

Media Self-regulation in Bulgaria*

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Abstract—This paper explores the milieu of the establishment of media self-regulatory system in Bulgaria. As one of the former Soviet satellite states, Bulgaria has been in the transformational period since 1989, with its political system from centralized one-party one to a democratic electoral one. So did the changes take place in the economic environment in which Bulgarian media operates. It is concluded that the fierce competition media market and the requirements exerted by European Union that bring about the adoption of Ethical Code of the Bulgarian Media and establishment of National Council for Journalism Ethics in Bulgaria. Hence, the Bulgaria media self-regulatory system is established as the internal and external demands. This paper aims at describing the process of the formation of the system in order to provide references for future studies on media self-regulation in transitional country.

Keywords—*transitional country; Bulgaria; media self-regulation; European Union; phare programme*

I. INTRODUCTION

Self-regulation requires that publishers and media practitioners are fully aware of ethical concerns while producing media content, and are willing to follow ethical principles. Basically, self-regulation covers the following aspects: independence, objectivity, fairness, accountability, seeking truth, protection of privacy, protection of news sources, avoidance of bribery, and prevention of getting involved into advertising activities. The oldest media self-regulatory body is the Swedish Press Council established in 1916. [1]

As one of the former Soviet satellite states, Bulgaria steps into the political transition from authoritarianism to parliamentary democracy in 1989. The economic environment for media organizations shifts accordingly: on the one hand, Bulgaria deregulates media business, giving rising to a large number of commercial media, whose fierce competition contributes to the formation of public opinion; on the other hand, except for Bulgarian National Television and Bulgarian National Radio which enjoy government subsidies, most media outlets have to fight for advertising to

survive. Without an established self-regulatory system, most of Bulgarian editorial teams chase after sensational stories, which lead to sharp decrease of circulation and rampant tabloids.

Although there is no specialized media law, Article 34 to 41 of Bulgaria Constitution ensures the freedom of information. In addition, the decriminalization of libel and deformation, and the Bulgarian Access to Public Information Act adopted in 2000 serve as media law generally. Bulgarian media law endows journalists with limited freedom for its heavy entanglement of political and financial elites.

Bulgaria media self-regulatory history is not long. After dozens of years of trial and error, the landmark event is the adoption of Ethical Code of the Bulgarian Media on November 25, 2004. Having been assisted by European Union's Phare Program and BBC world service trust, experts at home and abroad drafted and published this code, hailed as the most successful media self-regulatory initiative ever. In 2005, the National Council for Journalism Ethics was established, aiming at promoting the ethical codes, settling disputes between media and audience, and building media self-regulatory mechanism.

Chinese and English literature approaches the topic of media ethics from definition, categories, case studies, and description of relevant practices of foreign countries. Researches on media ethics seldom touch upon transitional country like Bulgaria. This paper will analyze the foundation and challenges of Bulgarian self-regulatory mechanism, hoping it will shed light on the research and development of media ethics for international academia.

II. IMPACT OF TRANSFORMATION ON MEDIA

In 1989, with the disintegration of the Soviet Union, like most Eastern European countries, Bulgaria considered joining European Union as goal in line with its own political and economic interests. In December 1995, Bulgaria submitted its application for European Union membership, and in December 2006, EU summit held in Brussels agreed that Bulgaria became a member state since 2007. On January 1, 2007, this Eastern European country finally achieved their goals after more than ten years of unremitting efforts. The transition process has great impact on Bulgarian media.

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A. Political Pressure

During the past 10 years, the Democracy Score of Bulgarian declines from 3 to 3.39, with 1 signifies Most Democratic, and 7 Least Democratic. [2] The categorical label assigned by Freedom House to Bulgaria is Semi-Consolidated Democracy, suggesting there is a sway from consolidated democracy to Consolidated Authoritarianism. Political milieu for Bulgarian media deteriorates.

The index suggests the ever increasing influence and power of the extended networks of political and economic actors, including semi-mafia, organizations like which have lasted even though there have been efforts to transform and establish democratic system. This entrenched political milieu in Bulgaria undermines public trust in system and crushes faith in building a democratic society as disillusion; apathy and cynicism toward the state are rampant since 1989. The ambiance contributes partly to the dreary state of media freedom in Bulgaria. [3]

A study on Bulgarian journalists and politicians indicates that the two are rather closely interdependent, which is highlighted by the widely accepted practice of paid stories. The political pressures are exerted through bribery; journalists are looking for favor as they publicly support certain politicians or attack their political opponents as well.

