated Development of an Information Society in the Republic of Bulgaria (2008-2009), followed by a draft Strategy on e-Governance in the Republic of Bulgaria 2010-2015. The Strategy provides for provision of and access to e-services for all citizens. As a member of the EU, Bulgaria is also guided by EU regulations and policies in this sphere.

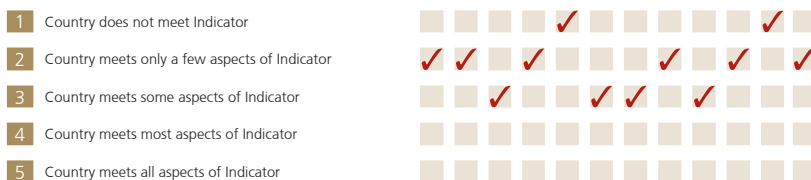
The information infrastructure is developing at a comparatively rapid rate. One positive trend is the increasing number of public places with free Wi-Fi (for example, railway stations). However, one can hardly say that Bulgaria has a coherent ITC policy. Efforts to this end tend to be sporadic and they are undertaken under pressure from the EU or serve government PR purposes rather than being the product of a long-term vision. Growing penetration of and access to ICT is primarily market-driven. The government rarely takes promotional measures to this end.

A significant shortcoming in the process of improving the information and communication infrastructure is the delayed digitalisation of radio and television broadcasting. Bulgaria is already lagging behind in this respect, and the audience is not clearly informed about what kind of television it will be watching in two or three years' time.

Another main problem is the practical non-use of information services by the marginalised communities, especially by those who struggle to meet their basic needs. As one of the participants in the discussion pointed out, 'Why would the Roma care that there is free Wi-Fi at railway stations when they have no access to a computer at all?' The marginalised groups remain excluded from the information society, and there are no information programmes for them. Insofar as there are such programmes, they serve only the active groups of the population.

## Scores:

Individual scores:



**Average score:**

**2.2**

## 2.10 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

In the last two years, against the background of a shrinking advertising market, the State has become one of the major advertisers in Bulgaria. This is due to the EU funds for projects which are managed by the government – all projects under EU programmes have a budget for promoting project activities. Government advertising has the strongest impact on the print media market. The newspapers with the biggest revenue from advertising placed by the public administration are *Monitor* (BGN 762 000 [EUR 389 604]), *Telegraf* (BGN 556 000 [EUR 284 278]), *24 Chasa* and *Dneven Trud* (BGN 476 000 [EUR 243 375]), *Dnevnik* (BGN 340 000 [EUR 173 839]) and *Standart* (BGN 316 000 [EUR 161 568]). The radio and television stations that get the largest share of government advertising are the Bulgarian National Radio's Horizont Service (BGN 311 000 [EUR 159 012]), bTV (BGN 833 000 [EUR 425 906]) and Nova Television (BGN 612 000 [EUR 312 910]).<sup>5</sup>

It is difficult to establish to what extent the government uses its power over the placement of advertisements as a means to exercise control over editorial policies. Although the government does not use its power to elaborate legal instruments for control, there are practices of behind-the-scenes interference.

In the first place, there are cases of 'off-the-record agreements' between responsible ministry officials and media managers upon the actual allocation of advertisements. Another mechanism employed by the government involves discussing the rules of future tenders with civic organisations and media that are close to the government, thus ensuring that the tender requirements are 'custom-tailored'.

Another problem characteristic of the Bulgarian media environment consists in that some media plan their editorial policies with a view to serving the government and ensuring that they will get state funding. At the other extreme, there are media with a critical attitude towards a particular government ministry – they know that 'they will never win a public procurement contract' from the ministry in question.

Dependence on state bodies as a source of advertisements restricts the freedom of media. This applies especially to regional media, which are threatened with termination of advertising contracts if they criticise the respective

<sup>5</sup> According to data from Be Media Consultant on the first five months of 2011. Cited in Stoilova, Zornitsa and Ognyan Georgiev (2011). *Slon v medien magazine* [Elephant in Media Market]. *Capital*, 2 September 2011, available at: <[http://www.capital.bg/politika\\_i\\_ikonomika/bulgaria/2011/09/02/1149712\\_slon\\_v\\_medien\\_magazin/](http://www.capital.bg/politika_i_ikonomika/bulgaria/2011/09/02/1149712_slon_v_medien_magazin/)> [accessed 10 May 2012].



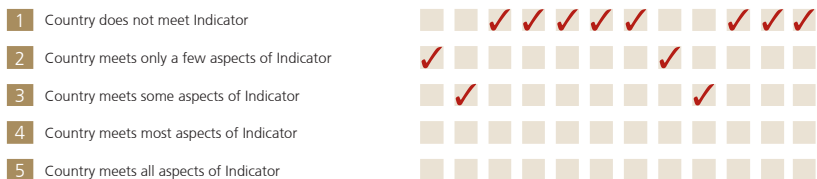
municipal authorities. There is also political pressure on media to suppress certain materials in exchange for a possible financial incentive by way of EU funds: 'Remove these materials and I may grant funds to your media outlet.'

An additional aspect of the problem, especially in the case of print media, is the frequent absence of an indication that material received from the respective state institution is paid for. If in the first publications on the implementation of a given project the media indicate that this is a paid publication, they omit doing so in the next publications.

The question of the use of power with the aim of influencing editorial policies is not limited only to the placement of government advertisements. 'The government interferes in the work of the media in all sorts of ways – for example, through phone calls – and even prefers not to pay,' one of the panellists noted, summing up the situation.

## Scores:

Individual scores:



**Average score:**

**1.5**

## 2.11 The advertising market is large enough to support a diversity of media outlets.

Before the effects of the global economic crisis hit Bulgaria, the country had a growing advertising market which reached a high in 2008. During this favourable period a number of foreign investors entered the Bulgarian media scene. After 2008 the advertising market began to shrink. Despite the slight increase in the number of advertisements in 2011 as compared with 2010, the media in fact received less advertising revenue due to falling advertising rates. The crisis has had the worst effect on print media, where the loss of advertising is most tangible (about 6% in 2011 as compared with 2010). Unlike the press, online advertising is growing (about 15% in 2011 as compared with 2010) and has now reached approximately 8% of the total

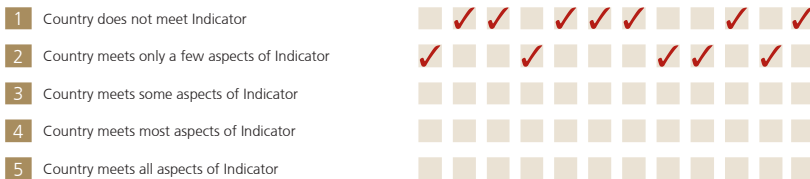
advertising market. Television has the largest share of advertising – between 65% and 80%, but the exact percentage cannot be established because of the practices of discounts, barter deals and other arrangements.

