



## TMT Comparative Guide

**DPC**  
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## 1. Legal and enforcement framework

1. 1. Which legislative and regulatory provisions govern the following in your jurisdiction: (a) Telecommunications; (b) Internet; (c) Media and (d) Social media?

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### ***(a)(b) Telecommunications and internet access services***

- The Electronic Communications Act (ECA), last updated on 26 April 2022;
- The Electronic Communications Networks and Physical Infrastructure Act, last updated on 23 December 2022;
- The European Electronic Communications Code (EECC); and
- EU Regulation 2015/2120 laying down measures concerning open internet access.

### ***(c) Media (linear and non-linear media services)***

- The Bulgarian Constitution, last updated on 18 December 2015;
- The Radio and Television Act (RTA), last updated on 30 December 2022;
- The ECA;
- The Film Industry Act, last updated on 2 March 2021;
- The Copyright and Related Rights Act, last updated on 13 December 2019;
- The Law on the Compulsory Deposit of Printed and Other Works and the Disclosure of the Distributors and Providers of Media Services, last updated on 19 April 2022;
- The Digital Content and Digital Services and Sale of Goods Act, adopted on 19 March 2021; and
- The Act on Protection of Competition (APC), last updated on 26 February 2021.

### ***(d) Social media and digital platforms/information society services***

- EU Regulation 2019/1150 on promoting fairness and transparency for business users of online intermediation services;
- EU Regulation 2022/2065 on a Single Market for Digital Services and amending Directive 2000/31/EC ('Digital Services Act');
- EU Regulation 2022/1925 on contestable and fair markets in the digital sector and amending EU Directives 2019/1937 and 2020/1828 ('Digital Markets Act');
- EU Directive 2018/1808 on the coordination of certain provisions laid down by law, regulation or administrative action in member states concerning the provision of audio-visual media services ('Audio-visual Media Services Directive') in view of changing market realities;
- Directive 2000/31/EC on certain legal aspects of information society services, in particular electronic commerce, in the internal market ('E-commerce Directive');
- Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector ('Directive on Privacy and Electronic Communications');
- EU Directive 2019/790 on copyright and related rights in the digital single market and amending Directives 96/9/EC and 2001/29/EC;
- EU Regulation 2021/784 on addressing the dissemination of terrorist content online;
- EU Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC ('General Data

- Protection Regulation’);
- The ECA;
- The Consumer Protection Act, last updated on 11 March 2022;
- The Digital Content and Digital Services and Sale of Goods Act;
- The RTA;
- The Copyright and Related Rights Act; and
- The APC.

1. 2. Which bodies are responsible for enforcing the applicable laws and regulations in the relevant sectors? What powers do they have?

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***(a)(b) Telecommunications and internet access services***

The Communications Regulation Commission (CRC) is the competent authority in the field of electronic communications and electronic communications infrastructure. The CRC has a wide range of powers, such as the power to:

- regulate and monitor the provision of electronic communications networks and/or services;
- regulate and monitor the construction, access, deployment and so on of physical/network infrastructure;
- define the relevant markets for electronic communications networks and/or services;
- study, analyse and prepare an assessment on a regular the degree of competition on the relevant markets;
- determine, impose, maintain, amend or withdraw specific obligations on the undertakings designated as undertakings with significant market power on the market;
- grant, modify, supplement, transfer, terminate or revoke authorisations for use of allocated scarce resource;
- register and deregister registrations for use of radio frequency spectrum;
- issue and suspend the use of temporary authorisations for allocated scarce resources;
- resolve various types of disputes between undertakings;
- maintain various public registers; and
- carry out inspections.

The Commission on Protection of Competition (CPC) is responsible for monitoring and implementing general competition rules and has some limited powers in analysing relevant markets for competition purposes; the CPC works in coordination with the CRC in this regard.

***(c) Media***

The Council for Electronic Media (CEM) is the regulatory body in the field of media services (linear and non-linear media services). The CEM has a wide range of powers, such as the power to:

- supervise the activities of radio and television operators, as well on-demand service providers;
- provide statements on the adoption of legislative acts in the field;

- adopt decisions on the issuance, amendment, supplement, revocation, transfer and termination of licences for radio and television activity; and
- maintain public registers of:
  - radio and television programme services;
  - on-demand media services;
  - undertakings which distribute Bulgarian and foreign programme services; and
  - video-sharing platforms.

The CRC also has certain regulatory functions in the media sector – for example, regarding the technical aspects of broadcasting such as radio frequency spectrum, it is the authority which issues licences for the use of radio frequencies and other technical resources, including digital video broadcasting-terrestrial licences.

#### ***(d) Social media and digital platforms***

The CEM has regulatory functions relating to video-sharing platform services under the jurisdiction of Bulgaria.

In addition, the authority with competence for social media and other digital platforms (information society service providers) is the Commission for Consumer Protection (CCP). The CCP exercises overall control over the application of the Electronic Commerce Act, the Consumer Protection Act and other consumer-related legislation, so it is not strictly speaking a regulatory body; but it exercises general monitoring of compliance with consumer protection and e-commerce rules. The CCP has a wide range of powers, such as the power to:

- request access to documents relating directly or indirectly to a breach;
- request information about infringements above of which they are aware;
- carry out on-the-spot inspections;
- order the cessation of infringements;
- require the infringer to declare that they will cease the infringement and, if necessary, oblige them to make the declaration public; and
- order the cessation or prohibition of any infringement, and, if necessary, make the order to cease or prohibit the infringement public.

The regulator competent under the Digital Services Act and the Digital Market Act is still not appointed.

Other sector-specific bodies may be involved in compliance and monitoring and have certain functions depending on the type of platform/information society service that is provided.

### **1. 3. What is the general approach of those bodies in regulating the relevant sectors?**

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#### ***(a)(b) Telecommunications***

The CRC is quite active in monitoring and compliance, especially in terms of disputes between telecoms providers and the protection of end users. The CRC aims to ensure the provision of modern and quality electronic communications services to citizens and businesses by:



- establishing conditions for the development of the market for electronic communications networks and services, part of the internal market of the European Union;
- providing coherent conditions for investment in next-generation electronic communications networks; and
- ensuring effective and sustainable competition in the provision of electronic communications networks and services, including in relation to infrastructure, security of networks and services and equal access to services.

***(c) Media***

The CEM is very active in monitoring audio-visual content, especially in ensuring the protection of minors and the regulatory compliance of commercial communications. The CEM exercises its powers by:

- pursuing the public interest;
- protecting freedom of expression;
- ensuring the independence of media service providers;
- safeguarding media pluralism;
- promoting cultural and linguistic diversity;
- ensuring consumer protection;
- promoting accessibility and non-discrimination; and
- ensuring the proper functioning of the internal market and the promotion of fair competition.

***(d) Social media and digital platforms***

The CCP monitors and controls the fulfilment of obligations of information society service providers in line with applicable legislation. It is one of the most active public bodies.

1. 4. What other industry codes of conduct or best practices are applicable in the relevant sectors?

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***(a)(b) Telecommunications and internet access services***

The CRC is actively involved in preparing and publishing consumer-related materials on its website and tends to participate in projects with non-governmental organisations to ensure transparency and awareness for end users. Following the implementation of the EECC, the CRC has launched a comparison tool for offers of providers and a quality of internet service measurement tool to help end users.

