



## 4.4. BG – Bulgaria<sup>61</sup>

### 4.4.1. Key findings

In Bulgaria, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was transposed in Article 19e of the bill for the amendment of the Radio and Television Act. It stipulates that, among other obligations, VSPs have to establish and operate age verification systems for users with respect to content which may impair the physical, mental or moral development of children. VSPs must also offer parental control systems with respect to such content.

Bulgaria has also established co-regulatory measures. The national media regulatory authority, the Council for Electronic Media (CEM), in collaboration with national associations and organisations, has developed a code of conduct containing measures for the assessment, flagging and restriction of access to programmes having adverse effects on or posing a risk of impairing children’s physical, mental, moral and/or social development. The code of conduct has been adopted pursuant to Article 17a of the Radio and Television Act. As a form of co-regulation, it supplements existing child protection laws while aligning with the AVMSD, and applies to all media service providers, including VSPs. The code of conduct lays down measures for VSPs under the jurisdiction of Bulgaria.<sup>62</sup> To limit children’s access to programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental, moral and/or social development, VSP providers shall draw up general terms and conditions in coordination with the CEM. The execution of the measures should be tailored to the specific type and nature of the service, ensuring they are proportionate to any potential harm that could result from the programme. Under the code, a “child” is any natural person until they reach 18 years of age. Under Bulgarian legislation, minors are considered persons under the age of 14.

The CEM can issue statements and appeals to VSPs regarding the dissemination of images and video materials online if found to be inappropriate. Recently, in a case where a video was circulated that degradingly portrayed a boy with special needs, the regulator flagged this user-generated content on platforms including YouTube, Facebook, and TikTok, as well as the media service providers listed in the CEM Public Registry. Those found to have distributed the video in violation of the Radio and Television Act will face appropriate administrative penalties.

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<sup>61</sup> It was not possible to receive feedback on the summary concerning Bulgaria during the checking round with the national competent institutions.

<sup>62</sup> [https://www.cem.bg/files/1677072185\\_code\\_of\\_conduct\\_01\\_2023\\_en.pdf](https://www.cem.bg/files/1677072185_code_of_conduct_01_2023_en.pdf)



#### 4.4.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
<p>Radio and Television Act (new, SG No. 109/2020, effective 22 December 2020)</p> <p><i>(Закон За Радиото И Телевизията)</i></p> <p>Article 19e.</p>	<p>Provisions applicable to video-sharing platform services</p> <p>Article 19e. (new, SG No. 109/2020, effective 22 December 2020)</p> <p>(6) Video-sharing platform providers shall determine appropriate measures for the attainment of the purposes of this article in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created or uploaded the content as well as the interest of the audience.</p> <p>...</p> <p>(8) The measures referred to in paragraph (6) shall consist of, as appropriate:</p> <ol style="list-style-type: none"> <li>1. having a functionality for users who upload user-generated videos to declare whether such videos contain audiovisual commercial communications as far as they know or can be reasonably expected to know;</li> <li>2. transparent and user-friendly mechanisms for users of a video-sharing platform to report or flag to the video-sharing platform provider concerned the content referred to in paragraph (1) provided on its platform;</li> </ol> <p>...</p>	<p><a href="#">Legislation</a></p>

#### 4.4.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Bulgaria but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly



require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

The only VSP registered under Bulgarian jurisdiction according to the VSP registry is VBox7. Users of the VBox 7 platform are bound by the code of conduct and the general terms and conditions.<sup>63</sup> These stipulate that VBox 7 may suspend access to content it deems contrary to Bulgarian legislation, the general terms and conditions, or third-party rights. Services to the user may be halted or altered without notice when user behaviour potentially infringes legal provisions or the rights of others. VBox 7 can also deactivate user profiles for similar violations, leading to automatic contract termination and removal of all user content from its servers. In cases of the registration of minors, the application for consent to the general terms and conditions is made by their parent or guardian.

VBox7 has the following measures in place:

- Age verification: upon registration of a minor, the same declares the consent of their parents or guardians to the general terms and conditions, and the parents or guardians of the minor user agree in advance to the general terms and conditions on behalf of the minor. In cases of the registration of a person under the age of 14, the application for consent to the general terms and conditions is made by their parent or guardian.
- Parental controls allow: the suspension of access; the stopping, limiting or changing of the service; referral of the case to the competent state authorities.

#### 4.4.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries <sup>64</sup>
VBOX7	Entertainment	Bulgaria

<sup>63</sup> <https://www.vbox7.com/toc>

<sup>64</sup> Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.



#### 4.4.5. Measures specific to adult VSPs in general

The most common age verification measures applied by adult VSPs is self-declaration of age.

Some may require the submission of official documents, such as ID or a credit card scan. Adult VSPs like all others must comply with the requirement to agree to abide by the code of conduct of the platform and the general terms and conditions which have to be in compliance with the CEM's Code of Conduct Regarding Measures for the Assessment, Labelling and Restriction of Access to Programmes Having Adverse Effects on or Posing a Risk of Impairing Children's Physical, Mental, Moral and/or Social Development.<sup>65</sup>

#### 4.4.6. Additional rules referring especially to influencers

The National Council for Self-Regulation, a non-commercial association of public utility, has published National Ethical Rules for Advertising and Commercial Communications in Bulgaria which also apply to influencers or influencers.<sup>66</sup> These rules are voluntary as stipulated in the code: "The code is not a legal act and does not address issues regulated by the applicable laws. Nevertheless, a fairly large overlap exists in the objectives of the regulation and self-regulation, respectively in the scope of the laws and the Ethical Code." According to the code, "special care should be taken in marketing communication directed at or featuring children or young people".

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<sup>65</sup> <https://www.cem.bg/acten/6229>

<sup>66</sup> <https://www.nss-bg.org/en/kodeks>