As a whole, the advertising market is not large enough to ensure the independence of the many media outlets in Bulgaria. A serious problem comes from the practices of pressure exercised over media by advertisers. For example, it is difficult to find critical media reports against one of the largest advertisers in Bulgaria, mobile phone operator M-Tel, which is known to have even made direct attempts to violate journalistic independence.

Additional suspicions as to the democratic functioning of the Bulgarian advertising market arise from the frequent public mistrust of people meter data.

### Scores:

Individual scores:



**Average score:** **1.4**

**Average score for Sector 2:** **2.5**

# SECTOR 3:

**Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster**

## Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster

### 3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

Media regulation in Bulgaria was off to a late start and it has been following, not anticipating, the development of the market. The first Radio and Television Act was adopted in 1996, but it was subsequently revoked. The current law has been in effect since the end of 1998. The first regulatory authority for broadcast media, the National Council for Radio and Television, was set up in 1997 and transformed into a Council for Electronic Media in 2001.

Media legislation appeared in the context of an already-existing domination of commercial media. The Radio and Television Act emerged largely as a 'function of private broadcasters'. Although over the years it has been subject to many amendments and modifications, they have proved insufficient to remedy the existing flaws.

One of the omissions in the law, for example, is the absence of a legal definition and hence regulation of community media. This type of media are not mentioned in the RTA.

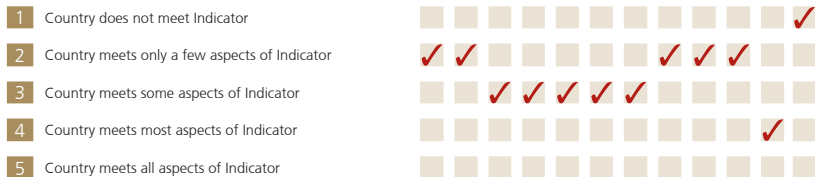
Providing conditions that will encourage the BNT and the BNR to improve their operation as public-service media would be a positive step. There is also a need for stricter regulation of the accountability of public-service broadcasters.

Another shortcoming of the present situation is the lack of sufficient information on the ownership of broadcast media. The information provided by the CEM is incomplete and does not identify the actual owners of broadcast media outlets. Fuller and more accurate information can be obtained from the Commercial Register, but even this approach is ineffective when it comes to offshore companies. 'In trading in information it is critically important that you know who the owner is,' one of the panellists insisted.

A procedure to draft a new media law was initiated in 2010. Although the concept of the new law has been drafted, it has been shelved for the time being.

## Scores:

Individual scores:



**Average score:**

**2.5**

### 3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed – in an open way – involving civil society and not dominated by any particular political party.

According to the Radio and Television Act, the independent special body regulating media services in Bulgaria is the Council for Electronic Media (CEM). Article 24 of the RTA stipulates that the CEM shall consist of five members, of whom three shall be elected by the National Assembly and two shall be appointed by the President of the Republic. The number of CEM members was reduced from nine to five in 2010.

Eligibility to the CEM is limited to persons holding Bulgarian citizenship, who hold a degree of higher education and possess professional experience in the spheres of electronic media, electronic communications, journalism, law or economics, and enjoy public authority and professional acknowledgement (Article 25). The following persons are ineligible for membership of the CEM: any persons who have been sentenced to imprisonment for pre-meditated indictable offences; any sole traders, owners of the capital of commercial corporations, partners, managing directors, managerial agents or members of management and auditing bodies of commercial corporations and cooperatives; any persons who have been on the full-time staff or part-time informers of the former State Security (Article 26).

As the two nominating and decision-making authorities are the National Assembly and the President of the Republic, the election/appointment of CEM members is invariably politically motivated. Civil society is excluded from the process of constitution of the regulatory authority.

A step towards the integration of civil society into this process has been taken by the incumbent President of the Republic, Rosen Plevneliev. He has invited civic and professional organisations to nominate candidates for one of the two members from the presidential quota. Twelve candidates have been nominated in this way. After a public hearing, President Plevneliev will choose one of them.

The major problem of the CEM is that 'it has failed to become a significant public authority, despite the personal qualities of its members.' The CEM operates as a 'typical bureaucratic state structure' without the necessary instruments to live up to public expectations. One of the reasons for this is precisely the lack of sufficient cooperation with civil society. On the other hand, the CEM itself could be more proactive in initiating effective actions as a true regulator. In their present form, the CEM's actions are seen as 'finger-wagging' against the media which is more comic than effective.

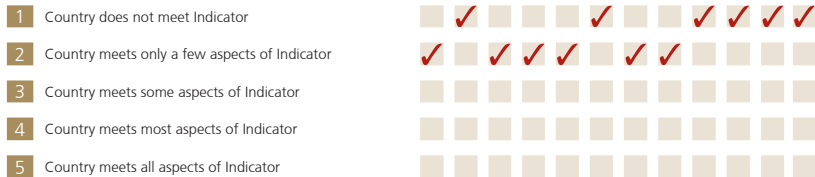
The CEM's efficient operation is impeded also by the frequent changes in the law and in the regulatory authority's term in office. There has been a debate in recent years on whether the CEM should remain an autonomous body or merge with the regulatory authority for electronic communications and radio frequency allocation, the state Communications Regulation Commission (CRC). The CEM regulates content (programme-service licences and registrations), while the CRC regulates radio frequency allocation.

The operation of the CRC is regulated by the Electronic Communications Act (ECA). The Commission consists of five members with a five-year term in office. The Chairperson of the Commission is designated and dismissed by decision of the Council of Ministers and appointed by order of the Prime Minister, the Deputy Chairperson and two members of the Commission are elected and dismissed by resolution of the National Assembly, and one member is appointed and dismissed by decree of the President of the Republic (Article 22 [3, 4 and 5] of the ECA). Thus regulated, the composition of the Commission is also politically dependent and excludes civil society.