***(c) Media (linear and non-linear media services)***

In the media field, the following can be outlined:

- the Code of Conduct on Measures to Assess, Label and Restrict Access to Programmes which are Harmful or Pose a Risk to Affect Adversely the Physical, Mental, Moral and/or Social Development of Children, adopted jointly by:
  - the CEM;

- the Association of Bulgarian Radio and Television Broadcasters;
- Bulgarian National Television; and
- Bulgarian National Radio;
- the National Ethical Rules for Advertising and Commercial Communication in the Republic of Bulgaria, adopted by the National Council for Self-Regulation;
- the Memorandum for Socially Responsible Advertising (non-binding), signed by many gambling operators;
- the Code of Ethics of the Bulgarian Media, developed by the National Council for Journalistic Ethics Foundation; and
- a single industry-accepted standard for regulating sound levels in advertising.

#### ***(d) Social media and digital platforms***

In the field of video-sharing platform services, providers should comply with the National Ethical Rules for Advertising and Commercial Communication in the Republic of Bulgaria, adopted by the National Council for Self-Regulation.

Self-regulation is also encouraged through codes of conduct drawn up by media service providers, video-sharing platform service providers and organisations representing them, where appropriate in cooperation with other sectors (eg, industry, commerce, professional and consumer associations or organisations). These codes are widely accepted by the main stakeholders and comply with the requirements listed above. EU codes of conduct are without prejudice to the application of national codes of conduct.

## **2. Ownership**

2. 1. Who is eligible to provide services in the following sectors in your jurisdiction? Are there any restrictions on foreign ownership? Do any domicile requirements apply? What other requirements or restrictions apply in this regard: (a) Telecommunications; (b) Internet; (c) Media and (d) Social media?

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#### ***(a)(b) Telecommunications and internet access services***

The main principle is that Bulgarian and EU-based legal entities can provide telecommunications services in Bulgaria. The legislation is somewhat vague as to whether non-EU entities are eligible; and although non-EU entities are entered in the Communications Regulation Commission register of notified providers, this practice is debatable.

Specific restrictions exist for participation (direct or indirect) of offshore entities and entities controlled by such in relation to the procedures for obtaining permission for scarce resources (eg, numbers, spectrum).

Offshore entities (or entities controlled by such) are also restricted from holding, directly or indirectly, more than 10% of the shares in providers that have permissions for scarce resources.

Other requirements which may restrict an entity from obtaining permission may apply in relation to the registration or permission regimes – for example:

- pending insolvency proceedings;
- a prohibition on performing commercial activities; or
- the existence of public liabilities to the state.

***(c) Media (linear and non-linear media services)***

The main principle is that local, EU or European Economic Area entities are eligible to register as television/radio operators and the country of origin principle applies as a general rule (with exceptions).

It is generally prohibited for offshore entities (or entities controlled directly or indirectly by them) to obtain a licence or a shareholding of more than 10% in a legal entity which has applied for or been granted a television or radio programme licence under the Radio and Television Act (RTA).

The following persons, among others, are also considered ineligible to apply for a licence:

- entities which have been denied the issuance of an insurance business authorisation or whose insurance business authorisation has been withdrawn, or partners or shareholders holding a participating interest in such entities;
- entities which are unable to provide evidence of the ownership of the property or capital thereof;
- entities which, in the five years preceding the application for a licence, were adjudicated bankrupt or which are subject to pending bankruptcy or liquidation proceedings; and
- entities whose application for a licensed broadcasting activity of the same kind was refused or whose licence was withdrawn in the year preceding the application for a licence.

***(d) Social media and digital platforms***

There are no specific national laws or regulations dealing with social media in Bulgaria; hence, there are no special requirements or restrictions on foreign ownership of social media platform providers in Bulgaria.

Insofar as social media service providers and their activity may fall under the RTA, the Electronic Commerce Act, the Digital Content and Digital Services and Sale of Goods Act, the Digital Services Act, the Digital Market Act and the Digital Copyright Directive (2019/790), they must comply with the corresponding rules accordingly.

When it comes to video-sharing platform services under the jurisdiction of Bulgaria, providers are eligible if they are sole traders or legal entities. Video-sharing platform services under another jurisdiction can in theory direct their services to Bulgaria, but must comply with their country of origin rules (with some exceptions).

The remaining statutes impose no explicit territorial restrictions on the provision of services in the social media sector in Bulgaria.

The Electronic Commerce Act provides that the execution and initiation of activities under its purview (ie, information society services) will be governed by the law of the state in which the place of business of the service provider is located, if that is a member state of the European Union. This rule, however, conflicts with other sector-specific legislation and must be considered carefully prior to pursuing activities in Bulgaria.

The Digital Market Act and the Digital Services Act apply to users/recipients within the European Union, irrespective of where the providers of those corresponding services have their place of establishment.



### 3. Authorisations/licences

3. 1. What authorisations and/or licences are required to operate in the following sectors? Do any exemptions apply? Do these vary depending on the service to be provided: (a) Telecommunications; (b) Internet; (c) Media and Social media?

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#### ***(a)(b) Telecommunications and internet access services***

The regimes for the provision of electronic communications can be grouped as follows:

- no licence/notification for certain types of services;
- notification under general authorisation (eg, for internet access services, transit, television distribution); and
- registration or permission for use of scarce resources (eg, when numbers are necessary to provide mobile telephony).

Under the Electronic Communications Act (ECA), and in accordance with the European Electronic Communications Code, a notification to the Communications Regulation Commission (CRC) must be submitted for the provision of electronic communications services under the general authorisation regime – for example, notification must be submitted for the provision of internet access services, telephony services, television distribution and so on.

The law explicitly provides for certain exceptions. For example, for number-independent interpersonal communications services a notification is not required, but certain provisions of the law still apply to them. Also, a limited exception exists under which electronic communications for personal use over electronic communications networks without the use of a limited resource do not require notification, registration or a licence.

When scarce resources are needed (eg, spectrum, orbital positions, numbers) for the services, permission or registration is necessary.

For more details on the permission/registration procedures, see question 5.

#### ***(c) Media (linear and non-linear media services)***

The regimes for the provision of media services can be grouped as follows:

- submission of notification and listing in the relevant register;
- registration as a television or radio operator; and
- licence for national analogue or digital broadcasting services by means of electronic communications networks, where radio spectrum is used as an individually allocated scarce resource.

The licences, registrations and listings are as follows:

- Licences for:
  - the provision of television and radio services through terrestrial analogue broadcasting systems;
  - and

- the provision of television and radio services through terrestrial digital broadcasting systems.
- Registration of:
  - operators that provide radio and television channels within Bulgaria; and
  - operators which provide radio and television channels outside Bulgaria.
- Listing of:
  - foreign channels broadcasted in Bulgaria;
  - non-linear service providers under the jurisdiction of Bulgaria; and
  - telecoms providers that distribute Bulgarian and international TV channels.

#### ***(d) Social media and digital platforms***

The Council for Electronic Media (CEM) operates a publicly accessible register of video-sharing platform providers under the jurisdiction of Bulgaria. Otherwise, no authorisation or licence procedure is stipulated for providers that operate in the sector of social media for Bulgaria.

### **3. 2. What are the key features of such authorisations/licences?**

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#### ***(a)(b) Telecommunications and internet access services***

Telecommunications and internet access providers must comply with the general authorisation regime and other applicable rights and obligations as provided for by law.

Once a notification has been processed by the CRC, the provider is formally registered in the public register for providers of electronic communications services.

Upon submission of notification, the provider can commence telecoms activities, unless a permission is necessary to use numbers or other scarce resources. Other key features for notified providers include the right:

- to request access and interconnection with other providers;
- to build networks and other infrastructure; and
- to request scarce resources.

Providers that use scarce resources usually have additional obligations stipulated in the decision for registration/permission, such as:

- obligations to use the numbers or spectrum effectively;
- obligations to pay taxes for use;
- restrictions on the transfer of the rights that are granted; and
- obligations to avoid harmful interference.