Although it is an interlocking relationship, the study demonstrates that journalists are clearly aware of the potential dangers of these unethical practices and desire to adopt the professional Western standards of journalism. The paramount challenge against their refreshing wish is the old-fashioned political strategies heavily relied on by politicians, such as interference on media, threats and punishment of alleged misbehavior of journalists.[4] Therefore, Bulgarian media has to face political pressure in the long run.

B. Ownership and Independence

Transparency of media ownership has always been a serious issue in Bulgaria as the result of the fusion of media and politics, media monopolies, and lack of transparency of funding. [2]

The close link between the media and the economy, and the significant trend of the media's transition to PR companies, has been confirmed by the report of Freedom House. According to the report, the most significant issue of the Bulgarian media, is the control of national radio stations and the manipulation of the advertising industry, threatening the independence of media, especially for local and regional ones. These interferences are mainly from government and criminal organizations. [5]

Since it is not explicitly stipulated by relevant Bulgarian media law that there is a specific threshold in order to prevent high degree of ownership concentration, it is revealed in 2016 that cross-media concentration of ownership in Bulgaria is riskily high, and the evaluation for enforcement of competition is quite low. [6] Without legal restriction on ownership concentration and enforcement competition, media independence is critically challenged.

C. Violence Against Media

Violence against journalists still exists, mainly because of the unrestrained organized crime and the lack of judicial authority in the country. Many journalists were attacked for investigating underground crimes. Under such circumstances, many journalists have conducted self-censorship, and the number of investigative journalism related to corruption and organized crime has therefore plummeted.

The quality of reports is definitely undermined by self-censorship, which accordingly dispels attentions of audience. Although there are not exact numbers, the trend of decreasing circulation is unavoidable, which has impact on every stakeholder in media market. Circulation of the tabloids instead of quality media is increasing.

D. Media Market

Since 1989, with the development of a parliamentary democracy and civil society, Bulgarian media have inevitably changed tremendously. Before the transformation, the state media was in charge of providing information and had to be censored by the authorities. Now Bulgaria has hundreds of broadcasting and print media although, where the fierce competition gives rise to the huge circulation of tabloids and a pursuit of sensational stories.

After 1989, with the gradual stabilization of the democratic system, the Bulgarian market economy also burgeons. The continuous expansion of foreign investment and the steady increase in advertising budgets have spawned a relatively energetic media market. In the Bulgarian media market that is active and has considerable political risks, new media continue to emerge and the old ones disappear. A large number of stakeholders compete fiercely in it.

According to the report of Freedom House, Bulgaria media is partially free, and has seen deterioration significantly in recent years. First, there is an increase in hate speech and violence against journalist; second, dissemination of fake news is increasing, particular through online media and social networks; third, transparency is scarce not only in media ownership but also funding, depreciating media market for the fusion of media and politics. [2]

Political intervention still haunts Bulgarian media. Pressure on journalists and media outlets remains since politicians and institutional actors keep on seeking to interfere with editorial policies, by means of advertising budgets of EU relevant programs. European funds to certain influential media are manipulated by politicians in exchange for favorable media coverage. [7] Or large advertising budgets to media are assigned directly without competition or applying any law for public procurement. [8]

1) *Print media:* After the democratic reforms, the prominent feature of the print media in Bulgaria was fierce market competition. Since there is no written media law in Bulgaria, the publication of the newspaper is almost completely free.

The transformed market has always been occupied by popular newspapers and magazines. The most outstanding

daily newspapers are almost a mixture of informational newspapers and tabloids. In 2007, the only broadsheet daily *Dnevnik*, which is considered as a quality newspaper, changed to tabloid format after reader survey. Today, large-format magazines and many other serious newspapers cannot win the favor of Bulgarian audience.