The Communications Regulation Commission operates in a very non-transparent way. This also holds for the ongoing process of digitalisation of radio and television broadcasting – the competitive procedures are being conducted without clear rules and in the context of scandalous behind-the-scenes battles, including political ones.

## Scores:

Individual scores:



**Average score:**

**1.5**

### 3.3 The body regulates broadcasting services and licences in the public interest and ensures fairness and a diversity of views broadly representing society at large.

According to the Radio and Television Act, licences for pursuit of radio and television broadcasting activities are granted by the Council for Electronic Media. Licences are granted for a term of 15 years. This term may be extended by decision of the Council for Electronic Media at the request of the licence holder for an aggregate duration which may not exceed 25 years (Article 109). Analogue terrestrial broadcasting licences are granted after holding a competitive procedure conducted by a specially appointed commission of experts who mandatorily include members of the CEM and of the CRC; the said commission may furthermore include experts of other central-government departments and organisations concerned (Articles 116 and 116c). Applicants for a radio or television broadcasting licence are required to submit, among other things, a programme design, a programme concept, a programme type and a programme schedule (Article 111). Authorisations for the use of the radio frequency spectrum are granted by the Communications Regulation Commission. Any person wishing to create radio or television programme services is subject to registration; applications for registration are submitted to and reviewed by the Council for Electronic Media.

Supervision and revocation of licences is within the powers of the Council for Electronic Media. Failure to exercise sufficient control over compliance with programme schedules is seen as a weakness of the CEM. The CEM is said to be 'too lenient', failing to impose adequate penalties for non-compliance or radical changes to the programme content. It has been especially lenient towards media outlets in financial trouble, letting them 'try out whatever they want'. On the other hand, most of the media outlets that

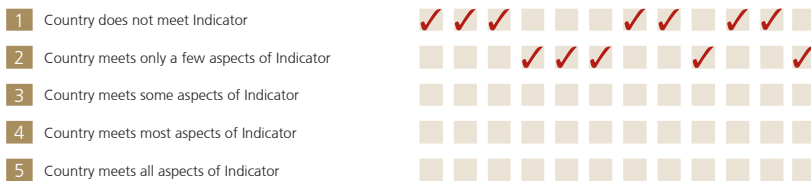
have applied for a change in their programme schedule have reasoned their application on the grounds of the market conjuncture and audience tastes.

An overview of the media landscape shows that there are many vacant programme niches. For example, there are, little if any, programmes for children, international news, regional news, or programmes for minorities. Against this background, the Council for Electronic Media could be a more active institution, with the mission of developing a more diverse information sphere.

Considering the pending transition from analogue to digital broadcasting, it is critically important whether the existing flaws will spill over into digital media.

### Scores:

Individual scores:



**Average score:** **1.4**

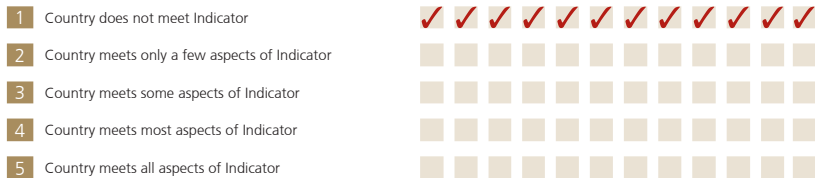
## 3.4 The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

The Bulgarian National Television and the Bulgarian National Radio have public boards (councils) which, however, do not perform any public functions and do not serve as a corrective. They are ineffective and non-transparent bodies which ‘are not even superficial’. According to one of the panellists and a member of such a board, its activities are limited to ‘distributing some awards which the media outlet had decided to grant anyway’. The audience is not aware of the existence of those structures and can learn about them ‘by chance, from the CV of one of the members’. A participant in the discussion said that it is better not to have such ineffective boards at all, rather than allowing ‘the media to claim they have public boards’.



## Scores:

Individual scores:



Average score:

1

### 3.5 Office bearers with the State and political parties, as well as those with a financial interest in the broadcasting industry, are excluded from possible membership on the board of the state/public broadcaster.

The management boards of the Bulgarian National Radio and the Bulgarian National Television consist of five members each, endorsed by the Council for Electronic Media upon nomination by the respective directors general, according to Article 58 of the Radio and Television Act. The respective director general chairs the board by right. The following persons are ineligible for membership of the management boards of the BNR and the BNT: any persons who have been sentenced to imprisonment for premeditated indictable offences; any sole traders, owners of the capital of commercial corporations, partners, managing directors, managerial agents or members of management and auditing bodies of commercial corporations and cooperatives; any persons who have been on the full-time staff or part-time informers of the former State Security (Article 59 [2]).

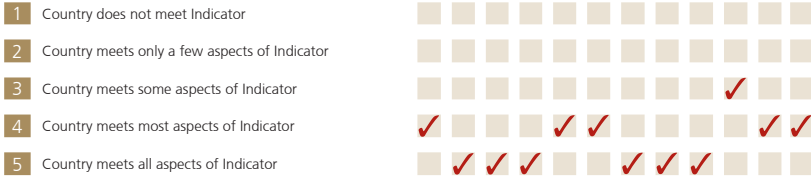
Due to the legal restriction regarding the pursuit of commercial activities by the members of the management boards of the BNT and the BNR, members who have a stake in commercial corporations can formally terminate their commercial activity for the duration of their term in office on the management board.

State and political-party office holders are practically excluded from membership on the management boards of the public-service broadcasters.

Off the record, it is common knowledge that political lobbying plays a role in the election of the BNT and BNR directors general.

## Scores:

### Individual scores:



### Average score:

4.4

## 3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised.

The Radio and Television Act guarantees the freedom of media service providers and of their activities from political and economic interference, and stipulates that media service censorship in any form whatsoever shall be inadmissible (Article 5 [1, 2]).

Article 11 of the RTA regulates matters concerning the pursuit of journalistic activity and the relations between journalists and media management bodies:

- (1) Any opinion may be freely expressed in media services.
- (2) Journalists and artists, who have concluded contracts with media service providers, may not be given any instructions or directions as to the practice of their pursuits by persons and/or groups outside the management bodies of the media service providers.
- (3) Public criticism of media service providers by employees thereof shall not be treated as disloyalty to the employer.
- (4) Journalists, who have concluded contracts with media service providers, shall have the right to refuse to perform an assignment, provided it is not related to implementation of the provisions of this Act or of the relevant contracts and if it is contrary to their personal convictions; technical editing of programme material or of news may not be refused.