#### ***(c) Media (linear and non-linear media services)***

The rights and obligations of media service providers under the Radio and Television Act (RTA) arise:

- following registration;

- after a licence has been issued; or
- after listing in the relevant register (where applicable) following notification.

The RTA transposes the revised Audio-visual Media Services Directive and is mostly in line with the provisions therein.

Media service providers that operate under a licence or a registration may be subject to additional obligations.

***(d) Social media and digital platforms***

The rights and obligations of video-sharing platform providers under the RTA arise following registration in the respective public register.

There is no further authorisation and/or licence procedure stipulated for providers operating in the social media sector; but sector-specific requirements may apply depending on the type of digital platform.

### 3. 3. What are the procedural and documentary requirements to obtain such authorisations/licences?

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***(a)(b) Telecommunications and internet access services***

The procedure is purely administrative. To provide telecommunications/internet access services (without the use of scarce resources), a template notification with supporting documents must be submitted to the CRC, including:

- documents demonstrating the current registration of a legal entity in accordance with the law of the country of registration. Apostille requirements may apply depending on the country of origin of the document;
- consent to provide the information of a contact person (no local address or citizenship requirements apply in this regard);
- a registration form for the information system of the CRC (for online filing and submission of reports and questionnaires);
- such other documents as may be needed for specific cases (eg, for nomadic services notification, special confirmation from the Ministry of Interior); and
- power of attorney.

For registration and permission for the use of scarce resources, see question 5.

***(c) Media (linear and non-linear media services)***

The procedure is purely administrative. The documents for the different processes vary; but in general, an applicant for a radio and television broadcasting licence or for registration as television/radio operator should submit an application to the CEM along with supporting documents such as:

- a certificate of commercial registration or documents certifying the incorporation of the legal person, issued no earlier than one month prior to the date of submission of the application;

- a proposal for the distribution of programme services;
- various statutory declarations;
- evidence of the candidate's financial capacity to carry out the proposed operations (eg, reference letters from banks; evidence of the acquisition of long-term assets);
- the programme design, programme concept, programme type and programme schedule;
- a list of ancillary radio and television services;
- tentative contracts with rights holders for the use of copyright works in the programmes and for the use of neighbouring rights with regard to the distribution of foreign programmes;
- a certificate of good standing and, for non-residents, an equivalent document, issued no earlier than one month prior to the date of submission of the application;
- documents proving the origin of the capital for the last three years, including an audited financial statement as at the date of submission of the application;
- documents explaining the structure of the candidate's capital and the allocation of capital among the various owners and, if the candidate is a legal entity in which other legal entities are shareholders or stockholders, documents which explain the structure of the candidate's capital and the amount of shares/stock owned by these shareholders or stockholders in the candidate's capital;
- a list of the media undertakings in which the applicant is a shareholder or a stockholder; and
- power of attorney, if required.

Applicants for the provision of non-linear media services must submit a template notification and potentially some other supporting documents.

#### ***(d) Social media and digital platforms***

Entities that intend to provide video-sharing platform services must notify the CEM through a notification which contains:

- the applicant's identification data (eg, company name, registered office and registered address and the relevant unique identification code);
- the website of the video-sharing platform;
- the territorial scope of the services;
- the applicant's telephone and fax numbers, email address, correspondence address and contact person; and
- the estimated date of launch.

The notification must be submitted in Bulgarian and accompanied by draft general terms and conditions for the use of the video-sharing platform.

There are no other specific rules regarding social media.

3. 4. What does the authorisation/licensing process involve? How long does it typically take? What costs are incurred?

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#### ***(a)(b) Telecommunications and internet access services***

The notification process requires the submission of a template form (and the rest of the required documents) for the public electronic communications networks or services that will be provided. The form includes checkboxes that indicate the networks or services which the entity will provide and other information. Once the application has been submitted and processed by the CRC, the CRC will register the entity in the public register of providers of public electronic communications networks and services within 14 days (if everything has been done properly).

If the CRC concludes that registration/permission is necessary, it will issue instructions to this effect.

There is no fee for submission of a notification to the CRC. A fee of BGN 15 is levied if the provider wants a certificate of the entry in the public register. A one-off administration fee of BGN 80 is levied to process a request to obtain permission for the use of scarce resources or for registration.

### ***(c) Media (linear and non-linear media services)***

The process varies for licensing, registration and listing. The main rules include the following:

- Generally, an applicant for a television and radio broadcasting licence should submit an application along with a set of documents (listed in question 3.3(b)) to the CEM in order to initiate a licensing procedure. A tender may have to be launched by the CEM. If a licensing process is initiated, the CEM will also establish an expert committee.
- Television and radio services intended for audiences outside Bulgaria or within Bulgaria are subject to a registration regime. The process is initiated through submission of an application to the CEM and;
- The listing of non-linear (on-demand) services are also initiated through the submission of a notification to the CEM.

Depending on the licensing/registration/listing process, the timeframes vary as follows:

- The issue of a licence may take between two and eight months (or more) from submission of the application, depending on the type of service, licence and so on.
- The registration of television/radio operators should take 14 days from submission of the application (if everything is done properly); and
- The CEM usually lists the applicant within 14 days of submission of the application.

There is a special tariff for the fees for radio and television activity; depending on the licensing/registration process, the fee may be up to BGN 3,150. No fees are levied for listing procedures.

### ***(d) Social media and digital platforms***

A notification for the provision of video-sharing platform services can be filed free of charge. The CEM will enter the person in the register and approve the general terms and conditions within 30 days of receipt of the notification (if everything has been done properly). The provider of a video-sharing platform may request in writing from the CEM a certificate of entry in the register, which will be issued within seven days of receipt of the request.

There are no further applicable authorisations or licences regarding social media.



### 3. 5. What are the ongoing rights and obligations of the authorisation/licence holder? How is compliance monitored? What penalties may be imposed for breach?

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#### **(a)(b) Telecommunications and internet access services**

All entities must comply with the general authorisation regime, the ECA and other applicable laws.

Each entity which notifies the regulator of telecoms activity must submit an annual telecoms activity report through a specific information system of the CRC. Providers must specify information about the income and the expenses deriving from the telecoms activity and other information. In addition, depending on the type of telecoms activity, other reporting obligations may apply (eg, annual traffic data statistic report; data transmission and internet access services report, Net Neutrality Regulation questionnaire; retail price and tariff report). Providers must submit information about certain changes to their company information, among other things.

Annual control fees for the telecoms activity are also levied, which are calculated based on the information about income and expenses provided. Control fees are not imposed on providers with income of less than BGN 100,000.

Providers that use scarce resources also pay annual fees for the respective resources. Other fees may also apply.

Sanctions are varied and depend on the type of breach. Sanctions may reach up to BGN 2 million. Usually, for first-time breaches, the CRC imposes minimum sanctions provided for by law for the respective violation.

The CRC usually monitors compliance through *ex post* inspections.

#### **(c) Media (linear and non-linear media services)**

Licence/registration holders and listed entities have various ongoing rights and obligations, depending on the type of activities.

Examples include the following:

- The licensee or registered entity must pay an annual fee, which is determined on the basis of:
  - the type of service (radio or television);
  - the territorial coverage (local, regional or national); and
  - the potential number of citizens who may use the licensed or registered service.
- On-demand services do not require an annual fee; the operator need only pay the administrative fee for obtaining a certificate to be included in the public registry of on-demand services.
- Registered operators (which have been subject to a registration process) must notify the CEM of any changes in the condition, place or manner of transmission and programming times within 14 days of their occurrence.
- Media service providers must not produce or provide for distribution any programmes which could impair the physical, mental, moral and/or social development of children.

