

TRANSFERRING A LICENSE FOR THE PROVISION OF AUDIOVISUAL AND RADIO SERVICES

I. Legal basis

- Article 105 of the Radio and Television Act (RTVA).

II. Administrative arrangements, requirements and documents needed

The Council for Electronic Media (CEM) will authorise the transfer of a license provided that the requirements applicable to the original license holder are met.

The application should be submitted jointly by the transferor and the transferee in writing and in narrative form.

The following documents should be provided together with the application:

1. The decision by which the transferor's competent management body approves the transfer of the license;
2. The decision by which the transferee's competent management body approves the acquisition of the license;
3. Proof of the agreement reached between the parties;
4. The documents referred to in Article 111 of the RTVA relating to the transferee (except the programming documents — project, concept, scheme, list of the additional radio and TV services):
 - 4.1. The transferee's Articles of Association;
 - 4.2. Certificate of commercial registration or documents certifying the establishment of the legal entity, issued not earlier than one month before the date on which the application is submitted;
 - 4.3. Certificate of good standing or an equivalent document (for foreign entities), issued not earlier than one month before the date on which the application is submitted;
 - 4.4. Declaration from the authorised representatives of the transferee as per Article 108 of the RTVA;
 - 4.5. Declaration confirming that the authorised representatives of the transferee are not subject to the circumstances referred to in Article 105(4) of the RTVA;
 - 4.6. Evidence of the candidate's financial capacity to carry out the proposed operations;
 - 4.7. Tentative contracts with rightholders for the use of copyrighted works in the programme and for the use of neighbouring rights in respect of the distribution of foreign programmes;
 - 4.8. Documents which demonstrate the origin of the candidate's capital in the three years preceding the date on which the documents are submitted, including certified financial statements;
 - 4.9. Documents which explain the structure of the transferee's capital and the allocation of the capital among the various owners;
 - 4.10. List of the media operators in which the transferee is a shareholder or partner; and
5. Fee for the examination of the documents.

The CEM will not require the presentation of any information or documents which are already in the possession of CEM or other authorities. Instead, CEM will obtain them on an *ex-officio* basis for the purposes of the related procedure.

The applicants should submit their transfer application and supporting documents in writing and in Bulgarian language at the Registry Desk of the CEM.

The documents may also be submitted through a licensed postal operator.

The CEM will vet the submitted documents.

If any inconsistencies or deficiencies in the documents are found, the CEM will instruct in writing the applicants to rectify such inconsistencies or deficiencies within seven days. The seven-day period will commence on the date on which CEM's notice is delivered. The notice will be delivered in accordance with the process set out in the Code of Administrative Procedure.

The CEM will deliver its decision ('the Transfer Decision') within 14 days of the submission of the application or of the rectification of the deficiencies, as the case may be. The Transfer Decision will be published on the CEM website and communicated to the parties concerned through a licensed postal operator.

The Transfer Decision can be appealed at the Administrative Court of Sofia District within 14 days of the announcement that the Decision has been issued. The appeal has to be submitted through the Council for Electronic Media.

The transferee may indicate (in its application) how it wishes to obtain its license — at CEM's Head Office: Sofia, 69 Shipchenski Prohod Boulevard, Floor 6; through a licensed postal operator or by electronic means.

III. Fees

The following fees are applicable: fee for examination of the application as per Article 5, paragraph 1 of the Tariff of Fees for Radio and TV Operations and, if the transfer is authorised, a transfer fee as per Article 5, paragraph 4 of the Tariff of Fees for Radio and TV Operations.

The fees can be paid either by a bank transfer or at CEM's cash office at Sofia, 69 Shipchenski Prohod Boulevard, Floor 6.

Details of the bank account:

IBAN BG49 BNBG 9661 3000 1788 01

BIC BNBGBGSD

Bulgarian National Bank (BNB), Head Office

IV. Special arrangements

Where the transferred individual license has been granted through a tender process under the terms of Article 116 et seq. of the Radio and Television Act, the CEM will notify the Communications Regulation Commission (CPC) whereupon the CRC will transfer, subject to the conditions set out in the Electronic Communications Act, the related permit for electronic communications.