



4.4. BG – Bulgaria – National legal summary¹⁰³

4.4.1. Applicable regulatory framework

Relevant legislation includes the following:

Primary legislation:

- *Закон за радиото и телевизията*¹⁰⁴ (Radio and Television Act, Prom. SG, No. 138 of 24 November 1998, as amended up to 2022).
- *Закон за здравето*¹⁰⁵ (Health Act, in force from 1 January 2005, Prom. SG, N 70 of 10 August 2004, amended up to 2022).
- *Закон за хазарта*¹⁰⁶ (Gambling Act, Prom. SG, No. 26 of 30 March 2012, amended up to 2021).

Self- and co-regulatory instruments:

- *Национални етични правила за реклама и търговска комуникация в Република България, 2009, изм.до 2020*¹⁰⁷ (National ethical standards for advertising and commercial communications in the Republic of Bulgaria, adopted 2009, amended up to 2020).¹⁰⁸

4.4.2. Definitions and restrictions regarding commercial communications

This section aims at identifying the relevant definitions related to commercial communications stemming from related laws, rules and current practices, as well as ongoing reforms under the transposition and implementation of the revised Audiovisual Media Services Directive (AVMSD). Please note that this review includes definitions which are part of the revised AVMSD, inclusive of audiovisual commercial communications, advertising, surreptitious commercial communications, sponsorship and product placement, but also the definitions of supplementary and/or related concepts, such as the advertiser, sponsor and sponsored content, as well as misleading commercial communication, for the purpose of providing a comprehensive overview.

¹⁰³ The factsheet on Bulgaria incorporates the feedback received from Maria Beltcheva, Chief Expert, International Affairs, at the Council for Electronic Media (CEM) during the checking round with the national regulatory authorities.

¹⁰⁴ <https://www.lex.bg/index.php/bg/mobile/ldoc/2134447616>.

¹⁰⁵ <https://www.lex.bg/bg/laws/ldoc/2135489147>.

¹⁰⁶ <https://www.lex.bg/laws/ldoc/2135783265>.

¹⁰⁷ <https://www.nss-bg.org/kodeks>.

¹⁰⁸ <https://www.nss-bg.org/en/kodeks>.



4.4.2.1. Definitions

Table 30. Definition of the main concepts related to commercial communications

Concept	Existence of a definition
Audiovisual commercial communications	Yes.
Television advertising	Yes.
Advertiser	Yes.
Surreptitious commercial communication	Yes.
Misleading commercial communication	Yes.
Virtual advertising	No.
Sponsorship	Yes.
Sponsor	Yes.
Sponsored content	No.
Product placement	Yes.
Other:	Direct Marketing; Online Behavioural Advertising; Consent

Source: Bulgarian response to European Audiovisual Observatory standardised survey

4.4.2.1.1. Audiovisual commercial communications

Article 73, paragraph 1, of the Radio and Television Act defines audiovisual commercial communications by transposing the text of the revised AVMSD verbatim, while also including communications which “promote a cause or idea” or “induce another effect desired by the advertiser”, as follows:

“Audiovisual commercial communications” means images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal person pursuing an economic activity or to help promote a cause or idea, or generate another effect desired by the advertiser; such images accompany, or are included in, a programme or user-generated video in return for payment or for similar consideration or for self-promotional purposes.

4.4.2.1.2. Television advertising

Article 74, paragraph 1, of the Radio and Television Act defines advertising by transposing the text of the revised AVMSD verbatim, while also including communications which “promote a cause or idea” or “induce another effect desired by the advertiser”, as follows:

“Advertising” means a form of commercial communication which accompanies or is included in an audiovisual or radio programme in return for payment or for similar consideration or for self-promotional purposes by a public or private undertaking or natural person in



connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, or rights and obligations, or to advance a cause or idea, or to bring about some other effect desired by the advertiser, in return for payment.

4.4.2.1.3. Advertiser

The term advertiser is not defined in the Radio and Television Act but exists at the self-regulatory level, in the “Annex: General Definitions” of the National Ethical Standards for Advertising and Commercial Communications¹⁰⁹, as follows:

“advertiser” means every physical person or legal entity, which directly or indirectly promotes goods, services, rights, obligations, firms, trademarks, symbols, etc. on its own or through an agent or intermediary;

4.4.2.1.4. Surreptitious commercial communication

Article 75, paragraph 2, of the Radio and Television Act defines surreptitious commercial communication as follows:

“Surreptitious commercial communication” means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes, when such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature, in particular if it is done in return for payment or for similar consideration.