- Media service providers are entitled to distribute programme services and programmes only once the copyrights and related rights have been settled.
- Audio-visual media service providers must not distribute cinematographic works outside the periods agreed with the rights holders.
- Every year, media service providers must present to the CEM, upon request, evidence of the commercial rights and the copyrights granted for protected works in their programme services and the related rights granted for the provision for distribution of foreign programme services.
- Any undertaking which distributes Bulgarian or foreign programme services must provide the CEM every six months with an updated list of its programme services and documents relating to:
  - the acquisition of distribution rights for the programme services; and
  - the acquisition of distribution rights for works, phonograms and recordings of audio-visual works included in the programme services.

The CEM usually monitors compliance through *ex post* inspections.

Depending on the breach, sanctions may reach up to BGN 30,000. Usually, for first-time breaches the CEM imposes the minimum sanctions provided for by law for the respective violation.

#### ***(d) Social media and digital platforms***

Video-sharing platform services have specific obligations under the RTA (as per the revised Audio-visual Media Services Directive), such as the following:

- They must adopt measures to protect:
  - minors from programmes, user-generated videos and audio-visual commercial communications which could impair their physical, mental or moral development; and
  - the general public from programmes, user-generated videos and audio-visual commercial communications containing content whose dissemination constitutes a criminal offence.
- They must comply with decisions of the Ethics Committee of the National Council for Self-Regulation.
- The provision of video-sharing platform services without notification is prohibited.
- A service provider on a video-sharing platform must notify the CEM of any change in the details of the notification it has filed.

Sanctions may reach up to BGN 5,000. In case of repeated violations, the sanction will be doubled.

The CEM monitors compliance with the above requirements. In addition, the Commission for Consumer Protection monitors and imposes sanctions for non-compliance with the consumer protection rules and the e-commerce rules (depending on the type of breach), which also apply to some extent.

Other sector-specific rules may also apply.

Compliance is monitored mainly through *ex post* inspections.

3. 6. For how long is the authorisation/licence valid? Are variations to the terms possible? How is the authorisation/licence renewed?

### ***(a)(b) Telecommunications and internet access services***

No validity period is specified for entities that provide services under the notification regime. They will remain in the public register until a notification for deregistration is submitted or the entity is liquidated.

For registrations and permissions, the initial term of validity may be up to 20 years. For some types of resources (eg, for the use of harmonised spectrum for wireless broadband services), the initial term of the permission must be at least 15 years.

Providers can request the renewal or extension of the validity of the respective permission/registration in accordance with a specific administrative procedure.

### ***(c) Media (linear and non-linear media services)***

Depending on the type of authorisation, the validity varies as follows:

- Licences: The validity of the licence is up to 20 years, which may be extended by the CEM upon the request of the operator.
- Registered operators: Registration is indefinite (unless there are grounds for deletion of the registration).
- Listed entities: The listing is indefinite (unless there are grounds for delisting).

With respect to renewal of a licence, the process is as follows:

- The licensee should declare its intention to extend the term of the licence no later than six months prior to the expiry of the term of validity of the licence.
- The CEM will consider the request for an extension of the term of validity of the licence and, in the three months prior to expiry of the term of the licence, will issue a decision and notify the licensee in writing.
- If the decision is favourable, the CEM will notify the CRC, which will extend the term of validity of the licence within 10 days.

### ***(d) Social media and digital platforms***

For providers of video-sharing platform services, the listing is indefinite (unless there are grounds for delisting). If a video-sharing platform terminates its services, the provider must notify the CEM within 14 days. Upon receiving notification, CEM will remove the provider from the register within 14 days.

## **3. 7. Can an authorisation/licence be transferred? If so, what is the process for doing so?**

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### ***(a)(b) Telecommunications and internet access services***

Not applicable for notified providers. For the transfer of permissions for the use of scarce resources, please see question 5.4.

### ***(c) Media (linear and non-linear media services)***

Not applicable for registered television/radio operators and notifications.

However, a licence can be transferred under the RTA. The CEM will permit the transfer of a licence provided that the transferees comply with the initial licensing requirements. Upon the transfer of any radio and television broadcasting licence, the CEM must notify the CRC within 14 days.

***(d) Social media and digital platforms***

Not applicable.

## 4. Telecommunications

### 4. 1. What provisions apply to the construction of telecommunications infrastructure and the installation of facilities on public and private property?

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The Electronic Communications Networks and Physical Infrastructure Act sets out the regulatory framework for electronic communications networks and services, including the construction, maintenance and sharing of physical infrastructure. It also sets out the procedures and requirements for the use of public land and buildings for the installation of telecommunications facilities. Under the act, telecoms operators must obtain permits and licences for the construction and operation of their networks and facilities. They must also follow technical and safety standards for the installation of infrastructure and equipment.

The Electronic Communications Act (ECA) also applies.

Specific provisions may also be found in legislation such as:

- the Property Act, which governs the ownership and use of real estate in Bulgaria;
- the Spatial Planning Act, which regulates the use and management of land and urban planning in Bulgaria; and
- the State Property Act.

Other rules may also govern such matters.

### 4. 2. Do any universal service obligations apply in your jurisdiction? If so, what are they and how are they funded?

**Bulgaria**  
**Dimitrov, Petrov & Co.**

Universal service obligations are regulated in Bulgaria as required by the EU regulatory framework for electronic communications (set out in the European Electronic Communications Code). They are designed to ensure that all citizens have access to basic telecommunications services at affordable prices, regardless of their location in the country. The universal service obligations include the provision of available adequate broadband internet access service and voice communications services.

Only the incumbent operator is obliged to provide a universal service, which is for:

- the provision of public payphones and/or other public access points to voice telephone services of a specified quality;
- the provision of a telephone directory; and
- the provision of telephone directory services.

These obligations were repealed in 2021 but remain in force until 30 September 2023 for all payphones and other access points installed at airports, ports, railway and bus stations serving international destinations, motorways, hospitals and police stations.

The funds for compensation of the net costs of universal service provision are raised through the Universal Service Compensation Fund from providers of public electronic communications networks and services in accordance with special rules adopted by the Communications Regulation Commission (CRC).

4. 3. How is interconnection regulated in your jurisdiction? What rules and requirements apply in this regard? Are interconnection and network access charges subject to price regulation?

Bulgaria  
Dimitrov, Petrov & Co.

Interconnection is regulated by the ECA and several secondary laws (including Ordinance 1 of 24 November 2022 on the conditions and procedure for providing access and/or interconnection). The main provisions state that operators of public electronic communications networks have a right and, when requested by other operators, an obligation to negotiate with each other on interconnection for the purpose of providing publicly available electronic communications services, in order to ensure the provision and interoperability of services. The prices for access and interconnection are commercially agreed as a rule.

The law provides that offers for access and interconnection to other undertakings will be based on terms and conditions consistent with the requirements imposed by the CRC (where applicable).

The regulator can also impose specific obligations (including price regulation) for interconnection, after conducting market analysis and designating operators with significant market power.

4. 4. What rules and requirements govern the allocation and use of telephone numbers in your jurisdiction?

Bulgaria  
Dimitrov, Petrov & Co.

The main rules and requirements that govern the allocation and use of telephone numbers are stipulated in:

- the ECA;
- the National Numbering Plan, last updated on 20 May 2014; and
- Ordinance 1 of 22 July 2010 on the rules for use, allocation and the procedures for primary and



secondary provision for use, reservation and withdrawal of numbers, addresses and names, last updated on 3 January 2023.

The CRC grants and revokes permission for the use of numbers.

Numbers can also be obtained on a secondary basis (ie, without permission) from another provider which has permission for the use of numbers, as long as certain conditions are met.