(5) Editorial statutes for work in the sphere of current affairs may be agreed between the owners and/or management bodies of media service providers and the journalists who have concluded contracts with them.

(6) The editorial statute shall state specific definitions and measures for:

1. the protection of the freedom and personal accountability of journalistic work in accomplishing the assignment set;
2. the protection of journalists within the meaning given by Paragraph (2);
3. the professional and ethical standards of journalistic activity in the respective media service providers;
4. the manners of decision-making which concern journalistic activity;
5. the establishment of an internal body for the settlement of any disputes as may arise in the course of journalistic work.

This legal framework places special emphasis on the editorial independence of broadcast media, including on that of the public-service broadcasters. In practice, however, there are no significant editorial efforts to protect the independence of journalistic work. At the same time, considering that the BNT and the BNR receive most of their funding from state subsidies, there are regular suspicions of dependence, including editorial dependence, on the political conjuncture. 'Everyone knows that the President's PR officer can call and change the news agenda,' one of the panellists noted. It is noteworthy that in the past two or three years 'the BNT has been at the beck and call of the Interior Ministry'. Also telling is the exercise of political or corporate PR by employed journalists – this practice is not regulated by law and is common in the public sphere, including among journalists employed in the public-service media.

Compared with the 1990s, one may say that direct political pressure on the public-service media has declined: 'Until 2000 the situation was outrageous – the BNT and the BNR served as official organs of the government. But the power-holders realised that they did not stand to gain from exerting pressure on the state media and turned some of the private media into their official organs. Now it is much easier for opposition speakers to appear on the BNT and the BNR.' Excessive political pressure, however, has been replaced by another phenomenon with an 'insidious effect' on the BNT and the BNR: neutering and turning them into 'emasculated, de-politicised state media'. There are suspicions that the public-service broadcasters are being 'deliberately destroyed' in order to help private media to promote major corporate interests, on the one hand, and to serve as a conduit of particular policies, on the other. The optimisation of the public-service media is impeded by the insufficient efforts and public pressure to this end.

## Scores:

Individual scores:



Average score:

2.8

### 3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from commercial pressure.

The funding of the BNT and BNR is regulated by the Radio and Television Act. Article 70 (3) of the RTA stipulates that the following shall accrue in revenue to the budget of the BNR and the BNT:

1. financing from the Radio and Television Fund;
2. a state budget subsidy;
3. own revenue from advertising and sponsorship;
4. proceeds from additional activities related to radio and television broadcasting activities;
5. donations, legacies and bequests;
6. interest and other income related to radio and television broadcasting activities.

The overall duration of advertising may not exceed 6 minutes per hour for the BNR, and 15 minutes per day and 4 minutes per hour for the BNT; the BNT is entitled to use up to one-third of the overall daily duration of advertising during the time period band commencing at 19:00 hours and ending at 22:00 hours (Article 90 of the RTA). For comparison, the share of advertising spots and teleshopping spots within a given clock hour may not exceed 12 minutes for private broadcasters (Article 89).

There are several important flaws in these regulations on the funding of the BNT and BNR.

In the first place, the legally regulated Radio and Television Fund is practically inoperative. So far there has been no political will to bring this Fund

into operation. That is because this is an unpopular measure requiring the collection of monthly fees for reception of radio and television programme services, a public fee that will meet with fierce resistance from the audience.

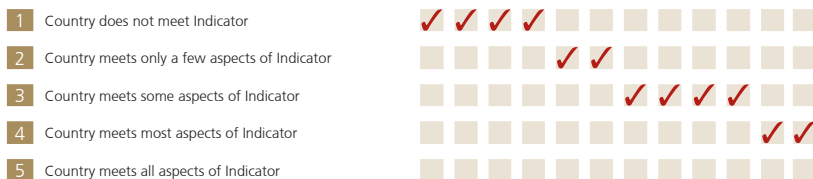
Especially controversial is the dual mode of funding of the BNT and the BNR: simultaneously with state subsidies and with limited revenue from advertising. On the one hand, private media are against the participation of the BNT and the BNR on the competitive advertising market. On the other hand, the BNT wants to have more prime-time advertising in order to increase the share of its own revenue. In this way, the BNT would achieve greater financial independence from the State whose subsidies are the BNT's main source of funding in view of the fact that the Radio and Television Fund is inoperative.

The main problem with the partial commercial operation of the public-service media is that it forces them to 'live in a mode of learned helplessness' – their public-service function requires them to invest in socially responsible programmes which, however, are commercially unprofitable. This creates conditions for pressure by the distributors of programmes of public significance. The Council for Electronic Media draws up an annual list of events of major significance for the public (for example, European and world championships), which must be covered by a media (TV) outlet with national terrestrial coverage. When the private media decide that the rights to broadcast this type of programmes are financially unjustified for them, then the public-service broadcaster is obligated to buy such expensive productions, the investments in which often require additional grants from the State.

One side effect of this situation is the demotivation of public-service media employees. 'When it becomes clear that ratings do not matter, this has a negative effect on people's self-esteem and self-confidence,' one of the panellists pointed out.

## Scores:

Individual scores:



**Average score:**

**2.3**

### 3.8 The state/public broadcaster is technically accessible in the entire country.

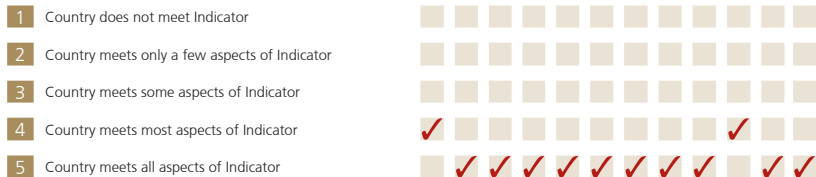
The signals of the BNT and BNR cover almost 100% of the country's territory.

Financial support of the transmission and distribution of the signal accounts for a serious share of the BNT and BNR budgets. This places them in a situation of indebtedness to the companies that distribute the signal, and requires additional state subsidies.

In the context of the pending digitalisation of radio and television broadcasting, the public-service media will be accessed from digital multiplexes. The digital broadcasting of the BNT and the BNR is guaranteed, but the good quality of the transmission network, which is privately-owned, is in question.