This term is also defined in the “Annex: General Definitions” of the NSS Ethical Standards Code as follows: “The term ‘hidden advertising’ means any advertising message which is pretending to be another form of non-commercial communication (an article, editorial news etc.)”.

4.4.2.1.5. Misleading commercial communication

The term misleading advertising is defined in the “Annex: General Definitions” of the NSS Ethical Standards Code as follows:

“misleading advertising” means any commercial communication which, in any way, including the means of its presentation, leads or may lead the consumers it is reaching or is addressed to, into delusion and thus may influence their economic behaviour or damage the interests of a competitor.

¹⁰⁹ Hereinafter, the NSS Ethical Standards Code.



4.4.2.1.6. Virtual advertising

There is no definition of virtual advertising. However, Article C9 of the NSS Ethical Standards Code makes a reference to “digital interactive media” without defining it.

4.4.2.1.7. Sponsorship

Article 74, paragraph 2, of the Radio and Television Act defines sponsorship by transposing the text of the revised AVMSD verbatim, as follows:

‘Sponsorship’ is a form of commercial communication consisting of a contribution made by natural or legal persons not engaged in providing audiovisual media services or video-sharing platform services or in producing audiovisual works, to the financing of audiovisual media services, video-sharing platform services, user-generated videos or programmes with a view to promoting their name, trade mark, image, activities or products;

The term sponsorship is also defined in Chapter B of the NSS Ethical Standards Code as follows:

The term “sponsorship” refers to any agreement by which a sponsor, for the mutual benefit of the sponsor and sponsored party, provides financing or other support in order to establish an association between the sponsor’s image, brands or products and a sponsorship property, in return for rights to promote this association and/or for the granting of certain agreed direct or indirect benefits.

4.4.2.1.8. Sponsor

The term sponsor is defined in Chapter B of the NSS Ethical Standards Code as follows: “The term ‘sponsor’ refers to any corporation or other legal entity providing financial or other sponsorship support”.

4.4.2.1.9. Sponsored content

There is no explicit definition of sponsored content, but Chapter B of the NSS Ethical Standards Code provides that sponsored content “refers to an event, activity, organisation, individual, media and so on”.

4.4.2.1.10. Product placement

Article 74, paragraph 4, of the Radio and Television Act states the following:

“Product placement” means a form of commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof in a programme or user-generated video, in return for payment or for similar consideration.



In addition, there is also a definition of product placement in Chapter B of the NSS Ethical Standards Code, as follows:

The term “product placement” refers to the inclusion of a product or brand so that it is featured within the content of a programme, film or publication, including online material, normally in return for payment or other valuable consideration to the programme or film producer, publisher or licensee;

4.4.2.1.11. Other definitions

Additional definitions of other techniques of online commercial communications can be found at the self-regulatory level in the NSS Ethical Standards Code. This code sets the standards for ethical conduct in the marketing eco-system and is applicable to any form or channel of advertising and marketing communication, in the broadest sense.¹¹⁰ The types of communication which come within the scope of the code are very diverse and include, for example: display ads, internet banners, virals and consumer-generated content, influencers, etc. Therefore, the NSS Ethical Standards Code, in section B defines several of these terms, the most relevant of which are listed below:

The term “direct marketing” is the communication, by whatever means, of advertising or marketing material carried out by a direct marketer itself or on its behalf, and which is directed to particular individuals using their personal contact information (including mailing address, telephone number, email address, mobile phone number, fax, social media private account, etc.). A section on telemarketing is also in operation and it contains definitions of terms specific to telemarketing provisions.

The term “online behavioural advertising” (OBA), also “interest-based advertising”, refers to the practice of collecting information over time on users’ online actions on a particular device across different unaffiliated websites or applications in order to create interest segments or to allocate such viewing behaviour against interest segments for the purposes of delivering advertisements to and by that web user’s interests and preferences. It pertains to advertising operations on desktop, mobile, video or TV, social media settings, or IoT¹¹¹ settings, and include tracking and targeting across all devices used by the consumer.