#### 4. 5. What rules and requirements govern number portability in your jurisdiction?

**Bulgaria**

**Dimitrov, Petrov & Co.**

Number portability is governed by the ECA and secondary legislation of the CRC. It is an end-user right which must be assured for all end users (including some legal entities). Respectively, the obligation to ensure and effect portability lies with both the providers that initially obtained the numbers and the providers that have them on a secondary basis. The technical obligations are specified in several secondary legislative acts of the CRC. As a rule, the number portability procedure will be initiated immediately or after seven days, upon the end user's explicit request to the new provider, where the end user wishes to port a number.

#### 4. 6. Are retail customer charges subject to price regulation in your jurisdiction?

**Bulgaria**

**Dimitrov, Petrov & Co.**

In principle, prices are freely determined. The CRC can regulate customer charges for electronic communication services offered by undertakings with significant market power where it determines that this is necessary to protect end users and preserve effective competition. This measure can be imposed once the respective market analysis has been conducted. In this scenario the CRC may impose a threshold for the customer charges or even determine the exact prices; it also has specific powers to monitor the fulfilment of the imposed obligation. Currently, however, it has imposed no such measures.

#### 4. 7. Are retail customer terms and conditions subject to regulation in your jurisdiction?

**Bulgaria**

**Dimitrov, Petrov & Co.**

The general consumer protection requirements apply to the terms and conditions applicable to individual consumers, while sector-specific requirements in the ECA and secondary legislation also apply. Some of these requirements include:

- minimum requirements on the information that must be provided to end customers prior to the conclusion of the contract, including a short summary setting out the most important information;
- requirements relating to the contract's term, amendment, continuation and termination; and
- requirements relating to the publication and presentation of the contract terms on the provider's website and at its premises.

According to the applicable regulations, certain legal entities are also covered by the sector-specific protection that is usually aimed at individual customers.

## 5. Spectrum use

### 5. 1. How is spectrum use authorised in your jurisdiction? Do any exemptions apply?

#### Bulgaria

Dimitrov, Petrov & Co.

Radio frequency spectrum in Bulgaria is allocated by the Communications Regulation Commission (CRC), in accordance with the National Spectrum Allocation Plan, which is adopted by the Council of Ministers.

According to the Electronic Communications Act (ECA), radio frequency spectrum can be used:

- freely;
- after registration; or
- after the issue of permission.

In determining the type of spectrum use, the CRC takes into account various factors, including:

- the specific characteristics of the relevant radio frequency spectrum;
- the need for protection against harmful interference;
- the conditions for shared use;
- the technical quality of the connection or service;
- the efficient use of the radio frequency spectrum; and
- the fulfilment of objectives of general interest.

### 5. 2. What is the procedure for allocating spectrum in your jurisdiction?

#### Bulgaria

Dimitrov, Petrov & Co.

Individual rights for spectrum use are granted only after registration or after the issue of permission for spectrum use. Registration is made and permission is granted following an administrative procedure upon the application of the provider.

The registration regime reduces the administrative burden for applicants and the period for granting rights is shorter. Basically, the applicant must submit an application through the CRC's website, after which a verification process will be carried out. The CRC will verify the technical parameters in order to effectively use the spectrum and prevent interference. The CRC will register the applicant within 20 days of receipt of the application.

Under the permission regime, the CRC will issue a decision on whether to permit the use of radio frequency spectrum within six weeks of receipt of the application. In some cases, where there is a need to limit the number of issued permits, a competitive procedure must be conducted through a competition or auction. Pursuant to the ECA, the CRC will conduct:

- an auction where the proposed auction price is of essential importance; or
- a competition where a complex assessment is needed for the issuance of a permit.

The grant of rights in such a procedure takes significantly longer – up to eight months.

Certain exceptions are also provided for the grant of temporary permits for:

- the use of radio frequency spectrum for experimental purposes; or
- short-term projects where spectrum is awarded without a competition or auction.

The CRC collects fees for the grant of individual rights for spectrum use, which are defined in the Tariff for the Fees Collected by the CRC Under the Electronic Communications Act and which vary depending on the bands and other factors.

### 5. 3. How long does it typically take? What costs are involved?

Bulgaria  
Dimitrov, Petrov & Co.

See question 5.2.

### 5. 4. What are the penalties for unauthorised spectrum use or breach of authorisation?

Bulgaria  
Dimitrov, Petrov & Co.

Depending on the type of violation, sanctions can reach up to BGN 300,000.

Criminal liability may also be triggered in certain limited and theoretical scenarios for more serious breaches; a term of imprisonment for up to five years may be imposed for the use of spectrum without authorisation/registration or violation of the conditions of a permit.

### 5. 5. Can a spectrum authorisation be transferred? If so, what is the process for doing so?

Bulgaria  
Dimitrov, Petrov & Co.

Yes, an undertaking which has been granted permission for spectrum use may:

- transfer the permission or part of the rights and relevant obligations included in the permit; or
- lease the radio frequency spectrum permit.

The conditions are detailed in the Rules for the Conditions and Procedures for the Transfer of Permission for the Use of Individually Assigned Scarce Resources. The undertaking must submit an application to the CRC. The transfer/lease may take place once the CRC's approval has been obtained and the respective conditions specified in the secondary legislation have been fulfilled. The CRC will issue its approval within 42 days of the request.

## 6. Internet

6. 1. What provisions apply to high-speed broadband in your jurisdiction? Are there any government incentives to promote broadband penetration?

Bulgaria

Dimitrov, Petrov & Co.

The Electronic Communications Act (ECA) is the main act governing the conditions for the development of connectivity, including access to large-capacity networks – including fixed, mobile and wireless networks – and their use by all citizens and business entities.

In this respect, in 2020 the Council of Ministers adopted an updated National Broadband Infrastructure Plan for Next-Generation Access and an updated Electronic Communications Policy. The updated plan outlines the steps to provide the necessary digital infrastructure for the provision of various services. The plan aims to:

- improve access to high-speed Internet in less populated regions; and
- promote the development of high-speed mobile Internet in the country.

A key factor in the plan is the introduction of 5G mobile networks. The plan sets out the need for targeted investments in:

- technological development;
- completion of the necessary infrastructure; and
- guaranteed network and information security.

The main priority field in the plan is broadband infrastructure. It provides for the accelerated construction of broadband infrastructure, including for the needs of the state administration.

In addition, pursuant to the recent implementation of the European Electronic Communications Code, the Communications Regulation Commission (CRC) is entitled to conduct a geographical survey of the coverage of electronic communications networks that can provide broadband access. The survey is updated at least once every three years. The first survey will be conducted by the CRC by 21 December 2023.

6. 2. What net neutrality regulations apply in your jurisdiction? Are any exemptions and/or exceptions available?

Bulgaria

Dimitrov, Petrov & Co.

Pursuant to EU Regulation 2015/2120 laying down measures concerning open internet access, net neutrality is enshrined in the ECA as a general principle when providing electronic communication services. As a result, internet service providers (ISPs) must treat all traffic equally when providing internet access services:

- without discrimination, restriction or interference; and
- irrespective of:

- the sender and receiver;
- the content accessed or distributed;
- the applications or services used or provided; or
- the terminal equipment used.

The European regulative authority – the Body of European Regulators for Electronic Communications – has also issued Guidelines on the Implementation by National Regulators of European Net Neutrality Rules.

At a local level, the CRC has further issued a position on the implementation of the requirements of Articles 3 and 4 of EU Regulation 2015/2120, in which it provides details about specific practices of ISPs which will be subject to sanctions by the regulator. The CRC is also entitled to monitor and evaluate the implementation of regulation through the preparation of an annual report on compliance with the requirements of the regulation.

### 6. 3. Are internet service providers (ISPs) obliged to block or restrict access to specific websites or types of content in your jurisdiction?