#### Scores:

Individual scores:



Average score:

4.8

### 3.9 The state/public broadcaster offers diverse programming formats for all interests.

The Radio and Television Act (Article 6 [3]) stipulates that the Bulgarian National Radio and the Bulgarian National Television are national public-service providers of radio services and, respectively, of audiovisual media services, which:

1. ensure media services for all citizens of the Republic of Bulgaria;
2. assist the development and popularisation of Bulgarian culture and the Bulgarian language, as well as of the culture and language of citizens in accordance with the ethnic identity thereof;
3. ensure, through the media services thereof, access to the national and European cultural heritage;

4. include programmes which inform, educate and entertain;
5. apply the new information technologies;
6. reflect the diversity of ideas and convictions in society by means of pluralism of viewpoints in each one of the news and current affairs programmes on political and business subjects;
7. foster mutual understanding and tolerance in relations among people;
8. afford citizens an opportunity to familiarise themselves with the official position of the State on important issues of public life.

In reality, the BNT and the BNR 'perform the function of a rearguard' in the Bulgarian media landscape. As one of the panellists put it, 'They do not offer everything for everyone, but they offer that which has dropped out of the progressive logic of market development – they are "the antique shop" among the Bulgarian media.' In this sense, the public-service media contribute to the diversity of the Bulgarian media landscape although they themselves do not offer full diversity. Among the good practices of the BNT is the broadcasting of documentaries which 'cannot be broadcast anywhere else', and the special programmes offered by the BNT's regional centres. On the whole, the BNT and the BNR are trying to maintain comparatively high quality standards.

## Scores:

Individual scores:



**Average score: 3.6**

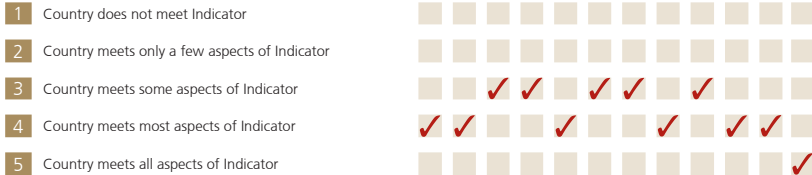
### 3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

In the context of the overall quality of news and current affairs programmes – which is far from satisfactory – the BNT and the BNR are among the most balanced sources of information. The public-service broadcasters are more concerned than private media are with reflecting the full spectrum of diverse

views and opinions in Bulgaria. The BNT and the BNR maintain a moderate and politically correct tone, using civilised and good institutional language.

## Scores:

Individual scores:



**Average score:**

**3.7**

### 3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

According to Article 19a of the Radio and Television Act, at least 50 per cent of the total annual transmission time of the television programme services, excluding the time appointed for news and sports programmes and television games, advertising, teletext and teleshopping, must be reserved for European works, where practicable. At least 12 per cent of the transmission time must be reserved for European works created by producers who are independent of broadcasters. The Act also encourages the production and distribution of European works in the radio programme services.

‘European works’ are defined in the Act as ‘works originating in Member States of the European Union’. There is no special quota for Bulgarian productions – they are included in the ‘European works’ category. Those general regulations for broadcast media apply also to the BNT and the BNR.

Considering their limited financial resources (see Indicator 3.7), the BNT and the BNR offer, as a whole, as much diverse and creative local content as economically achievable.

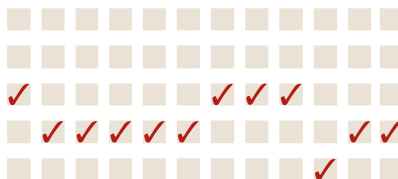
In the general context of the Bulgarian media landscape, there is a need for better protection of Bulgarian authors of content who suffer because of competitive pressure from foreign companies. The adoption of regulations protecting Bulgarian producers ‘would encourage production of more diverse local content,’ one of the panellists pointed out.



## Scores:

Individual scores:

- 1 Country does not meet Indicator
- 2 Country meets only a few aspects of Indicator
- 3 Country meets some aspects of Indicator
- 4 Country meets most aspects of Indicator
- 5 Country meets all aspects of Indicator



**Average score:**

**3.8**

**Average score for Sector 3:**

**2.9**



# SECTOR 4:

The media practise high levels of professional standards

## The media practise high levels of professional standards

### 4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

The Code of Ethics of the Bulgarian Media was created in 2004 and signed by some 200 media outlets (print, broadcast, and online media).<sup>6</sup> In 2005 a foundation called National Council for Journalistic Ethics (NCJE) was established to facilitate the interpretation and implementation of the Code. The NCJE is a self-regulatory body with two specialised ethics commissions: an Ethics Commission for Print Media and an Ethics Commission for Electronic Media. The commissions are in charge of monitoring compliance with the Code of Ethics by reviewing and ruling on individual complaints from citizens and organisations. The NCJE website contains 15 decisions issued by the Ethics Commission for Electronic Media (from 2006 to March 2012) and 18 decisions issued by the Ethics Commission for Print Media (from 2006 to April 2011).

Although the Code is very good in itself, it is insufficiently effective in practice. This is due to several factors.

First, the Bulgarian media landscape operated for years without any internal standards. The creation of the Code itself, done with the help of BBC experts, is seen more as an 'import' and imposition of foreign professional standards than as an initiative of the Bulgarian professional journalistic community. 'Re-educating' the Bulgarian media in the spirit of imported ethical culture has proved to be a difficult process.

Second, the Code of Ethics is not valid for all media outlets. A number of popular media outlets, such as the newspapers and magazines published by the New Bulgarian Media Group, have refused to sign up to the Code. The tabloids have also refused to comply with the adopted ethical standards. This situation creates prerequisites for unfair or, at the least, unethical competition.

Third, many of the media outlets that have signed up to the Code of Ethics regularly break the rules they have pledged to abide by. Thus, for example,

<sup>6</sup> According to data from the website of the National Council of Journalistic Ethics Foundation <<http://www.mediaethics-bg.org/index.php?do=2&id=19>>. The section on 'Media outlets that have signed up to the Code of Ethics', on the same website, lists some 100 media outlets: <<http://www.mediaethics-bg.org/index.php?do=18&lang=bg>> [accessed 10 May 2012]. The number of media outlets which have pledged to comply with the adopted ethical standards has been changing over the years: some media outlets have shut down, others have signed up to the Code at a later stage, and still others have withdrawn their signatures.

the media often ignore the principle of respecting people's grief. 'Taking a picture of a wailing mother is regarded as the utmost in journalistic expertise,' one of the participants in the discussion noted. The media regularly publish photos and report the names of victims of abuse, but the journalistic community 'never criticises' such practices.