The term “consent” means an individual’s freely given, specific and informed indication in response to a clear and conspicuous notice regarding the collection and use of data for online behavioural advertising purposes.

4.4.2.2. Restrictions regarding commercial communications

The revised AVMSD introduces obligations for video-sharing platforms (VSPs) to, *inter alia*, respect certain requirements regarding commercial communications and this section aims at updating the information relative to these obligations and measures imposed under

¹¹⁰ Applicable to activities which directly or indirectly stimulate the sales of any kind of goods and services (corporate and institutional promotion included), or promote trademarks and brands, regardless of the channels and means of communication used.

¹¹¹ “IoT”: Internet of Things.



national legislation on media service providers, including VSP providers related to commercial communications.

In this respect, requirements applicable to commercial communications as set out in Article 75 of the Radio and Television Act are made applicable to VSPs through Article 19e paragraphs 2 and 3, which explicitly addresses VSPs while referring to Article 75:

(2) Video-sharing platform providers shall comply with the requirements set out in Article 75(1) and (4) to (9) with regard to audiovisual commercial communications which they arrange and place.

(3) Video-sharing platform providers shall take appropriate measures to comply with the requirements set out in Article 75(1) and (4) to (9) with respect to audiovisual commercial communications that are not arranged or placed by those video-sharing platform providers but are user-generated, taking into account the limited control exercised by video-sharing platforms over those audiovisual commercial communications.

In addition, certain rules on commercial communications at the self-regulatory level are also applicable to VSPs through Article 4b of the Radio and Television Act which stipulates the following:

(4) The providers of services on video-sharing platforms shall be obliged to observe the provisions of the National Ethical Rules under para. 1, item 3.

(5) Self-regulation shall be fostered through codes of conduct drawn up by media service providers, video-sharing platform providers or organisations representing them, in cooperation, as necessary, with other sectors such as industry, trade, professional and consumer associations or organisations. These codes shall be such that they are broadly accepted by the main stakeholders at Union level and shall comply with subparagraphs 2 to 4 of paragraph 2. The Union codes of conduct shall be without prejudice to the national codes of conduct.

(6) If the Republic of Bulgaria exercises its freedom to adopt more detailed or stricter rules in accordance with Directive 2010/13 / EU, as amended by Directive (EU) 2018/1808, and with the law of the European Union, and if the Council for the electronic media considers that there is evidence of insufficient effectiveness of a code of conduct or parts of a code of conduct, the Council may require media service providers under their jurisdiction to comply with the relevant rules. The Electronic Media Council shall also inform the European Commission about such rules within one month.

4.4.2.2.1. Audiovisual commercial communications for alcoholic beverages and tobacco and tobacco related products, including electronic cigarettes and refill containers

The requirements applicable to commercial communications in media services, including VSPs, in relation to tobacco products and alcoholic beverages are set out in Article 75 of the Radio and Television Act as follows:

(6) All forms of audiovisual commercial communications for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers, shall be prohibited;



(7) Commercial communications for alcoholic beverages must not be aimed specifically at children and may not encourage immoderate consumption of such beverages.

Moreover, Article 55 of the Health Act also provides the following:

- (1) The direct advertising of spirits shall be prohibited.*
- (2) The indirect advertising of spirits and the advertising of wine and beer may not:*
 - 1. be aimed at persons under 18 years of age, nor be broadcast in programmes or published in printed publications intended for them;*
 - 2. use persons under 18 years of age as participants;*
 - 3. connect the use of alcoholic beverages with sports and physical achievements or with driving vehicles;*
 - 4. contain false statements about health benefits, social or sexual well-being or present abstinence or moderation in a negative light.*
- (3) The indirect advertising of alcoholic beverages may not be broadcast in radio and television broadcasts before 22.00.*

Additional rules on such commercial communications can be found in the NSS Ethical Standards Code, for example, such as common standards which regulate the commercial communication of spirits and mixed drinks with the purpose of ensuring that “commercial communications do not encourage or condone excessive consumption or misuse of any kind”, through a series of recommendations in various areas, such as the representation of alcohol products in relation to minors, pregnancy, health, social success and driving. In addition to these common standards there are two annexes: “Guidelines for responsible promotions” and “Guidelines for commercial communication on the internet, for digital and mobile marketing media”.