**Bulgaria**  
Dimitrov, Petrov & Co.

Various laws set out obligations for ISPs to block access to specific websites in Bulgaria. Examples include the following:

- Pursuant to the Gambling Act, the National Revenue Agency can identify and add websites to a blacklist of websites through which gambling is organised by persons that do not have a licence under the act. If the provider does not stop offering gambling services through the relevant websites, the Sofia Regional Court can issue an order to all undertakings that provide electronic communications networks and/or services to block access to the websites from the territory of Bulgaria within 24 hours of publication.
- In accordance with the Markets in Financial Instruments Act, the Financial Supervision Commission (FSC) can issue a decision disclosing a list of entities which are not authorised to offer investment services in the territory of Bulgaria. If the respective entity does not stop providing investment services from the relevant websites within three days of publication of the decision, the FSC may submit a request to the Sofia Regional Court to order all undertakings providing electronic communications networks and/or services to block access to the websites from the territory of Bulgaria within 24 hours of publication.
- Under the Consumer Protection Act, the Commission for Consumer Protection (CCP) can issue an order obliging a trader which is responsible for an infringement to remove content from an online interface or to expressly warn consumers when they access the online interface of the trader. In case of non-compliance by the trader, the chairperson of the CCP may order hosting service providers and undertakings providing public electronic communications networks and/or services to remove, disable or restrict access to the online interface of the trader. The order will be published on the official website of the CCP on the date of issue. Hosting service providers and undertakings that provide public electronic communications networks and/or services must comply with the order within three days of publication.



Other blocking provisions also apply.

#### 6. 4. Is the use of virtual private networks permitted in your jurisdiction?

Bulgaria

Dimitrov, Petrov & Co.

Yes, there are no restrictions on the use of virtual private networks under Bulgarian law.

#### 6. 5. In what circumstances will ISPs be held liable for offending content carried on their networks? What defences are available?

Bulgaria

Dimitrov, Petrov & Co.

As under EU law, under Bulgarian law there is a ‘safe harbour’ exception where a service provider is a ‘mere conduit’ in respect to the content of the transmitted information. This means that ISPs are not liable for unlawful (including offending) content where the following circumstances apply:

- The ISP does not initiate the transmission of the information;
- The ISP does not select the recipient of the information transmitted; and
- The ISP does not select or modify the information transmitted.

If one of these conditions is not fulfilled, the ISP will be liable for the content carried on its network.

#### 6. 6. How are digital platforms regulated in your jurisdiction?

Bulgaria

Dimitrov, Petrov & Co.

There is no national-specific definition of ‘digital platform’ in Bulgarian law and no uniform local legal regime applicable to platforms. A similar term is used in the local Cybersecurity Act, which defines ‘digital service providers’ as providers of online search engines, online marketplaces and cloud computing services. However, the term used in this Q&A refers to information society services in a broader sense.

Social media and digital platforms are regulated in Bulgaria in accordance with:

- EU Regulation 2019/1150;
- EU Regulation 2022/2065 (‘Digital Service Act’); and
- EU Regulation 2022/1925 (‘Digital Markets Act’).

The Bulgarian Electronic Commerce Act contains certain requirements applicable to all information society services, including digital platforms, in relation to the following:

- the disclosure of information on the provider;
- restrictions on the information stored on end users’ devices;

- restrictions on commercial communications;
- the provision of clear, understandable and unambiguous information regarding the steps for the conclusion of a contract with a service recipient, and storage and access to the contract;
- the possibility for storage and reproduction of the contract with the service recipient; and
- the provision of appropriate, effective and accessible technical means to detect and correct input errors before the service recipient makes a contractual statement.

In addition, all consumer protection requirements apply to digital platforms that provide services to consumers. The Digital Content and Digital Services and Sale of Goods Act introduced into Bulgarian law the requirements of EU Directive 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services. The act introduced obligations regarding the conformity of services with the objective and subjective requirements where:

- the service is provided against remuneration; or
- the consumer provides or undertakes to provide personal data to the trader for purposes other than supplying the service or to enable the trader to comply with legal requirements.

## 7. Media

### 7. 1. What rules and requirements apply to public broadcasters in your jurisdiction?

**Bulgaria**  
Dimitrov, Petrov & Co.

Generally, Bulgarian law sets out the following rules and requirements which apply to public broadcasters in Bulgaria:

- Public broadcasting is carried out through electronic communication networks and/or equipment for terrestrial analogue or digital broadcasting.
- Public broadcasting is carried out by satellites covering the territories of Europe and other continents in which there are Bulgarian citizens.
- Public broadcasters have the right to create their own programmes and broadcasts or to commission independent producers to create them, as well as to participate in joint productions.
- Only Bulgarian National Radio (BNR) and Bulgarian National Television (BNT) may produce news and current affairs programmes with political and economic themes.
- Audio and audio-visual works are created by independent producers through a competitive tendering procedure and the conclusion of a contract with the public broadcaster.
- Public broadcasters must produce:
  - national and regional programmes;
  - programmes for abroad (including for Bulgarians abroad); and
  - programmes intended for Bulgarian citizens for whom Bulgarian is not their mother tongue, including in their mother language.
- Public broadcasters must provide upon request, immediately and free of charge, programming times for official announcements to representatives of state bodies in case of disasters or immediate threats to the life, security and health of the population or individuals.
- Certain public bodies (ie, the president, the speaker of the National Assembly, the prime minister, the

prosecutor general and the chairs of the Constitutional Court, the Supreme Administrative Court and the Supreme Court of Cassation) have the right to broadcast publicly through public channels, free of charge.

- Public broadcasters must provide, immediately and free of charge, broadcasting time to the National Assembly for the direct transmission of plenary sessions.
- Bulgarian law sets out requirements regarding the financing of the activities of public broadcasters.
- Public broadcasters support the creation of national audio and audio-visual production through their budgets.
- Public broadcasters have specific obligations regarding the provision of broadcasting time during election campaigns.
- Public broadcasters are generally obliged:
  - to broadcast political, economic, cultural, scientific, educational and other socially significant information; and
  - to encourage the creation of works by Bulgarian authors.

## 7. 2. What rules and requirements apply to commercial broadcasters in. your jurisdiction?

**Bulgaria**  
Dimitrov, Petrov & Co.

Commercial broadcasters (television/radio operators) are subject to the requirements of the Radio and Television Act (RTA) (see questions 1.4(b), 2.1(b), 3.1(b), 3.2(b), 3.3(b), 3.5(b), 3.6(b), 7.4, 7.5 and 7.6).

## 7. 3. Do any ‘must-carry’ obligations apply in your jurisdiction? If so, what are they and how are they funded?

**Bulgaria**  
Dimitrov, Petrov & Co.

Yes. Cable and satellite operators, and digital video broadcasting-terrestrial network operators have a must-carry obligation which requires them to convey the channels of BNT and BNR free of charge.

Prices will be determined on the basis of a contract that covering the costs of such activity, at a normal profit in accordance with the Corporate Income Tax Act.

## 7. 4. Do any local content requirements apply in your jurisdiction? Do any restrictions apply to foreign content? What exemptions and/or exceptions are available?

**Bulgaria**  
Dimitrov, Petrov & Co.

Bulgarian law does not specify a quota for local Bulgarian content.

Instead, it requires that linear media service providers allocate a mandatory 50% share of European works (excluding certain categories) annually (where practically possible), with at least 12% dedicated to European works of independent producers, excluding reruns. Certain exemptions also apply.

On-demand service providers must ensure that their catalogues comprise at least 30% European works. The quota requirements do not apply to micro-enterprises or providers with an active interest of less than 1% of the total audience of all on-demand services in Bulgaria. However, providers can be exempted from the quota if it is impracticable or unreasonable, given the nature or theme of the audio-visual media service.