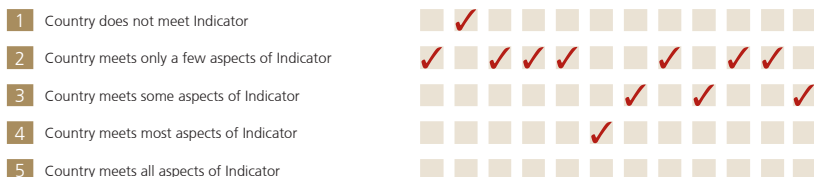
Fourth, the sanctions for non-compliance with the Code of Ethics – public censure and right to reply in the respective media outlet – have proved to be too lenient and do not serve as a serious deterrent. An attempt to give additional weight to the standards of the Code of Ethics was made with the inclusion of the obligation to abide by them in the Radio and Television Act (Article 76 [2]), as well as with the use of the decisions of the ethics commissions in cases of litigation. Yet despite all existing measures, failure to comply with the ethical standards is commonplace.

Another important characteristic of the Bulgarian media landscape is that the lack of universal validity of the ethical standards is about to grow. This is indicated by the establishment in 2012 of a new journalistic association, the Bulgarian Media Union, whose first proclaimed task is the creation of a new, alternative, code of ethics. This new document will be drafted with the participation of people who have signed up to the previous one but, due to conflicts between media outlets, no longer wish to be associated with the media community committed to the 2004 Code of Ethics.

Against the background of the widespread non-compliance with ethical standards, there are also some positive exceptions where definite internal ethical rules are an invariable part of the contracts between journalists and media outlets (for example, in *Economedia*). In such cases both compliance and punishment for non-compliance with ethical standards become effectively mandatory.

## Scores:

Individual scores:



**Average score:**

**2.3**

## 4.2 The standard of reporting follows the basic principles of accuracy and fairness.

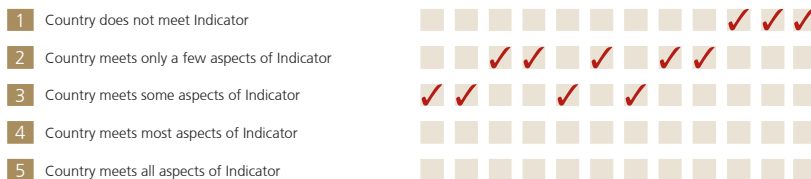
Abidance by the principles of accuracy and fairness is not one of the strengths of the Bulgarian media landscape. The reasons for that are complex: insufficient journalistic competence; editorial policies promoting topics involving bias and taboos; political and corporate interference; absence of effective civic pressure, and so on.

'If in a 100 years' time someone decides to learn what happened in Bulgaria from today's media, they will not understand a thing,' one of the participants in the discussion noted. A main shortcoming of the Bulgarian media sphere is that 'it has given up on covering the agenda of society'. Instead, the agenda is set by the ruling elite. This increases the role of PR and weakens the power of journalism. It is telling that quality journalists and good examples in the profession are rarely in the foreground as 'the media community itself does not have the standards for creating authorities.' The situation is also exacerbated by the tendency of many young people to enter the media with ambitions for rapid career advancement without the necessary patience 'to serve as apprentices'.

Another important problem related to the lack of accuracy and fairness and to the quality of media reporting in general is the routinisation and transformation of journalism into a 'production process'. 'In our work we have to do many things in a short time,' one of the journalists on the panel said. A specific characteristic of the routinisation of the profession, especially in provincial media outlets, is the informal establishment of 'journalistic labour-cooperative farms':<sup>7</sup> 'To avoid being fined by the editors for missing to report an event covered by another print media outlet, journalists from the different media outlets agree in advance on what they will report and what they will skip.'

### Scores:

Individual scores:



**Average score:**

**2.1**

<sup>7</sup> By analogy with the labour-cooperative farms (TKZS) from the period of socialism (1944-1989), formed as the result of nationalisation and collectivisation of agricultural property.

### 4.3 The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories.

Bulgarian users of media content have a vast choice of information above all because of the accessibility of the global media market. The content offered by Bulgarian media, however, is far from satisfactory.

There are serious shortages in the sphere of international and regional news. "‘Around the World’ is gone, now there’s only ‘At Home’," one of the participants in the discussion said, punning on the name of the BNT’s prime-time news programme, ‘Around the World and at Home’ (‘Po sveta i u nas’). ‘There’s not even “at Home”, there’s only Sofia,’ riposted another. An entire niche such as science journalism and coverage of scientific discoveries is virtually absent from the Bulgarian media landscape. Analytic journalism is also very rare: ‘In many areas there is no interaction between experts and journalists.’ Very few efforts are invested in investigative journalism.

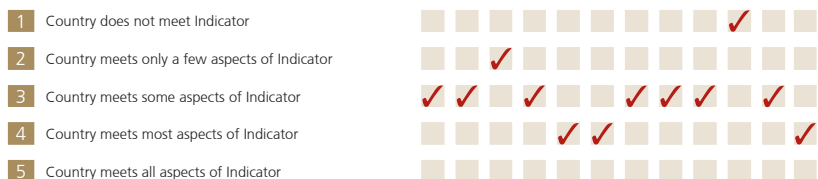
These important deficiencies illustrate the crisis of ‘high’ journalistic genres. As a whole, the Bulgarian media produce very little serious and high-quality content of their own, and this ultimately leads to a loss of their individuality. As one of the participants pointed out, ‘In the twenty-first century, news reporting is not a challenge at all. What will make a media outlet stand out are the high genres.’ This has also had an effect on advertisers, who are increasingly realising that they do not stand to benefit from the low quality of Bulgarian media.

Against this background, the media content that proliferates and suppresses diversity is characterised by negativism, aggression and sensationalism – as one of the panellists put it, it is ‘vulture journalism’.

The media outlets which make efforts to offer more serious and diverse content have smaller audiences.

#### Scores:

##### Individual scores:



Average score:

3

## 4.4 Equal opportunities regardless of race or ethnicity, social group, gender/sex, religion, disabilities and age are promoted in media houses.

In most media outlets, there is no deliberate discrimination based on the characteristics listed in this Indicator. Partial forms of sexism and ageism are to be found in the staffing policy of broadcast media.