Another feature of the newspaper market is that party newspapers are gradually disappearing and can no longer influence public opinion. The party newspaper's circulations are generally low, and its influence is limited to a relatively small hard-liner social group. After the severe polarization between the political dissidents of the two sides in Bulgaria, the entire society is disappointed with political institutions, resulting in a gradual waning enthusiasm in politics since the 1990s. All this reduced the number of readers of the party newspaper and correspondingly advertising revenues also decrease.

The disappearance of party press does not mean that the politicians' interest in the media has subsided. On the contrary, the control of the national television stations owned by the parties has become more severe. Many NGOs' surveys reveal that freedom of speech in Bulgaria is in danger.

From 2000 to 2011, the total annual circulation of newspapers decreased by 15% although the readership retains stably at 36% of the population.[9] What also decreases is the number of advertisers, which signifies the success of tabloid newspapers in the competition to retain stable audience and revenue.

In general, most of the print media are of low quality, lack of professional standards, and pursues sensational, crime, and violent stories. These are the problems Bulgarian media face.

2) *Broadcasting media*: After dozens of years following the drastic changes, the development of broadcasting media in Bulgaria is characterized by paradoxes: the development of national media is in control of the state while the local radio stations are fairly free.

In terms of transition from state-owned national broadcaster to public media, Bulgarian National Radio is now functioning better than Bulgarian National Television. The radio positions itself as politically independent, diverse in perspective, and insists on providing citizens with the opportunity to express their views, thus winning a large number of audiences.

In 2013, Bulgaria established digital terrestrial broadcasting system. Cable TV was no more popular since 2007 and was then replaced by satellite TV. [9]

In short, newspaper and broadcasting media are witnessing decrease in revenue, which leads to the dangerous practice of looking for sponsors who make profit at the expense of media integrity.

3) *Digital media*: Although Bulgarians enjoy the fastest internet connections in the world to some extent, its overall

broadband penetration is as low as 59.8% %, ranking 86 out of 228 countries in the world in 2016.[10]

Native news websites win the competition with newspapers in advertising; however, the latter remains the first choice of news consumers. Online subscription is limited for people can get stories on news websites for free. Internet also failed to replace conventional media as the most influential media in Bulgaria. Bulgaria's major social network is Facebook; the audience of Twitter is comparatively very tiny. [9] In all, digital media in Bulgaria is not as active and influential as other democratic country.

E. Advertising Market

According to Association of Advertising Agencies, advertisers spent a total of 80.5 million euros in 2004, among which, 4.9 million euros are for television (61%), about 2.4 million euros for print media (30%), about 600,000 euros for outdoor media (7.4%), and 100,000 euros for online advertising (1.2 %). [11]

Government sometimes becomes an important contributor in the advertising market. In an entire month before the parliamentary election on June 25, 2005, the government announced that it would invest 2 million euros in general election to encourage voters to vote actively. So the funds flowed to the hands of companies that were preparing for the election campaign for the ruling party, the National Movement Simeon II. [11] The media campaign in 2005 is completely funded by government, indicating that the ruling party could become the largest sponsor in the advertising market, arousing tremendous controversies.

F. Media Law

Bulgaria starts decriminalization of libel, which plays positive role in protecting journalists and safeguarding free press. After the amendment of the Criminal Law, the penalty for imprisonment of related offences was abolished, only fines were retained. However, libel fines ranged from approximately 1,500 Euros to 5,000 Euros, and defamation fines ranged from approximately 2,500 Euros to 7,500 Euros, which is extremely higher than Bulgaria's average wage level. Fortunately, the court usually does not consider this disproportionately high fine as a method of punishment. However, defamation crimes still fall within the scope of criminal proceedings, especially those involving officials.

According to a report by Bulgarian Helsinki Committee, there were 115 defamation cases against Bulgarian journalists in 2001, among which criminal cases were 60. In March 2003, the number rose to 131, among which criminal cases were 70. What is even more worrying is the fact that 42% of cases were filed by officials. [12][13] In addition, there are lawsuits filed by businessmen against reporters. For Bulgarian journalists, the importance of media self-regulation is highlighted by how to deal with the legal environment where sentencing is heavy and criminal prosecution is easily launched.

The harshness of the judicial environment led the market to drive away the quality media, resulting in the vulgarization of media coverage. Claude-Jean Bertrand

mentioned that traditionally there are two ways to assure professionalism: legislation or market, both of which are tough route for journalism in Bulgaria. [14]

Then comes the third road for Bulgaria media — self-regulation. By means of media accountability, media owners, practitioners and audience are actively mobilized to effectively promote journalistic professionalism. Here comes the age of self-regulation for Bulgarian media.