With regard to radio programmes, the law encourages the creation and broadcasting of European works without reserving any minimum percentage for Bulgarian or European works.

7. 5. What other content requirements and restrictions apply in your jurisdiction? Do these vary depending on the distribution channel (eg, traditional broadcast media versus new media)?

Bulgaria  
Dimitrov, Petrov & Co.

Among other things, the RTA contains requirements on content applicable to traditional broadcast media providers, including an obligation:

- to ensure that the content on their services is progressively made accessible to the visually or hearing impaired;
- not to permit broadcasts that incite intolerance among citizens or are contrary to good morals, especially if they:
  - contain pornography;
  - glorify or condone cruelty or violence; or
  - incite hatred on racial, sexual, religious or national grounds; and
- not to create or make available for distribution programmes that may harm the physical, mental, moral and/or social development of children.

The RTA obliges video-sharing platform providers to undertake appropriate measures to:

- protect children from broadcasts, user-generated videos and audio-visual commercial communications that may harm their physical, mental, moral and/or social development;
- protect audiences from broadcasts of user-generated videos and audio-visual commercial communications whose content incites violence or hatred against a group of persons or a member of a group on one of the grounds set out in Article 21 of the EU Charter of Fundamental Rights; and
- protect audiences from broadcasts, user-generated videos and audio-visual commercial communications whose dissemination would constitute an offence under the Criminal Code (ie, public incitement to commit terrorist offences, offences relating to child pornography and offences relating to racism and xenophobia).

There are also restrictions in relation to the content itself, including:

- restrictions relating to crimes under the Criminal Code, such as:

- content preaching or inciting discrimination, violence or hatred based on race, nationality or ethnicity, or on religious grounds;
- pornographic content; and
- content propagandising war; and
- restrictions on the advertising of certain product and activities (see question 7.6).

These restrictions do not vary depending on the channel.

## 7. 6. How is advertising regulated in your jurisdiction? Does this vary depending on the distribution channel?

**Bulgaria**

Dimitrov, Petrov & Co.

General advertising requirements for radio and television, and for video-sharing platforms, are contained in:

- the RTA;
- the Code of Ethics of the Bulgarian Media;
- the Uniform Standard for Regulation of Sound Levels in Advertising; and
- the National Ethical Rules for Advertising and Commercial Communication.

The Code of Ethics contains measures to assess, flag and restrict access to programmes that are harmful or pose a risk of harm to the physical, mental, moral and/or social development of children.

Advertising channels outside radio, television and video-sharing platforms are generally unregulated, except where specific products or activities are concerned. Some specialised laws impose restrictions on the advertising of:

- alcohol;
- tobacco and tobacco products;
- electoral campaigns;
- gambling games; and
- medicinal products.

## 8.Competition

8. 1. What competition-related provisions (eg, structural or functional separation requirements; significant market power requirements; media plurality rules) apply in the following sectors: (a) Telecommunications; (b) Internet; (c) Media (broadcasting + print) and (d) Social media?

**Bulgaria**

Dimitrov, Petrov & Co.

*(a)(b) Telecommunications and internet access services*



One of the main purposes of the Electronic Communications Act is to create the necessary conditions for the development of competition in the provision of electronic communication networks and services, including effective competition in terms of infrastructure. Therefore, the Communications Regulation Commission (CRC), as sector regulator, must act to preserve effective competition on the market, for which it has delegated powers. Examples include the following:

- The CRC can regulate end-user charges for electronic communication services offered by entities with significant market power where this is necessary to preserve effective competition on the market;
- When issuing and transferring licences for the use of scarce resources, the CRC should also analyse the application from a competition perspective; and
- The CRC prepares market analysis.

Further, the Electronic Communications Networks and Physical Infrastructure Act establishes rules for the sharing of physical infrastructure between different telecoms operators to promote competition and reduce the costs of network deployment. It requires operators to negotiate in good faith and to agree on terms and conditions for the use of shared infrastructure.

### ***(c) Media (linear and non-linear services)***

The general competition regime set out in the Act on Protection of Competition (APC) applies to all other technology and media-related activities and ensures the alignment of national legislation with EU competition law, specifically in relation to issues such as:

- prohibited agreements, decisions and collusive practices;
- abuse of monopolistic or dominant position;
- control over concentrations;
- sectoral analysis; and
- competition advocacy.

Additionally, the APC issues locally specific regulations applicable in Bulgaria which prohibit acts of unfair competition (eg, general restriction; prohibited, misleading and comparative advertising; imitation; unfair solicitation). In accordance with the general rules on unfair competition, any act or omission undertaken during business activity that contravenes good commercial practice and harms or has the potential to harm competitors' interests is prohibited by law.

### ***(d) Social media and digital platforms***

Please see question 8.1(b).

In addition, the Digital Market Act aims to enhance the application of competition law by:

- incorporating Chapter III (which deals with unfair practices and limitations on contestability by gatekeepers); and
- promoting collaboration and coordination between the CRC and national authorities responsible for enforcing competition rules, as outlined in Chapter V (which covers investigative, enforcement and monitoring powers), while still respecting national competition regulations.

8. 2. To what extent can the national competition regulator intervene in the relevant sectors? What is the interplay between the competition regulator and the various sectoral regulators?

Bulgaria

Dimitrov, Petrov & Co.

In exercising its powers, the Commission for Protection of Competition (CPC) operates independently, without any interference or instructions from bodies of state power, executive power or local self-government, or from private entities. Where there is sector-specific legislation, the CPC will request statements on different aspects from other competent bodies.

Under the APC, the CPC performs various functions to enforce the laws relating to competition in all sectors. It investigates and establishes violations of the APC and imposes sanctions where necessary. The CPC collaborates with other national and European authorities on competition-related matters and issues permits as required. It may recommend that other government bodies cancel or modify administrative acts that impede competition. The CPC can impose temporary measures and approve commitments proposed by undertakings or impose measures to restore competition. Additionally, it:

- conducts sectoral analyses of the competitive environment;
- responds to requests relating to competition; and
- interacts with government agencies, institutions and non-governmental organisations on various matters by:
  - participating in the development of draft regulations;
  - expressing opinions on projects, as well as on existing regulatory and general administrative acts; and
  - exchanging information and engaging in other forms of cooperation.

The commission may propose and organise initiatives relating to competition, and keeps an electronic register of the acts issued.

The Digital Market Act requires the European Commission and member states to closely collaborate and coordinate their enforcement activities to ensure that the legal instruments available for gatekeeper regulation are effectively and coherently enforced, including in the context of the enforcement of the competition regime.

8. 3. How are mergers and acquisitions in the relevant sectors treated from a competition perspective?

Bulgaria

Dimitrov, Petrov & Co.

The general rules of the APC on mergers and acquisitions apply in the relevant sectors, and the CPC exercises control over concentrations.

#### 8. 4. What other specific challenges or concerns do the relevant sectors present from a competition perspective?

Bulgaria

Dimitrov, Petrov & Co.

Several specific challenges and concerns can arise from a competition perspective within the telecommunications, media and social media sectors.

The growing use of digital technologies in the telecommunications and media sectors can aggravate economic inequalities among smaller companies and undermine consumer trust.

In the context of ownership concentration, the control by a few large companies of a significant portion of the market could result in:

- censorship;
- reduced innovation and competition; and
- limitation of freedom of speech and diversity of voices, ideas and concepts.

Another challenge or concern is vertical integration in the relevant sectors, where companies expand their operations into different stages of the value chain. This could result in:

- reduced competition;
- increased monopoly power;
- reduced consumer choice; and
- distortion and manipulation of public opinion.

Lack of transparency in algorithms and data use by technology companies could lead to control over the flow of information and advertising revenue, potentially resulting in:

- discrimination;
- privacy concerns; and
- misinformation.