4.4.2.2.2. Audiovisual commercial communications for medicinal products and medical treatment available only on prescription in the member state

The requirements applicable to commercial communications in media services, including VSPs, in relation to medicinal products are set out in Article 75 paragraph 8 and Article 87 of the Radio and Television Act as follows:

Article 75 (8): Commercial communications for medicinal products available only on prescription or for medical treatment available only on prescription shall be prohibited, with the exception of the cases under Article 248 of the Medicinal Products in Human Medicine Act.

Article 87: Teleshopping for medicinal products for which an authorisation for use is required according to the Medicinal Products in Human Medicine Act, as well as teleshopping for medical treatment, shall be prohibited.



4.4.2.2.3. Surreptitious audiovisual commercial communications

Article 75 paragraph 1 of the Radio and Television Act prohibits surreptitious commercial communications.

4.4.2.2.4. Subliminal techniques in commercial communications

Article 75 paragraph 4 of the Radio and Television Act prohibits the use of subliminal techniques in commercial communications:

(4) Commercial communications shall not use subliminal techniques. "Subliminal techniques" mean indirect methods, which are not identified as commercial communications and are not recognised by the audience as such, but may elicit a subconscious mental reaction and produce a predisposition to the presented goods and services in the audience.

In addition, Article 5.1 of the NSS Ethical Standards Code prescribes that "marketing communication should be truthful and not misleading" and 5.2 states that "marketing communication cannot be hidden and act on a subconscious level".

4.4.2.2.5. Prejudice with regard to human dignity

Article 75 paragraph 5, subparagraph 1, of the Radio and Television Act provides restrictions for all media services, including VSPs, that: "Commercial communications must not 1. prejudice human dignity". Furthermore, Article 77 prohibits "any commercial communications containing pornography or inciting to violence and disrespect for human dignity".

At the self-regulatory level, the NSS Ethical Standards Code in its Article 4.1 prescribes that "[m]arketing communication should respect all aspects of human dignity" and in Article 4.9 that:

[m]arketing communication should not show excessive erotic content and should not promote excessive susceptibility to sexuality by depicting encouragement and readiness for sex, revealing the human body in an inappropriate manner, and it should not show the product as a tool for removing sexual barriers. The human body may only be revealed with due respect to personal rights and human dignity.

4.4.2.2.6. Inclusion or promotion of any discrimination (on the grounds of e.g. sex, racial or ethnic origin, nationality, religion, etc.)

Article 75 paragraph 5, subparagraph 2, of the Radio and Television Act prescribes that "[c]ommercial communications must not ... 2. include or promote any discrimination based on such grounds as sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation".

At the self-regulatory level, the NSS Ethical Standards Code in its Article 4.2 provides that:



Marketing Communication should not incite or condone, or tolerate any form of offence, discrimination, including that based upon race, national origin, religion, social status or political affiliation, gender, age, disability or sexual orientation, without the above list being exhaustive.

In Article 4.3 the same code provides that “[m]arketing communication should observe the principles of gender equity.”

4.4.2.2.7. Encouragement of behaviour prejudicial to health or safety

Article 75 paragraph 5, subparagraph 3, of the Radio and Television Act states that: “Commercial communications must not ... 3. encourage behaviour prejudicial to health or safety”.

At the self-regulatory level, in relation to the encouragement of behaviour prejudicial to health or safety, the NSS Ethical Standards Code prescribes several requirements in Articles 4.7 and 16.1 to 16.3, as for example in Article 4.7. which prescribes that “[m]arketing communication should not depict, condone or incite threat to the life and health of people, nature, animals or to personal or public property” or Article 16.3 which states that “[p]otential risks for health and safety should be clearly communicated, especially if not easily recognisable”.

4.4.2.2.8. Encouragement of behaviour grossly prejudicial to the protection of the environment

Article 75 paragraph 5, subparagraph 4, of the Radio and Television Act provides that “[c]ommercial communications must not [...] 4. encourage behaviour grossly prejudicial to the protection of the environment”.

Furthermore, additional requirements can be found at the self-regulatory level in the NSS Ethical Standards Code which prescribes in Article D1 that “[m]arketing communication should be so framed as not to abuse consumers’ concern for the environment, or exploit their possible lack of environmental knowledge”. Meanwhile, Article 21 states as follows:

Marketing communication should not appear to condone or encourage actions which contravene the law, self-regulatory codes or generally accepted standards of environmentally responsible behaviour. It should comply with the principles stated in Section D, Environmental Claims in Marketing Communications.