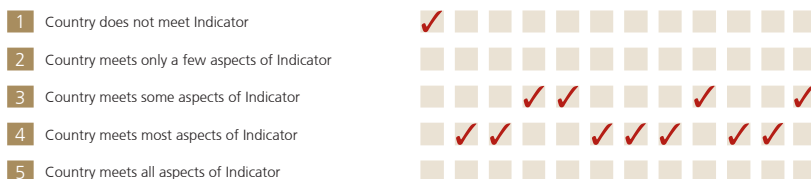
As for equal gender opportunities, it is noteworthy that most of the people who work in the Bulgarian media are women. This is confirmed by a survey conducted by the Washington, D.C.-based International Women's Media Foundation (IWMF). The survey studied the professional positions of men and women in Bulgarian media in the 2009-2010 period. Its main finding is that women are represented very well in all spheres and at all levels of the profession, including in top management positions (almost 40% of first-level and more than 50% of second-level management positions are held by women). Bulgaria is even the world's leading country in terms of women's presence in the media.<sup>8</sup> 'Every profession that becomes difficult and low-paid becomes dominated by women,' one of the panellists pointed out.

There is a specific problem regarding the professional development of Roma in Bulgarian media – it reflects the general marginalisation of Roma in political and cultural life. Most media outlets are ready to employ people from the Roma minority only if there is project funding for this type of professional integration. As one participant in the discussion described the situation, 'Once the project ends, those people turn out to be of no use.'

There are no serious problems regarding employment in the media of members of the Turkish minority, especially in the regions with a dominant Turkish population.

### Scores:

Individual scores:



**Average score:**

**3.4**

<sup>8</sup> Survey data cited in an article in the *Trud* daily titled 'Bulgaria za primer v sveta' [Bulgaria Proves Exemplary in the World] (24 March 2011), available at <m.trud.bg/Article.aspx?id=829708> [accessed 10 May 2012].





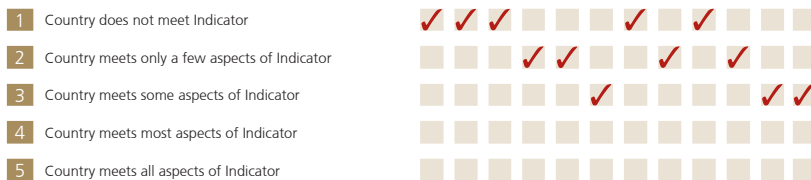


At the same time, there have been numerous allegations of corruption against journalists and media outlets. Among the most emblematic scandals in the last two years was a 2010 open letter by Ahmed Dogan, the leader of the Movement for Rights and Freedoms (DPS) party, in which he attacked one of the *Trud* daily's leading journalists, Valeria Veleva, accusing her of lack of integrity, blackmail and corruption. In 2011 another prominent journalist, Vasa Gancheva, was secretly filmed agreeing to write a positive article in exchange for BGN 1000 (EUR 511).

The forms of corruption range from expensive gifts or one-off payments for guaranteed (positive) coverage of an event to serious unlawful benefits for journalists, who live above the standards they can legally afford. In some cases bribe-taking is a matter of personal choice by low-paid journalists, while in others is it an established practice initiated by media outlets themselves. 'Journalists from the country have directly asked me for money to report our projects,' said one of the representatives of the NGO community.

## Scores:

Individual scores:



Average score:

1.8

## 4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

According to National Statistical Institute (NSI) data, the average monthly salary in the sphere of economic activity classified as 'Production and distribution of information and cultural products; telecommunications' was BGN 1265 (EUR 647) in 2010, BGN 1544 (EUR 789) in 2011, and BGN 1724 (EUR 881) in the first quarter of 2012. These figures are higher than those in most other spheres of economic activity. But considering that the high-paid telecommunications sector is included in this sphere, the statistical data should be interpreted as giving a general idea, and certainly not as being strictly representative of the media sector.

In practice, the salaries of journalists and other media practitioners vary greatly. Some media figures, above all TV show hosts, are overpaid. 'The problem is that the wrong people are high-paid,' one of the panellists pointed out. The representatives of media outlets on the panel said that the salaries of 'ordinary reporters' in the different media outlets are more or less the same and that they are 'low'. They also said that the average monthly salary in Sofia-based media outlets is about BGN 1000 (EUR 511), while the highest monthly salaries in regional media outlets is approximately BGN 600-800 (EUR 300-400), with net monthly salaries averaging BGN 400-450 (EUR 200-230). As a whole, it is difficult to say exactly what the average monthly salary is in the Bulgaria media because in many cases journalists are paid and socially insured under employment contracts at threshold rates but receive additional payments under contracts for services.

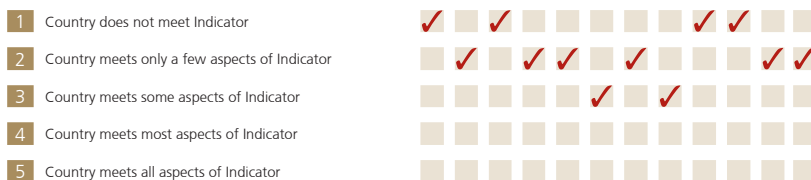
Contrary to NSI data on growing salaries, the panel found that the economic crisis and shrinking advertising market are having a negative effect on salaries in the media sector.

One of the peculiarities of the Bulgarian media market is that freelancers 'are an exotic phenomenon'. Journalists practically cannot make a living from freelancing. Income from freelancing is insufficient and, moreover, very often 'you do not know when or if you will get paid at all,' said a journalist with experience in freelancing. Another factor that makes freelancing difficult is the habit of Bulgarian institutions to agree or refuse to provide information depending on their trust in the respective media outlet. In this sense, a journalist who does not work for a particular media outlet will find it hard to do his or her job.

The prevalent opinion in the course of the discussion was that in general, working conditions in the Bulgarian media are not good.

## Scores:

Individual scores:



**Average score:**

**1.8**



## 4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.

Bulgaria has long traditions in the sphere of journalist associations. The oldest and most popular organisation operating at present is the Union of Bulgarian Journalists (UBJ, founded in 1955). The UBJ has approximately 4300 members. Its mission is to protect and defend the professional and trade union rights of Bulgarian journalists.