III. BULGARIAN MEDIA SELF-REGULATORY MECHANISM

The overwhelming majority of countries in the world have explicit media law, and there are clear professional ethical standards for journalists. Media law is a form of state's will being imposed on journalists to act accordingly to legislation; media ethics, as code of conduct for journalists, explicitly guide practitioners to rely on their integrity, and act professionally with the monitor of public opinion.

Adhering to media ethics helps journalists establish a good practice of being self-regulatory. Media self-regulation can be roughly divided into three intangible level: first, the self-regulation of news practitioners which mostly derives from personal ethics and professional education. Second, the collective self-regulation of the press, such as journalists' society, news councils, etc. Third, the self-regulation of media organizations, such as the news ombudsmanship. Therefore, this part will describe Bulgarian self-regulatory mechanism, its feedbacks and challenges.

A. Establishment of the Mechanism

In 2004, the Ethical Code of the Bulgarian Media was drafted under the framework of the Technical Assistance for Improving Professional Standards in Journalism in Bulgaria, which was developed by Bulgarian and EU experts. The project is chaired by the BBC World Service Trust and funded by the European Union's Phare Project, a programme initially launched to help Poland and Hungary to transform into a democratic state and market economy in 1989, and is now the main channel for EU assistance to the countries of Central and Eastern Europe.

The members of the drafting group included the project team leader from Inforadio — an Austrian radio station, a representative of Press Wise Trust — a British NGO, and representatives of the BBC World Service Trust, as well as delegates from the Bulgarian daily Sega and bTV.

In the months leading up to the signing ceremony, journalists discussed the draft at several conferences and issued drafts to 300 delegates and organizations for comments. Bulgarian media organizations, such as the Bulgarian association of publishers, the Bulgarian radio and television association, Bulgarian journalists' society, and the faculty of communication departments in the University of Sofia have been actively involved.

Bulgaria's media self-regulatory mechanism established by self-regulatory body embodies the spirit of cooperation between the media and the society. In particular, the Bulgarian publisher association, which, with the advocacy of the organization, has made crucial efforts for the preparation

and implementation of Ethical Code of the Bulgarian Media and National Council for Journalism Ethics.

In November 25, 2004, Ethical Code of the Bulgarian Media was formally signed. President, Prime Minister and the Bulgarian parliamentary speaker witnessed the historic event. Bulgaria's Representative media organizations participated in the signing ceremony. At present, the number of Bulgarian media which have signed reached 80. The ceremony was widely reported by the media.

After the signing ceremony, a new round of discussions was held between key stakeholders, such as publishers, journalists and the Electronic Media Committee, in an attempt to reach a consensus on the next step towards self-regulation — National Council for Journalism Ethics which will deal with public complaints on media violations of the code.

B. Feedbacks

The International Federation of Journalists conducted an interview in Bulgaria and collected a total of 15 interviewees' opinions and experiences. [15] Respondents stated that they are familiar with the 2004 Ethical Code of the Bulgarian Media, and some of them are directly involved in self-regulatory activities. Respondents included reporters from print, broadcasting, and online media, both national and local media, editor-in-chief of daily and weekly newspapers. Other interviewees included professors of journalism, representatives of the publisher association, representatives of the Electronic Media Commission, members of the Parliamentary Committee of the media, and three media lawyers. Based on the report, this paper makes the following conclusions on this initiative.

1) Importance of cooperation: The Bulgarian journalists' association failed for several times to initiate media self-regulation activities. However, adoption of the 2004 code is guaranteed by collaboration of all national and international experts, as well as government, media organizations, and the society.

The report also highlights various ways of inviting participation in the discussion of the code: seminars, online discussions, and discussion section on newspaper, broadcasting media, and online. All of these methods are of great significance to the use of the media as a platform to form a sense of responsibility. The code now is referred to as the "constitution" of the Bulgarian media.

2) Support from stakeholders: It should be emphasized that self-regulation mechanisms will certainly not occur overnight. Bulgaria's self-discipline is a 15-year process of trial and error.