4.4.2.2.9. Causing physical, mental or moral detriment to minors

Article 75 subparagraph 9 of the Radio and Television Act sets out a series of restrictions that must be observed by commercial communications aimed at children, as follows:

Commercial communications must not:



1. *endangering the physical, mental, moral and/or social development of children.*
2. *directly exhort children to buy or hire a product or service by exploiting their inexperience or credulity;*
3. *encourage children to persuade their parents or others to purchase the goods or services being advertised;*
4. *exploit the special trust children place in their parents, teachers or other persons;*
5. *unreasonably show children in dangerous situations.*

Also, Article 76 requires VSPs to prepare, as part of the code of ethics under Article 4b, specific rules regarding inappropriate commercial communications accompanying or included in children's programmes for alcoholic beverages as well as for food and beverages containing nutrients and substances with nutritional or physiological effect, excessive intake of which is not recommended in the overall diet.

At the self-regulatory level, the NSS Ethical Standards Code prescribes a series of requirements to prevent commercial communications from causing physical, mental, or moral harm to minors in its Articles 4.5, 16.5 and 17.1 to 17.13, such as the requirement that “[s]pecial care should be taken in marketing communication directed at or featuring children or young people” (17.1) or that “[m]arketing communication directed at children and teens should not be inserted in media, whose editorial content endangers their physical, psychological, moral and/or social well-being” (see 4.4.7.2.2.).

4.4.2.2.10. Other

Further restrictions may apply to commercial communications on VSPs, such as Article 80 paragraph 1, of the Radio and Television Act which prohibits the use of “the coat of arms, the flag and the anthem of the Republic of Bulgaria, as well as the voices and images of active journalists - news anchors” in commercial communications.

The NSS Ethical Standards Code also prescribes other restrictions, notably from the perspective of promoting a certain social responsibility with Article 4.4, and 4.11. to 4.14. which prescribes for instance that commercial communication “should not play on fear or exploit misfortune or suffering without justifiable reason” (4.4.), “should not use the Bulgarian language in an insulting manner” (4.12.) and “shall use natural, historical, scientific or cultural values in such a manner as not to damage the respect for them” (4.11.).

4.4.3. Sponsorship and product placement

Certain obligations stem from the revised AVMSD vis-à-vis sponsorship and product placement and this part aims at identifying the rules and practices pertaining to these two specific categories of commercial communications.

4.4.3.1. Sponsorship

The general requirements for sponsored services or programmes are set out in Article 82 of the Radio and Television Act as follows:

- (1) Media services or programmes that are sponsored must meet the following requirements:*
- 1. their content and, in the case of programme services, their programme schedule must in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;*
 - 2. they must not directly encourage the purchase or rental of goods or services, especially by making references to those goods or services in the programmes;*
 - 3. viewers must be clearly informed of the existence of a sponsorship agreement;*
 - 4. they must be clearly identified as such by the name, logo and/or any other symbol of the sponsor, such as a reference to its products or services or a distinctive sign thereof in an appropriate way at the beginning, during and/or at the end of the programmes.*
- (2) Media services or programmes may not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.*
- (3) The sponsorship of media services or programmes by producers or sellers of medicinal products or by medical-treatment facilities may promote the name or the image of the sponsor, but shall not promote specific medicinal products available only on prescription or medical treatment available only on prescription.*
- (4) News and current affairs programmes may not be sponsored.*
- (5) Political parties and organisations, as well as religious organisations, may not sponsor programmes.*
- (6) The showing of a sponsorship logo during children's and religious programmes shall be prohibited.*

Addition rules pertaining to sponsorship can also be found in Chapter B of the NSS Ethical Standards Code, which applies to all forms of sponsorship relating to corporate image, brands, products, activities or events of any kind.

4.4.3.2. Product placement

Article 84 of the Radio and Television Act provides the following restrictions vis-à-vis product placement:

- Programmes that contain product placement shall meet the following requirements:*
- 1. their content and organisation within a schedule, in the case of linear services, or within a catalogue in the case of non-linear media services, shall under no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;*
 - 2. they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;*
 - 3. they shall not give undue prominence to the product in question;*
 - 4. viewers shall be clearly informed of the existence of product placement by an appropriate identification at the start and at the end of the programme, and when a programme resumes*



after an advertising break, in order to avoid any confusion on the part of the viewer; this requirement does not apply to programmes that are not produced or commissioned by the media service provider or an entity affiliated with it.