In practice, however, trade union protection is very ineffective. There is a strong lack of confidence in the organisations that have declared such goals. As one of the participants in the discussion noted, 'As media we do not have a positive attitude towards the trade unions.' This criticism applies also to the UBJ, which has been accused of operating more as a formal organisation than as an environment offering professional support. Off the record, journalists have admitted that the only point of UBJ membership is securing 'access to a journalist card and to the Union's recreation facilities' and that 'it is journalists who raise the image of the UBJ, and not the other way round.'

The crisis in trade union protection is evidenced by the changes in the media landscape where media outlets are transformed or shut down, their staff losing their jobs and 'having no one to defend them.' One such example is the transformation of TV channel Pro.bg into bTV Action. 'One of the good cameramen I used to work with is a carpenter now,' a panel member said, by way of illustration.

Instead of turning to the trade unions, journalists are now increasingly looking for support and protection from the NGO community. 'We get the most effective support and protection from the Access to Information Programme,' one of the journalists said during the discussion. This foundation is known for supporting journalists in litigation, including at the European Court of Human Rights in Strasbourg.

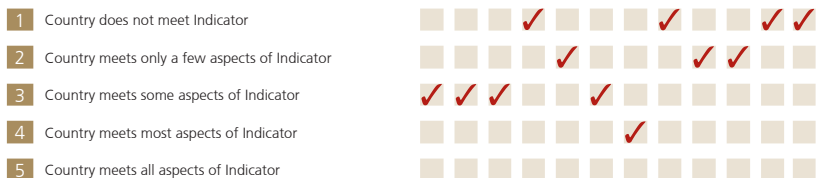
The absence of self-organisation, which is in keeping with the weak organisational culture of Bulgarian society at large, remains a problem among media professionals. The need for trade unions and professional solidarity has been replaced by 'misunderstood competition – we do not cite or help each other.' The examples of solidarity between rival media outlets are limited to fundraising campaigns in support of journalists who need medical treatment.

In the context of these phenomena, it seems paradoxical that media owners are in fact over-organised. There are professional associations such as the Association of Bulgarian Broadcasters, the Union of Publishers in Bulgaria, the

Association of Television Producers, the Alliance of Newspapers and Press Distributors, the Bulgarian Association of Regional Media, and the National Association for Outdoor Advertising, to name but a few. Those organisations are very active when they have to defend business interests in the media industry.

## Scores:

Individual scores:



**Average score:** 2.2

**Average score for Sector 4:** 2.2

**OVERALL SCORE FOR BULGARIA:** 2.7

# Developments over the last few years

## Negative developments

- Concentration (horizontal and vertical) of media ownership in the hands of oligarchic circles which directly affects the freedom of speech and objectivity of media.
- Interference by media owners in the editorial policy and work of journalists.
- Excessive closeness and dependence of media in their relationship with those in power. Prerequisites for media 'comfort' of the political elite.
- Growing tendency towards trading in influence – above all in print media but also in the other media.
- High level of self-censorship among journalists.
- Declining professional standards and high level of incompetence in the journalistic community. Permanent tendency towards copy/paste journalism. Overall devaluation of the journalistic profession.
- Negative effects of the economic crisis. Decreasing advertising market and growing economic dependencies in the media sphere. Increasingly frequent use of the crisis as an excuse for decisions driven by unclear motives.
- Declining ethical standards in the work of journalists. Corruption in media from the highest to the lowest level.
- Growing commercialisation and tabloidisation of media. Low quality of the media product.
- Stunted socially responsible functions of media.
- Growing use of media for PR purposes. Increasing use of black PR.
- Marginalisation of good and authoritative journalists to the benefit of convenient and conformist journalists. Non-encouragement of the development of journalists. Lack of investments in the potential of media professionals.



- Comparatively low effectiveness of the Council for Electronic Media's regulatory functions.
- An inadequate model of financing public-service media.
- Weak will for dealing with the problems in the media sphere.

## Positive developments

- Improved access to the internet and new technology.
- Growing diversity of information sources (especially in the sphere of broadcast and online media).
- Growing influence of citizen journalism and social networks. Positive role of online freedom.
- Weakening political pressure on the BNT and the BNR.
- Although often in marginal positions, quality journalism is managing to survive. The few serious print media and programmes in the country have succeeded in keeping and developing their authority.
- Although they are limited, there are attempts by citizens and journalists to counter the undemocratic trends in the development of the media sphere.

## The Way Forward

- Counter the excessive commercialisation and concentration of power in the media.
- Alleviate some of the economic dependencies in the media sphere (for example, through adequate tax instruments).
- Better regulate protection of competition in the media sphere. Recognise and translate into law that information is a specific type of commodity which needs special protection. Strengthen control over the Commission for the Protection of Competition – for example, by monitoring the Commission's decisions on landmark cases.
- Better use the potential of civic pressure and of pressure by the media community itself. Improve the mechanisms for cooperation between media and civil society.
- Develop mechanisms to encourage quality and socially responsible journalism.
- Ensure support for investigative journalism from NGOs (for example, following the model of the Centre for Investigative Journalism in Romania).
- Revise the business model of media so as to increase their efforts to produce higher-quality content.
- Strengthen the function of public-service media. Provide state protection in this direction – not necessarily through direct financing but rather through a flexible choice of appropriate mechanisms.
- Introduce citizen participation in the formation of the Council for Electronic Media. Improve feedback between the CEM and the public.
- Turn public boards in the media into effective bodies.
- Improve editorial protection and defence of journalists.
- Hold open discussions between the media, business community, NGO sector, trade unions and the political class.

## Panel Members

Ms Vesislava Antonova, journalist in a national weekly newspaper  
Ms Neli Avramaska, trade union activist  
Mr Dimitar Filipov, editor at a regional radio station  
Mr Zhivko Georgiev, sociologist, university lecturer  
Ms Elena Kodinova, journalist in a national daily newspaper  
Ms Elka Krasteva, lawyer, civil society activist  
Mr Spas Kyosev, TV journalist  
Ms Valentina Mincheva, journalist in a regional newspaper  
Mr Georgi Savchev, journalist in an online media outlet  
Ms Ruzha Smilova, political scientist, researcher in an NGO, university lecturer  
Mr Orhan Tahir, lawyer, civil rights activist  
Mr Emil Tsenkov, NGO expert on the issues of political reform and anti-corruption policies

### Rapporteur

Ms Nikoleta Daskalova

### Moderator

Mr Orlin Spassov

*The panel meeting took place in Hisarya, Bulgaria, from 20 to 22 April 2012.*



## Notes:

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