From a competition perspective, this could also force smaller companies out of these markets, due to their limited access to resources and insights.

Bulgarian and EU laws have been specifically designed and continue to evolve to address and overcome the challenges and concerns relating to the advancement and development of technology and businesses. They aim to ensure that fair, free and competitive markets exist in the relevant sectors.

### 9.Data security and cybersecurity

#### 9. 1. What data security regimes apply in the following sectors: (a) Telecommunications; (b) Internet; (c) Media (broadcasting + print) and (d) Social media?

Bulgaria

Dimitrov, Petrov & Co.

*(a)(b) Telecommunications and Internet*

The EU General Data Protection Regulation (GDPR) sets out the main data security regime. Apart from the main principles relating to the processing of personal data according to the GDPR – implemented at the local level by the Personal Data Protection Act (PDPA), last updated on 2 February 2023 – sectoral requirements are also set out in the Electronic Communications Act (ECA). The ECA stipulates that each provider should submit a notification to the Commission for Personal Data Protection in case of a data security breach. If the breach could affect the data or privacy of individuals, those individuals should also be notified (with some exceptions). Providers should also maintain a register of personal data breaches which set out:

- the factual background of the breach;
- the effects of the breach; and
- the remedial action taken.

Additional obligations are set out in the ECA in relation to the processing of traffic data/metadata (eg, data on incoming and outgoing telephone calls, short text messages, mobile internet sessions, location data.). As a general principle, telecoms providers which collect, process and use traffic data for the purpose of a specific call or the establishment of a connection must erase or anonymise that data upon termination of the call or connection. However, certain traffic data can be retained for a period of six months only. The competent authorities may request traffic data where this is necessary for specific purposes and according to a specific procedure.

Other specific rules may apply.

#### ***(c)(d) Media (broadcasting, on-demand, social media and printed media)***

The general principles and requirements of the GDPR apply in the media sector, implemented through the local PDPA. The local Commission for Personal Data Protection exercises control over the applicable regime.

9. 2. What cybersecurity regimes apply in the following sectors: (a) Telecommunications; (b) Internet; (c) Media (broadcasting + print) and (d) Social media?

**Bulgaria**  
**Dimitrov, Petrov & Co.**

#### ***(a)(b) Telecommunications and Internet***

Currently, electronic communication services are exempt from the general requirements of the local Cybersecurity Act. This is because the ECA sets out a special cybersecurity regime which applies to these providers. As a general requirement, the ECA stipulates that providers should implement the necessary technical and organisational measures to manage risks to the security of electronic communications networks and services, ensuring a level of security that corresponds to the risk. The measures aim to prevent accidents and to minimise their impact on end users and other networks.

Providers are also obliged to notify the Communications Regulation Commission (CRC) immediately of any security breaches which have a significant impact on the functioning of the networks or services. End users that may be affected should also be notified about the possible measures that could be taken for the security of their correspondence.

In accordance with the relevant security provisions, the CRC has also adopted Rules on Minimum Security Requirements for Public Electronic Communications Networks and Services and Methods for Managing the Security Risk Thereof. These rules impose additional cybersecurity requirements on providers, such as:

- conducting a security risk assessment of the networks/services provided;
- preparing a risk mitigation plan which includes technical and organisational measures;
- designating responsible persons; and
- determining the security level based on the risk assessment.

***(c) Media (linear and non-linear media services)***

No specific cybersecurity requirements apply.

***(d) Social media and digital platforms***

The general requirements of the local Cybersecurity Act may apply if the platform is considered a ‘digital service provider’ (ie, an online trading platform, online search engine or cloud computing service) under the act. The Cybersecurity Act transposes the EU Network and Information Systems Directive (2016/1148) into national law, introducing measures to ensure a high common level of security of network and information systems. The act is vital in ensuring an adequate level of security when using digital technologies and successfully counteracting deliberate harmful attacks. The main requirements for entities that fall under its scope of application is to notify the relevant sectoral response team of incidents that will have an impact on the continuity of services.

### 9. 3. What other specific challenges or concerns do the relevant sectors present from a data security/cybersecurity perspective?

**Bulgaria**

**Dimitrov, Petrov & Co.**

TMT companies operate in a complex regulatory environment, with various laws and regulations governing data security/cybersecurity (mainly the special sectoral regulations issued by the CRC and the general framework on data security/cybersecurity). Compliance with the regulations can be challenging, especially as they often overlap. At the same time, TMT companies typically collect and store large amounts of sensitive data (eg, data on telephone calls, text messages, mobile internet sessions and location data). This makes them attractive targets for data and cybercriminals. As companies in this sector use technologies that are continually evolving, their security systems must be constantly updated and adapted to keep up with new threats.

## 10. Trends and predictions



10. 1. How would you describe the current TMT industry landscape and prevailing trends in your jurisdiction? Are any new developments anticipated in the next 12 months, including any proposed legislative reforms?

Bulgaria

Dimitrov, Petrov & Co.

The implementation of the European Electronic Communications Code and the Audio-visual Media Services Directive in Bulgaria prompted significant discussions and public consultations over the past two years. The main purpose was to update the regulatory framework governing the TMT sector to reflect the new challenges of our modern digital society.

In the telecoms sector, following the implementation of the new rules in the Electronic Communications Act, a significant proportion of the secondary legislation was also revised. This process remains ongoing, as secondary legislation is still subject to implementation. For example:

- certain provisions of the Rules on Minimum Security Requirements for Public Electronic Communications Networks and Services and Methods for Managing the Security Risk Thereof came into force on 7 June 2023; and
- on 23 May 2023, the Rules on the Process of Switching Internet Access Provider came into force, which aim to ensure that end users can easily switch internet providers and are assured continuity of service through specific procedures and timeframes within which switching must take place.

In recent years, major telecoms operators have been trying to consolidate the telecoms market by acquiring smaller operators. Some of these acquisitions have been disputed in court or before the Commission for Protection of Competition.

The regulatory framework governing the media sector has also been significantly revised, mainly due to the implementation of the Audio-Visual Media Service Directive. Considerable progress was made in regulating video-sharing platform services and providers, which must now notify the Council for Electronic Media (CEM) if they intend to provide such services. The CEM has the right to monitor platforms' compliance with the sectoral requirements, in order to safeguard the interests of their audiences.

Bulgaria has yet to transpose EU Directive 2019/789 and EU Directive 2019/790, aimed at adapting copyright to the digital environment. Other EU acts are also anticipated in the coming years that should transform the digital market.


There will inevitably be some uncertainty as the new regimes bed down in practice. The Communications Regulation Commission and the CEM will thus have to monitor their effectiveness and potentially introduce further refinements in order to optimise the new regimes.

## 11. Tips and traps

11. 1. What are your top tips for TMT players seeking to operate in your jurisdiction and what potential sticking points would you highlight?

Bulgaria

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Before entering the Bulgarian market, TMT players should conduct in-depth market research to understand the competitive landscape and potential barriers to entry. In our experience, such potential barriers include:

- strict anti-money laundering requirements;
- difficulties in obtaining television rights from media service providers; and
- the challenges of keeping up to date with regulatory developments and ensuring compliance with relevant laws and regulations.

Bulgaria is nonetheless an attractive jurisdiction in which to do business, due to advantages such as:

- flat tax rates;
- a 10% corporate profit tax;
- the lowest labour and social contributions in the European Union;
- an extensive network of double tax avoidance treaties with 80 countries; and
- a stable and secure banking system.

We would advise TMT players seeking to operate in Bulgaria to consider establishing local partnerships to gain access to local expertise, resources and customer networks prior entering the market. This will help them to develop a sound business strategy and tailor their products and services to the local market.



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