4.4.4. Obligations regarding (v)blogs and (v)blogging

The Radio and Television Act does not make any reference to (v)blogs. Moreover, the scope of the NSS Ethical Standards Code does not include “blogs with no control from an advertiser and/or which do not publish communication against payment from an advertiser or other consideration of any kind” as stated in the elements “Outside (the) Scope” of the code.

4.4.5. Other relevant information

N/A.

4.4.6. Content-related rules regarding commercial communications for VSP providers

While certain restrictions regarding the content of commercial communications stem from the revised AVMSD and relate to issues connected to the protection of minors and restrictions on the advertising of certain products and services, this part deals with less explored notions, such as rules pertaining to gambling, environmental claims vis-à-vis products and services, etc.

4.4.6.1. Advertising of, or on behalf of associations that are wholly or mainly concerned with religion, faith and other belief systems

No specific provisions deal with this issue. [Gambling, betting, betting tipsters, etc.](#)

No specific provisions deal with this issue in relation to VSPs. A general ban on gambling advertising which targets in particular children and adolescents is lay down by Article 10 of the Gambling Act. In addition, the NSS Ethical Standards Code has a separate chapter for the commercial communication of gambling which specifies the use of some of the general rules of the code which must be interpreted and applied to such communications.



4.4.6.3. Environmental or “green” claims for products

No specific provisions deal with this issue in the Radio and Television Act. However, the NSS Ethical Standards Code has been amended to include a section that applies to commercial communications containing environmental claims. Some of the rules in the code introduce rules from the ISO 14021 standard.¹¹² This section of the code includes a series of recommendations and restrictions to ensure that the environmental claims of a product or service in a commercial communication are not misleading to the public. They require, for instance, that “[m]arketing operators should not make exaggerated environmental claims” or that “[c]laims such as ‘environmentally friendly’, ‘environmentally safe’, ‘green’, ‘sustainable’, ‘low carbon’ or others, suggesting that a product or activity has no or only positive impact on the environment should not be used unless there is convincing evidence to that effect”.

4.4.6.4. Other

N/A.

4.4.7. Self- and co-regulation and enforcement

This section aims at identifying the legal framework and practice for self- or co-regulatory schemes and measures regarding commercial communications on VSPs, including the identification of the body or bodies in charge of self- and co-regulation and enforcement powers with regard to commercial communications and VSPs, as well as the scope of their activities with regard to commercial communications and VSPs.

4.4.7.1. Self- and co-regulatory bodies

4.4.7.1.1. Context of establishment and legal background

Article 4b, paragraphs 1 and 2, of the Radio and Television Act emphasises the necessity of self-regulation and co-regulation through codes of conduct and standards, where appropriate, with the enlistment of applicable self-regulatory mechanisms:

(1) Self-regulation and co-regulation shall be encouraged through codes of conduct and standards, where appropriate and suitable. The codes of conduct and standards include, but are not limited to:

1. The Code of Ethics of the Bulgarian Media, developed by the National Council for Journalism Ethics;

¹¹² ISO 14021:2016 Environmental labels and declarations – Self-declared environmental claims (Type II environmental labelling), <https://www.iso.org/standard/66652.html>.



2. *The single standard for the regulation of sound levels in advertising adopted by the industry;*
 3. *National ethics rules on advertising and commercial communications, developed by the National Council for Self-Regulation, in line with the Code of Conduct referred to in Article 17a(3);*
 4. *other standards for the implementation of Directive 2010/13/EU as amended by Directive (EU) 2018/1808.*
- (2) *The codes of conduct and standards and their implementation must meet the following requirements:*
1. *be broadly accepted by the main stakeholders;*
 2. *clearly and unambiguously set out their objectives;*
 3. *provide for regular, transparent and independent monitoring and evaluation of the achievement of the objectives aimed at;*
 4. *have the necessary resources for their effective enforcement, including procedures for amendment and effective and proportionate sanctions.*

4.4.7.1.2. Stakeholders involved

The National Council for Self-Regulation (NCSR)¹¹³ is an independent body for the self-regulation of advertising and commercial communications in Bulgaria. Members of the NCSR can be associations, companies and physical persons involved in the advertising industry.