Market: as for the market, the publisher association as the representative exerts huge effort on the drafting and adoption of the code. This is considered as a symbolic case illustrating that market forces will bring broad support for media ethics. The code can raise the professional standards of journalism and thus change the purchasing habits of consumers, which ensure a market for quality newspapers. Therefore,

publishers regard the code as a tool to reverse the declining circulation of newspapers.

Beside, market stability allows the news industry to no longer rely on political interests economically. This is very important for the long-term success of self-regulation.

Politicians: politicians recognize the right of the media to act according to the code, and fully understand that self-regulatory media is also beneficial to the development of politics for a long time since politicians do not need to interfere with editorial policies. This is in itself an enormous help to enhance the credibility of politicians.

Media practitioners: all journalists expressed their support for the code. The journalists are very much in need of ensuring the greater transparency of the industry and establishing clearer industry code of conduct for this profession. As long as every media organization is act accordingly, there is no room for those unethical acts. Hence, the journalism professionalism is guaranteed.

IV. CONCLUSION

As all media organizations are fiercely competing in Bulgaria for audience attention as well as advertising, the profitability of media is closely related with its ethical practices. Print and electronic media in Bulgaria who enjoy highest advertising revenue all issue clear ethical principles for its reporters to follow, which are guiding the journalistic practices of their staff.

Political and commercial pressures have been harsh since the transformation. Having been explicit and undisguised, they are now mild and manipulative. Stress and temptation are always bothering Bulgarian journalists. Whether they can recognize and avoid any conflicts of interests is a significant trial in terms of ethical concern.

There are three aspects worth mentioning during the establishment and development of self-regulation system for media in a transitional country like Bulgarian.

A. Internal Calling

Bulgaria media witness diminution of subscription owing to fierce competition with an exception to those tabloids. Being afraid of the possibility that bad money drives out good, media owners consider self-regulation as an effective way of raising journalistic standards, which will promisingly create the audience who prefer quality journalism. Therefore, there is an internal calling for self-regulation among publishers who wish to expand their business without losing the battle with tabloid.

B. External Assistance

Headings, or heads, are organizational devices that guide the reader through your paper. There are two types: component heads and text heads.

Having chosen democratic parliamentary over communism, Bulgaria applied to join European Union, which means significantly for the formation of self-regulation system. As is suggested by the theory of transition

economics, geopolitical factors have a great impact on eastern European countries' adoption of democratic parliamentary system. Joining EU accelerates the political and economic transformation and expedites the process of benefiting financially from returning to Europe.

It is also in line with EU's geopolitical and economic interests that Bulgaria is accepted. EU's eastern enlargement ensures the geopolitical stability of Europe by providing aid, implanting EU legal system, promoting market economy. By establishing similar system and sharing interests, long-term safe and stability of EU are guaranteed. Accepting Bulgaria as EU member will create a larger provider for market and recourses, which will enhance the competitiveness of EU when facing the challenges of globalization.

Taking these concerns into consideration, EU requires eastern European countries such as Bulgaria to follow the democratic principles in every aspect as it is believed that the homogeneous system facilitates the democratization and stability of Europe.

After accepting the application, EU launches certain projects to assist the political transformation and economic revitalization of Bulgaria by providing funds and knowledge. These projects serve as external assistance to the establishment and development of media self-regulation system in Bulgaria.

It is the joint effort from domestic media market, EU and other NGO that expedite the publication of the most influential Code of Ethics in Bulgarian history, and the establishment of national Ethical Journalism Committee. The foundation of media self-regulation system will be further guaranteed by the authoritativeness of the ethical code and committee.

C. Challenges

Media scholars consider the re-politicization of Bulgarian media as the major hindrance to the well-functioning of media self-regulatory mechanism in Bulgaria despite the success in the beginning of 2000.

First, there lacks the media self-regulatory tradition. Second, the small and shrinking media market is of little avail to the survival of professional media; instead, quality media is enticed to give in to interference and pressure from other interest groups by abandoning ethics. Third, unrestrained cross-media ownership which embodied interests of political elites and financial tycoons erode the independence of journalistic practitioners. [16] Therefore, there are stress and temptations hampering Bulgaria media who wish act professionally without interference and pressure in the long run.

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