4.4.7.1.3. Scope and objectives

The self-regulatory instruments' objectives include the protection of children in advertising, as well as other standards related to the AVMSD implementation.

Their scope includes:

- ACCs for HFSS foods and beverages
- ACCs which encourage behaviours grossly prejudicial to the protection of the environment
- Inappropriate ACCs for alcoholic beverages

4.4.7.1.4. Code(s) of conduct

The NCSR develops national ethical rules for advertising and commercial communication while other codes regarding VSPs are presently not available.

Also, paragraph 5 of Article 4b of the Radio and Television Act refers to codes of conduct to be drawn up by VSPs:

Self-regulation shall be fostered through codes of conduct drawn up by media service providers, video-sharing platform providers or organisations representing them, in

¹¹³ <https://www.nss-bg.org/en>.



cooperation, as necessary, with other sectors such as industry, trade, professional and consumer associations or organisations. Those codes shall be such that they are broadly accepted by the main stakeholders at Union level and shall comply with subparagraphs 2 to 4 of paragraph 2. The Union codes of conduct shall be without prejudice to the national codes of conduct.

The code was adopted by the National Council for Self-Regulation in 2009, in accordance with its Articles of Association, the laws and regulations in Bulgaria and is based on the Consolidated Code of the International Chamber of Commerce, both in spirit and in letter.

The code should be observed by all operators in the advertising industry in Bulgaria, whether as advertisers, marketers, advertising practitioners or agencies, in the media, or in related functions. The code applies to all forms of advertising and other commercial communications and sets the standards of ethical conduct.

In addition to the National Ethical Code, the NCSR can apply other specific industry codes, provided that they do not contradict the national code. In specific cases, when applying their own stricter standards for commercial communication, a given media outlet may decline a specific advertisement, even if it conforms to the rules of the national code.

4.4.7.1.5. Role of (self-)regulatory bodies

The NCSR, after consultations with distinguished professionals, creates, revises and ensures the voluntary application of ethical standards and good practices in the advertising industry with the aim of providing protection for consumers, the principles of fair competition and the interests of society as a whole. For this purpose, the NCSR creates working bodies, such as the Ethical Committee, the Appeal Committee, the Working Group for Code Interpretation, the Monitoring Committee, etc.

4.4.7.1.6. Period of activity (if limited)

N/A.

4.4.7.1.7. Role of the regulatory authority in a co-regulatory system

4.4.7.1.7.1. Regulatory body

Under Article 4b, paragraph 6, the Bulgarian Council for Electronic Media (CEM) may, after considering evidence of the insufficient effectiveness of a code of conduct or parts of a code of conduct “require media service providers under their jurisdiction to comply with the relevant rules. The Electronic Media Council shall also inform the European Commission about the rules within one month”.

According to Article 19d, the Council for Electronic Media maintains the public register of VSP providers that are established or are considered to be established on the



territory of the Republic of Bulgaria, and supervises the VSPs' observance of the legal requirements.

4.4.7.1.7.2. *Co-regulatory scheme*

N/A.

4.4.7.1.7.3. *Relationship and roles of stakeholders*

N/A.

4.4.7.2. Monitoring/evaluation, compliance and sanctioning powers

Paragraph (4) of Article 4b of the Radio and Television Act provides the obligation for VSPs to respect the self-regulatory instruments in place:

[T]he service providers of video-sharing platforms shall be obliged to observe the provisions of the National Ethical Rules under para. 1, item 3 - National Ethical Rules for advertising and commercial communication, developed by the Association "National Council for Self-Regulation".

4.4.8. Cross-sector and cross-border collaboration

N/A.

4.4.9. Update on plans and practices related to new obligations of VSPs

There are no plans to update plans and practices regarding the tools and mechanisms in place in relation to the new VSP obligations.

4.4.10. Studies, reports and research

N/A.

4.4.11. Data compilation

This factsheet is based on data compiled by Dr. Bissera Zankova, independent researcher and president of the Media 21 Foundation and Dr. Ivo Indzhov, Associate Professor of Journalism at St. Cyril and Methodius University.